



Metropolitan Development Commission Hearing Examiner (April 10, 2025) Meeting Agenda

Meeting Details

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

Date: Thursday, April 10, 2025

Time: 1:00 PM

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

Business:

Special Requests

PETITIONS REQUESTING TO BE CONTINUED:

1. 2025-ZON-001 | 4150 North High School Road

Pike Township, Council District #5

Nica Auto and Fleet Repair, LLC, by Joseph D. Calderon

Rezoning of 1.90 acres from the C-3 district to the C-4 district to allow for an automobile repair shop.

****Petitioner request for continuance for cause to May 15, 2025**

2. 2025-ZON-012 | 6900 Milhouse Road

Decatur Township, Council District #21

D. R. Horton – Indiana, LLC, by Brian J. Tuohy

Rezoning of 11.15 acres from the D-A district to the D-4 district to provide for a single-family residential development.

****Petitioner request for continuance for cause to April 24, 2025**

3. 2025-ZON-024 | 5712 Bluff Road

Perry Township, Council District #22

Alt Construction, LLC, by Brian J. Tuohy

Rezoning of 41.55 acres from the D-A district to the I-2 district to provide for light industrial uses.

****Automatic continuance request to May 15, 2025, filed by Registered Neighborhood Organization**

4. 2024-CVR-855 / 2024-CPL-855 (Amended) | 1527 East 12th Street

Center Township, Council District #13

D-8 (FF) (FW)

Tyler and Natalie Sadek, by Paul J. Lambie

Variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for a detached single-family dwelling on proposed Lot 3, with a front building line of approximately 210 feet (front building line range between 10 feet of 19.9 feet required).

Variance of development standards of the Consolidated Zoning and Subdivision Ordinance to build within 60 feet of the stream protection corridor (not permitted).

Approval of a Subdivision Plat to be known as Replat of Lot 29 in Milligan's Park Lane Addition, subdividing 1.878 acres into three lots.

****Remonstrator request for continuance for cause to May 15, 2025**

5. 2025-CZN-813 / 2025-CVR-813 / 2025-CVC-813 | 1406 and 1419 South Capitol Avenue

Center Township, Council District #18

The Annex Management Group, Inc., by Misha Rabinowitch

Rezoning of 5.17 acres from the I-1 and D-5 districts to the D-8 district to provide for multi-family dwellings.

Variance of Use and Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for a multi-family residential development using the Large Apartment Residential Building Type Standards to the subject site (not permitted in D-8), to provide for minimum livability space ratio of 0.57 (minimum 0.60 required), and for a floor area ratio of 0.83 (maximum 0.80 permitted).

Vacation of: a portion of Capitol Avenue, ranging from 23.4 feet in width to 40.18 feet in width, from the south right-of-way of the first east-west alley south of Arizona Street, south and southeast 617.82 feet, to a point, a portion of Tennessee Street, being 25 feet in width, from the northwest corner of Lot 32 of Rech's South Meridian Street Subdivision, as recorded in the Marion County Recorder's Office, plat book 9, page 55, south 227.68 feet, to a point, a portion of Capitol Avenue, being 25 feet in width, from a point 227.68 south of the northwest corner of Lot 32 of Rech's South Meridian Street Subdivision, as recorded in the Marion County Recorder's Office, plat book 9, page 55, southeast 135.51 feet, to a point, a portion of the second north-south alley east of Senate Avenue, being five feet in width, beginning at the northwest corner of Lot 2 of Shmitt and Kottkamp's Subdivision, as recorded in the Marion County Recorder's Office, plat book 15, page 93, south 346.97 feet, to the north right-of-way line of the second east-west alley south of Wisconsin Street, being 3.75 feet in width, beginning at the southwest corner of Lot 11 of Shmitt and Kottkamp's Subdivision, as recorded in the Marion County Recorder's Office, plat book 15, page 93, east 151.02 feet, to the west right-of-way line of Capitol Avenue.

****Staff request for continuance for cause to April 24, 2025**

6. 2025-CZN-814 / 2025-CVR-814 | 3043, 3451, 3511, and 3801 South Post Road, 9405, 9609, 9611, and 9931 East Troy Avenue, 3430, 3440, and 3610 Davis Road, and 9500 Vandergriff Road

Franklin Township, Council District #20

Deep Meadow Ventures, LLC, by Joseph D. Calderon

Rezoning of 467.66 acres from the D-A (FF) (FW), C-4 (FF) (FW), and SU-43 (FF) (FW) districts to the C-S (FF) (FW) district for a data center campus development, and uses including light manufacturing, all research and development, utilities, agricultural uses, buildings and structures, as permitted in I-1 and office uses, as permitted in C-1. Permitted accessory uses would include utility structures, such as power substations, water towers, and overhead and underground powerlines and wastewater treatment facilities, outdoor storage, renewable energy facility, satellite dish antenna, signs, and temporary construction yard, office, or equipment storage.

Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for a building height of 75 feet (maximum 38-foot building height permitted) and no maximum front yard setback (maximum front yard setback of 85 feet permitted).

****Automatic continuance to May 15, 2025, filed by Registered Neighborhood Organization**

Petitions for Public Hearing

PETITIONS TO BE EXPEDITED:

7. 2025-ZON-016 | 2852 East County Line Road

Perry Township, Council District #24

TWG Development, LLC. by Joseph D. Calderon

Rezoning of 6.67 acres from the C-S (TOD) (FW) (FF) district to the D-9 (TOD) (FW) (FF) district to provide for multi-family dwellings.

8. 2025-ZON-018 | 2215 South Biltmore Avenue

Wayne Township, Council District #17
Ashley Allen

Rezoning of 0.32-acre from the I-2 (FF) district to the D-4 (FF) district to provide for residential uses.

9. 2025-ZON-023 | 3418 East 20th Street

Center Township, Council District #13
Brittney Gant

Rezoning of 0.12-acre from the SU-1 district to the C-1 district to provide for office and a child day care facility.

10. 2024-ZON-028 | 1631 Montcalm Street

Center Township, Council District #12
Josh Smith

Rezoning of 0.11-acre from the C-1 (W-1) district to the D-5 (W-1) district to provide for a single-family dwelling.

PETITIONS FOR PUBLIC HEARING (Continued Petitions):

11. 2025-MOD-001 (Amended) | 4021 West 71st Street

Pike Township, Council District #6
I-1

Turner Adventures LLC, by Rebekah Phillips

Modification of Commitments related to 2023-ZON-078 to terminate commitment #3 and provide for sidewalk installation along West 71st Street in accordance with Section 744-302 of the Zoning and Subdivision Ordinance no later than the first of the following to occur: (1) four (4) years from the date of approval of 2025-MOD-001; (2) the date a new structural permit is sought; or (3) upon the sale of the property (previous commitment required the sidewalk to be installed within one year of zoning approval).

12. 2024-ZON-125 (Amended) | 4460 and 4498 North Keystone Avenue

Washington Township, Council District #8
Mark and Kim Crouch

Rezoning of 0.42-acre from the D-5 (W-1) and C-3 (W-1) districts to the C-5 (W-1) district to provide for commercial uses.

13. 2025-ZON-003 | 7420 North Shadeland Avenue

Lawrence Township, Council District #3
Shane Ellison

Rezoning of 1.15 acres from the C-1 district to the C-7 district to provide for a commercial and building contractor business.

14. 2025-ZON-013 | 240 East 22nd Street

Center Township, Council District #13
Zinkan Enterprises, by Russell L. Brown and Elizabeth Bentz Williams, AICP

Rezoning of 0.27-acre from the D-8 district to the MU-2 district to provide for a mixed-use development.

15. 2025-CAP-800 / 2025-CVR-800 | 1525 Shelby Street, 1133 Cottage Avenue and 1510 Olive Street

Center Township, Council District #18
SU-34 (TOD) (FF) and D-5 (TOD) (FF)
Fraternal Order of Police, Indianapolis Lodge #86, by Will Gooden and Elizabeth Bentz Williams

Modification of Commitments related to 2009-ZON-013 to terminate Commitment #2, which required a site plan indicating a ten-foot landscaped transitional yard; terminate Commitment #3, which required an opaque fence abutting the dwelling at 1129 Cottage Avenue; and to modify Commitment #5, to read "owners agree to complete all fence changes within six months of the grant of this petition" (originally stated to require all site improvements to be completed within one year of approval of 2009-ZON-013).

Variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for a 6.5-foot-tall fence and electronic gate, with a portion of the fence within the clear-sight triangle of Shelby Street and Cottage Avenue (maximum height of 3.5 feet permitted, not permitted within the clear-sight triangle of the abutting streets).

16. 2025-CAP-804 / 2025-CVR-804 (Amended) | 324 West Morris Street and 325 Wilkins Street

Center Township, Council District #18

C-S

Kaur Properties, LLC, by Adam DeHart

Modification of commitments and site plan related to 2019-CZN-827, to terminate Specific Commitments for Old Southside Neighborhood Association, commitment #1, which required that the exterior of the hotel should be consistent or complimentary to the new Emrich Plaza convenience store, and, to provide for revised building footprint, indoor and outdoor amenities, minor site revisions, pedestrian access revisions, and a revised shared parking lot.

Variance of Development Standard of the Consolidated Zoning and Subdivision Ordinance to provide for a zero-foot front setback from Wilkins Street, with no landscaping (10-foot front setback required, minimum six-foot landscaping along the entire frontage required and one tree per 35 feet of street frontage required), deficient interior landscaping within the parking area (one shade tree per 180 square feet of interior landscaping area required), a zero-foot south side yard setback (10-foot side yard setback required), and the installation of landscaping within the right-of-way (not permitted).

17. 2025-CZN-809 / 2025-CVR-809 | 8800 East Raymond Street

Warren Township, Council District #20

Alexander Construction and Landscape, by David Retherford

Rezoning of 4.37 acres from the C-5 district to the I-2 district to provide for a commercial and building contractor's business.

Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for outdoor storage and operations comprising of 225% of the total gross floor area of enclosed buildings (maximum 25% permitted), to provide for a gravel parking and storage area, (not permitted), with a 52-foot front transitional yard (minimum 100-foot front transitional yard required), with a 15-foot east side transitional yard (minimum 50-foot side transitional yard required), with a 10-foot north rear yard (minimum 30-foot rear yard required), without interior and exterior landscaping (minimum 9% of lot covered with landscaping required), to permit for outdoor loading and unloading of equipment and material 15 feet from a protected district (minimum 500 feet required), and to allow a six-foot tall aluminum fence with masonry columns in the front yard (maximum 3.5-foot tall fence permitted in the front yard).

18. 2025-CVR-810 / 2025-CPL-810 | 1222 North Temple Avenue

Center Township, Council District #13

D-5

Maurice K. Kistler and Vivian R. Kistler, by John Cross

Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for a 38.5-foot lot width and zero-foot south side setback at the walkway for proposed Lot One, a 36.53-foot lot width for proposed Lot Two (minimum 40-foot lot width required for each lot and five-foot side setback required).

Approval of a Subdivision Plat to be known as Replat of Lot 48 in Vajens Springdale Subdivision, subdividing 0.32-acre into two lots.

PETITIONS FOR PUBLIC HEARING (New Petitions):

19. 2025-ZON-026 | 2932 Central Avenue

Center Township, Council District #12

College Flats, LLC, by Misha Rabinowitch

Rezoning of 0.154-acre from the C-1 district to the D-8 district to provide for a row house.

Additional Business:

20. ADOPTION OF FINDINGS OF FACT IN SUPPORT OF THE HEARING EXAMINER'S DECISION:

2024-CVR-853 | 420 West 40th Street (March 13, 2025 hearing)

Washington Township, Council District #7

Edith Glover, by Lester Wiley Carver

Variance of use and development standards of the Consolidated Zoning and Subdivision Ordinance to legally establish an existing surface parking lot, with a zero-foot front transitional yard setback, with landscaping within the right-of-way (minimum ten-foot transitional yard with landscaping on subject parcel required), and a nine-foot east transitional yard setback (minimum ten-foot transitional yard required).

2025-CVR-808 (Amended) | 4360 North Keystone Avenue (March 27, 2025)

Washington Township, Council District #8

C-5 (FF) (W-1)

Emay Ayad, by Russell L. Brown

Variance of Use of the Consolidated Zoning and Subdivision Ordinance to provide for provide for one portable permanent storage container for storage of materials, and one portable temporary storage container for storage of materials (portable storage containers not permitted for more than 30 days).

**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.

Any decision of the Hearing Examiner may be **appealed** to the Metropolitan Development Commission (MDC), subject to deadlines prescribed by the MDC Rules of Procedure. Please contact the Current Planning staff, **317-327-5155**, or planneroncall@indy.gov, within one to two days after the hearing, to determine the appropriate appeal process. Please see this link for the Appeal form: [REQUEST FOR APPEAL](#)



Department of Metropolitan Development
Division of Planning
Current Planning

**METROPOLITAN DEVELOPMENT COMMISSION
HEARING EXAMINER**

April 10, 2025

Case Number: 2025-ZON-001
Property Address: 4150 North High School Road (Approximate Address)
Location: Pike Township, Enter Council District 5
Petitioner: Nica Auto and Fleet Repair, LLC
Current Zoning: C-3
Request: Rezoning of 1.90 acres from the C-3 district to the C-4 district to allow for an automobile repair shop.
Current Land Use: Auto repair shop
Staff Recommendations: To be determined.
Staff Reviewer: Desire Irakoze, Principal Planner II

PETITION HISTORY

ADDENDUM FOR APRIL 10, 2025

The petitioner submitted a continuance for cause request to continue this matter from the April 10, 2025 hearing to the May 15, 2025 hearing to allow time to find adequate representation.

FEBRUARY 20, 2025

The Hearing Examiner continued this petition from the February 20, 2025 hearing to the April 10, 2025 hearing.

STAFF RECOMMENDATION

Staff recommends to be determined.

PETITION OVERVIEW

This petition is to be continued to the May 15, 2025 hearing.



Department of Metropolitan Development
Division of Planning
Current Planning

**METROPOLITAN DEVELOPMENT COMMISSION
HEARING EXAMINER**

April 10, 2025

Case Number: 2025-ZON-012
Property Address: 6900 Milhouse Road (Approximate Address)
Location: Decatur Township, Council District #21
Petitioner: D. R. Horton – Indiana, LLC, by Brian. J. Tuohy
Current Zoning: D-A
Request: Rezoning of 11.15 acres from the D-A district to the D-4 district to provide for a single-family residential development.
Current Land Use: Commercial Contractor Business
Staff Recommendations: To be determined.
Staff Reviewer: Desire Irakoze, Principal Planner II

PETITION HISTORY

ADDEDUM FOR APRIL 10, 2024, HEARING EXAMINER

The petitioner is requesting a continuance for cause, continuing this petition from the April 10, 2025 hearing to the April 24, 2025 Hearing due to scheduling conflicts.

MARCH 13, 2025

A timely automatic continuance request was filed by a registered neighborhood organization, continuing this petition from the March 13, 2025, hearing to the April 10, 2025, hearing. This would require acknowledgement from the Hearing Examiner.

STAFF RECOMMENDATION

Staff recommendation to be determined.

PETITION OVERVIEW

This petition is to be continued to the April 24, 2025, hearing.



Department of Metropolitan Development
Division of Planning
Current Planning

**METROPOLITAN DEVELOPMENT COMMISSION
HEARING EXAMINER**

April 10, 2025

Case Number: 2025-ZON-024
Property Address: 5712 Bluff Road (approximate address)
Location: Perry Township, Council District #22
Petitioner: Alt Construction, LLC, by Brian J. Tuohy
Current Zoning: D-A
Request: Rezoning of 41.55 acres from the D-A district to the I-2 district to provide for light industrial uses.
Current Land Use: Agricultural
Staff Recommendations: To be determined.
Staff Reviewer: Desire Irakoze, Principal Planner II

PETITION HISTORY

A timely automatic continuance request was filed by a registered neighborhood organization, continuing this petition from the April 10, 2025, hearing to the May 15, 2025, hearing. This would require acknowledgement from the Hearing Examiner.

STAFF RECOMMENDATION

Staff recommendation to be determined.

PETITION OVERVIEW

This petition is to be continued to the May 15, 2025, hearing.



Department of Metropolitan Development
Division of Planning
Current Planning

**METROPOLITAN DEVELOPMENT COMMISSION
HEARING EXAMINER**

April 10, 2025

Case Number: 2024-CVR-855 / 2024-CPL-855

Property Address: 1527 East 12th Street (Approximate Address)

Location: Center Township, Council District #13

Petitioner: Tyler and Natalie Sadek, by Paul Lambie

Current Zoning: D-8 (FF) (FW)

Request: Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for a detached single-family dwelling on proposed Lot 3, with a front building line of approximately 210 feet (front building line range between 10 feet of 19.9 feet required).

Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to build within 60 feet of the Stream Protection Corridor (not permitted).

Approval of a Subdivision Plat to be known as Replat of Lot 29 in Milligan's Park Lane Addition, subdividing 1.878 acres into three (3) lots.

Current Land Use: Undeveloped

Staff Recommendations: **Split recommendation**

Staff Reviewer: Desire Irakoze, Principal Planner II

PETITION HISTORY

ADDENDUM APRIL 10, 2025

This is petition was continued from the March 27, 2025, hearing to the April 10, 2025, hearing.

ADDENDUM MARCH 27, 2025

This petition was continued for cause from the **February 27, 2025**, hearing to the **April 10, 2025**, hearing to allow additional time to review the building plans.

A variance request was added to allow the building within 60 feet of the Stream Protection Corridor.

ADDENDUM FEBRUARY 27, 2025

This petition was continued from the January 23, 2025, hearing to the February 27, 2025, hearing.

STAFF RECOMMENDATION



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

Staff recommends **approval** of the Variance request to allow an increase in the front building line.

Staff recommends **denial** of the Variance request from to allow for construction in the stream protection corridor.

Staff recommends **approval** to the Hearing Examiner and find that the plat, file-dated 3/19/2025, complies with the standards of the Subdivision regulations, subject to the following conditions:

1. That the applicant provides a bond, as required by Section 741-210, of the Consolidated Zoning and Subdivision Ordinance.
2. Subject to the Standards and Specifications of Citizens Energy Group, Sanitation Section.
3. Subject to the Standards and Specifications of the Department of Public Works, Drainage Section.
4. Subject to the Standards and Specifications of the Department of Public Works, Transportation Section.
5. That addresses and street names, as approved by the Department of Metropolitan Development, be affixed to the final plat prior to recording.
6. That the Enforcement Covenant (Section 741-701, of the Consolidated Zoning and Subdivision Ordinance) be affixed to the Final Plat prior to recording.
7. That the Site Distance Covenant (Section 741-702, of the Consolidated Zoning and Subdivision Ordinance) be affixed to the Final Plat prior to recording.
8. That the Sanitary Sewer Covenant (Section 741-704, of the Consolidated Zoning and Subdivision Ordinance) be affixed to the Final Plat prior to recording.
9. That the Storm Drainage Covenant (Section 741-703, of the Consolidated Zoning and Subdivision Ordinance) be affixed to the Final Plat prior to recording.
10. That the plat restrictions and covenants, done in accordance with the rezoning commitments, be submitted prior to recording the Final Plat.
11. That all the standards related to Secondary Plat approval listed in Sections 741-207 and 741-208 of the Consolidated Zoning and Subdivision Ordinance be met prior to recording the Final Plat.

PETITION OVERVIEW

LAND USE

The 19.89-acre subject is currently an undeveloped lot within the Near Eastside neighborhood. The surrounding zoning designations and land uses are residential.

VARIANCE REQUEST # 1

- **Request:** To provide for a detached single-family dwelling on proposed Lot 3, with a front building line of approximately 210 feet. (Front Building Line "Build to Range" 10'-19.9')
- **Ordinance:** Sec 744-701. C. Table 744-701-2.

Findings

Staff finds the property has a unique layout, a third of the subject parcel contains the Pogue's Runs Stream. The property features only one public street frontage, as the rest board two. The site benefits from natural amenities including the stream, and woods. Additionally, the property characteristics make aligning with the Infill Housing Guidelines difficult without the use of a variance in some manner. The petitioner's request to plat for three (3) lots represents a minimal density as opposed to the typical D-8 density. Given the property's unique conditions, which limit development options, staff recommends **approval** of the development standards variance.

VARIANCE REQUEST #2

- **Request:** To build within 60 feet of the Stream Protection Corridor
- **Ordinance:** Per Sec. 744-205 Table 744-205-2

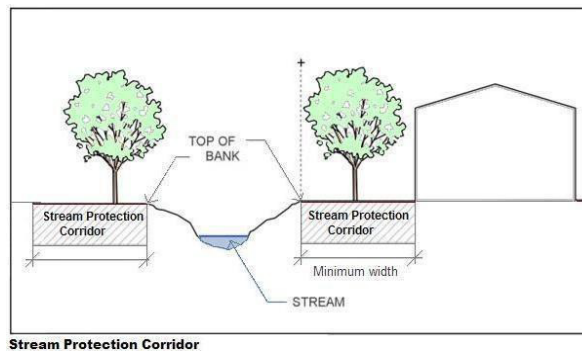


Table 744-205-1: Stream Protection Corridor Widths

	Category One Streams	Category Two (Other Mapped Streams)
Compact Context	60 feet	25 feet
Metro Context	100 feet	50 feet

Findings

The petitioner has submitted a second variance request, which seeks permission to build within 60 feet of the Stream Protection Corridor. According to Sec. 744-205 Table 744-205-2, the required Stream Protection Corridor width varies depending on the classification of the stream and the surrounding context. In the Compact Context, a Category One Stream requires a 60-foot buffer. The function of the Stream Protection Corridor is to control erosion, improve water quality, provide flood storage, and preserve habitat and aesthetics.

Staff recommends **denial** of the intrusion into the Stream Protection Corridor. There is no hardship as petitioner can still develop the property without intrusion. see Petitioner Exhibit B,



Department of Metropolitan Development
Division of Planning
Current Planning

PLAT

The plat would replat Milligan's Park Lane Addition L29, dividing 1.878 acres into three (3) lots. The proposed plat would meet the standards of the D-8 district except for development standards induced in the companion variance request.

SIDEWALKS

Sidewalks are existing along 12th Street.

GENERAL INFORMATION

Existing Zoning	D-A	
Existing Land Use	Undeveloped	
Comprehensive Plan	Large-Scale Park	
Surrounding Context	<u>Zoning</u>	<u>Land Use</u>
North:	D-8	Residential (Single-family dwellings)
South:	D-3	Residential (Single-family dwellings)
East:	D-8	Residential (Single-family dwellings)
West:	D-8	Residential (Single-family dwellings)
Thoroughfare Plan		
12 th Street	Local Street	48-foot existing right-of-way
Context Area	Compact	
Floodway / Floodway Fringe	No	
Overlay	No	
Wellfield Protection Area	No	
Site Plan	12/10/2024	
Site Plan (Amended)	3/19/2025	
Elevations	N/A	
Elevations (Amended)	N/A	
Landscape Plan	N/A	
Findings of Fact	12/10/2024	
Findings of Fact (Amended)	3/19/2025	
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



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

- The Marion County Land Use Plan Pattern Book (2019) recommends **Large-Scale Parks** are generally over 10 acres in size.
 - Due to the nature of this typology, it does not have any recommended land uses.

Red Line / Blue Line / Purple Line TOD Strategic Plan

- Not Applicable to the Site.

Neighborhood / Area Specific Plan

- Not Applicable to the Site.

Infill Housing Guidelines

- Not Applicable to the Site.

Indy Moves

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

- Not Applicable to the Site.



Department of Metropolitan Development
Division of Planning
Current Planning

ZONING HISTORY

Zoning History - Vicinity

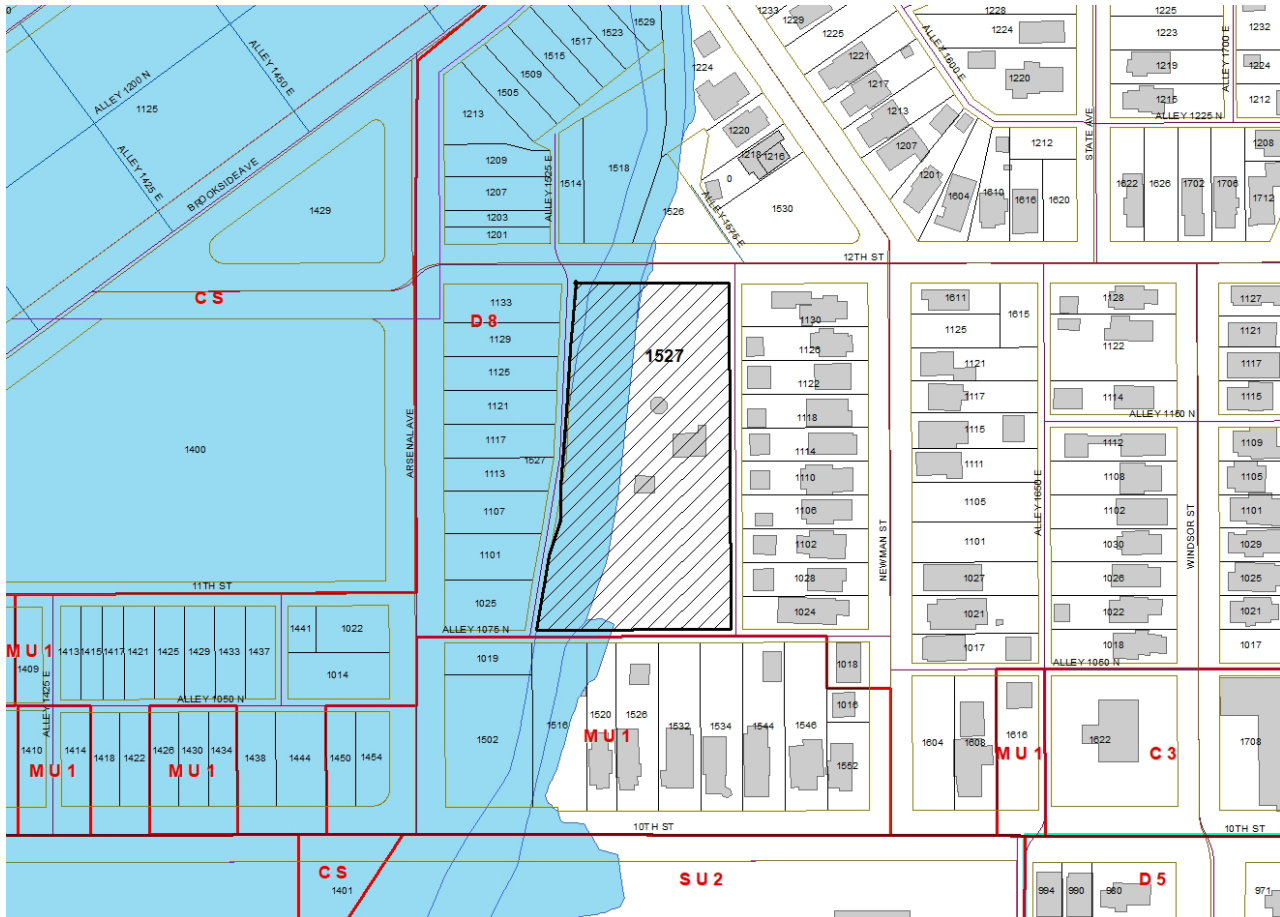
2020ZON027; 1018 Newman Street (southeast of site), Rezoning of 0.06 acre from the MU-1 district to the D-8 district, **approved**.

2019CN801; 1436 E 10th Street (west of site), Rezoning of 0.27 acre from the MU-1 district to the D-8 district to provide for the construction of three single-family dwellings, with detached garages, **approved**.

2018ZON124; 1604 E 10th Street (southeast of site), Rezoning of 0.37 acre from the MU-1 district to the D-8 classification, **approved**.

92-Z-138/ 92-CV-18; 1125 Brookside Avenue (west of site), Rezoning of 16.7 acres, being in the I-4-U, PK-1, C-2, and D-8 Districts, to the C-S classification to provide for manufacturing, receiving, storage, distribution, and offices within an existing building, **approved**

EXHIBITS





View look at the ally access



Looking at the residence across from subject site



From the ally looking at subject site



From the ally looking at subject site From the 12th street looking west



View of trees, from 12th street looking at subject parcel



View from alley looking at 12th street.



Department of Metropolitan Development
Division of Planning
Current Planning

STREAM PROTECTION CORRIDOR VARIANCE

METROPOLITAN DEVELOPMENT COMMISSION

HEARING EXAMINER

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:

significant mature trees and vegetation will remain in the stream protection corridor and supplemental plantings will be added as warranted to mitigate any impact from the proposed building encroachments.

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

the proposed development will be consistent with the development pattern of the neighborhoods where buildings set back less than sixty feet (60') from the top of the stream bank are commonplace.

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

it would render more than half of the nearly two-acre site unbuildable and would either require the site to remain as one parcel, which is an unrealistically large size for an urban residential parcel, or it would require multiple homes to be all built along the far eastern side of the property with limited or no visibility from a public street.



Department of Metropolitan Development
Division of Planning
Current Planning

FRONT BUILDING LINE VARIANCE

METROPOLITAN DEVELOPMENT COMMISSION
HEARING EXAMINER

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 dwelling will be in the general longstanding historical location of a previous dwelling, and dwellings to be built on the two adjacent lots to be platted will be built at the required build-to range, so that the resulting development will give the appearance that is intended by the zoning ordinance.

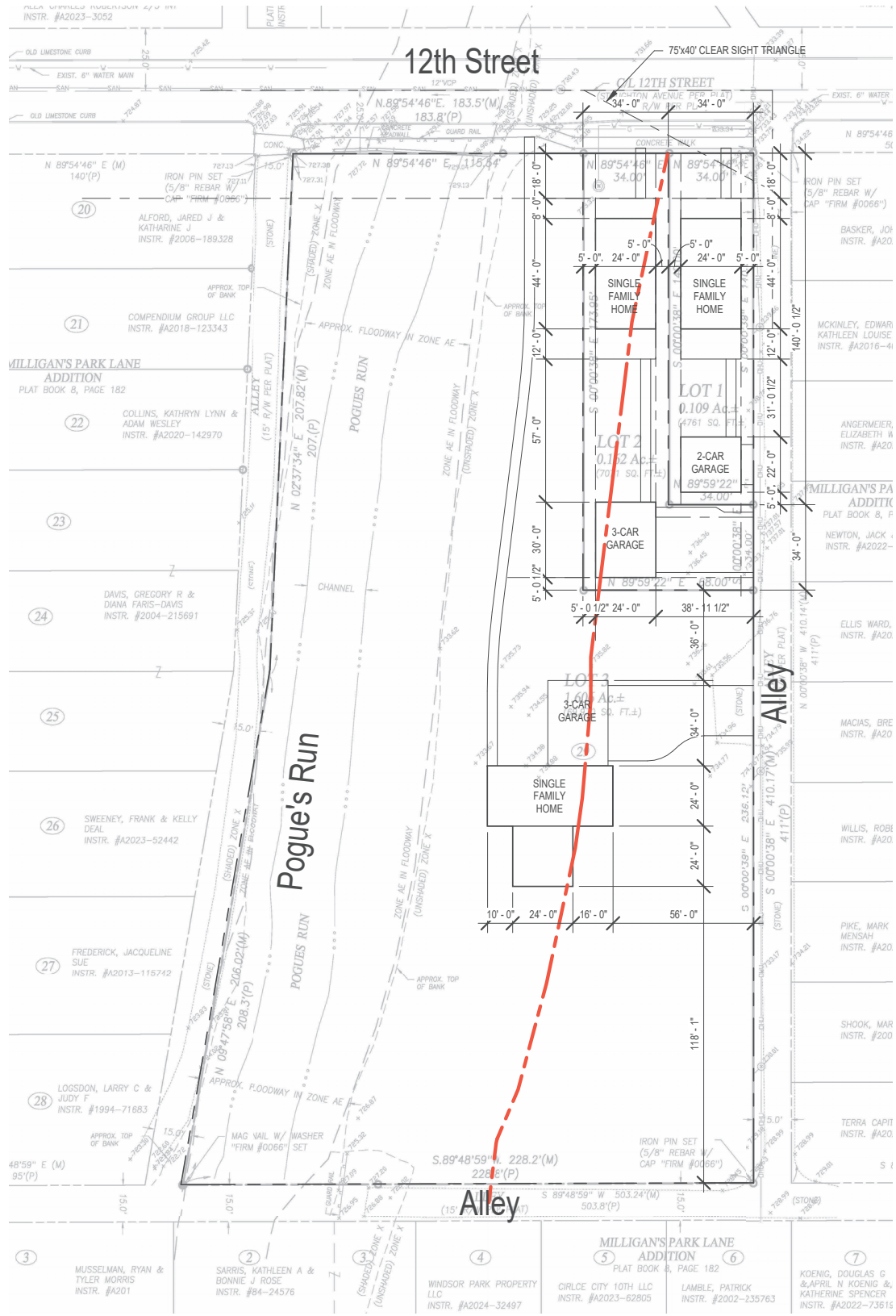
2.The use or value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner because:

the location of the proposed dwelling will be generally consistent with the longstanding location of the previous dwelling on uniquely shaped and sized property.

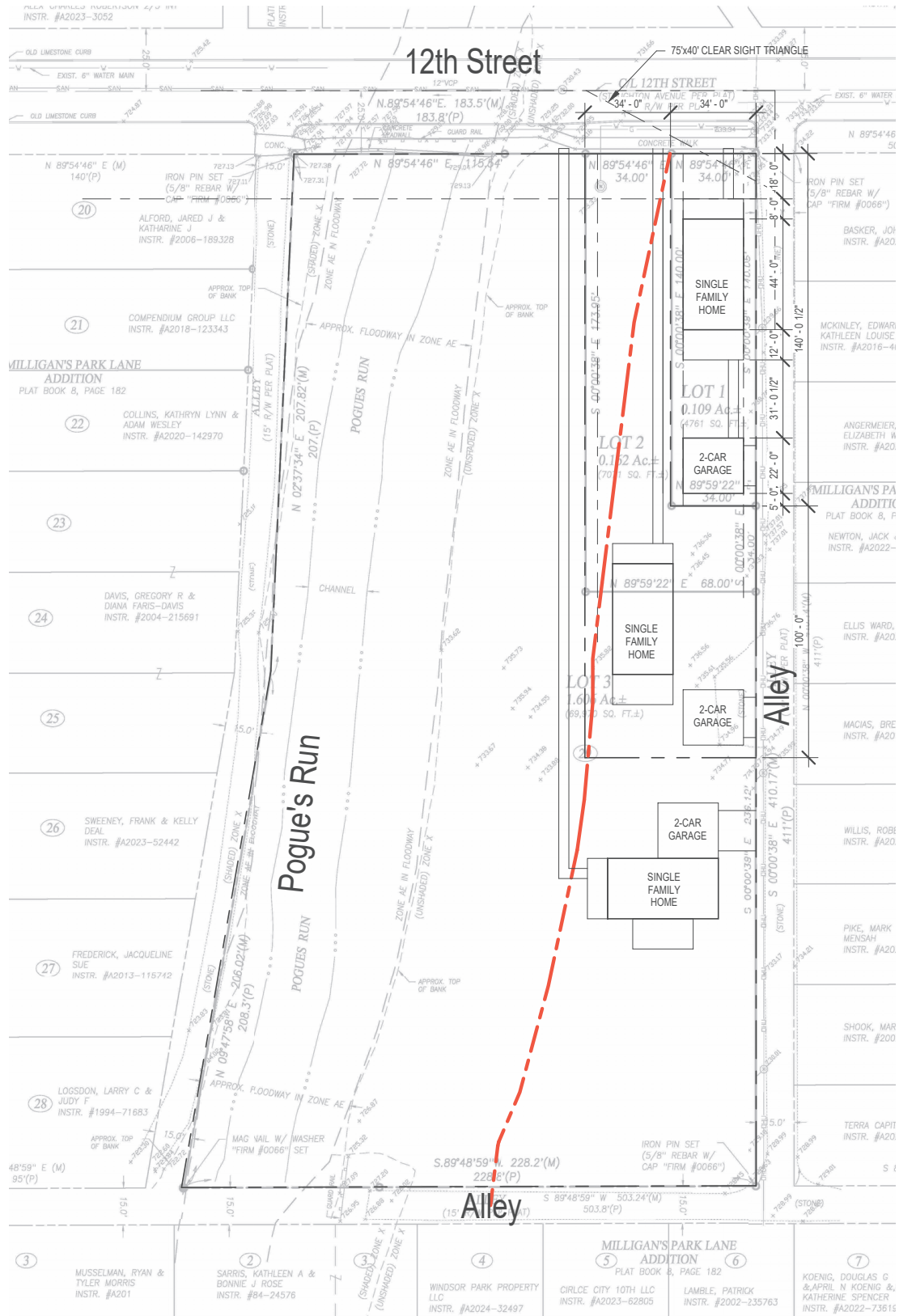
3.The strict application of the terms of the zoning ordinance will result in practical difficulties in the use of the property because:

the depth of this longstanding platted parcel is several times deeper than the typical urban lot, and building a dwelling with a greater setback is more typical and desirable for a lot of such depth which is similar to an estate type lot.

Petitioner Exhibit A



Floor Plan
1 Site Plan
1" = 40'-0"



Floor Plan
1 Site Plan
1" = 40'-0"





Department of Metropolitan Development
Division of Planning
Current Planning

**METROPOLITAN DEVELOPMENT COMMISSION
HEARING EXAMINER**

April 10, 2025

Case Number: 2025-CZN-813 / 2025-CVR-813 / 2025-CVC-813
Property Address: 1406 and 1419 South Capitol Avenue
Location: Center Township, Council District # 18
Petitioner: The Annex Management Group, Inc., by Misha Rabinowitch
Request: Rezoning of 5.17 acres from the I-1 and D-5 districts to the D-8 district to provide for multi-family dwellings.

Variance of Use and Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for a multi-family residential development using the Large Apartment Residential Building Type Standards to the subject site (not permitted in D-8), to provide for minimum livability space ratio of 0.57 (minimum 0.60 required), and for a floor area ratio of 0.83 (maximum 0.80 permitted).

Vacation of:

a portion of Capitol Avenue, ranging from 23.4 feet in width to 40.18 feet in width, from the south right-of-way of the first east-west alley south of Arizona Street, south and southeast 617.82 feet, to a point,

a portion of Tennessee Street, being 25 feet in width, from the northwest corner of Lot 32 of Rech's South Meridian Street Subdivision, as recorded in the Marion County Recorder's Office, plat book 9, page 55, south 227.68 feet, to a point,

a portion of Capitol Avenue, being 25 feet in width, from a point 227.68 south of the northwest corner of Lot 32 of Rech's South Meridian Street Subdivision, as recorded in the Marion County Recorder's Office, plat book 9, page 55, southeast 135.51 feet, to a point,

a portion of the second north-south alley east of Senate Avenue, being five feet in width, beginning at the northwest corner of Lot 2 of Schmitt and Kottkamp's Subdivision, as recorded in the Marion County Recorder's Office, plat book 15, page 93, south 346.97 feet, to the north right-of-way line of the second east-west alley south of Wisconsin Street,

a portion of the second east-west alley south of Wisconsin Street, being 3.75 feet in width, beginning at the southwest corner of Lot 11 of Schmitt and Kottkamp's Subdivision, as recorded in the Marion County Recorder's Office, plat book 15, page 93, east 151.02 feet, to the west right-of-way line of Capitol Avenue.

Staff Reviewer: Kathleen Blackham, Senior Planner



Department of Metropolitan Development
Division of Planning
Current Planning

PETITION HISTORY

Staff is requesting a **continuance from the April 10, 2025 hearing, to the April 24, 2025 hearing**, to provide time for a Traffic Impact Study (TIS) to be conducted, submitted and approved.



Department of Metropolitan Development
Division of Planning
Current Planning

**METROPOLITAN DEVELOPMENT COMMISSION
HEARING EXAMINER**

April 10, 2025

Case Number: 2025-CZN-814 / 2025-CVR-814

Property Address: 3043, 3451, 3511, and 3801 South Post Road, 9405, 9609, 9611, and 9931 East Troy Avenue, 3430, 3440, and 3610 Davis Road, and 9500 Vandergriff Road (Approximate Addresses)

Location: Franklin Township, Council District #20

Petitioner: Deep Meadow Ventures, LLC, by Joseph D. Calderon

Current Zoning: D-A (FF) (FW), C-4 (FF) (FW), and SU-43 (FF) (FW)

Request: Rezoning of 467.66 acres from the D-A (FF) (FW), C-4 (FF) (FW), and SU-43 (FF) (FW) districts to the C-S (FF) (FW) district for a data center campus development, and uses including light manufacturing, all research and development, utilities, agricultural uses, buildings and structures, as permitted in I-1 and office uses, as permitted in C-1. Permitted accessory uses would include utility structures, such as power substations, water towers, and overhead and underground powerlines and wastewater treatment facilities, outdoor storage, renewable energy facility, satellite dish antenna, signs, and temporary construction yard, office, or equipment storage.

Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for a building height of 75 feet (maximum 38-foot building height permitted) and no maximum front yard setback (maximum front yard setback of 85 feet permitted).

Current Land Use: Undeveloped and Agricultural Land

Staff Recommendations: To be determined.

Staff Reviewer: Marleny Iraheta, Senior Planner

PETITION HISTORY

A timely automatic continuance request was filed by a registered neighborhood organization, **continuing this petition from the April 10, 2025 hearing to the May 15, 2025 hearing**. This would require acknowledgement from the Hearing Examiner.

STAFF RECOMMENDATION

Staff recommendation to be determined.

PETITION OVERVIEW

This petition is to be continued to the May 15, 2025 hearing.



Department of Metropolitan Development
Division of Planning
Current Planning

**METROPOLITAN DEVELOPMENT COMMISSION
HEARING EXAMINER**

April 10, 2024

Case Number: 2025-ZON-016
Property Address: 2852 East County Line Road
Location: Perry Township, Council District #24
Petitioner: TWG Development, LLC, by Joseph D. Calderon
Current Zoning: C-S
Request: Rezoning of 6.67 acres from the C-S (TOD) (FW) (FF) to the D-9 (TOD) (FW) (FF) district to provide for multi-family dwellings.
Current Land Use: Undeveloped
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 commitment 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).
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.



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

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 / receptables 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-S district to provide for an integrated commercial center with integrated building design, access, and signs. Petition 2024-ZON-105 that requested rezoning from the C-S (TOD) (FW) (FF) district to the I-2 (TOD) (FW) (FF) district to provide for a self-storage facility was denied. Subsequently, the Metropolitan Development Commission approved a request on March 5, 2025, to waive the Rules of Procedure related to refiling after a denial to allow for this rezoning request.

REZONING

The request would rezone the site to the D-9 (Walkable Neighborhood) District. “The D-9 district is intended for higher density housing formats, with a mix of small- and moderate-scale multi-unit building types. This district can be used at transitions to walkable, commercial areas, transit stations and urban and suburban corridors, including the high-density residential recommendations of the Comprehensive Plan, and the Traditional Neighborhood, City Neighborhood, or Village or Urban Mixed-Use Typologies of the Land Use Pattern Book.”

The purpose of the Walkable Neighborhood design standards and objectives is to advance the Livability Principles of this code, and to promote walkable neighborhoods. Any exceptions to the standards in the Ordinance, or discretionary review processes related to a specific application, shall be judged against these design objectives, in addition to any other criteria in this code for the application.

The Comprehensive Plan recommends suburban neighborhood typology.

Conceptual Site Plan - February 6, 2025

The conceptual site plan, file dated February 6, 2025, provides for three, three-story buildings, with 48-dwelling units and one, three-story building with 26 dwelling units for a total of 170 dwelling units resulting in a density of 25.49 units per acre. A club house and amenity area would be located at the southeast corner of the site.



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

Site access would be from two driveways along East County Line Road with approximately 284 parking spaces.

An approximately 20-foot-wide buffer on the western, northern, and eastern perimeter of the site would be preserved, along with any heritage trees located within those areas.

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 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 (D-9 in this request) are permitted, subject to certain development standards of the Flood Control Secondary Zoning Districts Ordinance and would be addressed during the permitting process.

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

Overlays – Environmentally Sensitive / TOD

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, unless those areas would be preserved.



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

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.

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

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

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

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

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

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.



**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 receptacles for proper disposal of trash and other waste.

Planning Analysis

As proposed, this request would be generally consistent with the Comprehensive Plan recommendation of suburban neighborhood. However, the 100-year floodplain delineates areas that would be subject to potential flood damage that would be addressed during the permitting process.

Based on the parking requirements of the Ordinance (1:1 ratio) the minimum number of parking spaces would be 170, with no maximum. The Ordinance would require 17 bicycle parking spaces, of which 60% should be enclosed. Consequently, staff believes the proposed 284 parking spaces should be decreased and the parking area reduced to provide for more open space, landscaping, and amenities for the residents.



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

Additionally, the maximum floor area ratio (FAR) would be 0.50 and the minimum livability space ratio (MSR) would be 0.75. Both of these ratios will need to be met in the final project design.

Because this site is undeveloped, staff believes all development standards could be met and would not support any variance from development standards. Therefore, staff would request Administrator Approval of the final site plan and elevations prior to the issuance of the Improvement Location Permit (ILP) to confirm compliance with the district development standards, including the design standards of the walkable neighborhood.

Unless required by the Fire Department, staff believes that one boulevard entrance, rather than two access drives, be provided along East County Line Road due the heavily traveled road and the proximity of the railroad crossing at the eastern end of the site. In other words, staff would recommend that the easternmost drive adjacent to the railroad be eliminated.

GENERAL INFORMATION

Existing Zoning	C-S (TOD) (FW) (FF)	
Existing Land Use	Undeveloped land	
Comprehensive Plan	Suburban Neighborhood	
Surrounding Context	<u>Zoning</u>	<u>Land Use</u>
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) / D-A (TOD) (FW) (FF)	Floodway
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 – Pleasant Run Creek	
Overlay	Yes. Environmentally Sensitive / Transit Oriented Development	
Wellfield Protection Area	No	
Site Plan	N/A	
Site Plan (Amended)	N/A	
Elevations	N/A	
Elevations (Amended)	N/A	
Landscape Plan	N/A	



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

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 one to five dwelling units per acre, but a higher density is recommended if the development is within a quarter mile of a frequent transit line, greenway, or park.”

Pattern Book / Land Use Plan

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

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

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



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

• *Conditions for All Housing*

- A mix of housing types is encouraged.
- Developments of more than 30 housing units must have access to at least one arterial street of three or more continuous travel lanes between the intersections of two intersecting arterial streets.
- Should be within a one-mile distance (using streets, sidewalks, and/or off-street paths) of a school, playground, library, public greenway, or similar publicly accessible recreational or cultural amenity that is available at no cost to the user.
- Should be oriented towards the street with a pedestrian connection from the front door(s) to the sidewalk. Driveways/parking areas do not qualify as a pedestrian connection.
- Developments with densities higher than five 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.

• *Multifamily Housing*

- Should be located along arterial or collector streets, parks, or greenways.
- 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.

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.



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

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

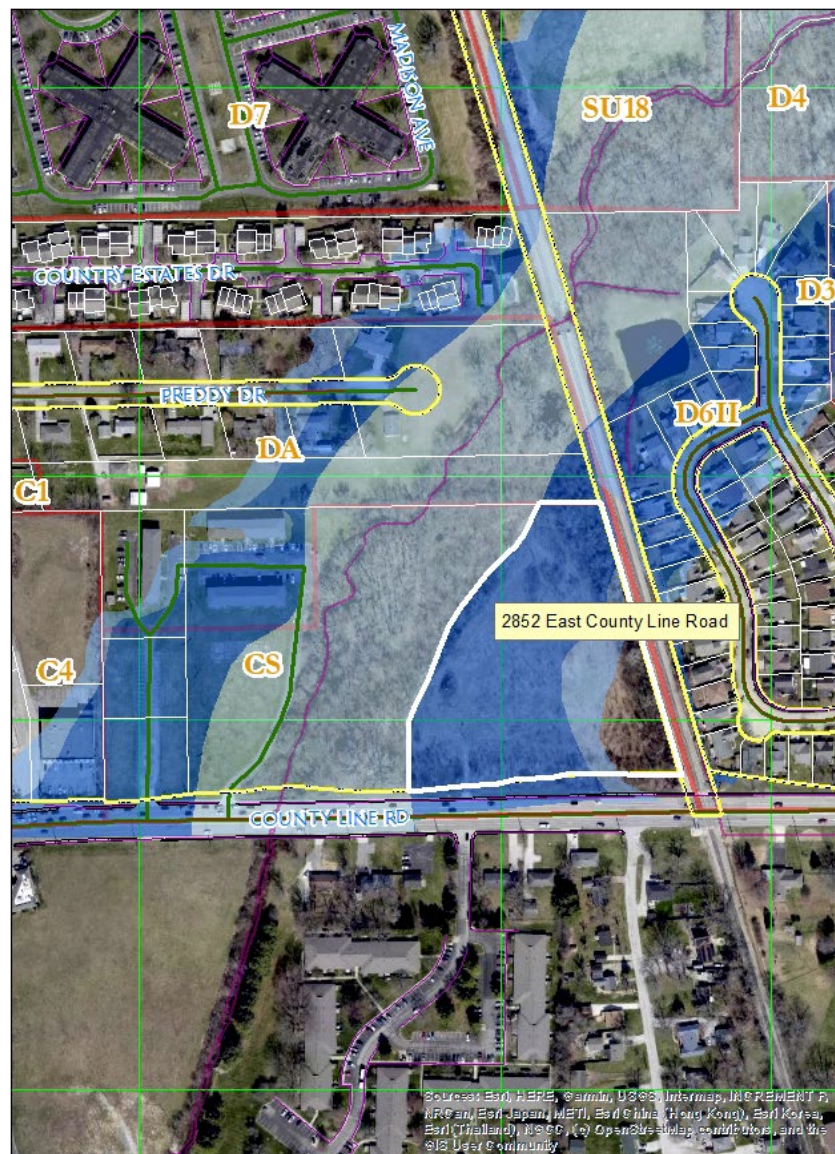
2024-ZON-105; 2951 East County Line Road, requested rezoning of 6.67 acres from the C-S (TOD) (FW) (FF) district to the I-1 (TOD) (FW) (FF) district to provide for a self-storage facility, **denied**.

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**.



2852 East County Line Road

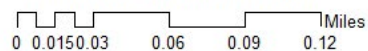


EXHIBIT A

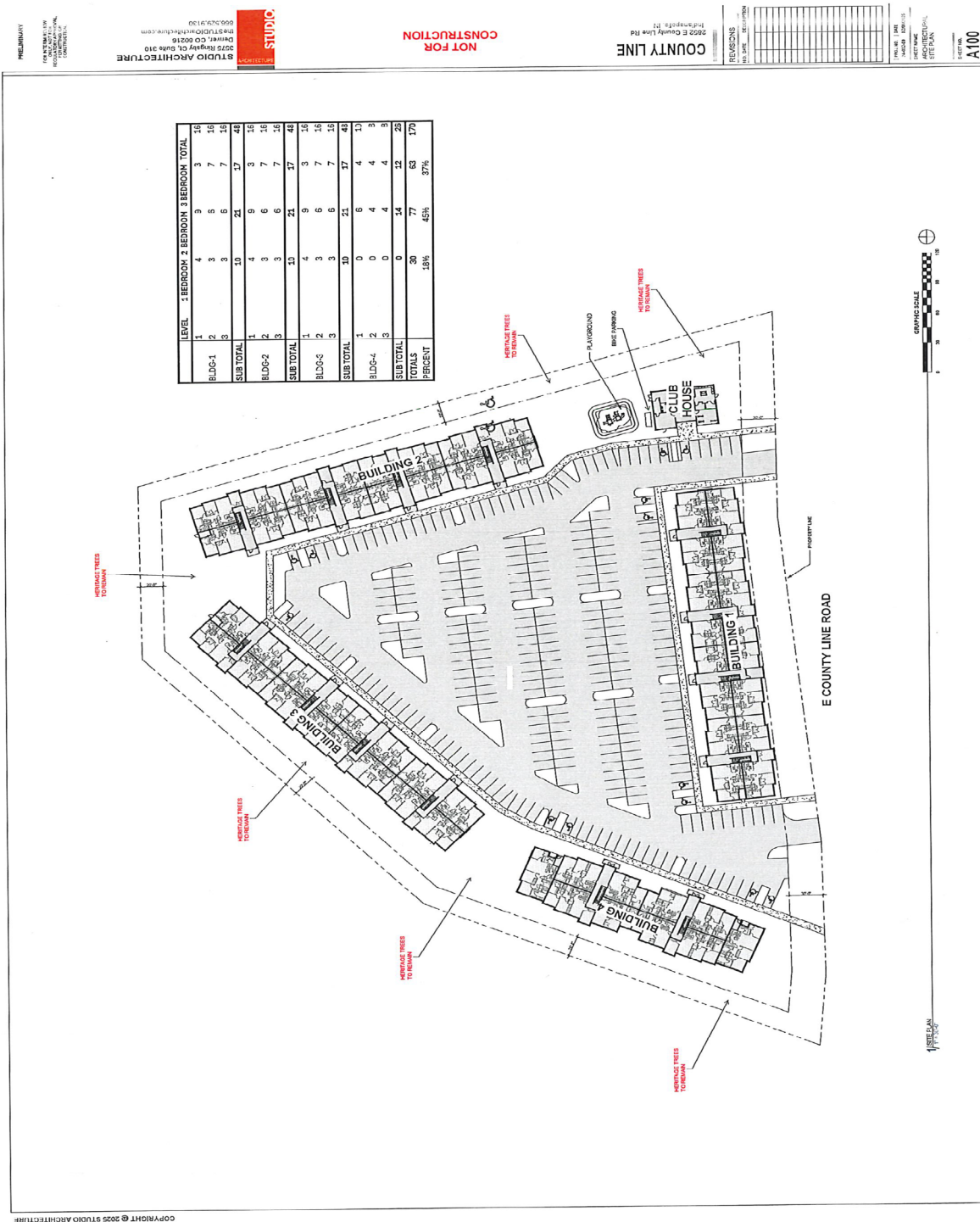
Heritage Tree Conservation

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

Conceptual Site Plan – February 6, 2025





View looking east along East County Line Road



View looking west along East County Line Road



View of site looking north



View of site looking north



View of site looking northwest



View looking south across East County Line Road



View from site looking southwest across East County Line Road



Department of Metropolitan Development
Division of Planning
Current Planning

**METROPOLITAN DEVELOPMENT COMMISSION
HEARING EXAMINER**

April 10, 2025

Case Number: 2025-ZON-018
Property Address: 2215 South Biltmore Avenue (Approximate Address)
Location: Wayne Township, Council District #17
Petitioner: Ashley Allen
Current Zoning: I-2 (FF)
Request: Rezoning of 0.32-acre from the I-2 (FF) district to the D-4 (FF) district to provide for residential uses.
Current Land Use: Undeveloped
Staff Recommendations: Approval
Staff Reviewer: Desire Irakoze, Principal Planner II

PETITION HISTORY

April 10, 2025

This petition was continued from the March 27, 2025, hearing to the April 10, 2025, hearing at the request of staff to give proper notice.

This is the first public hearing for this petition.

STAFF RECOMMENDATION

Staff **recommends approval** of the request.

PETITION OVERVIEW

LAND USE

The 0.32-acre site is developed within the Park Fletcher business park. Originally platted in 1943 as part of a 96-lots of Pleasant Heights Subdivision, the area has since undergone significant changes. By 1972, industrial development had emerged to the west, across the Drexel Run and to the north across West Raymond Street. While much of the Pleasant Height's subdivision remains developed with single-family homes, the two northernmost lots adjacent west Raymond Street have developed commercial and industrial business.

Although the area was initially platted and partially developed as single-family neighborhood, the vicinity has been industrially zoned for several decades.



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

REZONING

The request would rezone the property from the I-2 (light Industrial) district to the D-4 (Dwelling District Four) district to allow for single-family residential development.

I-2 (Light Industrial District): uses 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. There is limited amount of outdoor storage permitted. Permitted uses include manufacturing using mechanical manipulation of materials, contractors, warehousing and distribution, truck stops, vehicle storage and auction, contractors, equipment sales & service, repair of consumer goods, printing services, dry cleaning, medical labs, day care, etc.

D-4 (Dwelling District Four): For low- or medium- intensity single-family and two-family residential development at a typical density of 4.2 units per acre. Land in this district needs good thoroughfare access, relatively flat topography, as well as nearby community and neighborhood services and facilities with pedestrian linkages. provisions for recreational facilities serving the neighborhood within walking distance are vitally important.

This site is also located within the Airspace Secondary Zoning District

STAFF ANALYSIS

The approval of this request would enable the property to be developed as originally envisioned in the 1943 plat. Additionally, the site is located in a **Compact Context Area**, which classifies Drexel Run is a **Category Two Stream** under the Stream Protection Corridor regulations:

Table 744-205-1: Stream Protection Corridor Widths		
	Category One Streams	Category Two (Other Mapped Streams)
Compact Context	60 feet	25 feet
Metro Context	100 feet	50 feet

Although this property is within 1.16 miles from the Indianapolis International Airport, its small lot size (0.32-acres) is not conducive to industrial uses, furthermore, its mid-block location within a residential subdivision makes it unsuitable for commercial development. The presence of Drexel Run provides a natural buffer, and the site's proximity to schools, the airport, and employment centers suitability for residential uses.

While the rezoning request does not align with the Comprehensive Plan, which designates this area for Office/Industrial Mixed-Use, the historical residential platting, lot size constraints, and surrounding land use patterns support its conversion to residential zoning. Given these factors, staff recommends approval of the rezoning request.

For these reasons, staff recommends approval of the request.

GENERAL INFORMATION

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

Existing Zoning	I-2	
Existing Land Use	Undeveloped	
Comprehensive Plan	Office/Industrial Mixed-Use	
Surrounding Context	Zoning	Land Use
North:	I-2	Commercial
South:	I-2	Residential (Single-family dwellings)
East:	I-2	Residential (Single-family dwellings)
West:	I-3	Industrial Uses
Thoroughfare Plan		
Biltmore Avenue	local Street	48-foot proposed right-of-way and 48-foot existing right-of-way.
Context Area	Metro	
Floodway / Floodway Fringe	No	
Overlay	Yes - Airspace	
Wellfield Protection Area	No	
Site Plan	N/A	
Site Plan (Amended)	N/A	
Elevations	N/A	
Elevations (Amended)	N/A	
Landscape Plan	N/A	
Findings of Fact	N/A	
Findings of Fact (Amended)	N/A	
C-S/D-P Statement	N/A	

COMPREHENSIVE PLAN ANALYSIS

Comprehensive Plan

- Marion County Land Use Plan Pattern Book (2019)

Pattern Book / Land Use Plan

- The Marion County Land Use Plan Pattern Book (2019) recommends office commercial development of the site.
- The **Office/Industrial Mixed-Use** (Business Park) typology is intended to provide for light industrial, distribution, and office uses conducted within enclosed structures and unlikely to create emissions of light, odor, noise, or vibrations. The typology is characterized by groups of buildings within office/warehouse parks. Examples of typical uses include warehousing, wholesaling, research and development facilities, testing and evaluation facilities, offices, education resource centers, assembly of high technology products, and conference centers. Industrial or truck traffic should be separated from local/residential traffic in this typology.



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

- **Conditions for All Land Use Types**
 - Master-planned developments in excess of 2 acres should include pedestrian amenities for passive and active recreation internal to the development.
- **Small-Scale Offices, Retailing, and Personal or Professional Services**
 - Should be subordinate to and serving the primary uses of production, warehousing, and offices.
 - Should be adjacent to interstate interchanges if present. If no interchange is present, should be located along arterial streets at the edge of the business park.
 - Should be located and served in such a way that the use will not interfere with industrial traffic or loading.
- **The request would not align with this recommendation.**

Red Line / Blue Line / Purple Line TOD Strategic Plan

- Not Applicable to the Site.

Neighborhood / Area Specific Plan

- Not Applicable to the Site.

Infill Housing Guidelines

- Not Applicable to the Site.

Indy Moves

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

- Not Applicable to the Site.



Department of Metropolitan Development
Division of Planning
Current Planning

ZONING HISTORY

Zoning History – Site

This is the first petition on this property.

Zoning History – Vicinity

61-Z-175 (east and north of subject site) request rezoning of 36.267 acres to UI-HI-A-2 classification to provide for minimum requirements for residential Use by platting, **Approved**.

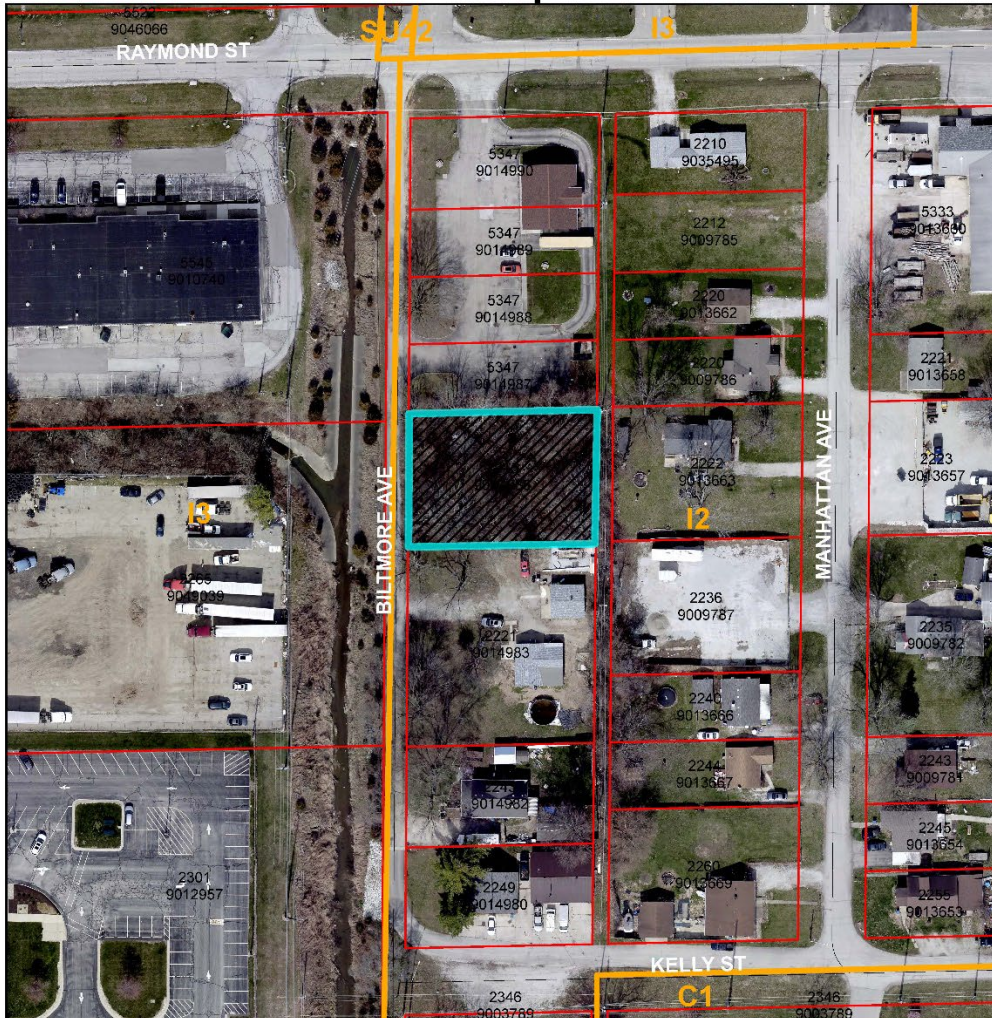
72-Z-159 Amended; 2346 South Lynhurst Drive (south of subject site), request the rezoning of 11.04 acres being in the I-2-S district, to the C-1 classification, to provide for retail Sales, **Approved**.

86-Z-230; 2202 South Lynhurst Drive (west of subject site), request the rezoning of 0.61 acres, being in the I-2-S District, to the C-3 classification, to provide for a convenience store with gasoline sales, **Denied**.

2002ZON017; 2250 & 2252 South Lynhurst Drive (west of subject site), request rezoning of 0.278-acres being in the I-2-S district to the D-5 classification to provide for single-family residential uses, **Denied**.

EXHIBITS

Aerial Map



- Docket Cases
- CCGIS.ZONING
- CCGIS.PARCELS



19:103

103

RAYMOND STREET			
1712	96 141.11	49	48 141.11
50	95 141.01	50	47 141.01
50	94 140.91	51	46 140.91
50	93 140.81	52	45 140.81
50	92 140.71	53	44 140.71
50	91 140.61	54	43 140.61
50	90 140.51	55	42 140.51
50	89 140.41	56	41 140.41
50	88 140.31	57	40 140.31
50	87 140.21	58	39 140.21
50	86 140.11	59	38 140.11
50	85 140.01	60	37 140.01
50	84 139.91	61	36 139.91
50	83 139.81	62	35 139.81
50	82 139.71	63	34 139.71
50	81 139.61	64	33 139.61
50	80 139.51	65	32 139.51
50	79 139.41	66	31 139.41
50	78 139.31	67	30 139.31
50	77 139.21	68	29 139.21
50	76 139.11	69	28 139.11
50	75 139.01	70	27 139.01
50	74 138.91	71	26 138.91
50	73 138.81	72	25 138.81
50	72 138.71	73	24 138.71
50	71 138.61	74	23 138.61
50	70 138.51	75	22 138.51
50	69 138.41	76	21 138.41
50	68 138.31	77	20 138.31
50	67 138.21	78	19 138.21
50	66 138.11	79	18 138.11
50	65 138.01	80	17 138.01
50	64 137.91	81	16 137.91
50	63 137.81	82	15 137.81
50	62 137.71	83	14 137.71
50	61 137.61	84	13 137.61
50	60 137.51	85	12 137.51
50	59 137.41	86	11 137.41
50	58 137.31	87	10 137.31
50	57 137.21	88	9 137.21
50	56 137.11	89	8 137.11
50	55 137.01	90	7 137.01
50	54 136.91	91	6 136.91
50	53 136.81	92	5 136.81
50	52 136.71	93	4 136.71
50	51 136.61	94	3 136.61
50	50 136.51	95	2 136.51
50	49 136.41	96	1 136.41
50	48 136.31	97	0 136.31
50	47 136.21	98	0 136.21
50	46 136.11	99	0 136.11
50	45 136.01	100	0 136.01
50	44 135.91	101	0 135.91
50	43 135.81	102	0 135.81
50	42 135.71	103	0 135.71
50	41 135.61	104	0 135.61
50	40 135.51	105	0 135.51
50	39 135.41	106	0 135.41
50	38 135.31	107	0 135.31
50	37 135.21	108	0 135.21
50	36 135.11	109	0 135.11
50	35 135.01	110	0 135.01
50	34 134.91	111	0 134.91
50	33 134.81	112	0 134.81
50	32 134.71	113	0 134.71
50	31 134.61	114	0 134.61
50	30 134.51	115	0 134.51
50	29 134.41	116	0 134.41
50	28 134.31	117	0 134.31
50	27 134.21	118	0 134.21
50	26 134.11	119	0 134.11
50	25 134.01	120	0 134.01
50	24 133.91	121	0 133.91
50	23 133.81	122	0 133.81
50	22 133.71	123	0 133.71
50	21 133.61	124	0 133.61
50	20 133.51	125	0 133.51
50	19 133.41	126	0 133.41
50	18 133.31	127	0 133.31
50	17 133.21	128	0 133.21
50	16 133.11	129	0 133.11
50	15 133.01	130	0 133.01
50	14 132.91	131	0 132.91
50	13 132.81	132	0 132.81
50	12 132.71	133	0 132.71
50	11 132.61	134	0 132.61
50	10 132.51	135	0 132.51
50	9 132.41	136	0 132.41
50	8 132.31	137	0 132.31
50	7 132.21	138	0 132.21
50	6 132.11	139	0 132.11
50	5 132.01	140	0 132.01
50	4 131.91	141	0 131.91
50	3 131.81	142	0 131.81
50	2 131.71	143	0 131.71
50	1 131.61	144	0 131.61
50	0 131.51	145	0 131.51
50	0 131.41	146	0 131.41
50	0 131.31	147	0 131.31
50	0 131.21	148	0 131.21
50	0 131.11	149	0 131.11
50	0 131.01	150	0 131.01
50	0 130.91	151	0 130.91
50	0 130.81	152	0 130.81
50	0 130.71	153	0 130.71
50	0 130.61	154	0 130.61
50	0 130.51	155	0 130.51
50	0 130.41	156	0 130.41
50	0 130.31	157	0 130.31
50	0 130.21	158	0 130.21
50	0 130.11	159	0 130.11
50	0 130.01	160	0 130.01
50	0 129.91	161	0 129.91
50	0 129.81	162	0 129.81
50	0 129.71	163	0 129.71
50	0 129.61	164	0 129.61
50	0 129.51	165	0 129.51
50	0 129.41	166	0 129.41
50	0 129.31	167	0 129.31
50	0 129.21	168	0 129.21
50	0 129.11	169	0 129.11
50	0 129.01	170	0 129.01
50	0 128.91	171	0 128.91
50	0 128.81	172	0 128.81
50	0 128.71	173	0 128.71
50	0 128.61	174	0 128.61
50	0 128.51	175	0 128.51
50	0 128.41	176	0 128.41
50	0 128.31	177	0 128.31
50	0 128.21	178	0 128.21
50	0 128.11	179	0 128.11
50	0 128.01	180	0 128.01
50	0 127.91	181	0 127.91
50	0 127.81	182	0 127.81
50	0 127.71	183	0 127.71
50	0 127.61	184	0 127.61
50	0 127.51	185	0 127.51
50	0 127.41	186	0 127.41
50	0 127.31	187	0 127.31
50	0 127.21	188	0 127.21
50	0 127.11	189	0 127.11
50	0 127.01	190	0 127.01
50	0 126.91	191	0 126.91
50	0 126.81	192	0 126.81
50	0 126.71	193	0 126.71
50	0 126.61	194	0 126.61
50	0 126.51	195	0 126.51
50	0 126.41	196	0 126.41
50	0 126.31	197	0 126.31
50	0 126.21	198	0 126.21
50	0 126.11	199	0 126.11
50	0 126.01	200	0 126.01
50	0 125.91	201	0 125.91
50	0 125.81	202	0 125.81
50	0 125.71	203	0 125.71
50	0 125.61	204	0 125.61
50	0 125.51	205	0 125.51
50	0 125.41	206	0 125.41
50	0 125.31	207	0 125.31
50	0 125.21	208	0 125.21
50	0 125.11	209	0 125.11
50	0 125.01	210	0 125.01
50	0 124.91	211	0 124.91
50	0 124.81	212	0 124.81
50	0 124.71	213	0 124.71
50	0 124.61	214	0 124.61
50	0 124.51	215	0 124.51
50	0 124.41	216	0 124.41
50	0 124.31	217	0 124.31
50	0 124.21	218	0 124.21
50	0 124.11	219	0 124.11
50	0 124.01	220	0 124.01
50	0 123.91	221	0 123.91
50	0 123.81	222	0 123.81
50	0 123.71	223	0 123.71
50	0 123.61	224	0 123.61
50	0 123.51	225	0 123.51
50	0 123.41	226	0 123.41
50	0 123.31	227	0 123.31
50	0 123.21	228	0 123.21
50	0 123.11	229	0 123.11
50	0 123.01	230	0 123.01
50	0 122.91	231	0 122.91
50	0 122.81	232	0 122.81
50	0 122.71	233	0 122.71
50	0 122.61	234	0 122.61
50	0 122.51	235	0 122.51
50	0 122.41	236	0 122.41
50	0 122.31	237	0 122.31
50	0 122.21	238	0 122.21
50	0 122.11	239	0 122.11
50	0 122.01	240	0 122.01
50	0 121.91	241	0 121.91
50	0 121.81	242	0 121.81
50	0 121.71	243	0 121.71
50	0 121.61	244	0 121.61
50	0 121.51	245	0 121.51
50	0 121.41	246	0 121.41
50	0 121.31	247	0 121.31
50	0 121.21	248	0 121.21
50	0 121.11	249	0 121.11
50	0 121.01	250	0 121.01
50	0 120.91	251	0 120.91
50	0 120.81	252	0 120.81
50	0 120.71	253	0 120.71
50	0 120.61	254	0 120.61
50	0 120.51	255	0 120.51
50	0 120.41	256	0 120.41
50	0 120.31	257	0 120.31
50	0 120.21	258	0 120.21
50	0 120.11	259	0 120.11
50	0 120.01	260	0 120.01
50	0 119.91	261	0 119.91
50	0 119.81	262	0 119.81
50	0 119.71	263	0 119.71
50	0 119.61	264	0 119.61
50	0 119.51	265	0 119.51
50	0 119.41	266	0 119.41
50	0 119.31	267	0 119.31
50	0 119.21	268	0 119.21
50	0 119.11	269	0 119.11
50	0 119.01	270	0 119.01
50	0 118.91	271	0 118.91
50	0 118.81	272	0 118.81
50	0 118.71	273	0 118.71
50	0 118.61	274	0 118.61
50	0 118.51	275	0 118.51
50	0 118.41	276	0 118.41
50	0 118.31	277	0 118.31
50	0 118.21	278	0 118.21
50	0 118.11	279	0 118.11
50	0 118.01	280	0 118.01
50	0 117.91	281	0 117.91
50	0 117.81	282	0 117.81
50	0 117.71	283	0 117.71
50	0 117.61	284	0 117.61
50	0 117.51	285	0 117.51
50	0 117.41	286	0 117.41
50	0 117.31	287	0 117.31
50	0 117.21	288	0 117.21
50	0 117.11	289	0 117.11
50	0 117.01	290	0 117.01
50	0 116.91	291	0 116.91
50	0 116.81	292	0 116.81
50	0 116.71	293	0 116.71
50	0 116.61	294	0 116.61
50	0 116.51	295	0 116.51
50	0 116.41	296	0 116.41
50	0 116.31	297	0 116.31
50	0 116.21	298	0 116.21
50	0 116.11	299	0 116.11
50	0 116.01	300	0 116.01
50	0 115.91	301	0 115.91
50	0 115.81	302	0 115.81
50	0 115.71	303	0 115.71
50	0 115.61		



Subject site looking east along Biltmore Avenue.



Subject site look north along Biltmore Avenue



Looking south along Biltmore avenue



Looking east from the subject site.



Residential property south of subject site.



Department of Metropolitan Development
Division of Planning
Current Planning

**METROPOLITAN DEVELOPMENT COMMISSION
HEARING EXAMINER**

April 10, 2025

Case Number: 2025-ZON-023
Property Address: 3418 East 20th Street (Approximate Address)
Location: Center Township, Council District #13
Petitioner: Brittney Gant
Current Zoning: SU-1
Request: Rezoning of 0.12-acre from the SU-1 district to the C-1 district to provide for office and a child day care facility.
Current Land Use: Commercial
Staff Recommendations: **Approval**
Staff Reviewer: Desire Irakoze, Principal Planner II

PETITION HISTORY

This is the first public hearing for this petition.

STAFF RECOMMENDATION

Staff recommends **approval** of the request subject to the following commitments, which shall be reduced to writing on the Commission's Exhibit "B".

1. Remove the existing curb cut and restore the sidewalk within one (1) year.
2. Relocate the existing fence to align with the clear sight triangle.
3. Provided a Plan of Operations that includes drop-off & pick-up locations, to mitigate traffic congestion prior to the MDC hearing.

PETITION OVERVIEW

LAND USE

This 0.12-acre site is zoned SU-1. The subject property is a 2,680-square-foot existing building. It is surrounded by varying zoning districts. The north, south, and west are primary residential uses while the east consists of light industrial uses.

REZONING

In 1995, the property was rezoned from the C-2 classification to the SU-1 (Special Use District One) district to provide for religious uses (95-Z-161). In 2021, the church added 810 square feet (ILP20-



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

03486). This current rezone petition would revert the property use back to a commercial use. The C-1 (Office-Buffer District) use is typically used as a buffer district between residential uses and more intense commercial or industrial uses.

ZONING OVERVIEW

SU-1 (Special Use District One): This permits religious uses.

C-1 (Office-Buffer District): This includes most types of office uses.

STAFF ANALYSIS

The request would rezone the site from the SU-1 district to the C-1 district to provide office and daycare uses. While this rezone petition would align with the comprehensive plan and the Not Near Eastside Quality of Life Plan, staff has concerns about the location.

Per the Use-Specific Standards 743-303. C.2 “Adequate parking, loading, and drop-off facilities will be provided, and the scale and location of these areas are in harmony with the surrounding residential uses”. The site plan dated March 6, 2025, layout is far from adequate. There are Indy-Go bus stops on both sides of 20th Street, the drop-off/pick location is also at the bus stop. This will cause a traffic congestion problem. The petitioner has agreed to provide a Plan of Operations to mitigate against the traffic congestion.

The minimum off-street parking required after all reductions are applied is five (5) parking spaces (Table 744-402-1). Per the Plan of Operations filed, the petitioner will have 10 employees and 26 children. The site does not have adequate parking space for its intended intensity.

The petitioner has agreed to commitments to relocate the fence outside the clear sight triangle.

The petitioner would be required to remove the existing curb cut; the existing curb cut poses a safety risk as the buses are designed to drop off at 6” to 9” curbs. The petitioner has agreed to remove the curb cut and restore the sidewalk within the year.

Should the Hearing Examiner approve the rezoning request, Staff recommends the following commitments.

1. Remove the existing curb cut and restore the sidewalk within 1 year.
2. Relocate the existing fence to align with the clear sight triangle.
3. Provided a Plan of Operations that includes drop-off and pick-up locations, to mitigate traffic congestion prior to the MDC hearing.

GENERAL INFORMATION

Existing Zoning	SU-1	
Existing Land Use	Commercial	
Comprehensive Plan	Traditional Neighborhood	
Surrounding Context	Zoning	Land Use
North:	MU-1	Single-family residential
South:	MU-1	Single-family residential
East:	I-3	Industrial Use
West:	D-5	Single-family residential
Thoroughfare Plan		
20 TH Street	Local Street	50-foot existing right-of-way and 58-foot proposed right-of-way.
Olney Street	Local Street	50-foot existing right-of-way and 58-foot proposed right-of-way.
Context Area	Compact	
Floodway / Floodway Fringe	No	
Overlay	No	
Wellfield Protection Area	No	
Site Plan	3/06/ 2025	
Site Plan (Amended)	N/A	
Elevations	N/A	
Elevations (Amended)	N/A	
Landscape Plan	N/A	
Findings of Fact	N/A	
Findings of Fact (Amended)	N/A	
C-S/D-P Statement	N/A	

COMPREHENSIVE PLAN ANALYSIS

Comprehensive Plan

- Marion County Land Use Plan Pattern Book (2019)

Pattern Book / Land Use Plan

- The Comprehensive Plan recommends **Traditional Neighborhood** development 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.

- 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.
 - **Healthier 1.1**: Making areas walkable, enjoyable, and safe is critical to active living.
 - **Inclusive 2.2**: Walkable neighborhoods are more inclusive of residents who are unable to drive or do not desire to drive by allowing them to access shops, services, and other amenities without using a vehicle.
- Should be located at intersections and limited to an aggregate of 1 acre per intersection.
 - **Competitive 1.1**: Development should create vibrant, walkable places.
- Should be limited to areas and parcels with adequate space for required screening and buffering.
 - **Competitive 3.1**: Aesthetics are an important factor in ensuring that neighborhoods and individual properties hold their value over time.
- Should not include outdoor display of merchandise.
 - **Competitive 3.1**: Aesthetics are an important factor in ensuring that neighborhoods and individual properties hold their value over time.
-

Red Line / Blue Line / Purple Line TOD Strategic Plan

- Not Applicable to the Site.

Neighborhood / Area Specific Plan

- Not Near Eastside Quality of Life Plan
 - NoBo (North of Brookside Area)

Priority #2-Support businesses in maintaining and expanding their business on the Near Eastside.

- **Action 2.2**:

Develop tools and resources to specifically support industries necessary for thriving neighborhoods like groceries, pharmacies, childcare, etc. and generally provide capital access tools and resources to growing Near Eastside businesses.

Infill Housing Guidelines

- Not Applicable to the Site.



Department of Metropolitan Development
Division of Planning
Current Planning

Indy Moves

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

- Not Applicable to the Site.

ZONING HISTORY

Zoning History – Site

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**.

Zoning History -Vicinity

2024MOD015; 3500 East 20th Street, (east of site), 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). **Approved**

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 (north 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**.

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**.

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**.

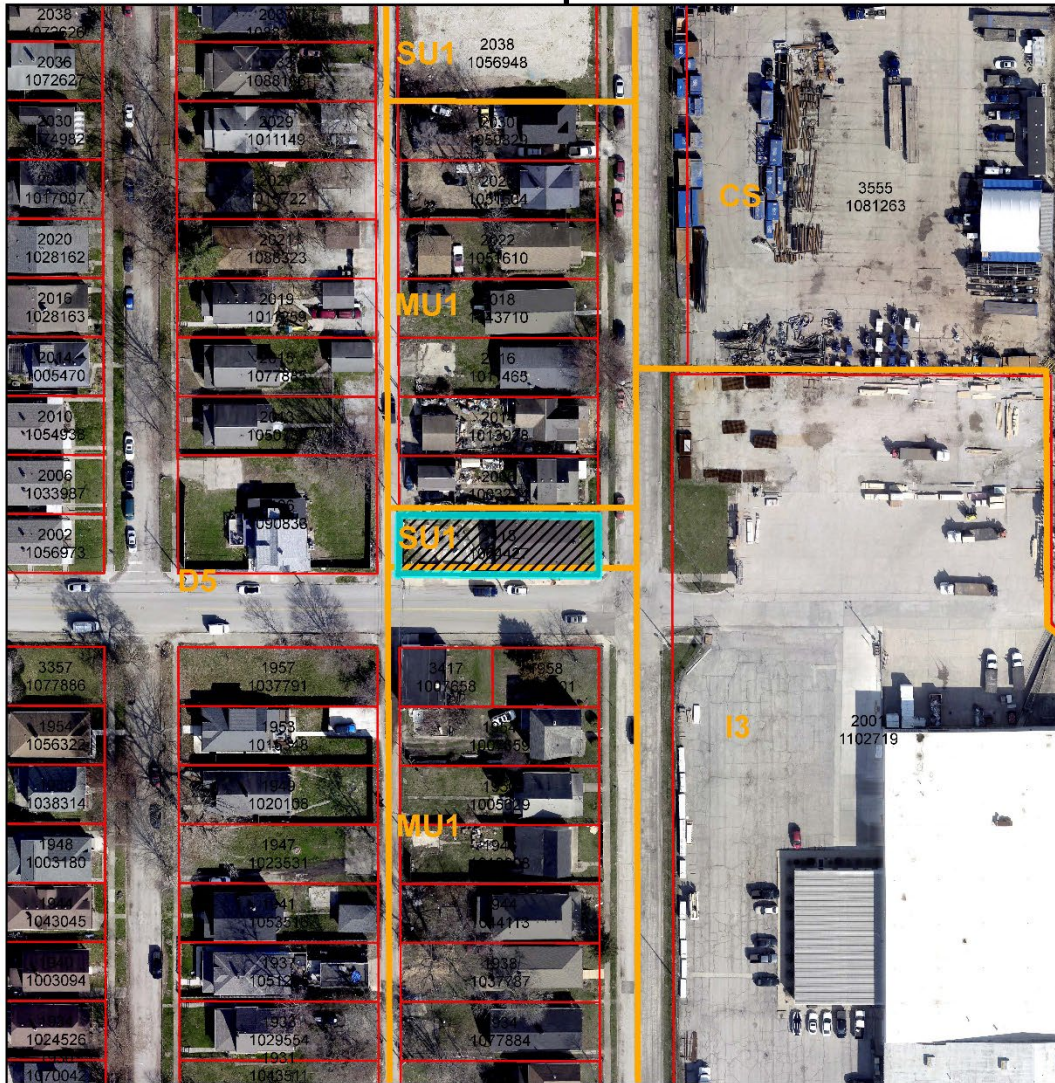


**Department of Metropolitan Development
Division of Planning
Current Planning**

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

Aerial Map



-  Docket Cases
-  CCGIS.ZONING
-  CCGIS.PARCELS





From subject property look across 20th street



Looking at 20th and Onley



On sidewalk looking at the subject building.



Front door of the subject building



Looking west on 20th street.



Looking at the curb cut.



Looking at the curb cut and bus stop.



Looking north in the alley.



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

**METROPOLITAN DEVELOPMENT COMMISSION
HEARING EXAMINER**

April 10, 2024

Case Number: 2025-ZON-028
Property Address: 1631 Montcalm Street
Location: Center Township, Council District #12
Petitioner: Josh Smith
Current Zoning: C-1
Request: Rezoning of 0.11-acre from the C-1 (W-1) district to the D-5 (W-1) district to provide for a single-family dwelling.
Current Land Use: Vacant
Staff Recommendations: Approval
Staff Reviewer: Kathleen Blackham, Senior Planner

PETITION HISTORY

This is the first public hearing on this petition.

STAFF RECOMMENDATION

Approval.

PETITION OVERVIEW

This 0.11-acre site, zoned C-1 (W-1), is vacant and surrounded by single-family dwellings to the north and south, commercial uses to the east; and a single-family dwelling to the west, across Montcalm Street, all zoned C-1 (W-1).

REZONING

The request would rezone the site to the D-5 (W-1) (Walkable Neighborhood) district to provide for a single-family dwelling. "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 purpose of the Walkable Neighborhood design standards and objectives is to advance the Livability Principles of this code, and to promote walkable neighborhoods. Any exceptions to the standards in the Ordinance, or discretionary review processes related to a specific application, shall be judged against these design objectives, in addition to any other criteria in this code for the application.

The Comprehensive Plan recommends light industrial typology for the site. These 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.

Recommended land uses in this typology include light industrial uses, heavy commercial uses, small- and large-scale offices, retailing, and personal or professional services; and wind / solar farms.

This area is a mix of residential and industrial uses. These uses have not always made compatible neighbors. In response, the Comprehensive Plan chose to recommend one type of use, industrial, over the other use.

Neither the existing zoning district nor the requested district are responsive to the Comprehensive Land Use Plan recommendation of Light Industrial.

Typically, staff would not make a recommendation contrary to the Comprehensive Land Use Plan. However, new single-family residential development is occurring in the area. A number of lots in the immediate vicinity were rezoned to the D-5 district in the last few months. It appears that the trend of development is towards residential uses rather than the industrial uses.

Staff, therefore, supports this request because of the historical residential uses, the existing residential uses to the north and west and current residential redevelopment in the area.

Wellfield Protection Secondary Zoning

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

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

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

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

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

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

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

GENERAL INFORMATION

Existing Zoning	C-1 (W-1)	
Existing Land Use	Vacant land	
Comprehensive Plan	Light Industrial	
Surrounding Context	Zoning	Land Use
North:	C-1 (W-1)	Industrial uses
South:	C-1 (W-1)	Single-family dwelling
East:	C-1 (W-1)	Single-family dwelling
West:	C-1 (W-1)	Commercial uses
Thoroughfare Plan		
Montcalm Street	Local Street	Existing 50-foot right-of-way and proposed 48-foot right-of-way.
Context Area	Compact	
Floodway / Floodway Fringe	No	
Overlay	N/A	
Wellfield Protection Area	Yes – White River W-1	

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

COMPREHENSIVE PLAN ANALYSIS

Comprehensive Plan

- The Comprehensive Plan recommends Light Industrial typology. The Light Industrial typology provides for industrial, production, distribution, and repair uses conducted within enclosed structures and unlikely to create emissions of light, odor, noise, or vibrations. This typology is characterized by freestanding buildings or groups of buildings, often within industrial parks. Typical uses include warehousing, self-storage, assembly of parts, laboratories, wholesaling, and printing. Industrial or truck traffic should be separated from local/residential traffic.

Pattern Book / Land Use Plan

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

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

- Light Industrial Uses 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.

Recommended uses in this typology include light industrial, heavy commercial, small-scale offices, retailing, and personal or professional services 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

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.”

Indy Moves

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

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

The following listed items describe the purpose, policies and tools:

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

ZONING HISTORY

2021-ZON-136; 1720 Montcalm Street (north of site), requested rezoning of 0.13 acres from the C-1 (W-1) district to the D-5 (W-1) classification to provide for a single-family detached dwelling, **approved**.

2021-CZN-821 / 2021-CVR-821; 1723 Montcalm Street (north of site), requested the rezoning of 0.11 acre from the C-1 district to the D-5 district and a variance of use to provide for a single-family dwelling and detached garage in a C-1 district, **approved**.

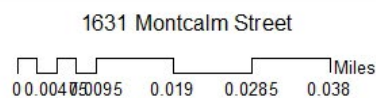
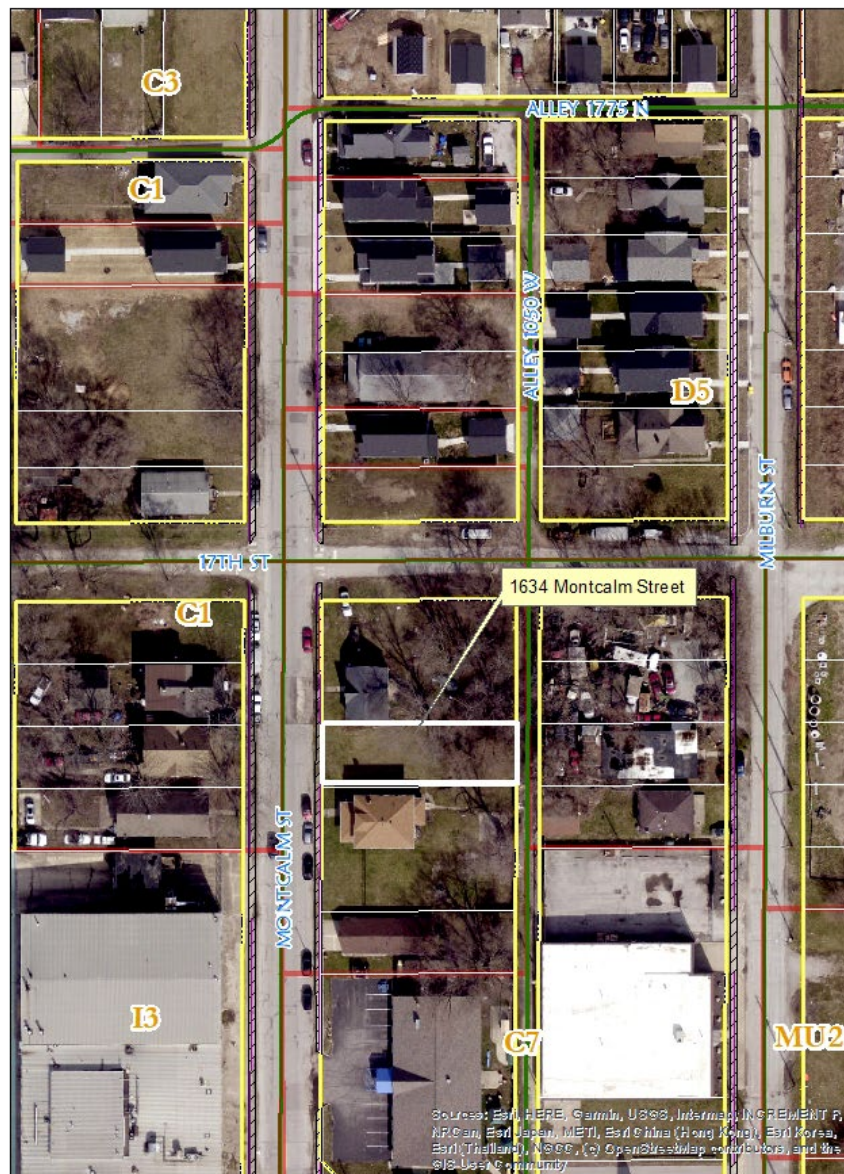
2020-ZON-093; 1113 West 18th Street (north of site), requested the rezoning of 0.13 acre from the C-1 and C-3 districts to the D-5 district, **approved**.

2020-ZON-039; 1051, 1052, 1056, 1060 & 1206 West 18th Street, 1707, 1717, 1731 & 1805 Montcalm Street, and 1205 Herbert Street (northeast, east and west of site), requested the rezoning of 0.95 acre from the C-1, C-3, and I-2 districts to the D-5 district, **approved**.

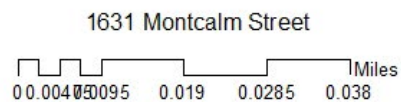
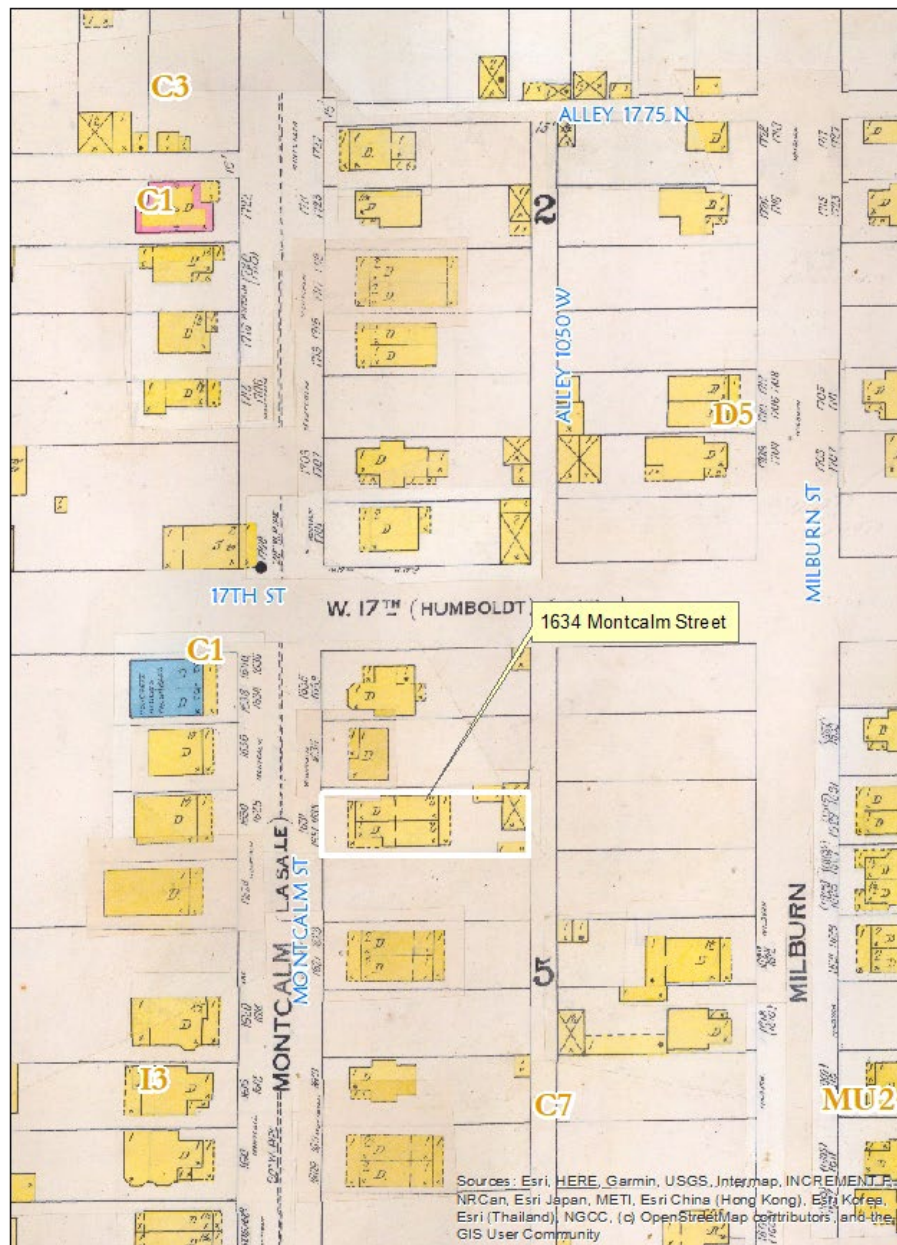
2020-UV3-012; 1113 West 18th Street (north of site), requested a variance of use to provide for a single-family dwelling and detached garage in a commercial district, **approved**.

2014-UV1-009; 1117 West 18th Street (northwest of site), requested the legal establishment of a single-family dwelling in a C-1 district and a variance of use to provide for a residential garage in a C-1 district, **approved**.

EXHIBITS



Sanborn Map 1989





View looking south along Montcalm Street



View looking north along Montcalm Street

Department of Metropolitan Development
Division of Planning
Current Planning



View from site looking southwest across Montcalm Street



View of site looking east across Montcalm Street

**METROPOLITAN DEVELOPMENT COMMISSION
HEARING EXAMINER**

April 10, 2025

Case Number: 2025-MOD-001 (Amended)

Property Address: 4021 West 71st Street (approximate address)

Location: Pike Township, Council District #6

Petitioner: Turner Adventures LLC, by Rebekah Phillips

Current Zoning: I-1

Request: Modification of Commitments related to 2023-ZON-078 to terminate commitment #3 and provide for sidewalk installation along West 71st Street in accordance with Section 744-302 of the Zoning and Subdivision Ordinance no later than the first of the following to occur: (1) four (4) years from the date of approval of 2025-MOD-001; (2) the date a new structural permit is sought; or (3) upon the sale of the property (previous commitment required the sidewalk to be installed within one year of zoning approval).

Current Land Use: Commercial Contractor Business

Staff Recommendations: Denial

Staff Reviewer: Marleny Iraheta, Senior Planner

PETITION HISTORY

This petition was continued for cause from the February 20, 2025 hearing to the February 27, 2025 hearing date with mailed notice at the request of staff to allow additional time to meet the notice requirements due to a technical error preventing the legal notice information from being sent to the petitioner in a timely manner prior to the hearing.

This petition was continued for cause from the February 27, 2025 hearing to the April 10, 2025 hearing at the request of a remonstrator and agreed upon by the petitioner.

Amendment: The new language of the proposed commitment was amended to provide for sidewalk installation along West 71st Street in accordance with Section 744-302 of the Zoning and Subdivision Ordinance no later than the first of the following to occur: (1) four (4) years from the date of approval of 2025-MOD-001; (2) the date a new structural permit is sought; or (3) upon the sale of the property instead of the contribution in lieu of sidewalk construction.

In staff's opinion, it is best to have the extension considered on a year-to-year basis so that progress can occur over time. This could allow for partial installation of the sidewalk as the years progress if there is issue with the complete sidewalk installation at once.

Staff and DPW proposed that the section of the Northtown Trail that would run across the right-of-way at this location could be installed by the petitioner instead of providing the installation of a sidewalk since it could have reduced the cost of construction. However, this proposal was not accepted by the petitioner.

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

There is concern that the issues that the petitioner raises today could be brought up in the future to either further extend the timeframe of installation or outright request to terminate the commitment in the future by the petitioner or future property owner.

There is uncertainty with the sidewalk installation upon the sale of the property since it would not be an enforceable commitment by the Department of Business and Neighborhood Services and there could not be plans for an expansion or new structure on site which would lengthen the delay to the full four years.

For these reasons, staff recommends denial of the request as amended.

STAFF RECOMMENDATION

Staff **recommends denial** of the request.

PETITION OVERVIEW

LAND USE

The subject site is developed with a commercial building and associated parking area. It is bordered to the west, south, and east by undeveloped land, zoned I-2, and commercial and industrial properties to the north, zoned C-S and I-1.

MODIFICATION

The request would terminate commitment #3 related to a rezoning petition, 2023-ZON-078, that required sidewalk installation within one year of approval along 71st Street.

Instead, the petitioner proposes that an agreement for contribution in lieu of sidewalk construction be accepted.

STAFF ANALYSIS

When the rezoning petition was considered, staff provided a conditional approval. The sidewalk installation commitment could have disputed at that time, but the petitioner agreed to it knowing it included a one-year deadline for installation.

The sidewalk installation request was due to staff's concern regarding the high volume of traffic and pedestrian activity along 71st Street, which could have been mitigated in the long run with the sidewalk.

Staff noted that if additional time for the sidewalk installation was needed, then staff would be willing to consider an extension of the timeframe in the future through a modification petition. The option to install the sidewalk in sections over time was also proposed during conversations prior to the filing of this request.

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

It is unfortunate that the commitment has not been fulfilled to date considering the rezoning was approved by the City-County Council on December 4, 2023, but staff is not supportive of the request for contribution in lieu of sidewalk installation.

This type of request is only considered in locations where site conditions cause extreme difficulty in the construction of sidewalks. Examples of extreme difficulty include, but are not limited to, waterway crossings, significant elevation change, existing deep drainage swales in the right-of-way, and grades steeper than 3:1. The request is required to include supporting documentation.

The petitioner provided documentation noting difficulty in receiving responses from engineering companies and included the cost associated with the installation. Unfortunately, neither are adequate reasons to warrant a waiver of the sidewalks.

Furthermore, no site difficulties exist to prevent the installation of sidewalks since there is more than adequate right-of-way to locate the sidewalks south of the drainage ditches along the street frontage.

For these reasons, staff is recommending denial of the request.

GENERAL INFORMATION

Existing Zoning	I-1	
Existing Land Use	Commercial Contractor Business	
Comprehensive Plan	Light Industrial	
Surrounding Context	<u>Zoning</u>	<u>Land Use</u>
	North: C-S / I-1	Commercial / Industrial
	South: I-2	Undeveloped
	East: I-2	Undeveloped
	West: I-2	Undeveloped
Thoroughfare Plan		
71 st Street	Primary Arterial Street	119-foot proposed right-of-way and 90-foot existing right-of-way.
Context Area	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

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

Pattern Book / Land Use Plan

- The Comprehensive Plan recommends light industrial development for 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**
 - 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.
- **Small-Scale Offices, Retailing, and Personal or Professional Services**
 - Should be subordinate to and serving the primary uses of production, warehousing, and offices.
 - Should be adjacent to interstate interchanges if present. If no interchange is present, should be located along arterial streets at the edge of the light industrial typology.
 - Should be located and served in such a way that the use will not interfere with industrial traffic or loading.
- The site falls within the Industrial Reserve (IR) overlay. It 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.
- This overlay removes the Small-Scale Offices, Retailing, and Personal or Professional Services and Heavy Commercial Uses.

Red Line / Blue Line / Purple Line TOD Strategic Plan

- Not Applicable to the Site.

Neighborhood / Area Specific Plan

- Not Applicable to the Site.

Infill Housing Guidelines

- Not Applicable to the Site.

Indy Moves

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

- The Indy Bike Master Plan 2011 proposed the Northtown Trail, which is an existing on-street bike lane along 71st Street from Winton Drive to Spring Mill Road.
- A complete street greenway is proposed along 71st Street known as the Northtown Trail from Georgetown Road to Michigan Road per the FullCIRCLE Indy Greenways Master Plan 2014 and Indy Thoroughfare Plan 2016. This proposed multi-use path would be on the south side of the road and is considered a high priority project.
- The 71st Street Complete Street & Northtown Trail will provide a key east-west multimodal connection on the Northwest side of Indianapolis, while establishing continuity in roadway configuration with a consistent three-lane typical section. Although this corridor already includes bike lanes, much of it is lacking pedestrian infrastructure. The Northtown Trail provides continuity for people walking along the corridor, while also providing an off-street facility for bicyclists. People walking along the north side of 71st Street (opposite the Northtown Trail) will benefit from new sidewalks for the length of the project. A consistent three-lane typical section, with one travel lane in each direction and a two-way center turn lane, will be created by relocating and consolidating the existing bike lanes with the Northtown Trail to minimize right-of-way acquisition.

ZONING HISTORY

Zoning History – Site

2023-ZON-078; 4021 West 71st Street (subject site), Rezoning of 0.53 acre from the C-1 district to the I-1 district to provide for a commercial contractor, **approved.**

78-Z-35; 4021 West 71st Street (subject site), Rezoning of the site being in the A-2 district to the C-1 classification to permit real estate office, **approved.**

Zoning History - Vicinity

2017-ZON-084; 4040 and 4042 West 71st Street (north of site), Rezoning of 3.14 acres from the C-S district to the C-S classification to provide for C-1 uses, I-1 uses, warehouse and event center, **approved.**

2003-ZON-187; 4040 and 4042 West 71st Street (north of site), Rezoning of 3.139 acres from the I- 1-S District to the C-S classification to provide for C-1 and I-1-S uses, including an expansion of existing contractor offices and warehouses, **approved.**

2002-ZON-179; 4212 West 71st Street (northwest of site), Rezoning of 9.974 acres from I-1-S to I-3-S, to provide for industrial uses within an existing structure, **approved.**

2001-ZON-131; 3980 West 71st Street (northeast of site), Rezoning of 2.08 acres from the C-P District to the SU-1 classification to provide for religious uses, **approved.**

98-Z-115; 4202 West 71st Street (northwest of site), Rezoning of 1.939 acres from I-1-S(FF) to I-2-S(FF), **approved.**

96-CP-22Z / 96-CP-22P; 3840 West 71st Street (northeast of site), Rezoning of 13.77 acres from the D-S District to the C-P classification to provide for single-family residential, commercial, and industrial development and plan approval dividing 13.77 acres into 28 residential lots and three commercial blocks, **approved.**

86-Z-256; 4002 West 71st Street (northeast of site), Rezoning of 12.77 acres, being in the A-2 district, to the D-S classification, to provide for residential development, **approved.**

86-Z-38; 4102 West 71st Street (north of site), Rezoning of 16.32 acres, being in the A-2 district, to the I-1-S classification, to provide for light industrial use, **approved.**

70-Z-247; 4202 West 71st Street (northwest of site), Rezoning of 16.25 acres, being in the A-2 district, to the I-1-S classification, to provide for light industrial use, **approved.**

EXHIBITS





Department of Metropolitan Development
Division of Planning
Current Planning

2023-ZON-078 COMMITMENTS

A202300100918

12/06/2023 08:19 AM

**FAITH KIMBROUGH
MARION COUNTY IN RECORDER**

FEE: \$ 35.00

PAGES: 6

By: JN

STATEMENT OF COMMITMENTS

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

In accordance with I.C. 36-7-4-1015, the owner of the real estate located in Marion County, Indiana, which is described below, makes the following COMMITMENTS concerning the use and development of that parcel of real estate:

Legal Description: A part of the West half of the Northeast Quarter of Section 31, Township 17 North, Range 3 East of the Second Principal Meridian, Marion County, Indiana, more particularly described as follows, to-wit: Beginning on the North line of the said West Half of the Northeast Quarter of said Section 31, at a point 431.5 feet East of the Northwest corner thereof; running thence South parallel to the West line of the said Half Quarter Section, 205.0 feet to a point; thence East parallel to the North line aforesaid 150.0 feet to a point; thence North parallel to the said West line 205.0 feet to a point in the North line aforesaid; thence West on and along the said North line 150.0 feet to the place of beginning.

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. A 59.5-foot half right-of-way shall be dedicated along the frontage of 71st 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. A sidewalk shall be installed within one year of approval along 71st Street in accordance with Section 744-302 of the Zoning and Subdivision Ordinance.

MDC's Exhibit B -- page 1 of 6



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

4. Owner agrees that should they decide to display seasonal lights, display shall be limited to the following dates with the following listed restrictions:
 - Thanksgiving to January 6. Lighting display shall be limited to the primary structure, walkway, and drive on these dates.
 - February 14. Lighting display shall be limited to the primary structure and the light colors limited to red, pink, and white on this date.
 - March 17. Lighting display shall be limited to the primary structure and the light colors limited to green and white on this date.
 - Memorial Day Weekend. Lighting display shall be limited to the primary structure and the light colors limited to red, white, and blue on these dates.
 - July 4. Lighting display shall be limited to the primary structure and the light colors limited to red, white, and blue on this date.
 - September 11. Lighting display shall be limited to the primary structure and the light colors limited to red, white and blue on this date.
 - October 31. Lighting display shall be limited to the primary structure and the light colors limited to orange and black on this date.
 - The Tuesday before Thanksgiving through Thanksgiving. Lighting display shall be limited to the primary structure and the light colors limited to red, orange, and yellow on these dates.
 - Should the Indianapolis Colts make the Super Bowl, blue and white lights on the primary structure are permitted the week preceding the Super Bowl through the week following the Super Bowl.

5. The following uses in Table 743-1: Use Table, of the Consolidated Zoning and Subdivision Ordinance, I-1 district, shall be prohibited:
 - Auctioneering and Liquidating Services
 - Dry Cleaning Plant or Industrial Laundry
 - Outdoor Advertising Off-Premise Sign (Billboard)
 - Firearm Sales
 - Power Generating Facility, Local
 - Substations and Utility Distribution Nodes
 - Wireless Communications Facility
 - Automobile Fueling Station
 - Heliport or Helistop
 - Transit Center
 - Recycling Station

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

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

COMMITMENTS contained in this instrument shall be effective upon:

- (a) the adoption of rezoning petition # 2023-ZON-078 by the City-County Council changing the zoning classification of the real estate from a C-1 zoning classification to a I-1 zoning classification; or

and shall continue in effect for as long as the above-described parcel of real estate remains zoned to the I-1 zoning classification or until such other time as may be specified herein.

These COMMITMENTS may be enforced jointly or severally by:

1. The Metropolitan Development Commission;
2. Owners of all parcels of ground adjoining the real estate to a depth of two (2) ownerships, but not exceeding six-hundred-sixty (660) feet from the perimeter of the real estate, and all owners of real estate within the area included in the petition who were not petitioners for the rezoning or approval. Owners of real estate entirely located outside Marion County are not included, however. The identity of owners shall be determined from the records in the offices of the various Township Assessors of Marion County which list the current owners of record. (This paragraph defines the category of persons entitled to receive personal notice of the rezoning or approval under the rules in force at the time the commitment was made);
3. Any person who is aggrieved by a violation of either of the Commitments contained in Commitment #1 (Open Occupancy and Equal Employment Opportunity Commitments); and

The undersigned hereby authorizes the Division of Planning of the Department of Metropolitan Development to record this Commitment in the office of the Recorder of Marion County, Indiana, upon final approval of petition # 2023-ZON-078.



Department of Metropolitan Development
Division of Planning
Current Planning

IN WITNESS WHEREOF, owner has executed this instrument this 30 day of
OCT, 2023.

Signature: Capricia Turner
Printed: Capricia Turner
Title / Turner Adventures, LLC,
Organization Member
Name: _____

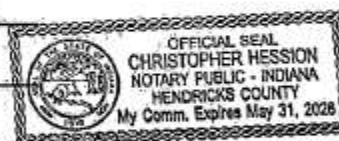
Signature: _____
Printed: _____
Title / _____
Organization _____
Name: _____

STATE OF INDIANA)
) SS:
COUNTY OF Hendricks)

Before me, a Notary Public in and for said County and State, personally appeared Capricia Turner, Member of Turner Adventures, LLC, owner of the real estate who acknowledged the execution of the foregoing instrument and who, having been duly sworn, stated that any representations therein contained are true.

Witness my hand and Notarial Seal this
30 day of October, 20 23

Christopher Hession
Notary Public
Printed Name of Notary Public
My Commission expires: 5/31/2026
My County of residence: Hendricks



I affirm under the penalties for perjury, that I have taken reasonable care to redact each social security number in this document unless required by law.

This instrument was prepared by Rebekah L. Phillips, 13 N. State St., Ste. 241, Greenfield, IN 46140

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

PROPOSED COMMITMENTS

**STATEMENT OF MODIFICATION OR TERMINATION
OF COVENANTS OR COMMITMENTS**

**COVENANTS OR COMMITMENTS MODIFYING OR TERMINATING EXISTING COVENANTS OR
COMMITMENTS CONCERNING THE USE OR DEVELOPMENT OF REAL ESTATE MADE IN
CONNECTION WITH AN APPROVAL PETITION, REZONING OF PROPERTY, A VARIANCE PETITION
OR SPECIAL EXCEPTION PETITION**

In accordance with I.C. 36-7-4-918.8 and I.C. 36-7-4-1015, the owner of the real estate located in Marion County, Indiana, which is described below, makes the following modification(s) or termination(s) of covenants or commitments concerning the use and development of that parcel of real estate:

Legal Description:

A part of the West half of the Northeast Quarter of Section 31, Township 17 North, Range 3 East of the Second Principal Meridian, Marion County, Indiana, more particularly described as follows, to-wit: Beginning on the North line of the said West Half of the Northeast Quarter of said Section 31, at a point 431.5 feet East of the Northwest corner thereof; running thence South parallel to the West line of the said Half Quarter Section, 205.0 feet to a point; thence East parallel to the North line aforesaid 150.0 feet to a point; thence North parallel to the said West line 205.0 feet to a point in the North line aforesaid; thence West on and along the said North line 150.0 feet to the place of beginning.

Statement of MODIFICATION OR TERMINATION of Covenants or Commitments:

1. Commitment Number 3 shall be terminated and petitioner shall enter into an agreement for contribution in lieu of sidewalk construction with the Department of Metropolitan Development, City of Indianapolis.
2. All other commitments subject to 2023-ZON-078 and recorded in Instrument #A202300100918 shall remain in full force and effect.
3. 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".

MDC's Exhibit C -- page 1 of 3

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

FINAL PROPOSED COMMITMENTS

**STATEMENT OF MODIFICATION OR TERMINATION
OF COVENANTS OR COMMITMENTS**

**COVENANTS OR COMMITMENTS MODIFYING OR TERMINATING EXISTING COVENANTS OR
COMMITMENTS CONCERNING THE USE OR DEVELOPMENT OF REAL ESTATE MADE IN
CONNECTION WITH AN APPROVAL PETITION, REZONING OF PROPERTY, A VARIANCE PETITION
OR SPECIAL EXCEPTION PETITION**

In accordance with I.C. 36-7-4-918.8 and I.C. 36-7-4-1015, the owner of the real estate located in Marion County, Indiana, which is described below, makes the following modification(s) or termination(s) of covenants or commitments concerning the use and development of that parcel of real estate:

Legal Description:

A part of the West half of the Northeast Quarter of Section 31, Township 17 North, Range 3 East of the Second Principal Meridian, Marion County, Indiana, more particularly described as follows, to-wit: Beginning on the North line of the said West Half of the Northeast Quarter of said Section 31, at a point 431.5 feet East of the Northwest corner thereof; running thence South parallel to the West line of the said Half Quarter Section, 205.0 feet to a point; thence East parallel to the North line aforesaid 150.0 feet to a point; thence North parallel to the said West line 205.0 feet to a point in the North line aforesaid; thence West on and along the said North line 150.0 feet to the place of beginning.

Statement of MODIFICATION OR TERMINATION of Covenants or Commitments:

1. *Commitment Number 3, as entered into subject to 2023-ZON-078 and recorded in Instrument #A202300100918 shall be terminated.*
2. *All other commitments subject to 2023-ZON-078 and recorded in Instrument #A202300100918 shall remain in full force and effect.*
3. *A sidewalk shall be installed along West 71st Street in accordance with Section 744-302 of the Zoning and Subdivision Ordinance no later than the first of the following to occur: (1) four (4) years from the date of approval of 2025-MOD-001; (2) the date a new structural permit is sought; or (3) upon the sale of the property.*

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

FINAL PROPOSED COMMITMENTS (Continued)

4. *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".*

5.

These COVENANTS or COMMITMENTS shall be binding on the owner, subsequent owners of the real estate and other persons acquiring an interest therein. These COVENANTS or COMMITMENTS may be modified or terminated by a decision of the Metropolitan Development Commission made at a public hearing after proper notice has been given.

COVENANTS or COMMITMENTS contained in this instrument shall be effective upon the adoption of modification or termination approved by the Metropolitan Development Commission in petition 2025-MOD-001.

These COMMITMENTS may be enforced jointly or severally by:

1. The Metropolitan Development Commission;
2. Owners of all parcels of ground adjoining the real estate to a depth of two (2) ownerships, but not exceeding six-hundred-sixty (660) feet from the perimeter of the real estate, and all owners of real estate within the area included in the petition who were not petitioners for the rezoning or approval. Owners of real estate entirely located outside Marion County are not included, however. The identity of owners shall be determined from the records in the offices of the various Township Assessors of Marion County which list the current owners of record. (This paragraph defines the category of persons entitled to receive personal notice of the rezoning or approval under the rules in force at the time the commitment was made);
3. The Pike Township Residents Association, Inc.
- 4.

These COVENANTS may be enforced by the Metropolitan Development Commission.

The undersigned hereby authorizes the Division of Planning of the Department of Metropolitan Development to record this Covenant or Commitment in the office of the Recorder of Marion County, Indiana, upon final

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

4021 W. 71st Street, Indianapolis, IN 46268
Civil Engineering Inquiries for Installation of Sidewalk

These inquiries are for engineering work only and are in addition to an estimated \$11,000 for the concrete work to install the sidewalk.

Company/Individual Contacted	Response
Joel Brane Kruse Consulting, Inc. 7384 Business Center Dr.	They do not work in that area
Dan Kovert Wilcox Environmental Engineering	Received no response
Maurer Surveying	Received no response
Benjamin Houle Landworx Engineering	Originally agreed to do the project but then failed to respond to additional inquiries
Roger Ward Engineering	Too small of a project for them to do
Fritz Engineering	Provided an estimate for boundary retracement and topographic survey, preliminary site layout, site construction plans, stormwater management analysis and design, and agency review assistance for a total of \$22,365. These services do not include labor and materials for the actual sidewalk installation.
Silver Creek Engineering Inc.	No response received
Shive Hattery Architecture + Engineering	No response received
Bowen Engineering	No response received
Weihe Engineers Inc.	No response received
JPS Engineers	No response received
WGI Services	They stated they would not be the appropriate fit for their needs.
Keeler Webb	No response received
Circle Design Group	No response received
Jessica Hartman Align Civil Engineering	They were not interested in the work because there was too much red tape.
Greg Snelling Snelling Engineering	Estimated the cost for civil engineering services alone would be \$20,000-\$30,000
Matthew Holbrook	Originally agreed to take a look at the project, but no response after two months of waiting.



Department of Metropolitan Development
Division of Planning
Current Planning



14020 Mississinewa Drive
Carmel, IN 46033
P: 317-324-8695
www.Fritz-Eng.com

December 19, 2023

Ms. Capricia Turner, Member
Ethan & Caprica Turner, LLC
1888 W. CR 571 South
Clayton, IN 46118

RE: Mosquito Squad Site Improvements
4021 W. 71st Street
FES Proposal # 231205

Dear Ms. Turner,

Thank you for your consideration of Fritz Engineering Services, LLC ("FES") and the opportunity to provide Ethan & Caprica Turner, LLC ("Client") this proposal for services related to the Mosquito Squad Site Improvements project generally located at 4021 W. 71st Street in Indianapolis, Indiana.

A Contract for Professional Services is provided on the following page including a summary of costs. Our detailed proposed scope of services is provided in Attachment A. Attachment B provides a list of staff hourly rates and reimbursable expenses. Services will be provided in accordance with the General Terms and Conditions provided in Attachment C.

We look forward to the opportunity to review this proposal with your team. Please feel free to contact us if additional information is needed or there are any questions regarding this proposal.

Sincerely,

Fritz Engineering Services, LLC

Ashton L. Fritz, P.E., CFM, CPESC
Principal

ashton@Fritz-Eng.com

(PE Licensed in Indiana, Ohio, Michigan, Kentucky, Alabama, Maine, New Hampshire, Colorado)



CONTRACT FOR PROFESSIONAL SERVICES

Date:	December 19, 2023	By:	Ashton Fritz	FES Proposal #:	231205
CLIENT CONTACT INFORMATION					
Client:	Ethan & Caprica Turner, LLC	Tel. #:			
Representative:	Capricia Turner	Mobile #:	317-750-4737		
Title:	Member	E-mail:	Capricia.turner@mosquitosquad.com		
Billing Address:	1888 W. CR 571 South	Fax #:			
City, State Zip:	Clayton, IN 46118				
PROJECT INFORMATION					
Project Name:	Mosquito Squad Site Improvements	Common Location:	4021 W. 71st Street		
State:	Indiana	County:	Marion		
City:	Indianapolis	Subdivision:	- - -		
SCOPE OF SERVICES:					
<p>Fritz Engineering Services, LLC will provide the various services outlined in our proposal #231205 dated December 19, 2023 (attached) for the Mosquito Squad Site Improvements project located at 4021 W. 71st Street. The Scope of Services is more specifically outlined in Attachment A. This proposal is valid for a period of 90 days from the date listed above. If not authorized to proceed within that period, FES reserves the right to review and revise any scope and/or fees after that period.</p>					
COST OF SERVICES SUMMARY:					
<u>LUMP SUM SERVICES:</u>					
BOUNDARY RETRACEMENT & TOPOGRAPHIC SURVEY				\$	5,515
PRELIMINARY SITE LAYOUT				\$	850
SITE CONSTRUCTION PLANS				\$	9,800
STORMWATER MANAGEMENT ANALYSIS AND DESIGN				\$	3,700
AGENCY REVIEW ASSISTANCE				\$	2,500
TOTAL				\$	22,365
DOWN PAYMENT REQUIRED, 20%				\$	4,473
<u>HOURLY SERVICES:</u>					
CONSTRUCTION ADMINISTRATION (Hourly by Staff Classification)					
AS REQUESTED SERVICES (Hourly by Staff Classification)					
Note: All invoices paid by credit card or virtual card shall be subject to a 3% processing fee.					
<p>Services not listed in the above Scope may be provided on a mutually agreed fee or on an hourly basis as requested by Client. Services provided on an hourly rate will be performed and billed by Staff Classification as provided in Attachment B. Reimbursable expenses will be in addition to the fees noted above. Reimbursable expenses will be billed on an as-used basis in accordance with the rates provided in Attachment B. Please note that we assume Ethan & Caprica Turner, LLC will provide FES with checks required for plan submittal, plan review and other required fees.</p>					
<p>Ethan & Caprica Turner, LLC hereby agrees to the Scope of Services outlined in Attachment A, the Billing Rates provided in Attachment B and the contract terms and conditions provided in Attachment C. Please return a copy of the signed contract via one of the following methods:</p>					
<u>Email:</u>		ashton@Fritz-Eng.com			
<u>Fax:</u>		(317) 324-8717			
<u>Mail:</u>		Fritz Engineering Services, LLC 14020 Mississinewa Drive Carmel, IN 46033			
SIGNATURE:				DATE:	
PRINTED NAME:	Capricia Turner			TITLE:	Member



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



Silvers Concrete & Paving

Capricia Turner
4021 W 71st St
Indianapolis, IN 46268

☎ (317) 750-4737
✉ capricia.turner@gmail.com

ESTIMATE	#7062
ESTIMATE DATE	Sep 8, 2023
TOTAL	\$10,820.00

CONTACT US

1311 W. 96th Street
Indianapolis, IN 46260

☎ (463) 777-1302
✉ office@silverscap.com

Service completed by: Joe Large

ESTIMATE

Services	amount
Brushed Project 960 sf (6x160) sidewalk. No excavation besides needed for sidewalk backfill, forming etc.not responsible for utility relocation	\$10,820.00
<p>1. If necessary, lay plywood down for equipment mobilization so damage to your yard is kept at a minimum. Depending on the equipment being used this is not always the case.</p> <p>2. Demo earth and any other materials and haul away debris. Re-establish sub grade. Includes checking existing sub grade. Add additional compacted #53 stone as needed. If necessary, use a laser to grade. This covers removal of concrete/asphalt up to 5" in depth. Anything greater than this is subject to an additional fee.</p> <p>3. Form, pour and finish new concrete at a depth of 4" at 4500PSI(INDOT Class A)</p> <p>4. Fiber mesh reinforced.</p> <p>5. Brush finish.</p> <p>6. If needed, any public utilities will be marked for the customer.</p> <p>7. If needed, any permit required for the job will be obtained for the customer. Building permits and projects in Zionsville excluded.</p> <p>8. We typically ask for \$500 at the time of signing the contract unless discussed otherwise.</p>	

Department of Metropolitan Development
Division of Planning
Current Planning





Department of Metropolitan Development
Division of Planning
Current Planning



Department of Metropolitan Development
Division of Planning
Current Planning



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



Photo of the property east of the subject site.



Photo of the subject site.



Photo of the property west of the subject site.



Photo of the street frontage west of the entrance drive.



Photo of the street frontage east of the entrance drive.

**METROPOLITAN DEVELOPMENT COMMISSION
HEARING EXAMINER**

April 10, 2025

Case Number: 2024-ZON-125 (Amended)
Property Address: 4460 & 4498 North Keystone Avenue (Approximate Addresses)
Location: Washington Township, Council District #8
Petitioner: Mark and Kim Crouch
Current Zoning: D-5 (W-1) and C-3 (W-1)
Request: Rezoning of 0.42-acre from the D-5 (W-1) and C-3 (W-1) districts to the C-5 (W-1) district to provide for commercial uses.
Current Land Use: Auto Repair
Staff Recommendations: Denial
Staff Reviewer: Marleny Iraheta, Senior Planner

PETITION HISTORY

ADDENDUM FOR APRIL 10, 2025 HEARING EXAMINER

Staff further researched the subject site at 4498 North Keystone Avenue since it had a few variances granted in the past for a service station and truck parking per 55-V-595, 74-UV3-189, and 77-UV3-14. It was determined that a service station would not be able to be operated today since the service station was subject to the site plan submitted in 1955, which appears to have changed per the site plan on file and recent aerial images. This research was conducted due to the original request for a C-4 district that indicated a fueling station proposal.

The request was amended from the C-4 district to the C-5 district for the purpose of auto sales, which staff determined would not be supportable.

Staff's initial concerns with the previously proposed C-4 district did not change with the intensified C-5 rezoning request. Instead, it would be even more contradictory to the community commercial recommendation of the Comprehensive Plan that is supposed to serve nearby neighborhoods.

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.

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

The C-5 district would align more with a regional commercial recommendation which provides for general commercial, and office uses that serve a significant portion of the county rather than just the surrounding neighborhoods.

Although Keystone Avenue is categorized as an arterial street, 45th Street is a local street that still contains single-family dwellings that are unfortunately located in the I-1 zoning district but should be taken into consideration when contemplating the rezoning of the subject site.

Staff informed the petitioner's representative that a rezoning to the C-3 district would be the most intense zoning district that would be supportable at this location which would align with the community commercial recommendation of the Comprehensive Plan.

For these reasons, staff **recommends denial** of the request as amended.

ADDENUM FOR MARCH 13, 2025 HEARING EXAMINER

This petition was continued from the January 9, 2025 hearing to the March 13, 2025 hearing at the request of the petitioner to allow additional time to amend the request and provide new notice.

The petition was amended to change the rezoning request from the C-4 district to the C-5 district. Staff wanted more time to determine if an existing variance of use would be applicable to the site. After speaking with the petitioner, they proposed the April 10, 2025 hearing date which staff was agreeable to. This petition was continued for cause from the March 13, 2025 hearing to the April 10, 2025 hearing at the request of staff.

ADDENUM FOR JANUARY 9, 2025 HEARING EXAMINER

This petition was continued from the November 21, 2024 hearing to the January 9, 2025 hearing at the request of the petitioner. No new information was submitted to the case file.

November 21, 2024

This is the first public hearing for this petition.

STAFF RECOMMENDATION

Staff **recommends denial** of the request.

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

PETITION OVERVIEW

LAND USE

The 0.42-acre subject site is developed with two commercial buildings currently utilized for a car repair and maintenance service business.

REZONING

The grant of the request would rezone the property from the D-5 (W-1) and C-3 (W-1) districts to the C-4 (W-1) district to allow for commercial 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 low density and medium density residential recommendations of the Comprehensive Plan, and the Suburban Neighborhood and Traditional Neighborhood Typologies of the Land Use Pattern Book.

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

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

WELLFIELD

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

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

There are two wellfield district designations. An area identified as W-1 is a one-year time-of-travel protection area. The W-5 is a five-year time-of-travel protection area. All development within these districts is subject to Commission approval.

This site is specifically located within the Fall Creek W-1 Wellfield Protection District. Unless exempted by Section 742-204.D Technically Qualified Person review requirement, a Site and Development Plan shall be filed with and be subject to approval on behalf of the Commission by the Technically Qualified Person (TQP).

DEPARTMENT OF PUBLIC WORKS

The Department of Public Works, Traffic Engineering Section, has requested the dedication and conveyance of a 52-foot half right-of-way along Keystone Avenue. This dedication would also be consistent with the Marion County Thoroughfare Plan.

STAFF ANALYSIS

The southern subject parcel has historically been used as an office and the northern subject parcel was a fueling station with truck and trailer storage and rental. The site is currently operating an auto repair business with two commercial buildings on site.

Because of the existing Fall Creek W-1 Wellfield Protection District on site, staff is recommending denial of the rezoning to the C-4 district that allows uses that could cause additional contamination on the site. Furthermore, it is unclear to staff what type of business would be proposed on site although the site plan notes an existing gas station and fuel pumps that do not exist today.

If a fueling station were proposed, it would not be permitted since it is a prohibited use in the Wellfield Protection District. Additionally, the site would not be conducive for a fueling station if proposed since the site is difficult to exit considering the amount of traffic that runs along Keystone Avenue.

Staff recommended that the petitioner rezone to the C-3 district instead to align with the community commercial recommendation of the Comprehensive Plan and provide a less invasive district adjacent to the couple residential dwellings to the west.

GENERAL INFORMATION

Existing Zoning	D-5 (W-1) and C-3 (W-1)	
Existing Land Use	Auto Repair	
Comprehensive Plan	Community Commercial	
Surrounding Context	<u>Zoning</u>	<u>Land Use</u>
North:	C-S	Automobile Sales
South:	C-3	Dental Office
East:	C-5	Retail
West:	I-1	Residential (Single-family dwelling)

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

Thoroughfare Plan		
Keystone Avenue	Primary Arterial Street	104-foot proposed right-of-way and 100-foot existing right-of-way.
45 th Street	Local Street	48-foot proposed right-of-way and 50-foot existing right-of-way.
Context Area	Compact	
Floodway / Floodway Fringe	No	
Overlay	No	
Wellfield Protection Area	Yes	
Site Plan	October 3, 2024	
Site Plan (Amended)	N/A	
Elevations	N/A	
Elevations (Amended)	N/A	
Landscape Plan	N/A	
Findings of Fact	N/A	
Findings of Fact (Amended)	N/A	
C-S/D-P Statement	N/A	

COMPREHENSIVE PLAN ANALYSIS

Comprehensive Plan

- Marion County Land Use Plan Pattern Book (2019).

Pattern Book / Land Use Plan

- The Marion County Land Use Plan Pattern Book (2019) recommends community commercial development of the site.
- The Community Commercial typology provides for low-intensity commercial, and office uses that serve nearby neighborhoods. These uses are usually in freestanding buildings or small, integrated centers. Examples include small-scale shops, personal services, professional and business services, grocery stores, drug stores, restaurants, and public gathering spaces.
- **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 Offices, Retailing, and Personal or Professional Services**
 - Outdoor display of merchandise should be limited.
 - If adjacent to residential uses or a Living Typology, outdoor display of merchandise is not recommended.

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

- 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.
- **Large-Scale Offices, Retailing, and Personal or Professional Services**
 - 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.
 - 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.
- A commercial rezoning of the site would align with this recommendation except for uses that would not be permitted in the wellfield protection district, which staff wants to prevent with the recommendation to lower the proposed commercial rezoning district to C-3.

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

92-Z-150; 4456 and 4460 North Keystone Avenue (subject site), Rezoning of 0.92 acre, being in the D-5 District, to the C-3 classification to conform zoning with the present uses, **approved**.

77-UV3-14; 4498 North Keystone Avenue (subject site), Variance of use and development standards to continue open air storage and rental of 12 U-Haul trailers and 3 U-Haul trucks in conjunction with present service station, **granted**.

74-UV3-189; 4498 North Keystone Avenue (subject site), Variance of use and development standards to continue open air storage and rental of 12 U-Haul trailers and 3 U-Haul trucks in conjunction with present service station, **granted, temporary for 2 years**.

72-UV1-136; 4498 North Keystone Avenue (subject site), Variance of use to allow open storage and rental of 12 U-Haul trailers and 3 U-Haul trucks in conjunction with exiting service station, **granted**.

71-V2-16; 4460 North Keystone Avenue (subject site), Variance of use, setbacks, side and transitional yard requirements to erect an office building with pole sign, **granted**.

55-V-595; 4498 Keystone Avenue (subject site), Variance of use and building line requirements to permit erection and operation of a service station with a pole sign at the northeast corner of the lot, and with off street parking and loading spaces provided, **granted**.

Zoning History - Vicinity

2023-UV2-006; 2320 Duke Street (southwest of site), Variance of use of the Consolidated Zoning and Subdivision Ordinance to provide for the use of a rubber press, a Heavy Manufacturing operation (not permitted), **granted**.

2013-ZON-010; 4530 North Keystone Avenue (northwest of site), Rezoning of 2.9 acres, from the I-1-S (W-1) and D-5 (W-1) Districts to the C-S (W-1) classification to provide for I-2 uses and the rental of trucks, vans and trailers and the repair and maintenance of said vehicles, **approved**.

2008-ZON-827; 4510 North Keystone Avenue (north of site), Rezoning of 0.5 acre, from the D-5 (W-1) and I-2-S (W-1) Districts to the C-4 (W-1) classification to provide for general commercial uses, **approved with commitments**.

2003-UV3-035; 2219 East 45th Street (west of site), Variance of Use of the Industrial Zoning Ordinance to provide for a printing shop, **approved**.

99-HOV-32; 2301 East 46th Street (west of site), Variance of development standards to provide for an addition to a training center with a 16-foot front yard setback and a 13.6 side-yard setback, **granted**.



Department of Metropolitan Development
Division of Planning
Current Planning

97-UV1-63; 2320 East Duke Street (southwest of site), Variance of use of the Industrial Zoning Ordinance to provide for the operation of a mechanical contractor, within an existing building, **granted**.

85-Z-153; 4502 North Keystone Avenue (north of site), Rezoning 0.713 acre, being in the D-5 and I-1-S district, to the C-S classification, to permit all uses I the C-5 and I-2-S districts except for gas station, live adult entertainment arcades and adult bookstores, **approved**.

84-UV3-18; 7301 North Illinois Street (north of site), Variance of use of the Dwelling Districts Zoning Ordinance to provide for the expansion and remodeling of an existing guest house on a lot zoned for single-family dwellings only, **withdrawn**.

76-UV1-146; 2301 East 45th Street (north of site), Variance of use and Development Standards to permit storage and parking of new and used automobiles, in connection with existing auto sales and repair on north side of street, **denied**.

EXHIBITS





Department of Metropolitan Development
Division of Planning
Current Planning



Photo of the subject site at 4460 North Keystone Avenue.

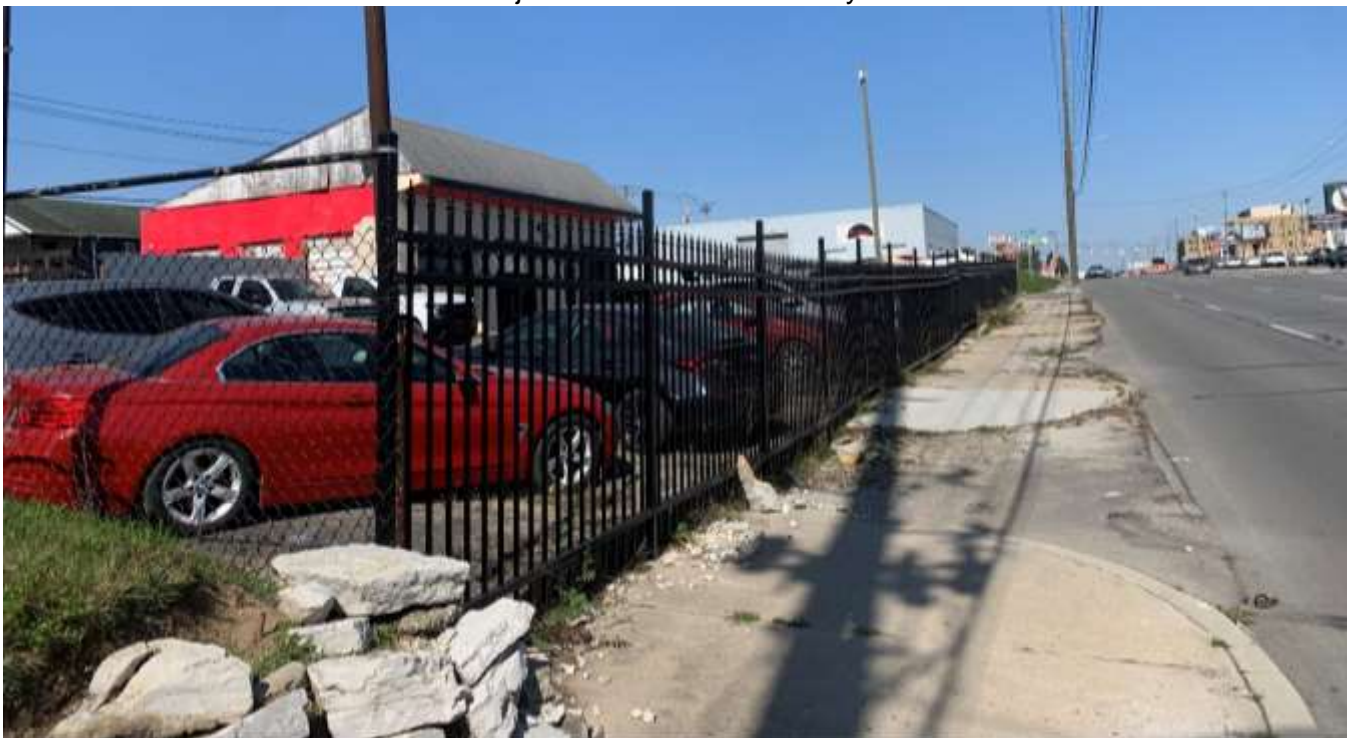


Photo of the subject site's street frontage looking north along Keystone Avenue.



Photo of the subject site's street frontage looking south along Keystone Avenue.



Photo of the subject site looking south from 45th Street.



Photo of the subject site looking southeast from 45th Street.



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



Photo of a commercial shopping strip east of the site.



Photo of the dentist office south of the site zoned C-3.

**METROPOLITAN DEVELOPMENT COMMISSION
HEARING EXAMINER**

April 10, 2025

Case Number: 2025-ZON-003
Property Address: 7420 North Shadeland Avenue (Approximate Address)
Location: Lawrence Township, Council District #3
Petitioner: Shane Ellison
Current Zoning: C-1
Request: Rezoning of 1.15 acres from the C-1 district to the C-7 district to provide for a commercial and building contractor business.
Current Land Use: Commercial Contractor Business
Staff Recommendations: Denial
Staff Reviewer: Marleny Iraheta, Senior Planner

PETITION HISTORY

ADDENUM FOR APRIL 10, 2025 HEARING EXAMINER

This petition was continued from the March 13, 2025 hearing to the April 10, 2025 hearing at the request of a City-County Councilor to allow additional time for discussions regarding the request. No new information was submitted to the case file.

ADDENUM FOR MARCH 13, 2025 HEARING EXAMINER

This petition was continued from the February 20, 2025 hearing to the March 13, 2025 hearing at the request of a City-County Councilor to allow additional time for discussions regarding the request.

February 20, 2025

This is the first public hearing for this petition.

STAFF RECOMMENDATION

Staff **strongly recommends denial** of the request.

If approved against staff's recommendation, approval shall be 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 56-foot half right-of-way shall be dedicated along the frontage of Shadeland Avenue, as per the request of the Department of Public Works (DPW), Engineering Division. Additional easements shall not be granted to third parties within the area to be dedicated as public right-of-way prior to the

acceptance of all grants of right-of-way by the DPW. The right-of-way shall be granted within 60 days of approval and prior to the issuance of an Improvement Location Permit (ILP).

PETITION OVERVIEW

LAND USE

The 1.15-acre site is developed with a commercial building, accessory structure, and associated parking areas in front and behind the primary building.

It is subject to a zoning violation, VIO24-009392, that includes violations for the failure to obtain sign permits, a sign in the right-of-way, prohibited signs on site, outdoor storage of construction/demolition debris, tires and miscellaneous vehicle parts on site, storage of inoperable vehicles without valid license plates, unpermitted construction contractor use, storage of vehicles not permitted in the C-1 district, unenclosed dumpster, deficient parking area, and unmanaged sidewalks, pedestrian ways interior access or parking areas.

A few of these violations appear to have been addressed at the time of staff's site visit, but the violation has not closed them out while others are still present on site.

The site is bordered to the north and south by offices, zoned C-1, a commercial shopping strip to the east across Shadeland Avenue, zoned C-4, and single-family dwellings to the west across I-465, zoned D-2.

REZONING

The request would rezone the property from the C-1 district to the C-7 district to provide for a commercial and building contractor business.

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

The C-7 District is designed to provide specific areas for commercial uses which have unusually incompatible features relative to other commercial uses, such as major outdoor storage or display of sizeable merchandise and the outdoor parking and storage of trucks, materials or equipment essential to the operation of these uses. Many of these uses generally are not visited by customers, but rather involve service operations from headquarters with some on-site fabrication of parts. The nature of operation or

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

appearance are more compatible with industrial than retail commercial activities. Because of the character and intensity of these uses, this district should be appropriately located on major commercial arterial thoroughfares and near interstate freeways, but not in close association with those commercial activities involving shopping goods, professional services, restaurants, food merchandising, and the like. Due to the intensity of uses, location of this district should never be adjacent to protected districts.

DEPARTMENT OF PUBLIC WORKS

The Department of Public Works, Traffic Engineering Section, has requested the dedication and conveyance of a 56-foot half right-of-way along Shadeland Avenue. This dedication would also be consistent with the Marion County Thoroughfare Plan.

STAFF ANALYSIS

The grant of the request would introduce the most intense commercial district to an area comprised of low to medium commercial districts. The block west of Shadeland Avenue is recommended for office commercial development by the Comprehensive Plan. The entire block is zoned C-1 except for the corner lot at 75th and Shadeland Avenue that is zoned C-S.

A variety of zoning districts can be seen east of Shadeland Avenue that range between C-1, C-4, D-P, SU-1, and SU-34.

Staff determined that rezoning to the C-7 district to provide for a commercial and building contractor business, more specifically a masonry contractor, would be inappropriate in an area designated for office use. Furthermore, no other high intense commercial districts are in the immediate area. Approval of the request would not align with the context of the surround area.

Staff had concerns with the disorderly outdoor storage of materials on site and would not support the materials being located near the Blue Creek Stream along the western property boundary that requires a 50-foot stream protection corridor along both sides of the top of bank.

The petitioner was informed that a sign permit would be needed for the sign on the western façade of the shed that faces the interstate if one has not already been applied for.

Although the C-7 district would allow for the intended use on site, it is not an appropriate district at this location. Instead, the existing C-1 district is most appropriate and aligns with the office commercial recommendation of the Comprehensive Plan.

For these reasons, staff recommends denial of the request.

GENERAL INFORMATION

Existing Zoning	C-1
Existing Land Use	Commercial Contractor Business
Comprehensive Plan	Office Commercial

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

Surrounding Context	<u>Zoning</u>	<u>Land Use</u>
North:	C-1	Offices
South:	C-1	Offices
East:	C-4	Commercial Shopping Strip
West:	D-2	I-465 and Residential (Single-family dwellings)
Thoroughfare Plan		
Shadeland Avenue	Primary Arterial Street	112-foot proposed right-of-way and 100-foot existing right-of-way.
Context Area	Metro	
Floodway / Floodway Fringe	No	
Overlay	No	
Wellfield Protection Area	No	
Site Plan	January 14, 2025	
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)
- Indy Moves Transportation Integration Plan (2018)

Pattern Book / Land Use Plan

- The Marion County Land Use Plan Pattern Book (2019) recommends office commercial development of the site.
- The Office Commercial typology provides for single and multi-tenant office buildings. It is often a buffer between higher intensity land uses and lower intensity land uses. Office commercial development can range from a small freestanding office to a major employment center. This typology is intended to facilitate establishments such as medical and dental facilities, education services, insurance, real estate, financial institutions, design firms, legal services, and hair and body care salons.

- **Conditions for All Land Use Types**
 - All land use types except small-scale parks and community farms/gardens in this typology must have adequate municipal water and sanitary sewer.
 - All development should include sidewalks along the street frontage.
 - Master-planned developments in excess of 2 acres should include pedestrian amenities for passive and active recreation internal to the development.
- **Small-Scale Offices, Retailing, and Personal or Professional Services**
 - Appropriate as a primary use only in major employment centers.
 - Outdoor display of merchandise should be limited.
 - If adjacent to residential uses or a Living Typology, outdoor display of merchandise is not recommended.
 - Should be located along an arterial or collector street.
 - If proposed within one-half mile along an adjoining street of an existing or approved residential development, then connecting, continuous pedestrian infrastructure between the proposed site and the residential development (sidewalk, greenway, or off-street path) should be in place or provided.
- The request would not align with this recommendation.

Red Line / Blue Line / Purple Line TOD Strategic Plan

- Not Applicable to the Site.

Neighborhood / Area Specific Plan

- Not Applicable to the Site.

Infill Housing Guidelines

- Not Applicable to the Site.

Indy Moves

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

- The Indy Moves Transportation Integration Plan (2018) proposes a complete street off-street multi-use path from Johnson Road/Fall Creek to Hague Road/82nd Street.

ZONING HISTORY

Zoning History – Site

2008-DV2-006; 7420 Shadeland Avenue (subject site), Variance of development standards of the Commercial Zoning Ordinance to provide for the construction of a two-story, 14,000 square-foot office building, and to provide for an existing 3,000 square-foot office building to remain during construction of the new building with sixteen off-street parking spaces (minimum 60 parking spaces required), **withdrawn**.

81-Z-4; 7305 North Shadeland Avenue (along street frontage of subject site), rezoning of 46.57 acres, being in the D-P district, to the C-1 classification, to provide for office use, **approved**.

71-Z-228; 7100 to 7500 North Shadeland Avenue (subject site), Rezoning of 20.06 acres from A-2 district to C-1 classification to provide for Commercial Use, **approved**.

Zoning History – Vicinity

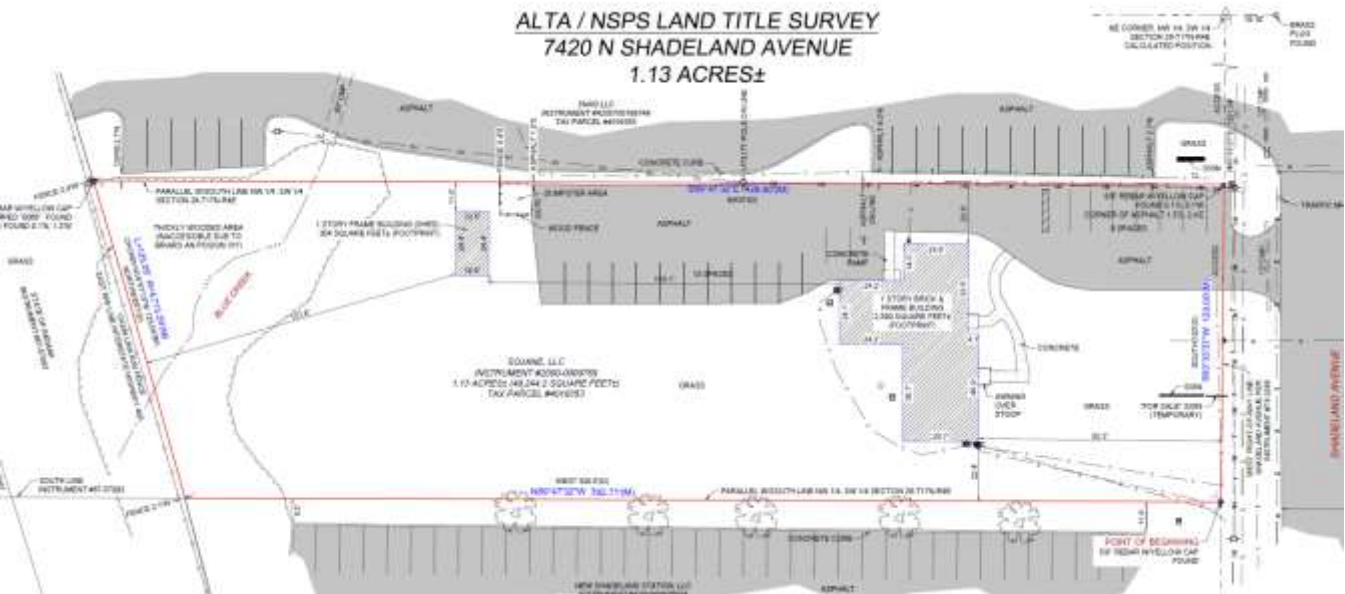
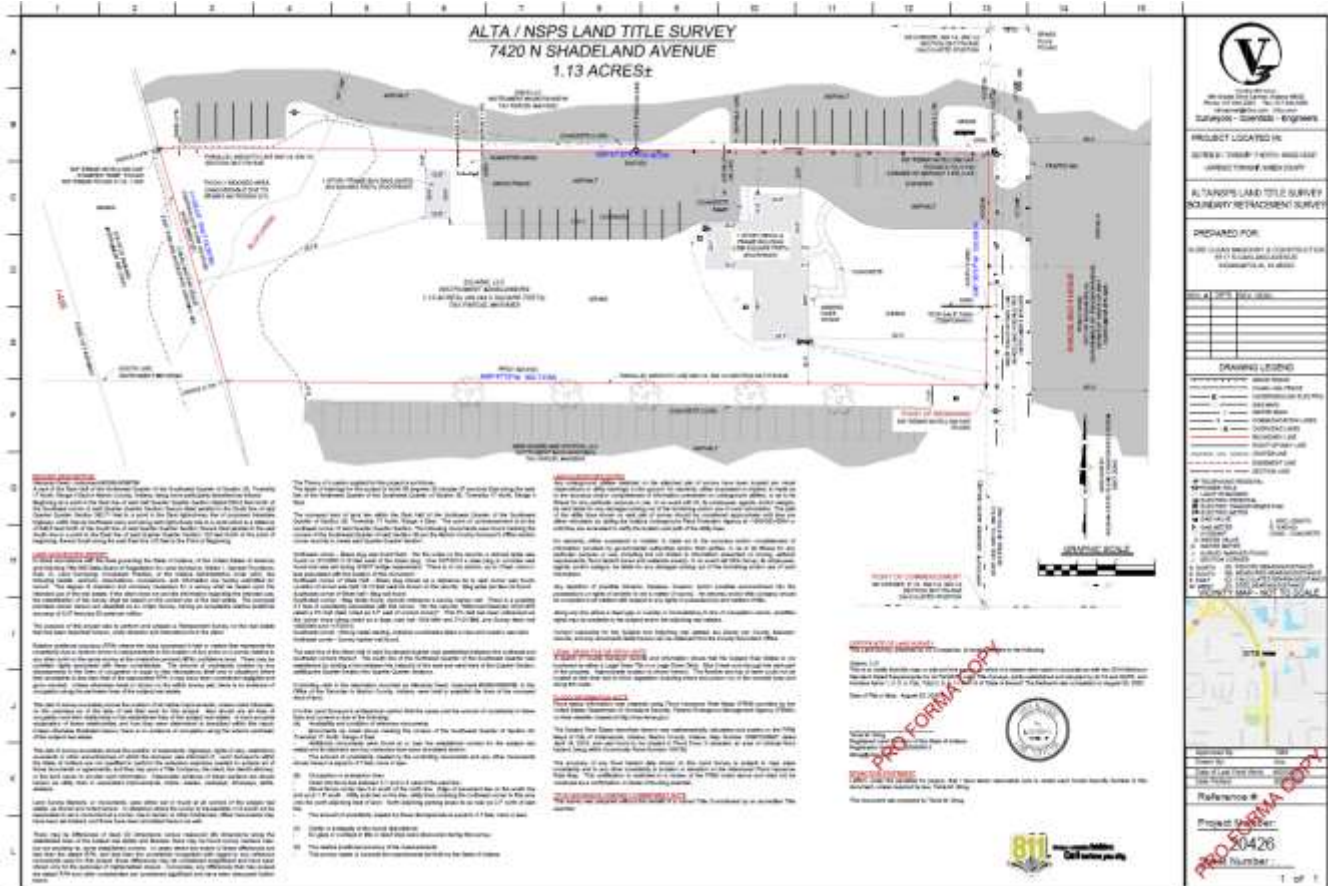
85-Z-49; 7321 North Shadeland Avenue (east of site), Rezoning of 3.56 acres, being in the C-1 and C-4 districts, to the C-4 classification, to provide for retail commercial development, **approved**.

81-Z-3; 7405 North Shadeland Avenue (east of site), Rezoning of 13.85 acres, being in the D-P district, to the C-4 classification, to provide for retail commercial development, **approved**.

73-Z-234; 7401 North Shadeland Avenue (east of site), Rezoning of 108.5 acres, being in an A-2 district to D-P classification to provide for a Planned Unit Development Community, consisting of apartments, condominiums, detached cluster housing, conventional platted lots, recreation areas, commercial development, and an office park, as per plans filed, **approved**.

EXHIBITS







Subject site street frontage looking south along Shadeland Avenue.



Photo of the subject site.

Department of Metropolitan Development
Division of Planning
Current Planning



Photo of the front parking area and offices north of the site.



Commercial shopping strip east of the site.



Northern property boundary looking west.



Photo of the rear parking area.



Photo of the existing outdoor storage of materials.



Proximity of outdoor storage in relation to the Blue Creek Stream.



Photo of Blue Creek Stream and interstate in the background.



Photo of what appears to be the start of a perimeter fence and enclosed dumpster at the rear.

**METROPOLITAN DEVELOPMENT COMMISSION
HEARING EXAMINER**

April 10, 2024

Case Number: 2025-ZON-013
Property Address: 240 East 22nd Street
Location: Center Township, Council District #13
Petitioner: Zinkan Enterprises, by Russell L. Brown and Elizabeth Bentz Williams, AICP
Current Zoning: D-8
Request: Rezoning of 0.27-acre from the D-8 district to the MU-2 district to provide for a mixed-use development.
Current Land Use: Vacant commercial building
Staff Recommendations: Denial
Staff Reviewer: Kathleen Blackham, Senior Planner

PETITION HISTORY

The Hearing Examiner acknowledged the timely automatic continuance filed by the petitioner's representative that continued this petition from the March 13, 2025 hearing, to the April 10, 2025 hearing.

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. 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.
2. Operation of the site shall be consistent with the Narrative, including prohibited uses, and site plan, both of which are file dated March 24, 2025.

PETITION OVERVIEW

This 0.27-acre site, zoned D-8, is developed with a commercial building and associated parking. It is surrounded by a single-family dwelling to the north, single-family dwellings to the south, across East 22nd Street, single-family dwellings to the east, across North Alabama Street, all zoned D-8; and mixed-use to the west, zoned C-S.

Petition 2002-UV1-017 legally established a restaurant, wall signs and a pole sign.

REZONING

The request would rezone the site 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 two to 20 acres (one to four blocks) but depends on the context and what integrates best into surrounding neighborhoods and complimentary zoning districts.”

The Comprehensive Plan recommends traditional neighborhood typology for the site.

Environmental Public Nuisances

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

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

Environmental public nuisance means:

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

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

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

Planning Analysis

As proposed the request would generally be consistent with the land use recommendation of the Comprehensive Land Use Plan of traditional neighborhood related to small scale commercial uses with minimal outdoor operations. There would, however, be minimal change to the existing development that generally covers the site with a building and paved parking, leaving little space for screening and buffering from the surrounding residential neighborhood. Staff would note that landscaping along the eastern boundary would be installed within the public right-of-way.

The narrative filed with the petition states that the curb cut on East 22nd Street would be closed, site access improved, and landscaping installed. Additionally, there would be some prohibited uses, along with limitations on the hours of service of alcohol, mitigation of site lighting spillage and identification of trash service hours. See Exhibit A.

Staff does not support the rezoning to MU-2 because staff believes that the small site and 1,080 square-foot building does not lend itself to a viable mixed-use. Staff would note that the Ordinance provision describes the MU-2 district as having a range of size between two and 20 acres (one to four blocks). This site is approximately ¼ acre, which would limit use of the site and the ability to provide appropriate buffering to minimize impact on the surrounding residential neighborhood.

The narrative indicates that long term plans would include a mix of uses but until an appropriate mixed-use development would be proposed staff does not believe the MU-2 district would be supportable.

GENERAL INFORMATION

Existing Zoning	D-8	
Existing Land Use	Vacant commercial building	
Comprehensive Plan	Traditional Neighborhood	
Surrounding Context	<u>Zoning</u>	<u>Land Use</u>
North:	D-8	Single-family dwelling
South:	D-8	Single-family dwellings
East:	D-8	Single-family dwellings
West:	C-S	Mixed-use
Thoroughfare Plan		
East 22 nd Street	Primary arterial	Existing 60-foot right-of-way and proposed 56-foot right-of-way.
North Alabama Street	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	February 7, 2025
Site Plan (Amended)	March 24, 2025
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 five to 15 dwelling units per acre, but a higher density is recommended if the development is within a quarter mile of a frequent transit line, greenway, or park.

Pattern Book / Land Use Plan

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

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

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

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

Red Line / Blue Line / Purple Line TOD Strategic Plan

Not Applicable to the Site.

Neighborhood / Area Specific Plan

Not Applicable to the Site.

Infill Housing Guidelines

Not Applicable to the Site.

Indy Moves

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

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

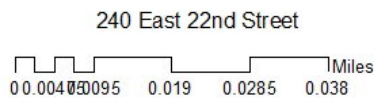
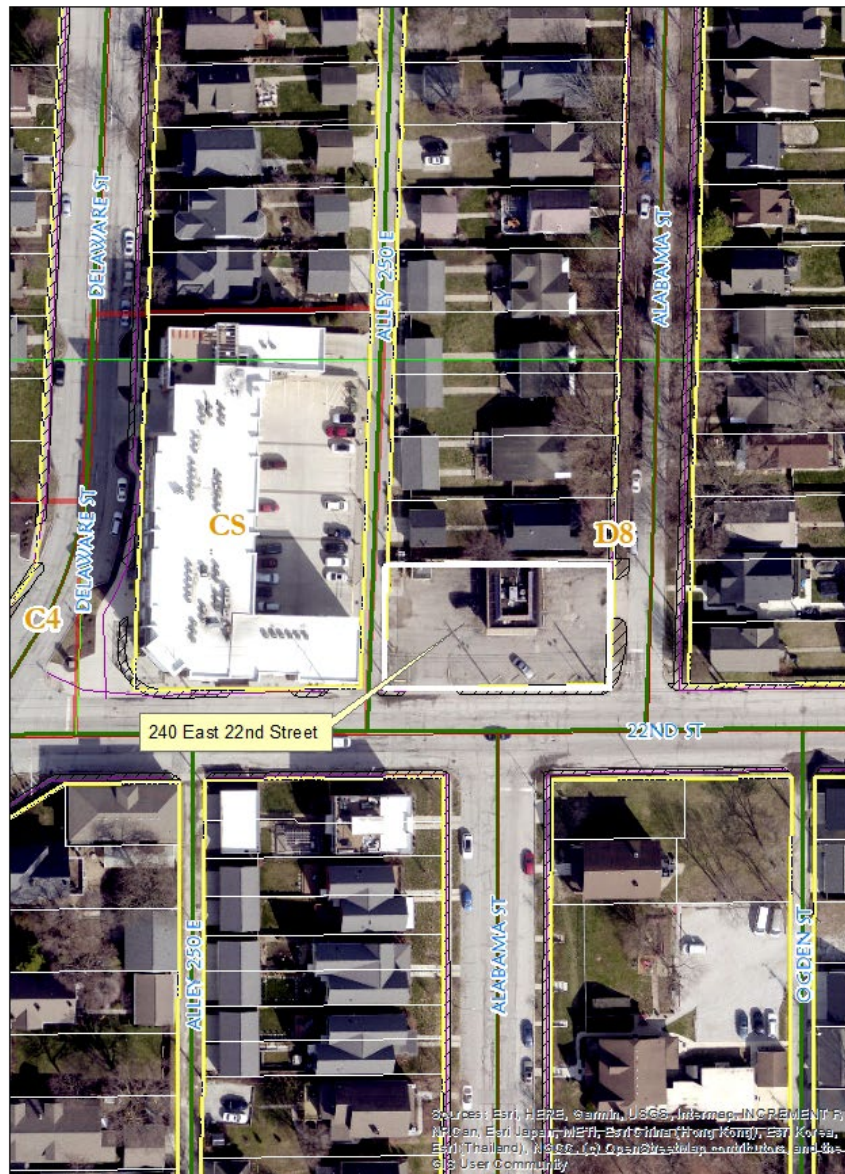
The following listed items describe the purpose, policies and tools:

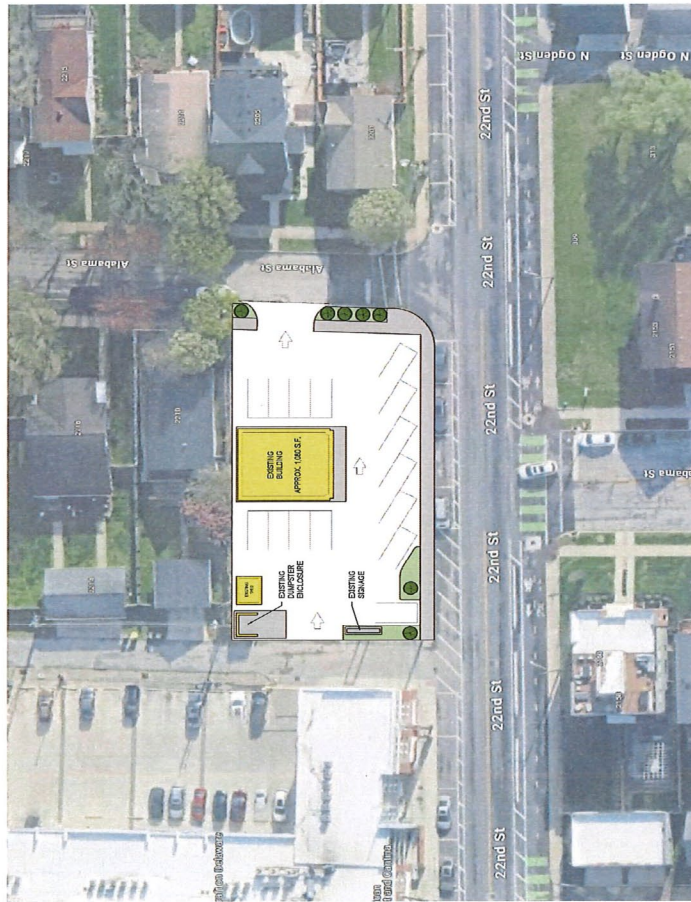
- Classify roadways based on their location, purpose in the overall network and what land use they serve.
- Provide design guidelines for accommodating all modes (automobile, transit, pedestrians, bicycles) within the roadway.
- Set requirements for preserving the right-of-way (ROW)
- Identify roadways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

ZONING HISTORY

2002-UV1-017; 240 East 22nd Street, requested a variance of use of the Dwelling Districts Zoning Ordinance to legally establish an 840-square-foot restaurant and development standards of the Sign Regulations to provide for two wall signs that exceed the permitted size and legally establish a pole sign, **granted**.

EXHIBITS





SITE PLAN
 SCALE 1" = 20'

FORCE
 ARCHITECTURE

240 E 22ND ST
 INDIANAPOLIS, IN | 01/03/25
 10092

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

EXHIBIT A – March 24, 2025

Narrative - 2025-ZON-013

Use and History : The request would provide for the rezoning of a corner lot at the intersection of E. 22nd Street and N Alabama Street. The lot is located at the northwest corner of this intersection and has been improved with a one-story commercial building and surface parking lot for many years. The site has been zoned D-8 for decades, but research has found that this site has been developed commercially since at least 1962. 1956 maps indicate that there were single family dwellings on the site. Variance history indicates a variance granted in 2002 for a restaurant and signs.

Proposal: The proposal is planned as the beginning of reinvestment into the subject property. Initially, the petitioner plans to reuse the existing structure and anticipate a restaurant use with no drive through. This proposal would also include upgrading the site plan to close the curb cut on 22nd Street, and define the curb cut on the alley access, as well as adding landscaping and street trees. The goal would be to create another small neighborhood hub to serve the area. Long term plans anticipate a multi-use facility. Consistent with the MU-2 zoning district.

Petitioner will also incorporate the following commitments:

1. The following uses shall be restricted:
 - Check Cashing or Validation Service
 - Laundromat
 - Outdoor Advertising Off-Premises Sign
 - Drive-Through
 - Liquor Store
 - Tobacco/vape/smoke shop or similar (under Retail, Light General)
 - Club or Lodge
2. The hours of operation for any establishment serving alcoholic beverages shall end by 10:00 p.m. on Sunday through Thursday, and by 11:59 p.m. on Friday and Saturday.
3. Any trash pick-up by private hauler will occur between the hours of 8:00 a.m. and 4:00 p.m., Monday thru Friday, only. Dumpsters and other trash containers (residential and commercial) shall be secured in required enclosures at all times, except when actively being picked up.
4. Any exterior lights on the buildings or in the parking lots shall be shielded to mitigate light spillage onto adjacent property.
5. All exterior landscape beds shall be weeded and maintained throughout each growing season and have an application of mulch annually prior to May 31st. Dead plantings shall be replaced annually prior to May 31st.

Department of Metropolitan Development
Division of Planning
Current Planning



View looking west along East 22nd Street



View looking east along East 22nd Street

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



View from site looking southwest across intersection of East 22nd Street and the north / south alley



View looking north along North Alabama Street



View from site looking east



View from site looking southeast across intersection of North Alabama Street and east 22nd Street



View from site looking south along North Alabama Street



View from site looking northwest across north / south alley



View of site looking north



View of existing building looking northeast



View from site looking north

**METROPOLITAN DEVELOPMENT COMMISSION
HEARING EXAMINER**

April 10, 2025

Case Number: 2025-CAP-800 / 2024-CVR-800

Property Address: 1525 Shelby Street

Location: Center Township, Council District #18

Petitioner: Fraternal Order of Police Indianapolis Lodge #86 by Will Gooden and Elizabeth Bentz Williams, AICP

Current Zoning: SU-34 (TOD) (FF) and D-5 (TOD) (FF)
Modification of Commitments related to 2009-ZON-013 to terminate Commitment #2, which required a site plan indicating a ten-foot landscaped transitional yard; terminate Commitment #3, which required an opaque fence abutting the dwelling at 1129 Cottage Avenue; and to modify Commitment #5, to read “owners agree to complete all fence changes within six months of the grant of this petition” (originally stated to require all site improvements to be completed within one year of approval of 2009-ZON-013).

Request:

Variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for a 6.5-foot-tall fence and electronic gate, with a portion of the fence within the clear-sight triangle of Shelby Street and Cottage Avenue (maximum height of 3.5 feet permitted, not permitted within the clear-sight triangle of the abutting streets).

Current Land Use: Fraternal organization / Parking Lot
Approval of the modification to terminate Commitments #3 and #5.

Staff Recommendations: Denial of the modification to terminate Commitment #2 and denial of the variance of development standards to allow the 6.5-foot-tall fence in the clear sight triangle.

Staff Reviewer: Kathleen Blackham, Senior Planner

PETITION HISTORY

The Hearing Examiner acknowledged the timely automatic continuance filed by a registered neighborhood organization that continued these petitions from the February 27, 2025 hearing, to the March 27, 2025 hearing.

The Hearing Examiner continued these petitions from the March 27, 2025, hearing, to the April 10, 2025 hearing, at the request of the petitioner’s representative.

STAFF RECOMMENDATION

Approval of the modification to terminate Commitments #3 (opaque fence) and #5 (completion of site improvements).

Denial of the modification to terminate Commitment #2 (transitional yard landscaping) and denial of the variance of development standards to allow for a 6.5-foot-tall fence within the clear sight triangle.

If approved, staff would request that approval be subject to the following commitment being reduced to writing on the Commission's Exhibit "C" form at least three days prior to the MDC hearing:

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

PETITION OVERVIEW

This 0.91-acre site, zoned SU-34 (TOD) (FF) (Club Room or Ballroom) and D-5 (TOD) (FF) is comprised of three parcels developed with a two-story building and associated parking. It is surrounded by parking lots and a commercial use to the north, across Cottage Avenue, zoned MU-1 (TOD) (FF) and D-5 (TOD) (FF) respectively; vacant land and Interstate 65 right-of-way to the south, zoned MU-1 (TOD) (FF) and D-5 (TOD) (FF), respectively; single-family dwellings to the east, across Olive Street, zoned D-5 (TOD) (FF); and Shelby Street right-of-way to the west, zoned SU-34 (TOD) (FF).

Petition 2009-ZON-013 rezoned the larger of this site fronting on Shelby Street to the SU-34 (TOD) (FF) district to provide for a fraternal lodge.

MODIFICATION

The request would modify commitments related to 2009-ZON-013 to terminate Commitment #2, which required a site plan indicating a ten-foot landscaped transitional yard; terminate Commitment #3, which required an opaque fence abutting the dwelling at 1129 Cottage Avenue; and to modify Commitment #5, to read "owners agree to complete all fence changes within six months of the grant of this petition" (originally stated to require all site improvements to be completed within one year of approval of 2009-ZON-013).

It appears from the file that these commitments were originally the result of negotiation between the petitioner and staff during the 2009 rezoning process. See Exhibit A. It is not, however, clear from documents in the file whether the neighborhood organization or surrounding neighbors were included in those negotiations.

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

Because of the 2021 Administrator Approval (2021-ADM-052) staff supports the modification related to the opaque fence but does not support the elimination of the 10-foot-wide landscaped area along the eastern site boundary abutting 1129 Cottage Avenue as shown on the approved documents (See Exhibit B). Staff observed an existing area parallel along the fence that would provide space for year around landscaping that would provide the most appropriate buffer and soften the impact of the existing fence that is no longer opaque.

VARIANCE OF DEVELOPMENT STANDARDS

This request would provide for a 6.5-foot-tall fence and electronic gate, with a portion of the fence within the clear-sight triangle of Shelby Street and Cottage Avenue when the Ordinance limits the height to 3.5 feet within that triangle to provide visibility and improve pedestrian and vehicle safety.

In 2021 Administrator Approval was submitted and approved for installation and location of the proposed fence, including the transitional yard landscaping along the eastern boundary. During the site visit staff observed the absence of landscaping within the existing ten-foot transitional yard, along the eastern boundary abutting 1129 Cottage Avenue. Staff also noted that the fence has been installed along the property line along the Shelby Street frontage, rather than abutting the paved parking area as shown on the approved plans. See Exhibit B. If the fence would have been installed in accordance with the approved site plan, file-dated July 22, 2021, the fence would not encroach into the clear sight triangles depicted on Exhibits C and D.

The larger triangle represents the clear site triangle required by the Zoning Ordinance. The smaller triangle is the triangle offered by the petitioner's representative. See Exhibit C.

Exhibit D depicts the clear sight triangle that is configured with other traffic parameters identified by traffic engineers that consider classification of the street, speed limit, and location of the driver's eye. The portion of the fence above the red arrow blocks visibility of drivers and should be relocated. The fence below the red arrow could remain in the present location.

The area of the fence above the yellow arrow in Exhibit D is the area of the fence shown in Exhibit C that encroaches into the smaller of the two triangles that the petitioner representative offered as a compromise.

Because this abuts a transit corridor (Red Line) and provides for a bicycle track along the western edge of this portion of Shelby Street, staff believes maintaining visibility at this intersection is critical to maintain safety for vehicles and pedestrians.

Staff believes that security of the site would not be compromised if the existing fence along Shelby Street would be relocated in accordance with the Administrator Approval site plan file dated July 22, 2021. See Exhibit B.

Overlays

This site is also located within an overlay, specifically the Transit Oriented Development (TOD). “Overlays are used in places where the land uses that are allowed in a typology need to be adjusted. They may be needed because an area is environmentally sensitive, near an airport, or because a certain type of development should be promoted. Overlays can add uses, remove uses, or modify the conditions that are applied to uses in a typology.”

The Transit-Oriented Development (TOD) overlay is intended for areas within walking distance of a transit station. The purpose of this overlay is to promote pedestrian connectivity and a higher density than the surrounding area.

This site is located within a ¼ mile walk (approximately 1,100 feet) from the transit stop located at the intersection of Shelby Street and Pleasant Run Parkway South Drive, with a Walkable Neighborhood typology.

Walkable neighborhood stations are located within well-established, walkable, primarily residential neighborhoods, with a small amount of retail and office at the intersection nearest the station, or the potential for it. Development opportunities include projects that improve neighborhood stability and encourage transit use.

Characteristics of the Walkable Neighborhood typology are:

- Mix of uses at station area with stabilized residential beyond
- Off-street parking is discouraged and should be limited to garages

Floodway / Floodway Fringe

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

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

The designation of the FF District is to guide development in areas subject to potential flood damage, but outside the Floodway (FW) District. Unless otherwise prohibited, all uses permitted in the primary zoning district (SU-34 in this request) are permitted, subject to certain development standards of the Flood Control Secondary Zoning Districts Ordinance.

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

The southeast portion of the site is located within the 500-year unregulated floodplain of Pleasant Run Creek.

GENERAL INFORMATION

Existing Zoning	SU-34 (TOD) (FF) / D-5 (TOD) (FF)	
Existing Land Use	Fraternal organization / parking lot	
Comprehensive Plan	Village Mixed-Use	
Surrounding Context	<u>Zoning</u>	<u>Land Use</u>
North:	MU-1 (TOD) (FF) / D-5 (TOD) (FF)	Parking lots / commercial uses
South:	MU-1 (TOD) (FF) / D-5(TOD) (FF)	Vacant land / Interstate 65 right-of-way
East:	D-5 (TOD)(FF)	Single-family dwellings
West:	MU-1 (TOD) (FF)	Shelby Street right-of-way
Thoroughfare Plan		
Shelby Street	Primary arterial	Existing 56-foot right-of-way and proposed 56-foot right-of-way.
Cottage Avenue	Local Street	Existing 60-foot right-of-way and proposed 48-foot right-of-way.
Olive Street	Local Street	Existing 60-foot right-of-way and proposed 48-foot right-of-way.
Context Area	Compact	
Floodway / Floodway Fringe	Yes – 500-year unregulated floodplain of Pleasant Run Creek	
Overlay	Transit Oriented Development (TOD)	
Wellfield Protection Area	No	
Site Plan	January 2, 2025	
Site Plan (Amended)	N/A	
Elevations	N/A	
Elevations (Amended)	N/A	
Landscape Plan	N/A	
Findings of Fact	January 2, 2025	
Findings of Fact (Amended)	N/A	
C-S/D-P Statement	N/A	

COMPREHENSIVE PLAN ANALYSIS

Comprehensive Plan

The Comprehensive Plan recommends Village Mixed-Use typology. “The Village Mixed-Use typology creates neighborhood gathering places with a wide range of small businesses, housing types, and public facilities. This typology is intended to strengthen existing, historically small town centers as well as to promote new neighborhood centers. Businesses found in this typology serve adjacent neighborhoods, rather than the wider community. This typology is compact and walkable, with parking at the rear of buildings. Buildings are one to four stories in height and have entrances and large windows facing the street. Pedestrian-scale amenities such as lighting, landscaping, and sidewalk furniture also contributes to a walkable environment in this typology. Uses may be mixed vertically in the same building or horizontally along a corridor. Public spaces in this typology are small and intimate, such as pocket parks and sidewalk cafes. This typology has a residential density of six to 25 dwelling units per acre.”

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 – Village Mixed-Use Typology*
 - All land use types except small-scale parks and community farms/gardens in this typology must have adequate municipal water and sanitary sewer.
 - All development should include sidewalks along the street frontage.
 - In master-planned developments, block lengths of less than 500 feet, or pedestrian cut-throughs for longer blocks, are encouraged.
 - Where possible, contributing historic buildings should be preserved or incorporated into new development.
- *Small-Scale Schools, Places of Worship, Neighborhood- Serving Institutions/Infrastructure, and Other Places of Assembly (defined as Schools, places of worship, and other places of assembly that are generally less than five acres in size).*
 - If proposed within a one-half mile along an adjoining street of an existing or approved residential development, then connecting pedestrian infrastructure (sidewalk, greenway, or off-street path) should be in place or provided.
 - Mixed-use structures are preferred.
 - Schools should not be within 1000 feet of a highway, freeway, or expressway.

Red Line / Blue Line / Purple Line TOD Strategic Plan

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

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

2009-ZON-013; 1525 Shelby Street, 1133 Cottage Avenue and 1050 Olive Street, requested rezoning of 0.94 acre, from the C-2 and D-5 Districts to the SU-34 classification to provide for a fraternal lodge, **approved**.

VICINITY

99-UV3-96; 1434 Olive Street (east of site), requested variance of use of the DDZO to provide for the construction of a parking lot associated with a fraternal organization, **granted**.

94-HOV-12; 1431 Shelby Street (abutting site to north), requested variance of development standards of the CZO to provide for construction of a parking lot for an existing health center with a parking area and interior access drive with deficient setbacks from Shelby Street, Cottage Avenue, and an alley, **granted**.

93-HOV-91; (abutting site to west), requested variance of development standards of the CZO to provide for the construction of a health center with a zero-foot setback from the rights-of-way of Cottage Avenue and Shelby Street, **granted**.

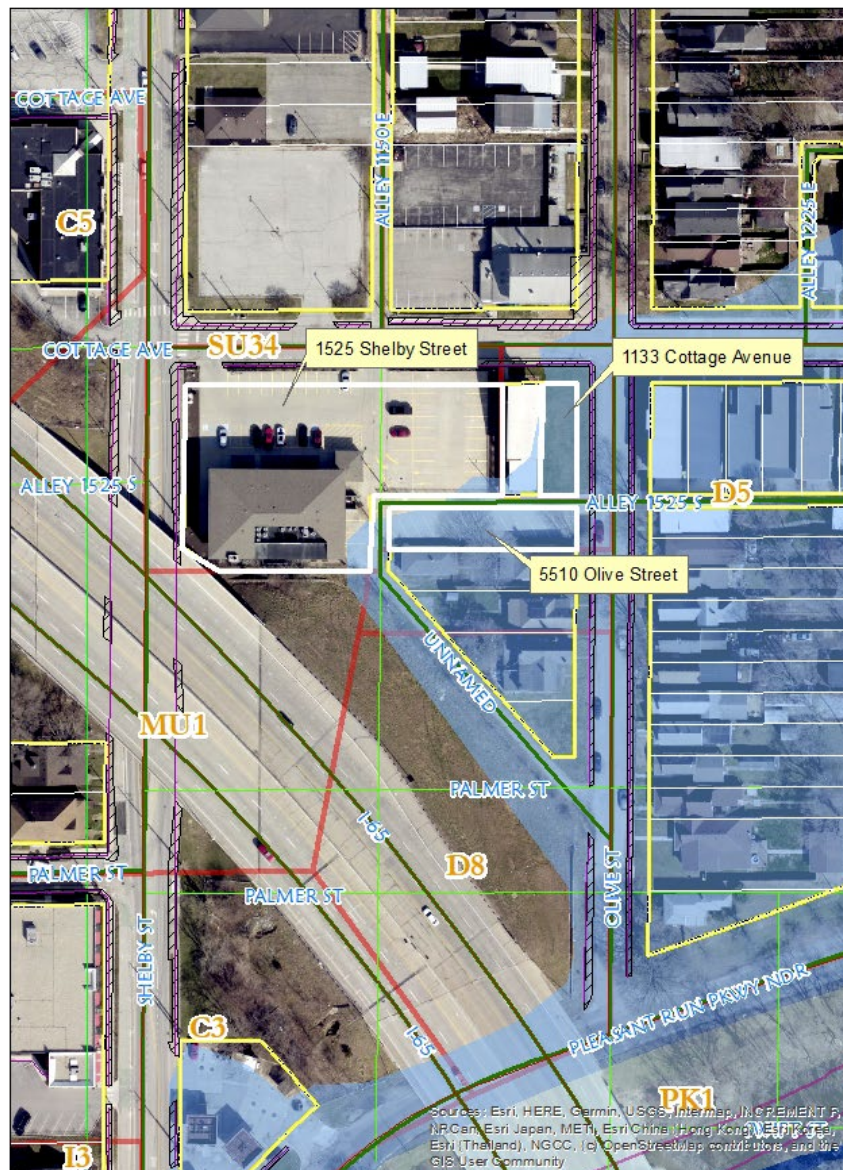
69-V2-116; 1525 Shelby Street (portion of subject site), requested variance of use and setback standards of the DDZO to permit expansion of accessory off-street parking to the east, for a business located on Shelby Street, **granted**.

68-V1-161; 1510 Olive Street (portion of subject site), requested variance of use of the DDZO to permit off-street parking on-premises, in connection with a business located on Shelby Street, **granted**.

68-V1-134; 1121 Cottage Avenue (portion of subject site), requested variance of use of the DDZO to permit off-street parking on-premises, **granted**.

27-V-125; 1446 South Olive Street (east of site), requested variance of use and development standards to provide for an addition and remodeling of a building for use by a business and a lodge, **granted**.

EXHIBITS



1525 Shelby Street, 1133 Cottage Avenue and 1510 Olive Street



0 0.005 0.01 0.02 0.03 0.04 Miles

Department of Metropolitan Development
 Division of Planning
 Current Planning

EXHIBIT A

2009-009090e

24

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: See Exhibit "A"

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 agrees to: submit a site plan showing a ten foot landscaped transitional yard with an opaque fence where the site abuts to the home at 1129 Cottage Avenue.
3. Add an opaque fence along the property line where site abuts to home at 1514 Olive Street.
 Fence to start at back corner of house and extend west to rear of property.
4. Show angled parking in lot north of home at 1514 Olive Street.
5. The owners agree to have all site improvements indicated in these commitments and landscaping completed within one year of approval of this petition, and maintained thereafter.

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

COMMITMENTS contained in this instrument shall be effective upon:

- (a) the adoption of rezoning petition # 2009-ZON-013 by the City-County Council changing the zoning classification of the real estate from a C-2 zoning classification to a SU-34 zoning classification; or
- (b) the adoption of approval petition # by the Metropolitan Development Commission;

and shall continue in effect for as long as the above-described parcel of real estate remains zoned to the SU-34 zoning classification or until such other time as may be specified herein.

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

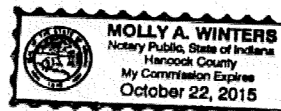
1. The Metropolitan Development Commission;
2. Owners of all parcels of ground adjoining the real estate to a depth of two (2) ownerships, but not exceeding six-hundred-sixty (660) feet from the perimeter of the real estate, and all owners of real estate within the area included in the petition who were not petitioners for the rezoning or approval. Owners of real estate entirely located outside Marion County are not included, however. The identity of owners shall be determined from the records in the offices of the various Township Assessors of Marion County which list the current owners of record. (This paragraph defines the category of persons entitled to receive personal notice of the rezoning or approval under the rules in force at the time the commitment was made);
3. Any person who is aggrieved by a violation of either of the Commitments contained in Commitment #1 (Open Occupancy and Equal Employment Opportunity Commitments); and
4. _____
5. _____

IN WITNESS WHEREOF, owner has executed this instrument this 15th day of July, 2009.

STATE OF INDIANA)
COUNTY OF MARION) SS:

Witness my hand and Notarial Seal this
15th day of July, 2009

Molly A. Winters
Notary Public
MOLLY A. WINTERS
Printed Name of Notary Public
My Commission expires: 10/22/2015
My County of residence: HANCOCK




This instrument was prepared by W. A. H. H.

Department of Metropolitan Development
Division of Planning
Current Planning

EXHIBIT B

APPROVED

By Genesis Hill at 3:21 pm, Jul 22, 2021

Proposal		Page No. <u>1</u> of <u>1</u> Pages
6125 Southeastern Ave. Indianapolis, IN 46203 DavidQualityFence@yahoo.com QualityFenceCo.net 317-356-9679 Fax 317-356-9680	 RESIDENTIAL • COMMERCIAL	CHAIN LINK WOOD PRIVACY PVC WROUGHT IRON FINANCING AVAILABLE
PROPOSAL SUBMITTED TO Fraternal Order of Police	PHONE (317) 637-1195	DATE 6/30/2021
STREET 1525 Shelby St	JOB NAME Wrought Iron Fence Proposal Revised	
CITY, STATE and ZIP CODE Indianapolis, IN 46203	JOB LOCATION 1525 Shelby St	
ARCHITECT Molly	DATE OF PLANS	JOB PHONE
We Propose hereby to furnish material and labor – complete in accordance with specifications below, for the sum of:		
dollars (\$ <u>90,891.00</u>).		
Payment to be made as follows:		
<small>All material is guaranteed to be as specified. All work to be completed in a workmanlike manner according to standard practices. Any alteration or deviation from specifications below involving extra costs will be executed only upon written orders, and will become an extra charge over and above the estimate. All agreements contingent upon strikes, accidents or delays beyond our control. Owner to carry fire, tornado and other necessary insurance. Our workers are fully covered by Workmen's Compensation Insurance.</small>		
Authorized Signature _____		Note: this proposal may be withdrawn by us if not accepted within _____ days.
We hereby submit specifications and estimates for:		
Install approx 711ft of 7ft tall Invincible style wrought iron. Also install 2-walk gates and 3-16ft wide cantilever roll gates A portion of project jackhammered through concrete but majority in dirt All posts set in concrete Posts to be 2 1/2 x 2 1/2 in diameter. All rails 1 1/2 x 1 1/2 in diameter. All pickets 3/4 x 3/4 in diameter Gate posts to be 4" in diameter ss40 weight pipe Install 4 nylon roller to each cantilever roll gate Tear out and haul away existing fence on west side of parking lot All material galvanized tubular steel with a black e coat finish Remove and haul away top rail to current chain link fence and install top tension wire. _____ Install 100ft of 6ft tall black PDS privacy slates to current east property line fence Remove and haul away current top rail and install 1 strand of top tension wire to current east property line fence (100ft) Total: \$90,891.00 1/2 of the balance down to order materials and schedule the job. Remaining balance paid upon completion		
Acceptance of Proposal – The above prices, specifications and conditions are satisfactory and are hereby accepted. You are authorized to do the work as specified. Payment will be made as outlined above.		
Signature _____		Signature _____
Date of Acceptance: _____		Signature _____



SITE PLAN

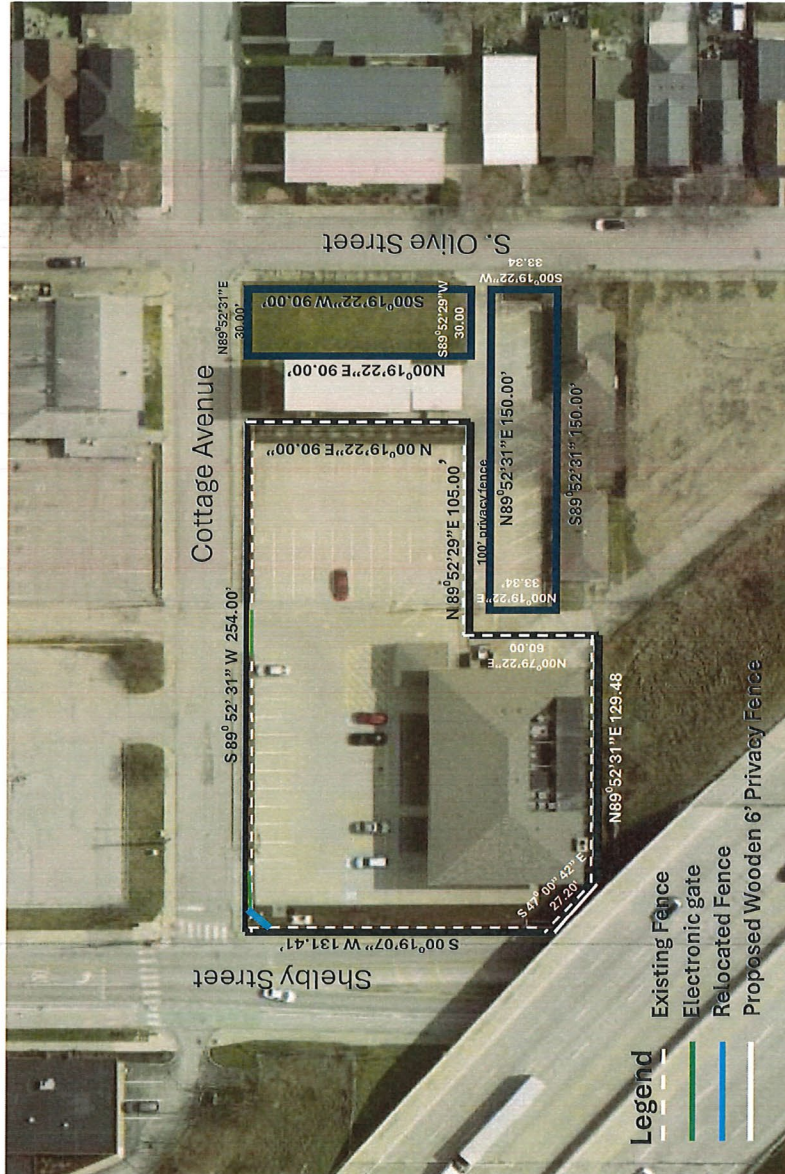


EXHIBIT C - Clear Sight Triangles – March 26, 2025

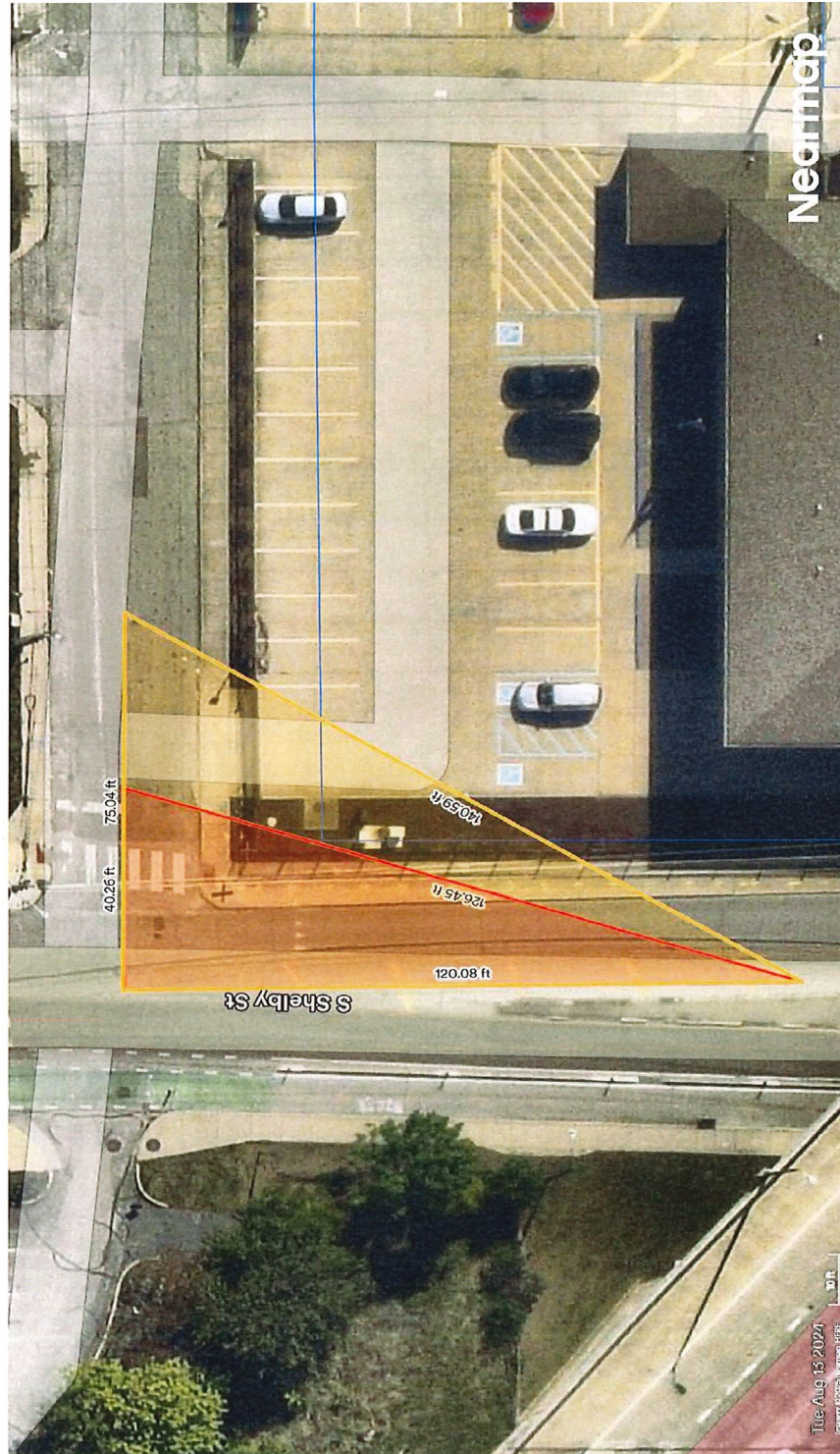
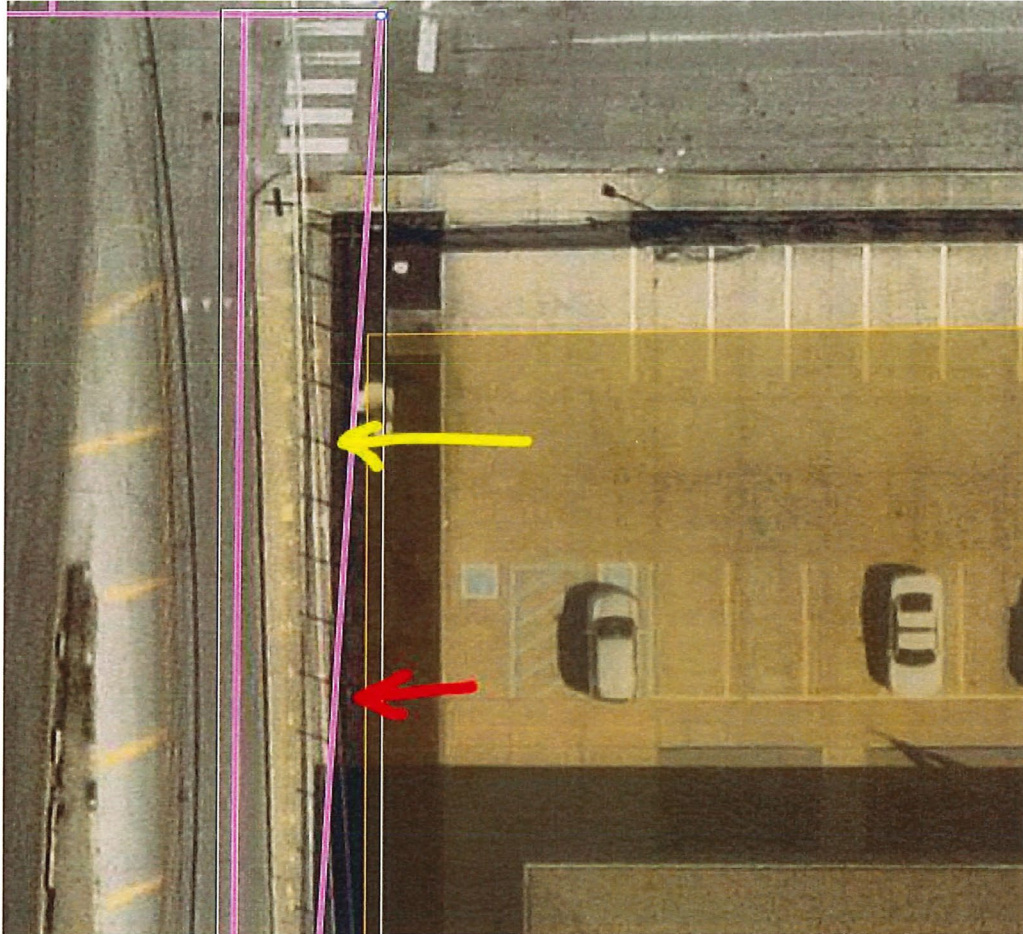


Exhibit D

Traffic Engineer Clear Sight Triangle – April 2, 2025

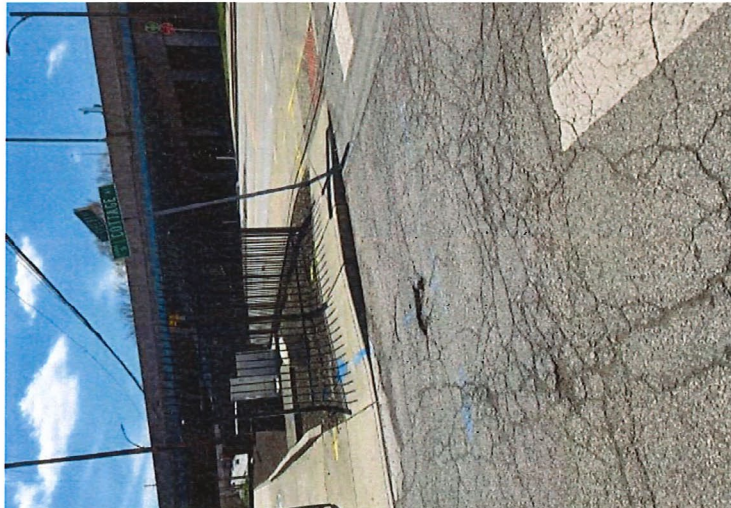


A

Photo Sim of view from Stop Bar on Cottage looking South with Fence Relocation



Existing view from Stop Bar on Cottage looking South





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

Petition Number 202 -CAP-

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

PETITION FOR MODIFICATION OF COMMITMENTS

FINDINGS OF FACT

THE PROPOSED MODIFICATION OF COMMITMENTS IS IN FURTHERANCE OF THE ORIGINAL Rezoning in a SU-34 District FOR WHICH THE COMMITMENTS WERE MADE.

The proposed use of the subject property has not changed. It is important to note that this site is also an emergency operations center. Fencing was installed that differed from ordinance standards, including the 6.5 height and the location at the intersection of Cottage and Shelby. Amendments of the plan are being proposed to that have been vetted with staff as an acceptable and supportable solution, and with the grant of the modification of commitments and the variances will resolve code violations.

DECISION

IT IS THEREFORE the decision of this body that this MODIFICATION 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 – Height and Location of Fence**

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

The subject property is zoned for SU-34 and developed as the Fraternal Order of Police headquarters, also serving as an emergency operations center. The fence will be relocated to create a clear vision area at the intersection of Cottage Avenue and Shelby Street, and the fence is a wrought iron design with balusters which allows for vision between the balusters. The height is 6 inches over the permitted height and allows for the curved design of the balusters to provide additional security for the facility. There are no issues that would affect the public health, morals or general welfare of the community.

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

The proposed sign is designed and maintained as a secure facility. The principals have consulted the two adjacent neighbors regarding the fencing previously committed to, in order to accommodate the improvements to meet their preferences.

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

The fence height is needed for the additional security "curved baluster top" to detour site infiltration. The fence and gate encroachment of the Shelby and Cottage intersection already provides visibility, but relocating the fence will provide an additional area of clear sight area.

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



View looking east along Cottage Avenue



View looking west along Cottage Avenue



View looking south along Shelby Street



View looking south along Shelby Street

Department of Metropolitan Development
Division of Planning
Current Planning



View looking north along Shelby Street



View from site looking east



View from site looking southeast



View from site looking west

Department of Metropolitan Development
Division of Planning
Current Planning



View of fence looking west



View of fence looking east across intersection of Cottage Avenue and Shelby Street



View of fence looking east across Shelby Street



View of fence looking southwest across intersection of Cottage Avenue and Shelby Street



View of fence looking south across intersection of Cottage Avenue and Shelby Street



View of fence looking south across intersection of Cottage Avenue and Shelby Street



View of fence looking south across intersection of Cottage Avenue and Shelby Street

**METROPOLITAN DEVELOPMENT COMMISSION
HEARING EXAMINER**

April 10, 2025

Case Number: 2025-CAP-804 / 2025-CVR-804
Property Address: 324 West Morris Street and 325 Wilkins Street (Approximate Addresses)
Location: Center Township, Council District #18
Petitioner: Kaur Properties, LLC, by Adam DeHart
Current Zoning: C-S

Modification of commitments and site plan related to 2019-CZN-827, to terminate Specific Commitments for Old Southside Neighborhood Association, commitment #1, which required that the exterior of the hotel should be consistent or complimentary to the new Emrich Plaza convenience store, and, to provide for revised building footprint, indoor and outdoor amenities, minor site revisions, pedestrian access revisions, and a revised shared parking lot.

Request: Variance of Development Standard of the Consolidated Zoning and Subdivision Ordinance to provide for a zero-foot front setback from Wilkins Street, with no landscaping (10-foot front setback required, minimum six-foot landscaping along the entire frontage required and one tree per 35 feet of street frontage required), deficient interior landscaping within the parking area (one shade tree per 180 square feet of interior landscaping area required), a zero-foot south side yard setback (10-foot side yard setback required), and the installation of landscaping within the right-of-way (not permitted).

Current Land Use: Gas Station, Convenience Store, and Undeveloped

Staff Recommendations: Denial of the termination of commitment. Approval of all other requests with commitments if the interior landscaping is met.

Staff Reviewer: Marleny Iraheta, Senior Planner

PETITION HISTORY

This petition was continued for cause from the February 20, 2025 hearing to the March 13, 2025 hearing at the request of the petitioner to allow staff additional time to review new information submitted to the case file.

This petition was continued for cause from the March 13, 2025 hearing to the April 10, 2025 hearing at the request of staff to allow the petitioner additional time to submit new information and possibly amend the request.

STAFF RECOMMENDATION

Staff **recommends denial** of the termination of commitment.

Staff **recommends approval** of all other requests if the interior landscaping is met and subject to the following commitments being reduced to writing on the Commission's Exhibit "C" forms at least three days prior to the MDC hearing and prior to the issuance of an Improvement Location Permit (ILP):

1. Final building elevations shall be submitted for Administrative Approval and review by the City Architect.
2. A final site and landscape plan shall be submitted for Administrative Approval to include the sidewalk installation along the northern property boundary but south of the proposed right-of-way landscaping and that the required shade trees for interior landscaping are met.
3. Flora Permits shall be applied for and issued by the Department of Business and Neighborhood Services for all landscaping proposed in the right-of-way.

PETITION OVERVIEW

LAND USE

The subject site is comprised of two parcels and is surrounded by I-70 and I-70 ramp to the north, zoned C-S, single-family dwellings and undeveloped land to the east, zoned D-8, single-family dwellings and undeveloped land to the west, zoned I-3, and commercial and industrial property to the south, zoned C-S and I-3.

The request would modify or terminate aspect of the exiting C-S district, approved by 2019-CZN-827, to revise the site plan and elevations to provide for a five-story 135 room hotel with shard parking between the two lots.

PROPOSED SITE PLAN MODIFICATION

The most recent iteration of the site plan for this site was approved administratively in 2020 per 2020-ADM-009 and provided for a four-story hotel that did not include a driveway along the northern property boundary or a canopy along the southern property boundary.

The plan submitted with this petition, file dated March 10, 2025, proposes a revised building footprint, indoor and outdoor amenities, minor site revisions that include maneuverability on site, pedestrian access revisions, and a revised shared parking lot.

PROPOSED COMMITMENT MODIFICATION/ TERMINATION

The commitment modification and termination proposed with this petition was a result of negotiations between the petitioner and a registered neighborhood organization related to 2019-CZN-827. The request would terminate Commitment # of the Specific Commitments for Old Southside Neighborhood

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

Association, which required that the exterior of the hotel should be consistent or complimentary to the new Emrich Plaza convenience store.

Staff typically provides no recommendation under circumstances where commitment are a result of neighborhood organizations and petitioner negotiations, but the drastic change in the proposed elevations for the hotel necessitate staff's involvement.

In staff's opinion, the commitment in place that the petitioner seeks to terminate is important to uphold because the exterior finish and material of the existing convenience store is higher in quality than the proposed hotel elevations. Although the color scheme was brought down, it is still not an acceptable change that staff can support at this critical entry point to downtown Indianapolis.

For these reasons, staff is recommending denial of the termination of the commitment.

VARIANCE OF DEVELOPMENT STANDARDS

The grant of the request would reduce the required street frontage landscaping and front and side yard setbacks.

The site would require a 10-foot front setback from Wilkins Street on the north side with a minimum six-foot landscape yard along the entire frontage and one tree per 35 feet of street frontage. As proposed, the required landscape material would be met, but would not fall within the required setback and landscape yard due to the proposed driveway location.

Landscaping is not permitted within the right-of-way as proposed on the landscape plan within the right-of-way of the northern property boundary.

The interior landscaping requirement requires that one shade tree is planted per 180 square feet of interior landscaping. This would result in 15 shade trees within the parking area.

The site requires a 10-foot south side yard setback on the south side where zero feet is proposed for a drive-thru canopy at the southern entrance of the building.

STAFF ANALYSIS

Because the petitioner provided the Green Factor Calculation sheet that would exceed the .22 requirement and the required landscaping along the northern street frontage would technically be in place once Flora Permit are sought and issued for installation of the landscape materials within the right-of-way, staff determined that the landscape variances would be supportable if the interior landscape requirement were met. This would only be a change of a few understory trees for shade trees, which staff found would be an easy fix.

Regarding the southern zero-foot setback, staff found that it would not be a concern since the two properties are owned by the same property owner and it isn't unusual to see zero-foot setbacks between commercial buildings had the properties been zoned C-4 which permits both uses with zero-foot side setbacks. Additionally, the zero-foot setback would not abut any windows at the southern building.

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

GENERAL INFORMATION

Existing Zoning	C-S	
Existing Land Use	Gas station, convenience store, and undeveloped land	
Comprehensive Plan	Community Commercial	
Surrounding Context	Zoning	Land Use
North:	C-S	I-70 and I-70 ramps
South:	I-3 / C-S	Commercial / Industrial
East:	D-8	Residential (Single-family dwellings)
West:	I-3	Undeveloped and Residential (Single-family dwellings)
Thoroughfare Plan		
Morris Street	Primary Arterial Street	78-foot proposed right-of-way and 68-foot existing right-of-way.
Wilkins Street/ I-70 Ramp B	Local Street / Freeway	0-foot proposed right-of-way and 20 to 62-foot existing half right-of-way.
Missouri Street	Primary Arterial Street	78-foot proposed right-of-way and 75-foot existing half right-of-way.
Context Area	Compact	
Floodway / Floodway Fringe	No	
Overlay	No	
Wellfield Protection Area	No	
Site Plan	December 27, 2024	
Site Plan (Amended)	March 10, 2025	
Elevations	December 27, 2024	
Elevations (Amended)	March 17, 2025	
Landscape Plan	March 10, 2025	
Findings of Fact	N/A	
Findings of Fact (Amended)	N/A	
C-S/D-P Statement	N/A	

COMPREHENSIVE PLAN ANALYSIS

Comprehensive Plan

- Marion County Land Use Plan Pattern Book (2019)

Pattern Book / Land Use Plan

- The Comprehensive Plan recommends community commercial development.
- 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 Offices, Retailing, and Personal or Professional Services
 - 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.
- Large-Scale Offices, Retailing, and Personal or Professional Services
 - 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.
 - 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.



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

Indy Moves

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

- Not Applicable to the Site.

ZONING HISTORY

Zoning History – Site

2019-CZN-827 / 2019-CPL-827; 324 West Morris Street and 324 Wilkins Street (subject site), Rezoning of 0.991 acre from the C-S district to the C-S district to provide for MU-1 uses in addition to the existing MU-2, C-7 and I-1 uses and approval of a Subdivision Plat to be known as Kaur Hotel Complex, dividing 3.226 acres into two lots, **approved**.

2018-APP-032; 324 West Morris and various locations in the Old Southside Neighborhood (subject site), Approval of 26-inch wide by 56.5-inch-high banners as Public Signs attached to utility poles on locations along Morris Street, Russell Avenue, Illinois Street, West Street, McCarty Street, Meridian Street, South Street, Kentucky Avenue, Norwood Street, Merrill Street and Bluff Road, **approved**.

2017-MOD-018; 324 West Morris Street (subject site), Modification of commitments, site, elevation and landscape plans related to 2011-MOD-010 to provide for revised elevations and site layout for a convenience store and gasoline station, to terminate Commitments Six and Seven (prohibiting alcohol sales for carryout and requiring landscape plan review and comment by the Stadium Village Business Association, Land Use Committee) and clarify Commitment One by substitute “MU-2” for “C-3C,” and to modify Commitment Eight to indicate that the expense for public art would not be borne by the property owner and allows the property owner to veto any public art project, **approved**.

2010-MO1-001; 324 West Morris Street (subject site), modification of the site plan, commitments, plan of operation and development statement related to 2005-ZON-136 to provide for: an amended site plan for a two-story 17,100-square foot convenience store and office and truck and automobile fueling station (previous site plan retained all existing buildings), to terminate commitments 1-6 and 8-12 (Commitment seven prohibits temporary signs; the commitments to be deleted relate to landscaping, fencing, trash containers, off-site advertising sign prohibition, adherence to the plan of operation and development statement and general development issues related to retaining the existing buildings), to terminate the plan of operation related to a kennel, to modify the permitted use section of the development statement to eliminate I-1-U uses and the kennel use, and to modify the sign section of the development statement to indicate that signs shall meet the standards of the Sign Regulations of Indianapolis, Marion County, **approved**.

2010-UV1-004; 229 and 324 West Morris Street (subject site), Variance of use and development standards of the Commercial Zoning Ordinance to provide for a temporary off-street, off-site parking lot as a primary use for a period of five years (parking lot is not permitted as a primary use), and with the parking lot at 229 WEST MORRIS STREET, a) having a front setback of thirty feet (zero feet from the right-of-way line of Morris Street) from the centerline of Morris Street, without landscaping (seventy-foot setback from Morris Street required, with landscaping required), b) having a six-foot setback from Kansas Street, without landscaping (10-foot front setback required, with landscaping required), c) having a six-foot east side setback, without landscaping (10-foot transitional setback, with landscaping required), d) having a five-foot west side setback, without landscaping (10-foot west side setback, with landscaping required), and e) having a three-foot south side setback, without landscaping (10-foot side setback, with

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

landscaping required), and with the parking lot at 334 WEST MORRIS STREET, f) having a front setback of thirty feet (zero feet from the right-of-way line of Morris Street) from the centerline of Morris Street, without landscaping (seventy-foot setback from Morris Street required, with landscaping required), g) having a two-foot north front setback from Interstate 70, without landscaping (20-foot front setback required, with landscaping required), h) having a two-foot east side setback, without landscaping (10-foot transitional setback, with landscaping required), i) having a 10-foot west front setback from Missouri Street, without landscaping (10-foot west side setback, with landscaping required), and j) with neither site providing interior parking lot landscaping (interior landscaping required for parking lots containing more than 100 parking spaces), **approved**.

2005-ZON-136; 229 and 324 West Morris Street (subject site), Rezoning of 2.9 acres, being in the C-S District, to the C-S classification to provide for a kennel, with outside pet exercise areas, in addition to the existing C-3C, C-ID, and I-1-U uses permitted by 2003-ZON-121, **approved**.

2003-ZON-121; 229, 324 and 349 West Morris Street (subject site), Rezoning of 2.9 acres from I-3-U to C-S to provide for all C-3C, C-ID and I-1-U uses, approved.

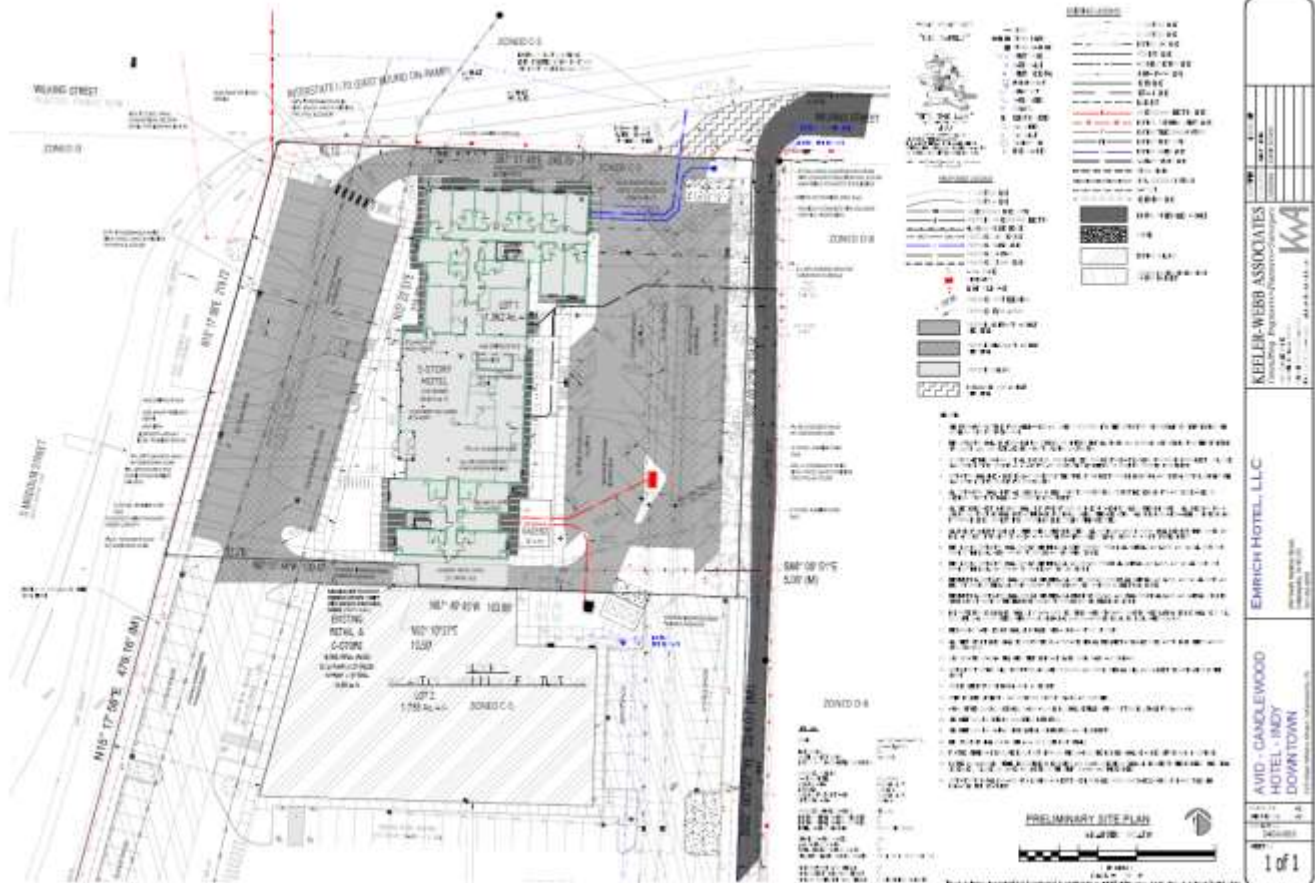
Zoning History – Vicinity

2019-UV3-002; Five locations between 308 West Morris and 101 East Morris; Four locations between 1434 and 1718 South Meridian Street; and One location near 702 Russell Avenue, (southeast of site), Variance of use and development standards of the Consolidated Zoning and Subdivision Ordinance to provide for 30-inch wide by 46-inch high banners as Public Signs, as provided for and amended by Petition 2018-APP-032, attached to utility poles within the right-of-way and within protected districts (not permitted) along Morris Street, Russell Avenue, Norwood Street and Meridian Street, **granted**.

2018-CZN-820 / 2018-CVR-820; 325 West Morris Street (south of site), Rezoning of 1.218 acres from the C-S district to the C-S classification to provide for truck and trailer parking in addition to the previously approved C-3C, C-ID and I-1 uses and variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for a seven-foot tall fence in the front and side yards (maximum 3.5-foot tall front yard fence and seven-foot tall side yard fence permitted), **withdrawn**.



SITE PLAN







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

GREEN FACTOR

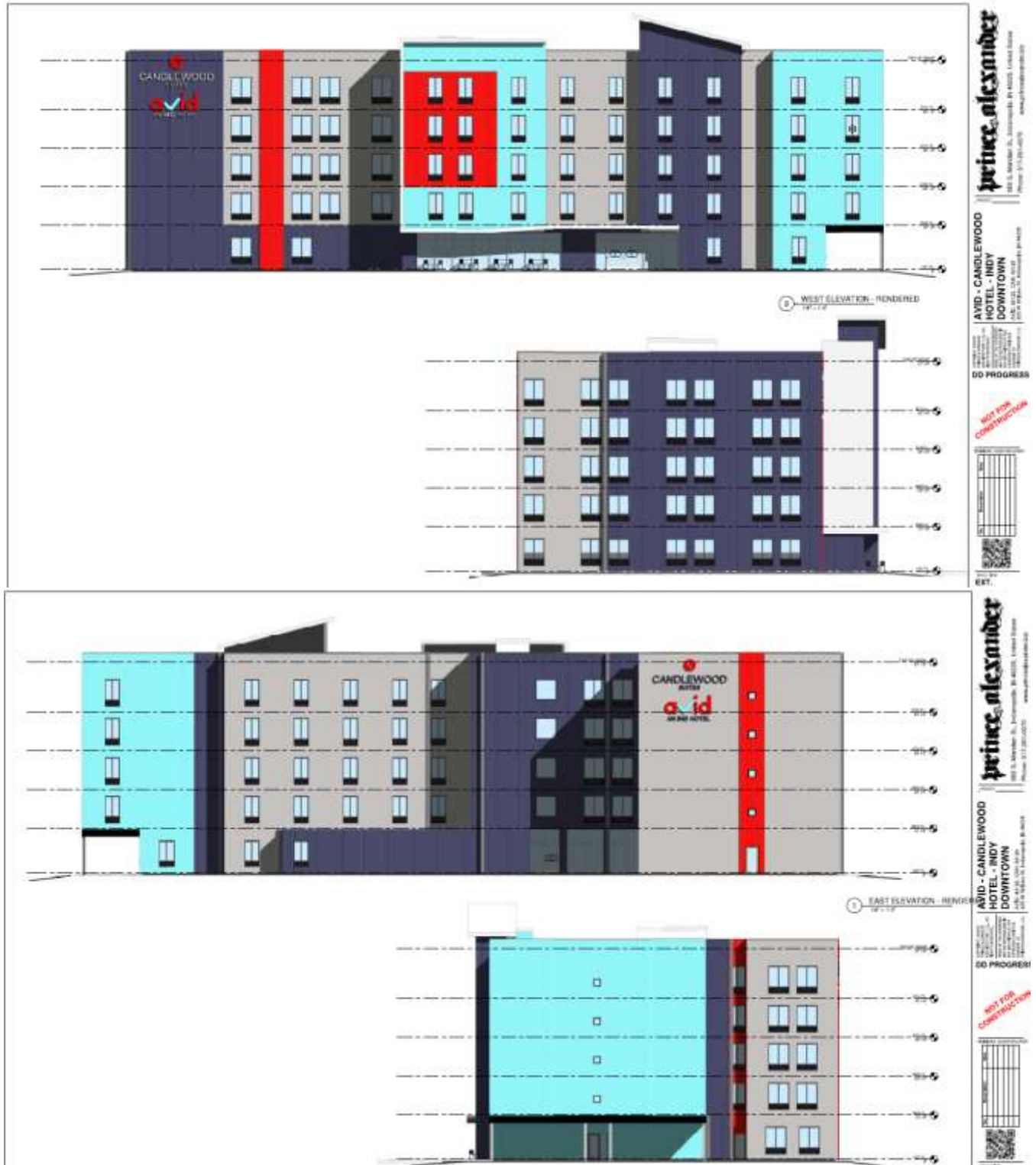
Table 744-509-1: Green Factor Calculation				
Project Name or Address:		AVID/CANDLEWOOD - 325 WILKINS STREET		
Column A	Column B	Column C	Column D	Column E
Type of Area or Element	Number of Plants	Measured Area or Area Equivalent in Sq. Ft.	Multiplier	Score
Parcel Size		59,329		
Landscaped areas with uncompacted soil depth less than 24 inches				
Area of lawn, grass pavers, ground covers, or other plants typically less than 3 ft tall at maturity		4,593	0.2	952
Large shrubs or ornamental grasses [1]	67	16 sq. ft. per	0.3	322
Landscaped areas with uncompacted soil depth of 24 in. or more				
Required Yards with mulch, ground covers, grass pavers, or other plants typically less than 3 ft tall at maturity		4,898	1.0	4,898
Areas other than required yards with mulch, ground covers, grass pavers, or other plants typically less than 3 ft tall at maturity			0.7	-
Large shrubs or ornamental grasses [1]	100	16 sq. ft. per	0.3	480
Small trees [2]	26	50 sq. ft. per	0.3	390
Medium trees [3]	4	100 sq. ft. per	0.4	160
Large trees [4]	1	200 sq. ft. per	0.4	80
Undisturbed Areas [5]				
Undisturbed areas less than 10,000 sf		4,898	0.8	3,918
Undisturbed contiguous areas 10,000 sf or more			1.5	-
Significant Trees over 10 in. DBH preserved	15	250 sq. ft. per	0.5	1,875
Heritage Tree over 8 in. DBH preserved		250 sq. ft. per	0.5	-
Tree Preservation Credits as per Sec. 503.L for preserved Significant or Heritage Trees		250 sq. ft. per	0.5	-
Building or Structural Features				
Permeable paving for walkways, parking lots, etc			1.2	-
Photocatalytic pavement or building exterior			1.5	-
White roof area			0.1	-
Vegetated walls - area of wall covered			0.7	-
Infiltration areas, underground chambers or surface, such as sand filters		2,045	1.5	3,068
Green roofs				
Area of green roof with less than 2 in. but not more than 4 in. growing depth			1.2	-
Area of green roof with over 4 in. growing depth			1.4	-
Off-site improvements				
Tree credit to the Tree Fund [6]		100 sq. ft. per	0.4	-
Bonuses applied to factors above				
Bioretention areas such as rain gardens, stormwater planters, and bioretention swales			1.5	-
Landscaping that consists entirely of drought-tolerant or native species, as defined by the Administrator			0.4	-
Landscaped areas where at least 50% of annual irrigation needs are met through the use of harvested rainwater or grey water			0.2	-
Landscaping visible to passersby (adjoining & up to 85 ft depth)		10,642	0.1	1,064
Landscaping to be maintained in food cultivation			0.2	-
Landscape area utilizing structural soil			0.4	-
Total Green Factor Score				0.2900

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

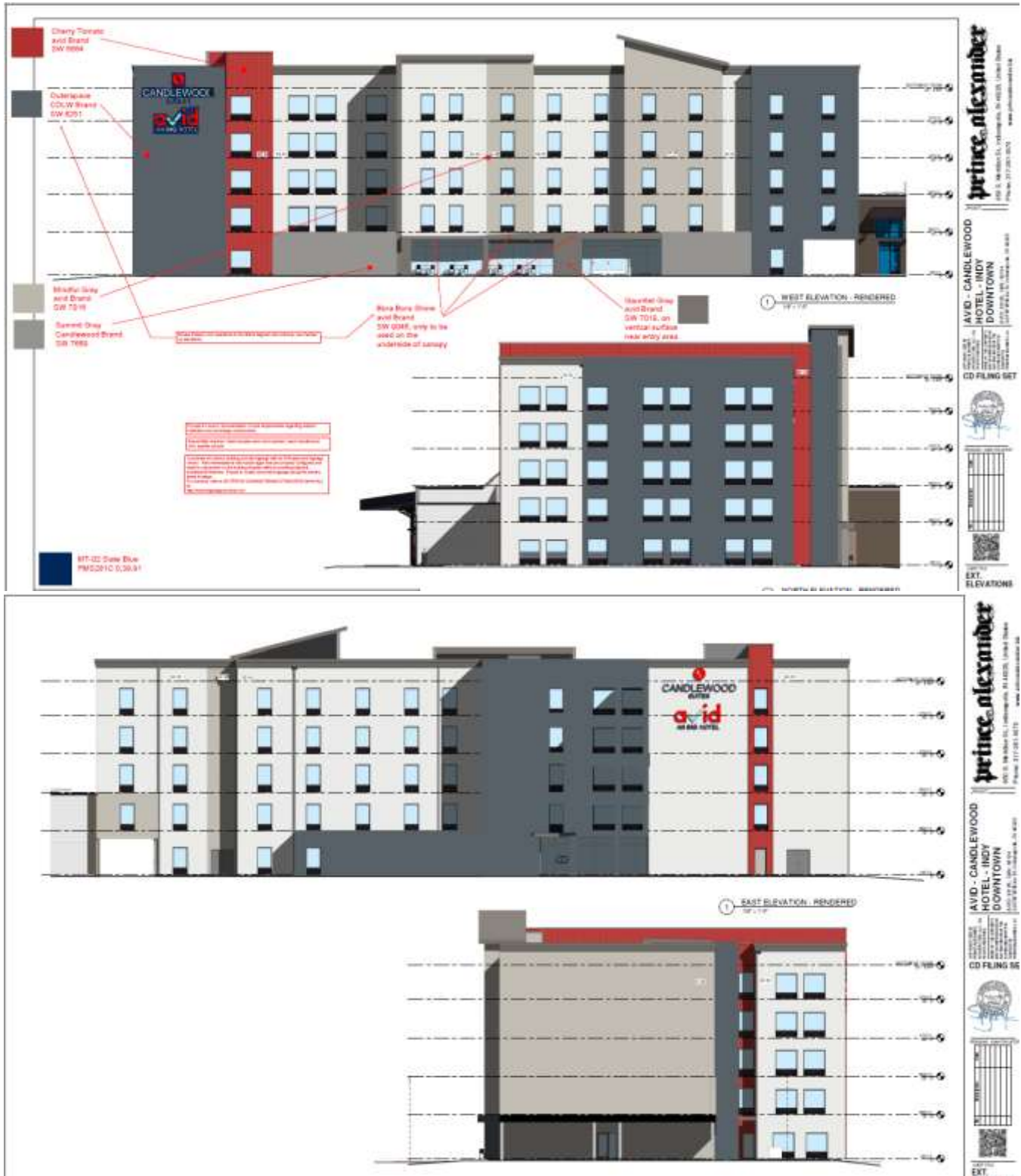
GREEN FACTOR (Continued)

Table 744-509-1: Green Factor Calculation				
Project Name or Address:		AVID/CANDLEWOOD - 325 WILKINS STREET		
Column A	Column B	Column C	Column D	Column E
Type of Area or Element	Number of Plants	Measured Area or Area Equivalent in Sq. Ft.	Multiplier	Score
<p>Notes for Green Factor</p> <p>[1] Large shrubs or ornamental grasses are those that reach 3 ft or more in height at maturity.</p> <p>[2] Small trees are trees that have a canopy spread less than 16 ft at maturity.</p> <p>[3] Medium trees are trees that have a canopy spread of 16 ft to 24 ft at maturity.</p> <p>[4] Large trees are trees that have a canopy spread of 25 ft or greater at maturity.</p> <p>[5] Undisturbed Area is a land area that is not affected by the construction activity; the land area must be stable and include established vegetation as evidenced by the presence of mature trees, understory plants or grasses other than turfgrass.</p> <p>[6] Contribution in lieu of a tree may be made for additional trees that are not required in a required yard. No more than 50% of the site's credited trees may be tree credits. Contribution method and amount to be established by the Metropolitan Development Commission.</p>				
Indicate the Tree species in each size category:				
Small trees species = 25				
Medium tree species = 7				
Large tree species = 8				

PROPOSED ELEVATIONS



AMENDED ELEVATIONS





Department of Metropolitan Development
Division of Planning
Current Planning

KEELER-WEBB ASSOCIATES



Consulting Engineers · Planners · Surveyors

TELEPHONE (317) 574-0140 www.keelerwebb.com

486 Gradie Drive
Carmel, Indiana 46032

December 20, 2024

Attn: Plan Reviewer
City of Indianapolis Department of Metropolitan Development
200 East Market Street, Room 1842
Indianapolis, IN 46204

Re.: AVID / Candlewood Hotel
Lot 1 Kaur Hotel Subdivision
325 Wilkins Street, Indianapolis, Indiana
KWA Project No. 2406-005

LETTER OF INTENT

Keeler-Webb Associates is acting as agent Land Surveyor/ Civil Engineer for Mr. Steve Alexander AIA, and Kaur Properties, LLC, the architect, and owners of the above vacant Lot 1. We are proposing to modify the previously approved AVID Hotel site development and building plans. The modified AVID / Candlewood Hotel Indy Downtown is a new dual-branded hotel for the IHG Hotel Group. The modified 5-story structure includes 135 rooms, indoor and outdoor amenities, and revised shared parking with the existing C-Store/Retail structure on Lot 2 Kaur Hotel Subdivision. Lot 2 is also owned by Kaur Properties, LLC.

This property is affected by an approved zoning petition 2019-CZN-827 and 2019-CPL-827 for the previous AVID Hotel.). We are requesting the previous site plan and commitments to be modified as follows:

Modification of Conditions and Site Plan related to 2019-CZN-827 to provide for the new building footprint, indoor and outdoor amenities, minor site, and pedestrian access revisions, and revised shared parking for Lots 1 and 2.

Variance of Development Standards of the Consolidated Zoning Subdivision Ordinance C-S and previous 2019 plan to provide for a 0 foot front setback from Wilkins Street, (minimum 10-foot front setback required along all streets), and the installation of street tree landscaping in the Wilkins Street R/W triangle between the North line of Lot 1 and the INDOT limited access R/W for the I-70 Eastbound on ramp.

Variance of Development Standards of the Consolidated Zoning Subdivision Ordinance C-S and previous 2019 plan to provide for a 0-foot side setback from Lot 2 structure, (minimum 10-foot front setback required along all side lot lines). The modified structure will match the North face of the existing Structure on Lot 2 and will be a party wall. This party wall is necessary for the canopy drop-off and the design of the new Hotel structure.

Additionally, we propose that the structures and improved areas within the site shall be maintained in a reasonably neat and orderly manner during and after development of the

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

site with appropriate areas and containers/receptacles provided for the proper disposal of trash and other waste.

We will be submitting to BNS for ILP and Infrastructure/Drainage permit review and approval of the site once DMD/MDC petitions are approved. The overall disturbed area for the New Building Additions and parking improvements is 1.28 Ac. +/- . We plan to slightly revise the previously approved plans per ILP20-01302, SWR20-00779, and DRN20-00519 for stormwater quality treatment/detention. The post-developed site will have virtually the same impervious area as the previously approved 2020 plan.

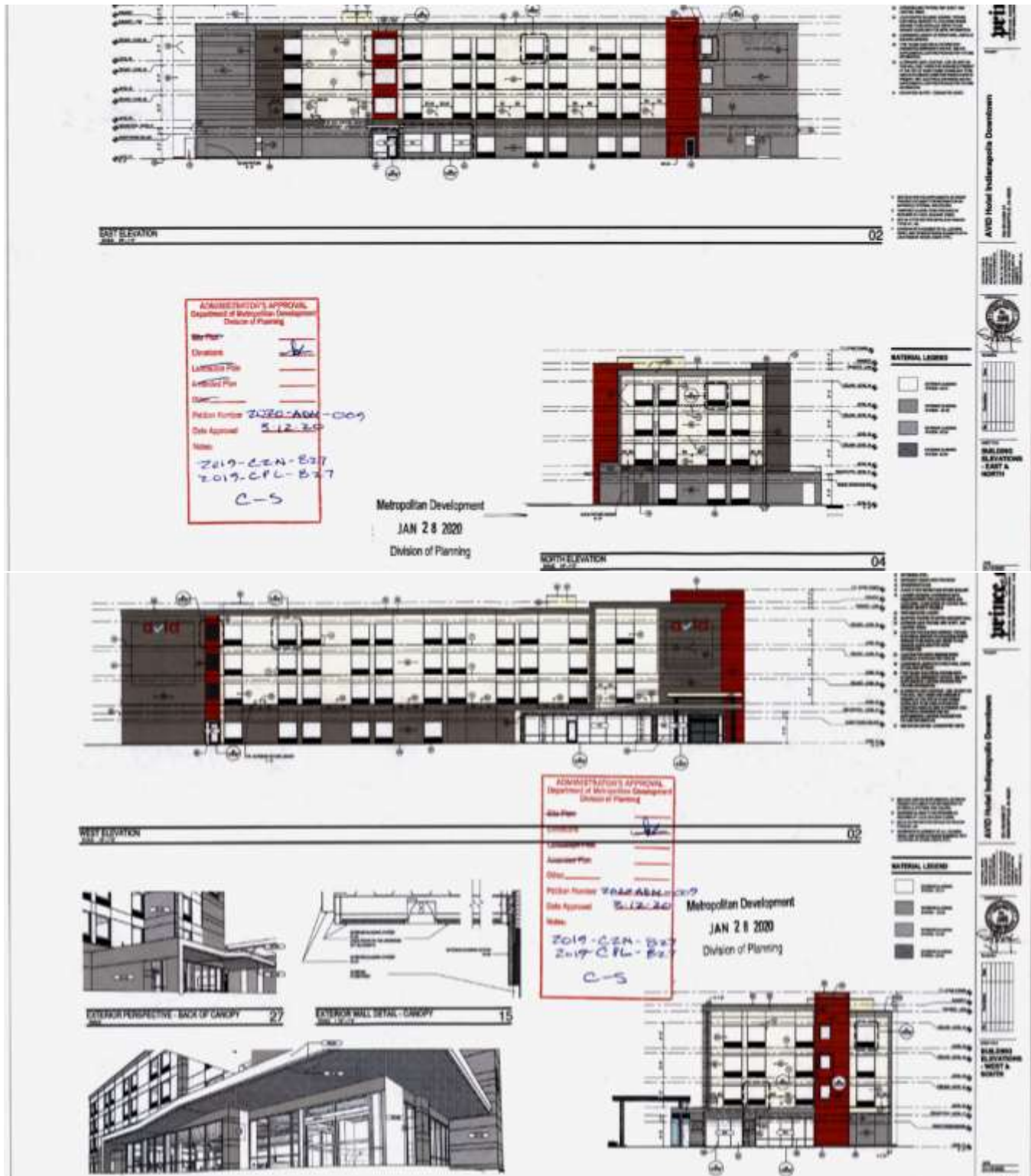
Construction is planned to begin immediately upon approval by all appropriate agencies with the intention of breaking ground in Spring of 2025. The design of the building additions will meet requirements set in local and state building codes, and it will not be a fire hazard to the public. Strict application of the UDO and previous C-S Site Plan and Commitments is burdensome to this property due to the modifications to the previously approved plans, existing parking, curb cuts, and proximity to the right-of-way lines on three sides of the property. Compliance with the UDO and previous C-S Site Plan and Commitments would not allow for the construction of an updated hotel on the property. There is sufficient capacity of all the utilities available to this site. No other off-site utility or road improvements will be necessary to construct or operate this facility. This project is being submitted for your review and comment. 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

2020 APPROVED PLANS





Department of Metropolitan Development
Division of Planning
Current Planning

2019-CZN-827 COMMITMENTS

A201900115114

11/19/2019 10:36 AM

KATHERINE SWEENEY BELL
MARION COUNTY IN RECORDER

FEE: \$ 35.00

PAGES: 9

By: KS

STATEMENT OF COMMITMENTS

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

In accordance with I.C. 36-7-4-1015, the owner of the real estate located in Marion County, Indiana, which is described below, makes the following COMMITMENTS concerning the use and development of that parcel of real estate:

Legal Description:

LOT 1

Part of Parcel II and Parcel III per General Warranty Deed recorded as Instrument number A201700126747 in the Office of the Recorder of Marion County, also being a part of the land of Block numbered "B" in McCarty's Subdivision of the West part of Out Lot 120 of the Donation Lands of the City of Indianapolis, the plat of which is recorded in Plat Book 7, page 74 in the Office of the Recorder of Marion County, Indiana described as follows:

Commencing at the Southeast corner of said Block B, in said Out Lot numbered 120, said point being on the West line of a 15 foot alley and the North line of Morris Street per said plat; thence along the West line of said alley (all bearings are assumed) North 02 degrees 00 minutes 27 seconds East 224.07 feet; thence North 88 degrees 00 minutes 51 seconds West 5.00 feet to the Southeast corner of said Parcel II and a mag nail with washer stamped "HIGBIE 20100067" set at the POINT OF BEGINNING, thence North 87 degrees 49 minutes 45 seconds West 163.88 feet; thence North 02 degrees 10 minutes 20 seconds East 10.50 feet; thence North 87 degrees 51 minutes 44 seconds West 130.45 feet; thence North 15 degrees 17 minutes 58 seconds East 219.85 feet to a 5/8-inch rebar with cap stamped "HIGBIE LS 20100067"; thence South 87 degrees 51 minutes 48 seconds East 243.75 feet to a 5/8-inch rebar; thence South 02 degrees 00 minutes 27 seconds West 224.67 feet to the POINT OF BEGINNING containing 1.362 acres (59320 square feet) more or less and subject to any easements and rights of way of record.

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. All Commitments set forth in the attached Exhibit B.

MDC's Exhibit B - - page 1 of 9

Metropolitan Development
NOV 06 2019
Division of Planning



KS ④

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

2019-CZN-827 COMMITMENTS (Continued)

Exhibit B

Specific Commitments for Stadium Village Business Association

- A. Will have outdoor Canopy large enough for full size 15 passenger van at entrance to protect customers and employees from inclement weather and prevent accidents.
- B. Petitioner will agree to provide fully-accessible entrances in accordance with the 2010 ADAAG.
- C. With regard to the buffer between houses and parking lot to the east of the proposed hotel, junk trees will be removed and new hardwood or evergreen trees with 3 inch base will be installed. An irrigation system will be installed to give outdoor landscaping a long-lasting aesthetic look for many years to come and will be constructed so as to tie into an irrigation system to be installed on the eastern fence line of the adjacent property to the south. A 6-8 foot high barrier comparable to that existing along the east side of the Marathon station will be erected. Hotel grounds will be well maintained and free of weeds and trash.
- D. The project owner will install the AC/Heater units controlled consistent with AVID standards, including either wall-mounted or smart phone controlled units, with the understanding that the unit itself may retain manufacturer controls.

Default Commitments for Stadium Village Business Association

- 1. Landscaping plan will be submitted to SVBA and OSNA for review and comment at least twenty (20) days prior to seeking an ILP. Final site, landscaping and elevations plans shall be submitted for Administrator's Approval prior to the issuance of and Improvement Location (ILP) permit.
- 2. Parking Lot plan will be submitted to SVBA and OSNA for review and comment at least twenty (20) days prior to seeking an ILP. Final site, landscaping and elevations plans shall be submitted for Administrator's Approval prior to the issuance of and Improvement Location (ILP) permit.
- 3. All exterior lighting will be shielded so as not to project light onto any adjoining protected district.
- 4. All dumpsters will be enclosed and on concrete slab and kept near or in an approved parking lot.

MDC's Exhibit B -- page 7 of 9

Metropolitan Development

NOV 06 2019

Division of Planning

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

2019-CZN-827 COMMITMENTS (Continued)

5. No carry out liquor business will be permitted on the premises.
6. No adult entertainment or sexual oriented businesses will operate on this property at any time.
7. No check cashing business will be permitted at any time.
8. No automobile, car wash, or truck fueling business will be permitted on this property at any time.
9. No outdoor storage will be permitted on site at any time.
10. Pari-mutual betting or organized legal gambling will not be permitted.
11. No stacking of trailers or semi-truck parking will be permitted at any time.
12. Temporary signs will not be permitted at any time with the exception of temporary signs typical with and during construction of the hotel. Upon opening of the hotel, this commitment is otherwise agreed to by the owner.
13. No sale of drug paraphernalia will be permitted at any time.
14. An ATM on the exterior of a building will not be permitted.
15. No drive-thru facilities of any kind will be permitted.

MDC's Exhibit B -- page 8 of 9

Metropolitan Development
NOV 06 2019
Division of Planning

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

2019-CZN-827 COMMITMENTS (Continued)

Specific Commitments for Old Southside Neighborhood Association

1. Exterior of the hotel should be consistent or complimentary to the new Emrich Plaza convenience store.
2. Outdoor canopy over front entrance
3. Buffer between residential homes on Senate Avenue and the parking lot.

Default Commitments for Old Southside Neighborhood Association

1. Building Plans: Plans to be submitted to Old Southside Neighborhood Association [OSNA] Land Use and Development Committee for review prior to Public Hearing.
2. Exterior Lighting: Residential areas must be shielded.
3. Landscaping: All projects must have an Improvement Location Permit [ILP]. Landscaping Plan to be presented to OSNA Land Use and Development Committees for review. It is the desire of OSNA to have perimeter trees.
4. Trash Receptacles: Attractive enclosed concrete pad for dumpster or trashcans. Preferred enclosure would be brick, located on site and away from public view.
5. Parking for commercial and multi-use buildings must meet City Code Standards.
6. Prohibited Uses:
 - a) Check cashing businesses
 - b) Adult entertainment
 - c) Carry out liquor store
 - d) Outdoor storage
 - e) Sale of drug paraphernalia
 - f) Stacking of trailers or semi-truck parking
 - g) Organized legal gambling or pari-mutual betting
 - h) Temporary Signs
 - i) Truck fueling

MDC's Exhibit B - - page 9 of 9

Metropolitan Development

NOV 06 2019

Division of Planning



Photo of the subject site at 324 West Morris Street looking northeast.



Photo of the gas station and convenience store on site.



Existing fence separating the site from the properties west of the site.



Photo of undeveloped parcels and single-family dwellings east of the site across the alley.



Photo of the undeveloped parcel at 325 Wilkins Street looking west from the alley.



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



Photo of the access drive from Wilkins Street at the northeast corner of the subject site looking west.



Photo of the alley east of the site looking south.

Department of Metropolitan Development
Division of Planning
Current Planning



Photo of the subject site at 325 Wilkins Street looking south.



Photo of the subject site at 325 Wilkins Street looking southwest.



Photo of the northern property boundary and I-70 ramp.



Photo of the Wilkins Street entrance looking east.



Photo of the undeveloped land and single-family dwelling west of the subject site across two streets.



Photo of the commercial property south of the site.

**METROPOLITAN DEVELOPMENT COMMISSION
HEARING EXAMINER**

April 10, 2025

Case Number: 2025-CZN-809 / 2025-CVR-809

Property Address: 8800 East Raymond Street (Approximate Address)

Location: Warren Township, Council District #20

Petitioner: Alexander Construction and Landscape, by David Retherford

Current Zoning: C-5

Rezoning of 4.37 acres from the C-5 district to the I-2 district to provide for a commercial and building contractor's business.

Request:

Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for outdoor storage and operations comprising of 225% of the total gross floor area of enclosed buildings (maximum 25% permitted), to provide for a gravel parking and storage area, (not permitted), with a 52-foot front transitional yard (minimum 100-foot front transitional yard required), with a 15-foot east side transitional yard (minimum 50-foot side transitional yard required), with a 10-foot north rear yard (minimum 30-foot rear yard required), without interior and exterior landscaping (minimum 9% of lot covered with landscaping required), to permit for outdoor loading and unloading of equipment and material 15 feet from a protected district (minimum 500 feet required), and to allow a six-foot tall aluminum fence with masonry columns in the front yard (maximum 3.5-foot tall fence permitted in the front yard).

Current Land Use: Undeveloped

**Staff
Recommendations:** Denial

Staff Reviewer: Marleny Iraheta, Senior Planner

PETITION HISTORY

This petition was automatically continued from the February 27, 2025 hearing to the March 27, 2025 hearing at the request of a registered neighborhood organization.

This petition was continued for cause from the March 27, 2025 hearing to the April 10, 2025 hearing at the request of the petitioner.

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

PETITION OVERVIEW

LAND USE

The 4.37-acre subject site is an undeveloped commercially zoned parcel. It is bordered to the west by undeveloped land, zoned C-5, to the north by an industrial property, zoned I-2, to the east by a residential use, zoned D-A, and to the south across Raymond Street by single-family dwellings, zoned D-A.

REZONE

The request would rezone the property from the C-5 district to the I-2 district to provide for a commercial and building contractor's business with potential other businesses permitted in the I-2 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 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.

VARIANCE OF DEVELOPMENT STANDARDS

The request includes multiple variances for development standards.

The request would provide for outdoor storage and operations comprising of 225% of the total gross floor area of enclosed buildings. Per Table 743-306-2, the C-5 district only permits outdoor storage of inoperable vehicles awaiting repair which is further limited to 25% of the total gross floor area of enclosed

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

buildings. The proposal would far exceed the 25% limitation of the Ordinance to a point that can be seen as excessive.

The request would provide for a gravel parking and storage area, which is not permitted. According to the Ordinance, for all uses other than Agricultural, Animal Related, and Food Production uses located in the D-A zoning district, parking lots shall provide a durable and dust free surface through one of the following means:

1. The parking lot shall be paved with bricks or concrete; or
2. The parking lot shall be improved with a compacted aggregate base and surfaced with an asphaltic pavement; or
3. The parking lot shall be improved with a compacted aggregate base and surfaced with permeable pavers or permeable pavement approved by the city as appropriate for the type and intensity of the proposed use and for the climate of the city.
4. A gravel surface may be used for a period not exceeding one year after the commencement of the use for which the parking areas is provided, where ground or weather conditions are not immediately suitable for permanent surfacing required by the Zoning Ordinance.
5. For single-family detached dwellings, parking and drive surface may consist of a compacted aggregate base and gravel surface with a distinct edge boundary to retain the gravel.

The request would have deficient transitional yards and a deficient rear yard. As proposed there would be a 52-foot front transitional yard where a minimum 100-foot front transitional yard is required), a 15-foot east side transitional yard where a minimum 50-foot side transitional yard is required, and a 10-foot north rear yard where a minimum 30-foot rear yard is required for the I-2 district in the Metro Context Area per Table 744-201-6 of the Ordinance.

The request would not provide the minimum 9% of lot coverage with landscaping required for interior and exterior landscaping needed on site.

The request would reduce the minimum 500-foot separation requirement for storage being higher than the screening to permit for outdoor loading, unloading, and storage of equipment and material from a protected district in the Metro Context Area to 15 feet.

Lastly the request would allow a six-foot tall aluminum fence with masonry columns in the front yard where a maximum 3.5-foot-tall fence is permitted in the front yard.

DEPARTMENT OF PUBLIC WORKS

The Department of Public Works, Traffic Engineering Section, has requested the dedication and conveyance of a 59.5-foot half right-of-way along Raymond Street. This dedication would also be consistent with the Marion County Thoroughfare Plan.

STAFF ANALYSIS

The submitted Findings of Fact note that the strict application of the terms of the Zoning Ordinance will result in practical difficulties in the use of the site because “the presence of the overhead power line easement impacts a significant portion of the site...”. While it is true that a transmission easement crosses the site, the current C-5 district has significantly reduced transitional yard requirements with a variety of uses permitted by right that likely would not require variances.

The Findings of Fact note that “not requiring the paving of the fenced outdoor area shown on the site plan reasonably presents a risk of occasional dust, but the Petitioner has committed to either using a surface material that does not create dust (such as asphalt regrind) or to regularly treating of the areas being disturbed as reasonably necessary to control the dust.” It is apparent that the business owner is aware of the issues with gravel parking areas and rather than meeting the standards to prevent dust and debris from getting into the air, they wish to save on the cost while putting the health and welfare of the community at risk.

The Findings of Fact note that the use or value of the area adjacent to the property will not be affected in a substantially adverse manner because “the huge parcel that abuts the entire North line of the site was recently rezoned I-2-S, but it was previously zoned C-5 and has been utilized as a high intensity auction for decades without creating any adverse impact”. However, they failed to mention that the property to the north is recommended for heavy commercial development and is solely accessed on Brookville Road which is a heavily commercial and industrial primary arterial street.

The C-5 district permits the use of a commercial and building contractor but does not allow for the excessive outdoor storage that would be proposed with the request. Outdoor storage and operations is defined as an outdoor area used for long-term deposit (more than 24 hours) of any goods, material, merchandise, vehicles, junk as an accessory use to and associated with a primary use on the property.

The request for multiple variances to even allow the proposed development is proof that the site is not large enough for the I-2 district proposal.

It was determined that the proposal would be inappropriate at this location within proximity to single-family dwellings, school, and church. The Ordinance is in place to prevent these intense uses from being located within proximity to protected districts and when located nearby the regulations ensure adequate buffering is provided. The variances requested in this proposal would undermine this standard of protection provided by the Ordinance.

Furthermore, the I-2 district would not align with the Comprehensive Plan recommendation of suburban neighborhood development which 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 which the proposed commercial business contractor would not be, nor would other uses permitted in the I-2 district.

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

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

GENERAL INFORMATION

Existing Zoning	C-5	
Existing Land Use	Undeveloped	
Comprehensive Plan	Suburban Neighborhood	
Surrounding Context	<u>Zoning</u>	<u>Land Use</u>
North:	I-2	Industrial
South:	D-A	Residential (Single-family dwellings)
East:	D-A	Residential
West:	C-5	Undeveloped
Thoroughfare Plan		
Raymond Street	Primary Arterial Street	119-foot proposed right-of-way and 50-foot existing right-of-way.
Context Area	Metro	
Floodway / Floodway Fringe	No	
Overlay	No	
Wellfield Protection Area	No	
Site Plan	January 15, 2025	
Site Plan (Amended)	N/A	
Elevations	N/A	
Elevations (Amended)	N/A	
Landscape Plan	N/A	
Findings of Fact	Enter Date. N/A if not applicable	
Findings of Fact (Amended)	N/A	
C-S/D-P Statement	N/A	

COMPREHENSIVE PLAN ANALYSIS

Comprehensive Plan

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

Pattern Book / Land Use Plan

- The Comprehensive Plan recommends suburban neighborhood development.
- 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

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

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.

- **Conditions for All Land Use Types**
 - All land use types except small-scale parks and community farms/gardens in this typology must have adequate municipal water and sanitary sewer.
 - All development should include sidewalks along the street frontage.
 - Hydrological patterns should be preserved wherever possible.
 - Curvilinear streets should be used with discretion and should maintain the same general direction.
 - In master-planned developments, block lengths of less than 500 feet, or pedestrian cut-throughs for longer blocks, are encouraged.
- **Small-Scale Offices, Retailing, and Personal or Professional Services**
 - If proposed within one-half mile along an adjoining street of an existing or approved residential development, then connecting, continuous pedestrian infrastructure between the proposed site and the residential development (sidewalk, greenway, or off-street path) should be in place or provided.
 - Should be located at the intersections of arterial streets, and should be no closer than one mile to another commercial node with one acre or more of commercial uses except as reuse of a historic building.
 - Should be limited to an aggregate of 3.5 acres per intersection, with no one corner having more than 1.5 acres.
 - Should be limited to areas and parcels with adequate space for required screening and buffering.
 - Automotive uses (such as gas stations and auto repair) and uses requiring a distance of separation of greater than 20 feet under the zoning ordinance (such as liquor stores, adult uses, and drive-through lanes) are excluded. Should not include outdoor display of merchandise.
- The proposed I-2 district and associated businesses would not align with the Comprehensive Plan recommendation.

Red Line / Blue Line / Purple Line TOD Strategic Plan

- Not Applicable to the Site.

Neighborhood / Area Specific Plan

- Not Applicable to the Site.

Infill Housing Guidelines

- Not Applicable to the Site.

Indy Moves

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

- The Indy Moves Transportation Integration Plan (2018), more specifically the IndyMoves PedalIndy 2018 plan proposes an on-street bike lane along Raymond Street from Southeastern Avenue to Mitthoeffer Road.

ZONING HISTORY

Zoning History – Site

95-Z-199B; 8601 Brookville Road (subject site), Rezoning 100.0 acres from C-5 and D-A to C-5 to provide for an automobile auction, **approved**.

Zoning History – Vicinity

2022-ZON-019; 8405 and 8635 Brookville Road (north of site), Rezoning of 108.53 acres from the C-4 and C-5 districts to the I-2 district, **approved**.

2000-ZON-818; 8856 East Raymond Street (southeast of site), Rezoning of one acre from SU-1, to D-S, to provide for construction of one single-family dwelling, with a two car attached garage, **approved**.

93-Z-12; 8401 East Raymond Street (southwest of site), Rezoning of 46.0 acres, being in the PK-1 District, to the SU-2 classification to provide for construction of a middle school, **approved**.

85-Z-64; 8989 East Raymond Street (southeast of site), Rezoning of 6.59 acres, from C-3 and A-2 to SU-1, to provide for a religious use, **approved**.

82-Z-82; 8502 East Raymond Street (west of site), Rezoning of 22.42 acres, being in the A-2 District, to the SU-7 classification for a home and treatment center for adolescent alcoholics, **withdrawn**.

63-Z-41; (southeast of site) Rezoning from the A-2 district to the B-2 classification to allow for retail stores and offices to be constructed, **approved**.

EXHIBITS



Department of Metropolitan Development
Division of Planning
Current Planning



[illegible]



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
Table 743-306-2, Outdoor fenced yard ratio

1. The grant will not be injurious to the public health, safety, morals, and general welfare of the community because: The parking/storage of construction equipment and related vehicles within a fenced area which is significantly larger than what would otherwise be permitted given the size of the proposed enclosed buildings does not present a reasonable risk of such injury due to the small size of the site, the screening provided by the proposed building locations, and the high quality of the appearance and level of buffering proposed along the Raymond Street frontage.
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 huge parcel that extends South abuts the entire North line of the site was recently rezoned I-2-S, but it was previously zoned C-5 and has been utilized as a high intensity auto auction for decades without creating any such adverse impact. To the East are two group homes on large heavily wooded D-A zoned parcels which were developed and are owned by the same property owner who is selling the subject property, and they do not object to the proposed variances being granted. To the West is remaining property zoned C-5, and it is also separated from the subject property by the overhead power line easement with a tower and lines. To the South across Raymond Street are single family homes, which are sufficiently protected by the combination of the relative low intensity of the proposed "contractor" uses, and the Petitioner's commitments, especially as compared to what would have been permitted by the existing C-5 zoning on this site.
3. The strict application of the terms of the zoning ordinance will result in practical difficulties in the use of the property because: The presence of the overhead power line easement impacts a significant portion of the site; and since buildings cannot be built within that area the restrictions imposed by the utility company owning those rights impacts the ability of the petitioner to add accessible buildings to store equipment indoors to better comply with the storage yard ratio. In addition, the types of equipment used by the Petitioner, and the low trailers used to haul it, need sufficient room to maneuver on the site to access the buildings and turn around, so a huge percentage of the fenced area included in the calculation of the ratio is actually just maneuvering area and occasional loading and unloading area.

DECISION

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

Adopted this _____ day of _____ 202 5

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
Table 743-306-2, Outdoor fenced yard ratio

1. The grant will not be injurious to the public health, safety, morals, and general welfare of the community because: The parking/storage of construction equipment and related vehicles within a fenced area which is significantly larger than what would otherwise be permitted given the size of the proposed enclosed buildings does not present a reasonable risk of such injury due to the small size of the site, the screening provided by the proposed building locations, and the high quality of the appearance and level of buffering proposed along the Raymond Street frontage.
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 huge parcel that extends South abuts the entire North line of the site was recently rezoned I-2-S, but it was previously zoned C-5 and has been utilized as a high intensity auto auction for decades without creating any such adverse impact. To the East are two group homes on large heavily wooded D-A zoned parcels which were developed and are owned by the same property owner who is selling the subject property, and they do not object to the proposed variances being granted. To the West is remaining property zoned C-5, and it is also separated from the subject property by the overhead power line easement with a tower and lines. To the South across Raymond Street are single family homes, which are sufficiently protected by the combination of the relative low intensity of the proposed "contractor" uses, and the Petitioner's commitments, especially as compared to what would have been permitted by the existing C-5 zoning on this site.
3. The strict application of the terms of the zoning ordinance will result in practical difficulties in the use of the property because: The presence of the overhead power line easement impacts a significant portion of the site; and since buildings cannot be built within that area the restrictions imposed by the utility company owning those rights impacts the ability of the petitioner to add accessible buildings to store equipment indoors to better comply with the storage yard ratio. In addition, the types of equipment used by the Petitioner, and the low trailers used to haul it, need sufficient room to maneuver on the site to access the buildings and turn around, so a huge percentage of the fenced area included in the calculation of the ratio is actually just maneuvering area and occasional loading and unloading area.

DECISION

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

Adopted this _____ day of _____ 202 5



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
Unpaved Surface of Fenced Outdoor Area

1. The grant will not be injurious to the public health, safety, morals, and general welfare of the community because: Not requiring the paving of the fenced outdoor area shown on the Site plan reasonably presents a risk of occasional dust, but the Petitioner has committed to either using a surface material that does not create dust (such as asphalt reground) or to regularly treating of the areas being disturbed as reasonably necessary to control the dust.
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 huge parcel that abuts the entire North line of the site was recently rezoned I-2-S, but it was previously zoned C-5 and has been utilized as a high intensity auto auction for decades without creating any such adverse impact. To the East are two group homes on large heavily wooded D-A zoned parcels which were developed and are owned by the same property owner who is selling the subject property, and they do not object to the proposed variances being granted. To the West is remaining property which is heavily wooded, but is zoned C-5, and this property is separated from the subject property by the pre-existing 100' wide overhead power line easement and the tower with lines. To the South across Raymond Street are single family homes on large lots, but the Petitioner's commitments when combined with the low intensity manner in which the site will actually be used will not likely create such substantial adverse impact, especially when compared to what could have been developed on this site per the pre-existing C-5 zoning.
3. The strict application of the terms of the zoning ordinance will result in practical difficulties in the use of the property because: The types of equipment used by the Petitioner, and the low trailers used to haul it, would almost certainly damage the surface of the outdoor storage area unless it is covered with a loose material that allows the necessary sharp turns needed to access the buildings or turn around on the site.

DECISION

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

Adopted this _____ day of _____ 202 5

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

744-06 (C) and (D) & 744-08 (C) – landscaping to the north, east and west

1. The grant will not be injurious to the public health, safety, morals, and general welfare of the community because: Approving less landscaping than required by the ordinance in the North, west and east yards presents no reasonable risk of such injury as the existing uses to the north are already more intense, the existing trees and screening are being preserved along the east line, the property to west is heavily wooded and the 100' wide power line easement running along the west not only creates separation but would prevent the planting of any trees, and extra screening, landscaping and fencing is proposed along the visible portion of the site, which is along Raymond Street.

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 huge parcel that extends South abuts the entire North line of the site was recently rezoned I-2-S, but it was previously zoned C-5 and has been utilized as a high intensity auto auction for decades without creating any such adverse impact. To the East are two group homes on large heavily wooded D-A zoned parcels which were developed and are owned by the same property owner who is selling the subject property, and they do not object to the proposed variances being granted. To the West is remaining property zoned C-5, and it is also separated from the subject property by the overhead power line easement. To the South across Raymond Street are single family homes, but the landscaping, decorative fencing and mounding proposed along the South line will exceed the requirements of the ordinance, and as a result the impact on those properties will likely end up being less than what would have been permitted by the existing C-5 zoning on this site.

3. The strict application of the terms of the zoning ordinance will result in practical difficulties in the use of the property because: The presence of the overhead power line easement impacts a significant portion of the site. Not only does it restrict the developable area significantly, the restrictions on trees and landscaping imposed by the utility company owning the rights to the easement would legally prevent the Petitioner from complying with most of the landscape ordinance within the west portion of the site. The properties to the east and west are owned by the same property owner, and they support the grant.

DECISION

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

Adopted this _____ day of _____ 202 5

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
744-201-6 – reduced setbacks and transitional yards

1. The grant will not be injurious to the public health, safety, morals, and general welfare of the community because: Approving narrower setbacks and yards along the North, east and South lines presents no reasonable risk of such injury as the existing uses to the north are already more intense, the existing trees and screening are being preserved along the east line, and the Petitioner has committed to install decorative fencing, mounding and landscaping in the south transitional yard which exceeds the requirements in the ordinance.
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 huge parcel that extends South abuts the entire North line of the site was recently rezoned I-2-S, but it was previously zoned C-5 and has been utilized as a high intensity auto auction for decades. To the East are two group homes on large heavily wooded D-A zoned parcels which were developed and are owned by the same property owner who is selling the subject property, and they support the proposed variances being granted. To the West is remaining property zoned C-5, and the setback and transitional yard significantly exceeds the requirements per the ordinance due to the impact of the overhead power line and easement. To the South across Raymond Street are single family homes, but the landscaping, decorative fencing and mounding proposed along the South line will exceed the requirements of the ordinance, and as a result the impact on those properties will likely end up being less than what would have been permitted by the existing C-5 zoning on this site.
3. The strict application of the terms of the zoning ordinance will result in practical difficulties in the use of the property because: The presence of the overhead power line easement impacts a significant portion of the site. In addition, the entire site is not very deep, which makes designing a contractor's facility with sufficient room for buildings and maneuvering areas difficult without reducing the north and south setbacks/transitional yards as proposed.

DECISION

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

Adopted this _____ day of _____ 202 5

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

Table 743-306-2 - outdoor loading and unloading, and minimal outdoor parking/storage, within 500 feet of Protected District

1. The grant will not be injurious to the public health, safety, morals, and general welfare of the community because: As restricted by the Petitioner's Commitments, the grant presents no reasonable risk of such injury, especially in comparison to what would be permitted by the pre-existing C-5 zoning on the subject property.
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 parcels to the North and West are not affected, as the only Protected Districts are to the East and South. However, the fact that the prior uses of the auto auction to the north is relevant to determining that this area is not as likely to be sensitive to a reduction in the 500 foot rule as proposed here. To the East are two group homes on large heavily wooded D-A zoned parcels which were developed and are owned by the same property owner who is selling the subject property, and they support the proposed variance being granted. To the South across Raymond Street are single family homes on large lots, but the Petitioner's detailed and protective commitments when combined with the low intensity manner in which the site will actually be used will not likely create such substantial adverse impact, especially when compared to what could have been developed on this site per the pre-existing C-5 zoning of this site.
3. The strict application of the terms of the zoning ordinance will result in practical difficulties in the use of the property because: The site simply could not be used for any industrial use involving outdoor activities without such a variance, and the pre-existing C-5 zoning on this site, the C-5 zoning on the property to the West, and the recent rezoning of the property to the north from C-5 to I-2-S have an unique impact on the subject site. The proposal to reduce these specific difficulties via the specific limited and restricted proposal set forth by the Petitioner is a reasonable solution.

DECISION

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

Adopted this _____ day of _____ 202_ 5_



Eastern property boundary of the subject site where the pole sign is located.



Photo of the subject site street frontage.



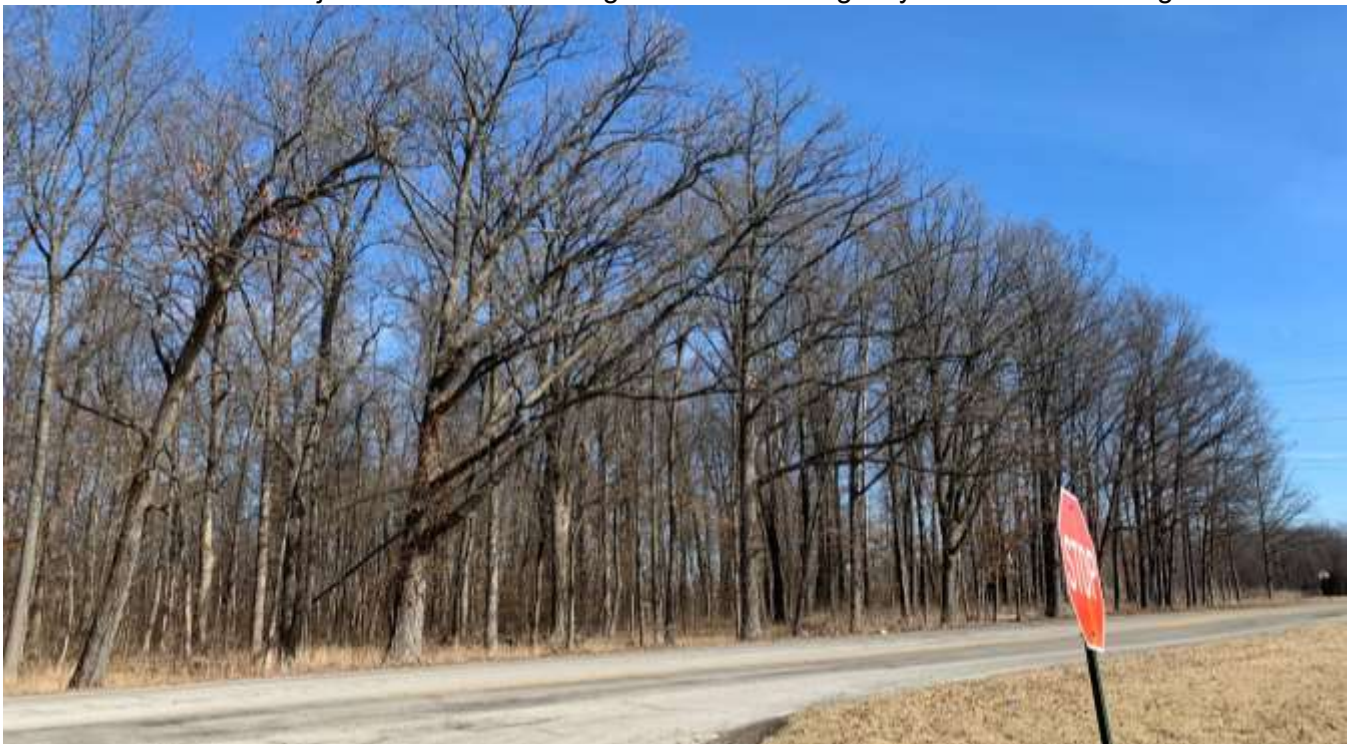
Photo of the subject site street frontage.



Photo of the western property boundary of the subject site with the transmission line easement.



Photo of the subject site's street frontage on the left along Raymond Street looking east.



Undeveloped land west of the subject site.



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



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

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



Photo of the property east of the subject site.

HEARING EXAMINER

April 10, 2025

Case Number: 2025-CVR-810 / 2025-CPL-810

Property Address: 1222 North Temple Avenue (Approximate Address)

Location: Center Township, Council District #13

Petitioner: Maurice K. Kistler and Vivian R. Kistler, by John Cross

Zoning: D-5

Request: Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for a 38.5-foot lot width and zero-foot south side setback at the walkway for proposed Lot One, a 36.53-foot lot width for proposed Lot Two (minimum 40-foot lot width required for each lot and five-foot side setback required).

Approval of a Subdivision Plat to be known as Replat of Lot 48 in Vajens Springdale Subdivision, subdividing 0.32-acre into two lots.

Waiver Requested: None

Current Land Use: Residential

Staff Reviewer: Marleny Iraheta, Senior Planner

PETITION HISTORY

This petition was automatically continued from the March 13, 2025 hearing to the April 10, 2025 hearing at the request of a registered neighborhood organization.

STAFF RECOMMENDATION

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

Staff recommends that the Hearing Examiner **approve** and find that the plat, file-dated January 31, 2025 complies with the standards of the Subdivision regulations, subject to the following conditions:

1. Subject to the Standards and Specifications of Citizens Energy Group, Sanitation Section.
2. Subject to the Standards and Specifications of the Department of Public Works, Drainage Section.
3. Subject to the Standards and Specifications of the Department of Public Works, Transportation Section.
4. That addresses and street names, as approved by the Department of Metropolitan Development, be affixed to the final plat prior to recording.
5. That the Enforcement Covenant (Section 741-701, of the Consolidated Zoning and Subdivision Ordinance) be affixed to the final plat prior to recording
6. That the Site Distance Covenant (Section 741-702, of the Consolidated Zoning and Subdivision Ordinance) be affixed to the final plat prior to recording.

7. That the Sanitary Sewer Covenant (Section 741-704, of the Consolidated Zoning and Subdivision Ordinance) be affixed to the final plat prior to recording.
8. That the Storm Drainage Covenant (Section 741-703, of the Consolidated Zoning and Subdivision Ordinance) be affixed to the final plat prior to recording.
9. That the plat restrictions and covenants, done in accordance with the rezoning commitments, be submitted prior to recording the final plat.
10. That all the standards related to secondary plat approval listed in Sections 741-207 and 741-208 of the Consolidated Zoning and Subdivision Ordinance be met prior to recording the final plat.

PETITION OVERVIEW

LAND USE

The 0.32-acre subject site is developed with a two-unit multi-unit house on the northern portion of the site. It falls within the Near Eastside neighborhood and surrounded by single-family dwellings, zoned D-5.

VARIANCE OF DEVELOPMENT STANDARDS

Per Table 742.103.02 – Residential Building Type Standards, a detached house – small lot development type would require a 40-foot minimum lot width and five-foot side setbacks.

As proposed Lot One would have a 38.5-foot lot width and zero-foot south side setback at the walkway. Lot Two would have a 36.53-foot lot width for proposed.

PLAT

The subject site is a residential lot with a two-unit multi-unit house zoned D-5 in the J H Vajen's Springdale subdivision platted on April 25, 1872. This proposed plat would divide the existing parcel into two lots. Lot 1 would contain the two-unit multi-unit house with a detached garage at the rear and Lot 2 would remain an undeveloped lot until developed as a single-family dwelling. This replat would allow the property owner to sell each of the parcels individually, rather than as one parcel, with minimal impact on the surrounding property owners.

STREETS

Both Lot One and Two would front on Temple Avenue. No new streets are proposed.

SIDEWALKS

Sidewalks are existing along Temple Avenue.

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

STAFF ANALYSIS

Staff is supportive of the variance request to provide for a 38.5-foot lot width and zero-foot south side setback at the walkway for proposed Lot One and a 36.53-foot lot width for proposed Lot Two where a minimum 40-foot lot width and five-foot side setbacks are required.

The zero-foot south side setback on Lot One is for an existing walkway that will not significantly impact Lot two. The five-foot setback from the southern property boundary to the building façade would still be present and does not mean that the building would be any closer to the future dwelling on Lot Two than is required.

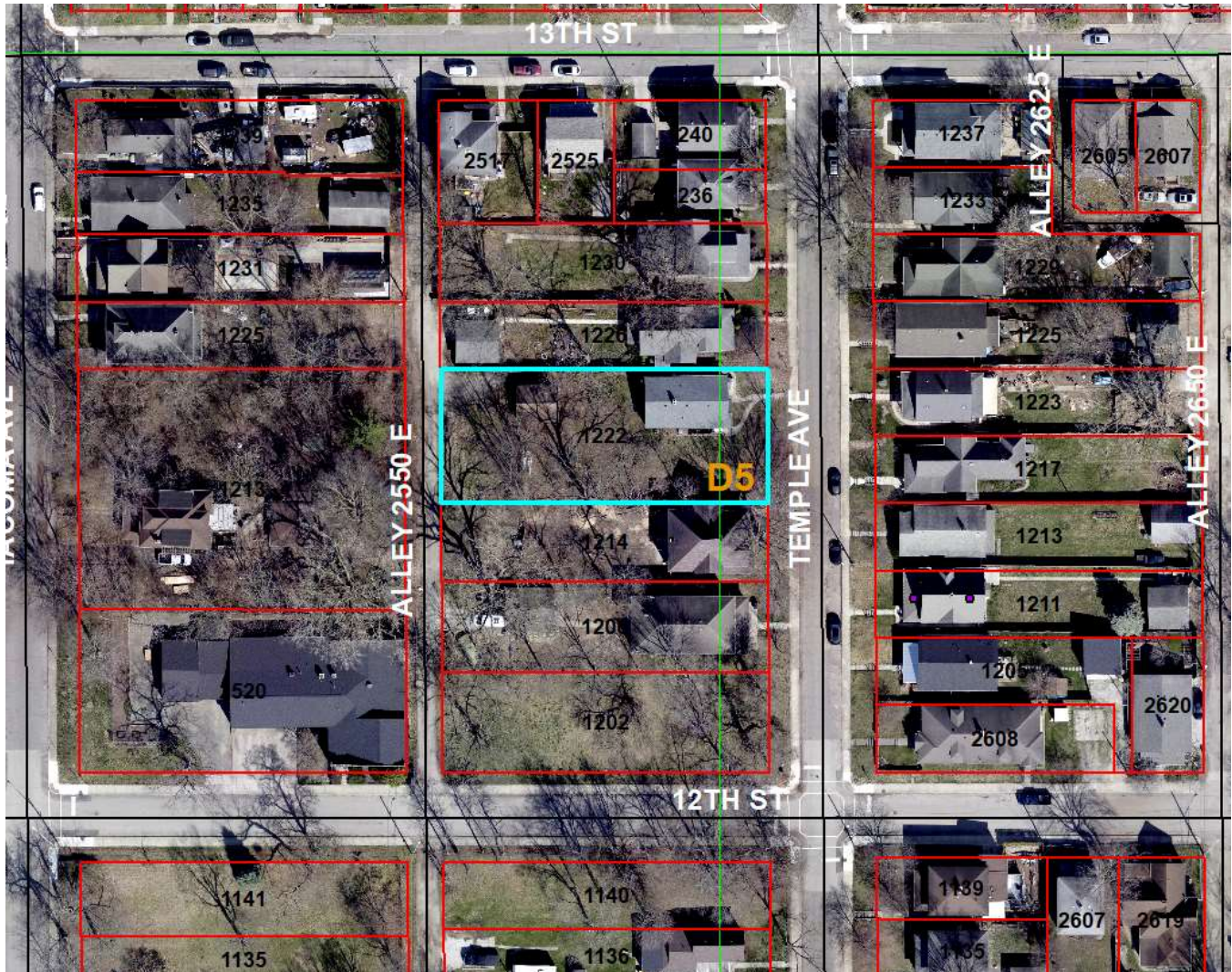
Staff is supportive of the subdivision plat because it will meet the D-5 standards apart from the lot width and side setback on one lot.

GENERAL INFORMATION

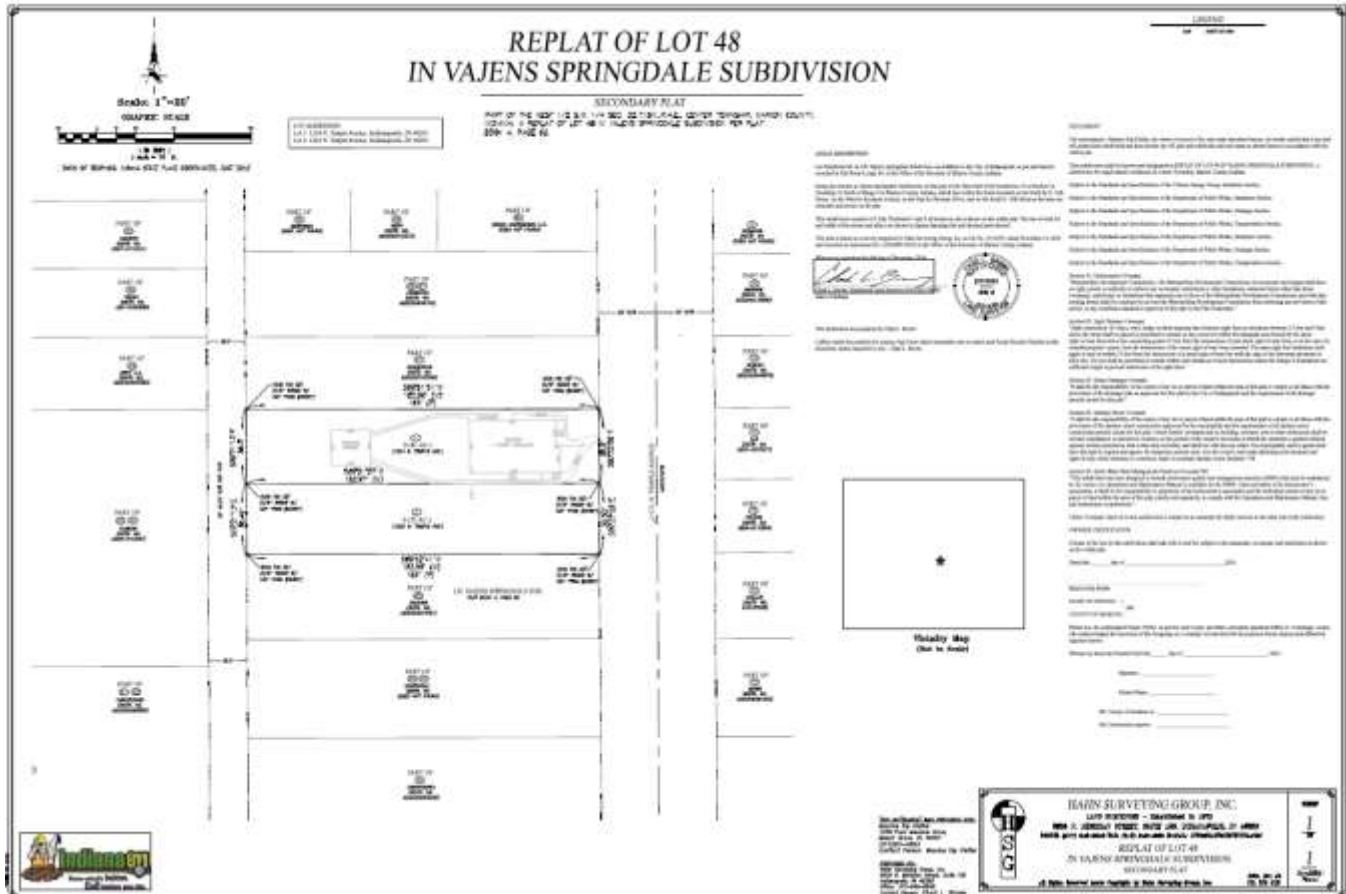
Existing Zoning	D-5	
Existing Land Use	Two-unit multi-unit house	
Comprehensive Plan	Traditional Neighborhood	
Surrounding Context	<u>Zoning</u>	<u>Land Use</u>
North:	D-5	Residential (Multi-unit house)
South:	D-5	Residential (Single-family dwelling)
East:	D-5	Residential (Single-family dwelling)
West:	D-5	Residential (Single-family dwelling)
Thoroughfare Plan		
Temple Avenue	Local Street	60-foot existing and 48-foot proposed right-of-way.
Petition Submittal Date	January 31, 2025	

EXHIBITS

Present Day Aerial



Preliminary Plat



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 reduced lot widths are minor deviations from required standard. The north lot exists with a dwelling on it that will not be impacted. The lot split and lot width variance for the south lot will permit a similar dwelling be constructed. The lots will be consistent with the smaller lots common throughout the area and will not not have any negative impact to the public.

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

The proposed smaller lot widths will not be uncharacteristic to other smaller lots in the area so will not negatively impact any property values. The variance will permit the construction of a new dwelling which will benefit the area by providing additional housing.

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

The replatted south lot cannot be developed without the variance. The proposed lot size is similar to surrounding lots and this lot will be negatively impacted if it cannot be improved similarly to other similar lots in the area.

DECISION

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

Adopted this _____ day of _____, 20 ____

PHOTOS



Photo of the subject site looking west.



Photo of the detached garage to remain on proposed Lot One.



Photo of the rear yard of proposed Lot Two.



Photo of the rear yard of the subject site looking north on the alley.



Photo of the dwellings north of the site.



Photo of the dwellings south of the site.

**METROPOLITAN DEVELOPMENT COMMISSION
HEARING EXAMINER**

April 10, 2025

Case Number: 2025-ZON-026
Property Address: 2932 Central Avenue (Approximate Address)
Location: Center Township, Council District #12
Petitioner: College Flats, LLC, by Misha Rabinowitch
Current Zoning: Enter Current Zoning District
Request: Rezoning of 0.154-acre from the C-1 district to the D-8 district to provide for a row house.
Current Land Use: Undeveloped
Staff Recommendations: Approval with a commitment.
Staff Reviewer: Marleny Iraheta, Senior Planner

PETITION HISTORY

This is the first public hearing for this petition.

STAFF RECOMMENDATION

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

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

PETITION OVERVIEW

LAND USE

The 0.154-acre subject site is an undeveloped commercially zoned lot. It is bordered to the south by a utility substation, zoned C-1, single-family dwellings to the west and north, zoned D-5, and undeveloped property to the east, zoned MU-2.

REZONING

The request would rezone the property from the C-1 district to the D-8 district for the development of a row house that would not be permitted in the current commercial 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. 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-8 district is intended for a variety of housing formats, with a mix of small-scale multi-unit building types. This district can be used as a part of new mixed-use areas, or for infill situations in established urban areas, including medium and high-density residential recommendations of the Comprehensive Plan, and the Traditional Neighborhood, City Neighborhood, and Village or Urban Mixed-Use Typologies of the Land Use Pattern Book.

DEPARTMENT OF PUBLIC WORKS

The Department of Public Works, Traffic Engineering Section, has requested the dedication and conveyance of a 39-foot half right-of-way along Central Avenue. This dedication would also be consistent with the Marion County Thoroughfare Plan.

STAFF ANALYSIS

The property is located midblock with the predominant development in the area being residential uses.

The proposed row house would align with the eight to fifteen residential units per acre development recommendation of the Mapleton-Fall Creek Neighborhood Land Use Plan (2013).

Because Central Avenue is a heavily trafficked throughfare with a mix of zoning districts along this corridor, the D-8 district proposed for residential development would not be out of line with the surrounding zoning districts or residential development pattern along this street.

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

GENERAL INFORMATION

Existing Zoning	C-1	
Existing Land Use	Undeveloped	
Comprehensive Plan	8 to 15 Residential Units per Acre	
Surrounding Context	<u>Zoning</u>	<u>Land Use</u>
	North: D-5	Residential (Single-family dwelling)
	South: C-1	Utility Substation
	East: MU-2	Undeveloped
	West: D-5	Residential (Single-family dwelling)
Thoroughfare Plan		
Central Avenue	Primary Arterial Street	78-foot proposed right-of-way and 60-foot existing right-of-way.
Context Area	Compact	
Floodway / Floodway Fringe	No	
Overlay	Yes	
Wellfield Protection Area	No	
Site Plan	March 11, 2025	
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

- Mapleton-Fall Creek Neighborhood Land Use Plan (2013)
- Red Line Transit-Oriented Development Strategic Plan (2021)
- Infill Housing Guidelines (2021)

Pattern Book / Land Use Plan

- Not Applicable to the Site. Please see Mapleton-Fall Creek Neighborhood Land Use Plan (2013) below.

Red Line / Blue Line / Purple Line TOD Strategic Plan

- The subject site falls within the Red Line Transit-Oriented Development Strategic Plan (2021) but does not fall within the Transit Oriented Development Secondary District.
- The site would be within ½ mile of the 30th Street and Meridian Street transit station, which is classified as a district center typology.
- Development around this station should be a dense mixed-use hub for multiple neighborhoods with tall buildings, minimum of three stories at core with no front or side setbacks, multi-family housing with a minimum of 5 units, and structured parking only with active first floor.

Neighborhood / Area Specific Plan

- The site falls within the Mapleton-Fall Creek Neighborhood Land Use Plan (2013)
- The plan recommends residential development greater than 8.00 and equal to or less than 15.00 units per acre. This density is typically the highest density serviceable in suburban areas. In suburban areas it would typically be a multi-family (apartment or condominium) category. In urban areas, this is the highest density single-family residential category and a common multi-family category. Development at this density is appropriate for all types of mass transit corridors.

Infill Housing Guidelines

- The Infill Housing Guidelines (2021) would be applicable to the site.
- **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.

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

When a balcony is used, consider the appropriate door access for the type of balcony. For example, Juliet balconies, which are intended to bring the outside in, make the most sense when French doors are used.

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

Indy Moves

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

- Not Applicable to the Site.

ZONING HISTORY

Zoning History - Vicinity

2019-ZON-019; 2916 Central Avenue (south of site), Rezoning of 0.12 acre from the C-1 District to the D-5 classification, **approved**.

2015-CZN-838; 510 East Fall Creek Parkway, North Drive; 2819-2957 (odd) North Central Avenue; 2802-2810 and 2826-2844 (even) Ruckle Street; 512 and 518 East 28th Street; 507 and 508 East 29th Street (southeast of site), Rezoning of 0.79 acre from the C-1 and C-4 districts to the MU-2 (formerly C-3C) district to provide for commercial and residential development, **approved**.

2015-ZON-014; 2636 Central Avenue (north of site), Rezoning of 0.12 acre, from the C-1 District, to the D-5 classification to provide for single-family residential development, **approved**.

2014-CZN-826; 510 East Fall Creek Parkway, North Drive; 2819-2965 (odd) North Central Avenue; 2802-2844 (even) Ruckle Street; 512 and 518 East 28th Street; 507 and 508 East 29th Street (east of site), Rezoning of 5.7 acres from the D-8, C-1, C-2 (FW) and C-4 districts to the C-3C (FW) and C-3C districts to provide for a three-story, 32,000-square foot mixed-use building (510), with approximately 12,000 square feet of commercial space and 16 units; two, three-story senior apartment buildings, with 48 units each, and six, 1,600-square foot (per unit) two-family dwellings, **withdrawn**.

EXHIBITS

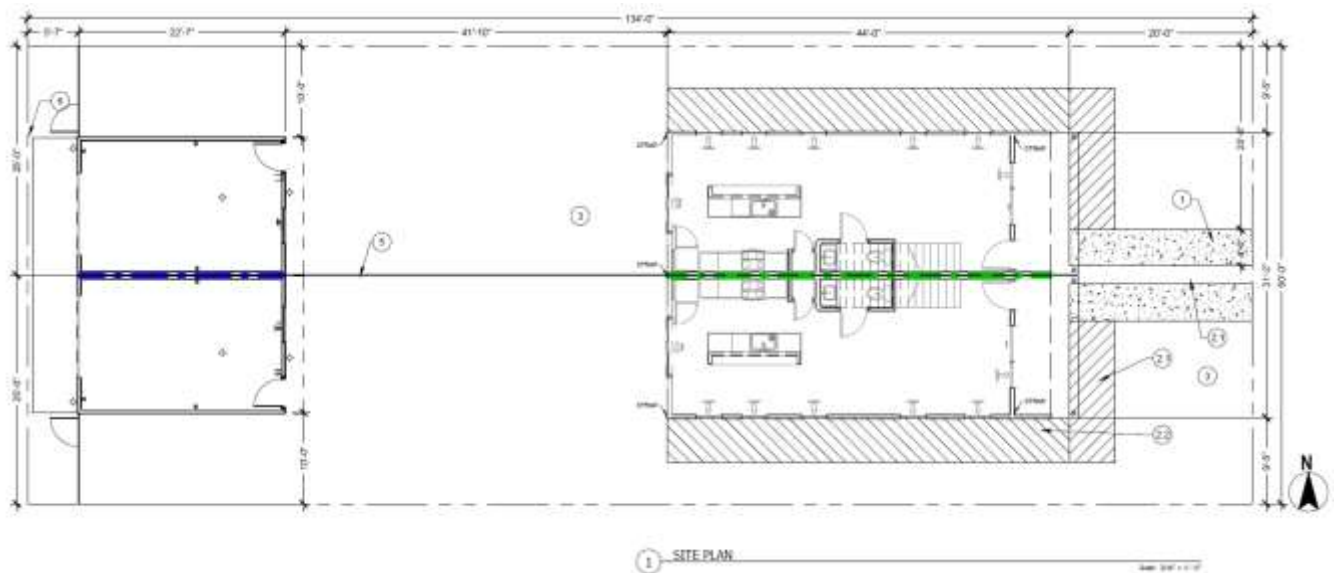




Photo of the subject site looking west.



Photo of the subject site looking east from the alley.



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



Photo of the utility substation south of the site.

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



Photo of the undeveloped properties east of the site

METROPOLITAN DEVELOPMENT COMMISSION
OF MARION COUNTY, INDIANA
PETITION FOR VARIANCE OF DEVELOPMENT STANDARDS
NEGATIVE FINDINGS OF FACT

- 1. BASED ON THE EVIDENCE SUBMITTED THE PETITIONER FAILED TO MEET ITS BURDEN OF PROOF TO SHOW THAT THE GRANT WILL NOT BE INJURIOUS TO THE PUBLIC HEALTH, SAFETY, MORALS, AND GENERAL WELFARE OF THE COMMUNITY BECAUSE the addition of a surface parking lot at this location would generate more traffic to the alley and street, which could create more hazardous situations for pedestrians and residents.
- 2. BASED ON THE EVIDENCE SUBMITTED THE PETITIONER FAILED TO MEET ITS BURDEN OF PROOF TO SHOW THAT THE USE AND VALUE OF THE AREA ADJACENT TO THE PROPERTY INCLUDED IN THE VARIANCE WILL NOT BE AFFECTED IN A SUBSTANTIALLY ADVERSE MANNER BECAUSE the additional lighting, noise, and traffic to be generated with a surface parking lot would negatively affect the value of surrounding properties by reducing the likelihood that future property owners would want to be located next to this commercial use. Furthermore, the lack of transitional yards and landscaping would negatively impact the aesthetic of the residential area.
- 3. BASED ON THE EVIDENCE SUBMITTED THE PETITIONER FAILED TO MEET ITS BURDEN OF PROOF TO SHOW THAT THE STRICT APPLICATION OF THE TERMS OF THE ZONING ORDINANCE WILL RESULT IN PRACTICAL DIFFICULTIES IN THE USE OF THE PROPERTY BECAUSE the site could be developed with a single-family dwelling that would align with the dwelling district and would be compatible with the neighborhood without the need for variances.

DECISION

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

Adopted this _____ day of _____, 20 ____

METROPOLITAN DEVELOPMENT COMMISSION
OF MARION COUNTY, INDIANA
PETITION FOR VARIANCE OF USE
NEGATIVE FINDINGS OF FACT

- 1. BASED ON THE EVIDENCE SUBMITTED THE PETITIONER FAILED TO MEET ITS BURDEN OF PROOF TO SHOW THAT THE GRANT OF THE VARIANCE WOULD NOT BE INJURIOUS TO THE PUBLIC HEALTH, SAFETY, MORALS OR GENERAL WELFARE OF THE COMMUNITY because the addition of a surface parking lot at this location would generate more traffic to the alley and street, which could create more hazardous situations for pedestrians and residents.
- 2. BASED ON THE EVIDENCE SUBMITTED THE PETITIONER FAILED TO MEET ITS BURDEN OF PROOF TO SHOW THAT THE GRANT OF THE VARIANCE WOULD NOT AFFECT THE USE AND VALUE OF ADJACENT PROPERTIES IN A SUBSTANTIALLY ADVERSE MANNER because the additional lighting, noise, and traffic to be generated with a surface parking lot would negatively affect the value of surrounding properties by reducing the likelihood that future property owners would want to be located next to this commercial use. Furthermore, the lack of transitional yards and landscaping would negatively impact the aesthetic of the residential area.
- 3. BASED ON THE EVIDENCE SUBMITTED THE PETITIONER FAILED TO MEET ITS BURDEN OF PROOF TO SHOW THAT THE NEED FOR A VARIANCE ARISES FROM A CONDITION PECULIAR TO THE PROPERTY because the site would be a viable residential property if developed as permitted under the current dwelling district instead of proposing a commercial use.
- 4. BASED ON THE EVIDENCE SUBMITTED THE PETITIONER FAILED TO MEET ITS BURDEN OF PROOF TO SHOW THAT THE STRICT APPLICATION OF THE TERMS OF THE ZONING ORDINANCE CONSTITUTES AN UNUSUAL AND UNNECESSARY HARDSHIP IF APPLIED TO THE PROPERTY FOR WHICH THE VARIANCE IS SOUGHT because there are other uses permitted in the current dwelling district that could be developed and would not require a variance.
- 5. BASED ON THE EVIDENCE SUBMITTED THE PETITIONER FAILED TO MEET ITS BURDEN OF PROOF TO SHOW THAT THE STRICT APPLICATION OF THE TERMS OF THE ZONING ORDINANCE WILL RESULT IN PRACTICAL DIFFICULTIES IN THE USE OF THE PROPERTY BECAUSE the site could be developed with a single-family dwelling that would align with the dwelling district and would be compatible with the neighborhood without the need for variances.

DECISION

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

Adopted this _____ day of _____, 20 ____

METROPOLITAN BOARD OF ZONING APPEALS, Division _____
OF MARION COUNTY, INDIANA

PETITION FOR VARIANCE OF USE
STORAGE CONTAINERS

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 variance allows for this C5 zoned property to utilize two on-site storage containers for the purpose of storing materials for the auto service and tire repair business. One container will be stored on-site on a long term basis, while the other is utilized on a short term basis when larger shipments of materials are received. The containers are in good repair and water tight condition and will not impact clear site triangles or impact safety of those on or off-site.

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 storage containers are located in a way which they are shielded from Keystone Avenue. The use of the containers on a more than thirty (30) day basis will allow for materials to be stored indoors, preventing unsightly stacking of materials and preserving the life of materials while awaiting sale and installation. The areas where the containers are located are already paved, so no additional impervious surface will be required for their use. The containers are generally in good repair.

3. The need for the variance arises from some condition peculiar to the property involved and the condition is not due to the general condition of the neighborhood because:

The property has a single-story structure on site which has been repurposed for the existing auto and tire use, but which has design and access challenges for the volume of use typically associated with these uses. The use of these storage containers, which would be permitted if they stayed less than thirty (30) days will allow for the existing site to continue to be used for a productive and active business.

4. The strict application of the terms of the zoning ordinance constitutes an unusual and unnecessary hardship if applied to the property for which the variance is sought because:

The zoning ordinance does not differentiate between a storage container which can be used on a semi-permanent basis in the same way that an accessory building (e.g. shed) could be utilized and a temporary use for a storage container. The use of the storage container as a long term on-site storage solution will allow for easier reuse of the property if/when the current business ceases.

5. The grant does not interfere substantially with the Comprehensive Plan because:

The small size of the containers in relationship to the size of the property does no impair the on-going use of the property in line with the Comp Plan recommendation of Community Commercial.

DECISION

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

Adopted this _____ day of _____, 20 ____

