



Metropolitan Development Commission Hearing Examiner (January 12, 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, January 12, 2023

Time: 1:00 PM

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

Business:

Special Requests

PETITIONS REQUESTING TO BE CONTINUED OR WITHDRAWN

1. 2022-MOD-022 | 5389 Rockville Road | Wayne Township, CD #15

Rockville Dynasty, LLC, by Michael Rabinowitch

Modification of Commitments related to rezoning petition 2001-ZON-054, to remove Tobacco Store as a prohibited use on Lots 2 and 3.

Withdraw Request

2. 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 Request to February 9, 2023

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.

Continuance Request to January 26, 2023 or February 9, 2023

4. 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.

Continuance Request to February 9, 2023

5. 2022-CZN-876 / 2022-CVR-876 / 2022-CVC-876 | 1507 & 1517 West Vermont Street and 333 Koehne Street | Center Township, Council District #16

Own It Enterprise, LLC, by David Kingen and Emily Duncan

Rezoning of 0.62 acre from the D-8 (RC) district to the CBD-2 (RC) district.

Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for a side and rear yard setback of zero feet when abutting an alley (ten-feet required).

Vacation of the first alley east of Koehne Street, being 12 feet in width, from the south right-of-way line of Vermont Street, being the northeast corner of Lot 47 in Lentz Heirs Addition, Recorded in Plat Book 11, Page 69 in the Office of the Recorder of Marion County, Indiana, south a distance of 109 feet to the southeast corner of Lot 45 in said subdivision, with a waiver of the assessment of benefits.

Vacation of an irregular portion of White River Parkway West Drive located at the southwest intersection of Vermont Street and White River Parkway West Drive totaling 0.12 acres, with a waiver of the assessment of benefits.

Continuance Request to January 26, 2023

Petitions for Public Hearing

PETITIONS TO BE EXPEDITED:

6. 2022-CZN-863 / 2022-CVR-863 | 4437 Clark Drive and 4532 Northeastern Ave | Franklin Township, CD #25

David A. Retherford, Trustee of the Russell E. Flagle Revocable Trust

Rezoning of 2.05 acres from the D-5 (FF) and C-S (FF) districts to the D-5 (FF) district.

Variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for a lot with zero-feet of street frontage and lot width (minimum 25 feet of street frontage and 50 feet of lot width required).

7. 2022-CZN-875 / 2022-CPL-875 | 2417 East 10th Street | Center Township, CD #17

Jesse Archuleta, by Mark and Kim Crouch

Rezoning of 0.12 acre from the MU-1 to the D-5II district.

Approval of a Subdivision Plat to be known as Monumental Townhomes, dividing 0.12 acre into two single-family attached lots.

PETITIONS FOR PUBLIC HEARING (Continued Petitions):

8. 2022-MOD-021 | 3125 North German Church Road | Warren Township, CD #14

Davis Building Group, LLC, by Elizabeth Bentz Williams

Modification of Commitments related to 2021-ZON-046 to modify Commitment #15 to allow the HOA governing documents to permit rented or leased dwellings (previous commitment required dwellings to be owner-occupied for a period of one year before they could be rented or leased) and to remove the requirement for trash receptacle enclosure provisions in the HOA governing documents.

9. 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.

10. 2022-CZN-855 / 2022-CVR-855 / 2022-CPL-855 (Amended) | 1806 South East Street | Center Township, CD #16

1800 BLOK, LLC, by Paul J. Lambie

Rezoning of 0.11 acre from the C-3 District to the MU-2 district to provide for a mixed-use development.

Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for a two-unit row house with a first story elevated two feet above street level (four foot elevation required), with patios encroaching seven feet into the right-of-way on Iowa Street (not permitted), with lot areas of 690 square feet (minimum 1,200 square feet required), with a five-foot rear-yard setback (fifteen feet required), a zero-foot west side-yard setback for proposed Lot Three (five-feet required), with a parking and service area located within a transitional yard (ten-foot transitional yard required), and to provide for a mixed-use building with deficient landscaping/street trees (20% planting beds required in a front yard, one ornamental street tree per every 20 feet of frontage required), and encroaching into the clear sight triangle of East Street and Iowa Street.

Approval of a Subdivision Plat to be known as Blok's Replat of Lot 98 in Kappes & Franks Subdivision, dividing 0.11 acre into three lots.

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

Item 1.

Department of Metropolitan Development Division of Planning Current Planning Section

Case Number: 2022-MOD-022
Address: 5389 Rockville Road (*Approximate Address*)
Location: Wayne Township, Council District #15
Zoning: C-S
Petitioner: Rockville Dynasty, LLC, by Michael Rabinowitch
Request: Modification of Commitments related to rezoning petition 2001-ZON-054, to remove Tobacco Store as a prohibited use on Lots 2 and 3.

ADDENDUM FOR JANUARY 12, 2023, HEARING EXAMINER

The Hearing Examiner continued this petition from the December 1, 2022 hearing, to the January 12, 2023 hearing, at the request of the petitioner's representative. Subsequently, the petitioner's representative forwarded an e-mail on December 30, 2022, **withdrawing the request**, which will require acknowledgement from the Hearing Examiner.

December 1, 2022

RECOMMENDATIONS

Staff has **no recommendation** for this request.

SUMMARY OF ISSUES

The following issues were considered in formulating the recommendation:

LAND USE ISSUES

- ◇ This 1.36-acre site, zoned C-S is developed with a one-story commercial strip center. It is surrounded by a self-storage facility to the north, across Rockville Road, zoned C-S; single-family dwellings to the south, zoned D-2; commercial uses to the east, zoned C-4; and commercial uses to the west, zoned C-S.

MODIFICATION

- ◇ This request would modify commitments related to rezoning petition 2001-ZON-054, to remove Tobacco Store as a prohibited use on Lots 2 and 3. See Exhibit A.
- ◇ Petition 2001-ZON-054 rezoned the site (including the abutting parcel to the west) to provide for commercial uses, including offices, restaurants, and automotive tire and wheel sales. Commitments associated with this rezoning included a list of prohibited uses. Petition 2005-ZON-021 rezoned the abutting parcel to the west from the C-S district to the C-S classification to provide for an automotive interior replacement and repair business.

(Continued)

- ◇ The commitments eliminating certain uses were originally the result of negotiation between the petitioner and remonstrators during the 2001 rezoning process. Because staff played no role in the negotiation of these subject commitments, staff would ordinarily provide no recommendation under such circumstances. Staff would note, however, that the neighborhood organization(s) negotiated in good faith with the petitioner during the petition process, and their agreement was contingent upon all commitments being included with the rezoning petition.
- ◇ The Comprehensive Plan recommends Community Commercial typology. “The Community Commercial typology provides for low-intensity commercial and office uses that serve nearby neighborhoods. These uses are usually in freestanding buildings or small, integrated centers. Examples include small-scale shops, personal services, professional and business services, grocery stores, drug stores, restaurants, and public gathering spaces..”
- ◇ 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 in excess of 2 acres should include pedestrian amenities for passive and active recreation internal to the development.

Small-Scale Offices, Retailing, and Personal or Professional Services (defined as Commercial uses with minimal outdoor operations, storage, or display on lots of less than 1.5 acres and a height of less than 35 feet)

- Outdoor display of merchandise should be limited. If adjacent to residential uses or a Living Typology, outdoor display of merchandise is not recommended.
- Should be located along an arterial or collector street.
- If proposed within one-half mile along an adjoining street of an existing or approved residential development, then connecting, continuous pedestrian infrastructure between the proposed site and the residential development (sidewalk, greenway, or off-street path) should be in place or provided.

(Continued)

Plan of Operation

- ◇ The Plan of Operation, file-dated October 26, 2022, describes the products that would be available for purchase and the hours of operation. See Exhibit B.
- ◇ As described, this business operation would be consistent with the Comprehensive Plan recommendation of community commercial.

Planning Analysis

- ◇ This request would modify commitments for the Rezoning Petition 2001-ZON-054, related to prohibited uses on the site. See Exhibit A.
- ◇ The commitment to prohibit certain uses of the site, including a tobacco store, was originally the result of negotiation between the petitioner and remonstrators during the 2001 rezoning process. Because staff played no role in the negotiation of these subject commitments, staff would ordinarily provide no recommendation under such circumstances. Staff would note, however, that the neighborhood organization(s) negotiated in good faith with the petitioner during the petition process, and their agreement was contingent upon all commitments being included with the rezoning petition.

GENERAL INFORMATION

EXISTING ZONING AND LAND USE

C-S	Commercial strip center
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SURROUNDING ZONING AND LAND USE

North -	C-S	Self-storage facility
South -	D-2	Single-family dwellings
East -	C-4	Commercial uses
West -	C-S	Commercial uses

COMPREHENSIVE LAND USE PLAN

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

THOROUGHFARE PLAN

This portion of Rockville Road is designated in the Marion County Thoroughfare Plan as a primary arterial with an existing 112-foot right-of-way and a proposed 88-foot right-of-way.

(Continued)

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 October 26, 2022

ZONING HISTORY

2001-ZON-054; 5391 – 5397 Rockville Road, requested rezoning of 2.93 acres from the D-2 District to the C-S classification to provide for commercial uses, including offices, restaurants, and automotive tire and wheel sales, **approved**.

2005-ZON-021; 5397 Rockville Road, requested rezoning of 0.858 acre, being in the C-S District, to the C-S classification to provide for an automotive interior replacement and repair business, **approved**.

VICINITY

2021-CZN-858 / 2021-CAP-858 / 2021-CVR-858; 5380 and 5390 Rockville Road (north of site), requested rezoning of 5.89 acres from the C-S (FF) district to the C-S (FF) district to provide for outdoor storage of vehicles, recreational vehicles and boats; modification of commitments related to 98-Z-181 and 2015-MOD-020 to terminate all existing commitments, except for Commitment #1 related to open occupancy, and replace with commitments submitted with this petition; and a variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for a six-foot tall fence in the front yard along Rockville Road, **approved and variance withdrawn**.

2015-MOD-020; 5380 and 5360 Rockville Road, requested modification of site plan and Commitments of 98-Z-191 to modify Commitment Two, requiring adherence to the site plan file-dated September 24, 1998, to terminate Commitment #19 referencing 5380 Rockville Road (Parcel III) as the "C-4 outlot," to modify Commitment Twenty to prohibit uses on the entire "property" instead of just the "outlot," to terminate Commitments Twenty-One and Twenty-Two requiring "chain" businesses and vehicle storage behind the building, and to delete the last sentence of Commitment Twenty-three, requiring Kirkpatrick Companies to have final architectural approval of building elevations, **approved**.

2004-ZON-013; 82-120 North Lynhurst Drive (east of site), requested rezoning of 4.77 acres. Being in the C-4 and D-3 Districts to the C-S classification to legally establish a wholesale electrical supply store and provide for an addition to the store, and to provide for the continued use of a single-family dwelling at 82 North Lynhurst Drive as a single-family dwelling, **approved**.

98-Z-181; 5396 Rockville Road, requested rezoning of 5.385 acres from the C-4(FF) District to the C-S (FF) classification to provide for a self-story facility, and one outlot for C-4 uses, **approved**.

(Continued)

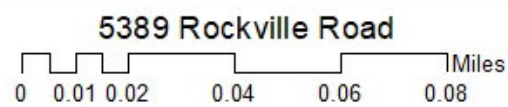
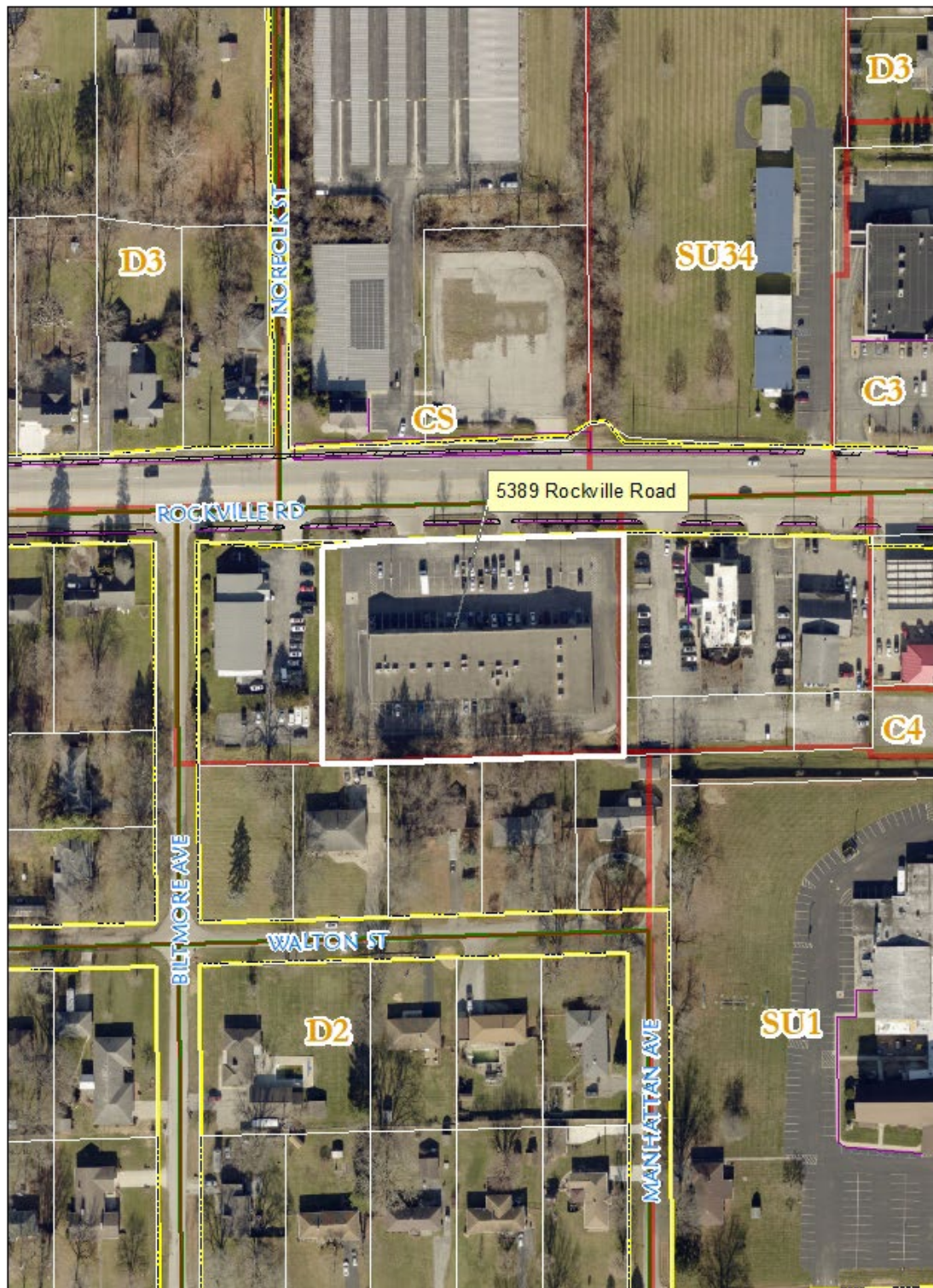
85-Z-133 / 85-CV-17; 5383 Rockville Road (east of site), requested rezoning of 0.31 acre from the D-2 District to the C-4 classification to provide for additional parking for a restaurant; and a variance of development standards of the transitional yard requirements along the west and south property line, **approved and granted**.

77-Z-110; 5385 Rockville Road (east of site), requested rezoning of 1.07 acres, being in the D-2 District, to the C-4 classification to provide for a restaurant, **approved**.

77-V1-79; 5383 Rockville Road (east of site), requested a variance of development standards to erect a restaurant with drive-through component within 100 feet of a residential district, **granted**.

73-Z-80; 5396 Rockville Road (north of site), requested rezoning of 17.24 acres, being in the D-3 District, to the C-4 classification, to provide for retail commercial development, **approved**.

kb



2001-ZON-054

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STATEMENT OF COMMITMENTS

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

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

Legal Description: (See Attachment "B" for legal description)

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 "C" for additional commitments.)

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

COMMITMENTS contained in this instrument shall be effective upon:

- (a) the adoption of rezoning petition #2001-ZON-054 by the City-County Council changing the zoning classification of the real estate from the D-2 zoning classification to a C-S zoning classification; or

MDC's Exhibit B -- page 1



07/24/01 01:05PM WANDA MARTIN MARION CTY RECORDER JHM 25.00 PAGES: 5

Inst # 2001-0126968

(b) the adoption of approval petition #N/A 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 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. Greater Garden City Civic Association, Inc.

The undersigned hereby authorizes the Division of Neighborhood Services 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 #2001-ZON-054.

IN WITNESS WHEREOF, owner has executed this instrument this 26th day of June, 2001.

Signature: Mickey A. Cole
Mickey A. Cole

STATE OF INDIANA)
) SS:
COUNTY OF MARION)

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

Witness my hand and Notarial Seal this
26th day of June, 20 01
Suzanne M. Bowes
Notary Public
SUZANNE M. BOWES
Printed Name of Notary Public
My Commission expires: 4/6/08
My County of residence: Marion

This instrument was prepared by Philip A. Nicely, Bose McKinney & Evans LLP, 600 E. 96th Street, Suite 500, Indianapolis, IN 46240

MDC's Exhibit B -- page 2

ATTACHMENT "A"

OPEN OCCUPANCY AND EQUAL EMPLOYMENT OPPORTUNITY COMMITMENT

- (a.) The owner commits that he shall not discriminate against any person on the basis of race, color, religion, ancestry, national origin, handicap or sex 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, color, religion, ancestry, national origin, handicap or sex.

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;
 - (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.

Revised: June 11, 2001
June 14, 2001

ATTACHMENT "C"
ADDITIONAL COMMITMENTS
FOR
5391-5397 ROCKVILLE ROAD

1. These commitments shall control the use and development of the three lots of real estate described in Attachment "B" ("Lot 1," "Lot 2," and "Lot 3").
2. The permitted uses on Lot 1 shall be limited to C-1 uses, except that the following C-1 uses shall not be permitted:
 - Auditorium, Assembly Hall
 - Community, Multi-service, Neighborhood or Senior Citizens Center
 - Blood Donor Stations
 - Membership Organization or Club, any type
 - Radio Station, office or studio
 - Television Station, office or studio
 - Public and Semi-Public Uses
 - Schools/Educational Services
3. The permitted uses on Lot 2 shall be limited to C-3 uses, except that the following C-3 uses shall not be permitted:
 - Check Cashing or Validation Store
 - Coupon or trading stamp redemption service
 - Drinking Place (bar or tavern)
 - Emergency Shelter
 - Gasoline Service Station
 - Tattoo Parlor
 - Post Office
 - Bait and Tackle Shop
 - Liquor Store (Package)
 - Pawn Shop
 - Tobacco Store
 - Trading Stamp Center
 - Social Club, Membership
 - Furniture and Appliance Rental
 - Automobile Oil Change or Lubrication Shops



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4. The permitted uses on Lot 3 shall be limited to C-4 uses, except that the following C-4 uses shall not be permitted:
- Check Cashing or Validation Service
 - Coupon or trading stamp redemption store
 - Drinking Place (bar, tavern, cabaret, nightclub)
 - Emergency Shelter
 - Tattoo Parlor
 - Post Office
 - Bait and Tackle Shop
 - Liquor Store (Package)
 - Pawn Shop
 - Tobacco Store
 - Trading Stamp Center
 - Social Club, Membership
 - Adult Entertainment Business
 - Auction Rooms
 - Bed and Breakfast Inn
 - Fire Station
 - Fraternal Lodge
 - Indoor Commercial Amusement/Recreation Establishments
 - Massage Parlor
 - Substance Abuse Treatment Facility
 - Plasma (Blood) Center
 - Firearms/Gun Sales
 - Fireworks Sales
 - Flea Market
 - Rooming and Boarding Houses
 - Automobile Oil Change or Lubrication Shops - as a primary use
5. Cross easements for access and parking shall be permitted such that points of access to Rockville Road may serve more than one Lot and parking for a use may be located on a Lot other than the Lot where a building containing the use is located.
6. Reasonable attempts will be made to retain all existing healthy trees located within required transitional yards and landscape strips. Reasonable attempts will be made to retain selected existing healthy trees on the interior of each Lot while recognizing that construction of a building with required parking requires using a large percentage of each Lot. However, existing landscaping shall not be disturbed on any Lot until construction of a building is to commence on a Lot, unless necessary to provide utility or drainage facilities to another Lot.
7. Any automotive tire and wheel sales facility constructed on Lot 3 shall be consistent with the building elevation attached hereto as Exhibit A, unless an alternative elevation equal to or better than the Exhibit A elevation is otherwise approved by the Administrator. The plans for any such alternative elevation for an automotive tire and wheel sales facility shall be submitted to the President of the Garden City Civic Association, Inc. for review and

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comment a minimum of seven (7) calendar days prior to the submittal of said alternative plans to the Administrator.

8. The paint colors for any automotive tire and wheel sales facility constructed on Lot 3 shall be limited to neutral and/or earth tone colors.
9. The number of access points to Rockville Road will be limited to three (3) for the entire Real Estate. There shall be no access to Biltmore Avenue from Lot 1.
10. All identification signs constructed on Lot 1 shall comply with C-1 sign regulations.
11. All wall identification signs for any automotive tire and wheel sales facility constructed on Lot 3 shall be limited to white letters only and any illumination of the signs shall be internal. Any identification sign on the front, or north, facade of this facility shall be limited to "A-1."
12. All free-standing security lighting shall be shoe-box type down lighting. All wall-pac security lighting shall have full cutoff shields, which allow no light above a horizontal plane.
13. No outdoor sales or outdoor operations (work) shall be permitted for any automotive tire and wheel sales facility constructed on Lot 3.
14. Any automotive tire and wheel sales facility constructed on Lot 3 shall close for business no later than 6:00 PM each work day.
15. The existing sign for A-1 Tire & Wheel located at 5315 Rockville Road will be repaired within sixty (60) days of the final approval of this petition, 2001-ZON-054.
16. No billboard type outdoor advertising signs shall be permitted on the Real Estate.
17. Any automotive tire and wheel sales facility constructed on Lot 3 shall have either horizontal siding on the front (north) elevation above the canopy roof or a brick or stone veneer on the front (north) elevation below the windows.

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Sarah Trading Inc**5389 Rockville Rd Suite 700, Indianapolis, IN, 46224****Plan of Operation****Description of Business**

Smoke & Vape retail shop provides tobacco products and related accessories as well as fashion accessories such as carry-on bags, wallets, chains, t-shirts, etc. to the community at a very competitive price.

Owners Information:

Name : Rizwan Haider

Phone: 317-371-0852

Year in Business: 1 year.

Number of employees in a shift : 1

Owner's Background: I am an immigrant who moved to the USA 7 years ago and got my USA citizenship 2 years ago. I began working as an accountant in a tobacco distribution company, and I always wanted to do my own business. I saw a great opportunity/need in this community for a tobacco/vape shop. I am very much involved in the day-to-day operations of my store, and I am learning the needs of the community based on interacting with my customers. So far I have received positive response and online reviews about my store. I have 3 dedicated, knowledgeable employees who help me in operating my store.

Typical Hours of Operation

Monday – Saturday 10:30 a.m. – 9:00 p.m.

Sunday 12:00 p.m – 8:00 p.m



View looking west along Rockville Rpad



View looking east along Rockville Road



View of site looking along the western property boundary



View of site looking southeast



View looking south along the eastern property boundary



View of site looking southwest



View from site looking north across Rockville



View from site looking north across Rockville



View from site looking north across Rockville



View from site looking east

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 currently underway. Additional time is needed to provide for the completion and professional review of the traffic study. Therefore, this petition should be **continued** to the **February 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-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 January 12, 2023 hearing to the either the January 26, 2023 or 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**.

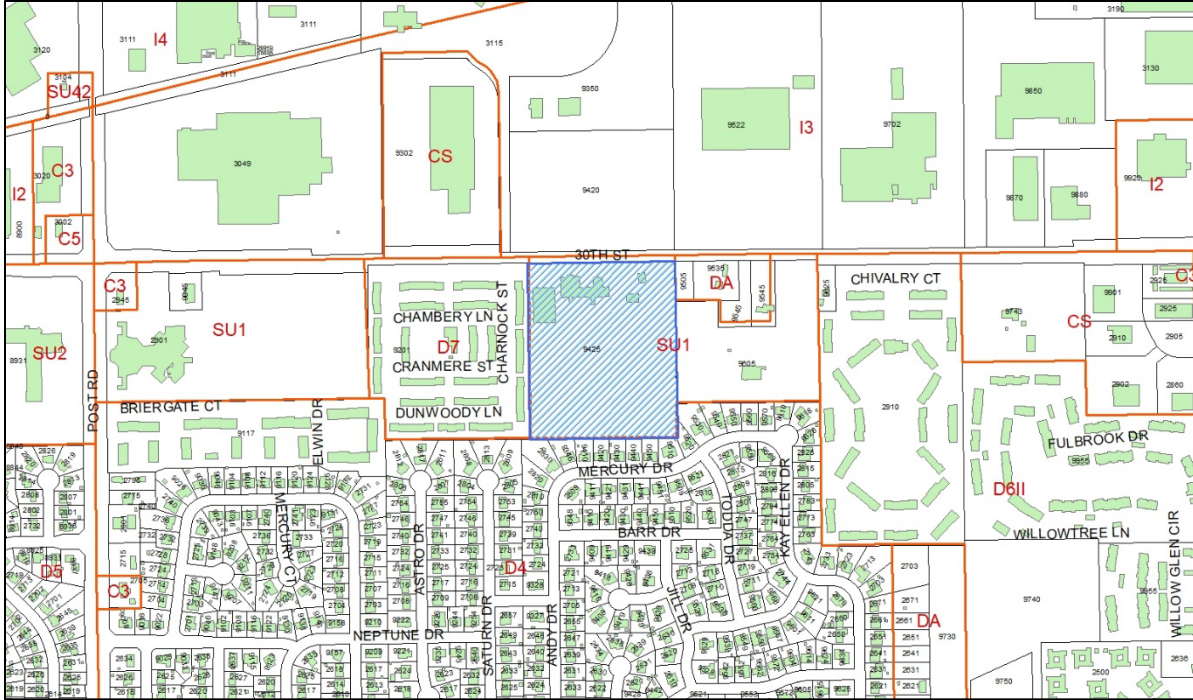
88-SE1-10; 9350 East 30th Street (west of site), requested an industrial special exception to provide for an industrial park, **approved**.

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-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 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.

Staff is requesting **a continuance for cause from the January 11, 2023 hearing to the February 9, 2023 hearing** to allow time to amend the rezoning petition request to include outdoor storage of vehicles and recreational vehicles. Additional variances may be needed or must be removed from the site plan prior to the next hearing. The continuance shall be with notice.

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

AR

STAFF REPORT

Item 5.

Department of Metropolitan Development
Division of Planning
Current Planning Section

Case Number: 2022-CZN-876 / 2022-CVR-876 / 2022-CVC-876
Address: 1507 & 1517 West Vermont Street and 333 Koehne Street
(Approximate Addresses)
Location: Center Township, Council District #16
Petitioner: Own It Enterprise, LLC, by David Kingen and Emily Duncan
Request: Rezoning of 0.62 acre from the D-8 (RC) district to the CBD-2 (RC) district.

Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for a side and rear yard setback of zero feet when abutting an alley (ten-foot required).

Vacation of the first alley east of Koehne Street, being 12 feet in width, from the south right-of-way line of Vermont Street, being the northeast corner of Lot 47 in Lentz Heirs Addition, Recorded in Plat Book 11, Page 69 in the Office of the Recorder of Marion County, Indiana, south a distance of 109 feet to the southeast corner of Lot 45 in said subdivision, with a waiver of the assessment of benefits.

Vacation of an irregular portion of White River Parkway West Drive located at the southwest intersection of Vermont Street and White River Parkway West Drive totaling 0.12 acres, with a waiver of the assessment of benefits.

The petitioner has submitted a written request to **continue** this companion petition from the **January 12, 2023**, hearing to the **January 26, 2023**, hearing. This would be the first continuance request by the petitioner. 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-CZN-863 / 2022-CVR-863
Address: 4437 Clark Drive and 4532 Northeastern Ave (*Approximate Address*)
Location: Franklin Township, Council District #25
Petitioner: David A. Retherford, Trustee of the Russell E. Flagle Revocable Trust
Request: Rezoning of 2.05 acres from the D-5 (FF) and C-S (FF) districts to the D-5 (FF) district.

Variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for a lot with zero feet of street frontage and lot width (minimum 25 feet of street frontage and 50 feet of lot width required).

This petition was continued from the December 29, 2022 hearing to the January 12, 2023 hearing to accommodate a scheduling conflict.

The petitioner has submitted the following commitment: Prior to the time that the presently vacant home on the subject property is occupied, the property owner will install a sign at the end of the drive where it intersects with the right of way, which contains the new street address for the property. If the drive is relocated in the future, then the address sign shall be relocated along with the drive. Staff supports the inclusion of the commitment.

This petition was continued from the December 15, 2022 hearing to the December 29, 2022 hearing to provide additional time for the submission of commitments.

This petition was continued from the December 1, 2022 hearing to the December 15, 2022 hearing to provide additional time for the petitioner and staff to negotiate.

RECOMMENDATION

Staff **recommends approval** of this request.

SUMMARY OF ISSUES

The following issues were considered in formulating the recommendation:

LAND USE

- ◇ Historic aerial photography indicates that a dwelling has stood on this site since at least 1941. However, the historic house appears to have been demolished and a new dwelling constructed on the site in the mid-1990s. The existing dwelling sits about 250 feet from

Harrison Street. The driveway for the dwelling extends southwest from the intersection of Harrison Street and Clark Drive.

(Continued)

STAFF REPORT 2022-CZN-863 / 2022-CVR-863 (Continued)

- ◇ The 2018 Comprehensive Land Use Plan recommends Village Mixed-Use for the historic town of Wanamaker generally and for the subject site particularly. This typology envisions village centers with a mixed-use core of small neighborhood office/retail nodes, public and semi-public uses, open space and light industrial development with surrounding residential development. Historic Wanamaker is a classic example of the typology.

ZONING

- ◇ This petition requests a rezoning to the D-5 district. The D-5 district permits single-family and two-family dwellings and multi-unit houses. This is a commonly-found district in the historic parts of Wanamaker.
- ◇ This petition would combine a parcel and a portion of an abutting parcel under one zoning district. The east parcel, 4532 Northeastern Avenue, is already zoned D-5. It shares an address with the abutting parcel to the east, although it is under different ownership. Although addressed off Northeastern Avenue, the subject parcel doesn't have access from that street.
- ◇ 4437 Clark Drive is an approximately 38-acre parcel that is mostly undeveloped. This petition would rezone approximately one-and-a-quarter acre in the southeast quadrant of the parcel to D-5. The portion being rezoned contains the existing dwelling.
- ◇ D-5 is an appropriate district for residential areas in a Village Mixed-Use area generally and for this locale specifically. As such, staff recommends approval of this rezoning request.

VARIANCE

- ◇ Variances of development standards have been requested to provide for a lot with zero feet of street frontage where a minimum 25 feet of street frontage is required and for zero feet of lot width where 50 feet of lot width is required. Access to the site would be via an approximately 200-foot long, 30-foot wide access easement from the intersection of Clark Drive and Harrison Street.
- ◇ Lots without public street access are not permitted by the Ordinance. The purpose of this prohibition is that it generally creates a situation where one dwelling sits behind another

dwelling. The front dwelling typically blocks the view of the back dwelling from the street. This creates difficulty in quickly and efficiently locating the back dwelling. This can be an annoyance to visitors and delivery people. More importantly, it can be life-threatening in the case of emergency response.

(Continued)

STAFF REPORT 2022-CZN-863 / 2022-CVR-863 (Continued)

- ◇ The petitioner has indicated that the remainder of 4437 Clark will likely be rezoned to accommodate a revised development plan that would include a row of dwellings along Harrison Street as extended to the west. Reconfigured access to the subject site would be provided at that time. The proposed row of dwellings along Harrison Street would be a logical and desirable extension of Wanamaker's street grid and development pattern.
- ◇ The dwelling on this site is currently visible from Harrison Street and Clark Drive. However, upon construction of dwellings along Harrison Street, the existing dwelling will no longer be obvious to those on Harrison Street or Clark Drive. Access to the dwelling should be clearly and obviously marked to facilitate quick wayfinding.

GENERAL INFORMATION

EXISTING ZONING, CONTEXT AREA, AND LAND USE

C-S, D-5	Metro	Single-family dwelling
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SURROUNDING ZONING AND LAND USE

Northeast	C-S, D-5	Undeveloped land, single-family dwelling
Southwest	C-S, D-2	Undeveloped land, single-family dwellings
Southeast	D-5	Single-family dwellings
Northwest	C-S	Undeveloped land

COMPREHENSIVE LAND USE PLAN	The Franklin Township Comprehensive Plan (2018) recommends Village Mixed-Use.
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THOROUGHFARE PLAN	The subject site doesn't have frontage on any existing or proposed street that is classified in the Official Thoroughfare Plan for Marion County, Indiana.
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FLOODWAY / FLOODWAY FRINGE	The southern portion of this site is located within the floodway fringe of Big Run.
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WELLFIELD PROTECTION DISTRICT	This site is not located within a wellfield protection district.
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STREAM PROTECTION CORRIDOR The southern portion of this site is located within the 100-foot wide stream protection corridor of Big Run.

(Continued)

STAFF REPORT 2022-CZN-863 / 2022-CVR-863 (Continued)

ZONING HISTORY – SITE

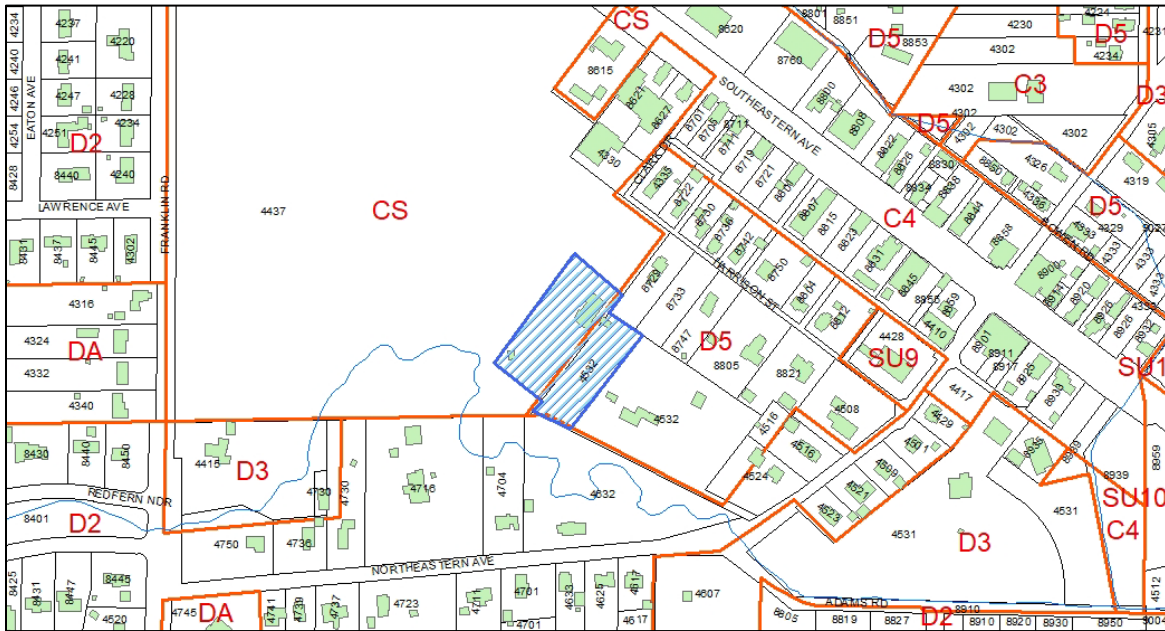
2006-ZON-144; 4430 & 4437 Clark Drive and 8621 & 8627 Southeastern Avenue, requested the rezoning of 41 acres from the D-A district to the C-S district to provide for C-1 uses, C-4 uses, residential uses, I-2 uses, machine shop and the manufacturing, assembly or repair of machinery or machinery parts, **approved.**

ZONING HISTORY – VICINITY

97-Z-131; various addresses on Callahan Street, Maple Hill Drive, Adams Road, East Thompson Road, South Franklin Road and Northeastern Avenue, requested a rezoning from the D-a, D-3 and D-5 district to the D-2 district, **approved.**

klh

STAFF REPORT 2022-CZN-863 / 2022-CVR-863, Location



STAFF REPORT 2022-CZN-863 / 2022-CVR-863, Aerial photograph (2021)



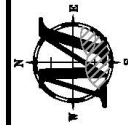
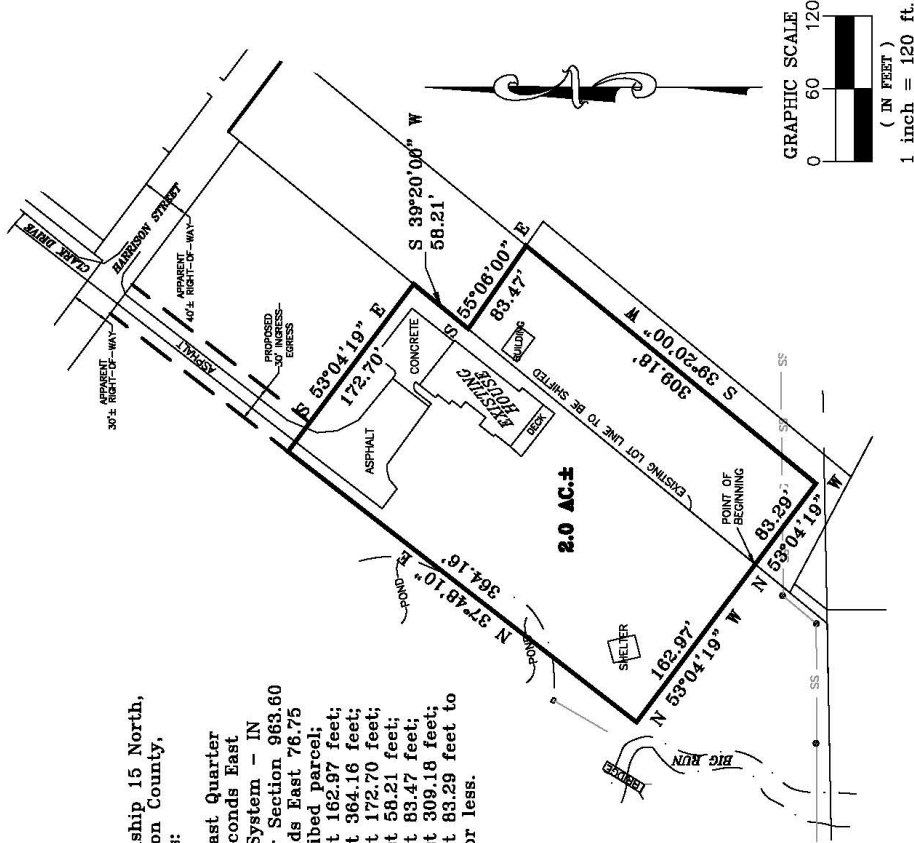
STAFF REPORT 2022-CZN-863 / 2022-CVR-863, Site Plan

VARIANCE EXHIBIT

LEGAL DESCRIPTION

A part of the Northeast Quarter of Section 31, Township 15 North, Range 5 East of the Second Principal Meridian, Marion County, Indiana, being more particularly described as follows:

COMMENCING at the Southwest corner of said Northeast Quarter Section; thence North 88 degrees 55 minutes 26 seconds East (Basis of Bearing is Indiana State Plane Coordinate System - IN East) along the South line of said Northeast Quarter Section 963.60 feet; thence North 39 degrees 20 minutes 00 seconds East 76.75 feet to the POINT OF BEGINNING of the herein described parcel; thence North 53 degrees 04 minutes 19 seconds West 162.97 feet; thence North 37 degrees 48 minutes 10 seconds East 364.16 feet; thence South 53 degrees 04 minutes 19 seconds East 172.70 feet; thence South 39 degrees 20 minutes 00 seconds West 58.21 feet; thence South 55 degrees 06 minutes 00 seconds East 83.47 feet; thence South 39 degrees 20 minutes 00 seconds West 309.18 feet; thence North 53 degrees 04 minutes 19 seconds West 83.29 feet to the Point of Beginning, containing 2.0 acres, more or less.



MAURER SURVEYING, INC.

4800 W. SMITH VALLEY RD., STE. O, GREENWOOD INDIANA 46142
OFFICE - 317-881-3898 www.MaurerSurveying.com
LAND SURVEYING, LAND DEVELOPMENT & BUILDERS SERVICES

JOB NO.: 2565
DATE: NOVEMBER 30, 2022

STAFF REPORT 2022-CZN-863 / 2022-CVR-863, Findings of Fact

Petition Number _____

METROPOLITAN DEVELOPMENT COMMISSION
HEARING EXAMINER
METROPOLITAN BOARD OF ZONING APPEALS, Division _____
OF MARION COUNTY, INDIANA
PETITION FOR VARIANCE OF DEVELOPMENT STANDARDS
FINDINGS OF FACT

1. The grant will not be injurious to the public health, safety, morals, and general welfare of the community because: The creation of new reconfigured 2.05 acre parcel containing an existing custom home and related improvements, which will continue to access the right of way via the same driveway which has existed for well over a decade creates no reasonable risk of any such injury.

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 approval of this reconfigured tract without direct frontage on the right of way does not change the existing situation where the existing home is surrounded by a lake to the west, a creek to the South, plenty of back yard to the east; and is the largest and most valuable home in the entire area. The trust will continue to own all the land around the new tract.

3. The strict application of the terms of the zoning ordinance will result in practical difficulties in the use of the property because: The existing home and associated improvements needs to be sold of separately from the larger tract around it, as a part of settling an estate. Creating a larger lot which would include the area north of this lot which contains the existing drive would preclude the anticipated redevelopment of that area along the south side of Harrison Street as a part of the vision for the future village center.

DECISION

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

Adopted this _____ day of _____ 202 2

STAFF REPORT 2022-CZN-863 / 2022-CVR-863, Photographs



Looking south at the subject site from Harrison Street.



Looking south on the access drive to the subject site.



Looking southwest from the intersection of Clark Drive and Harrison Street.



Looking north on Clark Drive from its intersection with Harrison Street.



Looking north across Harrison Street to the neighbor to the north.



Looking east on Harrison Street from the site.



Looking west on Harrison Street toward the site.

STAFF REPORT

Department of Metropolitan Development Division of Planning Current Planning Section

Case Number: 2022-CZN-875 / 2022-CPL-875
Address: 2417 East 10th Street (Approximate Addresses)
Location: Center Township, Council District #17
Petitioner: Jesse Archuleta, by Mark and Kim Crouch
Request: Rezoning of 0.12 acre from the MU-1 to the D-5II district.

Approval of a Subdivision Plat to be known as Monumental Townhomes, dividing 0.12 acre into two single-family attached lots.

RECOMMENDATIONS

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

Staff recommends that the Hearing Examiner **approve** and find that the plat, file-dated November 28, 2022, complies with the standards of the Subdivision regulations, subject to the following conditions:

1. Subject to the Standards and Specifications of the Department of Public Works, Sanitation Section.
2. Subject to the Standards and Specifications of the Department of Public Works, Drainage Section.
3. Subject to the Standards and Specifications of the Department of Public Works, Transportation Section.
4. That addresses and street names, as approved by the Department of Metropolitan Development, be affixed to the final plat, prior to recording.
5. That the Enforcement Covenant (Section 741-701, of the Consolidated Zoning and Subdivision Ordinance) be affixed to the final plat, prior to recording.
6. That the Site Distance Covenant (Section 741-702, of the Consolidated Zoning and Subdivision Ordinance) be affixed to the final plat, prior to recording.
7. That the Sanitary Sewer Covenant (Section 741-704, of the Consolidated Zoning and Subdivision Ordinance) be affixed to the final plat, prior to recording.
8. That the Storm Drainage Covenant (Section 741-703, of the Consolidated Zoning and Subdivision Ordinance) be affixed to the final plat, prior to recording.
9. That the plat restrictions and covenants, done in accordance with the rezoning commitments, be submitted, prior to recording the final plat.
10. That all the standards related to secondary plat approval listed in Sections 741-207 and 741-208 of the Consolidated Zoning and Subdivision Ordinance are met, prior to the recording of the final plat.
11. That both lots shall have an access easement to the alley affixed to the final plat, prior to recording.

SUMMARY OF ISSUES

The following issues were considered in formulating the recommendation:
 (Continued)

2022-CZN-875 / 2022-CPL-875 STAFF REPORT (Continued)

LAND USE

- ◇ The subject site is zoned MU-1 and developed with a two-family dwelling.
- ◇ This petition would rezone this property to the D-5II district, and subdivide the property along the common wall to create single-family attached dwellings.

REZONING

- ◇ This petition would rezone this site from the MU-1 district to the D-5II district to permit single-family attached dwellings. The comprehensive plan recommends traditional neighborhood uses, which would include single-family attached housing. Staff is not opposed to rezoning to a district that aligns with the comprehensive plan.
- ◇ The site is developed with a two-family dwelling that has existed since at least 1956 as shown on the historic Sanborn Maps. The current zoning of MU-1 does not permit row houses, but the existing dwellings would be considered legally established non-conforming use. Staff would not be opposed to rezoning to the D-5II district to continue the residential use of the property, and the rezoning would allow for a subdivision plat in compliance with the subdivision ordinance.

PLAT

- ◇ The plat would subdivide the subject site into two lots along the common wall of the existing two-family dwelling, Lots One and Two. Lot One would be 2,507 square feet and Lot Two would be 2,473 square feet. If the rezoning to the D-5II district is approved, the plat would comply with the standards for Row House-Large Lot per Table 742.103.03 of the ordinance.

TRAFFIC / STREETS

- ◇ The subject site has frontage on 10th Street to the north. Lot One's west side yard would front on the alley. Staff is requiring an access easement for Lot Two to have access to the alley as a condition of the final plat.

SIDEWALKS

- ◇ Sidewalks are existing on 10th Street.

GENERAL INFORMATION

EXISTING ZONING, CONTEXT AREA, AND LAND USE

MU-1	Compact	Two-family Residential
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SURROUNDING ZONING AND LAND USE

North	MU-1	One and Two-family Residential
South	D-5	Single-family Residential
East	MU-1	Undeveloped
West	MU-2	Mixed-Use

(Continued)

2022-CZN-875 / 2022-CPL-875 STAFF REPORT (Continued)

COMPREHENSIVE LAND USE PLAN Traditional Neighborhood

THOROUGHFARE PLAN 10th Street is classified in the Official Thoroughfare Plan for Marion County, Indiana as a Primary Arterial, with a 50-foot existing and a 56-foot proposed right-of-way.

SITE PLAN File-dated November 28, 2022

SURVEY File-dated November 28, 2022

ZONING HISTORY – SITE

None

ZONING HISTORY – VICINITY

95-Z-2 (95-CV-1), 941 & 947 North Keystone Avenue, rezoning of one acre from the D-5 district to the C-2 district, with a variance to provide for construction of a neighborhood health care center with 50 parking spaces, a zero-foot setback along East 10th Street and Keystone Avenue, a 10-foot side yard setback, an 8-foot landscape strip on Keystone Avenue, and without a loading space, **approved**.

97-AP-75, 941 & 947 North Keystone Avenue, approval of a modification to delete commitments 2 and 3 from 95-Z-2 pertaining to the dedication of a 40-foot half right-of-way on East 10th Street and the leasing of additional off-street parking spaces, **approved**.

97-Z-87, 2327 East 10th Street, rezoning of 0.97 acre from the C-2 and D-5 district to the SU-1 district, **approved**.

2000-ZON-172, 2424 East 10th Street, rezoning of one acre from the C-2 district to the SU-7 district, **approved**.

2007-HOV-028, 2423 East 10th Street, variance to legally establish a two-family dwelling in the C-2 district, **approved**.

2008-VAR-852, 2401 East 10th Street and 941 & 947 North Keystone Avenue, variance to provide for a 40-foot tall building with a 34-foot front setback from the centerline of East 10th Street, and with a 30-foot front setback from the centerline of Keystone Avenue, within the clear-sight-triangle of the intersection, and having a four-foot east side setback; to provide for outdoor seating areas with a 25-foot setback from the centerline of East 10th Street; to provide for a dumpster enclosure within a 10.5-foot south transitional setback, and a drive aisle and parking space with a four-foot south transitional side setback; to provide for a parking lot with a zero-foot east side setback and east transitional side setback; with 23 off-street parking spaces; with eight parking spaces having maneuvering area within a public alley; and without a loading area, **approved**.

2008-ZON-852, 2401 East 10th Street and 941 & 947 North Keystone Avenue, rezoning of 0.75 acre from the C-2 district to the C-3C district, **approved**.

(Continued)

2022-CZN-875 / 2022-CPL-875 STAFF REPORT (Continued)

2009-VAC-014, 1019 North Keystone Avenue, Vacation of the first east-west alley north of 10th Street, being 12 feet wide, from the east right-of-way line of Keystone Avenue, being the northwest corner of Lot Seven of Richie's Clifford Avenue Addition, being a subdivision of Lots 1-6 of Vajen's Springdale Addition to the City of Indianapolis as recorded in Plat Book Nine, Page 125, 183.09 feet to the east, to the west right-of-way line of the first north-south alley, east of Keystone Avenue, being the southeast corner of Lot Six of said subdivision, with a waiver of assessment of benefits. Vacation of air rights within 10th Street and Keystone Avenue, between the elevations of 766.5 feet and 786.3 feet, projecting from four to eight feet into the right-of-way of 10th Street, from the southwest corner of Lot Four of Brookside Addition to the City of Indianapolis, as recorded in Plat Book Four, Page 182, for a distance of 210 feet, to the southeast corner of Lot One of said subdivision, thence north from said southeast corner along Keystone Avenue, 41 feet to a point on the east line of said Lot One, with a waiver of the assessment of benefits, **approved**.

2009-ZON-033, 2340 East 10th Street and 1007 Keystone Avenue, rezoning of 1.35 acres from the C-2 and D-5 districts to the SU-7 district, **approved**.

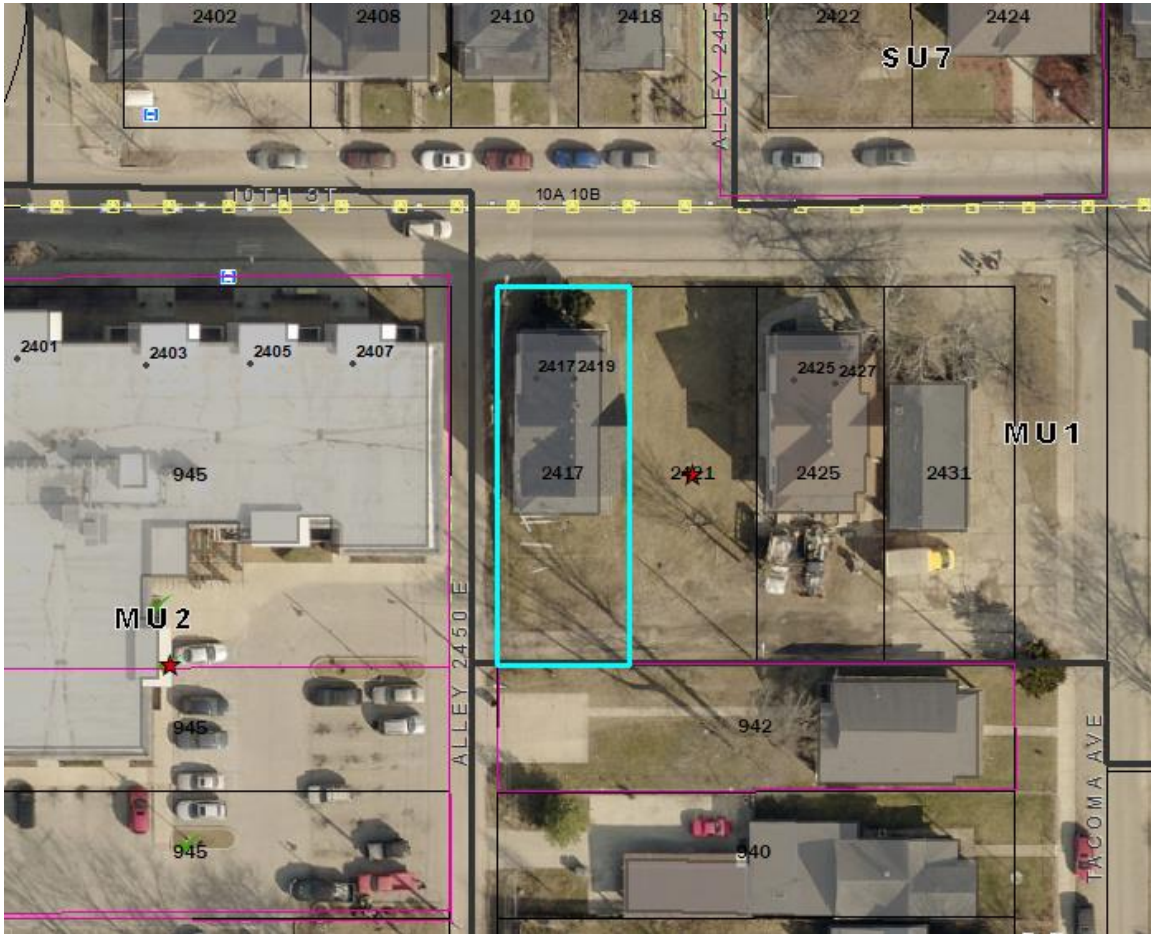
2010-CAP-825, 935 & 945 North Keystone Avenue, Modification of Site Plan to replace site plan associated with 2008-ZON-852 and 2008-VAR-852 with the site plan filed with this petition. Modification of Commitments to terminate Commitments Four, Seven, Nine and Eleven of Attachment "D" of 2008-ZON-852 and 2008-VAR-852 ((945 Keystone Avenue) Commitment Four requires that a concrete pad shall be provided for a public bus stop along the 10th Street frontage of the site subject to the standards of the Department of Public Works (DPW) or a bus shelter shall be integrated into the building design; Commitment Seven requires that a 15-foot clear sight triangle be provided at the Keystone and 10th Street intersection; Commitment Nine requires an amended site plan being submitted for Administrator's Approval that provides the following treatment for the south transitional yard; a six-foot tall decorative fence, incorporating a brick knee wall or other durable material with screening shrubbery and at least one over-story tree between the trash container and the south transitional lot line and Commitment Eleven requires that the five by 67-foot portion of the public alley directly east of the proposed parking area shall be improved with concrete subject to the standards of the DPW, **approved**.

2010-CZN-825, 935 & 945 North Keystone Avenue, rezoning of 0.17 acre from the D-5 District to the C-3C classification to provide for commercial and residential development (935 Keystone Avenue), **approved**.

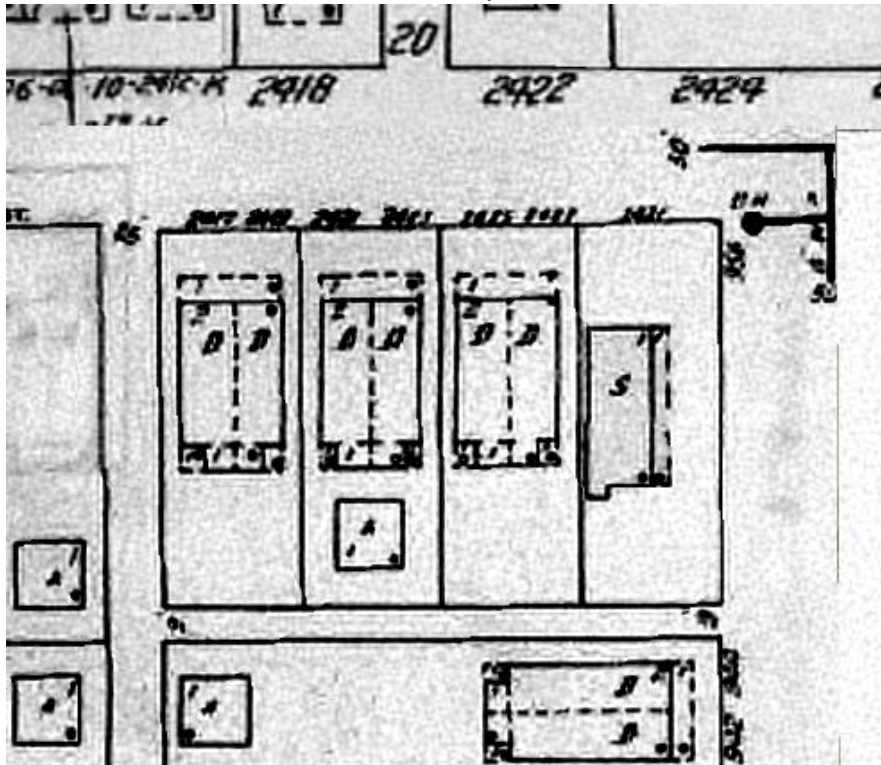
2011-ZON-054, 942 Tacoma Avenue, rezoning of 2.02 acres from the C-2 district to the D-5 district, **approved**.

AR

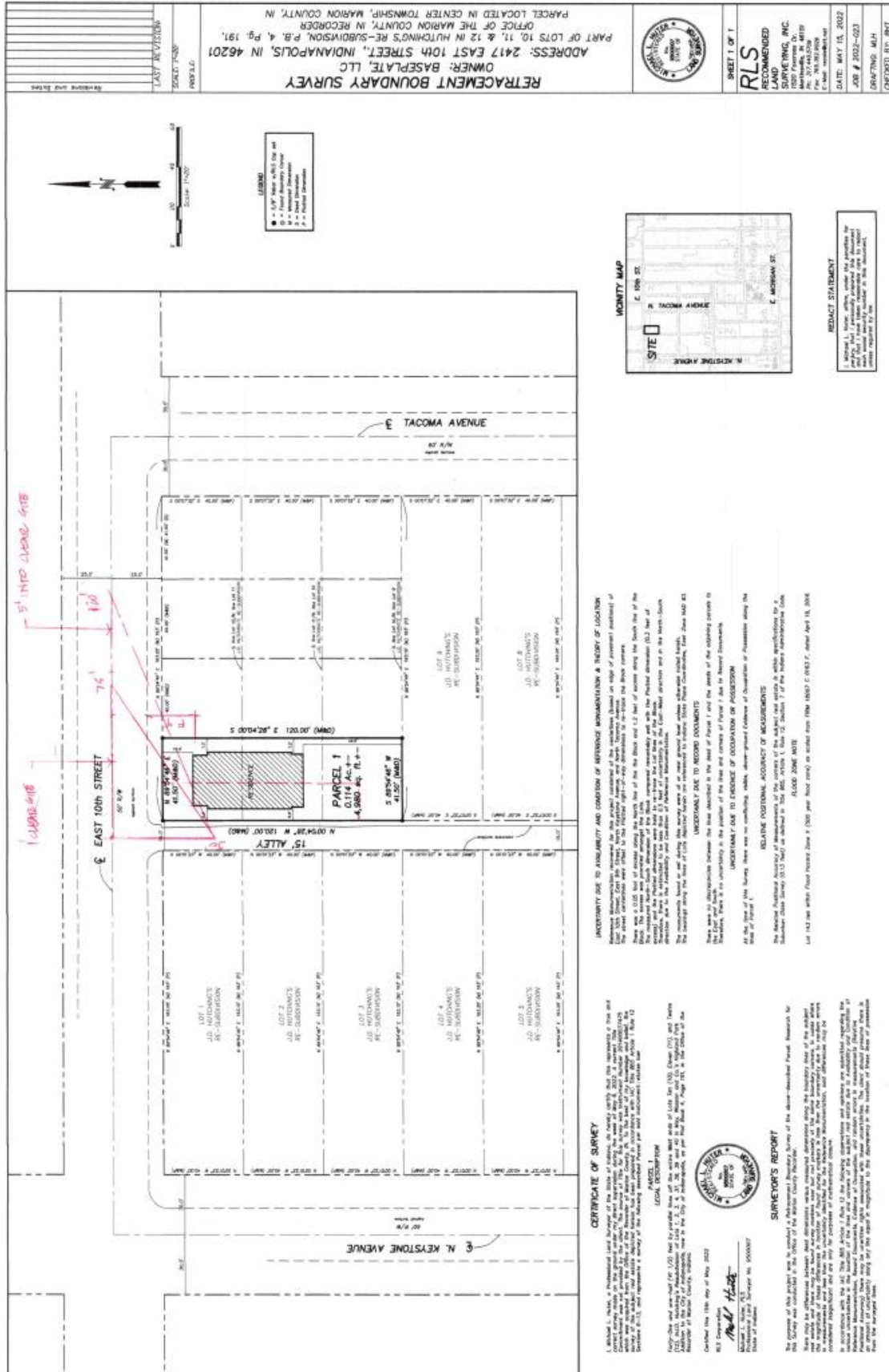
2022-CZN-875 / 2022-CPL-875 Aerial Map



Sanborn Map 1956



2022-CZN-875 / 2022-CPL-875 Site Plan



2022-CZN-875 / 2022-CPL-875 Site Photos



Subject site viewed from 10th Street, facing south



Subject site viewed from alley, facing northeast



Subject site existing curb cut viewed from alley, facing east

STAFF REPORT

Department of Metropolitan Development Division of Planning Current Planning Section

Case Number: 2022-MOD-021
Address: 3125 North German Church Road (*Approximate Address*)
Location: Warren Township, Council District #14
Zoning: D-5II
Petitioner: Davis Building Group, LLC, by Paul J. Carroll
Request: Modification of Commitments related to 2022-ZON-021 to modify Commitment #15 to allow the HOA governing documents to permit rented or leased dwellings (previous commitment required dwellings to be owner-occupied for a period of one year before they could be rented or leased) and to remove the requirement for trash receptacle enclosure provisions in the HOA governing documents.

RECOMMENDATION

Staff **has no recommendation** for this request.

SUMMARY OF ISSUES

The following issues were considered in formulating the recommendation:

LAND USE

- ◇ The subject site is an undeveloped agricultural site. Nearby residential development is a mix of residential plots along 30th Street dating back to the 1950s, single-family residential developments dating from the mid-1980s to the present, and multi-family development dating back to the late 1980s to early 1990s. A commercial node on the southeast corner of German Church Road and 30th Street was begun in the mid-2000s and continues to develop today. The Grassy Creek Regional Park is nearby to the west.
- ◇ The 2018 Comprehensive Land Use Plan recommends Suburban Neighborhood for the site. This typology envisions primarily single-family dwellings with multi-family dwellings and commercial areas as appropriate. Natural areas such as stream corridors are recommended as focal points or organizing systems for development. Housing density is recommended at one to five dwelling units per acre.

(Continued)

STAFF REPORT 2022-MOD-021 (Continued)

MODIFICATION OF COMMITMENTS

- ◇ This site was rezoned in 2021 from the D-3 district to the D-5II district. The petition was approved subject to 17 commitments, two of which were requested by Staff.
- ◇ This petition would modify Commitment #15. The other commitments would remain as originally approved.
- ◇ Commitment #15 states that “At a minimum, the HOA’s governing documents shall include property maintenance enforcement, trash receptacle enclosure provisions, no stockade fencing, and a provision that all dwelling units must be owner-occupied for one-year before the units can be rented or leased.”
- ◇ The modification would amend Commitment #15 to state “At a minimum, the HOA’s governing documents shall include property maintenance enforcement, no stockade fencing, and a provision that all dwelling units must be owner-occupied for one-year or rented or leased for a minimum of a one-year period.” This removes the requirement for trash receptacle enclosures and the prohibition on renting or leasing units in their first year of occupation.
- ◇ Commitment #15 was the product of negotiations between the petitioner and neighboring organizations without staff’s involvement. As such, staff has no recommendation on the commitment’s modification. However, staff would note that the neighbors’ recommendation in the original petition was based on all the commitments that were submitted and on the reasonable assumption that the site would be developed in accordance with those commitments.
- ◇ Staff further notes that the Ordinance does not regulate whether a dwelling unit is occupied by an owner or renter.

GENERAL INFORMATION

EXISTING ZONING, CONTEXT AREA, AND LAND USE

D-3	Metro	Undeveloped land
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SURROUNDING ZONING AND LAND USE

North	SU-1	Religious use
South	D-3, D-P	Undeveloped agricultural land, Single-family dwellings, neighborhood commercial center
East	D-4	Single-family dwellings
West	C-3, D-A, D-3	Undeveloped woodland, single-family dwelling, undeveloped agricultural land,

(Continued)STAFF REPORT 2022-MOD-021 (Continued)

COMPREHENSIVE LAND USE PLAN	The Warren Township Comprehensive Land Use Plan (2018) recommends Suburban Neighborhood.
THOROUGHFARE PLAN	<p>German Church Road is classified in the Official Thoroughfare Plan for Marion County, Indiana as a Primary Arterial with a 90-foot existing right-of-way and a 119-foot proposed right-of-way.</p> <p>30th Street is classified in the Official Thoroughfare Plan for Marion County, Indiana as a Primary Collector with a 115-foot existing right of way and an eighty-foot proposed right-of-way.</p>
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.

ZONING HISTORY – SITE

2022-ZON-021; 3125 North German Church Road; requested the rezoning of 18 acres from the D-3 district to the D-5II district, **approved**.

95-Z-100; 11550 East 30th Street, requested the rezoning of 119 acres from the D-A district to the D-3 district, **approved**.

ZONING HISTORY – VICINITY

2019-CZN-812 / 2019-CPL-812; 3130 German Church Road (southwest of site), requested the rezoning of two acres from the D-3 district to the C-S district to provide for C-1, MU-1 and C-3 uses and a convenience store/gas station and approval of a plat of twenty acres into two lots, **withdrawn**.

2009-ZON-081; 2800 German Church Road (southwest of site), requested the rezoning of 24 acres from the SU-3 district to the SU-1 district, **withdrawn**.

2007-ZON-027; 2825 German Church Road (south of site), requested the rezoning of 27 acres from the D-P district to the D-P district to provide for 60 units in four-unit buildings and 40 single-family dwellings for a density of 3.7 units per acre, **approved**.

(Continued)

STAFF REPORT 2022-MOD-021 (Continued)

2003-ZON-164; 2825 German Church Road (south of site), requested the rezoning of 32 acres from the D-A district to the D-P district to provide for five acres of commercial development and 27 acres of multi-family dwellings for a density of four units per acre, **approved**.

2000-ZON-844 / 200-VAR-844; 10990 East 30th Street (southwest of site), requested the rezoning of 0.448 acre from the D-A district to the C-3 district and variances of development standards to provide for a sign with a deficient setback and within the clear sight triangle, vehicle maneuvering in the right-of-way of 30th Street, parking in the front transitional yard and to legally establish a building in the proposed right-of-way, **approved**.

94-Z-186; 10870 East 30th Street (southwest of site), requested the rezoning of 12 acres from the D-A district to the C-3 district, **denied**.

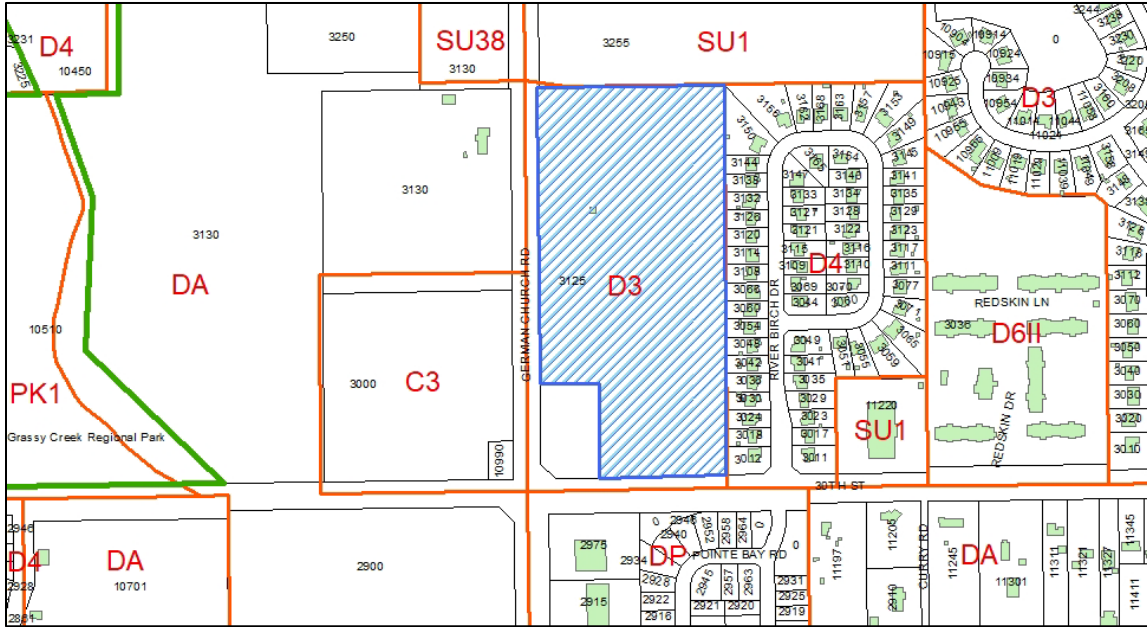
92-Z-128; 2702 German Church Road (southeast of site), requested the rezoning of 24.26 acres from the D-A and SU-1 districts to the SU-3 district, **approved**.

88-Z-124; 11128 East 30th Street (east of site), requested the rezoning of 17.5 acres from the A-2 district to the D-4 district, **approved**.

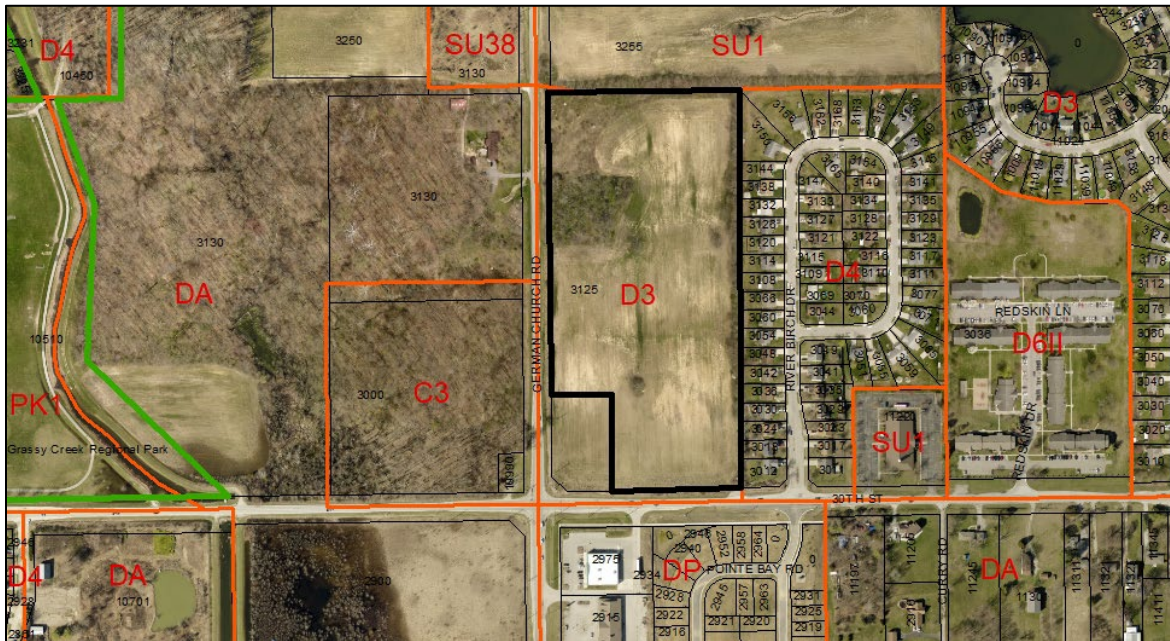
72-Z-310; 10920 East 30th Street (west of site), requested the rezoning of 9.79 acres from the A-2 district to the C-3- district, **approved**.

klh

STAFF REPORT 2022-MOD-021, Location



STAFF REPORT 2022-MOD-021, Aerial photograph (2020)



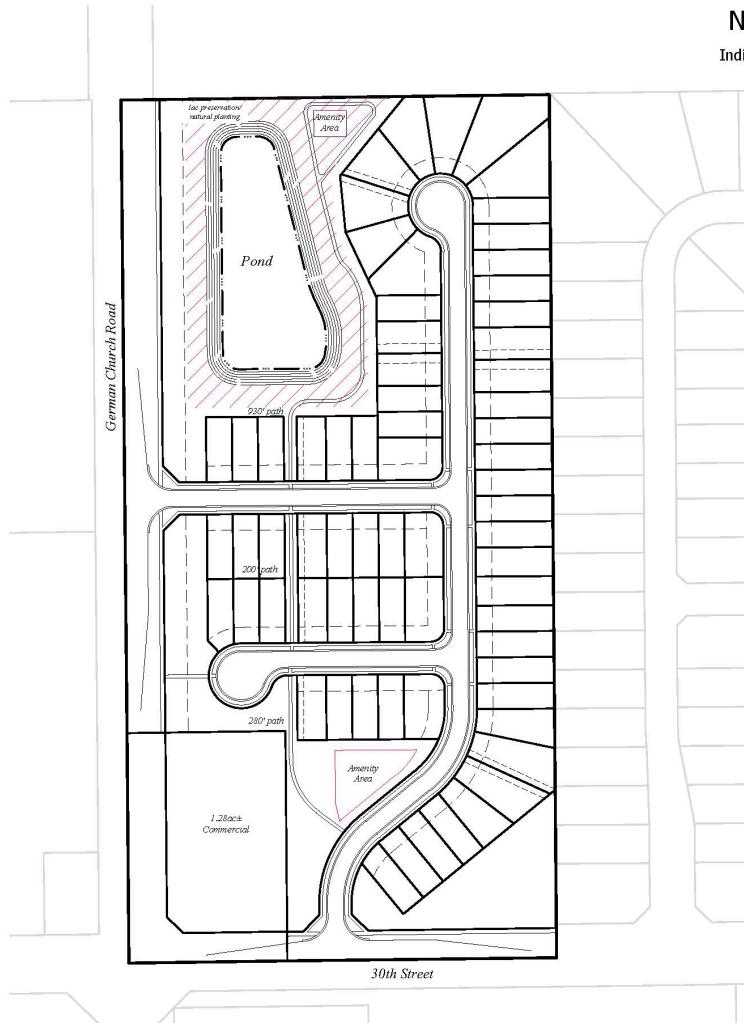
STAFF REPORT 2022-MOD-021, 2002-ZON-132 Site Plan

CONCEPT PLAN

May 25, 2021

30th & German Church

NE Corner
Indianapolis, Indiana



Single Family
Option F

Site: 18ac±
68 Lots
Density: 3.78±
Typ. Lot Size: 40 x 100
Street Length: 2,095



STOEPPELWERTH

off: 317.845.5025 7305 East 3500th Street
Fax: 317.845.5042 Fishers, Indiana 46038-3005
www.stoeppelwerth.com

STAFF REPORT 2022-MOD-021, Findings of Fact

Petition Number 2018-CAP-

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

PETITION FOR MODIFICATION OF COMMITMENTS

FINDINGS OF FACT

THE PROPOSED MODIFICATION OF COMMITMENTS IS IN FURTHERANCE OF THE ORIGINAL Rezoning in a Planned Development District FOR WHICH THE COMMITMENTS WERE MADE.

The proposed use of the subject property has not changed. The request provides additional clarity based on what is enforceable.

DECISION

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

Adopted this _____ day of _____, 20 ____

_____	_____
_____	_____
_____	_____

STAFF REPORT 2022-MOD-021, Photographs



Looking north across 30th Street to the subject site.



Looking northwest at the intersection of 30th Street and German Church Road.



Looking south on Pointe Harbour Drive from 30th Street.



Looking north on River Birch Drive from 30th Street.

STAFF REPORT

Item 9.

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.

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

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.”
- ◇ 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.

(Continued)

- ◇ 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.

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.

(Continued)

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.

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.

(Continued)

- ◇ 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.
- ◇ 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.

(Continued)

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

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.

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.

(Continued)

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.**

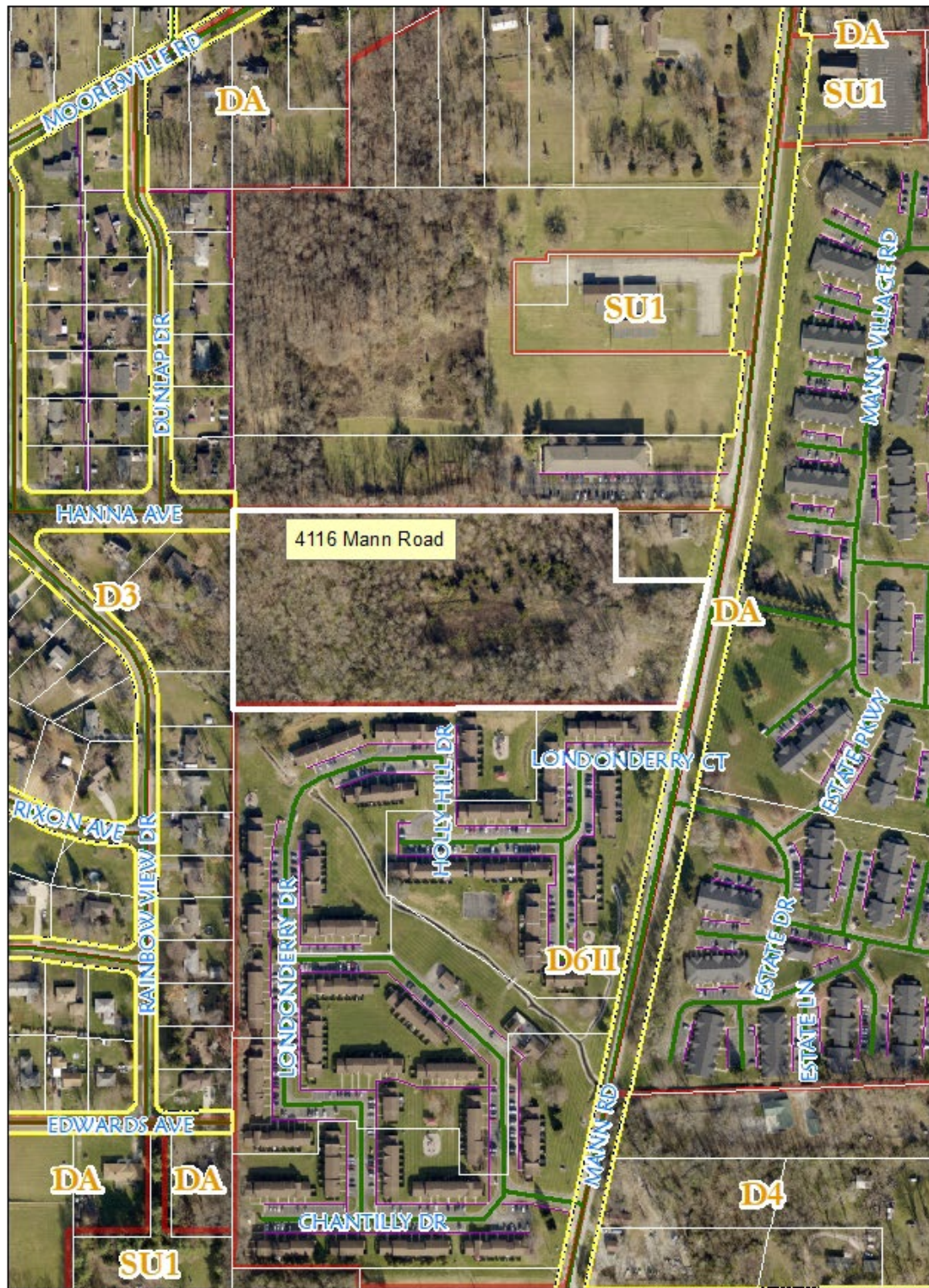
84-Z-77; 3810 Mann Road (north of site), requested rezoning of 4.23 acres, being in the D-6II district, to the A-2 classification, to provide for construction of a pole barn for farming purposes, **dismissed.**

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.**

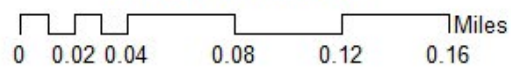
73-Z-318; 4101 Mann Road (east of site), requested rezoning of 56.95 acres being in the A-2 District to the D-6II classification to provide for multi-family residential uses, **approved.**

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



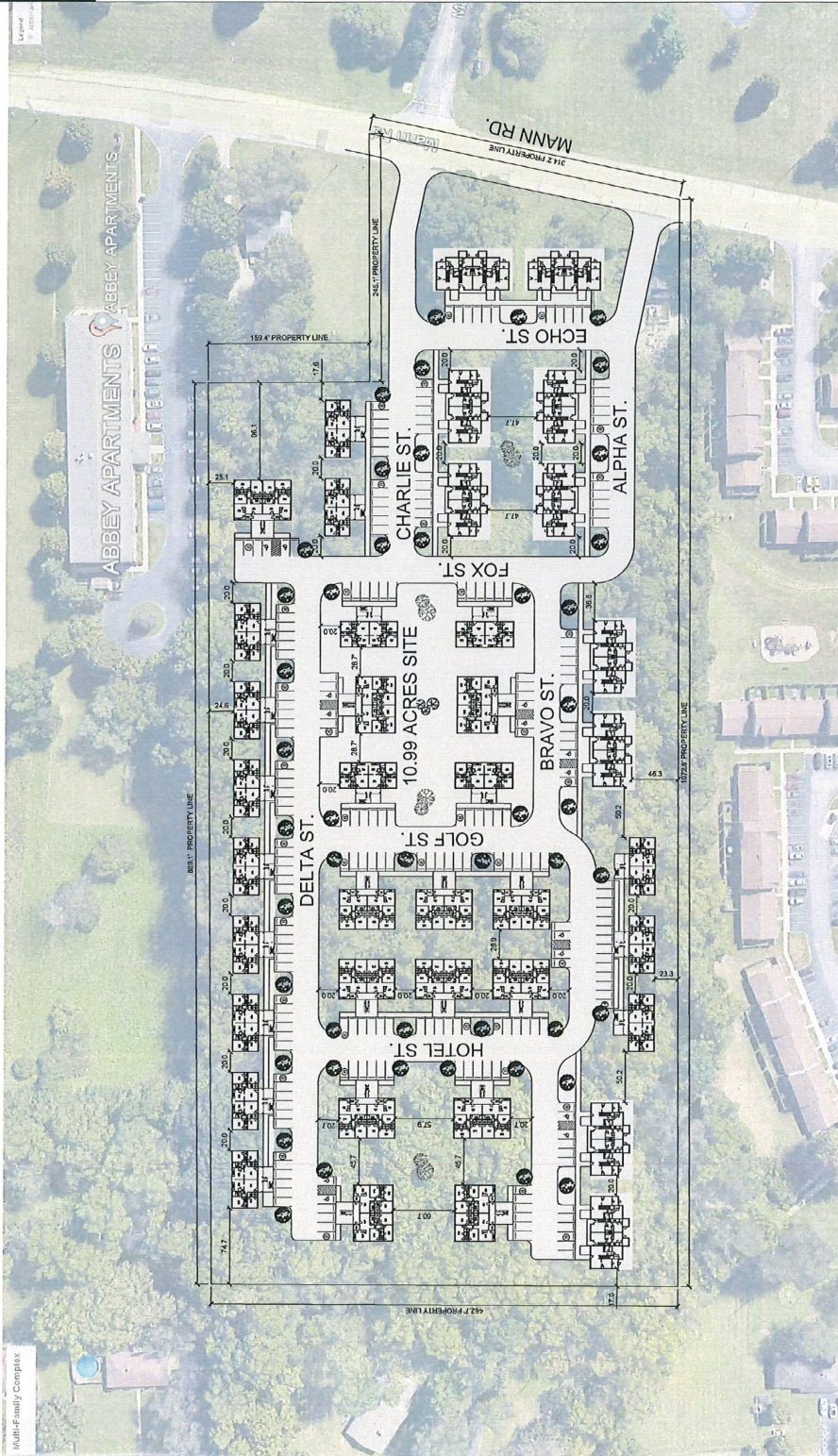
PROJECT:

INDIANAPOLIS MULTI FAMILY DEVELOPMENT COMPLEX

A NEW HOUSING PROJECT FOR:

NO. NO. - 7430
DATE: 06/01/2018
REVISIONS
DATE:
DATE:

SHEET NAME
SITE PLAN
SHEET NUMBER
S-101



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

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

- PARKING DATA:
- Number of Units = 160
 - 9'x18' spaces = 228 spaces.
 - ADA accessible spaces = 12
 - Total Parking Spaces = 240
 - 1.5 Space / Unit.
 - 5% ADA accessible

COMPLEX SITE PLAN
S-101/Scale: 1"=40'-0"



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

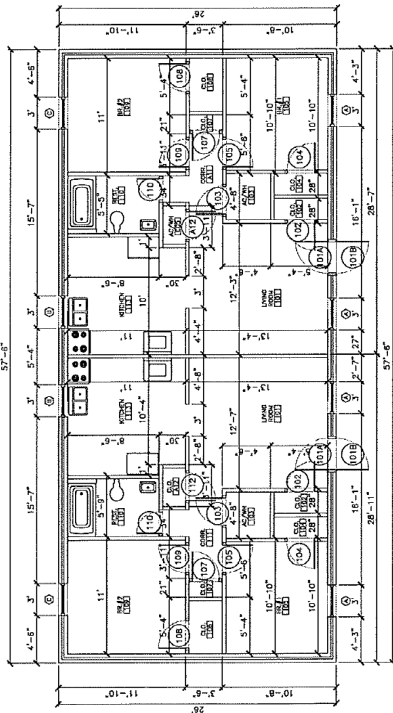
WINDOW ID	WINDOW			FRAME
	SIZE	HEIGHT	COUNT	
A	3'-0"	5'-0"	4	AL
B	3'-0"	4'-0"	2	AL
C	3'-0"	3'-0"	2	AL

TYP. GLAZING SCHEDULE

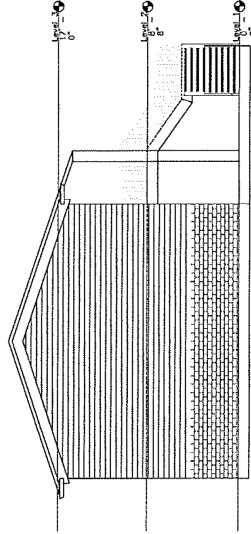
1" INS., 1/4" CLEAR INSIDE, 1/4" TINTED OUTSIDE W/ AIR SPACE

NOTE: PROVIDE INSECT SCREENS WITH ALL OPERABLE WINDOWS

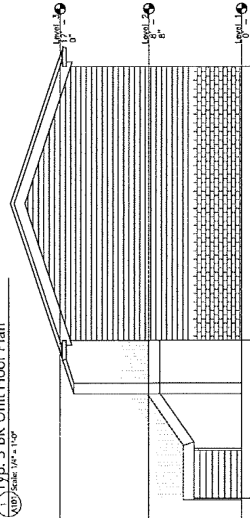
1. Typ. 3 BR Unit Floor Plan
A101 Scale 1/8" = 1'-0"



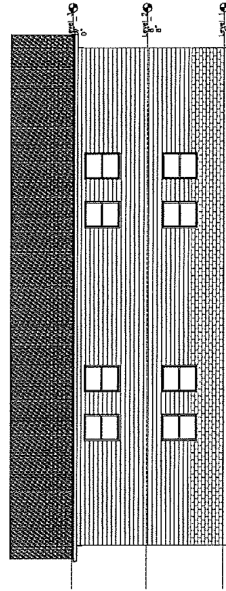
1. Typ. 3 BR Unit Floor Plan
A101 Scale 1/8" = 1'-0"



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											
NO.	NAME	TYPE	QTY	UNIT	QTY	UNIT	QTY	UNIT	QTY	UNIT	QTY
101	CEILING	CEILING	1	CEILING	1	CEILING	1	CEILING	1	CEILING	1
102	FLOOR	FLOOR	1	FLOOR	1	FLOOR	1	FLOOR	1	FLOOR	1
103	WALL	WALL	1	WALL	1	WALL	1	WALL	1	WALL	1
104	DOOR	DOOR	1	DOOR	1	DOOR	1	DOOR	1	DOOR	1
105	WINDOW	WINDOW	1	WINDOW	1	WINDOW	1	WINDOW	1	WINDOW	1
106	STAIR	STAIR	1	STAIR	1	STAIR	1	STAIR	1	STAIR	1
107	BATH	BATH	1	BATH	1	BATH	1	BATH	1	BATH	1
108	KITCHEN	KITCHEN	1	KITCHEN	1	KITCHEN	1	KITCHEN	1	KITCHEN	1
109	LIVING	LIVING	1	LIVING	1	LIVING	1	LIVING	1	LIVING	1
110	SLEEPING	SLEEPING	1	SLEEPING	1	SLEEPING	1	SLEEPING	1	SLEEPING	1
111	CLOSET	CLOSET	1	CLOSET	1	CLOSET	1	CLOSET	1	CLOSET	1
112	BEDROOM	BEDROOM	1	BEDROOM	1	BEDROOM	1	BEDROOM	1	BEDROOM	1
113	BEDROOM	BEDROOM	1	BEDROOM	1	BEDROOM	1	BEDROOM	1	BEDROOM	1

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

1. 401.1.402.1.407.1.409											
NO.	NAME	TYPE	QTY	UNIT	QTY	UNIT	QTY	UNIT	QTY	UNIT	QTY
101	CEILING	CEILING	1	CEILING	1	CEILING	1	CEILING	1	CEILING	1
102	FLOOR	FLOOR	1	FLOOR	1	FLOOR	1	FLOOR	1	FLOOR	1
103	WALL	WALL	1	WALL	1	WALL	1	WALL	1	WALL	1
104	DOOR	DOOR	1	DOOR	1	DOOR	1	DOOR	1	DOOR	1
105	WINDOW	WINDOW	1	WINDOW	1	WINDOW	1	WINDOW	1	WINDOW	1
106	STAIR	STAIR	1	STAIR	1	STAIR	1	STAIR	1	STAIR	1
107	BATH	BATH	1	BATH	1	BATH	1	BATH	1	BATH	1
108	KITCHEN	KITCHEN	1	KITCHEN	1	KITCHEN	1	KITCHEN	1	KITCHEN	1
109	LIVING	LIVING	1	LIVING	1	LIVING	1	LIVING	1	LIVING	1
110	SLEEPING	SLEEPING	1	SLEEPING	1	SLEEPING	1	SLEEPING	1	SLEEPING	1
111	CLOSET	CLOSET	1	CLOSET	1	CLOSET	1	CLOSET	1	CLOSET	1
112	BEDROOM	BEDROOM	1	BEDROOM	1	BEDROOM	1	BEDROOM	1	BEDROOM	1
113	BEDROOM	BEDROOM	1	BEDROOM	1	BEDROOM	1	BEDROOM	1	BEDROOM	1

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



PROJECT

INDIANAPOLIS MULTI FAMILY
DEVELOPMENT COMPLEX

A NEW HOUSING PROJECT FOR:

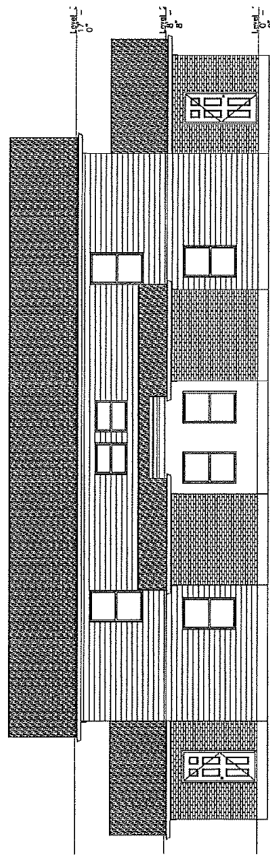
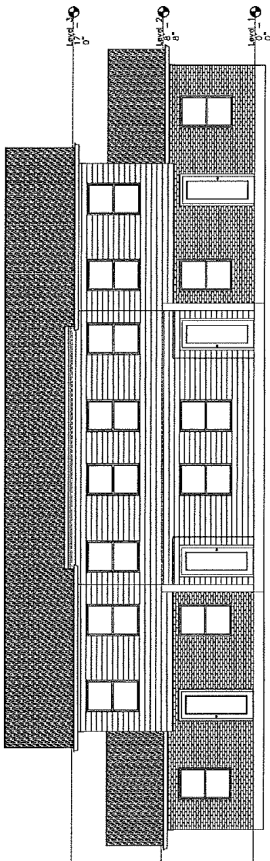
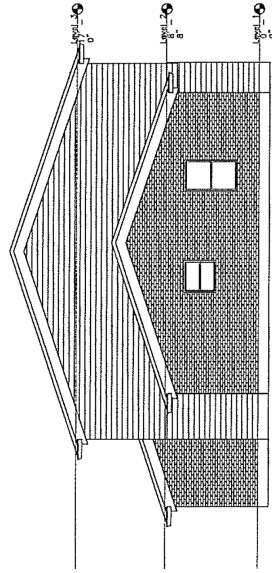
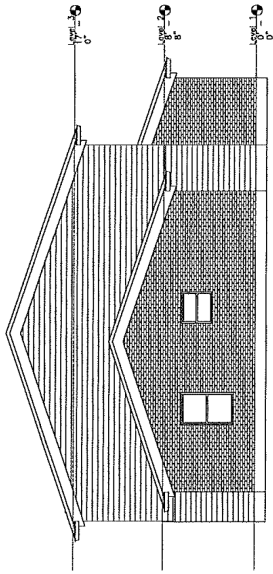
PROJ. NO. - T.E.D.
DATE - 08/01/2010
REVISIONS
DATE
DATE
DATE

SHEET NAME

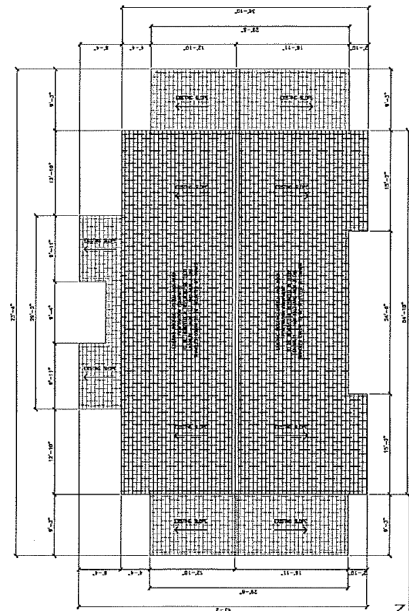
Typical Two Story
Four Plex Unit
Plans

SHEET NUMBER

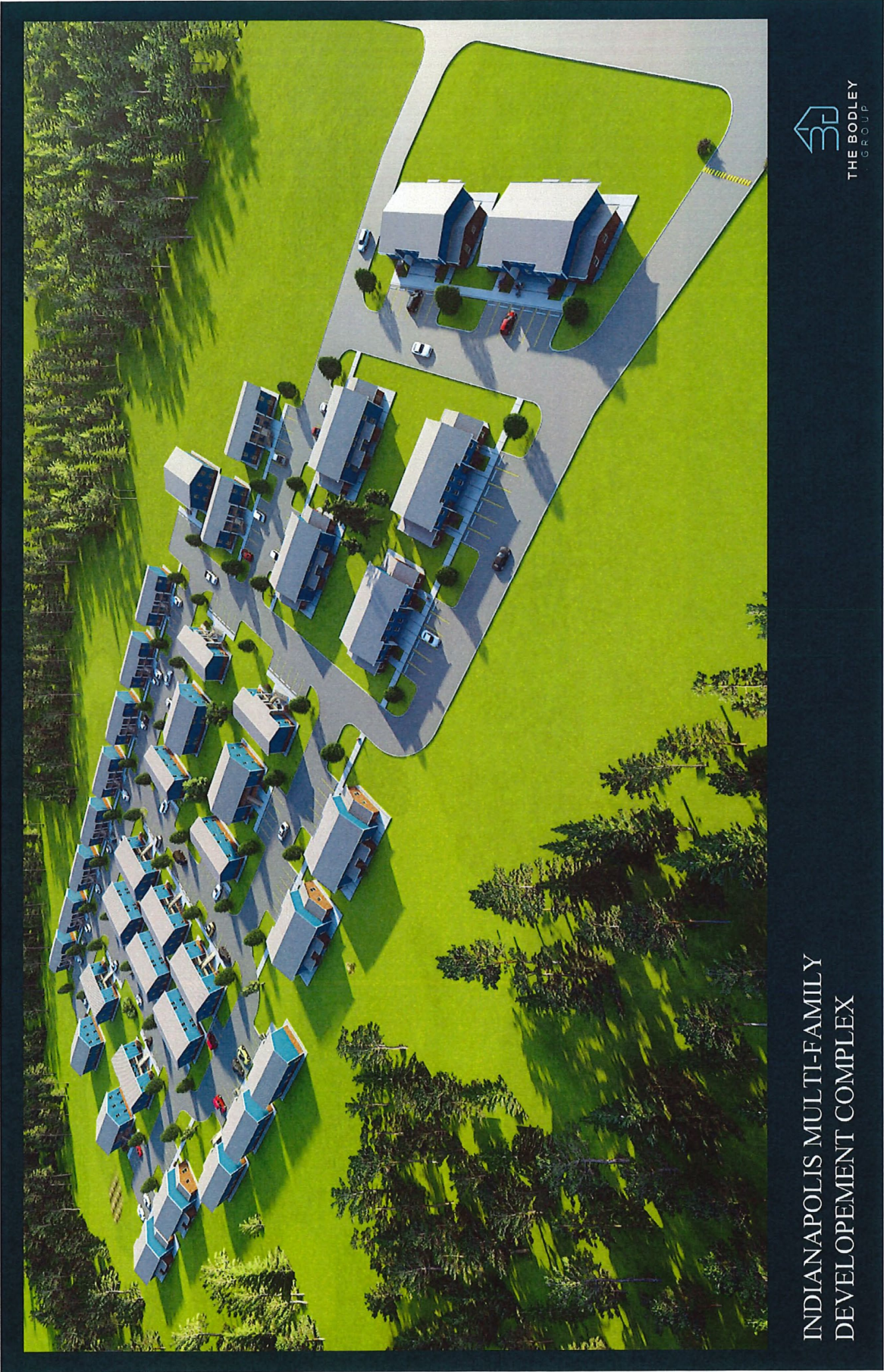
A104



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



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



INDIANAPOLIS MULTI-FAMILY
DEVELOPMENT COMPLEX

 THE BODLEY
GROUP




THE BODLEY
GROUP

INDIANAPOLIS MULTI-FAMILY
DEVELOPEMENT COMPLEX



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-855 / 2022-CVR-855 / 2022-CPL-855 (Amended)
Address: 1806 South East Street (*Approximate Address*)
Location: Center Township, Council District #16
Petitioner: 1800 BLOK, LLC, by Paul J. Lambie
Requests: Rezoning of 0.11 acre from the C-3 District to the MU-2 district to provide for a mixed-use development.

Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for a two-unit row house with a first story elevated two feet above street level (four foot elevation required), with patios encroaching seven feet into the right-of-way on Iowa Street (not permitted), with lot areas of 690 square feet (minimum 1,200 square feet required), with a five-foot rear-yard setback (fifteen feet required), a zero-foot west side-yard setback for proposed Lot Three (five feet required), with a parking and service area located within a transitional yard (ten-foot transitional yard required), and to provide for a mixed-use building with deficient landscaping/street trees (20% planting beds required in a front yard, one ornamental street tree per every 20 feet of frontage required), and encroaching into the clear sight triangle of East Street and Iowa Street.

Approval of a Subdivision Plat to be known as Blok's Replat of Lot 98 in Kappes & Franks Subdivision, dividing 0.11 acre into three lots.

A timely automatic continuance was submitted by a remonstrator continuing this matter from the **December 15, 2022 hearing** to the **January 12, 2023 hearing**.

This petition was granted a continuance for cause from the **October 13, 2022 hearing** to the **December 15, 2022 hearing** to provide for an amendment.

RECOMMENDATIONS

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

Staff **recommends approval of the variance** petitions with a commitment that approval and issuance of an Improvement Location Permit is subject to the site plan file-dated November 28, 2022.

Staff recommends that the Hearing Examiner **approve** and find that the plat, file-dated December 19, 2022, complies with the standards of the Subdivision regulations, subject to the following conditions:

1. Subject to the Standards and Specifications of the Department of Public Works, Sanitation Section.

(Continued)

2022-CZN-855 / 2022-CVR-855 / 2022-CPL-855 STAFF REPORT (Continued)

2. Subject to the Standards and Specifications of the Department of Public Works, Drainage Section.
3. Subject to the Standards and Specifications of the Department of Public Works, Transportation Section.
4. That addresses and street names, as approved by the Department of Metropolitan Development, be affixed to the final plat, prior to recording.
5. That the Enforcement Covenant (Section 741-701, of the Consolidated Zoning and Subdivision Ordinance) be affixed to the final plat, prior to recording.
6. That the Site Distance Covenant (Section 741-702, of the Consolidated Zoning and Subdivision Ordinance) be affixed to the final plat, prior to recording.
7. That the Sanitary Sewer Covenant (Section 741-704, of the Consolidated Zoning and Subdivision Ordinance) be affixed to the final plat, prior to recording.
8. That the Storm Drainage Covenant (Section 741-703, of the Consolidated Zoning and Subdivision Ordinance) be affixed to the final plat, prior to recording.
9. That the plat restrictions and covenants, done in accordance with the rezoning commitments, be submitted, prior to recording the final plat.
10. That all the standards related to secondary plat approval listed in Sections 741-207 and 741-208 of the Consolidated Zoning and Subdivision Ordinance 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 C-3 and is undeveloped. It is a corner lot at the intersection of South East Street and Iowa Street within the Bates-Hendrix Neighborhood.
- ◇ This petition would rezone this property to the MU-2 district to permit a mixed-use development including a commercial space and two attached townhomes. A plat would subdivide the property into three lots with a common area in the rear so that each unit may have separate ownership, with a shared service area for ADA parking and waste collection.

REZONING

- ◇ This petition would rezone this site from the C-3 district to the MU-2 district to permit a commercial tenant space and two townhomes in a single structure.
- ◇ The comprehensive plan recommends Traditional Neighborhood uses, which would support a mix of housing types and small-scale commercial uses. Typology standards suggest locating townhomes at intersections near neighborhood-serving retail. This portion of east street contains a mix of residential and commercial uses. The comprehensive plan suggests that commercial uses are preferred as part of a mixed-use building, located at intersections, and limited to an aggregate of one acre. The proposed rezoning and development are consistent with the land use plan recommendations and their conditions. Therefore, staff is recommending approval of the rezoning.

(Continued)

2022-CZN-855 / 2022-CVR-855 / 2022-CPL-855 STAFF REPORT (Continued)**VARIANCE**

- ◇ This request would provide for a two-unit row house with a first story elevated two feet above street level (four-foot elevation required), with patios encroaching seven feet into the right-of-way on Iowa Street (not permitted), with lot areas of 690 square feet (minimum 1,200 square feet required), with a five-foot rear-yard setback (fifteen feet required), a zero-foot west side-yard setback for proposed Lot Three (five feet required).
- ◇ Staff would note that several of these variances are related to the request to plat the residential uses as townhomes. The intent of this development is to provide for owner-occupied residential units as part of a mixed-use development. Similarly, a condominium agreement or multi-family apartments would not require a minimum lot area or minimum elevation. Setbacks would be subject to the MU-2 district standards instead of the residential housing types in Table 742.103.03. If approved, these lots would not be permitted to be developed as single-family detached housing. Therefore, staff is recommending approval of these variances as they are similar in use and character to the condominium or multi-family uses that would not require variances.
- ◇ The townhomes proposed on Lots Two and Three are requesting a reduced lot area, and a reduced rear setback of five feet where fifteen feet is required. The townhomes proposed are attached to a commercial building with a five-foot south side setback, which is the same southern property boundary. The rear setback of the townhomes would align with the commercial building, which complies with the ordinance. Each townhome would be 20 feet wide, as required by ordinance, but their depth would align with the north and south building exterior elevations of the commercial building, resulting in a lot area of 690 square feet. Staff would also note that this standard would only apply because these lots are being platted as townhomes. The setback would be compliant for multi-family or condominiums, which are a similar use. Staff is not opposed to a reduced rear setback where it would align with the side setback of an attached commercial building. Staff is not opposed to reduced lot areas where the use would function similarly to condominiums, which do not have a minimum lot area.
- ◇ Lot Three would have a zero-foot west side setback where five feet is required. This zero-foot setback shares a property line with the proposed common area at the rear of the site. The common area would function similarly to a side setback by providing an undeveloped area between the building exterior and the boundaries of the site. Staff would also note that the need for the variance is due to platting as townhomes. If this development was a multi-family or condominiums and commercial mixed-use building, the plat would not be necessary, and the building would comply with development standards; therefore, staff is not opposed to the zero-foot side setback.
- ◇ This request would provide for townhomes with a two-foot first story elevation from grade where four feet is required. Where mixed use districts have first-floor residential, the minimum elevation required is two feet. The building may be within five feet of the sidewalk if an additional six inches in elevation is required for every foot that the façade is closer to the street than ten feet. The proposed development would be six feet from the sidewalk instead of ten feet, which would require an increase of two feet in elevation (four feet of encroachment). Given the small floor area of the development and the character of the neighborhood, staff would not be opposed to only the minimum two-foot first story elevation.

(Continued)

2022-CZN-855 / 2022-CVR-855 / 2022-CPL-855 STAFF REPORT (Continued)

- ◇ This request would provide for the townhomes to have patios encroaching seven feet into the right-of-way of Iowa Street. The proposed patios are uncovered as shown on the elevations below. Iowa Street is improved with a two-way street, parking on the south frontage, and sidewalks on both sides of the street. The undeveloped right-of-way adjacent to the site contains underground utilities and a fire hydrant. Although located in the right-of-way, the proposed patios are unlikely to negatively impact the site. If approved, an encroachment license must be obtained from the Department of Business and Neighborhood Services, and would place any liability for the patios on the property owner. Therefore, staff is not opposed to the encroachment.
- ◇ This request would provide for a parking and service area located within a transitional yard (ten-foot transitional yard required). The common area contains one van-accessible ADA parking space, which would maneuver directly in the alley to the west. The dumpster enclosure would also be accessed directly from the alley to the west. The common area has a lot width of 22.08 feet. Staff thinks that the layout proposed is the most practical for the needs of the site and is therefore not opposed to the encroachment into the transitional yard.
- ◇ Staff would note that the site would only require two parking spaces for the townhomes as commercial properties less than 5,000 square feet are not required to provide off-street parking. Existing on-street parking may be utilized to meet parking minimums within the compact context area, so two on-street spaces on Iowa Street meet this requirement. The applicant has provided one off-street accessible parking space to address neighborhood concerns.
- ◇ This request would provide for a mixed-use building with deficient landscaping/street trees (20% planting beds required in a front yard, one ornamental street tree per every 20 feet of frontage required). The small lot size would not provide adequate room for frontage landscaping; however, the site plan includes planter boxes, shrubs, and some ornamental trees as an alternative to the required minimums. Given the constraints of the site, staff is not opposed to reduced landscaping. The landscape plan must comply with the site plan file-dated November 28, 2022 for issuance of an Improvement Location Permit. Flora permits are required for any plants in the right-of-way.
- ◇ This request would provide for a building encroaching into the clear sight triangle of East Street and Iowa Street. The propose building would have a ten-foot front setback from East Street and a zero-foot setback from Iowa Street. The corner of the building is slightly set back to offset the encroachment into the clear sight triangle. Staff would note that this intersection has a stop sign, and that on-street parking exists on both sides of East Street. Staff would argue that the existing on-street parking limits traffic visibility more than the proposed building's encroachment, so traffic would not be significantly impacted. Staff would also note that many existing buildings in the vicinity also encroach into clear sight triangles. Therefore, staff is not opposed to the encroachment.
- ◇ Staff would note that all outdoor seating must obtain sidewalk café licenses from the Department of Business and Neighborhood Services.
- ◇ Staff recommends approval of all variances requested with a commitment that the development must comply with the site plan file-dated November 28, 2022.

(Continued)

2022-CZN-855 / 2022-CVR-855 / 2022-CPL-855 STAFF REPORT (Continued)**PLAT**

- ◇ The plat would subdivide the subject site into three lots and a common area.
- ◇ Lot One would be 2,573 square feet and would provide for a commercial tenant space, anticipated for use by a restaurant. This lot would front on the corner of East Street and Iowa Street with the primary entrance facing East Street.
- ◇ Lots Two and Three would each contain 690 square feet and would provide for two townhomes. These lots would front on Iowa Street with the primary entrances facing north. Approval of lots two and three are subject to approval of the variances for 2022-CVR-855.
- ◇ The rear common area would contain 762 square feet.

TRAFFIC / STREETS

- ◇ The subject site has frontages on two existing streets: East Street and Iowa Street. No new streets are proposed as part of this petition.
- ◇ The common area at the rear of the property would be accessed by the alley to the west. The common area also has frontage on Iowa Street.

SIDEWALKS

- ◇ Sidewalks are existing on East Street and Iowa Street.

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

C-3	Compact	Undeveloped
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SURROUNDING ZONING AND LAND USE

North	C-3	Mixed-use
South	C-3	Residential
East	C-3	Residential
West	D-5	Residential

**COMPREHENSIVE LAND USE PLAN
THOROUGHFARE PLAN****Traditional Neighborhood**

East Street is classified in the Official Thoroughfare Plan for Marion County, Indiana as a Primary Arterial, with a 50-foot existing and a 56-foot proposed right-of-way.

Iowa Street is classified in the Official Thoroughfare Plan for Marion County, Indiana as a Local Street, with a 50-foot existing and proposed right-of-way.

FINDINGS OF FACT

File-dated June 23, 2022

SITE PLAN

File-dated June 23, 2022

SITE PLAN (AMENDED)

File-dated October 18, 2022

(Continued)

2022-CZN-855 / 2022-CVR-855 / 2022-CPL-855 STAFF REPORT (Continued)

SURVEY	File-dated October 18, 2022
SURVEY (AMENDED)	File-dated December 19, 2022
COMMITMENTS	File-dated November 9, 2022

ZONING HISTORY – SITE

None

ZONING HISTORY – VICINITY

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

2017-ZON-016, 1816 South East Street and various addresses, rezoning from the C-3 district to the D-5 district, **approved**.

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

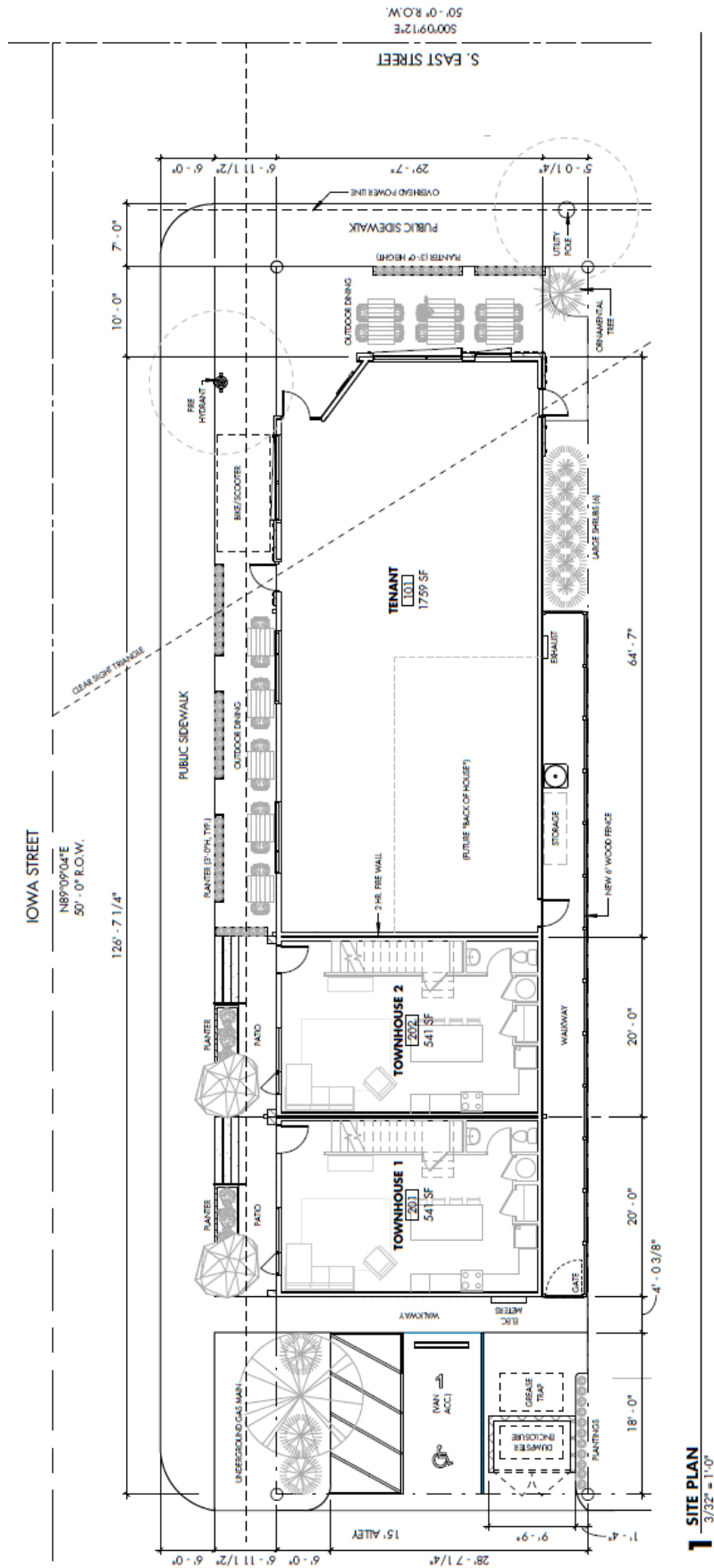
97-UV2-84, 421 East Iowa Street, variance to legally establish the conversion of a single-family dwelling to a two-family dwelling, with a lot area of 4,416 square feet, a lot width of 32 feet, and a main floor area for a one-story building of 687 square feet and 622 square feet per unit, **approved**.

AR

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

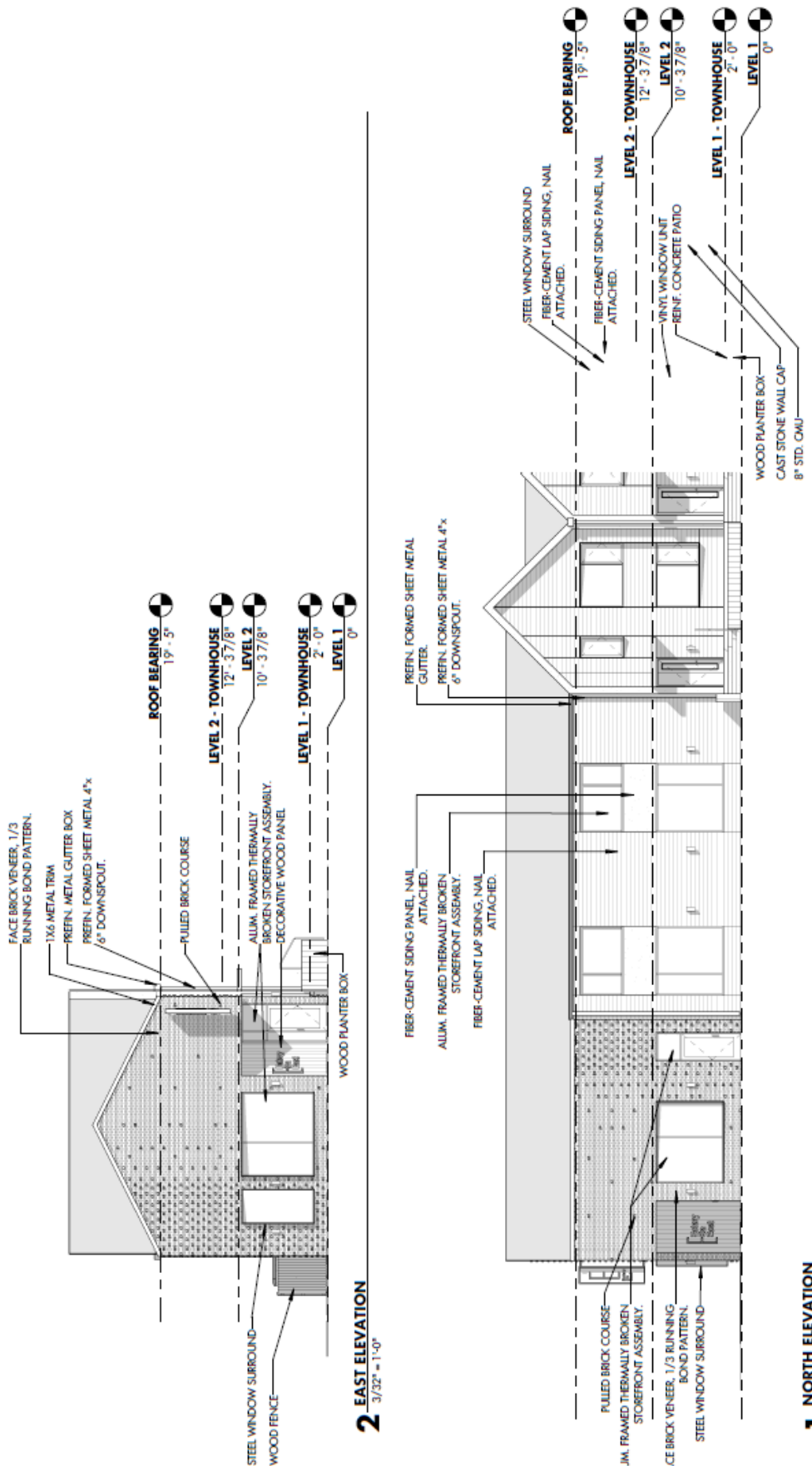






EAST STREET INFILL
1806 S. EAST STREET, INDIANAPOLIS, IN 46225
SITE PLAN - CONCEPTUAL DESIGN
11/28/2022

BLACKLINE



EAST STREET INFILL
1806 S. EAST STREET, INDIANAPOLIS, IN 46225

EXTERIOR ELEVATIONS - CONCEPTUAL DESIGN
10/25/2022

BLACKLINE

2022-CZN-855 / 2022-CVR-855 / 2022-CPL-855 Findings of Fact

Petition Number _____

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

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

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

the proposed development would be consistent with the development pattern of the neighborhood where shorter setbacks resulting in obstructions of the clear sight triangle are common, but do not compromise safety because the smaller narrower streets result in slower traffic which doesn't necessitate large clear sight triangles.

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

the proposed development would be consistne with the development pattern of the neighborhood where shorter setbacks resulting in obstructions of the clear sight triangle areas are common.

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

meeting the full clear sight triangle requirements would render the site nearly undevelopable and what limited development would be permitted would be wholly inconsistent with the development pattern of the neighborhood.

2022-CZN-855 / 2022-CVR-855 / 2022-CPL-855 Photographs



Subject site viewed from alley, facing north



Subject site viewed from alley, facing east



Subject site viewed from East Street, facing south



Subject site viewed from the intersection of East Street and Iowa Street, facing west



Intersection of East Street and Iowa Street, north and east of site



View of intersection of East Street and Iowa Street from a vehicle, looking south