



Metropolitan Development Commission Hearing Examiner (August 29, 2024) Meeting Agenda

Meeting Details

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

Date: Thursday, August 29, 2024

Time: 1:00 PM

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

Business:

Special Requests

2024-MOD-015 (Amended) | 3500 East 20th Street

Center Township, Council District #13

****Special request by Staff for a three-day waiver of the 23-day period for mailed, amended Notice**

PETITIONS REQUESTING TO BE CONTINUED:

1. 2024-MOD-015 (Amended) | 3500 East 20th Street

Center Township, Council District #13

C-S

Adam DeHart

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

****Automatic Continuance to September 26, 2024, filed by a Registered Neighborhood Organization**

2. 2024-ZON-040 | 6000, 6012, 6020, 6180, and 6206 East 46th Street

Lawrence Township, Council District #9

Indianapolis Re Management LLC, 600-B East 46th Street LLC, and Bazilio Real Estate LLC, by Emily Duncan and David Kingen

Rezoning of 35.8 acres from the C-3 (FF) and C-4 (FF) districts to the MU-2 (FF) district.

****Staff request for a continuance for cause to September 26, 2024**

3. 2024-ZON-072 | 4903 West Washington Street

Wayne Township, Council District #17

Axum Auto Parts, LLC, by Pat Rooney

Rezoning of 0.9 acre from the C-3 and C-4 districts to the C-5 district to provide for a restaurant, automobile repair and automobile sales.

****Staff request for continuance for cause to September 26, 2024**

4. 2024-ZON-073 / 2024-ZON-073B | 2155 Kessler Boulevard, West Drive

Washington Township, Council District #2
Broadmoor Investments, LLC, by Russell L. Brown

Rezoning of 6.01 acres from the SU-34 (FF) district to the D-4 (FF) district to provide for residential uses.

B. Rezoning of 7.68 acres from the SU-34 district to the D-5II district to provide for residential uses.

****Automatic Continuance to September 26, 2024, filed by Petitioner**

5. 2024-ZON-090 | 9061 Crawfordsville Road

Wayne Township, Council District #11
Mark & Kim Crouch

Rezoning of one acre from the C-3 district to the D-5 district to provide for residential use.

****Petitioner request for continuance for cause to September 26, 2024, with Notice**

Petitions for Public Hearing

PETITIONS TO BE EXPEDITED:

6. 2024-APP-015 | 7960 North Shadeland Avenue

Lawrence Township, Council District #3
HD-2
7660 Shadeland, LLC, by Scott Elpers

Hospital District Two Approval to provide for two building identification signs and one 4.67-foot-tall freestanding sign for a medical facility.

7. 2024-MOD-012 | 5943 Copeland Mills Drive

Decatur Township, Council District #21
D-3
Ronald Holland

Modification of the Commitments related to petition 97-Z-30 to modify Commitment #20 to allow for a six-foot tall privacy fence with 100% opacity along the side and rear property lines (current commitment limits privacy fencing to being used in conjunction with a porch, patio, deck, terrace, or pool, it must be located within fifteen feet of said structure and shall not encroach into the required building setbacks).

8. 2024-ZON-091 | 6530 and 6650 Bluff Road

Perry Township, Council District #22
Linda Group Indy, LLC, by David Kingen

Rezoning of 10.57 acres from the SU-16 district to the SU-1 district to provide for religious uses.

PETITIONS FOR PUBLIC HEARING (Continued Petitions):

9. 2024-APP-009 / 2024-VAR-010 (Amended) | 1801, 1851, and 2001 West 86th Street, 8301, 8401, 8433, 8402, and 8501 Harcourt Road, 8220, 8240, 8260, 8326, 8330, 8333, 8414, 8424, and 8550 Naab Road

Washington Township, Council District #1 and #2
HD-1 / HD-2
St. Vincent Hospital and Health, by Brent Bennett

Hospital District One Approval and Hospital District Two Approval to provide for updated campus-wide wayfinding signage.

Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for:

- a. Two, 20-foot-tall pole signs (pole signs not permitted),
- b. A total of 16 freestanding signs that encroach into the clear-sight triangles of the abutting streets and drives (not permitted),
- c. Five freestanding pylon signs within the required front setback (minimum 10-foot setback required),

- d. Four, 21-foot-tall freestanding pylons, with one pylon sign being 115 feet from a protected district (maximum height of 15 feet permitted and a minimum of 600 feet separation from a protected district required),
- e. One, 16-foot-tall freestanding pylon sign being 135 feet from a protected district (maximum height of 15 feet permitted and a minimum 600-foot separation from a protected district required),
- f. One pylon sign in the right-of-way of Naab Road (not permitted),
- g. Two incidental signs being greater than 10 square feet in size (maximum 10 square feet permitted),
- h. One pylon sign being greater than 3% of the building elevation or architectural elevation to which the sign is oriented (maximum 3% of the building elevation or architectural elevation to which the sign is oriented permitted),
- i. Three pylon signs and one pole sign along one street frontage (maximum of two primary freestanding signs along one street frontage permitted).

10. 2024-ZON-050 | 3739 North Kitley Avenue

Warren Township, Council District #9
Patrium LLC, by Luis Gomez

Rezoning of 1.22 acres from the D-3 (TOD) district to the C-7 (TOD) classification to provide for a commercial contractor.

11. 2024-ZON-056 / 2024-VAR-009 | 4545 East Michigan Street

Center Township, Council District #13
SJM Co. Inc., by Jamilah Mintze

Rezoning of 0.12-acre from the D-5 district to the C-5 district to provide for general commercial uses, including an automobile repair shop.

Variance of Use and Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for a six-foot-tall chain link fence within the front yard of Michigan Street and Drexel Avenue (chain link fence not permitted within front yard) and encroaching into the clear-sight triangle of Michigan Street and Drexel Avenue and the abutting alley (not permitted).

12. 2024-ZON-062 | 1025 Jefferson Avenue

Center Township, Council District #13
Brookside Commercial, LLC, by Joseph D. Calderon

Rezoning of 0.15-acre from the D-5 district to the SU-38 district to provide for additional surface parking area for a community center and apartments.

13. 2024-CAP-815 / 2024-CVR-815 (2nd Amended) | 2439 and 2455 Dr. Martin Luther King, Jr. Street

C-S (W-5)
Center Township, Council District #12
Meridian Lodge #33 and NWQOL Holding Company LLC, by Bryan Conn

Modification of Development Statement and Site Plan related to 2020-ZON-067 to provide for a four-story multi-family, with supportive services development, with 32 dwelling units for persons experiencing homelessness, community meeting space, mental health services, employment assistance, health and wellness programs, life skills training and development, and a food pantry for residents.

Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for construction of a four-story multi-family, supportive services, and community space building, with 39% transparency on the west façade (minimum 40% transparency required on facades within 50 feet of a local, collector or arterial street), with 6% transparency on the north façade, with 25% transparency on the east façade, with 0% transparency on the south façade (minimum 40% transparency required within 50 feet of a public pedestrian entrance), with a front yard setback of five feet (minimum 10 feet required), a north side yard setback of three feet (minimum 10-foot side yard setbacks required), and a 48-foot-tall building (38-foot-tall building permitted).

14. 2024-CZN-820 / 2024-CPL-820 | 3107 East Sumner Avenue

Perry Township, Council District #19
Francisco Aleman, by Josh Smith

Rezoning of 0.924 acre from the D-A district to the D-5 district to provide for residential uses.

Approval of a Subdivision Plat to be known as Aleman's Subdivision, subdividing 0.924-acre into two lots.

15. 2024-CZN-829 / 2024-CVR-829 (Amended) | 707 East 22nd Street

Center Township, Council District #13
Elliott 317, LLC, by Jamilah Mintze

Rezoning of 0.07-acre from the C-3 district to the D-8 district to provide for a two-unit multi-unit house.

Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for a 38.1-foot tall, three-story, two-unit multi-unit house (maximum 35-foot tall, 2.5 stories permitted), with a deficient 2,926 square foot lot area (3,500 square feet required), a five-foot rear setback (10-foot rear setback required), with no street trees and deficient landscaping (minimum one street tree per 35 feet of lot frontage and 50% living material required).

PETITIONS FOR PUBLIC HEARING (New Petitions):

16. 2024-ZON-084 | 3124 West 16th Street

Wayne Township, Council District #11
Marcos Perera

Rezoning of 0.83-acre from the D-5 and C-1 districts to the C-3 district to provide for commercial uses.

17. 2024-ZON-088 | 8101 and 8105 W. Washington Street

Wayne Township, Council District #17
Indy Aerospace, Inc., by Brian J. Touhy

Rezoning of 4.77 acres from the SU-46 district to the 1-3 district to build a 30,000-square-foot building.

18. 2024-ZON-089 | 3527 North College Avenue

Center Township, Council District # 8
Walvan Investments, LLC, by David Gilman

Rezoning of 0.22 acre from the D-5 district to the D-8 district to provide for a (6-unit) small apartment use.

Additional Business:

**The addresses of the proposals listed above are approximate and should be confirmed with the Division of Planning. Copies of the proposals are available for examination prior to the hearing by emailing planneroncall@indy.gov. Written objections to a proposal are encouraged to be filed via email at planneroncall@indy.gov before the hearing and such objections will be considered. At the hearing, all interested persons will be given an opportunity to be heard in reference to the matters contained in said proposals. The hearing may be continued from time to time as may be found necessary. For accommodations needed by persons with disabilities planning to attend this public hearing, please call the Office of Disability Affairs at (317) 327-7093, at least 48 hours prior to the meeting. Department of Metropolitan Development - Current Planning Division.



METROPOLITAN DEVELOPMENT COMMISSION August 29, 2024
HEARING EXAMINER

Case Number: 2024-MOD-015 (Amended)

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

Location: Enter Township, Enter Council District

Petitioner: Adam DeHart

Current Zoning: C-S

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

Current Land Use: Industrial

Staff Recommendations: To be determined.

Staff Reviewer: Marleny Iraheta, Senior Planner

PETITION HISTORY

A timely automatic continuance request was filed by a registered neighborhood organization **continuing this petition from the August 29, 2024 hearing to the September 26, 2024 hearing.** This would require acknowledgment from the Hearing Examiner.

STAFF RECOMMENDATION

Staff recommendation to be determined.

PETITION OVERVIEW

This petition will be continued to the September 26, 2024 hearing.



METROPOLITAN DEVELOPMENT COMMISSION August 29, 2024
HEARING EXAMINER

Case Number: 2024-ZON-040

Property Address: 6000, 6012, 6020, 6180, and 6206 East 46th Street

Location: Lawrence Township, Council District #9

Petitioner: Indianapolis Re Management LLC, 600-B East 46th Street LLC, by Emily Duncan and David Kingen

Current Zoning: C-3 (FF) and C-4 (FF)

Request: Rezoning of 35.8 acres from the C-3 (FF) and C-4 (FF) districts to the MU-2 (FF) district.

Current Land Use: Commercial (vacant)

Staff Reviewer: Kathleen Blackham, Senior Planner

PETITION HISTORY

The Hearing Examiner continued this petition from the June 27, 2024 hearing, to the July 25, 2024 hearing, and to the August 29, 2024 hearing, at staff’s request, to provide additional time for the petitioner’s representative to provide information and details regarding this request that would enable staff to review this impactful redevelopment.

Staff is requesting a **continuance from the August 29, 2024 hearing, to the September 26, 2024 hearing.** Documents submitted on August 8, 2024, provided additional and more detailed information, which staff believes would be necessary for conducting a Traffic Impact Study (TIS). A Trip Generation Analysis was submitted on July 12, 2024, but staff believes a TIS should be submitted prior to this petition being heard because of the impact of the proposed redevelopment.



Department of Metropolitan Development
 Division of Planning
 Current Planning

METROPOLITAN DEVELOPMENT COMMISSION **August 29, 2024**
HEARING EXAMINER

Case Number: 2024-ZON-072
Property Address: 4903 West Washington Street
Location: Wayne Township, Council District #17
Petitioner: Axum Auto Parts, LLC, by Pat Rooney
Current Zoning: C-3 and C-4
Request: Rezoning of 0.9 acre from the C-3 and C-4 districts to the C-5 district to provide for a restaurant, automobile repair and automobile sales.
Current Land Use: Commercial uses
Staff Reviewer: Kathleen Blackham, Senior Planner

PETITION HISTORY

The Hearing Examiner continued this petition from the July 25, 2024 hearing, to the August 29, 2024 hearing, at the request of the petitioner’s representative. Staff would request a continuance from the **August 29, 2024, to the September 26, 2024 hearing**, because of ongoing discussions with the petitioner’s representative and the possibility of amending the request.



METROPOLITAN DEVELOPMENT COMMISSION August 29, 2024
HEARING EXAMINER

Case Number: 2024-ZON-073 and 2024-ZON-073B

Property Address: 2155 Kessler Boulevard West Drive

Location: Washington Township, Council District #2

Petitioner: Broadmoor Investments, LLC, by Russell L. Brown

Current Zoning: SU-34

Request: Rezoning of 6.01 acres from the SU-34 (FF) district to the D-4 (FF) district to provide for residential uses.
Rezoning of 7.68 acres from the SU-34 district to the D-5II district to provide for residential uses.

Current Land Use: Country Club

Staff Reviewer: Kathleen Blackham, Senior Planner

PETITION HISTORY

A timely automatic continuance request was filed by a City-County Councilor **continuing these petitions from the July 25, 2024 hearing, to the August 29, 2024 hearing.** This would require acknowledgement from the Hearing Examiner.

The petitioner’s representative filed a timely **automatic continuance that would continue these petitions from the August 29, 2024 hearing, to the September 26, 2024 hearing.** This would require acknowledgement from the Hearing Examiner.



**METROPOLITAN DEVELOPMENT COMMISSION
HEARING EXAMINER**

August 29,2024

Case Number: 2024-ZON-090

Property Address: 9061 Crawfordsville Road (Approximate Address)

Location: Wayne Township, Council District #11

Petitioner: Mark & Kim Crouch

Current Zoning: C-3

Request: Rezoning of one acre from the C-3 district to the D-5 district to provide for residential use.

Current Land Use: Residential

Staff Recommendations: To be determined.

Staff Reviewer: Marleny Iraheta, Senior Planner

PETITION HISTORY

The petitioner notified staff that they will be requesting a **continuance for cause from the August 29, 2024 hearing to September 26, 2024 hearing** to allow additional time to amend the request.

STAFF RECOMMENDATION

Staff recommendation to be determined.

PETITION OVERVIEW

This petition is to be continued to the September 26, 2024 hearing.



**METROPOLITAN DEVELOPMENT COMMISSION
HEARING EXAMINER**

August 29, 2024

Case Number: 2024-APP-015

Property Address: 7960 North Shadeland Avenue (approximate address)

Location: Lawrence Township, Council District #3

Petitioner: 7660 Shadeland, LLC, by Scott Elpers

Current Zoning: HD-2

Request: Hospital District Two Approval to provide for two building identification signs and one 4.67-foot-tall freestanding sign for a medical facility.

Current Land Use: Drug and Alcohol Rehabilitation Center

Staff Recommendations: Approval.

Staff Reviewer: Marleny Iraheta, Senior Planner

PETITION HISTORY

This petition was continued from the August 15, 2024 hearing to the August 29, 2024 hearing at the request of the petitioner.

STAFF RECOMMENDATION

Staff **recommends approval** of the request.

PETITION OVERVIEW

LAND USE

The 2-acre site is developed with a commercial building and associated parking lot. It is surrounded by medical and dental offices and clinic to the east and south, zoned HD-2, a home improvement store to the north, zoned C-S, and is bordered to the west by I-69.

HOSPITAL DISTRICT-TWO APPROVAL

The HD-2 zoning category is designed to: (1) permit and facilitate the logical association of a diversity of land uses in close proximity to a major hospital complex; (2) to provide adequate land area for such hospital-related uses; and (3) to assure a quality and character of site development that will create the environment of safety, quietness, attractiveness and convenience compatible with such hospital complex.

The HD-2 district requires an approval petition be filed for signs other than incidental signs. An incidental sign is defined as “a permanent sign which has a purpose that is secondary and incidental to the use of



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

the lot on which it is located, such as “hours of operation”, “loading zone only,” “air,” “building directory” and “visitor parking,” and which carries no commercial message that is legible beyond the lot on which the sign is located, except for a registered logo on a premises with two or more separately-operating businesses.

The proposed signs would be classified as wall signs and a monument sign.

STAFF ANALYSIS

The initially proposed wall sign on the west building façade exceeded the 3% wall sign limitation. It was discovered that the existing sign cabinet was not legally installed with a permit and did not receive proper approvals for installation. However, the petitioner provided a revised wall sign rendering on August 20th to meet the wall sign standards.

Both proposed wall signs are permitted in the HD-2 district and would meet the sign regulations of the Ordinance.

The initially proposed freestanding sign having an opening and base or structural frame measuring less than 80% of the width of the sign face was not classified as a monument sign. Instead, it was classified as a pole sign, which is not permitted in the Hospital Districts.

To comply with the Ordinance standards as a monument sign, the sign face needed to extend down to grade, or a base or structural frame needed to be installed to maintain a minimum width, without an opening, greater than 80% of the width of the widest part of the sign face.

The petitioner provided a revised freestanding sign to meet the definition of a monument sign. The revised sign type would be permitted and meets all sign regulations for the HD-2 district.

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

GENERAL INFORMATION

Existing Zoning	HD-1	
Existing Land Use	Drug and Alcohol Rehabilitation Facility	
Comprehensive Plan	Community Commercial	
Surrounding Context	<u>Zoning</u>	<u>Land Use</u>
	North:	C-S Commercial
	South:	HD-2 Medical Clinic / Offices
	East:	HD-2 Dental Offices / Offices
	West:	C-5 I-69
Thoroughfare Plan		
Shadeland Avenue	Primary Arterial Street	112-foot proposed right-of-way and 97-foot existing right-of-way.
Context Area	Metro	



Floodway / Floodway Fringe	No
Overlay	No
Wellfield Protection Area	No
Site Plan	July 10, 2024
Site Plan (Amended)	August 20, 2024
Elevations	July 10, 2024
Elevations (Amended)	August 20, 2024
Landscape Plan	N/A
Findings of Fact	July 10, 2024
Findings of Fact (Amended)	N/A
C-S/D-P Statement	N/A

COMPREHENSIVE PLAN ANALYSIS

Comprehensive Plan

- Marion County Land Use Plan Pattern Book (2019)

Pattern Book / Land Use Plan

- Marion County Land Use Plan Pattern Book (2019) recommends community commercial development of the site.
- The Community Commercial typology provides for low-intensity commercial, and office uses that serve nearby neighborhoods. These uses are usually in freestanding buildings or small, integrated centers. Examples include small-scale shops, personal services, professional and business services, grocery stores, drug stores, restaurants, and public gathering spaces.

Red Line / Blue Line / Purple Line TOD Strategic Plan

- Not Applicable to the Site.

Neighborhood / Area Specific Plan

- Not Applicable to the Site.

Infill Housing Guidelines

- Not Applicable to the Site.



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

- Not Applicable to the Site.



ZONING HISTORY

Zoning History - Site

99-Z-152/ 99-CV-6; 7802 North Shadeland Avenue (subject site), Rezoning of 2.004 acres, from C-1 to HD-2, to provide for a suites hotel to serve the Hospital District area and Variance of development of standards of the Sign Regulations to provide for a six-foot tall, 60 square foot incidental sign (maximum 2 feet tall and 6 square feet permitted), **approved**.

96-CV-8; 7802 North Shadeland Avenue (subject site), Variance of development standards of the Commercial Zoning Ordinance to provide for commercial development without public street frontage using a private drive (minimum 50 feet of frontage on a public street required for each lot or integrated center), **granted**.

96-Z-24; 7802 North Shadeland Avenue (subject site), Rezoning of 2.004 acres, being in the HD-2 district, to the C-1 classification to provide for commercial development, **approved**.

91-Z-20; 7920 Shadeland Avenue (subject site), Rezoning of 14.976 acres, being in the D-A district, to the HD-II classification to provide for the development of hospital related uses, **approved**.

88-Z-243B; 7950 North Shadeland Avenue (subject site), Rezoning of 12.97 acres, being in the A-1 District, to the C-S classification to provide for a mixed-use complex permitting C-1, C-3, HD-II uses, movie theaters and office-warehouse development, **denied**.

Zoning History - Vicinity

94-Z-35; 8010 North Shadeland Avenue (north of site), Rezoning of 14.935 acres, being in the D-A district, to the C-S classification to provide for a hardware and lumber center with an outdoor garden center, **granted**.

93-Z-157; 7990 Castleton Road (west of site), Rezoning of 18.422 acres from I-2-S district to C-5 classification to provide for a family entertainment center, **approved**.

93-Z-136; 8009 North Shadeland Avenue (north of site), Rezoning of 13.07 acres, being in the D-A district, to the C-S classification to provide for a hardware store, **denied**.

93-Z-23; 8010 North Shadeland Avenue (north of site), Rezoning of 13.07 acres, being in the D-A District, to the C-S classification to provide for a hardware store with a garden store, **withdrawn**.

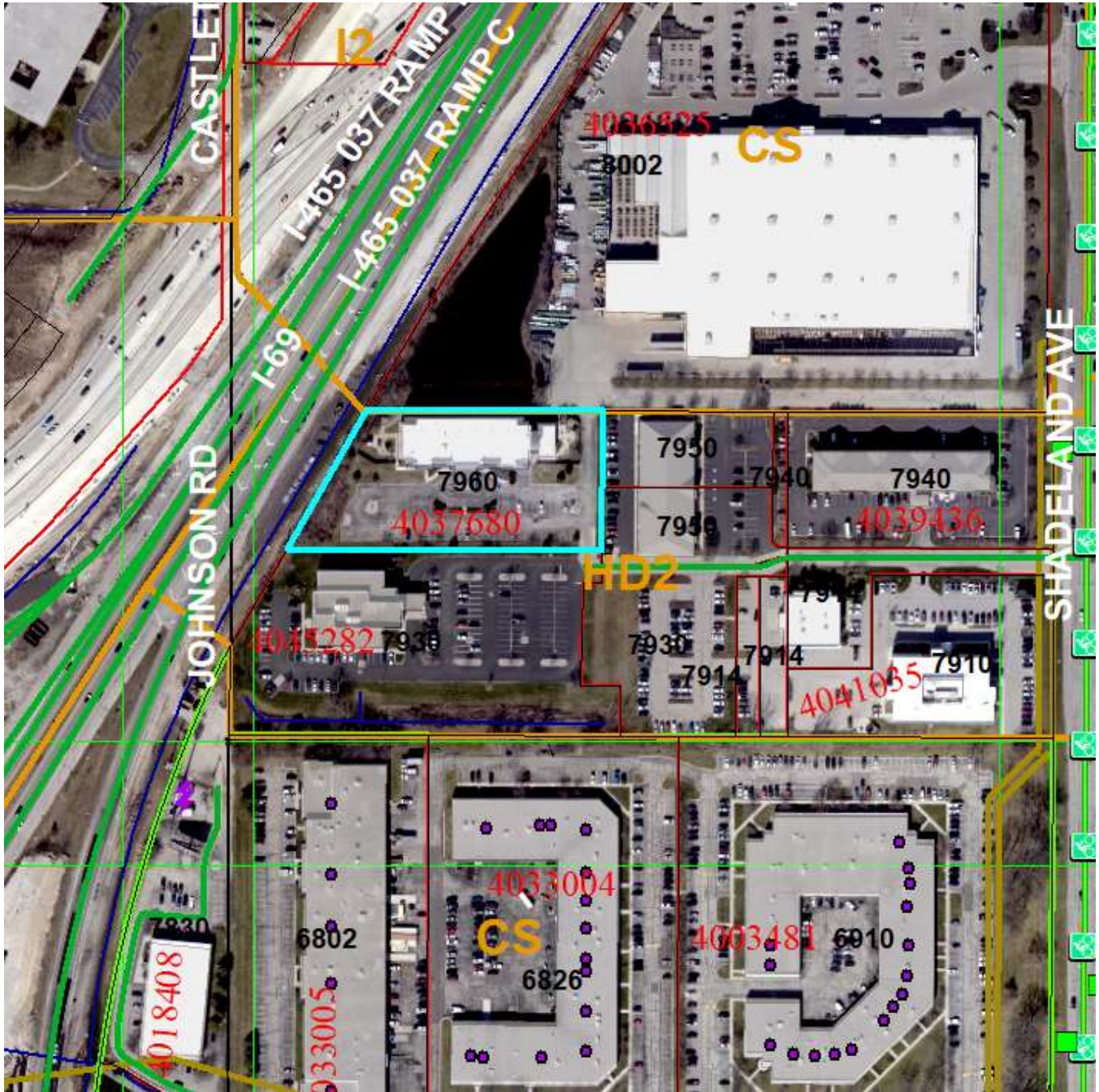
88-Z-243A; 7950 North Shadeland Avenue (north of site), Rezoning of 15.01 acres, being in the A-1 District, to the C-4 classification to provide for a retail center with uses limited to those defined in the C-3 district, **denied**.



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

88-Z-222; 7702 North Shadeland Avenue (southwest of site), Rezoning of 5.89 acres, being in the A-2 District, to the C-S classification to provide for retail sales and service and office/warehouse space, **denied.**

EXHIBITS



AVENUES RECOVERY CENTER
SITE PLAN



DIMENSIONS:

AREA CHANNEL LETTERS
40'(W) x 7' - 7 11/16"(H) x 3"(D)
306.04 SQ FT

DISTANCE FROM GROUND
37' - 8 11/16"

AREA CABINET
13' - 7"(W) x 4' - 10"(H) x 3"(D)
46.63 SQ FT

DISTANCE FROM GROUND
29' - 2"

AREA MONUMENT
8' - 8"(W) x 4' - 8"(H) x 7"(D)
46.5 SQ FT

Property information for: 4037680

Local Parcel #: 4037680
State Parcel #: 49-02-23-112-012,000-400
Street Address: 7960 N SHADELAND AVE
City, State Zip: INDIANAPOLIS, IN 46250
Estimated Square Feet: 87075
Owner Name: 7960 SHADELAND LLC
Township: LAWRENCE

CONTRACTOR:
KEVIN PARRISH
design@louisvillecustomsigns.com
502.409.5008
louisvillecustomsigns.com

CUSTOMER:
AVENUES RECOVERY CENTER
7960 North Shadeland Avenue
46250

DESCRIPTION:
New Location Indianapolis

NOTES:



South Façade Wall Sign

AVENUES RECOVERY CENTER/CHANNEL LETTERS
OVERVIEW

BUILDING MEASUREMENTS

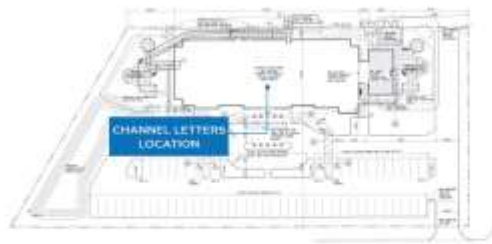


DIMENSIONS

AREA
40' (W) x 7' - 7 13/16" (H) x 3" (D)
306.04 SQ FT

DISTANCE FROM GROUND
37' - 8 1/16"

SIGN LOCATION



NIGHT VIEW



EXISTING CONDITION



CONTRACTOR:
KEVIN PARRISH
design@louisvillecustomsigns.com
502.409.5008
louisvillecustomsigns.com

CUSTOMER:
AVENUES RECOVERY CENTER
7960 North Shadeland Avenue
46250

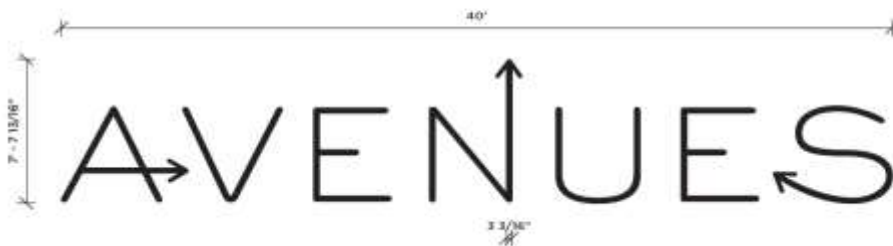
DESCRIPTION:
Front lit channel letters flush
mounted to the wall

NOTES:
 INSPECTED AND LABELED IN
ACCORDANCE WITH UL STANDARD
FOR ELECTRIC SIGNS INSTALLED
USING UL LISTED PARTS AND
METHODS OF INSTALLATION.



AVENUES RECOVERY CENTER/CHANNEL LETTERS
OVERVIEW

MEASUREMENTS



DIMENSIONS

AREA
40' (W) x 7' - 7 13/16" (H) x 3" (D)
306.04 SQ FT

DISTANCE FROM GROUND
37' - 8 1/16"

South Façade Wall Sign (Continued)

AVENUES RECOVERY CENTER/CHANNEL LETTERS
OVERVIEW

PROPOSED SIGN



DIMENSIONS

AREA
40'(W) x 7' - 7 13/16"(H) x 3"(D)
308.04 SQ FT

DISTANCE FROM GROUND
57' - 8 11/16"

EXISTING CONDITION



CONTRACTOR:
KEVIN PARRISH
design@louisvillecustomsigns.com
502.409.5008
louisvillecustomsigns.com

CUSTOMER:
AVENUES RECOVERY CENTER
7960 North Shadeland Avenue
46250

DESCRIPTION:
Front lit channel letters flush
mounted to the wall

NOTES:
UL LISTED
FABRICATED AND LABELED IN
ACCORDANCE WITH UL STANDARD
FOR ELECTRIC SIGNS INSTALLED
USING UL LISTED PARTS AND
METHODS OF INSTALLATION



West Façade Wall Sign

AVENUES/NEW LOCATION INDIANAPOLIS
FASCIA SIGN-CABINET REFACE




ORDER NUMBER: 3123

DESCRIPTION:
VINYL APPLIED TO POLY
INSTALLED INTO EXISTING
CABINET
168" X 60"

AREAS:
TOTAL AREA: 70 SQ FT

FOR PRESENTATION PURPOSES ONLY,
REQUIRES ENGINEERING CALCULATIONS
FOR STRUCTURAL INSTALLATION/ASSEMBLY
ALL MEASUREMENTS TO BE CONFIRMED
BY ADDITIONAL SIGHT SURVEY

CONTACT INFO
Design@louisvillecustomsigns.com
502-409-5008
louisvillecustomsigns.com

AVENUES/NEW LOCATION INDIANAPOLIS
FASCIA SIGN-CABINET REFACE




ORDER NUMBER: 3123

DESCRIPTION:
VINYL APPLIED TO POLY
INSTALLED INTO EXISTING
CABINET
168" X 60"

AREAS:
TOTAL SIGN AREA: 70 SQ FT
TOTAL FASCIA AREA: 2,200.17 SQ FT

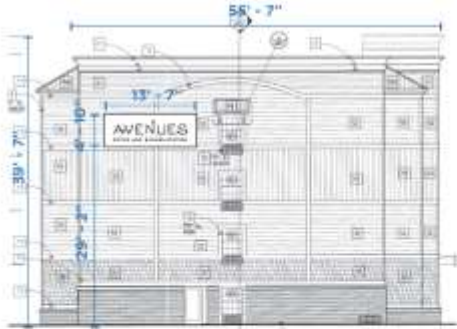
FOR PRESENTATION PURPOSES ONLY,
REQUIRES ENGINEERING CALCULATIONS
FOR STRUCTURAL INSTALLATION/ASSEMBLY
ALL MEASUREMENTS TO BE CONFIRMED
BY ADDITIONAL SIGHT SURVEY

CONTACT INFO
Design@louisvillecustomsigns.com
502.409.5008
louisvillecustomsigns.com

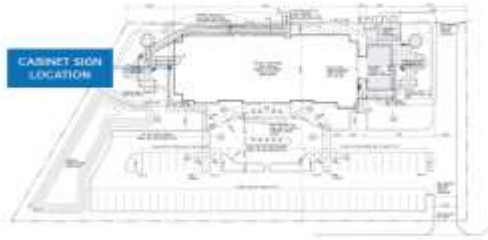
Amended West Façade Wall Sign

AVENUES RECOVERY CENTER/CABINET SIGN
OVERVIEW

BUILDING MEASUREMENTS



SIGN LOCATION



NIGHT VIEW



DIMENSIONS

AREA
13' - 7" (W) x 4' - 10" (H) x 3" (D)
85.63 SQ FT
DISTANCE FROM GROUND
28' - 2"

EXISTING CONDITION



CONTRACTOR:
KEVIN PARRISH
design@louisvillecustomsigns.com
502.409.5008
louisvillecustomsigns.com

CUSTOMER:
AVENUES RECOVERY CENTER
7960 North Shadeland Avenue
46250

DESCRIPTION:
Cabinet sign with vinyl graphics
applied to polycarb face, flush
mounted to the wall

NOTES:
 INSPECTED AND LABELED IN
ACCORDANCE WITH UL STANDARDS
FOR ELECTRIC SIGNS. INSTALLED
WITH UL LISTED PARTS AND
METHODS OF INSTALLATION.



AVENUES RECOVERY CENTER/CABINET SIGN
OVERVIEW

MEASUREMENTS



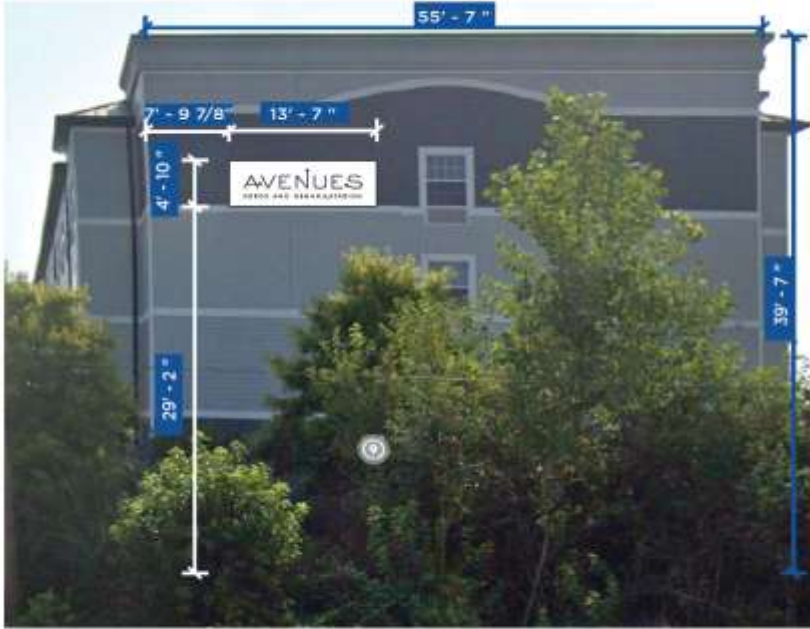
DIMENSIONS

AREA
13' - 7" (W) x 4' - 10" (H) x 3" (D)
85.63 SQ FT
DISTANCE FROM GROUND
28' - 2"

Amended West Façade Wall Sign (Continued)

AVENUES RECOVERY CENTER / CABINET SIGN
OVERVIEW

PROPOSED SIGN



DIMENSIONS

AREA
13' - 7" (W) x 4' - 10" (H) x 3" (D)
85.63 SQ FT

DISTANCE FROM GROUND
29' - 2"

EXISTING CONDITION



CONTRACTOR:
KEVIN PARRISH
design@louisvillecustomsigns.com
502.409.5008
louisvillecustomsigns.com

CUSTOMER:
AVENUES RECOVERY CENTER
7960 North Shadeland Avenue
46250

DESCRIPTION:
Cabinet sign with vinyl graphics
applied to polycarb face, flush
mounted to the wall

NOTES:
INSPECTED AND LABELED IN
ACCORDANCE WITH UL STANDARDS
FOR ELECTRIC SIGNS INSTALLED
USING UL LISTED PARTS AND
METHODS OF INSTALLATION






Department of Metropolitan Development
Division of Planning
Current Planning

Freestanding Sign: Pole Sign – Not permitted

AVENUES/NEW LOCATION INDIANAPOLIS
MONUMENT



ORDER NUMBER: 3123

DESCRIPTION:

DOUBLE SIDED CUT THROUGH
NON-LIT MONUMENT

114" X 56"

AREAS:

TOTAL AREA: 44.32 SQ FT

FOR PRESENTATION PURPOSES ONLY.
REQUIRES ENGINEERING CALCULATIONS
FOR STRUCTURAL INSTALLATION/ADHERE
ALL MEASUREMENTS TO BE CONFIRMED
BY ADDITIONAL SIGHT SURVEY

CONTACT INFO

Design@louisvillecustomsigns.com
502.409.5008
louisvillecustomsigns.com

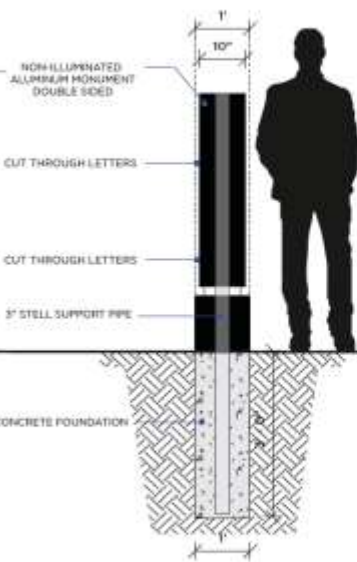
Amended Freestanding Sign: Monument Sign

AVENUES RECOVERY CENTER/MONUMENT
 MEASUREMENTS / TECHNICAL DRAWING

FRONT VIEW



SIDE VIEW



DIMENSIONS

AREA
 8' - 8" (W) x 4' - 8" (H) x 3" (D)
 40.5 SQ FT

EXISTING CONDITION



CONTRACTOR:
KEVIN PARRISH
 design@louisvillecustomsigns.com
 502.409.5008
 louisvillecustomsigns.com

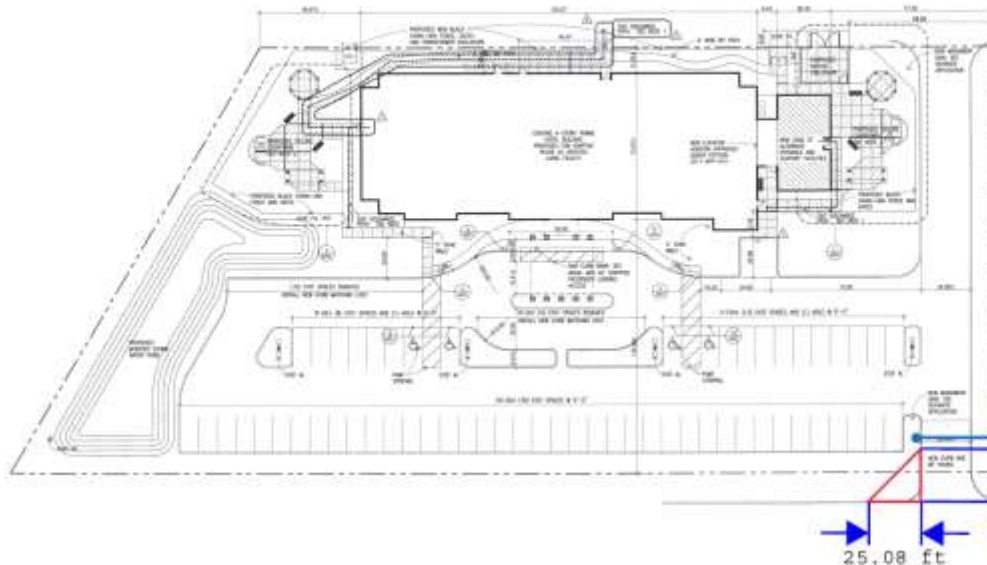
CUSTOMER:
AVENUES RECOVERY CENTER
 7960 North Shadeland Avenue
 46250

DESCRIPTION:
 Double sided monument sign
 with non-lit cut through letters.

NOTES:



SIGN LOCATION



FACE COLORS:

- BLACK
- WHITE

**MONUMENT SIGN
 LOCATION**



**METROPOLITAN DEVELOPMENT COMMISSION
OF MARION COUNTY, INDIANA
PETITION FOR UNIVERSITY QUARTER ONE/TWO APPROVAL
PETITION FOR PARK DISTRICT ONE/TWO APPROVAL
PETITION FOR HOSPITAL DISTRICT ONE/TWO APPROVAL**

FINDINGS OF FACT

The Metropolitan Development Commission finds that the site and development plan file-dated _____, 20__

A. Has been designed to create a superior land development plan, in conformity with the Comprehensive Plan because:

This is a rehab center located in a hospital district.

B. Creates and maintains a desirable, efficient and economical use of land with high functional and aesthetic value, attractiveness and compatibility of land uses, within the development plan district and with adjacent uses because:

This is an existing senior living facility building and we are changing the signs out on the front of the building and adding a monument sign at the front of the property.

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

The existing lot and building has been functional for many years and it will not be changing.

D. Integrates a multi-modal transportation network using active and passive traffic control with the existing and planned public streets and interior roads because:

Street and access is not changing and have been used for many years.

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

All utilities are existing and not being changed. They have been in use for many years.



Department of Metropolitan Development
Division of Planning
Current Planning

F. Allocates adequate sites for all uses proposed, - the design, character, grade, location, and orientation thereof to be appropriate for the uses proposed, logically related to existing and proposed topographical and other conditions, and consistent with the Comprehensive Plan, because:

All building and lot conditions are existing only change the existing building signs and adding a monument to assist with traffic flow.

G. Provides pedestrian accessibility and connectivity, which may be paths, trails, sidewalks (if sidewalks are required to be installed, the Administrator or the Commission must be guided by provisions of Section 744-304 for the installation of sidewalks), or combination thereof; provides pedestrian accessibility to available public transit; and provides sidewalks along eligible public streets consisting of the walkway and any curb ramps or blended transitions because:

All building and lot conditions are existing only change the existing building signs and adding a monument to assist with traffic flow.

DECISION

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

Adopted this _____ day of _____, 20 ____



Photo of the southern building elevation.



Photo of the eastern building façade.



Photo of the proposed location of the freestanding sign looking west.



Photo of the proposed location of the freestanding sign looking north.



METROPOLITAN DEVELOPMENT COMMISSION August 29, 2024
HEARING EXAMINER

Case Number: 2024-MOD-012
Property Address: 5943 Copeland Mills Drive
Location: Decatur Township, Council District #21
Petitioner: Ronald Holland
Current Zoning: D-3

Request: Modification of the Commitments related to petition 97-Z-30 to modify Commitment #20 to allow for a six-foot tall privacy fence with 100% opacity along the side and rear property lines (current commitment limits privacy fencing to being used in conjunction with a porch, patio, deck, terrace, or pool, it must be located within fifteen feet of said structure and shall not encroach into the required building setbacks)..

Current Land Use: Single-family dwelling
Staff Recommendations: No recommendation
Staff Reviewer: Kathleen Blackham, Senior Planner

PETITION HISTORY

The Hearing Examiner acknowledged the automatic continuance filed by a registered neighborhood organization that continued this petition from the July 25, 2024 hearing, to the August 29, 2024 hearing,

STAFF RECOMMENDATION

No recommendation.

PETITION OVERVIEW

This 0.25-acre site, zoned D-3 is developed with a single-family dwelling. It is surrounded by single-family dwellings to the north, south, east, and west, all zoned D-3 (Copeland Mills Estates Subdivision).

MODIFICATION

This request would modify commitments associated with petition 97-Z-30 that to allow for a six-foot tall fence with 100% opacity along the sides and rea property lines. Commitment #20 limited privacy fencing to being used in conjunction with a porch, patio, deck, terrace, or pool and located within 15 feet of said structure and not encroach into the require building setbacks. See Exhibit A.



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

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.

Staff would note that petitions 2007-APP-010 and 2007-APP-121 modified the commitments to provide for a similar request for many lots within this subdivision.

GENERAL INFORMATION

Existing Zoning	D-3	
Existing Land Use	Single-family dwelling / accessory structures	
Comprehensive Plan	Suburban Neighborhood	
Surrounding Context	Zoning	Land Use
North:	D-3	Single-family dwelling
South:	D-3	Single-family dwelling
East:	D-3	Single-family dwelling
West:	D-3	Single-family dwelling
Thoroughfare Plan		
Copeland Mills Drive	Local Street	Existing 50-foot right-of-way and proposed 50-foot right-of-way.
Context Area	Metro	
Floodway / Floodway Fringe	No	
Overlay	No	
Wellfield Protection Area	No	
Site Plan	June 16, 2024	
Site Plan (Amended)	N/A	
Elevations	N/A	
Elevations (Amended)	N/A	
Landscape Plan	N/A	
Findings of Fact	N/A	
Findings of Fact (Amended)	N/A	
C-S/D-P Statement	N/A	

COMPREHENSIVE PLAN ANALYSIS

Comprehensive Plan

- The Comprehensive Plan recommends Suburban Neighborhood typologies. The Suburban Neighborhood typology is predominantly made up of single-family housing but is interspersed with attached and multifamily housing where appropriate. This typology should be supported by a variety of neighborhood-serving businesses, institutions, and amenities. Natural Corridors and natural features such as stream corridors, wetlands, and woodlands should be treated as focal points or organizing systems for development. Streets should be well-connected, and amenities should be treated as landmarks that enhance navigability of the development. This typology generally has a residential density of 1 to 5 dwelling units per acre, but a higher density is recommended if the development is within a quarter mile of a frequent transit line, greenway, or park.

Pattern Book / Land Use Plan

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

Red Line / Blue Line / Purple Line TOD Strategic Plan

- Not Applicable to the Site.

Neighborhood / Area Specific Plan

- Not Applicable to the Site.

Infill Housing Guidelines

- Not Applicable to the Site.

Indy Moves

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



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

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

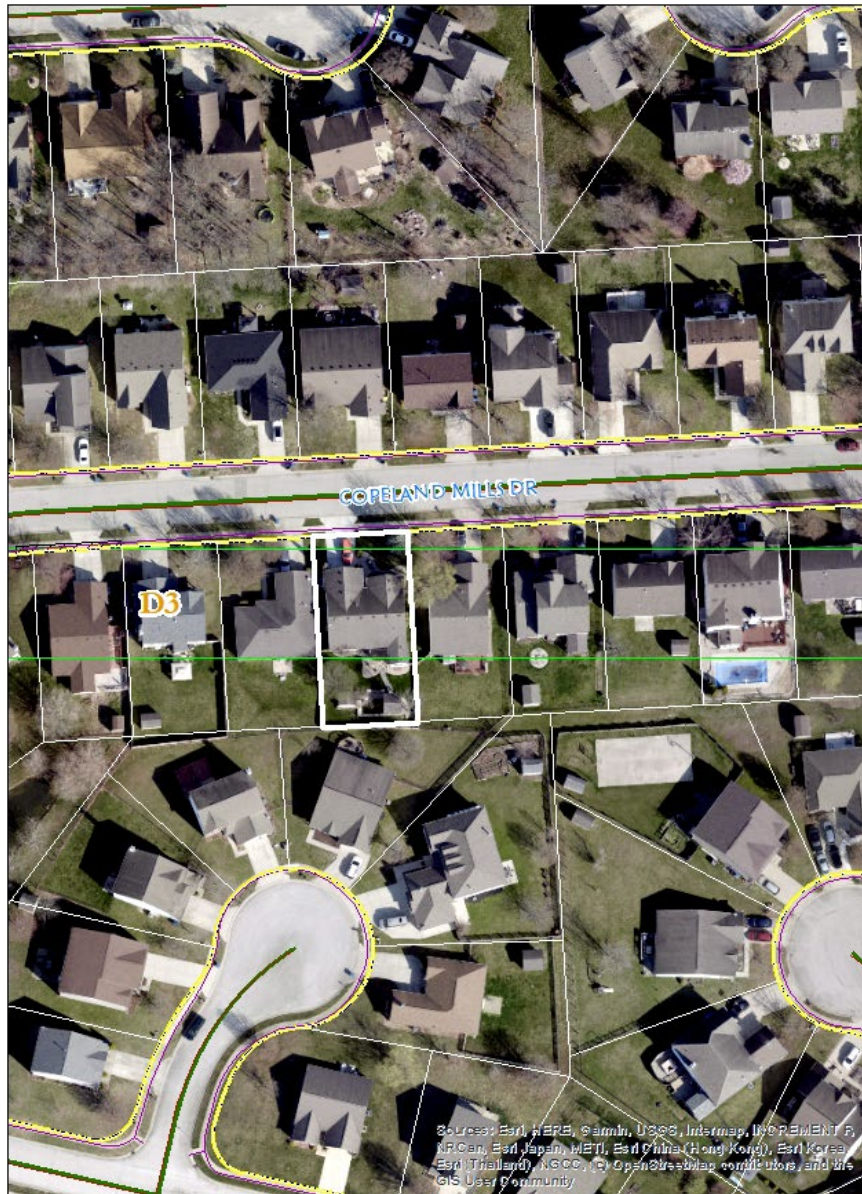


ZONING HISTORY

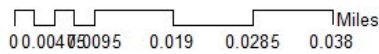
2007-APP-010; 6010, 6214, 6219, 6225 and 6136 Maple Branch Place, 6003, 6011, 6019 and 6135 Timberland Way, 6227 Copeland Mills Drive, 6133 Navy Circle, 6224 and 6229 Green Mountain Court, 6009 and 6105 Copeland Lakes Drive, 6203 Timberland Court and 6051 Copeland Mills Court, requested approval to Modify Commitments, related to 97-Z-30, to terminate Commitment Twenty for the following lots: Lots 117, 118, 119, 179, and 188 in Copeland Mills Section One and Lots 2, 5, 15, 25 and 26 in Copeland Mills Section Two and Lots 107, 128, 130, 158, 162, 163 and 167 In Copeland Mills Section Three, **approved.**

2007-APP-121; 5922 and 6117 Copeland Lakes Drive, 6045 and 6108 Copeland Mills Court, 5826, 5908, 5925, 6024, 6043 and 6055 Copeland Mills Drive, 6042, 6049, 6127, 6128, 6206 and 6220 Maple Branch Place, 6120, 6121, 6141 and 6142 Navy Circle, 6226, 6231 and 6236 Oak Limb Court, 6118 and 6124 Sleuth Circle, 6204, 6215, 6216 and 6233 Timberland Court, 6027, 6035, 6043, 6110, 6115, 6123 and 6140 Timberland Way, 6122 Trillium Woods Court, 5831, 5838, 5839, 5904, 5912, 5917 and 5918 Vets Circle, requested modification of commitments, related to 97-Z-30, to terminate Commitment Twenty for the following lots: Lots 50, 54, 64, 73, 82, 84, 120, 121, 122, 177, 178, 189 and 193 in Copeland Mills Section One and Lots 1, 3, 6, 11, 18, 19, 20, 22, 31, 34, 42, 46 and 47 in Copeland Mills Section Two and Lots 86, 97, 99, 102, 105, 108, 110, 114, 125, 126, 132, 135, 139, 141, 144, 146, 148, 169 in Copeland Mills Section Three and common areas A, B, C, D, E, F and G, **approved.**

EXHIBITS



5943 Copeland Mills Drive





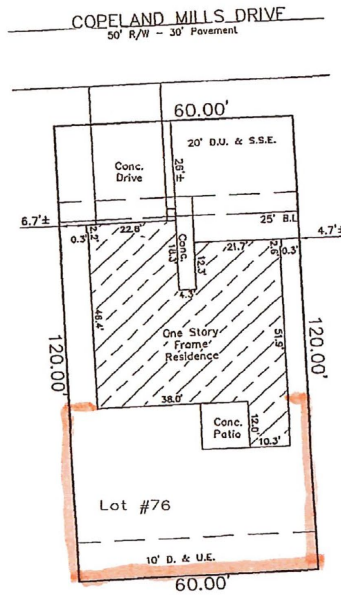
BENCHMARK LAND SERVICES, INC.

Land Surveying Civil Engineering Geotechnical Engineering • Environmental Engineering
 9855 Crosspoint Blvd., Suite 110, Indianapolis, IN 46256
 Phone (317) 841-1506 Fax (317) 841-1507

Property Description:

Lot Numbered 76 in Copeland Mills Estates, Section 1, an Addition to the City of Indianapolis, as per plat thereof, recorded as Instrument 00-105962, in the office of the Recorder of Marion County, Indiana.

Benchmark Land Services, Job No. 2-60475



This Report is Designed For Use By A Title Insurance Company With Residential Loan Policies. No Corner Markers Were Set And The Location Data Herein is Based On Limited Accuracy Measurements.

*Note: Unless Otherwise Noted, No Substantial Physical Evidence Was Observed Along Perimeter Lines Of The Subject Tract.



SURVEYOR LOCATION REPORT		
LEGEND D. & U.E. = Drainage & Utility Easement B.L. = Building Line		
Scale: 1" = 30'		
Date: Jan. 8, 2004	Drawn by: SW Drawing No.: 2-60475	



EXHIBIT A

97-2-30

STATEMENT OF COMMITMENTS

NOTE: The Rules of Procedure of the Metropolitan Development Commission require use of this form in recording commitments made with respect to zoning cases in accordance with I.C. 36-7-4-614 and approval cases in accordance with I.C. 36-7-4-613. Resolution No. 85-R-69, 1985 and the Rules of Procedure of the Metropolitan Development Commission requires the owner to make Commitment #1.

**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 legal description attached as Exhibit A.

Statement of COMMITMENTS:

1. The owner agrees to abide by the Open Occupancy and Equal Employment Opportunity Commitments required by Metropolitan Development Commission Resolution No. 85-R-69, 1985, which commitments are attached hereto and incorporated herein by reference as Attachment "A".
2. Maximum density shall be 2.9 dwelling units per gross acre.
3. The real estate shall be developed in substantial compliance with the Conceptual Plan file-dated March 14, 1997, which utilizes the Cluster Option.
4. All homes shall be detached single-family dwellings. No two-family dwellings shall be permitted.
5. The minimum main floor area of a single-family dwelling, exclusive of garages and open porches, shall be:
 - (a) 1,300 square feet for a one story building located on the lots identified on the Conceptual Plan file-dated March 14, 1997, as utilizing the Cluster Option for lot size reduction;

FILED
 APR 18 1997
 DEPT. METRO DEVELOPMENT
 BY _____

- (b) 900 square feet for a building that is more than one story and located on the lots identified on the Conceptual Plan file-dated March 14, 1997, as utilizing the Cluster Option for lot size reduction provided that the total floor area shall be at least 1,300 square feet;
 - (c) 1,400 square feet for a one story building located on all lots not identified on the Conceptual Plan file-dated March 14, 1997, as utilizing the Cluster Option for lot size reduction; or,
 - (d) 1,000 square feet for a building higher than one story located on all lots not identified on the Conceptual Plan file-dated March 14, 1997, as utilizing the Cluster Option for lot size reduction provided that the total floor area shall be at least 1,400 square feet.
6. No mobile, modular or manufactured dwellings shall be permitted on the real estate. The use of pre-manufactured components (i.e., trusses or wall sections) shall be permitted and shall not be considered mobile, modular or manufactured.
 7. All single-family dwellings shall include either a two- or three-car attached garage. No carports shall be permitted. No garage shall be permitted to be converted to living area such that the size of any garage is reduced to below the two-car attached garage minimum, unless such garage space is replaced by a new attached garage space so that the dwelling is served by a two- or three-car attached garage.
 8. The front exterior of all single-family dwellings shall have a one-hundred (100) percent brick or stone veneer except for: (i) windows, (ii) doors, (iii) dormers, and (iv) two-story homes with wrap-around porches extending across the living area of the front facade and around at least one corner. All remaining exterior surfaces shall be of brick, stone, wood, vinyl siding with a minimum gauge of 0.044 inches (equal to or better than Royal Woodland, as manufactured by Royal Building Products), or hardboard siding. Aluminum siding shall be prohibited on any exterior.
 9. No single-family dwellings with identical architectural designs shall be permitted on adjacent lots along the same street frontage.
 10. All single-family dwellings shall include a hardsurfaced driveway of sufficient width to provide direct access to all garage doors.
 11. No semi-truck, boat, mobile home, trailer or inoperative or unlicensed vehicle, shall be permitted to be stored outdoors on any lot.
 12. A mandatory Homeowner's Association shall be formed which shall be responsible for the maintenance of all common areas within the subdivision.
 13. No swimming, boating or skating shall be permitted in any of the common area lakes within the subdivision.
 14. A restrictive covenant shall be incorporated into the final plat of the subdivision which shall prohibit outbuildings that are not approved in writing by the Homeowner's Association in accordance with rules and regulations established by the Homeowner's Association for the construction and maintenance of outbuildings. Outbuildings shall be prohibited until such time as the Homeowner's Association establishes such rules and regulations.
 15. No above ground swimming pools (except for children's wading pools) shall be permitted.

16. No satellite dish larger than one (1) meter in diameter shall be permitted on any lot, provided, however, that such restriction shall be enforceable so long as it is not in violation of any applicable Federal Communications Commission regulations.
17. No dog runs shall be permitted.
18. Yard lights shall be required on all lots.
19. A uniform mailbox shall be utilized throughout the subdivision.
20. Privacy fencing (stockade, shadow-box or other fencing with a sight barrier in excess of fifty [50] percent) shall not be permitted unless:
 - (a) used in conjunction with (i) a porch, (ii) a patio, deck or terrace having a horizontal area within eighteen (18) inches of grade level, or (iii) an in-ground swimming pool;
 - (b) located within fifteen (15) feet from said porch, patio, deck, terrace or swimming pool; and,
 - (c) does not encroach into any required building setback.
21. All streets in the subdivision shall be public streets constructed to the standards of the City of Indianapolis with a minimum width for streets of twenty-six (26) feet back of curb to back of curb and a minimum radius for cul-de-sacs of forty-five (45) feet.
22. Sidewalks shall be provided along both sides of all internal streets and along High School Road. Developer shall develop a walking/hiking trail, including a small foot bridge, in the common area located at the southwestern portion of the real estate.
23. Entryway landscaping and sign(s) located at the High School Road entrance to the subdivision shall be subject to the approval of the Administrator in connection with the final platting of the real estate. Entryway sign(s) shall be of brick or stone construction.
24. Trees shall be preserved by the land developer to the greatest extent possible. The final plat shall indicate tree preservation areas in which tree removal by the land developer, home builders or home owners shall be limited to: removal of dead trees; removal of trees within the building pad area, driveway area and within ten (10) feet of the building pad area; removal of trees which represent a danger to homes; clearing of undergrowth; and removal of trees necessary to provide for utilities (including but not limited to drainage, sanitary sewer, electricity, telephone, gas, and cable). Two inventories of trees over four (4) inches in caliper located within a typical 20' by 20' area shall be prepared and submitted to the Administrator prior to final plat approval. One inventory shall be conducted in the northwest common area and one inventory shall be conducted in the southwest common area.
25. Right-of-way along High School Road shall be dedicated at the time of platting in compliance with the Thoroughfare Plan. Right-of-way for the extension of Milhouse Road shall be dedicated at the time of platting in compliance with a Milhouse Road Alignment Plan to be approved by the Department of Capital Asset Management.

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



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

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 # 97-Z-30 by the City-County Council changing the zoning classification of the real estate from a D-A zoning classification to a D-3 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 D-3 zoning classification or until such other time as may be specified herein.

These COMMITMENTS may be enforced jointly or severally by:

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

The undersigned hereby authorizes the Neighborhood and Development Services Division 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 # 97-Z-30.

IN WITNESS WHEREOF, owner has executed this instrument this 18th day of APRIL, 1997.



View of site looking south across Copeland Mills Drive



View looking west along Copeland Mills Drive.



**METROPOLITAN DEVELOPMENT COMMISSION
HEARING EXAMINER**

August 29, 2024

Case Number: 2024-ZON-091

Property Address: 6530 and 6650 Bluff Road

Location: Perry Township, Council District #22

Petitioner: Linda Group Indy, LLC, by David Kingen

Current Zoning: SU-16

Request: Rezoning of 10.57 acres from the SU-16 district to the SU-1 district to provide for religious uses.

Current Land Use: Vacant property

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

Staff Reviewer: Kathleen Blackham, Senior Planner

PETITION HISTORY

This is the first public hearing on this petition.

STAFF RECOMMENDATION

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

1. All existing trees shall be preserved, unless an assessment is conducted by a certified arborist and documentation submitted for Administrator Approval that indicates the tree is diseased and / or damaged and should be removed.
2. A 45-foot half right-of-way shall be dedicated along the frontages of Bluff Road and West Banta Road, as per the request of the Department of Public Works (DPW), Engineering Division. Additional easements shall not be granted to third parties within the area to be dedicated as public right-of-way prior to the acceptance of all grants of right-of-way by the DPW. The right-of-way shall be granted within 60 days of approval and prior to the issuance of an Improvement Location Permit (ILP).
3. 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.



Department of Metropolitan Development
Division of Planning
Current Planning

PETITION OVERVIEW

This 10.57-acre site, zoned SU-16 (indoor and outdoor recreation and entertainment), is comprised of two parcels developed with an approximately 54,672-square foot building and associated parking. It is surrounded by an abutting cemetery and single-family dwellings to the north, across Banta Road, zoned D-A; sports fields to the south, zoned SU-16; commercial uses to the east, across Bluff Road, zoned C-7; and multi-family dwellings and sports fields to the west, zoned D-7 and SU-16, respectively.

Rezoning

Petition 97-Z-119 rezoned this site to provide for the expansion of the parking and recreation facilities previously rezoned in 1985 (85-Z-185).

The request would rezone both parcels to the SU-1 District (Religious Uses). Ordinance provisions for Special Use Districts require that: “1) No building, structure, premises or part thereof shall be constructed, erected, converted, enlarged, extended, reconstructed or relocated except in conformity with these regulations and for uses permitted by this article and until the proposed Site and Development Plan and landscape plan have been filed with and approved on behalf of the Commission by the Administrator and 2) All land use within the Special Use districts shall be limited to the use as identified within the Ordinance.” In this case the use would be limited to religious uses.

The Comprehensive Plan recommends large-scale park for the site, which is a park consisting of more than 10 acres.

Religious uses are generally considered compatible with residential development if they are designed and developed properly to address issues such as parking, hours of operation, outdoor activities, signs, setbacks, and landscaping.

Because of the surrounding land uses (residential to the west and north, commercial uses to the east and recreational uses to the south), staff believes the proposed religious use at this location would be compatible with the surrounding development and would have minimal impact of those land uses.

During the site visit, staff observed several mature trees within the northeastern portion of the site. Staff would request a commitment that preserves those trees unless an assessment by a certified arborist would determine that the tree is diseased and / or damaged and removal would be necessary. Documentation related to the assessment and the need for removal shall be submitted for Administrator Approval prior to removal of the tree.

Department of Public Works

The Department of Public Works, Traffic Engineering Section, has requested the dedication and conveyance of a 45-foot half right-of-way along Bluff Road and West Banta 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.

GENERAL INFORMATION

Existing Zoning	SU-16	
Existing Land Use	Vacant building / parking	
Comprehensive Plan	Large-Scale Park	
Surrounding Context	Zoning	Land Use
North:	D-A	Single-family dwellings / cemetery
South:	SU-16	Sports fields
East:	C-7	Commercial uses
West:	D-7	Multi-family dwellings



Thoroughfare Plan		
Bluff Road	Primary Arterial	Existing 95-65-foot right-of-way and proposed 90-foot right-of-way.
West Banta Road	Primary Collector	Existing 55-foot right-of-way and proposed 90-foot right-of-way.
Context Area	Metro	
Floodway / Floodway Fringe	No	
Overlay	No	
Wellfield Protection Area	No	
Site Plan	N/A	
Site Plan (Amended)	N/A	
Elevations	N/A	
Elevations (Amended)	N/A	
Landscape Plan	N/A	
Findings of Fact	N/A	
Findings of Fact (Amended)	N/A	
C-S/D-P Statement	N/A	

COMPREHENSIVE PLAN ANALYSIS

Comprehensive Plan

- The Comprehensive Plan recommends large-scale park. The Plan recommendation is a non-typology use, which are uses mapped outside of the neighborhood typology system due to their scale or the nature of their use.

Pattern Book / Land Use Plan

- Not applicable to the site.

Red Line / Blue Line / Purple Line TOD Strategic Plan

- Not applicable to the site.

Neighborhood / Area Specific Plan

- Not applicable to the site.

Infill Housing Guidelines

- Not applicable to the site.

Indy Moves

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

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



ZONING HISTORY

2008-DV1-042, 6650 Bluff Road, requested a variance of development standards of the Sign Regulations to provide for a 5.5-foot tall, 40-square foot pylon sign within approximately 30 feet of a protect district, **granted**.

95-Z-119; 6550 South Bluff Road, requested rezoning of 7.11 acres from the D-A and D-7 districts to the SU-16 classification to provide for the expansion of the parking and recreation facilities for an existing indoor recreation / sports complex, **approved**.

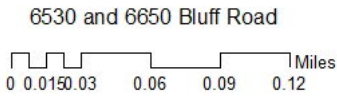
Vicinity

85-Z-185; 1610 West Southport Road (south of site), requested rezoning of 42 acres from the D-7 district to the SU-16 classification to provide for outdoor recreation activities including softball, soccer, volleyball, and tennis, **approved**.

79-Z-54; 1610 West Southport Road (south of site), requested rezoning of 15 acres from the A-2 district to the C-ID classification to provide for warehousing, with office space and outside storage, **dismissed**.

70-Z-76; 5702 Bluff Road (west of site), requested rezoning of 68.36 acres, from the A-2 district to the D-7 classification to provide for apartments, **approved**.

EXHIBITS





View looking south along Bluff Road



View looking north along Bluff Road



View of site looking south



View of site looking south



View of site looking south



View of site looking north



View from site looking west



View from site looking north across parking lot



View from site looking east across parking lot



View from site looking north across access drive



View from site looking east along access drive



View from site looking south into abutting sports fields



View of site looking east along southern boundary



View of site looking west along southern boundary



**METROPOLITAN DEVELOPMENT COMMISSION
HEARING EXAMINER**

August 29, 2024

- Case Number:** 2024-APP-009 / 2024-VAR-010 (Amended)
- Property Address:** 1801, 1851, and 2001 West 86th Street, 8301, 8401, 8433, 8402, and 8501 Harcourt Road, 8220, 8240, 8260, 8326, 8330, 8333, 8414, 8424, and 8550 Naab Road (approximate addresses)
- Location:** Washington Township, Council District #1 and #2
- Petitioner:** St. Vincent Hospital and Health, by Brent Bennett
- Current Zoning:** HD-1 / HD-2
- Hospital District One Approval and Hospital District Two Approval to provide for updated campus-wide wayfinding signage.
- Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for:
- a. Two, 20-foot-tall pole signs (pole signs not permitted),
 - b. A total of 16 freestanding signs that encroach into the clear-sight triangles of the abutting streets and drives (not permitted),
 - c. Five freestanding pylon signs within the required front setback (minimum 10-foot setback required),
 - d. Four, 21-foot-tall freestanding pylons, with one pylon sign being 115 feet from a protected district (maximum height of 15 feet permitted and a minimum of 600 feet separation from a protected district required),
- Request:**
- e. One, 16-foot-tall freestanding pylon sign being 135 feet from a protected district (maximum height of 15 feet permitted and a minimum 600-foot separation from a protected district required),
 - f. One pylon sign in the right-of-way of Naab Road (not permitted),
 - g. Two incidental signs being greater than 10 square feet in size (maximum 10 square feet permitted),
 - h. One pylon sign being greater than 3% of the building elevation or architectural elevation to which the sign is oriented (maximum 3% of the building elevation or architectural elevation to which the sign is oriented permitted),
 - i. Three pylon signs and one pole sign along one street frontage (maximum of two primary freestanding signs along one street frontage permitted).
- Current Land Use:** Hospital campus and medical offices



Staff Recommendations: Approval of the approval petition. Approval of the variances except for those associated with the one pylon sign in the right-of-way of Naab Road.

Staff Reviewer: Marleny Iraheta, Senior Planner

PETITION HISTORY

This petition was continued from the June 13, 2024, hearing to the July 11, 2024, at the request of staff to provide the petitioner time to submit additional information requested by staff and to provide sufficient time for the mailing of new notices for an anticipated amended petition. No new information was submitted to the case file.

This petition was continued from the July 11, 2024, hearing to August 29, 2024, hearing at the request of the petitioner to provide sufficient time to amend the request and mail out new notices.

STAFF RECOMMENDATION

Staff **recommends approval** of the requests except for the variances associated with the one pylon sign in the right-of-way of Naab Road.

One freestanding pylon sign, in portion “b” of the request for the encroachment into the clear-sight triangle will need to be removed by the petitioner since it is located on an address, 2025 Dugan Drive that was not included in the application.

PETITION OVERVIEW

LAND USE

The subject site is zoned HD-1 and HD-2 and is comprised of a hospital campus and medical office buildings. It is surrounded by medical facilities, commercial uses, and multi-family dwellings to the north, across 86th Street, zoned HD-2, and D-P; electrical substation, water tower, spirituality center and medical clinic to the south, zoned HD-1; residential uses to the east, zoned C-1, HD-2, and D-3; and residential uses to the west to the west, zoned HD-2.

HOSPITAL DISTRICT ONE / HOSPITAL DISTRICT TWO APPROVAL

The HD-1 zoning category is designed to permit and facilitate the development, expansion, and modernization of a major hospital complex or campus, in which a diversity of uses, functions, and facilities is necessary to best perform the hospital's various services to the public; and further to permit appropriate land use modifications as necessary to facilitate the highest level of such service.

The HD-2 zoning category is designed to: (1) permit and facilitate the logical association of a diversity of land uses in close proximity to a major hospital complex; (2) to provide adequate land area for such hospital-related uses; and (3) to assure a quality and character of site development that will create the environment of safety, quietness, attractiveness, and convenience compatible with such hospital complex.



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

Both districts require an approval petition be filed for signs other than incidental signs. An incidental sign is defined as “a permanent sign which has a purpose that is secondary and incidental to the use of the lot on which it is located, such as “hours of operation”, “loading zone only,” “air,” “building directory” and “visitor parking,” and which carries no commercial message that is legible beyond the lot on which the sign is located, except for a registered logo on a premises with two or more separately-operating businesses.

The Ordinance classifies Hospital District One and Two as Development Plan Districts. “No use, building or structure shall hereafter be established, constructed or used on any land in a Development Plan district for any purpose, until a Site and Development Plan for such land, including the proposed use or uses, has been filed with and approved by the Commission in accordance with this zoning ordinance.”

“The Commission may consider and act upon any such proposed use and Site and Development Plan, approve the same in whole or in part, and impose additional development standards, requirements, conditions, or commitments thereon at any public hearing of the Commission.”

STAFF ANALYSIS

The proposed signs would be classified as pole signs, pylon signs, and incidental signs. The new signage proposed is due to a partnership between two companies.

Table 744-906-12 Primary Freestanding Signs in Special District regulations note that pole signs are not permitted. No freestanding pylon sign shall be permitted within 600 feet of a Dwelling District unless the sign is legally established by permanent variance or lawful nonconforming use or is visibly constructed from the protected district.

It also notes that pylon signs are permitted with a maximum sign area that shall not exceed and amount eques to 3% of the building side or other architectural elevation to which the sign is oriented, or 240 square feet, whichever is lesser. The number of pylon signs is limited to a maximum of one pylon per street frontage unless the street frontage is greater than 500 feet, which can then have up to 2 with a minimum 300-foot separation between signs. The height limitation is 15 feet and must have a 10-foot front setback from existing right-of-way.

Table 744-906-13 Secondary Freestanding Signs in Special Zoning Districts regulations note that incidental signs are permitted, but are limited to 2 signs per acre, 10 square feet in sign area, 8 feet in height, and must have a 10-foot minimum front setback.

No sign may be located in a proposed right-of-way as identified in the Marion County Thoroughfare Plan

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



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

“The Environmentally Sensitive Areas (ES) Overlay is intended for areas containing high quality woodlands, wetlands, or other natural resources that should be protected. The purpose of this overlay is to prevent or mitigate potential damage to these resources caused by development. This overlay is also appropriate for areas that present an opportunity to create a new environmental asset. This overlay is not intended for the preservation of open space.” Forest Alliance Woodlands has been identified within the overlay located south of the main hospital.

Land in the development plan districts is subject to the following site and development requirements. In review of the proposed Site and Development Plan, the Commission must assess whether the Site and Development Plan, proposed use, buildings, and structures must:

- a. Be so designed as to create a superior land development plan, in conformity with the Comprehensive Plan;
- b. Create and maintain a desirable, efficient, and economical use of land with high functional and aesthetic value, attractiveness, and compatibility of land uses, within the development plan district and with adjacent uses;
- c. Provide sufficient and adequate multi-modal access, such as parking and loading areas, transit provisions, and bicycle facilities;
- d. Integrate a multi-modal transportation network using active and passive traffic control with the existing and planned public streets and interior roads;
- e. Provide adequately for sanitation, drainage, and public utilities in a sustainable, low-impact manner;
- f. Allocate adequate sites for all uses proposed - the design, character, grade, location, and orientation thereof to be appropriate for the uses proposed, logically related to existing and proposed topographical and other conditions, and consistent with the Comprehensive Plan; and
- g. Provide pedestrian accessibility and connectivity, which may be paths, trails, sidewalks, or combination thereof. Pedestrian accessibility to available public transit must be provided. Sidewalks along eligible public streets consisting of the walkway and any curb ramps or blended transitions must be provided. If sidewalks are required to be installed, the Administrator or the Commission must be guided by the provisions of Section 744-304 for the installation of sidewalks.

As proposed, staff is supportive of all of the requests except for item “f” in the request for one pylon sign to be located in the right-of-way of Naab Road. Staff could be supportive of the sign that also requires a variance for not meeting the 10-foot front setback and being within the clear sight triangle if relocated outside of the right-of-way.

Staff understand the importance of signage for visitors who need to be able to locate their destinations during emergencies and other hectic situations. Staff determined that the proposed signs would provide appropriate wayfinding signage for the various hospital and medical facilities.



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

Two of the proposed signs, WF22 and WF30, would need to be removed from the approval and variance applications since they are located on a site address, 2024 Dugan Drive, not requested in the application form. One is an incidental sign, WF22, that did not require any variances and the other is a pylon sign, WF30, that required a variance to be located in the clear-sight triangle. This would change the number of freestanding signs in the clear-sight triangles to 15 in the request.

GENERAL INFORMATION

Existing Zoning	HD-1 and HD-2	
Existing Land Use	Hospital campus and medical offices	
Comprehensive Plan	Regional Special Use and Institution-Oriented Mixed Use	
Surrounding Context	<u>Zoning</u>	<u>Land Use</u>
North:	HD-2 / D-P	Commercial / Medical / Multi-family dwellings
South:	HD-1/ HD-2	Electrical substation/ water tower/ Spirituality Center / Multi-family dwellings
East:	C-1 / HD-2 / D-3	Assisted Living Facility / Single-family dwellings
West:	HD-2	Assisted Living Facility / Multi-family dwellings
Thoroughfare Plan		
Naab Road	Local Street	50-foot proposed right-of-way and 50-foot existing right-of-way.
Harcourt Road	Primary Collector Street	80-foot proposed right-of-way and 70-foot existing right-of-way.
86 th Street	Primary Arterial Street	112-foot proposed right-of-way and 132-foot existing right-of-way.
Katie Knox Drive	Private Street	N/A
Dugan Drive	Local Street	50-foot proposed right-of-way and 50-foot existing right-of-way.
Context Area	Metro	
Floodway / Floodway Fringe	No	
Overlay	Yes	
Wellfield Protection Area	No	
Site Plan	April 17, 2024	
Site Plan (Amended)	August 2, 2024	
Elevations	Enter Date. N/A if not applicable	
Elevations (Amended)	August 2, 2024	
Landscape Plan	N/A	



Findings of Fact	April 17, 2024
Findings of Fact (Amended)	August 2, 2024
C-S/D-P Statement	N/A

COMPREHENSIVE PLAN ANALYSIS

Comprehensive Plan

- Marion County Land Use Plan Pattern Book (2019)

Pattern Book / Land Use Plan

- The Marion County Land Use Plan Pattern Book (2019) recommends regional special use and institution-oriented mixed-use development on the site.
- REGIONAL SPECIAL USE This category provides for public, semi-public, and private land uses that serve a specific institutional purpose for a significant portion of the county. Examples are large-scale, generally stable institutional uses such as cemeteries, hospitals, universities, high schools, government complexes, large museums, the Indiana State Fairgrounds, and the Indianapolis Motor Speedway. Long Range Planning staff should provide guidance regarding any property use changes in this typology. Partial property changes should remain thematically or economically supportive of the special use while also being contextually sensitive to adjacent existing development and land use plans. Redevelopment, use changes, or other significant changes to the entire property must be informed by a planning study conducted by Department of Metropolitan Development to determine Land Use Plan recommendations
- The Institution-Oriented Mixed-Use (Campus) typology contains a mix of land uses within and surrounding a significant regional institution campus, such as a university or hospital. This typology is meant to promote development that is permeable to pedestrians and integrates into its surrounding context. Uses in this typology will often be thematically or economically linked to the anchor institution. Residential areas of this typology have a density of 8 to 15 dwelling units per acre.
- **Anchor Institutions, Including Major Universities and Hospitals**
 - Should be located along an arterial street with a minimum of 4 lanes.
 - If proposed within one-half mile along an adjoining street of an existing or approved residential development, then connecting, continuous pedestrian infrastructure between the proposed site and the residential development (sidewalk, greenway, or off-street path) should be in place or provided.
 - Should be located within one-quarter mile of a bus or rapid transit stop.
 - All edges of the development should respond to the character of the surrounding area.
 - Active uses open to the public (such as offices) should be on the edges of the development and should engage with surrounding uses.
 - Ancillary/smaller buildings should be used to transition to other uses.
 - High intensity uses (such as emergency rooms) should not be located adjacent to residential uses.



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

- Only limited surface parking should be present. The majority of required parking should be located within structured parking (private or shared).
- Parking lots should be located towards the interior of the development.
- Connections to adjacent residential uses should be provided through campuses whenever possible

Red Line / Blue Line / Purple Line TOD Strategic Plan

- Not Applicable to the Site.

Neighborhood / Area Specific Plan

- Not Applicable to the Site.

Infill Housing Guidelines

- Not Applicable to the Site.

Indy Moves

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

- Not Applicable to the Sit



ZONING HISTORY

Zoning History – Site

2019-APP-018; 8081 Township Line Road, 1801 West 86th Street, 8220 and 8424 Naab Road and 2025 Dugan Road (subject site), Hospital District One/Two Approval to provide for a sign program with building and freestanding signs, **approved**.

2019-APP-015; 2001 West 86th Street, 8333, 8414 and 8550 Naab Road, 8301, 8401, 8402, 8433 Harcourt Road and 8071, 8081, 8091 and 8111 Township Line Road; (subject site) Hospital District-One and Hospital District-Two Approval to provide for a sign program for a hospital campus, **approved**.

2018-APP-012; 1801 West 86th Steet (subject site), Hospital District-Two Approval to provide for two wall sigs and a four by eight-foot ground sign, **approved**.

2016-APP-021; 1801 West 86ht Street (subject site), Hospital District-Two Approval to provide for a medical simulation center, including parking, sign, landscaping, and utility improvements, **approved**.

2010-APP-016; 8433 Harcourt Road (subject site), Hospital District One approval to provide for a 5.53-foot tall, 19.83-foot freestanding sign, **approved**.

2010-APP-014; 8401 Harcourt Road (subject site), Hospital District One approval to provide for ten additional parking spaces, **approved**.

2009-APP-104; 8501 Harcourt Road (subject site), Hospital District One Approval to provide for installation of a building identification sign, **approved**.

2009APP099; 2001 West 86th Street (subject site), Hospital District One Approval to provide for the installation of a building identification sign, **approved**.

2007APP143; 2001 West 86th Street (subject site), Hospital District One Approval to provide for two wall signs, being 38.61 and 49.03 square feet, **approved**.

2007APP019; 8401 Harcourt Road (subject site), Hospital District One Approval to provide for a 2-story, 25,000-square foot building addition to and existing 49,640-square foot medical building, **approved**.

2007APP015; 8501 Harcourt Road (subject site), Hospital District One Approval to provide for two additional wall signs on the west building elevation and for a four-foot tall, 30-square-foot ground sign, **approved**.

2006-APP-153; 2001 West 86th Street (subject site), Hospital District One approval to provide for the placement of two, 18.054-square foot wall signs indicating the address of the property, **granted**.

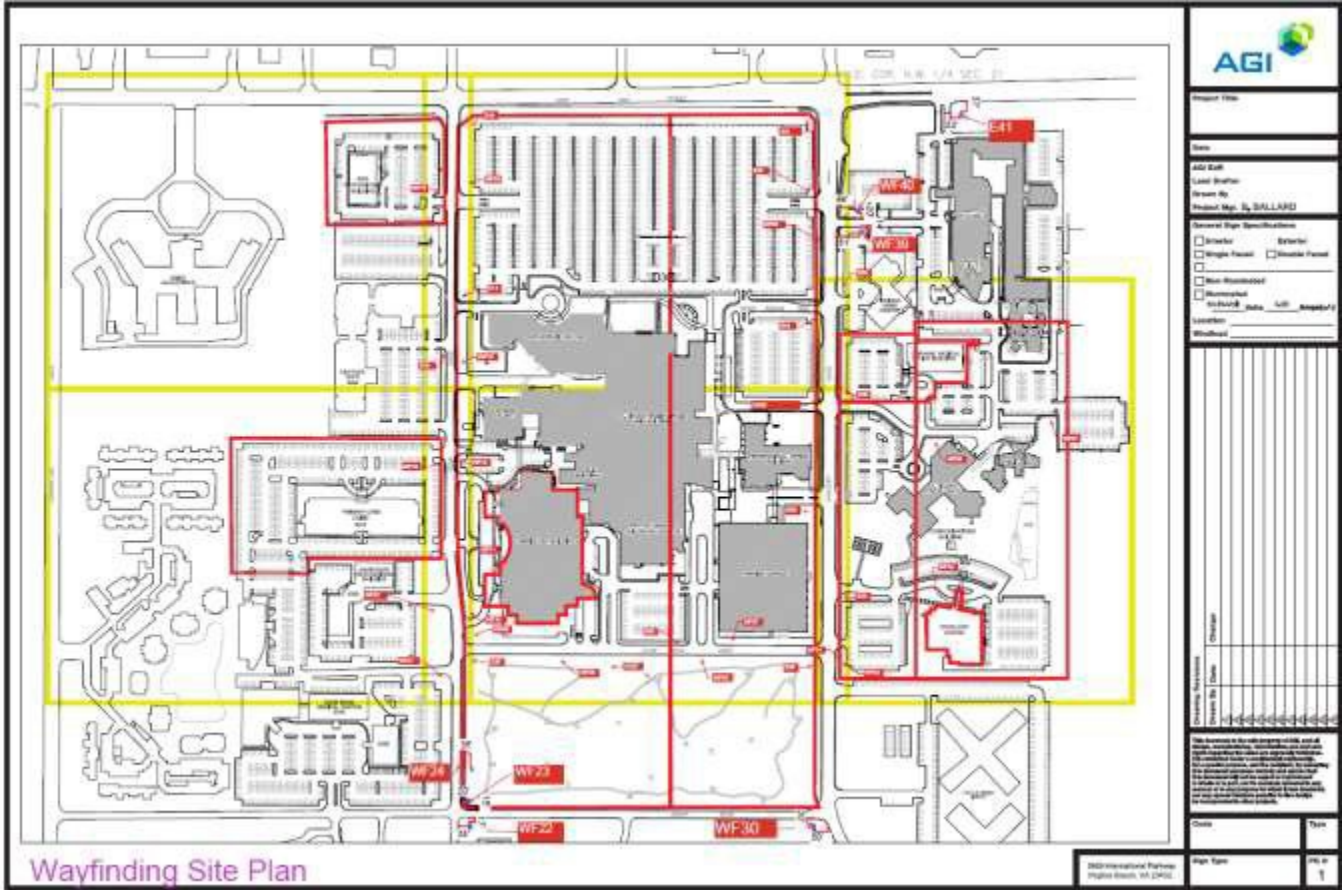


**Department of Metropolitan Development
Division of Planning
Current Planning**

2006APP054; 8414 Naab Road (subject site), Hospital District-Two approval to provide for the construction of two-story, 88,809-square foot medical pavilion building with 445 parking spaces and a four-foot tall, 40-square foot ground sign, **approved**.

2005-APP-161; 2001 West 86th Street (subject site), Hospital District One approval to provide for the construction of an approximately 3,726-square foot one-story addition to an existing medical office building, **granted**.

2004-APP-073; 8414 Naab Road (subject site), Hospital District-Two approval to provide for a two-story 65,800 square foot medical office building with a four-foot tall, sixteen-foot non-illuminated ground sign, and to provide for wall signage in conjunction with a sign program with an Administrator's Approval of final sign elevations, **approved**.

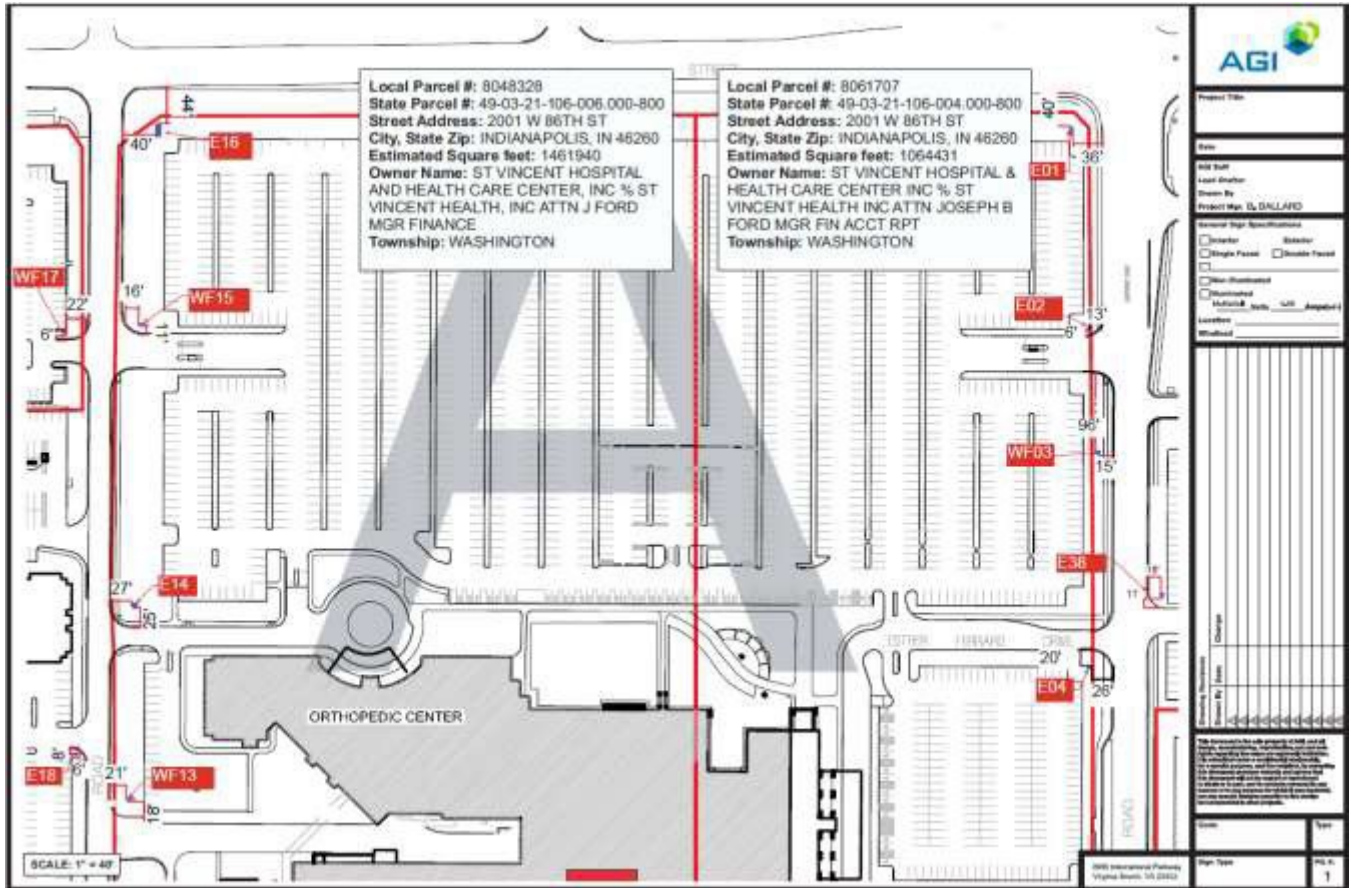


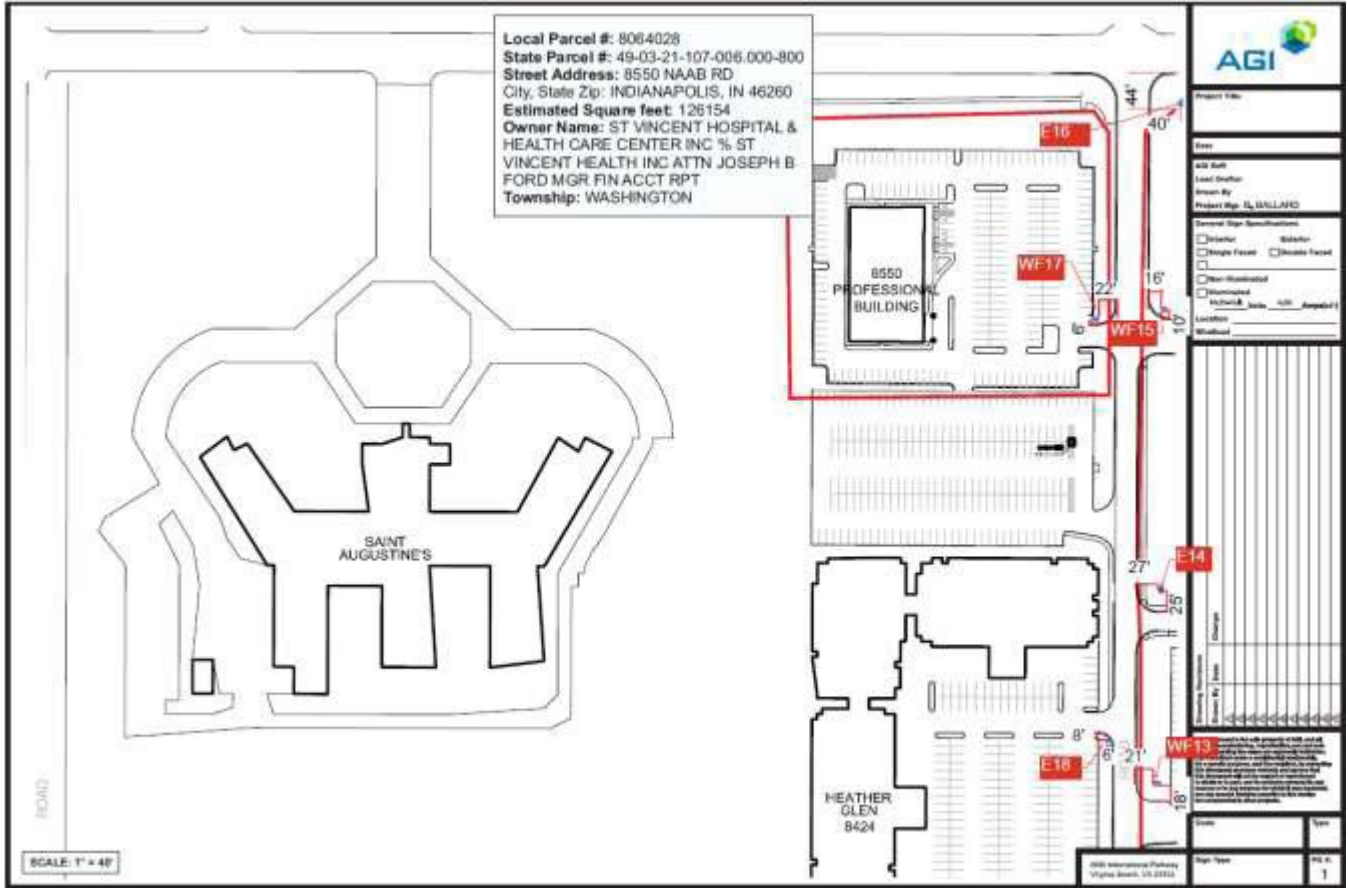
TWO SIGNS TO NOT BE CONSIDERED WITH THIS PETITION





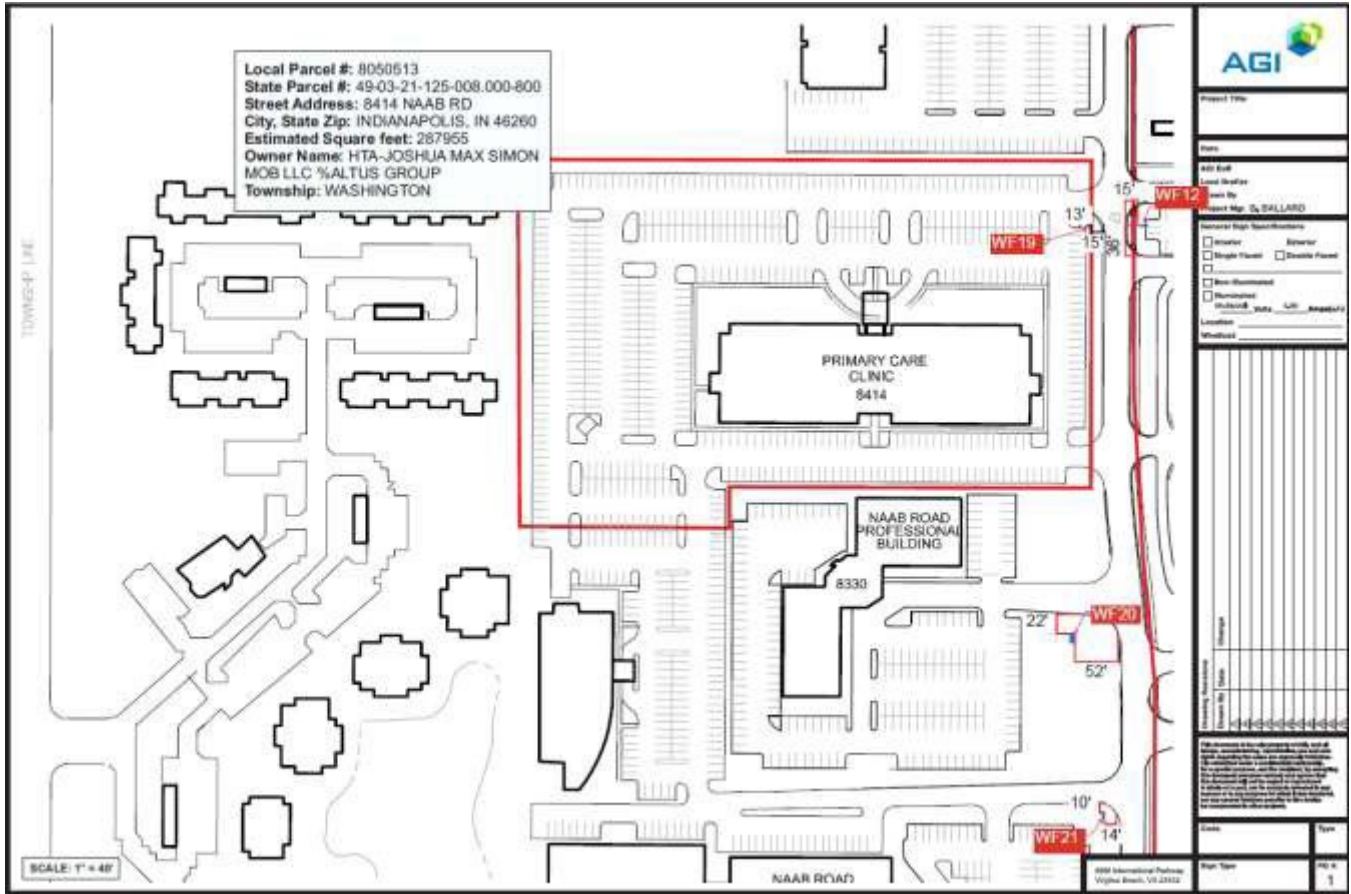
Department of Metropolitan Development
 Division of Planning
 Current Planning





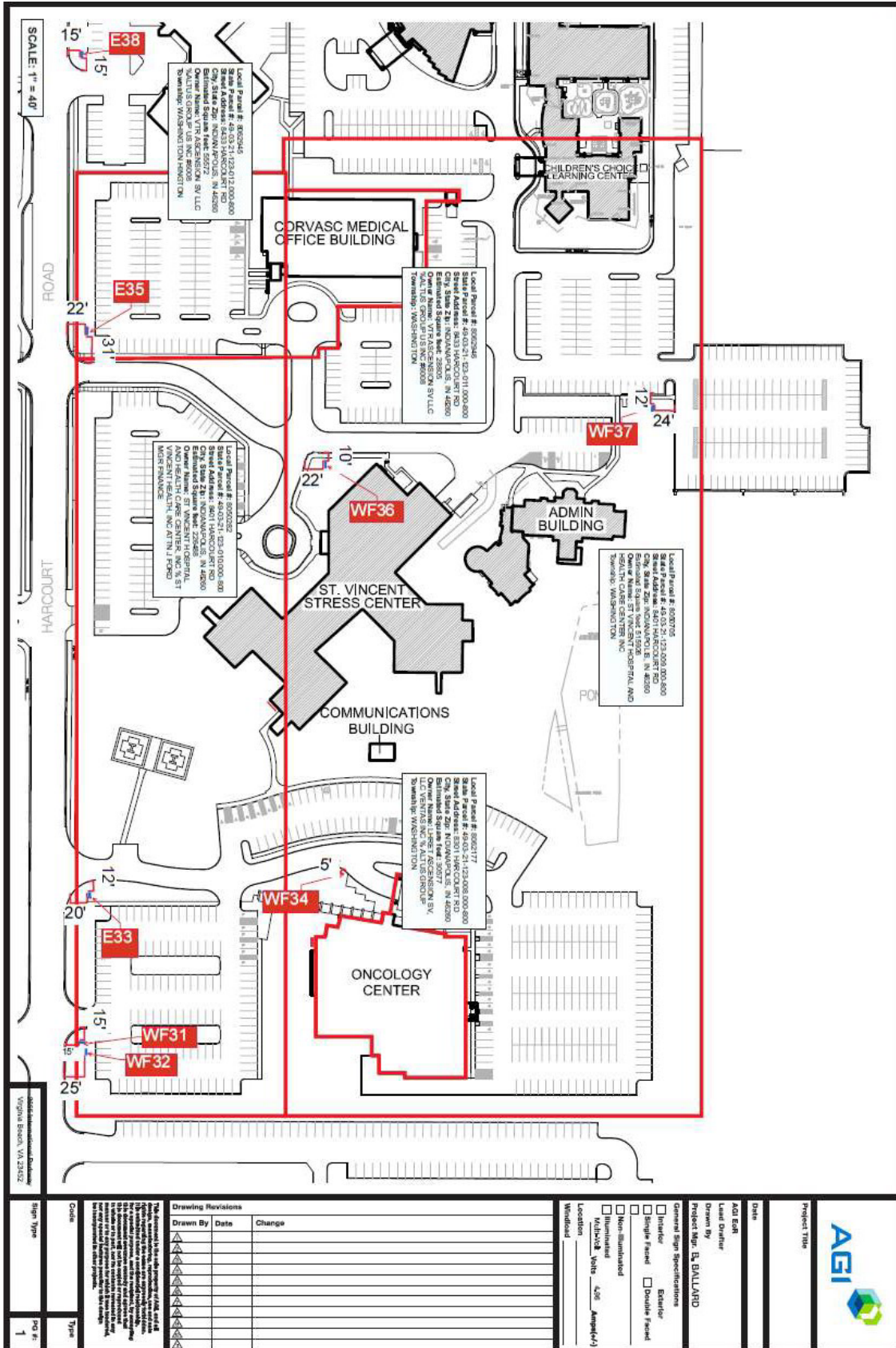


Department of Metropolitan Development
 Division of Planning
 Current Planning





Department of Metropolitan Development
Division of Planning
Current Planning



Scale: 1" = 40'

North Arrow: (Symbol)

Legend:

- Standard
- Non-Standard
- Single Panel
- Double Panel
- Single Panel
- Double Panel

Project Title: _____

Date: _____

Lead Designer: _____

Drawn By: _____

Project Mgr: E. BALLARD

General Sign Specifications:

Inverted

Single Panel

Double Panel

Non-Standard

Standard

White

45° Angle(s)

Drawing Revisions		
Drawn By	Date	Change

Notes:

1. This drawing is the property of AEI and shall not be reproduced, copied, or otherwise used without the written consent of AEI. Any reproduction, copying, or other use of this drawing without the written consent of AEI shall constitute an infringement of the copyright in this drawing.

2. The user of this drawing shall be responsible for obtaining all necessary permits and approvals from the appropriate authorities. AEI shall not be responsible for any delays or costs incurred by the user of this drawing due to the user's failure to obtain such permits and approvals.

3. The user of this drawing shall be responsible for ensuring that all information provided to AEI is accurate and complete. AEI shall not be responsible for any errors or omissions in this drawing that result from the user's failure to provide accurate and complete information.

4. The user of this drawing shall be responsible for ensuring that all information provided to AEI is accurate and complete. AEI shall not be responsible for any errors or omissions in this drawing that result from the user's failure to provide accurate and complete information.

NOTE:
 REFER TO SCALED LAYOUT FOR SPECIFIC GRAPHIC CONTENT AT EACH LOCATION.

REVISIONS			
REV	DR NUMBER	REV CHANGE	DATE
1	0218F	INITIAL RELEASE	01.21.23
			DRAFTER
			MS

PLAN VIEW

Sign numbers for Sign ID: PP-17-SL
 WFO2
 WFO3

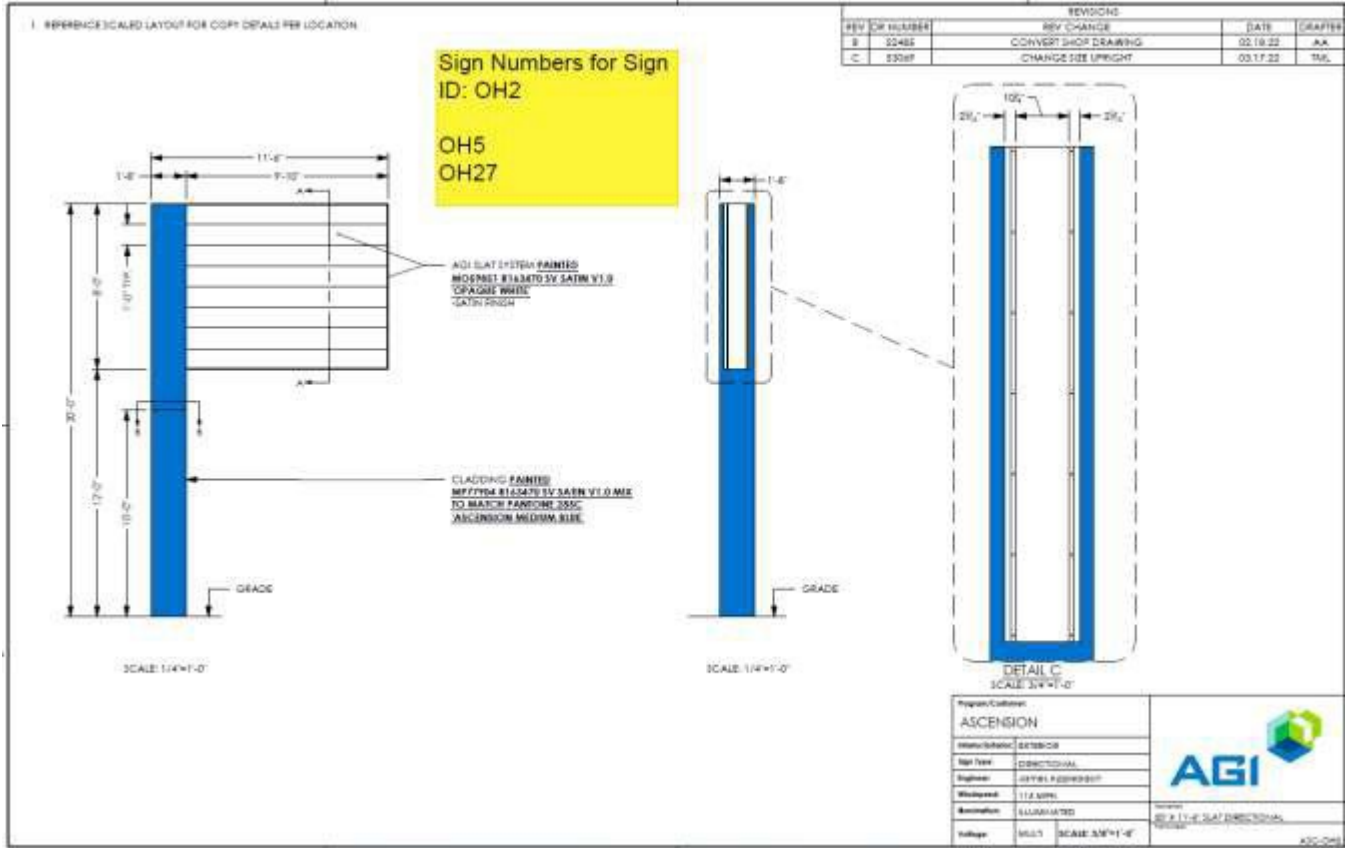
FRONT ELEVATION

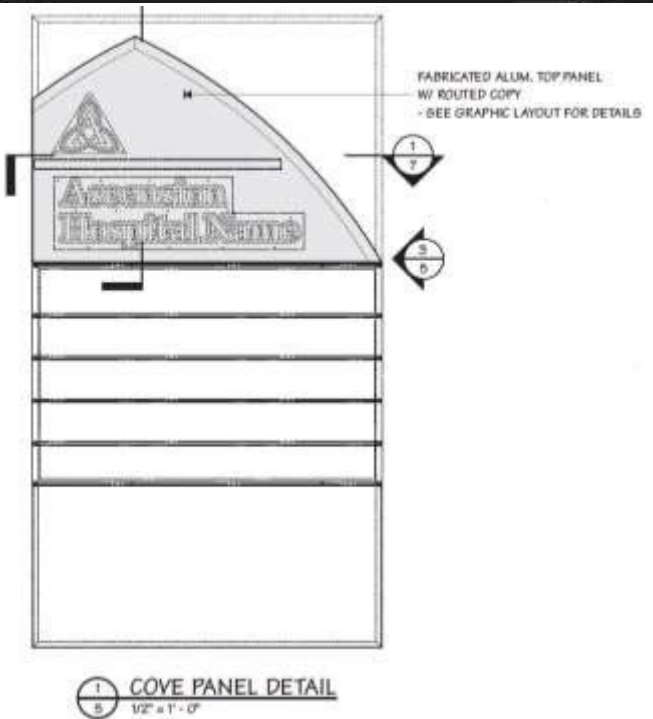
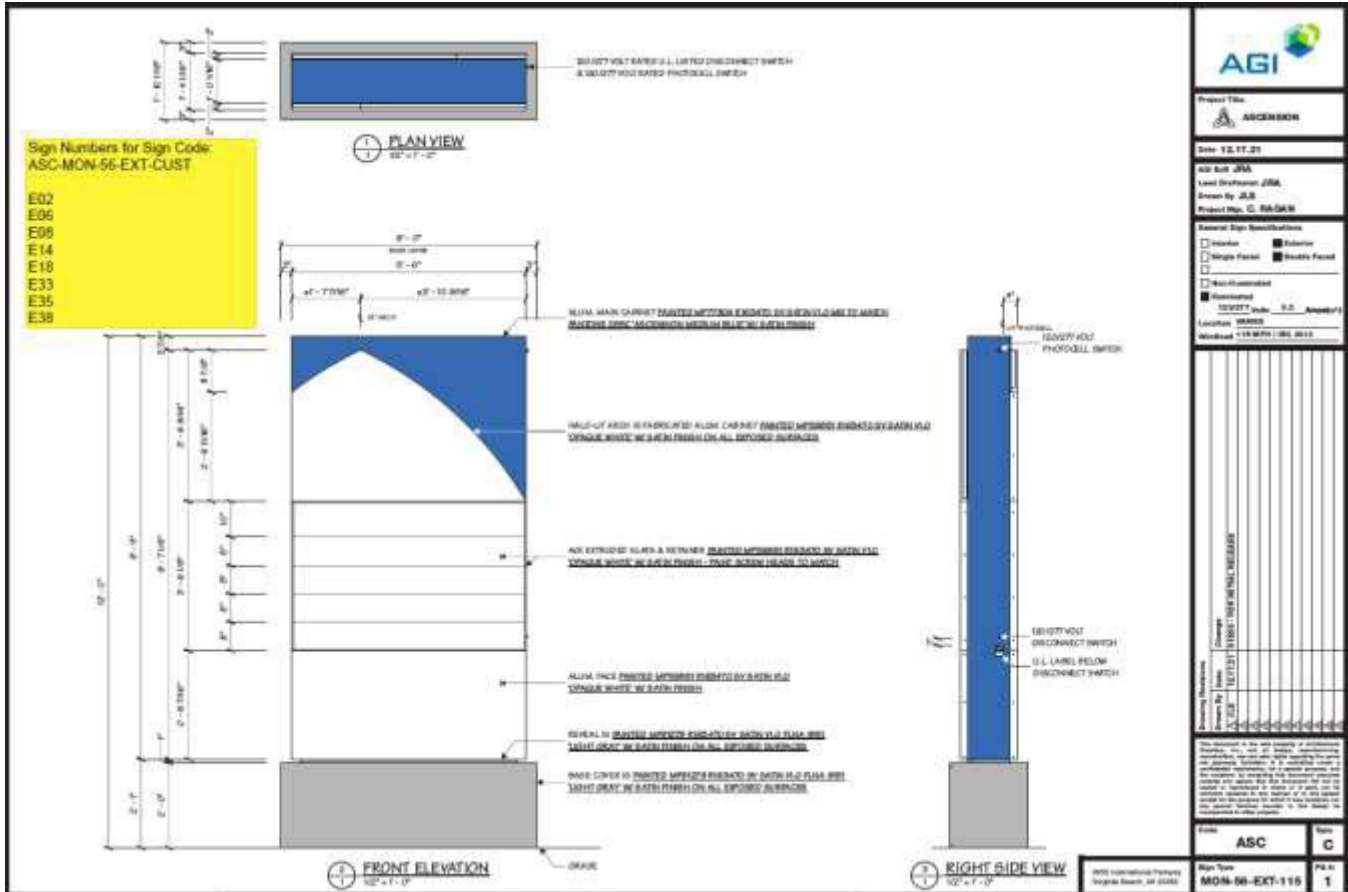
- POLES (W/ CAP PAINTED) MP7798 814320 SV 34RN V1.0 MIX TO MATCH FANSIONS 284C ASCENSION MEDIUM BLUE SATIN FINISH
- AGI SLAT SYSTEM PAINTED MP0861 8143470 SV 34RN V1.0 OPALGIE WHITE SATIN FINISH -PAINT SCREW HEADS TO MATCH

SIDE VIEW, TYP.

Project/Location		
ASCENSION		
Material/Finish	EXTERIOR	
Sign Type	DIRECTIONAL	
Engineer	James Applebrook	
Manufacturer	TLS WPI	
Manufacturer	UNILLUMINATED	
Voltage	120V	SCALE: 3/4"=1'-0"

BY: J.A.M. 05.FAP.23.AG
 #12-001







**METROPOLITAN DEVELOPMENT COMMISSION
OF MARION COUNTY, INDIANA
PETITION FOR UNIVERSITY QUARTER ONE/TWO APPROVAL
PETITION FOR PARK DISTRICT ONE/TWO APPROVAL
PETITION FOR HOSPITAL DISTRICT ONE/TWO APPROVAL**

FINDINGS OF FACT

The Metropolitan Development Commission finds that the site and development plan file-dated _____, 20__

A. Has been designed to create a superior land development plan, in conformity with the Comprehensive Plan because:

No changes to operation of the business at this location. The signage is the only thing that will be changed on property

B. Creates and maintains a desirable, efficient and economical use of land with high functional and aesthetic value, attractiveness and compatibility of land uses, within the development plan district and with adjacent uses because:

No changes to operation of the business at this location. The signage is the only thing that will be changed on property.

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

No changes to operation of the business at this location. The signage is the only thing that will be changed on property

D. Integrates a multi-modal transportation network using active and passive traffic control with the existing and planned public streets and interior roads because:

No changes to operation of the business at this location. The signage is the only thing that will be changed on property.

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

No changes to operation of the business at this location. The signage is the only thing that will be changed on property.



Department of Metropolitan Development
Division of Planning
Current Planning

F. Allocates adequate sites for all uses proposed, - the design, character, grade, location, and orientation thereof to be appropriate for the uses proposed, logically related to existing and proposed topographical and other conditions, and consistent with the Comprehensive Plan, because:

No changes to operation of the business at this location. The signage is the only thing that will be changed on property.

G. Provides pedestrian accessibility and connectivity, which may be paths, trails, sidewalks (If sidewalks are required to be installed, the Administrator or the Commission must be guided by provisions of Section 744-304 for the installation of sidewalks), or combination thereof; provides pedestrian accessibility to available public transit; and provides sidewalks along eligible public streets consisting of the walkway and any curb ramps or blended transitions because:

No changes to operation of the business at this location. The signage is the only thing that will be changed on property.



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

PETITION FOR VARIANCE OF DEVELOPMENT STANDARDS

FINDINGS OF FACT

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

Granting these petitions will not be injurious to the public. This is an attempt to improve wayfinding travel through the hospital district.

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:

Granting these petitions will not have an adverse effect to the adjacent properties. We believe these approvals will help the traveling public find their way, and positively effect travel times in the area.

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

The practical difficulty to this property is the fact that this is a 96 acres hospital campus which has mutiple buildings and parking sites. Our need to direct the public to each of the sites and inform them of the best locations to park for their visit has become difficult under the ordinance as it is written.



E16 to be replaced along Naab Road.



WF15 to be replaced along Naab Road.



WF17 to be replaced along Naab Road.



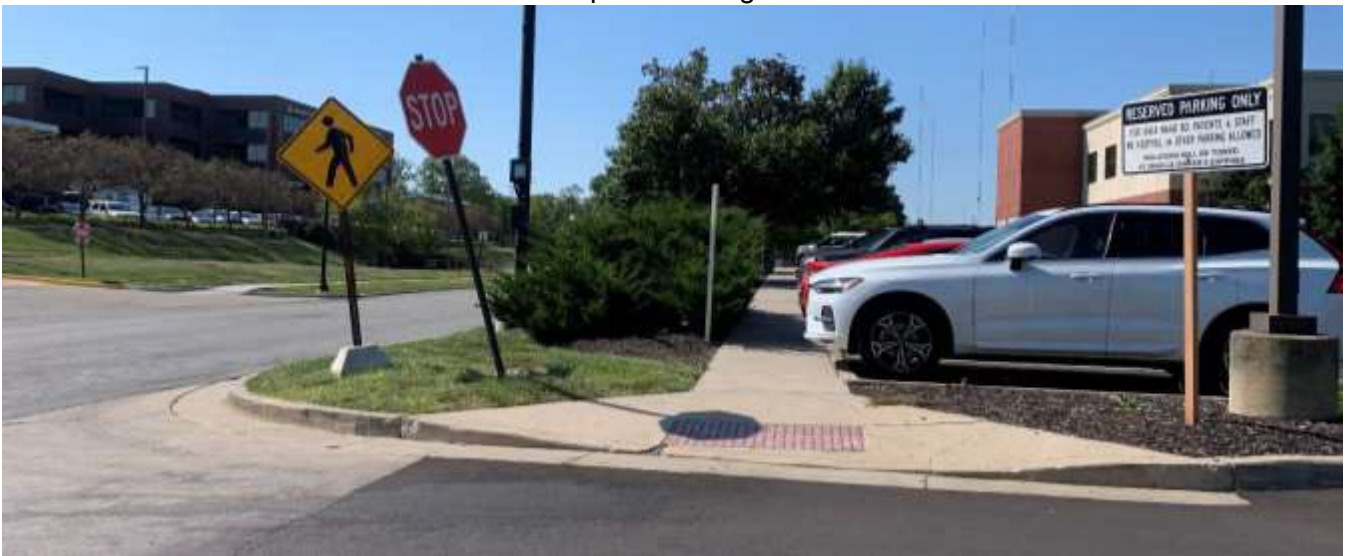
E14 to be replaced along Naab Road.



WF13 to be replace and relocated along Naab Road.



E18 to be replaced along Naab Road.



WF19 new sign along Naab Road.



WF12 new sign along Naab Road.



WF11 to be replaced along Naab Road.



WF10 to be replaced along Naab Road.



WF09 to be replaced along Naab Road.



E25 to be replaced along Naab Road.



WF20 to be replaced along Naab Road.



WF21 to be replaced along Naab Road.



WF24 to be replaced along Naab Road.



WF23 to be replaced along Naab Road.



WF22 to not be considered since it is located at 2024 Dugan Drive.



WF30 to not be considered since it is located at 2024 Dugan Drive.



E19 to be replaced along Harcourt Road.



WF31 and WF32 to be replaced along Harcourt Road.



E33 to be replaced along Harcourt Road.



WF07 new sign to be installed along Kate Knox Drive.



E08 to be replaced along Kate Knox Drive.



OH27 to be replaced along Kate Knox Drive.



WF26 to be replaced along Kate Knox Drive.



WF34



WF36



WF37



E35



E38



WF39



WF40



E41



Signs along Harcourt looking south. WF-03, E-04, OH05.



E02



E06



E01



METROPOLITAN DEVELOPMENT COMMISSION August 29, 2024
HEARING EXAMINER

Case Number: 2024-ZON-050
Property Address: 3739 North Kitley Avenue
Location: Warren Township, Council District #9
Petitioner: Patrium LLC, by Luis Gomez
Current Zoning: D-3 (TOD)
Request: Rezoning of 1.22 acres from the D-3 (TOD) district to the C-7 (TOD) classification to provide for a commercial contractor.
Current Land Use: Undeveloped
Staff Recommendations: Denial
Staff Reviewer: Marleny Iraheta, Senior Planner

PETITION HISTORY

This petition was continued from the July 11, 2024 hearing to the July 25, 2024 hearing at the request of the petitioner to provide sufficient time to meet the mailing notice requirement.

Staff did not have an objection to this first continuance request by the petitioner.

This petition was automatically continued from the July 25, 2024 hearing, to the August 29, 2024 hearing at the request of a registered neighborhood organization.

STAFF RECOMMENDATION

Staff **recommends denial** of the request.

PETITION OVERVIEW

LAND USE

The 1.22-acre subject site is comprised of two undeveloped parcels that are bordered to the east with a single-family dwelling, zoned D-3, to the south by single-family dwellings, zoned D-3, to the west across Kitley Avenue with a concrete contractor business, zoned I-4 and I-2, and a drywall contractor business to the north, zoned C-7.

REZONING

The request would rezone the site from the D-3 (TOD) district to the C-7 (TOD) classification to provide for a commercial contractor.



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

The D-3 district provides for low or medium intensity residential development. Land in this district should have good thoroughfare access, be relatively flat in topography, and be afforded pedestrian linkages to community and neighborhood services and facilities (schools, parks, shopping areas, etc.). Recreational facilities developed for the neighborhood complement the treed yards on the individual lots. Predominantly single-family detached dwellings are envisioned with two-family dwellings on corner lots in this district. The D-3 district has a typical density of 2.6 units per gross acre. This district fulfills the low-density residential classification of the Comprehensive General Land Use Plan. All public utilities and facilities must be present. Development plans, which may include the use of clustering, should incorporate, and promote environmental and aesthetic considerations, working within the constraints and advantages presented by existing site considerations, including vegetation, topography, drainage, and wildlife.

The C-7 District is designed to provide specific areas for commercial uses which have unusually incompatible features relative to other commercial uses, such as major outdoor storage or display of sizeable merchandise and the outdoor parking and storage of trucks, materials, or equipment essential to the operation of these uses. Many of these uses generally are not visited by customers, but rather involve service operations from headquarters with some on-site fabrication of parts. The nature of operation or appearance are more compatible with industrial than retail commercial activities. Because of the character and intensity of these uses, this district should be appropriately located on major commercial arterial thoroughfares and near interstate freeways, but not in close association with those commercial activities involving shopping goods, professional services, restaurants, food merchandising, and the like. Due to the intensity of uses, location of this district should never be adjacent to protected districts.

Staff Analysis

Staff determined that the proposed C-7 district and use of a commercial contractor would not be appropriate at this location with two of the boundaries bordering single-family dwellings that should be protected from intense uses and zoning districts as proposed.

Additionally, the C-7 zoning district would not align with the suburban neighborhood recommendation of the Comprehensive Plan. The subject site is different from the concrete contractor to the west which is recommended for light industrial development and the drywall contractor to the north recommended for community commercial development.

There are concerns with the potential outdoor storage of materials and vehicles on site that would be permitted and the impact of exterior lighting that would likely be installed to assist with the video surveillance.

Instead, approval of the rezoning would be a commercial encroachment into the residential area since the site could be developed with a single-family dwelling having significant separation from the heavy commercial district to the north. This would ensure some protection from the commercial use and would not negatively affect three other residential properties that border this site.



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

Given the negative impact the commercial district could have on the abutting dwellings, staff is recommending denial of the request.

GENERAL INFORMATION

Existing Zoning	D-3	
Existing Land Use	Undeveloped	
Comprehensive Plan	Suburban Neighborhood	
Surrounding Context	Zoning	Land Use
North:	C-7	Drywall Contractor Business
South:	D-3	Residential (Single-family dwelling)
East:	C-7 / D-3	Residential (Single-family dwelling)
West:	I-2 / D-3	Concrete Contractor Business
Thoroughfare Plan		
Kitley Avenue	Local Street	48-foot proposed right-of-way and 90-foot existing right-of-way.
Context Area	Compact	
Floodway / Floodway Fringe	No	
Overlay	Yes	
Wellfield Protection Area	No	
Site Plan	April 17, 2024	
Site Plan (Amended)	N/A	
Elevations	N/A	
Elevations (Amended)	N/A	
Landscape Plan	N/A	
Findings of Fact	N/A	
Findings of Fact (Amended)	N/A	
C-S/D-P Statement	N/A	

COMPREHENSIVE PLAN ANALYSIS

Comprehensive Plan

- Marion County Land Use Plan Pattern Book (2019)
- Purple Line Transit-Oriented Development Strategic Plan (2021)

Pattern Book / Land Use Plan

- The subject site is recommended for suburban neighborhood development by the Comprehensive Plan.



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

- The Suburban Neighborhood typology is predominantly made up of single-family housing but is interspersed with attached and multifamily housing where appropriate. This typology should be supported by a variety of neighborhood-serving businesses, institutions, and amenities. Natural Corridors and natural features such as stream corridors, wetlands, and woodlands should be treated as focal points or organizing systems for development. Streets should be well-connected, and amenities should be treated as landmarks that enhance navigability of the development. This typology generally has a residential density of 1 to 5 dwelling units per acre, but a higher density is recommended if the development is within a quarter mile of a frequent transit line, greenway, or park.

Red Line / Blue Line / Purple Line TOD Strategic Plan

- The subject site falls within the Purple Line Transit-Oriented Development Strategic Plan (2021).
- The closest station is within a ½ mile northeast of the site at the 38th Street and Shadeland Avenue intersection.
- The station is classified as the District Center Typology that would have a dense mixed-use hub for multiple neighborhoods with tall buildings, minimum 3 stories at core with no front or side setbacks, multi-family housing with a minimum of 5 units, and with structured parking only with an active first floor.

Neighborhood / Area Specific Plan

- Not Applicable to the Site.

Infill Housing Guidelines

- Not Applicable to the Site.

Indy Moves

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

- Not Applicable to the Site.



ZONING HISTORY

Zoning History - Vicinity

2022-CZN-857A; 3766 North Kitley Avenue (west of site), Rezoning from the I-2 (TOD) and D-3(TOD) Districts to the I-4 (TOD) District, **approved.**

2022-CZN-857B; 3766 North Kitley Avenue and 6490, 6520 & 6522 Massachusetts Avenue (west of site), Rezoning to the I-2 (TOD) District, **approved.**

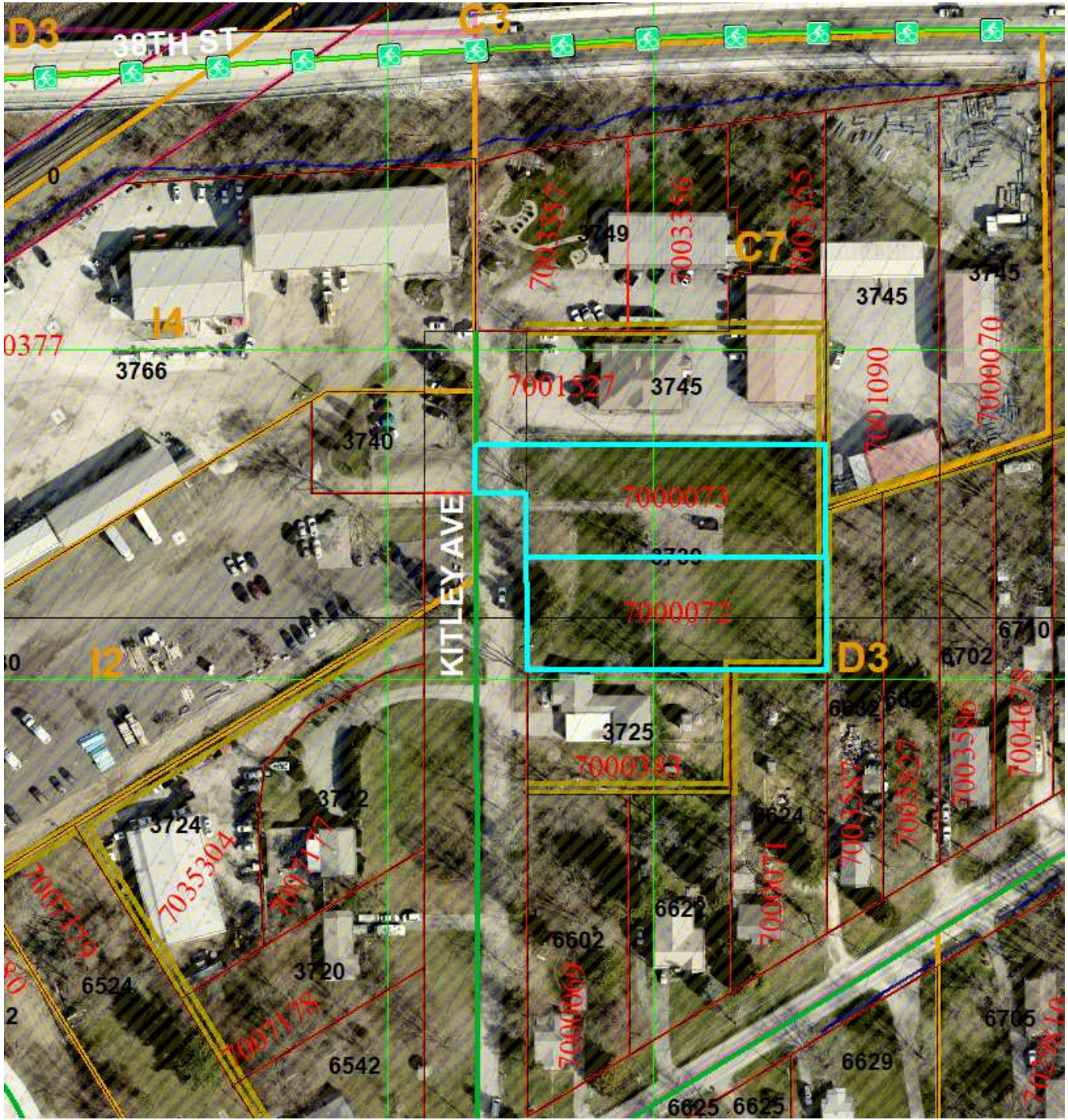
2022-CVR-857; 3766 North Kitley Avenue (west of site), Variance of Use of the Consolidated Zoning and Subdivision Ordinance to provide for a cement batching plant (not permitted within 500 feet of a protected district), **approved.**

2022-CZN-857B; 3730, 3740 & 3766 North Kitley Avenue and 6490, 6520 & 6522 Massachusetts Avenue (west of site)

93-Z-46; 3730 North Kitley Avenue (west of site) Rezoning of 5.3 acres from the D-3 district to the I-2-S district, **approved.**

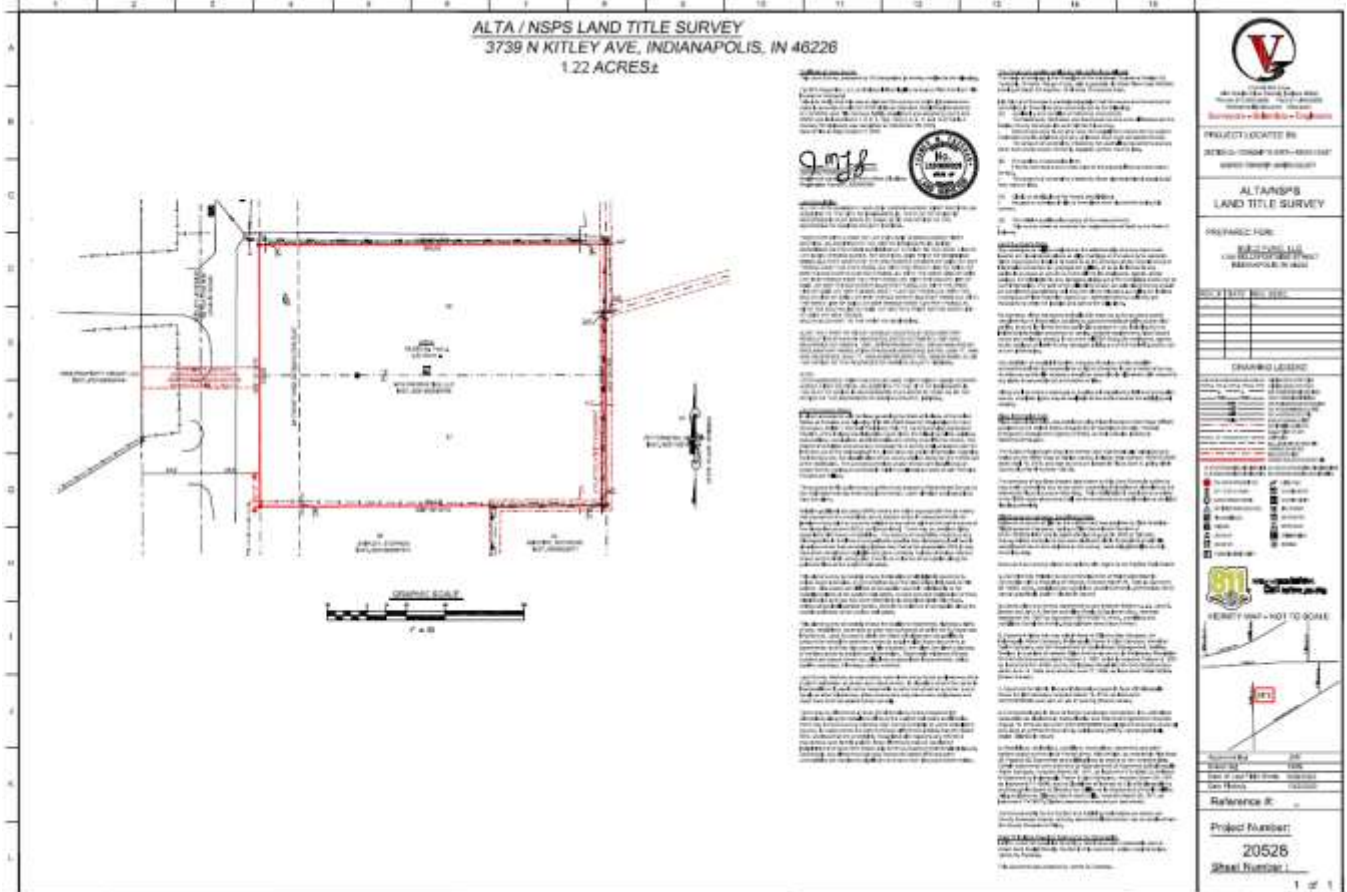
76-UV1-39; 3724 North Kitley Avenue (southwest of site), Variance of use and Development Standards to modify previous variance granted for general vehicle repair, as per plans filed, off-street parking provided, **denied.**

EXHIBITS





Department of Metropolitan Development
Division of Planning
Current Planning



PATRIUM

Design-build | General Contracting | Construction Management | PM

Patrium LLC Plan of Operation for 3739 N. Kitley Avenue Rezoning

- **Workforce.** Indicate the number of employees or volunteers associated with the business or be gleaned from a solid business plan. Therefore, an applicant should also consider & identify the potential for growth. Do they work on-site? When do they work? How do they get to the work-site? If they drive, where do they park? What form of security is utilized?
 - ❖ 3739 N. Kitley Avenue is a vacant lot located adjacent to the Specialty Contractor (Framing and Drywall) and two (2) residential dwellings. The site at 3739 N Kitley Ave will be used in conjunction with the office space at 3749 N Kitley Ave.
 - ❖ Patrium LLC is a construction management company. The employees drive to work and are able to park in the office parking lot located at 3749 N. Kitley Avenue. The staff works on-site and sometimes off-site with varying hours, usually Monday through Saturday from 7:00 am until 6:00 pm.
 - ❖ The property is currently under audio and video surveillance, with plans to add fencing across the front of the property to enclose all four sides.
- **Clients & Customers.** Indicate who are typical customers and clients. Do they come to the site? If so, when and how many? Where do they park?
 - ❖ The site at 3739 N Kitley does not have regular visits from clients or customers; they are usually hosted at the office at 3749 N Kitley Ave.
- **Processes conducted on Site.** Describe what is actually done by the business or organization, on-site and off-site. What happens outside? What are the safety & security measures taken by the business or organization?
 - ❖ Patrium LLC is a construction management company with daily operations to include but not limited to ensuring construction projects stay on schedule, quality standards are met, safety protocols are followed, and material/equipment is at correct offsite locations. On-site duties include managing the above listed items.
- **Materials Used.** List the types of materials used for the operation. Are any hazardous materials used? Indicate the applicable safety & security measures. Shipping & Receiving. How are materials shipped or received? Size of vehicle? What time of day? Frequency?
 - ❖ Patrium LLC will be using the site at 3739 N Kitley to house and store equipment, and construction materials.

PATRIUM

Design-build | General Contracting | Construction Management | PM

- ❖ Materials will be shipped by various material suppliers, such as Ferguson Supply or OldCastle-Northfield. They are received by staff on site during regular business hours.
- ❖ Safety and Security measures will include audio and video surveillance 24/7.
- Waste. Indicate the types of waste generated. How is it handled? By whom? Is hazardous waste generated? Is a recycling program implemented?
 - ❖ We generate general office and light construction waste: eg. paper, food, wood trim, drywall scrap. These items will be disposed of in a dumpster that would be placed on the property at 3739 N. Kitley Ave. which would be picked up by Waste Management Inc.
 - ❖ There would not be any hazardous waste generated.
 - ❖ We do use a recycling program for any e-waste we may have.

PATRIUM



Northern property boundary of the subject site looking east.



Photo of the subject site looking east.



Photo of the subject site looking east.



Southern property boundary of the subject site looking east.



Photo of the subject site street frontage looking northeast.



Photo of a single-family dwelling south of the site.



Photo of single-family dwellings southwest of the site.



Photo of the concrete contractor business looking north.



Photo of the concrete contractor business looking northwest.



Photo of the concrete contractor business to the west.



Photo of the drywall contractor business to the north.



METROPOLITAN DEVELOPMENT COMMISSION August 29, 2024
HEARING EXAMINER

Case Number: 2024-ZON-056 / 2024-VAR-009

Property Address: 4545 East Michigan Street (Approximate Address)

Location: Center Township, Council District #13

Petitioner: SJM Co. Inc., by Jamilah Mintze

Current Zoning: D-5

Request: Rezoning of 0.12-acre from the D-5 district to the C-5 district to provide for general commercial uses, including an automobile repair shop.
Variance of Use and Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for a six-foot-tall chain link fence within the front yard of Michigan Street and Drexel Avenue (chain link fence not permitted within front yard) and encroaching into the clear-sight triangle of Michigan Street and Drexel Avenue and the abutting alley (not permitted).

Current Land Use: Vacant Commercial Building

Staff Recommendations: Denial

Staff Reviewer: Marleny Iraheta, Senior Planner

PETITION HISTORY

ADDENDUM FOR AUGUST 29, 2024 HEARING EXAMINER

Amendment: The petitioner filed a companion variance petition to allow for a six-foot tall chain link fence within the front yard of Michigan Street and Drexel Avenue and encroaching into the clear-sight triangles of Michigan Street and Drexel Avenue and the abutting alley.

Table 744-510-2 of the Ordinance notes that the existing D-5 district would limit the fence height in the front yard to 3.5 feet or 4 feet if 30% opacity or less is proposed and chain link fencing would not be permitted.

The proposed C-5 district would limit the fence height in the front yard to five feet and chain link fencing would not be permitted in the front yard.

Staff determined that the proposed fence in the front yard, which encloses the perimeter of the site would not be supportable because there are other means to provide security on site such as providing cameras, ensuring vehicles are within a building, or having security patrols. There is no practical difficulty to warrant a six-foot tall chain link fence and any perceived difficulties would be due to the proposed use on site.

The request would also allow for the fence to be located within the clear sight triangles of Michigan Street and Drexel and Michigan Street and the alley. The grant of this request would be injurious to the public



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

safety of the community. Instead, the relocation of the fence outside of the clear sight triangles while meeting the height limitations of the Ordinance would provide the best opportunity for accident prevention at the intersections.

For these reasons, staff is recommending denial of the variance requests in addition to previously recommending denial of rezoning the site to the C-5 district.

ADDENDUM FOR JULY 25, 2024 HEARING EXAMINER

This petition was continued from the June 13, 2024 hearing to the July 25, 2024 hearing at the request of the petitioner to provide additional time to amend the request to include variances. No new information was submitted to the case file.

This petition was continued for cause from the July 25, 2024 hearing to the August 29, 2024 hearing at the request of the petitioner to amend the request and provide proper notice.

June 13, 2024

This is the first public hearing for this petition.

STAFF RECOMMENDATION

Staff **recommends denial** of the request.

PETITION OVERVIEW

The 0.12-acre subject site is developed with a vacant commercial building and associated parking area. It is enclosed by a six-foot tall chain link fence along the perimeter.

The site is surrounded by single-family dwellings to the south, east, and north, zoned D-5, and an undeveloped lot west of the site, zoned D-5.

REZONING

The request would rezone the sites from the D-5 district to the C-5 district for general commercial uses, including an automobile repair shop which is not permitted in the current zoning district.

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

The C-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



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

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.

Staff Analysis

If granted, the C-5 rezoning would allow for the operation of an auto mechanic shop with associated parking lot to store repaired vehicles.

Automobile, motorcycle, and light vehicle service or repair is permitted in the C-4, C-5, C-7, I-3, I-4, and CBD-2 districts. These districts are not compatible with the traditional neighborhood recommendation of the Comprehensive Plan, which specifically excludes auto repair as a recommended use.

Staff determined that the proposed C-5 district would be too intense for the site since it faces three residential dwellings. The outdoor storage of vehicles is concerning due to the negative aesthetic this would promote and the potential need for additional lighting on site for said vehicle storage could negatively impact the quality of life of the surrounding residents.

Instead, the site would be more conducive for less intense uses such as offices considering that a commercial building exists on site.

Staff notified the petitioner that the existing chain link fence would need to be removed since the existing D-5 district limits fences in the front yard to 3.5 feet or 4 feet depending on opacity and the proposed C-5 district would limit fences in the front yard to five feet. Additionally, six-foot tall fences are not permitted in the clear sight triangles of the alley or streets and would need to be removed.

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

GENERAL INFORMATION

Existing Zoning	D-5	
Existing Land Use	Vacant Commercial Building	
Comprehensive Plan	Traditional Neighborhood	
Surrounding Context	Zoning	Land Use
	North:	D-5 Residential (Single-family dwelling)
	South:	D-5 Residential (Single-family dwelling)
	East:	D-5 Residential (Single-family dwelling)
	West:	D-5 Undeveloped
Thoroughfare Plan		
Michigan Street	Primary Arterial Street	60-foot existing right-of-way and 78-foot proposed right-of-way.
Drexel Avenue	Local Street	49-foot existing right-of-way and 48-foot proposed right-of-way.
Context Area	Compact	



Floodway / Floodway Fringe	No
Overlay	Yes
Wellfield Protection Area	No
Site Plan	July 29, 2024
Site Plan (Amended)	N/A
Elevations	N/A
Elevations (Amended)	N/A
Landscape Plan	N/A
Findings of Fact	July 29, 2024
Findings of Fact (Amended)	N/A
C-S/D-P Statement	N/A

COMPREHENSIVE PLAN ANALYSIS

Comprehensive Plan

- Marion County Land Use Plan Pattern Book (2019)
- Blue Line Transit-Oriented Development Strategic Plan (2018)
- The Near Eastside Quality of Life Plan (2020)

Pattern Book / Land Use Plan

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

- the proposed site and the residential development (sidewalk, greenway, or off-street path) should be in place or provided.
- Should be located at intersections and limited to an aggregate of 1 acre per intersection.
 - Should be limited to areas and parcels with adequate space for required screening and buffering.
 - Automotive uses (such as gas stations and auto repair) and uses requiring a distance of separation of greater than 20 feet under the zoning ordinance (such as liquor stores, adult uses, and drive-through lanes) are excluded.
 - Mixed-use structures are preferred.
 - Should not include outdoor display of merchandise.

Red Line / Blue Line / Purple Line TOD Strategic Plan

- The property falls within the Blue Line Transit-Oriented Development Strategic Plan (2018). The closest station is within a ½ mile south at the intersection of Washington Street and Linwood Avenue.
- This station is classified as a Walkable Neighborhood Typology that would promote a mix of uses at station area and primarily residential beyond, maximum of 3 stories throughout, with no front or side setbacks at core: zero to 15-foot front setbacks and zero to 20-foot side setbacks at periphery, and a mix of multi-family and single-family housing. Structured parking at the core and attractive surface parking at the periphery is recommended.

Neighborhood / Area Specific Plan

- The site falls within The Near Eastside Quality of Life Plan (2020).
- A Placemaking and Infrastructure Priority is to build stronger and safer connections for cyclists and pedestrians within and to commercial corridors such as 10th Street, Washington Street, New York Street, and Michigan Street
- Another Priority would be to extend protected bike lanes on either New York Street or Michigan Street (or both) to improve connectivity between downtown and out towards Irvington.

Infill Housing Guidelines

- Not Applicable to the Site.

Indy Moves

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

- Not Applicable to the Site.



ZONING HISTORY

Zoning History – Site

95-UV2-26; 4545 East Michigan Street (subject site), Variance of use of the Dwelling Districts Zoning Ordinance to provide for outdoor display and sale of automobiles (not permitted), temporarily permitted by petition 93-UV2-11 (expiring on February 9, 1995), **granted**.

93-UV2-11; 4545 East Michigan Street (subject site), Variance of use of the Dwelling Districts Zoning Ordinance to provide for the outdoor display and sale of automobiles, **granted for a period of two years expiring on February 9, 1995**.

89-UV2-12; 4545 East Michigan Street (subject site), Variance of use of the Dwelling Districts Zoning Ordinance to provide for the service and outdoor display and sale of automobiles without sufficient parking and perimeter yards, **denied**.

Zoning History – Vicinity

2017-ZON-077; 4501 East Michigan Street (west of site), Rezoning of 0.15 acre, from the D-5 District, to the MU-2 classification, **approved**.

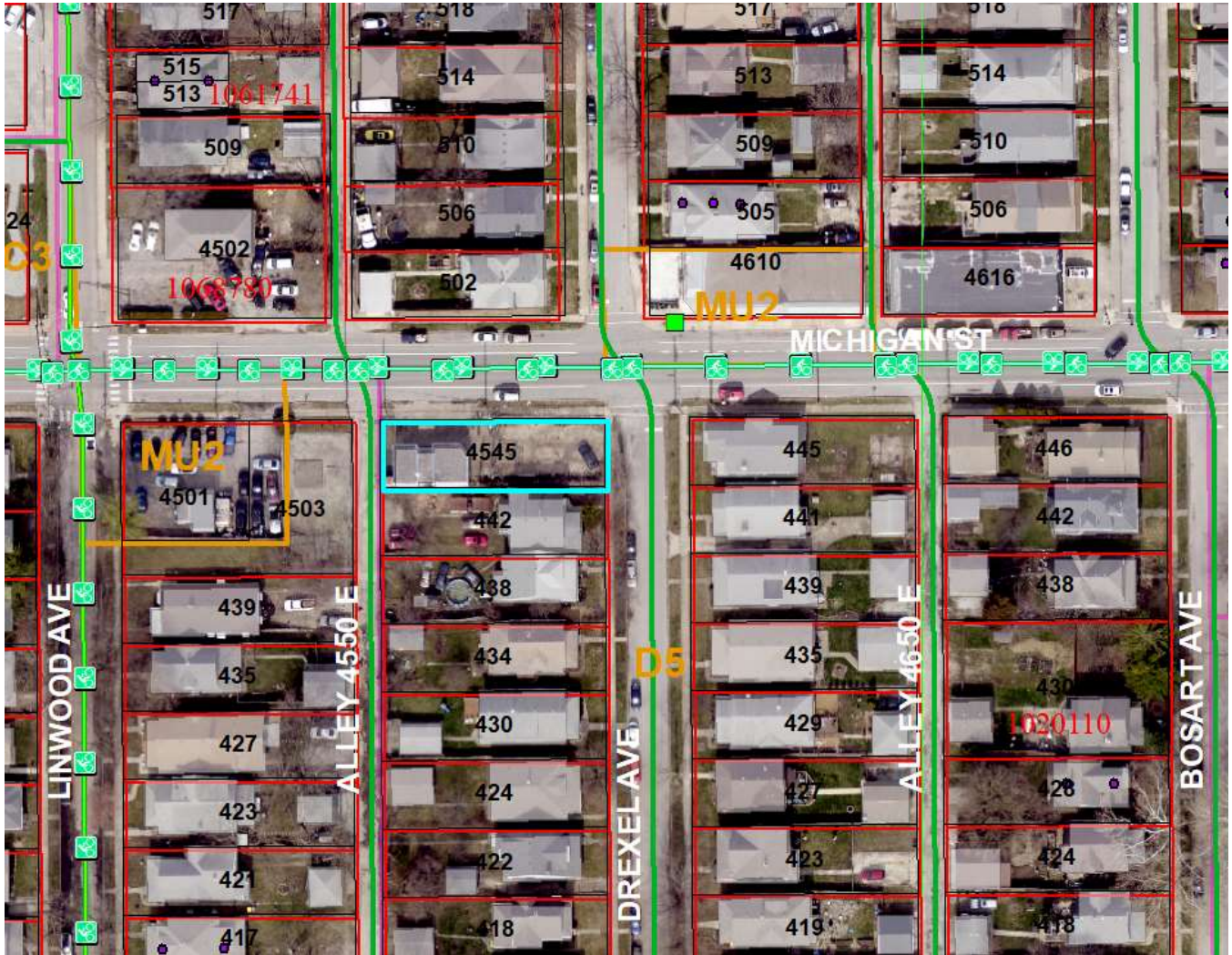
2009-ZON-058; 4606 East Michigan Street (northeast of site), Rezoning of 0.115 acre, from the D-5 District, to the C-3C classification to provide for corridor commercial uses, **approved**.

98-Z-84; 4410 to 4424 East Michigan Street (northwest of site), Rezone 0.5 acre from C-2 and D-5 to SU-1, **approved**.

92-Z-76; 4501 East Michigan Street (west of site), Rezoning of 1.0 acre, being in the D-5 district, to the C-7 classification to provide for the sale of automobiles, **withdrawn**.

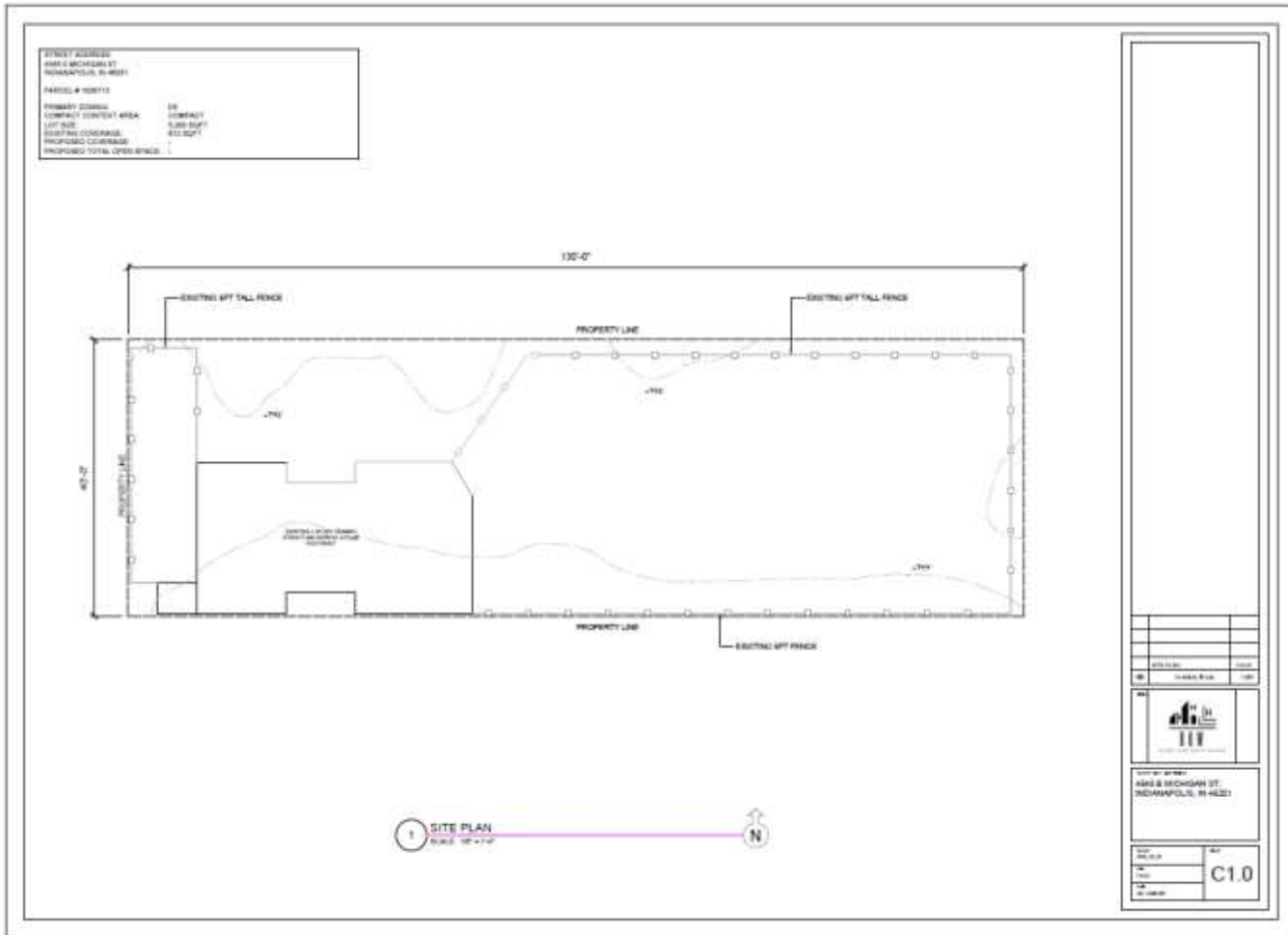
88-Z-75; 4428 East Michigan Street (northwest of site), Rezoning of 0.12 acre from D-5 to C-3, **approved**.

EXHIBITS





Department of Metropolitan Development
 Division of Planning
 Current Planning





**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:

This current fencing has existed for some time prior to this request and has caused no injury nor harm to the surrounding property owners. This will continue to serve as a deterrent to the property and will only be used for the purpose of preventing theft of the vehicles which will be repaired by the mechanic shop.

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 property which sits west of the proposed DVS requested area is owned by the same owners, this also provides a barrier of any property which may sit south of the parking area, the helps outline boundary lines for the other property owners. The fencing is chain linked, therefore it causes no obstruction of any type to the traffic which enters and exits this residential street.

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

This would allow an immediate access to this private property for theft to incur, for people to trespass on this property without permission. This would cause the owner to be susceptible to unnecessary losses and costs by having this enforced of the removal of this fence.



Photo of the eastern portion of the site looking south.



Photo of the western portion of the site looking south.



Photo of the adjacent alley west of the site and undeveloped lot.



Photo of the subject site looking east.



Photo of the subject site looking west.



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



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



Photo of the residential dwelling north of the site.



Photo of the residential accessory structure north of the site.



METROPOLITAN DEVELOPMENT COMMISSION August 29, 2024
HEARING EXAMINER

Case Number: 2024-ZON-062

Property Address: 1025 Jefferson Avenue

Location: Center Township, Council District #13

Petitioner: Brookside Commercial, LLC, by Joseph D. Calderon

Current Zoning: D-5

Request: Rezoning of 0.15-acre from the D-5 district to the SU-38 district to provide for additional surface parking area for a community center and apartments.

Current Land Use: Storage containers / accessory building

Staff Recommendations: Approval, subject to the site and landscaping plan file dated August 22, 2024.

Staff Reviewer: Kathleen Blackham, Senior Planner

PETITION HISTORY

The Hearing Examiner continued this petition from the August 15, 2024 hearing, to the August 29, 2024 hearing, at the request of the petitioner’s representative. Additional information has been submitted that included a parking analysis, file-dated August 9, 2024 and an amended site and landscaping plan, file-dated August 22, 2024.

Based upon review of these recent documents, staff believes the request is supportable. The appropriate parking reductions have been considered but additional parking would be required. Furthermore, the amended site plan that provides a landscape buffer that mitigates the impact of the parking. Staff, therefore, recommends approval, subject to the site and landscape plan, file-dated August 22, 2024.

The Hearing Examiner continued this petition from the July 11, 2024, hearing, to the August 15, 2024 hearing, at the request of the petitioner’s representative.

On July 9, 2024, the petitioner’s representative provided information related to uses and required parking. According to the e-mail from the Boner Center staff, there are 105 existing parking spaces. The petitioner’s representative stated that between 115 and 157 parking spaces would be required, “depending upon the enforcement of the transit reduction required.”

Staff continues to recommend denial because it appears that other adjustments to required parking have not been applied, which could reduce required parking up to 35 percent. Furthermore, staff believes that a paved parking lot, absent setbacks that provide space for a buffer and landscaping, negatively impacts the surrounding residential neighborhood and creates an encroachment that that would be detrimental to the residents in this neighborhood.



STAFF RECOMMENDATION

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

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

PETITION OVERVIEW

This 0.15-acre site, zoned D-5, is currently being used for storage. It is surrounded by a single-family dwelling to the north, zoned D-5; a community center to the south, zoned SU-38; multi-family dwellings to the east, zoned D-5; and single-family dwellings to the west, across North Jefferson Avenue, zoned D-5.

Petition 2021-ZON-096 requested rezoning of this site to the SU-38 to provide for a parking lot but was withdrawn. Staff recommended denial of that request.

The request would rezone the site the SU-38 (community center) District to provide for a 13-space parking lot. "No building, structure, premises or part thereof shall be constructed, erected, converted, enlarged, extended, reconstructed or relocated except in conformity with these regulations and for uses permitted by this article and until the proposed Site and Development Plan and landscape plan have been filed with and approved on behalf of the Commission by the Administrator or approved by the Commission, as hereinafter provided."

The Comprehensive Plan recommends traditional neighborhood typology for this site. stated that the parking lot would serve other properties owned /operated by the petitioner that would include New Life Manor Apartments, Brookside Apartments, and the John Boner Neighborhood Community Center.

The number of required parking spaces are determined by the use and the square footage of buildings associated with the parking areas but no documentation, including existing parking numbers, was submitted that would support the need for the additional parking.

The Ordinance also provides for parking reductions related to electric vehicle charging stations, shared parking, bicycle parking, proximity to public transportation, shared parking among different land uses, permeable pavers / pavement and redevelopment.

As an example of the reduction, this site is proximate to a Transit Emphasis Corridor, Route 10, with buses operating every 15 minutes during peak times of the day. Sites within ¼ mile of a Transit Emphasis Corridor bus stop improved with a shelter may reduce the amount of parking spaces by 30%,



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

so instead of 73 spaces being required for the 29,000-square foot community center, only 51 parking spaces would be required.

No documentation has been submitted that would provide information on parking reductions that would be available for this site.

Because staff is concerned about the steady encroachment of parking northward into the neighborhood and detrimentally impacting the streetscape of Jefferson Avenue, staff believes this request should be denied.

Staff is also concerned with the lack of landscaping and questions whether the Green Factor can be met. The Green Factor would ensure that the site is more sustainable, provides screening, and promotes buffering and integration of landscaping, drainage and thoughtful design.

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.



GENERAL INFORMATION

Existing Zoning	D-5	
Existing Land Use	Storage units / accessory building	
Comprehensive Plan	Traditional Neighborhood	
Surrounding Context	Zoning	Land Use
	North:	D-5 Single-family dwelling
	South:	SU-38 Parking lot / community center
	East:	D-5 Multi-family dwellings
	West:	D-5 Single-family dwelling
Thoroughfare Plan		
North Jefferson Avenue	Local Street	Existing 50-foot right-of-way and proposed 48-foot right-of-way.
Context Area	Compact	
Floodway / Floodway Fringe	No	
Overlay	No	
Wellfield Protection Area	No	
Site Plan	May 9, 2024	
Site Plan (Amended)	N/A	
Elevations	N/A	
Elevations (Amended)	N/A	
Landscape Plan	N/A	
Findings of Fact	N/A	
Findings of Fact (Amended)	N/A	
C-S/D-P Statement	N/A	

COMPREHENSIVE PLAN ANALYSIS

Comprehensive Plan

- The Comprehensive Plan recommends 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



Department of Metropolitan Development
Division of Planning
Current Planning

is recommended if the development is within a quarter mile of a frequent transit line, greenway, or park.”

Pattern Book / Land Use Plan

The Comprehensive Plan consists of two components that include the 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 – Traditional Neighborhood Typology*
 - All land use types except small-scale parks and community farms/gardens in this typology must have adequate municipal water and sanitary sewer.
 - All development should include sidewalks along the street frontage.
 - In master-planned developments, block lengths of less than 500 feet, or pedestrian cut-throughs for longer blocks, are encouraged.
- *Small-Scale Schools, Places of Worship, Neighborhood- Serving Institutions/Infrastructure, and Other Places of Assembly (defined as Schools, places of worship, and other places of assembly that are generally less than five acres in size)*
 - Should be located along an arterial or collector street.
 - If proposed within one-half mile along an adjoining street of an existing or approved residential development, then connecting, continuous pedestrian infrastructure between the proposed site and the residential development (sidewalk, greenway, or off-street path) should be in place or provided.
 - Schools should not be within 1000 feet of a highway, freeway, or expressway.

Red Line / Blue Line / Purple Line TOD Strategic Plan

- Not Applicable to the Site.

Neighborhood / Area Specific Plan

- Not Applicable to the Site.

Infill Housing Guidelines

- Not Applicable to the Site.



Department of Metropolitan Development
Division of Planning
Current Planning

Indy Moves

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

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



ZONING HISTORY

2021-ZON-096; 1025 Jefferson Avenue, requested rezoning of 0.15 acre from the D-5 district to the SU-38 classification, **withdrawn**.

2016-ZON-017; 1021 Jefferson Avenue, requested rezoning of 0.15 acre, from the D-5 district, to the SU-38 classification, **approved**.

2009-UV1-017; 2210, 2236 and 2302 East 10th Street, requested a variance of use of the Special Districts Zoning Ordinance to provide for a restaurant and caterer (not permitted) with outdoor seating as a primary use within a tenant space of a community center, and to provide for all C-1 and C-3 uses, **granted**.

2008-ZON-858 / 2008-VAR-858; 2209 East 10th Street, requested a rezoning of 0.358 acre, from the C-2 and D-4 Districts to the C-3C classification to provide for corridor commercial uses. and a variance of Development Standards of the Commercial Zoning Ordinance to provide for a 12,940-square foot building addition with an 26.083-foot front setback from the centerline of East 10th Street and a 4.167-foot front setback from the existing right-of-way of Jefferson Avenue, within the clear-sight triangle, a fence or wall within the clear-sight triangle on the north side of the proposed driveway, being 45 feet tall, with twenty off-street parking spaces, parking and a transformer with a five-foot setback and a trash enclosure with a fourteen foot setback within the required 20-foot south side transitional yard, parking with a seven-foot setback within the required twenty-foot front transitional yard along Jefferson Street (not permitted) at the southwest corner of the site, a transformer and portion of a trash enclosure with two-foot east side setbacks within the required ten-foot east side transitional yard at the southeast corner of the site, **granted**.

2004-ZON-145; 2210-2302 East 10th Street, 1017 Jefferson Avenue and 1042 Beville Avenue, requested a rezoning of 1.99 acres, being in the D-5 and C-2 Districts, to the SU-38 classification, to provide for the expansion of a community center, **approved**.

2004-VAC-028; 2210-2236 East 10th Street, 1017 Jefferson Avenue and 1042 Beville Avenue, requested a vacation of a portion of 10th Street, a portion of the air rights above 10th Street, the first east/west alley north of 10th Street, and the first north/south alley east of Jefferson Avenue, **approved**.

2003-UV2-037; 958 North Beville Avenue, requested a variance of use and development standards of the Commercial Zoning Ordinance to legally establish the retail sales of motorcycle parts and motorcycle repair, **granted**.

98-Z-235 / 98-CV-24; 2122 East 10th Street, requested a rezoning 1.175 acre, being in the C-2 and C-3 districts to the C-3 classification and a variance of development standards to provide for a fast-food restaurant with carryout and drive-through service within 100-feet of a protected district, **approved**.



Department of Metropolitan Development
Division of Planning
Current Planning

98-UV1-062; 2117 East 10th Street, requested a variance of use and development standards of the Commercial Zoning Ordinance to legally establish motorcycle sales and salvage business, with reduced setbacks and landscaping, **granted**.

89-V2-144; 2236 East 10th Street, requested a variance of use of the Commercial Zoning Ordinance, to provide for the conversion of an existing building into a 24-unit residential building for homeless and low-income individuals, senior services programming, and adult day care, with reduced off-street parking, **granted**.

EXHIBITS

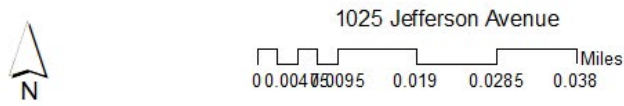
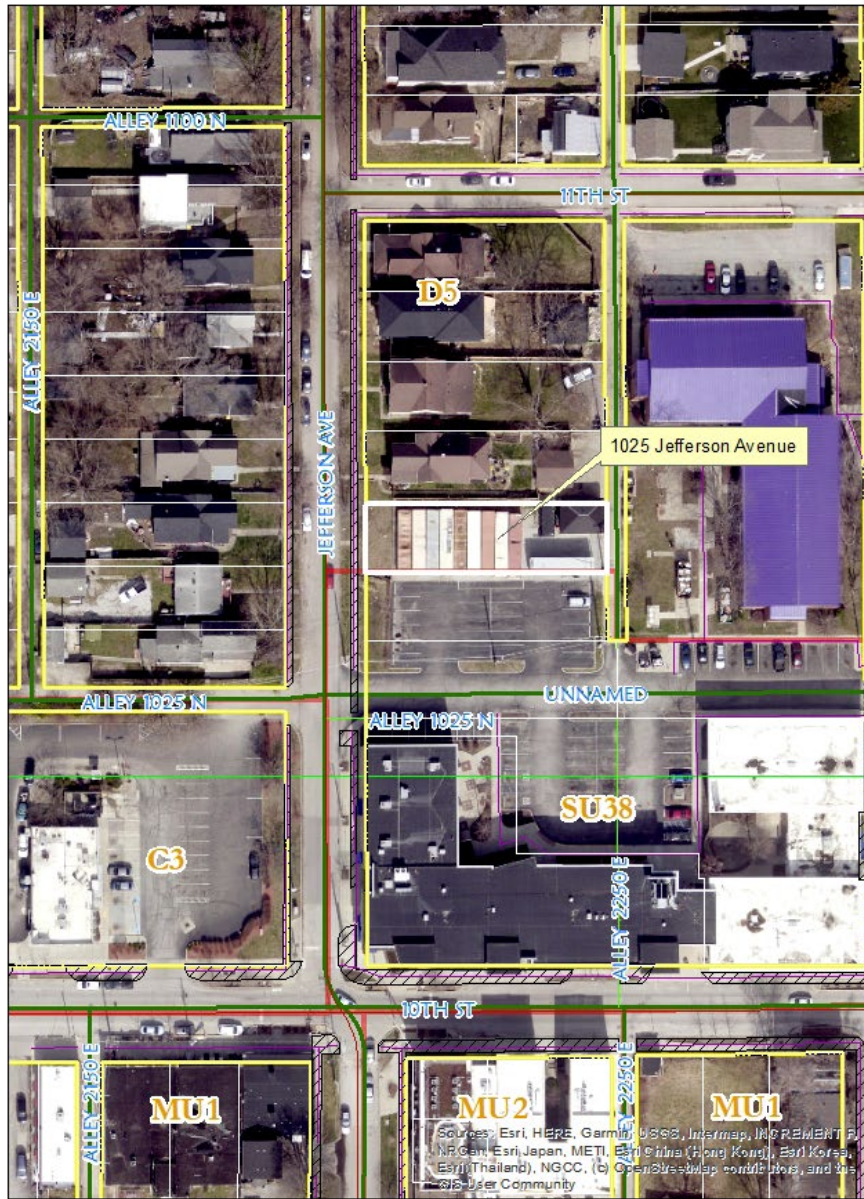


Exhibit A – Parking Analysis

Parking Analysis

John Boner Neighbor Center
 1025 Jefferson Avenue

2024-ZON-062

Name of Existing Development	Building Type/Units/SF	Minimum Required Parking Ratios	Minimum Required Parking Spaces
New Life Manor Apartments	3 stories / 48 units	1 / 1 unit	48
Brookside Apartments	2 stories / 24 units	1 / 1 unit	24
John Boner Neighborhood Center	41,623 s.f.	1 / 400 s.f.	104
TOTAL:			172

Discounts

Shared Parking	1.1 Factor	Reduction of 16 spaces
Transit Proximity	10 – 30%	Reduction of 52 spaces
Maximum Discount	35%	Reduction of 60 spaces
Minimum Parking After Discount		112 spaces
Current Available Spaces		105 spaces
Proposed New Spaces		118 total spaces

44180901.1



View looking north along North Jefferson Avenue



View looking south along North Jefferson Avenue



View of site looking north



View of site looking north



View of site looking northeast across North Jefferson Avenue of site



View looking of site and adjacent single-family dwelling northeast across North Jefferson Avenue



View looking northwest from adjacent parking to the south



View looking east across adjacent parking lot to the south



View from site looking southeast



METROPOLITAN DEVELOPMENT COMMISSION **August 29, 2024**
HEARING EXAMINER

Case Number: 2024-CAP-815 / 2024-CVR-815 (2nd Amended)

Property Address: 2439 and 2455 Dr. Martin Luther King, Jr. Street

Location: Center Township, Council District #12

Petitioner: NWQOL Holding Company LLC, by Bryan Conn

Current Zoning: C-S (W-5)
Modification of Development Statement and Site Plan related to 2020-ZON-067 to provide for a four-story multi-family, with supportive services development, with 32 dwelling units for persons experiencing homelessness, community meeting space, mental health services, employment assistance, health and wellness programs, life skills training and development, and a food pantry for residents.

Request: Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for construction of a four-story multi-family, supportive services, and community space building, with 39% transparency on the west façade (minimum 40% transparency required on facades within 50 feet of a local, collector or arterial street), with 6% transparency on the north façade, with 25% transparency on the east façade, with 0% transparency on the south façade (minimum 40% transparency required within 50 feet of a public pedestrian entrance), with a front yard setback of five feet (minimum 10 feet required), and a north side yard setback of three feet (minimum 10-foot side yard setbacks required) and a 48-foot tall building (38-foot tall building permitted)..

Current Land Use: Vacant property

Staff Recommendations: Approval of the modification and variance requests, subject to the commitments noted below:

Staff Reviewer: Kathleen Blackham, Senior Planner

PETITION HISTORY

The Hearing Examiner continued these petitions from the May 9, 2024 hearing, to the May 23, 2024 hearing, and to the June 13, 2024 hearing, at the request of staff to provide additional time for discussion with the petitioner’s representative and architect.

The Hearing Examiner continued these petitions from the June 13, 2024 hearing, to the July 25, 2024 hearing, and to the August 29, 2024 hearing, with notice, because the variance request was amended twice and required additional notice.



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

The two amendments to the development standards variance related to the setbacks and building height. As further investigation was conducted the building footprint had to be adjusted to accommodate existing utility infrastructure. Staff believes this change had minimal impact on the project and supports the requested amended setbacks.

The second amendment relates to the building height. The maximum building height in the C-S district is 38 feet and the request would allow for a 10-foot increase in the building height. Staff believes this increase would be acceptable because the building would be located along a primary arterial and have minimal impact on surrounding land uses.

STAFF RECOMMENDATION

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

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

PETITION OVERVIEW

MODIFICATION

This 0.59-acre site, zoned C-S (W-5), is vacant and surrounded by commercial uses to the north, zoned C-S (W-5); a community service facility to the south, zoned SU-7 (W-5) (charitable, philanthropic and not-for-profit use); residential uses to the east, zoned D-8; and commercial uses to the west, across Dr. Martin Luther King Jr. Street, zoned C-3 (W-5).

This site was included in a rezoning (2020-ZON-067) that rezoned 4.5 acres consisting of three non-contiguous areas along Dr, Martin Luther King Jr. Street to the C-S district that included multi-family residential development, a food hub/food supply, medical training, automotive training and relocation of a lodge. This site is the southernmost site. See Exhibit A.

The Plan of Operation for this site that was associated with the 2020 rezoning, provided for residential uses and parking. See below:

2400 Block of MLK – 30 Units – 21 parking spaces – Community Service Space (3000 sq ft) – Meridian Lodge (3000 sq ft)





Department of Metropolitan Development
Division of Planning
Current Planning

Housing portion is residential, and responses are same as above. Responses below are for Community Service Center portion.

Workforce – Workforce would be 5 to 10 volunteers depending on activity. Anticipated hours between 10am and 8pm depending on activity.

Clients & Customers – Neighborhood seniors for day activities, mentoring programs for kids and community residents for philanthropic activities. All activities would be conducted onsite.

Processes Conducted on Site – No process will be conducted on site.

Materials Used – No materials use on site.

Shipping & Receiving – No shipping or receiving planned.

Waste - No hazardous waste generates. Waste removal would be by City of contract.

This request would provide for a four-story multi-family dwelling that would consist of 32 dwelling units and supportive services for persons experiencing homelessness. Supportive services would include community meeting space, mental health services, employment assistance, health / wellness programs, life skills training / development and a food pantry for the residents.

Despite the change in the site plan associated with the 2020 rezoning, staff supports this request because it is consistent with the proposed residential uses. Furthermore, the proposed uses offered in the community service space would be modified to provide services to those experiencing homelessness. See Exhibit B for the modified C-S Statement.

Variances of Development Standards

This request would permit a reduction in the required transparency and setbacks. The Ordinance requires 40% transparency on facades within 50 feet of a local, collector or arterial street and within 50 feet of a public pedestrian entrance. The also Ordinance requires a 10-foot front and side yard setback.

As proposed the transparency of the building facades has increased based on the amended elevations. The transparency is now within an acceptable range that staff believes would be supportable. See Exhibit C.



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

After filing these requests, it has been discovered that existing conditions require that the building be moved to the north, thereby resulting in a practical difficulty and a three-foot north setback. Staff also believes that the reduction of the front setback would be supportable with the installation of landscaping that would provide a buffer and minimize any possible negative impact of the reduced front setback.

For these reasons, staff supports the variances that have been requested.

Wellfield Protection Secondary Zoning

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

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

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

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

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



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

he subject site is located within the W-5 White River wellfield protection area and any use or development within a wellfield protection district would be subject to the Technically Qualified Person (TQP) review and approval, unless and until the property owner provides sufficient justification that the type of use, type of facility, and chemical quantity limits, independent of the land use would be exempt from the requirements for filing a development plan. Otherwise, a development plan would be required to be filed and approved on behalf of the Metropolitan Development Commission by the (TQP). Contaminants that would have an adverse effect would include chemicals that are used in the home, business, industry, and agriculture. Chemicals such as furniture strippers, lawn and garden chemicals, cleaning chemical and solvents, gasoline, oil, and road salt can all contaminate groundwater supplies if poured on the ground or improperly used or stored.

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.

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.

GENERAL INFORMATION

Existing Zoning	C-S (W-5)	
Existing Land Use	Vacant land	
Comprehensive Plan	Commercial and retail services	
Surrounding Context	Zoning	Land Use
North:	C-S (W-5)	Vacant land
South:	SU-37 (W-5)	Community Services facility
East:	D-8 (W-5)	Single-family dwellings
West:	C-3 (W-5)	Commercial uses
Thoroughfare Plan		
Dr. Martin Luther King, Jr. Street	Primary arterial	Existing 80-foot right-of-way and proposed 66-foot right-of-way.
Context Area	Compact	
Floodway / Floodway Fringe	No	
Overlay	No	
Wellfield Protection Area	Yes	
Site Plan	March 13, 2024	
Site Plan (Amended)	July 8, 2024	
Elevations	March 13, 2024	
Elevations (Amended)	July 8, 2024	
Landscape Plan	July 8, 2024	
Findings of Fact	March 13, 2024	
Findings of Fact (Amended)	N/A	
C-S/D-P Statement	March 13, 2024	

COMPREHENSIVE PLAN ANALYSIS

Comprehensive Plan

- Not Applicable to the Site.

Pattern Book / Land Use Plan

- Not Applicable to the Site.



Red Line / Blue Line / Purple Line TOD Strategic Plan

- Not Applicable to the Site.

Neighborhood / Area Specific Plan

- United Northwest Neighborhood Plan (2010) recommends commercial and retail service.

Infill Housing Guidelines

- Not Applicable to the Site.

Indy Moves

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

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



ZONING HISTORY

2020-ZON-067; 2439, 2455, 2461, 2709, 2711, 2713, 2715, 2717, 2723, 2735, 2753, 2954 Dr. ML King Jr. Street; 815, 821 and 827 West 30th Street; 822, 826, 830, 834 and 838 Eugene Street; and 629 and 631 West 28th Street, requested rezoning of 4.5 acres, from the D-5, C-3, C-3 (W-5) and C-4 districts to the C-S and C-S (W-5) classifications to provide for multi-family residential development, a food hub/food supply, medical training, automotive training and relocation of a lodge, **approved**.

Vicinity

2017-DV3-020; 2438 Dr. Martin Luther King Jr Street (west of site), requested a variance of use to provide for an Automatic Teller Machine on a property with no primary building, **granted**.

2015-UV1-001; 2468 Dr. Martin Luther King Jr Street (west of site), requested a variance of use to provide for tire installation, oil and lube work in a C-3 district, **granted**.

2011-CAP-814 / 2011-CVR-814; 2625 - 2637 Dr. Martin Luther King Jr Street (north of site), requested variances of development standards to provide for a commercial building exceeding permitted size, deficient front setbacks, without landscaping, deficient number of parking spaces, a building and trash container in a transitional yard, truck loading in a transitional yard and a sign with deficient setback and space from a protected district, **approved**.

2011-CVR-809 / 2011-CVC-809; 551 – 611 West 27th Street (north of site), requested variances of development standards to provide for a building exceeding the permitted height, deficient front transitional yard, deficient number of parking spaces, deficient side transitional yard, and the vacation of the first northwest / southwest alley east of Dr. Martin Luther King Jr. Street, **granted and approved**.

2008-UV3-031; 2468 Dr. Martin Luther King Jr Street (west of site), requested a variance of use to provide for automobile repair and variances of development standards to provide for deficient landscape strips, deficient rear yard and rear transitional yard, and deficient parking maneuvering, **granted**.

2008-ZON-110; 2649 Dr. Martin Luther King Jr. Street (north of site), requested rezoning of 1.737 acres from C-3 and SU-1 districts to the C03C classification to provide for corridor commercial uses, **approved**.

2007-ZON-822 / 2007-CVR-822 /, 2007-VAC-822; 2625 Dr. Martin Luther King Jr Street and 617 East 26th Street (north of site), requested the rezoning of 1.77 acres from the C-3 and SU-1 districts to the C-3C district, variance of development standards, and an alley vacation, **withdrawn**.

2006-DV2-033; 561 West 28th Street and 23 other addresses (north of site), requested a variance of development standards to provide for deficient main floor area, **granted**.



Department of Metropolitan Development
Division of Planning
Current Planning

2002-UV2-014; 2701 California Street (north of site), requested a variance of use to provide for a funeral home, **granted**.

2002-DV3-048; 850, 854, & 858 Eugene Street and 19 other addresses (north of site), requested variances of development standards to provide for townhouses with deficient main floor area and deficient front yard setback, **granted**.

2002-DV3-014; 2502 Dr. Martin Luther King Jr Street (north of site), requested variance of development standards to provide for deficient separation between a drive-through service unit and a protected district, without an exclusive bypass lane, with deficient setback and deficient exit stacking, **granted**.

2001-DV1-079; 2926 Dr. Martin Luther King Jr Street (north of site), requested variances of development standards to provide for deficient transitional yard, deficient separation of a fast-food restaurant from a Protected District, and a trash container in a transitional yard, **granted**.

99-Z-162; 551 West 27th Street (east of site), requested rezoning of 1.72 acres from the D-8 district to the SU-1 classification to conform zoning to the present use, and to provide for a family life center, **approved**.

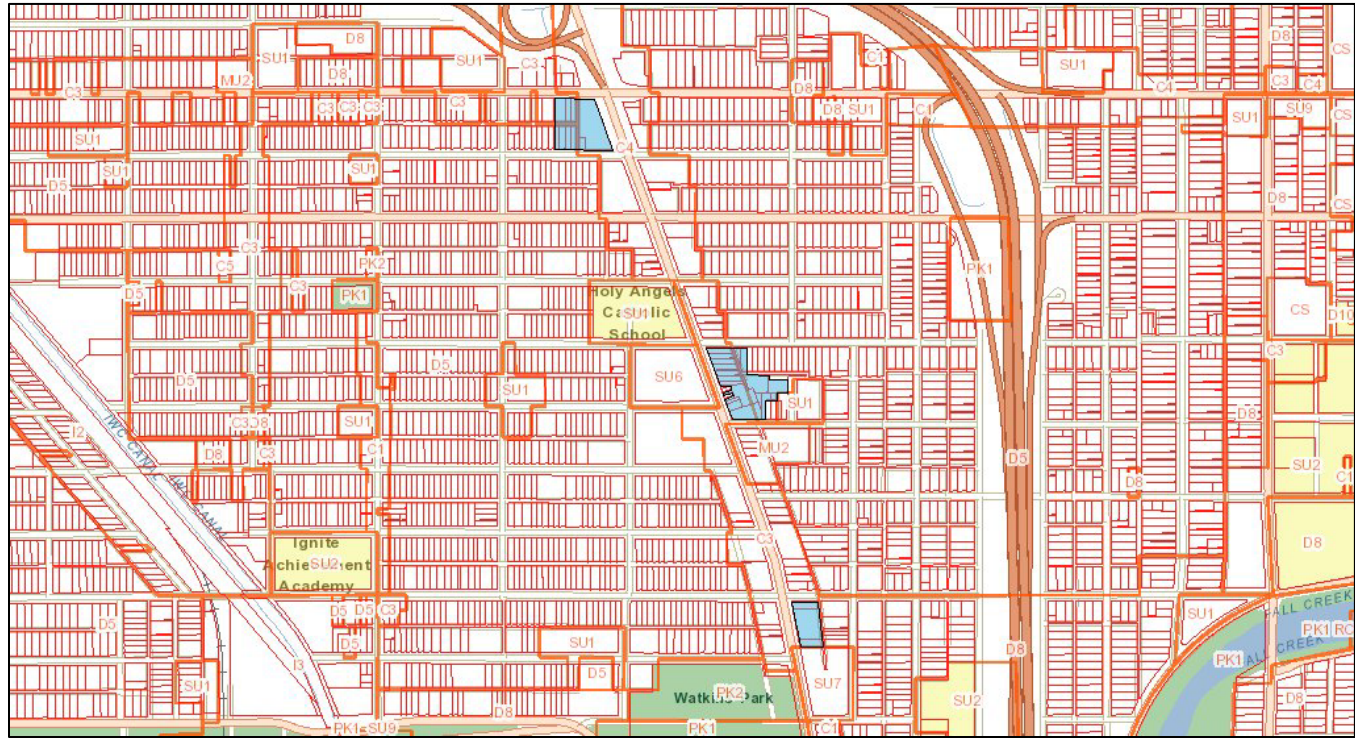
98-UV2-65; 832 - 836 West 30th Street (north of site), requested a variance of use for off-site parking and a variance of development standards for deficient front setback, **granted**.

96-UV2-18; 2591 and 2633 Dr. Martin Luther King, Jr. Street (north of site), requested a variance of use of the Commercial Zoning Ordinance and the Dwelling Districts Zoning Ordinance to legally establish a church with parking, **granted**.

85-UV3-040; 2658 Dr. Martin Luther King Jr Street (north of site), requested a variance of use to provide for a motorcycle club, **denied**.

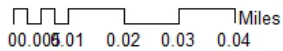
EXHIBITS

Exhibit A





2439 and 2455 Dr. M. L. King Jr. Street



CLIENT

INDIANAPOLIS, IN 46208

BID SET

PROJECT TITLE

KING COMMONS

2455 DR. MARTIN LUTHER KING JR. STREET

INDIANAPOLIS, IN 46208

DATE: 03/03/24

DRAWN BY: KK

CHECKED BY: JRB

PROJECT TITLE: SITE LANDSCAPE PLAN

SCALE: 1"=10'-0"

C600

LANDSCAPE ORDINANCE CHART

SYMBOL	DESCRIPTION	MINIMUM HEIGHT	MINIMUM SPACING	MINIMUM WIDTH	MINIMUM DISTANCE FROM CURB
001	STREET TREES	10 FT	10 FT	6 IN	5 FT
002	LANDSCAPE TREES	10 FT	10 FT	6 IN	5 FT
003	SMALL TREES	6 FT	6 FT	4 IN	3 FT
004	SHRUBS	4 FT	4 FT	3 IN	2 FT
005	PERENNIALS	2 FT	2 FT	2 IN	1 FT
006	ANNUALS	1 FT	1 FT	1 IN	0.5 FT

GENERAL NOTES

- ALL SPECIFICATIONS ARE TO BE COMPLIED WITH.
- PLANTING SHALL BE IN ACCORDANCE WITH THE CITY OF INDIANAPOLIS LANDSCAPE ORDINANCES.
- PLANTING SHALL BE IN ACCORDANCE WITH THE CITY OF INDIANAPOLIS LANDSCAPE ORDINANCES.
- PLANTING SHALL BE IN ACCORDANCE WITH THE CITY OF INDIANAPOLIS LANDSCAPE ORDINANCES.
- PLANTING SHALL BE IN ACCORDANCE WITH THE CITY OF INDIANAPOLIS LANDSCAPE ORDINANCES.
- PLANTING SHALL BE IN ACCORDANCE WITH THE CITY OF INDIANAPOLIS LANDSCAPE ORDINANCES.
- PLANTING SHALL BE IN ACCORDANCE WITH THE CITY OF INDIANAPOLIS LANDSCAPE ORDINANCES.
- PLANTING SHALL BE IN ACCORDANCE WITH THE CITY OF INDIANAPOLIS LANDSCAPE ORDINANCES.
- PLANTING SHALL BE IN ACCORDANCE WITH THE CITY OF INDIANAPOLIS LANDSCAPE ORDINANCES.
- PLANTING SHALL BE IN ACCORDANCE WITH THE CITY OF INDIANAPOLIS LANDSCAPE ORDINANCES.

PLANT LIST

NO.	SYMBOL	PLANT NAME	HEIGHT	SPACING	WIDTH	DIST. FROM CURB
1	001	STREET TREE	10 FT	10 FT	6 IN	5 FT
2	002	LANDSCAPE TREE	10 FT	10 FT	6 IN	5 FT
3	003	SMALL TREE	6 FT	6 FT	4 IN	3 FT
4	004	SHRUB	4 FT	4 FT	3 IN	2 FT
5	005	PERENNIAL	2 FT	2 FT	2 IN	1 FT
6	006	ANNUAL	1 FT	1 FT	1 IN	0.5 FT

COORDINATE THE PLANTING WITH THE ARCHITECTURAL AND MECHANICAL DRAWINGS.

DATE: 03/03/24
 DRAWN BY: KK
 CHECKED BY: JRB
 PROJECT TITLE: SITE LANDSCAPE PLAN
 SCALE: 1"=10'-0"
C600

© COPYRIGHT 2023 R3B ARCHITECTURE, LLC. ALL RIGHTS RESERVED.

<p>PARTNERS IN HOUSING</p>	<p>R3S RESIDENTIAL SERVICES</p>	<p>INDIANAPOLIS, IN 317.550.0075 WWW.R3S.COM 100 W. WASHINGTON ST.</p>	<p>CLIENT</p>	<p>PROJECT TITLE</p>	<p>2455 DOCTOR MILK JR ST INDIANAPOLIS, IN 46208</p>	<p>DATE</p>	<p>DATE</p>
						<p>DATE</p>	<p>DATE</p>
<p>DATE: 7-8-2024</p>				<p>DATE: 7-8-2024</p>		<p>DATE: 7-8-2024</p>	
<p>PREPARED BY: BP</p>				<p>PREPARED BY: BP</p>		<p>PREPARED BY: BP</p>	
<p>CHECKED BY: BP</p>				<p>CHECKED BY: BP</p>		<p>CHECKED BY: BP</p>	
<p>PROJECT TITLE</p>				<p>PROJECT TITLE</p>		<p>PROJECT TITLE</p>	
<p>COLORED RENDERINGS</p>				<p>COLORED RENDERINGS</p>		<p>COLORED RENDERINGS</p>	
<p>PROJECT NUMBER</p>				<p>PROJECT NUMBER</p>		<p>PROJECT NUMBER</p>	
<p>A200</p>				<p>A200</p>		<p>A200</p>	

1. COLORED RENDERINGS

2. COLORED RENDERINGS

3. COLORED RENDERINGS

4. COLORED RENDERINGS

© COPYRIGHT 2024 R3S ARCHITECTURE, LLC. ALL RIGHTS RESERVED.



Department of Metropolitan Development
Division of Planning
Current Planning

EXHIBIT B

C-S Statement

2455 and 2439 Dr. Marting Luther King Jr. Street – King Commons Apartments (the “Property”)

Petitioner respectfully requests to modify the C-S statement and proposed development on the Property to include 32 Supportive Housing units for families experiencing homelessness. The Property is designed to serve families, and will include the following characteristics:

- 6 one-bedroom, 12 two-bedrooms 10 three-bedrooms, and 4-four bedroom units
- 4 stories with an elevator and full ADA accessibility
- Large common space on the ground floor with kitchen, sitting lounge, and food pantry
- On-site property manager
- Offices dedicated for residents meeting with supportive service providers
- Off street parking

The attached exhibit is the proposed Site Plan which depicts the proposed improvements on the site. Prior to development, the final site plan depicting the size, location of improvements, landscaping, signage, parking and detailed site access will be submitted for Administrator’s approval, which shall not be unreasonably withheld.



Department of Metropolitan Development
Division of Planning
Current Planning

Petition Number _____

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

PETITION FOR VARIANCE OF DEVELOPMENT STANDARDS

FINDINGS OF FACT

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

The proposed use is multi-family apartments. The amount of glass proposed on the first floor of the development is commensurate and typical of a multi-family development. The proposed setbacks are typical of apartment and commercial buildings found in the City's compact context 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:

The proposed use is multi-family apartments. The amount of glass proposed on the first floor of the development is commensurate and typical of a multi-family development. The proposed setbacks are typical of apartment and commercial buildings found in the City's compact context area.

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

Building glass must align with interior units. Adding additional glass would hinder the first floor unit layout. Conforming to the required setbacks will limit the developable area and reduce the overall number of units.

DECISION

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

Adopted this _____ day of _____, 20 ____

EXHIBIT C

 <p>PARTNERS IN HOUSING</p>	 <p>338 ARCHITECTURE</p>	<p>INDIANAPOLIS, IN 46208 2455 DOCTOR MARTIN ST INDIANAPOLIS, IN 46208</p>	<p>PROJECT TITLE KING COMMONS 2455 DOCTOR MARTIN ST INDIANAPOLIS, IN 46208</p>
<p>CLIENT ZONING SET</p>		<p>DATE: 7-10-2024 DRAWN BY: BP CHECKED BY: BP SHEET TITLE: COLORED RENDERINGS SHEET NUMBER: A200</p>	
	<p>NORTH WEST CORNER ELEVATION REVISION 7-10-2024</p>		<p>NORTH EAST CORNER ELEVATION ORIGINAL SUBMISSION 12-11-2023</p>
	<p>SOUTH WEST CORNER ELEVATION REVISION 7-10-2024</p>		<p>SOUTH EAST CORNER ELEVATION ORIGINAL SUBMISSION 12-11-2023</p>

© COPYRIGHT 2024 NRM ARCHITECTURE, LLC. ALL RIGHTS RESERVED.

		<p>ZONING SET</p>	<p>PROJECT TITLE KING COMMONS 2455 DOCTR M.L. IN 51 INDIANAPOLIS, IN 46208</p>	<table border="1"> <tr><td>DATE</td><td>7-5-2024</td></tr> <tr><td>DRAWN BY</td><td>BP</td></tr> <tr><td>CHECKED BY</td><td>BP</td></tr> <tr><td>SHEET TITLE</td><td>COLORED RENDERINGS</td></tr> <tr><td>PROJECT NUMBER</td><td>A200</td></tr> </table>	DATE	7-5-2024	DRAWN BY	BP	CHECKED BY	BP	SHEET TITLE	COLORED RENDERINGS	PROJECT NUMBER	A200
DATE	7-5-2024													
DRAWN BY	BP													
CHECKED BY	BP													
SHEET TITLE	COLORED RENDERINGS													
PROJECT NUMBER	A200													
<p>WEST ELEVATION ORIGINAL SUBMISSION 12-11-2023</p>		<p>WEST ELEVATION ORIGINAL SUBMISSION 12-11-2023</p>												
<p>EAST ELEVATION REVISED 7-12-2024</p>		<p>EAST ELEVATION REVISED 7-12-2024</p>												

ELEVATION NOTES

1. REFER TO THE PROJECT'S ARCHITECTURAL DRAWINGS FOR ALL DIMENSIONS AND MATERIALS.
2. ALL DIMENSIONS ARE TO FACE UNLESS OTHERWISE NOTED.
3. ALL MATERIALS ARE TO BE AS SHOWN IN THE ARCHITECTURAL DRAWINGS.
4. ALL FINISHES ARE TO BE AS SHOWN IN THE ARCHITECTURAL DRAWINGS.
5. ALL WORK IS TO BE DONE IN ACCORDANCE WITH THE CITY OF INDIANAPOLIS CODES AND ORDINANCES.
6. ALL WORK IS TO BE DONE IN ACCORDANCE WITH THE ARCHITECT'S INTENT.
7. ALL WORK IS TO BE DONE IN ACCORDANCE WITH THE CITY OF INDIANAPOLIS CODES AND ORDINANCES.
8. ALL WORK IS TO BE DONE IN ACCORDANCE WITH THE ARCHITECT'S INTENT.
9. ALL WORK IS TO BE DONE IN ACCORDANCE WITH THE CITY OF INDIANAPOLIS CODES AND ORDINANCES.
10. ALL WORK IS TO BE DONE IN ACCORDANCE WITH THE ARCHITECT'S INTENT.

ELEVATION NOTES - GC

1. REFER TO THE PROJECT'S ARCHITECTURAL DRAWINGS FOR ALL DIMENSIONS AND MATERIALS.
2. ALL DIMENSIONS ARE TO FACE UNLESS OTHERWISE NOTED.
3. ALL MATERIALS ARE TO BE AS SHOWN IN THE ARCHITECTURAL DRAWINGS.
4. ALL FINISHES ARE TO BE AS SHOWN IN THE ARCHITECTURAL DRAWINGS.
5. ALL WORK IS TO BE DONE IN ACCORDANCE WITH THE CITY OF INDIANAPOLIS CODES AND ORDINANCES.
6. ALL WORK IS TO BE DONE IN ACCORDANCE WITH THE ARCHITECT'S INTENT.
7. ALL WORK IS TO BE DONE IN ACCORDANCE WITH THE CITY OF INDIANAPOLIS CODES AND ORDINANCES.
8. ALL WORK IS TO BE DONE IN ACCORDANCE WITH THE ARCHITECT'S INTENT.
9. ALL WORK IS TO BE DONE IN ACCORDANCE WITH THE CITY OF INDIANAPOLIS CODES AND ORDINANCES.
10. ALL WORK IS TO BE DONE IN ACCORDANCE WITH THE ARCHITECT'S INTENT.

ELEVATION NOTES - SET CREW

1. REFER TO THE PROJECT'S ARCHITECTURAL DRAWINGS FOR ALL DIMENSIONS AND MATERIALS.
2. ALL DIMENSIONS ARE TO FACE UNLESS OTHERWISE NOTED.
3. ALL MATERIALS ARE TO BE AS SHOWN IN THE ARCHITECTURAL DRAWINGS.
4. ALL FINISHES ARE TO BE AS SHOWN IN THE ARCHITECTURAL DRAWINGS.
5. ALL WORK IS TO BE DONE IN ACCORDANCE WITH THE CITY OF INDIANAPOLIS CODES AND ORDINANCES.
6. ALL WORK IS TO BE DONE IN ACCORDANCE WITH THE ARCHITECT'S INTENT.
7. ALL WORK IS TO BE DONE IN ACCORDANCE WITH THE CITY OF INDIANAPOLIS CODES AND ORDINANCES.
8. ALL WORK IS TO BE DONE IN ACCORDANCE WITH THE ARCHITECT'S INTENT.
9. ALL WORK IS TO BE DONE IN ACCORDANCE WITH THE CITY OF INDIANAPOLIS CODES AND ORDINANCES.
10. ALL WORK IS TO BE DONE IN ACCORDANCE WITH THE ARCHITECT'S INTENT.

ELEVATION NOTES - MODULAR

1. REFER TO THE PROJECT'S ARCHITECTURAL DRAWINGS FOR ALL DIMENSIONS AND MATERIALS.
2. ALL DIMENSIONS ARE TO FACE UNLESS OTHERWISE NOTED.
3. ALL MATERIALS ARE TO BE AS SHOWN IN THE ARCHITECTURAL DRAWINGS.
4. ALL FINISHES ARE TO BE AS SHOWN IN THE ARCHITECTURAL DRAWINGS.
5. ALL WORK IS TO BE DONE IN ACCORDANCE WITH THE CITY OF INDIANAPOLIS CODES AND ORDINANCES.
6. ALL WORK IS TO BE DONE IN ACCORDANCE WITH THE ARCHITECT'S INTENT.
7. ALL WORK IS TO BE DONE IN ACCORDANCE WITH THE CITY OF INDIANAPOLIS CODES AND ORDINANCES.
8. ALL WORK IS TO BE DONE IN ACCORDANCE WITH THE ARCHITECT'S INTENT.
9. ALL WORK IS TO BE DONE IN ACCORDANCE WITH THE CITY OF INDIANAPOLIS CODES AND ORDINANCES.
10. ALL WORK IS TO BE DONE IN ACCORDANCE WITH THE ARCHITECT'S INTENT.

ELEVATION KEYNOTES

1. REFER TO THE PROJECT'S ARCHITECTURAL DRAWINGS FOR ALL DIMENSIONS AND MATERIALS.
2. ALL DIMENSIONS ARE TO FACE UNLESS OTHERWISE NOTED.
3. ALL MATERIALS ARE TO BE AS SHOWN IN THE ARCHITECTURAL DRAWINGS.
4. ALL FINISHES ARE TO BE AS SHOWN IN THE ARCHITECTURAL DRAWINGS.
5. ALL WORK IS TO BE DONE IN ACCORDANCE WITH THE CITY OF INDIANAPOLIS CODES AND ORDINANCES.
6. ALL WORK IS TO BE DONE IN ACCORDANCE WITH THE ARCHITECT'S INTENT.
7. ALL WORK IS TO BE DONE IN ACCORDANCE WITH THE CITY OF INDIANAPOLIS CODES AND ORDINANCES.
8. ALL WORK IS TO BE DONE IN ACCORDANCE WITH THE ARCHITECT'S INTENT.
9. ALL WORK IS TO BE DONE IN ACCORDANCE WITH THE CITY OF INDIANAPOLIS CODES AND ORDINANCES.
10. ALL WORK IS TO BE DONE IN ACCORDANCE WITH THE ARCHITECT'S INTENT.

SOUTH ELEVATION
ORIGINAL SUBMISSION 12-13-2023
REVISED 7-12-2024

WEST ELEVATION
ORIGINAL SUBMISSION 12-13-2023
REVISED 7-12-2024

EAST ELEVATION
ORIGINAL SUBMISSION 12-13-2023
REVISED 7-12-2024

PROJECT: PARTNERS IN HOUSING

CLIENT: INDIANAPOLIS, IN 46208
2455 OCTOBER MIL IN 51

PROJECT TITLE: KING COMMONS

DATE: 7-12-2024

DESIGNED BY: BP

CHECKED BY: BP

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

ELEVATION CONCEPTS:

SHEET NUMBER: A210

ELEVATION NOTES

1. ALL DIMENSIONS UNLESS OTHERWISE NOTED.
2. ALL DIMENSIONS TO FACE UNLESS OTHERWISE NOTED.
3. ALL DIMENSIONS TO CENTERLINE UNLESS OTHERWISE NOTED.
4. ALL DIMENSIONS TO FINISH UNLESS OTHERWISE NOTED.
5. ALL DIMENSIONS TO EXISTING UNLESS OTHERWISE NOTED.
6. ALL DIMENSIONS TO NEW UNLESS OTHERWISE NOTED.
7. ALL DIMENSIONS TO CENTERLINE UNLESS OTHERWISE NOTED.
8. ALL DIMENSIONS TO FINISH UNLESS OTHERWISE NOTED.
9. ALL DIMENSIONS TO EXISTING UNLESS OTHERWISE NOTED.
10. ALL DIMENSIONS TO NEW UNLESS OTHERWISE NOTED.

ELEVATION NOTES - GC

1. ALL DIMENSIONS TO FACE UNLESS OTHERWISE NOTED.
2. ALL DIMENSIONS TO CENTERLINE UNLESS OTHERWISE NOTED.
3. ALL DIMENSIONS TO FINISH UNLESS OTHERWISE NOTED.
4. ALL DIMENSIONS TO EXISTING UNLESS OTHERWISE NOTED.
5. ALL DIMENSIONS TO NEW UNLESS OTHERWISE NOTED.

ELEVATION NOTES - SET CREW

1. ALL DIMENSIONS TO FACE UNLESS OTHERWISE NOTED.
2. ALL DIMENSIONS TO CENTERLINE UNLESS OTHERWISE NOTED.
3. ALL DIMENSIONS TO FINISH UNLESS OTHERWISE NOTED.
4. ALL DIMENSIONS TO EXISTING UNLESS OTHERWISE NOTED.
5. ALL DIMENSIONS TO NEW UNLESS OTHERWISE NOTED.

ELEVATION NOTES - MODULAR

1. ALL DIMENSIONS TO FACE UNLESS OTHERWISE NOTED.
2. ALL DIMENSIONS TO CENTERLINE UNLESS OTHERWISE NOTED.
3. ALL DIMENSIONS TO FINISH UNLESS OTHERWISE NOTED.
4. ALL DIMENSIONS TO EXISTING UNLESS OTHERWISE NOTED.
5. ALL DIMENSIONS TO NEW UNLESS OTHERWISE NOTED.

ELEVATION KEYNOTES

1. ALL DIMENSIONS TO FACE UNLESS OTHERWISE NOTED.
2. ALL DIMENSIONS TO CENTERLINE UNLESS OTHERWISE NOTED.
3. ALL DIMENSIONS TO FINISH UNLESS OTHERWISE NOTED.
4. ALL DIMENSIONS TO EXISTING UNLESS OTHERWISE NOTED.
5. ALL DIMENSIONS TO NEW UNLESS OTHERWISE NOTED.

REVISION 7/16/2024

REVISION 12-13-2023

REVISION 12-13-2023

PROJECT TITLE
KING COMMONS

PROJECT ADDRESS
2455 ROCKFORD BL. N. #51
INDIANAPOLIS, IN 46208

CLIENT
PARTNERS IN HOUSING
R3B
INDIANAPOLIS, IN 46208
774-690-2270

DATE
7/16/2024

DESIGNED BY
ARCHITECTURE

CHECKED BY
ARCHITECTURE

DATE
7/16/2024

PROJECT NUMBER
A211



View looking south at intersection of Martin Luther King Jr. Street and East 25th Street



View looking northeast from adjacent property to the north



View looking west at intersection of Martin Luther King Jr. Street and East 25th Street



View looking east along East 25th Street



View of site looking south from adjacent property to the north



View of site looking southeast from adjacent property to the north



View of adjacent property to the north looking east across Dr. Martin Luther King Jr. Street



View of site looking southeast across Dr. Martin Luther King Jr. Street



View of site looking east across Dr. Martin Luther King Jr. Street



View of southern portion of site looking southeast across Dr. Martin Luther King Jr. Street



METROPOLITAN DEVELOPMENT COMMISSION August 29, 2024
HEARING EXAMINER

Case Number: 2024-CZN-820 / 2024-CPL-820

Property Address: 3107 East Sumner Road

Location: Perry Township, Council District #19

Petitioner: Francisco Aleman, by Josh Smith

Current Zoning: D-A

Request: Rezoning of 0.924 acres from the D-A district to the D-5 district to provide for residential uses.
Approval of a Subdivision Plat to be known as Aleman’s Subdivision, subdividing 0.924-acre into two lots.

Current Land Use: Single-family dwelling / accessory building

Staff Recommendations: Approval of the rezoning and subdivision plat.

Staff Reviewer: Kathleen Blackham, Senior Planner

PETITION HISTORY

The Hearing Examiner continued these petitions from the June 13, 2024 hearing, to the June 27, 2024 hearing, at the request of the petitioner’s representative and the neighbors. Subsequently, the petitioner’s representative discovered a conflict with his schedule.

The Hearing Examiner continued this petition from the June 27, 2024, hearing to the July 25, 2024 hearing, at the request of the neighbors and the petitioner’s representative.

The Hearing Examiner continued these petitions from the July 25, 2024, hearing to the August 15, 2024 hearing, and to the August 29, 2024, hearing at the request of the neighbors and the petitioner’s representative.

No new information has been submitted to the file.

STAFF RECOMMENDATION

Approval of the rezoning and the plat.

Staff recommends that the Hearing Examiner approve and find that the plat, file dated April 19, 2024, complies with the standards of the Subdivision regulations, subject to the following conditions:



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

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

PETITION OVERVIEW

This 0.924-acre site, zoned D-A, is developed with a single-family dwelling and an accessory structure. It is surrounded by single-family dwellings to the north, across Sumner Avenue, zoned D-5; undeveloped land to the south, zoned SU-1; and single-family dwellings to the east and west, zoned D-A.

Petition 84-UV3-63 provided for a variance of use to allow a mobile home on the property as a residence for the petitioner's parents. This mobile home has been removed in accordance with conditions related to the grant of the variance.

Rezoning

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



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

The Comprehensive Plan recommends suburban neighborhood typology.

As proposed, this request would be consistent with the Comprehensive Plan recommendation of suburban neighborhood typology and would be compatible with the surrounding neighborhood. This typology is comprised primarily of single-family dwellings with a variety of neighborhood serving commercial businesses.

Plat (Site Plan and Design)

As proposed, the site would be divided into two lots. Lot 1 (0.219 acre) is developed with an accessory building. Lot 2 (0.695 acre) is developed with a single-family dwelling.

Both lots would gain access from East Sumner Avenue and would not require new streets.

GENERAL INFORMATION

Existing Zoning	D-A	
Existing Land Use	Single-family dwelling / accessory buildings	
Comprehensive Plan	Suburban Neighborhood	
Surrounding Context	<u>Zoning</u>	<u>Land Use</u>
	North:	D-5 Single-family dwellings
	South:	SU-1 Undeveloped land
	East:	D-A Single-family dwelling
	West:	D-A Single-family dwelling
Thoroughfare Plan		
East Sumner Avenue	Local Street	Existing 60-foot right-of-way and proposed 50-foot right-of-way.
Context Area	Metro	
Floodway / Floodway Fringe	No	
Overlay	No	
Wellfield Protection Area	No	
Site Plan	April 19, 2024 (Primary Plat)	
Site Plan (Amended)	N/A	
Elevations	N/A	
Elevations (Amended)	N/A	
Landscape Plan	N/A	
Findings of Fact	N/A	
Findings of Fact (Amended)	N/A	
C-S/D-P Statement	N/A	

COMPREHENSIVE PLAN ANALYSIS

Comprehensive Plan

- The Suburban Neighborhood typology is predominantly made up of single-family housing but is interspersed with attached and multifamily housing where appropriate. This typology should be supported by a variety of neighborhood-serving businesses, institutions, and amenities. Natural Corridors and natural features such as stream corridors, wetlands, and woodlands should be treated as focal points or organizing systems for development. Streets should be well-connected, and amenities should be treated as landmarks that enhance navigability of the development. This typology generally has a residential density of 1 to 5 dwelling units per acre, but a higher density is recommended if the development is within a quarter mile of a frequent transit line, greenway, or park.

Pattern Book / Land Use Plan

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 – Suburban Neighborhood Typology*
 - All land use types except small-scale parks and community farms/gardens in this typology must have adequate municipal water and sanitary sewer.
 - All development should include sidewalks along the street frontage.
 - Hydrological patterns should be preserved wherever possible.
 - Curvilinear streets should be used with discretion and should maintain the same general direction.
 - In master-planned developments, block lengths of less than 500 feet, or pedestrian cut-throughs for longer blocks, are encouraged.
- *Conditions for All Housing*
 - A mix of housing types is encouraged.
 - Developments of more than 30 housing units must have access to at least one arterial street of 3 or more continuous travel lanes between the intersections of two intersecting arterial streets.
 - Should be within a one-mile distance (using streets, sidewalks, and/or off-street paths) of a school, playground, library, public greenway, or similar publicly accessible recreational or cultural amenity that is available at no cost to the user.
 - Should be oriented towards the street with a pedestrian connection from the front door(s) to the sidewalk. Driveways/parking areas do not qualify as a pedestrian connection.



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

- Developments with densities higher than 5 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.

Red Line / Blue Line / Purple Line TOD Strategic Plan

- Not Applicable to the Site.

Neighborhood / Area Specific Plan

- Not Applicable to the Site.

Infill Housing Guidelines

- Not Applicable to the Site.

Indy Moves

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

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

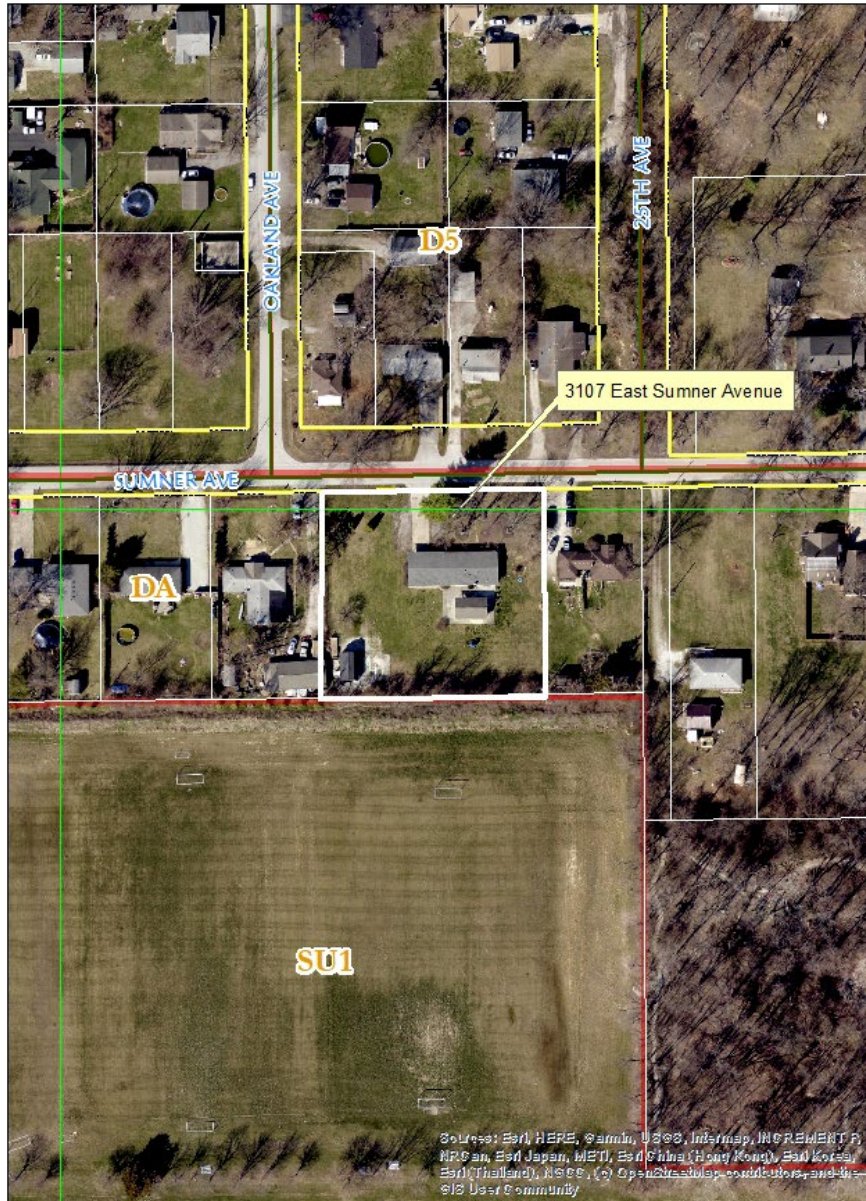


ZONING HISTORY

84-VU3-63; 3107 East Sumner Avenue, requested a variance of use of the Dwelling Districts Zoning Ordinance to provide for the use of a mobile home on the subject property as a residence for petitioner's parents, granted.

95-Z-58; .3615 South Rural Street (south of site), requested rezoning of 30.4 acres, being in the D-3 and D-A districts to the SU-1 classification to provide for the construction of a church use including the construction of a church, fellowship hall, day care, seminary dormitory and other uses, **approved**.

EXHIBITS



Source: Esri, HERE, Garmin, USGS, Intermap, INCREMENT P, NRCan, Esri Japan, METI, Esri China (Hong Kong), Swis Korea, Esri (Thailand), NOAA, (c) OpenStreetMap contributors, and the
 © Esri User Community

3107 East Sumner Avenue
 00.006.01 0.02 0.03 0.04 Miles





View looking west along East Sumner Avenue



View looking east along East Sumner Avenue



View of proposed Lot 2 looking south across East Sumner Avenue



View of proposed Lot 1 looking south across East Sumner Avenue



View of western boundary looking south across East Sumner Avenue



**METROPOLITAN DEVELOPMENT COMMISSION
HEARING EXAMINER**

August 29, 2024

Case Number:	2024-CZN-829 / 2024-CVR-829 (Amended)
Property Address:	707 East 22nd Street (Approximate Address)
Location:	Center Township, Council District #13
Petitioner:	Elliott 317, LLC, by Jamilah Mintze
Current Zoning:	C-3
	Rezoning of 0.07-acre from the C-3 district to the D-8 district to provide for a two-unit multi-unit house.
Request:	Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for a 38.1-foot tall, three-story, two-unit multi-unit house (maximum 35-foot tall, 2.5 stories permitted), with a deficient 2,926 square foot lot area (3,500 square feet required), a five-foot rear setback (10-foot rear setback required), with no street trees and deficient landscaping (minimum one street tree per 35 feet of lot frontage and 50% living material required).
Current Land Use:	Undeveloped
Staff Recommendations:	Approval of the rezone. Denial of the variances.
Staff Reviewer:	Marleny Iraheta, Senior Planner

PETITION HISTORY

ADDENDUM FOR SEPTEMBER 29, 2024 HEARING EXAMINER

This petition was continued from the July 25, 2024 hearing to the September 29, 2024 hearing at the request of the petitioner to allow additional time to amend the request and provide proper notice.

Amendment: The petitioner filed a revised site plan and provided building elevations and floor plans for the proposed multi-unit house that exceeded the height and story limitation.

The new site plan indicates two driveways to be proposed at the rear of the site for the proposed garages on the first floor of each unit. The issue is that the site does not have access to the proposed garages. The property to the south has a private drive along the abutting property boundary, which would require an access easement to be granted from the southern property owners before permits can be issued.

Without a definitive answer whether an access easement would be granted, staff does not find reason to support a request that is partially due to the proposed garage use of the first floor. In staff's opinion, the filing of the variances is premature and should be considered after the access issue has been addressed.

The Ordinance defines a half story as "the space under a sloping roof that has a line of intersection of the roof and exterior wall face not more than 2 feet above the floor level, and where the possible floor



Department of Metropolitan Development
Division of Planning
Current Planning

area with headroom of 7 feet or more is no greater than 60% of the total floor area of the story directly beneath”.

If the garages were to be eliminated, then the floor layouts could be rearranged to possibly meet the 2.5 story limit. The height of the proposed building could also be adjusted to meet the 35-foot height limitation without any issues.

A multi-unit house could be developed on site without the need for parking garages to be proposed. As submitted, staff **recommends denial of the variances and approval of the rezoning.**

If the landscape variances were withdrawn so the landscape requirements could be met and if the petitioner commits to not develop garages with the proposal, then staff could recommend approval of the variances. A revised site plan and revised floor plans would need to be submitted for Administrative Approval.

July 25, 2024

This is the first public hearing for this petition.

STAFF RECOMMENDATION

Staff **recommends approval** of the rezoning.

Staff **recommends approval** of the variances if the landscape variances were withdrawn, and the landscape requirements met.

PETITION OVERVIEW

LAND USE

The 0.07-acre subject site is an undeveloped lot part of the Bruce Place and Bruce Baker Addition platted subdivision located in the Near Northside neighborhood.

The site is bordered to the west and south by townhomes, zoned D-P, to the east by a single-family dwelling, zoned C-3, and to the north by a commercial property, zoned C-3.

REZONING

The request would rezone the property from the C-3 district to the D-8 district to allow for the construction of a two-unit multi-unit house that is not permitted in the existing zoning district.

The C-3 District is for the development of an extensive range of retail sales and personal, professional and business services required to meet the demands of a fully developed residential neighborhood, regardless of its size. Examples of such types of uses include neighborhood shopping centers, sales of retail convenience or durable goods, shopping establishments, retail and personal and professional service establishments. At this neighborhood scale of retail, a fine-grain of accessibility requisite for all modes of travel must be provided and maintained. It does not make provision, however, for those



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

businesses that draw customers in significant numbers from well beyond a neighborhood boundary and are, therefore, unusually heavy traffic generators, such as theaters. It does not allow those businesses that require the outdoor display, sale or storage of merchandise; or require outdoor operations. In general, to achieve maximum flexibility of permitted land use, the C-3 District makes possible a highly varied grouping of indoor retail and business functions.

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

VARIANCE OF DEVELOPMENT STANDARDS

The grant of the request would allow for a deficient lot area, rear setback, and landscaping.

Per Table 742.103.03 – Residential Building Type Standards, the D-8 district requires a 3,500 square foot lot area and ten-foot rear setback for a multi-unit house.

Per Table 744-701-2: Private Frontage Design Standards, the D-8 district with a Terrace Frontage requires 50% minimum landscape area (living material), 1 street tree for every 35 feet of lot frontage, and planting beds with shrubs or perennial plants covering at least 10% of the frontage area.

STAFF ANALYSIS

Staff is recommending approval of the rezoning to the D-8 district for residential development since it would align with the traditional neighborhood recommendation of the Comprehensive Plan.

The variance request would allow a multi-unit house on a 2,926 square foot lot with a five-foot rear setback, which staff determined to be minimal deviations of the development standards. This type of infill development is exactly what the changes to the Ordinance intended to promote with the variety of housing types now permitted.

There is an exception in the Ordinance that does not require off-street parking for any parcel containing less than 5,000 square feet of lot area, except for single-family attached dwellings or single-family detached dwellings. The classification of the proposal as a multi-unit house allows for this exception to apply.

IndyGo bus stops are located at the northwest and northeast corners of the 22nd Street and North College Avenue intersection that would allow for residents to utilize public transportation as an option and a two-way bike lane is along the street frontage of 22nd Street for commuting by bicycle. If necessary, public street parking is available along the north side of 22nd Street as well.

The variance request would also allow development of the site with no street trees and with deficient landscaping, specifically the requirement for 50% living material. Considering there would be more than



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

enough front yard area to allow for the required landscaping to be met, staff would request that these standards be met.

To advance the Livability Principles of the Ordinance, and to promote walkable neighborhoods, the design standards of the Walkable Neighborhood Design Standards section include objectives that include the following:

1. Design walkable streetscapes, with slow traffic speeds, well-connected sidewalks, and shade and enclosure offered from street trees.
2. Orient all buildings to the street to activate the streetscape, while still promoting effective transitions from public spaces to private spaces on the lot.
3. Promote human-scale buildings and create active, social spaces along the streetscape and private frontages with building massing and architectural details that break up larger masses into smaller components and define outdoor spaces.

These objectives would be met with the installation of street trees and front yard landscaping since it would provide the necessary shade, provide the transition from the public sidewalk to the property entrance, and could promote front yard activation for gardening, leisure, and yard maintenance.

Staff is recommending approval of the variance requests so long as the required landscaping is met with the withdrawal of the landscape variances. It was determined that there is no practical difficulty for the landscape requirements to be met.

GENERAL INFORMATION

Existing Zoning	C-3	
Existing Land Use	Undeveloped	
Comprehensive Plan	Traditional Neighborhood	
Surrounding Context	<u>Zoning</u>	<u>Land Use</u>
North:	C-3	Commercial
South:	D-P	Residential (Townhomes)
East:	C-3	Residential (Single-family dwelling)
West:	D-P	Residential (Townhomes)
Thoroughfare Plan		
22 nd Street	Primary Arterial Street	56-foot proposed right-of-way and 60-foot existing right-of-way.
Context Area	Compact	
Floodway / Floodway Fringe	No	
Overlay	No	
Wellfield Protection Area	No	
Site Plan	June 24, 2024	
Site Plan (Amended)	July 29, 2024	
Elevations	July 29, 2024	



Elevations (Amended)	N/A
Landscape Plan	N/A
Findings of Fact	June 24, 2024
Findings of Fact (Amended)	July 29, 2024
C-S/D-P Statement	N/A

COMPREHENSIVE PLAN ANALYSIS

Comprehensive Plan

- Marion County Land Use Plan Pattern Book (2019)
- Infill Housing Guidelines (2021)
- Indy Moves Transportation Integration Plan (2018)

Pattern Book / Land Use Plan

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

Red Line / Blue Line / Purple Line TOD Strategic Plan

- Not Applicable to the Site.

Neighborhood / Area Specific Plan

- Not Applicable to the Site.

Infill Housing Guidelines

- BUILDING ELEVATIONS AND ARCHITECTURAL ELEMENTS
 - **1. Utilize Foundation Styles and Heights that are Consistent with Nearby Houses:** The height of the foundation affects where doors, porches, and windows are located. Unless there are special circumstances that require additional height, such as the location is in or near a floodplain, the foundation height for new construction should be consistent with nearby buildings.
 - **2. Be Consistent with Surrounding Entry Locations:** Main entries should be visible from the street. Entries should not be hidden, obscured, or missing from the main street elevation (front). The entry should reflect a similar characteristic to those that surround it, such as formal or casual, recessed or flush, narrow or wide.
 - **3. Where Appropriate, Include Porches or Stoops:** Use context to determine if front porches are consistent elements used in the neighborhood. If so, add porches or stoops to new construction.
 - **4. Coordinate the Location and Door Style of Balconies with the Surrounding Neighborhood:** Balconies are common architectural elements in some neighborhoods, but uncommon in others. Balconies along the street should be used when appropriate. When a balcony is used, consider the appropriate door access for the type of balcony. For example, Juliet balconies, which are intended to bring the outside in, make the most sense when French doors are used.
 - **5. Consider Nearby Roof Styles:** The basic outline of a new building should reflect building outlines typical of the area. Roof selection and overall height contribute to the building outline. Select roof shapes that are frequently used in the neighborhood.
 - **6. Fenestration Should Relate to the Surrounding Context:** Windows and doors should be arranged on buildings so as not to conflict with the basic fenestration patterns in the neighborhood. The proportion of glass (windows) to solid materials (wood, bricks, and other materials) which is found within the surrounding context should be reflected in new construction. Every elevation (sides and rear) should have windows on each story to help break up the monotony of the façade.
 - **7. Materials Used Should Reflect the Context of the Neighborhood:** Introducing new materials that are not used in the existing context should be done in a way where those materials are not the dominant material and make up less than 30% of the overall façade design.
 - **8. Consider Unique Neighborhood Features:** In addition to the architectural features mentioned above, consider other common features like chimneys, dormers, gables, and



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

overhanging eaves that shape the character of a neighborhood. When possible, include these features into new construction.

Indy Moves

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

- Indy Moves Transportation Integration Plan (2018) notes an existing on-street bike lane along 22nd Street from Capitol Avenue to the Monon Trail.



ZONING HISTORY

Zoning History – Vicinity

2022-DV2-006; 2216 and 2228 North College Avenue (northwest of the site), Variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for a three-story, mixed-use building with direct vehicular access to College Avenue (not permitted), **approved**.

2021-CVR-817; 2216 and 2228 North College Avenue (northwest of the site), Variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for a 38-foot tall, mixed-use building with 59 parking spaces (including 10 proposed on-street parking spaces), and a fourteen-foot north side transitional yard (maximum 35-foot height, 61 parking spaces, and 15-foot side transitional setback), **denied**.

2021-CZN-817; 2216 and 2228 North College Avenue (northwest of the site), Rezoning of 0.82 acre from the D-8 district to the MU-2 district, **approved**.

2021-ZON-021; 717 & 721 East 22nd Street and 2139 & 2151 North College Avenue (west and south of the site), Rezoning of 1.1 acres from D-8 and C-3 districts to the D-P classification to provide for 36 townhome units at a density of 25 units per acre, **approved**.

2014-DV3-037; 2202 North College Avenue and 666 East 22nd Street (northwest of site), Variance of development standards of the Commercial Zoning Ordinance to provide for a neighborhood retail center with 18, 162-square foot parking spaces; a trash enclosure, with a zero-foot west side transitional yard; carryout food service within approximately 20 feet of a D-8 zoned protected district; and outdoor seating and dining encroaching partially into the front yard of 22nd Street, **granted**.

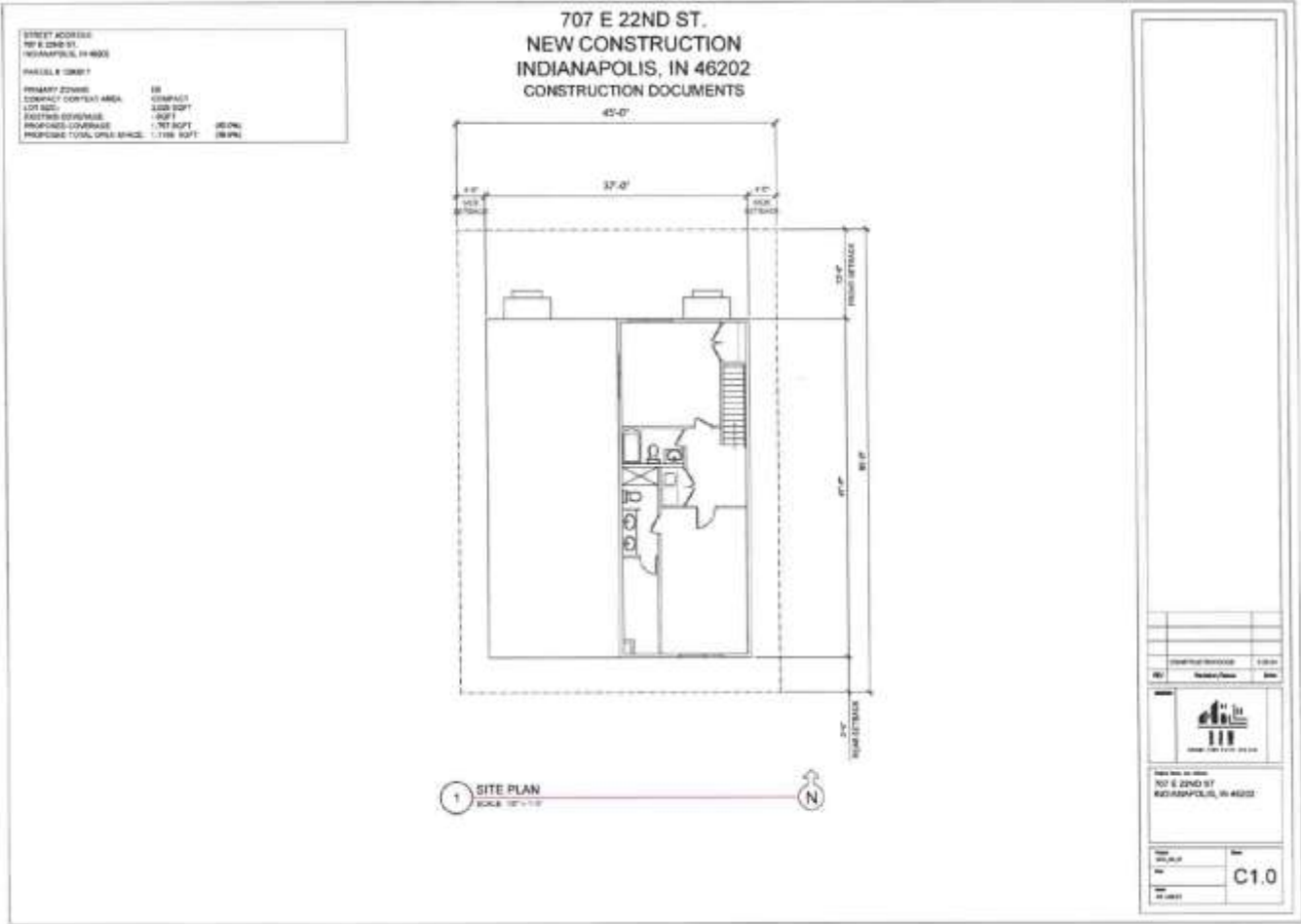
94-Z-93; 666 East 22nd Street (northwest of the site), Rezoning of 0.37 ace, being in the C-3 District to the SU-1 classification to provide for church use and a food pantry, **withdrawn**.

EXHIBITS

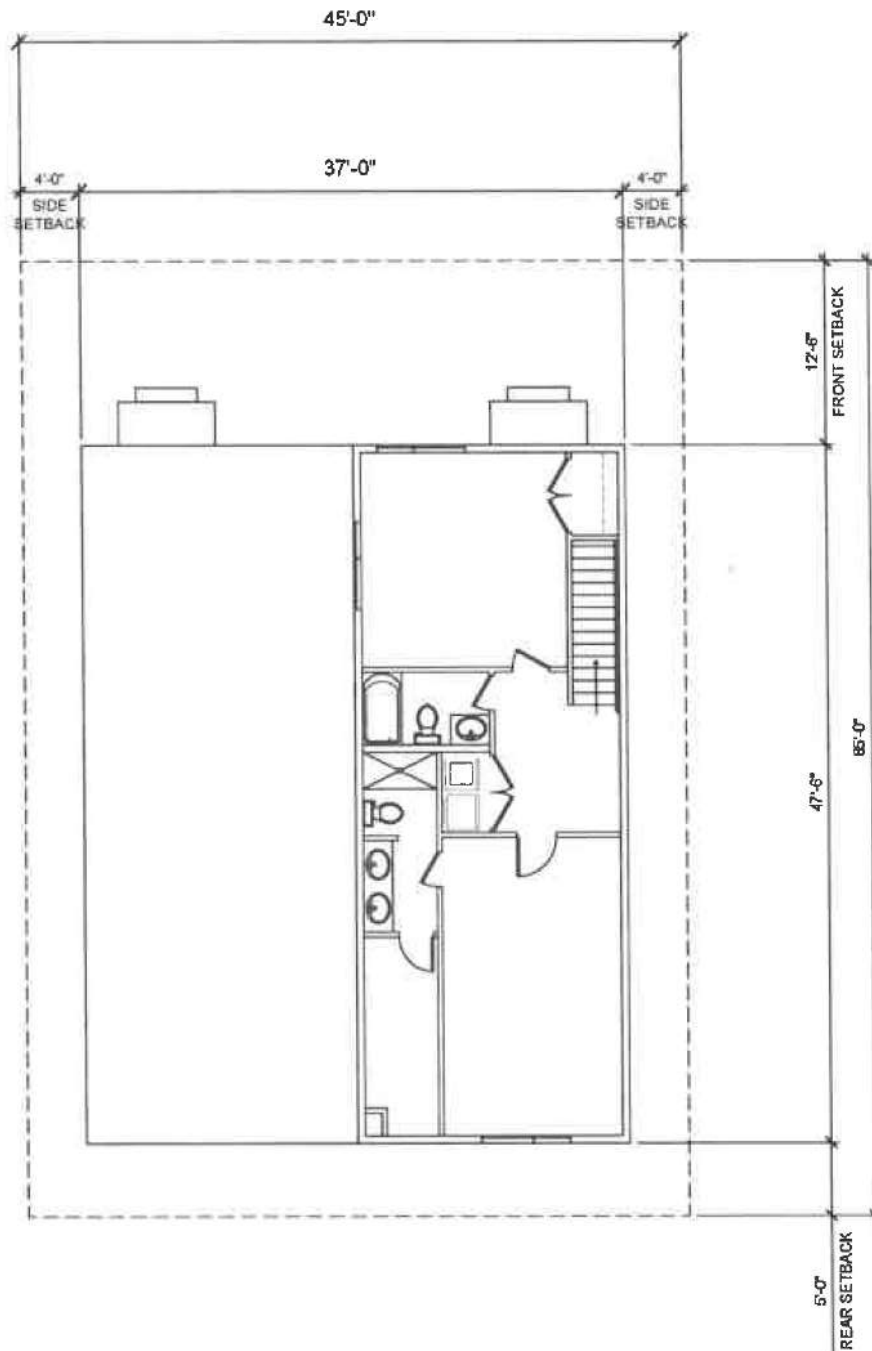




Department of Metropolitan Development
 Division of Planning
 Current Planning

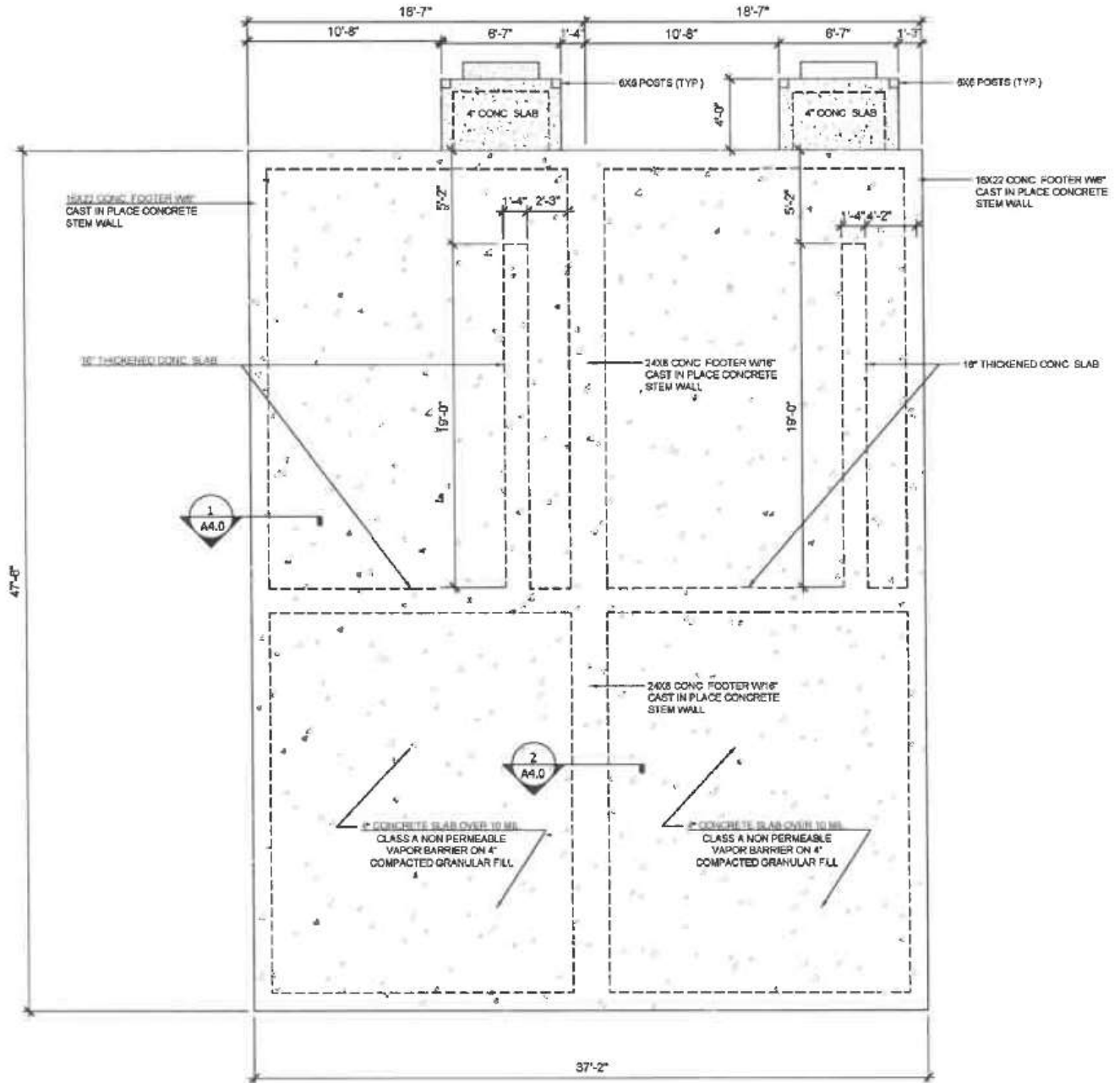


707 E 22ND ST.
NEW CONSTRUCTION
INDIANAPOLIS, IN 46202
CONSTRUCTION DOCUMENTS



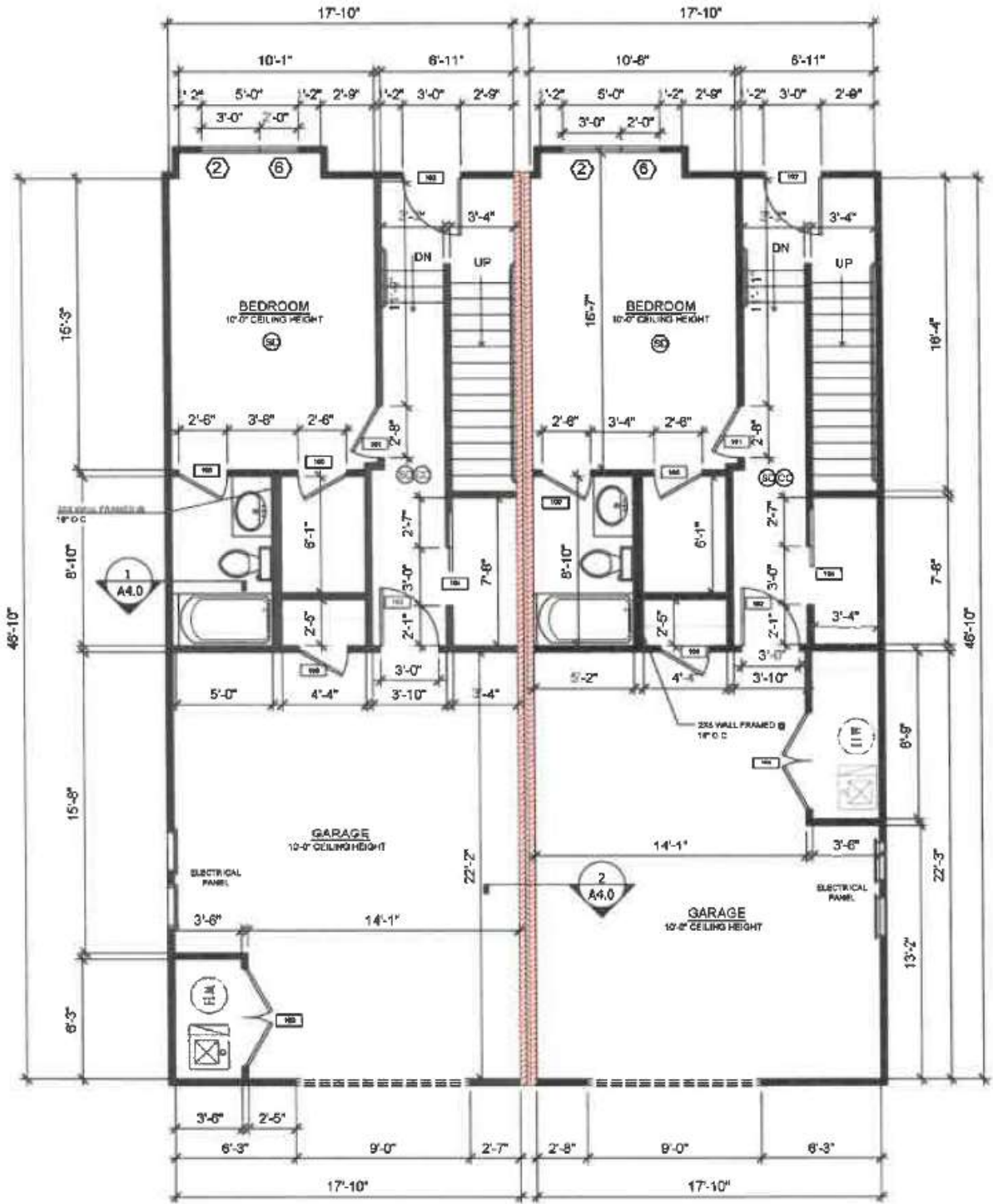
1 SITE PLAN
SCALE: 1/8" = 1'-0"

FOUNDATION PLAN



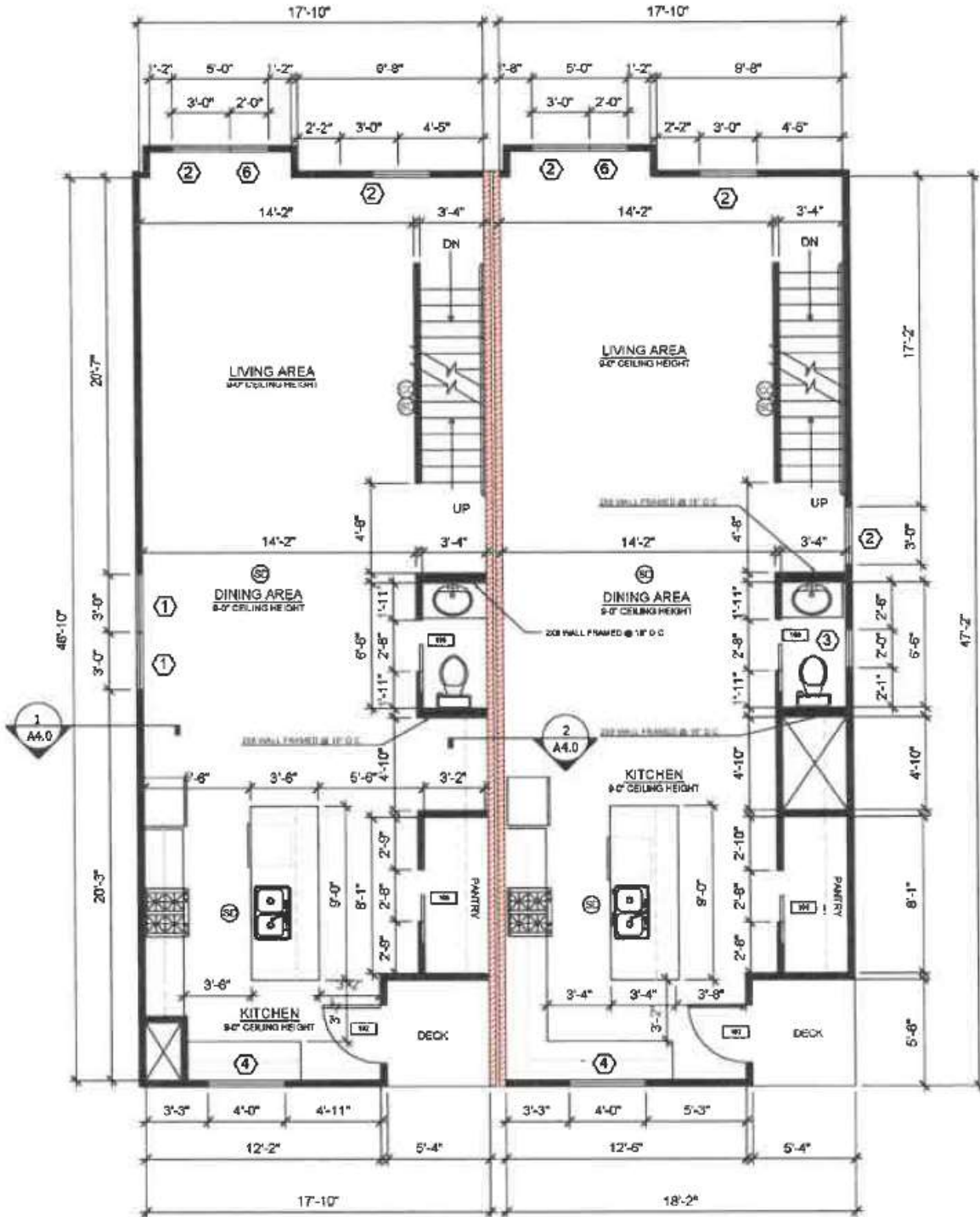
1 FOUNDATION PLAN
3/16" = 1'-0"

FIRST FLOOR PLAN



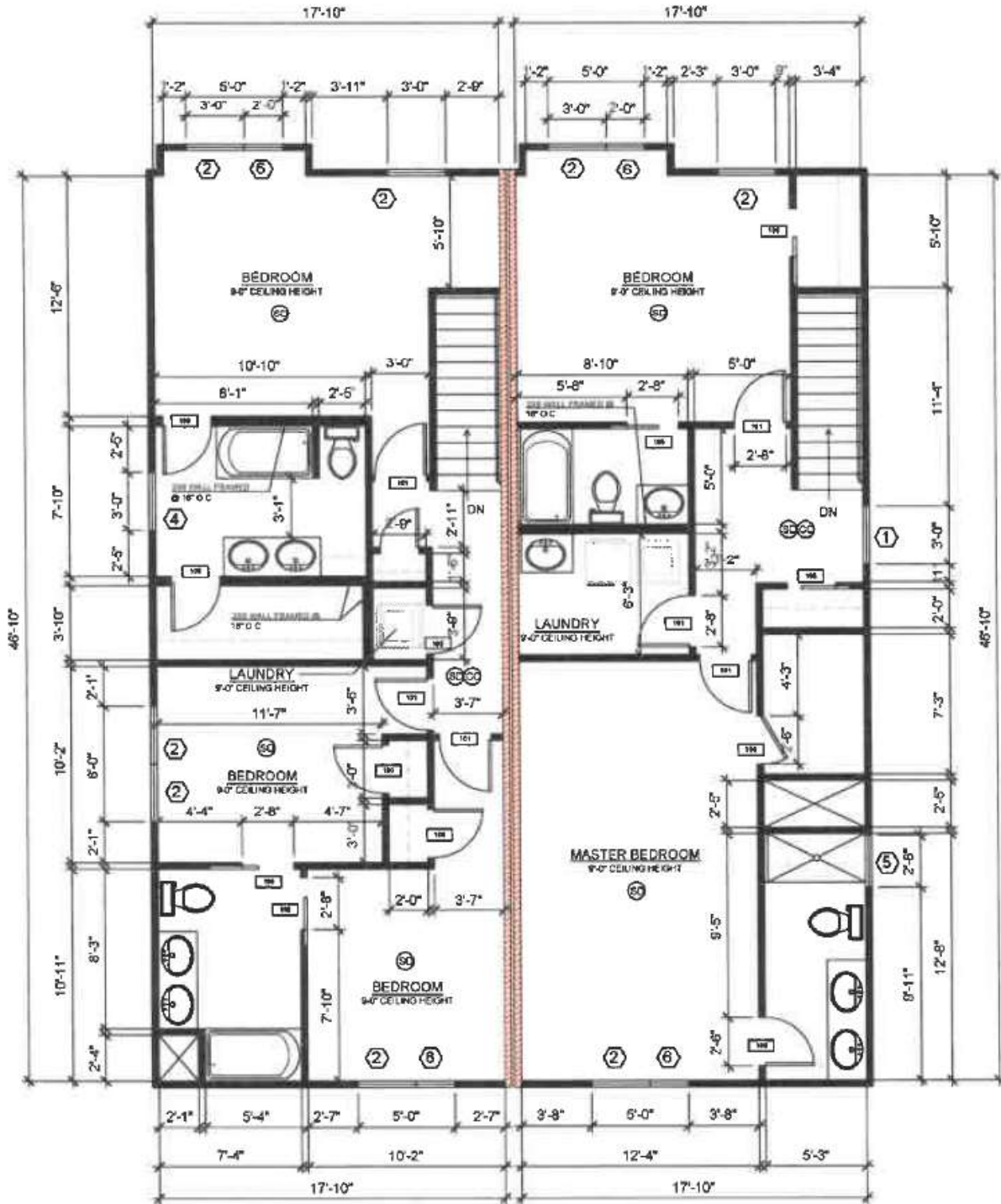
1 FIRST FLOOR PLAN
3/16" = 1'-0"

SECOND FLOOR PLAN



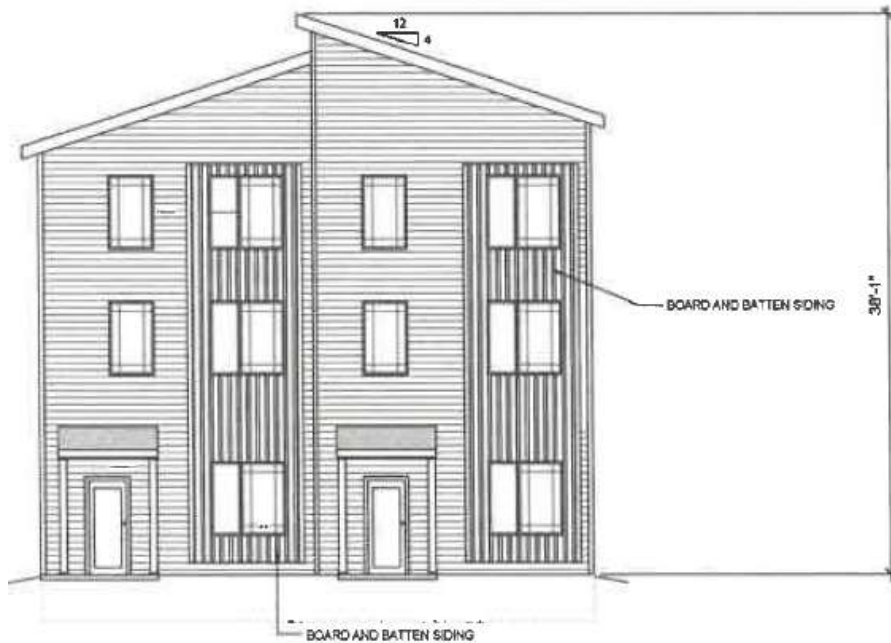
2 SECOND FLOOR PLAN
 3/18" = 1'-0"

THIRD FLOOR PLAN



1 THIRD FLOOR PLAN
3/16" = 1'-0"

ELEVATIONS

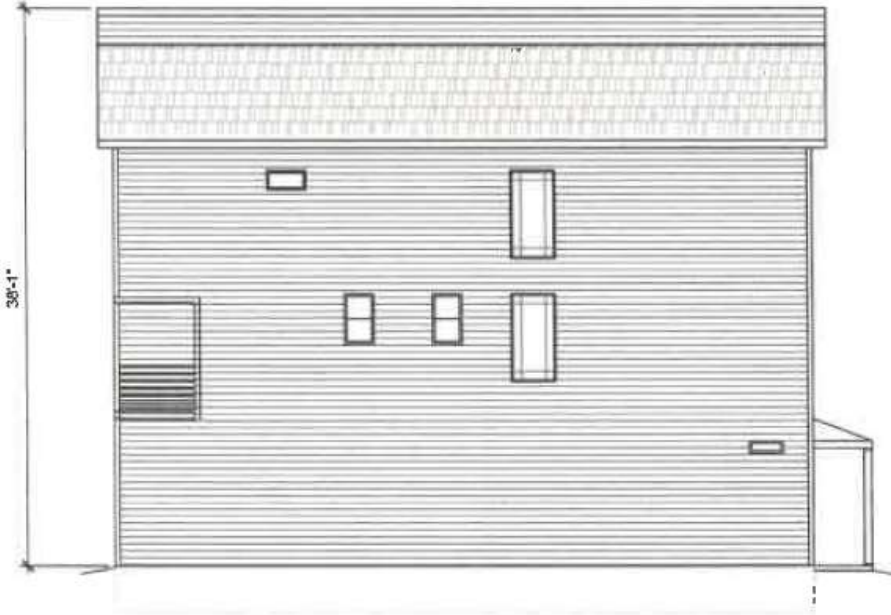


1 NORTH ELEVATION
1/8" = 1'-0"

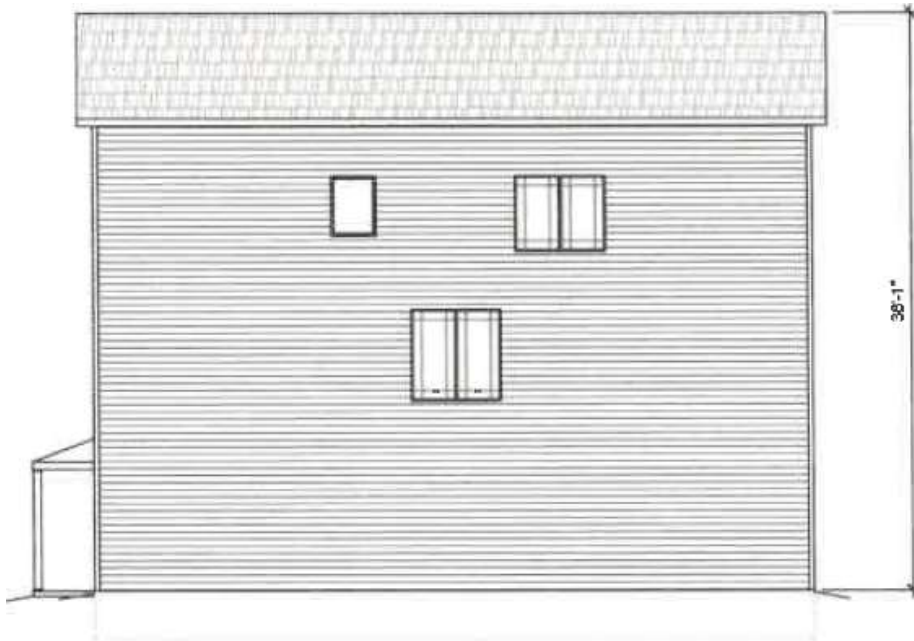


2 SOUTH ELEVATION
1/8" = 1'-0"

ELEVATIONS (Continued)



3 EAST ELEVATION
1/8" = 1'-0"



4 WEST ELEVATION
1/8" = 1'-0"



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 petition will be in uniform with the surrounding properties in this area, by providing
a residential dwelling for two family use.

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 project meets and exceeds the same standards for the surrounding parcels. The
aesthetic of the area and the proposed project are similar in design and will provide closure to the properties
that are adjacent and nearby.

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

The parcel is reasonably small and only allows for use of a single family dwelling other than the proposed project
the project being sought allows the area to have a completed look and keep the aesthetic of the
development which has gone forth for this area.

DECISION



**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:

This proposed project will be consistent with the surrounding development of other townhomes adjacent to L117 in Bruce's Place Addition,

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 project will be a great addition to the existing aesthetic of this area to provide housing for 2 families. The added value for this parcel will continue to increase for the properties which surround this proposed lot will maintain if not exceed the current parcels nearby.

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

Plans and time spent on planning for this project have been underway for several months, thoughts were considered when planning this property, all decisions were taken into consideration based on the current development nearby and were strictly adhered to when deciding on final plans.



Photo of the subject site.



Photo of townhomes west of the site.



Photo of a single-family dwelling east of the site.



Photo of a commercial site to the north.



METROPOLITAN DEVELOPMENT COMMISSION **August 29, 2024**
HEARING EXAMINER

Case Number: 2024-ZON-084
Property Address: 3124 West 16th Street (Approximate Address)
Location: Wayne Township, Council District #11
Petitioner: Marcos Perera
Current Zoning: D-5 and C-1
Request: Rezoning of 0.83-acre from the D-5 (W-5) and C-1 (W-5) districts to the C-3 (W-5) district to provide for commercial uses.
Current Land Use: Commercial
Staff Recommendations: Approval with commitments.
Staff Reviewer: Marleny Iraheta, Senior Planner

PETITION HISTORY

This is the first public hearing for this petition.

STAFF RECOMMENDATION

Staff recommends approval of the rezoning petition, 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 landscape plan shall be submitted for Administrative Approval showing the street frontage landscaping standards of Table 744-501-1 to be met prior to the issuance of an Improvement Location Permit. Staff would be flexible with the placement of the required landscaping if issues arise with placement of the landscaping in the designated areas.
2. The installation of landscaping shall occur within one year of the approval of the petition and shall be maintained thereafter.
3. A 52-foot half right-of-way shall be dedicated along the frontage of 16th Street, as per the request of the Department of Public Works (DPW), Engineering Division. Additional easements shall not be granted to third parties within the area to be dedicated as public right-of-way prior to the acceptance of all grants of right-of-way by the DPW. The right-of-way shall be granted within 60 days of approval and prior to the issuance of an Improvement Location Permit (ILP).



PETITION OVERVIEW

LAND USE

The 0.83-acre subject site is developed with a restaurant with drive-through service and associated parking.

Since 1987, the site has been developed with the restaurant with drive-through service per a variance, 87-V3-80. The approval was subject to a landscape plan to be submitted. A landscape plan was found in the records, but the site no longer has any of the landscaping on site.

The subject site is bordered to the west by an upholstery shop, zoned C-5, and single-family dwellings, zoned D-5. To the north is a health consultant business, zoned D-5, and across Kessler Boulevard North Drive to the east are single-family dwellings, zoned D-5, and a fueling station, zoned C-5. The property bordering the site to the east is a restaurant, zoned C-3.

REZONING

The request would rezone the site from the D-5 (W-5) and C-1 (W-5) districts to the C-3 (W-5) district to provide for commercial uses.

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

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

The C-3 District is for the development of an extensive range of retail sales and personal, professional and business services required to meet the demands of a fully developed residential neighborhood, regardless of its size. Examples of such types of uses include neighborhood shopping centers, sales of retail convenience or durable goods, shopping establishments, retail and personal and professional service establishments. At this neighborhood scale of retail, a fine-grain of accessibility requisite for all



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

modes of travel must be provided and maintained. It does not make provision, however, for those businesses that draw customers in significant numbers from well beyond a neighborhood boundary and are, therefore, unusually heavy traffic generators, such as theaters. It does not allow those businesses that require the outdoor display, sale or storage of merchandise; or require outdoor operations. In general, to achieve maximum flexibility of permitted land use, the C-3 District makes possible a highly varied grouping of indoor retail and business functions.

DEPARTMENT OF PUBLIC WORKS

The Department of Public Works, Traffic Engineering Section, has requested the dedication and conveyance of a 52-foot half right-of-way along 16th Street. This dedication would also be consistent with the Marion County Thoroughfare Plan.

STAFF ANALYSIS

The existing D-5 and C-1 districts do not permit the restaurant use. However, the site has functioned under a variance of use that is still applicable. Rezoning to the C-3 district would correct the nonconformity and would allow for the site to be developed further so long as the applicable C-3 development standards are met. Staff is supportive of rezonings that correct the land uses with the corresponding zoning districts.

Staff had concerns with the lack of landscaping on site since it was originally approved with landscaping that is no longer present. Therefore, staff would request a commitment for the street frontage landscaping standards of Table 744-501-1 to be met.

Based on staff's calculations, the 100 feet of street frontage along Kessler Boulevard North Drive would require a minimum six-foot wide landscaped area with 3 shade trees and 12 large shrubs. The 86 feet of street frontage along 16th Street would require a minimum six-foot wide landscaped area with 5 ornamental trees and 12 large shrubs. If there are issues with locating the requested landscaping in the designated area, then staff would approve the number of required plant materials to be located elsewhere on the site.

The proposed rezoning to the C-3 district would align with the community commercial development recommendation of the Near West Neighborhood Land Use Plan (2014).

Therefore, staff is recommending approval of the request subject to a landscape plan to be submitted for Administrative Approval showing that the number of trees and shrubs as required by the street frontage standards of the Ordinance are met. The installation of said landscaping shall be completed within one year of the approval of the petition. Additionally, approval would be subject to the right-of-way dedication as requested by DPW.

GENERAL INFORMATION

Existing Zoning	Enter Zoning and Secondary Districts	
Existing Land Use	D-5 and C-1	
Comprehensive Plan	Community Commercial	
Surrounding Context	Zoning	Land Use
North:	D-5	Health Consultant
South:	D-5 / C-5	Youth Organization / Car Rental Agency
East:	D-5 / C-3 / C-5	Residential (Single-family dwellings) / Restaurant / Fueling Station
West:	D-5 / C-5	Residential (Single-family dwellings) / Upholstery Shop
Thoroughfare Plan		
16 th Street	Primary Arterial Street	104-foot proposed right-of-way and 90-foot existing right-of-way.
Kessler Boulevard NDR	Secondary Arterial Street	56-foot proposed right-of-way and 81-foot existing right-of-way.
Context Area	Compact	
Floodway / Floodway Fringe	No	
Overlay	Yes	
Wellfield Protection Area	No	
Site Plan	July 16, 2024	
Site Plan (Amended)	N/A	
Elevations	N/A	
Elevations (Amended)	N/A	
Landscape Plan	N/A	
Findings of Fact	N/A	
Findings of Fact (Amended)	N/A	
C-S/D-P Statement	N/A	

COMPREHENSIVE PLAN ANALYSIS

Comprehensive Plan

- Near West Neighborhood Land Use Plan (2014)

Pattern Book / Land Use Plan



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

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

Red Line / Blue Line / Purple Line TOD Strategic Plan

- Not Applicable to the Site.

Neighborhood / Area Specific Plan

- The Near West Neighborhood Land Use Plan (2014) recommends community commercial development for the subject site.
- This land use category is for low-intensity retail commercial and office uses, which serve a predominantly residential market adjacent to, or very near, the location of the use. The uses in this land use category are design to fulfill a broad range of retail, personal, professional and business services and are either freestanding or part of a small integrated center typically anchored by a grocery store. These centers contain no, or extremely limited, outdoor display of merchandise. Generally, these uses are consistent with the following characteristics:
 - Maximum Gross Floor Area: 125,000 square feet
 - Maximum Acreage: 25 acres
 - Service Area Radius: 2 miles
 - Location: On an arterial or at the intersection of an arterial with a collector.
 - Maximum Outlots: 3
- The property falls within a commercial corridor along 16th Street. The rezoning to C-3 would align with the Neighborhood Plan recommendation.

Infill Housing Guidelines

- Not Applicable to the Site.

Indy Moves

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

- A multi-use off-street path exists along Kessler Boulevard N Drive from 16th Street to 30th Street.



ZONING HISTORY

Zoning History - Site

87-V3-80; 3124 West 16th Street (subject site), Variance of use and development standards of the Dwelling Districts Zoning Ordinance to provide for a restaurant with drive-through service and without the required transitional yards, **granted**.

72-Z-119; 1636 North Kessler Boulevard (north portion of site), Rezoning of 0.96 acre, being in D-5 district to C-1 classification to permit construction and operation of bank, approved.

Zoning History - Vicinity

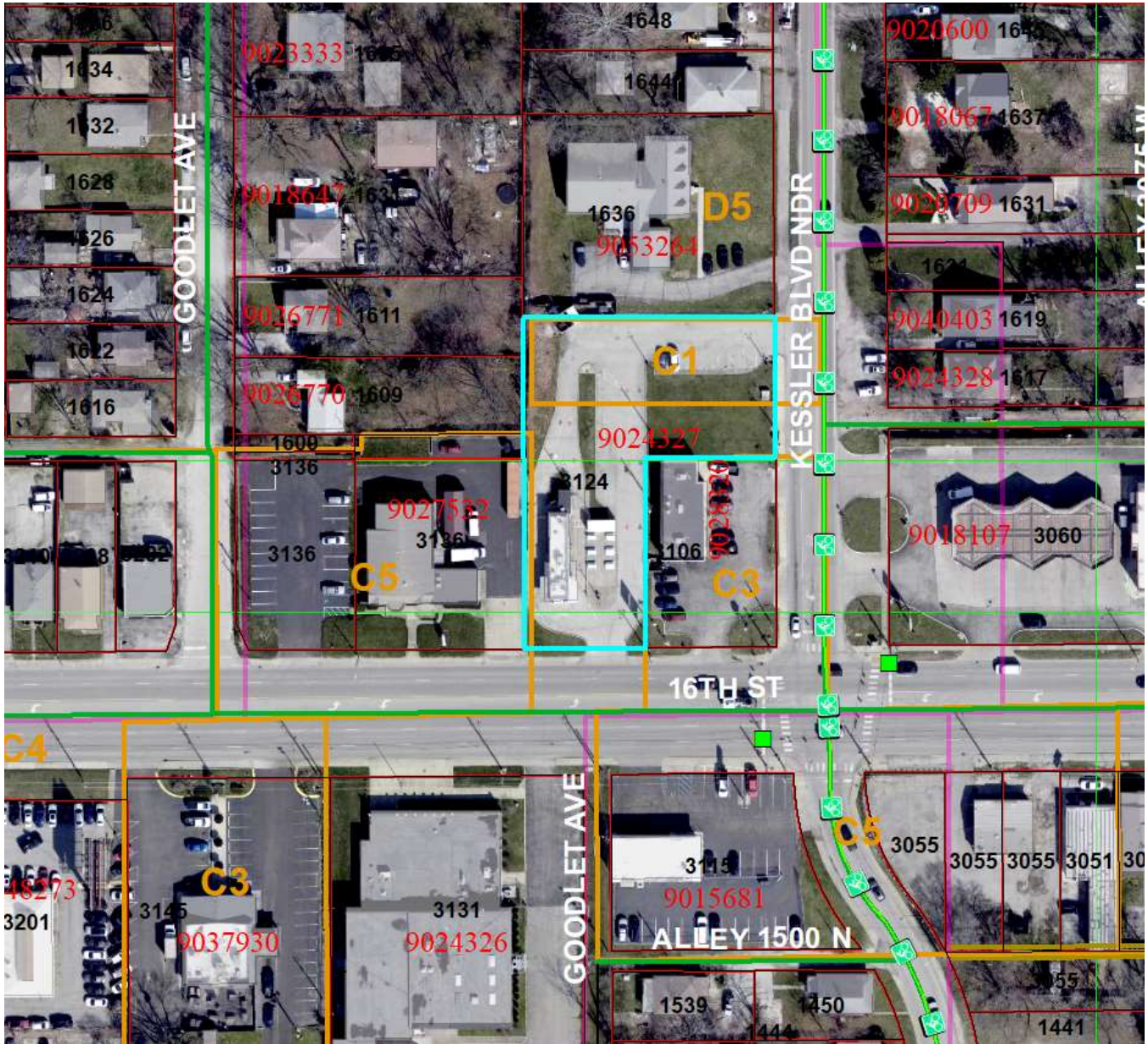
2012-ZON-072; 3051, 3055, and 3097 West 16th Street (southeast of site), Rezoning of 0.62 acre, from the C-5 (W-5) and D-5 (W-5) Districts to the C-5 (W-5) classification to provide for commercial uses, **approved**.

86-Z-13; 3115 West 16th Street (south of site), Rezoning of 0.5 acre, being in the D-5 district, to the C-5 classification, to conform zoning to its use as a transmission business, approved.

85-Z-80; 3106 West 16th Street (east of site), Rezoning of 0.28 acre, being in the D-5 district, to the C-3 classification to allow for renovation of a gas station, **approved**.

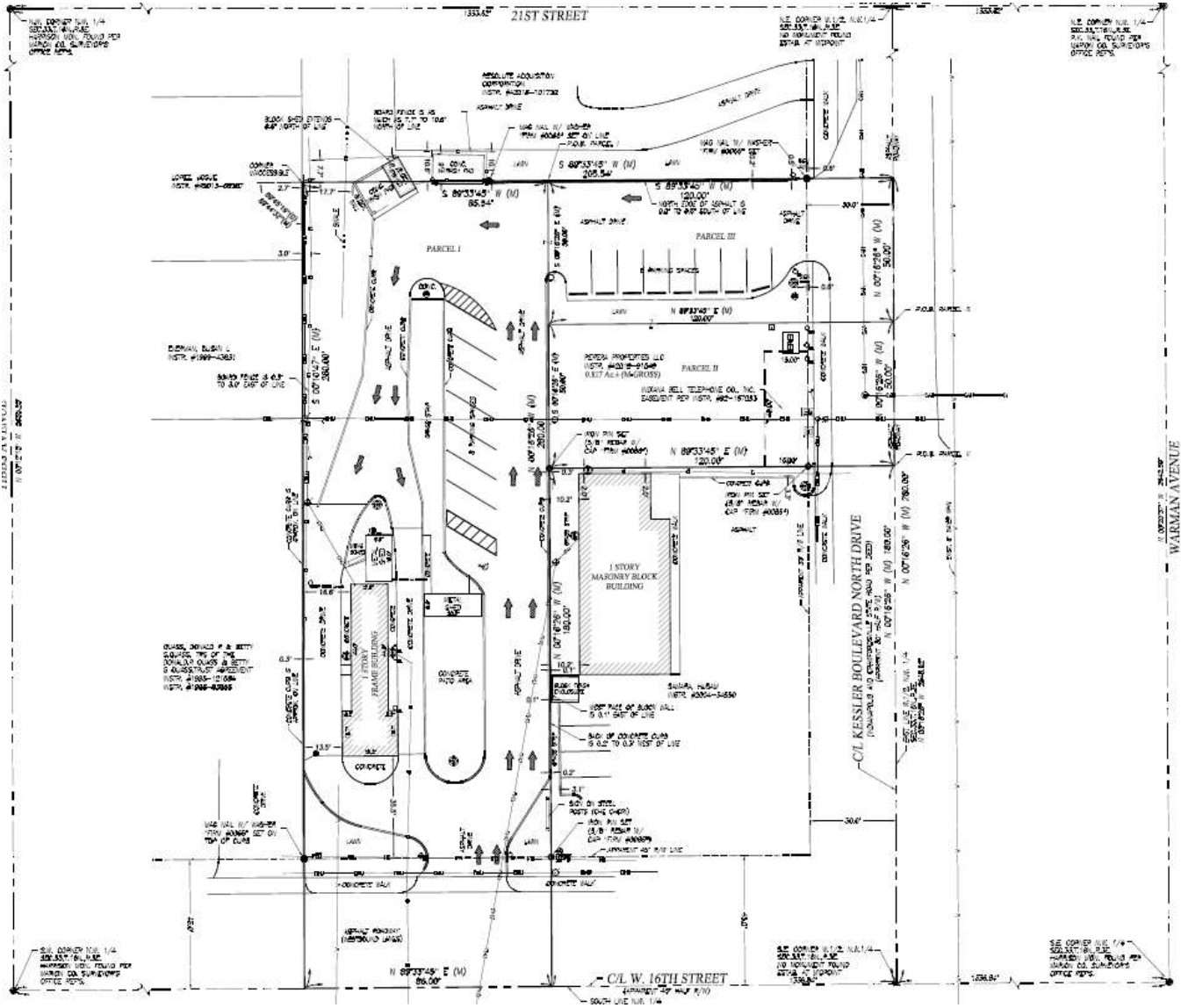
78-Z-128; 3136-3140 West 16th Street (west of site), Rezoning of 0.85 acre, being in D-5 district, to C-5 classification to permit retail furniture sales and service, **approved**.

EXHIBITS





Department of Metropolitan Development
 Division of Planning
 Current Planning





Department of Metropolitan Development
Division of Planning
Current Planning

APPROVED LANDSCAPE PLAN PER 87-V3-80

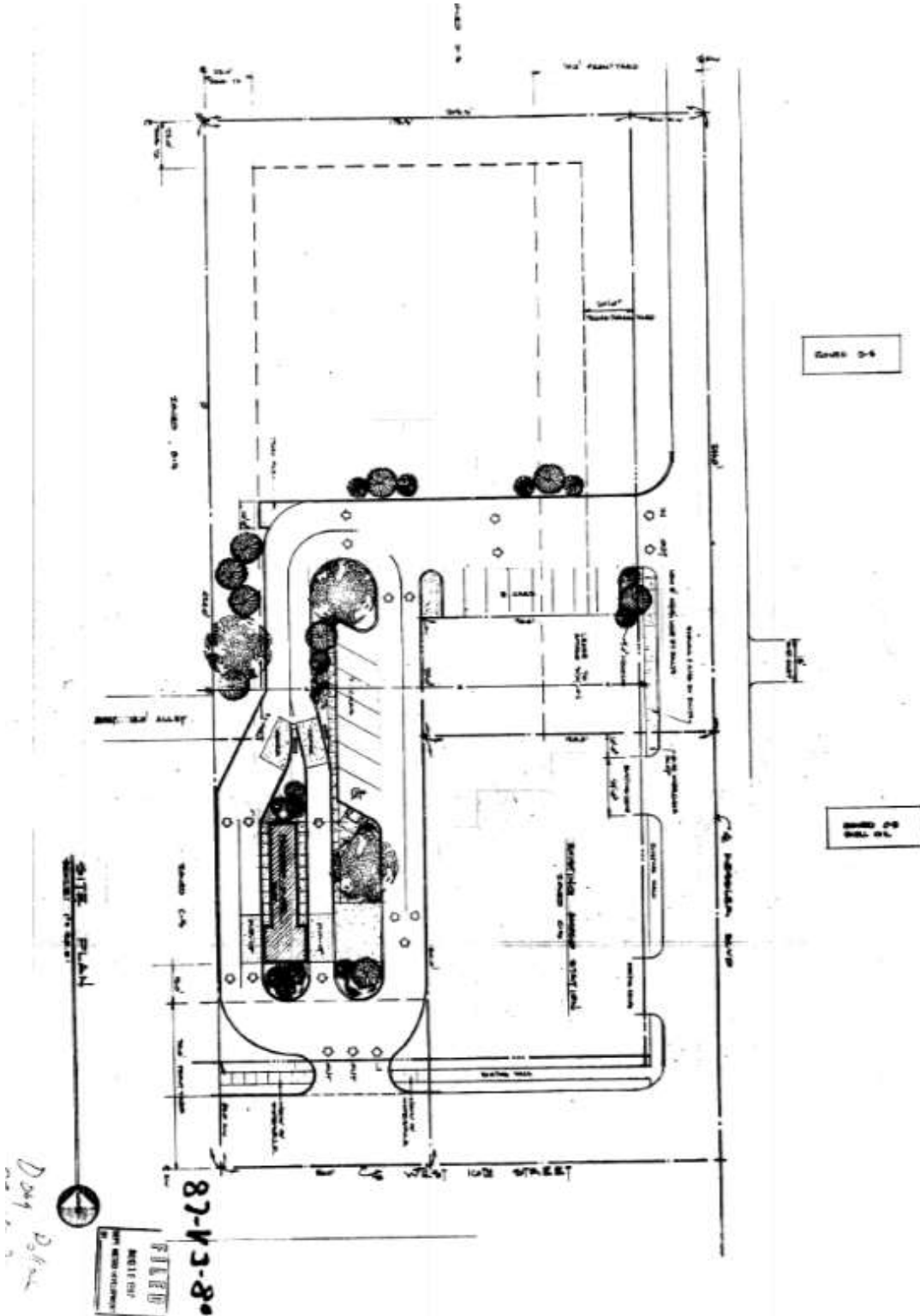




Photo of the subject site looking north.



Photo of a storage unit on site.



Photo of two one-way lanes for pick-up and ordering looking south.

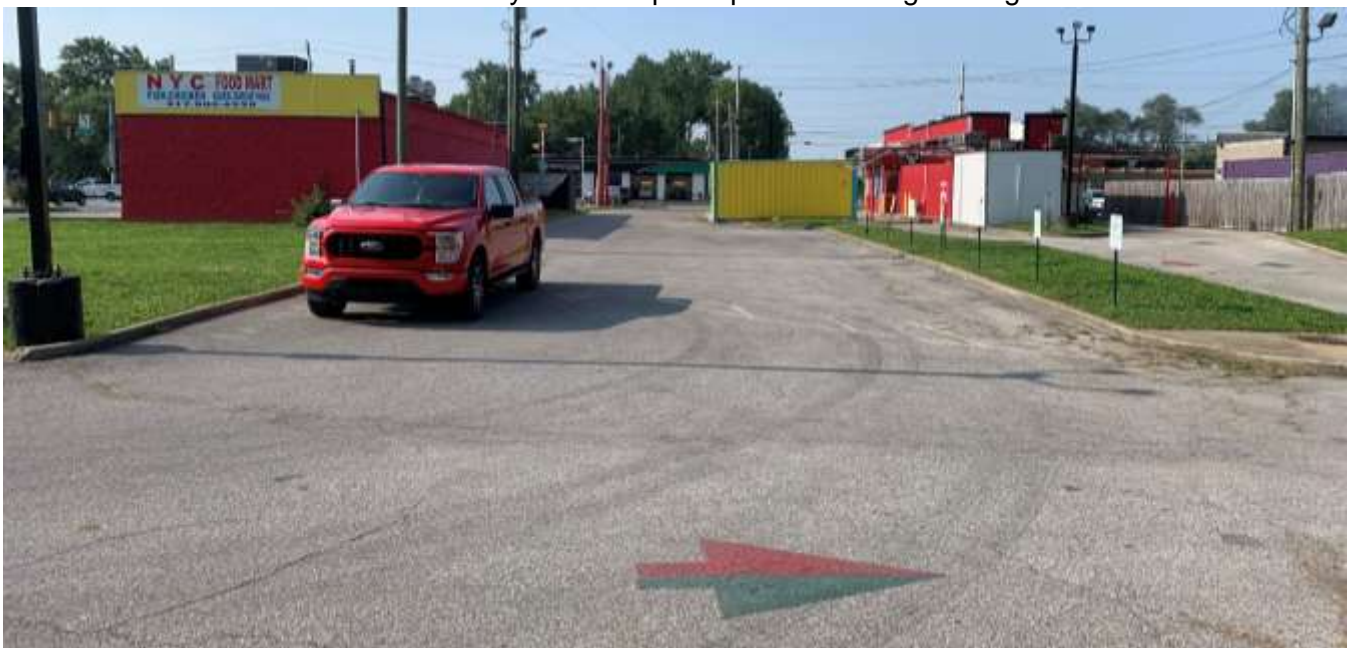


Photo of the entrance drive on the east side of the site.



Photo of the dumpster locations and single-family dwellings behind the tree line.



Photo of the commercial use east of the site.



Photo of the eastern street frontage looking west.



Photo of the eastern street frontage looking west.



Photo of a single-family dwelling east of the site.



Photo of the commercial offices west of the site.



Photo of the commercial properties south of the site.



METROPOLITAN DEVELOPMENT COMMISSION August 29, 2024
HEARING EXAMINER

Case Number: 2024-ZON-088

Property Address: 8101 and 8105 West Washington Street

Location: Wayne Township, Council District #17

Petitioner: Indy Aerospace, Inc., by Brian J. Touhy

Current Zoning: SU-46

Request: Rezoning of 4.77 acres from the SU-46 district to the I-3 district to build a 30,000-square-foot building.

Current Land Use: Undeveloped land

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

Staff Reviewer: Kathleen Blackham, Senior Planner

PETITION HISTORY

This is the first public hearing on this petition.

STAFF RECOMMENDATION

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

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

PETITION OVERVIEW

This 4.77-acre site, zoned SU-46 (Airport), is comprised of two parcels. It is surrounded by a motel and single-family dwellings to the north, across West Washington Street, zoned C-4 and D-P, respectively; undeveloped land to the south, across North Perimeter Road (private street), zoned SU-46; commercial uses to the east, zoned C-S; and an assisted living facility to the west, zoned MU-1.



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

Rezoning

The request would rezone both parcels to the I-3 (Medium Industrial) District. “The I-3 district is an intermediate district for industries that present moderate risks to the general public. Wherever practical, this district should be away from protected districts and buffered by intervening lighter industrial districts. Where this district abuts protected districts, setbacks are large, and enclosure of activities and storage is required.”

The Comprehensive Plan recommends office / industrial mixed-use typology.

As proposed, this request would not be consistent with Plan recommendation, but staff supports this request because of the surrounding land uses and the recent approval of an industrial rezoning to the west of this site. Furthermore, staff believes that the required development standards related to the I-3 district would provide appropriate buffers to minimize the impact of the proposed rezoning and future development of the site on the surrounding land uses.

Vandalia Trail

The Vandalia Trail is part of the National Road Heritage Trail that follows former rail corridors. This trail is planned as a multi-use trail that would connect 30 communities between Terre Haute and Richmond. The proposed alignment would run along the southern boundary of this site. Consequently, staff is requesting that a recorded transportation easement be provided for future development of this amenity prior to the issuance of an Improvement Location Permit.

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;



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

- 3. A drainage or stormwater management facility as defined in Chapter 561 of this Code on private or governmental property, which facility has not been maintained as required by that chapter; or
- 4. Property that has accumulated litter or waste products, unless specifically authorized under existing laws and regulations, or that has otherwise been allowed to become a health or safety hazard.

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

GENERAL INFORMATION

Existing Zoning	SU-46	
Existing Land Use	Undeveloped land	
Comprehensive Plan	Office / Industrial Mixed-Use	
Surrounding Context	Zoning	Land Use
	North: C-4 / D-P	Motel / Single-family dwellings
	South: SU-46	Undeveloped land
	East: C-S	Commercial uses
	West: MU-1	Assisted living facility
Thoroughfare Plan		
West Washington Street	Primary arterial	Existing 115-foot right-of-way and proposed 120-foot right-of-way
Context Area	Metro	
Floodway / Floodway Fringe	No	
Overlay	No	
Wellfield Protection Area	No	
Site Plan	N/A	
Site Plan (Amended)	N/A	
Elevations	N/A	
Elevations (Amended)	N/A	
Landscape Plan	N/A	
Findings of Fact	N/A	
Findings of Fact (Amended)	N/A	
C-S/D-P Statement	N/A	

COMPREHENSIVE PLAN ANALYSIS

Comprehensive Plan

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

Pattern Book / Land Use Plan

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

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

- *Conditions for All Land Use Types*
 - Master-planned developments in excess of 2 acres should include pedestrian amenities for passive and active recreation internal to the development.
- *Light Industrial Uses (defined as industrial uses that create minimal emissions of light, odor, noise, or vibrations. Examples include warehousing and logistics facilities. These land uses do not use, store, produce, emit, or transport hazardous materials.)*
 - Industrial truck traffic should not utilize local, residential streets.
 - Streets internal to industrial development must feed onto an arterial street.
 - Removed as a recommended land use where they would be adjacent to a living or mixed-use typology.

Recommended land uses in the office / industrial mixed-use typology include light industrial uses, research / production of high-technology or biotechnology related goods, offices, small-scale retailing and personal / professional services, and hotels / motels / hostels.



Red Line / Blue Line / Purple Line TOD Strategic Plan

- Not Applicable to the Site.

Neighborhood / Area Specific Plan

- Not Applicable to the Site.

Infill Housing Guidelines

- Not Applicable to the Site.

Indy Moves

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

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



ZONING HISTORY

2024-CZN-819 / 2024-CVR-819; 8215 West Washington Street (west of site), requested rezoning of 2.0 Acres from the SU-46 district to the I-1 district for light industrial uses and a variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for 25,730 square feet of outdoor storage with reduced separation from protected districts and reduced side yard setback, **approved and granted.**

2021-ZON-068; 8215 West Washington Street (west of site), requested rezoning of 2.625 acres from the SU-46 district to the I-1 district, **withdrawn.**

95-Z-169; 8215 West Washing Street (west of site), requested rezoning of 3.8 acres, being in the D-3 district to the C-7 classification to provide for the placement of a commercial building and mini-warehousing, **approved.**

Vicinity

93-Z-1; 8302 West Washington Street (north of site), requested rezoning of .5 acres, being in the C-S district, to the C-S classification to provide for C-1 uses, **approved.**

89-Z-214; 8302 West Washington Street (north of site), requested rezoning of 47.5 acres, being in the A-2, C-3 and C-2 districts, to the C-S classification to provide for commercial and industrial development **approved.**

80-Z-87; 8305 West Washington Street (west of site), requested rezoning of 2.4 acres, being in the D-3 district, to the C-7 classification to provide for the construction and operation of a lumber yard with storage and sale of construction material and supplies, **withdrawn.**

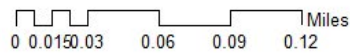
70-Z-197; 8300 block of West Washington Street (west of site), requested rezoning of 3.18 acres, being in the D-3 district, to the C-7 classification to provide for the display, sales, and service of travel trailers, **approved**

EXHIBITS



Sources: Esri, HERE, Garmin, USGS, Intermap, INCREMENT P, NRCan, Esri Japan, METI, Esri China (Hong Kong), Esri Korea, Esri (Thailand), NOAA, Swisstopo, © OpenStreetMap contributors, and the GIS User Community

8101 and 8105 West Washington Street





View looking west along West Washington Street



View looking east along West Washington Street



View of site looking west



View of site looking west



View of site looking southwest



View of site looking northwest



View of site looking north across North Perimeter Road



View of site looking north across North Perimeter Road



METROPOLITAN DEVELOPMENT COMMISSION August 29, 2024
HEARING EXAMINER

Case Number: 2024-ZON-089

Property Address: 3527 North College Avenue (Approximate Address)

Location: Center Township, Council District # 8

Petitioner: Walvan Investments, LLC, by David Gilman

Current Zoning: D-5

Request: Rezoning of 0.22 acre from the D-5 district to the D-8 district to provide for a (6-unit) small apartment use.

Current Land Use: Residential

Staff Recommendations: Approval with commitments.

Staff Reviewer: Marleny Iraheta, Senior Planner

PETITION HISTORY

This is the first public hearing for this petition.

STAFF RECOMMENDATION

Staff recommends approval of the rezoning petition, 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 landscape plan shall be submitted for Administrative Approval showing the installation of ornamental trees and shrubs south of the parking area and shade trees and shrubs north of the parking area prior to the issuance of an Improvement Location Permit.
2. The installation of landscaping shall occur within one year of the approval of the petition and shall be maintained thereafter.

PETITION OVERVIEW

LAND USE

The 0.22-acre site is developed with a six-unit multi-family building. There was a previous variance, 2018-UV1-006, that approved a multi-family building with eight units on site. A more recent modification petition, 2024-MO1-002, that allowed the units to be rented but placed a limit on who could rent them and set a minimum duration of time. There were other commitments as well, but those commitments regarding the previous variance of use would no longer be applicable since the site is being rezoned. These commitments are included in this report for reference.



Department of Metropolitan Development
Division of Planning
Current Planning

The property is surrounded by an undeveloped lot to the north, zoned D-5, and undeveloped lot to the east, zoned D-8, two-family dwellings to the west, zoned D-5, and a single-family dwelling and

REZONING

The request would rezone the site from the D-5 district to the D-8 district to provide for a (6-unit) small apartment use.

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

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

STAFF ANALYSIS

The Mapleton Fall Creek Neighborhood Land Use Plan recommends eight to 15 units per acre for the site. The existing building has a density of 27 units per acre, which would not change with the rezoning request.

The existing D-5 district does not permit a six-unit small apartment building and rezoning to the D-8 district would correct the nonconformity. Staff is supportive of rezonings that correct the land uses with the corresponding zoning districts.

Staff had concerns with the lack of landscaping at the rear of the site, which the petitioner agreed to install landscaping for approval. With there being an electrical substation to the south, ornamental trees and shrubs should be considered along the south side and shade trees and shrubs should be proposed on the north side. The installation of landscaping would provide a cooling effect at the rear of the property where much of the area is paved with concrete that increases higher temperatures and is not welcoming to residents.

Staff is recommending approval of the request subject to a landscape plan to be submitted for Administrative Approval showing a variety of trees and shrubs on the north and south sides of the rear parking area and for the installation of said landscaping to be completed within one year of the approval of the petition.



Department of Metropolitan Development
Division of Planning
Current Planning

GENERAL INFORMATION

Existing Zoning	D-5		
Existing Land Use	Residential		
Comprehensive Plan	8 – 15 Residential Units per Acre		
Surrounding Context	<u>Zoning</u>	<u>Land Use</u>	
	North:	D-5	Undeveloped
	South:	D-5	Residential (Single-family dwelling) / Electrical Substation
	East:	D-8	Undeveloped
	West:	D-5	Residential (Two-family dwellings)
Thoroughfare Plan			
College Avenue	Primary Arterial Street	78-foot existing right-of-way and 80-foot proposed right-of-way.	
Context Area	Compact		
Floodway / Floodway Fringe	No		
Overlay	No		
Wellfield Protection Area	No		
Site Plan	July 25, 2024		
Site Plan (Amended)	N/A		
Elevations	N/A		
Elevations (Amended)	N/A		
Landscape Plan	N/A		
Findings of Fact	N/A		
Findings of Fact (Amended)	N/A		
C-S/D-P Statement	N/A		

COMPREHENSIVE PLAN ANALYSIS

Comprehensive Plan

- The Mapleton Fall Creek Land Use Plan (2013)

Pattern Book / Land Use Plan

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

Red Line / Blue Line / Purple Line TOD Strategic Plan



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

- Not Applicable to the Site.

Neighborhood / Area Specific Plan

- The Mapleton Fall Creek Land Use Plan (2013) recommends 8-15 residential units per acre for this site.
- The proposed zoning district would allow for high density residential development on site, but would be an existing density of 27 units per acre.

Infill Housing Guidelines

- Not Applicable to the Site.

Indy Moves

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

- Not Applicable to the Site.

ZONING HISTORY

Zoning History - Site

2024-MO1-002; 3527 North College Avenue (subject site), Modification of Commitments related to 2018-UV1-006, to terminate Commitment Numbers One and Two, requiring sale of units to owner-occupants and prohibiting subsequent owners from renting individual units, **approved**.

2018-UV1-006; 3527 North College Avenue (subject site), Variance of use of the Consolidated Zoning and Subdivision Ordinance to provide for a multi-family building with eight units (not permitted), with the following commitments:

- 1) Owner will only sell units and will only sell them to owner-occupants
- 2) Subsequent owners may not rent their units, approved.

28-V-112; 3527 North College Avenue (subject site), Variance to construct a seven-car garage, **granted**.

Zoning History - Vicinity

2021-ZON-115; 722 Fairfield Avenue (east of site), Rezoning of 0.2 acre from the D-5 district to the D-8 district, approved.

2020-UV1-003; 3544 Carrollton Avenue (northeast of site), Variance of use of the Consolidated Zoning and Subdivision Ordinance to legally establish a multi-family building (not permitted), **denied**.

2013-UV1-037; 3503 North College Avenue (south of site), Variance of use and development standards of the Commercial and Dwelling Districts Zoning Ordinances to provide for a parking lot, for a restaurant at 3469 N College Avenue, with zero-foot front and side yards, **approved**.

2010-UV1-018; 3503 North College Avenue (south of site), Variance of use and development standards of the Commercial and Dwelling Districts Zoning Ordinance to provide for automobile sales (not permitted), with display spaces having zero-foot front and side setbacks (10-foot setback from existing right-of-way required, 40-foot setback from proposed right-of-way required, four-foot side and 10-foot aggregate setbacks required), **denied**.

2005-LNU-010; 3466 Carrollton Avenue and 727 Fairfield Avenue (southeast of the site), Certificate of Legal Non-Conforming Use for multi-family dwellings in a D-5 District, **granted**.

2003-LNU-009; 727 Fairfield Avenue (southeast of the site), Certificate of Legal Non-Conforming Use for multi-family dwellings in a D-5 District, **denied**.

91-Z-74; 3520 N College Avenue (west of site), requests rezoning from residential district to the commercial C-3 district to allow retail sales in conformity to the comprehensive land use plan, **approved**.



Department of Metropolitan Development
Division of Planning
Current Planning

88-UV3-102; 3549 N College Avenue (north of site), Variance of use of the Dwelling Districts Zoning Ordinance to provide for the continued operation of community services offices, educational center and educational research offices, and three ground signs, **approved**.

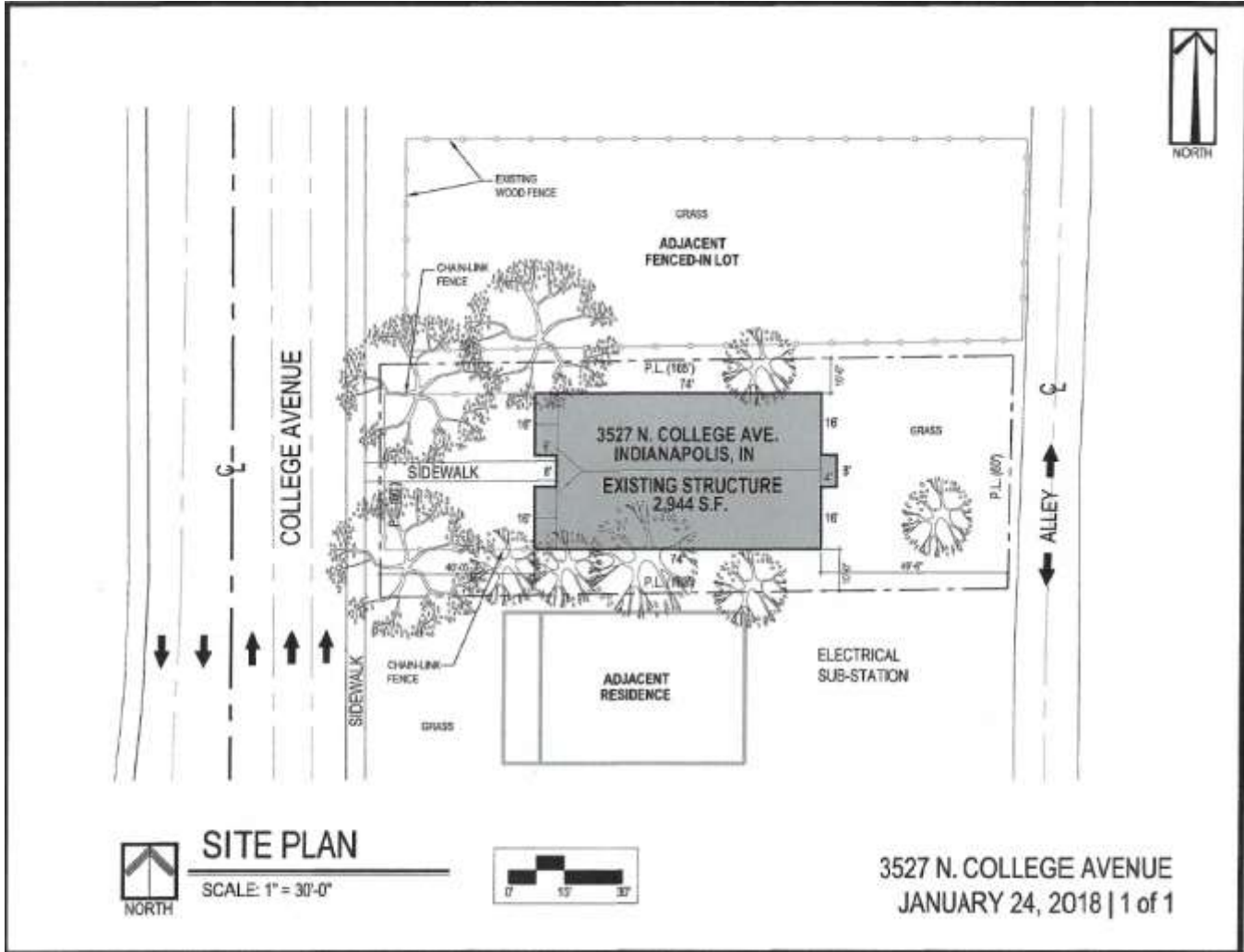
87-SE2-2; 650 Fairfield Avenue (southwest of the site), Commercial Special Exception to provide for an amusement arcade with 14 machines, **denied**.

87-UV2-20; 650 Fairfield Avenue (southwest of the site), Variance of use of the Commercial Special Exception Ordinance to provide for an amusement arcade within 500 feet of a residential zoning district, **denied**.

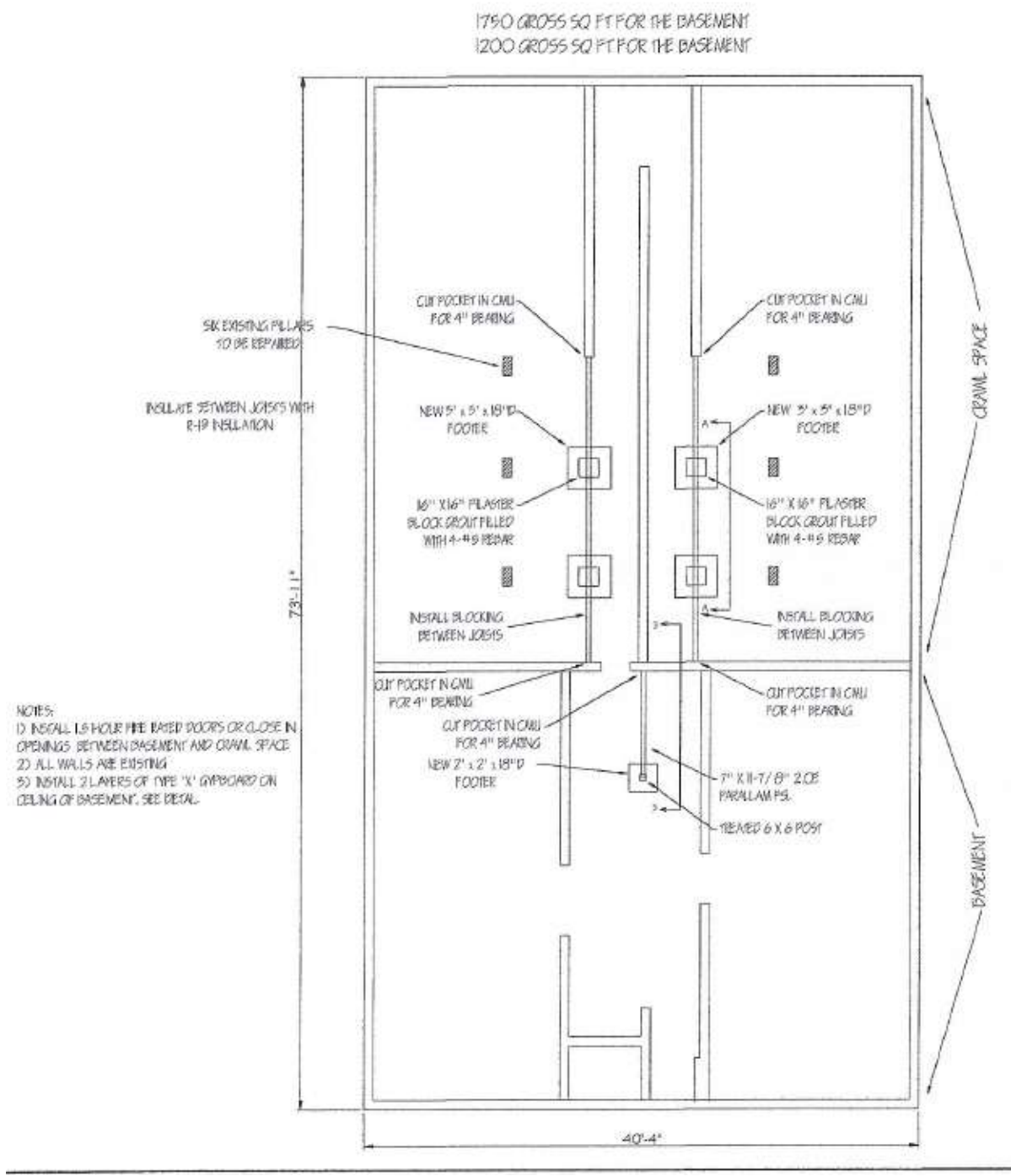
84-UV3-124; 3502 North College Avenue (southwest of the site), Variance of use and development standards of the Commercial Zoning Ordinance to provide for the operation of a social club without sufficient parking, **denied**.

EXHIBITS





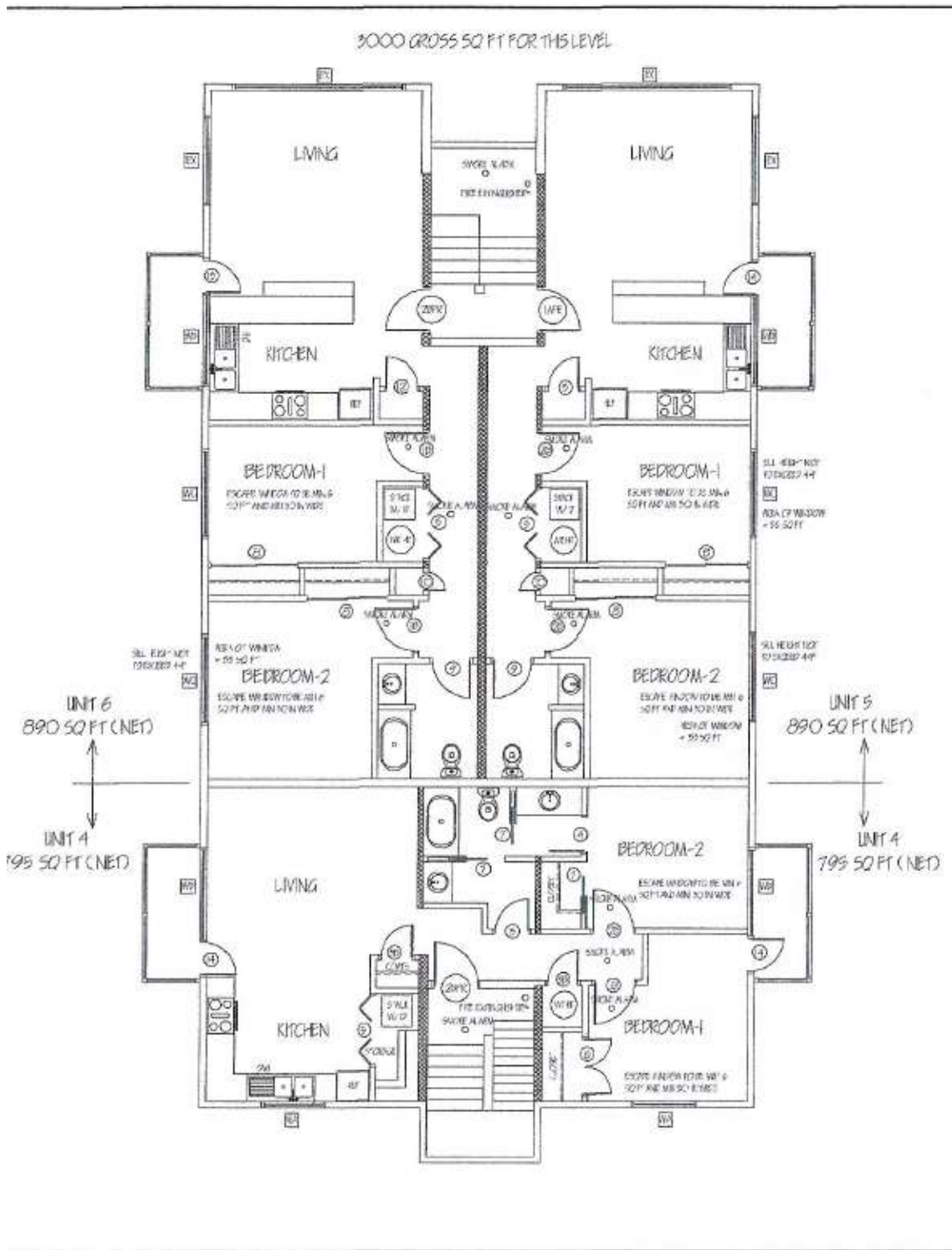
BASEMENT FLOOR PLAN





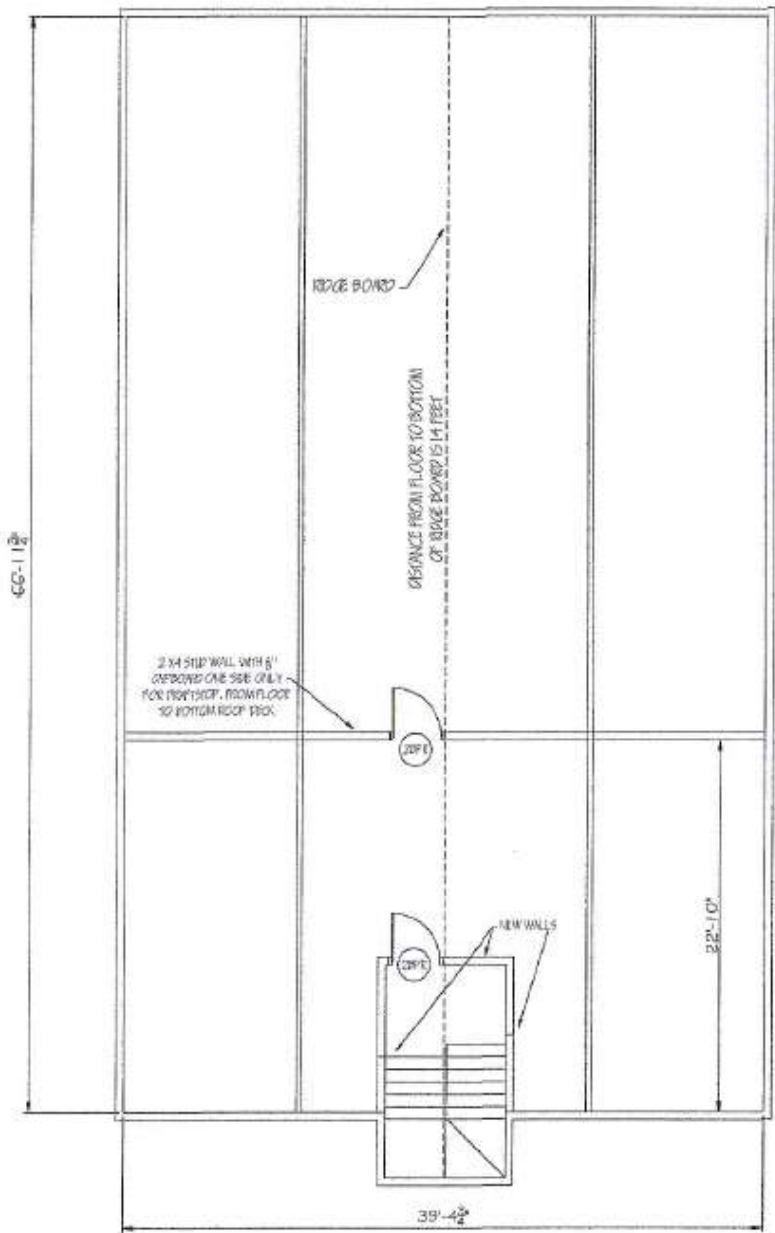
Department of Metropolitan Development
 Division of Planning
 Current Planning

SECOND FLOOR PLAN



ATTIC FLOOR PLAN

ATTIC SPACE TO REMAIN AS IS (AN ATTIC) - 2800 SQ FT





Department of Metropolitan Development
Division of Planning
Current Planning

2024-MO1-002 COMMITMENTS

A202400019343

03/13/2024 08:03 AM

**FAITH KIMBROUGH
MARION COUNTY IN RECORDER**

FEE: \$ 35.00

PAGES: 3

By: DG

**N.S. COMMITMENTS CONCERNING THE USE OR DEVELOPMENT OF REAL ESTATE MADE
IN CONNECTION WITH A VARIANCE, SPECIAL EXCEPTION OR APPROVAL GRANT.**

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 the parcel of real estate:

Legal Description:

Condominium Units 1, 2, 3, 4, 5 and 6 of the 3527 College Avenue Condominiums as recorded as Instrument Number A202100032301 under the date of March 11, 2021, in the records of the Recorder of Marion County, Indiana.

Statement of COMMITMENTS:

1. Petitioner will not become landlord or rent out units of subject property.
2. The property and/or units may not be rented for less than a 1 month term.
3. Occupying-occupants of a unit may not sublease their unit.
4. The property shall remain as condominiums recorded as Instrument Number A202100032301.
5. Petitioner shall include Commitment Nos. 1-4 on any deed related to the property.

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

COMMITMENTS contained in this instrument shall be effective upon the grant of variance, special exception or approval petition # 2024-MO1-002 by the Metropolitan Board of Zoning Appeals or the Hearing Officer.

These COMMITMENTS may be enforced jointly and severally by:

1. The Metropolitan Development Commission; and,
2. Owners of all parcels of ground adjoining the real estate depth of two (2) ownerships, but not exceeding six hundred sixty (660) feet from the perimeter of the real estate. 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

BZA's Exhibit A -- Page 1 of 3





Department of Metropolitan Development
Division of Planning
Current Planning

offices of the various township assessors of the Marion County, which the current owners of record at the time the notice shall be sent. (This paragraph defines the category of persons entitled to receive personal notice of the variance, special exception or approval petition under the rules of the Board in force at the time the COMMITMENT was made); and,

- 3. _____
- 4. _____

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 # 2024-MO1-002

Signature:
 Printed: Maninder S. Walia
 Title / Manager
 Organization
 Name: Walvan Investments, LLC

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

STATE OF INDIANA)
) SS:
 COUNTY OF MARION)

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

Witness my hand and Notarial Seal this
11th day of March, 2024

 Notary Public
Lana S. Goble
 Printed Name of Notary Public
 My Commission expires: 01-06-2032
 My County of residence: Marion

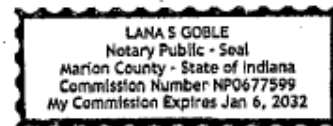




Photo of the subject site.



Photo of the southern property boundary.



Photo of the northern property boundary.



Photo of the adjacent alley to the east looking north.



Photo of the rear yard parking area.



Photo of the grass area north of the parking area and adjacent property.



Photo of the grass area south of the parking area and adjacent electrical substation.



Photo of the undeveloped property east of the alley.



Photo of the two-family dwelling south of the site.



Photo of the undeveloped lot north of the site and additional residences further north.



Photo of two-family dwellings west of the site.