



# Metropolitan Development Commission Hearing Examiner (July 13, 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, July 13, 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:

**1. 2023-ZON-042 | 3002 South Arlington Avenue**

Franklin Township, Council District #18  
Vishavdeep Singh Cheema, by David Kingen

Rezoning of 5.52 acres from the D-A district to the I-2 district to provide for light industrial uses.

**\*\*Petitioner request for a continuance to August 24, 2023**

**2. 2023-ZON-043 | 1400 Campbell Avenue**

Warren Township, Council District #19  
JAK Holdings Group, LLC, by Mark and Kim Crouch

Rezoning of 1.16 acres from the C-1 district to the D-7 district.

**\*\*Staff request for a continuance to August 10, 2023**

**3. 2023-ZON-054 | 1554 Ringgold Avenue**

Center Township, Council District #21  
Jason Blankenship, by Mark and Kim Crouch

Rezoning of 0.14 acres from the D-5 (TOD) district to the D-5II (TOD) district.

**\*\*Continuance request for Notice to July 27, 2023**

**4. 2023-ZON-055 | 8850 E 21st Street**

Warren Township, Council District #19  
8850 Twenty First Street, Inc, by David E. Dearing

Rezoning of 3.433 acres from the C-4 district to the D-7 district to provide for multi-family housing.

**\*\*Petitioner request for a continuance to August 10, 2023**

**5. 2023-ZON-056 | 3700 and 3818 South Post Road**

Franklin Township, Council District #18  
West Side Tractor Sales, by David A Retherford

Rezoning of 23.56 acres from the D-A and SU-43 districts to the C-S district to provide for a business headquarters and tractor and equipment sales and service.

**\*\*Petitioner request for a continuance to July 27, 2023**

**6. 2023-ZON-057 | 6801 and 6921 Mills Road and 6912 Camby Road**

Decatur Township, Council District #20  
Arbor Homes, by Caitlin Dopher

Rezoning of 106.721 acres from the D-A district to the D-4 district to provide for residential development.

**\*\*Staff request for a continuance to August 10, 2023 to allow for a Traffic Impact Study**

**7. 2023-CZN-833 / 2023-CPL-833 | 3815 North Lawndale Avenue**

Pike Township, Council District #10  
317 Realty Group LLC, by Jynell D. Berkshire

Rezoning of 1.192 acres from the D-7 District to the D-5II District to provide for single-family residential development.

Approval of a Subdivision Plat to be known as Lawndale Addition, dividing 1.192 acres into eight lots.

**\*\*Automatic Continuance filed by Registered Neighborhood Organization to August 10, 2023**

## Petitions for Public Hearing

### PETITIONS TO BE EXPEDITED:

**8. 2023-ZON-026 | 6501 Brookville Road**

Warren Township, Council District #18  
Brookville Mart, Inc., by Cindy Thrasher

Rezoning of 2.9 acres from the I-3 district to the C-4 district to provide for a gas station and convenience store.

**9. 2023-CAP-822 / 2023-CVR-822 | 1625, 1631 and 1637 Nowland Avenue and 1258 Windsor Street**

Center Township, Council District #17  
1625 Nowland, LLC, 1631 Nowland, LLC, Raymond Street Partners, LLC and Indianapolis Film Project, by David Kingen  
MU-2

Modification of the Site Plan and Commitments for 2017-CZN-816 / 2017-CVR-816 as modified by 2018-MOD-006 to:

- A. Modify Commitment #1 requiring adherence to the Site plan file-dated June 21, 2018 and the Plan of Operation file-dated July 18, 2018 to provide for an amended site plan and to provide for an outdoor seating area for the serving and sales of alcohol.
- B. Terminate Commitment #18 which required certain building materials and colors for the building façade and former window openings.
- C. Modify Commitment #22 to allow the selling and serving of alcohol (previous commitment prohibited alcohol sales).

### PETITIONS FOR PUBLIC HEARING (Continued Petitions):

**10. 2023-ZON-047 | 6901 Michigan Road**

Pike Township, Council District #7  
DealPoint Merrill, LLC, by J. Murray Clark

Rezoning of 11.737 acres from the C-4 district to the C-S district to provide for self-storage uses.

### PETITIONS FOR PUBLIC HEARING (New Petitions):

**11. 2023-ZON-053 | 2500 Lafayette Road**

Wayne Township, Council District #11  
Luis Antonio & Maria E. Mena, by Don Fisher

Rezoning of 0.762 acres from the C-4 district to the C-5 district to allow for vehicle sales.

**12. 2023-CVR-832 / 2023-CPL-832 | 2144 East 12th Street**

Center Township, Council District #17  
D-5  
Bybee Holdings LLC, by Jynell D. Berkshire

Variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for the subdivision of a 5,700 square foot lot into two lots, with:

- a) Lot One containing an area of 2,742 square feet (minimum 5,000 square feet of lot area required);
  - b) Lot Two containing an area of 2,968 square feet and a lot width of 27.82 feet (40-foot lot width required);
- And the construction of a single-family dwelling on each lot, with:
- c) The dwelling on Lot One having a 1.8-foot front yard setback from Jefferson Avenue and a five-foot rear yard setback (minimum 10-foot front setback, 20-foot rear yard setback required); and
  - d) The dwelling on Lot Two having a 5.1-foot rear yard setback.

Approval of a Subdivision Plat to be known as Bybee's 12th Street Addition, a replat of Lot 18 in Joseph A. Moore's Addition, subdividing 0.14 acre into two lots.

**Additional Business:**

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

## STAFF REPORT

Department of Metropolitan Development  
Division of Planning  
Current Planning Section

**Case Number:** 2023-ZON-042  
**Address:** 3002 South Arlington Avenue (*Approximate Addresses*)  
**Location:** Franklin Township, Council District #18  
**Petitioner:** Vishavdeep Singh Cheema, by David Gilman  
**Request:** Rezoning of 5.52 acres from the D-A district to the I-2 district to provide for light industrial uses.

The petitioner has requested a **continuance from the July 13, 2023 hearing to the August 24, 2023 hearing** to allow time for the petitioner to potentially amend the petition.

This petition was continued from the June 15, 2023 hearing to the July 13, 2023 hearing at the request of the petitioner to allow time for the petitioner to work with nearby interested parties.



## STAFF REPORT

Item 2.

Department of Metropolitan Development  
Division of Planning  
Current Planning Section

**Case Number:** 2023-ZON-043  
**Address:** 1400 Campbell Avenue (*Approximate Addresses*)  
**Location:** Warren Township, Council District #19  
**Petitioner:** JAK Holdings Group, LLC, by Mark and Kim Crouch  
**Request:** Rezoning of 1.16 acres from the C-1 district to the D-7 district.

Staff is requesting a **continuance from the July 13, 2023 hearing, to the August 10, 2023, hearing**, to provide time for the petitioner and their representative to clarify the request. The site plan initially submitted with the rezoning request has substantially changed and requires further discussions with staff.

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## STAFF REPORT

Department of Metropolitan Development  
Division of Planning  
Current Planning Section

**Case Number:** 2023-ZON-054  
**Address:** 1554 Ringgold Avenue (*Approximate Address*)  
**Location:** Center Township, Council District #21  
**Petitioner:** Jason Blankenship, by Mark and Kim Crouch  
**Request:** Rezoning of 0.14 acres from the D-5 (TOD) district to the D-5II (TOD) district.

This petition should be **continued from the July 13, 2023 hearing to the July 27, 2023 hearing** to provide time for the required mailed notice.

## STAFF REPORT

Item 4.

Department of Metropolitan Development  
Division of Planning  
Current Planning Section

**Case Number:** 2023-ZON-055  
**Address:** 8850 East 21<sup>st</sup> Street (*Approximate Address*)  
**Location:** Warren Township, Council District #19  
**Petitioner:** 8850 Twenty First Street, Inc, by David E. Dearing  
**Request:** Rezoning of 3.433 acres from the C-4 district to the D-7 district to provide for multi-family housing.

The petitioner has requested a **continuance from the July 13, 2023 hearing to the August 10, 2023 hearing** to allow time to supply additional information about the request and for further conversations with staff.

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## STAFF REPORT

Item 5.

Department of Metropolitan Development  
Division of Planning  
Current Planning Section

<b>Case Number:</b>	<b>2023-ZON-056</b>
<b>Address:</b>	<b>3700 and 3818 South Post Road (<i>Approximate Address</i>)</b>
<b>Location:</b>	<b>Franklin Township, Council District #18</b>
<b>Petitioner:</b>	<b>West Side Tractor Sales, by David A Retherford</b>
<b>Requests:</b>	<b>Rezoning of 23.56 acres from the D-A and SU-43 districts to the C-S district to provide for a business headquarters and tractor and equipment sales and service.</b>

The petitioner's representative has requested a **continuance from the July 13, 2023 hearing, to the July 27, 2023, hearing.** Staff would have no objection to the continuance request.

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## STAFF REPORT

Department of Metropolitan Development  
Division of Planning  
Current Planning Section

**Case Number:** 2023-ZON-057  
**Address:** 6801 and 6921 Mills Road and 6912 Camby Road (*Approximate Addresses*)  
**Location:** Decatur Township, Council District #20  
**Petitioner:** Arbor Homes, by Caitlin Dopher  
**Request:** Rezoning of 106.721 acres from the D-A district to the D-4 district to provide for residential development.

Staff requests a **continuance from the July 13, 2023 hearing to the August 10, 2023 hearing** to allow time for the submission and review of a traffic impact study.

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**STAFF REPORT**

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

**Case Number:** 2023-CZN-833 / 2023-CPL-833  
**Address:** 3815 North Lawndale Avenue (*Approximate Address*)  
**Location:** Pike Township, Council District #10  
**Petitioner:** 317 Realty Group LLC, by Jynell D. Berkshire  
**Requests:** Rezoning of 1.192 acres from the D-7 District to the D-5II District to provide for single-family residential development.  
  
**Approval of a Subdivision Plat to be known as Lawndale Addition, dividing 1.192 acres into eight lots.**

A timely automatic continuance request was submitted by a registered neighborhood organization **continuing this matter from the July 13, 2023 hearing to the August 10, 2023 hearing**. This would require the Hearing Examiner's acknowledgement.

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## STAFF REPORT

Item 8.

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

**Case Number:** 2023-ZON-026  
**Address:** 6501 Brookville Road (*Approximate Address*)  
**Location:** Warren Township, Council District #18  
**Petitioner:** Brookville Mart, Inc., by Cindy Thrasher  
**Request:** Rezoning of 2.9 acres from the I-3 district to the C-4 district to provide for a gas station and convenience store.

### **ADDENDUM FOR JULY 13, 2023, HEARING EXAMINER**

The Hearing Examiner continued this petition from the June 15, 2023 hearing, to the July 13, 2023 hearing, at the request of the petitioner's representative.

### **June 15, 2023**

The Hearing Examiner acknowledged an automatic continuance filed by a registered neighborhood organization that continued this petition from the May 11, 2023 hearing, to the June 15, 2023 hearing.

### **RECOMMENDATIONS**

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

1. The site and improved areas within the site shall be maintained in a reasonably neat and orderly manner during and after development of the site with appropriate areas and containers / receptables provided for the proper disposal of trash and other waste
2. A 56-foot half right-of-way shall be dedicated along the frontage of Brookville Road and a 40-foot half right-of-way along the frontage of South Kitley Avenue as per the request of the Department of Public Works (DPW), Engineering Division. Additional easements shall not be granted to third parties within the area to be dedicated as public right-of-way prior to the acceptance of all grants of right-of-way by the DPW. The right-of-way shall be granted within 60 days of approval and prior to the issuance of an Improvement Location Permit (ILP).

### **SUMMARY OF ISSUES**

The following issues were considered in formulating the recommendation:

### **LAND USE**

- ◇ This 2.9-acre site, zoned I-3, is comprised of three parcels, and developed with an industrial building (vacant) and parking lot. It is surrounded by commercial, industrial, and residential uses to the north; across Brookville Road, zoned C-7, I-3 and D-11, respectively; railroad right-of-way to the east and south, zoned I-3; and industrial uses to the west, across Kitley Avenue, zoned I-4.

(Continued)

**REZONING**

- ◇ This request would rezone the site from the I-3 District to the C-4 classification. “The C-4 District is designed to provide for the development of major business groupings and regional-size shopping centers to serve a population ranging from a community or neighborhoods to a major segment of the total metropolitan area. These centers may feature a number of large traffic generators such as home improvement stores, department stores, and theatres. Even the smallest of such freestanding uses in this district, as well as commercial centers, require excellent access from major thoroughfares. While these centers are usually characterized by indoor operations, certain permitted uses may have limited outdoor activities, as specified.”
- ◇ The Comprehensive Plan recommends heavy commercial typology. “The Heavy Commercial typology provides for consumer-oriented general commercial, and office uses that tend to exhibit characteristics that are not compatible with less intensive land uses. They are often dominated by exterior operations, sales, and display of goods. Examples include vehicle sales and commercial lumber yards.”
- ◇ The Pattern Book lays out a land use classification system that guides the orderly development of the county, protects the character of neighborhoods and serves as a policy guide for development or redevelopment of a site.
- ◇ The following elements of the Pattern Book apply to this site:

*Heavy Commercial Uses*

- Should be located along an arterial or collector streets

**Environmental Public Nuisances**

- ◇ The purpose of the Revised Code of the Consolidated City and County, Sec.575 (Environmental Public Nuisances) is to protect public safety, health and welfare and enhance the environment for the people of the city by making it unlawful for property owners and occupants to allow an environmental public nuisance to exist.
- ◇ All owners, occupants, or other persons in control of any private property within the city shall be required to keep the private property free from environmental nuisances.
- ◇ Environmental public nuisance means:
  1. Vegetation on private or governmental property that is abandoned, neglected, disregarded or not cut, mown, or otherwise removed and that has attained a height of twelve (12) inches or more;
  2. Vegetation, trees or woody growth on private property that, due to its proximity to any governmental property, right-of-way or easement, interferes with the public safety or lawful use of the governmental property, right-of-way or easement or that has been allowed to become a health or safety hazard;

(Continued)



3. A drainage or stormwater management facility as defined in [Chapter 561](#) of this Code on private or governmental property, which facility has not been maintained as required by that chapter; or
  4. Property that has accumulated litter or waste products, unless specifically authorized under existing laws and regulations, or that has otherwise been allowed to become a health or safety hazard.
- ◇ Staff would request a commitment that emphasizes the importance of maintaining the site in a neat and orderly manner at all times and provide containers and receptacles for proper disposal of trash and other waste.

### **Department of Public Works**

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

### **Planning Analysis**

- ◇ The request would be generally consistent with the Comprehensive Plan recommendation of heavy commercial. The proposed use would not be considered a heavy commercial use but would be permitted in a heavy commercial district and would be compatible with surrounding commercial and industrial uses.
- ◇ Because of the anticipated redevelopment of the site, and the likely demolition of the existing structure, staff believes there would be minimal development impediments on this site. Consequently, staff would not support any development standards variances associated with the proposed use, including a waiver of sidewalks along both street frontages.

### **GENERAL INFORMATION**

#### **EXISTING ZONING AND LAND USE**

I-3                      Industrial uses (vacant)

#### **SURROUNDING ZONING AND LAND USE**

North -	C-7 / I-3 / D-11	Commercial uses / industrial uses / mobile home park
South -	I-3	Railroad right-of-way
East -	I-3	Railroad right-of-way
West -	I-4	Industrial uses

(Continued)

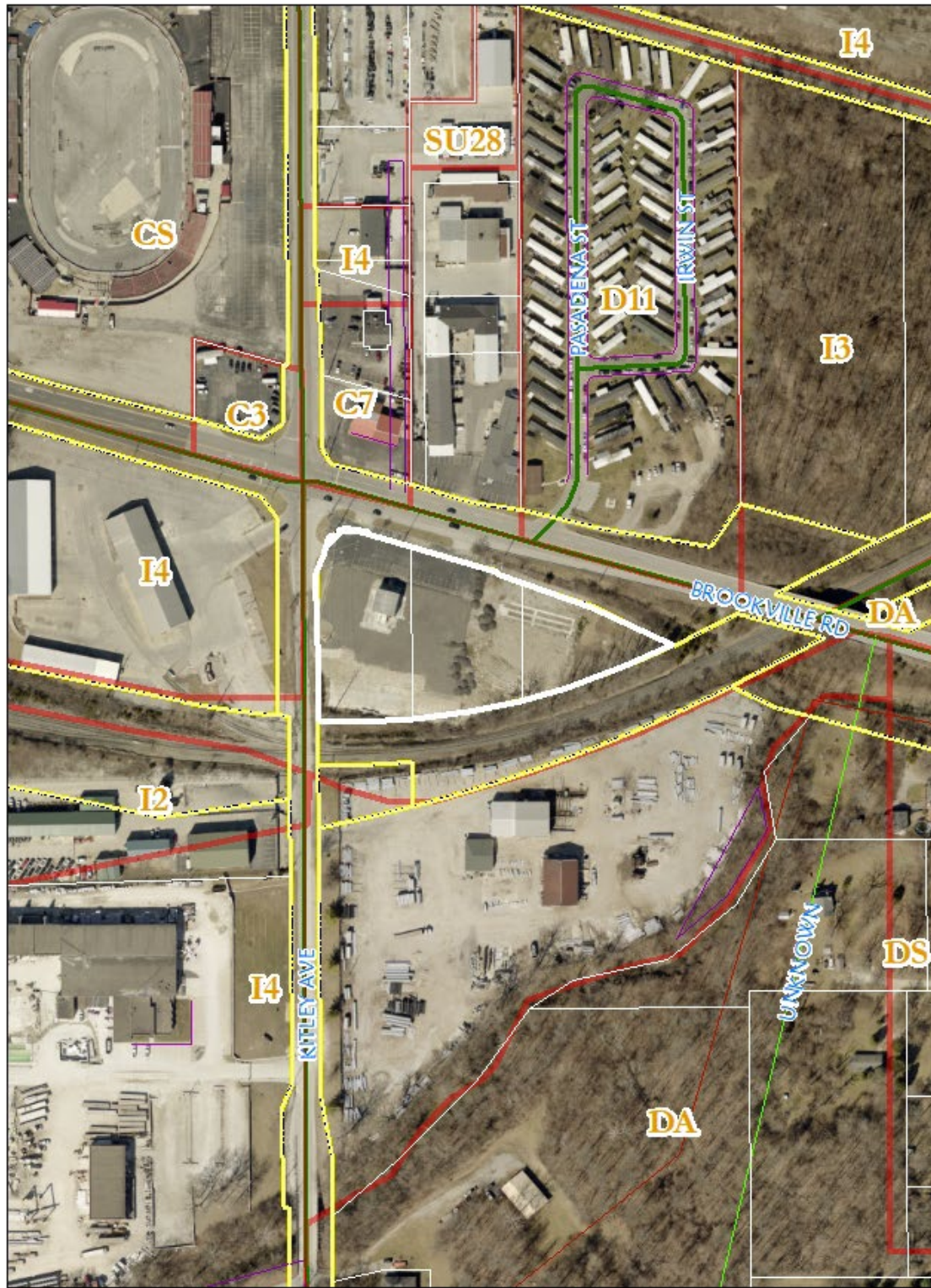
COMPREHENSIVE PLAN	The Comprehensive Land Use Plan for Indianapolis and Marion County (2018) recommends heavy commercial typology. Marion County Land Use Pattern Book (2019).
THOROUGHFARE PLAN	This portion of Brookville Road is designated in the Marion County Thoroughfare Plan as a primary arterial, with an existing 105-foot right-of-way and a proposed 112-foot right-of-way.  This portion of South Kitley Avenue is designated in the Marion County Thoroughfare Plan as a primary collector, with an existing 70-foot right-of-way and a proposed 80-foot right-of-way
CONTEXT AREA	This site is located within the metro context area.
OVERLAY	There is no overlay for this site.

**ZONING HISTORY**

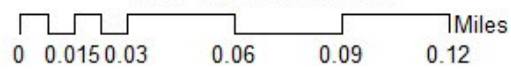
**None.**

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6501 brookville rd







View looking west along Brookville Road



View looking east along Brookville Road





View looking north along South Kitley Avenue



View looking northwest across intersection of Brookville Road and South Kitley Avenue





View of site looking southeast across Brookville Road



View of site looking south across Brookville Road





View of site looking south across Brookville Road



View of site looking east across South Kitley Avenue





View of site looking east across South Kitley Avenue



View of site looking east across South Kitley Avenue





View of southern boundary of site looking east across South Kitley Avenue

## STAFF REPORT

Item 9.

Department of Metropolitan Development  
Division of Planning  
Current Planning Section

**Case Number:** 2023-CAP-822 / 2023-CVR-822  
**Address:** 1625, 1631 and 1637 Nowland Avenue and 1258 Windsor Street  
(Approximate Address)  
**Location:** Center Township, Council District #17  
**Petitioner:** 1625 Nowland, LLC, 1631 Nowland, LLC, Raymond Street Partners, LLC  
and Indianapolis Film Project, by David Kingen  
**Zoning:** MU-2  
**Requests:** Modification of the Site Plan and Commitments for 2017-CZN-816 / 2017-CVR-816 as modified by 2018-MOD-006 to:

- A. Modify Commitment #1 requiring adherence to the Site plan file-dated June 21, 2018 and the Plan of Operation file-dated July 18, 2018 to provide for an amended site plan and to provide for an outdoor seating area for the serving and sales of alcohol.
- B. Terminate Commitment #18 which required certain building materials and colors for the building façade and former window openings.
- C. Modify Commitment #22 to allow the selling and serving of alcohol (previous commitment prohibited alcohol sales).

Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for a 6.75-foot tall fence with eleven-foot tall support posts surrounding an outdoor dining area (maximum 3.5-foot tall fence permitted).

The Hearing Examiner continued these petitions from the June 15, 2023 and June 29, 2023 hearings to provide for required notice.

The Hearing Examiner continued these petitions from the June 29, 2023 hearing to the July 13, 2023, at the request of staff to clarify the request.

### **RECOMMENDATIONS**

Staff has **no recommendation** of the modification of the site plan and commitments.

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

(Continued)

**SUMMARY OF ISSUES**

The following issues were considered in formulating the recommendation:

**LAND USE**

- ◇ This 1.07-acre site, zoned MU-2 is developed with a mixed-use development. The site is surrounded by park and floodway to the north, across Commercial Avenue and Nowland Avenue, zoned PK-1 and D-8, respectively; single-family dwellings to the south, zoned D-8; single-family dwellings to the west, across State Avenue, zoned D-8; and single-family dwellings and a library to the east, across Windsor Street, zoned MU-1 and SU-37, respectively.
- ◇ Petitions 2017-CZN 816 / 2017-CVR-816 / 2017-CVC-816 provided for a community theater and commercial uses with variances of development standards. Petition 2018-MOD-006 modified the previous site plan and commitments and provided for a Plan of Operation.

**MODIFICATION**

- ◇ This request would modify the site plan and commitments for 2017-CZN-816 / 2017-CVR-816, as modified by 2018 MOD-006 to provide for an outdoor seating area, certain building materials and colors and allow for the sale of alcohol. See Exhibit A and Exhibit B.
- ◇ 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.

**VARIANCE OF DEVELOPMENT STANDARDS**

- ◇ This request would provide for a 6.57-foot-tall fence with eleven-foot-tall support posts surrounding an outdoor dining area when the Ordinance limits the fence height to 3.5 feet.
- ◇ As proposed the fence is setback from Windsor Street and the building façade, which mitigates the impact of the height. Additionally, the fence encloses an approximately 35-foot-long dining area, with a landscape buffer, resulting in minimal impact to surrounding land uses. Staff, therefore, supports this variance.

(Continued)

**GENERAL INFORMATION****EXISTING ZONING AND LAND USE**

MU-2	Mixed-use
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**SURROUNDING ZONING AND LAND USE**

North -	PK-1 / D-8	Spade Park / Pogues Run Creek
South -	D-8	Single-family dwellings
East -	SU-37 / MU-1	Library branch / single-family dwellings
West -	D-8	Single-family dwellings

**COMPREHENSIVE PLAN**

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

**THOROUGHFARE PLAN**

This portion of Nowland Avenue is designated in the Marion County Thoroughfare Plan as a local street, with an existing and proposed 50-foot right-of-way.

This portion of Commerce Avenue is designated in the Marion County Thoroughfare Plan as a primary arterial, with an existing and proposed 90-foot right-of-way.

This portion of Windsor Avenue is designated in the Marion County Thoroughfare Plan as a local street, with an existing and proposed 55-foot right-of-way.

This portion of State Avenue is designated in the Marion County Thoroughfare Plan as a local street, with an existing 40-foot right-of-way and a proposed 45-foot right-of-way.

**CONTEXT AREA**

This site is located within the compact context area.

**SITE PLAN**

File-dated April 14, 2023

**SITE PLAN (AMENDED)**

File-dated May 19, 2023 and June 28, 2023

**FINDINGS OF FACT**

File-dated May 16, 2023

**ZONING HISTORY**

**2018-MOD-006; 1625, 1631 and 1637 Nowland Avenue; 1701 and 1705 Commerce Avenue and 1248 and 1254 Windsor Street (1258-parcel)**, provided for modification of the site plan and Commitments for 2017-CZN-816 / 2017-CVR-816 to modify Commitment One requiring adherence to the site plan file-dated September 27, 2017 and the Plan of Operation file-dated August 31, 2017 to provide for an amended site plan and eliminate renovation of the 14,000 square foot existing building, **approved.**

(Continued)

**2017-CZN 816 / 2017-CVR-816 / 2017-CVC-816; 1625, 1631 and 1637 Nowland Avenue; 1701 and 1705 Commerce Avenue and 1248 and 1254 Windsor Street (1258-parcel)**, requested rezoning of 1.07 acres from the SU-1, D-8 and MU-1 districts to the MU-2 classification to provide for a community theater and a restaurant and bar; variances of development standards with reduced parking, reduced transitional yard setbacks, an illuminated pylon / ground signs, with reduced front setbacks and vacation along Commerce and Nowland Avenues; and vacation of the first north-south alley, west of Windsor Street and irregular portions of Commercial Avenue, **approved and granted**.

**2007-AP3-002; 1258 Windsor Street**, requested administrative appeal of the Administrator's determination that an on-site soup kitchen is a reasonable related accessory use to a religious use, **withdrawn**.

**99-Z-158; 1248, 1252, 1254 Windsor Street**, requested rezoning of 0.4 acre from the D-8 and C-2 Districts to the SU-1 classification to provide for religious uses, **approved**.

#### **VICINITY**

**2004-ZON-087; 1601-1737 Massachusetts Avenue (north of site)**, requested rezoning of 2.9 acres from the I-4 U District to the SU-9 classification to provide for a work release correctional facility, **denied**.

**97-HOV-85; 1801 Nowland Avenue (north of site)**, requests a variance of development standards of the Sign Regulations to provide for the placement of a four-foot tall nine-square foot sign, **granted**.

**96-AP1-4; 1801 Nowland Avenue (east of site)**, requested modification of conditions related to petition 86-UV1-46 to modify condition #3 to provide for two double-faced signs, **withdrawn**.

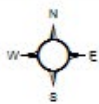
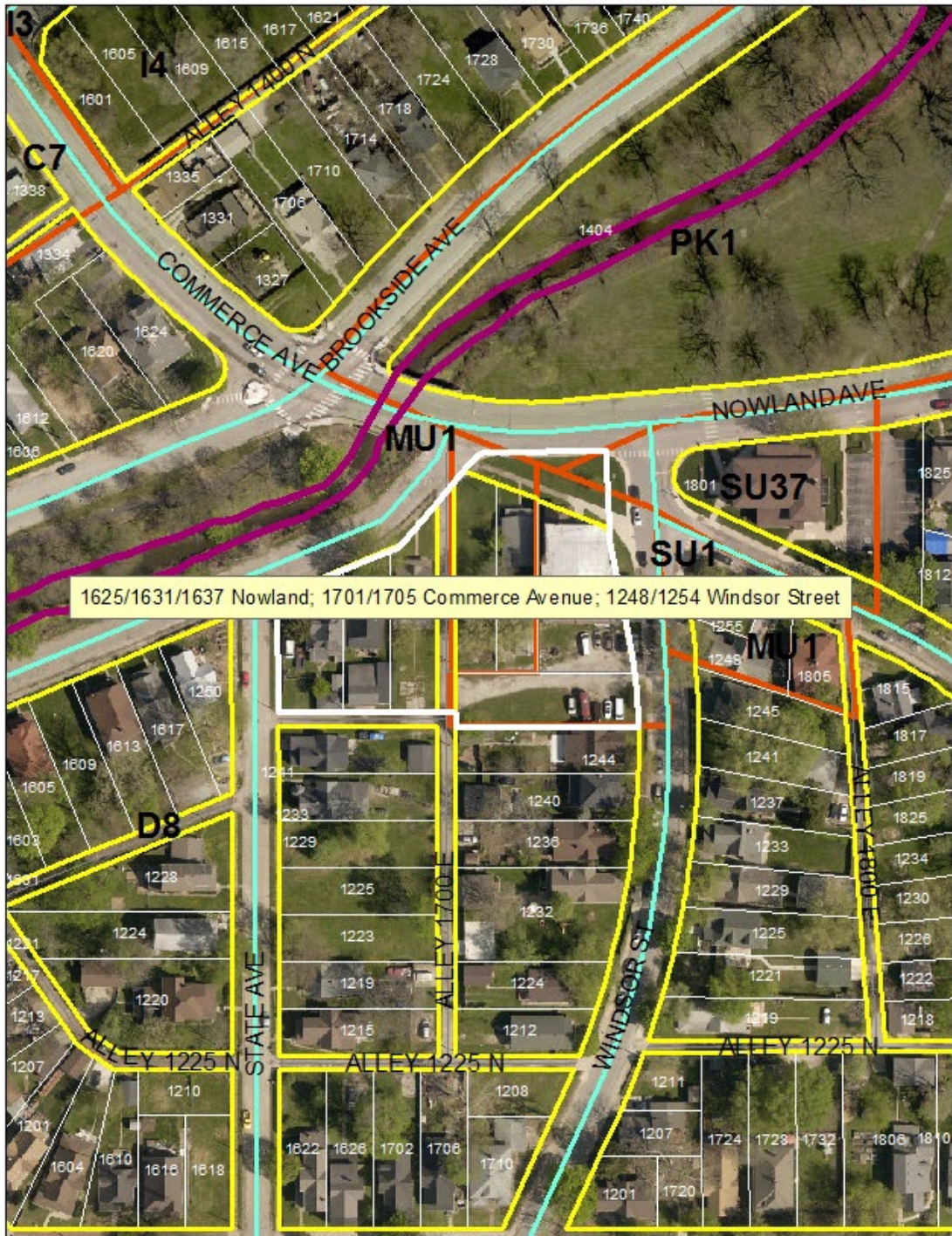
**95-Z-197 (905-CV-34) 1338 and 1344 Commerce Avenue (north of site)**, requested rezoning of 0.23 acre from the C-e District to the C-ID classification, and a variance of development standards to permit construction of a building with a reduce front setback and side transitional yard, an access drive within 15 feet of a protected district and a gravel storage area, **approved and granted**

**86-UV1-46; 1801 Nowland Avenue (east of site)**, requested a variance of use of the Dwelling Districts Zoning Ordinance and the Sign Regulations to provide for construction of a parking lot to serve an existing library and for a double-faced ground sign, **granted**.

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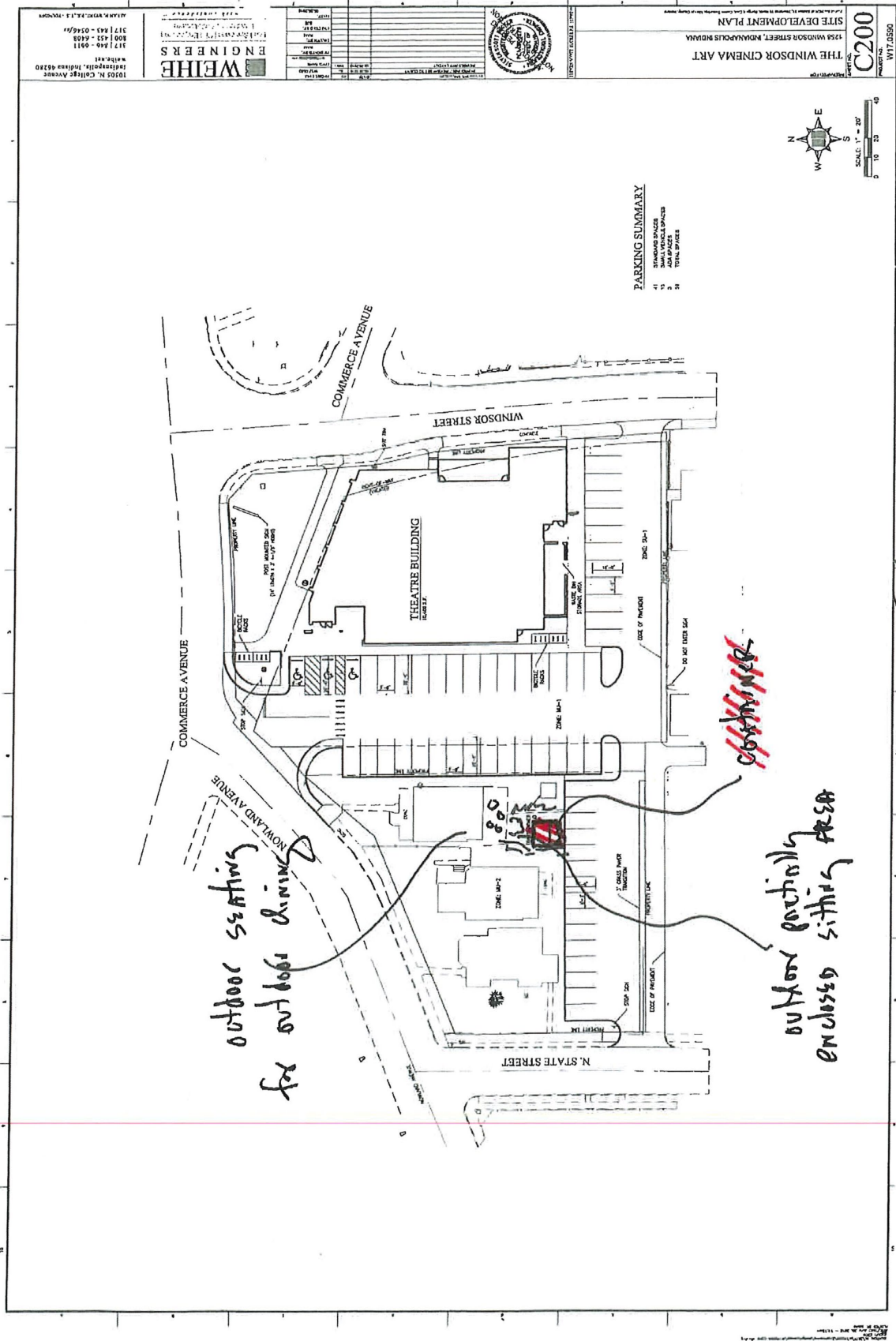
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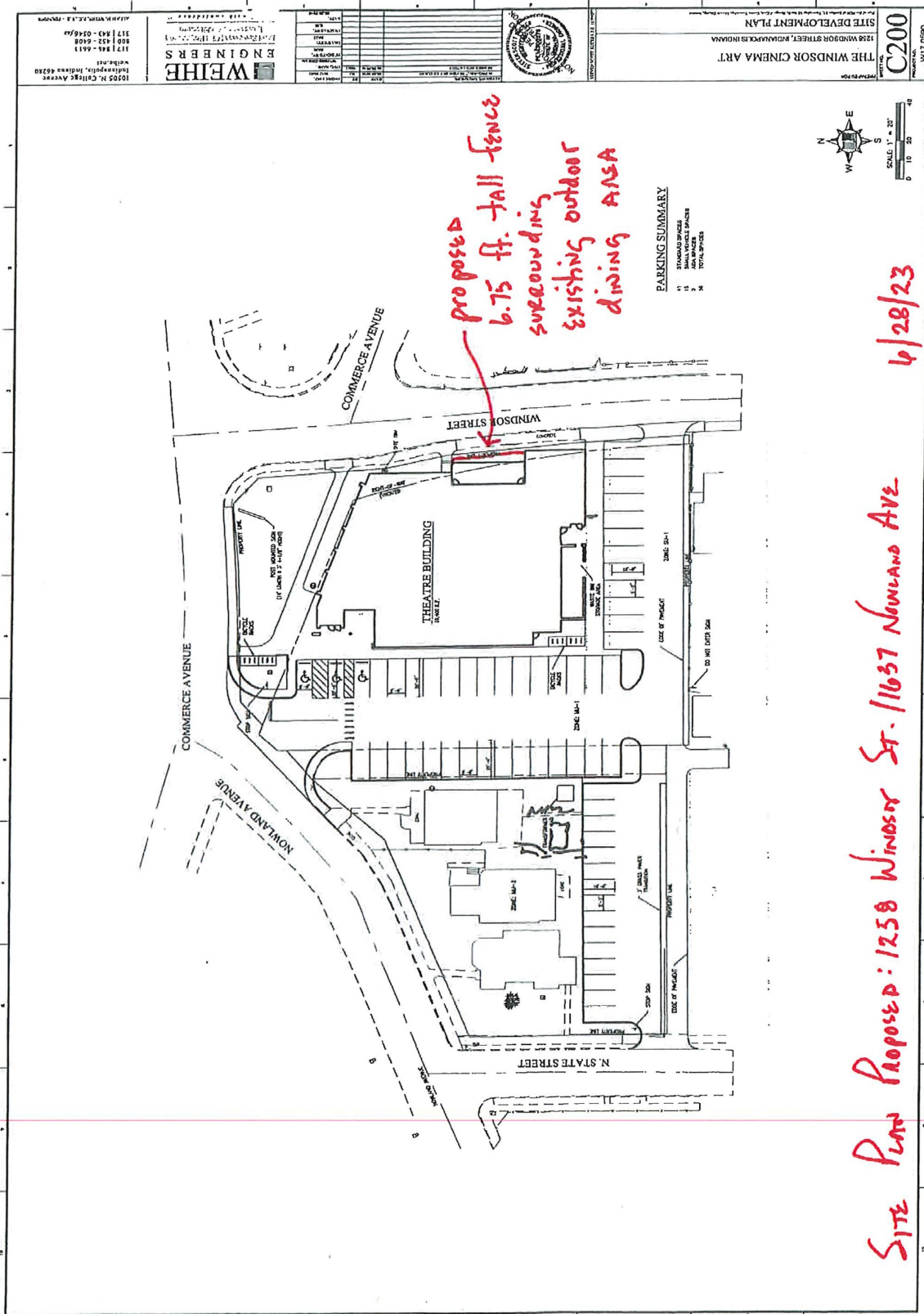


Various addresses on Nowland Avenue  
Commerce Avenue and Windsor Street

0 25 75 140 210 280 Feet









A201800034909

04/11/2018 9:27 AM  
 KATHERINE SWEENEY BELL  
 MARION COUNTY IN RECORDER  
 FEE: \$ 35.00  
 PAGES: 11  
 By: MEW

## STATEMENT OF COMMITMENTS

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

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

**Legal Description:** (See attached) 1248, 1254 and 1258 Windsor Street; 1625, 1631 and 1637 Nowland Avenue; 1701 and 1705 Commerce Avenue.

**Statement of COMMITMENTS:**

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

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

MDC's Exhibit B - - page 1 of 5

Metropolitan Development

DEC 28 2018

Division of Planning



mwll

COMMITMENTS contained in this instrument shall be effective upon:

- (a) the adoption of rezoning petition # 2017-CZN-816/ 2017-CVR-816 by the City-County Council changing the zoning classification of the real estate from a SU-1/ D-8 and MU-1 zoning classification to a MU-2 zoning classification; or
- (b) the adoption of approval petition # \_\_\_\_\_ by the Metropolitan Development Commission;

and shall continue in effect for as long as the above-described parcel of real estate remains zoned to the MU-2 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. Windsor Park Neighborhood Association, Inc.
3. 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);
4. 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
5. \_\_\_\_\_
6. \_\_\_\_\_

The undersigned hereby authorizes the Division of Planning of the Department of Metropolitan Development to record this Commitment in the office of the Recorder of Marion County, Indiana, upon final approval of petition # 2017-CZN-816/ 2017-CVR-816.

MDC's Exhibit B -- page 2 of 5.

Metropolitan Development

DEC-28 2018

Division of Planning

Signature: [Signature]  
 Printed: SAM B. SWITPHIN  
 Title / managing member  
 Organization Name: Raymond Street Partners, LLC

Signature: Thomas E Battista  
 Printed: Thomas E Battista  
 Title /   
 Organization Name: East End Properties, Partner

STATE OF INDIANA )  
 ) SS:  
 COUNTY OF MARION )

Before me, a Notary Public in and for said County and State, personally appeared THOMAS BATTISTA, PARTNER, EDWARD BATTISTA, MEMBER/MANAGER, SAM SWITPHIN, MANAGING MEMBER (title / organization name) of the real estate who acknowledged the execution of the foregoing instrument and who, having been duly sworn, stated that any representations therein contained are true.

Witness my hand and Notarial Seal this  
28<sup>th</sup> day of DECEMBER, 20 17

Notary Public [Signature]



Printed Name of Notary Public

My Commission expires: \_\_\_\_\_

My County of residence: \_\_\_\_\_

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

This instrument was prepared by David Kingen

Signature: \_\_\_\_\_  
 Printed: \_\_\_\_\_  
 Title /  
 Organization \_\_\_\_\_  
 Name: \_\_\_\_\_

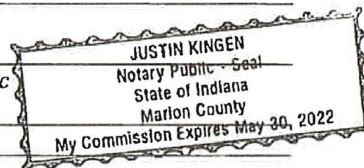
Before me, a Notary Public in and for said County and State, personally appeared TOM BATTISTA, PARTNER, EDWARD BATTISTA, MEMBER & SAM SUTTHIN, MANAGING MEMBER (title / organization name) of the real estate who acknowledged the execution of the foregoing instrument and who, having been duly sworn, stated that any representations therein contained are true.

Notary Public:

Printed Name of Notary Public

*My Commission expires:*

My County of residence:



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

*This instrument was prepared by* David Kingen

DEC 28 2018

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

### EXEMPT PERSONS AND EXEMPT ACTIVITIES

An exempt person shall mean the following:

1. With respect to commitments (a) and (b) above:
  - (a) any not-for-profit corporation or association organized exclusively for fraternal or religious purposes;

*MDC's Exhibit B - - page 4 of 5*

Metropolitan Development

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- (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.

## ATTACHMENT "D"

1. Petitioner commits to the site plan file dated \_\_\_\_\_, and the Plan of Operation filed dated \_\_\_\_\_.
2. Petitioner commits to support The Windsor Park Neighborhood Association, Inc. (WPNA) in any future effort to develop a residential permit parking system on area right-of-ways, within two (2) city blocks of the subject site.
3. Petitioner commits to work with the Department of Public Works, the Indianapolis Public Library, the Windsor Park Neighborhood Association, Inc. and other partners to cause adjoining rights-of-way to be improved with new crosswalks, parking stall striping and other similar markings, within the right of way.
4. The egress signage (directional sign) in the parking lot, fronting on Windsor Street will prohibit traffic from exiting onto Windsor Street. A sign (directional sign) located outside the right-of-way on Windsor Street will ask theatre patrons to park in the theatre parking lot; or on specifically designated streets; but not along Windsor Street.
5. Preparations/ arrangements/ and/ or easements will be made/ provided for emergency vehicle access through the alleys.
6. There will be no development, structure or permanent improvements on the to-be-vacated right-of-way on the north side of the existing building--; other than bike-racks, externally-lighted signage and landscape lighting, all subject to review and comment by the Windsor Park Neighborhood Association, Inc.
7. No freestanding, internally illuminated signs shall exist on the subject properties. All free standing signs may have light projected onto them, as long as the lighting is not directly oriented towards a dwelling unit.
8. Petitioner agrees to a landscape plan featuring low native plantings (supported by a maintenance agreement), and to a lighting plan, both subject to review and comment by the Windsor Park Neighborhood Association, Inc. and tied to the right-of-way vacation.  
Metropolitan Development
9. There will be no pole signage erected on the site.  
DEC 28 2014
10. There will be bike racks provided on the site for a minimum of thirty five (35) bicycles.  
Division of Planning
11. In an effort to minimize traffic through the neighborhood, the theatre's web site and related marketing materials will direct patrons to Brookside Avenue and

Massachusetts Avenue as the recommended and preferred vehicular access route to the theatre, restaurant and artisan shops.

12. Those portions of the alley not vacated under these petitions and contiguous to the subject lots of these petitions, shall be improved with hard surface prior to the official grand opening of the theatre.
13. Any contracted trash pick-up shall be between the hours of 7 am and 8 pm.
14. All of the intended uses for the renovated structures at 1625, 1629 and 1637 Nowland Avenue shall be cultural or artisan in nature and complementary to the uses at 1258 Windsor Street.
15. The maximum size of the free standing sign at 1258 Windsor Street shall be six (6) feet in height, with no more than forty eight (48) square feet in surface, per side. The maximum size of the free standing signs at 1625, 1629 and 1637 Nowland Avenue shall be four feet in height.
16. At 1258 Windsor Street, Petitioner agrees to commit to three theatres with no more than three hundred (300) seats; a family friendly restaurant with a separate bar area; and an event/gathering space.
17. Petitioner agrees to a capacity of restaurant/patio/bar/event space at one hundred and fifty (150) patrons; including the patio.
18. Regarding the building façade and materials proposed for some of the former window openings, petitioner proposes to fit these areas with decorative aluminum plates--- cut, bent and profiled to lend interesting shadow lines to the exterior. The color palette would be chosen from a series of subdued earth tones, subject to review and comment by the Windsor Park Neighborhood Association, Inc.
19. On the grounds of the theatre, the retail areas, and on the patio, petitioner agrees to prohibit the use of outdoor speakers; public address technology and live entertainment.
20. Petitioner commits that if the primary use is discontinued for more than two years, the subsequent use will require approval from the appropriate Board, Metropolitan Development Commission, Council, or authorized agency with the City of Indianapolis.  
DEC 28 2018  
Division of Planning
21. Petitioner commits to use the property at 1258 Windsor Avenue for theatres, family friendly restaurant, bar and gathering/event space.
22. Petitioner commits to use the three commercial structures at 1625, 1631 and 1635 Nowland Avenue for neighborhood friendly and culturally appropriate artisan businesses; such as a café, bakery, artisan food and beverage, artisan



manufacturing and small market. Outdoor storage and alcohol sales will not be permitted on these three properties.

23. Petitioner commits to submitting to the Windsor Park Neighborhood Association, Inc. for review and comment, the Parking and egress plan
24. Petitioner commits to submit information to the Windsor Park Neighborhood Association, Inc. for review and comment, information related to commitments 1 through 23, and to complete exterior building modifications, the landscaping and buffering improvements, parking improvements, and sign improvements prior to the grand opening of businesses at the subject property.
25. Petitioner commits that the special events space, included in this request shall be restricted to one room with a seating capacity of twenty four (24) persons.
26. Petitioner commits to recording an easement through the parking lot that shall be a minimum of fifteen (15) feet in width and shall commence from the turn of the existing north/south alley that turns to the west and proceeds to No. State Street, and the easement shall continue to the entrance to the parking lot on Nowland Avenue. The purpose of this recorded easement is to provide alternate means of access to and from the rear property line of the property owners from 1201 State Street to 1233 State Street and from 1202 Windsor Street to 1248 Windsor Street at all times in perpetuity.
27. Petitioner agrees to restrict the number of free standing signs on the subject properties to four (4) with one each at 1258 Windsor Street, and one each at 1625, 1631 and 1637 Nowland Avenue.
28. The bar, listed as a use, shall operate subordinate to the restaurant included as a use in the 1258 Windsor Street building and shall not operate as an independent bar at any future date

Metropolitan Development

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Division of Planning

12.18.17

## ATTACHMENT "E":

## Excluded uses:

1. Bar/ Tavern as primary use
2. Laundromat
3. Liquor Store
4. Methadone clinic or treatment center
5. Check cashing facility
6. Mortuary
7. Light manufacturing (other than artisan manufacturing)
8. Animal care, boarding, vet services
9. Substation and/or utility distribution facility
10. Wireless communication tower
11. Outdoor advertising sign/ billboard
12. Drive thru facility
13. Group home
14. Lodge or fraternal club

## Indoor Recreation &amp; Entertainment

15. Amusement Arcade
16. Bowling Alleys
17. Billiard Parlor
18. Ballroom
19. Bathhouse
20. Bingo Establishment
21. Dancing
22. Firing (Gun) Range
23. Gymnasium
24. Instruction in Baseball
25. Instruction in Basketball
26. Instruction in Gymnastics
27. Miniature Golf
28. Ice or Roller Skating Rink

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29. Substation & Utility Distribution
30. Commercial Parking Garage or Commercial Parking Lot as Primary Use
31. Transit Center
32. Transportation Facilities & Accessories
33. Game Courts
34. Portable Storage
35. Recycling Distribution Point

12.18.17

2018-MOD-006  
EXHIBIT A

## ATTACHMENT "D"

1. Petitioner commits to the site plan file dated JUNE 21, 2018, and the Plan of Operation filed dated JULY 19, 2018.
2. Petitioner commits to support The Windsor Park Neighborhood Association, Inc. (WPNA) in any future effort to develop a residential permit parking system on area right-of-ways, within two (2) city blocks of the subject site.
3. Petitioner commits to work with the Department of Public Works, the Indianapolis Public Library, the Windsor Park Neighborhood Association, Inc. and other partners to cause adjoining rights-of-way to be improved with new crosswalks, parking stall striping and other similar markings, within the right of way.
4. The egress signage (directional sign) in the parking lot, fronting on Windsor Street will prohibit traffic from exiting onto Windsor Street. A sign (directional sign) located outside the right-of-way on Windsor Street will ask theatre patrons to park in the theatre parking lot; or on specifically designated streets; but not along Windsor Street.
5. Preparations/ arrangements/ and/ or easements will be made/ provided for emergency vehicle access through the alleys.
6. There will be no development, structure or permanent improvements on the to-be-vacated right-of-way on the north side of the existing building--; other than bike-racks, externally-lighted signage and landscape lighting, all subject to review and comment by the Windsor Park Neighborhood Association, Inc.
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8. Petitioner agrees to a landscape plan featuring low native plantings (supported by a maintenance agreement), and to a lighting plan, both subject to review and comment by the Windsor Park Neighborhood Association, Inc. and tied to the right-of-way vacation. Metropolitan Development
9. There will be no pole signage erected on the site. OCT 16 2018
10. There will be bike racks provided on the site for a minimum of thirty five (35) bicycles. Division of Planning
11. In an effort to minimize traffic through the neighborhood, the theatre's web site and related marketing materials will direct patrons to Brookside Avenue and

Massachusetts Avenue as the recommended and preferred vehicular access route to the theatre, restaurant and artisan shops.

12. Those portions of the alley not vacated under these petitions and contiguous to the subject lots of these petitions, shall be improved with hard surface prior to the official grand opening of the theatre.
13. Any contracted trash pick-up shall be between the hours of 7 am and 8 pm.
14. All of the intended uses for the renovated structures at 1625, 1629 and 1637 Nowland Avenue shall be cultural or artisan in nature and complementary to the uses at 1258 Windsor Street.
15. The maximum size of the free standing sign at 1258 Windsor Street shall be six (6) feet in height, with no more than forty eight (48) square feet in surface, per side. The maximum size of the free standing signs at 1625, 1629 and 1637 Nowland Avenue shall be four feet in height.
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17. Petitioner agrees to a capacity of restaurant/patio/bar/event space at one hundred and fifty (150) patrons; including the patio.
18. Regarding the building façade and materials proposed for some of the former window openings, petitioner proposes to fit these areas with decorative aluminum plates--- cut, bent and profiled to lend interesting shadow lines to the exterior. The color palette would be chosen from a series of subdued earth tones, subject to review and comment by the Windsor Park Neighborhood Association, Inc.
19. On the grounds of the theatre, the retail areas, and on the patio, petitioner agrees to prohibit the use of outdoor speakers; public address technology and live entertainment.
20. Petitioner commits that if the primary use is discontinued for more than two years, the subsequent use will require approval from the appropriate Board, Commission, Council, or authorized agency with the City of Indianapolis.
21. Petitioner commits to use the property at 1258 Windsor Avenue for theatres, family friendly restaurant, bar and gathering/event space.
22. Petitioner commits to use the three commercial structures at 1625, 1631 and 1635 Nowland Avenue for neighborhood friendly and culturally appropriate artisan businesses; such as a café, bakery, artisan food and beverage, artisan

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Division of Planning

- manufacturing and small market. Outdoor storage and alcohol sales will not be permitted on these three properties.
23. Petitioner commits to submitting to the Windsor Park Neighborhood Association, Inc. for review and comment, the Parking and egress plan
  24. Petitioner commits to submit information to the Windsor Park Neighborhood Association, Inc. for review and comment, information related to commitments 1 through 23, and to complete exterior building modifications, the landscaping and buffering improvements, parking improvements, and sign improvements prior to the grand opening of businesses at the subject property.
  25. Petitioner commits that the special events space, included in this request shall be restricted to one room with a seating capacity of twenty four (24) persons.
  26. Petitioner commits to recording an easement through the parking lot that shall be a minimum of fifteen (15) feet in width and shall commence from the turn of the existing north/south alley that turns to the west and proceeds to No. State Street, and the easement shall continue to the entrance to the parking lot on Nowland Avenue. The purpose of this recorded easement is to provide alternate means of access to and from the rear property line of the property owners from 1201 State Street to 1233 State Street and from 1202 Windsor Street to 1248 Windsor Street at all times in perpetuity.
  27. Petitioner agrees to restrict the number of free standing signs on the subject properties to four (4) with one each at 1258 Windsor Street, and one each at 1625, 1631 and 1637 Nowland Avenue.
  28. The bar, listed as a use, shall operate subordinate to the restaurant included as a use in the 1258 Windsor Street building and shall not operate as an independent bar at any future date.
  29. Petitioner commits to using the same or similar quality materials for the construction of the proposed building as presented to the Windsor Park Neighborhood Association. The documentation of the materials used will be filed with the City of Indianapolis as part of this petition.

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Division of Planning

## ATTACHMENT "E":

## Excluded uses:

1. Bar/ Tavern as primary use
2. Laundromat
3. Liquor Store
4. Methadone clinic or treatment center
5. Check cashing facility
6. Mortuary
7. Light manufacturing (other than artisan manufacturing)
8. Animal care, boarding, vet services
9. Substation and/or utility distribution facility
10. Wireless communication tower
11. Outdoor advertising sign/ billboard
12. Drive thru facility
13. Group home
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## Indoor Recreation &amp; Entertainment

15. Amusement Arcade
16. Bowling Alleys
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18. Ballroom
19. Bathhouse
20. Bingo Establishment
21. Dancing
22. Firing (Gun) Range
23. Gymnasium
24. Instruction in Baseball
25. Instruction in Basketball
26. Instruction in Gymnastics
27. Miniature Golf
28. Ice or Roller Skating Rink
29. Substation & Utility Distribution
30. Commercial Parking Garage or Commercial Parking Lot as Primary Use
31. Transit Center
32. Transportation Facilities & Accessories
33. Game Courts
34. Portable Storage
35. Recycling Distribution Point

Metropolitan Development

OCT 16 2018

7.23.18

Division of Planning

2018-MOD-006  
EXHIBIT B

## Plan of Operation

Windsor Arts LLC

Windsor Park Theatre and Artisan Shops

### Buildings

1. The primary structure of the Windsor Arts development will be located at 1258 Windsor Street. After demolishing the existing 3 story structure, a newly constructed 2 story building will contain a community movie theater with 3 screens and seating capacity for up to 300 patrons in total; also included in the building will be a 3,500 SF family restaurant with an attached bar area; upstairs there will be a small room that is used for a special events/meeting area.
2. Three (3) freestanding retail/commercial structures at 1625, 1631 and 1635 Nowland Avenue will contain approximately nine hundred to one thousand square feet (900-1,000 SF) of boutique artisan shops; catering specifically to arts-oriented neighborhood services and/or maker spaces.

### Regular Hours of Operation

1. Theater / Restaurant: 10AM-11PM, seven (7) days a week
2. Artisan shops: 7AM-7 pm, Sundays thru Thursdays; 7am-11PM, Fridays, Saturdays and holidays.

### Parking

1. Theater/Restaurant/Artisan shops: Petitioner has agreed to provide a minimum of fifty nine (59) off-street parking spaces, on-site.
2. Fourteen (14) contiguous on-street parking spaces will be available in front of the property along Windsor Street and Nowland Avenue.
3. Petitioner has a letter of agreement with Teagen Development to utilize up to 10 spaces in the parking lot of the Circle City Industrial Complex, 1125 Commerce Avenue.
4. Petitioner has a letter of agreement with Riley Area Development Corporation to lease up to six parking spaces for theatre employees at 1417 Commerce Avenue. Metropolitan Development

OCT 16 2018

7.19.18

Division of Planning

east \_\_\_\_\_

**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 small expansion of the outdoor dining area will occupy a small area of existing lawn and will allow the facility to provide greater maneuverability for the handicapped patrons and others in and around the outdoor dining area.

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:

Property values along Windsor Street and in and around the Windsor Park Neighborhood continue to escalate since the opening of the theatre and restaurant with bar with limited outdoor dining options. The cultural atmosphere created by this one-of-a-kind facility continues to provide the neighborhood with this attractive destination.

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

With the narrowness and tight area for outdoor dining at the present, the strict application of the ordinance will continue to provide challenges in serving the public in a comfortable fashion.

**DECISION**

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

Adopted this \_\_\_\_\_ Day of \_\_\_\_\_, 20 \_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

7/4/23





View from site looking southeast, across Nowland Avenue



View of site looking south across Nowland Avenue





View of site looking south across Nowland Avenue



View of site looking south across Nowland Avenue





View of site looking east across State Avenue



View of site looking east





View of site looking north



View of site looking north at proposed outdoor dining area





View of site looking west at proposed outdoor dining area



View of site looking northeast





View of site looking west



View of site looking east





View of site looking south



View of site looking north





View from site looking south into abutting neighborhood



View from site looking south into abutting neighborhood



## STAFF REPORT

Item 10.

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

**Case Number:** 2023-ZON-047  
**Address:** 6901 Michigan Road (*Approximate Addresses*)  
**Location:** Pike Township, Council District #7  
**Petitioner:** DealPoint Merrill, LLC, by J. Murray Clark  
**Request:** Rezoning of 11.737 acres from the C-4 district to the C-S district to provide for self-storage uses.

The Hearing Examiner acknowledged a timely automatic continuance that continued this petition from the June 15, 2023 hearing, to the July 13, 2023 hearing.

### **RECOMMENDATIONS**

Staff **recommends approval** of this 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 final landscape plan shall be submitted for Administrator Approval prior to the issuance of an Improvement Location Permit and installed prior to the opening / operation of the proposed use. Such plan shall indicate landscaping along the north and south area developed with new mini self-storage units in the existing parking lot, curbing around the parking lot landscaped islands and the installation of large (appropriately scaled) planters along the western façade of the existing building to soften the building mass.
2. The site and improved areas within the site shall be maintained in a reasonably neat and orderly manner during and after development of the site with appropriate areas and containers / receptables provided for the proper disposal of trash and other waste.

### **SUMMARY OF ISSUES**

The following issues were considered in formulating the recommendation:

#### **LAND USE**

- ◇ This 11.737-acre site, zoned C-4, is developed with a vacant commercial building and associated parking lot. It is surrounded by commercial uses to the north and south, zoned C-4; multi-family dwellings to the east, zoned D-6II; and commercial uses and a parking lot to the west, zoned C-4.
- ◇ Petition 2023-PLT-031 approved a subdivision plat to be known as Sand-West Subdivision, dividing 18.37 acres into four lots.

(Continued)

**REZONING**

- ◇ This request would rezone the site from the C-4 District to the C-S classification to provide for a self-storage facility. “The C-S District is designed to permit, within a single zoning district, multi-use commercial complexes or land use combinations of commercial and noncommercial uses, or single-use commercial projects. The primary objective of this district is to encourage development which achieves a high degree of excellence in planning, design or function, and can be intermixed, grouped or otherwise uniquely located with maximum cohesiveness and compatibility. The district provides flexibility and procedural economy by permitting the broadest range of land use choices within a single district, while maintaining adequate land use controls. The C-S District can include high-rise or low-rise developments, can be applied to large or small land areas appropriately located throughout the metropolitan area, and can be useful in areas of urban renewal or redevelopment.”
- ◇ The 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 Pattern Book lays out a land use classification system that guides the orderly development of the county, protects the character of neighborhoods and serves as a policy guide for development or redevelopment of a site.
- ◇ The following elements of the Pattern Book apply to this site:

*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.

**Environmental Public Nuisances**

- ◇ The purpose of the Revised Code of the Consolidated City and County, Sec.575 (Environmental Public Nuisances) is to protect public safety, health and welfare and enhance the environment for the people of the city by making it unlawful for property owners and occupants to allow an environmental public nuisance to exist.
- ◇ All owners, occupants, or other persons in control of any private property within the city shall be required to keep the private property free from environmental nuisances.

(Continued)

◇ 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 May 12, 2023, indicates that the existing building would remain with additional mini storage units constructed within the parking lot to the west. The elevations of this area provides for a split-face block enclosure and a landscape buffer.
- ◇ Access to the site would maintain existing access drives and curbed landscaped islands would be installed throughout the parking lot.

### **C-S Statement**

- ◇ The C-S Statement, file-dated May 12, 2023, limits the use of the site to a mini-warehouse (self-storage facility).
- ◇ The storage would provide for climate-controlled storage within the existing building. Additional units would consist of mini-storage units that would be constructed and installed on a portion of the parking lot to the west of the existing building.

### **Planning Analysis**

- ◇ As proposed, this rezoning would provide for a self-storage facility within a large vacant commercial building, along with additional mini-storage units on the existing parking lot to the west of the existing building. Landscaped islands within the parking would be installed.

(Continued)

- ◇ This request would not be consistent with the Comprehensive Plan recommendation of community commercial. However, during the intervening years since the initial “big box” use vacated the building, there have been challenges related to maintaining a vibrant commercial use of this site along this heavily commercial corridor.
- ◇ All storage would be contained within the existing building and the proposed additional storage units. There would not be any outdoor storage. Furthermore, the installation of a masonry wall and landscaping around the new mini-storage units and within the existing parking lot would mitigate and minimize the negative impact of the proposed use.
- ◇ For these reasons, staff is recommending approval of this request.

**GENERAL INFORMATION**

EXISTING ZONING AND LAND USE

C-4 Commercial uses / parking lot (vacant)

SURROUNDING ZONING AND LAND USE

North -	C-4	Commercial uses
South -	C-4	Commercial uses
East -	D-6II	Multi-family dwellings
West -	C-4	Commercial uses / parking lot

COMPREHENSIVE PLAN The Comprehensive Land Use Plan for Indianapolis and Marion County (2018) recommends community commercial typology.  
Marion County Land Use Pattern Book (2019).

THOROUGHFARE PLAN This portion of Michigan Road is designated in the Marion County Thoroughfare Plan as a primary arterial, with an existing 100-foot right-of-way and a proposed 102-foot right-of-way.

CONTEXT AREA This site is located within the metro context area.

OVERLAY There is no overlay for this site.

SITE PLAN File-dated May 12, 2023

ELEVATIONS File-dated May 12, 2023

C-S STATEMENT File-dated May 12, 2023

(Continued)

**ZONING HISTORY**

**2023-PLT-031; 6901 Michigan Road**, requested approval of a Subdivision Plat to be known as Sand-West Subdivision, dividing 18.37 acres into four lots, **approved**.

**72-AP-158; 6901 Northwestern Avenue (now known Michigan Road)**, requested approval to delete covenant of condition of rezoning petition 72-Z-285B, specifying that there must be approval of the site plan by Crooked Creek Community Council and the director of Planning and Zoning, **approved**.

**72-Z-285A; 6901 Northwestern Avenue (now known as Michigan Road)**, requested rezoning of 23.733 acres from the A-2 district to the C-4 classification to provide for commercial uses, **approved**.

kb

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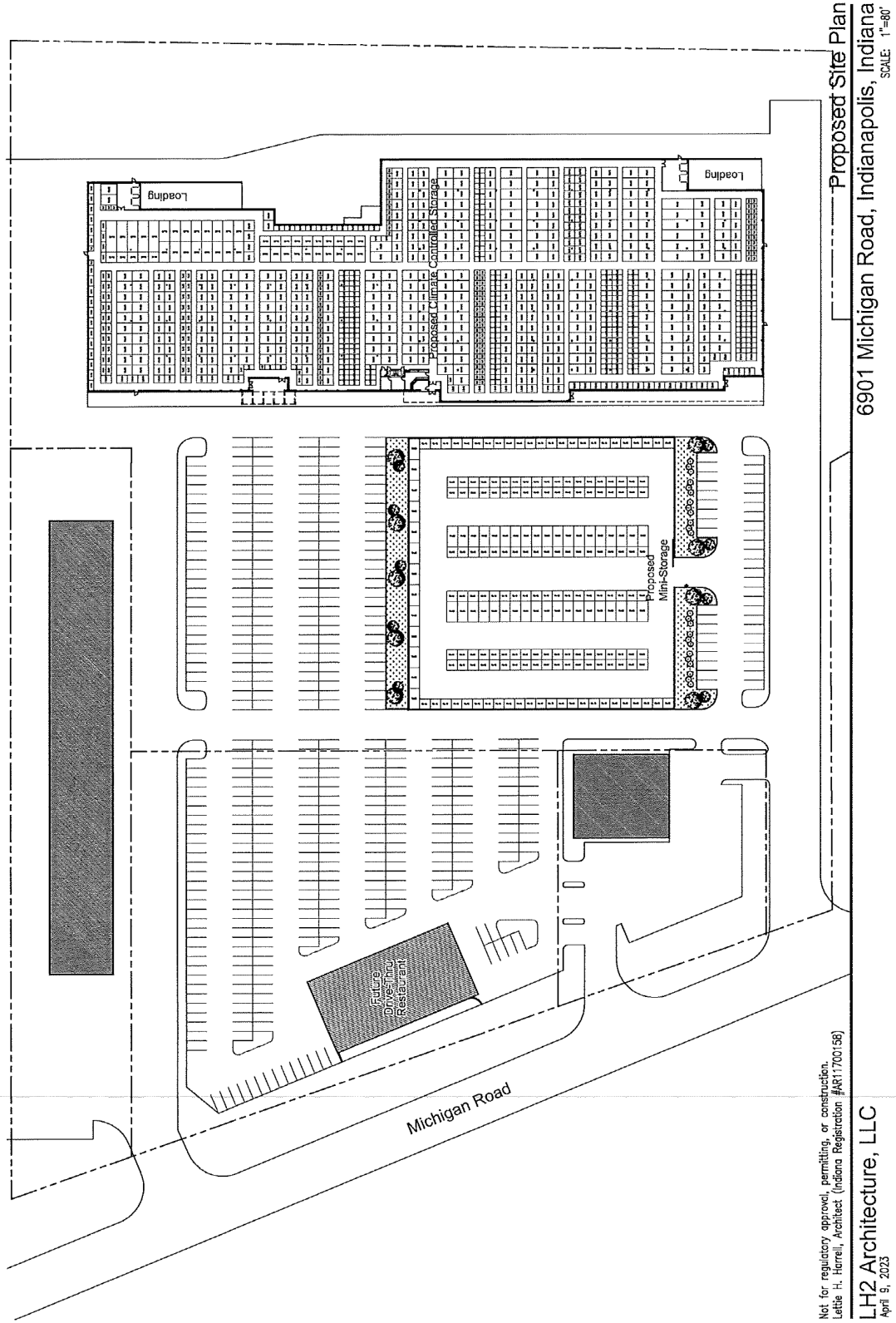
6901 Michigan Rd.  
Rezoning of the Primary Classification to C-S

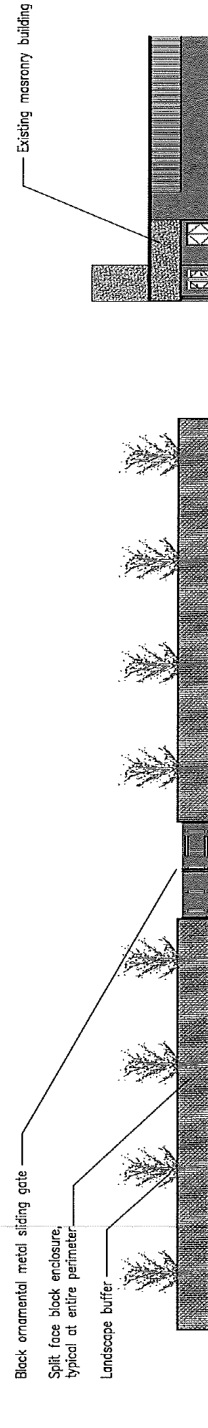
Detailed Description

Rezoning of 11.737 acres from the C-4 district to the C-S classification to provide for Mini-warehouses (self-storage facility).

- Sec. 743-201, Permitted uses / Table 743-1: Use Table.

The petitioner, DealPoint Merrill, LLC, proposes to rezone the site to permit indoor climate-controlled storage, within the existing building, outdoor mini-storage, and associated surface parking, as generally identified on the attached Proposed Site Plan.



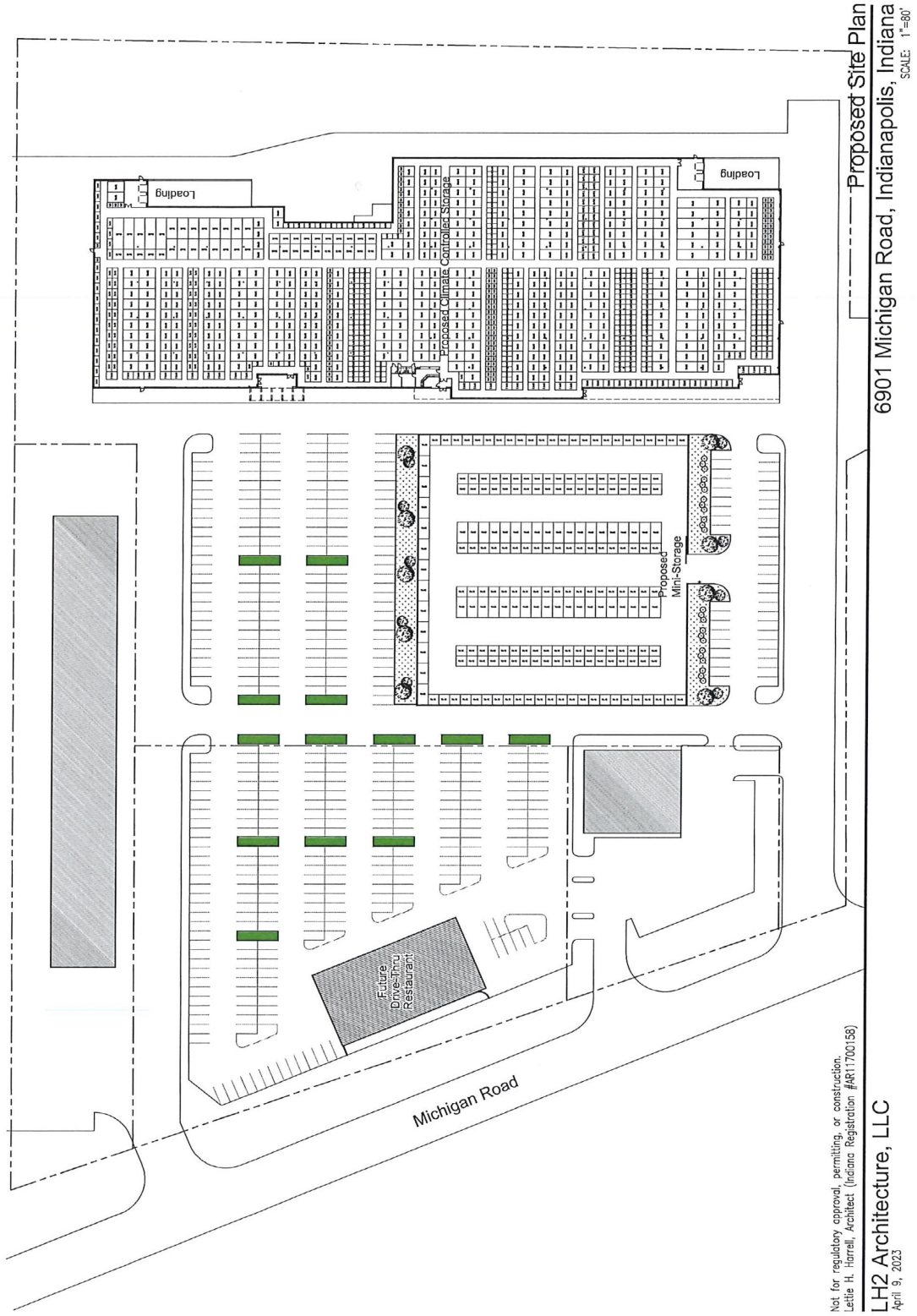


Not for regulatory approval, permitting, or construction.  
Lettie H. Harrell, Architect (Indiana Registration #AR1700158)

LH2 Architecture, LLC  
April 9, 2023

Proposed Elevation at Mini-Storage  
6901 Michigan Road, Indianapolis, Indiana  
SCALE: 1"=30'









View looking south along Michigan Road



View from site looking north





View from site looking northeast at commercial strip center to the north



View from site of adjacent commercial strip center to the north of site





View of site looking east across the parking lot



View from site looking east along southern boundary





View from site looking east into adjacent multi-family dwellings



View from site at adjacent property to the south





View from site looking south at adjacent commercial uses along the southern boundary



View of site looking west along southern boundary





View from site looking southwest along southern boundary



View from site looking northwest at commercial uses at the southwest corner of the site





View of site looking north (proposed location of additional storage units)



View from site looking west





View from site looking west towards Michigan Road



View from site looking northwest

## STAFF REPORT

Item 11.

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

**Case Number:** 2023-ZON-053  
**Address:** 2500 Lafayette Road (approximate address)  
**Location:** Wayne Township, Council District #11  
**Petitioner:** Luis Antonio & Maria E. Mena, by Don Fisher  
**Request:** Rezoning of 0.762 acres from the C-4 district to the C-5 district to allow for vehicle sales.

### **RECOMMENDATIONS**

Staff **recommends denial** of this request.

If approved, staff would recommend approval be subject to the following commitments being reduced to writing on the Commission's Exhibit "B" forms at least three days prior to the MDC hearing:

1. The existing buffer located along the rear property line, adjacent to the residential neighborhood, shall be preserved and maintained.
2. The site and improved areas within the site shall be maintained in a reasonably neat and orderly manner during and after development of the site with appropriate areas and containers / receptacles provided for the proper disposal of trash and other waste.
3. A 60-foot half right-of-way shall be dedicated along the frontage of Lafayette Road, as per the request of the Department of Public Works (DPW), Engineering Division. Additional easements shall not be granted to third parties within the area to be dedicated as public right-of-way prior to the acceptance of all grants of right-of-way by the DPW. The right-of-way shall be granted within 60 days of approval and prior to the issuance of an Improvement Location Permit (ILP).

### **SUMMARY OF ISSUES**

The following issues were considered in formulating the recommendation:

#### **LAND USE**

- ◇ This 0.762-acre site, zoned C-4, is developed with automobile repair operation. It is surrounded by commercial uses to the north and south, zoned C-4; commercial uses to the east, across Lafayette Road, zoned C-4; and single-family dwellings to the west, zoned D-5.

(Continued)

## REZONING

- ◇ This request would rezone the site from the C-4 District (Community-Regional District) to the C-5 classification (General Commercial). “The C-5 District is designed to provide areas for those retail sales and service functions whose operations are typically characterized by automobiles, outdoor display, or sales of merchandise; by major repair of motor vehicles; by outdoor commercial amusement and recreational activities; or by activities or operations conducted in buildings or structures not completely enclosed. The types of uses found in this district tend to be outdoor functions, brightly lit, noisy, etc. Therefore, to provide a location where such uses can operate in harmony with the vicinity, the C-5 district should be located on select heavy commercial thoroughfares and should avoid locating adjacent to protected districts.”
- ◇ The Comprehensive Plan recommends community commercial typology. “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 Pattern Book lays out a land use classification system that guides the orderly development of the county, protects the character of neighborhoods and serves as a policy guide for development or redevelopment of a site.
- ◇ The following elements of the Pattern Book apply to this site:

### *Conditions for All Land Use Types*

- All land use types except small-scale parks and community farms/gardens in this typology must have adequate municipal water and sanitary sewer.
- All development should include sidewalks along the street frontage.

*Small-Scale Offices, Retailing, and Personal or Professional Services (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)



**Department of Public Works**

- ◇ The Department of Public Works, Traffic Engineering Section, has requested the dedication and conveyance of a 60-foot half right-of-way along Lafayette Road. This dedication would also be consistent with the Marion County Thoroughfare Plan.

**Environmental Public Nuisances**

- ◇ The purpose of the Revised Code of the Consolidated City and County, Sec.575 (Environmental Public Nuisances) is to protect public safety, health and welfare and enhance the environment for the people of the city by making it unlawful for property owners and occupants to allow an environmental public nuisance to exist.
- ◇ All owners, occupants, or other persons in control of any private property within the city shall be required to keep the private property free from environmental nuisances.
- ◇ Environmental public nuisance means:
  1. Vegetation on private or governmental property that is abandoned, neglected, disregarded or not cut, mown, or otherwise removed and that has attained a height of twelve (12) inches or more;
  2. Vegetation, trees or woody growth on private property that, due to its proximity to any governmental property, right-of-way or easement, interferes with the public safety or lawful use of the governmental property, right-of-way or easement or that has been allowed to become a health or safety hazard;
  3. A drainage or stormwater management facility as defined in Chapter 561 of this Code on private or governmental property, which facility has not been maintained as required by that chapter; or
  4. Property that has accumulated litter or waste products, unless specifically authorized under existing laws and regulations, or that has otherwise been allowed to become a health or safety hazard.
- ◇ Staff would request a commitment that emphasizes the importance of maintaining the site in a neat and orderly manner at all times and provide containers and receptacles for proper disposal of trash and other waste.

**Planning Analysis**

- ◇ The request would not be consistent with the Comprehensive Plan recommendation of community commercial typology and would, in fact, be an inappropriate intensification of the current commercial uses.

(Continued)

- ◇ Furthermore, the Pattern Book clearly indicates the negative impact of outdoor display and recommends that it not be located adjacent to residential uses.
- ◇ Staff would note the absence of any C-5 District in the area, which is further evidence that this request would be incongruent with the surrounding land uses and would negatively impact the area, particularly the residential neighborhood to the west.
- ◇ Staff, therefore, recommends denial of this request.

**GENERAL INFORMATION****EXISTING ZONING AND LAND USE**

C-4 Automobile repair

**SURROUNDING ZONING AND LAND USE**

North -	C-4	Commercial uses
South -	C-4	Commercial uses
East -	C-4	Commercial uses
West -	D-5	Single-family dwellings

**COMPREHENSIVE PLAN** The Comprehensive Land Use Plan for Indianapolis and Marion County (2018) recommends community commercial typology.  
Marion County Land Use Pattern Book (2019).

**THOROUGHFARE PLAN** This portion of Lafayette Road is designated in the Marion County Thoroughfare Plan as a primary arterial, with an existing 80-foot right-of-way and a proposed 102-foot right-of-way.

**CONTEXT AREA** This site is located within the compact context area.

**OVERLAY** There is no overlay for this site.

**ZONING HISTORY**

**2005-UV1-039; 2535 and 2545 Lafayette Road (east of site)**, requested a variance of use of the Dwelling Districts Zoning Ordinance to modify condition Number One of variance petition 85-UV2-109 to provide for a revised site plan and landscape plan, **granted**.

**93-UV1-55; 2537 Lafayette Road (east of site)**, variance of use of the Dwelling Districts Zoning Ordinance to provide for the continued use of an existing restaurant and the construction of a 16 x 30-foot pole storage building, **granted**.

**85-Z-55; 2525 Lafayette Road (east of site)**, requested the rezoning of 0.28 acres, being in the D-4 district to the C-4 classification to provide for the operation of a retail cabinet store, **approved**.

(Continued)

**85-UV2-109; 2545 Lafayette Road (east of site)**, variance of use of the Dwelling Districts Zoning Ordinance to provide for the construction of an office and garage for use as an automobile sales facility and with outdoor display and sales of vehicles, **granted**.

**84-UV1-27; 2442 Lafayette Road (south of site)**, requested a variance of use to provide for the remodeling and expansion of an existing restaurant, **granted**.

**82-UV1-91; 2527 Lafayette Road (east of site)**, requested a variance of use and development standards to permit commercial building to be used for salt and water conditioning sales and service of artificial kidney supplies, **granted**.

**82-UV3-47; 2450 Lafayette Road (south of site)**, requested a variance of use and development standards to permit additional display of mini-barns in the front yard of a construction office along with two display garages, **granted for a maximum of three mini barns**,

kb

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View looking south along Lafayette Road



View looking north along Lafayette Road





View of site looking west across Lafayette Road



View of site looking west across Lafayette Road





View of site looking south from adjacent property to the north



View of site looking southwest from adjacent property to the north



View of adjacent uses to the south of site looking west, across Lafayette Road



## STAFF REPORT

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

**Case Number:** 2023-CVR-832 / 2023-CPL-832 (Amended)  
**Address:** 2144 East 12th Street (Approximate Addresses)  
**Location:** Center Township, Council District #17  
**Zoning:** D-5  
**Petitioner:** Bybee Holdings LLC, by Jynell D. Berkshire  
**Request:** Variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for the subdivision of a 5,700 square foot lot into two lots, with:

- a) Lot One containing an area of 2,742 square feet (minimum 5,000 square feet of lot area required);
- b) Lot Two containing an area of 2,968 square feet;

And the construction of a single-family dwelling on each lot, with:

- c) The dwelling on Lot One having a 1.8-foot front yard setback from Jefferson Avenue and a five-foot rear yard setback (minimum 10-foot front setback, 20-foot rear yard setback required); and
- d) The dwelling on Lot Two having a 5.1-foot rear yard setback.

Approval of a Subdivision Plat to be known as Bybee's 12th Street Addition, a replat of Lot 18 in Joseph A. Moore's Addition, subdividing 0.14 acre in to two lots.

### **RECOMMENDATIONS**

Staff **recommends approval** of the variance petitions to provide for the subdivision of a 5,700 square foot lot into two lots, with Lot One containing an area of 2,742 square feet and Lot Two containing an area of 2,968 square feet; and the construction of a single-family dwelling on each lot, with: the dwelling on Lot One having a five-foot west rear yard setback; and the dwelling on Lot Two having a 5.1-foot rear yard setback.

Staff **recommends denial** of the variance to have a 1.8-foot front yard setback from Jefferson Avenue.

Staff recommends that the Hearing Examiner **approve** and find that the plat, file-dated June 10, 2023, 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)

## **2023-CVR-832 / 2023-CPL-832 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.
11. That no driveway curb cuts shall be permitted for Lot Two

## **SUMMARY OF ISSUES**

The following issues were considered in formulating the recommendation:

### **LAND USE**

- ◇ The subject site is zoned D-5 and is undeveloped. This site is in the Near Eastside neighborhood. This neighborhood is mostly single-family development. Several corner lots are subdivided to provide for two dwellings.
- ◇ This petition would subdivide the property into two lots to be developed with single-family detached dwellings.

### **VARIANCE OF DEVELOPMENT STANDARDS**

- ◇ This petition would provide for the subdivision of a 5,700 square foot lot into two lots, with Lot One containing 2,742 square feet and Lot Two containing 2,968 square feet.
- ◇ The minimum lot area for D-5 for a detached house-small lot is 5,000 square feet. The standard for detached house-compact lot is 2,500 square feet, but is permitted in D-5II or higher. Staff would note that it would be preferred to rezone to a denser district; however, there is a precedent in the neighborhood for subdivision of corner lots. Staff would not be opposed to reduced lot area where it meets compact lot standards and is consistent with existing development.

(Continued)

## **2023-CVR-832 / 2023-CPL-832 STAFF REPORT (Continued)**

- ◇ This request would provide for construction of a single-family dwelling on Lot One with a front yard setback of 1.8 feet where ten feet is required, and a rear setback of five feet where 20 feet is required.
- ◇ Staff would not recommend approval of the 1.8-foot front setback on Jefferson Avenue. Staff would note that the proposed dwelling floor area could be modified or reduced to meet the required setback, and is therefore not supportive.
- ◇ The proposed Lot One is oriented so that its frontage is on the east, making the lot depth only forty feet. This would make the rear yard align with the side yard of adjacent lots, which have a minimum setback of five feet. Staff would note that most lots' rear yards are on the alley while this orientation puts the alley access in the side yard. Given the general placement of the structure is consistent with the north and east/west setbacks of the neighborhood, staff is not opposed to the five-foot rear setback.
- ◇ This request would provide for construction of a single-family dwelling on Lot Two with a 5.1-foot rear yard setback where 20 feet is required. Staff would note that the compact lot standards allow for a 15-foot setback, which would be more appropriate for a lot of this size. Staff would also note that although the front setback could be decreased so that the rear yard could be increased, the current front setback is more consistent with the neighborhood lot averages. Staff would not be opposed to a reduced rear setback where all other setbacks and open space are met, and where the proposed dwelling placement is consistent with the neighborhood development patterns.

### **PLAT**

- ◇ The plat would subdivide the subject site into two lots. The proposed plat generally meets the standards of the D-5 zoning classifications and variances of development standards as proposed in this companion petition.

### **TRAFFIC / STREETS**

- ◇ The proposed lots would both have frontage on Jefferson Avenue to the east. Lot One will also have alley access to the north side yard. Lot Two's frontage would be on East 12<sup>th</sup> Street to the South. No new streets are proposed as part of this petition.
- ◇ Staff is requesting a condition that no curb cuts be permitted for Lot Two. Staff believes a driveway on Jefferson Avenue would be too close to the intersection to the south.

### **SIDEWALKS**

- ◇ Sidewalks are existing on the 12<sup>th</sup> Street and Jefferson Avenue frontages.

(Continued)



**2023-CVR-832 / 2023-CPL-832 STAFF REPORT (Continued)****GENERAL INFORMATION****EXISTING ZONING, CONTEXT AREA, AND LAND USE**

D-5	Compact	Undeveloped
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**SURROUNDING ZONING AND LAND USE**

North	D-5	Residential
South	D-5	Residential
East	D-5	Residential
West	D-5	Residential

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

East 12<sup>th</sup> 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.

Jefferson Avenue 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.

**SITE PLAN**

File-dated June 10, 2023

**PRELIMINARY PLAT**

File-dated June 10, 2023

**FINDINGS OF FACT**

File-dated June 10, 2023

**ZONING HISTORY – SITE**

None

**ZONING HISTORY – VICINITY**

**2022-UV1-004, 1131 Jefferson Avenue**, Variance to provide for the detached single-family dwelling with a four-foot north side setback and the construction of a detached garage with three-foot side setbacks, **approved**.

**2019-HOV-048, 1135 Jefferson Avenue**, variance to provide for a single-family dwelling and attached garage with a five-foot rear setback and 50% open space, **approved**.

**2002-UV1-040, 1131 Jefferson Avenue**, variance to legally establish a two-family dwelling in the D-5 district, **approved**.

**96-V2-5, 1131 Jefferson Avenue**, variance to permit an above-ground pool and six-foot-tall fence in the front yard, **approved**.

**95-V1-48, 1125 North Hamilton Avenue**, variance to provide for a six-foot-tall fence in the front yard, **approved**.

**88-UV3-105, 2115 East 12<sup>th</sup> Street**, variance to provide for a two-family dwelling in the D-5 district, **approved**.

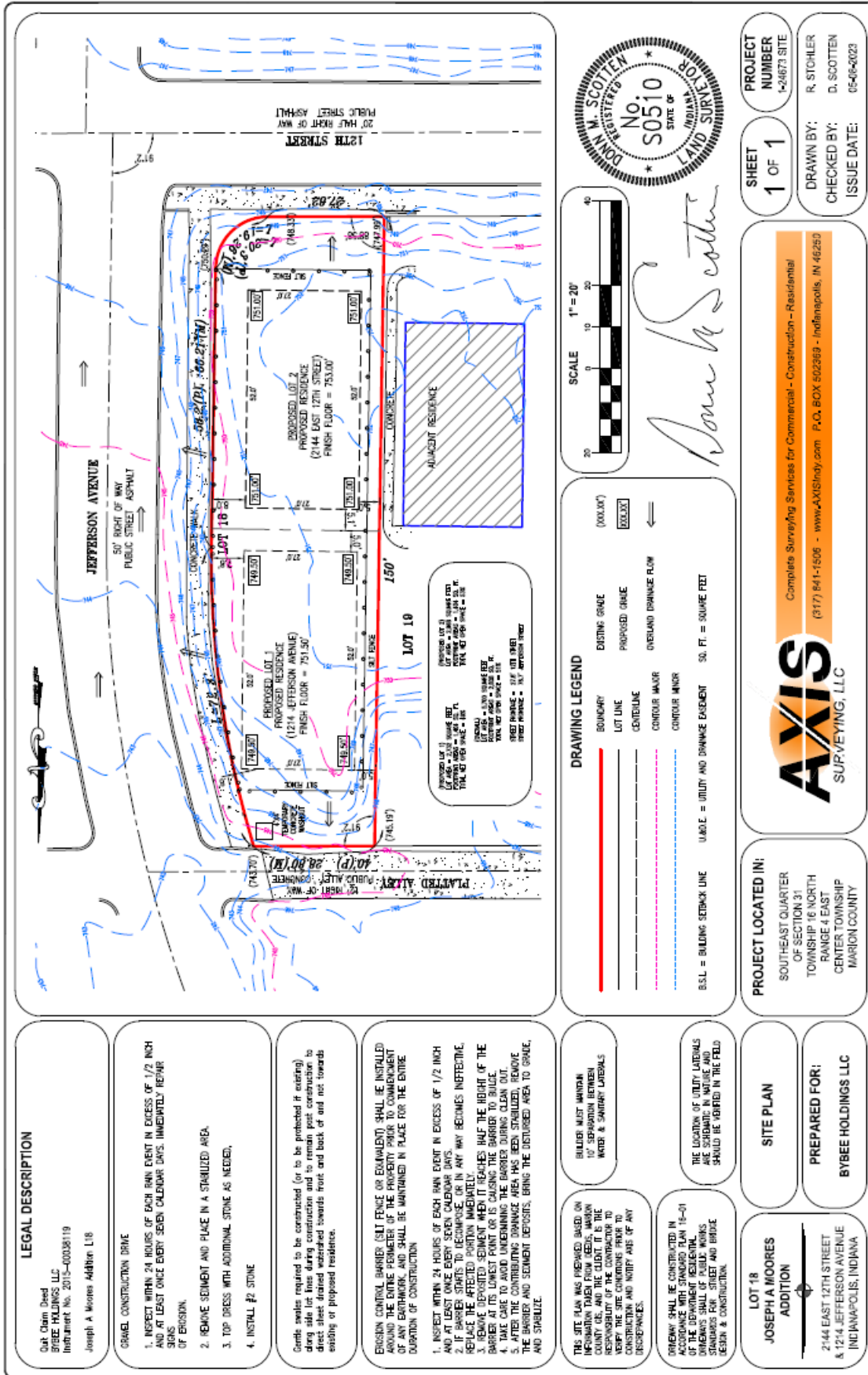
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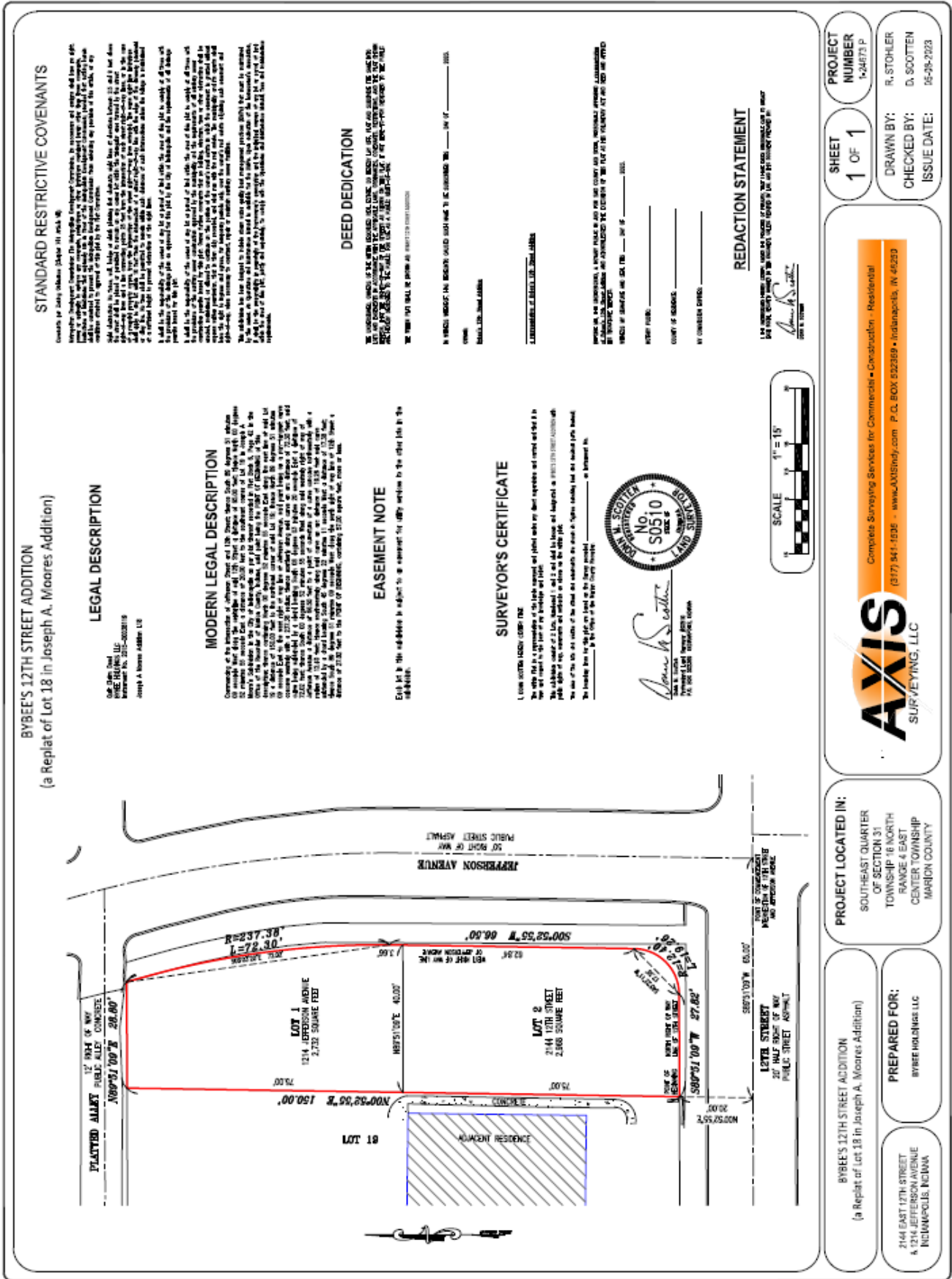
**2023-CVR-832 / 2023-CPL-832 Aerial Map**



# 2023-CVR-832 / 2023-CPL-832 Site Plan









**2023-CVR-832 / 2023-CPL-832 Site Photos**



Subject site viewed from the intersection of 12<sup>th</sup> Street and Jefferson Avenue, looking north



Proposed Lot Two, looking north



Proposed Lot One, Jefferson Avenue frontage, looking south





Proposed Lot One, alley access, looking south



East of site



South of Site