



Metropolitan Development Commission Hearing Examiner (February 9, 2023) Meeting Agenda

Meeting Details

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

Date: Thursday, February 09, 2023

Time: 1:00 PM

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

Business:

Special Requests

Petitions for Public Hearing

PETITIONS REQUESTING TO BE CONTINUED:

1. 2022-ZON-056 (Amended) | 3500 Sutherland Avenue | Center Township, CD #9

Monon Development Group, LLC, by Andi M Metzel

Rezoning of 6.8 acres from the D-5 (FW) district to the D-10 (FW) district to provide for a multi-family residential development, consisting of approximately 480 dwelling units.

**Continuance requested to March 9, 2023 by staff

2. 2022-ZON-057 | 8849 and 9047 West Mooresville Road | Decatur Township, CD #20

Forestar (USA) Real Estate Group, Inc., by Brian J. Tuohy

Rezoning of 139.4 acres from the D-A and D-4 districts to the D-3 district to provide for residential development.

***Withdraw requested

3. 2022-ZON-133 | 9425 East 30th Street | Warren Township, CD #14

God's Grace Community Church, by JoAnn Thompson

Rezoning of 12.808 acres from the SU-1 district to the D-7 district to provide for a multi-family senior-living residential development.

**Staff requesting continuance to March 9, 2023

4. 2022-CZN-840 / 2022-CVR-840 / 2022-CVC-840 | 5436 Brookville Road | Warren Township, CD #12

Baldeep Baidwan, by David Kingen and Emily Duncan

Rezoning of 1.60 acres from the C-3 district to the C-S district to provide for a truck retail and repair facility with related parking and limited C-4 uses.

Variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for fifteen parking spaces (32 parking spaces required).

Vacation of the first northwest-southeast alley north of Brookville Road, being fifteen feet in width, from the southwest corner of Lot 40 in Witz and Spannuth's Addition, as recorded in Plat Book 16, Page 6 in the Office of the Marion County Recorder, southeast 210.40 feet to the northeast corner of Lot 5 in said subdivision, with a waiver of the Assessment of Benefits.

**Continuance request to April 13, 2023 - joint request by petitioner and remonstrator

5. 2022-CZN-847 / 2022-CVR-847 | 2619, 2625 and 2627 West Washington Street | Wayne Township, CD #16

Purewal Holdings, Inc., by David Kingen and Emily Duncan

Rezoning of 0.39 acre from the C-4 (TOD) district to the MU-2 (TOD) district to provide for mixed-use development.

Variance of Development Standards to provide for, a liquor store located 87 feet from a protected district (100-foot separation required), a parking lot to be accessed from Holmes Avenue (access from adjacent alley required), a front building line of 42.4% along Holmes Avenue (minimum 60% building frontage required), a parking lot totaling 43.9% of the lot width along Holmes Avenue (maximum 40% of lot width permitted).

**Petitioner requesting continuance to April 13, 2023

6. 2022-CZN-867 / 2022-CVC-867 | 5400 and 5430 Greenfield Avenue and 400 Burgess Avenue | Warren Township, CD #12

Baldeep Baidwan by David Kingen and Emily Duncan

Rezoning of 2.71 acres from the D-5 district to the D-7 district to provide for multi-family development.

Vacation of a portion of Greenfield Avenue, ranging from 25 feet wide to 50 feet wide, from the southwest corner of Lot 65 in Witz and Spannuth's Addition, southeast 451.54 feet to the southeast corner of Lot 49 in said subdivision,

Vacation of a portion of Elm Avenue, ranging from 25 feet to 50 feet wide, from the northeast corner of Lot 59 in Witz and Spannuth's Addition, south 528.79 feet to the southeast corner of Lot 61 in said subdivision,

Vacation of the first east-west alley north of Greenfield Avenue, being 15 feet in width, from the southeast corner of Lot 59 in Witz and Spannuth's Addition, west 40.50 feet, to the northwest corner of Lot 61 in said subdivision,

Vacation of the first east-west alley north of Greenfield Avenue, being 15 feet in width, from the southwest corner of Lot 53 in Witz and Spannuth's Addition, east 182.20 feet, to the northeast corner of Lot 49 in said subdivision, all with a waiver of the Assessment of Benefits.

**Petitioner requesting continuance to April 13, 2023

7. 2023-MOD-001 | 6340 Rockville Road | Wayne Township, CD #15

Shiloh Holdings, LLC, by Joseph D. Calderon

Modification of Commitments related to 2004-VAR-844 to terminate all commitments associated with Lots 5 and 6.

*Automatic continuance filed by a Registered Neighborhood Organization to March 9, 2023

8. 2023-ZON-001 | 5970 Southeastern Avenue | Warren Township, CD #18

Manjinder Kaur Kahlon by Landman Beatty, Lawyers

Rezoning of 0.93 acres from the C-3 and D-2 districts to the C-4 district to provide for a gas station/convenience store.

*Automatic continuance filed by a Registered Neighborhood Organization to March 9, 2023

9. 2022-MOD-009 | 25 McLean Place | Center Township, CD #11

Illinois Street Self Storage, LLC, by David Kingen and Emily Duncan

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

10. 2022-ZON-071 (Amended) / 2022-VAR-011 | 7820 West Washington Street | Wayne Township, CD #22

Paige Darline Jensen

Rezoning of 0.53 acre from the D-A and C-5 districts to the C-5 district to provide for commercial uses.

A variance of use and development standards of the Consolidated Zoning and Subdivision Ordinance to provide for a truck rental facility (not permitted) and an eight-foot tall privacy fence (maximum six-foot tall fence permitted).

11. 2022-ZON-128 | 4116 Mann Road | Decatur Township, CD #22

The Bodley Group, LLC, by Michael Rabinowitch

Rezoning of 10.99 acres from the D-A district to the D-7 district to provide for a multi-family development.

12. 2022-CZN-871 / 2022-CPL-871 | 4901 West 56th Street | Pike Township, CD #8

Dove Asset Partners, by Elizabeth Bentz Williams

Rezoning of 14.53 acres from the SU-5 district to the C-S district to provide for a mini-warehouse (self-storage) facility and wireless/radio communication towers.

Approval of a Subdivision Plat to be known as AAA Development and Consulting, LLC Minor Plat, dividing 14.53 acres into two lots.

PETITIONS FOR PUBLIC HEARING (New Petitions):

13. 2023-ZON-002 | 3401 North Emerson Avenue | Warren Township, CD #13

M & T Investors, Inc., by Raymond A. Basile

Rezoning of 0.63 acres from the C-3 district to the C-5 district to provide for automobile sales.

14. 2023-ZON-003 | 758 North Concord Street | Wayne Township, CD #11

Jackson Hauersperger, by Epifanio Carbajal

Rezoning of 0.21 acre from the I-2 district to the D-5 district to provide for residential uses.

15. 2023-CVR-800 / 2023-CPL-800 | 834 East 64th Street | Washington Township, CD #2

834 64th Street, LLC, by Joseph D. Calderon

Variance of Development Standard of the Consolidated Zoning and Subdivision Ordinance to provide for a 2.9-foot east side setback for proposed Lot One and a one-foot west side setback for Lot Two (10 feet required), and to legally establish parking located 3.9 feet from 64th Street (50-foot setback required) and zero feet from Ferguson Street, in front of the front building line (25-foot setback required, not permitted), a 63.7% front building line for Lot Two and a 20% front building line on Lot One along 64th Street (minimum 80% required), a 47.3% front building line along Ferguson Street for Lot Two (60% required), a 32-foot-wide driveway along Ferguson Street (maximum 24 feet permitted), a 16.3-foot setback from Ferguson Street for Lot One (zero to ten foot setback required for the first 25 feet from the corner), a 5.3-foot rear setback for Lot Two (ten feet required), building heights of 21.1 for Lot One and 14.2 for Lot Two (minimum 25-foot height required), and with parking in the right-of-way of Ferguson Street (not permitted).

Approval of a Subdivision Plat, to be known as Replat of Lot 20 in Lights Broad Ripple Subdivision, dividing 0.17 acre into two lots.

Additional Business:

**The addresses of the proposals listed above are approximate and should be confirmed with the Division of Planning. Copies of the proposals are available for examination prior to the hearing by emailing planneroncall@indy.gov. Written objections to a proposal are encouraged to be filed via email at dmdpubliccomments@indy.gov before the hearing and such objections will be considered. At the hearing, all interested persons will be given an opportunity to be heard in reference to the matters contained in said proposals. The hearing may be continued from time to time as may be found necessary. For accommodations needed by persons with disabilities planning to attend this public hearing, please call the Office of Disability Affairs at (317) 327-5654, at least 48 hours prior to the meeting. Department of Metropolitan Development - Current Planning Division.

STAFF REPORT**Department of Metropolitan Development
Division of Planning
Current Planning Section**

Case Number: 2022-ZON-056 (Amended)
Address: 3500 Sutherland Avenue (Approximate Address)
Location: Center Township, Council District #9
Petitioner: Monon Development Group, LLC, by Andi M. Metzel
Request: Rezoning of 6.8 acres from the D-5 (FW) district to the D-8 (FW) district to provide for a multi-family residential development, consisting of approximately 480 dwelling units.

The petitioner has submitted a written statement indicating that a traffic study that Staff and the Department of Public Works requested is nearly completed. Additional time is needed to provide for the submittal of the report and professional review of the traffic study. Therefore, this petition should be **continued** to the **March 9, 2023**, hearing. A staff report will be available prior to that hearing.

JY

STAFF REPORT**Department of Metropolitan Development
Division of Planning
Current Planning Section**

Case Number: 2022-ZON-057
Address: 8849 and 9047 West Mooresville Road (*Approximate Addresses*)
Location: Decatur Township, Council Districts #20
Petitioner: Forestar (USA) Real Estate Group, Inc., by Brian J. Tuohy
Request: Rezoning of 139.4 acres from the D-A and D-4 districts to the D-3 district to provide for residential development.

ADDENDUM FOR FEBRUARY 9, 2023 HEARING EXAMINER

The petitioner's representative has notified staff that the petition is being **withdrawn**.

The petitioner requested and was granted a continuance from the October 13, 2022 hearing to the February 9, 2023 hearing to allow time for additional site design work.

ADDENDUM FOR OCTOBER 13, 2022, HEARING EXAMINER

A Traffic Impact Study was submitted and reviewed by staff. However, the petitioner requested and was granted a continuance from the August 25, 2022 hearing to the October 13, 2022 hearing to allow time for additional site design work.

ADDENDUM FOR AUGUST 25, 2022, HEARING EXAMINER

This petition was continued from the July 14, 2022 hearing to the August 25, 2022 hearing to provide time for the submission and review of a Traffic Impact Study.

ADDENDUM FOR JULY 14, 2022, HEARING EXAMINER

This petition was continued from the June 9, 2022 hearing to the July 14, 2022 hearing to provide time for the submission and review of a Traffic Impact Study.

ADDENDUM FOR JUNE 9, 2022, HEARING EXAMINER

This petition was continued from the May 12, 2022 hearing to the June 9, 2022 hearing to provide time for the submission and review of a Traffic Impact Study.

klh

STAFF REPORT

Department of Metropolitan Development Division of Planning Current Planning Section

Case Number: 2022-ZON-133
Address: 9425 East 30th Street (*Approximate Address*)
Location: Warren Township, Council District #14
Petitioner: God's Grace Community Church, by JoAnn Thompson
Request: Rezoning of 12.808 acres from the SU-1 district to the D-7 district to provide for a multi-family senior-living residential development.

Staff recommends that this petition be **continued from the February 9, 2023 hearing to the March 9, 2023 or hearing** to allow time for a new legal description to be submitted.

At Staff's recommendation this petition was continued from the January 12, 2023 hearing to the February 9, 2023 hearing to allow time for a new legal description to be submitted.

RECOMMENDATION

Staff has **no recommendation** at this time. However, whatever staff's future recommendation may be, it will be with the provision that the following commitment being reduced to writing on the Commission's Exhibit "B" forms at least three days prior to the MDC hearing:

A 40-foot half right-of-way shall be dedicated along the frontage of 30th 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).

SUMMARY OF ISSUES

The following issues were considered in formulating the recommendation.

LAND USE

- ◇ Historic aerial photography indicates that in 1937 the site was a farmstead, of which the farmhouse still stands. In the mid-1970s the first portion of the existing church building was constructed. By 1978, there were three multi-family residential complexes in the vicinity.

(Continued)

STAFF REPORT 2022-ZON-133 (Continued)

- ◇ The Comprehensive Land Use recommends Suburban Neighborhood for the subject site. This typology primarily provides for single family dwellings, but also provides for small commercial areas and various forms of housing including multi-family dwellings under certain criteria.
- ◇ The criteria for assisted living facilities and nursing homes with the Suburban Neighborhood typology are that they should be located along an arterial or collector street, park or greenway, they should be in harmony with the surrounding neighborhoods and should place and screen their parking, service and emergency vehicle area, and they should not be within 1000 feet of a highway, freeway or expressway. This site is more than 1000 feet from a highway, freeway or expressway and is located on a secondary arterial street.

ZONING

- ◇ This petition requests a rezoning to the D-7 district. This district is intended for medium density residential development including duplexes, rowhouses, triplexes, fourplexes, multi-family dwellings and group living quarters such as assisted living facilities and nursing homes. It does not permit detached single-family dwellings. According to the Ordinance, the district should have superior street access, pedestrian linkages and on-site recreation amenities. Typical residential density is twelve to 15 units per acre. The D-7 district permits religious uses through the Special Exception process.
- ◇ The petitioner has indicated that the intention is to build a residential senior living complex.
- ◇ As submitted, the entire site would be rezoned to the D-7 district. The D-7 district permits religious uses only through the filing of a Special Exception petition. Without the Special Exception, the religious use could continue to operate, but could not expand in any way, even something as minor as adding a sign. To avoid this situation, there are two options available to the petitioner, the filing of a Special Exception or removing the land that the church structure stands on from this petition. The second option would result in the church structure retaining its SU-1 zoning district. The petitioner has decided to pursue the second option, which requires a new legal description outlining only the area to be rezoned. As of publication time, the updated legal description has not been submitted.

GENERAL INFORMATION

EXISTING ZONING, CONTEXT AREA, AND LAND USE

SU-1	Metro	Religious use
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(Continued)

STAFF REPORT 2022-ZON-133 (Continued)

SURROUNDING ZONING AND LAND USE

North	I-3	Trailer rental service
South	D-4	Single-family dwellings
East	D-A, D-4, SU-1	Single-family dwellings, religious use
West	D-7	Multi-family dwelling complex

COMPREHENSIVE LAND USE PLAN The Comprehensive Land Use Plan for Warren Township (2018) recommends Suburban Neighborhood.

THOROUGHFARE PLAN 30th Street is classified in the Official Thoroughfare Plan for Marion County, Indiana as a Secondary Arterial, with a 50-foot existing right-of-way and an 80-foot proposed right-of-way.

FLOODWAY / FLOODWAY FRINGE This site is not located within a floodway or floodway fringe.

WELLFIELD PROTECTION DISTRICT This site is not located within a wellfield protection district.

STREAM PROTECTION CORRIDOR This site is not located within a Stream Protection Corridor.

ZONING HISTORY – SITE

None.

ZONING HISTORY – VICINITY

2017-DV2-003; 9535 East 30th Street (east of site), requested a variance of development standards to provide for a single-family dwelling with deficient areas, setback, lot area and frontage width and for an over-size garage, **approved**.

99-Z-121; 9545 East 30th Street (northwest of site), requested the rezoning of eleven acres from the I-3-S district to the C-S district to provide for tire and tube sales and for tire retreading, **approved**.

91-Z-66; 9545 East 30th Street (east of site), requested the rezoning of seven acres from the A-2 district to the SU-1 district, **approved**.

(Continued)

STAFF REPORT 2022-ZON-133 (Continued)

90-SE1-10; 9543 East 30th Street (west of site), requested an industrial special exception for a temporary concrete plant in an I-3-S district, **approved**.

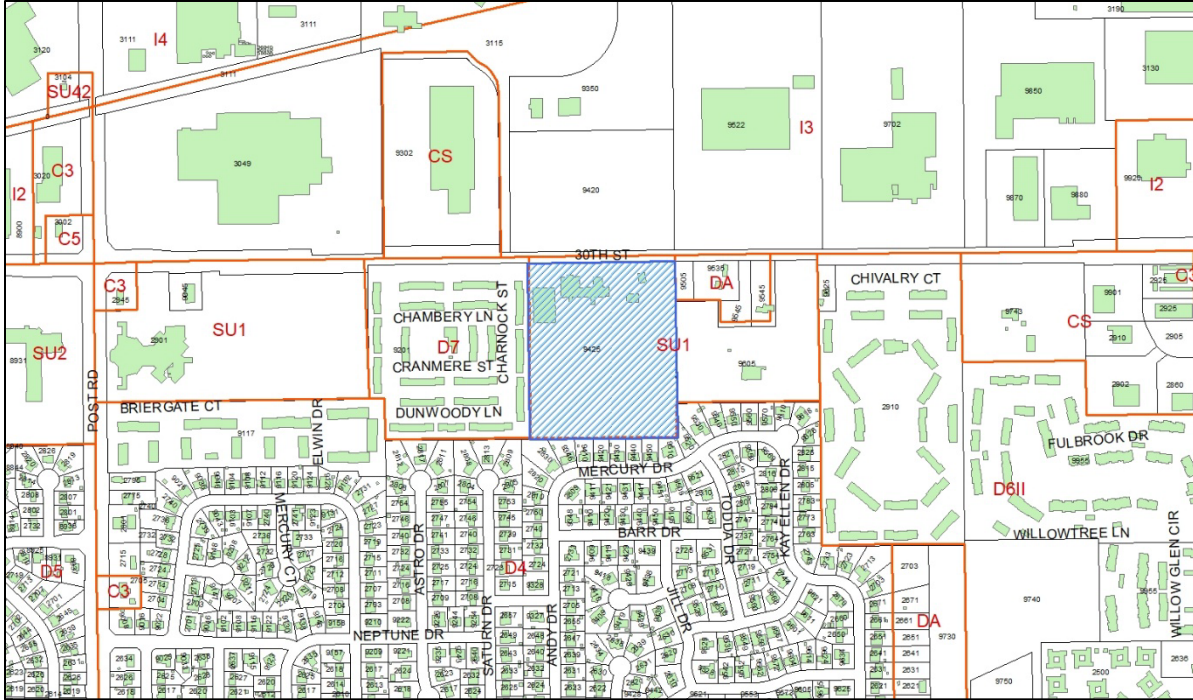
88-SE1-10; 9350 East 30th Street (west of site), requested an industrial special exception to provide for an industrial park, **approved**.

85-UV3-12; 9450 East 30th Street (north of site), requested a temporary variance of use to provide for a concrete batching plant in an I-3-S district, **approved**.

83-UV3-58; 9450 East 30th Street (north of site), requested a temporary variance of use to provide for a concrete batching plant in an I-3-S district, **approved**.

klh

STAFF REPORT 2022-ZON-133, Location



STAFF REPORT 2022-ZON-133, Aerial photograph (2022)



STAFF REPORT 2022-ZON-133, Photographs



Looking east at the existing church building.



Looking south at the site from 30th Street. On the right is the neighboring property to the west.



Looking south at the eastern portion of the subject site and including the historic farmhouse.



Looking southeast across the site.



Looking southwest across the site.



Looking west across the site to the neighbors to the west.



Looking west along 30th Street.



Looking northwest across 30th Street at the neighbor to the northwest.



Looking north across 30th Street at the neighbor to the north.



Looking northeast across 30th Street at the neighbor to the northeast.



Looking east along 30th Street.



Looking south along the east property line.

STAFF REPORT

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

Case Number: 2022-CZN-840 / 2022-CVR-840 / 2022-CVC-840
Address: 5436 Brookville Road (Approximate Addresses)
Location: Warren Township, Council District #12
Petitioner: Baldeep Baidwan, by David Kingen and Emily Duncan
Request: Rezoning of 1.60 acres from the C-3 district to the C-S district to provide for a truck retail and repair facility with related parking and limited C-4 uses.

Variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for fifteen parking spaces (32 parking spaces required).

Vacation of the first northwest-southeast alley north of Brookville Road, being fifteen feet in width, from the southwest corner of Lot 40 in Witz and Spannuth's Addition, as recorded in Plat Book 16, Page 6 in the Office of the Marion County Recorder, southeast 210.40 feet to the northeast corner of Lot 5 in said subdivision, with a waiver of the Assessment of Benefits.

February 9, 2023

This petitioner and a registered neighborhood organization have provided a written request for continuance from the February 9, 2023 hearing to the April 13, 2023 hearing to allow for additional time to meet with neighborhood organizations and to provide revised plans. Staff requests that this continuance includes new mailed notice.

This is the sixth hearing for this petition. This petition was continued from the July 28, 2022 hearing to the August 25, 2022 hearing, from the August 25, 2022 hearing to the October 27, 2022 hearing, from the October 27, 2022 hearing to the December 15, 2022 hearing, and from the December 15, 2022 hearing to the February 9, 2022 hearing.

AR

STAFF REPORT

Item 5.

Department of Metropolitan Development
Division of Planning
Current Planning Section

Case Number: 2022-CZN-847 / 2022-CVR-847
Address: 2619, 2625 and 2627 West Washington Street (*Approximate Address*)
Location: Wayne Township, Council District #16
Petitioner: Purewal Holdings, Inc., by David Kingen and Emily Duncan
Requests: Rezoning of 0.39 acre from the C-4 (TOD) district to the MU-2 (TOD) district to provide for mixed-use development.

Variance of Development Standards to provide for:

1. A liquor store located 87 feet from a protected district (100-foot separation required),
2. A parking lot to be accessed from Holmes Avenue (access from adjacent alley required),
3. A front building line of 42.4% along Holmes Avenue (minimum 60% building frontage required),
4. A parking lot totaling 43.9% of the lot width along Holmes Avenue (maximum 40% of lot width permitted).

The Hearing Examiner continued these petitions from the December 15, 2022 hearing, to the February 9, 2023, at the request of staff and the petitioner's representative.

The petitioner's representative has requested a **continuance from the February 9, 2023 hearing, to the April 13, 2023.**

kb

STAFF REPORT

Department of Metropolitan Development Division of Planning Current Planning Section

Case Number: 2022-CZN-867 / 2022-CVC-867
Address: 5400 and 5430 Greenfield Avenue and 400 Burgess Avenue
(Approximate Address)
Location: Warren Township, Council District #12
Petitioner: Baldeep Baidwan by David Kingen and Emily Duncan
Request: Rezoning of 2.71 acres from the D-5 district to the D-7 district to provide for multi-family development.

Vacation of a portion of Greenfield Avenue, ranging from 25 feet wide to 50 feet wide, from the southwest corner of Lot 65 in Witz and Spannuth's Addition, southeast 451.54 feet to the southeast corner of Lot 49 in said subdivision,

Vacation of a portion of Elm Avenue, ranging from 25 feet to 50 feet wide, from the northeast corner of Lot 59 in Witz and Spannuth's Addition, south 528.79 feet to the southeast corner of Lot 61 in said subdivision,

Vacation of the first east-west alley north of Greenfield Avenue, being 15 feet in width, from the southeast corner of Lot 59 in Witz and Spannuth's Addition, west 40.50 feet, to the northwest corner of Lot 61 in said subdivision,

Vacation of the first east-west alley north of Greenfield Avenue, being 15 feet in width, from the southwest corner of Lot 53 in Witz and Spannuth's Addition, east 182.20 feet, to the northeast corner of Lot 49 in said subdivision, all with a waiver of the Assessment of Benefits.

The petitioner's representative has requested a **continuance from the February 9, 2023 hearing to the April 13, 2023 hearing** to provide time to amend the site plan.

The petitioner's representative requested and was granted a continuance from the December 29, 2022 hearing to the February 9, 2023 hearing to allow for additional time to meet with the neighborhood and with staff.

The petitioner's representative requested and was granted a continuance from the December 1, 2022 hearing to the December 29, 2022 hearing to accommodate the petitioner's travel schedule.

klh

STAFF REPORT**Department of Metropolitan Development
Division of Planning
Current Planning Section**

Case Number: 2023-MOD-001
Address: 6340 Rockville Road (*Approximate Address*)
Location: Wayne Township, Council District #15
Zoning: C-4
Petitioner: Shiloh Holdings, LLC, by Joseph D. Calderon
Request: Modification of Commitments related to 2004-VAR-844 to terminate all commitments associated with Lots 5 and 6.

A valid Automatic Continuance has been received from a registered neighborhood organization, the Rockville Road, High School Road, Girls School Road Neighborhood Association, **continuing this petition from the February 9, 2023 hearing to the March 9, 2023 hearing.**

STAFF REPORT

Item 8.

Department of Metropolitan Development
Division of Planning
Current Planning Section

Case Number: 2023-ZON-001 (Amended)
Address: 5970 Southeastern Avenue (*Approximate Address*)
Location: Warren Township, Council District #18
Petitioner: Manjinder Kaur Kahlon by Landman Beatty, Lawyers
Request: Rezoning of 0.93 acres from the D-2 district to the C-4 district to provide for a gas station/convenience store.

A timely automatic continuance was filed by a registered neighborhood **organization continuing this petition from the February 9, 2023 hearing, to the March 9, 2023 hearing.** This would require acknowledgement from the Hearing Examiner.

kb

STAFF REPORT

Item 9.

Department of Metropolitan Development Division of Planning Current Planning Section

Case Number: 2022-MOD-009
Address: 25 Mc Lean Place (approximate address)
Location: Center Township, Council District #11
Zoning: C-S (RC)
Petitioner: Illinois Street Self Storage, LLC, by David Kingen and Emily Duncan
Request: Modification of Commitments related to 2016-CZN-842 and 2016-CVR-842 to terminate Commitments #1 and #2 on Attachment "D" which required 10,000-square feet of building space to be reserved for office/retail space/artisan food or beverage/artisan manufacturing uses and required the building be subject to elevations, file-dated 3/2/17.

ADDENDUM FOR FEBRUARY 9, 2023, HEARING EXAMINER

This petition was continued, by request of the petitioner, from the December 15, 2022, hearing to the February 9, 2023, hearing. As of this writing, no new information has been submitted to the file.

ADDENDUM FOR DECEMBER 15, 2022, HEARING EXAMINER

This petition was continued, by request of the petitioner, from the September 29, 2022, hearing to the December 15, 2022, hearing. As of this writing, no new information has been submitted to the file.

ADDENDUM FOR SEPTEMBER 29, 2022, HEARING EXAMINER

After hearing testimony, this petition was continued to the September 29, 2022, hearing, due to issues with the proposed commitments. As of this writing, no new information has been submitted to the file.

SEPTEMBER 15, 2022

RECOMMENDATIONS

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

SUMMARY OF ISSUES

The following issues were considered in formulating the recommendation:

LAND USE

- ◇ The 1.1-acre site, rezoned to C-S (RC) by 2016-CZN-842, is improved with a three-story, self-storage building, which fronts Illinois Street and Mc Lean Place, and a separate, one-story self-storage building in the rear of the site. Along with the rezoning of the site, a variance of

(Continued)

development standards, through 2016-CVR-842, was granted for zero-foot front setbacks, and building encroachments into the clear-sight triangle. Design approval was granted through 2017-REG-100.

- ◇ The larger, main structure is an indoor climate-controlled storage facility, with most storage units on the second and third floors. 10,000 square feet of space on the ground floor is reserved for commercial use along the Illinois Street and Mc Lean Place frontages, with storefront windows and significant visibility into the first floor. On a site visit, staff noted that the commercial space was not being used for commercial use.

REQUEST

- ◇ This request would eliminate the commitment to provide for 10,000 square feet of building space for commercial use, specifically for office, retail space, artisan food or beverage and artisan manufacturing. The rezoning request in 2016-CZN-842 specifically requested MU-1 and MU-2 uses, along with self-storage. Additionally, it would eliminate the commitment that the building elevations be subject to elevations, file-dated March 2, 2017.
- ◇ This area has been transitioning from suburban-type, vehicular-oriented development, toward urban development with less reliance on vehicles. In fact, an existing transit stop is located approximately one block to the northeast, south of the intersection of Meridian Street and 22nd Street. This transit stop did not exist when this site was approved for the existing use. Self-storage facilities, as a single use, are inherently suburban in nature, with little to no interaction with the street frontage and pedestrian experience. This petition, if approved, would go against one of the City's goals to increase transit use by substantially increasing residential development and supportive uses near existing transit stops and planned transit stops.

RECENT URBAN DEVELOPMENT APPROVALS

- ◇ Recently, a mixed-use development at 2163 and 2179 North Illinois Street was approved, through 2021-REG-069, for 10,000 square feet of commercial space and 80 dwelling units. That site is directly north of Mc Lean Place. Additionally, another mixed-use development was approved, through 2020-REG-006, at 2204 North Meridian Street, which is about two blocks to the northeast of the subject site. Staff has been in recent discussions with the developer of this site. The developer plans to increase the number of units and include a separate site into the development. This would require additional approvals. Additionally, two mixed-use developments approximately 3-½ blocks to the south, at 18th Street and Illinois Street, have obtained approvals for over 500 multi-family dwellings and 18,000 square feet of commercial space, through 2020-REG-074 and 2021-REG-083. One site is under construction, at 1741 North Illinois Street and the other site, at 1720-1744 North Illinois Street, received approval in Spring 2022. Finally, a mixed-use development at 1815-1835 North Meridian Street, a site that is approximately three blocks from the subject site, has received preliminary approval for a mixed-use development consisting of 166 dwellings and commercial space, along Meridian Street, through 2022-REG-041.
- ◇ The developments above would replace existing car-centric uses and unused buildings, all within steps of new transit stops. These recently approved examples provide substantial support that the vision to increase the use of transit is being recognized by developers and neighbors. In turn,

(Continued)

these examples give reasons to reject suburban development proposals. Details of these requests are below in Zoning History.

COMPREHENSIVE PLAN / TRANSIT ORIENTED DEVELOPMENT OVERLAY

- ◇ The Center Township Comprehensive Plan recommends Medium-density mixed-use development for this site. Additionally, the site is within the Transit-Oriented Development Overlay. The medium-density mixed-use recommendation would suggest that a site has at the very least, two uses, such as multi-family dwellings and commercial retail. The commitment for 10,000 square feet would represent meeting the very basic minimum of the Plan's recommendation. In turn, eliminating this commitment, the development would not meet the Plan.
- ◇ Transit-oriented development (TOD) overlay is a new section of the Ordinance, adopted in November 2021, that provides permitted uses and development standards on sites within 1,000 feet from centerline of a Bus Rapid Transit Line. "The intent of the TOD is to coordinate more compact, walkable, and urban development patterns with public investment in the transit system. These development patterns ensure that walking and biking are viable options for short trips and transit is a priority for longer trips. Development patterns and site designs that prioritize automobile travel undermine these public and private investments."
- ◇ In addition to the development standards for sites within the TOD overlay, uses are also regulated. Mini-Warehouses (self-storage facilities) are not permitted within 600 feet of a Transit Station, or on Pedestrian Frontages. The subject site is within 400 feet of the existing Transit Station at 22nd Street and Meridian Street. Therefore, this request would represent an expansion of a use that is not permitted within the TOD overlay and staff strongly recommends denial.

REGIONAL CENTER OVERLAY DISTRICT

- ◇ The site is located within the Regional Center overlay district. Design of all new construction, sidewalk cafes, and signage in the Regional Center overlay district is subject to the approval of the Administrator of the Division of Planning.

GENERAL INFORMATION

EXISTING ZONING AND LAND USE

C-S (RC)	Self-storage facility with reserved commercial space along Illinois Street and Mc Lean Place
----------	--

SURROUNDING ZONING AND LAND USE

North -	MU-2 (RC)	Vacant Commercial (planned multi-family dwellings)
South -	C-4 (RC)	Residential
East -	C-4 (RC)	Offices
West -	C-4 (RC)	Offices

COMPREHENSIVE PLAN	The 2018 Center Township Comprehensive Plan recommends medium-density mixed-use development.
--------------------	--

(Continued)

THOROUGHFARE PLAN	This portion of Illinois Street is designated as a primary arterial on the Official Thoroughfare Plan, with a 78-foot existing and proposed right-of-way. Mc Lean Place is designated as a local street with a 48-foot existing and proposed right-of-way.
CONTEXT AREA	This site is located in the Compact Context area
TRANSIT-ORIENTED DEVELOPMENT	This site is located within the Transit-Oriented Development Overlay.
URBAN DESIGN GUIDELINES	The site is located within the Urban Mixed-Use District Typology.

ZONING HISTORY - SITE

2016-CZN-842 / 2016-CVR-842; 25 Mc Lean Place, requested a rezoning of 1.1 acres, from the C-4 (RC) (W-5) District to the C-S (RC) classification to provide for a self-storage facility, MU-1 and MU-2 uses, and a variance of development standards to provide for buildings with a zero-foot setback, zero landscaping, and building encroachments into the clear-sight triangles of the abutting streets, **approved**.

2017-REG-100; 25 Mc Lean Place; requested Regional Center Approval to provide for demolition of existing buildings and the construction of a three-story commercial building, with associated surface parking area along Illinois Street, **approved**.

ZONING HISTORY - VICINITY

2022-REG-041; 1815, 1819, 1827 and 1835 North Meridian Street, requested Regional Center Approval for updated plans for a proposed mixed-use development, consisting of approximately 166 multi-family dwellings, commercial and amenity space, and 44 garage parking spaces. Original design approval was granted through 2021-REG-083, **approved**.

2022-DV3-026; 1815-1835 North Meridian Street, requested a variance of development standards to provide for a 54.58-foot tall, six-story mixed-use building, with a 76.5-foot-tall parapet and an 86.5-foot-tall stair tower, with a zero-foot east transitional yard, **granted**.

2022-REG-006; 1720 – 1744 North Illinois Street and 1715 Hall Place, requested Regional Center Approval to provide for demolition of an existing retail building and construction of a mixed-use development, consisting of an eleven-story structure with approximately 308 units, 13,000 square feet of retail and commercial space, three levels of structured parking, an open-air courtyard, a pocket park and thirteen, three-story townhomes, **approved**.

(Continued)

2021-CZN-863 / 2021-CVR-863 / 2021-CVC-863; 1715 Hall Place and 1720-1744 North Illinois Street, requested a rezoning of 1.97 acres from the HD-1 and HD-1 (RC) districts district to the MU-1 and MU-1 (RC) district and a variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for a zero-foot front setback along 18th Street and Illinois Street, within the clear-sight triangle of the abutting streets, and a zero-foot rear transitional yard, and a vacation of a portion of a 15-foot wide north-south alley, beginning at the south right-of-way line of 18th Street, to a point 295.25 feet to the south, **approved**.

2021-REG-083; 1815-1835 North Meridian Street, requested Regional Center Approval to provide for demolition of existing buildings and construction of a mixed-use development, consisting of approximately 115 multi-family dwellings, commercial and amenity space, and 20 surface parking spaces, **approved**.

2021-REG-069; 2163-2179 North Illinois Street, requested Regional Center Approval to provide for a mixed-use development, consisting of approximately 80 multi-family dwellings, 10,000 square feet of commercial and amenity space, and 48 surface parking spaces, **approved**.

2021-DV1-061; 2163 – 2179 North Illinois Street, requested a variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for a mixed-use development with building encroachments into the abutting streets and alley rights-of-way and for 20 small vehicle parking spaces, **approved**.

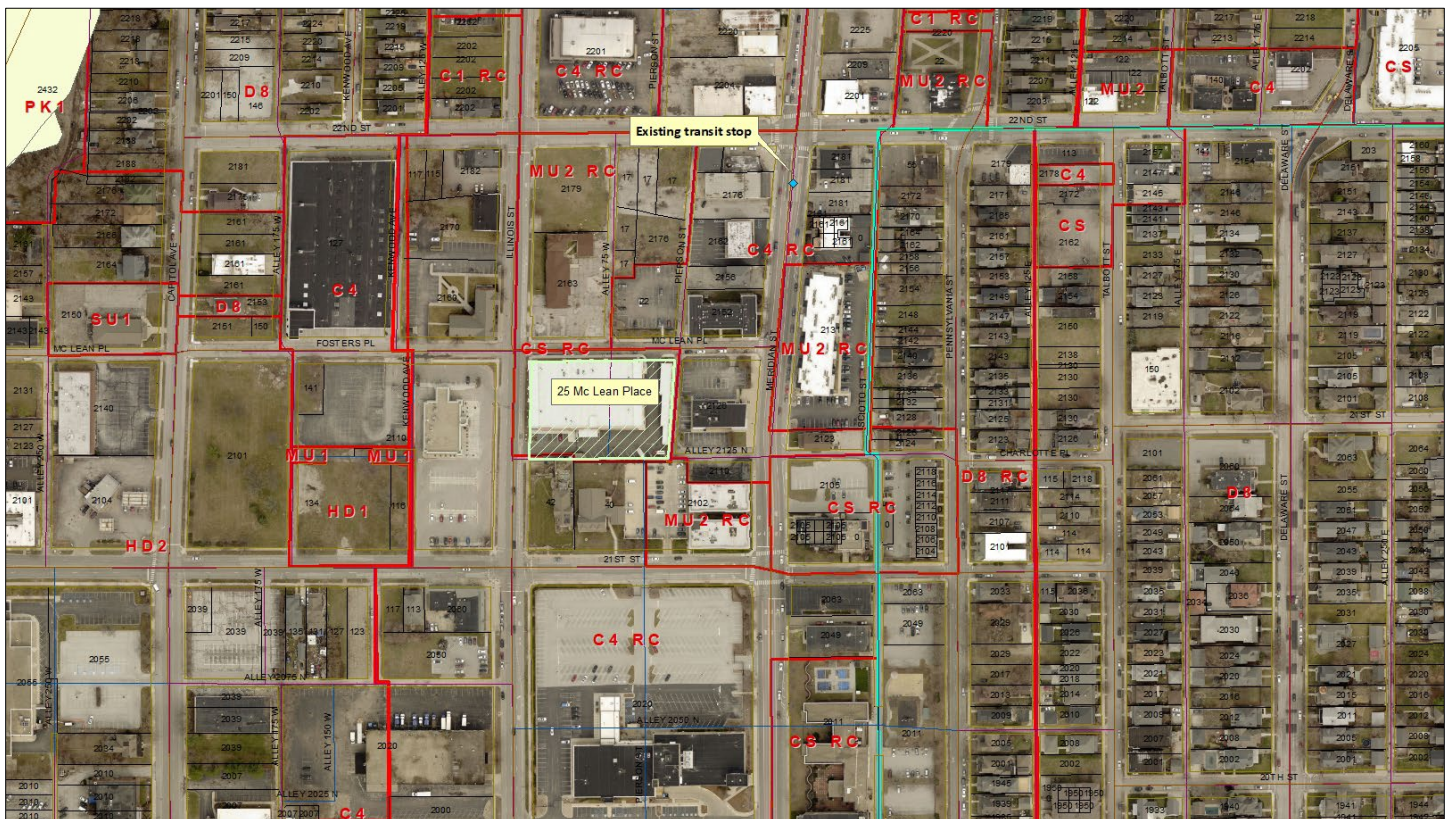
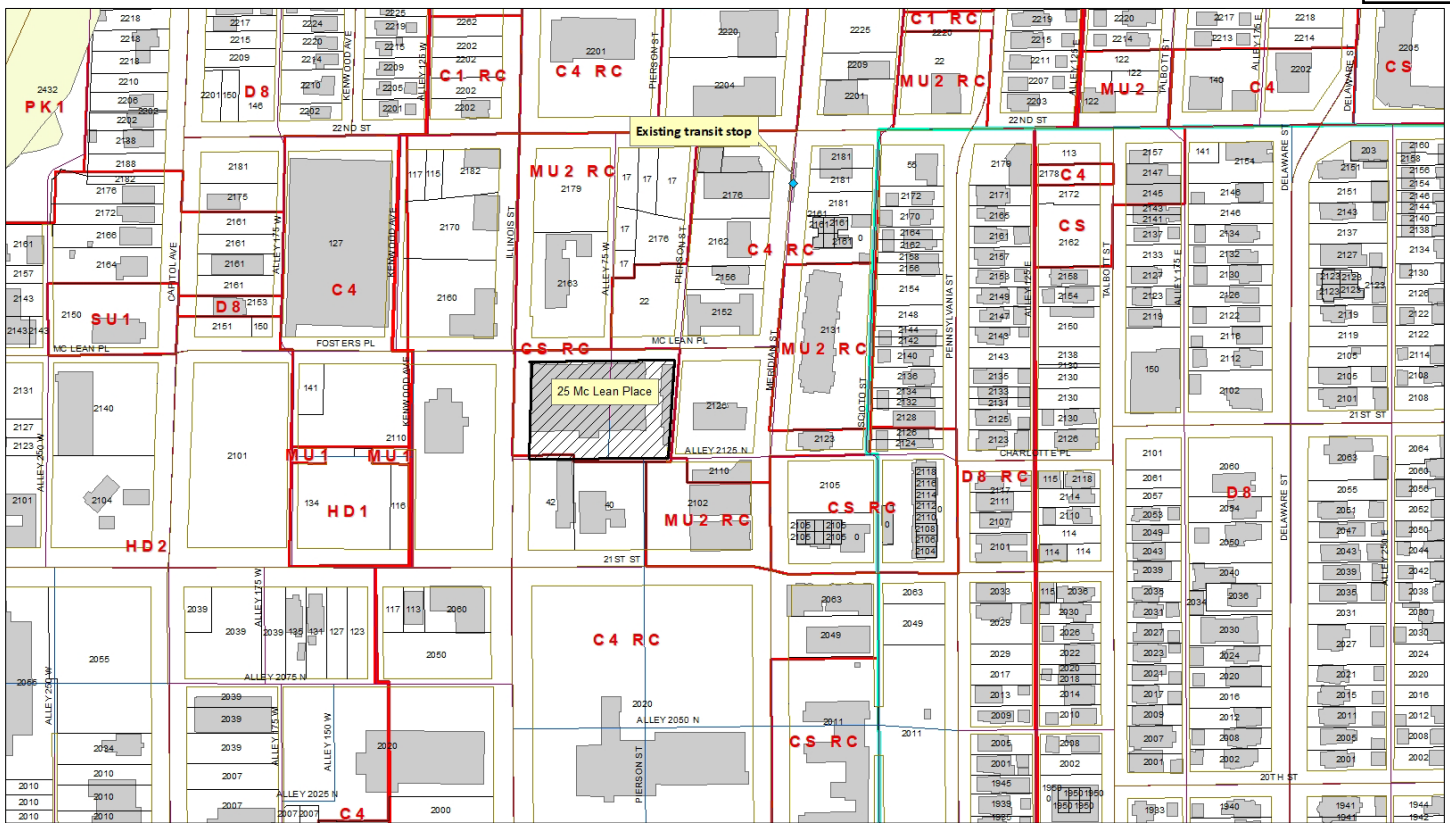
2020-REG-074; 1627, 1717, 1719 and 1741 North Illinois Street, requested Regional Center Approval for a multi-family residential development, consisting of one five-story building, with approximately 247 dwelling units, 5,000 square feet of retail space, resident amenities, a small surface parking lot and a parking garage, **approved**.

2020-DV1-010; 2204 and 2220 North Meridian Street, requested a variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for the construction of a sixty-foot tall, mixed-use building and a 10-foot north transitional yard, **granted**.

2020-REG-006; 2204 and 2220 North Meridian Street, requested Regional Center Approval to provide for demolition of existing buildings and for the construction of a mixed-use development, consisting of 112 multi-family dwellings, approximately 3,100 square feet of commercial retail space, resident amenities, a courtyard, and a parking garage, **approved**.

2020-CZN-839 / 2020-CVR-839; 1627, 1717, 1719 and 1741 North Illinois Street, requested a rezoning of 2.081 acres from the C-S (RC) and C-4 (RC) district to the MU-2 (RC) district and a variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for 69-foot-tall building with a zero-foot front setback within the clear sight triangle of the abutting streets, **approved**.

2019-CZN-820 / 2019-CVR-820; 2163 – 2179 North Illinois Street, requested a rezoning of 1.19 acres, from the C-4 (RC) (W-5) district to the MU-2 (RC) (W-5) classification, and a variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for the construction of a mixed-use development with a building height of 55 feet, without interior landscaping and a zero-foot front yard for a parking area, **approved**.



Google Street Views, August 2019



Image capture: Aug 2019 © 2022 Google

Indianapolis, Indiana

Google

Street View - Aug 2019

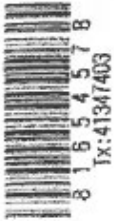


Image capture: Aug 2019 © 2022 Google

Indianapolis, Indiana

Google

Street View - Aug 2019



A201700103358

09/13/2017 9:51 AM
 KATHERINE SWEENEY BELL
 MARION COUNTY IN RECORDER
 FEE: \$ 35.00
 PAGES: 8
 By: DW

STATEMENT OF COMMITMENTS

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

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

Legal Description: (See attached) 25 McLean Place

Statement of COMMITMENTS:

1. The owner agrees to abide by the Open Occupancy and Equal Employment Opportunity Commitments required by Metropolitan Development Commission Resolution No. 85-R-69, 1985, which commitments are attached hereto and incorporated herein by reference as Attachment "A".
2. See Attachment "D" & "E"
3. _____
4. _____
5. _____

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

COMMITMENTS contained in this instrument shall be effective upon:

MDC's Exhibit B - - page 1 of 5

Metropolitan Development

AUG 29 2017

Division of Planning

Metropolitan Development
 Jun 10 2022
 Division of Planning

8

- (a) the adoption of rezoning petition # 2016-CZN-842/ 2016-CVR-842 by the City-County Council changing the zoning classification of the real estate from a C-4 (RC) (W-5) zoning classification to a C-S (RC) (W-5) zoning classification; or
- (b) the adoption of approval petition # _____ by the Metropolitan Development Commission;

and shall continue in effect for as long as the above-described parcel of real estate remains zoned to the C-S (RC) (W-5) zoning classification or until such other time as may be specified herein.

These COMMITMENTS may be enforced jointly or severally by:

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

The undersigned hereby authorizes the Division of Planning of the Department of Metropolitan Development to record this Commitment in the office of the Recorder of Marion County, Indiana, upon final approval of petition # 2016-CZN-842/ 2016-CVR-842.

IN WITNESS WHEREOF, owner has executed this instrument this 21 day of AUGUST, 2017.

Signature:

Signature: 

MDC's Exhibit B - - page 2 of 5

Metropolitan Development

AUG 29 2017

Division of Planning

Metropolitan Development

Jun 10 2022

Division of Planning

Printed: DAVID C. CRICHLAN
 Title /
 Organization OWNER
 Name: _____

Printed: _____
 Title /
 Organization _____
 Name: _____

STATE OF INDIANA)
) SS:
 COUNTY OF MARION)

Before me, a Notary Public in and for said County and State, personally appeared DAVID C. CRICHLAN, owner owner(s)
 (title / organization name) of the real estate who acknowledged the execution of the foregoing
 instrument and who, having been duly sworn, stated that any representations therein contained are
 true.

Witness my hand and Notarial Seal this

21 day of August, 20 17

Lisa Amis

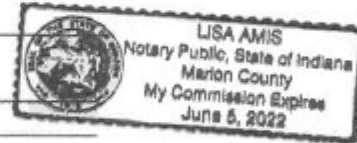
Notary Public

Lisa Amis

Printed Name of Notary Public

My Commission expires: June 5, 2022

My County of residence: Marion



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

This instrument was prepared by David Kingen

ATTACHMENT "A"

MDC's Exhibit B -- page 3 of 5

Metropolitan Development

AUG 29 2017

Division of Planning

Metropolitan Development

Jun 10 2022

Division of Planning

OPEN OCCUPANCY AND EQUAL EMPLOYMENT OPPORTUNITY COMMITMENT

- (a.) The owner commits that he shall not discriminate against any person on the basis of race, religion, color, disability, sex, sexual orientation, gender identity, familial status, national origin, ancestry, age United States military service veteran status in the sale, rental, lease or sublease, including negotiations for the sale, rental, lease or sublease, of the real estate or any portion thereof, including, but not limited to:
- (1) any building, structure, apartment, single room or suite of rooms or other portion of a building, occupied as or designed or intended for occupancy as living quarters by one or more families or a single individual;
 - (2) any building, structure or portion thereof, or any improved or unimproved land utilized or designed or intended for utilization, for business, commercial, industrial or agricultural purposes;
 - (3) any vacant or unimproved land offered for sale or lease for any purpose whatsoever.
- (b.) The owner commits that in the development, sale, rental or other disposition of the real estate or any portion thereof, neither he nor any person engaged by him to develop, sell, rent or otherwise dispose of the real estate, or portion thereof shall discriminate against any employee or applicant for employment, employed or to be employed in the development, sale, rental or other disposition of the real estate, or portion thereof with respect to hire, tenure, conditions or privileges of employment because of race, religion, color, disability, sex, sexual orientation, gender identity, familial status, national origin, ancestry, age United States military service veteran status.

EXEMPT PERSONS AND EXEMPT ACTIVITIES

An exempt person shall mean the following:

1. With respect to commitments (a) and (b) above:
 - (a) any not-for-profit corporation or association organized exclusively for fraternal or religious purposes;
 - (b) any school, educational, charitable or religious institution owned or conducted by, or affiliated with, a church or religious institution;

MDC's Exhibit B - page 4 of 5

Metropolitan Development
Jun 10 2022
Division of Planning

Metropolitan Development
AUG 29 2017
Division of Planning

- (c) any exclusively social club, corporation or association that is not organized for profit and is not in fact open to the general public;

provided that no such entity shall be exempt with respect to a housing facility owned and operated by it if such a housing facility is open to the general public;

2. With respect to commitment b, a person who employs fewer than six (6) employees within Marion County.

An exempt activity with respect only to commitment (a) shall mean the renting of rooms in a boarding house or rooming house or single-family residential unit; provided, however, the owner of the building unit actually maintains and occupies a unit or room in the building as his residence, and, at the time of the rental the owner intends to continue to so occupy the unit or room therein for an indefinite period subsequent to the rental.

MDC's Exhibit B - - page 3 of 5

Metropolitan Development

AUG 29 2017

Division of Planning

Metropolitan Development

Jun 10 2022

Division of Planning

LEGAL DESCRIPTION

Lots 1-4 & 19-21 and the adjacent vacated alley in Lazarus & Pierce's Meridian Place in Plat Book 8, Page 192 Office of Marion County.

Metropolitan Development
Jun 10 2022
Division of Planning

Metropolitan Development

AUG 29 2017

Division of Planning

ATTACHMENT "D"

Petitioner commits to the following

1. Petitioner shall reserve and market a minimum of 10,000 square feet, fronting on No. Illinois Street and McLean Place, for office/ retail space/ artisan food and beverage/ artisan manufacturing uses.
2. Subject to the elevations, file dated 3/2/17

8/8/17

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AUG 29 2017

Division of Planning

Metropolitan Development

Jun 10 2022

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ATTACHMENT "E";

Petitioner commits to exclude the following uses from the site:

1. Check cashing facility
2. Night club, private club or lounge
3. Outdoor advertising, off premise sign
4. Manufacturing, Light

5/15/17

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Jun 10 2022

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

**COVENANTS OR COMMITMENTS CODIFYING 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: 25 McLean Place

Lots 1-4 and 19-21 and the adjacent vacated valley in Lazarus and Pierce's Meridian Place in Plat Book 8, Page 192 in the Office of the Recorder of Marion County, Indiana.

Statement of modification or termination of Covenants or Commitments:

1. Remove Attachment "D"
 - a. Petitioner shall reserve and market a minimum of 10,000 square feet, fronting on North Illinois Street and McLean Place, for office/retail space/artisan food and beverage/artisan manufacturing uses.
 - b. Subject to the elevations, file dated 3/2/17.
2. Retain Attachment "E"
 - a. Petitioner commits to exclude the following uses from the site:
 - i. Check cashing facility
 - ii. Night Club/Private Club/Lounge
 - iii. Outdoor Advertising, off premise Sign
 - iv. Manufacturing, Light

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.

MDC's Exhibit C -- page 1 of 3

Metropolitan Development

Jun 10 2022

Division of Planning

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

These COMMITMENTS may be enforced jointly or severally by:

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

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 approval of modification and/or termination of Covenant(s) or Commitment(s) of petition # _____ by the Metropolitan Development Commission.

MDC's Exhibit C -- page 2 of 3

Metropolitan Development
Jun 10 2022
Division of Planning

IN WITNESS WHEREOF, owner has executed this instrument this 9th day of June, 2022.

Signature: <u>[Signature]</u>	Signature: _____
Printed: <u>Greg O'Herron</u>	Printed: _____
Title / <u>Owner</u>	Title / _____
Organization	Organization
Name: <u>Illinois Street Self Storage LLC</u>	Name: _____
STATE OF INDIANA)	
) SS: _____	
COUNTY OF MARION)	

Before me, a Notary Public in and for said County and State, personally appeared Greg O'Herron, owner Illinois Street Storage LLC (Owner(s) Name AND Title AND Organization Name) of the real estate who acknowledged the execution of the foregoing instrument and who, having been duly sworn, stated that any representations therein contained are true.

Witness my hand and Notarial Seal this

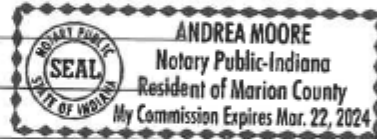
9th day of JUNE, 2022

[Signature]
Notary Public

Printed Name of Notary Public

My Commission expires: _____

My County of residence: _____



I affirm under the penalties for perjury, that I have taken reasonable care to redact each social security number in this document unless required by law. - Emily Duncan
This instrument was prepared by Emily Duncan

This modification and/or Termination Agreement was approved by the Metropolitan Development Commission on the _____ day of _____, 20____.

Secretary, Metropolitan Development Commission

MDC's Exhibit C - page 3 of 3

Metropolitan Development

Jun 10 2022

Division of Planning



Views of site along Illinois Street



Views of site along Illinois Street



Views along Illinois Street



Views of north section of site, along McLean Place looking toward Meridian Street

STAFF REPORT

Item 10.

Department of Metropolitan Development Division of Planning Current Planning Section

Case Number: 2022-ZON-071 (Amended) / 2022-VAR-011
Address: 7820 West Washington Street (*Approximate Addresses*)
Location: Wayne Township, Council District #22
Petitioner: Paige Darline Jensen
Request: Rezoning of 0.53 acre from the D-A and C-5 districts to the C-5 district to provide for commercial uses.

A variance of use and development standards of the Consolidated Zoning and Subdivision Ordinance to provide for a truck rental facility (not permitted) and an eight-foot tall privacy fence (maximum six-foot tall fence permitted).

ADDENDUM FOR FEBRUARY 9, 2023, HEARING EXAMINER

The Hearing Examiner continued the rezoning petition from the December 1, 2022 hearing, to the February 9, 2023 hearing, at the request of the petitioner to provide time to amend the petition and file a petition for variances use and development standards.

When the rezoning petition was initially filed, the request was a rezoning from the D-A and C-5 districts to the C-7 classification. Staff recommended denial of this request. This request has been amended to rezone the site to the C-5 classification, with a variance of use to provide for a truck rental facility and an eight-foot-tall privacy fence.

Because of the historical use of the site, staff supports rezoning to the C-5 classification but has concerns with many of the permitted uses in this district. Many of the permitted uses would not be appropriate due to the size and configuration of the site and would require variances of development standards, which staff would not support. There are some uses that would not be appropriate because of a negative and detrimental impact on the surrounding area. Consequently, staff would request that these uses be prohibited if the rezoning would be approved.

Additionally, staff requested that a land survey be provided because it appeared that existing uses had encroached onto the abutting properties. The requested survey has not been submitted to the office.

Because of the grant of previous variances that allowed automobile repair, staff **recommends approval** of the rezoning to the C-5 classification, subject to the following commitments being reduced to writing on the Commission's Exhibit "B" forms at least three days prior to the MDC hearing:

The Plan of Operation, file-dated December 9, 2022, limits use of the site to vehicle detailing, small vehicle repairs, tire changes and U-Haul rental.

(Continued)

1. A site plan shall be submitted for Administrator Approval depicting an accurate site boundary, required setbacks, and location of outdoor storage, within 60 days following final approval of the rezoning request. Additionally, the site shall be brought into zoning compliance and all zoning violations corrected by June 1, 2023.
2. Use of the site shall be in accordance with the Plan of Operation, file-dated December 9, 2022.
3. The following uses shall be prohibited:

Daily emergency shelter
Business, art, or other post-secondary proprietary school
Public safety facility or Post Office
Vocational, technical or industrial school or training facility
Hospital
Plasma (Blood) Center
Substance Abuse Treatment Facility
Check Cashing or Validation Service
Mortuary, Funeral Home
Outdoor Advertising off-premises
Printing Services
Tattoo Parlor
Adult Entertainment Business
Bar or Tavern
Indoor Recreation and Entertainment
Indoor Spectator Venue
Night Club or Cabaret
Outdoor Recreation and Entertainment
Logistics R and D
Adult Entertainment Business: Retail
Department Store
Firearm Sales
On-going Fireworks sales,
Liquor Store
Pawn shop
Heavy General retail
Local Power Generating Facility
Substations and Utility Distribution
Wireless Communications
Automobile and Light Vehicle Wash
Automobile Fueling Station
Automobile, Motorcycle, and Light Vehicle Sales or Rental
Commercial parking lot
Commercial parking garage
Transit Center
Recycling Station

(Continued)

Accessory Uses

On-going Outdoor display and Sales
Outdoor Storage and Operations
Pick-up Station for Dry Cleaning or Laundry
Recycling Collection Point
Swimming Pool or Hot Tub
Ground Transportation and Accessories
Outside Vending Machine or Self-serve Kiosk

Staff **recommends denial** of the variance of use for a truck rental facility and the variance of development standards for an eight-foot-tall privacy fence.

VARIANCE OF USE AND DEVELOPMENT STANDARDS

The petitioner has requested that a truck rental facility be a permitted use on this site. Staff understands this use has been operating for many years but has been unable to confirm when this rental operation began without the required variances.

This proposed use would be permitted in the C-7, I-3 and I-4 districts. Consequently, staff believes it would not be appropriate to support this request, given the Comprehensive Plan recommendation of suburban neighborhood typology. Supporting a high intense and industrial use on this site would be detrimental to the surrounding land uses.

The request would also provide for an eight-foot-tall privacy fence. The Ordinance permits a six-foot-tall fence and staff believes that height would adequately provide for both security and visual screening. Tall privacy fences are characteristic of industrial uses and would not be acceptable for this site. Additionally, the petitioner has not provided documentation that trespassing has been or is currently problem.

ADDENDUM FOR DECEMBER 1, 2022, HEARING EXAMINER

On her own motion, the Hearing Examiner continued this petition from the September 29, 2022 hearing, to the December 1, 2022 hearing, to provide additional time to amend the request.

The petitioner submitted an incomplete rezoning petition and a variance of use and development standards on November 14, 2022. Staff has been assisting the petitioner in an effort to complete the filing, set it for hearing and send new notice. Consequently, staff would request a **continuance to the January 12, 2023 hearing**.

ADDENDUM FOR SEPTEMBER 29, 2022, HEARING EXAMINER

The Hearing Examiner continued this petition from the August 11, 2022 hearing, to the September 29, 2022 hearing, at the petitioner's request to provide time to engage the services of legal counsel.

The petitioner has indicated that the petition would be amended to the C-5 district but no documents or information has been submitted by the petitioner or their representative.

(Continued)

ADDENDUM FOR AUGUST 11, 2022, HEARING EXAMINER

The Hearing Examiner continued this petition from the July 28, 2022 hearing, to the August 11, 2022 hearing, because the petitioner failed to appear at the hearing.

The petitioner has not responded to staff's attempts to contact her. If no response is received and the petitioner fails to appear at the hearing, staff will request that this petition be dismissed due to lack of prosecution.

July 28, 2022

The Hearing Examiner acknowledged a timely automatic continuance filed by a remonstrator that continued this petition from the June 23, 2022 hearing, to the July 28, 2022 hearing.

RECOMMENDATIONS

Staff **recommends denial** of the request. Staff would, however, support a rezoning to the C-5 District.

SUMMARY OF ISSUES

The following issues were considered in formulating the recommendation:

LAND USE ISSUES

- ◇ This 0.56-acre site, zoned D-A and C-5, is comprised of two parcels that are developed with a commercial building. The small western parcel (0.08 acre) is zoned C-5 and the larger eastern parcel (0.45 acre) is zoned D-A. It is surrounded by railroad right-of-way to the north, zoned C-5; undeveloped land to the south, across West Washington Street, zoned SU-46 (Airport); railroad right-of-way to the east, zoned I-3; and undeveloped land to the west, zoned C-5.
- ◇ Petition 48-V-65 allowed for a variance of use to repair automobile radiators. Petitions 72-UV1-101 and 74-UV1-140 provided for building additions, minor automobile repairs (including air conditioners), sales of supplies and variances for setbacks.

(Continued)

REZONING

- ◇ This request would rezone the site to the C-7 classification (high intensity commercial district) to provide commercial uses. “The C-7 District is designed to provide specific areas for commercial uses which have unusually incompatible features relative to other commercial uses, such as major outdoor storage or display of sizeable merchandise and the outdoor parking and storage of trucks, materials or equipment essential to the operation of these uses. Many of these uses generally are not visited by customers, but rather involve service operations from headquarters with some on-site fabrication of parts. The nature of operation or appearance are more compatible with industrial than retail commercial activities. Because of the character and intensity of these uses, this district should be appropriately located on major commercial arterial thoroughfares and near interstate freeways, but not in close association with those commercial activities involving shopping goods, professional services, restaurants, food merchandising, and the like. Due to the intensity of uses, location of this district should never be adjacent to protected districts.”
- ◇ The Comprehensive Plan recommends Suburban Neighborhood typology. “The Suburban Neighborhood typology is predominantly made up of single-family housing but is interspersed with attached and multifamily housing where appropriate. This typology should be supported by a variety of neighborhood-serving businesses, institutions, and amenities. Natural Corridors and natural features such as stream corridors, wetlands, and woodlands should be treated as focal points or organizing systems for development. Streets should be well connected and amenities should be treated as landmarks that enhance navigability of the development. This typology generally has a residential density of 1 to 5 dwelling units per acre, but a higher density is recommended if the development is within a quarter mile of a frequent transit line, greenway, or park.”
- ◇ The 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

- 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.
- ◇ The Pattern Book does not provide any guidance related to the rezoning request because recommended commercial uses in this typology are limited to small scale, offices, retailing, and personal or professional services. In fact, the guidelines exclude automotive uses as a recommended land use.

(Continued)

Violations (VIO22-003344 / VEH22-222509)

- ◇ VIO22-003344 - A letter, dated May 12, 2022, from the Department of Business and Neighborhood Services notified the property owner and operators of the on-site businesses and identified 11 zoning violations related to the current operations at this site. Three violations relate to the existing signs on the property; one violation for the presence of junk, trash or debris; three violations relate to outdoor storage; three violations relate to the use of the property; and one violation relates to failure to comply with the development standards of the D-A district.
- ◇ VEH22-000509 – A letter, dated May 12, 2022, from the Department of Business and Neighborhood Services notified the property owner and operators of the on-site businesses of a violation related to the storage, maintenance or keeping of any inoperable vehicles outdoors on private property.
- ◇ There are earlier investigations / violations during 2005 related to signage.

Planning Analysis

- ◇ This request would not be consistent with the Comprehensive Plan recommendation of suburban neighborhood. The 1965 variance of use, however, was granted for repair of automobile radiators. Subsequent variances provided for an expansion of automobile repair and sales of supplies.
- ◇ Following the expansion of automobile repairs, additional services have been added to include vehicle rental, automobile detailing and towing services. All of which are not permitted by the variances or the zoning district or consistent with the Comprehensive Plan recommendation. According to Google Maps, truck / vehicle rental was offered as early as 2007. It is not clear when automobile detailing and towing became services that are now available at this location.
- ◇ Towing operations are included in the definition of a wrecking or salvage facility defined as: “A service in which towing or emergency services are provided to disabled automotive vehicles or equipment. The definition includes activities such as junk or salvage storage or operation; vehicles wrecking and salvage operation; shredder; and vehicle storage (wrecked or inoperable).”
- ◇ Staff believes that a towing service is too intense for this site, given the Plan recommendation and the obvious encroachment of this business into the abutting properties to the west, north and east.
- ◇ Staff would note that towing services would not be a permitted use with the proposed C-7 rezoning. This use is only permitted as a special exception in the I-4 district. Consequently, if this rezoning would be approved, the towing operation would require relocation to an appropriate site.
- ◇ Because of the variances and historical use of the site, staff would support rezoning to the C-5 District but that would not permit the current vehicle / truck rental business or the towing operation. Furthermore, it would appear from aerials depicting encroachment onto abutting properties and photographs from the property inspection that the number of existing uses on this approximately half acre site exceeds the ability of the site to appropriately accommodate for the existing land use without negatively impacting surrounding land uses.

(Continued)

- ◇ For all these reasons, staff recommends denial of the proposed C-7 district but would support rezoning to the C-5 district.
- ◇ If approved, staff would request a commitment requiring submittal of a site plan for Administrator Approval depicting an accurate site boundary, required setbacks, and location of outdoor storage, within 60 days following final approval of the rezoning request. Additionally, the site shall be brought into zoning compliance and all zoning violations corrected by December 31, 2022.

GENERAL INFORMATION**EXISTING ZONING AND LAND USE**

D-A / C-5

Commercial uses

SURROUNDING ZONING AND LAND USE

North - C-5

Railroad right-of-way

South - SU-46

Undeveloped land

East - I-3

Railroad right-of-way

West - C-5

Undeveloped land

COMPREHENSIVE LAND USE PLAN

The Comprehensive Land Use Plan for Indianapolis and Marion County (2018) recommends suburban neighborhood typology.

THOROUGHFARE PLAN

This portion of West Washington Street is designated in the Marion County Thoroughfare Plan as a local street with an existing 98-foot right-of-way and a proposed 102-foot right-of-way.

CONTEXT AREA

This site is located within the metro context area.

OVERLAY

This site is not located within an overlay

PLAN OF OPERATION

File-dated December 9, 2022

FINDINGS OF FACT

File-dated November 30, 2022 and December 7, 2022

ZONING HISTORY

48-V-65; 7818 West Washington Street, requested a variance of use to utilize the existing structure for repair of auto radiators, **granted**.

72-UV1-101; 7818 West Washington Street, requested a variance of use and transitional yard requirement to permit erection of an addition to existing commercial building, with partial off-street parking provided, **granted**.

(Continued)

74-UV1-140, 78918 West Washington Street, requested a variance of use to erect an addition to the commercial buildings for minor auto repairs, including air conditioners; a variance of development standards for setbacks; and sales of supplies, **granted**.

VICINITY

2017-MOD-017; 7828 West Washington Street (west of site), requested Modification of the site plan and commitments for 2005-ZON-853, as modified by 2015-MOD-016 to terminate Commitment Two of 2015-MOD-016 and to modify Commitment Two of 2005-ZON-853, to substitute the proposed eastern climate-controlled self-storage buildings for storage buildings without climate control, as shown on the site plan dated October 25, 2017, **approved**.

2015-MOD-016; 7828 West Washington Street (west of site), requested modification of commitments and the site plan for 2005-ZON-853, to modify Commitment Two referencing the C-S statement file-dated November 21, 2005, in order to provide for a revised site plan and C-S statement for two, two-story, 57,400-square foot climate-controlled storage buildings and a tree sales area (permits one, 31,250-square foot climate controlled building, five mini-warehouses buildings, containing 60,154 square feet and a tree sales area, **approved**.

2005-ZON-853 / 2005-VAC-853; 7828 West Washington Street and 1943 and 1950 Brewer Road (west of site), requested rezoning of 4.796 acres, being in the D-3 District, to the CS classification to provide for self-storage business and a vacation of Brewer Road from West Washington Street, north to the railroad, **approved**.

2014-ZON-037; 7910 and 7920 West Washington Street (west of site), requested rezoning of 6.2 acres from the C-S District to the C-S classification to provide for a self-storage facility and the uses approved by 2007-ZON-100 (C-1, C-2 and C-4 uses, a school, and a daycare), **approved**.

99-Z-215; 7936 and 7910 West Washington Street (west of site), requested rezoning of 6.36 acres, being in the C-5 and D-A Districts, to the C-S classification to provide for outdoor display and sales of manufactured homes, and permitted C-5 uses, **approved**.

96-Z-20; 7824 West Washington Street (west of site), requested rezoning of 1.0 acre, being in the D-3 District, to the C-5 classification to provide for commercial development, **approved**.

95-UV2-27; 7936 West Washington Street (west of site), requested a variance of use of the Commercial Zoning Ordinance to permit operation of a manufacture homes sales business, with outdoor display and storage of manufactured homes, **granted**.

91-Z-23; 7936 West Washington Street (west of site), requested a rezoning of 2.111 acres from the D-A District to the C-5 classification to provide for commercial use, **approved**.

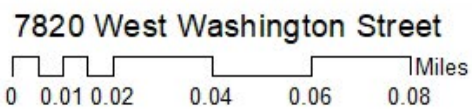
90-Z-222; 7893 West Washington Street (south of site), requested rezoning of 1.56 acres, being in the D-3 District, to the C-7 classification to provide for an office for mobile home sales, **approved**.

(Continued)

87-Z-75, 7901 West Washington Street, (west of site), requested rezoning from the D-3 District to the C-5 classification, **approved**.

83-UV2-11; 7910 West Washington Street (west of site), requested requesting a variance of use to permit an addition to an owner/manage residence quarters/office for a motel, **granted**.

kb



Metropolitan Development
Dec 09 2022
Division of Planning

Plan of Operation

The plan of operation that we will be running a vehicle detailing, small vehicle repairs, tire changes, and U-Haul rental. Customers will drop off their vehicle. The vehicles will either be in the building getting worked on, or behind the fence if it gets approved awaiting to get serviced. All waste or hazardous products will be properly disposed. Fluids and oils will be disposed at AutoZone through their recycling program. All vehicles and U-Haul equipment will be locked and clean to make sure customers have a good safe experience. The U-Haul franchise is to rent trucks and equipment for customers moving. U-Haul does not have any hazard waste. Typically, the U-Haul customers take their vehicles with them. If the customers do decide to leave their vehicles, there is parking spots available. All our customers are treated fairly, kindly, and with respect. The operations will be open 9:00 a.m. to 5:00 p.m. Monday through Fridays, Saturdays till 12:00 p.m., and will be closed on Sundays. The operation should not have any effect on the adjacent properties.

Petition Number _____

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

PETITION FOR VARIANCE OF USE

FINDINGS OF FACT

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

If approved u-haul will be the safest way for the community to move their belongings with clean, safe trucks, and equipment.

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

This U-haul business will not have no effect on the adjacent properties. The trucks and equipment are properly maintained, monitored, locked, and cleaned. Should not pose a threat to the community or adjacent properties.

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

The variance is needed to properly rent u-hauls trucks and equipment for the state of Indiana.

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 grant of the variance will not interfere with the adjacent properties, one side is railroad track on a hillside, the other side is a storage facility which their customers often use this u-haul facility for their moving needs.

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

It would be of a great loss to the u-haul customers and the adjacent storage facility in the community if this location was to have to close.

DECISION

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

Adopted this _____ day of _____, 20 ____

Metropolitan Development
Dec 07 2022
Division of 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:

If the eight foot fence gets approved it will be safer for the publics well-being, because the cars in the process of getting fixed will be behind the fence so they are not exposed to the public to get hurt on.

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 fence will be a new build and will be fully maintained and checked monthly for damage. All repairs will be performed in a timely manner to prevent any affect to the adjacent property. We will keep up all landscaping for all sides of the fence to ensure cleanliness on the side of the adjacent property so they will not have added maintence. There will be no adverse affect to the property adjacent.

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

The proposition is to build a privacy fence to secure property and prevent trespassing. The inclusion of the fence will prevent the adjacent property from view of the damaged vehicles and create a secure envioment effectively for both properties.

DECISION

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

Adopted this _____ day of _____, 20 ____

Metropolitan Development
Nov 30 2022
Division of Planning



View looking east along West Washington Street



View looking west along West Washington Street



View of site looking northeast across West Washington Street



View of site looking north across West Washington Street



View of site looking north across West Washington Street



View of site looking north across West Washington Street

STAFF REPORT

Item 11.

Department of Metropolitan Development Division of Planning Current Planning Section

Case Number: 2022-ZON-128
Address: 4116 Mann Road (*Approximate Address*)
Location: Decatur Township, Council District #22
Petitioner: The Bodley Group, LLC, by Michael Rabinowitch
Request: Rezoning of 10.99 acres from the D-A district to the D-7 district to provide for a multi-family development.

ADDENDUM FOR FEBRUARY 9, 2023, HEARING EXAMINER

The Hearing Examiner continued this petition from the January 12, 2023 hearing to the February 9, 2023 hearing, at the request of the petitioner's representative and the neighborhood organization.

No new information has been submitted to the file.

January 12, 2023

The Hearing Examiner acknowledged the automatic continuance filed by a registered neighborhood organization that continued this petition from the December 1, 2022 hearing, to the January 12, 2023 hearing,

RECOMMENDATIONS

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

1. A 59.5-foot half right-of-way shall be dedicated along the frontage of Mann Road and a 25-foot half-right-of-way along the entire northern boundary, as per the request of the Department of Public Works (DPW), Engineering Division. Additional easements shall not be granted to third parties within the area to be dedicated as public right-of-way prior to the acceptance of all grants of right-of-way by the DPW. The right-of-way shall be granted within 60 days of approval and prior to the issuance of an Improvement Location Permit (ILP).
2. A 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.

(Continued)

3. The site and improved areas within the site shall be maintained in a reasonably neat and orderly manner during and after development of the site with appropriate areas and containers / receptables provided for the proper disposal of trash and other waste.
4. The final site plan, landscape plan and elevations shall be submitted for Administrator Approval prior to the issuance of an Improvement Location Permit (ILP).

SUMMARY OF ISSUES

The following issues were considered in formulating the recommendation:

LAND USE ISSUES

- ◇ This 10.99-acre site, zoned D-A, is undeveloped and surrounded by multi-family dwellings to the north and south, zoned D-6II; multi-family dwellings to the east, across Mann Road, zoned, D-6II; and single-family dwellings to the west, zoned D-3.

REZONING

- ◇ This request would rezone the site from the D-A district to the D-7 classification provide for multi-family development uses. "The D-7 district is intended for medium density residential development, accommodating multifamily dwellings, triplex, fourplex, two-family and single-family attached dwellings. The district may be applied anywhere within the metropolitan area, provided, however, it should be closely associated with the primary intensity generators, such as commercial shopping centers or industrial employment centers. The district requires superior street access and all public utilities and facilities. Provisions for various modes of travel and pedestrian linkages are critical. Well-planned, on-site recreational facilities, selected to fit the site and residents' needs, must be developed to answer the demands of the higher density of residents. The D-7 district has a typical density of 12 to 15 units per gross acre fulfilling the medium density residential recommendation of the Comprehensive General Land Use Plan. Development plans should incorporate and promote environmental and aesthetic considerations, working within the constraints and advantages presented by existing site conditions, including vegetation, topography, drainage and wildlife."
- ◇ The Comprehensive Plan recommends Traditional Neighborhood typology. "The Traditional Neighborhood typology includes a full spectrum of housing types, ranging from single family homes to large-scale multifamily housing. The development pattern of this typology should be compact and well-connected, with access to individual parcels by an alley when practical. Building form should promote the social connectivity of the neighborhood, with clearly defined public, semi-public, and private spaces. Infill development should continue the existing visual pattern, rhythm, or orientation of surrounding buildings when possible. A wide range of neighborhood-serving businesses, institutions, and amenities should be present. Ideally, most daily needs are within walking distance. This typology usually has a residential density of 5 to 15 dwelling units per acre, but a higher density is recommended if the development is within a quarter mile of a frequent transit line, greenway, or park."

(Continued)

- ◇ The Comprehensive Plan consists of two components that include the Pattern Book and the land use map. The Pattern Book provides a land use classification system that guides the orderly development of the county and protects the character of neighborhoods while also being flexible and adaptable to allow neighborhoods to grow and change over time.
- ◇ The Pattern Book serves as a policy guide as development occurs. Below are the relevant policies related to this request:

Conditions for All Land Use Types

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

Conditions for All Housing

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

Large-scale multifamily housing (defined as single or multiple buildings each with five or more legally complete dwelling units in a development of more than two acres and at a height greater than 40 feet.)

- Developments of more than 30 housing units must have access to at least one arterial street of 3 or more continuous travel lanes between the intersections of two intersecting arterial streets.
- Should be located along an arterial street.
- In predominantly platted, single-family neighborhoods, site should be at least as wide as it is deep.
- Parking should be either behind or interior to the development.
- Individual building height, massing, and footprint should gradually transition from adjacent developments. Specifically, buildings located adjacent to existing residential developments should be no more than one and a half times the height and no more than twice the average footprint of the existing adjacent residential buildings.

(Continued)

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 Mann Road and a 25-foot half-right-of-way along the entire northern boundary. This dedication would also be consistent with the Marion County Thoroughfare Plan.

Tree Preservation / Heritage Tree Conservation

- ◇ There are significant amounts of natural vegetation and trees located throughout the entire 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.
- ◇ Furthermore, the Pattern Book discusses resiliency, lasting value of developments and notes that “native trees and plants are better suited to our climate and conditions. Because of this, they often contribute aesthetic value longer than their non-native counterparts and they cost less to maintain because they require less water and fertilizer.

(Continued)

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.

Site Plan

- ◇ The site plan, file-dated November 14, 2022, provides for 160, two- and three- bedroom dwelling units, with 240 parking spaces. The density of this development would be 14.56 units per acre, which would be consistent with the recommended density of traditional neighborhood.
- ◇ Staff understands that the site plan is likely conceptual but there are no sidewalks connecting to the sidewalk that would be required along Mann Road. Additionally, there are sidewalks throughout the development, some of which stop at the parking lots but not overall pedestrian connectivity throughout the development.

(Continued)

- ◇ No required bicycle parking is provided, and no trash enclosures are shown on the site plan.
- ◇ Staff is also concerned with the lack of amenities, including a rental office. There are no playgrounds or basic outdoor facilities.

Planning Analysis

- ◇ As proposed, this request would be consistent with the Comprehensive Plan recommendation of traditional neighborhood, as well as surrounding land uses that consist of multi-family dwellings to the north, south and east, across Mann Road.
- ◇ In addition to the above comments on the site plan, staff is also concerned with the proposed site plan and whether the minimum livability ratio and green factor can be met. Staff has requested more information related to these concerns and would note that staff would not support variances for either one of these requirements because the site is undeveloped, with few site development restrictions or challenges.
- ◇ Per the Pattern Book, staff is concerned with the aesthetics and lasting value of the project. “Aesthetics are an important factor in ensuring that neighborhoods and individual properties hold their value over time. At the scale of individual properties, quality, durable materials and carefully considered facades are just a couple of factors that can contribute to a higher aesthetic value.”
- ◇ Staff does not believe that the project, as filed, is consistent with or contributes to the aesthetic value that has been established by the surrounding land uses.
- ◇ Consequently, staff would request that the final site plan, landscape plan and elevations be submitted for Administrator Approval prior to the issuance of an Improvement Location Permit (ILP).

GENERAL INFORMATION

EXISTING ZONING AND LAND USE

D-A	Undeveloped
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SURROUNDING ZONING AND LAND USE

North -	D-6II	Multi-family dwellings
South -	D-6II	Multi-family dwellings
East -	D-6II	Multi-family dwellings
West -	C-3	Single-family dwelling

COMPREHENSIVE LAND USE PLAN

The Comprehensive Land Use Plan for Indianapolis and Marion County (2018) recommends traditional neighborhood typology.

(Continued)

THOROUGHFARE PLAN	This portion of Mann Road is designated in the Marion County Thoroughfare Plan as a primary arterial with an existing 75-foot right-of-way and a proposed 119-foot right-of-way.
CONTEXT AREA	This site is located within the metro context area.
OVERLAY	This site is not located within an overlay
SITE PLAN	File-dated November 14, 2022
ELEVATIONS	File-dated November 14, 2022

ZONING HISTORY

85-UV1-121; 3838 Mann Road, (north of site), requested a variance of use of the Dwelling Districts Zoning Ordinance to provide for single-family residence in a multi-family zoning district, **granted**.

84-UV2-181; 3802 Mann Road (north of site), requested a variance of use to provide for construction of a pole barn to be used in the operation of a farm, **granted**.

84-Z-77; 3810 Mann Road (north of site), requested rezoning of 4.23 acres, being in the D-6II district, to the A-2 classification, to provide for construction of a pole barn for farming purposes, **dismissed**.

74-Z-181; 3940 Mann Road (north of site), requested rezoning of 3.0 acres from the A-2 district to the SU-1 classification to erect an addition to the existing church and a garage, **approved**.

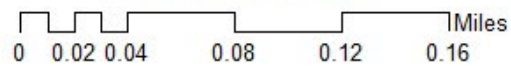
73-Z-318; 4101 Mann Road (east of site), requested rezoning of 56.95 acres being in the A-2 District to the D-6II classification to provide for multi-family residential uses, **approved**.

69-Z-144; 3838 Mann Road (north of site), requested rezoning of 28.29 acres, being in the A-2 district to the D-6II classification to provide for the construction of an apartment project, **approved**.

kb



4116 Mann Road



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



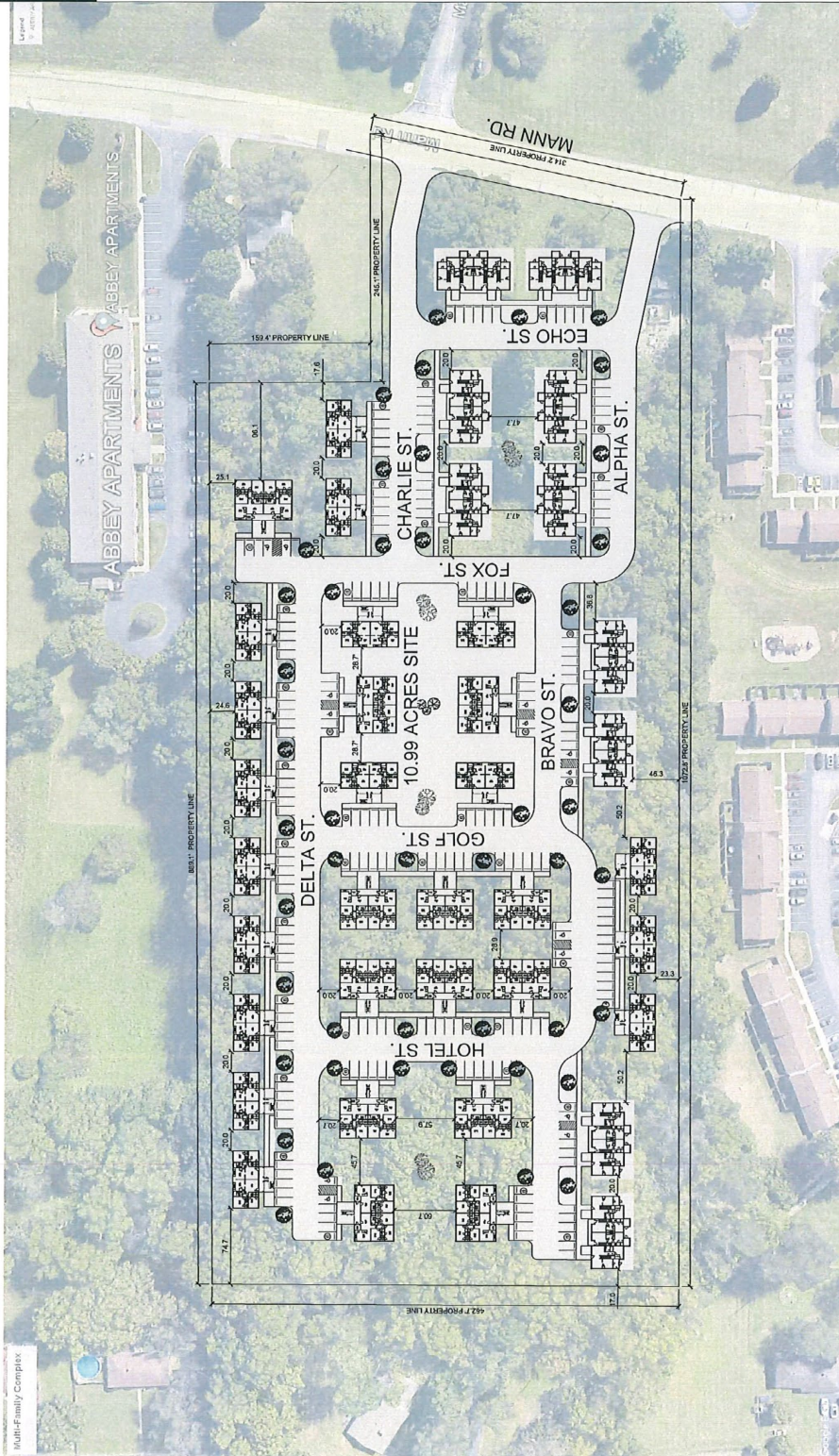
PROJECT:

INDIANAPOLIS MULTI FAMILY DEVELOPMENT COMPLEX

A NEW HOUSING PROJECT FOR:

PROJECT NO. T&D
DATE: 06/01/2018
REVISIONS
DATE
DATE
DATE

SHEET NAME
SITE PLAN
SHEET NUMBER
S-101



UNITS SUMMARY			
Unit Type	Building Type	Count	Units
2 rooms	1	68	
3 rooms	2	52	
2 story	3	20	
2 rooms	3	20	
3 rooms	3	20	

- PROJECT SUMMARY
- 40 Multi-family residential building unit.
 - 160 residential unit.
 - 26' street width.

- PARKING DATA:
- Number of Units = 160
 - 9x18' spaces = 228 space.
 - ADA accessible spaces = 16
 - Total Parking Spaces = 240
 - 1.5 Space / Unit.
 - 5% ADA accessible

COMPLEX SITE PLAN
S-101 (Sheet 1 of 4) 6/1/18



PROJECT:

INDIANAPOLIS MULTI FAMILY
DEVELOPMENT COMPLEX

A NEW HOUSING PROJECT FOR:

PROJ. NO. T-10
DATE 10/1/2018
REVISIONS
DATE
DATE

SHEET NAME
Typical Two Bedroom Four Plex Unit Plans
SHEET NUMBER
A101

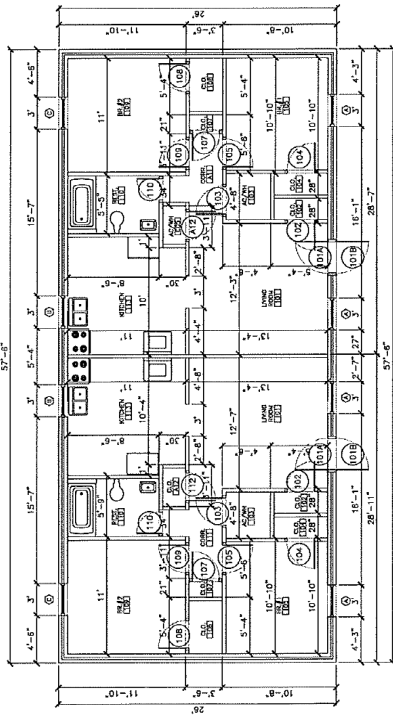
WINDOW ID	WINDOW			FRAME
	SIZE	HEIGHT	TYPE	
A	3'-0"	5'-0"	DBL HUNG	NA
B	3'-0"	4'-0"	DBL HUNG	NA
C	3'-0"	3'-0"	DBL HUNG	NA

TYP. GLAZING SCHEDULE

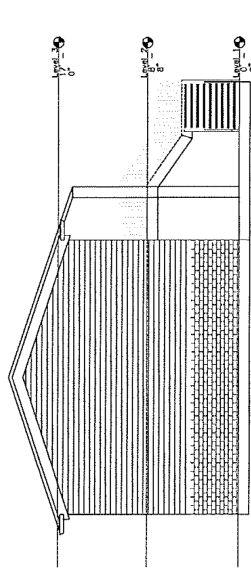
1" INS., 1/4" CLEAR INSIDE, 1/4" TINTED OUTSIDE W/ AIR SPACE

NOTE: PROVIDE INSECT SCREENS WITH ALL OPERABLE WINDOWS

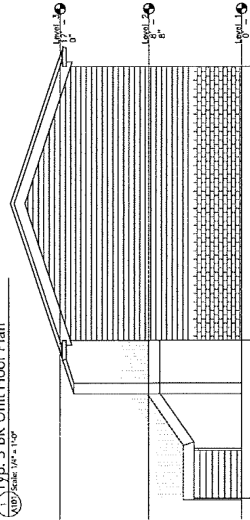
1. Typ. 3 BR Unit Floor Plan
A101 Scale 1/8" = 1'-0"



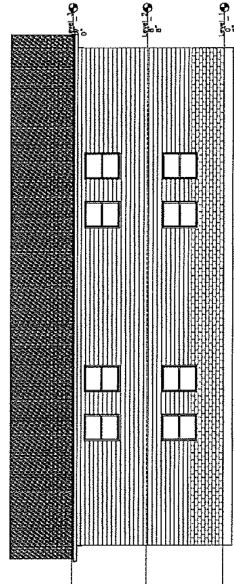
1. Typ. 3 BR Unit Floor Plan
A101 Scale 1/8" = 1'-0"



2. Typ. 3 BR Unit Building Elev.
A101 Scale 1/8" = 1'-0"



3. Typ. 3 BR Unit Building Ele.
A101 Scale 1/8" = 1'-0"



4. Typ. 3 BR Unit Building Elev.
A101 Scale 1/8" = 1'-0"

1. 401.1.402.1.407.1.409 TYP. 1 TYP. 2 TYP. 3											
NO.	NAME	TYPE	W. WALL	S. WALL	E. WALL	C. WALL	W. WALL	S. WALL	E. WALL	C. WALL	W. WALL
101	CL. 101	CL. 101	CL. 101	CL. 101	CL. 101	CL. 101	CL. 101	CL. 101	CL. 101	CL. 101	CL. 101
102	CL. 102	CL. 102	CL. 102	CL. 102	CL. 102	CL. 102	CL. 102	CL. 102	CL. 102	CL. 102	CL. 102
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112	CL. 112	CL. 112	CL. 112	CL. 112	CL. 112	CL. 112	CL. 112	CL. 112	CL. 112	CL. 112	CL. 112

1. Typ. 3 BR Unit Finish Schedule
A101 Scale 1/8" = 1'-0"

1. 401.1.402.1.407.1.409 TYP. 1 TYP. 2 TYP. 3											
NO.	NAME	TYPE	W. WALL	S. WALL	E. WALL	C. WALL	W. WALL	S. WALL	E. WALL	C. WALL	W. WALL
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1. Typ. 3 BR Unit Door Schedule
A101 Scale 1/8" = 1'-0"



PROJECT

INDIANAPOLIS MULTI FAMILY
DEVELOPMENT COMPLEX

A NEW HOUSING PROJECT FOR:

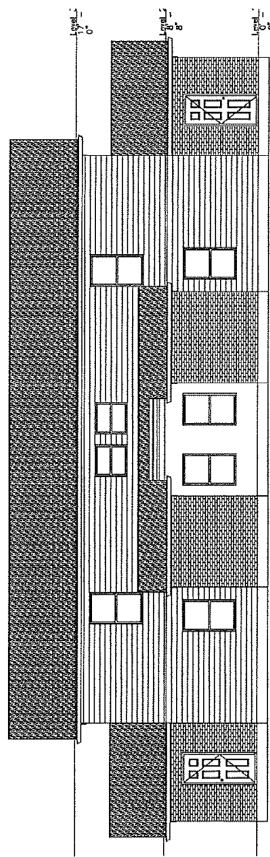
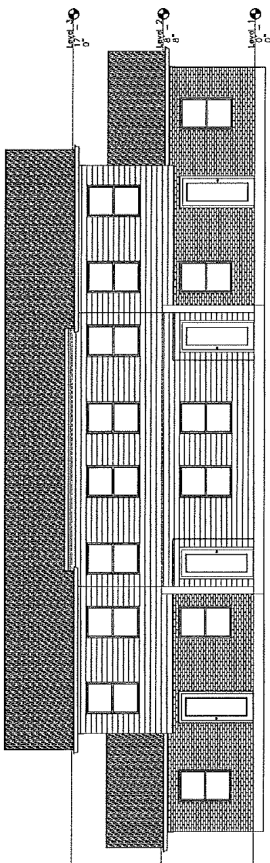
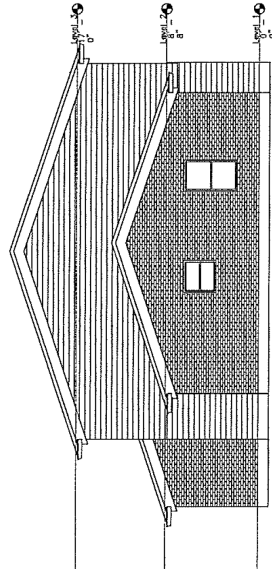
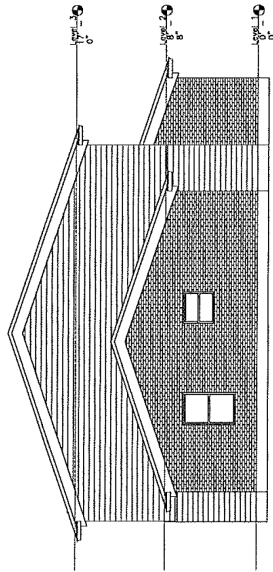
PROJ. NO. - 1110
DATE - 08/01/2010
REVISIONS
DATE
DATE
DATE

SHEET NAME

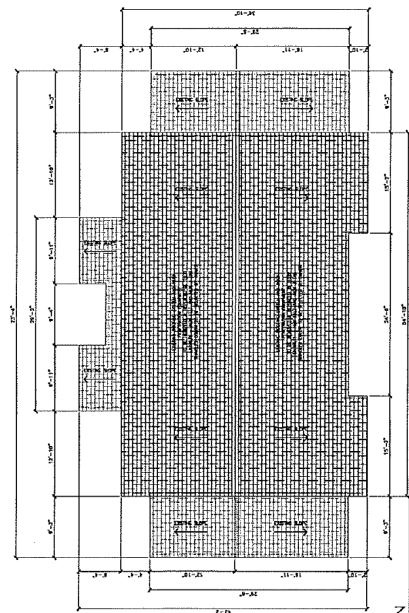
Typical Two Story
Four Plex Unit
Plans

SHEET NUMBER

A104



7. BUILDING ELEVATIONS
Scale: 1/8" = 1'-0"



8. ROOF PLAN
Scale: 1/8" = 1'-0"



INDIANAPOLIS MULTI-FAMILY
DEVELOPMENT COMPLEX

 THE BODLEY
GROUP



INDIANAPOLIS MULTI-FAMILY
DEVELOPEMENT COMPLEX

 THE BODLEY
GROUP



View looking north along Mann Road



View looking south along Mann Road



View of site looking west across Mann Road



View of site looking west across Mann Road



View of site looking west across Mann Road



View of site looking west across Mann Road



View looking northwest at adjacent property to the north



View of site looking south from adjacent property to the north



View of site looking southwest from adjacent property to the north



View of site looking southwest from adjacent property to the north

STAFF REPORT

Department of Metropolitan Development Division of Planning Current Planning Section

Case Number: 2022-CZN-871 / 2022-CPL-871
Address: 4901 West 56th Street (*Approximate Addresses*)
Location: Pike Township, Council District #8
Petitioner: Dove Asset Partners, by Elizabeth Bentz Williams
Request: Rezoning of 14.53 acres from the SU-5 district to the C-S district to provide for a mini-warehouse (self-storage) facility with outdoor storage of vehicles and recreational vehicles and wireless/radio communication towers.

Approval of a Subdivision Plat to be known as AAA Development and Consulting, LLC Minor Plat, dividing 14.53 acres into two lots.

This petition was continued from the January 12, 2023 hearing to the February 9, 2023 hearing. This petition was automatically continued from the December 15, 2022 hearing, to the January 12, 2023 hearing.

February 9, 2023

RECOMMENDATIONS

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

Staff recommends that the Hearing Examiner **approve** and find that the plat, file-dated January 4, 2023, 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 the Department of Public Works, 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.

(Continued)

2022-CZN-871 / 2022-CPL-871 STAFF REPORT (Continued)

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 are met, prior to the recording of the final plat.

SUMMARY OF ISSUES

The following issues were considered in formulating the recommendation:

LAND USE

- ◇ The subject site is currently zoned SU-5 and developed with wireless/radio towers and equipment. There is a one-story block building on northern portion of the site to be removed.
- ◇ This petition would rezone this property to the C-S district and subdivide the property into two lots to provide for a mini-warehouse facility (self-storage) in addition to the existing communication facilities.

REZONING

- ◇ This petition would rezone this site from the SU-5 district to the C-S district to permit communication facilities and mini-warehouses (self-storage), including outdoor storage of vehicles and recreational vehicles. The current zoning of SU-5 would only permit radio receiving or broadcasting towers and accessory buildings. The comprehensive plan recommends suburban neighborhood uses.
- ◇ The C-S district is designed to permit, within a single zoning district, commercial and noncommercial uses. C-S districts are limited to uses specified by a rezoning petition and subject to site and development plans approved by the Metropolitan Development Commission.
- ◇ Radio towers and similar facilities are permitted in several districts as accessory uses or structures. Mini warehouses are permitted in industrial districts or heavy commercial districts. Staff believes the C-S district is appropriate as no other districts would allow both proposed uses as primary uses.
- ◇ The suburban neighborhood recommendation is a living typology; however, staff believes that the existing radio and cell towers on site limits the marketability for residential development. This site has single-family residential on the west and commercial uses on the east. The west side of the property would remain the radio and cell tower use, while the east would be developed for storage. Landscaping and retention areas are shown on the south and east property boundaries. Staff believes this pattern of development would provide an adequate buffer between uses.

(Continued)

2022-CZN-871 / 2022-CPL-871 STAFF REPORT (Continued)

- ◇ Staff recommends approval of the C-S zoning subject to the development plan and substantial compliance with the site plan.

PLAT

- ◇ The plat would subdivide the subject site into two lots. Lot One would contain the existing radio/wireless towers. Lot Two would be developed with mini-warehouses and outdoor storage for vehicles and recreational vehicles.

TRAFFIC / STREETS

- ◇ The subject site has frontage on 56th Street to the north. Each lot would have its own access from 56th Street. No new streets are proposed.

SIDEWALKS

- ◇ Sidewalks are required along the 56th Street frontage.

GENERAL INFORMATION**EXISTING ZONING, CONTEXT AREA, AND LAND USE**

SU-5	Metro	Radio/wireless towers
------	-------	-----------------------

SURROUNDING ZONING AND LAND USE

North	MU-1 / C-S	Commercial/ Assisted Living Residential
South	D-P	Multi-family Residential
East	C-1 / C-3	Commercial / Nursing Home
West	D-3	Single-family Residential

COMPREHENSIVE LAND USE PLAN	Suburban Neighborhood
-----------------------------	-----------------------

THOROUGHFARE PLAN	56 th Street is classified in the Official Thoroughfare Plan for Marion County, Indiana as a Primary Arterial, with a 117-foot existing and proposed right-of-way.
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SITE PLAN	File-dated January 15, 2023
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LANDSCAPE PLAN	File-dated January 15, 2023
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LIGHTING PLAN	File-dated January 15, 2023
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SURVEY/ PRELIMINARY PLAT	File-dated January 4, 2023
--------------------------	----------------------------

DEVELOPMENT PLAN (C-S)	File-dated January 27, 2023
------------------------	-----------------------------

ZONING HISTORY – SITE

None

ZONING HISTORY – VICINITY

2020-DV3-032A, 5766 & 5932 Lafayette Road and 6166 West 62nd Street, variance to provide for 39-foot to 47-foot-tall wood and metal poles for small cell wireless communications facilities, with associated equipment and antennas within the right-of-way, **approved**.

(Continued)

2022-CZN-871 / 2022-CPL-871 STAFF REPORT (Continued)

2020-DV3-032B, 5928 & 6003 Terrytown Road, and various addresses, variance to provide for 39-foot to 47-foot-tall wood and metal poles for small cell wireless communications facilities, with associated equipment and antennas within the right-of-way, **denied**.

2013-ZON-019, 5404 Georgetown Road, rezoning of 6.95 acres from the C-3 district to the C-1 district to provide for a nursing home, **approved**.

2006-ZON-838, 2006-VAR-838, & 2006-APP-838, 4900 West 56th Street, rezoning of 0.830 acre from the C-S district to the C-S district to provide for C-3 uses and the sale of auto-parts and accessories, and variances to provide for a 2.78-foot west side setback, for parking with a zero-foot south front setback from the right-of-way of 56th Street, for parking with a six-foot east front setback along a portion of the right-of-way of Eden Village Drive, and for parking with a zero-foot north side yard setback, **denied**.

95-Z-201, 4900 West 56th Street, rezoning of 4.292 acres from the C-S district to the C-S district to permit C-3 uses, mini warehouses, and uses permitted per 89-Z-158, **approved**.

90-P-11, **approval** of a subdivision to be known as Deer Creek Section Three.

89-Z-158, 4900 West 56th Street, rezoning of 7 acres from the SU-3 district to the C-S district to provide for multiple commercial uses, **approved**.

89-P-90, **approval** of a subdivision to be known as the Gardens at Eagle Creek North, Section Three.

88-Z-264, 5150 West 56th Street, rezoning of 39.41 acres from the A-2, D-6II and SU-43 district to the D-P district, **approved**.

88-P-09, **approval** of a subdivision to be known as Deer Creek Section Two.

87-Z-207, 5440 Georgetown Road, rezoning of 7.5 acres from the D-P district to the C-3 district, **approved**.

87-Z-173, 5101 West 56th Street, rezoning of 20 acres from the A-2 district to the D-3 district, **approved**.

87-Z-106, 5101 West 56th Street, rezoning of 48.89 acres from the A-2 district to the D-7 district, **approved**.

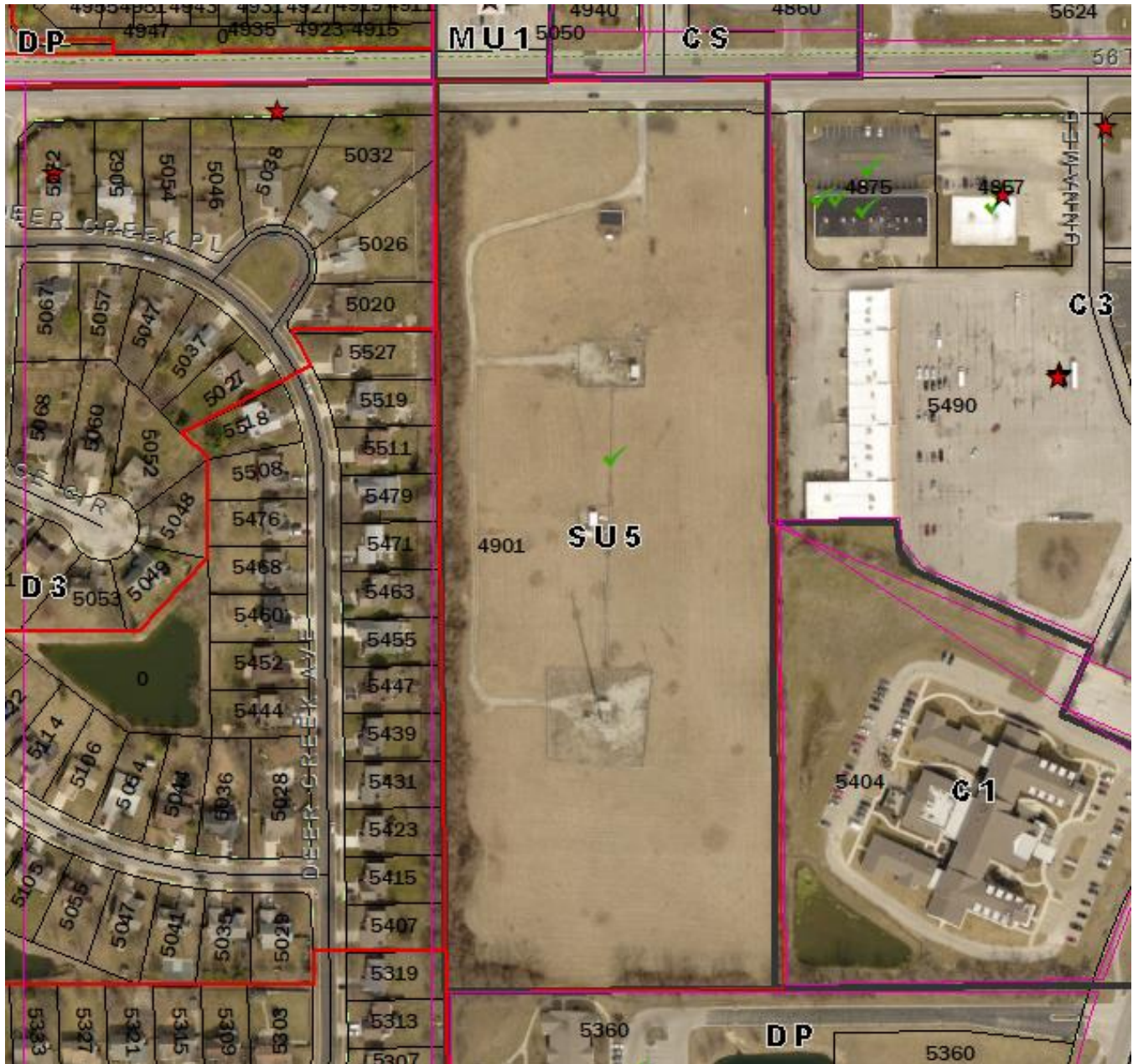
87-P-131, **approval** of a subdivision to be known as Deer Creek Section One.

85-Z-168, 4910 West 52nd Street, rezoning of 7.88 acres from the D-P district to the D-P district to allow for additional housing units, **approved**.

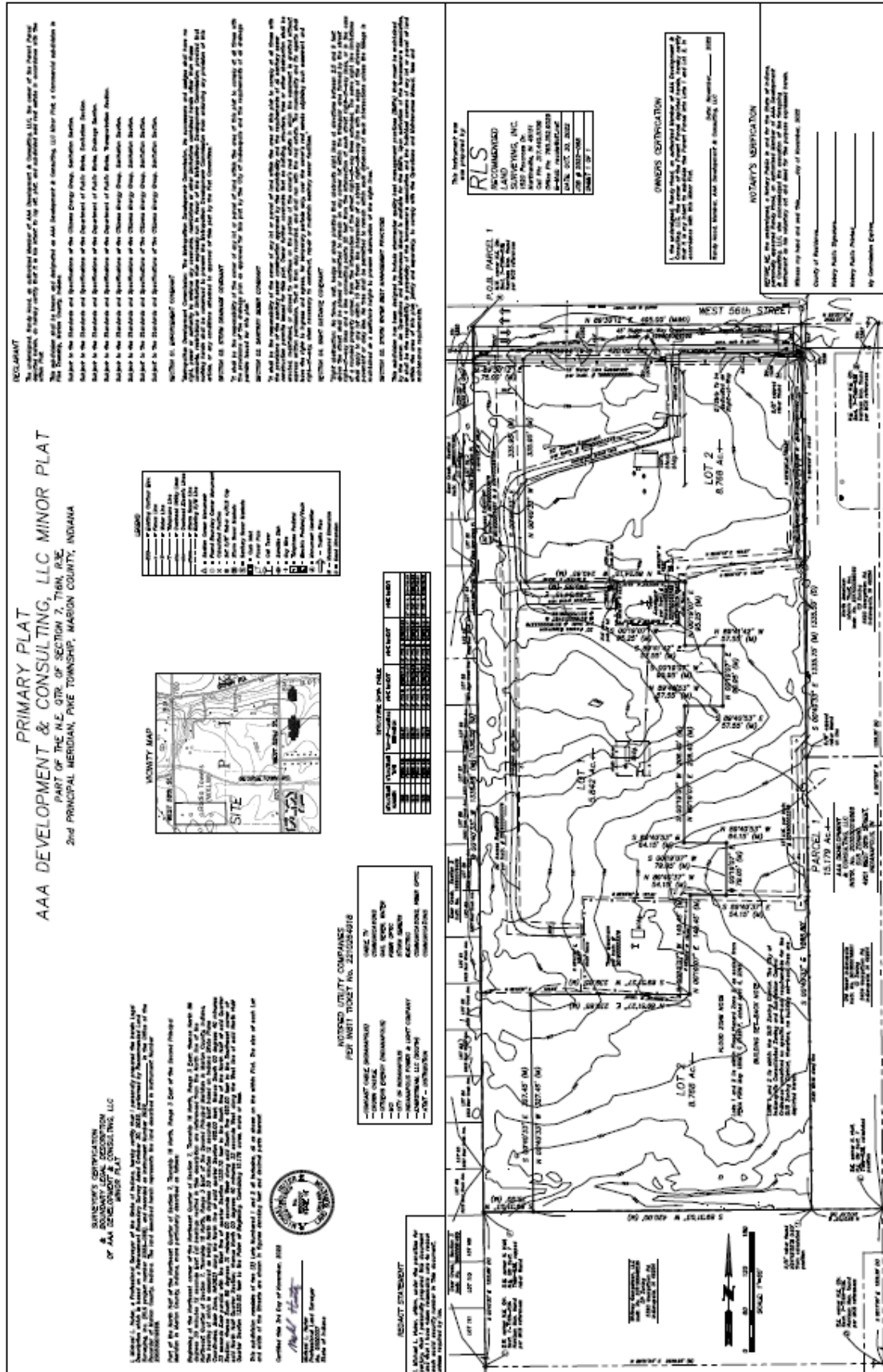
83-Z-152, 4559 West 56th Street, rezoning of 15.70 acres from the D-P district to the C-3 district, **approved**.

AR

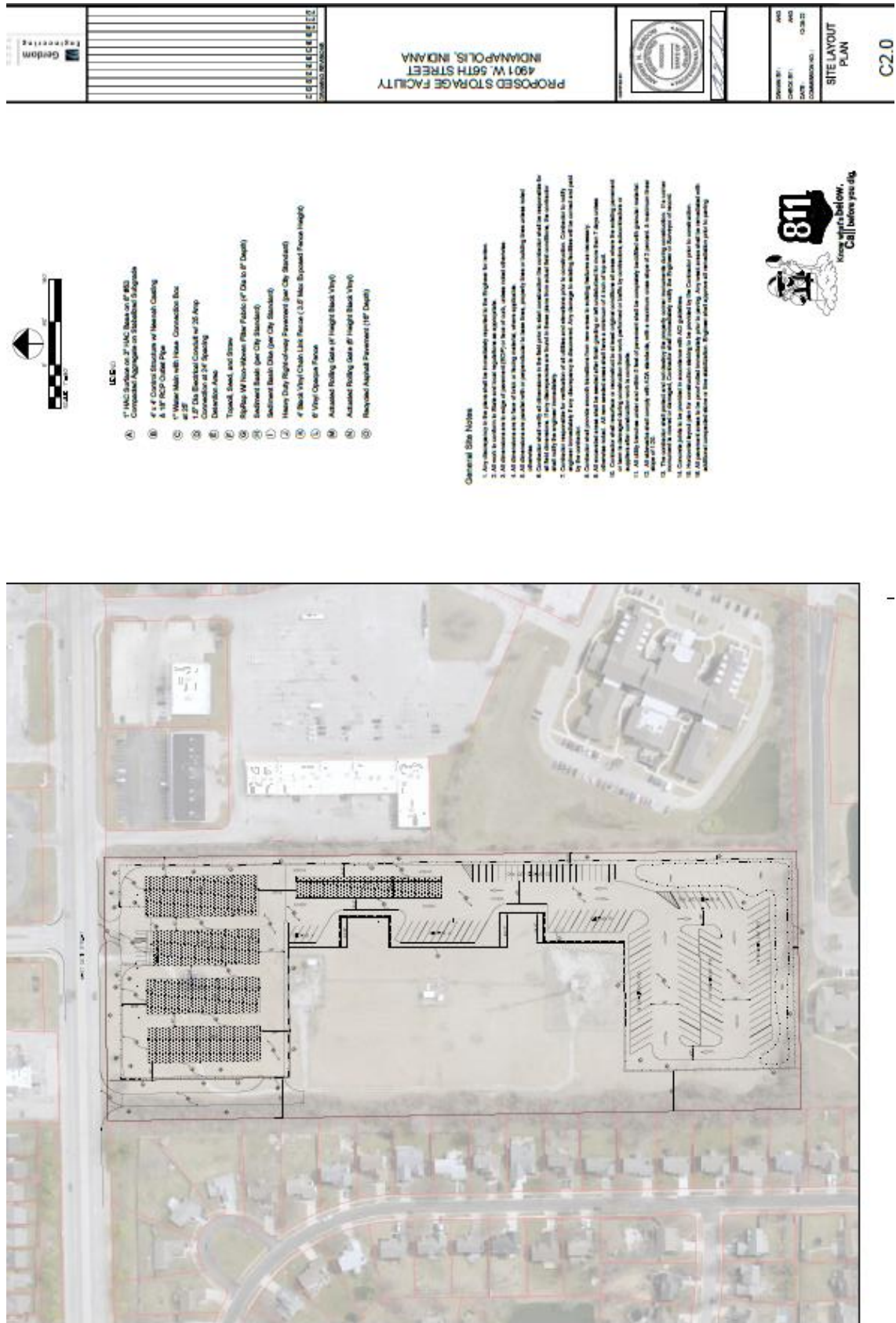
2022-CZN-871 / 2022-CPL-871 Aerial Map



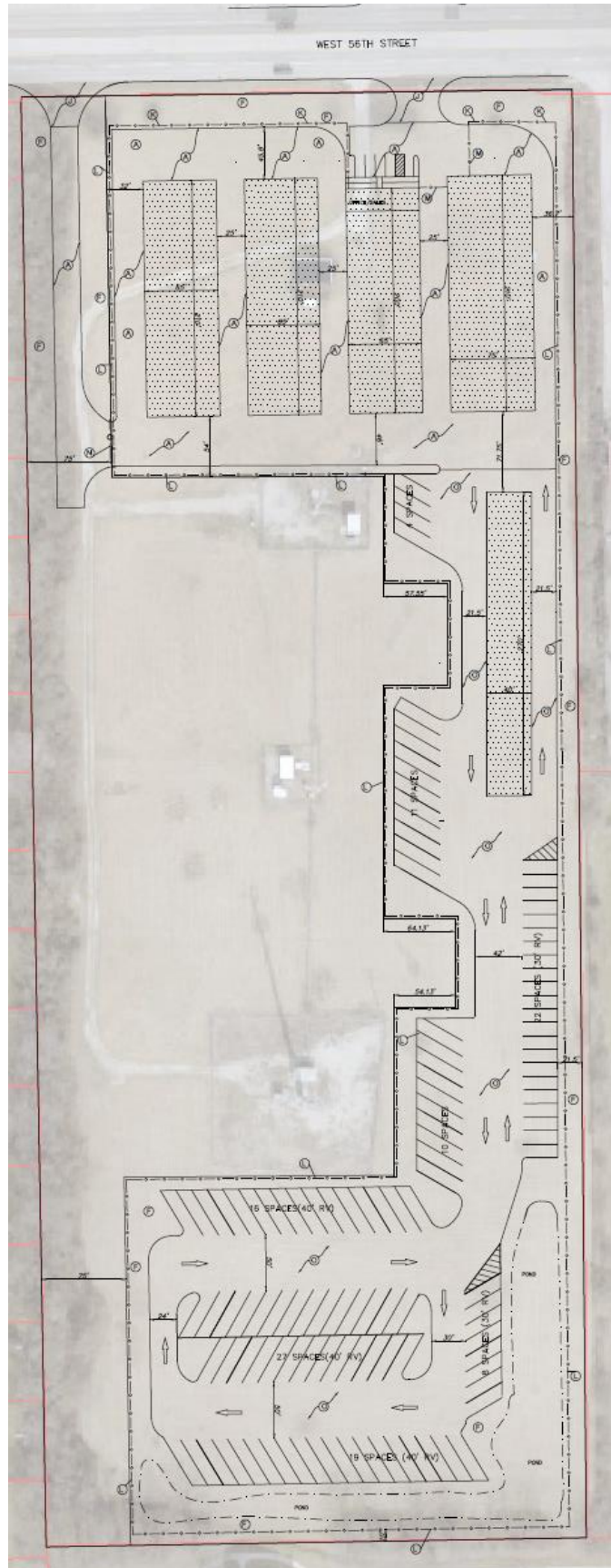
2022-CZN-871 / 2022-CPL-871 Preliminary Plat



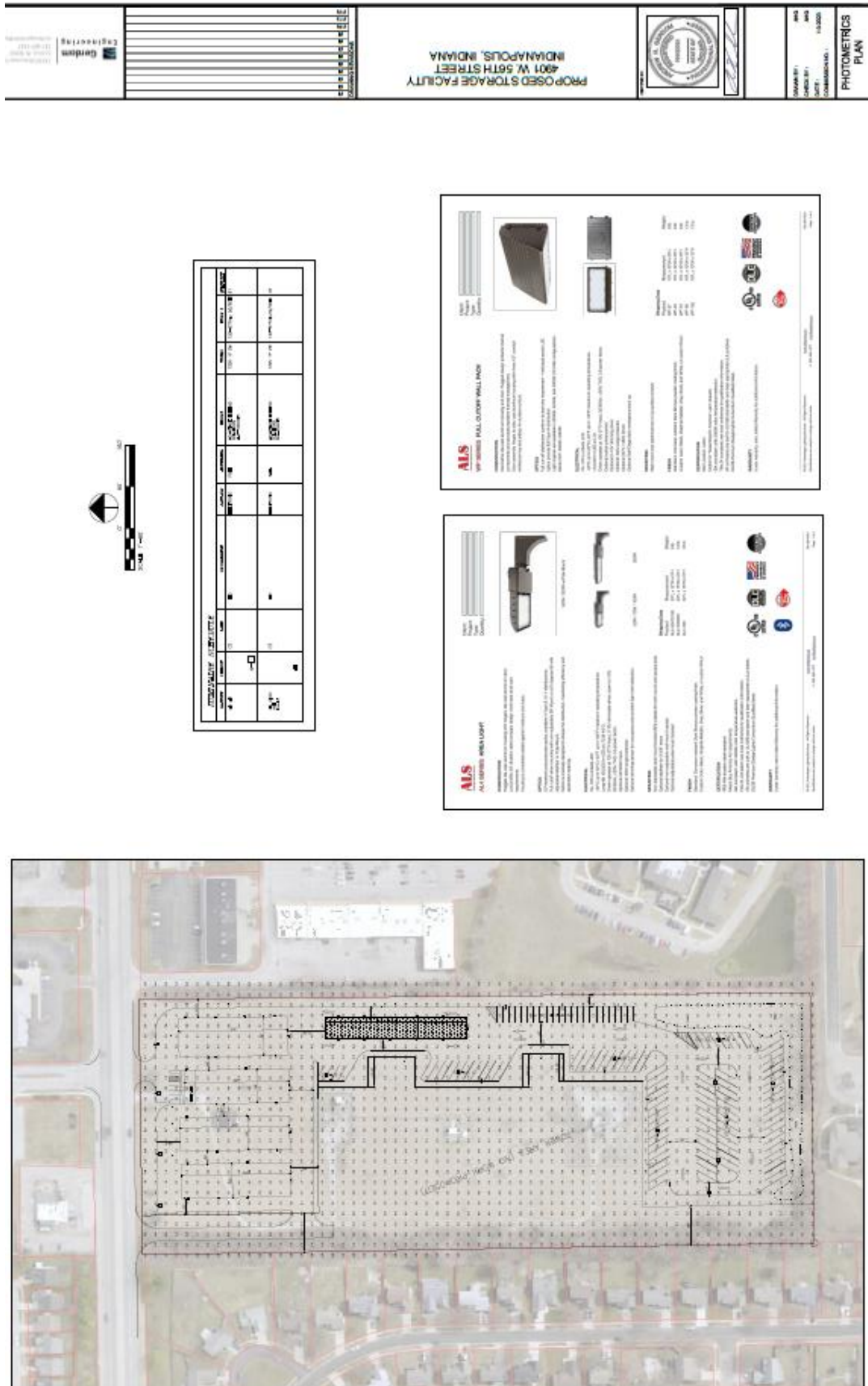
2022-CZN-871 / 2022-CPL-871 Site Plan



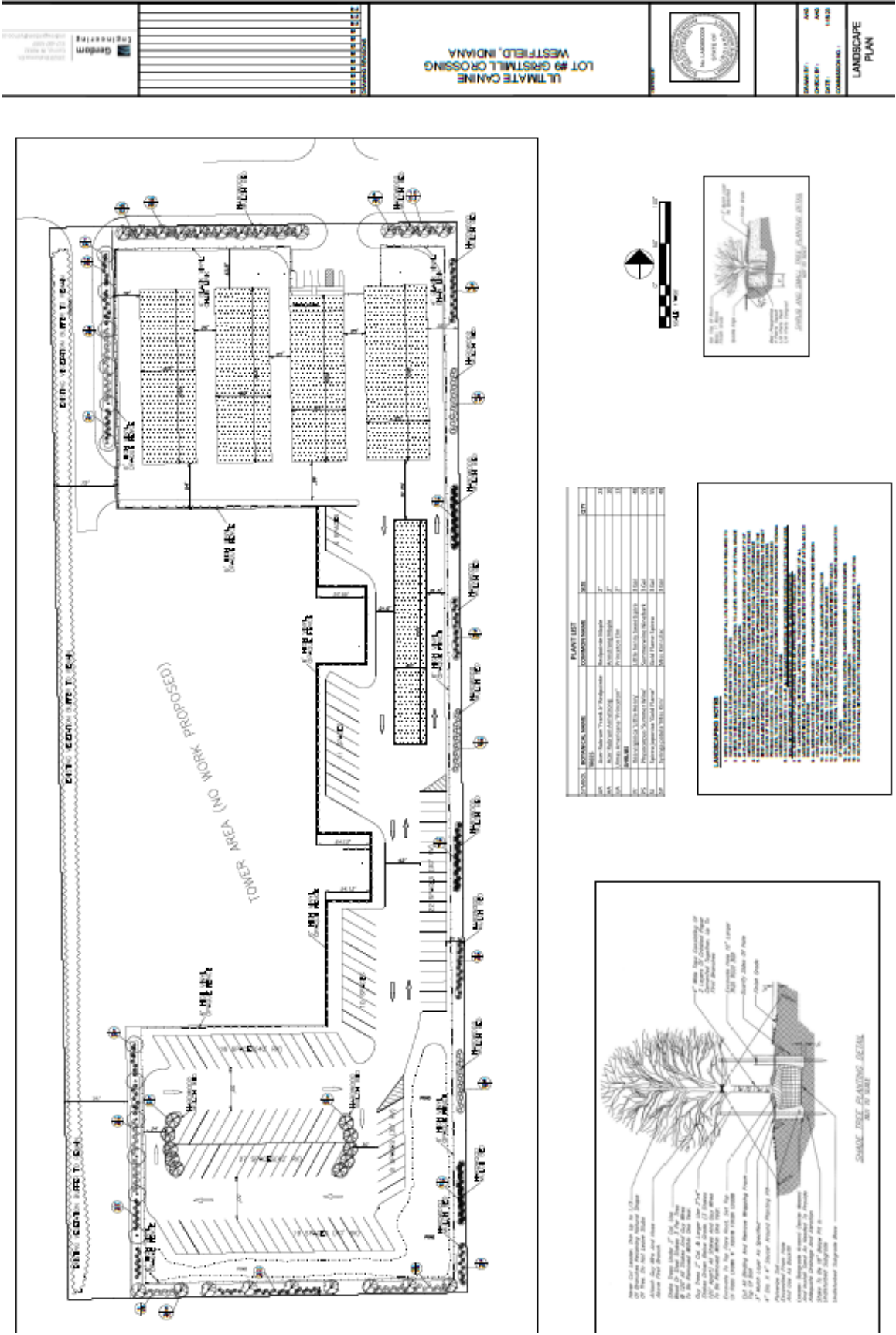
2022-CZN-871 / 2022-CPL-871 Site Plan Details



2022-CZN-871 / 2022-CPL-871 Lighting Plan



2022-CZN-871 / 2022-CPL-871 Landscape Plan



2022-CZN-871 / 2022-CPL-871 Development Plan

Development Plan – January 27, 2023
4901 W. 56th Street, Indianapolis, IN



USE:

The site is currently being used to house 2 cell towers and an AM radio station tower. The site will be modified to also include single-story self-storage along the north and eastern ends of the property, and long-term boat/RV parking on the eastern and southern ends of the property.

Storage is typically rented by residents and business owners inside a radius of 5 miles.

RV and boat parking renters can come from a radius up to 20 miles.

HOURS OF OPERATION

Normal business hours will be Monday – Friday from 9:00 am to 5:00 pm. Renters can also use a drive-up kiosk, which will be connected to a call center for questions after normal operating hours. Property access is restricted to renters only via two keypad code security gates. The gates are locked 24 hours per day and entry is only provided via the gate keypad. Tenants will have access to the property 24 hours a day via the keypad gates.

EMPLOYEES

The facility will have an administrative/maintenance staff on site each weekday to interact with renters and to perform routine maintenance and clean up.

SITE PLAN

As shown in Exhibit A, the property will support the existing towers plus the self-storage units and boat/RV parking. There will be no changes to the existing towers themselves. Access to the towers is currently provided by a curb cut near the center of the property, which then angles westward to meet up with the access road on the west side of the property near the first cell tower. There is a recorded easement along the west side of the property for access to the towers. The access easement runs north to south along the western property line to the southernmost tower. We will install a curb cut on the west side of the property to allow access to that easement. It will be set back approximately 30 feet from the western boundary line.

There will be a second curb cut along 56th street to allow access to the storage facility. The curb cut will be aligned with Eden Village Drive to the north. Two curb cuts will be necessary because tower maintenance vehicles will not have access to the storage facility.

The front portion of the property extending from the access easement eastward to the property line and south from W. 56th street to the first cell tower will contain no more than 4 single-story climate-controlled buildings totaling not more than 52,000 sq ft of storage and not more than 405 units. The western-most building will be set back approximately 100' from the western property line. Units along the perimeter of the buildings will have drive-up access (exterior doors) with additional fully enclosed interior units accessible via interior hallways. A site plan change which reduces the number of buildings to less than 4 shall be eligible for review and approval of the administrator so long as the setbacks are not decreased.

The eastern edge of the property will contain 1 single-story self-storage building totaling not more than 13,500 sq ft with not more than 91 units, plus 47 open boat/trailer parking spaces. The building and parking will be located approximately 200 feet from the western property boundary and approximately 30 feet from the eastern boundary.

The southern section of the property will contain 72 RV parking spaces. It will extend from the southernmost cell tower to the southern property line and from the eastern property line to the western property line. Parking will be set back approximately 70 feet from the western property line and approximately 50 feet from the southern property line.

Landscaping

We will make use of and augment the existing perimeter landscaping. Currently, there are trees along the western and southern property lines that are up to 40 feet in height. In addition, there are bushes extending 30 to 50 feet from the property lines that will be retained.

Additional trees and landscaping will be placed along the exterior of the property in substantial conformance with the landscape plan. Additional trees/bushes will be planted along the perimeter fence to obscure the RV parking from the southern and western neighbors as shown on the landscaping plan.

Lighting

Lighting between the storage buildings will be directed eastward and southward towards the center of the property. RV parking lighting will be shielded, down lit and faced away from adjacent residential zoning. Lighting shall be designed to minimize overflow light into the night sky, shield the light filaments from any right-of-way or protected district, prohibit hazardous glare perceptible from any point beyond the lot lines, and provide adequate light for safety. All lighting will be in compliance with Table 744-604-1: Light Level Standards.

Trash

No trash dumpster will be available for use of renters.

Signage

Signage will be limited to one ground sign for the self-storage use and wall signs per ordinance. An incidental entry sign for the cell tower parcel shall be allowed.

SITE MAINTENANCE & SECURITY

Maintenance will be performed by maintenance employees or outsourced to local service providers. An administrative/maintenance person will walk the property every day noting any maintenance items that need to be corrected.

The site will be secured by perimeter fencing surrounding the facility. The fencing along W56th Street will be no more than 4' high. Fencing along the west side of the storage facility will be 6' high. Fencing along the east side will be 6' chain link fencing replacing the existing chain link fence. No barbed wire/razor wire will be used on the fencing. Access is controlled by ingress/egress gates, and it restricted to renters with keypad codes. Each renter will have a unique keypad code allowing us to know who entered the premises and when.

The main gate will be on the northeast corner of the property across from Eden Village Drive. It will be set back approximately 120' from W56th street. We expect most storage tenants and all parking tenants to use this gate for ingress & egress due to the limited number of turns. An exit only gate will be located adjacent to the main gate, allowing for exiting the site through the main entry.

There will be a second ingress/egress gate on the west side of the property just north of the first cell tower. This gate connects with the tower easement and is expected to be used primarily for egress by the storage tenants in the western 2 buildings.

The site will have external security cameras monitoring the entry/exit points to the property and the parking areas. Interior security cameras will monitor all interior hallways with interior access restricted to renters with keypad codes. There will be prominent signs noting the presence of the cameras.

The security cameras and individual keypad codes will allow us to document any lease or security violations so that effective corrective action can be taken.

FUTURE

All of the above are typical and customary for the storage industry. There are no future plans for modifying the property beyond its proposed use.

9247 N. Meridian Street | Suite 204
Indianapolis, IN 46260
www.doveassetpartners.com

2022-CZN-871 / 2022-CPL-871 Site Photos



Subject site 56th Street frontage, looking north



Subject site looking west



Subject site looking south, existing building shown right



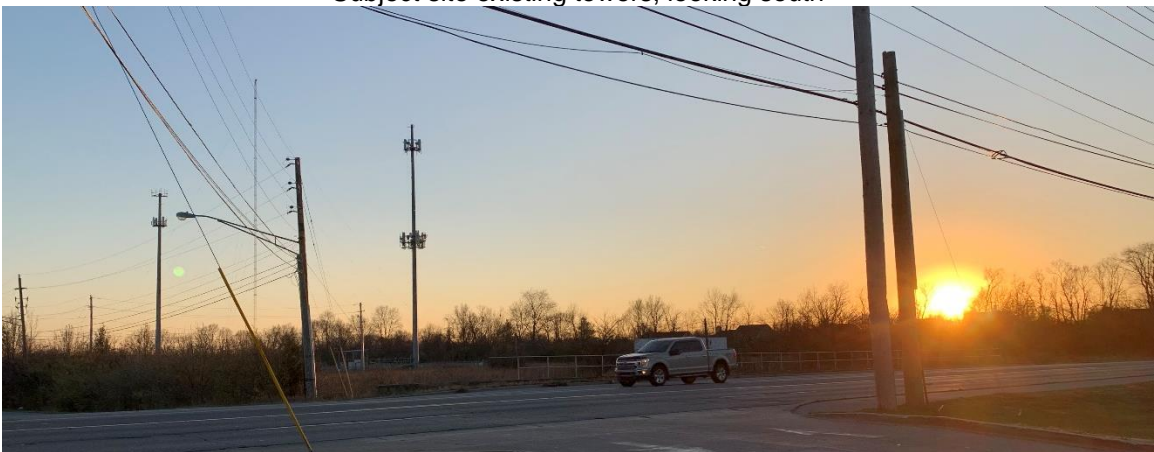
Subject site, looking southeast



Subject site existing tower, looking southeast



Subject site existing towers, looking south



Site viewed from 56th Street, looking south



Site viewed from property to the north, facing south

STAFF REPORT

Department of Metropolitan Development Division of Planning Current Planning Section

Case Number: 2023-ZON-002
Address: 3401 North Emerson Avenue (*Approximate Address*)
Location: Warren Township, Council District #13
Petitioner: M & T Investors, Inc., by Raymond A. Basile
Request: Rezoning of 0.63 acres from the C-3 district to the C-5 district to provide for automobile sales.

RECOMMENDATION

Staff **recommends denial** of this request. However, should this petition be approved, staff requests that it 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 57-foot half right-of-way shall be dedicated along the frontage of Emerson 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).
2. A sidewalk meeting the standards of the Ordinance shall be constructed along the 34th Street frontage prior to occupation of the site. The sidewalk should accommodate a waiting pad at the bus stop located along this frontage.
3. A multi-use path meeting the standards of the Department of Public Works shall be constructed along the Emerson Avenue frontage.

SUMMARY OF ISSUES

The following issues were considered in formulating the recommendation.

LAND USE

- ◇ The subject site was originally developed with three single-family dwellings. Those buildings were demolished and a commercial building was constructed after the approval of a variance of use for a gasoline station in 1966. Aerial photography from 1972 shows gas stations on the northeast, northwest and southwest corners of the

(Continued)

STAFF REPORT 2023-ZON-002 (Continued)

intersection of Emerson Avenue and 34th Street. The building on the site was used for many years for automobile repair following the approval of a variance for car repair in 1990.

- ◇ The 2018 Comprehensive Land Use Plan recommends Community Commercial for the site. This typology envisions low-intensity commercial and office uses that serve the nearby neighborhoods. Automobile sales are not appropriate to the Community Commercial typology due to the traffic, outdoor display and storage, visual clutter and noise generated by car lots.
- ◇ The Indy Moves Plan, adopted into the Indianapolis-Marion County Comprehensive Plan in 2018, recommends a multi-use path along Emerson Avenue. A multi-use path provides for a walking/biking facility separated from vehicular traffic.
- ◇ IndyGo route #2 runs along 34th Street in front of the subject site. A bus stop is located on the 34th Street frontage of the site.
- ◇ The site abuts single-family dwellings to the north and east. The dwelling to the east is completely unscreened and unbuffered from the subject site. The dwelling to the north has some screening from the subject site, but in the months when there are no leaves on the trees and shrubs, the subject site is very visible from this dwelling.
- ◇ Across the street from the subject site is a retirement community.

ZONING

- ◇ This petition would rezone the subject site to the C-5 district. This zoning district provides for a wide range of commercial uses, many that are heavy traffic generators or involve outdoor display and sales. The petitioner has indicated that he intends to use the site for automobile sales. The petitioner has also indicated that there are C-5 uses that he would commit to excluding. They are:
 - Emergency shelter
 - Substance abuse treatment facility
 - Mortuary
 - Tattoo parlor
 - Adult entertainment business
 - Bar or tavern
 - Night club or cabaret
 - Firearms sales
 - Fireworks sales

(Continued)

STAFF REPORT 2023-ZON-002 (Continued)

- Pawn shop
 - Liquor store
 - Recycling station
- ◇ However, seven of the twelve uses on this list would not be permitted under the Ordinance anyway due to minimum separation requirements, so their inclusion on the list above is redundant. The redundant exclusions are substance abuse treatment center, tattoo parlor, adult entertainment business, bar or tavern, nightclub or cabaret, liquor store, and recycling collection point,
- ◇ This site has been the subject of two prior land use petitions that would have provided for automobile sales. These petitions were filed in 1985 and 1988 and both were denied by the Board of Zoning Appeals.
- ◇ The site does not now comply with certain development standards of the Ordinance. Notably there is no sidewalk along the 34th Street frontage nor is there front yard landscaping on either frontage or transitional yard landscaping along the east boundary. The site plan submitted with this petition shows a sidewalk to be installed along 34th Street.
- ◇ As the requested district would not be responsive to the Comprehensive Land Use Plan and would be too intense a land use abutting and across the street from residential areas, staff recommends denial of the petition.

GENERAL INFORMATION

EXISTING ZONING, CONTEXT AREA, AND LAND USE

C-3	Compact	Vacant gas station (pumps removed) and automobile repair shop
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SURROUNDING ZONING AND LAND USE

North	D-4	Single-family dwelling
South	D-P	Multi-family retirement complex
East	D-4	Single-family dwelling
West	C-3	Gas station

COMPREHENSIVE LAND USE PLAN	The Warren Township Comprehensive Plan (2018) recommends Community Commercial.
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(Continued)

STAFF REPORT 2023-ZON-002 (Continued)**THOROUGHFARE PLAN**

Emerson Avenue is classified in the Official Thoroughfare Plan for Marion County, Indiana as a Primary Arterial, with a 100-foot existing right-of-way and a 114-foot proposed right-of-way.

34th Street is classified in the Official Thoroughfare Plan for Marion County, Indiana as a Local Street, with a 90-foot existing right-of-way and a 48-foot proposed right-of-way.

FLOODWAY / FLOODWAY FRINGE

This site is not located within a floodway or floodway fringe.

STREAM PROTECTION CORRIDOR

This site is not located within a stream protection corridor.

WELLFIELD PROTECTION DISTRICT

This site is not located within a wellfield protection district.

ZONING HISTORY – SITE

2015-ZON-098; 3401 North Emerson Avenue, requested the rezoning of 0.63 acre from the D-4 district to the C-3 district, **approved**.

90-UV2-132; 3401 North Emerson Avenue, requested a variance of use to provide for automobile repair, **approved**.

88-UV2-110; 3401 North Emerson Avenue, requested a variance of use to provide for automobile sales and repair, **denied**.

85-UV2-123b; 3401 North Emerson Avenue, requested a variance of use to provide for an automobile wash, **approved**.

85-UV2-132a; 3401 North Emerson Avenue, requested a variance of use to provide for automobile sales, **denied**.

83-UV3-34; 3401 North Emerson Avenue, requested a variance of use to provide for the sale automobile parts and accessories and to legally establish a restaurant, **approved**.

(Continued)

STAFF REPORT 2023-ZON-002 (Continued)

79-UV1-104; 3401 North Emerson Avenue, requested a variance of use to provide for ice cream and variety store, **approved**.

66-V2-53; 3401 North Emerson Avenue, requested a variance of use and development standards to provide for a gas station, **approved**.

65-V-173; 3401 North Emerson Avenue, requested a variance of use and development standards to provide for a gas station, **approved**.

ZONING HISTORY – VICINITY

2006-ZON-186, DP-26; 3347 North Emerson Avenue (south of site), requested the rezoning of 8.2 acres from the C-S district to the D-P district to provide for 90 senior apartments, **approved**.

2004-ZON-047; 3420 North Emerson Avenue (northwest of site), requested the rezoning of 0.53 acre from the D-5 district to the C-3C district, **approved**.

93-Z-185; 3333 North Emerson Avenue (south of site), requested the rezoning of eight acres from the D-4 district to the C-S district to provide for a multi-purpose service center, **approved**.

90-UV2-132; 5061 East 34th Street (southwest of site), requested a variance of use to provide for a tire service center, **approved**.

klh

STAFF REPORT 2023-ZON-002, Location



STAFF REPORT 2023-ZON-002, Description of proposal

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

Detailed Description of Proposal Petition for Rezoning to C-5 at 3401 N. Emerson Avenue

Proposed Use: The proposed plan of operation 3401 N. Emerson Avenue is a small used car and truck retail dealership.

Workforce: It is anticipated that the total workforce will be three or four full-time employees.

Hours and Dates of Operation: The business will not open earlier than 8:00 a.m. and will close on or before 9:00 p.m. The business will be open Monday through Saturday.

Improvements: The existing building on the site will be utilized as the business office. It is anticipated that the building will be cosmetically renovated both on the interior and exterior, and any necessary repairs and maintenance will be undertaken before the business opens.

Landscaping and Lighting: Landscaping and lighting improvements will be made to meet or exceed the current minimum standards imposed by the applicable Indianapolis zoning ordinance.

Limitations of Future Uses: The petitioner has filed contemporaneously with its petition a Statement of Commitments by which petition commits that the real estate will not be used in the future for any of the identified but otherwise permitted C-5 uses identified therein, which uses are generally most likely to be deemed objectionable by neighbors.

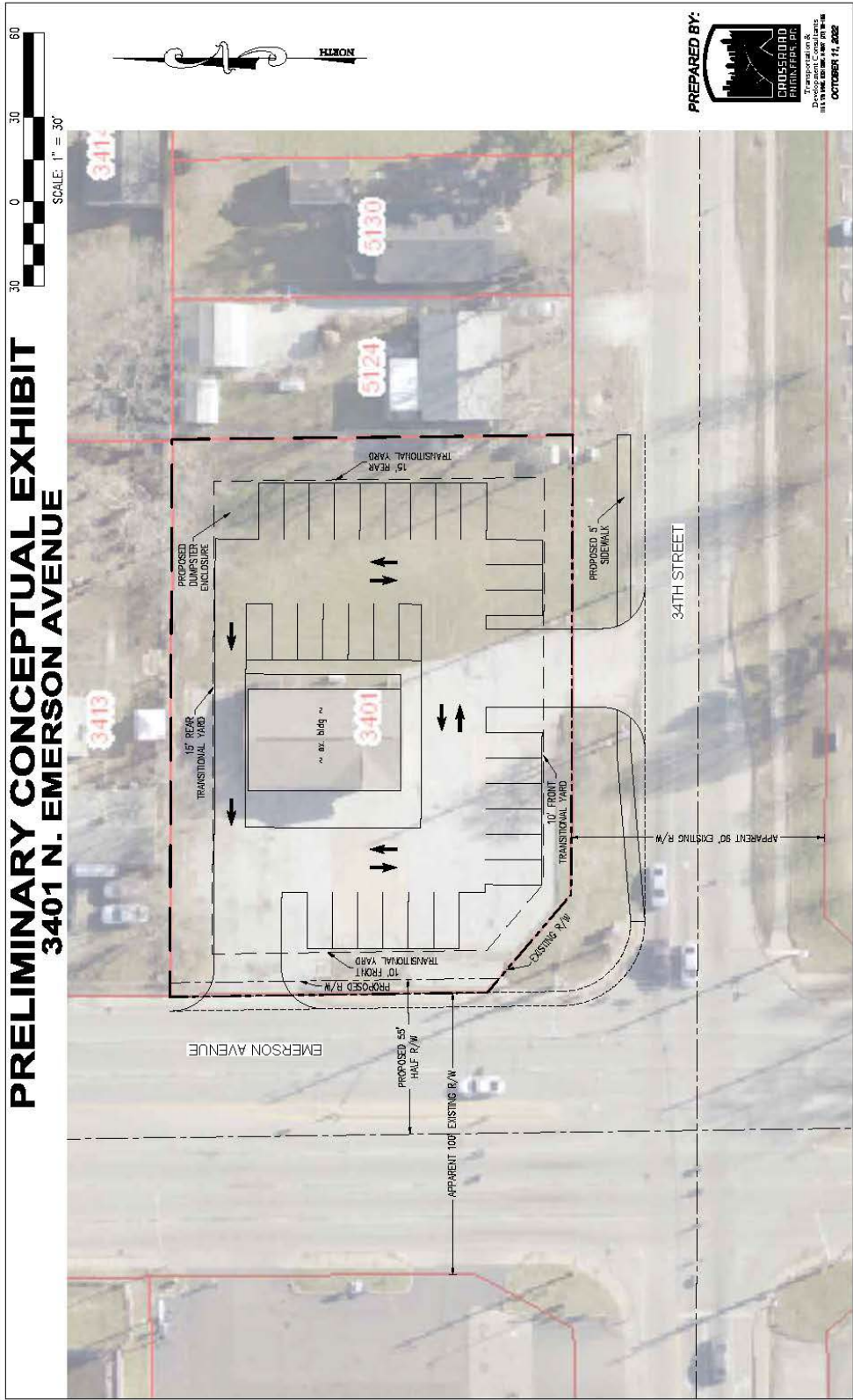
Support: Petitioner has provided with the petition a letter of support from a directly adjacent neighbor. Petitioner has received no negative responses or feedback from other neighbors. Petitioner has also contacted Mr. Keith Graves, the City County Councilor for this district and reports that Mr. Graves supports this petition. A letter of support from Mr. Graves is filed contemporaneously with this letter.

Impact on Neighboring Properties: Approval of the C-5 zoning and the opening of the small used automobile dealership will have minimal to no negative impact on adjacent and neighboring property owners. The proposed use will not generate, store or utilize hazardous or dangerous chemicals. The business will not generate a significant amount of retail traffic and thus will not materially impact the travel patterns in the area. Approval of the petition will allow the petitioner to return an income-generating tenant to the premises, which will allow petitioner to perform the necessary cosmetic, lighting and landscaping upgrades. It will also result in more regular property cleaning and landscaping maintenance. Moreover, because there will be no additional paving work performed, there would be no additional drainage impact on the neighbors or neighborhood. Finally, because the petitioner has committed to not using the real estate for many of the potentially most objectionable uses permitted on a C-5 zoned property, there will be no adverse impact either on the use or value of the neighboring properties.

Comprehensive Plan: The comprehensive plan for the City of Indianapolis calls for a Community Commercial use on the subject property, which includes “low-intensity commercial and office uses that serve nearby neighborhoods.” In this case, the petition is filed to permit the operation of a small used automobile operation that will employ only approximately three individuals and include approximately thirty (30) vehicles on the site. As stated above, this is a very low intensity use that will have minimal to no impact on daily traffic patterns in the area and will simply allow the use of the existing building and parking lot, thereby generating withholding and sales tax contributions from the site.

Moreover, the proposed use is consistent with the existing businesses in the area. There are several similarly-sized automobile dealerships approximately 1 mile to the east. At the corner of 34th Street and Emerson Avenue, there is currently a gas station (3402 N. Emerson) and tire shop (5061 E. 34th Street). Permitting the operation of a used car dealership will not introduce a new or offensive use to the area.

STAFF REPORT 2023-ZON-002, Site Plan



STAFF REPORT 2023-ZON-002, Photographs



Looking northeast across the subject site from the intersection of Emerson Avenue and 34th Street.



Looking north across the western portion of the subject site.



Looking north across the eastern portion of the site.



Looking northeast across the eastern portion of the site to the neighbors to the east.



Looking east along the 34th Street frontage.



Looking west along the 34th Street frontage.



Looking south across 34th Street at the neighbor to the south.



Looking southwest across the intersection of Emerson Avenue and 34th Street at the neighbors to the southwest.



Looking west across Emerson Avenue at the neighbor to the west.



Looking northwest across Emerson Avenue at the neighbors to the northeast.

STAFF REPORT

Item 14.

Department of Metropolitan Development Division of Planning Current Planning Section

Case Number: 2023-ZON-003
Address: 758 North Concord Street (*Approximate Address*)
Location: Wayne Township, Council District #11
Petitioner: Jackson Hauersperger, by Epifanio Carbajal
Request: Rezoning of 0.21 acre from the I-2 district to the D-5 district to provide for residential uses.

RECOMMENDATIONS

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

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 / receptables provided for the proper disposal of trash and other waste.
2. Development of the site shall be in substantial compliance with the site plan and elevations, file-dated January 9, 2023.

SUMMARY OF ISSUES

The following issues were considered in formulating the recommendation:

LAND USE ISSUES

- ◇ This 0.21-acre site, zoned I-2, is developed with a single-family dwelling. It is surrounded by single-family dwellings to the north and south, zoned I-2; a single-family dwelling to the east, across Concord Street, zoned I-2; and a single-family dwelling to the west, zoned D-P.

REZONING

- ◇ This request would rezone the site from the I-2 District to the D-5 classification. "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 uses minimized, and building details and other similar amenities are scaled to the pedestrian."

(Continued)

- ◇ The Near West Neighborhood Land Use Plan recommends residential development at a density of five to eight units per acre. “In suburban and rural areas this is a common multi-family density and typically the highest density single-family and multi-family category in suburban areas. In urban areas, it is common for both single-family and multi-family development. Development at this density is appropriate along bus corridors but should not take place in proximity to planned light rail transit stops.”
- ◇ The Comprehensive Plan consists of two components that include the Pattern Book and the land use map. The Pattern Book provides a land use classification system that guides the orderly development of the county and protects the character of neighborhoods while also being flexible and adaptable to allow neighborhoods to grow and change over time.
- ◇ The Pattern Book serves as a policy guide as development occurs. Below are the relevant policies related to this request:

Conditions for All Land Use Types

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

Conditions for All Housing

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

Detached Housing

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

(Continued)

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, the rezoning request would result in a density of 4.76 units per acre, which would be an acceptable deviation from the Neighborhood Plan of residential development of five to eight units per acre.
- ◇ This residential-sized parcel is developed with a single-family dwelling. The records of the Assessor's Office indicate the dwelling was constructed in 1910. The current I-2 zoning district does not reflect the long-time residential use on this parcel. Staff supports this rezoning because it would match the zoning classification with the current residential use and it would be generally consistent with the Plan recommendation of low-density residential.

(Continued)

- ◇ The site plan and elevations, file-dated January 9, 2023, provide for an approximately 916-square foot expansion of the existing single-family dwelling.
- ◇ Staff believes the proposed expansion should be in substantial compliance with the site plan and elevations, file-dated January 9, 2023.

GENERAL INFORMATION**EXISTING ZONING AND LAND USE**

I-2 Single-family dwelling

SURROUNDING ZONING AND LAND USE

North -	I-2	Single-family dwelling
South -	I-2	Single-family dwelling
East -	I-2	Single-family dwelling
West -	D-P	Single-family dwelling

COMPREHENSIVE LAND USE PLAN

The New West Neighborhood Land Use Plan for Indianapolis and Marion County (2014) recommends residential development at five to eight units per acre.

THOROUGHFARE PLAN

This portion of North Concord Street is designated in the Marion County Thoroughfare Plan as a secondary arterial with an existing 46-foot right-of-way and a proposed 56-foot right-of-way.

CONTEXT AREA

This site is located within the compact context area.

OVERLAY

This site is not located within an overlay.

SITE PLAN

File-dated January 9, 2023

ELEVATIONS

File-dated January 9, 2023

ZONING HISTORY

2018-ZON-062; 3135 Concord Court (south of site). requested rezoning of 2.85 acres from the D-P (W-5) district to the D-P (W-5) district to provide for elementary and secondary educational uses to an existing community center in Block J of Concord Village West Subdivision, **approved**.

96-ZON-190 / 96-DP-19; 782 North Concord Street (north of site), requested rezoning of 11.927 acres from the D-7 District to the D-P classification to provide for the construction of single-family and two-family dwellings, **approved**.

(Continued)

85-Z-111A; 3125 Concord court and 2851 West Walnut Street (west of site), requested rezoning of 15.9 acres, being in the I-2-U and I-3-U districts, t the D-7 classification to conform zoning to its existing use, **approved**.

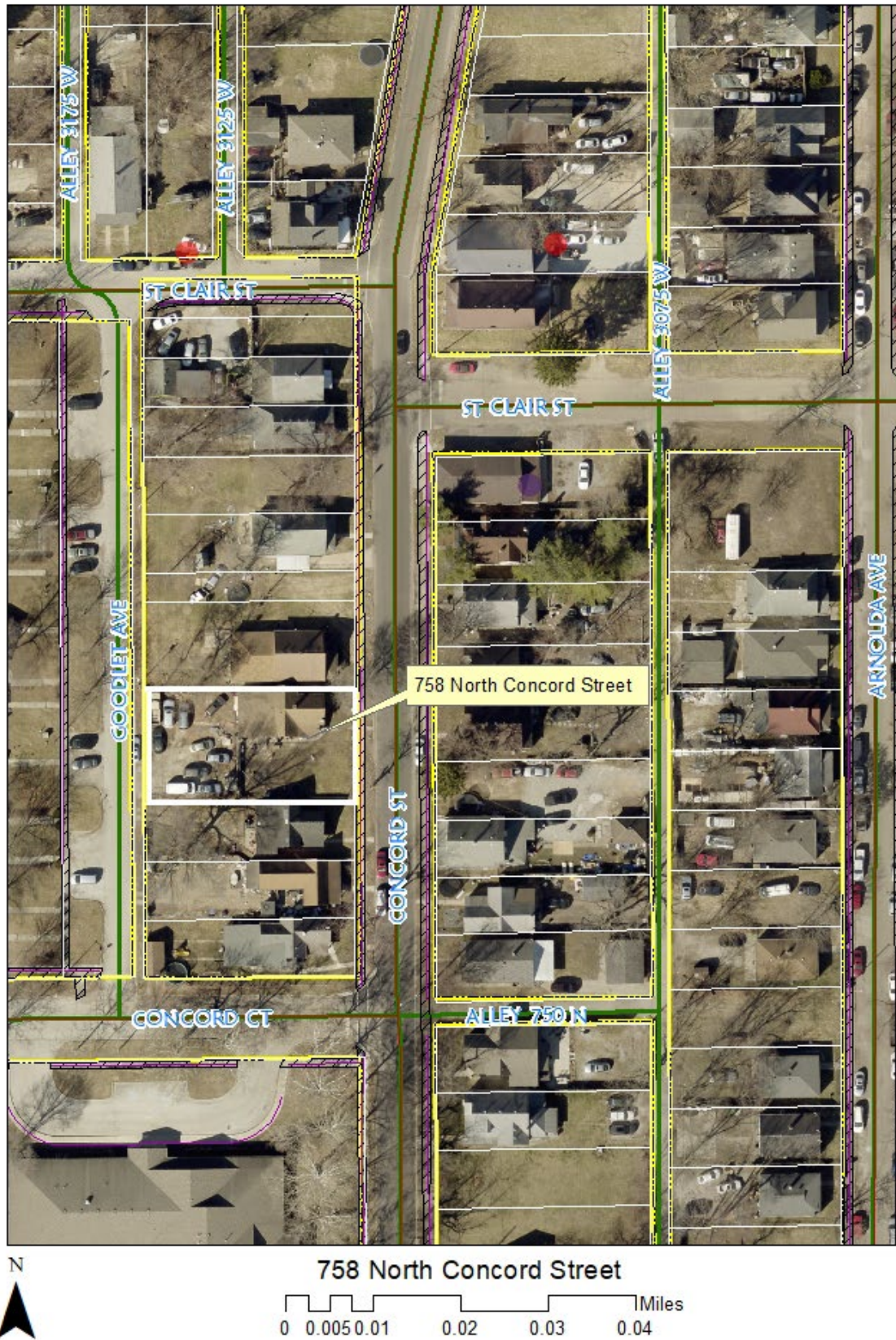
98-Z-159 / 98-DP-22; 2901 Walnut Street (south of site), requested rezoning of 4.312 acres from the D-7 District to the D-P classification to provide for 21 single-family dwellings and 1;6 two-family dwellings, approved.

98-Z-93 / 98-DP-15; 3310 St. Clair Street and 802 Centennial Avenue (west of site), requested rezoning 0.9 acre from the D-5 and I-2-U Districts to the DP classification to provide for four single-family dwellings and two two-family dwellings, **approved**.

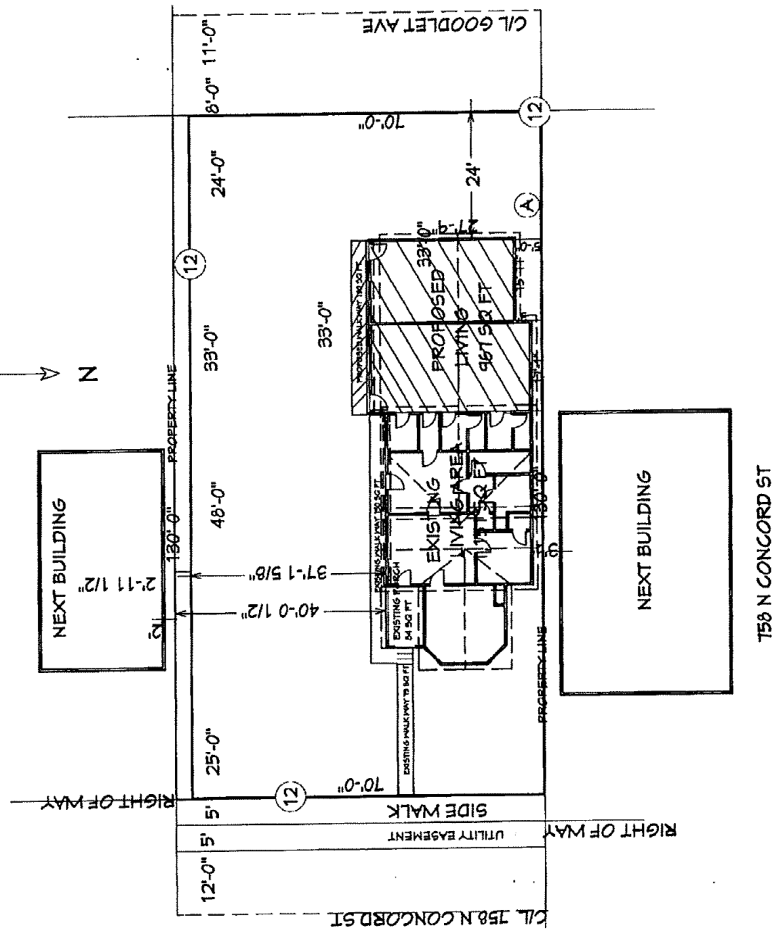
97-Z-165; 780 North Concord Street (north of site), requested rezoning of 0.10 ace from the I-2-U District to the D-5 classification to conform zoning to the site's residential use, **approved**.

96-UV2-71; 784 North Centennial Street (west of site), requested a variance of use and development standards of the Dwelling Districts Zoning Ordinance to provide for the construction of a two-family with zero major livability space provided, **granted**.

kb

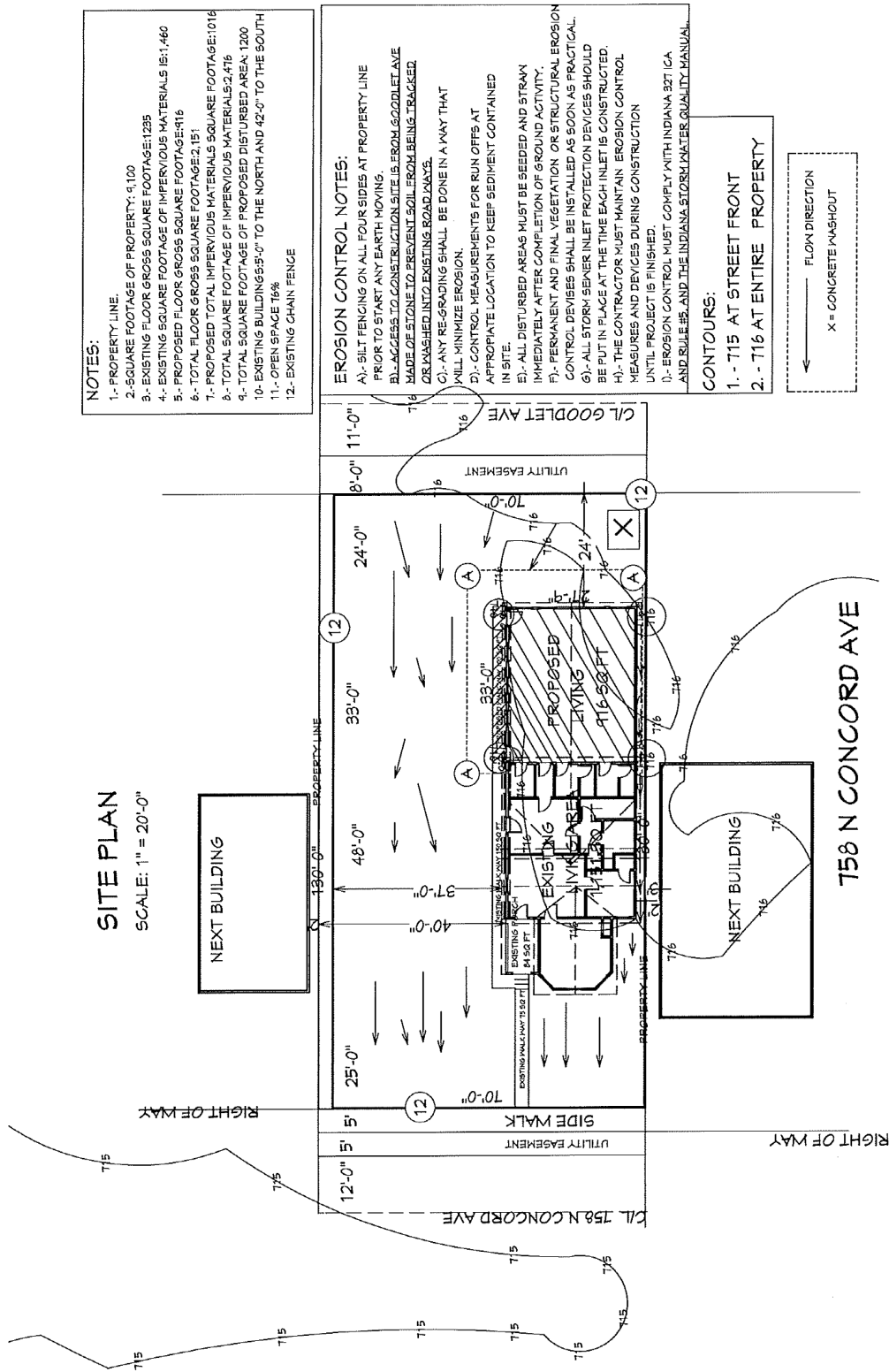


SITE PLAN
SCALE: 1" = 20'-0"

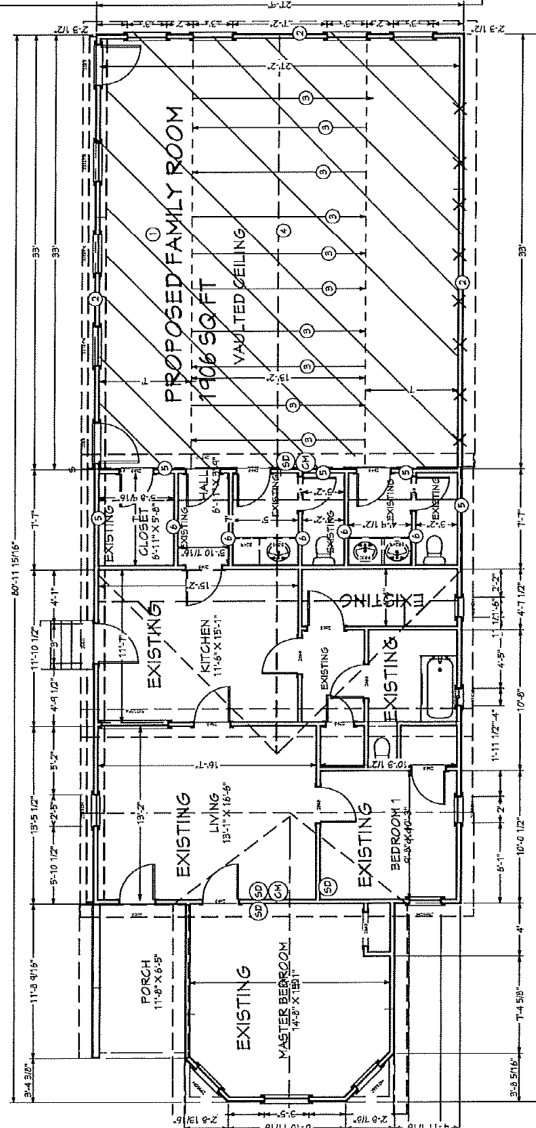
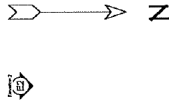


NOTES:

- 1.- PROPERTY LINE.
- 2.- SQUARE FOOTAGE OF PROPERTY: 4,100
- 3.- EXISTING FLOOR GROSS SQUARE FOOTAGE: 1,295
- 4.- EXISTING SQUARE FOOTAGE OF IMPERVIOUS MATERIALS: 15,140
- 5.- PROPOSED FLOOR GROSS SQUARE FOOTAGE: 481
- 6.- TOTAL FLOOR GROSS SQUARE FOOTAGE: 2,302
- 7.- PROPOSED TOTAL IMPERVIOUS MATERIALS SQUARE FOOTAGE: 1,061
- 8.- TOTAL SQUARE FOOTAGE OF IMPERVIOUS MATERIALS: 2,327
- 9.- TOTAL SQUARE FOOTAGE OF PROPOSED DISTURBED AREA: 1,300
- 10.- EXISTING BUILDING: 5'-0" TO THE NORTH AND 42'-0" TO THE SOUTH
- 11.- OPEN SPACE: 15%
- 12.- EXISTING CHAIN FENCE



FLOOR PLAN:
SCALE: 1/8" = 1'-0"



PROPOSED NOTE:

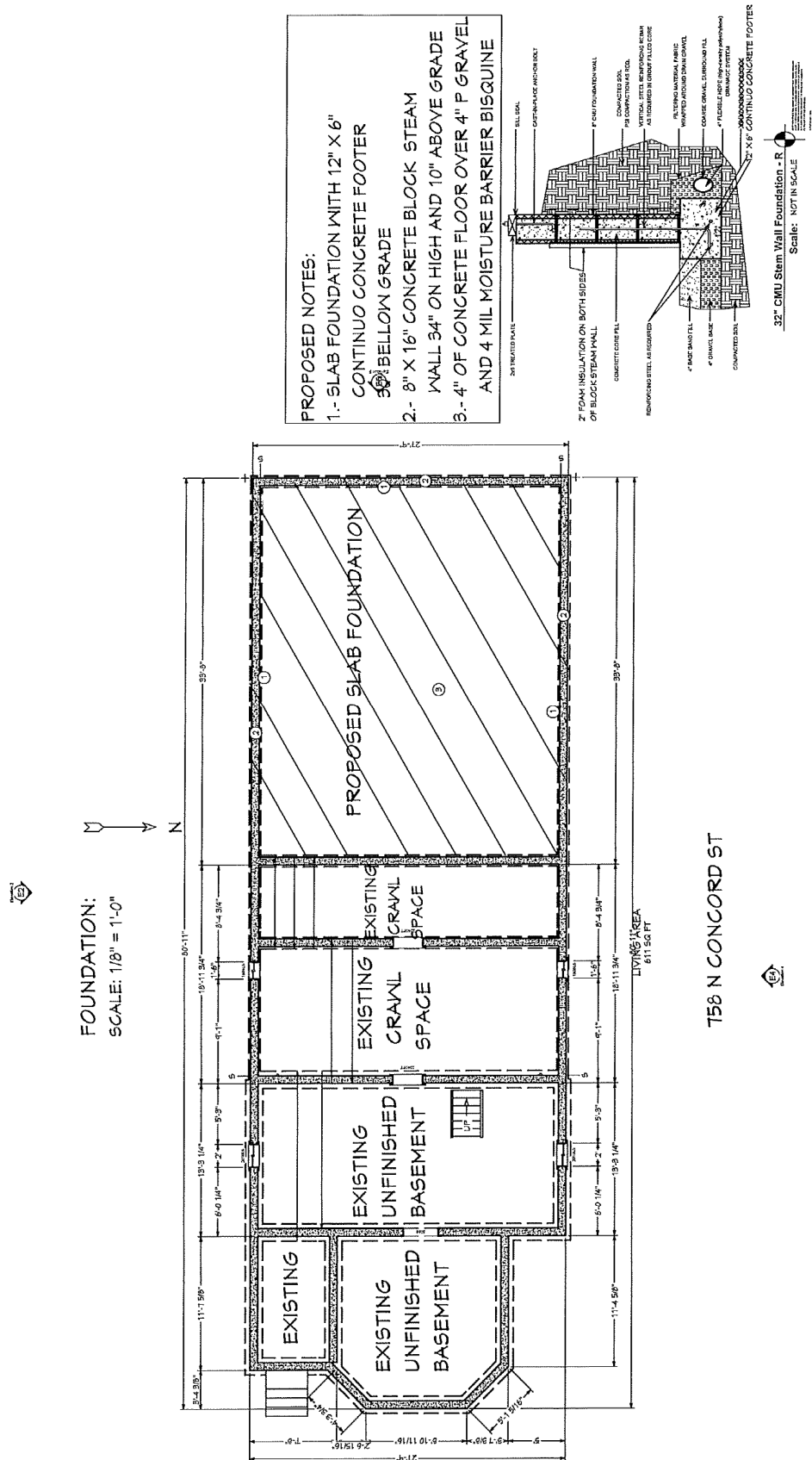
1. - PROPOSED ADDITION OF 1906 SQ FT FAMILY ROOM
2. - 2X4 EXTERIOR WALLS WITH STUDS @ 16" O C 97 1/8" ON HIGH, WALLS SHEATHED WITH 7/16 OSB BOARD, MOISTURE BARRIER HOUSE WRAP AND 7" CEMENT BOARD LAP SIDING
3. - 2X6 SOUTHERN PINE#2 CEILING JOIST @ 16" O C (14'-0" MAX SPAN) ATTACHED TO 2X6 SOUTHERN PINE#2 ROOF RAFTERS @ 16" O C (MAX SPAN 13'-10 1/2") TABLE R802.5.1(2)
4. - VAULTED CEILING 11'-0" HIGH
5. - ADD 2X4 KNEEWALL 2'-0" IN HIGH WITH BLOCKS @ 16" O C TO EXISTING 6'-0" WALL TO MATCH ON HIGH PROPOSED FAMILY ROOM WALLS HIGH 97 1/8"
6. - PROPOSED 2X4 NONE BEARING WALLS WITH STUDS @ 16" O C
7. - SD= SMOKE DETECTOR
8. - CM= CARBON MONOXIDE

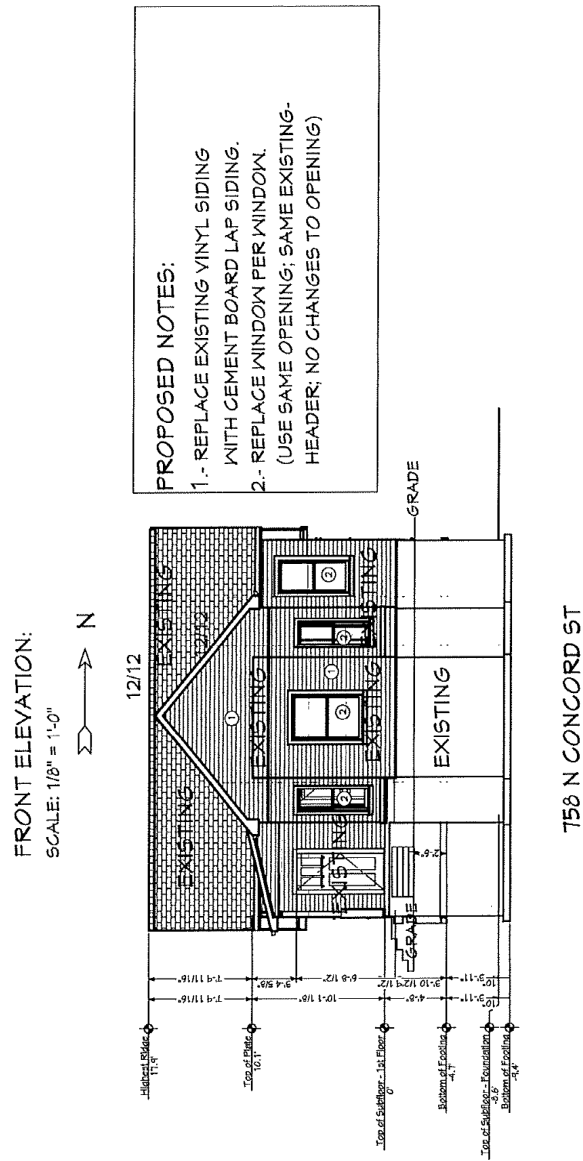
NOTE:

X= FIRE RATED OSB BOARD ON OUTSIDE AND
FIRE RATED DRYWALL ON THE INSIDE ON
ENTIRE WALL

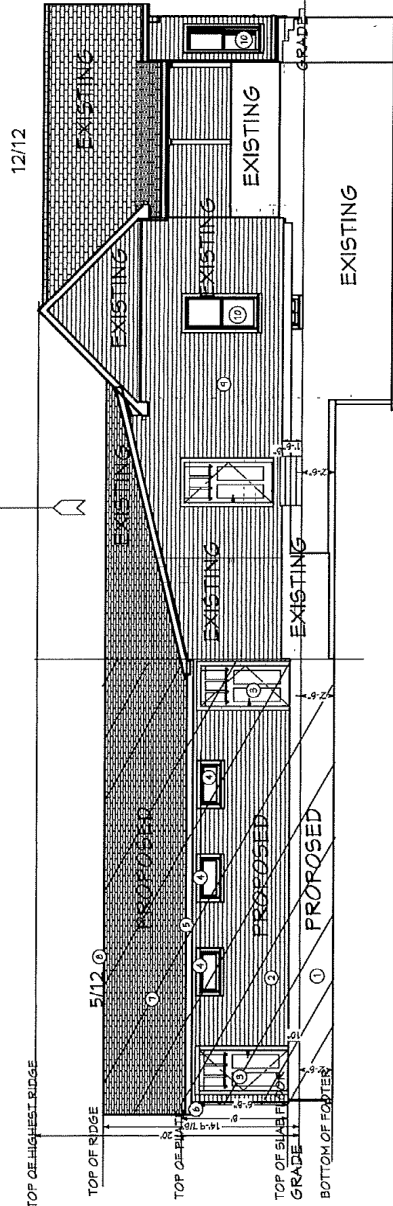
758 N CONCORD ST

50'-11 15/16"
LIVING AREA
1181.50 FT





LEFT ELEVATION: N
SCALE: 1/8" = 1'-0"

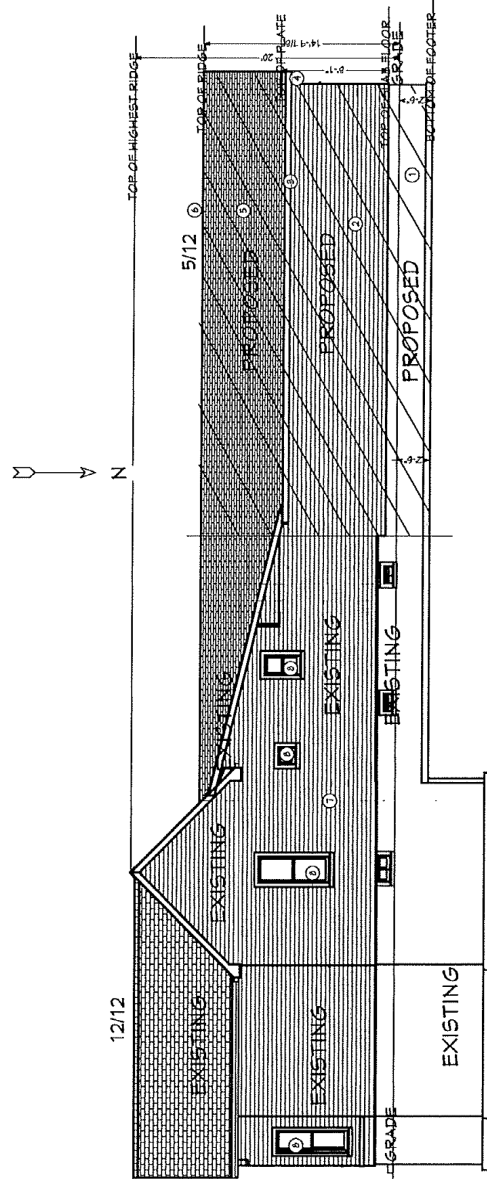


PROPOSED NOTES:

- 1.- SLAB FOUNDATION WITH 12" X 6" CONTINUOUS CONCRETE FOOTER 30" BELOW GRADE.
- 2.- 2X4 WALLS WITH STUDS @ 16" O C SHEETED WITH 7/16 OSB, MOISTURE BARRIER HOUSE WRAP AND CEMENT BOARD LAP SIDING
- 3.- 3/0 DOOR. FRAME OPENING WITH 2-2X8 HEADER
- 4.- 36" X 18" WINDOW. FRAME OPENING WITH 2-2X8 HEADER
- 5.- 12" OVERHUNG WITH SOFFIT VENTS AND 1X6 TRIM BOARD OVER GUTTER BOARD
- 6.- 12" OVERHUNG ON GABLE WITH 1X6 TRIM BOARD.
- 7.- 7/16 ROOF SHEETING WITH MOISTURE BARRIER AND ASPHALT ROOF SHINGLES
- 8.- 5/12 ROOF PITCH
- 9.- REPLACE EXISTING VINYL SIDING WITH CEMENT BOARD LAP SIDING.
- 10.- REPLACE WINDOW PER WINDOW. (USE SAME OPENING; SAME EXISTING-HEADER; NO CHANGES TO OPENING)

758 N CONCORD ST

RIGHT ELEVATION:
SCALE: 1/8" = 1'-0"



758 N CONCORD ST

- PROPOSED NOTES:**
- 1.- SLAB FOUNDATION WITH 12" X 6" CONTINUOUS CONCRETE FOOTER 30" BELLOW GRADE.
 - 2.- 2X4 WALLS WITH STUDS @ 16" O C SHEETED WITH 7/16 FIRE RATED OSB, MOISTURE BARRIER HOUSE WRAP AND CEMENT BOARD LAP SIDING
 - 3.- 12" OVERHUNG WITH SOFFIT VENTS AND 1X6 TRIM BOARD OVER GUTTER BOARD
 - 4.- 12" OVERHUNG ON GABLE WITH 1X6 TRIM BOARD.
 - 5.- 7/16 ROOF SHEETING WITH MOISTURE BARRIER AND ASPHALT ROOF SHINGLES
 - 6.- 5/12 ROOF PITCH
 - 7.- REPLACE EXISTING VINYL SIDING WITH CEMENT BOARD LAP SIDING.
 - 8.- REPLACE WINDOW PER WINDOW. (USE SAME OPENING; SAME EXISTING-HEADER; NO CHANGES TO OPENING)



View looking north along North Concord Street



View looking south along North Concord Street



View of site looking west across North Concord Street



View looking north along Goodlet Avenue



View looking south along Goodlet Avenue



View looking west across Goodlet Avenue of rear of site



View looking west across Goodlet Avenue at rear of site



View looking west across Goodlet Avenue at adjacent property to the south

STAFF REPORT

Department of Metropolitan Development Division of Planning Current Planning Section

Case Number: 2023-CVR-800 / 2023-CPL-800
Address: 834 East 64th Street (*Approximate Address*)
Location: Washington Township, Council District #2
Zoning: MU-1 (FF) (TOD)
Petitioner: 834 64th Street, LLC, by Joseph D. Calderon
Requests: Variance of Development Standard of the Consolidated Zoning and Subdivision Ordinance to provide for a 2.9-foot east side setback for proposed Lot One and a one-foot west side setback for Lot Two (10 feet required), and to legally establish parking located 3.9 feet from 64th Street (50-foot setback required) and zero feet from Ferguson Street, in front of the front building line (25-foot setback required, not permitted), a 63.7% front building line for Lot Two and a 20% front building line on Lot One along 64th Street (minimum 80% required), a 47.3% front building line along Ferguson Street for Lot One (60% required), a 32-foot-wide driveway along Ferguson Street (maximum 24 feet permitted), a 16.3-foot setback from Ferguson Street for Lot One (zero to ten foot setback required for the first 25 feet from the corner), a 5.3-foot rear setback for Lot Two (ten feet required), building heights of 21.1 feet for Lot One and 14.2 feet for Lot Two (minimum 25-foot height required), and with parking in the right-of-way of Ferguson Street (not permitted).

Approval of a Subdivision Plat, to be known as Replat of Lot 20 in Lights Broad Ripple Subdivision, dividing 0.17 acre into two lots, with a waiver of sidewalks on Ferguson Street.

RECOMMENDATIONS

Staff **recommends approval of the variance** for the 2.9-foot east side setback for proposed Lot One and a one-foot west side setback for Lot Two, and to legally establish parking located 3.9 feet from 64th Street, a 63.7% front building line for Lot Two and a 20% front building line on Lot One along 64th Street, a 47.3% front building line along Ferguson Street for Lot One, a 16.3-foot setback from Ferguson Street for Lot One, a 5.3-foot rear setback for Lot Two, and for building heights of 21.1 feet for Lot One and 14.2 feet for Lot Two, with the following commitments:

1. That the gravel parking and driveway be removed.
2. That permits must be obtained for the cooler and signs.

Staff **recommends denial of the variance** to legally establish the parking located zero feet from Ferguson Street in front of the front building line, the 32-foot-wide driveway along Ferguson Street, and parking in the right-of-way of Ferguson Street.

(Continued)

2023- CVR-800 / 2023-CPL-800 STAFF REPORT (Continued)

Staff recommends that the Hearing Examiner **approve** and find that the plat, file-dated January 5, 2023, complies with the standards of the Subdivision regulations, subject to the following conditions:

1. That the waiver of sidewalks be **denied**, and 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 the Department of Public Works, 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 are met, prior to the recording of the final plat

SUMMARY OF ISSUES

The following issues were considered in formulating the recommendation:

LAND USE

- ◇ The subject site is zoned MU-1 and is developed with two buildings, an outdoor dining patio, and surface parking.
- ◇ This petition would subdivide the property into two lots, with a waiver of sidewalks on Ferguson Street, and provide for a 2.9-foot east side setback for Proposed Lot One and a zero-foot west side setback for proposed Lot Two, and legally establish several existing non-compliant development standards.

(Continued)

2023- CVR-800 / 2023-CPL-800 STAFF REPORT (Continued)**VARIANCE**

- ◇ This petition would provide for a 2.9-foot east side setback for proposed Lot One and a one-foot west side setback for Lot Two. This petition would also legally establish the following:
 - ◇ parking located 3.9 feet from 64th Street and zero feet from Ferguson Street, in front of the front building line,
 - ◇ a 63.7% front building line for Lot Two and a 20% front building line on Lot One along 64th Street,
 - ◇ a 47.3% front building line along Ferguson Street for Lot One,
 - ◇ a 32-foot-wide driveway along Ferguson Street,
 - ◇ a 16.3-foot setback from Ferguson Street for Lot One,
 - ◇ a 5.3-foot rear setback for Lot Two,
 - ◇ building heights of 21.1 feet for Lot One and 14.2 feet for Lot Two,
 - ◇ and with parking in the right-of-way of Ferguson Street.
- ◇ The reduced side setbacks are related to the subdivision petition. The existing lot contains two buildings, and the subdivision would permit each building to be under separate ownership. Since the existing structures are to remain, staff is not opposed to reduced setbacks created by a plat.
- ◇ Most items in this request are existing improvements, several of which would typically be considered legally established non-conforming use and structures. This site was developed prior to the adoption of the Transit-Oriented Development Overlay on November 1, 2021. Several variances are related to the TOD overlay standards. However, some of the requests are the result of non-permitted improvements that create a nonconformity.
- ◇ The gravel parking zero-feet from Ferguson Street in front of the front building line, the 32-foot driveway, and parking in the right-of-way on Ferguson Street did not obtain permits. Gravel is not a permitted surface material for non-residential properties, and the existing parking is encroaching into the street. The 32-foot-wide driveway is also the result of the parking encroaching into the street. Staff would suggest the driveway could easily be reduced to a compliant driveway width of no more than 24 feet to allow access to the north side of the property. Staff would also suggest that the parking could be replaced by on-street parallel parking in compliance with the Department of Public Works Standards. Therefore, staff is recommending denial of these petitions and requests a commitment that the gravel parking be removed.
- ◇ The requirement for minimum front building line percentages is a standard of the TOD overlay, which was adopted after construction of these buildings; therefore, staff would not be opposed to legally establishing reduced front building line percentages for existing structures.
- ◇ The parking lot 3.9 feet from 64th Street is existing parking that is accessed from the alley. The 50-foot setback for parking is a requirement of the TOD overlay. Given that the lot depth is less than 60 feet, and this parking area would typically be considered legally established, staff is not opposed to a variance to legally establish the reduced setback.
- ◇ The existing setback for the building on proposed Lot One is 16.3 feet, which exceeds the ten-foot maximum front setback is a standard of the TOD overlay. Staff is not opposed to legally establishing a structure that existed prior to the adoption of this standard.

(Continued)

2023- CVR-800 / 2023-CPL-800 STAFF REPORT (Continued)

- ◇ This request would legally establish a 5.3-foot rear setback for Lot Two. The reduced setback is caused by a cooler addition, which was not permitted. However, this site is less than 60 feet wide, and the rear yard would be the most appropriate location for this cooler. Staff is not opposed to the reduced setback for the cooler, with a commitment that permits must be obtained.
- ◇ The MU-1 district has a minimum height of 25 feet. The MU-1 district was created with the adoption of the Indy Rezone Consolidated Zoning and Subdivision Ordinance in 2016. These buildings have existed at least since the 1960's as shown on historic aerial photos; therefore, staff would not be opposed to legally establishing a reduced building height.

PLAT

- ◇ The plat would subdivide the subject site into two lots, Lots One and Two. Lot One would contain the existing two-story converted office. Lot Two would contain the existing one-story commercial building, and covered outdoor seating area, and surface parking. These lots generally meet the standards for the MU-1 district, or would be subject to variance 2023-CVR-800.

TRAFFIC / STREETS

- ◇ Each lot would have frontage East 64th Street. Lot One would be a corner lot and also front on Ferguson Street. No new streets are proposed as part of this petition.

SIDEWALKS

- ◇ Sidewalks are existing on East 64th Street. Sidewalks will be required on Ferguson Street.

GENERAL INFORMATION**EXISTING ZONING, CONTEXT AREA, AND LAND USE**

MU-1	Compact	Commercial
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SURROUNDING ZONING AND LAND USE

North	MU-2	Commercial
South	MU-1	Mixed-use
East	MU-2	Commercial
West	MU-1	Commercial

COMPREHENSIVE LAND USE PLAN	Village Mixed Use / Transit-Oriented Development Overlay
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THOROUGHFARE PLAN	East 64 TH Street is classified in the Official Thoroughfare Plan for Marion County, Indiana as a Local Street, with a 33-foot existing and a 48-foot proposed right-of-way. Ferguson Street is classified in the Official Thoroughfare Plan for Marion County, Indiana as a Local Street, with a 44-foot existing and a 48-foot proposed right-of-way.
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FINDINGS OF FACT (VARIANCE)	File-dated January 5, 2023
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FINDINGS OF FACT (WAIVER)	File-dated January 5, 2023
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PRELIMINARY PLAT	File-dated January 5, 2023
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(Continued)

2023- CVR-800 / 2023-CPL-800 STAFF REPORT (Continued)

ZONING HISTORY – SITE

2008-UV2-018, variance to legally establish a lot with an accessory use area of 2,264.5 square feet, or 141.53 percent of the total living area for the primary dwelling, **approved**.

ZONING HISTORY – VICINITY

2022-DV1-039, 6407 Ferguson Street, variance to provide for an office with 68 parking spaces, **approved**.

2020-VAC-008, 6407 Ferguson Street, Vacation of a portion of 65th Street, being 15.28 feet wide, beginning at a point on the south right-of-way line of 65th Street 3.54 feet east of the northwest corner of Lot 16 in Lights Broad Ripple Addition, an Addition to the City of Indianapolis, as recorded in Plat Book 9, Page 20 in the Office of the Marion County Recorder's Office and extending eastward 110.2 feet to a point; and Vacation of a portion of Ferguson Street, being 12.45 feet wide, beginning at the northwest corner of said Lot 16 and extending southward 229.26 feet along the western lot lines of Lot 16, 17, 18 and 189 of said Lights Broad Ripple Addition, and both with a waiver of the assessment of benefits, **approved**.

2020-DV1-021, 6419 Ferguson Street, to provide for an office building with 74 parking spaces and parking within the right-of-way and front setback of 65th Street, **approved**.

2016-CZN-843, 6367 Guilford Avenue, rezoning of 0.47 acre from the C-4 (FF) district to the MU-2 (FF) district, **approved**.

2016-CVR-843, 6367 Guilford Avenue, variance to provide for a mixed-use building, with a portion of the west front setback being four feet, with the building height exceeding the maximum, with the building within the clear sight triangles of the abutting streets, and with stairs and an enclosed outdoor seating area within the required front setback and right-of-way of Main Street, and with an off-site parking lot with zero-foot setbacks from the front property lines, **denied**.

2015-DV1-026, 6406 Cornell Avenue, variance to provide for a two-story 5,000-square foot retail and office building, with eight parking spaces, with deficient maneuvering area, and with one deficiently sized handicapped space, **approved**.

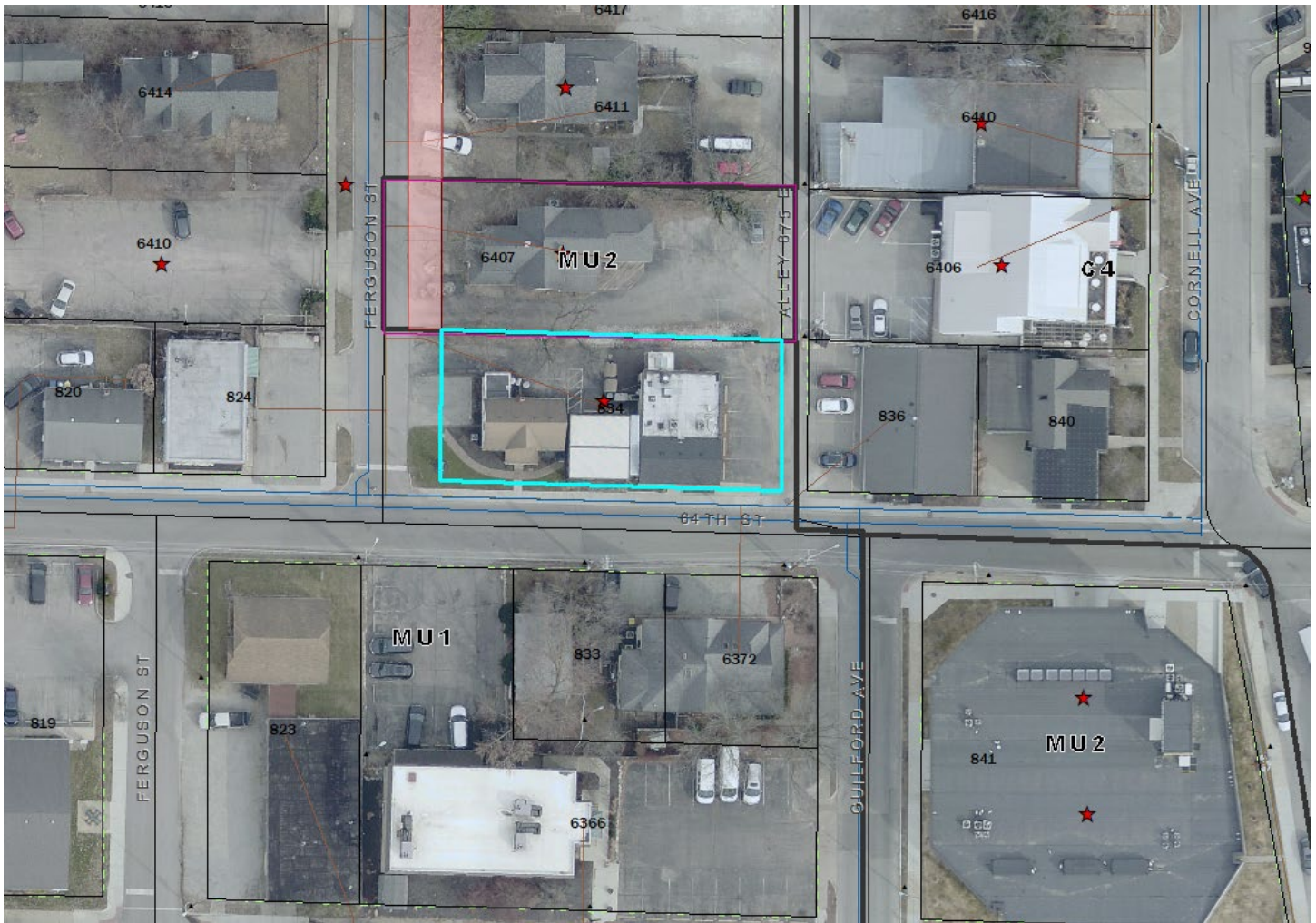
2005-ZON-046, 6407 Ferguson Street, rezoning of 0.171 acre from the C-2 district to the C-3 district, **approved**.

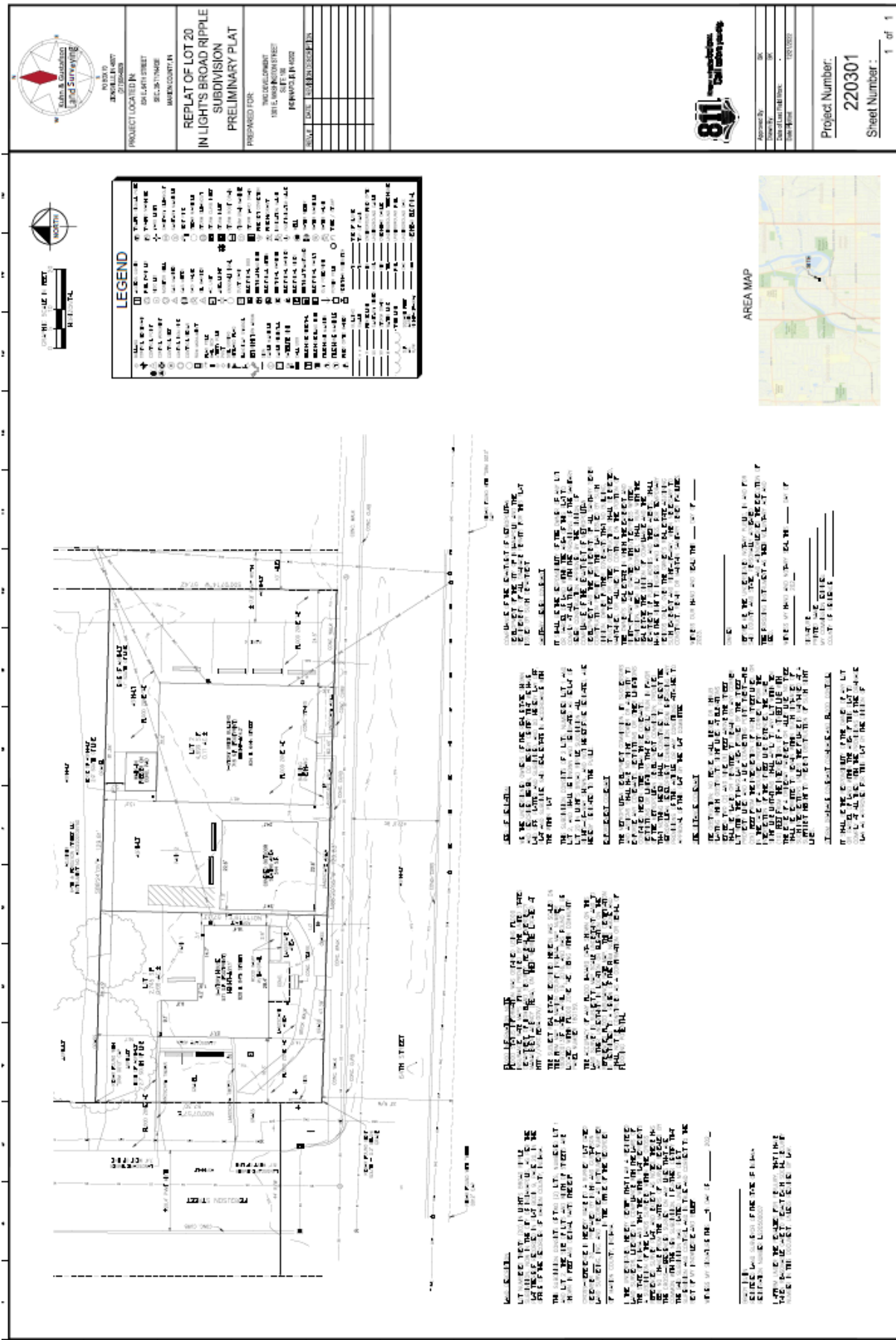
84-UV1-113, 6412 & 6414 Ferguson Street, variance to provide for the use of a portion of an existing building as a commercial party room, **approved**.

75-UV2-116, 6410, 6412, & 6414 Ferguson Street, variance to provide for the use of an existing building for offices and retail sales, with a pole sign and off-street parking, **approved**.

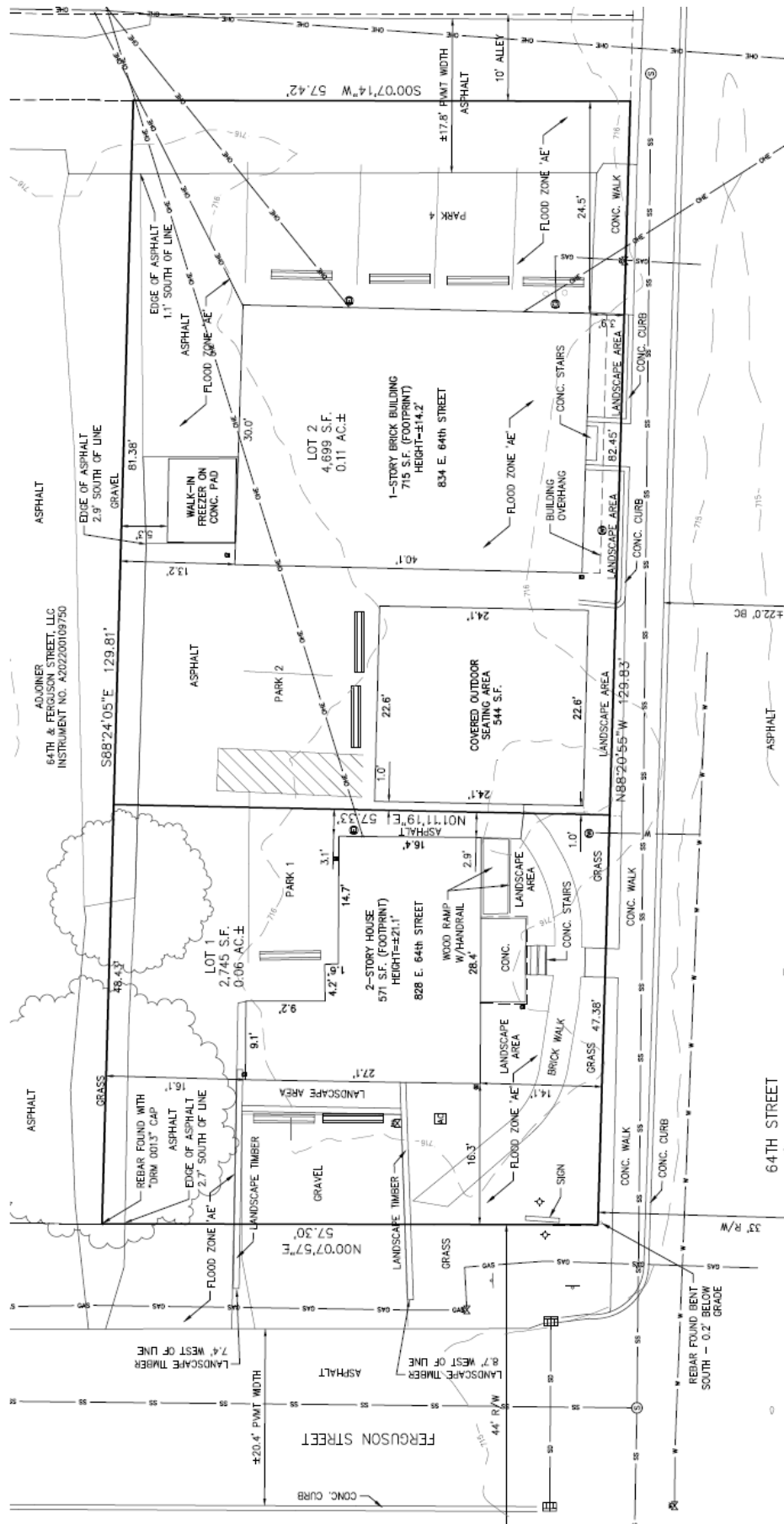
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2022-CZN-855 / 2022-CVR-855 / 2022-CPL-855 Area Map





Plan Detail



2023-CVR-800 / 2023-CPL-800 Variance Findings of Fact

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

PETITION FOR VARIANCE OF DEVELOPMENT STANDARDS**FINDINGS OF FACT**

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

the improvements have been in existence prior to the MU-1 zoning, and there is no encroachment into the clear site triangle, thus resulting in continued safety for vehicular and pedestrian traffic.

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 variances only seek to legally establish existing improvements preserving the status quo as to existing setbacks / separation between the subject property and adjoining properties.

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

there are existing separate buildings / uses on one lot, and the replatting of the lot into two is triggering the need for variances in order to legally establish their existence.

2023-CVR-800 / 2023-CPL-800 Waiver Findings of Fact**REQUESTED WAIVER:**

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

**WAIVER OF THE SUBDIVISION REGULATIONS
FINDINGS OF FACT**

1. The granting of the waiver or modification will not be detrimental to the public health, safety, or welfare or injurious to other property because:

there is no proposed change in use, and the properties with west frontage on Ferguson Street have functioned without sidewalks for years.

2. The conditions upon which the request is based are individual to the property for which the relief is sought and are not applicable generally to other property because:

the subject property has frontage on two streets, and the 64th Street frontage has a sidewalk which provides safe and adequate access to the property.

3. Because of the particular physical surroundings, shape, or topographical conditions of the specific property involved, a particular hardship would result, as distinguished from a mere inconvenience, if the strict letter of these regulations is carried out:

the property has two frontages, one of which has an existing sidewalk providing adequate access. There is a gas line running north / south along the Ferguson Street frontage which would appear to interfere with a proposed sidewalk.

4. The resulting subdivision fulfills the purpose and intent of these regulations at an equal or higher standard than what would have been possible without the deviation because:

the plat will allow two separate uses to be sold / leased individually, which fulfills the major premise of the subdivision ordinance; to facilitate orderly transfer of properties.

5. The relief sought shall not in any manner vary from the provisions of the Zoning Ordinance, or official zoning base maps, except as those documents may be amended in the manner prescribed by law because:

there is no change of use, or proposed development of the subject property, which would not trigger application of the sidewalk ordinance.

2023-CVR-800 / 2023-CPL-800 Photographs

Subject site proposed Lots One (left) and Two (right) viewed from 64th Street, looking north



Proposed Lot Two viewed from 64th Street, looking north



Proposed Lot Two parking and alley access viewed from 64th Street, looking northwest



Proposed Lot One viewed from Ferguson Street, looking east



North setback, looking east



Existing driveway and parking on Ferguson Street, looking east



North rear setback for proposed Lot Two, looking south



North rear yard and east parking, alley shown left, looking south