



# Metropolitan Development Commission Hearing Examiner (August 15, 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 15, 2024

**Time:** 1:00 PM

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

## Business:

### Special Requests

#### PETITIONS REQUESTING TO BE CONTINUED:

**1. 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.

**\*\*Petitioner request for continuance for cause to September 12, 2024**

**2. 2024-ZON-080 | 3720 East Washington Street**

Center Township, Council District #18  
Marybeth McShea

Rezoning of 0.14-acre from the C-1 (TOD) district to the D-8 (TOD) district to provide for an 8 unit multi-family residential development.

**\*\*Automatic continuance request to September 12, 2024**

**3. 2024-ZON-082 | 5102, 5111, 5117, 5122, 5127, 5139, 5143, and 5210 East 65th Street**

Washington Township, Council District #3  
Schmoll Development Company, L. P., by Gregory Zubek

Rezoning of 17.149 acres from the I-2 district to the C-S district to provide for commercial and light industrial uses, including uses permitted in the C-3 district and I-2 district, in addition to: sports performance training uses for all ages, including individual sports training, weight lifting and training, fitness personal training and conditioning, aerobics and spin training, assisted rehabilitation exercise program, yoga, Pilates, dance studio, martial arts training, specific sports training including batting cages and golf, plus, automobile and light vehicle wash, detailing, tinting (in buildings not facing 65th Street), and automobile, motorcycle and light vehicle service or repair (in buildings not facing 65th Street).

**\*\*Staff request for continuance for cause with Notice**

**4. 2024-ZON-083 | 1627, 1631 & 1635 Woodlawn Avenue**

Center Township, Council District #18  
Indy Real Estate Consulting, LLC, by David Kingen & Emily Duncan

Rezoning of 0.51 acres from the D-3 (TOD) district to the D-8 (TOD) district to allow for a multi-family structure.

**\*\*Staff request for continuance for cause to September 12, 2024**

**5. 2024-CVR-826 / 2024-CPL-826 | 1150 East New York Street**

Center Township, Council District #13

D-8

Ronin Highland Park, LLC, by Jynell D. Berkshire

Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for the construction five single-family attached dwellings, each with a zero-foot front setback along New York Street (front setback ranging from 10 feet to 19.9 feet required), building height of 46 feet (maximum 40 feet permitted), an 18-foot encroachment into the clear sight triangle of New York Street and an 11-foot encroachment into the clear sight triangle of Highland Avenue (not permitted), with deficient landscaping (50% living material required).

Approval of a Subdivision Plat to be known as Elevate Highland Park Subdivision, subdividing 0.20-acre into five single-family attached lots.

**\*\*Petitioner request for continuance for cause to September 12, 2024**

**Petitions for Public Hearing**

**PETITIONS TO BE EXPEDITED:**

**6. 2024-ZON-077 | 122 North College Avenue**

Center Township, Council District #13

Cole, Inc., by David Kingen and Emily Duncan

Rezoning of 0.45-acre from the I-3 (RC) (TOD) district to the CBD-2 (RC) (TOD) district.

**7. 2024-ZON-078 | 402 South Carroll Road**

Warren Township, Council District #20

Kristopher Holeyfield

Rezoning of 4.623 acres from the D-P district to the D-A district.

**8. 2024-ZON-086 | 1429, 1433 & 1439 Deloss Street**

Center Township, Council District #13

Structure Investments, LLC, by Elizabeth Bentz Williams

Rezoning of 0.32-acre from the I-2 district to the D-8 district to develop three single-family dwellings.

**9. 2024-CAP-828 / 2024-CVR-828 / 2024-CVC-828 | 1013 West Morris Street**

Center Township, Council District #18

C-7 (FF)

Indy Grille Family Restaurant, LLC, by Adam DeHart

Modification of Conditions and Site Plan related to 85-UV2-52 to delete Condition #3 which states that Morris Street shall be used for exit only and shall be properly identified as such and to modify the site plan related to 85-UV2-52 to provide for additions to the existing structure and additional surface parking area.

Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for a 2.2-foot front setback from Morris Street, a 6.7-foot front setback from Bridge Street, a five-foot front setback from Drover Street (minimum 10-foot front setback required along all streets), no landscaping along Drover Street (landscaping required), and no interior landscaping within the proposed parking area (minimum 9% of all uncovered vehicle areas required).

Vacation of a portion of Drover Street (formerly a portion of Lot 85 in McCarty's Third West Side, an Addition to the City of Indianapolis), ranging from 31 to 33 feet (irregular) in width, from the south right-of-way line of Morris Street, south 109.2 feet to the first east-west alley south of Morris Street.

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

**10. 2024-MOD-009 | 7710 Johnson Road**

Lawrence Township, Council District #3  
C-S  
7710 Johnson, LLC, by Joseph D. Calderon

Modification of the Commitments, Development Statement and Site Plan related to petitions 99-Z-195, and, as amended with 2006-ZON-810, to provide for display of dumpsters for rent to consumers for home improvement projects.

**11. 2024-MOD-011 | 4001 South Keystone Avenue**

Perry Township, Council District #19  
C-4  
Aman, LLC, by Tyler Ochs

Modification of the Commitments related to 2016-ZON-083 to Modify Commitment #2 to remove “Automobile Fueling Station” and “Automobile and Light Vehicle Wash” from the list of prohibited uses.

**12. 2024-ZON-039 | 3803, 3805, 3919, 4051, and 4233 Lafayette Road, 4262, 4266, 4270, and 4360 West 38th Street, 4702, 4750, and 4825 Century Plaza Road**

Pike Township, Council District #5  
PFFO QOZB LLC, by Alex Intermill and Tyler Ochs

Rezoning of 126.55 acres from the C-4, C-5, and MU-2 (FF) districts to the C-S (FF) district to provide for C-4 and MU-2 permitted uses, plus commercial retail, community center, athletic fields and courts, film production studios, hotels, multi-family dwellings, and educational uses.

**13. 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.

**14. 2024-ZON-071 | 1302 East Stop 11 Road**

Perry Township, Council District #23  
HRE Brothers, LLC, by Michael Rabinowitch

Rezoning of 1.788 acres from the D-A district to the C-3 district to provide for a restaurant and other commercial uses.

**15. 2024-ZON-075 | 7015 Brookville Road**

Warren Township, Council District #20  
Liberty Boatwrks, LLC, by Joseph D. Calderon

Rezoning of 2.85 acres from the I-1 district to the I-3 district to provide for boat sales and repair.

**16. 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.

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

**17. 2024-APP-014 | 8247 Harcourt Road**

Washington Township, Council District #2  
HD-1 / HD-2  
RDoor Housing Corporation, by Brian. J. Tuohy

Hospital District Two Approval to provide for a proposed expansion of an existing multi-family residential development, consisting of 55 dwelling units within three buildings and outdoor amenity areas.

### **Additional Business:**

\*\*The addresses of the proposals listed above are approximate and should be confirmed with the Division of Planning. Copies of the proposals are available for examination prior to the hearing by emailing [planneroncall@indy.gov](mailto:planneroncall@indy.gov). Written objections to a proposal are encouraged to be filed via email at [planneroncall@indy.gov](mailto: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 15, 20244  
**HEARING EXAMINER**

**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:** Staff recommendation 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 15, 2024 hearing to September 12, 2024 hearing** to allow additional time to amend the request to include two variances. Since the petitioner will not be able to attend the hearing, staff will make the request on their behalf and will have no objection to this first continuance request.

**STAFF RECOMMENDATION**

Staff recommendation to be determined.

**PETITION OVERVIEW**

This petition is to be continued to the September 12, 2024 hearing.



**METROPOLITAN DEVELOPMENT COMMISSION  
HEARING EXAMINER**

August 15, 2024

**Case Number:** 2024-ZON-080  
**Property Address:** 3720 East Washington Street  
**Location:** Center Township, Council District #18  
**Petitioner:** Marybeth McShea  
**Request:** Rezoning of 0.14-acre from the C-1 (TOD) district to the D-8 (TOD) district to provide for an eight-unit multi-family residential development.  
**Staff Reviewer:** Kathleen Blackham, Senior Planner

**CONTINUANCE**

The petitioner has filed an Automatic Continuance, continuing this petition from the August 15, 2024, hearing, to the September 12, 2024, hearing. This will require the Hearing Examiner’s acknowledgement.



**METROPOLITAN DEVELOPMENT COMMISSION** **August 15, 2024**

**Case Number:** 2024-ZON-082

**Property Address:** 5102, 5111, 5117, 5122, 5127, 5139, 5143, and 5210 East 65<sup>th</sup> Street (Approximate Addresses)

**Location:** Washington Township, Council District #3

**Petitioner:** Schmoll Development Company, L. P., by Gregory Zubek

**Request:** Rezoning of 17.149 acres from the I-2 district to the C-S district to provide for commercial and light industrial uses, including uses permitted in the C-3 district and I-2 district, in addition to: sports performance training uses for all ages, including individual sports training, weight lifting and training, fitness personal training and conditioning, aerobics and spin training, assisted rehabilitation exercise program, yoga, Pilates, dance studio, martial arts training, specific sports training including batting cages and golf, plus, automobile and light vehicle wash, detailing, tinting (in buildings not facing 65<sup>th</sup> Street), and automobile, motorcycle and light vehicle service or repair (in buildings not facing 65<sup>th</sup> Street).

**Staff Reviewer:** Eddie Honea, Principal Planner II

**CONTINUANCE**

Due to a notice error by Staff, this petition must be continued to a future hearing date of the Hearing Examiner.

| EDH |



**METROPOLITAN DEVELOPMENT COMMISSION  
HEARING EXAMINER**

August 15, 2024

**Case Number:** 2024-ZON-083  
**Property Address:** Enter Property Address 1627, 1631, and 1635 Woodlawn Avenue  
**Location:** Center Township, Council District #18  
**Petitioner:** Indy Real Estate Consulting, LLC, by David Kingen and Emily Duncan  
**Staff Reviewer:** Kathleen Blackham, Senior Planner

**PETITION HISTORY**

Staff is requesting a continuance from the August 15, 2024 hearing, to the September 12, 2024 hearing, for additional time for the petitioner’s representative to respond to comments and request for additional information.





**METROPOLITAN DEVELOPMENT COMMISSION** **August 15, 2024**  
**HEARING EXAMINER**

**Case Number:** 2024-CVR-826 / 2024-CPL-826  
**Property Address:** 1150 East New York Street (approximate address)  
**Location:** Center Township, Council District #13  
**Petitioner:** Ronin Highland Park, LLC, by Jynell D. Berkshire  
**Current Zoning:** D-8

**Request:** Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for the construction five single-family attached dwellings, each with a zero-foot front setback along New York Street (front setback ranging from 10 feet to 19.9 feet required), building height of 46 feet (maximum 40 feet permitted), an 18-foot encroachment into the clear sight triangle of New York Street and an 11-foot encroachment into the clear sight triangle of Highland Avenue (not permitted), with deficient landscaping (50% living material required).

Approval of a Subdivision Plat to be known as Elevate Highland Park Subdivision, subdividing 0.20-acre into five single-family attached lots.

**Current Land Use:** Undeveloped  
**Staff Recommendations:** To be determined.  
**Staff Reviewer:** Marleny Iraheta, Senior Planner

**PETITION HISTORY**

This petition was continued from the July 11, 2024 hearing to the August 15, 2024 hearing at the request of the petitioner to provide additional time to work with staff.

The petitioner submitted a written request for a second **continuance for cause from the August 15, 2024 hearing to the September 12, 2024 hearing** to allow additional time to make adjustments to the proposal. Staff has no objection to this continuance request.

**STAFF RECOMMENDATION**

Staff recommendation to be determined.

**PETITION OVERVIEW**

This petition will be continued to the September 12, 2024 hearing.



**METROPOLITAN DEVELOPMENT COMMISSION** August 15, 2024  
**HEARING EXAMINER**

**Case Number:** 2024-ZON-077

**Property Address:** 122 North College Avenue (Approximate Address)

**Location:** Center Township, Council District #13

**Petitioner:** Cole, Inc., by David Kingen and Emily Duncan

**Current Zoning:** I-3 (RC) (FF) (TOD)

**Request:** Rezoning of 0.45-acre from the I-3 (RC) (FF) (TOD) district to the CBD-2 (RC) (FF) (TOD) district.

**Current Land Use:** One-story warehouse structure and a vacant religious structure

**Staff Recommendations:** Approval

**Staff Reviewer:** Jeffrey York, Principal Planner II

**PETITION HISTORY**

This is the first hearing for this petition.

**STAFF RECOMMENDATION**

Staff **recommends approval** of the request.

**PETITION OVERVIEW**

The 0.645-acre subject site is a developed with a one-story warehouse, a vacant religious structure, and a small parking lot north of the structures. The site is across the street from a local brewery, which currently uses the warehouse structure for storage.

This petition would rezone this site from the I-3 (RC) (FF) (TOD) district to the CBD-2 (RC) (FF) (TOD) district to provide for urban mixed uses. A site plan was not filed with this petition.

The I-3 district is for those heavy industrial uses which present an elevated risk to the general public and are typically characterized by factors that would be exceedingly difficult, expensive, or impossible to eliminate. These industries are therefore buffered by a sizable area to minimize and detrimental aspects. The development standards and performance standards reflect the recognition of these problems. Location of this district should be as far from protected districts and environmentally sensitive areas as practical and never be adjacent to protected districts.

The CBD-2 district is Central Business District Two for the general downtown area of Indianapolis, surrounding the CBD-1 and CBD-3 districts. The district represents the typical urban core of Indianapolis to be developed at very high density. It is a pedestrian oriented environment with a diverse mixture of



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uses such as residential, retail, restaurants, entertainment, major public facilities, major convention facilities, sports venues, hotels, and memorials.

RC is Regional Center, which is an overlay district. Design of all new construction, including parking areas in the Regional Center overlay district, is subject to the approval of the Metropolitan Development Commission. No development plans were submitted with this petition.

### Staff Analysis

The Urban Mixed-Use typology provides dense, pedestrian-oriented development with a wide range of businesses, services, and institutions that serve both adjacent neighborhoods and the broader Indianapolis community. Buildings are four to eight stories in height with entrances and large windows facing the street. Where possible, sidewalks and other pedestrian spaces should be activated as places to gather or otherwise spend time, such as sidewalk cafes and plazas. Public spaces may also be programmable for community events. Off-street parking should be behind buildings or in garages. Where block lengths are longer than 500 feet, public pedestrian paths should be provided as cut throughs. This typology has a residential density of at least 25 to 75 units per acre.

For these reasons, Staff is supportive of the rezoning to the CBD-2 (RC) (FF) (TOD) district.

### GENERAL INFORMATION

<b>Existing Zoning</b>	I-3 (RC) (FF) (TOD)	
<b>Existing Land Use</b>	A one-story warehouse and a small parking lot	
<b>Comprehensive Plan</b>	Urban Mixed Use	
<b>Surrounding Context</b>	<b>Zoning</b>	<b>Land Use</b>
North:	I-3 (RC) (FF) (TOD)	Office
South:	I-3 (RC) (FF) (TOD)	Undeveloped
East:	CBD-S (RC) (FF) (TOD)	Commercial brewery
West:	CBD-2 (RC)	Office and surface parking
<b>Thoroughfare Plan</b>		
College Avenue	Primary Arterial Street	78-foot existing and proposed right-of-way.
Ohio Street	Primary Arterial Street	78-foot existing and proposed right-of-way.
<b>Context Area</b>	Compact	
<b>Floodway / Floodway Fringe</b>	Yes	
<b>Overlay</b>	Yes – Regional Center and Transit Oriented Development	
<b>Wellfield Protection Area</b>	No	
<b>Site Plan</b>	No	
<b>Site Plan (Amended)</b>	N/A	
<b>Elevations</b>	N/A	
<b>Elevations (Amended)</b>	N/A	
<b>Landscape Plan</b>	N/A	
<b>Findings of Fact</b>	N/A	



<b>Findings of Fact (Amended)</b>	N/A
<b>C-S/D-P Statement</b>	N/A

**COMPREHENSIVE PLAN ANALYSIS**

**Comprehensive Plan**

- Marion County Land Use Plan Pattern Book (2019)
- Overlays
  - This site is located within the Regional Center, which is a secondary overlay district. Design of all new construction, including parking areas in the Regional Center overlay district, is subject to the approval of the Metropolitan Development Commission.
  - Blue Line Transit-Oriented Development Strategic Plan (2018).

**Pattern Book / Land Use Plan**

- The Marion County Land Use Plan Pattern Book (2019) recommends Urban Mixed-Use development for the subject site.
- The Urban Mixed-Use typology provides dense, pedestrian-oriented development with a wide range of businesses, services, and institutions that serve both adjacent neighborhoods and the broader Indianapolis community. Buildings are four to eight stories in height with entrances and large windows facing the street. Where possible, sidewalks and other pedestrian spaces should be activated as places to gather or otherwise spend time, such as sidewalk cafes and plazas. Public spaces may also be programmable for community events. Off-street parking should be behind buildings or in garages. Where block lengths are longer than 500 feet, public pedestrian paths should be provided as cut throughs. This typology has a residential density of at least 25 to 75 units per acre.

**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 within a ¼ mile to the southwest at the intersection of Washington Street and Park Avenue.
- This station is classified as a Central Business District Typology that would promote a high-density mixed-use and multi-family with a minimum of 25 units per acre, minimum of 10 stories at core with no front or side setbacks, with zero minimum parking requirements.



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### 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**

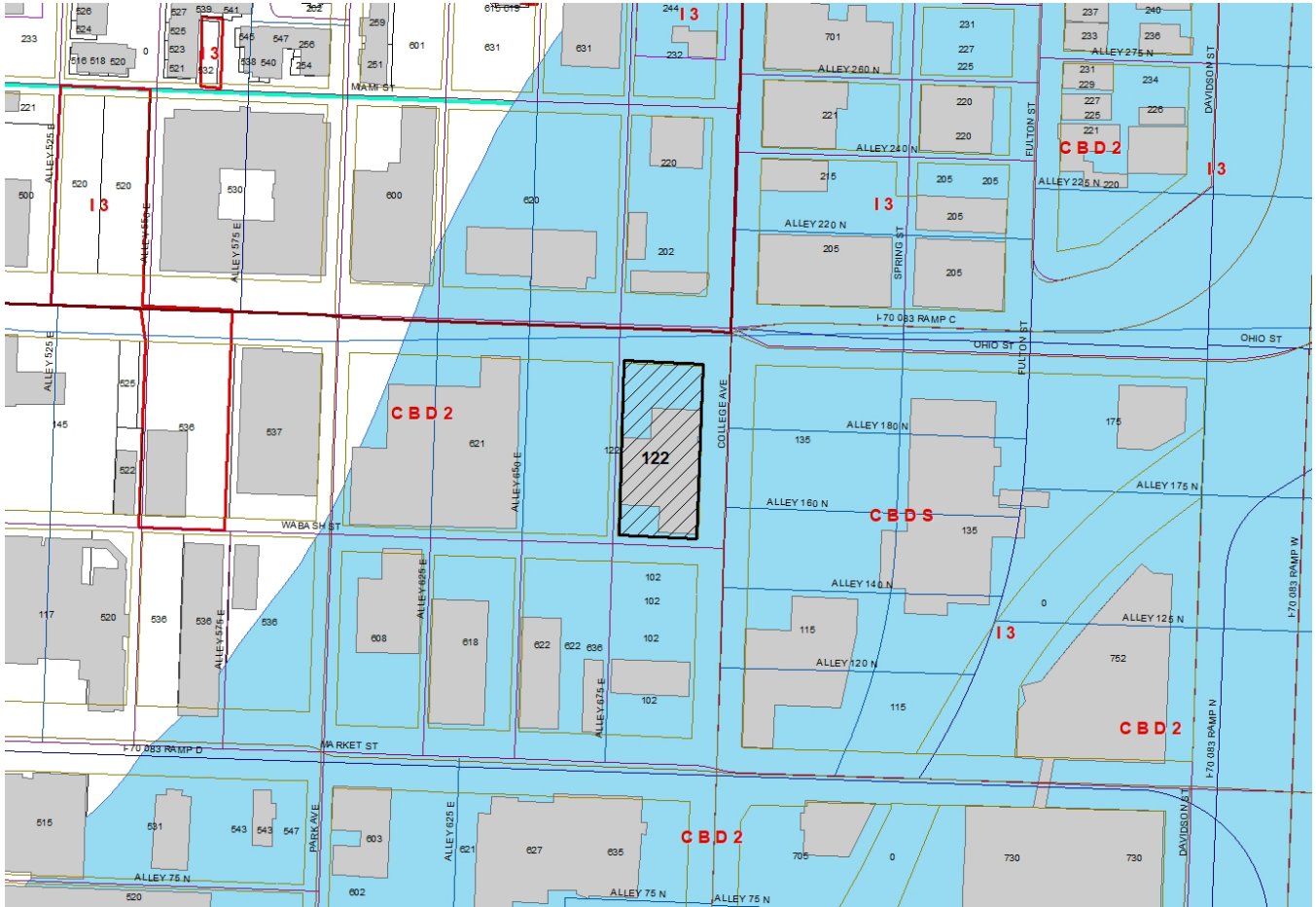
**ZONING HISTORY – SITE**

None.

**ZONING HISTORY – VICINITY**

None.

**EXHIBITS**





View of northern portion of the existing religious use structure along College Avenue





View of the warehouse structure along College Avenue



View of the parking lot north of the two structures



**METROPOLITAN DEVELOPMENT COMMISSION** August 15, 2024  
**HEARING EXAMINER**

**Case Number:** 2024-ZON-078  
**Property Address:** 402 South Carroll Road (Approximate Address)  
**Location:** Warren Township, Council District #20  
**Petitioner:** Kristopher Holeyfield  
**Current Zoning:** D-P  
**Request:** Rezoning of 4.623 acres from the D-P district to the D-A district.  
**Current Land Use:** Undeveloped  
**Staff Recommendations:** Approval with a commitment.  
**Staff Reviewer:** Marleny Iraheta, Senior Planner

**PETITION HISTORY**

**ADDENDUM FOR AUGUST 15, 2024 HEARING EXAMINER**

This petition was continued from the July 25, 2024 hearing to the August 15, 2024 hearing by the Hearing Examiner due to the petitioner’s absence when the case was called for public hearing.

Staff continues to recommend approval subject to the right-of-way commitment that the petitioner has agreed to.

**July 25, 2024**

This is the first public hearing for this petition.

**STAFF RECOMMENDATION**

Staff recommends 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:

A 63-foot half right-of-way shall be dedicated along the frontage of Carroll 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).



## PETITION OVERVIEW

### LAND USE

The 4.623-acre site is an undeveloped site in the Southeastern Warren neighborhood. It is bordered by single-family dwellings to the north, zoned D-P, a single-family and agricultural land to the west, zoned D-A, undeveloped agricultural land to the south, zoned D-A, and a single-family dwelling with agricultural and in Hancock County to the east.

Two subdivision plats were previously approved in 2006 and 2018 for the site to be divided into 22 lots. When the site was rezoned to the D-P district, it was for eleven duplexes with a total of 22 dwellings.

### REZONING

The grant of the request would rezone the subject site from the D-P district to the D-A district for development of a single-family dwelling.

The established purpose of the D-P District follows:

1. To encourage a more creative approach in land and building site planning.
2. To encourage and efficient, aesthetic, and desirable use of open space.
3. To encourage variety in physical development pattern.
4. To promote street layout and design that increases connectivity in a neighborhood and improves the directness of routes for vehicles, bicycles, pedestrians, and transit on an open street and multi-modal network providing multiple routes to and from destinations.
5. To achieve flexibility and incentives for residential, non-residential, and mixed-use developments which will create a wider range of housing types as well as amenities to meet the ever-changing needs of the community.
6. To encourage renewal of older areas in the metropolitan region where new development and restoration are needed to revitalize areas.
7. To permit special consideration of property with outstanding features, including but not limited to historical significance, unusual topography, environmentally sensitive areas and landscape amenities.
8. To provide for a comprehensive review and processing of development proposals for developers and the Metropolitan Development Commission by providing for concurrent review of land use, subdivision, public improvements, and siting considerations.
9. To accommodate new site treatments not contemplated in other kinds of districts.

The D-A district holds the agricultural lands of Marion County and provides for a variety of agricultural uses. It is intended to provide for animal and poultry husbandry, farming, cultivation of crops, dairying, pasturage, floriculture, horticulture, viticulture, apiaries, aquaculture, hydroponics, together with necessary, accompanying accessory uses, buildings, or structures for housing, packing, treating, or storing said products; or lands devoted to a soil conservation or forestry management program. A single-family dwelling is intended to be permitted as a part of such agricultural uses. A secondary provision of this district is large estate development of single-family



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dwelling. This district fulfills the very low-density residential classification of the Comprehensive General Land Use Plan. This district does not require public water and sewer facilities.

**DEPARTMENT OF PUBLIC WORKS**

The Department of Public Works, Traffic Engineering Section, has requested the dedication and conveyance of a 63-foot half right-of-way along Carroll Road. This dedication would also be consistent with the Marion County Thoroughfare Plan.

**STAFF ANALYSIS**

Staff is recommending approval of the request to rezone the site from the D-P district to the D-A district to allow for the development of one estate lot with a proposed single-family dwelling since it would align with the suburban neighborhood recommendation of the Comprehensive Plan.

Although it would not be a highly dense proposal as permitted in the existing D-P district, large D-A lots are not uncommon in this section of the county.

The petitioner is aware of the D-P development standards and is prepared to meet them with the proposed single-family dwelling to be built on site.

**GENERAL INFORMATION**

<b>Existing Zoning</b>	D-P	
<b>Existing Land Use</b>	Undeveloped	
<b>Comprehensive Plan</b>	Suburban Neighborhood	
<b>Surrounding Context</b>	<b><u>Zoning</u></b>	<b><u>Land Use</u></b>
	North:	D-P Residential (Single-family dwellings)
	South:	D-A Undeveloped /Agricultural
	East:	Hancock County Residential (Single-family dwelling) /Agricultural
	West:	D-A Residential (Single-family dwelling) /Agricultural
<b>Thoroughfare Plan</b>		
Carroll Road	Secondary Arterial Street	63-foot proposed half right-of-way and 16-foot existing half right-of-way.
<b>Context Area</b>	Metro	
<b>Floodway / Floodway Fringe</b>	No	
<b>Overlay</b>	No	
<b>Wellfield Protection Area</b>	No	
<b>Site Plan</b>	N/A	
<b>Site Plan (Amended)</b>	N/A	
<b>Elevations</b>	N/A	



<b>Elevations (Amended)</b>	N/A
<b>Landscape Plan</b>	N/A
<b>Findings of Fact</b>	N/A
<b>Findings of Fact (Amended)</b>	N/A
<b>C-S/D-P Statement</b>	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 suburban neighborhood development of the site.
- 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.
- **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.
  - 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.
- **Detached Housing**
  - The house should extend beyond the front of the garage.
  - Lots should be no more than 1.5 times the size (larger or smaller) of adjacent/surrounding lots, except in cases where lots abut existing residential lots of one



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acre or more in size. In those cases, lots should be no smaller than 10,000 square feet and no larger than 1.5 times the size of the abutting lot.

### 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



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construction. Every elevation (sides and rear) should have windows on each story to help break up the monotony of the façade.

- **7. Materials Used Should Reflect the Context of the Neighborhood:** Introducing new materials that are not used in the existing context should be done in a way where those materials are not the dominant material and make up less than 30% of the overall façade design.
- **8. Consider Unique Neighborhood Features:** In addition to the architectural features mentioned above, consider other common features like chimneys, dormers, gables, and overhanging eaves that shape the character of a neighborhood. When possible, include these features into new construction.

#### Indy Moves

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

- Indy Moves Transportation Integration Plan (2018) has a proposed multi-use path along Carroll Road.





## ZONING HISTORY

### Zoning History - Site

**2019-MOD-001; 402 South Carroll Road** (subject site), Modification of Development Statement for 2006-ZON-868 to modify commitment #8 to provide for slab foundations (crawl space or basement required), **approved**.

**2018-PLT-079; 402 South Carroll Road** (subject site), Approval of Subdivision Plat, to be known as Grassy Village, Section Two, dividing 4.655 acres into 22 single-family attached lots, **approved**.

**2006-PLT-826; 402 North Carroll Road** (subject site), Approval of a Subdivision Plat to be known as Grassy Village, Section Two dividing 4.655 acres into 22 lots, **approved**.

**2006-ZON-826; 402 North Carroll Road** (subject site), Rezoning of 4.655 acres, from the D-2 District, to the D-P classification to provide for eleven, two-family dwellings at a density of 4.82 units per acre, **approved**.

**2003-PLT-080; 402 South Carroll Road** (subject site), Approval of a subdivision plat known as Grassy Village, Section 1A, dividing 17.354 acres into 57 lots, **approved**.

**97-Z-93; 198 South Carroll Road** (subject site), Rezoning of 58.8 acres from D-A (FF)(FW) to D-2 (FF)(FW) to provide for the construction of single-family dwellings, **approved**.

### Zoning History – Vicinity

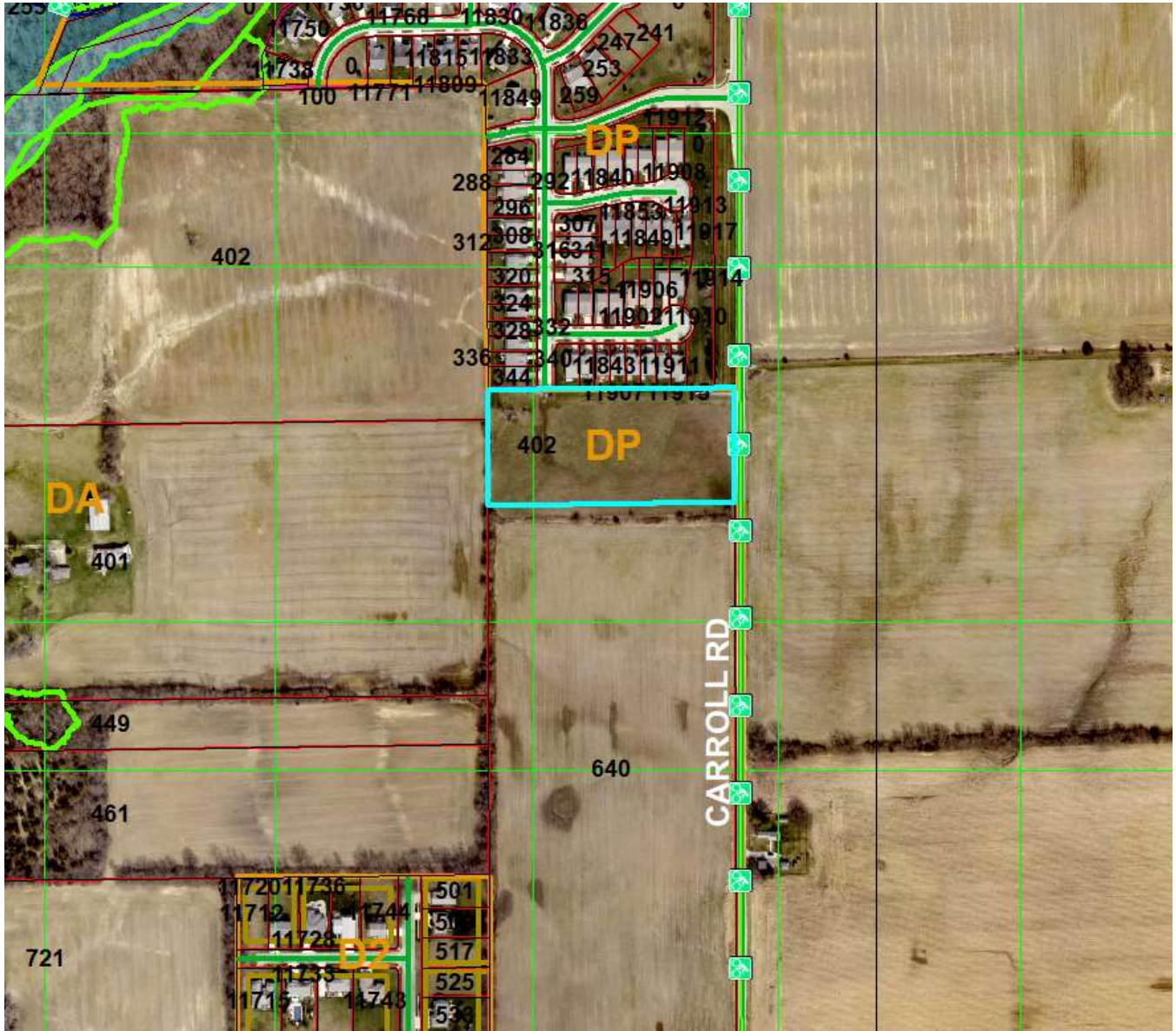
**2022-ZON-076; 640 South Carroll Road** (south of site), Rezoning of 44.373 acres from the D-A districts to the D-P district to provide for a 124-lot residential subdivision, **withdrawn**.

**2009-ZON-807 / 2009-VAR-807; 402 South Carroll Road** (northwest of site), Rezoning of 4.65 acres from the D-P District to the D-A classification to provide for dwelling and /or agricultural uses to the D-A classification and Variance of Development standards to legally establish a 27-acre lot with 50 feet of street frontage along Starmont Drive (minimum 125 feet of public street frontage required), **approved**.

**2003-ZON-817; (2003-DP-005) / 2003-PLT-817; 402 South Carroll Road and 401 South Muessing Street** (north of site), rezoning of 49.449 acres from D-2 (FF)(FW) to D-P (FF)(FW) to provide for a subdivision plat known as Grassy Village creating 75 lots, with 51 single-family dwellings and 24 two-family dwellings constituting an overall density of two units per acre, **approved**.

**94-Z-189; 11794 East Prospect Street** (southwest of site), Rezoning of 53.6 acres, being in the D-A District, to the D-2 classification to provide for single-family residential development, **approved**.

**EXHIBITS**





Phot of the subject site looking east towards Carroll Road.



Photo of the subject site looking southeast towards Carroll Road.



Photo of the subject site looking south.



Photo of the subject site looking west.



Photo of the subject site looking south from a



Photo of single-family dwellings north of the site.



Photo of single-family dwellings north of the site.



**METROPOLITAN DEVELOPMENT COMMISSION** August 15, 2024  
**HEARING EXAMINER**

**Case Number:** 2024-ZON-086

**Property Address:** 1427, 1429, 1433 and 1439 Deloss Street

**Location:** Center Township, Council District #13

**Petitioner:** Structure Investments, LLC, by Elizabeth Bentz Williams

**Current Zoning:** I-2

**Request:** Rezoning of 0.32-acre from the I-2 (TOD) district to the D-8 (TOD) district to develop three single-family dwellings.

**Current Land Use:** Vacant property / single-family dwelling

**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:

Final site plan and elevations shall be submitted for Administrator Approval prior to the issuance of an Improvement Location Permit (ILP).

**PETITION OVERVIEW**

This 0.32-acre site, zoned I-2 (TOD), is comprised of four contiguous parcels, one of which is developed with a single-family dwelling. It is surrounded by vacant land and single-family dwellings to the north, across Deloss Street, zoned D-8 (TOD); single-family dwellings to the south, zoned D-8 (TOD); vacant land to the east, zoned D-8 (TOD); and a single-family dwelling to the west, zoned I-2 (TOD).

The request would rezone the site to the D-8 (TOD) (Walkable Neighborhood) District. "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."



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The request would be consistent with the Comprehensive Plan recommendation of traditional neighborhood typology and compatible with residential redevelopment occurring in the immediate area. Consequently, staff recommends approval of the rezoning request.

Staff would note that historical maps indicate that the site was initially developed with single-family dwellings. Between 2002 and 2007, three of the dwellings were demolished. The site has remained undeveloped since then, except for the existing dwelling on the easternmost parcel.

As development on this site occurs, recommendations of the Pattern Book should be considered, as well as compliance with the Ordinance to mitigate negative impacts on surrounding residential development.

**GENERAL INFORMATION**

<b>Existing Zoning</b>	I-2 (TOD)	
<b>Existing Land Use</b>	Vacant land / single-family dwelling	
<b>Comprehensive Plan</b>	Traditional Neighborhood	
<b>Surrounding Context</b>	<u><b>Zoning</b></u>	<u><b>Land Use</b></u>
North:	I-2 (TOD)	Single-family dwellings
South:	D-8 (TOD)	Single-family dwellings
East:	D-8 (TOD)	Vacant land
West:	I-2 (TOD)	Single-family dwelling
<b>Thoroughfare Plan</b>		
Deloss Street	Local Street	Existing 50-foot right-of-way and proposed 48-foot right-of-way.
<b>Context Area</b>	Compact	
<b>Floodway / Floodway Fringe</b>	No	
<b>Overlay</b>	Yes – Transit-Oriented Development	
<b>Wellfield Protection Area</b>	No	
<b>Site Plan</b>	July 12, 2024	
<b>Site Plan (Amended)</b>	N/A	
<b>Elevations</b>	N/A	
<b>Elevations (Amended)</b>	N/A	
<b>Landscape Plan</b>	N/A	
<b>Findings of Fact</b>	N/A	
<b>Findings of Fact (Amended)</b>	N/A	
<b>C-S/D-P Statement</b>	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 is recommended if the development is within a quarter mile of a frequent transit line, greenway, or park.”

### Pattern Book / Land Use Plan

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

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

- *Conditions for All Land Use Types – Traditional Neighborhood Typology*
  - All land use types except small-scale parks and community farms/gardens in this typology must have adequate municipal water and sanitary sewer.
  - All development should include sidewalks along the street frontage.
  - In master-planned developments, block lengths of less than 500 feet, or pedestrian cut-throughs for longer blocks, are encouraged.
- *Conditions for All Housing*
  - A mix of housing types is encouraged.
  - Should be within a one-mile distance (using streets, sidewalks, and/or off-street paths) of a school, playground, library, public greenway, or similar publicly accessible recreational or cultural amenity that is available at no cost to the user.
  - Primary structure should be no more than one and a half times the height of other adjacent primary structures.
  - Should be oriented towards the street with a pedestrian connection from the front door(s) to the sidewalk. Driveways/parking areas do not qualify as a pedestrian connection.





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- Developments with densities higher than 15 dwelling units per acre should have design character compatible with adjacent properties. Density intensification should be incremental with higher density housing types located closer to frequent transit lines, greenways or parks.
- *Detached Housing (detached housing refers to detached single-family homes. While this type of housing may include a secondary dwelling unit (such as a mother-in-law suite or carriage house), the secondary dwelling unit is usually smaller than the primary home and the entire property is under a single ownership)*
  - If proposed within one-half mile along an adjoining street of an existing or approved residential development, then connecting, continuous pedestrian infrastructure between the proposed site and the residential development (sidewalk, greenway, or off-street path) should be in place or provided.
  - Should be located at the intersections of arterial streets and should be no closer than one mile to another commercial node with one acre or more of commercial uses except as reuse of a historic building.
  - Should be limited to an aggregate of 3.5 acres per intersection, with no one corner having more than 1.5 acres.
  - Should be limited to areas and parcels with adequate space for required screening and buffering.
  - Automotive uses (such as gas stations and auto repair) and uses requiring a distance of separation of greater than 20 feet under the zoning ordinance (such as liquor stores, adult uses, and drive-through lanes) are excluded.

### Red Line / Blue Line / Purple Line TOD Strategic Plan

- The Blue Line Transit-Oriented Development Strategic Plan (2018)
- This site is also located within an overlay, specifically the Transit Oriented Development (TOD). “Overlays are used in places where the land uses that are allowed in a typology need to be adjusted. They may be needed because an area is environmentally sensitive, near an airport, or because a certain type of development should be promoted. Overlays can add uses, remove uses, or modify the conditions that are applied to uses in a typology.”
- The Transit-Oriented Development (TOD) overlay is intended for areas within walking distance of a transit station. The purpose of this overlay is to promote pedestrian connectivity and a higher density than the surrounding area.
- This site is located within a ½ mile walk of a proposed transit stop located at the intersection of Southeastern Avenue and U.S. 40 (Washington Street), with a Central Business District typology.
- Central Business District Center stations are in the Regional Center with the region’s highest density and largest concentration of employment. Development opportunities include dense infill and redevelopment, office, mixed-use, cultural and civic institutions and a focus on enhanced placemaking and livability.

### Neighborhood / Area Specific Plan

- Not Applicable to the Site.

### Infill Housing Guidelines

- The Infill Housing Guidelines (2021)
  - The Infill Housing Guidelines were updated and approved in May 2021, with a stated goal “to help preserve neighborhood pattern and character by providing guiding principles for new construction to coexist within the context of adjacent homes, blocks, and existing neighborhoods. These guidelines provide insight into basic design concepts that shape neighborhoods, including reasons why design elements are important, recommendations for best practices, and references to plans and ordinance regulations that reinforce the importance of these concepts.”
  - These guidelines apply to infill development in residential areas within the Compact Context Area and include the following features:
  - “As established neighborhoods experience new development, infill residential construction will provide housing options for new and existing residents. Increased population contributes positively to the local tax base, economic development, lively neighborhoods, and an interesting city. As infill construction occurs, it is important to guide development in a way that complements current neighborhoods. Each home in a neighborhood not only contributes to the existing context of adjoining houses and the block, but to the sense of place of the entire neighborhood.”
  - Because the document submitted depicting the elevations is unreadable, staff would request that elevations be submitted for Administrator Approval prior to the issuance of an Improvement Location Permit (ILP) to confirm that the proposed dwellings would be architecturally compatible and harmonious with the surrounding land uses and neighborhood character and the Infill Housing Guidelines.
  - Site Configuration
    - Front Setbacks
    - Building Orientation
    - Building Spacing
    - Open Space
    - Trees, Landscaping, and the Outdoors
  - Aesthetic Considerations
    - Building Massing
    - Building Height
    - Building Elevations and Architectural Elements



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- Additional Topics
  - Secondary Dwelling Units, Garages, and Accessory Structures
  - Adapting to the Future

### 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

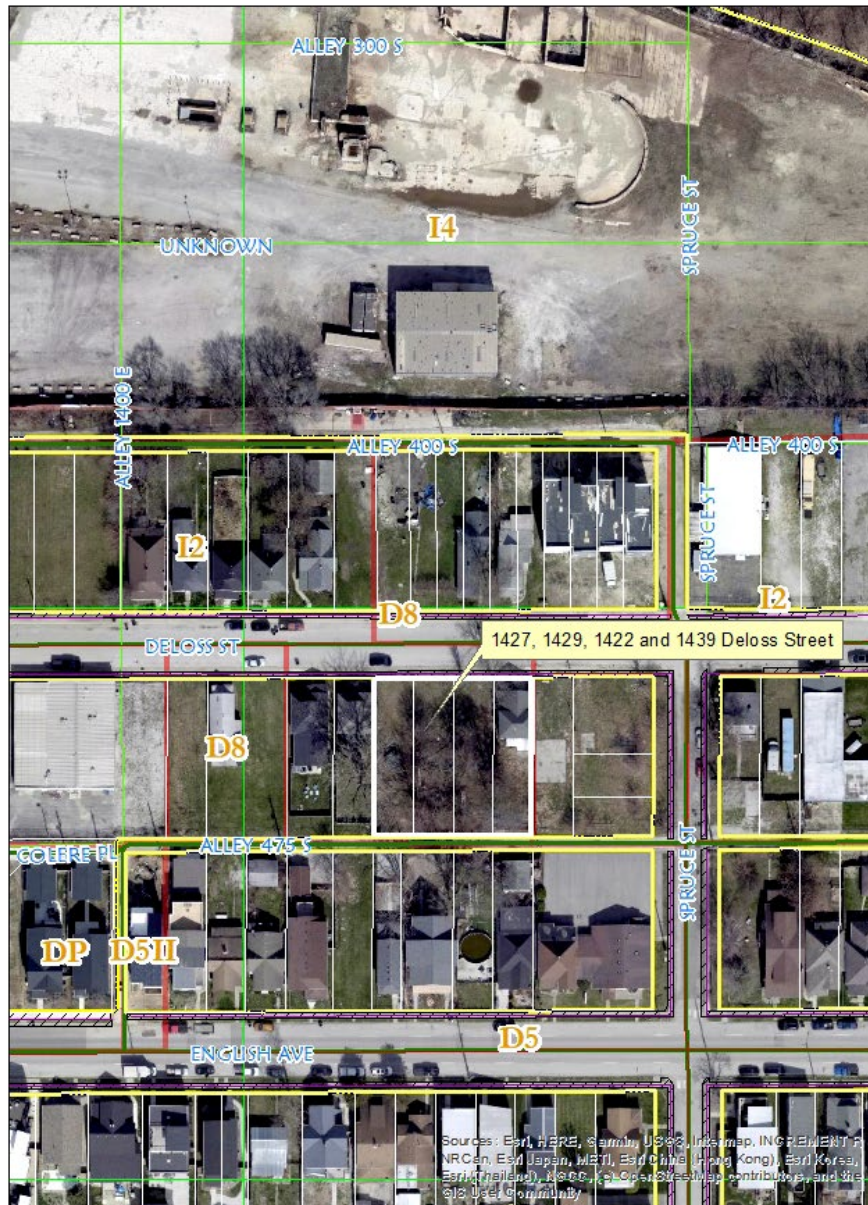
**2023-CZN-857 / 2023-CVR-857 / 2023-CPL-857; 436-444 Spruce Street and 1441 Deloss Street (east of site)**, requested rezoning of 0.25 acre from the I-2 (TOD) district to the D-8 (TOD) district, a variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for a multi-family development with direct vehicular access to Deloss Street, and approval of a Subdivision Plat to be known as Baker Midwest, Minor Plat, combining three platted lots (four tax parcels) into One Lot with a waiver of the Subdivision Regulations to allow for access to Deloss Street, **approved and granted.**

**2023-ZON-005; 1405 Deloss Street (west of site)**, requested rezoning of 0.08 acre from the I-2 district to the D-8 district to provide for a single-family dwelling, **approved.**

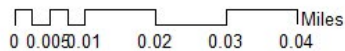
**2018-ZON-044; 1426, 1430, 1438 and 1446 Deloss Street (west of site)**, requested a rezoning of 0.52 acre from the I-2 District, to the D-8 classification, **approved.**

**2018-CZN-836 / 2018-CVR-836 / 2018-CPL-836; 1409, 1426, 1430, 1434, 1438 and 1446 Deloss Street (west of site)**, requested rezoning of 0.25 acre from the I-2 district to the D-8 district; a variance of development standards to provide for two townhomes buildings separated by three feet and with three-foot side setbacks; and approval of a Subdivision Plat to be known as Lambda Chi Alpha Townhomes, dividing 0.58 acre into ten single-family attached lots **approved and granted.**

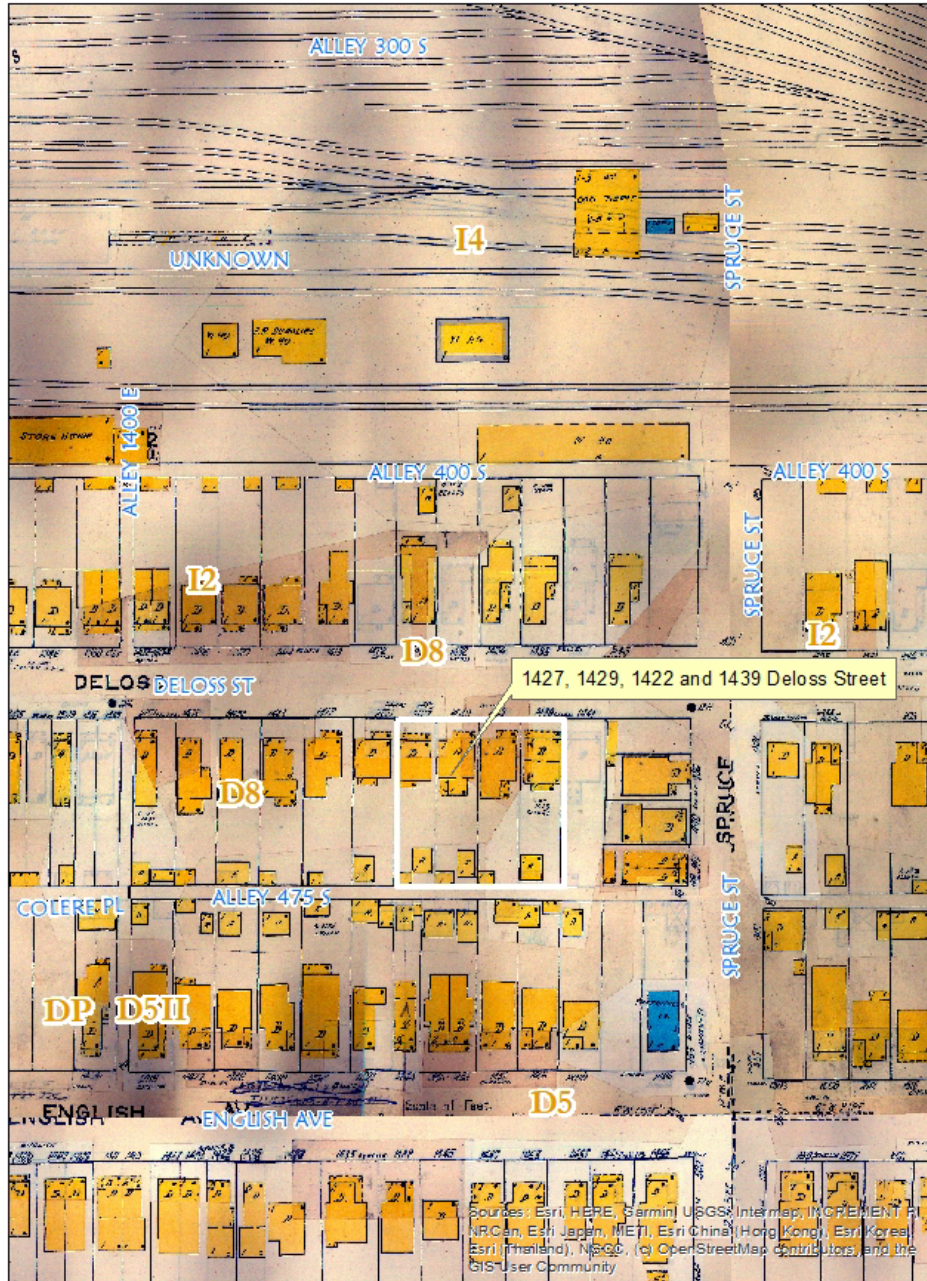
EXHIBITS



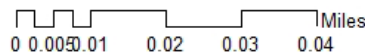
1427, 1429, 1433 and 1439 Deloss Street



1915 Sanborn Map

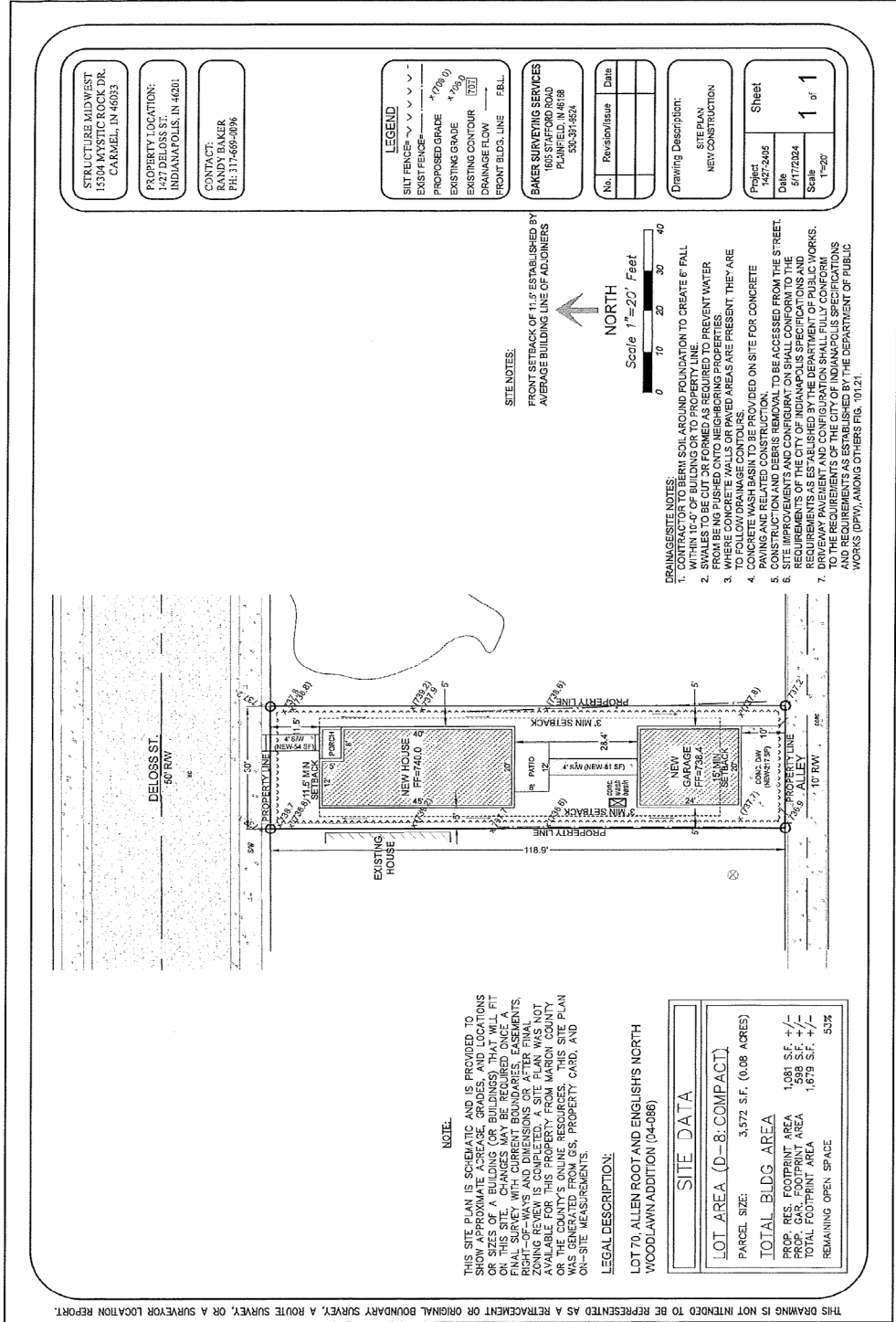


1427, 1429, 1433 and 1439 Deloss Street



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

1427 Deloss Street



STRUCTURE MIDWEST  
13104 MYSTIC ROCK DR.  
CARMEL, IN 46033

PROPERTY LOCATION:  
1427 DELOSS ST.  
INDIANAPOLIS, IN 46201

CONTACT:  
RANDY BAKER  
PH: 317-669-0896

**LEGEND**

SILT FENCE ~ ~ ~ ~ ~

EXISTING FENCE - - - - -

PROPOSED GRADE 17.08(0)

EXISTING GRADE 4.78(0)

EXISTING CONTOUR 70.0

DRAINAGE FLOW →

FRONT BLDG. LINE F.B.L.

SAKER SURVEYING SERVICES  
1605 STAFFORD ROAD  
PLAINFIELD, IN 46188  
530-381-4824

No.	Revision/Issue	Date

Drawing Description:  
SITE PLAN  
NEW CONSTRUCTION

Project: 1427-2405  
Date: 5/17/2024  
Scale: 1"=20'  
Sheet: 1 of 1

**SITE NOTES:**

FRONT SETBACK OF 11.5' ESTABLISHED BY AVERAGE BUILDING LINE OF ADJACERS

**SCALE:** 1" = 20' Feet

**DRAINAGE SITE NOTES:**

1. CONCRETE WASH BASIN TO BE INSTALLED IN SOIL AROUND FOUNDATION TO CREATE 6" FALL WITHIN 10'-0" OF BUILDING OR TO PROPERTY LINE.
2. SWALES TO BE CUT OR FORMED AS REQUIRED TO PREVENT WATER FROM BEING PUSHED ONTO NEIGHBORING PROPERTIES.
3. TO FOLLOW CURB OR PAVED AREAS ARE PRESENT, THEY ARE TO FOLLOW CURB OR PAVED AREAS.
4. CONCRETE WASH BASIN TO BE PROVIDED ON SITE FOR CONCRETE PAVING AND RELATED CONSTRUCTION.
5. CONSTRUCTION AND DEBRIS REMOVAL TO BE ACCESSED FROM THE STREET.
6. THE HEIGHTS AND CONFIGURATION SHALL CONFORM TO THE REQUIREMENTS AS ESTABLISHED BY THE DEPARTMENT OF PUBLIC WORKS.
7. DRIVEWAY PAVEMENT AND CONFIGURATION SHALL FULLY CONFORM TO THE REQUIREMENTS OF THE CITY OF INDIANAPOLIS SPECIFICATIONS AND REQUIREMENTS AS ESTABLISHED BY THE DEPARTMENT OF PUBLIC WORKS (DPW), AND/OR OTHERS (PG. 10, 12).

**NOTE:**

THIS SITE PLAN IS SCHEMATIC AND IS PROVIDED TO SHOW APPROXIMATE AREAS, GRADES, AND LOCATIONS OF PROPOSED STRUCTURES. THIS PLAN IS NOT TO BE USED FOR FINAL SURVEY WITH CURRENT BOUNDARIES, EASEMENTS, RIGHT-OF-WAYS AND DIMENSIONS OR AFTER FINAL SURVEY. THIS SITE PLAN IS NOT TO BE USED FOR ANY PURPOSES OTHER THAN AVAILABLE FOR THIS PROPERTY FROM MASON COUNTY OR THE COUNTY'S ONLINE RESOURCES. THIS SITE PLAN WAS GENERATED FROM G.S. PROPERTY CARD, AND ON-SITE MEASUREMENTS.

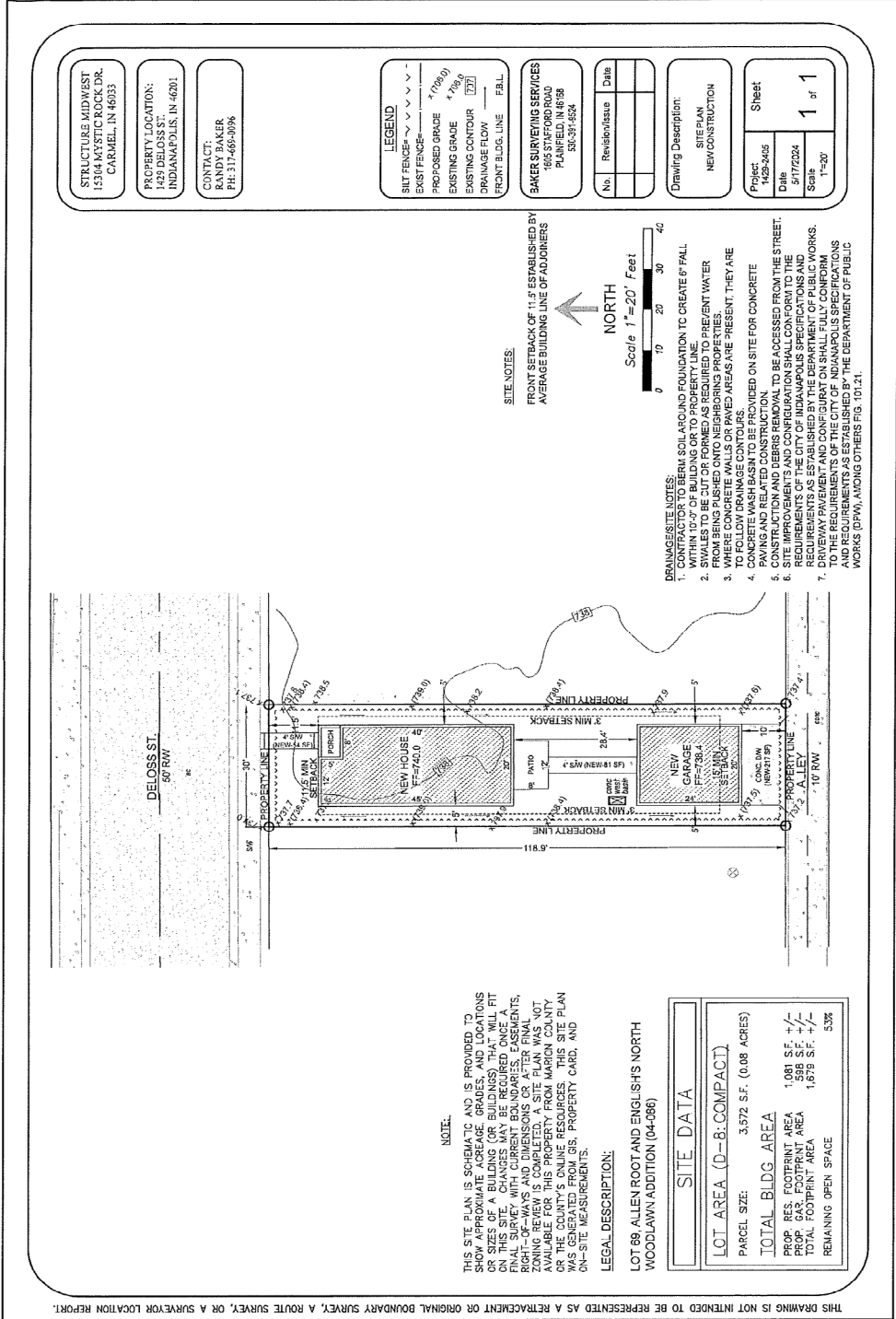
**LEGAL DESCRIPTION:**

LOT 70, ALLEN ROOT AND ENGLISH'S NORTH WOODLAWN ADDITION (04-086)

SITE DATA	
LOT AREA (D-8; COMPACT)	3,872 S.F. (0.08 ACRES)
TOTAL BLDG AREA	1,684 S.F. +/-
PROP. RES. FOOTPRINT AREA	1,673 S.F. +/-
TOTAL FOOTPRINT AREA	1,673 S.F. +/-
REMAINING OPEN SPACE	53%

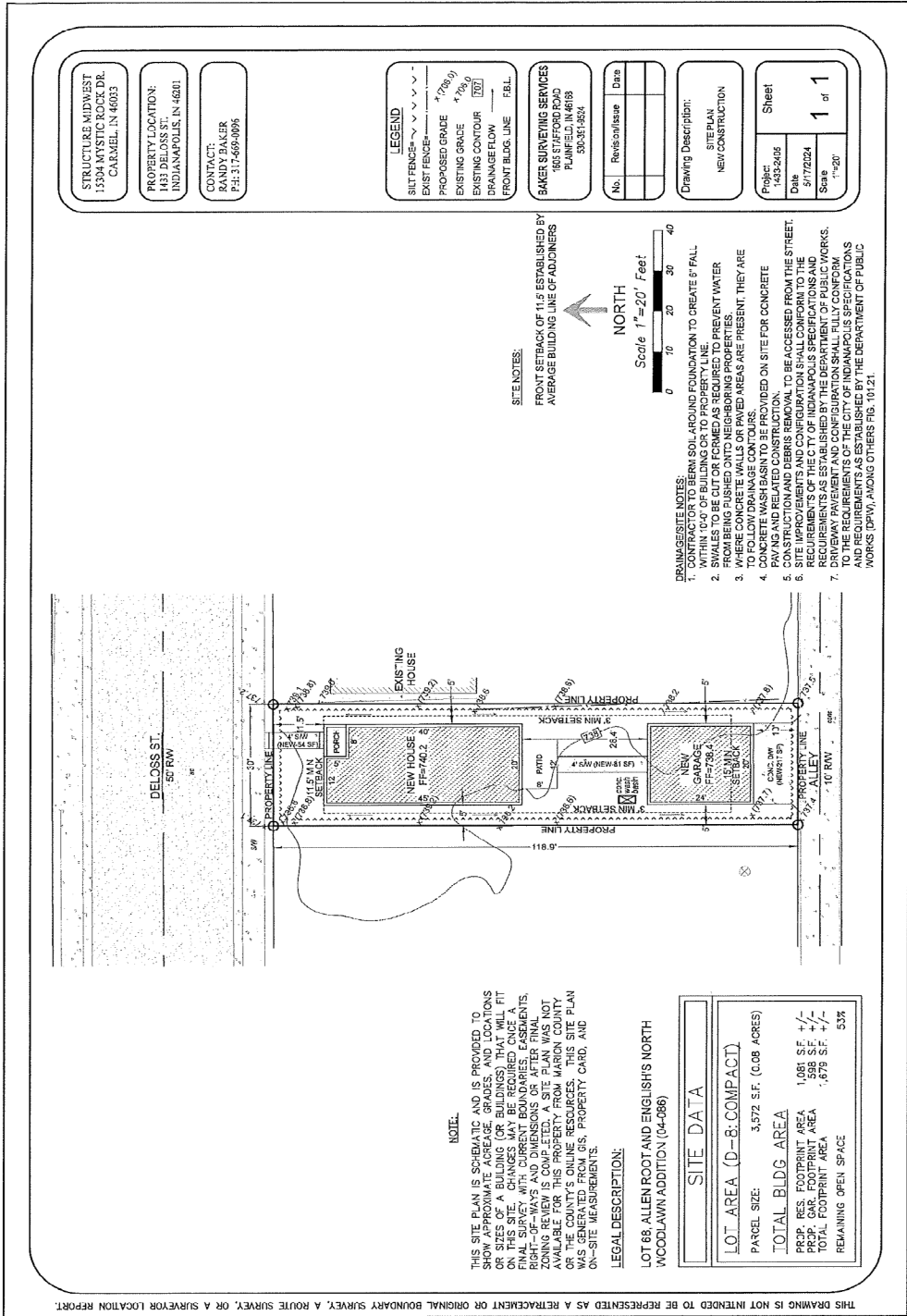
THIS DRAWING IS NOT INTENDED TO BE REPRESENTED AS A RETRACTIONMENT OR ORIGINAL BOUNDARY SURVEY, A ROUTE SURVEY, OR A SURVEYOR LOCATION REPORT.

1429 Deloss Street





1433 Deloss Street





View looking east along Deloss Street



View looking west along Deloss Street



View looking south across Deloss Street adjacent lot to existing building



View looking south across Deloss Street at easternmost lot and existing dwelling



View looking south across Deloss Street at westernmost lot



View looking south across Deloss Street at westernmost lot



**METROPOLITAN DEVELOPMENT COMMISSION** August 15, 2024  
**HEARING EXAMINER**

**Case Number:** 2024-CAP-828 / 2024-CVR-828 / 2024-CVC-828  
**Property Address:** 1013 West Morris Street  
**Location:** Center Township, Council District #18  
**Petitioner:** Indy Grille Family Restaurant, LLC, by Adam DeHart  
**Current Zoning:** C-7 (FF)

Modification of Conditions and Site Plan related to 85-UV2-52 to delete Condition #3 which states that Morris Street shall be used for exit only and shall be properly identified as such and to modify the site plan related to 85-UV2-52 to provide for additions to the existing structure and additional surface parking area.

**Request:**

Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for a 2.2-foot front setback from Morris Street, a 6.7-foot front setback from Bridge Street, a five-foot front setback from Drover Street (minimum 10-foot front setback required along all streets), no landscaping along Drover Street (landscaping required), and no interior landscaping within the proposed parking area (minimum 9% of all uncovered vehicle areas required).

Vacation of a portion of Drover Street (formerly a portion of Lot 85 in McCarty’s Third West Side, an Addition to the City of Indianapolis), ranging from 31 to 33 feet (irregular) in width, from the south right-of-way line of Morris Street, south 109.2 feet to the first east-west alley south of Morris Street.

**Current Land Use:** Commercial uses (vacant)

**Staff**

Approval of the modification and variance, subject to the commitment noted below.

**Recommendations:**

Approval of the vacation request and waiver of benefits.

**Staff Reviewer:**

Kathleen Blackham, Senior Planner

**PETITION HISTORY**

The Hearing Examiner continued these petitions from the July 25, 2024 hearing, to the August 15, 2024 hearing, at the request of the petitioner’s representative to provide additional time to resolve the issues related to proposed the right-of-way vacation.



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The petitioner's representative submitted amended documents that included adjustments to the right-of-way vacation and the site plan. Based on this updated information and approval from the Department of Public Works, staff now recommends approval of all three requests, subject to the commitment noted below

## STAFF RECOMMENDATION

Approval of the modification and variances, subject to the following commitment being reduced to writing on the Commission's Exhibit "C" form at least three days prior to the MDC hearing:

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

Denial of the vacation request.

**RECOMMENDED MOTION (Denial):** That the Hearing Examiner finds that the proposed vacation is not in the public interest; that a hearing upon the assessment of benefits be waived.

**RECOMMENDED MOTION (Approval):** That the Hearing Examiner finds that the proposed vacation is in the public interest; that a hearing upon the assessment of benefits be waived; that the Hearing Examiner confirm and ratify the adoption of Declaratory Resolution 2024-CVC-828; and that the vacation be subject to the rights of public utilities under IC 36-7-3-16.

## PETITION OVERVIEW

### MODIFICATION

This 0.330-acre site, zoned C-7 (FF), is developed with a commercial building that is currently vacant. It is surrounded by commercial uses to the north, across West Morris Street, zoned C-7 (FF); commercial uses to the east, across Drover Street, zoned C-7 (FF); and industrial uses to the south and west, zoned I-3 (FF).

Petition 85-UV2-52 provided for a building addition for restaurant uses, with insufficient parking. As proposed the modification would remove the condition that required an exit only drive on West Morris Street. See Exhibit A (site plan and letter of grant).

This request would modify the site plan and Condition Number 3 of the grant of the 1985 variance to provide for a building addition and reconfiguration of the parking and access drives. See Exhibit B for details.



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Staff supports the modification request because the use would be consistent with the Comprehensive Plan recommendation of community commercial, and it would activate a vacant commercial property.

### **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.

### **VARIANCE OF DEVELOPMENT STANDARDS**

This request would provide for reduced setbacks along the three frontages (West Morris Street, Bridge Street and Drover Street), ranging from 2.2 feet to 6.7 feet when the Ordinance requires 10 feet. Because of the lot configuration and the three street frontages, staff believes there is a practical difficulty from which relief should be granted.



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Division of Planning  
Current Planning**

The variance request would also eliminate the required parking lot landscaping. It appears from the site plan notations that the required perimeter landscaping would be met, which would provide green space and buffering for surrounding land uses. Staff understands that this site presents challenges in redevelopment efforts and supports the reduced landscaping on this site.

**VACATION**

This request would vacate a portion of Drover Street ranging from 31 to 33 feet from the south right-of-way line of Morris Street, south 109.2 feet to the first east-west alley south of West Morris Street.

Staff and the petitioner’s representative consulted with the Department of Public Works (DPW) regarding the proposed vacation of a portion of Drover Street. DPW staff agreed to a maximum of a 22-foot-wide vacation, which would align with the right-of-way to the south of this site. However, this request exceeds what would be supported by staff between nine and 11 feet. Consequently, staff recommends denial of the vacation request.

The area of proposed vacation is unimproved. If the vacation would be approved, staff would not object to a waiver of benefits despite the lack of the request from the petitioner’s representative to waive the assessment of benefits.

Staff finds that the vacation, as requested, **would not be in the public interest**, and the vacation **should be denied**.

**GENERAL INFORMATION**

<b>Existing Zoning</b>	C-7 (FF)	
<b>Existing Land Use</b>	Commercial uses (vacant)	
<b>Comprehensive Plan</b>	Community Commercial	
<b>Surrounding Context</b>	<b>Zoning</b>	<b>Land Use</b>
	North: C-7 (FF)	Commercial uses
	South: I-3 (FF)	Industrial uses
	East: C-7 (FF)	Commercial uses
	West: I-3 (FF)	Industrial uses
<b>Thoroughfare Plan</b>		
West Morris Street	Primary Arterial	Existing 88-foot right-of-way and proposed 78-foot right-of-way.
Drover Street	Primary Collector	Existing 100-foot right-of-way and proposed 56-foot right-of-way.
Bridge Street	Local Street	Existing 50-foot right-of-way and proposed 48-foot right-of-way.





<b>Context Area</b>	Compact
<b>Floodway / Floodway Fringe</b>	Yes – 500-year unregulated floodplain
<b>Overlay</b>	No
<b>Wellfield Protection Area</b>	No
<b>Site Plan</b>	June 2, 2024
<b>Site Plan (Amended)</b>	August 1, 2024
<b>Elevations</b>	June 2, 2024
<b>Elevations (Amended)</b>	N/A
<b>Landscape Plan</b>	June 2, 2024
<b>Findings of Fact</b>	June 2, 2024
<b>Findings of Fact (Amended)</b>	N/A
<b>C-S/D-P Statement</b>	June 2, 2024 (Project Narrative)

**COMPREHENSIVE PLAN ANALYSIS**

**Comprehensive Plan**

- The Comprehensive Plan recommends Community Commercial and typology. The Community Commercial typology provides for low-intensity commercial, and office uses that serve nearby neighborhoods. These uses are usually in freestanding buildings or small, integrated centers. Examples include small-scale shops, personal services, professional and business services, grocery stores, drug stores, restaurants, and public gathering spaces.

**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.



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### 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

**85-UV2-52; 1013 West Morris Street**, requested a variance of development standards of the Commercial Zoning Ordinance to provide for a building addition within the required setbacks and to use the site for a restaurant without sufficient on-site parking, **granted**.

### VICINITY

**2006-ZON-011; 1306, 1312, 1314, 1315, 1318, 1319, 1321, 1322, 1324, 1328, 1329, 1332, 1333, 1334, 1339, 1349, 1340, 1342, 1343, 1346, 1347, 1348, 1349, 1350, 1353, 1357, 1361, 1365, 1367 and 1375 SILVER AVENUE AND 1233, 1235, 1239, 1241, 1242, 1245, 1249, 1250, 1251, 1301, 1303, 1305, 1307, 1309, 1315, 1317, 1321, 1327, 1335 and 1339 Bridge Street and 1102 York Street (west of site)**, requested rezoning of 8.692 acres, being in the C-1 and D-5 districts to the I-3-U classification to provide for the expansion of industrial uses, **approved**.

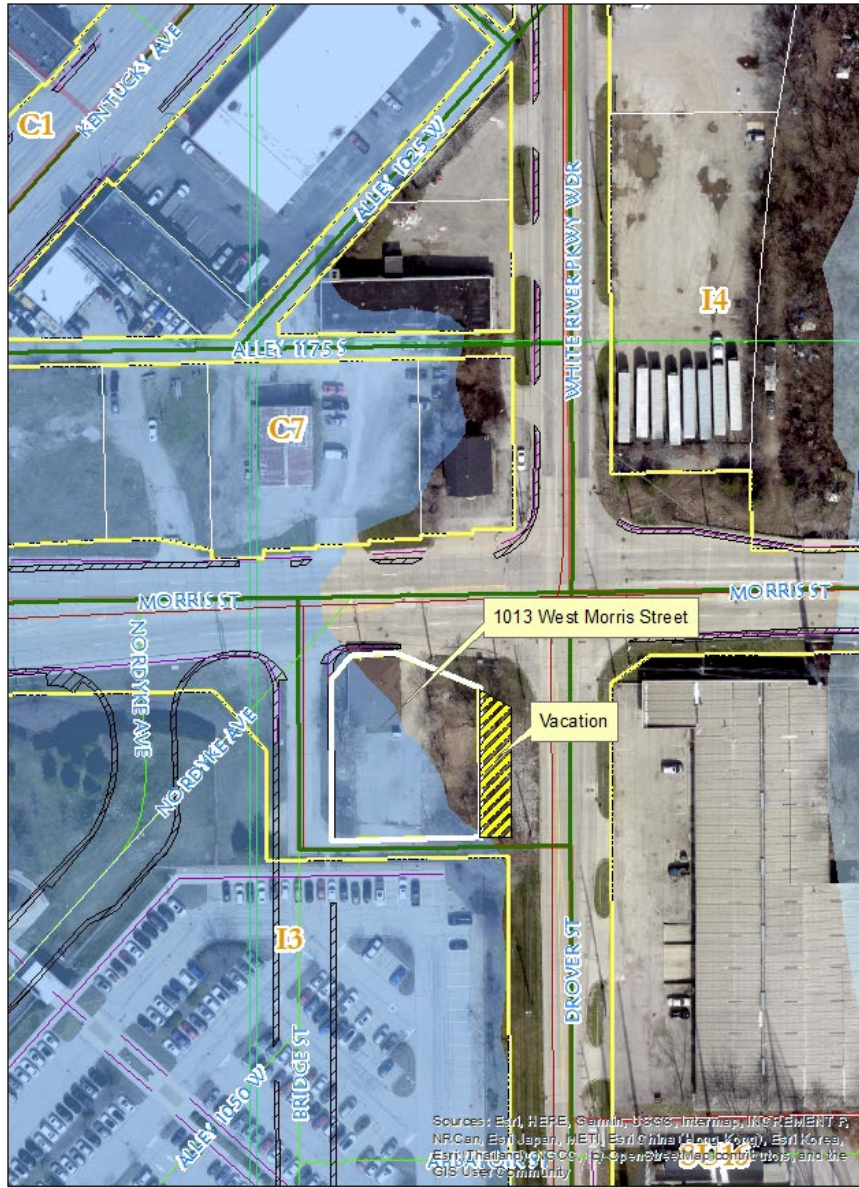
**91-Z-103; 1312 Kentucky Avenue (west of site)**, requested the rezoning of 12.1 acres, being in the C-7 and D-5 districts, to the I-3 U classification to conform zoning to existing and future industrial use, **approved**.

**88-UV2-144; 1301 Kentucky Avenue, (west of site)**, requested a variance of use and development standards to provide for a pedestrian bridge over Kentucky Avenue, with stair towers to the right-of-way, **granted**.

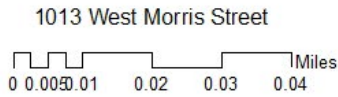
**77-UV2-177; 1304-1330 Nordyke Avenue (west of site)**, requested a variance of use, setbacks of side, rear and transitional yards to provide for accessory off-street parking, **granted**.

**77-Z-177; 1240 Nordyke Avenue (west of site)**, requested rezoning of 1.79 acres, being in the D-5 district to the C-7 classification to provide for commercial uses, **approved**.

**EXHIBITS**



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

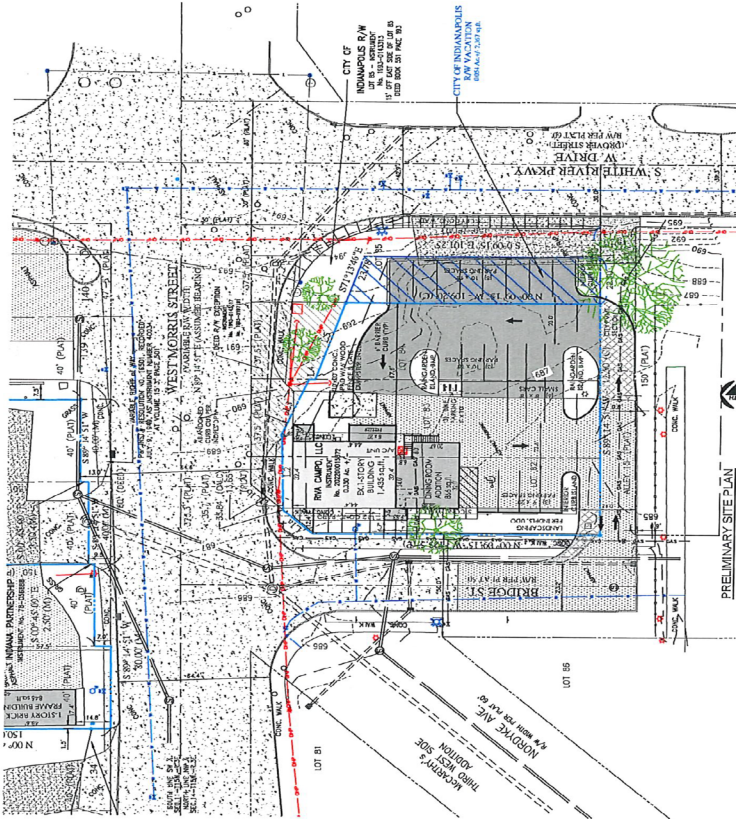




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Amended Site Plan - August 1, 2024

Table with project information: RIVA CAMPO, LLC; PANCAKE HOUSE RESTAURANT; KEELER-WEBB ASSOCIATES; DATE: 10/20/24; DRAWN BY: JMM; CHECKED BY: JMM; APPROVED BY: JMM.



Legend and technical details including: LEGEND (Paved Area, Concrete, etc.); SCALE (1" = 40' HORIZONTAL); LEGAL DISCRESSION (ACCORDANCE WITH LOT 101); and various notes regarding survey data and utility lines.

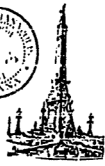
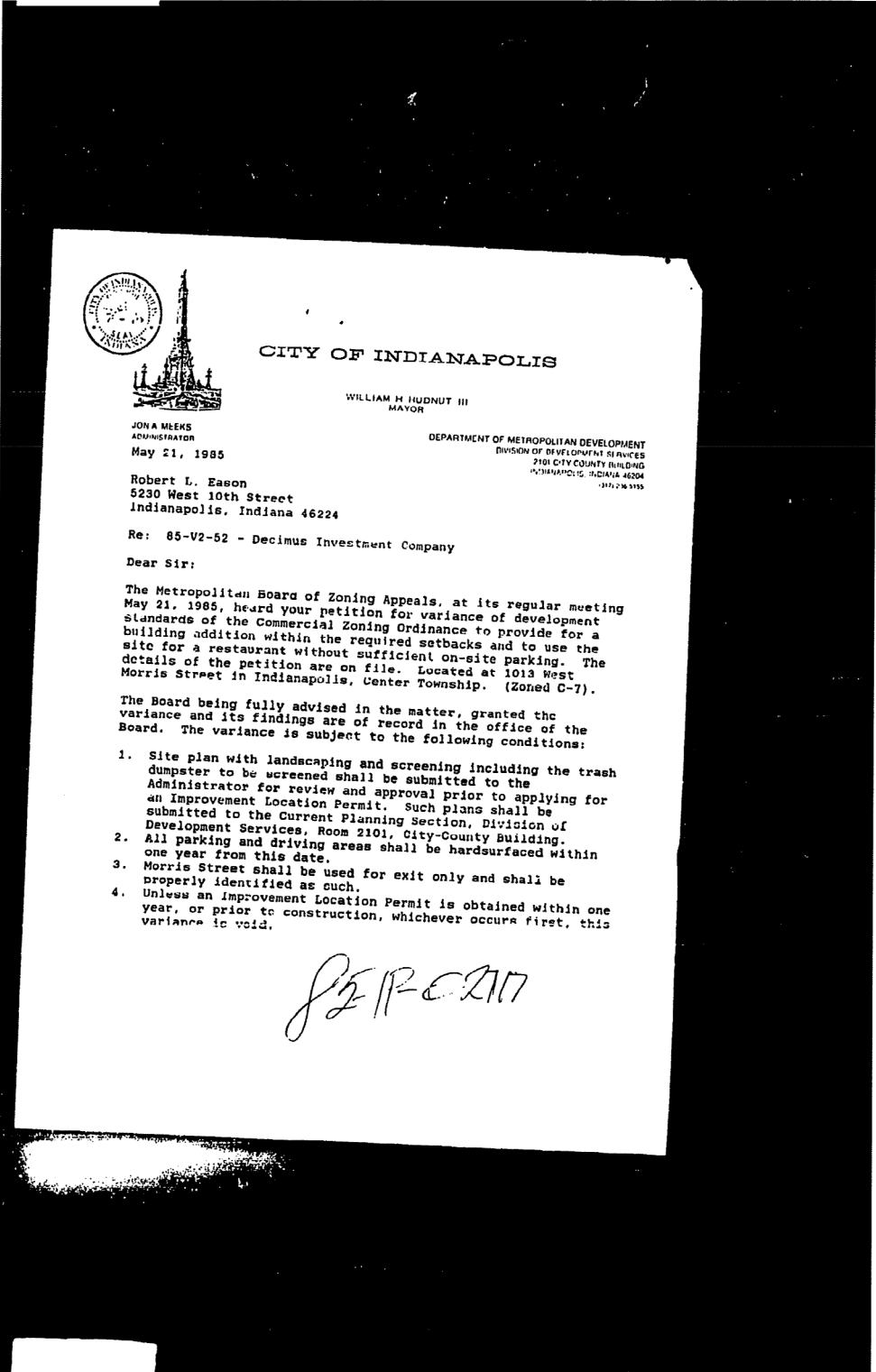
PROPOSING SURVEY NOTES
1. Survey 115, dated 11/13/23, and Survey 116, dated 11/13/23, are subdivisions approved by the City of Indianapolis, Indiana County Surveyor Joseph J. ...
2. The subject property (C&S) ...
3. The accompanying proposed site plan ...
4. Location of utility easements ...
5. Utility easements were ...





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 Current Planning

EXHIBIT A



CITY OF INDIANAPOLIS

WILLIAM H HUDNUT III  
 MAYOR

JON A MEEKS  
 ADMINISTRATOR  
 May 21, 1985

DEPARTMENT OF METROPOLITAN DEVELOPMENT  
 DIVISION OF DEVELOPMENT SERVICES  
 2101 CITY COUNTY BUILDING  
 INDIANAPOLIS, INDIANA 46204  
 317-276-3155

Robert L. Eason  
 5230 West 10th Street  
 Indianapolis, Indiana 46224

Re: 85-V2-52 - Decimus Investment Company

Dear Sir:

The Metropolitan Board of Zoning Appeals, at its regular meeting May 21, 1985, heard your petition for variance of development standards of the Commercial Zoning Ordinance to provide for a building addition within the required setbacks and to use the site for a restaurant without sufficient on-site parking. The details of the petition are on file. Located at 1013 West Morris Street in Indianapolis, Center Township. (Zoned C-7).

The Board being fully advised in the matter, granted the variance and its findings are of record in the office of the Board. The variance is subject to the following conditions:

1. Site plan with landscaping and screening including the trash dumpster to be screened shall be submitted to the Administrator for review and approval prior to applying for an Improvement Location Permit. Such plans shall be submitted to the Current Planning Section, Division of Development Services, Room 2101, City-County Building.
2. All parking and driving areas shall be hardsurfaced within one year from this date.
3. Morris Street shall be used for exit only and shall be properly identified as such.
4. Unless an Improvement Location Permit is obtained within one year, or prior to construction, whichever occurs first, this variance is void.

*J. H. Eason*



Department of Metropolitan Development  
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Robert F. Eason  
May 21, 1985  
Page 2

Under the Board's rules of procedure, a completion affidavit showing compliance with the approved plan is to be filed with the Board within thirty (30) days after completion.

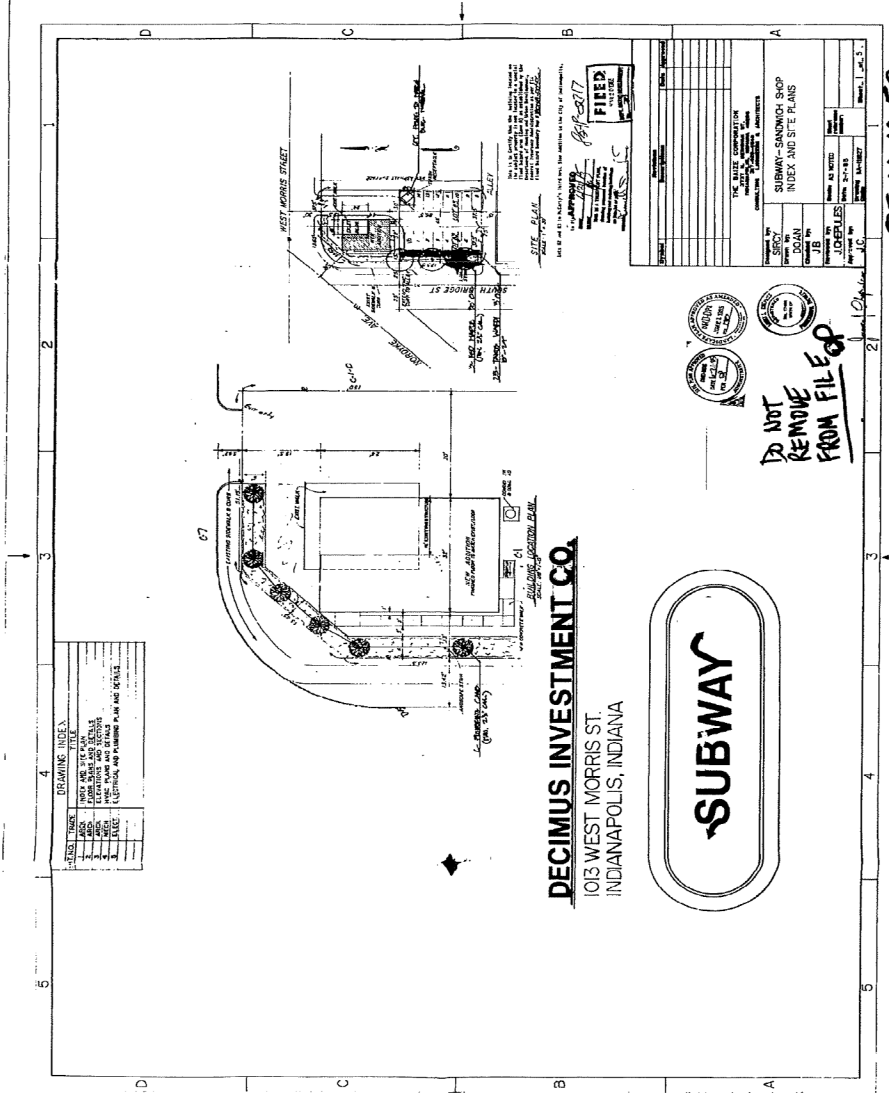
Very truly yours,

METROPOLITAN BOARD OF ZONING APPEALS

*Joan Gibbs* sp

Joan Gibbs, Secretary  
JG:bg





**DECIMUS INVESTMENT CO.**  
 1013 WEST MORRIS ST.  
 INDIANAPOLIS, INDIANA

**SUBWAY**

**DO NOT REMOVE FROM FILE**

**85-UVa-52**

*The reproduction of this drawing cannot be in printed form due to the condition of the original.*

DRAWING INDEX	
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EXHIBIT B

**KEELER-WEBB ASSOCIATES**



Consulting Engineers · Planners · Surveyors  
TELEPHONE (317) 574-0140 www.keelerwebb.com  
486 Gradle Drive  
Carmel, Indiana 46032

May 17, 2024

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

Re.: Pancake House Restaurant  
1013 W. Morris Street, Indianapolis, Indiana  
KWA Project No. 2401-010

**PROJECT NARRATIVE**

Keeler-Webb Associates is acting as agent surveyor/engineer for Mr. Steve Alexander AIA with Riva Campo, LLC, the owners of the above vacant property and petitioner Indy Grille Family Restaurant, LLC. We are proposing to completely remodel the existing old Subway restaurant containing (1,435 sq.ft.). We plan on four small building additions for the Pancake House to be able to bring the structure into compliance with IBC which will include the following: and new front entry vestibule 5.8'x9.83', an 8'x9' cooler, a 8'x20' freezer, and 866 Dining Room addition on the south side of the structure. The current site plan reflects several submittals and review of the site plans with Kathleen Blackham at DMD and Jill Palmer at DPW regarding the site access, previous approvals, development standards variances, and request for vacating part of Lot 85.

This property is affected by an approved zoning petition 85-UV2-52 for the previous Subway Restaurant. The variance was for a building addition which did not meet the required setbacks and sufficient on-site parking. Our plan is requesting a Modification of Site Plan and Modification the following Conditions:

3. Morris Street shall be used for exit only and shall be properly identified as such.

We are requesting the following development standards variances; *Chapter 742, Article 1, Section 4 Commercial Districts, F High Intensity Commercial (C7), 10-foot minimum depth of front yard (Compact)*:

1. The new entry building addition will be set back 6.7 feet from the Bridge Street right-of-way line.
2. The new cooler building addition will be set back 2.2 feet from the Morris Street right-of-way line.

Lastly, in order to maximize the redevelopment of the site we are requesting a partial vacation of Lot 85 in McCarty's Third West Side Addition. The last reconstruction of Morris Street in 1995 took all of Lot 85 along with the cross-hatched area of Lots 82-84 as shown on the Site plan for additional right-of-way. All utilities and public improvements have been located as a part of this plan. This proposed right-of-way vacation will not affect any known utilities or City of Indianapolis



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infrastructure. We are requesting the Western 31-33 feet of Lot 85 be vacated for parking once all approvals have been obtained.

Upon approval of this Development Standard Variance, Modification of Site Plan/Conditions, and Vacation, we will be submitting to BNS for ILP and Infrastructure/Drainage/Flood permit review and approval of the site. The overall disturbed area for the New Building Additions and parking improvements is 7,960 sq.ft. +/- . We plan to use green infrastructure rain gardens for stormwater quality treatment/detention, and the post developed site will have a very small increase of impervious area.

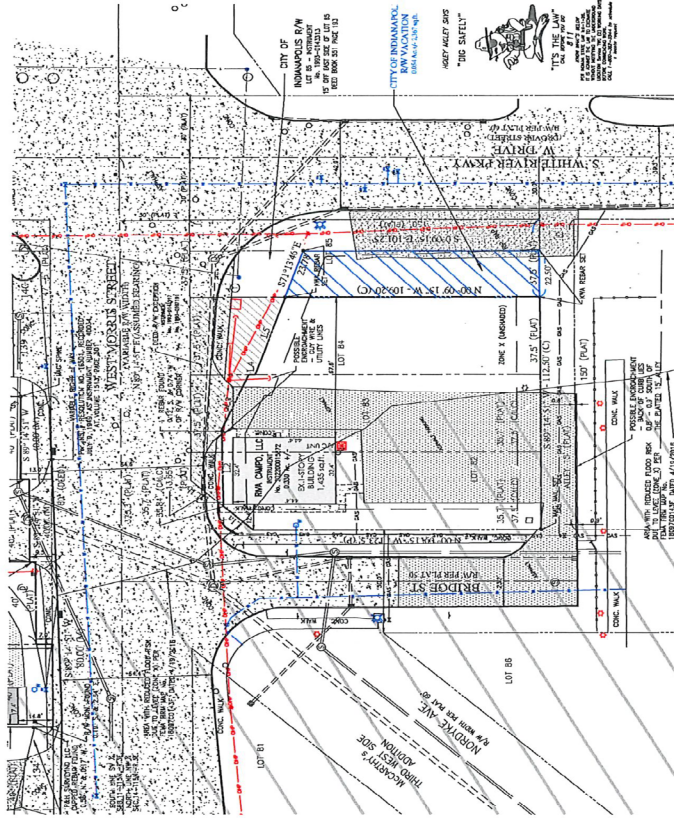
Construction is planned to begin immediately upon approval by all appropriate agencies with the intention of completing the addition by the end of 2024. The design of the building additions will meet requirements set in local and state building codes, and it will not be a fire hazard to the public. Strict application of the UDO is burdensome to this property due to the size and locations of the existing structure, existing parking, curb cuts, and proximity to the right-of-way lines on all four sides of the property. Compliance with the UDO would not allow for the construction of an updated restaurant on the property. There is sufficient capacity of all the utilities available to this site. No other off-site utility or road improvements will be necessary to construct or operate this facility. This project is being submitted for your review and comment. If there are any questions or concerns, please do not hesitate to contact us at any time.

Respectfully,  
KEELER-WEBB ASSOCIATES

Adam DeHart, PS, EMT-P, CPESC, CESSWI  
Project Manager

Amended Proposed Vacation - August 1, 2024

Header information including City of Indianapolis, R/W Vacation, and project details.



Legend, graphic scale, and notes for the land title survey.

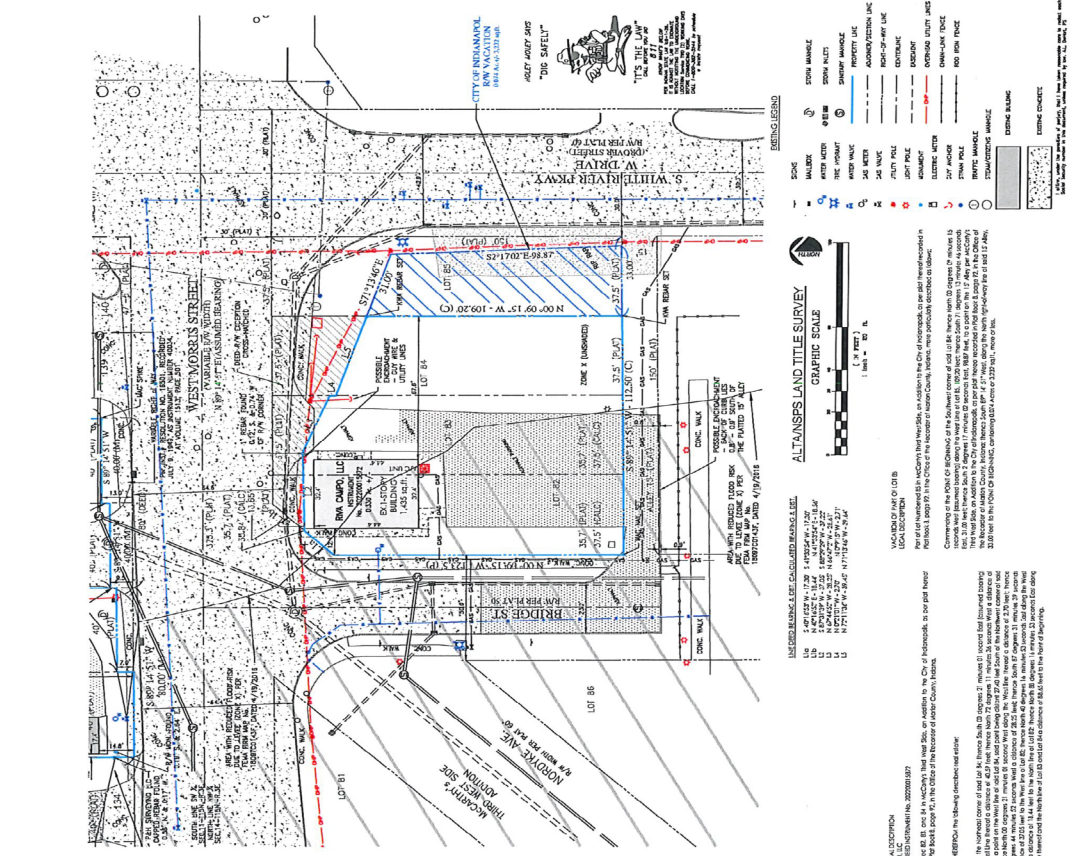
DEPARTMENT REPORT: The purpose of this survey is to establish an ALTA/ACSM Land Title Survey for the City of Indianapolis for the R/W Vacation of a portion of Morton Avenue...



Department of Metropolitan Development Division of Planning Current Planning

Proposed Vacation

Project information header including City of Indianapolis, R/W Vacation, and Keeler-Webb Associates details.



Survey description and notes detailing the purpose of the survey, the location of the subject property, and the specific details of the proposed vacation.

Right-of-Way (R/W) Vacation legend, graphic scale, and project information table.



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Petition Number \_\_\_\_\_

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

PETITION FOR VACATION OF A PUBLIC WAY, EASEMENT OR PUBLIC PLACE

FINDINGS OF FACT

1. THE PROPOSED VACATION IS IN THE PUBLIC INTEREST because:  
the subject real estate is not being used by City of Indianapolis nor any known utilities. The vacation of the land provides additional  
space to the petitioner for increased parking and site circulation.

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

DECISION

IT IS THEREFORE the decision of this body that this VACATION petition is APPROVED, subject to any conditions stated in the minutes (which conditions are incorporated herein by reference and made a part of this decision).

Adopted this \_\_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_

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



View looking east along West Morris Street



View looking west along West Morris Street



View looking south along Bridge Street



View of site looking east across Bridge Street





View of site looking east across Bridge Street



View of site looking east



View of site looking north



View of site looking north



View of vacation area looking northeast



View of vacation area looking east



View from site looking north across Bridge Street



View from site looking east



View from site looking southeast



View from site looking south



View from site looking north across West Morris Street



**METROPOLITAN DEVELOPMENT COMMISSION** August 15, 2024  
**HEARING EXAMINER**

**Case Number:** 2024-MOD-009

**Property Address:** 7710 Johnson Road (Approximate Address)

**Location:** Lawrence Township, Council District #3

**Petitioner:** 7710 Johnson, LLC, by Joseph D. Calderon

**Current Zoning:** C-S

**Request:** Modification of the Commitments, Development Statement and Site Plan related to petitions 99-Z-195, and, as amended with 2006-ZON-810, to provide for display of dumpsters for rent to consumers for home improvement projects.

**Current Land Use:** Commercial

**Staff Recommendations:** Denial

**Staff Reviewer:** Marleny Iraheta, Senior Planner

**PETITION HISTORY**

This petition was continued for cause from the July 11, 2024 hearing to the August 15, 2024 hearing at the request of staff.

**STAFF RECOMMENDATION**

Staff **recommends denial** of the request.

**PETITION OVERVIEW**

**LAND USE**

The subject site is developed with a commercial building, associated parking lot and a billboard on site. It is bordered to the west and south by I-465, to the north by a landscape contractor business, zoned C-S, and to the east with commercial offices and industrial uses, zoned C-S, as well as an apartment complex, zoned D-6II.

**MODIFICATON**

The request would modify the site plan and development statement to provide for display of dumpsters for rent to consumers for home improvement projects.



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The current C-S district only allows for outdoor display of lawn and garden equipment, per 2006-ZON-810 and 2006-VAR-810, in addition to motorcycles, per 99-Z-196.

The primary objective of this district is to encourage development which achieves a high degree of excellence in planning, design or function, and can be intermixed, grouped or otherwise uniquely located with maximum cohesiveness and compatibility. The district provides flexibility and procedural economy by permitting the broadest range of land use choices within a single district, while maintaining adequate land use controls. The C-S District can include high-rise or low-rise developments, can be applied to large or small land areas appropriately located throughout the metropolitan area, and can be useful in areas of urban renewal or redevelopment.

### **STAFF ANALYSIS**

Staff is recommending denial of the request primarily due to the location of the apartment complex immediately east of the site. It is understood that outdoor storage currently permitted on site is smaller in size and more aesthetically pleasing than the display of large dumpsters on site.

The proposed use would be categorized under the Heavy Equipment Sales, Service and Repair definition which calls for the sales, service, leasing and repair of heavy equipment including, but not limited to, tire recapping, crane repair, construction equipment repair, and other large equipment repairs. For purposes of this definition, equipment does not include self-propelled vehicles. This definition does not include any facility meeting the definition of a Truck or heavy vehicle sales rental and repair use. An inherent characteristic of this use is the outside display of vehicles offered for sale which is considered a primary facet of the use; as a primary use, this display must meet the development standards as a primary use and not the standards associated with an accessory use.

This use is only permitted by right in the C-7 and all industrial districts. Allowing this use in such close proximity to residential dwellings would be wholly inappropriate. Furthermore, the districts where the use would be permitted require a substantial transitional yard that is not currently present and would not be provided at this location.

In normal circumstances, the proposed use would not be as close to a protected district as would be proposed with this request.

Currently there is an eight-foot-tall privacy fence east of the subject site that provides some screening to the apartment complex. However, the location of dumpsters immediately next to the fence as well as limited landscaping between the two opposing uses is concerning to staff.

The apartment buildings are three-stories in height and would have visibility of the dumpster display area even with the dumpsters measuring seven feet in height.

The site is developed with a commercial building, would continue to not be consistent with the suburban neighborhood recommendation of the Comprehensive Plan, and it would be very unlikely that residential development would be proposed in the future. However, the use of the site can still be dictated based on the user and type of operation to provide some protection for the protected district.





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The petitioner’s representative mentioned a potential installation of a sound barrier wall along the eastern property boundary of the site, but without knowing when and if it would be installed staff cannot recommend approval for the outdoor display of dumpsters.

**GENERAL INFORMATION**

<b>Existing Zoning</b>	C-S	
<b>Existing Land Use</b>	Commercial	
<b>Comprehensive Plan</b>	Suburban Neighborhood	
<b>Surrounding Context</b>	<u><b>Zoning</b></u>	<u><b>Land Use</b></u>
North:	C-S	Landscape Contractor
South:	MU-1	I-465
East:	C-S / D-6II	Commercial and Industrial / Multifamily dwellings
West:	C-S	I-465
<b>Thoroughfare Plan</b>		
Johnson Road	Private Street	N/A
77 <sup>th</sup> Street	Local Street	50-foot proposed right-of-way and 61-foot exiting right-of-way.
<b>Context Area</b>	Metro	
<b>Floodway / Floodway Fringe</b>	No	
<b>Overlay</b>	No	
<b>Wellfield Protection Area</b>	No	
<b>Site Plan</b>	May 10, 2024	
<b>Site Plan (Amended)</b>	N/A	
<b>Elevations</b>	N/A	
<b>Elevations (Amended)</b>	N/A	
<b>Landscape Plan</b>	N/A	
<b>Findings of Fact</b>	N/A	
<b>Findings of Fact (Amended)</b>	N/A	
<b>C-S/D-P Statement</b>	N/A	

**COMPREHENSIVE PLAN ANALYSIS**

**Comprehensive Plan**

- Marion County Land Use Plan Pattern Book (2019)



### Pattern Book / Land Use Plan

- The Comprehensive Plan recommends suburban neighborhood development for the site.
- 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.
- **Small-Scale Offices, Retailing, and Personal or Professional Services**
  - If proposed within one-half mile along an adjoining street of an existing or approved residential development, then connecting, continuous pedestrian infrastructure between the proposed site and the residential development (sidewalk, greenway, or off-street path) should be in place or provided.
  - Should be located at the intersections of arterial streets and should be no closer than one mile to another commercial node with one acre or more of commercial uses except as reuse of a historic building.
  - Should be limited to an aggregate of 3.5 acres per intersection, with no one corner having more than 1.5 acres. Should be limited to areas and parcels with adequate space for required screening and buffering.
  - Automotive uses (such as gas stations and auto repair) and uses requiring separation of greater than 20 feet under the zoning ordinance (such as liquor stores, adult uses, and drive-through lanes) are excluded.
  - Should not include outdoor display of merchandise.
- The suburban neighborhood recommendation contemplates some small-scale offices, retailing, or professional services, but they should be neighborhood serving business which this business would not be since they would serve a more regional area due to the nature of their rental business. Additionally, the Comprehensive Plan would not recommend outdoor display of merchandise in this typology.

### 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

**2006-ZON-810 / 2006-VAR-810; 7710 Johnson Road** (subject site), Rezoning of 1.5 acres, from the C-S and D-6II Districts, to the C-S classification to provide for all uses permitted in the I-2-S zoning district, sale of BMW motorcycles and retail sales, services and outdoor display related to home improvements and lawncare and Variance of development standards of the Commercial Zoning Ordinance to provide for outdoor display of fencing within the east side transitional yard (not permitted), and to provide for outdoor display of law and garden equipment items with a ten-foot west front setback from an expressway (minimum twenty-foot front setback required), **approved**.

**99-Z-195; 7710 Johnson Road** (subject site), Rezone 1.005 acres from C-S to C-S, to provide for a motorcycle sales facility, **approved**.

**99-V3-95; 7710 Johnson Road** (subject site), Variance of development standards of the Sign Regulations to provide for the placement of an outdoor advertising sign, being 14 by 48 feet (maximum 12 by 25 feet permitted), the seventh advertising sign within a one-mile portion of I-465 and I-69 (maximum two signs per mile permitted), **granted**.

**92-VAC-45; 7700 Johnson Road** (subject site), Vacation of a portion of Johnson Road, being 15 feet at its northern terminus and 30 feet at its southern terminus from the north right-of-way of East 77<sup>th</sup> Street to the northeast right-of-way of I-465, **approved**.

**89-CV-40; 7710 Johnson Road** (includes subject site), Variance of development standards of the Commercial Zoning Ordinance to permit a parking lot four feet from the right-of-way line of a Federal Interstate Highway route (10 feet required) and with less than 25 feet of frontage on a public street, **granted**.

**89-Z-243 / 89-CV-36; 7710 Johnson Road** (includes subject site), Rezoning of 5.890 acres, from A-2 to C-S, to provide for the development of two industrial buildings for uses permitted in an I-2-S district and Variance of development standards of the Commercial Zoning Ordinance to permit a parking lot four feet from the right-of-way line of a Federal Interstate Highway route (10 feet required), **approved and granted**.

**88-Z-222; 7702 North Shadeland Avenue** (subject site), Rezoning of 5.890 acres, being in the A-2 district, to the C-S classification to provide for retail sales and service uses and office/warehouse uses, **denied**.



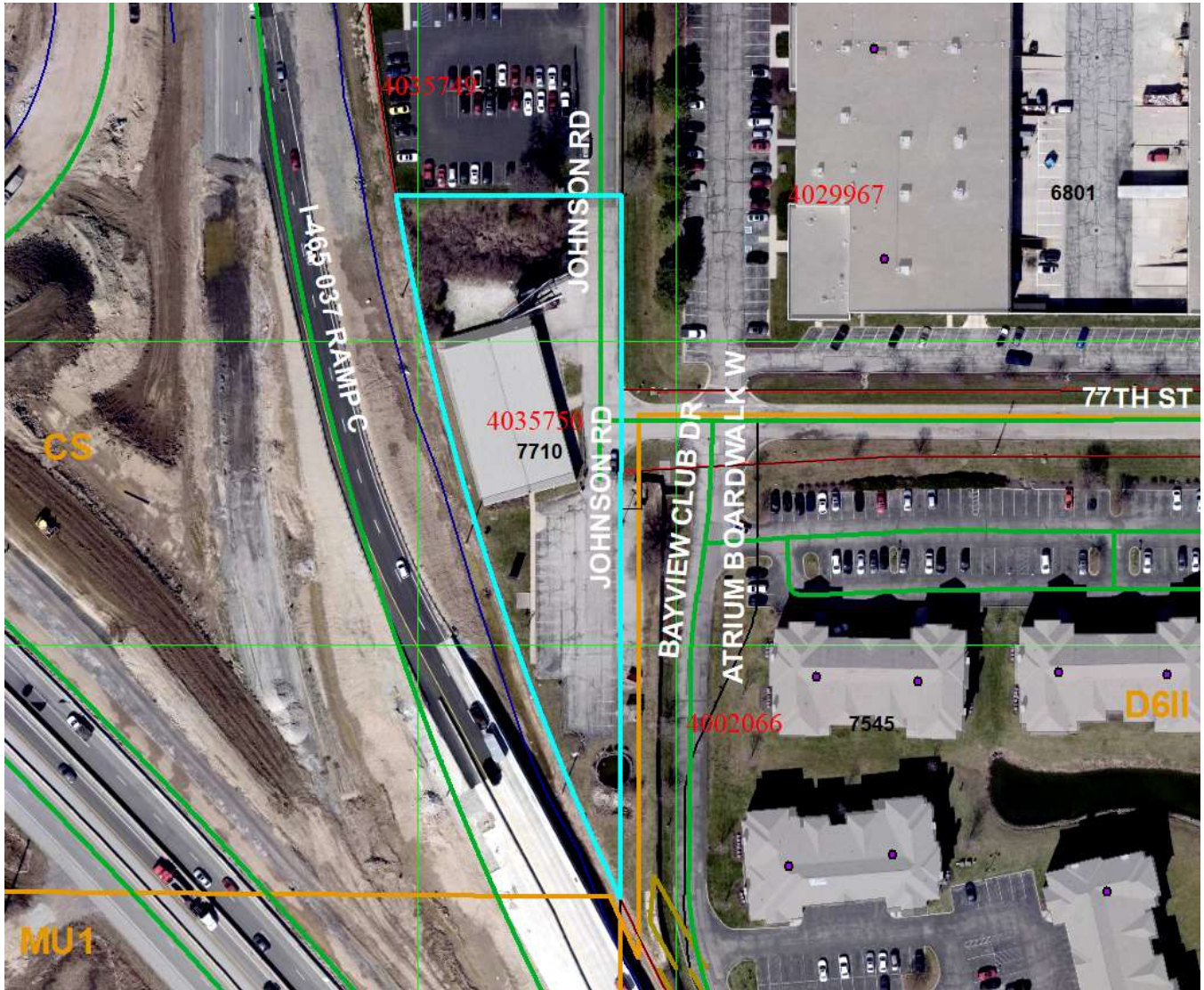
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**Zoning History – Vicinity**

**87-VAC-50; 7702 North Shadeland Avenue** (north of site), Vacation of a part of Johnson Road from the north right of way of 77<sup>th</sup> Street to the east right-of-way of I-465, **approved.**

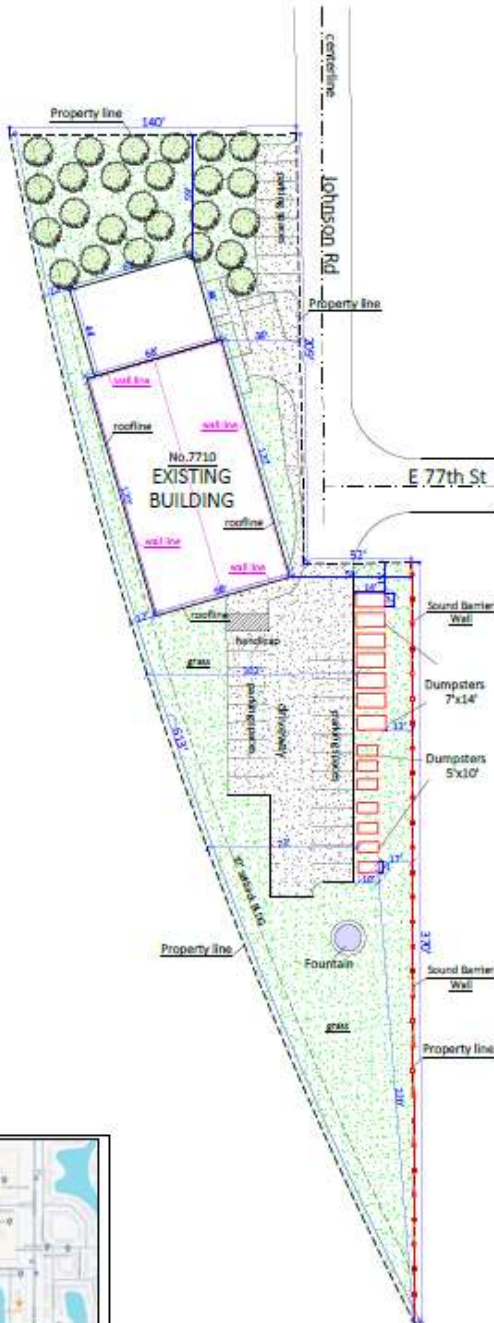
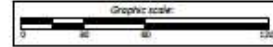
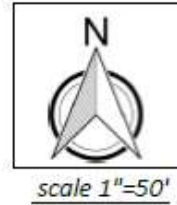
**84-Z-133; 7602 Shadeland Avenue** (east of site), Rezoning of 28.89 acres, being in the D6-II district, to the C-S classification to provide for the development of a residential and commercial community, **withdrawn.**

EXHIBITS



**SITE PLAN**

7710 Johnson Road  
 Indianapolis, IN 46250  
 Parcel ID: 49-02-27-120-002.000-400  
 Lot area: 1.19 Acres  
 Paper Size: 11"x17"





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Amended Detailed Description of Request

7710 Johnson, LLC d/b/a Funky Junk Dumpsters

Plan of Operation

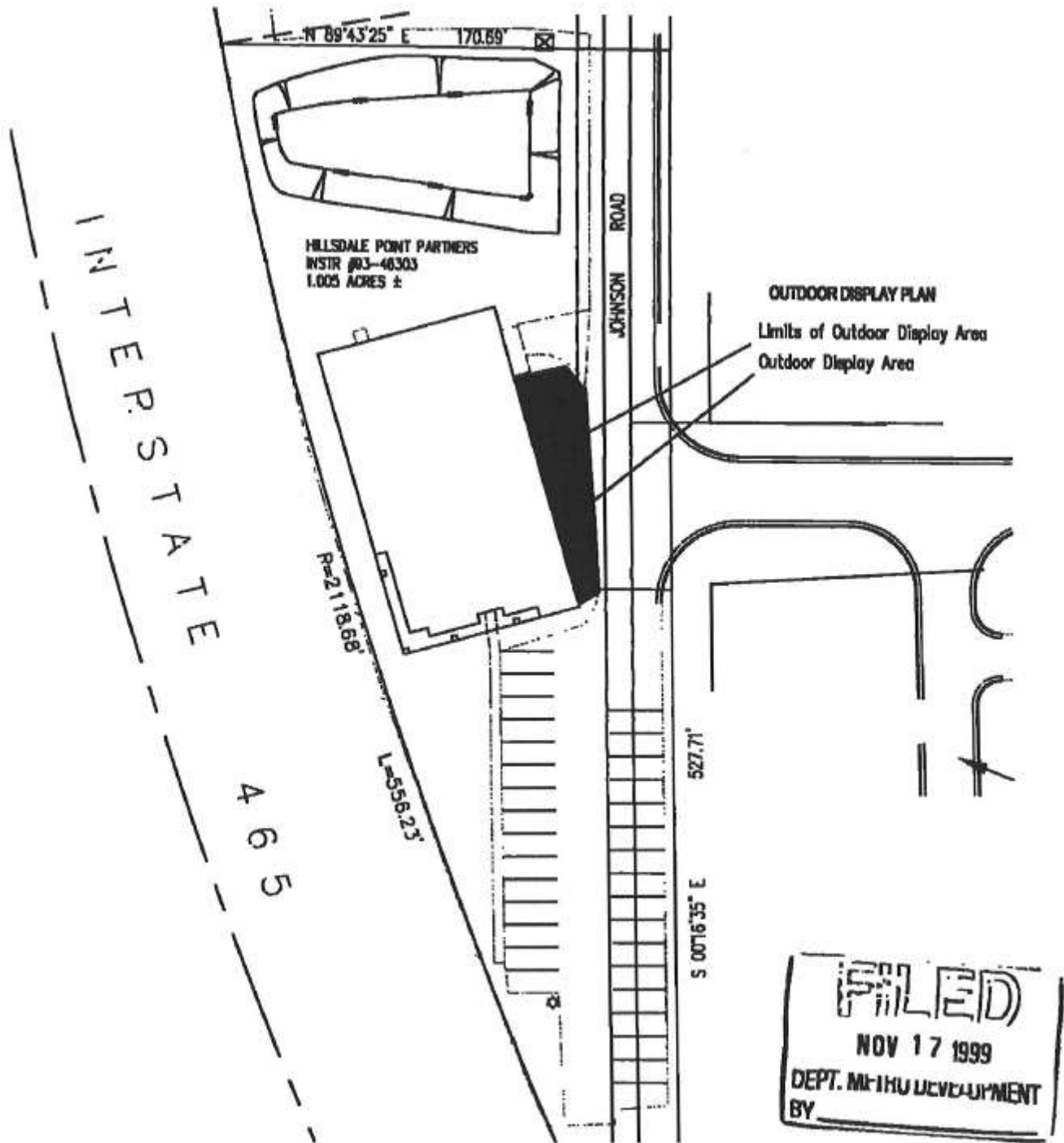
Petitioner, 7710 Johnson, LLC d/b/a Funky Junk Dumpsters is a contractor specializing in the rental of dumpsters to consumers who need a temporary dumpster while undergoing residential improvement projects. The existing C-S zoning allows I-2 uses, which include contractors; however, the C-S development statement was specific regarding the outdoor display of motorcycles (99-Z-195) and lawn and garden equipment items (2006-ZON-810).

The Petitioner's request, therefore, is to allow for the display of dumpsters available to rent in the areas show on the site plan submitted with this Petition.





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1999 Site Plan



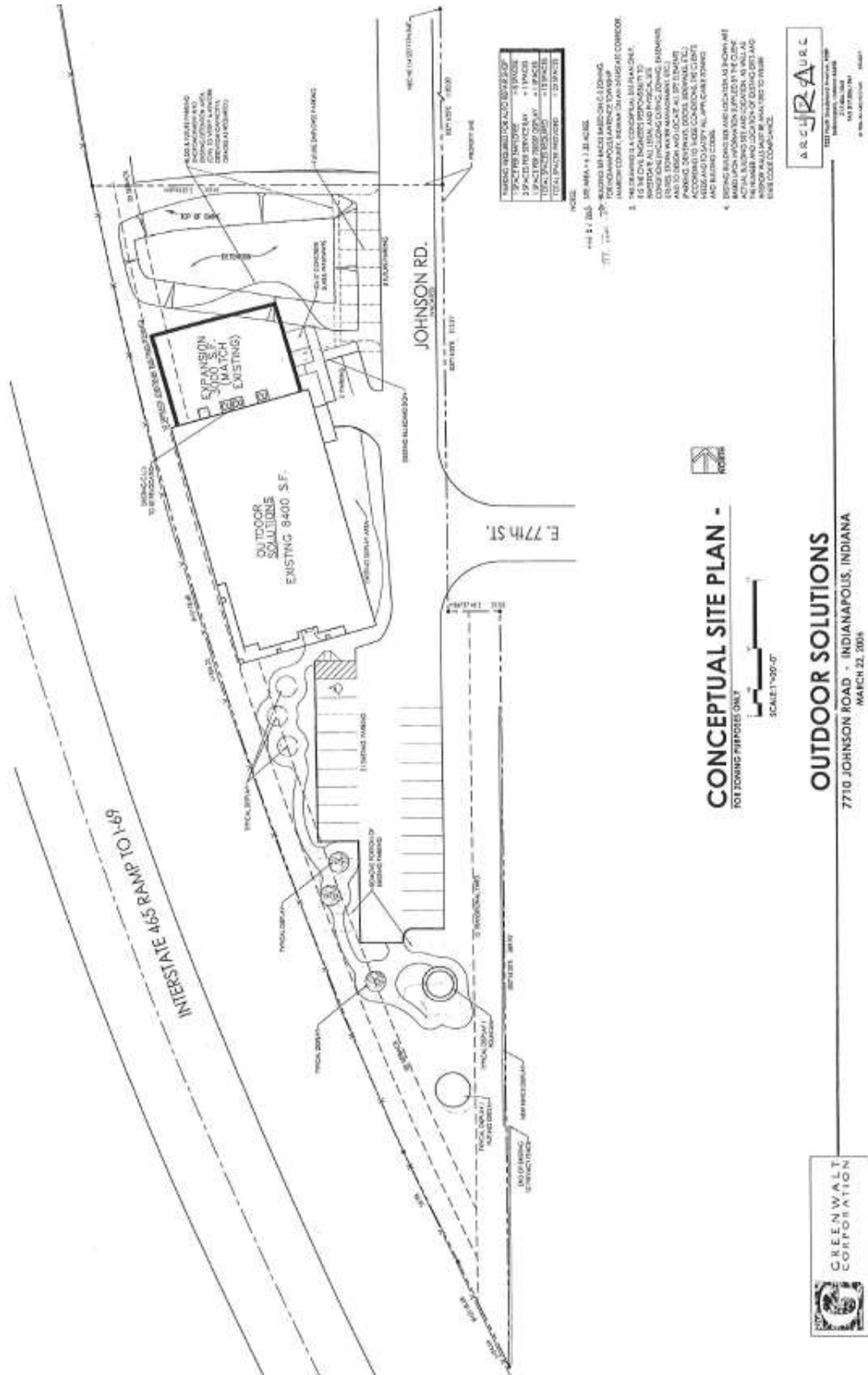
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Exhibit "A"

1. Any use permitted in the C-1 zoning District, Section 2.01(A) of the Commercial Zoning District 29-20-1, as amended.
2. Any use permitted in the I-2-S Light Industrial Suburban District, Section 2.03(A) of the Industrial Zoning Ordinance 63-20-4, as amended.
3. Commercial or Industrial uses supply; carpet and upholstery cleaning; advertising agencies; outdoor advertising services; computer and data processing services; equipment rental and leasing services; blueprinting and photocopying services; commercial research and development laboratories; commercial printing laboratories; sign manufacturing, sales and service; reupholstery and furniture repair; motion picture or video production studios; distribution and related services; instructional schools; dental laboratories; engineering, architectural and surveying equipment sales and services; cellular phone sales, installation and service.
4. The following enumerated uses, but only to the extent engaged primarily in selling on a wholesale or contract basis, with retail consumer sales constituting only a secondary or incidental part of the business:

building and construction materials and supply stores; radio, television and related audio-visual services and parts; camera and photographic supply stores; mail-order houses; automatic merchandising machine operations; spa and pool sales (indoor, dipper only) and service; piano sales and service; auto repair and construction; interior decorating, painting, wallpapering companies; painting and wallpaper covering contractors with sales and service; interior plant sales and leasing companies; food preparation and distribution; sporting and recreational goods and supplies; photographic equipment and supplies; electrical goods, hardware, pharmaceutical sales and services; washing and heating equipment supplies and services; commercial machines and equipment; office furniture; industrial supplies; paper and paper products; travel and brokers; chemical products; business services and computer sales and services; office supply stores; printing services and supplies.

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2006 Site Plan



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7710 Johnson Rd  
2006-20 N-810

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MAY 12 2006

**STATEMENT OF COMMITMENTS**

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

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

**Legal Description:** See 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. All development shall be in substantial compliance with the site plan and elevations file-dated March 27, 2006.

2006 Commitments



Photo of the subject site looking west from 77<sup>th</sup> Street.



Photo of the street frontage.



View of the proposed location of the outdoor display area.



Photo of the remainder of the parking lot looking south.



Photo of the remainder of the parking lot looking west.



Photo of the existing fence between the subject site and apartments to the east.



Photo of the apartment complex east of the site.



Photo of the entrances to the apartments and the subject site parking lot.





Photo of the landscape contractor business to the north.



**METROPOLITAN DEVELOPMENT COMMISSION** August 15, 2024  
**HEARING EXAMINER**

**Case Number:** 2024-MOD-011

**Property Address:** 4001 South Keystone Avenue

**Location:** Perry Township, Council District #19

**Petitioner:** Aman, LLC, by Tyler Ochs

**Current Zoning:** C-4

**Request:** Modification of the Commitments related to 2016-ZON-083 to Modify Commitment #2 to remove "Automobile Fueling Station" and "Automobile and Light Vehicle Wash" from the list of prohibited uses.

**Current Land Use:** Commercial uses (vacant)

**Staff Recommendations:** Denial.

**Staff Reviewer:** Kathleen Blackham, Senior Planner

**PETITION HISTORY**

The Hearing Examiner acknowledged the automatic continuance that was filed by a remonstrator that continued this petition from the July 11, 2024 hearing, to the August 15, 2024 hearing.

**STAFF RECOMMENDATION**

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

1. A 60-foot half right-of-way shall be dedicated along the frontage of South Keystone Avenue; a 59.5-foot half right-of-way shall be dedicated along the frontage of Hanna Avenue, and a 40-foot half right-of-way shall be dedicated along Carson Avenue as per the request of the Department of Public Works (DPW), Engineering Division. Additional easements shall not be granted to third parties within the area to be dedicated as public right-of-way prior to the acceptance of all grants of right-of-way by the DPW. The right-of-way shall be granted within 60 days of approval and prior to the issuance of an Improvement Location Permit (ILP).
2. 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.



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3. The two access drives in proximity of the intersection of South Keystone Avenue and East Hanna Avenue (the northernmost access drive along South Keystone Avenue and the westernmost access drive along East Hanna Avenue) (Exhibit B) shall be eliminated, unless the DPW agrees that the access drives are necessary for operation of a automobile fueling station, including servicing the underground tanks.

## PETITION OVERVIEW

### MODIFICATION

This 1.075-acre site, zoned C-4, is developed with a vacant commercial building and associated unpaved parking. It is surrounded by commercial uses to the north, across East Hanna Avenue, zoned C-4; commercial uses to the south, across Carson Avenue, zoned C-3; a single-family dwelling to the east, zoned D-3; and commercial uses to the west, across South Keystone Avenue, zoned C-3.

Petitions 2016-ZON-083 / 2016-VAR-003 rezoned the site from the C-3 district to the C-4 classification and a variance of development standards to allow for a liquor store with reduced separation from a protected district. These petitions were approved.

Petition 2022-MOD-010 requested modification of the Commitments related to 2016-ZON-083 to Modify Commitment #2 to remove “Automobile Fueling Station” and “Automobile and Light Vehicle Wash” from the list of prohibited uses. This petition was denied.

Once again, this request would modify commitments related to 2016-ZON-083, Commitment #2, to remove “automobile fueling station’ and “automobile / light vehicle wash” from the list of prohibited uses. See Exhibit A.

The Comprehensive Plan recommends Village Mixed-Use typology. “Mixed-Use Typologies have a balance of places where people live and places where people work. Generally, only **uses that are compatible with residential uses are recommended in these typologies**. More intense uses, such as hospitals or universities in the ‘Institution-Oriented Mixed-Use” have conditions attached to them that mitigate their impact on nearby residential neighborhoods.”

As proposed this modification would not be consistent with the Comprehensive Plan recommendation of village mixed-use.

Staff recommended denial of the 2016 rezoning request because the Plan recommendation at that time specifically recommended the C-3 district / community commercial. Additionally, staff was concerned with the impact on the adjacent neighborhood of the C-4 district permitted uses, including the liquor store and the potential fueling station / convenience store.

Staff recommended denial of the 2022 modification of the Commitments related to the 2016-ZON-083 to modify Commitment #2 to remove “Automobile Fueling Station” and “Automobile and Light Vehicle Wash” from the list of prohibited uses.



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The current plan recommendation of village mixed-use would be consistent with the C-3 District and provide for more small-scale and pedestrian-friendly uses and activities. The introduction of an automobile fueling station, a 2,800 square foot convenience store, and an automobile and light vehicle wash would not be appropriate for this site and would negatively impact the residential uses.

After the denial of the 2022 modification to permit an automobile fueling station, a 2800 square-foot convenience store, and an automobile and light vehicle wash, the petitioner has taken the liberty of constructing the 2800 square-foot convenience store. When staff visited the site, the convenience store was not operational, and the parking area was in disrepair.

The addition of an automobile and light vehicle wash would further intensify the use of the site and would be more impactful on surrounding property owners and land uses, particularly the residential neighborhood to the east. Car wash operations typically include the need for drive-through lanes, which are not permitted within 100-feet of a protected district or in the front yards and the exit drive as measured from the vehicle exit of the washing mechanism or activity to the pavement edge of the street would require a minimum of 100 feet in length. These use specific development standards provide the appropriate buffer and separation to minimize the impact on adjacent land uses that can be detrimental and adversely affect surrounding land uses.

The site plan only provides for a convenience store and fuel canopy. Based upon the use specific standards for an automobile and light vehicle wash, it is very likely that variances would be required. Staff believes the need for variances would be a clear indication that the proposed uses would result in over development of the site and negatively impact surrounding land uses because the appropriate buffers would not be provided.

Staff believes that the convenience store is an improvement to the site that had fallen in disrepair and neglect. However, allowing further development of the site for an automobile fueling station and car wash would increase the commercial intensity and be detrimental to the surrounding land uses by introducing increased traffic, noise, lighting and trash into this area.

Furthermore, the five access drives depicted on the site plan, filed-dated June 9, 2024, seemed excessive so staff contacted the Department of Public Works (DPW) regarding the impact of the five access drives on vehicular and pedestrian safety. DPW recommended that the two access drives in proximity of the intersection of South Keystone Avenue and East Hanna Avenue be eliminated (the northernmost access drive along South Keystone Avenue and the westernmost access drive along East Hanna Avenue). See Exhibit B.

If approved, staff would request a commitment requesting that the two access drives depicted on Exhibit B be eliminated, unless the DPW agrees that the access drives are necessary for operation of an automobile fueling station, including servicing the underground tanks.

There have been no changes in the surrounding land uses since the 2022 denial of a similar request that would cause staff to support the modification to provide for an automobile fueling station and automobile and light vehicle wash. In other words, an automobile fueling station and vehicle wash at this location would negatively impact surrounding land uses, particularly the residential uses to the east.



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### Department of Public Works

The Department of Public Works, Traffic Engineering Section, has requested the dedication and conveyance of a 60-foot half right-of-way along South Keystone Avenue, the dedication and conveyance of a 59.5-foot half right-of-way along East Hanna Avenue and the dedication and conveyance of a 40-foot half right-of-way along Carson Avenue. These dedications 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

<b>Existing Zoning</b>	C-4	
<b>Existing Land Use</b>	Convenience store	
<b>Comprehensive Plan</b>	Village Mixed-Use	
<b>Surrounding Context</b>	<b><u>Zoning</u></b>	<b><u>Land Use</u></b>
	North:	C-4 Commercial uses
	South:	C-3 Commercial uses
	East:	D-3 Single-family dwelling
	West:	C-3 Commercial uses
<b>Thoroughfare Plan</b>		
South Keystone Avenue	Primary Arterial	Existing 90-foot right-of-way and proposed 120-foot right-of-way.
Hanna Avenue	Primary Arterial	Existing 84-foot right-of-way and proposed 119-foot right-of-way.
Carson Avenue	Secondary Arterial	Existing 60-foot right-of-way and proposed 80-foot right-of-way
<b>Context Area</b>	Metro	
<b>Floodway / Floodway Fringe</b>	No	
<b>Overlay</b>	No	
<b>Wellfield Protection Area</b>	No	
<b>Site Plan</b>	June 9, 2024	
<b>Site Plan (Amended)</b>	N/A	
<b>Elevations</b>	N/A	
<b>Elevations (Amended)</b>	N/A	
<b>Landscape Plan</b>	N/A	
<b>Findings of Fact</b>	N/A	
<b>Findings of Fact (Amended)</b>	N/A	
<b>C-S/D-P Statement</b>	N/A	

## COMPREHENSIVE PLAN ANALYSIS

### Comprehensive Plan

- The Comprehensive Plan recommends Village Mixed-Use typology. “The Village Mixed-Use typology creates neighborhood gathering places with a wide range of small businesses, housing types, and public facilities. This typology is intended to strengthen existing, historically small-town centers as well as to promote new neighborhood centers. Businesses found in this typology serve



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adjacent neighborhoods, rather than the wider community. This typology is compact and walkable, with parking at the rear of buildings. Buildings are one to four stories in height and have entrances and large windows facing the street. Pedestrian-scale amenities such as lighting, landscaping, and sidewalk furniture also contribute to a walkable environment in this typology. Uses may be mixed vertically in the same building or horizontally along a corridor. Public spaces in this typology are small and intimate, such as pocket parks and sidewalk cafes. This typology has a residential density of 6 to 25 dwelling units per acre.”

### Pattern Book / Land Use Plan

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

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

- *Conditions for All Land Use Types – Village Mixed-Use Typology*
  - All land use types except small-scale parks and community farms/gardens in this typology must have adequate municipal water and sanitary sewer.
  - All development should include sidewalks along the street frontage.
  - In master-planned developments, block lengths of less than 500 feet, or pedestrian cut-throughs for longer blocks, are encouraged.
  - Where possible, contributing historic buildings should be preserved or incorporated into new development.
- *Small-Scale Offices, Retailing, and Personal or Professional Services (defined as “commercial uses with minimal outdoor operations, storage, or display on lots of less than 1.5 acres and a height of less than 35 feet.”)*
  - Mixed-use structures are preferred.
  - **Automotive uses (such as gas stations and auto repair) and uses with drive-through lanes are excluded.**
  - **Should not include outdoor display of merchandise.**

### Red Line / Blue Line / Purple Line TOD Strategic Plan

- Not Applicable to the Site.



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**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

**2022-MOD-010; 4001 South Keystone Avenue**, requested modification of the commitments related to 2016-ZON-083 to Modify Commitment #2 to remove “Automobile Fueling Station” and “Automobile and Light Vehicle Wash” from the list of prohibited uses, **denied**.

**2016-ZON-083 / 2016-VAR-003; 4001 South Keystone Avenue**, requested rezoning of 1.075 acres from the C-3 district to the C-4 classification and a variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for a liquor store, within 70 feet of a protected district, **approved and granted**.

## VICINITY

**2006-ZON-138; 2616 East Hanna Avenue (north of site)**, requested rezoning of 1.82 acres, from the D-4 District, to the C-1 classification to provide for the expansion of a nursing home, **approved**.

**99-UV1-126; 4031-4051 Carson Avenue (south of site)**, requested a variance of use of the Commercial Zoning Ordinance to provide for outdoor sales of produce, flowers, plants and other seasonal good, **granted**.

**98-UV2-92, 2602 East Hanna Avenue (north of site)**; requested variance of use of the Dwelling Districts Zoning Ordinance, to provide for mini-warehouses, **granted**.

**95-Z-83/95-Z-84, 2401 National Avenue (north of subject site)**; requested a rezoning of 9.02 acres, being in the D-7 Dwelling District, to the C-S Commercial Special classification, to provide for a catering hall, offices and warehousing, **approved**.

**87-UV1-111, 3950 South Keystone Avenue (north of site)**; requested a variance of use of the Commercial and Dwelling Districts Zoning Ordinances to provide for a car wash, **granted**.

**83-Z-215, 3647 South Keystone Avenue (north of site)**; requested a rezoning of 0.77 acre, being in the D-4 Dwelling District, to the C-1 classification, to provide for office uses, **approved**.

**74-Z-196, 2540 East Hanna Avenue (west of site)**; requested a rezoning of 5.18 acres, being in the C-3 Commercial District, to the C-4 classification, to provide for a supermarket and retail commercial uses, **approved**.

**70-Z-232, 2600 East Hanna Avenue (north of site)**; requested a rezoning of 17.4 acres, being in the D-4 District, to the D-7 classification, to provide for apartments, **approved**.

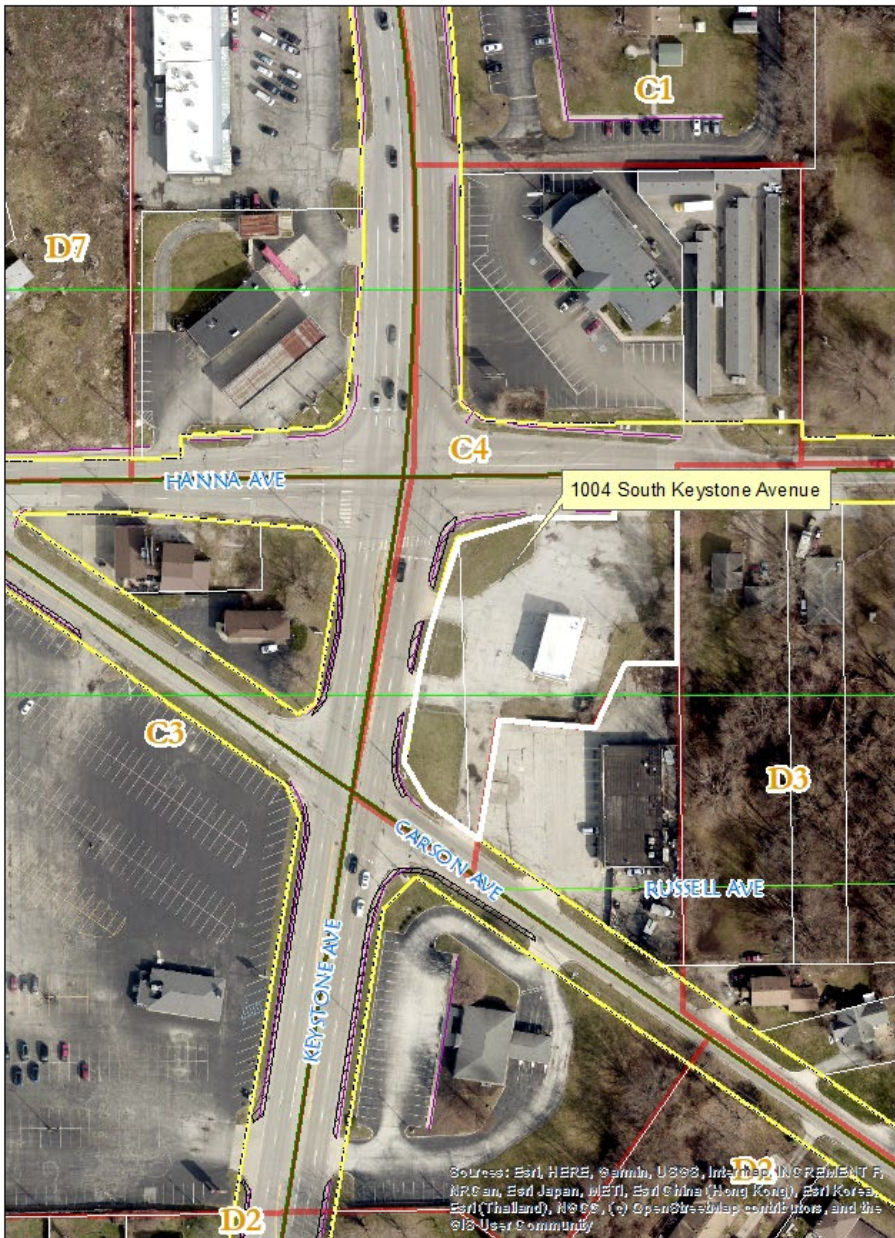


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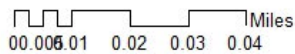
**70-Z-23, 2400 East Hanna Avenue (west of site);** requested a rezoning of 7.25 acres, being in the D-4 District, to the C-3 classification, to provide for office and retail uses, **approved**.

**69-Z-246, 3838 South Keystone Avenue (north of site);** requested a rezoning of 1.97 acres, being in the D-4 Dwelling District, to the C-3 classification, to provide for retail uses, **approved**

**EXHIBITS**

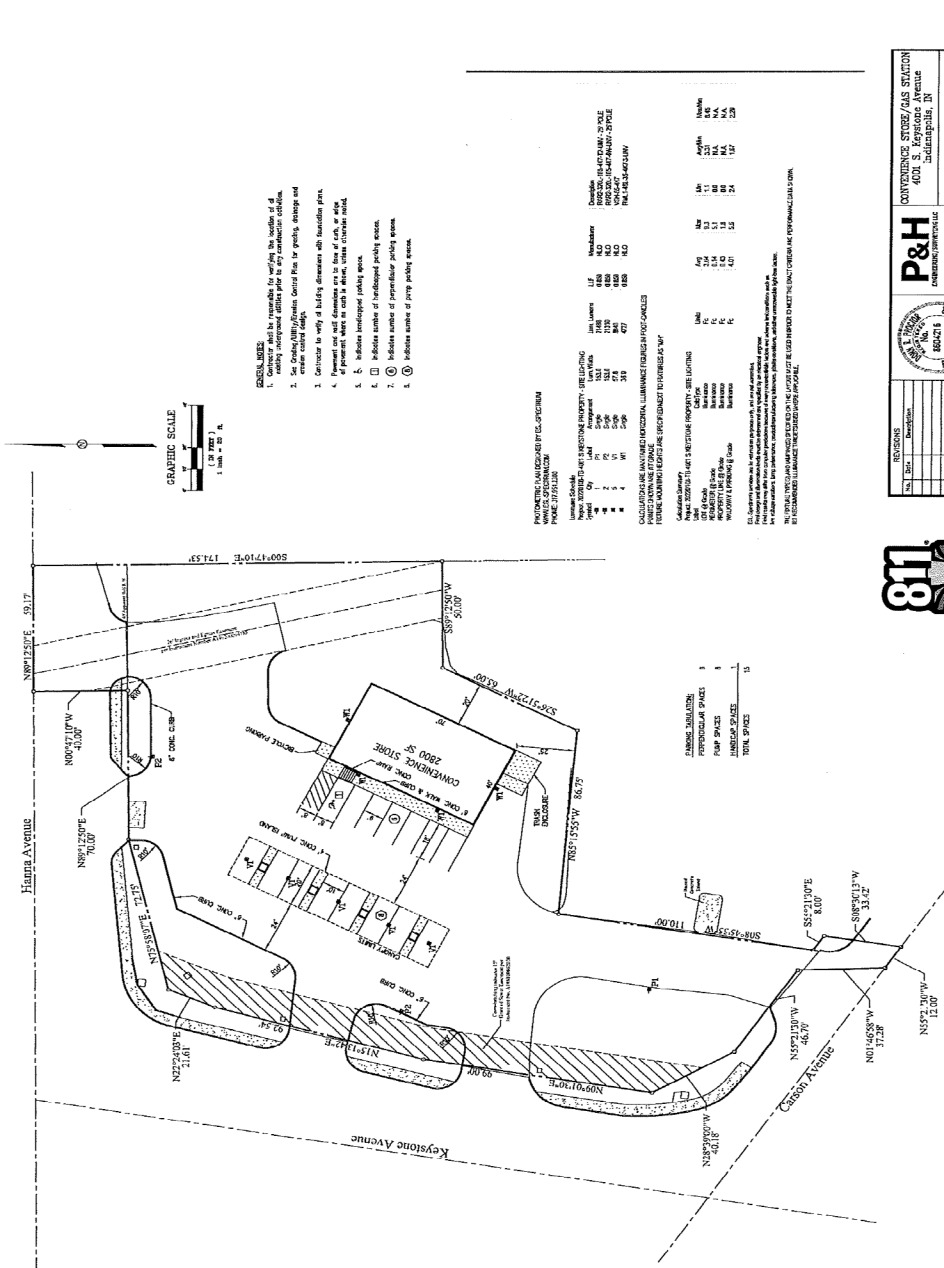


4001 South Keystone Avenue





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- GENERAL NOTES:**
1. Contractor shall be responsible for verifying the location of all existing underground utilities and for obtaining all necessary permits and approvals.
  2. See General Notes for details on grading, drainage and erosion control design.
  3. Contractor to verify all building dimensions with foundation plans.
  4. Payment for all work shall be for the full amount, whether or not the work is completed.
  5. All work shall be done in accordance with the current code.
  6. All work shall be done in accordance with the current code.
  7. All work shall be done in accordance with the current code.
  8. All work shall be done in accordance with the current code.

**PROPOSED CONSTRUCTION**

Item	Description	Unit	Quantity	Unit Price	Total Price
1	Excavation	cu yd	100	1.50	150.00
2	Backfill	cu yd	100	1.00	100.00
3	Asphalt	sq yd	100	2.00	200.00
4	Concrete	cu yd	100	3.00	300.00
5	Foundation	sq ft	100	4.00	400.00
6	Roofing	sq ft	100	5.00	500.00
7	Interior	sq ft	100	6.00	600.00
8	Exterior	sq ft	100	7.00	700.00
9	Signage	sq ft	100	8.00	800.00
10	Site Work	sq ft	100	9.00	900.00
11	Site Work	sq ft	100	10.00	1000.00
12	Site Work	sq ft	100	11.00	1100.00
13	Site Work	sq ft	100	12.00	1200.00
14	Site Work	sq ft	100	13.00	1300.00
15	Site Work	sq ft	100	14.00	1400.00
16	Site Work	sq ft	100	15.00	1500.00
17	Site Work	sq ft	100	16.00	1600.00
18	Site Work	sq ft	100	17.00	1700.00
19	Site Work	sq ft	100	18.00	1800.00
20	Site Work	sq ft	100	19.00	1900.00
21	Site Work	sq ft	100	20.00	2000.00
22	Site Work	sq ft	100	21.00	2100.00
23	Site Work	sq ft	100	22.00	2200.00
24	Site Work	sq ft	100	23.00	2300.00
25	Site Work	sq ft	100	24.00	2400.00
26	Site Work	sq ft	100	25.00	2500.00
27	Site Work	sq ft	100	26.00	2600.00
28	Site Work	sq ft	100	27.00	2700.00
29	Site Work	sq ft	100	28.00	2800.00
30	Site Work	sq ft	100	29.00	2900.00
31	Site Work	sq ft	100	30.00	3000.00
32	Site Work	sq ft	100	31.00	3100.00
33	Site Work	sq ft	100	32.00	3200.00
34	Site Work	sq ft	100	33.00	3300.00
35	Site Work	sq ft	100	34.00	3400.00
36	Site Work	sq ft	100	35.00	3500.00
37	Site Work	sq ft	100	36.00	3600.00
38	Site Work	sq ft	100	37.00	3700.00
39	Site Work	sq ft	100	38.00	3800.00
40	Site Work	sq ft	100	39.00	3900.00
41	Site Work	sq ft	100	40.00	4000.00
42	Site Work	sq ft	100	41.00	4100.00
43	Site Work	sq ft	100	42.00	4200.00
44	Site Work	sq ft	100	43.00	4300.00
45	Site Work	sq ft	100	44.00	4400.00
46	Site Work	sq ft	100	45.00	4500.00
47	Site Work	sq ft	100	46.00	4600.00
48	Site Work	sq ft	100	47.00	4700.00
49	Site Work	sq ft	100	48.00	4800.00
50	Site Work	sq ft	100	49.00	4900.00
51	Site Work	sq ft	100	50.00	5000.00
52	Site Work	sq ft	100	51.00	5100.00
53	Site Work	sq ft	100	52.00	5200.00
54	Site Work	sq ft	100	53.00	5300.00
55	Site Work	sq ft	100	54.00	5400.00
56	Site Work	sq ft	100	55.00	5500.00
57	Site Work	sq ft	100	56.00	5600.00
58	Site Work	sq ft	100	57.00	5700.00
59	Site Work	sq ft	100	58.00	5800.00
60	Site Work	sq ft	100	59.00	5900.00
61	Site Work	sq ft	100	60.00	6000.00
62	Site Work	sq ft	100	61.00	6100.00
63	Site Work	sq ft	100	62.00	6200.00
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89	Site Work	sq ft	100	88.00	8800.00
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93	Site Work	sq ft	100	92.00	9200.00
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95	Site Work	sq ft	100	94.00	9400.00
96	Site Work	sq ft	100	95.00	9500.00
97	Site Work	sq ft	100	96.00	9600.00
98	Site Work	sq ft	100	97.00	9700.00
99	Site Work	sq ft	100	98.00	9800.00
100	Site Work	sq ft	100	99.00	9900.00
101	Site Work	sq ft	100	100.00	10000.00

**P&H**  
Professional Planning & Home Inspection Services, Inc.  
3031 S. 44th Street  
Kenosha, WI 53142  
Phone: 224-787-7878  
Fax: 224-787-7879  
www.pandhi.com

**CONVENIENCE STORE/GAS STATION**  
4401 S. Cassio Avenue  
Kenosha, WI

**SITE PLAN**

**ENGINEERS**  
SUPERVISORS  
PLANNERS

**S2**





Department of Metropolitan Development  
Division of Planning  
Current Planning

EXHIBIT A

A201700053736

05/09/2017 10:32 AM  
KATHERINE SWEENEY BELL  
MARION COUNTY IN RECORDER  
FEE: \$ 31.50  
PAGES: 7  
By: SC

STATEMENT OF COMMITMENTS

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

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

Legal Description: See the attached "Exhibit A".

Statement of COMMITMENTS:

1. The owner agrees to abide by the Open Occupancy and Equal Employment Opportunity Commitments required by Metropolitan Development Commission Resolution No. 85-R-69, 1985, which commitments are attached hereto and incorporated herein by reference as Attachment "A".
2. The following uses, as defined in the Zoning Ordinance for Marion County, Indiana, shall be prohibited as permitted uses on the subject property: Methadone Clinic or Treatment Facility; Substance Abuse Treatment Facility; Adult Entertainment Business, including retail; Night Club or Cabaret; Automobile Fueling Station; Automobile, Motorcycle and Light Vehicle Service, Repair, Sales or Rental; Temporary or portable Video Boards advertising for sale services or products not available on the subject real estate; Automobile and Light Vehicle Wash; Blood Plasma Center; Tattoo Parlor; Power Generating Facility; Pawn Shop; Firearm Sales; Firework Sales; Seasonal sales unless associated with a business that is open year around; Emergency Shelter; Check Cashing or Validation Services; the sale pf merchandise in tents or trailers; and Recycling Station.

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

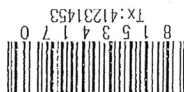
MDC's Exhibit B -- page 1 of 7

M11224070.3

Metropolitan Development

MAR 29 2017

Division of Planning



Metropolitan Development  
Jun 27 2022  
Division of Planning





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Division of Planning  
Current Planning

COMMITMENTS contained in this instrument shall be effective upon:

- (a) the adoption of rezoning petition #2016-ZON-083 by the City-County Council changing the zoning classification of the real estate from a C-3 zoning classification to a C-4 zoning classification; or
- (b) the adoption of approval petition # \_\_\_\_\_ by the Metropolitan Development Commission;

and shall continue in effect for as long as the above-described parcel of real estate remains zoned to the C-4 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).

The undersigned hereby authorizes the Division of Planning of the Department of Metropolitan Development to record this Commitment in the office of the Recorder of Marion County, Indiana, upon final approval of petition #2016-ZON-083.

IN WITNESS WHEREOF, owner has executed this instrument this 20 day of March, 2017.

Q S L COMPANY

By: Mary Deborah Turnerford

MDC's Exhibit B - - page 2 of 7

111224070.3

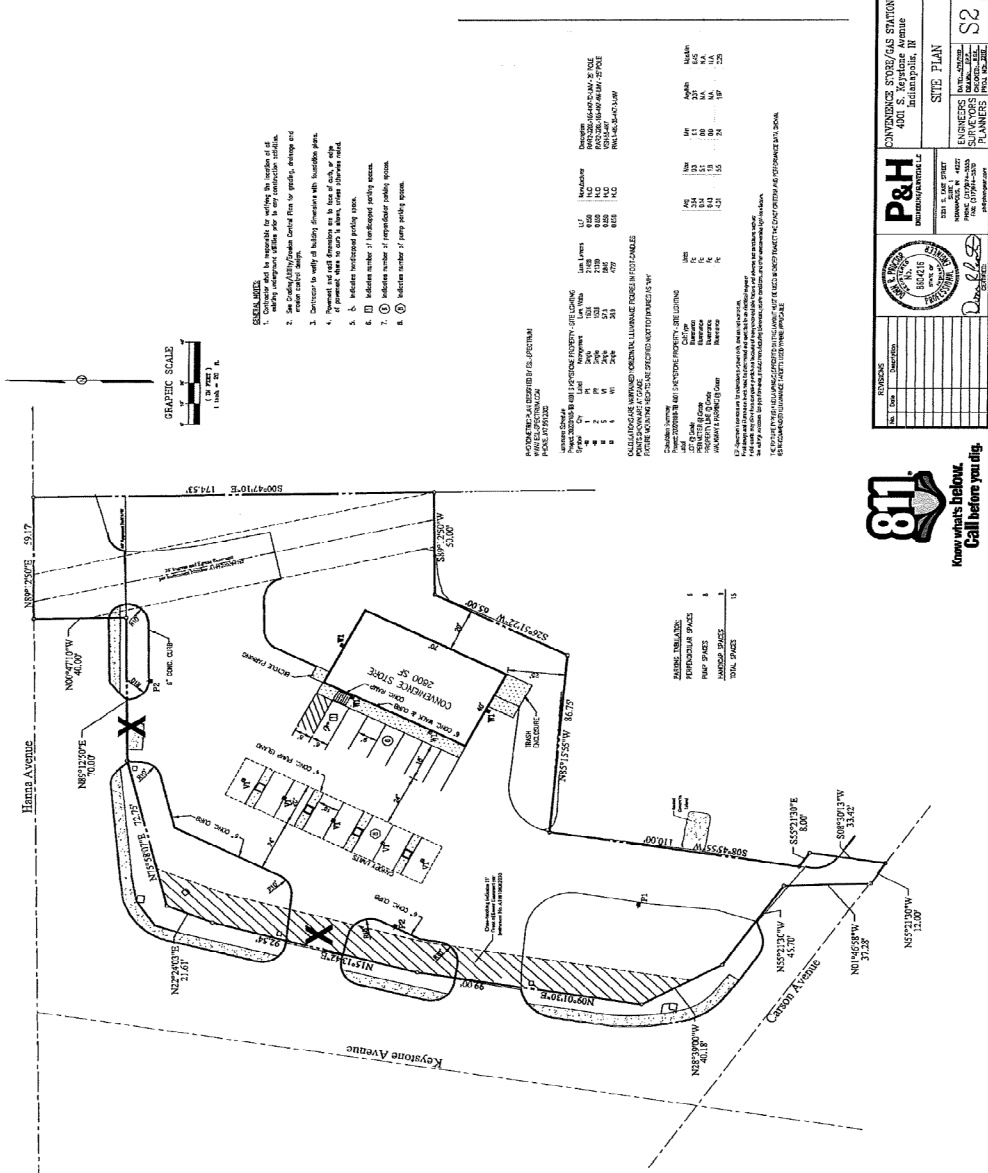
Metropolitan Development

MAR 29 2017

Division of Planning

Metropolitan Development  
Jun 27 2022  
Division of Planning

EXHIBIT B



**P&H ENGINEERS**  
CONFERENCE SERVICES CENTER  
400 S. Keystone Avenue  
Indianapolis, IN

**ENGINEERS**  
PLANNERS

**PROJECT:** SITE PLAN

**DATE:** 02/20/2020

**SCALE:** S2



View of site looking south



View of site looking east





View of site looking northwest



View from site looking northwest across South Keystone Avenue



View from site looking west across South Keystone Avenue and Carson Avenue



View from site looking northwest across intersection of East Hanna Avenue and South Keystone Avenue



View from site looking north across East Hanna Avenue



View from site looking northeast across East Hanna Avenue



View from site looking east at adjacent property



View from site looking southeast at adjacent property



View from site looking south at adjacent commercial property



View from site looking south at adjacent parking lot



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**METROPOLITAN DEVELOPMENT COMMISSION  
HEARING EXAMINER**

August 15, 2024

<b>Case Number:</b>	2024-ZON-039
<b>Property Address:</b>	3803, 3805, 3919, 4051, and 4233 Lafayette Road, 4262, 4266, 4270, and 4360 West 38 <sup>th</sup> Street, 4702, 4750, and 4825 Century Plaza Road
<b>Location:</b>	Pike Township, Council District #5
<b>Petitioner:</b>	PFFO QOZB LLC, by Alex Intermill and Tyler Ochs
<b>Current Zoning:</b>	C-4, C-5 and MU-2 (FF)
<b>Request:</b>	Rezoning of 126.55 acres from the C-4, C-5, and MU-2 (FF) districts to the C-S (FF) district to provide for C-4 and MU-2 permitted uses, plus commercial retail, community center, athletic fields and courts, film production studios, hotels, multi-family dwellings, and educational uses.
<b>Current Land Use:</b>	Commercial uses / vacant commercial property
<b>Staff Recommendations:</b>	Approval, subject to the commitments noted below:
<b>Staff Reviewer:</b>	Kathleen Blackham, Senior Planner

**PETITION HISTORY**

The Hearing Examiner acknowledged the timely automatic continuance filed by a registered neighborhood organization that continued this petition from the July 11, 2024 hearing, to the August 15, 2024 hearing.

**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. The following uses shall be prohibited: vehicle-related operations uses, firearms sales, adult entertainment, commercial / building contractors, and commercial parking lots.
2. Final site plans, enhanced landscaping plans, building elevations and a pedestrian connection system / amenities plan shall be submitted for Administrator Approval 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 / receptacles provided for the proper disposal of trash and other waste.



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Current Planning**

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

## PETITION OVERVIEW

This 126.55-acre site, zoned C-4, C-5, and MU-2 (FF), is comprised of nineteen contiguous parcels. It is surrounded by commercial uses to the north, zoned C-4 and C-S; commercial uses to the south, across West 38th Street, zoned C-5; Interstate 65 right-of-way to the east, zoned I-1, D-P, D-A, and D-6II; and commercial uses to the south, across Lafayette Road, zoned C-5, MU-2, C-S and C-7.

## REZONING

This request would zone this site to the C-S (Special Commercial District). The purpose of the C-S district is to:

- Encourage a more creative approach in land planning, superior site and structural design and development and an efficient and desirable use of open space.
- To provide for a use of land with high functional value.
- To assure compatibility of land uses, both within the C-S district and with adjacent areas.
- To permit special consideration of property with outstanding features, including, but not limited to, historical, architectural, or social significance, unusual topography, landscape amenities, and other special land characteristics.
- To provide maximum adaptability and flexibility in zoning and development controls to meet the changing and diverse needs of the metropolitan area.

“The C-S District is designed to permit, within a single zoning district, multi-use commercial complexes or land use combinations of commercial and noncommercial uses, or single-use commercial projects. The primary objective of this district is to encourage development which achieves a high degree of excellence in planning, design, or function, and can be intermixed, grouped or otherwise uniquely located with maximum cohesiveness and compatibility. The district provides flexibility and procedural economy by permitting the broadest range of land use choices within a single district, while maintaining adequate land use controls. The C-S District can include high-rise or low-rise developments, can be applied to large or small land areas appropriately located throughout the metropolitan area, and can be useful in areas of urban renewal or redevelopment.”



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### **C-S Statement**

The C-S Statement, file dated May 30, 2024, would provide for all C-4 uses, MU-2 uses, along with uses proposed in the site plan and redevelopment plan. See Exhibit A.

The goal of redevelopment of the site would be to create a “live / work / play” community comprised of residential uses, educational uses and office uses that would be supported by commercial, athletic, and entertainment venues.

Additional and more detailed information includes approximate acreage / square footage of the uses, number of units / keys, and parking counts. See Exhibit B.

Staff believes that some of the C-4 permitted uses that would not be appropriate includes vehicle-related operations uses, firearms sales, adult entertainment, commercial / building contractors, and commercial parking lots.

### **Conceptual Site Plan**

The “full buildout development concept,” file dated May 30, 2024, would maintain the primary entrance hall and a portion of the northern wing, with new structures throughout the site to accommodate the proposed uses. See Exhibit C.

Site access would maintain the four access drives along Lafayette Road, one access drive along West 38th Street, and Century Plaza Road that currently dead ends within the site. Century Plaza Road would be extended to provide for connection to the access drive along West 38th Street, along with internal drives that would provide for vehicular circulation throughout the site and be designated as public streets. See Exhibit D (Right-of-Way).

### **Floodway Fringe**

This site has a secondary zoning classification of a Floodway Fringe (FF), which is the portion of the regulatory floodplain that is not required to convey the 100-year frequency flood peak discharge and lies outside of the floodway.

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

There is a floodway fringe of Little Eagle Creek located at the northeast corner of the site, along Interstate 65, across Century Plaza Road and the northernmost forested parcel. That area is currently undeveloped but if future development would occur, regulations related to flood control would need to be considered.





## 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 receptables for proper disposal of trash and other waste.

## Tree Preservation / Heritage Tree Conservation

The northernmost area of the site, proposed for residential development, has significant amounts of natural vegetation and trees. Due to their inherent ecological, aesthetic, and buffering qualities, the maximum number of these existing trees should be preserved on the site.

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



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

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

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

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

### **Staff Recommendations**

Staff generally supports this redevelopment project because it would be consistent with the Lafayette Square Area Plan recommendations of commercial retail and service, commercial office, and mixed-use. Furthermore, the C-S district would be appropriate given the site acreage, proposed uses and the goal of being a work / live / play community.

However, staff believes that some of the permitted C-4 uses would not be appropriate that would include vehicle-related operations uses, firearms sales, adult entertainment, commercial / building contractors, and commercial parking lots and would request that those uses be prohibited.

Staff also believes this project should provide a strong pedestrian connection system throughout the site, along with pedestrian amenities (benches, lighting, trash containers, etc.). Staff would also request that landscaping be enhanced that would exceed the minimum Ordinance requirements, along with providing green spaces throughout the site.



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This redevelopment project is conceptual at this time and full build out would be phased over many years. Staff would anticipate that as development moves forward that the architectural character of the buildings would be harmonious and compatible throughout the site. Staff would also encourage that a sign program be developed in the early stages to maintain sign consistency throughout the site as development occurs.

Administrator Approval would be required as development occurs that would include site plans, landscaping plans, photometric plans and building elevations. Staff would also request Administrator Approval for a pedestrian / amenity plan.

**GENERAL INFORMATION**

<b>Existing Zoning</b>	C-4 / C-5 / MU-2 (FF)	
<b>Existing Land Use</b>	Commercial uses / vacant commercial uses	
<b>Comprehensive Plan</b>	Commercial retail and service / commercial office / mixed-use	
<b>Surrounding Context</b>	<b>Zoning</b>	<b>Land Use</b>
North:	C4 / C-S	Commercial uses
South:	C-5	Commercial uses
East:	I-1/ D-P / D-A / D-6II (FF)	Interstate 65 right-of-way
West:	C-5 / MU-2 / C-S / C-7.	Commercial uses
<b>Thoroughfare Plan</b>		
Lafayette Road	Primary arterial	Existing 148-foot right-of-way and proposed 134-foot right-of-way.
Century Plaza Road	Local Street	Existing 70-foot right-of-way and proposed 50-foot right-of-way.
<b>Context Area</b>	Metro	
<b>Floodway / Floodway Fringe</b>	Yes – Little Eagle Creek	
<b>Overlay</b>	No	
<b>Wellfield Protection Area</b>	No	
<b>Site Plan</b>	May 30, 2024	
<b>Site Plan (Amended)</b>	N/A	
<b>Elevations</b>	N/A	
<b>Elevations (Amended)</b>	N/A	
<b>Landscape Plan</b>	N/A	
<b>Findings of Fact</b>	N/A	
<b>Findings of Fact (Amended)</b>	N/A	
<b>C-S/D-P Statement</b>	May 30, 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

- The Lafayette Square Area Plan (2010) recommends commercial retail and services (central portion of the site along Lafayette Road), commercial office (northeast portion of the site along Interstate 65) and mixed-use land uses (southern portion of the site along West 38th Street).
- Commercial Retail and Services - Retail and service businesses include neighborhood oriented, smaller scale stores and shops and larger size community and regional uses that may be in major groupings or shopping centers and that attract high traffic volumes from throughout the metropolitan area. Larger scale commercial uses usually are not compatible with residential areas. Examples are:
  - New Retail businesses such as art galleries, antique stores, grocery stores, apparel and accessory stores, artist and architect supply stores, bookstores, camera supply stores and photo developing businesses, florists, bakeries, pharmacies, card and stationery stores, hardware stores, jewelry stores, pet shops, framing services, and music stores.
  - Personal, professional, and business services such as barber and beauty shops, dry cleaners, and shoe repair businesses.
  - Repair services such as jewelry, watch and clock repair, key duplicating, typewriter repair, shoe repair and camera repair.
  - Restaurants and taverns with restrictions.
- Commercial Office - Low-intensity office uses, integrated office development and compatible office-type uses. Retail uses are not promoted in this category, unless those uses are significantly subordinate to the primary office use or the retail use exclusively serves an abundance of office uses in proximity to the retail use. Commercial Office uses can exist either as buffers between higher intensity land uses and lower intensity land uses or as major employment centers. The following uses are representative of this land use category:
  - Medical and dental facilities
  - Education services



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- Insurance
  - Real estate
  - Financial institutions
  - Design firms
  - Legal services
  - Day care centers
  - Mortuaries
  - Communications studio
- **Mixed-Use** - Buildings typically two or three stories in some commercial areas with the first floor developed in commercial retail or service uses and upper floor(s) devoted to office or residential. Some examples are:
    - Multi-family housing
    - Theaters
    - Business services and professional offices
    - Restaurants and taverns • Membership organizations
    - Personal services • Repair services
    - Retail
    - Post-secondary education
    - Parking garages and lots

### 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

**2016-ZON-053; 4233 Lafayette Road**, requested rezoning of 11.25 acres from the D-A and C-4 districts to the C-4 classification, **approved**.

**2008-VAR-856 / 2008-VAR-856A and 2004-VAR-856B, 3919 and 4501 Lafayette Road**, requested a variance of use for an amusement arcade with up to 150- amusement machines on a lot within 100 feet of a protected district; a special exception of the Commercial Zoning Ordinance to provide for an amusement arcade with up to 150 amusement machines; an a variance of development standards of the Commercial Zoning Ordinance to provide for an amusement arcade with up to 150 amusement machines on a lot within 100 fee of a protected district, **withdrawn**.

**2004 UV1-021; 3919 Lafayette Road**, requested a variance of use of the Commercial Zoning Ordinance to provide for a 30,200 square-foot, 1,782 seat church in an existing commercial shopping center, **granted**.

**73-Z-156; 4401 Georgetown Road**, requested rezoning of 36.94 acres, being in the A-2 district to the C-4 classification to provide for a shopping center, **approved**.

**70-Z-238, 4233 Lafayette Road**, requested rezoning of 7.80 acres, being in the C-2 and A-2 districts to the C-4 classification not provide for a furniture store, **approved**.

## VICINITY

**2014-UV3-025; 4751 Century Plaza Road (north of site)**, requested a variance of use of the Commercial zoning Ordinance to provide for a 72-unit, multi-family complex, with three, three-story buildings, with a clubhouse building and community resource facility, **granted**.

**2003-ZON-025; 3930 Georgetown Road (north of site)**, requested rezoning of 9.09 acres, being in he C-S (FF) (FW), C-3 (FF) (FW), C-4 (FF) (FW), and C-5 (FF) (FW) districts to the SU-1 (FF)(FW) district to provide for religious uses, **approved**.

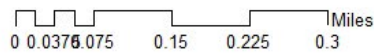
**84-Z-121; 4305 Lafayette Road (north of site)**, requested rezoning of 3.6 acres from the A-2 and C-4 Districts to the C-S classification to provide for the construction of mini-warehouses, including a resident manager's office, **approved**.

**74-Z-194; 4700-5090 West 38<sup>th</sup> Street (south of site)**, requested rezoning of 76.3 acres, being in the C-S and C-1 Districts to the C-S classification to provide for an integrated commercial-industrial center, **approved**.

EXHIBITS



3803-4233 Lafayette Road, 4262-4360 West 38th Street and 4825 Century Plaza Road





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

## EXHIBIT A

### C-S Development Statement

#### Former Lafayette Square Mall Property

##### Introduction

Petitioner, PFFO QOZB LLC owns<sup>1</sup> approximately 126.55 acres of real estate located generally at the site of the former Lafayette Square Mall, 3919 Lafayette Road, Indianapolis, Indiana 46254 (the "Subject Property").

The Subject Property is improved with the former Lafayette Square Mall building and various neighboring out-lot buildings. Petitioner proposes a transformational project which will include retail, multifamily housing, hotels, senior housing, office and commercial space, a sports complex and athletic fields, a concert venue, film studios, and other uses permitted in MU-2 and C-4.

##### Proposed Uses

Parcels in the Subject Property are currently zoned C-4, C-5, and MU-2. The Subject Property is bordered on the northeast by Interstate 65, Lafayette Road on southwest, and 38<sup>th</sup> Street on the south. The Ivy Tech Automotive Technology Center to the north is zoned C-S and one parcel (#6006633) along the southwest boundary is zoned MU-1. The proposed C-S zoning and uses will provide the flexibility to develop the Subject Property for uses consistent with the current and surrounding zoning and will not negatively impact neighboring parcels.

As depicted in the attached Site Plan and Redevelopment Plan filed with its petition, Petitioner proposes that the Subject Property be used for any of the following permitted uses:

- 1) All C-4 uses;
- 2) All MU-2 uses; and
- 3) Uses contemplated in the Site Plan and Redevelopment Plan (to the extent not permitted in C-4 or MU-2).

##### Operations Plan

Petitioner desires to redevelop the Subject Property with the goal of creating "live/work/play" community that incorporates commercial, athletic, and entertainment venues. The project will be developed in phases with various partners for the residential, commercial, and other aspects of the development. Accordingly, specific projections of the number of employees, visitors, residents, etc. are not currently available. Petitioner will, of course, work with its design and engineering team and Planning Staff to ensure that adequate parking,

<sup>1</sup> Overseas Properties I LLC has common ownership with PFFO QOZB LLC and holds title to Parcel Nos. 6022082 and 6008244. Parcel 6002650, the former Don's Guns property, is owned by Brenda Duety but Petitioner or a commonly-owned entity has the property under contract for purchase. Consents for Overseas Properties I LLC and Brenda Duety will be provided.





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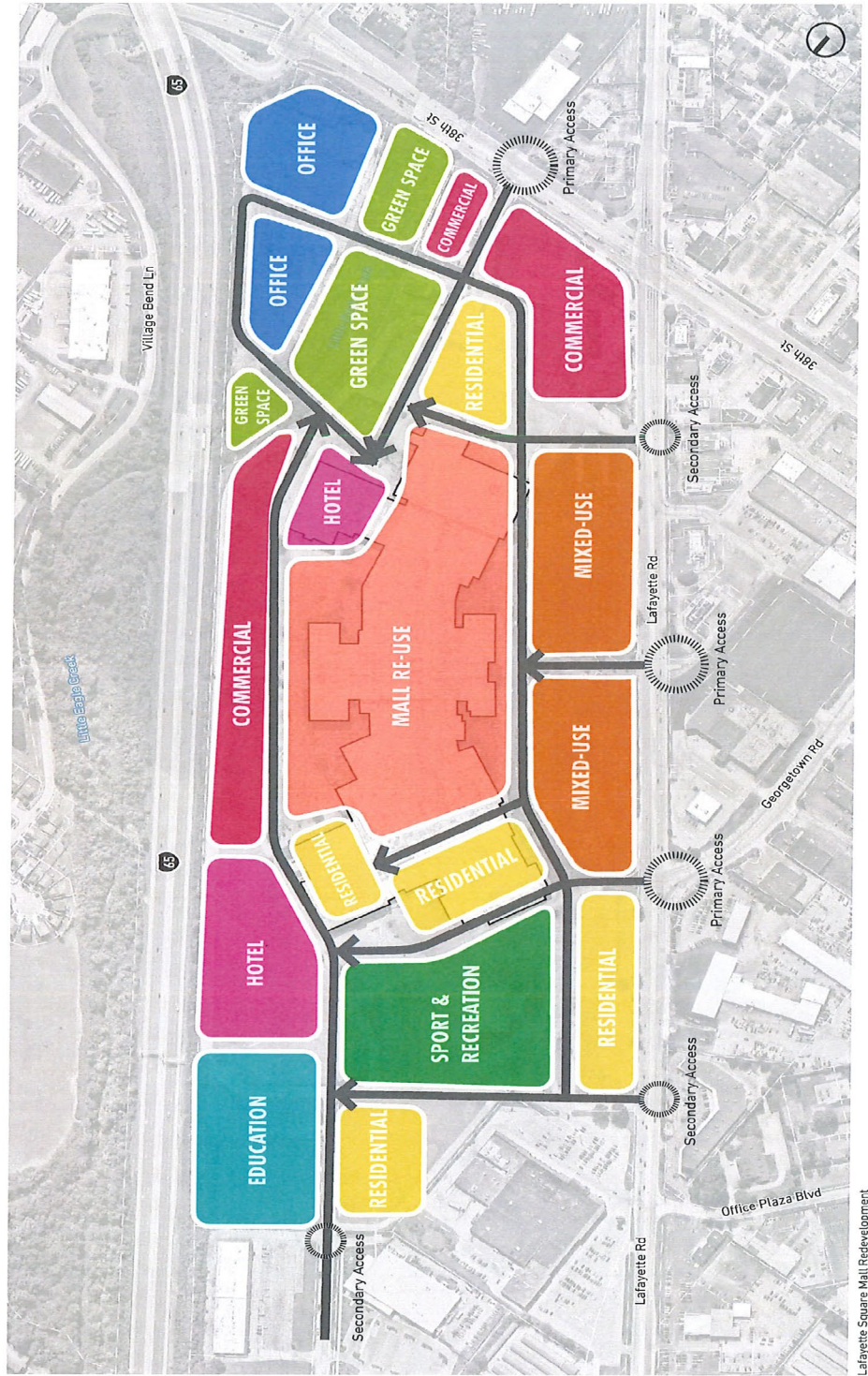
pedestrian ways, and greenspace, including preserving existing trees when possible, are incorporated to accommodate the needs of the development and tie into the existing roads and infrastructure.

Commitments

Petitioner is open to discussing potential commitments with Planning Staff through the rezoning process.

EXHIBIT B

REDEVELOPMENT PLAN FRAMEWORK



4

**DEVELOPMENT PARCEL MAP**



Lafayette Square Mall Redevelopment



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**TAKE OFFS**

SITE	ACRES	Use	Full Build (Sqft)	Units / Keys	Spaces (Required)	Spaces (Provided)
1	7.8	Community Center/Education	105,400		60	192
2	3.8	Multi-Family	154,500	138	138	167
3	6.1	Hotel	153,500	201	201	165
4	9.4	Sports & Recreation	200,200		500	212
5	1.7	Multi-Family	79,000	71	71	170
6	1.7	Multi-Family	79,000	71	71	
7	5.5	Mixed-Use Apartments	292,445	262	262	243
8	3.7	Multi-Family	175,000	159	159	489
9	23	Retail	614,621		1,537	224
10	2.6	Multi-Family	162,400	145	145	83
11	7.7	Retail	13,000		33	119
		Retail	13,000		33	163
		Retail	24,000		60	
12	1.7	Hotel	85,540	112	112	81
13	5.2	Mixed-Use Condos	323,335	262	262	579
14	1.3	Retail	6,920		17	168
15	2.4	Retail	5,100		13	55
		Retail	9,340		23	54
		Retail	4,560		12	
16	2.3	Condos	202,360	164	207	207
17	1.7	Retail	4,500		12	89
		Retail	4,500		12	
18	2.2			Stormwater and Open Space		

\* Note: Takeoffs are all conceptual and would be refined with additional design and engineering

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**TAKE OFFS**

SITE	ACRES	Use	Full Build (Sqft)	Units / Keys	Spaces (Required)	Spaces (Provided)
19	1.5	Retail	8,700		22	78
20	7.8	Corporate Office	58,800		147	166
		Corporate Office	57,100		143	100

	Total
Retail	708,736 GSF
Office	115,898 GSF
Multi-Family & Senior (Units)	783 Units
Condos (Units)	426 Units
Hotel (Keys)	313 Keys
Sports & Recreation	200,000 GSF
Parking (Required)	4,206 Spaces
Parking Provided (Surface & Garages)	3,880 Spaces
Parking Provided (Street)	- Spaces

\* Note: Takeoffs are all conceptual and would be refined with additional design and engineering

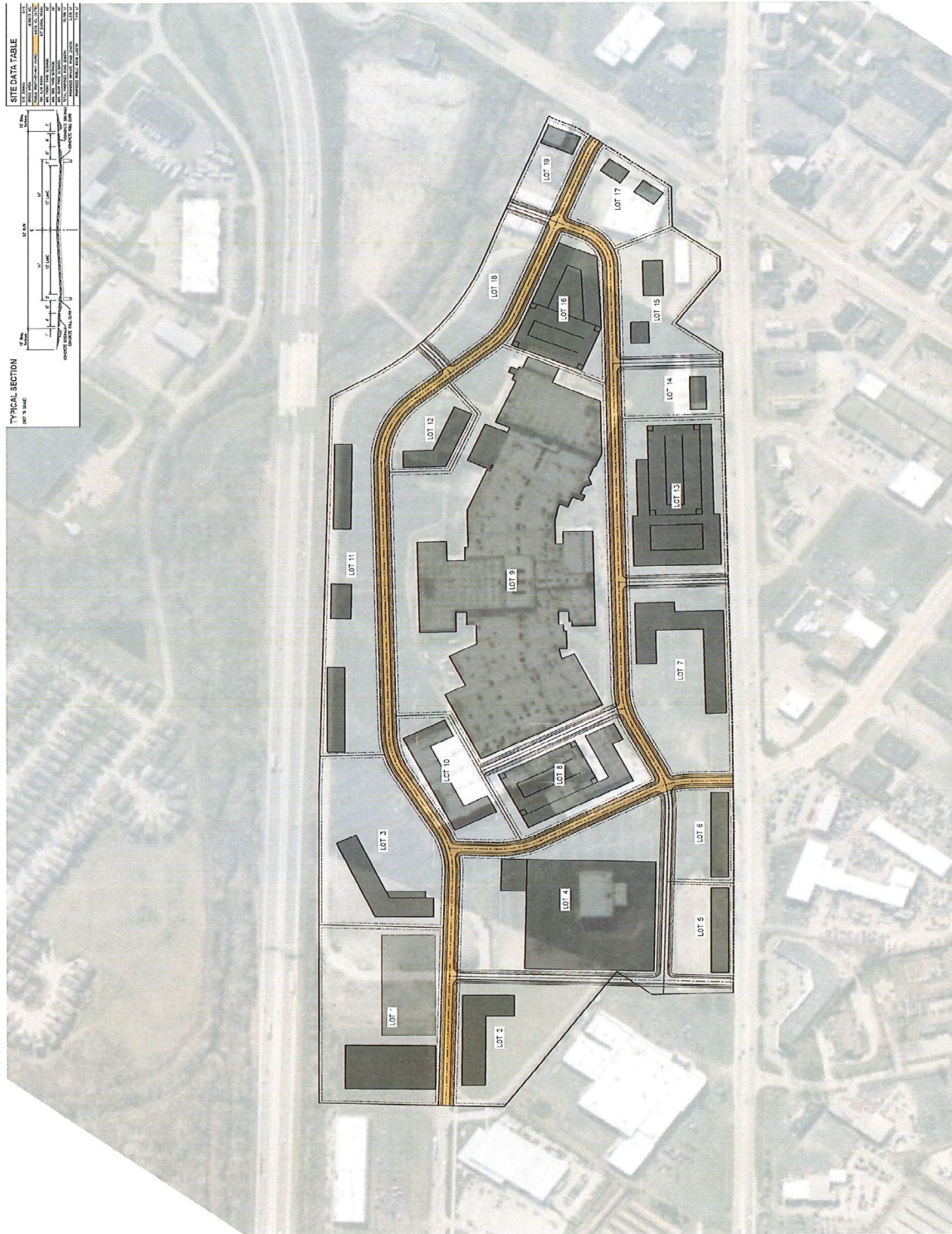
Lafayette Square Mall, Redevelopment

EXHIBIT C

**FULL BUILDOUT DEVELOPMENT CONCEPT**



EXHIBIT D




StructurePoint  
2024-00244

**Preliminary Row Layout Exhibit**  
 Lafayette Square Mall Redevelopment  
 3919 Lafayette Road  
 Indianapolis, IN 46254



SCALE: 1" = 100'  
 May 17, 2024



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## EXHIBIT E

### Heritage Tree Conservation

Removal of any Heritage Tree is prohibited unless any of the following determinations are made before removal:

1. The Administrator or the city's Urban Forester determines that the tree is dead, significantly and terminally diseased, a threat to public health or safety, or is of an undesirable or nuisance species.
2. The Director of the Department of Public Works determines that the tree interferes with the provision of public services or is a hazard to traffic.
3. The Administrator determines that the location of the tree is preventing development or redevelopment that cannot be physically designed to protect the tree.
4. The site from which the tree is removed is zoned D-A and the tree is harvested as timber or similar forestry

<b>Size of tree removed or dead (inches)</b>	<b>Number of Trees to be planted to replace a Heritage Tree</b>	<b>Number of Trees to be planted to replace an existing tree</b>
Over 36 DBH	15	10
25.5 to 36 DBH	11	8
13 to 25 DBH	8	6
10.5 to 12.5 DBH	6	4
8.5 to 10 DBH	5	4
6.5 to 8	3	2
4 to 6	2	2
2.5 to 3.5	1	1





View looking west along West 38th Street



View of southern portion of site looking west



View of southern portion of site looking north



View of southern portion of site looking west



View of southern portion of site looking northwest



View from southern portion of site looking east



View of central portion of site looking west



View of central portion of site looking west



View of central portion of site looking south



View of central portion of site looking south



View of central portion of site looking southeast



View of central portion of site looking southeast



View looking east at main entrance along Lafayette Road



View looking west from entrance along Lafayette Road



View from site looking west across access drive along Lafayette Road



View from the northern portion of site looking northwest





View from northern portion of site looking northwest



View from northern portion of site looking north



View from northern portion of site looking north



View from northern portion of site looking south



View looking north along Century Plaza Road internal to the site



View looking south along Century Plaza Road internal to the site



View from Century Plaza Road looking west into northern portion of site



View from Century Plaza Road looking northwest (Ivy Tech)



View from northern portion of site looking northeast



View looking north along Century Plaza Road



View of northern portion of site looking northwest across Century Plaza Road



**METROPOLITAN DEVELOPMENT COMMISSION** **August 15, 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:** Denial  
**Staff Reviewer:** Kathleen Blackham, Senior Planner

**PETITION HISTORY**

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 / receptacles 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%, 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**

<b>Existing Zoning</b>	D-5	
<b>Existing Land Use</b>	Storage units / accessory building	
<b>Comprehensive Plan</b>	Traditional Neighborhood	
<b>Surrounding Context</b>	<b><u>Zoning</u></b>	<b><u>Land Use</u></b>
	North:	D-5 Single-family dwelling
	South:	SU-38 Parking lot / community center
	East:	D-5 Multi-family dwellings



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West:	D-5	Single-family dwelling
<b>Thoroughfare Plan</b>		
North Jefferson Avenue	Local Street	Existing 50-foot right-of-way and proposed 48-foot right-of-way.
<b>Context Area</b>	Compact	
<b>Floodway / Floodway Fringe</b>	No	
<b>Overlay</b>	No	
<b>Wellfield Protection Area</b>	No	
<b>Site Plan</b>	May 9, 2024	
<b>Site Plan (Amended)</b>	N/A	
<b>Elevations</b>	N/A	
<b>Elevations (Amended)</b>	N/A	
<b>Landscape Plan</b>	N/A	
<b>Findings of Fact</b>	N/A	
<b>Findings of Fact (Amended)</b>	N/A	
<b>C-S/D-P Statement</b>	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 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.



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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.

**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:



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- 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 10<sup>th</sup> 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 10<sup>th</sup> 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 10<sup>th</sup> 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 10<sup>th</sup> 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 10<sup>th</sup> Street, 1017 Jefferson Avenue and 1042 Beville Avenue**, requested a vacation of a portion of 10<sup>th</sup> Street, a portion of the air rights above 10<sup>th</sup> Street, the first east/west alley north of 10<sup>th</sup> 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 10<sup>th</sup> 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**.

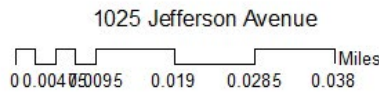
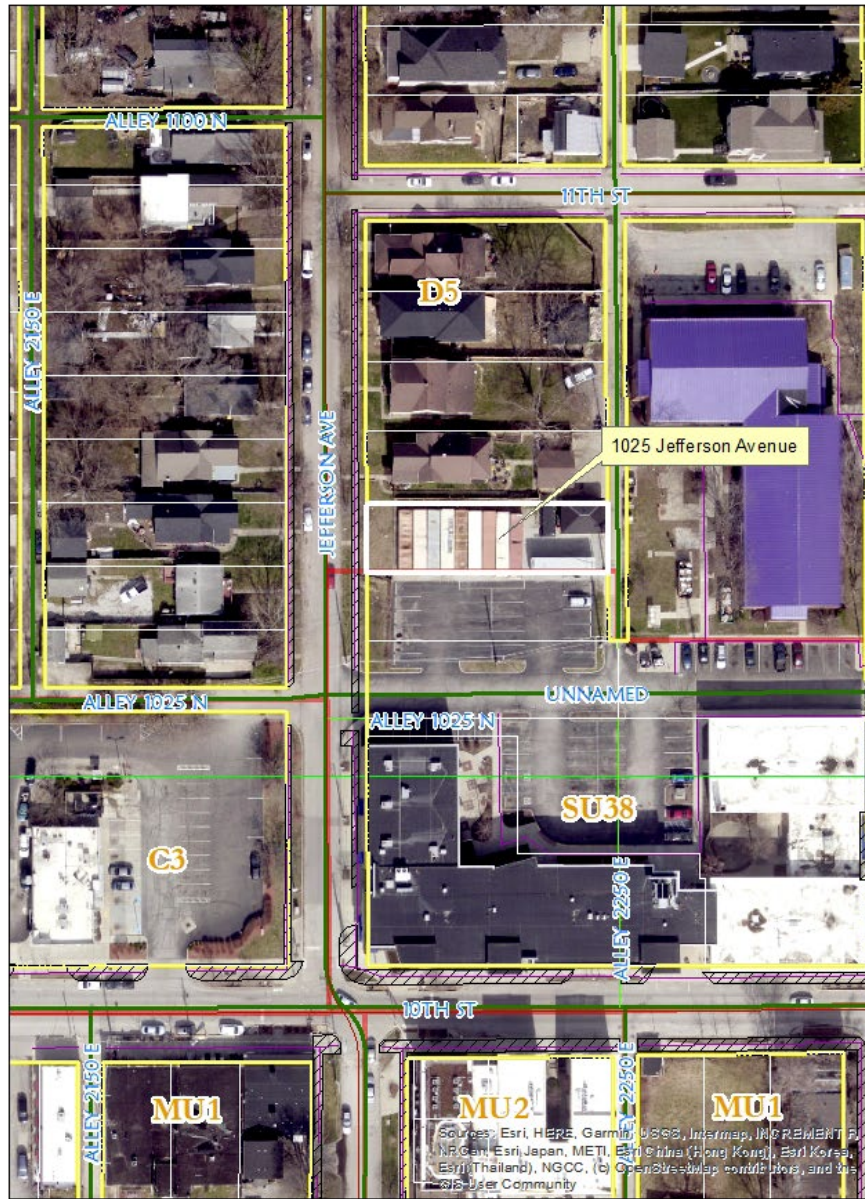


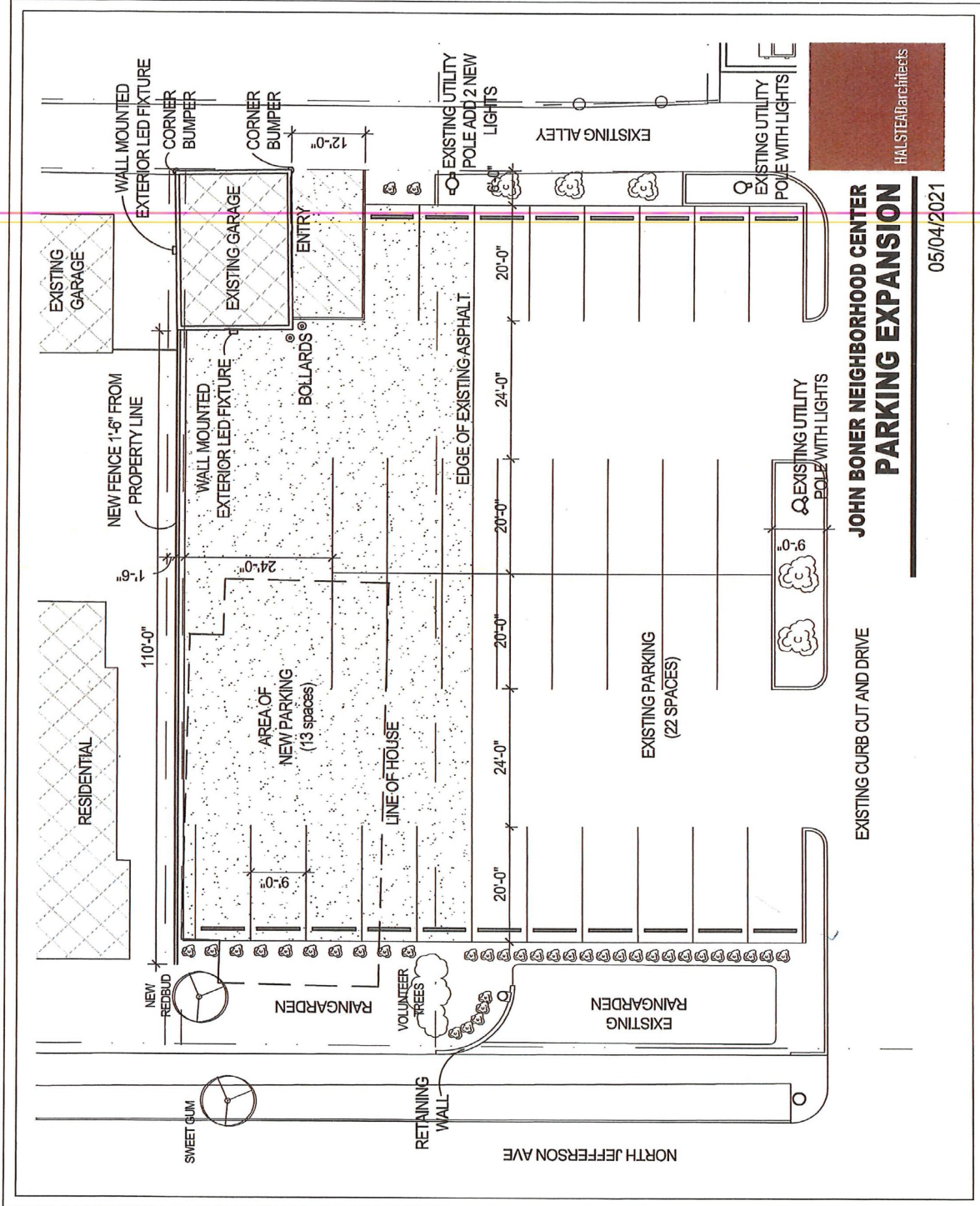
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**98-UV1-062; 2117 East 10<sup>th</sup> Street**, requested a variance of use and development standards of the Commercial Zoning Ordinance to legally establish motorcycle sales and salvage business, with reduced setbacks and landscaping, **granted**.

**89-V2-144; 2236 East 10<sup>th</sup> 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**





**JOHN BONER NEIGHBORHOOD CENTER  
 PARKING EXPANSION**

EXISTING CURB CUT AND DRIVE

HALSTEAD Architects

05/04/2021





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  
HEARING EXAMINER**

August 15, 2024

**Case Number:** 2024-ZON-071

**Property Address:** 1302 East Stop 11 Road

**Location:** Perry Township, Council District #23

**Petitioner:** HRE Brothers, LLC, by Michael Rabinowitch

**Current Zoning:** D-A

**Request:** Rezoning of 1.788 acres from the D-A district to the C-3 district to provide for a restaurant and other commercial uses.

**Current Land Use:** Single-family dwelling

**Staff Recommendations:** Denial

**Staff Reviewer:** Kathleen Blackham, Senior Planner

**PETITION HISTORY**

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.

No new information has been submitted to the file. Staff continues to recommend denial.

**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:

1. The site and improved areas within the site shall be maintained in a reasonably neat and orderly manner during and after development of the site with appropriate areas and containers / receptables provided for the proper disposal of trash and other waste.
2. A 56-foot half right-of-way shall be dedicated along the frontage of East Stop 11 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).



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## PETITION OVERVIEW

This 1.788-acre site, zoned D-A, is developed with a single-family dwelling. It is surrounded by a single-family dwelling to the north, zoned D-A; single-family dwellings to the south, across East Stop11 Road, zoned D-3; a single-family dwelling to the east, zoned D-A; and commercial uses to the west, zoned C-4.

Petitions 2007-ZON-055 and 2009-ZON-065 requested rezoning to commercial uses and both were withdrawn. Petition 2018-UV2-004 requested a variance of use for commercial uses and signage. This petition was denied.

## REZONING

This request would rezone the site from a residential use to the C-3 (neighborhood commercial) 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 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 Comprehensive Plan recommends suburban neighborhood typology. Since at least 1988 (US 31 and South Madison Avenue Corridor Plan), this site has been recommended for residential uses.

Only small-scale office, retailing and personal or professional services are recommended commercial uses within the suburban neighborhood. The Pattern Book defines small-scale uses on lots less than 1.5 acres with minimal outdoor operations, storage or display. Additional guidelines state that these uses be located at the intersections of arterial streets and no closer than one mile to another commercial node, limited to an aggregate of 3.5 acres per intersection, adequate space for required screening and buffering, and no outdoor display of merchandise.

As proposed, a 10,150-square-foot building, 51 parking spaces and a 30-foot by 60-foot greenhouse would introduce an intense commercial use into the neighborhood that would be wholly inappropriate.



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Commercial development of the site would alter and negatively impact the residential character of Oak Drive and the adjoining neighborhoods. It would introduce noise and traffic into the established residential aesthetic. Due to the development of the surrounding neighborhoods, and the street pattern of the area, it is unlikely that this request would primarily serve those residents that would be most impacted by the proposed development.

Furthermore, rezoning of any of the properties east of the existing commercial corridor on Madison Avenue to any commercial classification would only lead to further commercial rezoning requests or variances along this portion of East Stop 11 Road, which would be contrary to the Comprehensive Plan recommendation, as well as the recommended guidelines in The Pattern Book.

Within this massive commercial retail corridor along US 31 and Madison Avenue, vacancies abound in existing structures that are zoned and developed appropriately for commercial uses. Reuse and redevelopment would be much more desirable than expanding commercial use to the east and encroaching into a well-established neighborhood.

### **Department of Public Works**

The Department of Public Works, Traffic Engineering Section, has requested the dedication and conveyance of a 56-foot half right-of-way along East Stop 11 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;





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- 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**

<b>Existing Zoning</b>	D-A		
<b>Existing Land Use</b>	Single-family dwelling		
<b>Comprehensive Plan</b>	Suburban Neighborhood		
<b>Surrounding Context</b>	<b><u>Zoning</u></b>	<b><u>Land Use</u></b>	
	North:	D-A	Single-family dwelling
	South:	D-3	Single-family dwellings
	East:	D-A	Single-family dwelling
	West:	C-4	Commercial uses
<b>Thoroughfare Plan</b>			
East Stop 11 Road	Secondary Arterial	Existing 96-foot right-of-way and proposed 112-foot right-of-way.	
<b>Context Area</b>	Metro		
<b>Floodway / Floodway Fringe</b>	No		
<b>Overlay</b>	No		
<b>Wellfield Protection Area</b>	No		
<b>Site Plan</b>	June 3, 2024		
<b>Site Plan (Amended)</b>	N/A		
<b>Elevations</b>	N/A		
<b>Elevations (Amended)</b>	N/A		
<b>Landscape Plan</b>	N/A		
<b>Findings of Fact</b>	N/A		
<b>Findings of Fact (Amended)</b>	N/A		
<b>C-S/D-P Statement</b>	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

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

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

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

Only small-scale office, retailing and personal or professional services are recommended commercial uses within the suburban neighborhood. The Pattern Book defines small-scale uses on lots less than 1.5 acres with minimal outdoor operations, storage or display. The proposed use would present large-scale office, retailing and personal or professional services and expansion of a regional commercial use into the living typology to the east and south.

**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

**2018-UV2-004; 1302 East Stop 11 Road (subject site)**, requested a variance of use and development standards of the Consolidated Zoning and Subdivision Ordinance to provide for a nail/pedicure salon within the attached breezeway and garage, including a future expansion, with driveway improvements and a parking lot with an 11-foot west side setback and with a neon-trimmed, 32-square foot freestanding sign, **denied**.

**2009-ZON-065; 1302 East Stop 11 Road (subject site)**, requested the rezoning of two acres, from the D-A District to the C-3C classification to provide for corridor commercial uses, **withdrawn**.

**2007-ZON-055; 1302 East Stop 11 Road and 7934 South Oak Drive (includes subject site)**, requested the rezoning of 2.78 acres, from the D-A District to the C-3 classification to provide for neighborhood commercial uses, **withdrawn**.

### Vicinity

**2007-UV2-020; 1240 East Stop 11 Road (west of site)**, requested a variance of use and development standards of the Commercial Zoning Ordinance to provide for the sale, rental and leasing of automobiles, and to provide for 4,230 square feet of non-accessory outdoor display areas not located adjacent to a building, **granted**.

**2003-ZON-137; 8003 South US 31 (southwest pf site)**, requested rezoning of 1.14 acre from C-4 to C-5, **approved**.

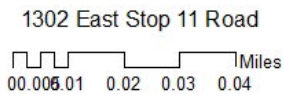
**90-UV2-117; 1712 East Stop 11 Road (east of site)**, requested a variance of use of the Dwelling District Zoning Ordinance to permit the operation of a travel agency within an existing single-family home, **denied**.

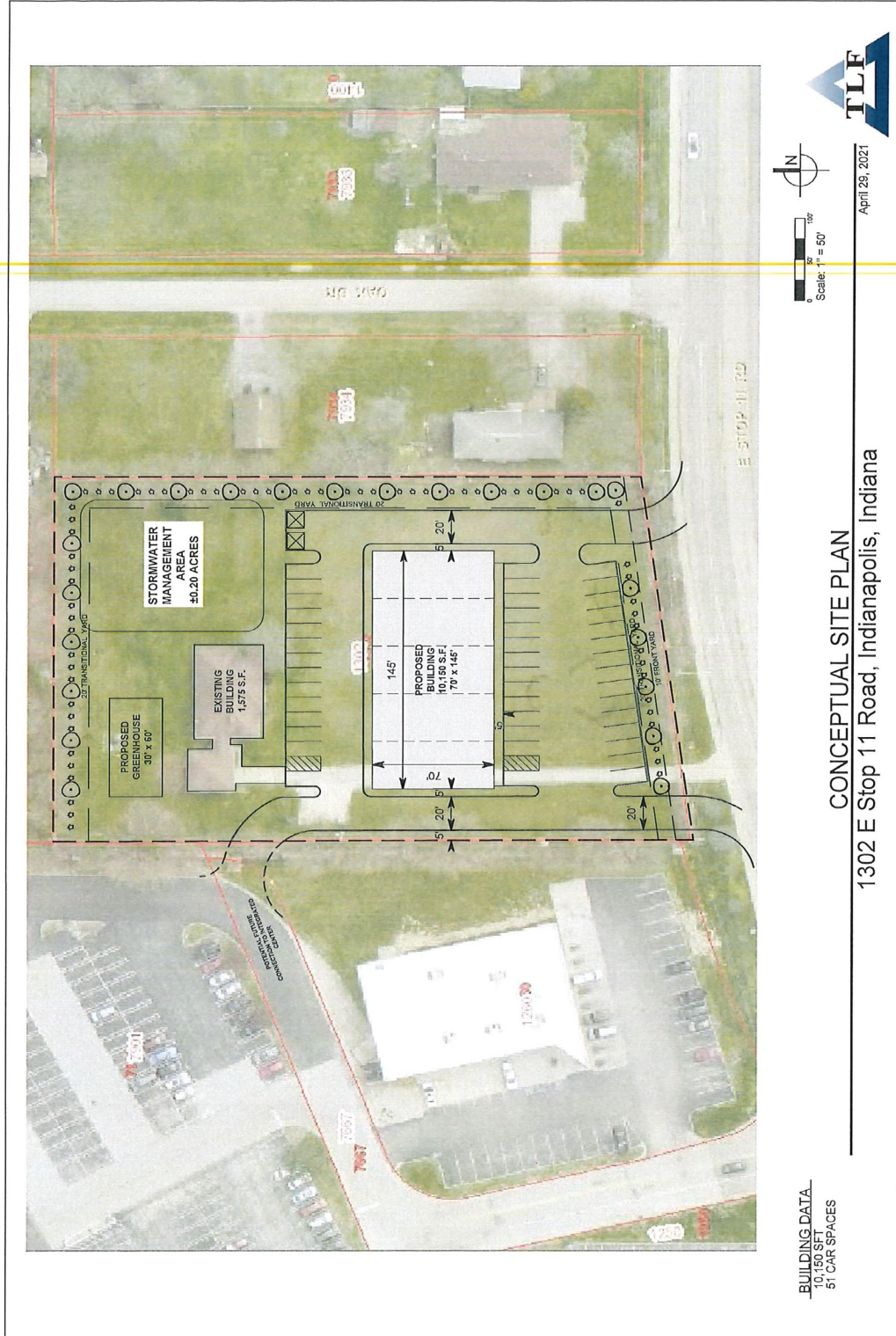
**88-UV2-26; 1712 East Stop 11 Road (east of site)**, requested a variance of use to permit the conversion of a residence to a commercial office, **denied**

**86-UV2-83; 1712 East Stop 11 Road (east of site)**, requested a variance of use to permit the conversion of a residence to a commercial office, **denied**

**83-HOV-8; 7934 Oak Drive (east of site)** requested a variance of development standards of the Agricultural Zoning Ordinance, to provide for the location of residential garage, with a reduced front setback from Oak Drive, **granted**.

EXHIBITS







View looking west along East Stop 11 Road



View looking east along East Stop 11 Road



View of site looking northeast across East Stop 11 Road



View of site looking north across East Stop 11 Road





View of site looking north across East Stop 11 Road



View of site looking west across Oak Drive



**METROPOLITAN DEVELOPMENT COMMISSION**  
**HEARING EXAMINER** **August 15, 2024**

**Case Number:** 2024-ZON-075

**Property Address:** 7015 Brookville Road (Approximate Address)

**Location:** Warren Township, Council District #20

**Petitioner:** Liberty Boatwrks, LLC, by Joseph D. Calderon

**Current Zoning:** I-1

**Request:** Rezoning of 2.85 acres from the I-1 district to the I-3 district to provide for boat sales and repair.

**Current Land Use:** Industrial

**Staff Recommendations:** Denial

**Staff Reviewer:** Marleny Iraheta, Senior Planner

**PETITION HISTORY**

This petition was continued from the July 25, 2024 hearing to August 15, 2024 hearing at the request of the petitioner.

**STAFF RECOMMENDATION**

Staff **recommends denial** of the request.

**PETITION OVERVIEW**

**LAND USE**

The 2.85-acre subject site is developed with a fueling station to the north, an equipment enclosure, and an industrial building measuring approximately 15, 250 square feet to the south.

The site is bordered to the west by a two-tenant space building and associated undeveloped wooded parcel, zoned I-1, an industrial business south, zoned I-1, a general contractor business east, zoned I-1, and a credit union north, zoned C-4.

**REZONING**

The request would rezone the property from the I-1 district to the I-3 district to allow for boat sales and repair.



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The I-1 district is designed for those industries that present the least risk to the public. In the I-1 district, uses carry on their entire operation within a completely enclosed building in such a manner that no nuisance factor is created or emitted outside the enclosed building. No storage of raw materials, manufactured products, or any other materials is permitted in the open space around the buildings. Loading and unloading berths are completely enclosed or shielded by solid screening. This district has strict controls on the intensity of land use providing protection of each industry from the encroachment of other industries. It is usually located adjacent to protected districts and may serve as a buffer between heavier industrial districts and business or protected districts.

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.

### **STAFF ANALYSIS**

The proposed boat sales and repair business would be classified under Other Vehicle Sales, Rental or Repair, which is only permitted in the C-7, I-3 and I-4 districts by right or the I-2 district if vacant for five consecutive years. An inherent characteristic of the use is the outdoor display of vehicles offered for sale which is considered a primary facet of the use. As a primary use, the display must meet the development standards as a primary use and not the standards associated with an accessory use.

The proposed I-3 district is a medium industrial district, which would not be consistent with the light industrial land use recommendation of the Comprehensive Plan. In staff's opinion, it would be too intense for the area which is currently being utilized as a buffer district from the D-A district to the west and the I-2 district further east of the site.

Granting the rezoning at this site could set a precedent to rezone other sites in this buffer area to districts greater than the light industrial recommendation. Thereby, nullifying the protection of non-invasive industrial uses that do not have intense impacts to the D-A protected district.

Additionally, the Pattern Book removes heavy commercial uses and retailing as land use recommendations in the light industrial typology when it falls within the Industrial Reserve Overlay, which this site does. The retailing aspect would have needed to be subordinate to and serving the primary uses of production, warehousing, and offices, which would not have been the case at this site.

Staff is concerned the site does not appear to have sufficient room for maneuverability and could have the potential for unordered outdoor storage of boats either waiting for repair, waiting for pick-up, or extra storage of boats to be sold. There could also be some difficulty with meeting the landscape requirements on site.

Lastly, the I-3 district would allow for a variety of intense uses that would not be appropriate at this location such as Truck Stop, Waste or Recycling Transfer Facility and Heavy Outdoor Storage to name a few uses. However, the petitioner has agreed per their proposed commitments to limit the uses to I-1



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permitted primary any accessory uses in addition to medium manufacturing and other vehicle sales, rental, or repair of the I-3 district.

It was discovered that the existing fence has barbed wire on top, which is not permitted. The petitioner will need to have this removed unless they plan to file for a variance to have it remain.

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

**GENERAL INFORMATION**

<b>Existing Zoning</b>	I-1	
<b>Existing Land Use</b>	Industrial	
<b>Comprehensive Plan</b>	Light Industrial	
<b>Surrounding Context</b>	<b>Zoning</b>	<b>Land Use</b>
	North:	C-4 Commercial
	South:	I-1 Industrial
	East:	I-1 Industrial
	West:	I-1 Unknown
<b>Thoroughfare Plan</b>		
Brookville Road	Primary Arterial Street	112-foot proposed right-of-way and 296-foot existing right-of-way.
Brookville Way	Local Street	50-foot proposed right-of-way and 28-foot half right-of-way.
<b>Context Area</b>	Metro	
<b>Floodway / Floodway Fringe</b>	No	
<b>Overlay</b>	Yes	
<b>Wellfield Protection Area</b>	No	
<b>Site Plan</b>	June 22, 2024	
<b>Site Plan (Amended)</b>	July 31, 2024	
<b>Elevations</b>	N/A	
<b>Elevations (Amended)</b>	N/A	
<b>Landscape Plan</b>	N/A	
<b>Findings of Fact</b>	N/A	
<b>Findings of Fact (Amended)</b>	N/A	
<b>C-S/D-P Statement</b>	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 light industrial development of the site.
- The Light Industrial typology provides for industrial, production, distribution, and repair uses conducted within enclosed structures and unlikely to create emissions of light, odor, noise, or vibrations. This typology is characterized by freestanding buildings or groups of buildings, often within industrial parks. Typical uses include warehousing, self-storage, assembly of parts, laboratories, wholesaling, and printing. Industrial or truck traffic should be separated from local/residential traffic.
- Light Industrial Uses are 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.
- The Pattern Book has the following land use recommendations that would apply:
- **Light Industrial Uses**
  - Industrial truck traffic should not utilize local, residential streets.
  - Streets internal to industrial development must feed onto an arterial street.
  - Removed as a recommended land use where they would be adjacent to a living or mixed-use typology.
- **Heavy Commercial Uses**
  - Removed as a recommended land use where they would be adjacent to a living typology.
- **Small-Scale Offices, Retailing, and Personal or Professional Services**
  - Should be subordinate to and serving the primary uses of production, warehousing, and offices.
  - Should be adjacent to interstate interchanges if present. If no interchange is present, should be located along arterial streets at the edge of the light industrial typology.
  - Should be located and served in such a way that the use will not interfere with industrial traffic or loading.
- Additionally, the site falls within the Industrial Reserve (IR) overlay, which is intended for areas that are prime for industrial development due to factors such as large parcel size, proximity to compatible uses, and/or interstate access.
- When the Industrial Reserve overlay is present, the Heavy Commercial Uses and Small-Scale Offices, Retailing, and Personal or Professional Services recommendation is removed. Our logistics and industry businesses provide opportunities for Indianapolis residents in the form of high-quality, well-paying, full-time employment while also supporting the tax base so that infrastructure can be built and maintained, and city services can be provided. However, undeveloped land that has the necessary proximity to transportation systems is dwindling. Once these large tracts of land are divided into smaller parcels, they become difficult to reassemble for large developments.



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Additionally, once noncompatible land uses are developed, the value for industry, and the jobs it supports, become threatened. Land for industrial uses needs to be preserved so that these job-creators can continue to grow and thrive.

**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

**2012-UV1-010; 7005 Brookville Road** (subject site); Variance of use and development standards of the Industrial Zoning Ordinance to provide for a natural gas fueling station (not permitted), with a canopy having a 12-foot east side setback and an equipment enclosure having a 16-foot east side setback (30-foot side setback required), **granted**.

### Zoning History - Vicinity

**2021-ZON-056; 7035 Brookville Road** (east of site), Rezoning of 1.15 acres from the I-1 district to the I-2 district, **approved**.

**2019-ZON-048; 6920 Brookville Road** (northwest of site), Rezoning of 0.9 acre from the D-A (FW) (FF) district to the I-2 (FW) (FF) classification, **approved**.

**2010-CZN-809 / 2010-CVR-809; 6923 Brookville Road** (west of site), Rezoning of 1.24 acres, from the D-A district to the I-1-S classification to provide for light industrial uses and variance of use and development standards of the Industrial Zoning Ordinance to provide for a heating and air conditioning and sewage component contractor, with related equipment storage in a reconstructed building, with a 6.8-foot west side transitional yard, **granted**.

**2011-CZN-807 / 2011-CVR-807; 7002 Brookville Road** (northwest of site), Rezoning of 2.14 acres from the C-4 District to the I-2-S classification to provide for a restoration contractor and a variance of development standards of the Industrial Zoning Ordinance to provide for a 7,500-square foot building with a nine-foot east side setback and a 20-foot west side setback, **approved and granted**.

**2002-ZON-082; 6920 Brookville Road** (northwest of site), Rezone 1.01 acres from D-A (FF) to C-5 (FF) to provide for automobile sales, **withdrawn**.

**96-Z-81; 6911 Brookville Road** (west of site), Rezoning of 1.4 acres, being in the D-A District, to the I-3-S classification to provide for industrial development including the manufacture of security equipment, **approved**.

**88-Z-33; 7001 Brookville Road** (east of site), Rezoning of 45.7 acres from the A-2 District to the I-2-S classification to provide for an industrial park, **approved**.

**2003-UV2-008; 1215 Brookville Way** (east of site), Variance of use of the Industrial Zoning Ordinance to provide for administrative medical offices and general office uses (not permitted), **dismissed**.

**98-UV1-37; 7002 Brookville Road** (northwest of site), Variance of use of the Commercial Zoning Ordinance to provide for the operation of a towing service and repossession lot (not permitted), **granted**.



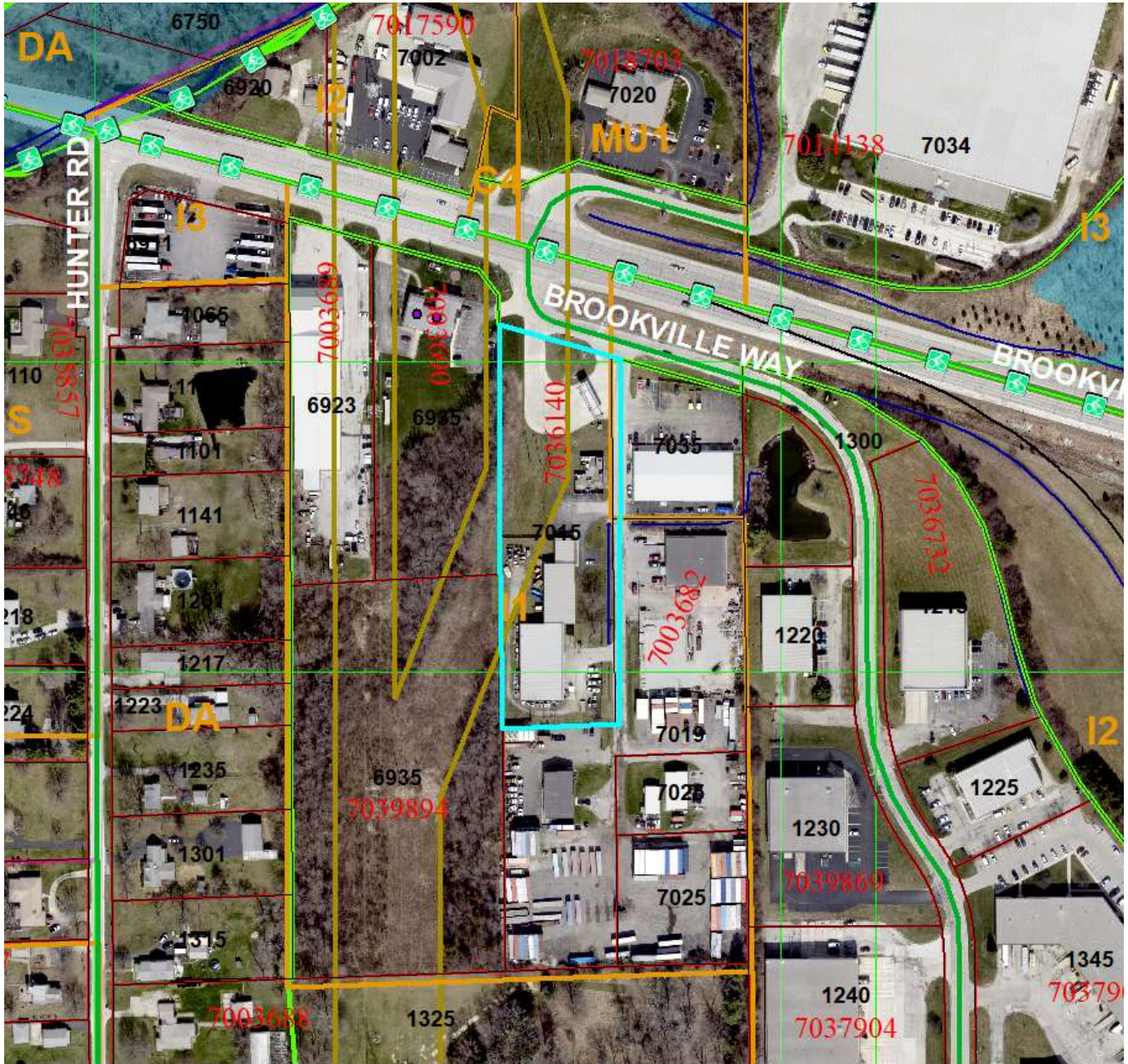
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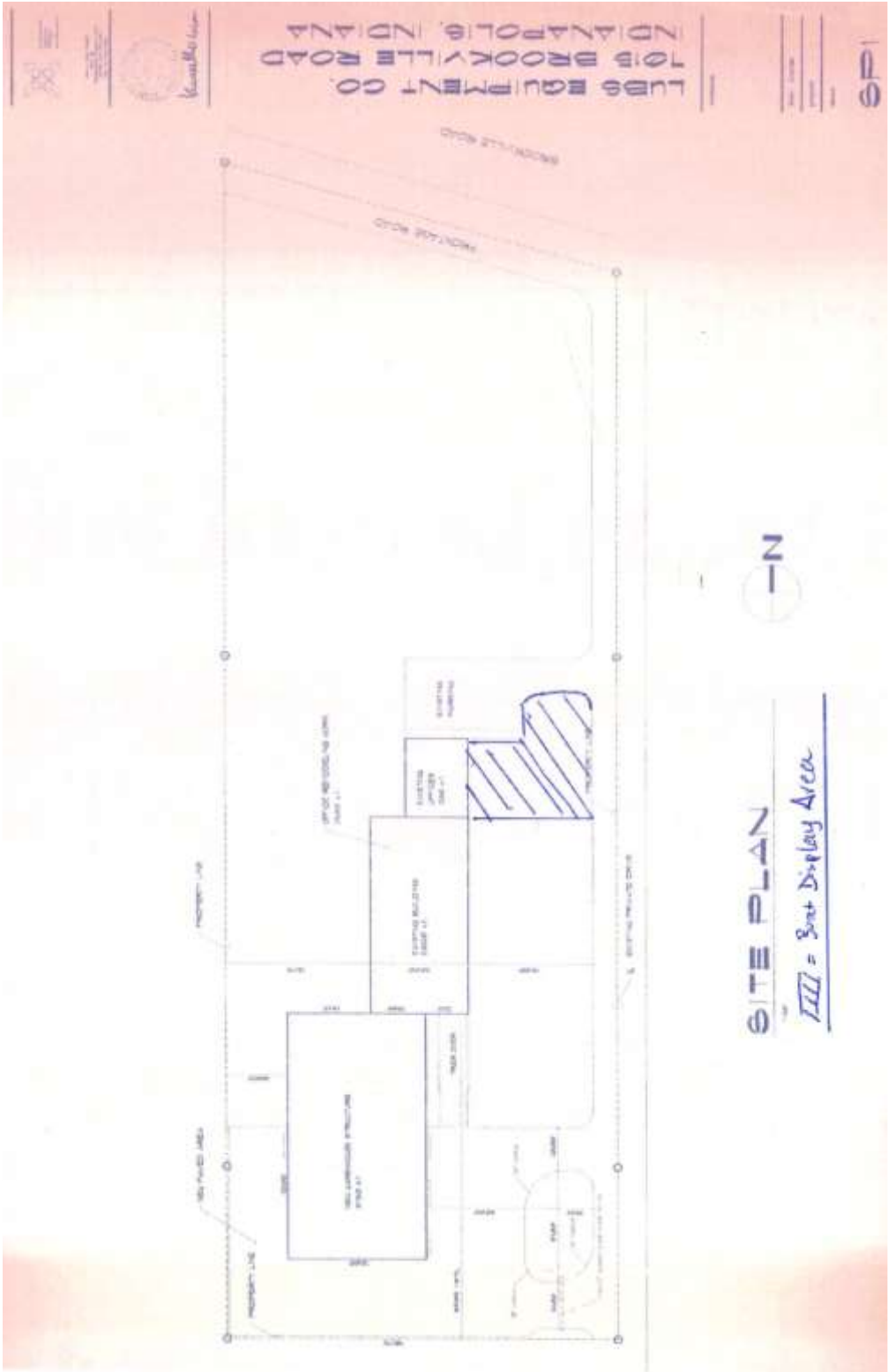
**97-UV1-47; 6920 Brookville Road** (northwest of site), Variance of use of the Dwelling Districts Zoning Ordinance to provide for the operation of a general contractor (not permitted) within an existing 24 by 28 detached garage associated with an existing single-family residence, **granted.**

**88-SE2-7; 7001 Brookville Road** (east of site), Industrial Special Exception to provide for the development of an industrial park with either public or private interior access roads, and outside operations, servicing, processing and storage of materials or products within five hundred feet of the residential districts to the west and south of the park, **granted.**



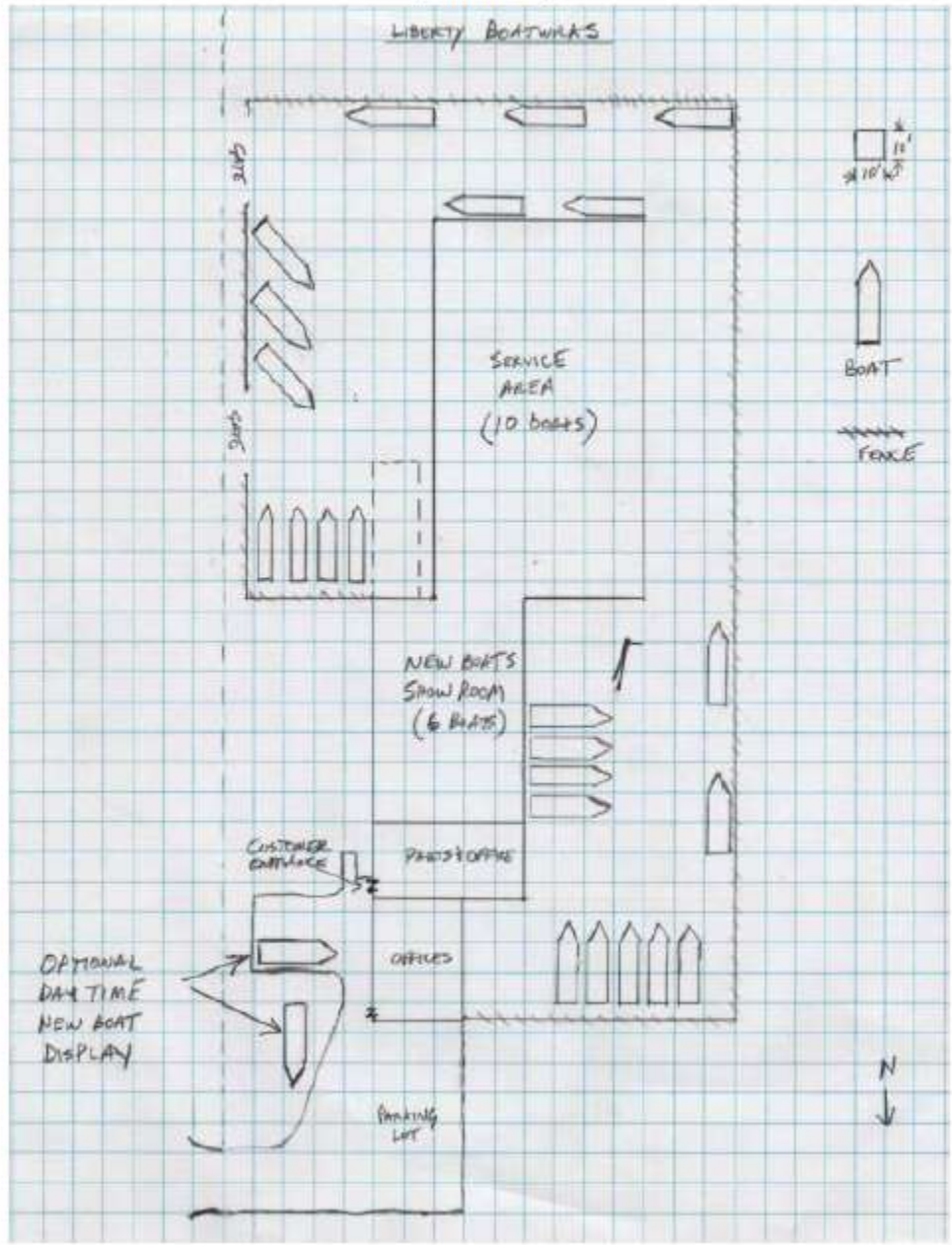
EXHIBITS





Site Plan

Exhibit "C"



Amended Site Plan

Exhibit "B"

PLAN OF OPERATION

LIBERTY BOATWRKS, LLC

2024-ZON-075

7015 BROOKVILLE ROAD

- USE: Sale of new fishing boats, used boats taken in trade. Repair of fishing and other boats, including sale/installation of accessories. Typically, 6 new boats are available for sale and 3-8 boats undergoing repair on any given day. Projected Maximums: 12 boats for sale and 15 undergoing repair. The sales and service areas are shown on the site plan.
- HOURS OF OPERATION: Monday through Friday | 7:00 a.m. – 4:30 p.m.  
Saturday | Appointment Only
- NUMBER OF EMPLOYEES: Currently, 4 employees
- INDOOR / OUTDOOR ACTIVITY: All repair and most sales take place indoors. Some boats awaiting repair/pick-up will be stored outdoors, and there may be 1-3 boats for sale displayed outside during business hours but not overnight, in the location shown on the site plan.
- DELIVERIES: New boats delivered infrequently (1-2 times a month).
- CUSTOMER TRANSACTIONS: 1-2 per day on average.



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**STATEMENT OF COMMITMENTS**

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

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

**Legal Description:** See Exhibit "A" Attached Hereto And Incorporated By Reference (the "Subject Property").

**Statement of COMMITMENTS:**

1. The owner agrees to abide by the Open Occupancy and Equal Employment Opportunity Commitments required by Metropolitan Development Commission Resolution No. 85-R-69, 1985, which commitments are attached hereto and incorporated herein by reference as Attachment "A".
2. The boat dealership using the Subject Property shall be operated in substantial accordance with the Plan of Operation attached hereto as Exhibit "B".
3. Outdoor display/storage areas shall be limited to those shown on the Site Plan attached hereto as Exhibit "C".
4. The use of the Subject Property shall be limited to the following uses as described in Table 743-1 of the City of Indianapolis Consolidated Zoning/Subdivision Ordinance:
  - a) All I-1 permitted uses, including accessory uses;
  - b) The following I-3 permitted uses
    - i. Medium Manufacturing
    - ii. Other Vehicle Sales, Rental or Repair (including the boat dealership and boat repair operation now known as Liberty Boatwrks)



Photo of the subject site.



Photo of the subject site looking west.



Photo of the fenced in area west of the site.



Photo of the fenced in area east of the building.



Photo of the fenced in area east of the building that leads to the rear of the site.



Photo of a fueling station at the north end of the site.





Photo of an industrial business east of the site.



Photo of a business northeast of the site.



Photo of the property north of the site.



**METROPOLITAN DEVELOPMENT COMMISSION  
HEARING EXAMINER**

August 15, 2024

<b>Case Number:</b>	2024-CZN-820 / 2024-CPL-820
<b>Property Address:</b>	3107 East Sumner Road
<b>Location:</b>	Perry Township, Council District #19
<b>Petitioner:</b>	Francisco Aleman, by Josh Smith
<b>Current Zoning:</b>	D-A
<b>Request:</b>	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.
<b>Current Land Use:</b>	Single-family dwelling / accessory building
<b>Staff Recommendations:</b>	Approval of the rezoning and subdivision plat.
<b>Staff Reviewer:</b>	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, 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:

1. That the applicant provides a bond as required by Section 741-210, of the Consolidated Zoning and Subdivision Ordinance.



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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."

The Comprehensive Plan recommends suburban neighborhood typology.



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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**

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



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- Should be oriented towards the street with a pedestrian connection from the front door(s) to the sidewalk. Driveways/parking areas do not qualify as a pedestrian connection.
- Developments with densities higher than 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

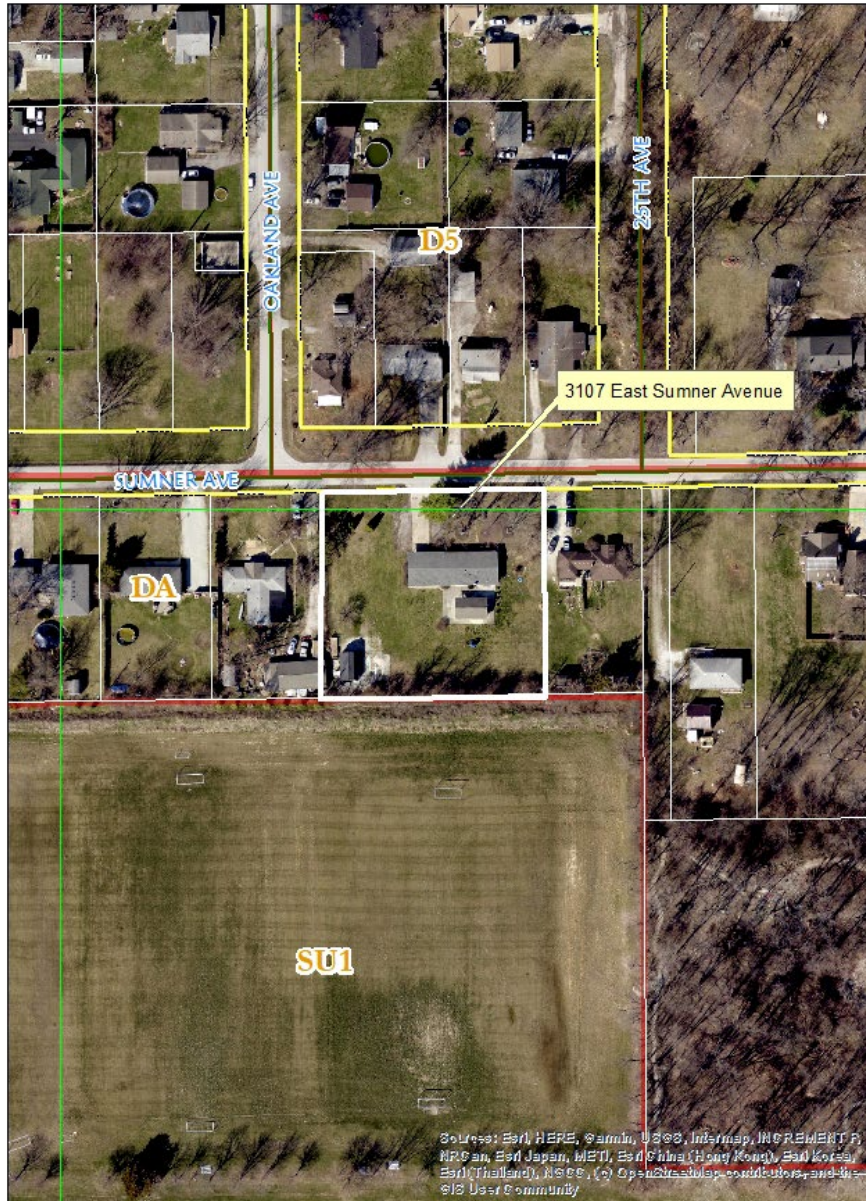


## ZONING HISTORY

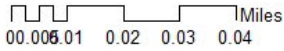
**84-VU3-63; 3107 East Sumner Avenue**, requested a variance of use of the Dwelling Districts Zoning Ordinance to provide for the use of a mobile home on the subject property as a residence for petitioner's parents, granted.

**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**

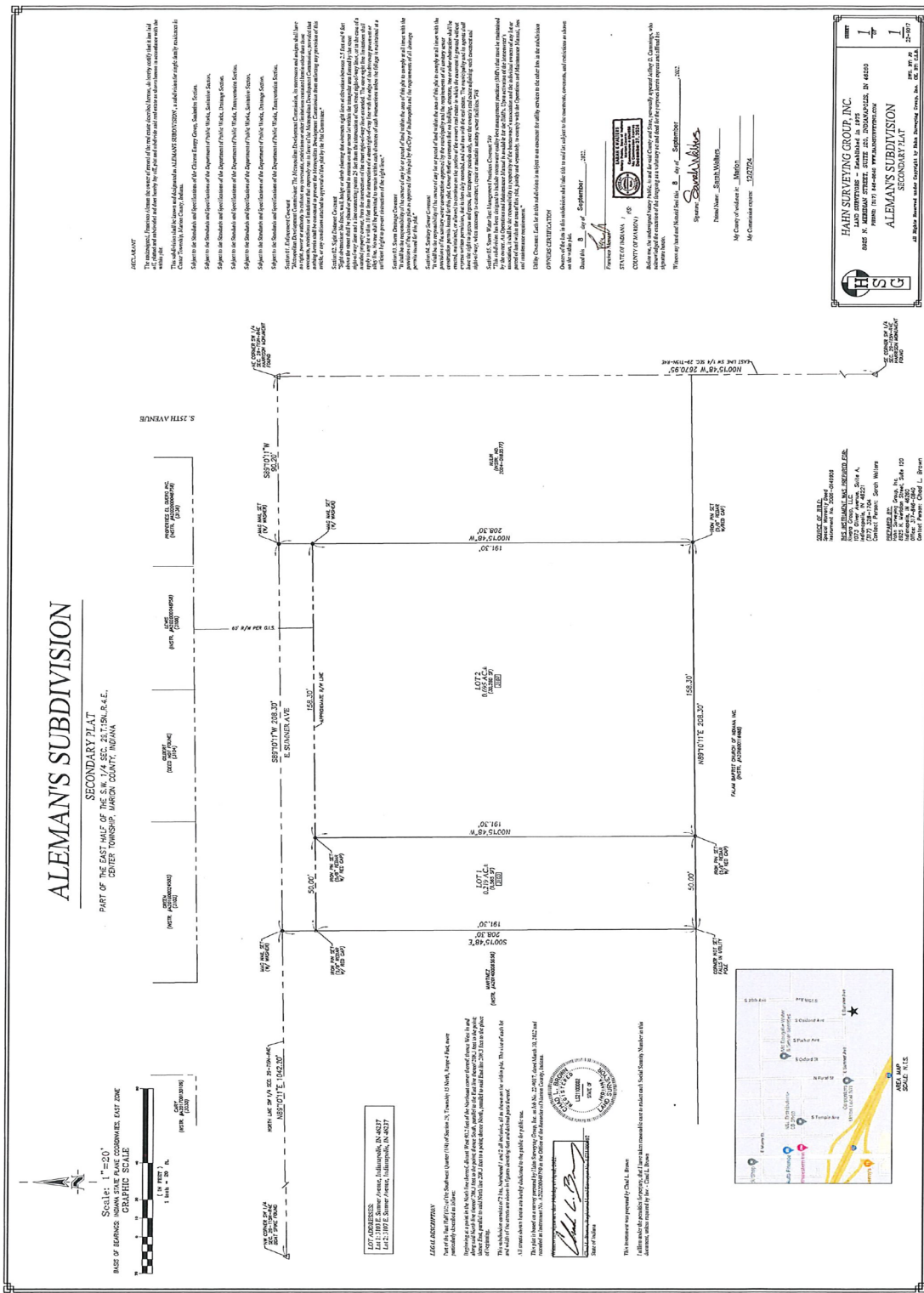


317 East Sumner Avenue



Miles  
 00.006.01 0.02 0.03 0.04







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 15, 2024

<b>Case Number:</b>	2024-APP-014
<b>Property Address:</b>	8247 Harcourt Road (approximate address)
<b>Location:</b>	Washington Township, Council District #2
<b>Petitioner:</b>	RDoor Housing Corporation, by Brian. J. Tuohy
<b>Current Zoning:</b>	HD-1 / HD-2
<b>Request:</b>	Hospital District Two Approval to provide for a proposed expansion of an existing multi-family residential development, consisting of 55 dwelling units within three buildings and outdoor amenity areas.
<b>Current Land Use:</b>	Residential Amenity Space
<b>Staff Recommendations:</b>	Approve with a commitment.
<b>Staff Reviewer:</b>	Marleny Iraheta, Senior Planner

**PETITION HISTORY**

This is the first hearing for this petition.

**STAFF RECOMMENDATION**

Staff is **recommending 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:

Final building elevations shall be submitted for Administrative Approval and review by the City Architect.

**PETITION OVERVIEW**

**LAND USE**

The 3.508-acre subject site is developed with residential amenity spaces that include a beach volleyball court, tennis courts, outdoor seating, and a grilling area. The subject site is part of an overall apartment complex to the east, zoned HD-2. It is bordered to the north by medical offices, zoned HD-1, to the west by hospital parking and a spirituality center, zoned HD-1, and to the south by a nursing and rehabilitation center, zoned HD-2.

**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



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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.

Much of the site is zoned HD-2, which permits multifamily dwellings. However, all development within the hospital districts shall be in accordance with the Site and Development Plan, as approved by the Commission in accordance with the hospital district regulations.

**STAFF ANALYSIS**

As proposed, 55 apartments would be developed on site with a mix of one-bedroom, two-bedroom, and three-bedroom units within three buildings. Approximately 14 units would be designed as two-story townhome-style apartments. There will be an additional 26 parking spaces added to the complex. Amenities to be provided would be a picnic area, playground, and additional outdoor recreation areas. On-site services for residents are contemplated in the project narrative that would be within a multi-purpose space on the property.

The proposed expansion of the apartment complex would align with the suburban neighborhood recommendation of the Comprehensive Plan and would be permitted in the existing hospital district.

Staff would request that final building elevations be submitted for administrative approval and review by the City Architect. Administrative approval is already required in the Hospital District review process, but comments from the City Architect would address the building materials and design of the apartment buildings.

The Tributary Howard Johnson Ditch at the southwest corner of the site would require a 50-foot stream protection corridor to be preserved. It would need to be considered when developing the final plans of the site.

**GENERAL INFORMATION**

<b>Existing Zoning</b>	HD-1 and HD-2	
<b>Existing Land Use</b>	Residential amenity space	
<b>Comprehensive Plan</b>	Suburban Neighborhood	
<b>Surrounding Context</b>	<u><b>Zoning</b></u>	<u><b>Land Use</b></u>
North:	HD-1	Medical Offices / Clinic
South:	HD-2	Nursing and Rehabilitation Center
East:	HD-2	Apartment Complex
West:	HD-1	Hospital campus parking / Spirituality Center
<b>Thoroughfare Plan</b>		

Harcourt Road	Primary Collector Street	80-foot proposed right-of-way with a 71-foot existing right-of-way.
<b>Context Area</b>	Metro	
<b>Floodway / Floodway Fringe</b>	No	
<b>Overlay</b>	No	
<b>Wellfield Protection Area</b>	No	
<b>Site Plan</b>	July 7, 2024	
<b>Site Plan (Amended)</b>	N/A	
<b>Elevations</b>	July 7, 2024	
<b>Elevations (Amended)</b>	July 17, 2024	
<b>Landscape Plan</b>	July 17, 2024	
<b>Findings of Fact</b>	July 7, 2024	
<b>Findings of Fact (Amended)</b>	N/A	
<b>C-S/D-P Statement</b>	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 suburban neighborhood development for the site.
- 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.
- **Conditions for All Land Use Types**
  - All land use types except small-scale parks and community farms/gardens in this typology must have adequate municipal water and sanitary sewer.
  - All development should include sidewalks along the street frontage.
  - Hydrological patterns should be preserved wherever possible.
  - Curvilinear streets should be used with discretion and should maintain the same general direction.



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- In master-planned developments, block lengths of less than 500 feet, or pedestrian cut-throughs for longer blocks, are encouraged.
- **Conditions for All Housing**
  - 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.
  - 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.
- **Multifamily Housing**
  - Should be located along arterial or collector streets, parks, or greenways.
  - Parking should be either behind or interior to the development.
  - Individual building height, massing, and footprint should gradually transition from adjacent developments. Specifically, buildings located adjacent to existing residential developments should be no more than one and a half times the height and no more than twice the average footprint of the existing adjacent residential buildings
- The proposed multifamily development would align with the Comprehensive Plan recommendation.

#### Red Line / Blue Line / Purple Line TOD Strategic Plan

- Not Applicable to the Site.

#### Neighborhood / Area Specific Plan

- Not Applicable to the Site.

#### Infill Housing Guidelines

- Not Applicable to the Site.

#### Indy Moves

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

- Not Applicable to the Site.



## ZONING HISTORY

### Zoning History - Site

**73-AP-66; 8251 North Harcourt Road** (subject site), Approval to construct an apartment -convalescent center complex, **approved.**

### Zoning History - Vicinity

**2019-APP-016; 8301 and 8401 Harcourt Road** (north of site), Hospital District One Approval to provide for an addition to an existing hospital, with additional parking, signs, landscaping and other site layout improvements, **approved.**

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

**2007-APP-019; 8401 Harcourt Road** (north of site), Hospital District One approval to provide for a 25,000-square foot, two-story addition to an existing 49,640-square foot medical office building, **approved.**

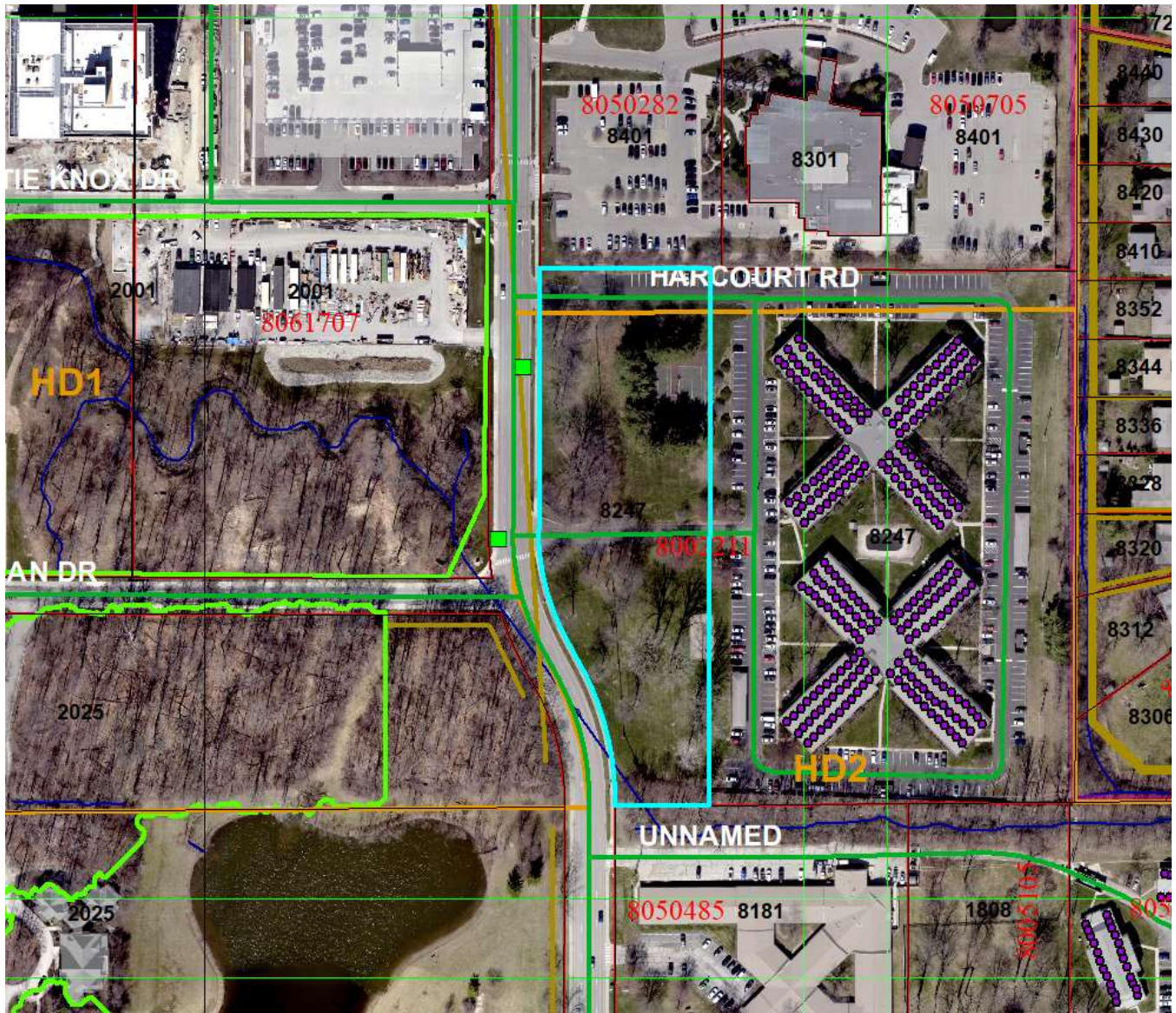
**97-AP-85; 8298 Harcourt Road** (west of site), Construction of a 14,000 square foot two-story Spirituality center consisting of an 8,000 square foot meeting facility and chapel, and two 3,000 square foot cottages of 10 rooms each, **approved.**

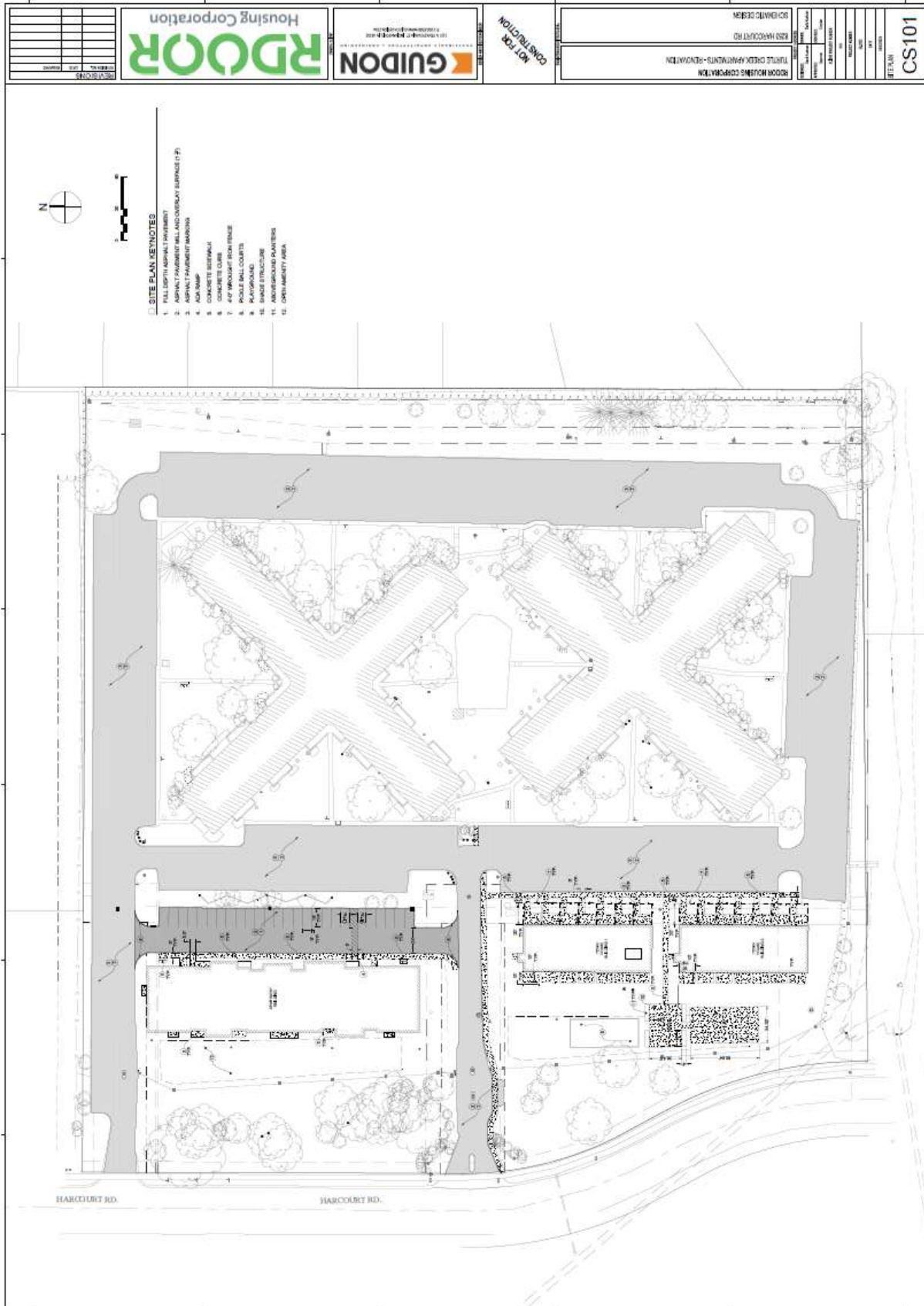
**72-AP-87; 8181 North Harcourt Road** (south of site), Approval of use, site and development plan to construct a nursing home and convalescent center, containing approximately 150 patients' beds, in accordance with the plans on file, **approved.**

**72-AP-49; 8181 Harcourt Road** (south of site), Hospital District Two approval for multifamily units, **approved.**

**69-AO-3; Large acreage near 86<sup>th</sup> Street and Township Line Road** (west and south of the site), Rezone large acreage to HD-1 and HD-2, by amendment to the Marion County Council Ordinance, **approved.**

**EXHIBITS**

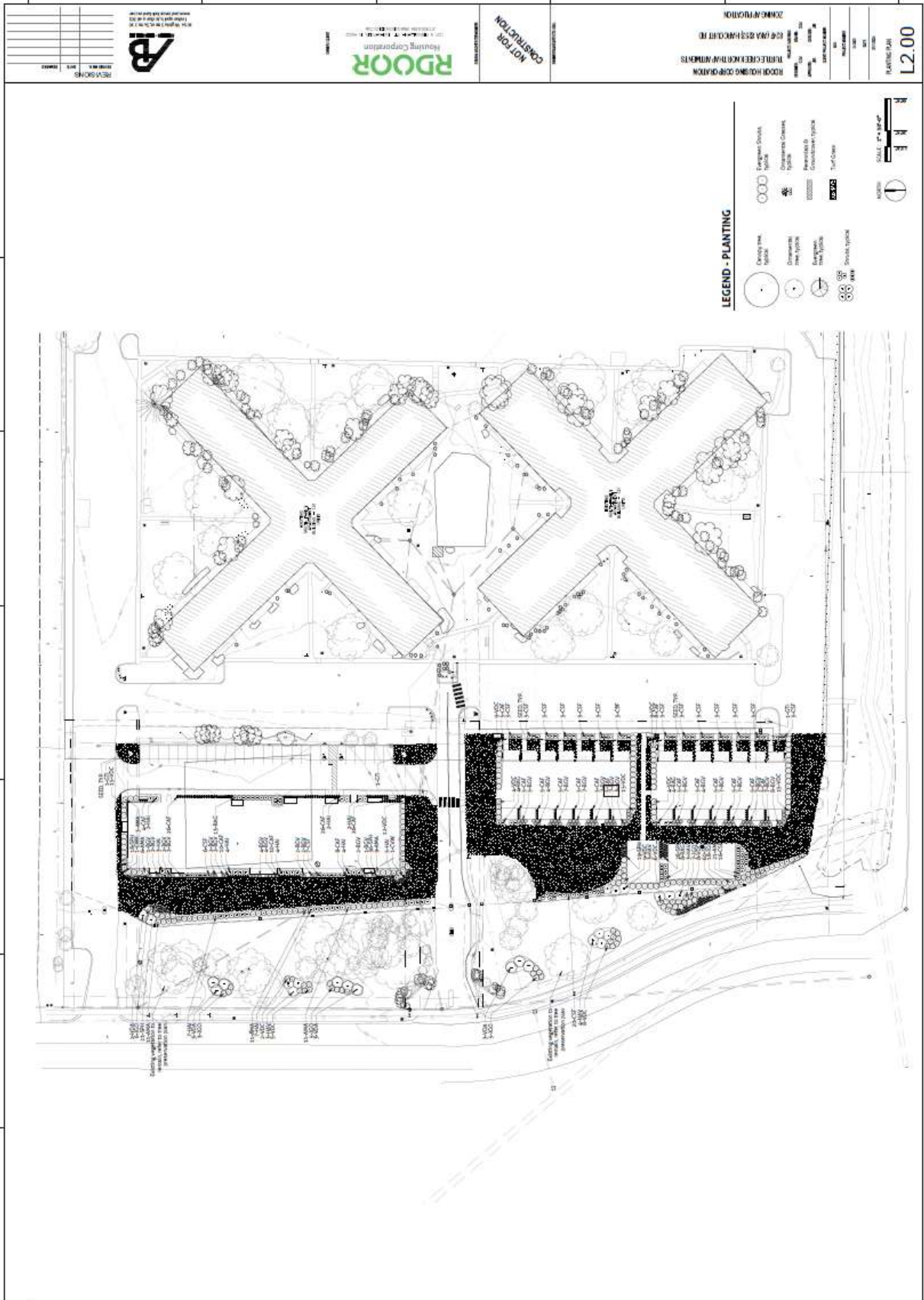


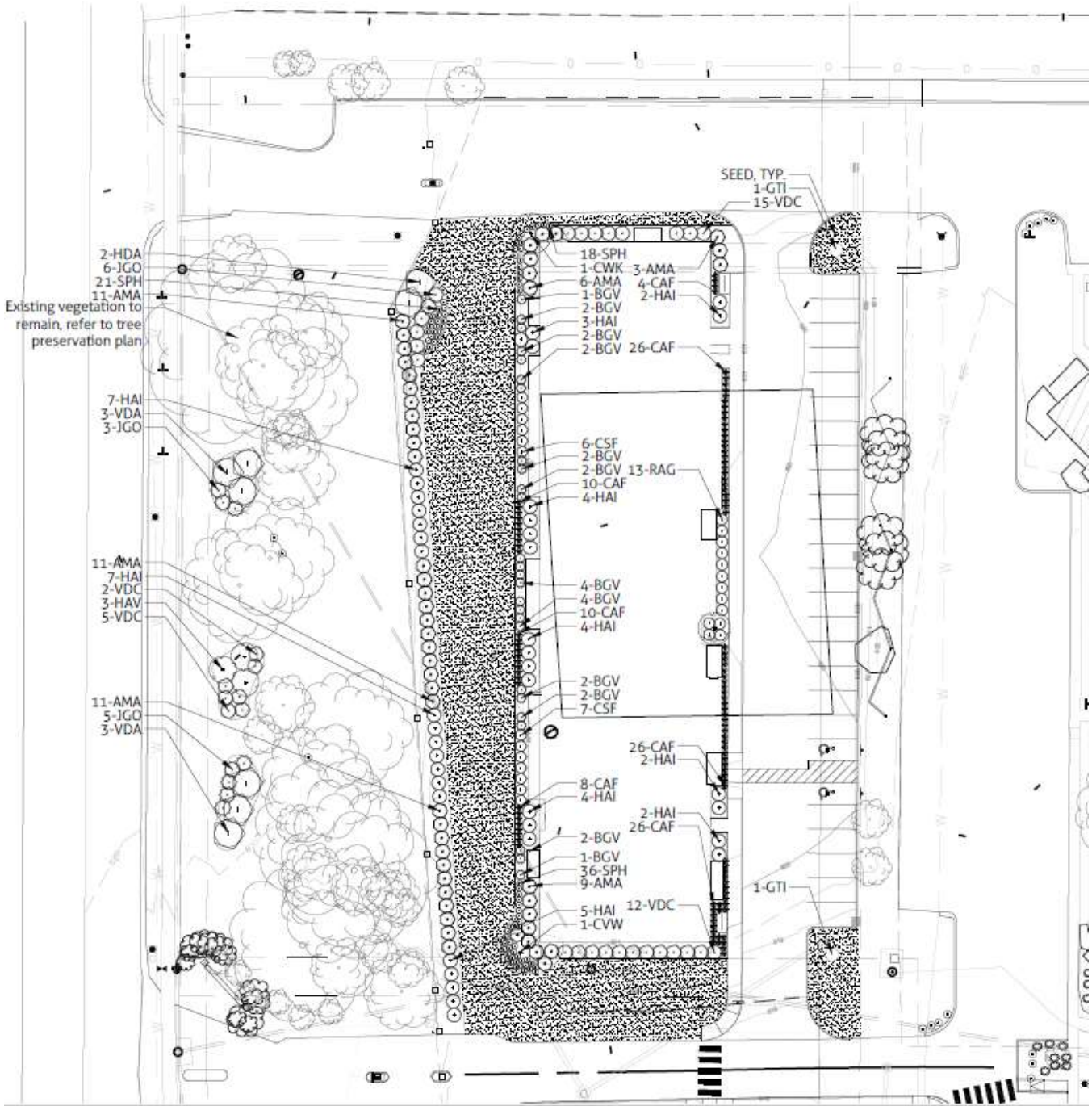


<p>REVISIONS</p> <table border="1"><tr><th>NO.</th><th>DESCRIPTION</th></tr><tr><td> </td><td> </td></tr><tr><td> </td><td> </td></tr></table>	NO.	DESCRIPTION							<p><b>NOT FOR CONSTRUCTION</b></p>	<p><b>NDUY</b></p>	<p>HOOD HOUSING COMPARISON TRIPLE CHECK MEASUREMENTS ZONING INFORMATION</p>	<p>DATE: 10/11/2018 SCALE: 1" = 40'-0"</p>	<p>PROJECT: [illegible] SHEET: [illegible] L1.00</p>
NO.	DESCRIPTION												

NO.	DATE	LOCATION	SP. NO.	SP. NAME	SP. TYPE	SP. SIZE	SP. CONDITION	SP. PRESERVE	SP. REMOVAL
1	10/11/2018	100-1000	100	100	100	100	100	100	100
2	10/11/2018	100-1000	100	100	100	100	100	100	100
3	10/11/2018	100-1000	100	100	100	100	100	100	100
4	10/11/2018	100-1000	100	100	100	100	100	100	100
5	10/11/2018	100-1000	100	100	100	100	100	100	100
6	10/11/2018	100-1000	100	100	100	100	100	100	100
7	10/11/2018	100-1000	100	100	100	100	100	100	100
8	10/11/2018	100-1000	100	100	100	100	100	100	100
9	10/11/2018	100-1000	100	100	100	100	100	100	100
10	10/11/2018	100-1000	100	100	100	100	100	100	100
11	10/11/2018	100-1000	100	100	100	100	100	100	100
12	10/11/2018	100-1000	100	100	100	100	100	100	100
13	10/11/2018	100-1000	100	100	100	100	100	100	100
14	10/11/2018	100-1000	100	100	100	100	100	100	100
15	10/11/2018	100-1000	100	100	100	100	100	100	100
16	10/11/2018	100-1000	100	100	100	100	100	100	100
17	10/11/2018	100-1000	100	100	100	100	100	100	100
18	10/11/2018	100-1000	100	100	100	100	100	100	100
19	10/11/2018	100-1000	100	100	100	100	100	100	100
20	10/11/2018	100-1000	100	100	100	100	100	100	100
21	10/11/2018	100-1000	100	100	100	100	100	100	100
22	10/11/2018	100-1000	100	100	100	100	100	100	100
23	10/11/2018	100-1000	100	100	100	100	100	100	100
24	10/11/2018	100-1000	100	100	100	100	100	100	100
25	10/11/2018	100-1000	100	100	100	100	100	100	100
26	10/11/2018	100-1000	100	100	100	100	100	100	100
27	10/11/2018	100-1000	100	100	100	100	100	100	100
28	10/11/2018	100-1000	100	100	100	100	100	100	100
29	10/11/2018	100-1000	100	100	100	100	100	100	100
30	10/11/2018	100-1000	100	100	100	100	100	100	100
31	10/11/2018	100-1000	100	100	100	100	100	100	100
32	10/11/2018	100-1000	100	100	100	100	100	100	100
33	10/11/2018	100-1000	100	100	100	100	100	100	100
34	10/11/2018	100-1000	100	100	100	100	100	100	100
35	10/11/2018	100-1000	100	100	100	100	100	100	100
36	10/11/2018	100-1000	100	100	100	100	100	100	100
37	10/11/2018	100-1000	100	100	100	100	100	100	100
38	10/11/2018	100-1000	100	100	100	100	100	100	100
39	10/11/2018	100-1000	100	100	100	100	100	100	100
40	10/11/2018	100-1000	100	100	100	100	100	100	100
41	10/11/2018	100-1000	100	100	100	100	100	100	100
42	10/11/2018	100-1000	100	100	100	100	100	100	100
43	10/11/2018	100-1000	100	100	100	100	100	100	100
44	10/11/2018	100-1000	100	100	100	100	100	100	100
45	10/11/2018	100-1000	100	100	100	100	100	100	100
46	10/11/2018	100-1000	100	100	100	100	100	100	100
47	10/11/2018	100-1000	100	100	100	100	100	100	100
48	10/11/2018	100-1000	100	100	100	100	100	100	100
49	10/11/2018	100-1000	100	100	100	100	100	100	100
50	10/11/2018	100-1000	100	100	100	100	100	100	100







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Department of Metropolitan Development  
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Current Planning

PLANT SCHEDULE						
<b>CANOPY TREES</b>						
KEY	QTY	SCIENTIFIC NAME	COMMON NAME	SIZE	SPACING	REMARKS
GTI	3	Gleditsia triacanthos inermis 'Imperial'	Imperial Thornless Honey Locust	2.5" CAL	AS SHOWN	6' Clear Trunk
<b>UNDERSTORY TREES</b>						
KEY	QTY	SCIENTIFIC NAME	COMMON NAME	SIZE	SPACING	REMARKS
CVW	2	Crataegus viridis 'Winter King'	Winter King Hawthorn	2" CAL	AS SHOWN	4' Clear Trunk
<b>SHRUBS</b>						
KEY	QTY	SCIENTIFIC NAME	COMMON NAME	SIZE	SPACING	REMARKS
AMA	72	Aronia melanocarpa 'Autumn Magic'	Autumn Magic Black Chokeberry	24" TALL	5' O.C.	F.T.B.
BGV	116	Buxus microphylla 'Green Velvet'	Green Velvet Littleleaf Boxwood	18" TALL	36" O.C.	F.T.B.
CSF	91	Cornus stolonifera 'Farrow'	Arctic Fire Redtwig Dogwood	24" TALL	4' O.C.	F.T.B.
HAI	39	Hydrangea arborescens 'Incrediball'	Incrediball Hydrangea	24" Tall	5' O.C.	F.T.B.
HAV	14	Hamamelis vernalis	Vernal Witch Hazel	36" TALL	AS SHOWN	F.T.B.
JGO	44	Juniperus virginiana 'Grey Owl'	Grey Owl Juniper	24" TALL	5' O.C.	F.T.B.
RAG	29	Rhus aromatica 'Gro-Low'	Grow-Low Fragrant Sumac	5 GAL	4' O.C.	F.T.B.
VDA	11	Viburnum dentatum 'Autumn Jazz'	Autumn Jazz Viburnum	36" TALL	AS SHOWN	F.T.B.
VDC	114	Viburnum dentatum 'Christom'	Blue Muffin Viburnum	24" TALL	5' O.C.	F.T.B.
<b>ORNAMENTAL GRASSES</b>						
KEY	QTY	SCIENTIFIC NAME	COMMON NAME	SIZE	SPACING	REMARKS
CAF	183	Calamagrostis acutiflora 'Karl Forester'	Karl Forester's Feather Reed Grass	3 GAL	24" O.C.	
SPH	182	Sporobolus heterolepis	Prairie Dropseed	1 GAL	24" O.C.	
<b>NOTES</b>						
F.T.B. = Full To Base						
Quantities on the plant schedule are provided for reference only. In the event of discrepancy the quantities on the plan shall take precedent over the schule						
Substitutions requests due to availability must be approved by Landscape Architect prior to ordering and install. Substitutions without approval will be rejected at contractor's expense.						





1 **BUILDING 3 EAST ELEVATION**  
A12 1/8" = 1'-0"



2 **BUILDING 3 WEST ELEVATION**  
A12 1/8" = 1'-0"

**BUILDING 3 ELEVATIONS**

TURTLE CREEK APARTMENTS

6/29/2023



1 **BUILDING 3 NORTH ELEVATION**  
A13 1/8" = 1'-0"



2 **BUILDING 3 SOUTH ELEVATION**  
A13 1/8" = 1'-0"

**BUILDING 3 ELEVATIONS**

TURTLE CREEK APARTMENTS

6/29/2023





RDOOR HOUSING CORPORATION  
TURTLE CREEK NORTH APARTMENTS  
1000 W. 10TH STREET  
INDIANAPOLIS, IN 46204

2020A  
7/18/2024

30%  
APPLICABLE FOR  
CONSTRUCTION

BUILDING 2  
ELEVATIONS

**A200**



RDOOR HOUSING CORPORATION  
TURTLE CREEK NORTH APARTMENTS  
807 W. WASHINGTON AVENUE  
INDIANAPOLIS, IN 46204

PROJECT NO: 23028  
DATE: 07/20/2024  
PROJECT: RDOOR HOUSING CORPORATION  
TURTLE CREEK NORTH APARTMENTS

DESIGN AND CONSTRUCTION  
NOT FOR CONSTRUCTION

TERRACE & ANCHOR AREA ELEVATIONS

**A201**



**DORMER AREA EAST ELEVATION**

**DORMER AREA SOUTH ELEVATION**

**DORMER AREA NORTH ELEVATION**

**DORMER AREA WEST ELEVATION**

**BUILDING 4 & 5 - EAST ELEVATION**

**BUILDING 4 & 5 - SOUTH ELEVATION**

**BUILDING 4 & 5 - NORTH ELEVATION**

**BUILDING 4 & 5 - WEST ELEVATION**

BUILDING TO MEET ENERGY RATING OF 55 TO 2024 NATIONAL GREEN BUILDING STANDARD



**2 BUILDING 4 & 5 WEST ELEVATION**  
1/16" = 1'-0"



**3 BUILDING 4 & 5 NORTH ELEVATION**  
1/16" = 1'-0"



**1 BUILDING 4 & 5 EAST ELEVATION**  
1/16" = 1'-0"



**4 BUILDING 4 & 5 SOUTH ELEVATION**  
1/16" = 1'-0"

**BUILDING 4 & 5 ELEVATIONS**

TURTLE CREEK APARTMENTS

STUDIO  
THREE  
DESIGN



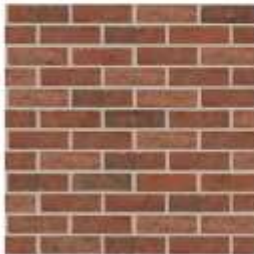
FIBER CEMENT SIDING - MAIN COLOR



FIBER CEMENT SIDING - ACCENT COLOR



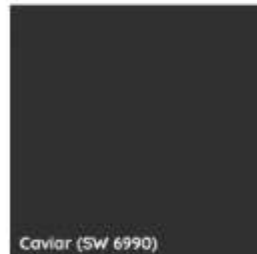
DIMENSIONAL SHINGLES



BRICK VENEER



FIBER CEMENT TRIM COLOR



BALCONY COLUMNS, RAILINGS & FASCIA PAINT



4' ORNAMENTAL ALUMINUM FENCE

**EXTERIOR MATERIAL PALLETTE**

TURTLE CREEK NORTH APARTMENTS

7/16/2024

BUILDINGS TO MEET SILVER RATING OF ICC  
190-2020 NATIONAL GREEN BUILDING STANDARD

**RDOOR** Housing Corporation

STUDIO  
THREE  
DESIGN



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

**Project Narrative Summary  
Turtle Creek North Apartments  
Indianapolis, Indiana**

**Development and Unit Description**

Turtle Creek North Apartments are located at 8253 N. Harcourt Rd, adjacent to the Ascension St. Vincent Hospital ("Ascension") campus, just south of 86th street. It includes two existing buildings and a total of 262 units: 50 studios, 159 one-bedroom units, and 53 two-bedroom units. Development plan approval is needed only for the new construction portion of the project.

Turtle Creek's units are in good condition and highly sought after, with regular full occupancy at around 98%. However, there is an opportunity to refurbish the existing property and expand the availability of affordable units. Furthermore, there are 4 acres of open land adjacent to the property which will be used for the construction of 55 new units.

The new units will diversify housing options for families in the area by adding two- and three-bedroom units to the existing unit portfolio. The expansion will include 11 two-bedroom units, 24 three-bedroom units, and 20 one-bedroom units. Among the 24 newly constructed three-bedroom units, a total of 14 will be designed as two-story townhome-style apartments, offering a highly sought-after residential option.

Current and Proposed Unit Mix			
Bedroom Size	Current Mix	New Mix	Total
Studio	50	0	50
One Bedroom	159	20	179
Two Bedroom	53	11	64
Three Bedroom	0	24	24
<b>Totals</b>	<b>262</b>	<b>55</b>	<b>317</b>

**Project Benefits**

The new building exteriors feature a modern design that combines brick and high-quality fiber cement board. New units will have their own personal balconies/patios, preserving and enhancing individual outdoor private space. The site will offer 26 new surface parking spaces, well-landscaped surroundings, and modern stormwater management. RDOOR will relocate the current leasing office to the new building near the site's entry within the 2,200 square foot common area. The open space will include a picnic area, playground, and additional outdoor recreation areas.

Energy sustainability in RDOOR's portfolio is important and as part of the Turtle Creek revitalization, several significant sustainability initiatives are planned. The goal is to create a greener, more affordable and sustainable community that benefits residents. Each unit will be equipped with high-speed internet and Wi-Fi will be available in the leasing office.

To demonstrate RDOOR's commitment to sustainability, all units will be certified through the National Green Building Standards (NGBS) achieving cutting-edge energy efficiency that benefits residents and the community. RDOOR's commitment to environmental sustainability extends to transportation as well. Building on an existing fixed bus route, the Turtle Creek will incorporate electric vehicle chargers, a bicycle storage room, and shared e-bikes to provide affordable alternative transportation options.

**The Area's Needs That the Development Will Meet**

According to the MMA market study, Turtle Creek is identified as one of four affordable housing communities in the northwest side of Indianapolis. Many associates of Ascension rely on Turtle Creek for affordable housing due to its proximity. Therefore, it is crucial to preserve and expand affordable housing through property renovation and developing new two- and three-bedroom units for local families. As redevelopment efforts in the Ascension area continue, maintaining long-term affordability remains a priority and can better serve those who work at Ascension and in the surrounding area.

**Development Quality**

The development will employ a high standard of quality from the use of superior-quality materials through to the restoration of the buildings' architectural character. RDOOR will modernize the development through color, materials, landscaping, and general design. RDOOR will use industry standard management processes to maintain a high standard for construction and workmanship throughout the renovation.

**Services to be Offered**

Turtle Creek currently operates as a standard affordable multi-family property with amenities such as a swimming pool, gym, and tennis court. RDOOR will significantly expand the range of on-site services to provide residents with the necessary tools for achieving financial sustainability and upward mobility.



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RDOOR will collaborate with Partners in Housing Development Corporation (“Partners”) to deliver scheduled services that meet the needs of the tenants. Partners, a CORES-certified organization, will be responsible for providing all on-site services. RDOOR has received a PILOT from the City of Indianapolis, which will be used to cover the cost of the services provision.

The property will also include a new multi-purpose space that will accommodate a wide range of on-site programs. This space will offer opportunities for financial literacy courses, nutrition and food preparation workshops, tax preparation assistance, GED programs, computer training, resume building, and various other programs that already exist at some of RDOOR’s other properties. It will serve as a meeting place for local clubs and associations, as well as provide one-on-one sessions with residents as needed. RDOOR also aims to expand programs for youth, including tutoring, support for early education enrollment, and potentially after-school activities, depending on participation.



**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:

The land development plan proposes townhome style apartments, multi-family apartments and an amenity area for the Site and adjacent apartments. The land development plan is consistent with the Comprehensive Plan's suburban neighborhood recommendation for the Site, which contemplates multi-family uses where appropriate.

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:

The site is adjacent to long existing multi-family uses to the east, hospital uses to the north and west and a nursing and rehabilitation center to the south. The proposed multi-family residential uses are compatible with such nearby uses. The proposed buildings will be constructed with quality exterior materials which are attractive and aesthetically compatible with surrounding structures.

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

The proposed land development plan includes ample off street parking spaces and sidewalks for pedestrian uses. Sidewalks exist along Harcourt Road which abuts the Site to the west. There will be on site designated bicycle parking areas. The site is on an IndyGo bus route.

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

Vehicular access to and from the site will be from two existing drives to/from Harcourt Road. The site has existing sidewalks on the west side of the Site and petitioner proposes to install sidewalks within the Site as approximately depicted on the plans filed herewith.

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

The site and its proposed residential buildings will be connected to public utilities and accessed by public roadways.



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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:

The design and layout of the proposed improvements within the Site are compatible with the existing multi-family buildings to the east.  
The proposed development of multi-family housing is compatible with the Comprehensive Plan because the plan calls for Suburban Neighborhood uses, which includes multi-family uses where appropriate.

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:

The site has sidewalks along Harcourt Road on the west side of the Site. Petitioner proposes to install internal sidewalks for pedestrian connectivity within the Site as approximately depicted on the plans filed herewith.





Photo of the subject site looking south along Harcourt Road.



Photo of the subject site looking north along Harcourt Road.



Photo of the subject site looking south.



Photo of the southern apartment building east of the subject site.



View of the beach volleyball court looking south.



Photo of the existing green amenity space looking south.



Photo of the subject site looking north.



Photo of the northern apartment building east of the subject site.



Photo of the existing green amenity space looking north.



Photo of the tennis court on the northern end of the site looking south.



Close-up of the condition of the existing tennis courts to be removed.



Photo of the hospital campus west of the site.