



Metropolitan Development Commission Hearing Examiner (6-15-2023) Meeting Agenda

Meeting Details

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

Date: Thursday, June 15, 2023

Time: 1:00 PM

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

Business:

Special Requests

PETITIONS REQUESTING TO BE CONTINUED:

1. 2023-MOD-009 | 4375 Kentucky Avenue

Decatur Township, Council District #22

C-S

Five Star Oil, Inc., by Garrett E. Lawton

Modification of the Commitments related to 2019-ZON-053 to extend the deadline for the completion of all commitments to September 30, 2023 (previous commitments required completion by several dates in 2020).

****Petitioner request for a continuance to July 13, 2023**

2. 2023-ZON-039 | 3304 North Sherman Drive

Center Township, Council District #17

Desmond King, by Jamilah Mintze

Rezoning of 0.26 acre from the D-5 district to the C-3 district to provide for neighborhood commercial uses.

****Petitioner request for a withdrawal**

3. 2023-ZON-042 | 3002 South Arlington Avenue

Franklin Township, Council District #18

Vishavdeep Singh Cheema, by David Kingen

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

****Petitioner request for a continuance to July 13, 2023 to work with interested parties**

4. 2023-ZON-043 | 1400 Campbell Avenue

Warren Township, Council District #19

JAK Holdings Group, LLC, by Mark and Kim Crouch

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

****Automatic continuance to July 13, 2023 filed by a Registered Neighborhood Organization**

5. 2023-ZON-047 | 6901 Michigan Road

Pike Township, Council District #7

DealPoint Merrill, LLC, by J. Murray Clark

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

****Automatic continuance to July 13, 2023 filed by a Registered Neighborhood Organization**

6. 2023-CAP-822 / 2023-CVR-822 | 1625, 1631 and 1637 Nowland Avenue and 1258 Windsor Street

Center Township, Council District #17

1625 Nowland, LLC, 1631 Nowland, LLC, Raymond Street Partners, LLC and Indianapolis Film Project, by David Kingen

MU-2

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

A. Modify Commitment #1 requiring adherence to the Site plan file-dated June 21, 2018 and the Plan of Operation file-dated July 18, 2018 to provide for an amended site plan and to provide for an outdoor seating area for the serving and sales of alcohol.

B. Terminate Commitment #18 which required certain building materials and colors for the building façade and former window openings.

C. Modify Commitment #22 to allow the selling and serving of alcohol (previous commitment prohibited alcohol sales).

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

****Staff request for a continuance to June 29, 2023**

7. 2023-CZN-828 / 2023-CVR-828 (Amended) | 3416, 3420 and 3520 South Post Road

Franklin Township, Council District #18

Quicktrip Corporation, by J. Murray Clark

Rezoning of 12.269 acres from the C-S and C-7 districts to the C-7 district to provide for a truck stop.

Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for no street trees along the northern portion of the Post Road frontage (street trees required), no planting beds/shrubs along the entire Post Road frontage (landscaping required), three parking lot trees (17 required), to provide for a 50-foot tall, 391-square-foot pole sign (maximum 20-foot tall, 300 square foot pole sign permitted), to provide for a 23-foot tall, 109-square-foot freestanding incidental sign (maximum eight-foot tall, 32 square feet permitted) and to provide for a truck stop located within 425 feet of a protected district (500-foot separation required).

****Petitioner request for a continuance to June 29, 2023**

Petitions for Public Hearing

PETITIONS TO BE EXPEDITED:

8. 2023-APP-015 | 1550 East County Line Road

Perry Township, Council District #23

HD-1

Community Health Network Foundation, Inc., by Timothy H. Button

Hospital District One Approval to provide for a 7,000-square foot addition to the surgery center building.

9. 2023-APP-016 | 3091 East 19th Street

Center Township, Council District #17

PK-1

City of Indianapolis, Department of Parks and Recreation, by Jason Larrison

Park District One Approval to provide for playground equipment, a rubberized play surface, walking paths and a picnic shelter.

10. 2023-APP-017 | 2022 Roosevelt Avenue

Center Township, Council District #17

PK-1

City of Indianapolis, Department of Parks and Recreation, by Jason Larrison

Park District One Approval to provide for new playground equipment, a rubberized play surface, and the resurfacing of a basketball court.

11. 2023-APP-018 | 2901 North Rural Street

Center Township, Council District #17

PK-1

City of Indianapolis, Department of Parks and Recreation, by Jason Larrison

Park District One Approval to provide for new playground equipment, a rubberized play surface, new walkways and sunshade structures.

12. 2023-APP-019 | 3030 East 30th Street

Center Township, Council District #17

PK-1

City of Indianapolis, Department of Parks and Recreation, by Jason Larrison

Park District One Approval to provide for new playground equipment, a rubberized play surface, new walkways and additional parking.

13. 2023-ZON-038 | 6041 and 6125 East Thompson Road

Franklin Township, Council District #18

Albert Fullenkamp, by David Gilman

Rezoning of 3.40 acres from the C-S and D-P districts to the C-3 district to provide for a neighborhood commercial development.

14. 2023-ZON-040 | 10600 Prospect Street

Warren Township, Council District #19

Highlands at Grassy Creek Partners, by Chase Henderson

Rezoning of 10.45 acres from the D-3 (FW) (FF) district to the PK-1 (FW) (FF) district to park uses.

15. 2023-ZON-041 | 1328 West 30th Street

Center Township, Council District #7

Scott Middleton

Rezoning of 0.13 acre from the C-3 district to the D-5 district.

16. 2023-ZON-045 | 601 and 701 Kentucky Avenue and 602 West McCarty Street

Center Township, Council District #16

701 Kentucky Ave, LLC, by Joseph D. Calderon

Rezoning of 10.85 acres from the I-4 (RC) district to the CBD-2 (RC) district.

17. 2023-ZON-046 | 7250 North Keystone Avenue

Washington Township, Council District #2

Hansen Collision, Inc., by J. Murray Clark

Rezoning of 4.199 acres from the D-4 and C-4 (FF) districts to the C-4 (FF) district to provide for automobile, motorcycle, and light vehicle service or repair.

18. 2023-CZN-821 / 2023-CVR-821 / 2023-CPL-821 (Amended) | 4359 and 4361 East 75th Street

Washington Township, Council District #3

D-A

Thomas D. & Cynthia W. Mattingly and Michael R. & Carly A. Dury, by Anthony B. Syers

Rezoning of 7.194 acres from the D-A district to the D-S district.

Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to legally establish two existing parcels with zero-feet of street frontage and to provide for a subdivision creating a third lot, also without street frontage (125 feet of street frontage required).

Approval of a Subdivision Plat to be known as Mattingly Subdivision, dividing 3.884 acres into two lots.

19. 2023-CAP-825 / 2023-CZN-825 | 1940 Forest Manor Avenue

Center Township, Council District #17

City of Indianapolis, Department of Parks and Recreation, by Jason Larrison

Park District One approval to provide for new playground equipment, play surface, walkways and parking.

Rezoning of 12.77 acres from the D-5 (FW) (FF) and I-3 (FW) (FF) districts to the PK-1 (FW) (FF) district to provide for park uses.

20. 2023-CZN-827 / 2023-CVR-827 (Amended) | 6209 East Edgewood Avenue

Franklin Township, Council District #25

Salina and Jaime Hernandez, by David Gilman

Rezoning of 4.83 acres from the D-A district to the D-1 district.

Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for the future subdivision of a parcel into two lots, with future Lot Two maintaining a 25-foot street frontage and lot width (minimum 45-foot street frontage, minimum 90-foot lot width required).

PETITIONS FOR PUBLIC HEARING (Continued Petitions):

21. 2023-ZON-021 | 3449 South Harding Street

Perry Township, Council District #20

RIARS, LLC, by David Gilman

Rezoning of 0.75 acre from the D-4 (FF) district to the C-3 (FF) district to provide for retail sales of accessories and parts for semi-tractors and trailers.

22. 2023-ZON-026 | 6501 Brookville Road

Warren Township, Council District #18

Brookville Mart, Inc., by Cindy Thrasher

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

23. 2023-CAP-819 / 2023-CVR-819 | 2801 South Pennsylvania Street

Center Township, Council District #16

2801 S Pennsylvania LLC, by Jason E. Burk

D-8

Modification of Commitments related to 2019-ZON-086, modifying Commitment Four to reduce the amount of required parking to 1.75 spaces per residential unit, from two spaces per unit, and Commitment Ten to allow for additional lighting elements and height placement.

Variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for parking areas up to 583 feet wide within the front yards of the subject site, depending on final site plan (parking areas within front yard limited to 30-foot widths).

24. 2023-CAP-820 / 2023-CVR-820 | 6640 Heron Neck Drive

Perry Township, Council District #20

WTS Inc., by Michael Rabinowitch

Modification of Commitments related to the approval of 2008-ZON-853 terminating Commitments Two and Three and replace them with commitments updating the regulatory site plan, elevations, renderings, and plan of operation.

Variance of Use and Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for 20-foot side and rear transitional yards (50-foot transitional yards required).

PETITIONS FOR PUBLIC HEARING (New Petitions):

25. 2023-MOD-010 | 1102 West 16th Street and 1633 Rembrandt Street

Center Township, Council District #11

I-3 (W-1)

Michaelis Development, LLP, by Stephanie J. Truchan

Modification of the Commitments related to 85-Z-8 to terminate Commitment #3, which restricted the use of the site to an industrial coating operation.

26. 2023-ZON-044 | 1305 and 1309 East 11th Street

Center Township, Council District #17

Compendium Group, LLC, by Paul J. Lambie

Rezoning of 0.18 acres from the MU-1 district to the D-8 district.

27. 2023-CZN-823 and 2023-CVC-823 | 1545 Van Buren Street and 2014, 2016 and 2018 Draper Street

Center Township, Council District #21

GSS, LLC, by Mary E. Solada

Rezoning of 9.56 acres from the D-10 and I-3 districts to the I-2 district.

Vacation of the first 15-foot wide alley west of Draper Street, from the north lot line of Lot 69 of The Justice C. Adams South Park subdivision as recorded in Plat Book 16, Page 177 in the Office of the Recorder of Marion County, Indiana, north 44 feet to the north lot line of Lot 70 in said subdivision.

Vacation of an irregular portion of right-of-way adjacent to the first north-south alley west of Draper Street, being part of Lot 57 in The Justice C Adams subdivision, as described in Instrument Number 76-53438 in the Office of the Recorder of Marion County, Indiana, all with a waiver of the Assessment of Benefits.

28. 2023-CAP-826 / 2023-CVR-826 | 4195 Millersville Road

Washington Township, Council District #9

Garvey Properties, LLC, by Joseph D. Calderon

C-S (W-5)

Modification of Development Statement and Site Plan related to 2013-ZON-037 to remove the requirement for landscaping and buffering along Millersville Road and Meadows Parkway, and to provide for storage buildings as shown on the site plan submitted with this petition.

Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for a building located ten feet from Meadows Parkway with zero transparency (40% transparency required for buildings within 50 feet of a local street).

Additional Business:

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

STAFF REPORT

Item 1.

Department of Metropolitan Development Division of Planning Current Planning Section

Case Number: 2023-MOD-009
Address: 4375 Kentucky Avenue (approximate address)
Location: Decatur Township, Council District #22
Zoning: C-S
Petitioner: Five Star Oil, Inc., by Garrett E. Lawton
Request: Modification of the Commitments related to 2019-ZON-053 to extend the deadline for the completion of all commitments to September 30, 2023 (previous commitments required completion by several dates in 2020).

The petitioner's representative has requested a continuance but has not specified a continuance date. Staff would suggest that this petition be **continued from the June 15, 2023 hearing, to the July 13, 2023 hearing.**

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STAFF REPORT

Department of Metropolitan Development
Division of Planning
Current Planning Section

Case Number: 2023-ZON-039
Address: 3304 North Sherman Drive (*Approximate Address*)
Location: Center Township, Council District #17
Petitioner: Desmond King, by Jamilah Mintze
Request: Rezoning of 0.26 acre from the D-5 district to the C-3 district to provide for neighborhood commercial uses.

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

STAFF REPORT

Department of Metropolitan Development
Division of Planning
Current Planning Section

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

The petitioner has requested a **continuance from the June 15, 2023 hearing to the July 13, 2023 hearing** to allow time for the petitioner to work with nearby interested parties.

STAFF REPORT

Item 4.

Department of Metropolitan Development
Division of Planning
Current Planning Section

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

A timely automatic continuance was filed by a registered neighborhood **organization continuing this petition from the June 15, 2023 hearing, to the July 13, 2023 hearing.** This would require acknowledgement from the Hearing Examiner.

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STAFF REPORT

Item 5.

Department of Metropolitan Development
Division of Planning
Current Planning Section

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

A timely automatic continuance was filed by a registered neighborhood **organization continuing this petition from the June 15, 2023 hearing, to the July 13, 2023 hearing.** This would require acknowledgement from the Hearing Examiner.

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STAFF REPORT

Item 6.

Department of Metropolitan Development
Division of Planning
Current Planning Section

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

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

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

Staff is requesting a **continuance of these petitions from the June 15, 2023 hearing, to the June 29, 2023 hearing** to provide additional time to clarify the request and provide notice.

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STAFF REPORT

Item 7.

Department of Metropolitan Development
Division of Planning
Current Planning Section

Case Number: 2023-CZN-828 / 2023-CVR-828 (Amended)
Address: 3416, 3420 and 3520 South Post Road (approximate address)
Location: Franklin Township, Council District #18
Petitioner: Quicktrip Corporation, by J. Murray Clark
Request: Rezoning of 12.269 acres from the C-S and C-7 districts to the C-7 district to provide for a truck stop.

Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for no street trees along the northern portion of the Post Road frontage (street trees required), no planting beds/shrubs along the entire Post Road frontage (landscaping required), three parking lot trees (17 required), to provide for a 50-foot tall, 391-square-foot pole sign (maximum 20-foot tall, 300 square foot pole sign permitted), to provide for a 23-foot tall, 109-square-foot freestanding incidental sign (maximum eight-foot tall, 32 square feet permitted) and to provide for a truck stop located within 425 feet of a protected district (500-foot separation required).

These petitions will need to be **continued from the June 15, 2023 hearing, to the June 29, 2023 hearing** to provide additional time to amend the variance request and provide required notice.

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STAFF REPORT

Item 8.

Department of Metropolitan Development Division of Planning Current Planning Section

Case Number: 2023-APP-015
Address: 1550 East County Line Road (approximate address)
Location: Perry Township, Council District #23
Zoning: HD-1
Petitioner: Community Health Network Foundation, Inc., by Timothy H. Button
Request: Hospital District One Approval to provide for a 7,000-square foot addition to the surgery center building.

RECOMMENDATIONS

Staff **recommends approval** of this request, subject to substantial compliance with the site plan, landscape plan and elevations file-dated May 11, 2023.

SUMMARY OF ISSUES

The following issues were considered in formulating the recommendation:

LAND USE ISSUES

- ◇ This 24.45-acre site is located within a 48-acre hospital complex, zoned HD-1, and developed with a multi-story medical office building. It is surrounded by multi-family dwellings and religious uses to the north, zoned D-P and SU-1, respectively; a hospital to the south, zoned HD-1; parking lots to the east, zoned HD-1; and medical offices to the west, zoned HD-2.
- ◇ The Comprehensive Plan recommends regional special use (non-typology land use), which is a category that provides for public, semi-public and private land uses that serve a specific institutional purpose for a significant portion of the county.

HOSPITAL DISTRICT ONE APPROVAL

- ◇ This request would provide for Hospital District One Approval to provide for a 7,000-square foot addition to the surgery center building along the eastern boundary of the site.
- ◇ Land in the development plan districts is subject to the following site and development requirements. In review of the proposed Site and Development Plan, the Commission must assess whether the Site and Development Plan, proposed use, buildings and structures must:
 - a. Be so designed as to create a superior land development plan, in conformity with the Comprehensive Plan;
 - b. Create and maintain a desirable, efficient and economical use of land with high functional and aesthetic value, attractiveness and compatibility of land uses, within the development plan district and with adjacent uses;

(Continued)

- c. Provide sufficient and adequate multi-modal access, such as parking and loading areas, transit provisions, and bicycle facilities;
 - d. Integrate a multi-modal transportation network using active and passive traffic control with the existing and planned public streets and interior roads;
 - e. Provide adequately for sanitation, drainage and public utilities in a sustainable, low-impact manner;
 - f. Allocate adequate sites for all uses proposed - the design, character, grade, location and orientation thereof to be appropriate for the uses proposed, logically related to existing and proposed topographical and other conditions, and consistent with the Comprehensive Plan; and
 - g. Provide pedestrian accessibility and connectivity, which may be paths, trails, sidewalks, or combination thereof. Pedestrian accessibility to available public transit must be provided. Sidewalks along eligible public streets consisting of the walkway and any curb ramps or blended transitions must be provided. If sidewalks are required to be installed, the Administrator or the Commission must be guided by the provisions of Section 744-304 for the installation of sidewalks.
- ◇ “The Commission may consider and act upon any such proposed use and Site and Development Plan, approve the same in whole or in part, and impose additional development standards, requirements, conditions, or commitments thereon at any public hearing of the Commission. The Commission must, also make written findings concerning any decision to approve or disapprove a Site and Development Plan.”
- ◇ The proposed building addition would be an expansion along the east façade of the existing building and would require minor reconfiguration of the parking lot. The proposed exterior materials would be brick to blend with the existing building.
- ◇ The additions would allow for expanded patient and staff services while maintaining the aesthetic value, attractiveness, and compatibility of the hospital complex, as well as surrounding land uses. Staff, therefore, recommends approval of the proposed improvements to the surgery center.

GENERAL INFORMATION

EXISTING ZONING AND LAND USE

HD-1

Medical office building

SURROUNDING ZONING AND LAND USE

North - D-P / SU-1

Multi-family dwellings / Religious Uses

South - HD-1

Hospital

East - HD-1

Parking lot

West - HD-2

Medical Offices

(Continued)

COMPREHENSIVE PLAN	The Comprehensive Land Use Plan (2018) recommends regional special use.
THOROUGHFARE PLAN	This portion of East County Line Road is designated in the Marion County Thoroughfare Plan as a primary arterial, with an existing 115-foot right-of-way and proposed 102-foot right-of-way.
CONTEXT AREA	This site is located within the metro context area.
SITE PLAN	File-dated May 11, 2023
ELEVATIONS	File-dated May 11, 2023
FINDINGS OF FACT	File-dated May 11, 2023
OVERLAYS	There are no overlays on this site.

ZONING HISTORY

2019-APP-001; 1550 East County Line Road, requested Hospital District Two Approval to provide for building additions and accessory site modifications to an existing cancer center, **approved**.

2018-APP-019; 1402, 1502 and 1550 East County Line Road, requested Hospital District One Approval to provide for a 7,000-square foot addition to the main hospital, with modifications to the adjoining parking lot and pedestrian areas, **approved**.

2017-APP-020; 1550 (1440 – building) East County Line Road requested Hospital District-Two Approval to provide for a wall sign, **approved**.

2014-APP-002 / 2014-VAR-002, 1550 (1440-building) East County Line Road, requested Hospital District Two approval for three freestanding signs and a four wall signs and a variance of development standards of the Sign Regulations to provide for a 4.5-foot-tall sign within 170 feet of a protected district and two freestanding signs exceeding the permitted height and square footage, **approved and granted**.

2007-APP-186; 1402 and 1550 East County Line Road, requested Hospital district One and Hospital District Two approval to provide for a parking lot expansion with 317 parking spaces and to provide for an approximately 93,500-square foot, temporary gravel construction staging area for a period of 18 months, **approved**.

2005-APP-837 / 2005-VAR-837; 1402 and 1550 East County Line Road, requested Hospital district One approval to provide for a freestanding sign along U.S. Highway 31 and building identification signs for the Indiana Surgery Center and a variance of development standards of the Sign Regulations to provide for a 20-foot tall, 200-square foot illuminated pylon sign located five feet from a dwelling district, **approved and granted**.

(Continued)

2012-APP-016; 1350 East County Line Road, requested HD-2 approval to provide for the construction of a 57,500-square foot medical office building, **approved**.

2005-APP-075, 1402 and 1550 East County Line Road, requested Hospital District-One Approval to provide for the expansion of the current parking lot, adding 166 new parking spaces, **approved**.

2005-ZON-103, 8616 U.S. Highway 31 South, requested rezoning of 0.58 acre, being the D-A District, to the HD-1 classification to provide for the construction of an access drive from U.S. Highway 31 South to Community Hospital south, **approved**.

2002-APP-029, 1402 East County Line Road, requested HD-1 Approval to provide for the construction of a two-story, 28,300-square foot cardiovascular center, **approved**.

2002-VAR-849, 1402 East County Line Road, requested a variance of development standards of the Sign Regulations to provide for two, four-foot tall, 16-square foot direction signs, (maximum 2.5 feet in height, six square feet in area permitted) and a .6-foot tall, 1-3-square foot directional sign (maximum 2.5 feet in height permitted), **approved**.

2001-APP-090, 1402 East County Line Road, requested HD-1 Approval to provide for the construction of 52-off street parking spaces and eight handicap spaces, and a wet pond, **approved**.

2001-APP-089, 1550 East County Line Road, requested HD-1 Approval to provide for the construction of a three-story addition to the existing Indiana Surgery Center, with an ambulatory surgery center, medical office, and 278 off-street parking spaces, **approved**.

95-AP-42, 1340-1350 East County Line Road, requested HD-2 Approval for a sign program consisting of two 32-square foot, single-faced ground sign directories and multiple wall signs with individual, non-illuminated, letters for each tenant space within an existing office complex, **approved**.

95-AP-23, 1380 East County Line Road, requested HD-2 Approval to provide for the construction of a 1,500-square foot storage building for an existing nursing home, **approved**.

94-AP-125, 1402 East County Line Road, requested HD-1 Approval to provide for improvements to the Community Hospital South Campus, including the expansion of the surgical center and related offices, on the first, second, and third floor, moving and expansion of existing parking areas and signs previously approved by petition 90-AP-40, **approved**.

93-AP-135, 1402 East County Line Road, requested HD-1 Approval to provide for the construction of a 10,000-square foot emergency services addition and renovation, **approved**.

93-AP-87, 1550 East County Line Road, requested HD-1 Approval to provide for two non-illuminated wall signs constructed of plate aluminum, **approved**.

91-AP184, 1402 East County Line Road, requested HD-1 Approval to provide for an addition to the fourth and fifth floor, a boiler room addition, and expansion of parking, **approved**.

(Continued)

90-AP-40, 1402 East County Line Road, requested HD-1 and HD-2 Approval to provide for a sign program for the hospital, **approved**.

90-V1-50, 1402 East County Line Road, requested a variance of development standards of the Sign Regulations to permit a sign program for the hospital with signs in excess of height, number, and size, **approved**.

VICINITY

2012-APP-2012; 1380 East County Line Road (south of site), requested Hospital District Two Approval to provide for a 10-foot tall, 46.25-square foot pylon sign, **approved**.

2010-APP-024; 1380 East County Line Road (abutting site to south), requested Hospital District Two Approval to provide for a 16,773-square foot addition to an existing skilled nursing facility and to provide for additional off-street parking, **approved**.

87-Z-10; 1350 East County Line Road (includes subject site), requested rezoning of 24 acres from HD-1 to HD-2, **approved**.

kb



Petition Number _____

**METROPOLITAN DEVELOPMENT COMMISSION
OF MARION COUNTY, INDIANA
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. Creates a superior land development plan, in conformity with the Comprehensive Plan of Marion County, Indiana, because:

The proposed expansion to the Community Hospital South Surgery Center will provide for increased ability to meet the growing demand for surgical services and maximize the utilization of this hospital district zoned land.

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 hospital district and with adjacent land uses because:

The one story addition will be blended into the existing Surgery Center building in a manner that will contribute to the overall aesthetic value of the hospital complex, consistent with the existing uses and with adjacent land uses.

C. Provides sufficient and adequate access, parking, and loading areas because:

The hospital has added substantial parking over the past decade, and recent parking studies show that shifting 36 physician parking spaces to an underutilized parking lot on the north side of the Surgery Center will result in a negligible impact on the overall parking availability on the hospital campus.

D. Provides traffic control and street plan integration with existing and planned public streets and interior roads because:

The proposed Surgery Center expansion will have a negligible impact on public streets and existing interior roads based on its location on the east side of the existing Surgery Center building.

E. Provides adequately for sanitation, drainage, and public utilities because:

The proposed Surgery Center expansion will be serviced by existing sanitary and storm sewers that already serve the Community Hospital South campus and have sufficient capacity to handle the proposed building expansion.

F. Allocates adequate sites for all uses proposed, relative to 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 of Marion County, Indiana, because:

The proposed Surgery Center expansion will be confined to a relatively small area of the existing Community Hospital South campus, and will further the hospital's purpose and objectives of providing for the health care needs of the local community and enhance the ability of the hospital to treat a growing local population and its surgical care needs.

DECISION

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

Adopted this _____ day of _____, 20____

COMMISSION PRESIDENT/ SECRETARY

S:\CP\PLAN\APPLICATIONS\F\OF-HP-APP 2/21/06



ALL STRUCTURES TO HAVE WATERTIGHT SEAL ADJUSTING RINGS.

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CONTRACTOR WILL BE REQUIRED TO PROVIDE RECORD DRAWINGS (AS-BUILTS) FOR ALL SANITARY SEWERS, GYM SEWERS, STORMWATER BMPs, AND DETENTION FACILITIES AS SPECIFIED IN CHAPTER 100 SECTION 3.3.07 OF THE INDIANAPOLIS STORMWATER STANDARDS FOR DESIGN AND CONSTRUCTION MANUAL, THIRD EDITION. RECORD DRAWINGS SHALL BE CERTIFIED BY A PROFESSIONAL LAND SURVEYOR AND CANNOT, BUT NOT BE LIMITED TO, BUILDING PAD ELEVATIONS, STRUCTURE AND PIPE INVENTS, TOP OF CURBS, SWALES, STORM ALIGNMENT, BMPs AND DETENTION STRUCTURES.

THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS, AND VERIFYING THAT ALL PLANS AND APPROVALS ARE OBTAINED FROM THE APPROPRIATE LOCAL, STATE AND FEDERAL AGENCIES PRIOR TO STARTING CONSTRUCTION.

CONTRACTOR SHALL VERIFY LOCATION AND ELEVATION OF EXISTING SERVICES PRIOR TO START OF CONSTRUCTION.

CONTRACTOR SHALL MAINTAIN A COMPLETE AND OPERABLE UTILITY SYSTEM AT ALL TIMES.

CONTRACTOR SHALL INCLUDE COSTS FOR CUTTING AND PATCHING AS REQUIRED IN THEIR BID. BE PREPARED TO COMPLETE NOTALS THE WORK INDICATED.

CONTRACTOR SHALL INCLUDE ALL FEES, PERMITS AND APPLICATION FEES IN THEIR BID. BE PREPARED TO COMPLETE NOTALS THE WORK INDICATED.

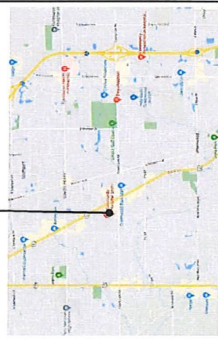
ALL INFORMATION WAS OBTAINED FROM AN OWNER FURNISHED SET OF DRAWINGS. THIS INFORMATION WAS NOT ARCHITECT AND AN OWNER DISCLOSED NO ADDITIONAL CAN BE MADE.

CONTRACTOR SHALL COORDINATE EXACT UTILITY LOCATIONS WITH THE OWNER AND LOCAL

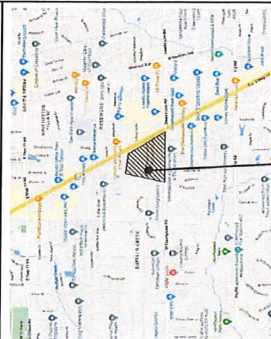
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PROJECT SITE



LOCATION MAP



PROJECT SITE

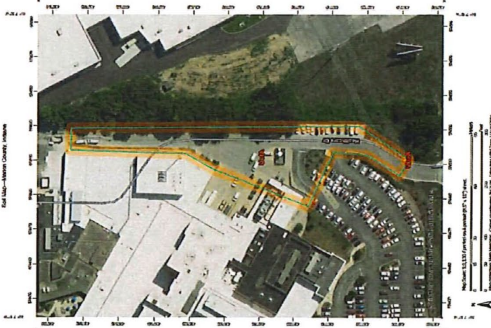


National Flood Hazard Layer FIRMette



FLOOD MAP

SOILS MAP



MAP INFORMATION

The bid surveys that companies' yard A/C's were shipped at 115,800.

Step Unit	Step Unit Payment	Step Unit Rate	Amount in ADR	Percent of ADR
Week		Union Local 800000 members, 10-7 percent	0.0	0.0%
Day		Union Local 800000 members, 10-7 percent	0.0	0.0%
Hour		Union Local 800000 members, 10-7 percent	0.0	0.0%

MAP LEGEND

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STUDIO AXIS
418 South
618 South
Indianapolis, Indiana 46202
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WWW.STUDIOAXIS.COM

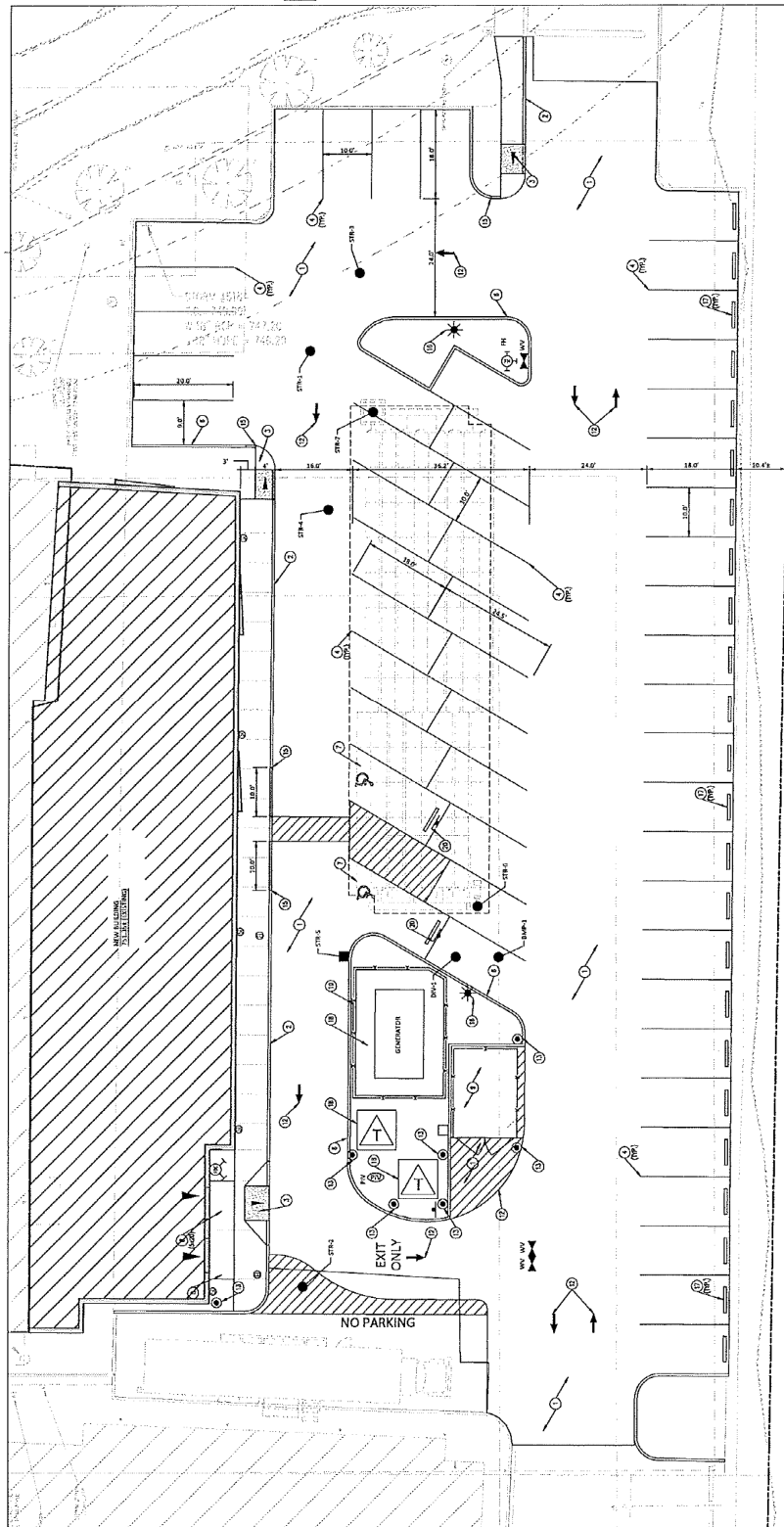
CONSULTING
ENGINEERS, LLC
225 South
Indianapolis, Indiana 46202
+1 (317) 264-8162
WWW.CONSULTINGENGINEERS.COM



PROJECT NUMBER: 202104
PROJECT NAME: COMMUNITY
SURGERY CENTER
REVISIONS: 1. 02/22/2021
DATE: 02/22/2021

COMMUNITY
SURGERY CENTER
SOUTH
SURGERY CENTER
ADDITION
1500 East County Line Road
Indianapolis, IN 46227

SITE
IMPROVEMENT
PLAN
C500



GENERAL NOTES

A. REFER TO IMPROVEMENT DETAILS FOR MOST REFERENCES.

PLAN NOTES

1. ASPHALT PAVEMENT.
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PARKING TABLE		REGULAR	ADA	TOTAL
EXISTING	15	2	46	61
NEW PROPOSED	16	0	0	0
PROPOSED *	17	1	0	1
* IN 10' SPACES TO THE NORTH SIDE OF THE EXISTING WALKWAY SUPPLEMENT THE PARKING SPACE.				

Site Improvement Plan - Community Surgery Center - South - 02/22/2021 - 10:00 AM



STUDIO AXIS
618 S. 4th St.
Indianapolis, Indiana 46202
+1 (317) 264-8162
WWW.STUDIOAXIS.COM

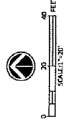
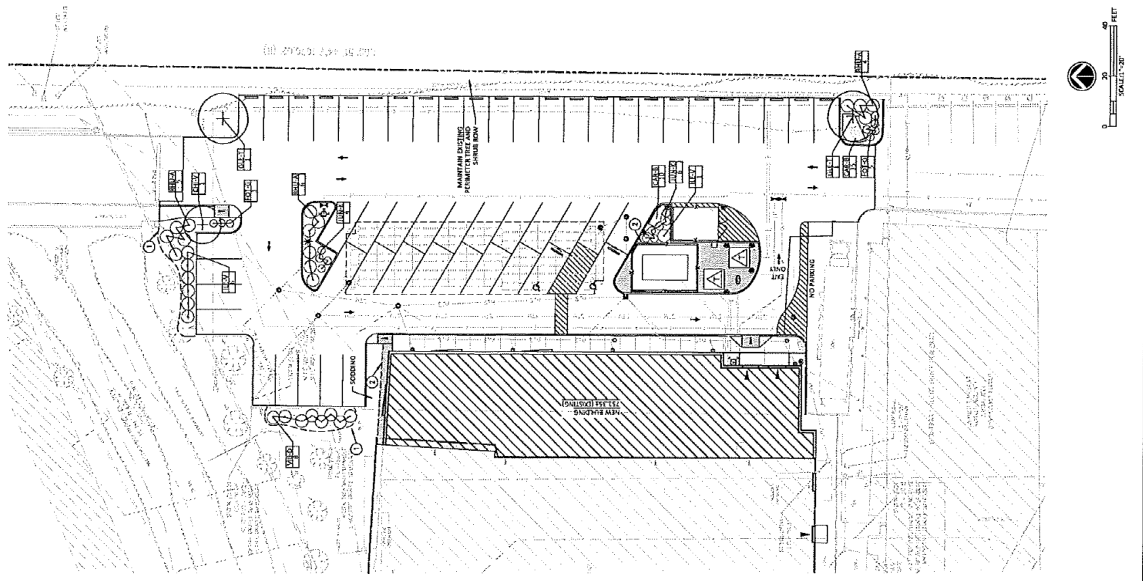
THE CONSULTING
ENGINEERS, LLC
5300 Connecticut Ave. Suite 110
Indianapolis, Indiana 46226
+1 (317) 271-4270
www.groundsdesign.com



PROJECT NUMBER: 201044
DRAWING NUMBER: C600
DATE: 01/20/23
REVISIONS:
1. 01/20/23

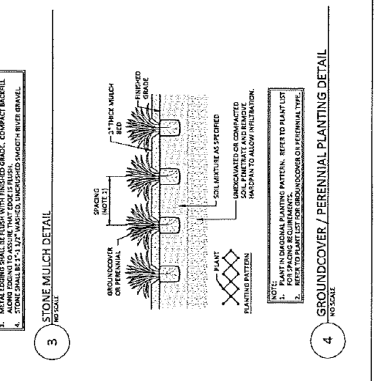
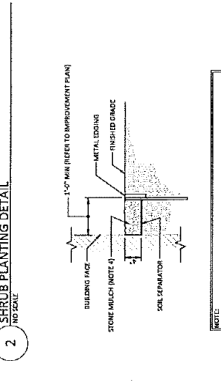
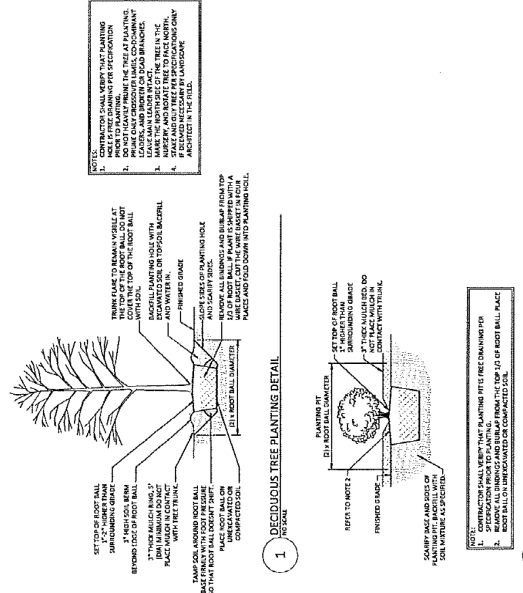
COMMUNITY
SURGERY CENTER
SOUTH
SURGERY CENTER
ADDITION
1150 East County Line Road
Indianapolis, IN 46227

SITE LANDSCAPE
PLAN AND DETAILS
C600



PLANT LIST				
QTY	NAME	COMMON NAME	SIZE	NOTES
1	1.000	1.000	1.000	1.000
2	2.000	2.000	2.000	2.000
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4	4.000	4.000	4.000	4.000
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18	18.000	18.000	18.000	18.000
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GENERAL NOTES
1. ALL PLANTINGS SHALL BE INSTALLED IN ACCORDANCE WITH THE ILLINOIS PLANTING STANDARDS.
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STUDIO AXIS
618 Studio
1000 East County Line Road
Indianapolis, Indiana 46202
+1 (317) 264-8162
WWW.STUDIOAXIS.COM

OWNER
INDIANAPOLIS HEALTH SERVICES
1000 East County Line Road
Indianapolis, IN 46202

ARCHITECT
STUDIO AXIS
618 Studio
1000 East County Line Road
Indianapolis, IN 46202

ENGINEERING & DESIGN
INDIANAPOLIS HEALTH SERVICES
1000 East County Line Road
Indianapolis, IN 46202

GENERAL CONTRACTOR
INDIANAPOLIS HEALTH SERVICES
1000 East County Line Road
Indianapolis, IN 46202

DESIGNER
INDIANAPOLIS HEALTH SERVICES
1000 East County Line Road
Indianapolis, IN 46202

CONSULTANT
INDIANAPOLIS HEALTH SERVICES
1000 East County Line Road
Indianapolis, IN 46202



PROJECT NAME
COMMUNITY SURGERY CENTER
SOUTH

OWNER
INDIANAPOLIS HEALTH SERVICES
1000 East County Line Road
Indianapolis, IN 46202

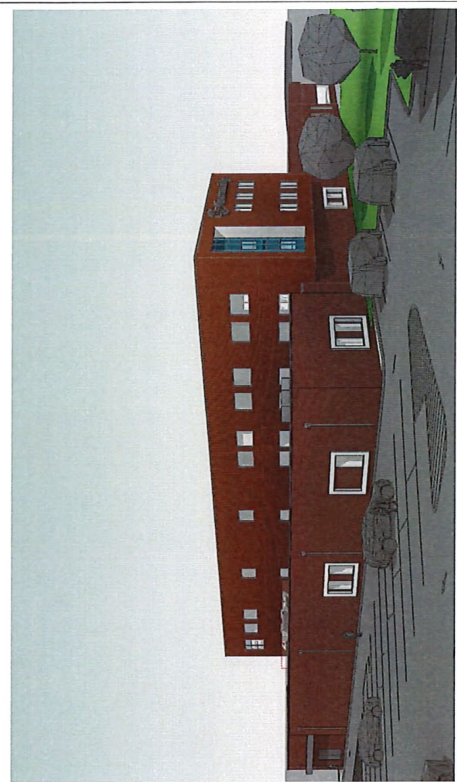
ARCHITECT
STUDIO AXIS
618 Studio
1000 East County Line Road
Indianapolis, IN 46202

DATE
10/2020

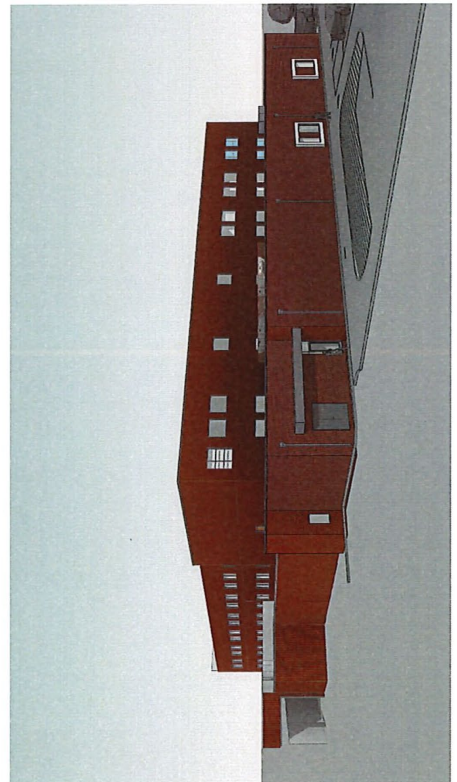
**COMMUNITY SURGERY CENTER
SOUTH**
**SURGERY CENTER
ADDITION**
1555 East County Line Road
Indianapolis, IN 46202

3D VIEWS

A-202



01 LOOKING SOUTHWEST
SCALE: N/S



02 LOOKING NORTHWEST
SCALE: N/S



View of site looking west



View of site looking west



View of site looking west



View of site looking southwest



View of parking lot looking north



View from parking lot looking southeast



View of site looking north along access drive along the eastern boundary

STAFF REPORT

Item 9.

Department of Metropolitan Development Division of Planning Current Planning Section

Case Number: 2023-APP-016
Address: 3091 East 19th (approximate address)
Location: Perry Township, Council District #17
Zoning: PK-1
Petitioner: City of Indianapolis, Department of Parks and Recreation, by Jason Larrison
Request: Park District One Approval to provide for playground equipment, a rubberized play surface, walking paths, and a picnic shelter.

Case Number: 2023-APP-017
Address: 2022 Roosevelt Ave (approximate address)
Location: Center Township, Council District #17
Zoning: PK-1
Petitioner: City of Indianapolis, Department of Parks and Recreation, by Jason Larrison
Request: Park District One Approval to provide for new playground equipment, a rubberized play surface, and the resurfacing of a basketball court.

Case Number: 2023-APP-018
Address: 2901 North Rural Street (approximate address)
Location: Center Township, Council District #17
Zoning: PK-1
Petitioner: City of Indianapolis, Department of Parks and Recreation, by Jason Larrison
Request: Park District One Approval to provide for new playground equipment, a rubberized play surface, new walkways and sunshade structures.

Case Number: 2023-APP-019
Address: 3030 East 30th Steet (approximate address)
Location: Center Township, Council District #17
Zoning: PK-1
Petitioner: City of Indianapolis, Department of Parks and Recreation, by Jason Larrison
Request: Park District One Approval to provide for new playground equipment, a rubberized play surface, new walkways, and additional parking.

RECOMMENDATIONS

Staff **recommends approval** of these requests.

(Continued)

SUMMARY OF ISSUES

The following issues were considered in formulating the recommendation:

PARK DISTRICT-ONE APPROVAL

- ◇ These petitions would provide for replacement playground equipment, new playground surfaces, new surface for playing courts and walking paths to existing walking paths for four existing parks within the Indy Parks and Recreation System: Brookside Park, John Ed Park, Oscar Charleston Park, and Washington Park.
- ◇ All of the parks are zoned PK-1; however, no use, building or structure is permitted for any purpose until a site and development plan for such land, including the proposed use or uses, has been filed with and approved by the Commission in accordance with the Zoning Ordinance.
- ◇ Land in the development plan districts is subject to the following site and development requirements. In review of the proposed Site and Development Plan, the Commission must assess whether the Site and Development Plan, proposed use, buildings, and structures must:
 - a. Be so designed as to create a superior land development plan, in conformity with the Comprehensive Plan;
 - b. Create and maintain a desirable, efficient and economical use of land with high functional and aesthetic value, attractiveness and compatibility of land uses, within the development plan district and with adjacent uses;
 - c. Provide sufficient and adequate multi-modal access, such as parking and loading areas, transit provisions, and bicycle facilities;
 - d. Integrate a multi-modal transportation network using active and passive traffic control with the existing and planned public streets and interior roads;
 - e. Provide adequately for sanitation, drainage and public utilities in a sustainable, low-impact manner;
 - f. Allocate adequate sites for all uses proposed - the design, character, grade, location and orientation thereof to be appropriate for the uses proposed, logically related to existing and proposed topographical and other conditions, and consistent with the Comprehensive Plan; and
 - g. Provide pedestrian accessibility and connectivity, which may be paths, trails, sidewalks, or combination thereof. Pedestrian accessibility to available public transit must be provided. Sidewalks along eligible public streets consisting of the walkway and any curb ramps or blended transitions must be provided. If sidewalks are required to be installed, the Administrator or the Commission must be guided by the provisions of Section 744-304 for the installation of sidewalks.

(Continued)

- ◇ The Comprehensive Plan recommends either large-scale park or traditional neighborhood for the sites. Small-scale parks are generally for public or private parks that are under 10 acres in size. Large-scale parks are generally for public and private parks that are over 10 acres in size. “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.”
- ◇ Each site plan indicates the proposed improvements would be within the park boundaries. Staff supports these requests.

GENERAL INFORMATION

EXISTING ZONING AND LAND USE – **2023-APP-016**

PK-1

Park

SURROUNDING ZONING AND LAND USE

North -	D-5 / I-3 / C-S	Single-family dwellings / Lumber Yard / Vacant
South -	D-5 / SU-2	Single-family dwellings / School
East -	I-3	Heavy Commercial / Industrial
West -	D-5 / SU-2	Single-family dwellings / School

COMPREHENSIVE LAND USE PLAN

The Comprehensive Land Use Plan for Indianapolis and Marion County (2018) recommends large-scale park development. A portion of the site is within a floodway as Pogue’s Run traverses the entire park from east to west.

THOROUGHFARE PLAN

Sherman Drive is designated in the Marion County Thoroughfare Plan as a primary arterial street with existing 80-foot right-of-way and a proposed 88-foot right-of-way; Brookside Pkwy South Drive is designated in the Marion County Thoroughfare Plan as a primary arterial street with existing 67-foot right-of-way and a proposed 78-foot right-of-way; Brookside Pkwy North Drive is designated in the Marion County Thoroughfare Plan as a local street with an existing 70-foot right-of-way and a proposed 48-foot right-of-way.

CONTEXT AREA

This site is located within the compact context area.

OVERLAY

There are no overlays for this site.

EXISTING ZONING AND LAND USE – **2023-APP-017**

PK-1

Park

North -	D-5	Single-family dwellings
South -	D-5	Single-family dwellings
East -	SU-34	Community center
West -	D-5	Single-family dwellings

THOROUGHFARE PLAN

Roosevelt Ave is designated in the Marion County Thoroughfare Plan as a local street, with an existing and proposed 48-foot right-of-way; Lawrence St is designated in the Marion County Thoroughfare Plan as a local street with an existing and proposed 48-foot right-of-way.

OVERLAY There are no overlays for this site.

PK-1 Park

North -	PK-1 / I-2	Park / Food Pantry
South -	D-8 / SU-1	Single-family dwellings / Religious
East -	D-8	Single-family dwellings
West -	D-8	Single-family dwellings

THOROUGHFARE PLAN

Rural Street is designated in the Marion County Thoroughfare Plan as a local street, with an existing 60-foot right-of-way and a proposed 48-foot right-of-way; 30th Street is designated in the Marion County Thoroughfare Plan as a primary arterial, with an existing 54-foot right-of-way and a proposed 66-foot right-of-way; Wheeler Street is designated in the Marion County Thoroughfare Plan as a local street, with an existing 50-foot right-of-way and a proposed 48-foot right-of-way; and, 28th Street is designated in the Marion County Thoroughfare Plan as a local street, with an existing 52-foot right-of-way and a proposed 48-foot right-of-way.

OVERLAY There are no overlays for this site.

PK-1 Park

32

SURROUNDING ZONING AND LAND USE

North -	D-5	Single-family dwellings
South -	PK-1 / I-2 / SU-1	Park / Food Pantry / Religious
East -	D-5 / SU-1	Single-family dwellings / Religious
West -	D-5	Single-family dwellings

COMPREHENSIVE LAND USE PLAN The Comprehensive Land Use Plan for Indianapolis and Marion County (2018) recommends large-scale park development.

THOROUGHFARE PLAN 30th Street is designated in the Marion County Thoroughfare Plan as a primary arterial, with an existing 54-foot right-of-way and a proposed 66-foot right-of-way; Temple Avenue is designated in the Marion County Thoroughfare Plan as a local street, with an existing and proposed 48-foot right-of-way; 34th Street is designated in the Marion County Thoroughfare Plan as a secondary arterial, with an existing 50-foot right-of-way and a proposed 78-foot right-of-way; and, LaSalle Street is designated in the Marion County Thoroughfare Plan as a local street, with an existing 40-foot right-of-way and a proposed 48-foot right-of-way.

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

OVERLAY There is an environmentally sensitive (Forest Alliance Woodlands) overlay for this site.

SITE PLANS – **ALL SITES** File-dated May 10, 2023

ELEVATIONS None

ZONING HISTORY

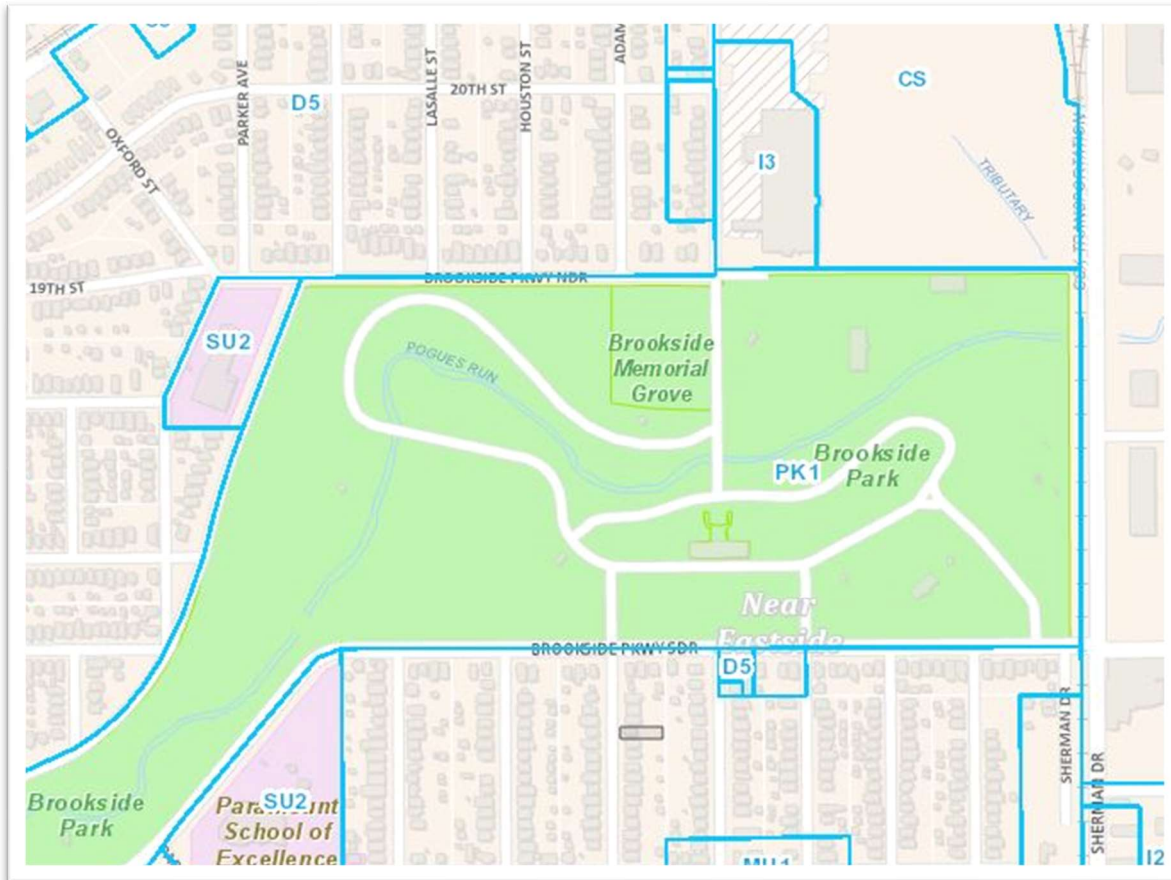
SITE

None.

VICINITY

2020-ZON-100, 3501 & 3509 Brookside Pkwy South Drive, rezoning of .23 acres from MU-1 to D-5, **granted**.

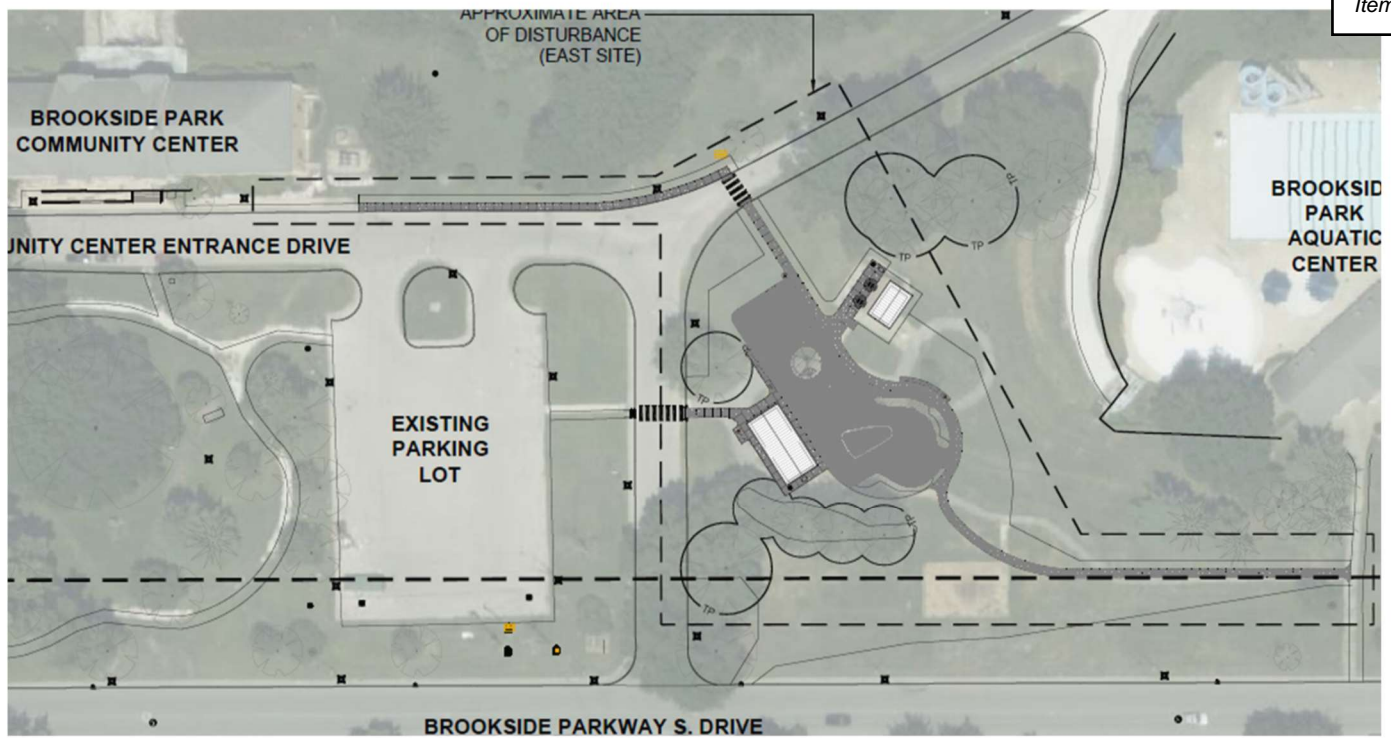
BB



Location Map, Brookside Park



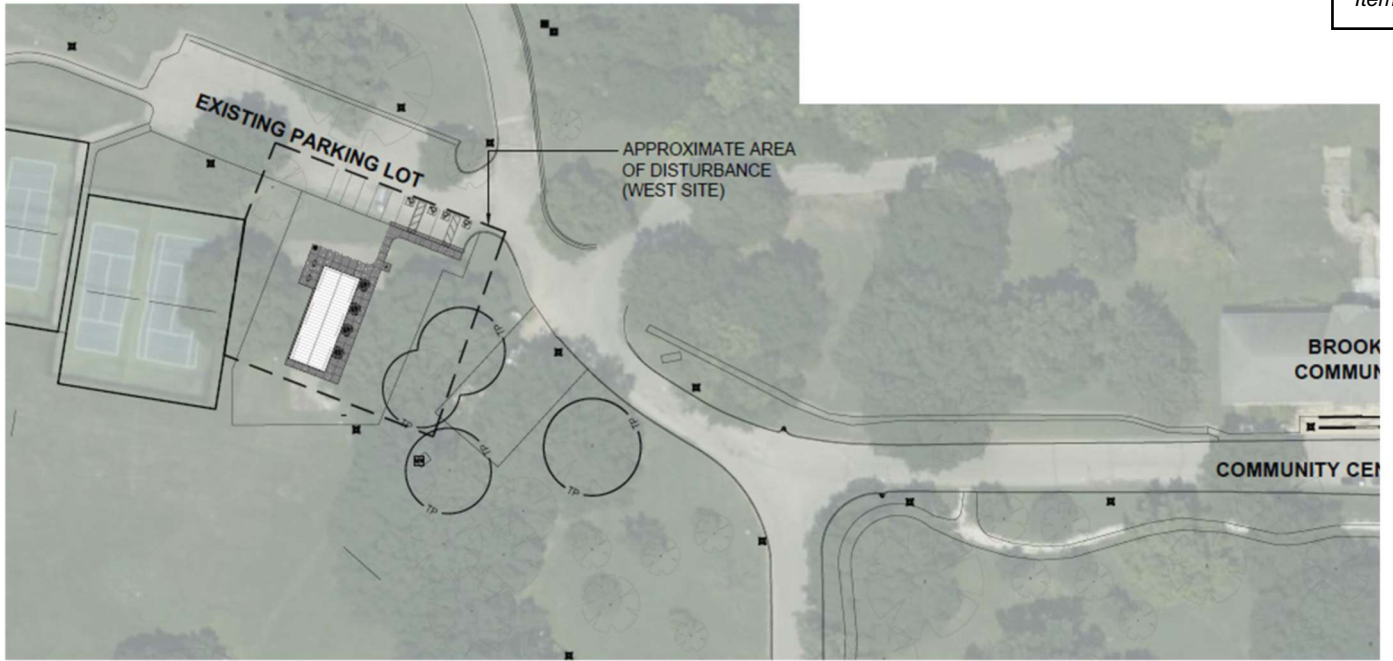
Aerial view, Brookside Park



Site Plan (east), Brookside Park



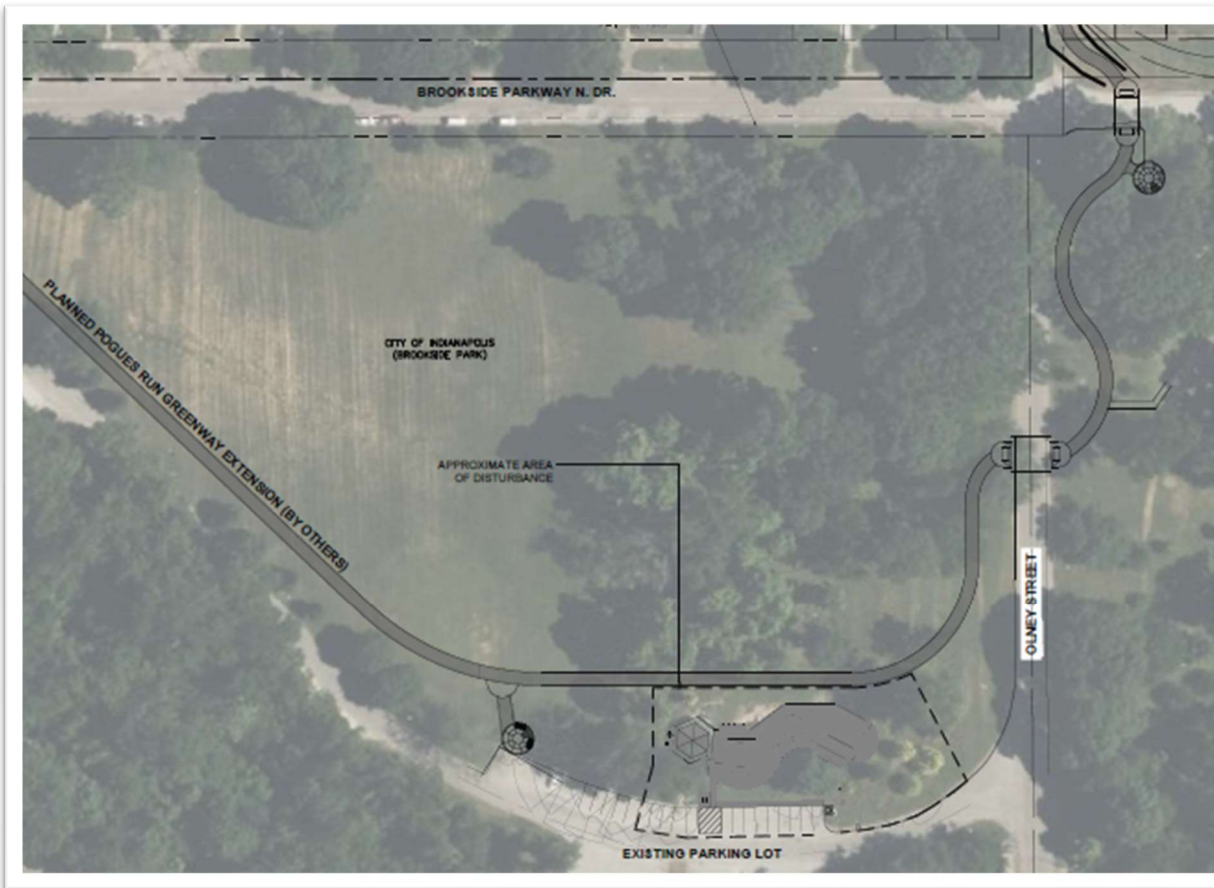
Site photo (east), Brookside Park



Site Plan (west), Brookside Park



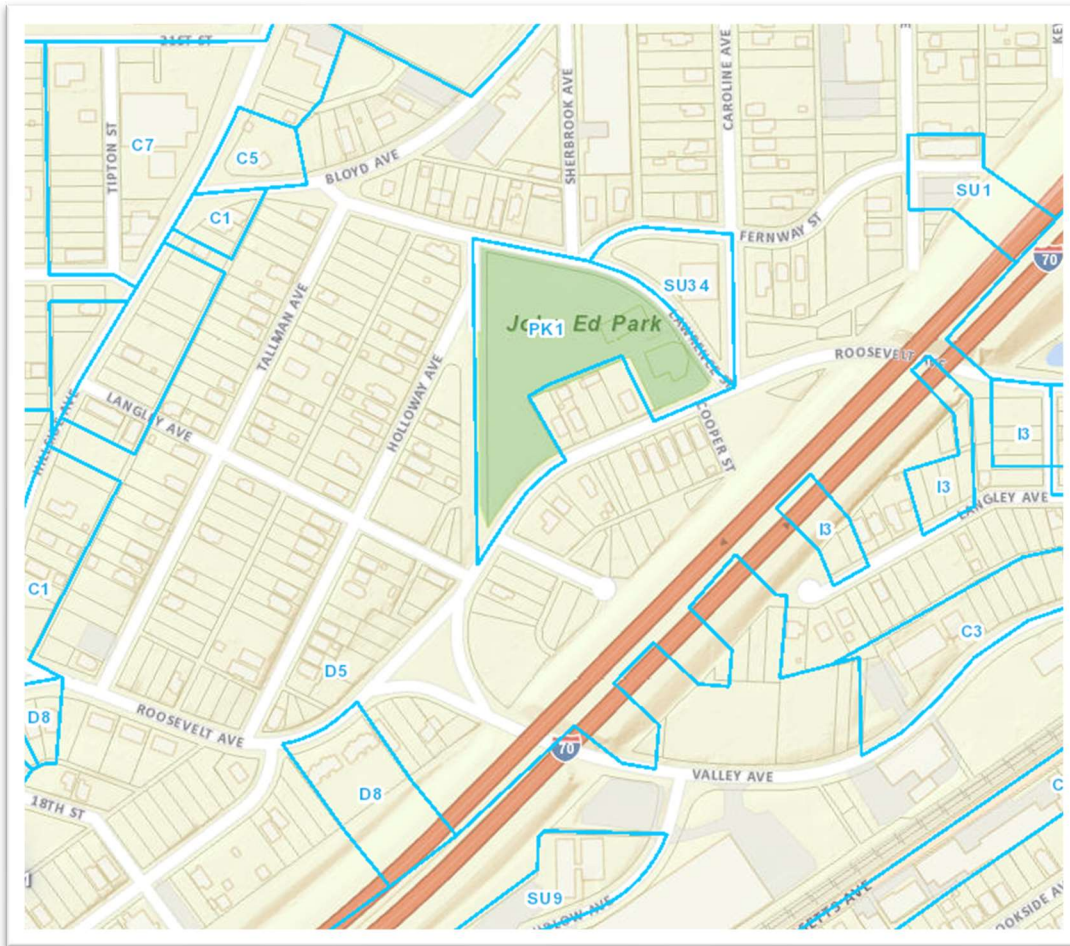
Site photo (west), Brookside Park



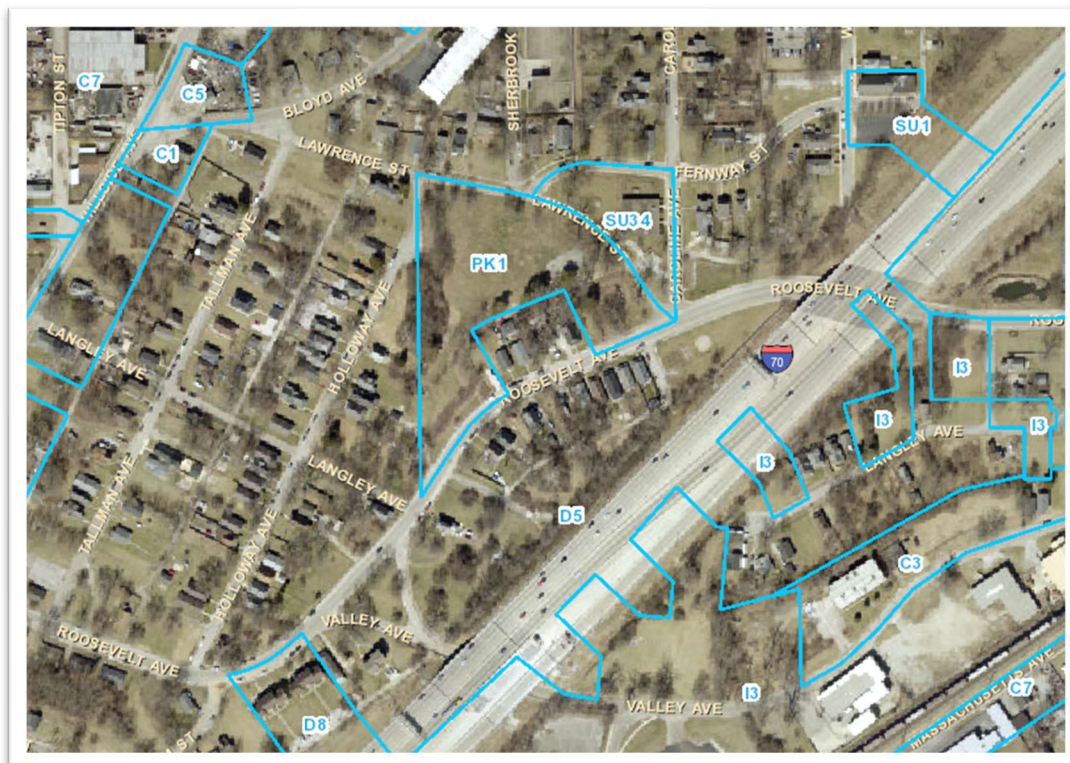
Site Plan (north), Brookside Park



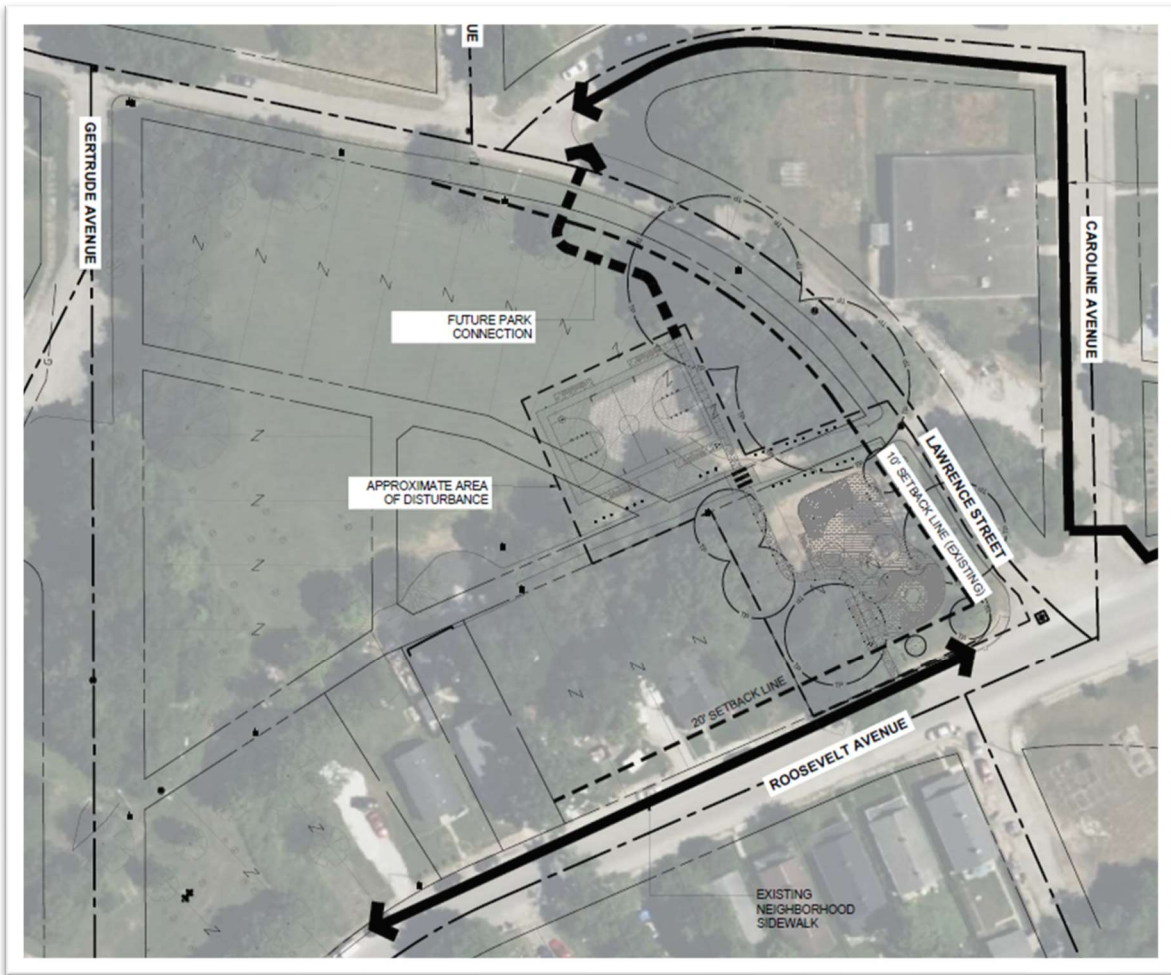
Site photo (north), Brookside Park



Location map, John Ed Park



Aerial view, John Ed Park



Site Plan, John Ed Park

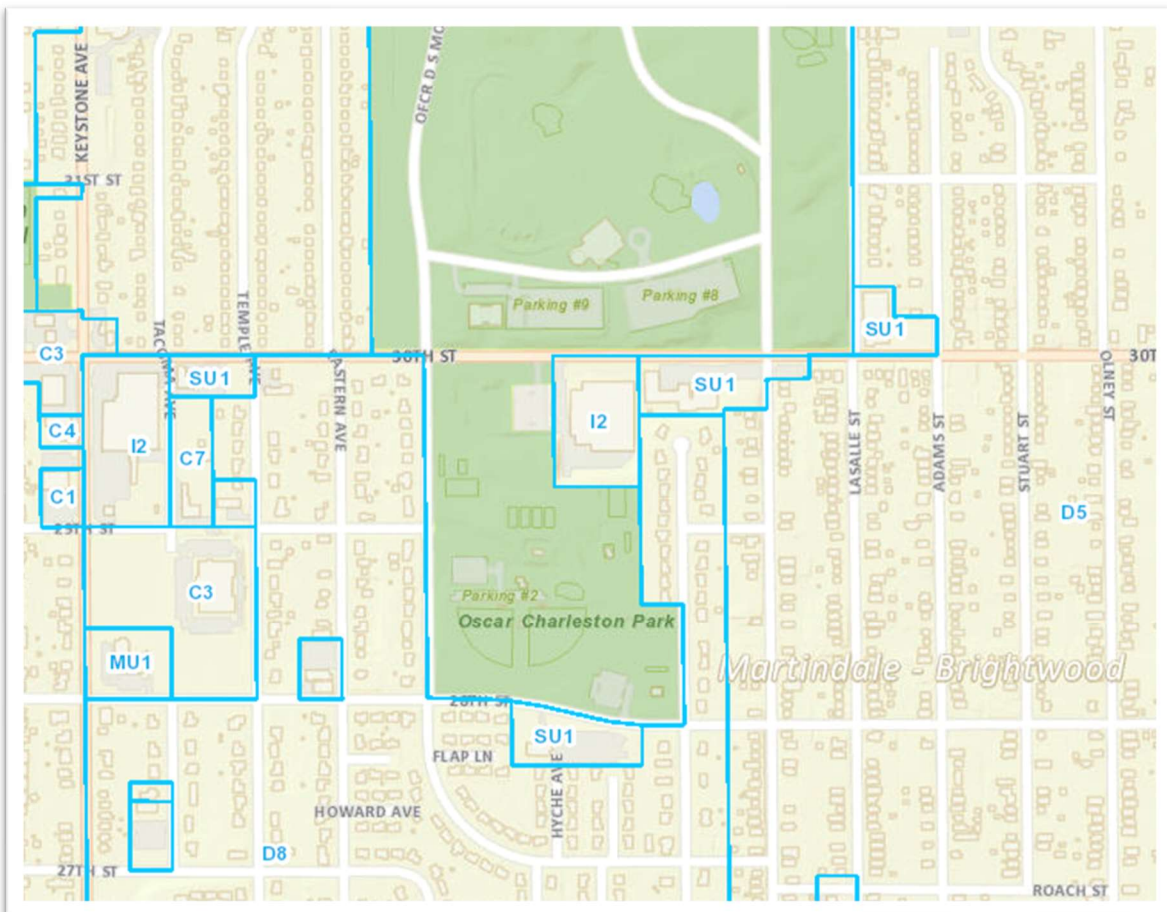


Site photo, John Ed Park

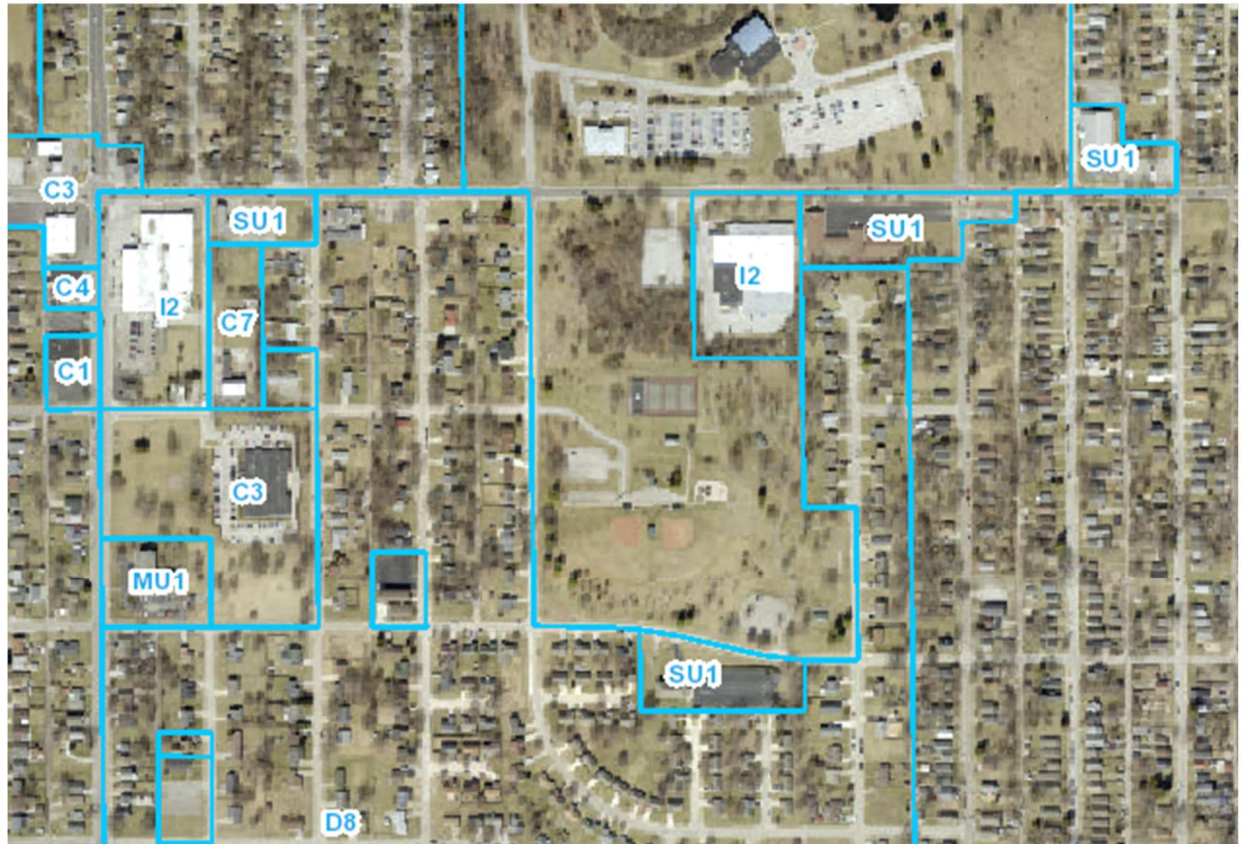


Site photo, John Ed Park

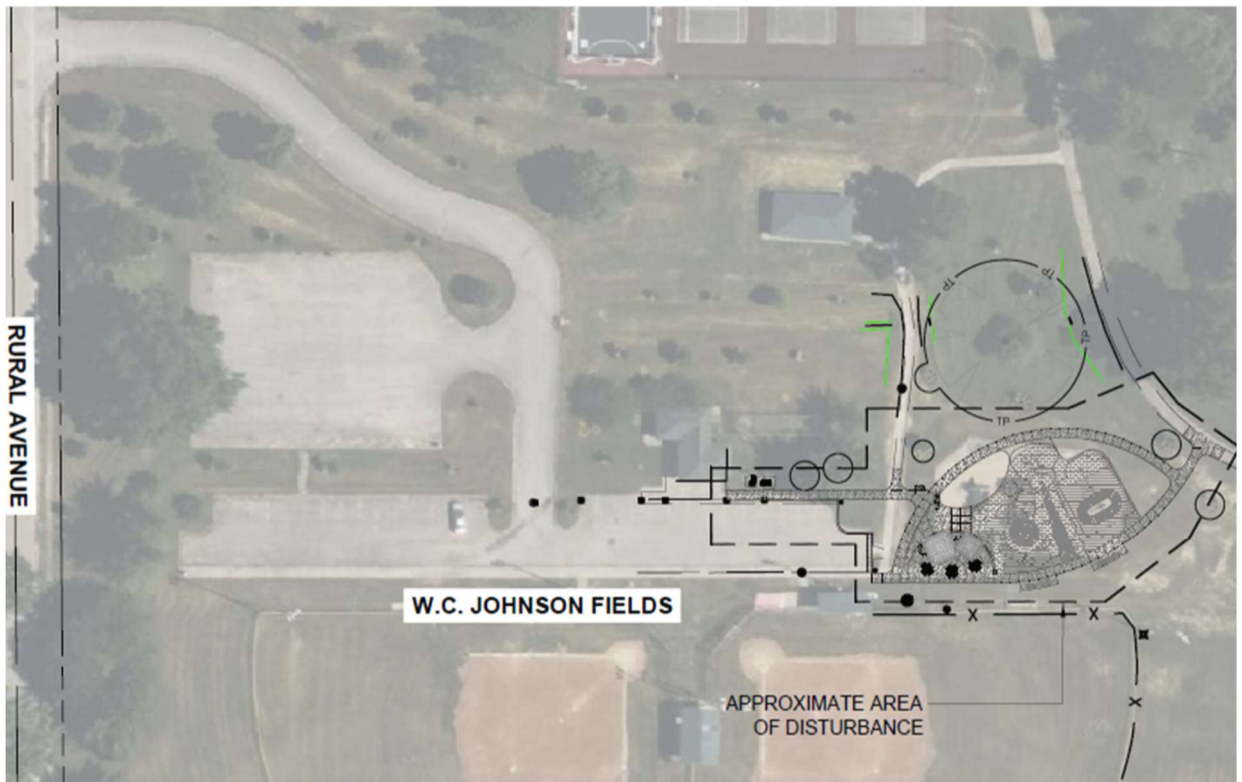
STAFF REPORT 2023-APP-018, Enclosures



Location map, Oscar Charleston Park



Aerial view, Oscar Charleston Park

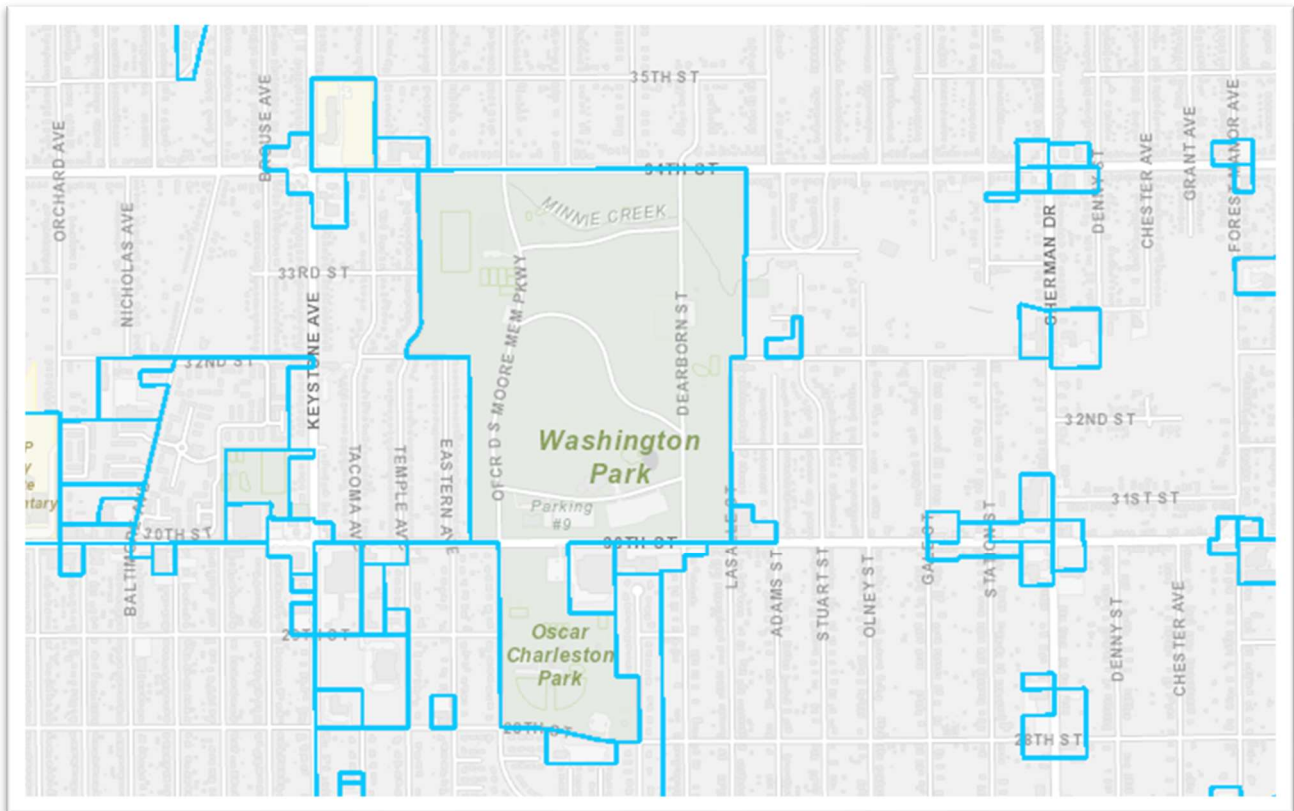


Site Plan, Oscar Charleston Park



Site photo, Oscar Charleston Park

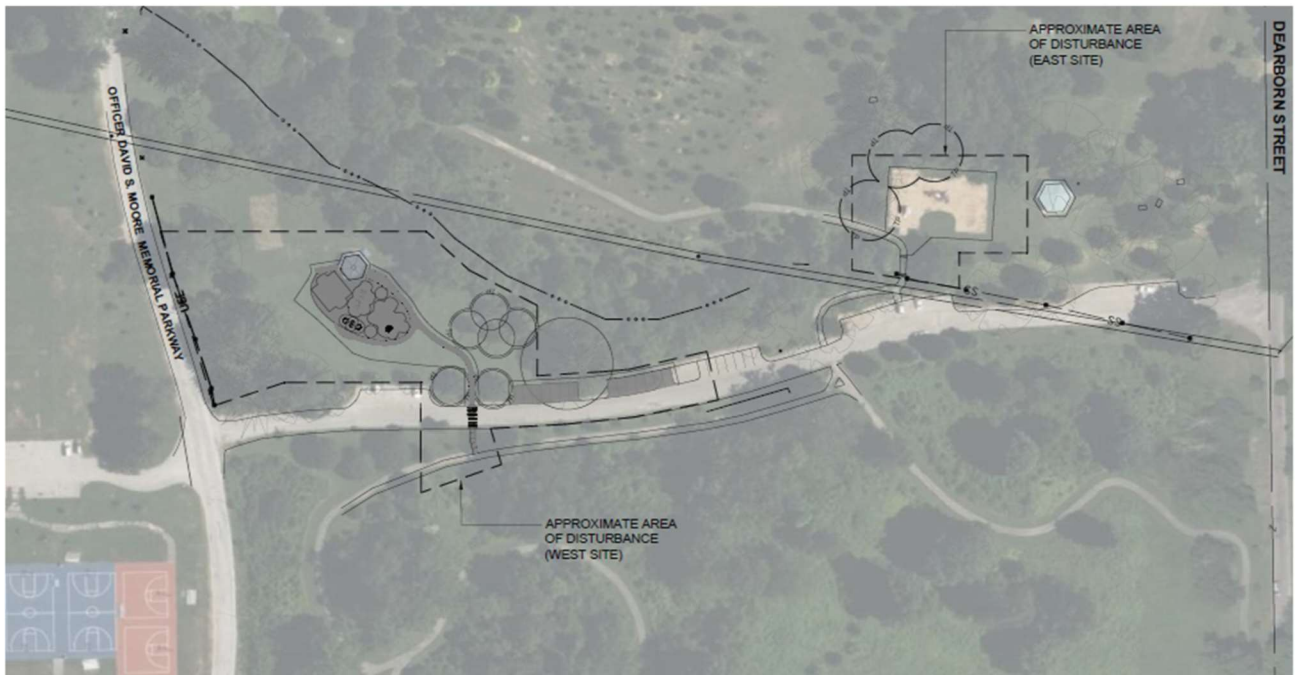
STAFF REPORT 2023-APP-019, Enclosures



Location map, Washington Park



Aerial view, Washington Park



Site Plan, Washington Park



Site photo (west), Washington Park



Site photo (east), Washington Park

STAFF REPORT

Item 10.

Department of Metropolitan Development Division of Planning Current Planning Section

Case Number: 2023-APP-016
Address: 3091 East 19th (approximate address)
Location: Perry Township, Council District #17
Zoning: PK-1
Petitioner: City of Indianapolis, Department of Parks and Recreation, by Jason Larrison
Request: Park District One Approval to provide for playground equipment, a rubberized play surface, walking paths, and a picnic shelter.

Case Number: 2023-APP-017
Address: 2022 Roosevelt Ave (approximate address)
Location: Center Township, Council District #17
Zoning: PK-1
Petitioner: City of Indianapolis, Department of Parks and Recreation, by Jason Larrison
Request: Park District One Approval to provide for new playground equipment, a rubberized play surface, and the resurfacing of a basketball court.

Case Number: 2023-APP-018
Address: 2901 North Rural Street (approximate address)
Location: Center Township, Council District #17
Zoning: PK-1
Petitioner: City of Indianapolis, Department of Parks and Recreation, by Jason Larrison
Request: Park District One Approval to provide for new playground equipment, a rubberized play surface, new walkways and sunshade structures.

Case Number: 2023-APP-019
Address: 3030 East 30th Steet (approximate address)
Location: Center Township, Council District #17
Zoning: PK-1
Petitioner: City of Indianapolis, Department of Parks and Recreation, by Jason Larrison
Request: Park District One Approval to provide for new playground equipment, a rubberized play surface, new walkways, and additional parking.

RECOMMENDATIONS

Staff **recommends approval** of these requests.

(Continued)

SUMMARY OF ISSUES

The following issues were considered in formulating the recommendation:

PARK DISTRICT-ONE APPROVAL

- ◇ These petitions would provide for replacement playground equipment, new playground surfaces, new surface for playing courts and walking paths to existing walking paths for four existing parks within the Indy Parks and Recreation System: Brookside Park, John Ed Park, Oscar Charleston Park, and Washington Park.
- ◇ All of the parks are zoned PK-1; however, no use, building or structure is permitted for any purpose until a site and development plan for such land, including the proposed use or uses, has been filed with and approved by the Commission in accordance with the Zoning Ordinance.
- ◇ Land in the development plan districts is subject to the following site and development requirements. In review of the proposed Site and Development Plan, the Commission must assess whether the Site and Development Plan, proposed use, buildings, and structures must:
 - a. Be so designed as to create a superior land development plan, in conformity with the Comprehensive Plan;
 - b. Create and maintain a desirable, efficient and economical use of land with high functional and aesthetic value, attractiveness and compatibility of land uses, within the development plan district and with adjacent uses;
 - c. Provide sufficient and adequate multi-modal access, such as parking and loading areas, transit provisions, and bicycle facilities;
 - d. Integrate a multi-modal transportation network using active and passive traffic control with the existing and planned public streets and interior roads;
 - e. Provide adequately for sanitation, drainage and public utilities in a sustainable, low-impact manner;
 - f. Allocate adequate sites for all uses proposed - the design, character, grade, location and orientation thereof to be appropriate for the uses proposed, logically related to existing and proposed topographical and other conditions, and consistent with the Comprehensive Plan; and
 - g. Provide pedestrian accessibility and connectivity, which may be paths, trails, sidewalks, or combination thereof. Pedestrian accessibility to available public transit must be provided. Sidewalks along eligible public streets consisting of the walkway and any curb ramps or blended transitions must be provided. If sidewalks are required to be installed, the Administrator or the Commission must be guided by the provisions of Section 744-304 for the installation of sidewalks.

(Continued)

- ◇ The Comprehensive Plan recommends either large-scale park or traditional neighborhood for the sites. Small-scale parks are generally for public or private parks that are under 10 acres in size. Large-scale parks are generally for public and private parks that are over 10 acres in size. “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.”
- ◇ Each site plan indicates the proposed improvements would be within the park boundaries. Staff supports these requests.

GENERAL INFORMATION

EXISTING ZONING AND LAND USE – **2023-APP-016**

PK-1
Park

SURROUNDING ZONING AND LAND USE

North -	D-5 / I-3 / C-S	Single-family dwellings / Lumber Yard / Vacant
South -	D-5 / SU-2	Single-family dwellings / School
East -	I-3	Heavy Commercial / Industrial
West -	D-5 / SU-2	Single-family dwellings / School

COMPREHENSIVE LAND USE PLAN

The Comprehensive Land Use Plan for Indianapolis and Marion County (2018) recommends large-scale park development. A portion of the site is within a floodway as Pogue’s Run traverses the entire park from east to west.

THOROUGHFARE PLAN

Sherman Drive is designated in the Marion County Thoroughfare Plan as a primary arterial street with existing 80-foot right-of-way and a proposed 88-foot right-of-way; Brookside Pkwy South Drive is designated in the Marion County Thoroughfare Plan as a primary arterial street with existing 67-foot right-of-way and a proposed 78-foot right-of-way; Brookside Pkwy North Drive is designated in the Marion County Thoroughfare Plan as a local street with an existing 70-foot right-of-way and a proposed 48-foot right-of-way.

CONTEXT AREA

This site is located within the compact context area.

OVERLAY

There are no overlays for this site.

EXISTING ZONING AND LAND USE – **2023-APP-017**

PK-1
Park

SURROUNDING ZONING AND LAND USE

North -	D-5	Single-family dwellings
South -	D-5	Single-family dwellings
East -	SU-34	Community center
West -	D-5	Single-family dwellings

COMPREHENSIVE LAND USE PLAN The Comprehensive Land Use Plan for Indianapolis and Marion County (2018) recommends traditional neighborhood development.

THOROUGHFARE PLAN Roosevelt Ave is designated in the Marion County Thoroughfare Plan as a local street, with an existing and proposed 48-foot right-of-way; Lawrence St is designated in the Marion County Thoroughfare Plan as a local street with an existing and proposed 48-foot right-of-way.

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

OVERLAY There are no overlays for this site.

EXISTING ZONING AND LAND USE – **2023-APP-018**

PK-1	Park
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SURROUNDING ZONING AND LAND USE

North -	PK-1 / I-2	Park / Food Pantry
South -	D-8 / SU-1	Single-family dwellings / Religious
East -	D-8	Single-family dwellings
West -	D-8	Single-family dwellings

COMPREHENSIVE LAND USE PLAN The Comprehensive Land Use Plan for Indianapolis and Marion County (2018) recommends large-scale park development.

THOROUGHFARE PLAN Rural Street is designated in the Marion County Thoroughfare Plan as a local street, with an existing 60-foot right-of-way and a proposed 48-foot right-of-way; 30th Street is designated in the Marion County Thoroughfare Plan as a primary arterial, with an existing 54-foot right-of-way and a proposed 66-foot right-of-way; Wheeler Street is designated in the Marion County Thoroughfare Plan as a local street, with an existing 50-foot right-of-way and a proposed 48-foot right-of-way; and, 28th Street is designated in the Marion County Thoroughfare Plan as a local street, with an existing 52-foot right-of-way and a proposed 48-foot right-of-way.

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

OVERLAY There are no overlays for this site.

EXISTING ZONING AND LAND USE – **2023-APP-019**

PK-1	Park
------	------

SURROUNDING ZONING AND LAND USE

North -	D-5	Single-family dwellings
South -	PK-1 / I-2 / SU-1	Park / Food Pantry / Religious
East -	D-5 / SU-1	Single-family dwellings / Religious
West -	D-5	Single-family dwellings

COMPREHENSIVE LAND USE PLAN The Comprehensive Land Use Plan for Indianapolis and Marion County (2018) recommends large-scale park development.

THOROUGHFARE PLAN 30th Street is designated in the Marion County Thoroughfare Plan as a primary arterial, with an existing 54-foot right-of-way and a proposed 66-foot right-of-way; Temple Avenue is designated in the Marion County Thoroughfare Plan as a local street, with an existing and proposed 48-foot right-of-way; 34th Street is designated in the Marion County Thoroughfare Plan as a secondary arterial, with an existing 50-foot right-of-way and a proposed 78-foot right-of-way; and, LaSalle Street is designated in the Marion County Thoroughfare Plan as a local street, with an existing 40-foot right-of-way and a proposed 48-foot right-of-way.

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

OVERLAY There is an environmentally sensitive (Forest Alliance Woodlands) overlay for this site.

SITE PLANS – **ALL SITES** File-dated May 10, 2023

ELEVATIONS None

ZONING HISTORY

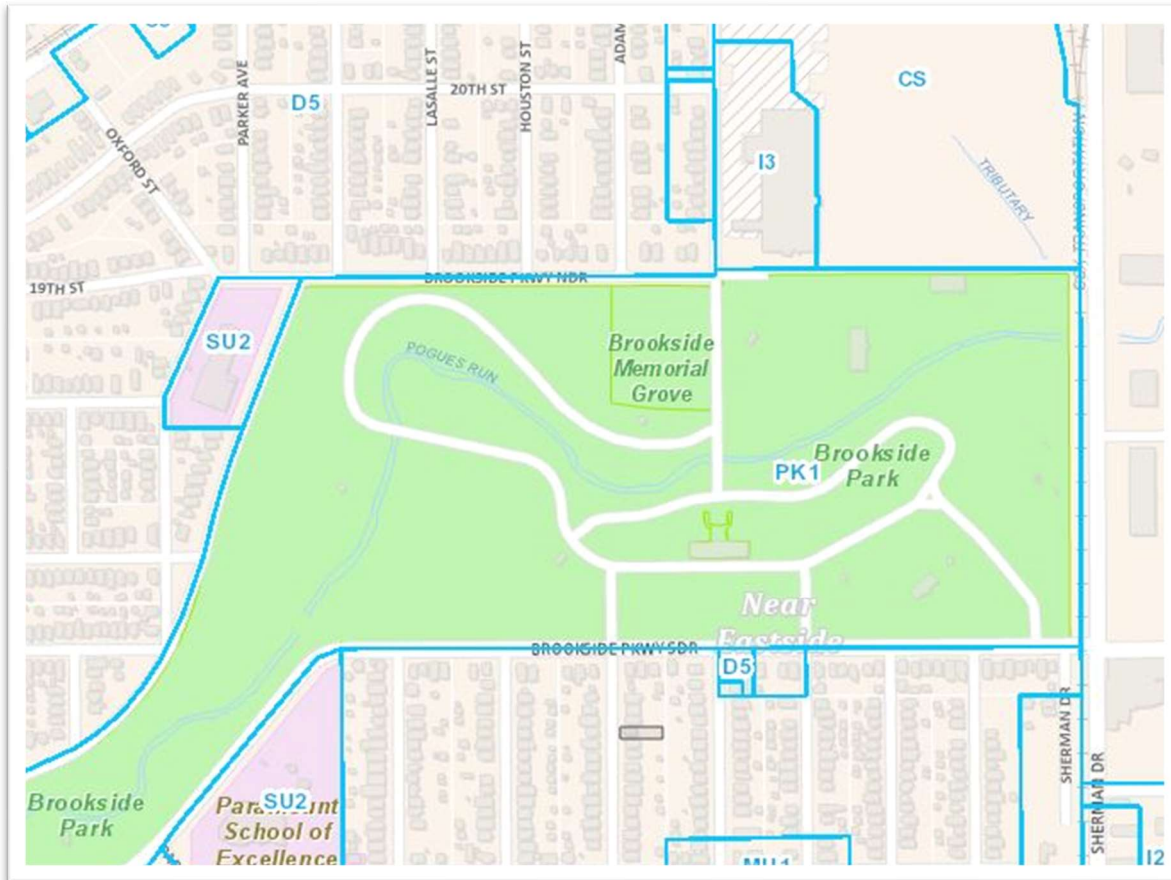
SITE

None.

VICINITY

2020-ZON-100, 3501 & 3509 Brookside Pkwy South Drive, rezoning of .23 acres from MU-1 to D-5, **granted**.

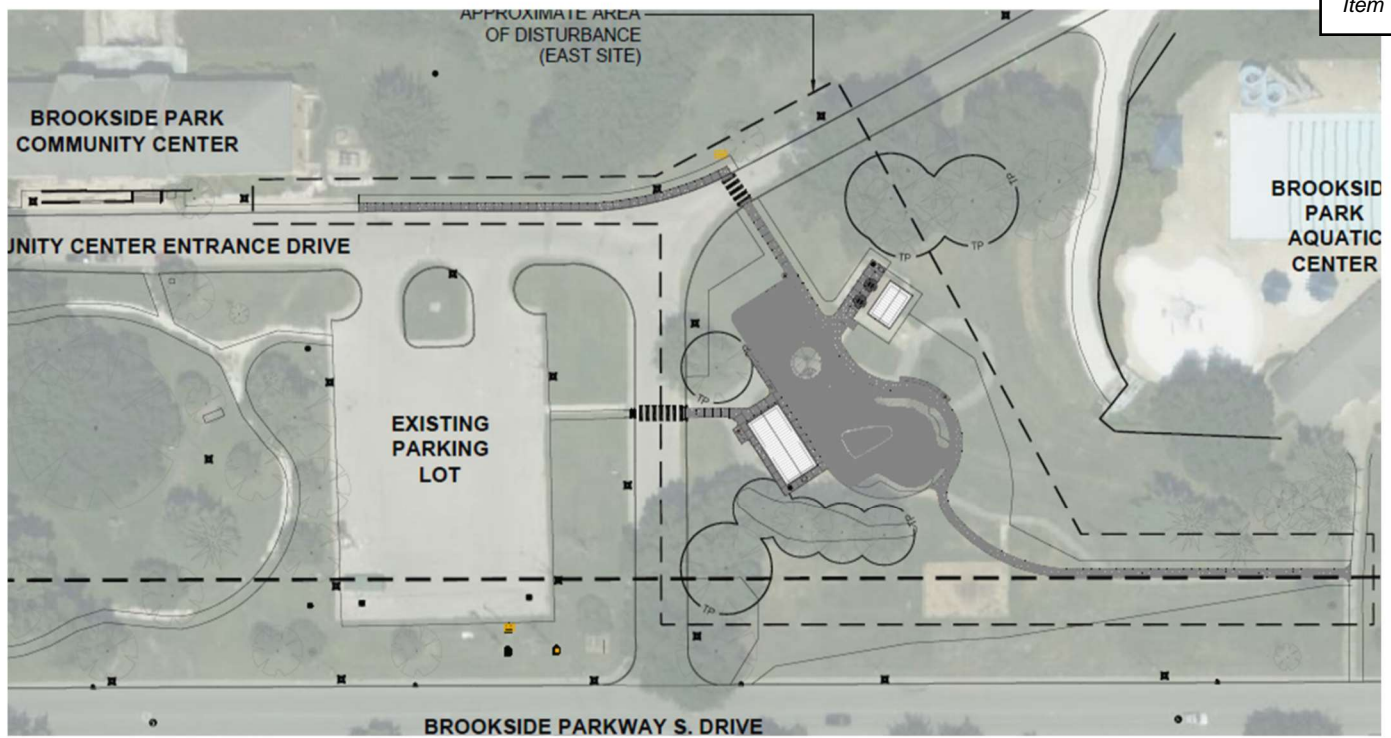
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Location Map, Brookside Park



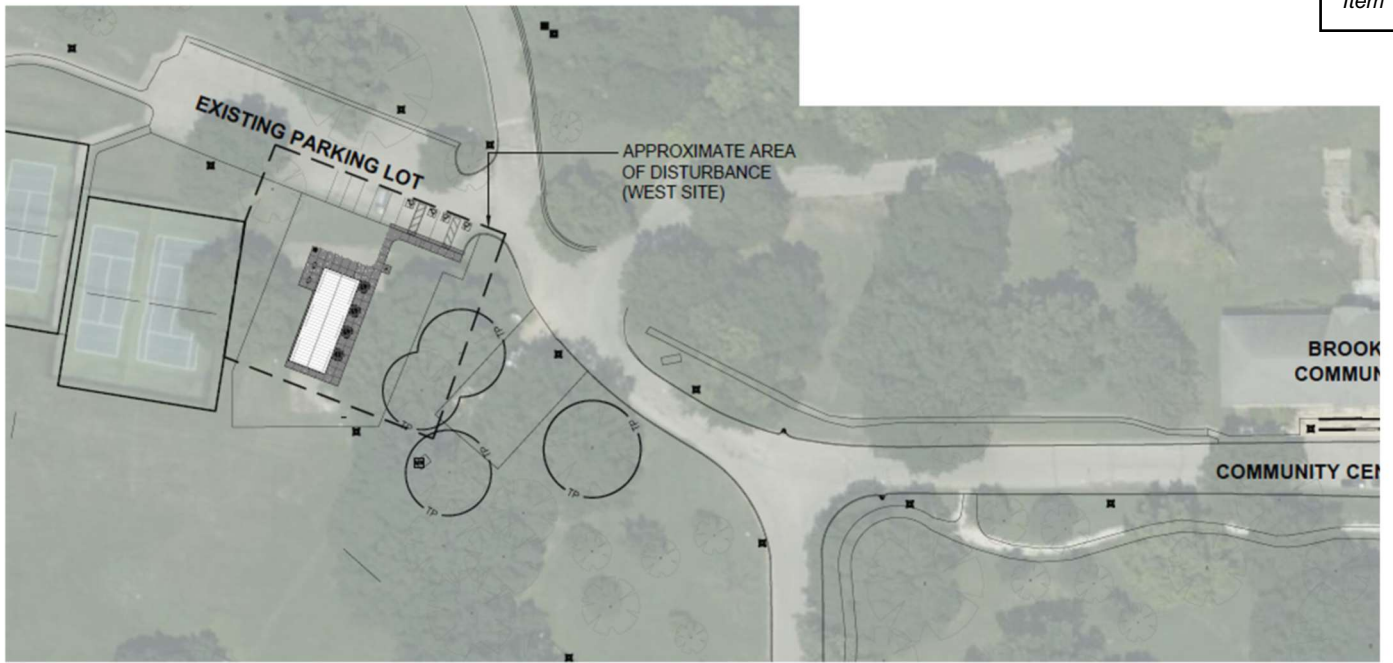
Aerial view, Brookside Park



Site Plan (east), Brookside Park



Site photo (east), Brookside Park



Site Plan (west), Brookside Park



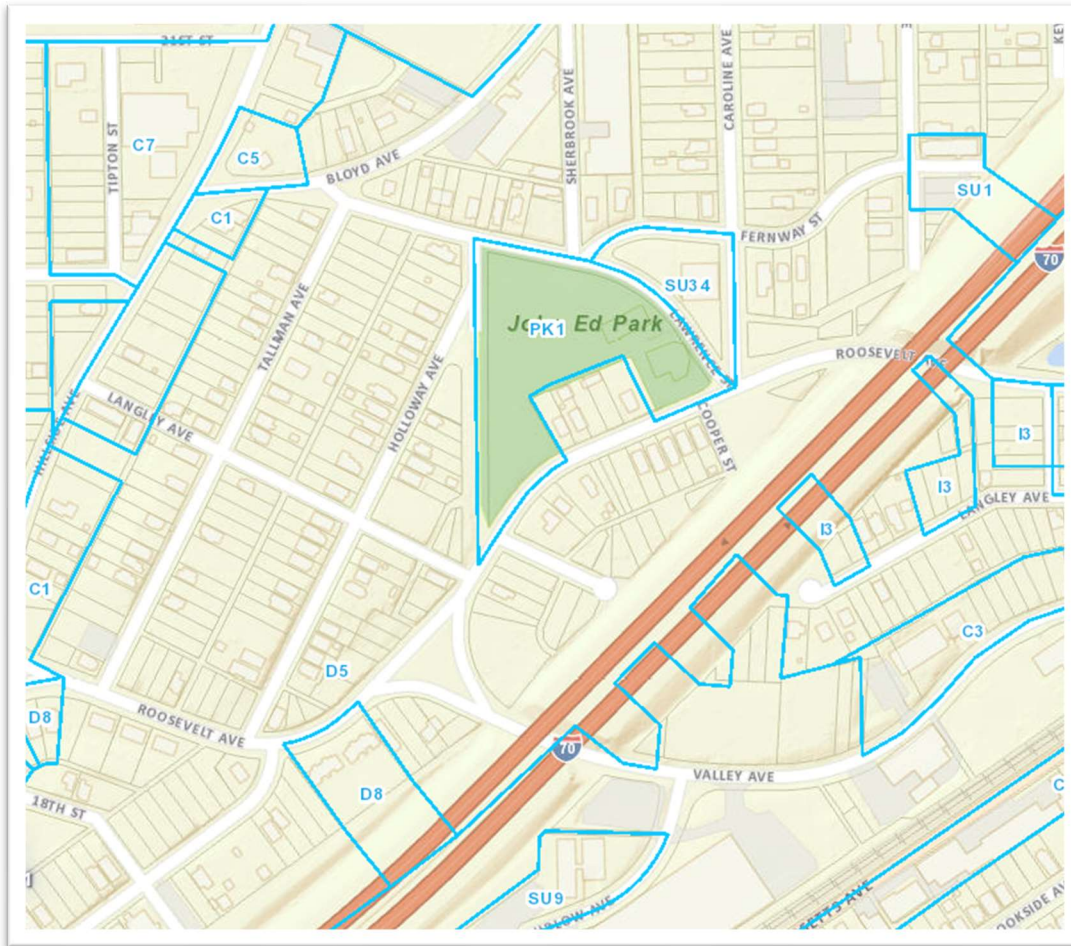
Site photo (west), Brookside Park



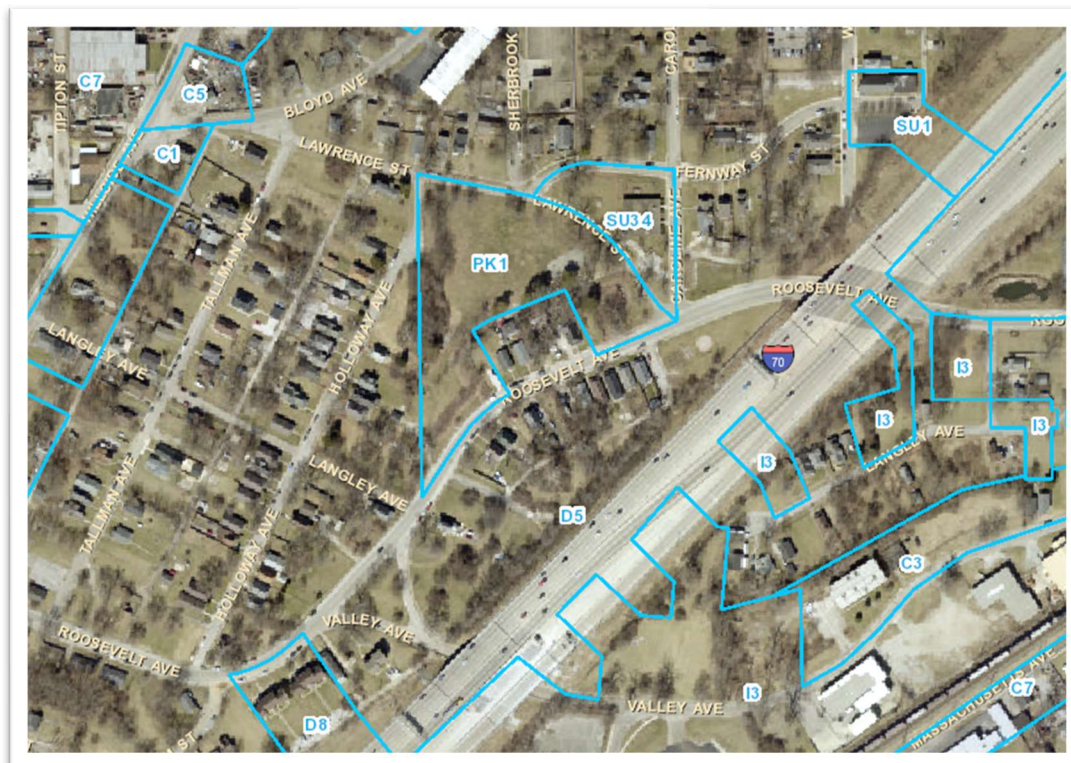
Site Plan (north), Brookside Park



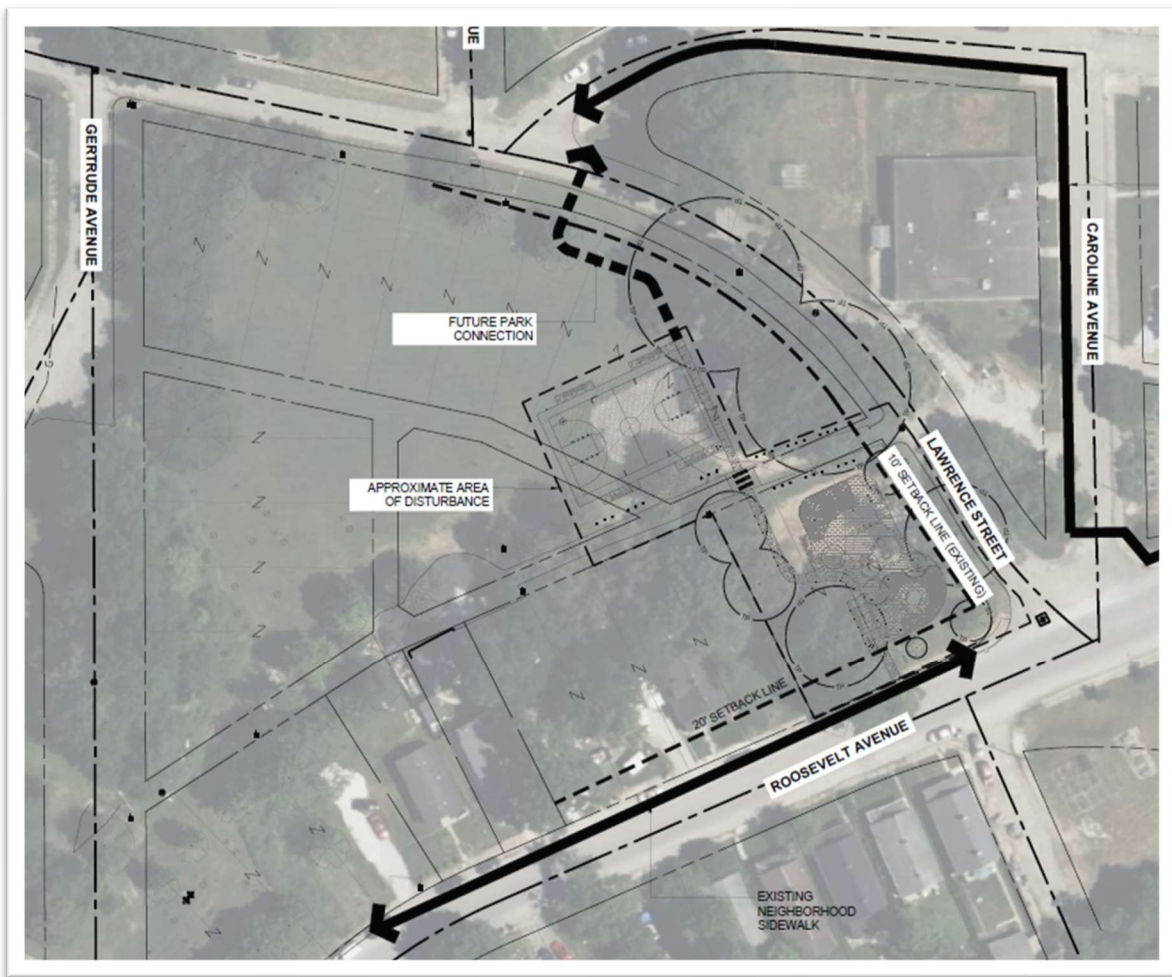
Site photo (north), Brookside Park



Location map, John Ed Park



Aerial view, John Ed Park



Site Plan, John Ed Park

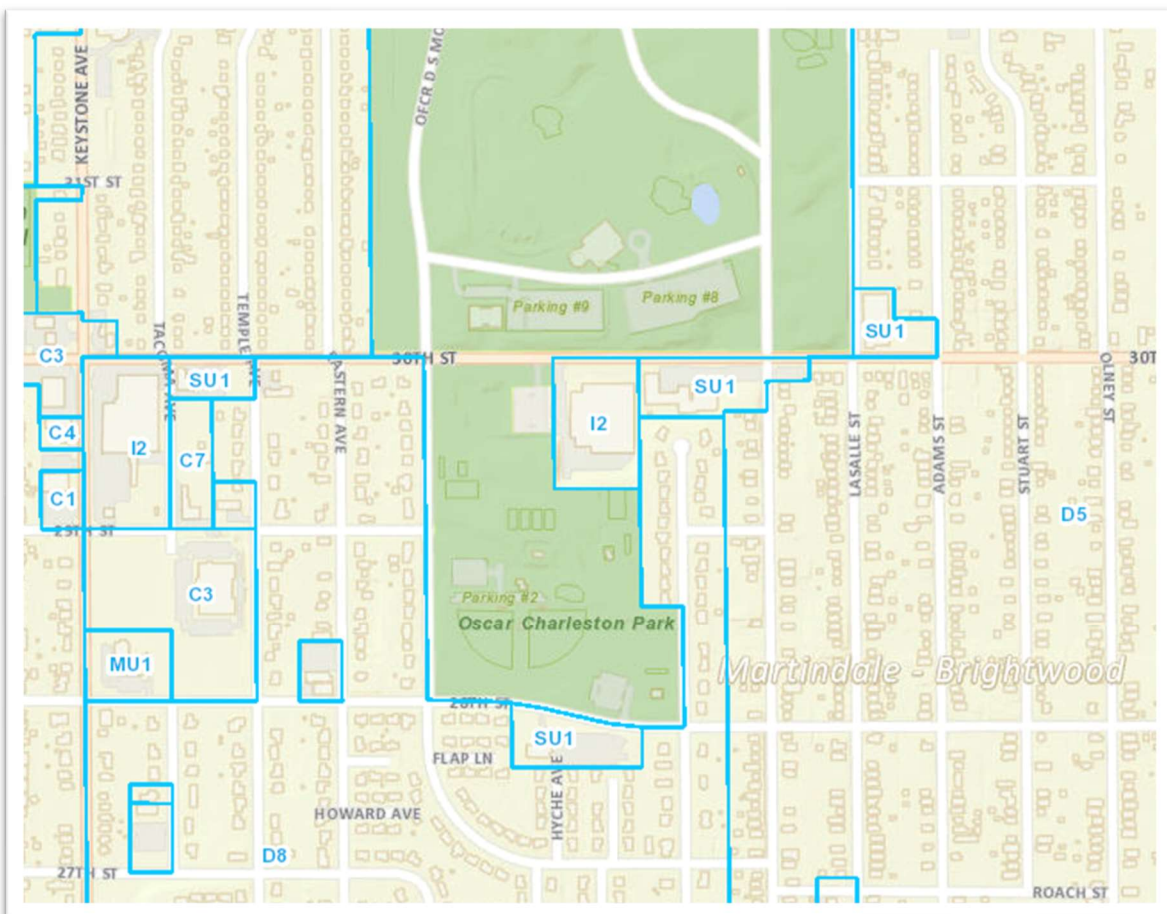


Site photo, John Ed Park

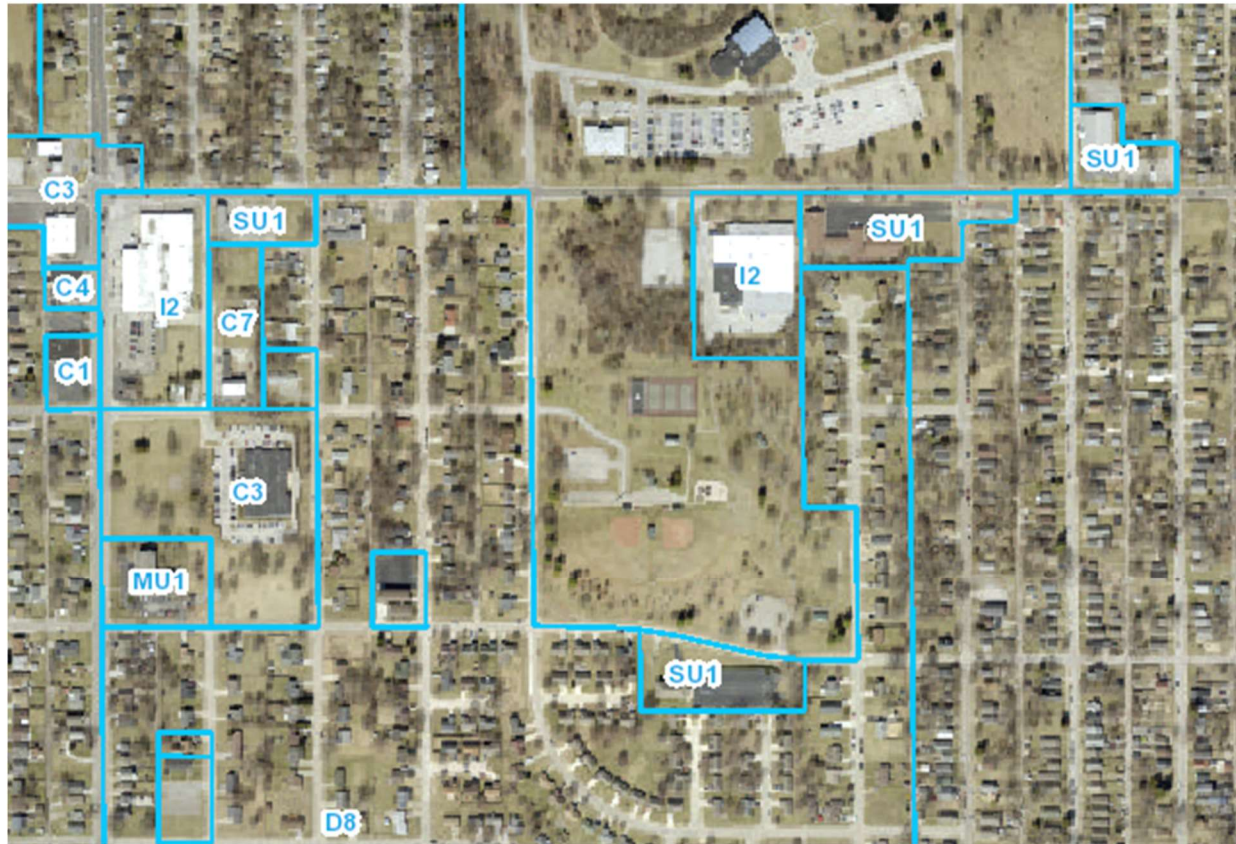


Site photo, John Ed Park

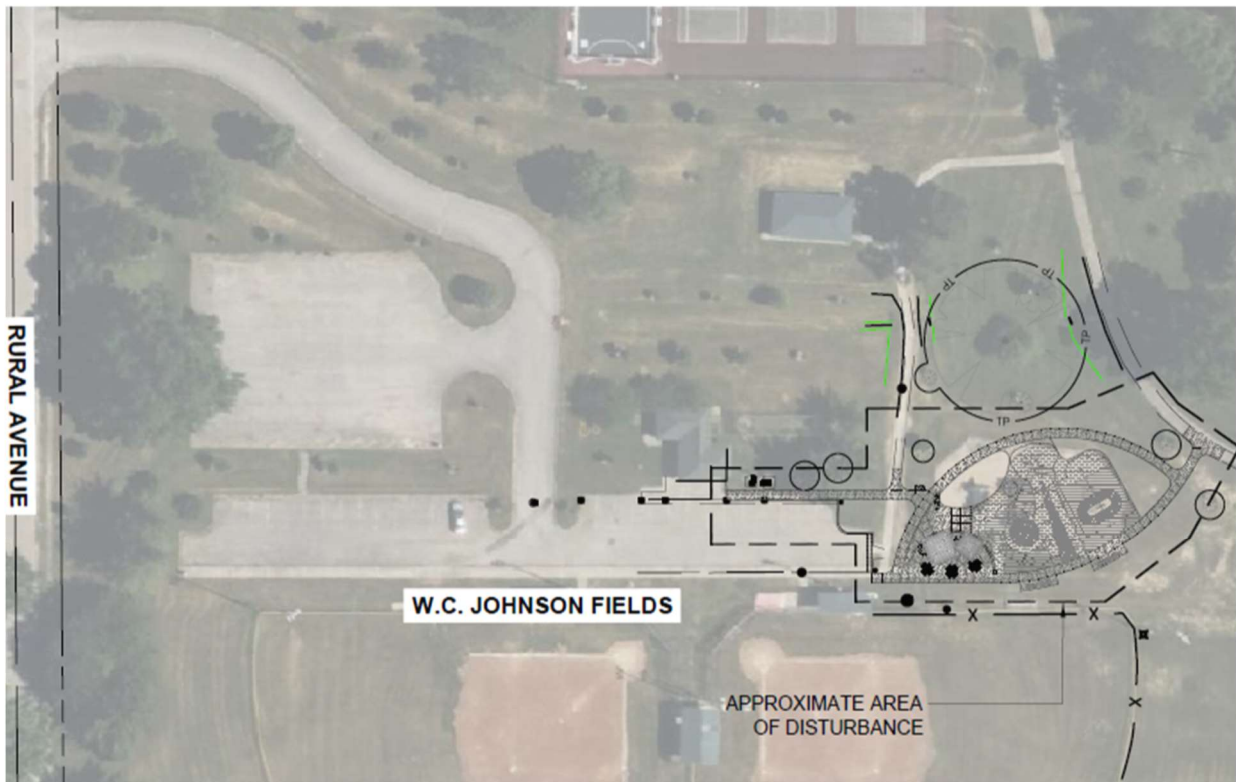
STAFF REPORT 2023-APP-018, Enclosures



Location map, Oscar Charleston Park



Aerial view, Oscar Charleston Park

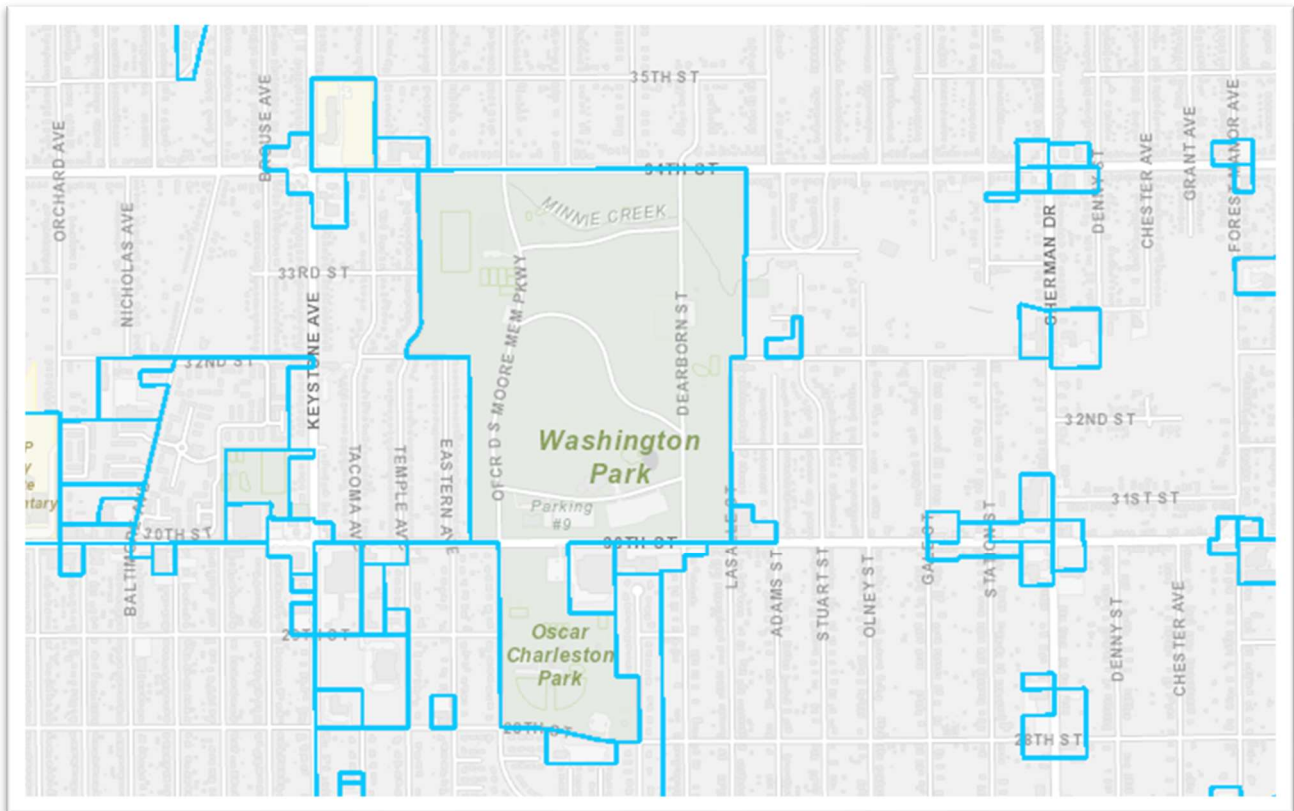


Site Plan, Oscar Charleston Park



Site photo, Oscar Charleston Park

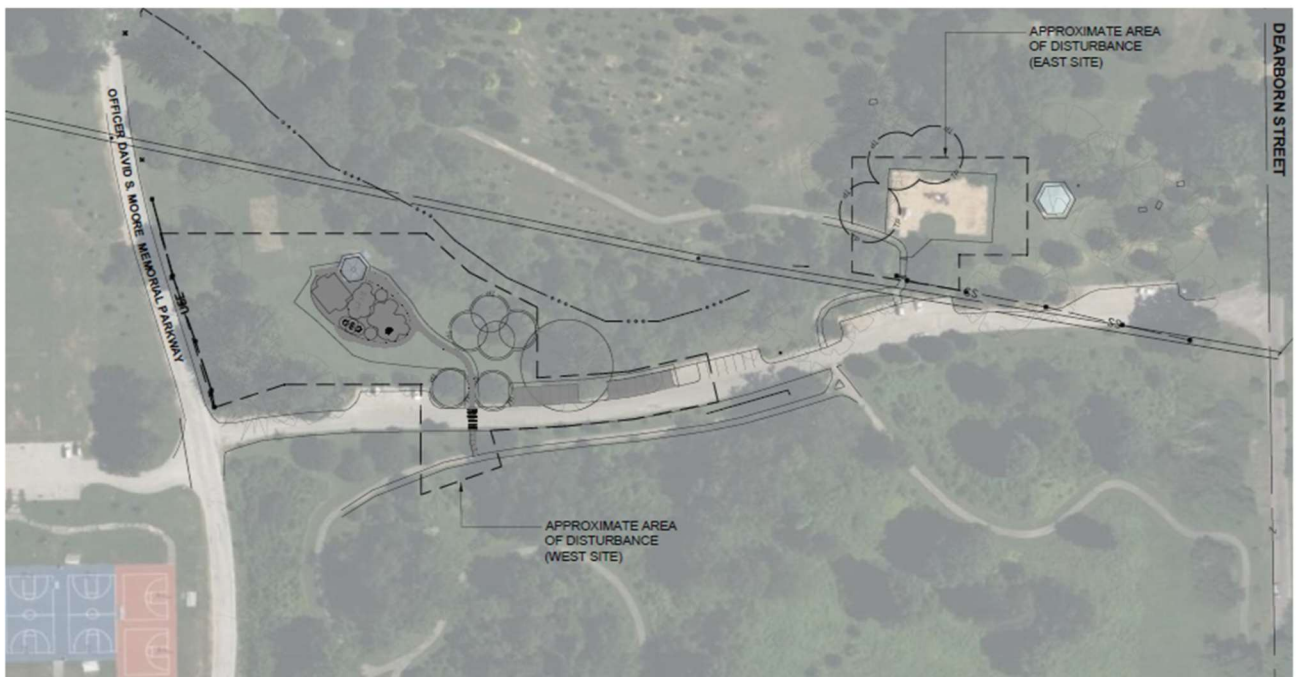
STAFF REPORT 2023-APP-019, Enclosures



Location map, Washington Park



Aerial view, Washington Park



Site Plan, Washington Park



Site photo (west), Washington Park



Site photo (east), Washington Park

STAFF REPORT

Item 11.

Department of Metropolitan Development Division of Planning Current Planning Section

Case Number: 2023-APP-016
Address: 3091 East 19th (approximate address)
Location: Perry Township, Council District #17
Zoning: PK-1
Petitioner: City of Indianapolis, Department of Parks and Recreation, by Jason Larrison
Request: Park District One Approval to provide for playground equipment, a rubberized play surface, walking paths, and a picnic shelter.

Case Number: 2023-APP-017
Address: 2022 Roosevelt Ave (approximate address)
Location: Center Township, Council District #17
Zoning: PK-1
Petitioner: City of Indianapolis, Department of Parks and Recreation, by Jason Larrison
Request: Park District One Approval to provide for new playground equipment, a rubberized play surface, and the resurfacing of a basketball court.

Case Number: 2023-APP-018
Address: 2901 North Rural Street (approximate address)
Location: Center Township, Council District #17
Zoning: PK-1
Petitioner: City of Indianapolis, Department of Parks and Recreation, by Jason Larrison
Request: Park District One Approval to provide for new playground equipment, a rubberized play surface, new walkways and sunshade structures.

Case Number: 2023-APP-019
Address: 3030 East 30th Steet (approximate address)
Location: Center Township, Council District #17
Zoning: PK-1
Petitioner: City of Indianapolis, Department of Parks and Recreation, by Jason Larrison
Request: Park District One Approval to provide for new playground equipment, a rubberized play surface, new walkways, and additional parking.

RECOMMENDATIONS

Staff **recommends approval** of these requests.

(Continued)

SUMMARY OF ISSUES

The following issues were considered in formulating the recommendation:

PARK DISTRICT-ONE APPROVAL

- ◇ These petitions would provide for replacement playground equipment, new playground surfaces, new surface for playing courts and walking paths to existing walking paths for four existing parks within the Indy Parks and Recreation System: Brookside Park, John Ed Park, Oscar Charleston Park, and Washington Park.
- ◇ All of the parks are zoned PK-1; however, no use, building or structure is permitted for any purpose until a site and development plan for such land, including the proposed use or uses, has been filed with and approved by the Commission in accordance with the Zoning Ordinance.
- ◇ Land in the development plan districts is subject to the following site and development requirements. In review of the proposed Site and Development Plan, the Commission must assess whether the Site and Development Plan, proposed use, buildings, and structures must:
 - a. Be so designed as to create a superior land development plan, in conformity with the Comprehensive Plan;
 - b. Create and maintain a desirable, efficient and economical use of land with high functional and aesthetic value, attractiveness and compatibility of land uses, within the development plan district and with adjacent uses;
 - c. Provide sufficient and adequate multi-modal access, such as parking and loading areas, transit provisions, and bicycle facilities;
 - d. Integrate a multi-modal transportation network using active and passive traffic control with the existing and planned public streets and interior roads;
 - e. Provide adequately for sanitation, drainage and public utilities in a sustainable, low-impact manner;
 - f. Allocate adequate sites for all uses proposed - the design, character, grade, location and orientation thereof to be appropriate for the uses proposed, logically related to existing and proposed topographical and other conditions, and consistent with the Comprehensive Plan; and
 - g. Provide pedestrian accessibility and connectivity, which may be paths, trails, sidewalks, or combination thereof. Pedestrian accessibility to available public transit must be provided. Sidewalks along eligible public streets consisting of the walkway and any curb ramps or blended transitions must be provided. If sidewalks are required to be installed, the Administrator or the Commission must be guided by the provisions of Section 744-304 for the installation of sidewalks.

(Continued)

- ◇ The Comprehensive Plan recommends either large-scale park or traditional neighborhood for the sites. Small-scale parks are generally for public or private parks that are under 10 acres in size. Large-scale parks are generally for public and private parks that are over 10 acres in size. “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.”
- ◇ Each site plan indicates the proposed improvements would be within the park boundaries. Staff supports these requests.

GENERAL INFORMATION

EXISTING ZONING AND LAND USE – **2023-APP-016**

PK-1

Park

SURROUNDING ZONING AND LAND USE

North -	D-5 / I-3 / C-S	Single-family dwellings / Lumber Yard / Vacant
South -	D-5 / SU-2	Single-family dwellings / School
East -	I-3	Heavy Commercial / Industrial
West -	D-5 / SU-2	Single-family dwellings / School

COMPREHENSIVE LAND USE PLAN	The Comprehensive Land Use Plan for Indianapolis and Marion County (2018) recommends large-scale park development. A portion of the site is within a floodway as Pogue’s Run traverses the entire park from east to west.
THOROUGHFARE PLAN	Sherman Drive is designated in the Marion County Thoroughfare Plan as a primary arterial street with existing 80-foot right-of-way and a proposed 88-foot right-of-way; Brookside Pkwy South Drive is designated in the Marion County Thoroughfare Plan as a primary arterial street with existing 67-foot right-of-way and a proposed 78-foot right-of-way; Brookside Pkwy North Drive is designated in the Marion County Thoroughfare Plan as a local street with an existing 70-foot right-of-way and a proposed 48-foot right-of-way.
CONTEXT AREA	This site is located within the compact context area.
OVERLAY	There are no overlays for this site.

EXISTING ZONING AND LAND USE – **2023-APP-017**

PK-1

Park

SURROUNDING ZONING AND LAND USE

North -	D-5	Single-family dwellings
South -	D-5	Single-family dwellings
East -	SU-34	Community center
West -	D-5	Single-family dwellings

COMPREHENSIVE LAND USE PLAN

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

THOROUGHFARE PLAN

Roosevelt Ave is designated in the Marion County Thoroughfare Plan as a local street, with an existing and proposed 48-foot right-of-way; Lawrence St is designated in the Marion County Thoroughfare Plan as a local street with an existing and proposed 48-foot right-of-way.

CONTEXT AREA

This site is located within the compact context area.

OVERLAY

There are no overlays for this site.

EXISTING ZONING AND LAND USE – **2023-APP-018**

PK-1	Park
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SURROUNDING ZONING AND LAND USE

North -	PK-1 / I-2	Park / Food Pantry
South -	D-8 / SU-1	Single-family dwellings / Religious
East -	D-8	Single-family dwellings
West -	D-8	Single-family dwellings

COMPREHENSIVE LAND USE PLAN

The Comprehensive Land Use Plan for Indianapolis and Marion County (2018) recommends large-scale park development.

THOROUGHFARE PLAN

Rural Street is designated in the Marion County Thoroughfare Plan as a local street, with an existing 60-foot right-of-way and a proposed 48-foot right-of-way; 30th Street is designated in the Marion County Thoroughfare Plan as a primary arterial, with an existing 54-foot right-of-way and a proposed 66-foot right-of-way; Wheeler Street is designated in the Marion County Thoroughfare Plan as a local street, with an existing 50-foot right-of-way and a proposed 48-foot right-of-way; and, 28th Street is designated in the Marion County Thoroughfare Plan as a local street, with an existing 52-foot right-of-way and a proposed 48-foot right-of-way.

CONTEXT AREA

This site is located within the compact context area.

OVERLAY

There are no overlays for this site.

EXISTING ZONING AND LAND USE – **2023-APP-019**

PK-1	Park
------	------

SURROUNDING ZONING AND LAND USE

North -	D-5	Single-family dwellings
South -	PK-1 / I-2 / SU-1	Park / Food Pantry / Religious
East -	D-5 / SU-1	Single-family dwellings / Religious
West -	D-5	Single-family dwellings

COMPREHENSIVE LAND USE PLAN The Comprehensive Land Use Plan for Indianapolis and Marion County (2018) recommends large-scale park development.

THOROUGHFARE PLAN 30th Street is designated in the Marion County Thoroughfare Plan as a primary arterial, with an existing 54-foot right-of-way and a proposed 66-foot right-of-way; Temple Avenue is designated in the Marion County Thoroughfare Plan as a local street, with an existing and proposed 48-foot right-of-way; 34th Street is designated in the Marion County Thoroughfare Plan as a secondary arterial, with an existing 50-foot right-of-way and a proposed 78-foot right-of-way; and, LaSalle Street is designated in the Marion County Thoroughfare Plan as a local street, with an existing 40-foot right-of-way and a proposed 48-foot right-of-way.

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

OVERLAY There is an environmentally sensitive (Forest Alliance Woodlands) overlay for this site.

SITE PLANS – **ALL SITES** File-dated May 10, 2023

ELEVATIONS None

ZONING HISTORY

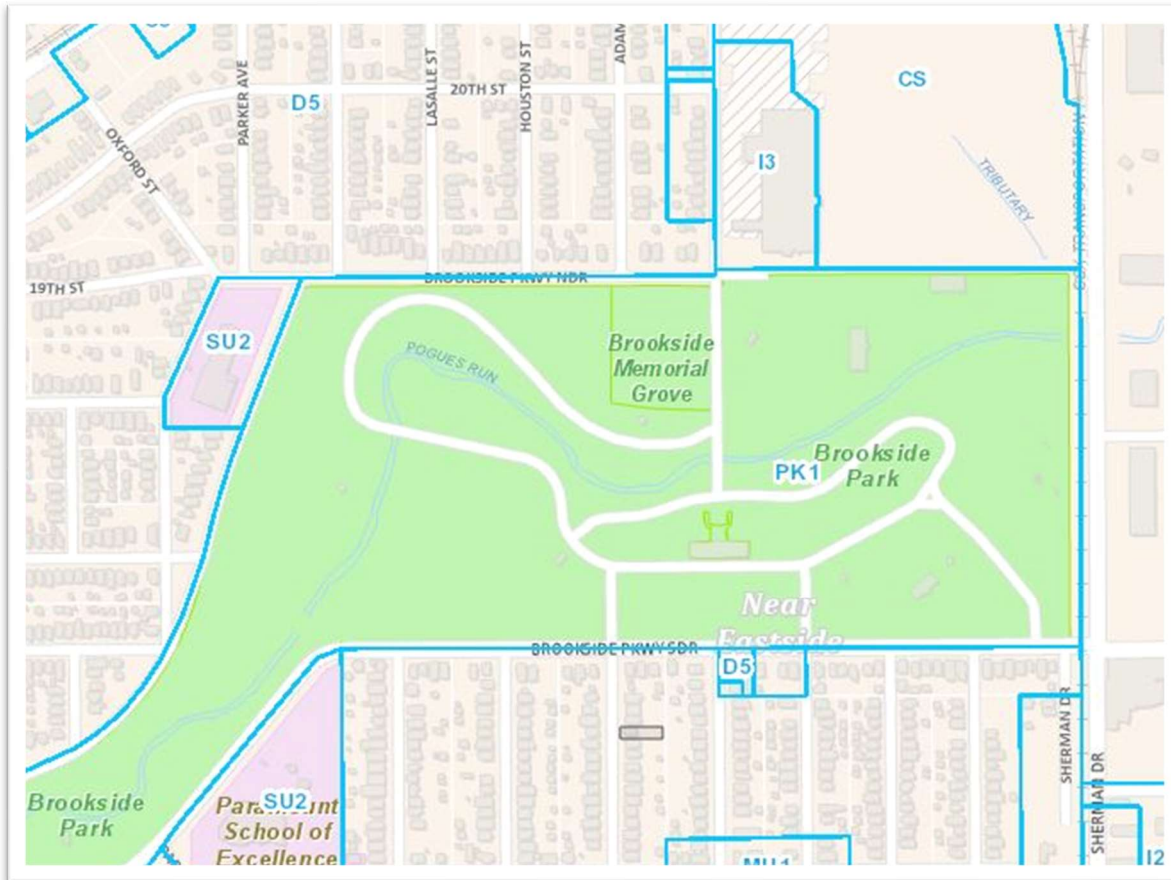
SITE

None.

VICINITY

2020-ZON-100, 3501 & 3509 Brookside Pkwy South Drive, rezoning of .23 acres from MU-1 to D-5, **granted**.

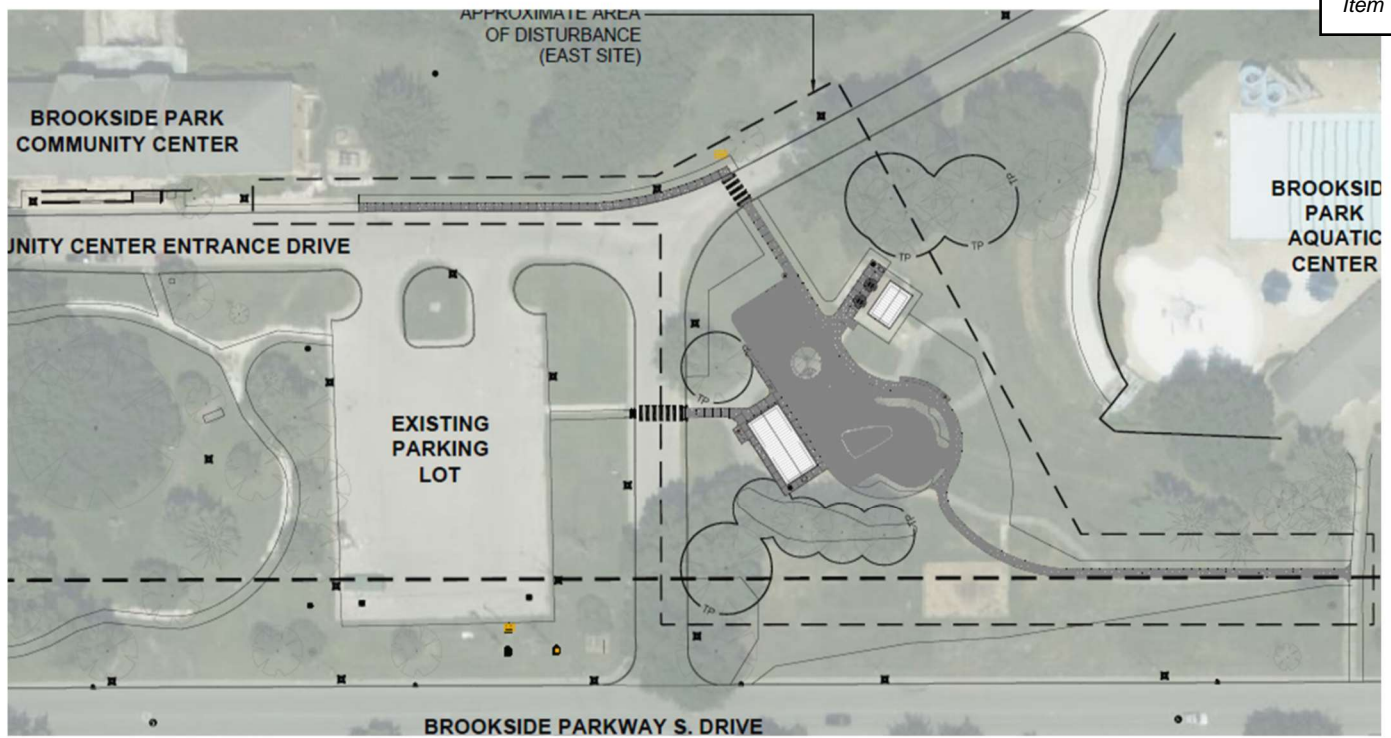
BB



Location Map, Brookside Park



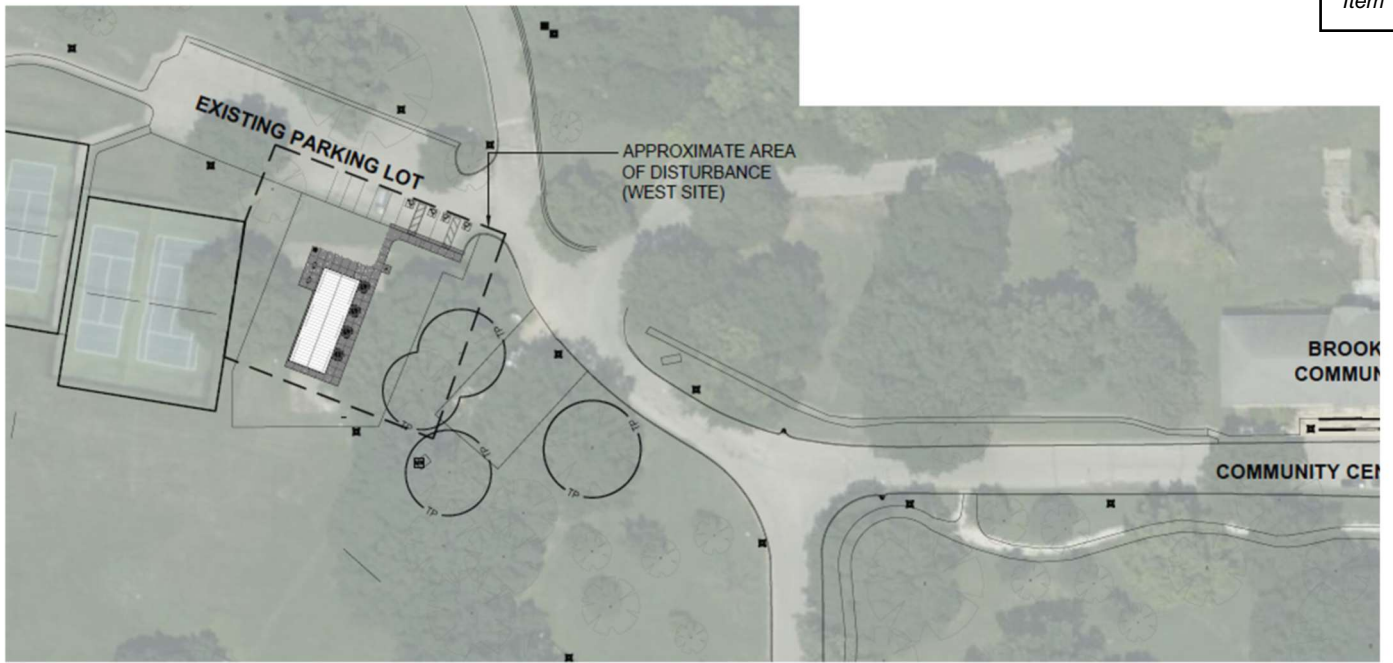
Aerial view, Brookside Park



Site Plan (east), Brookside Park



Site photo (east), Brookside Park



Site Plan (west), Brookside Park



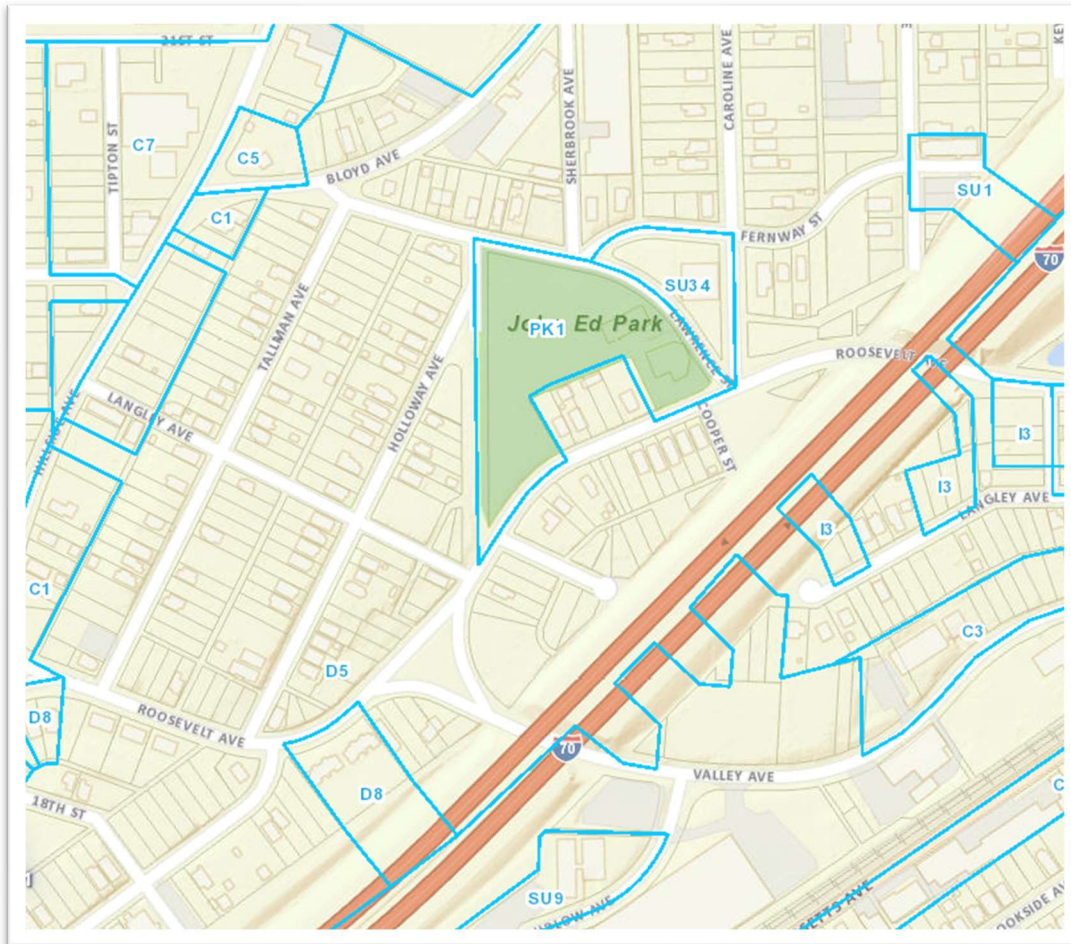
Site photo (west), Brookside Park



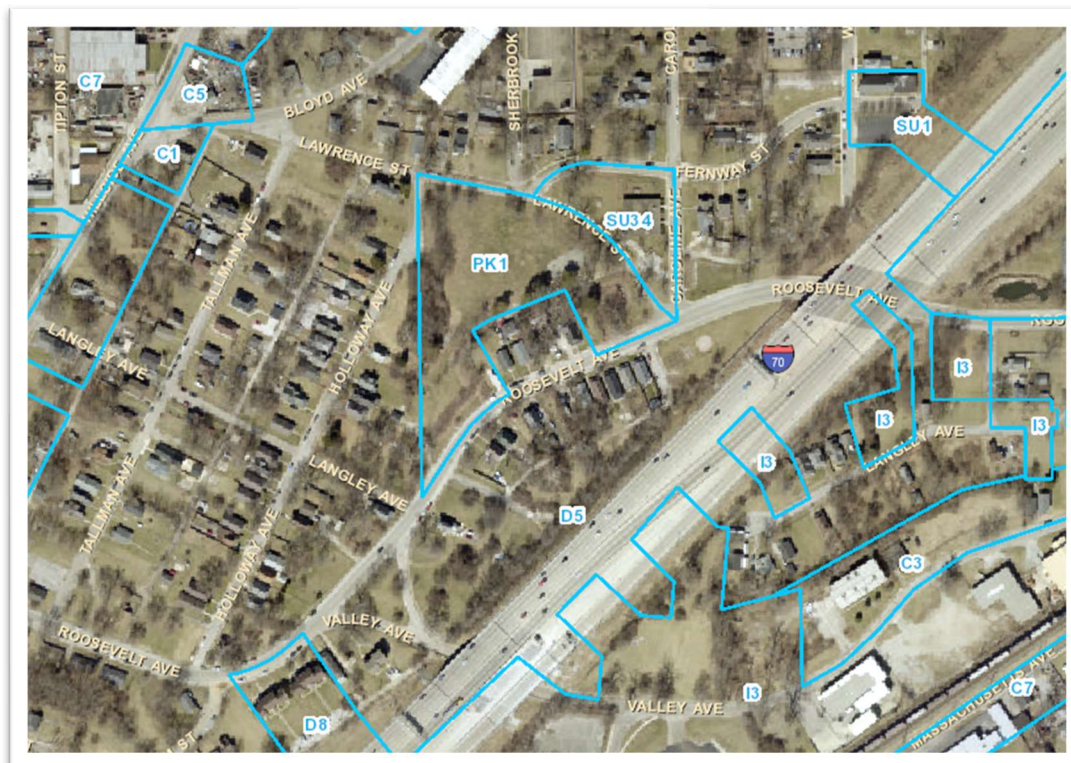
Site Plan (north), Brookside Park



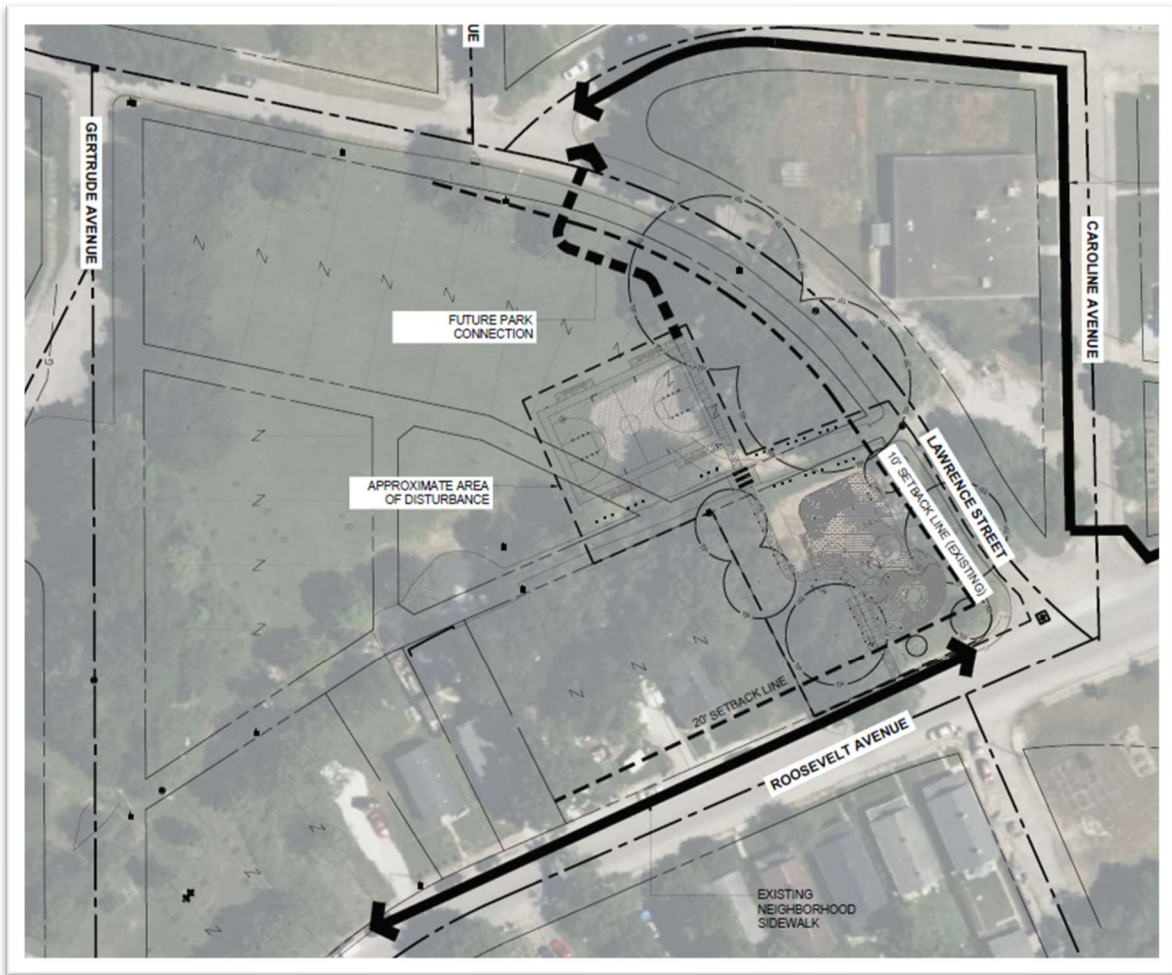
Site photo (north), Brookside Park



Location map, John Ed Park



Aerial view, John Ed Park



Site Plan, John Ed Park

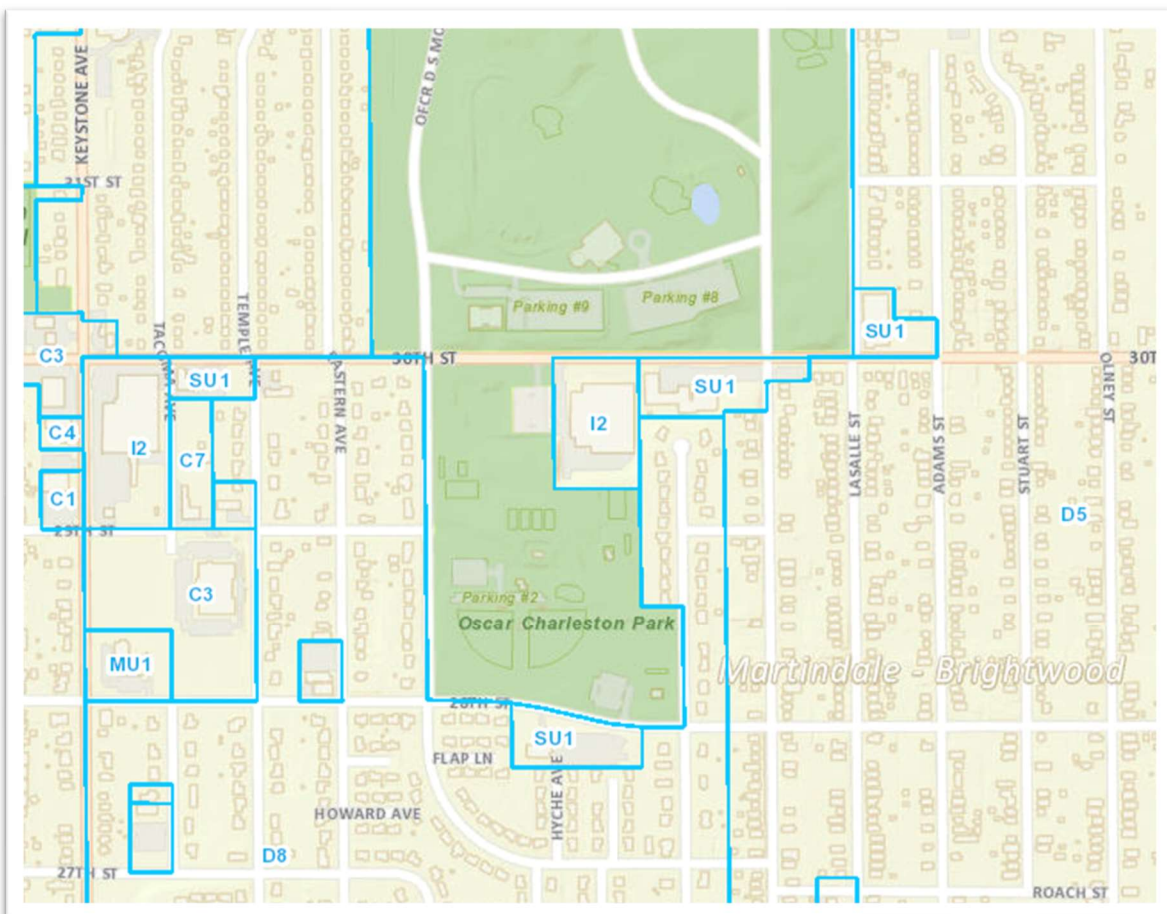


Site photo, John Ed Park

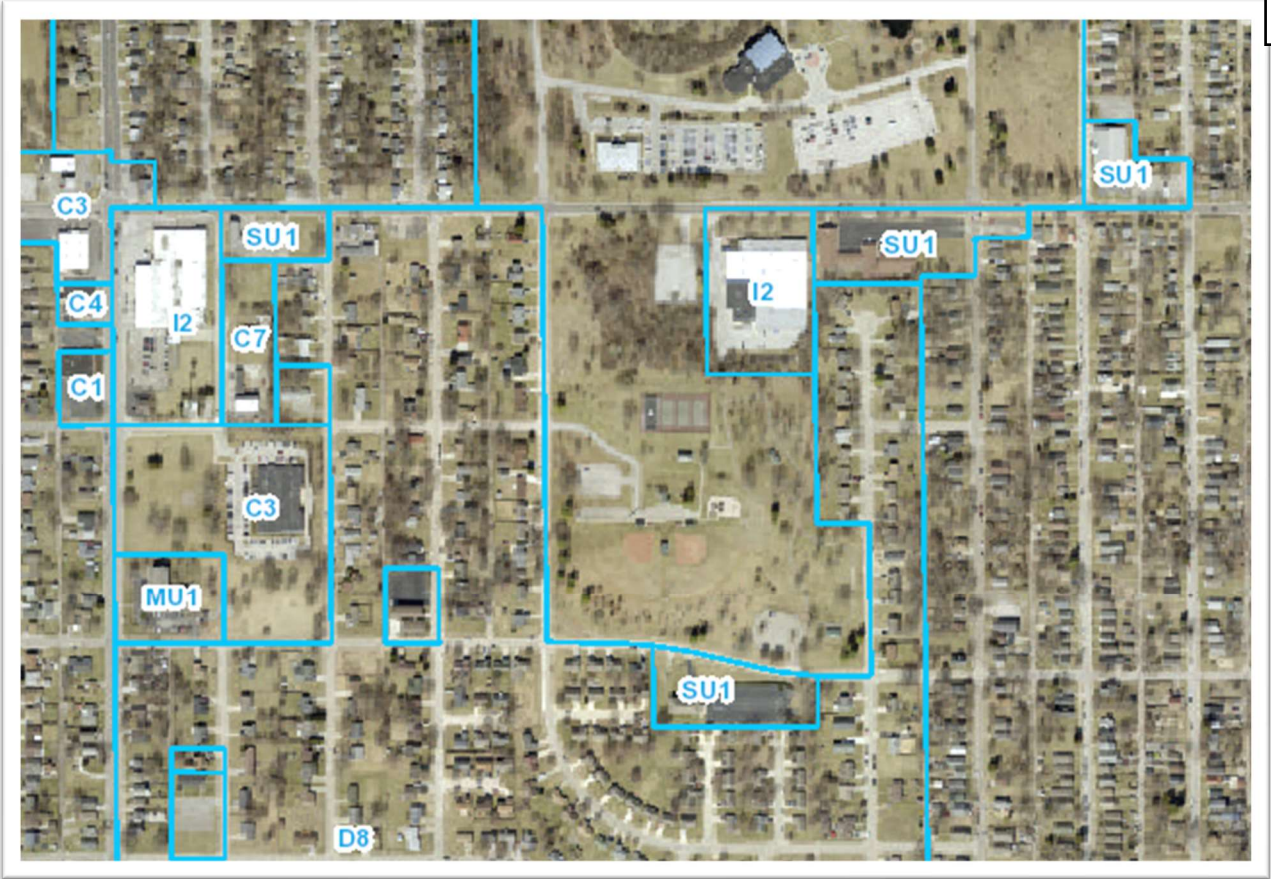


Site photo, John Ed Park

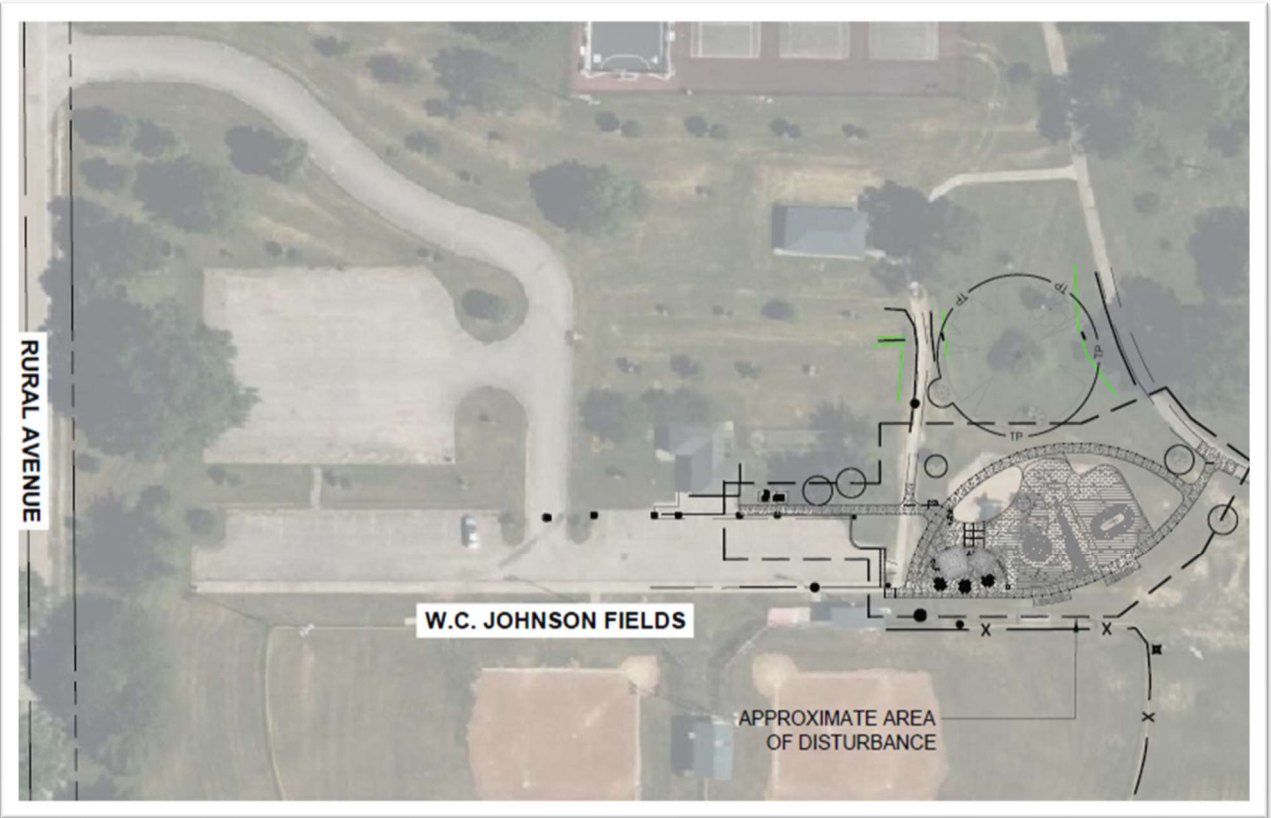
STAFF REPORT 2023-APP-018, Enclosures



Location map, Oscar Charleston Park



Aerial view, Oscar Charleston Park

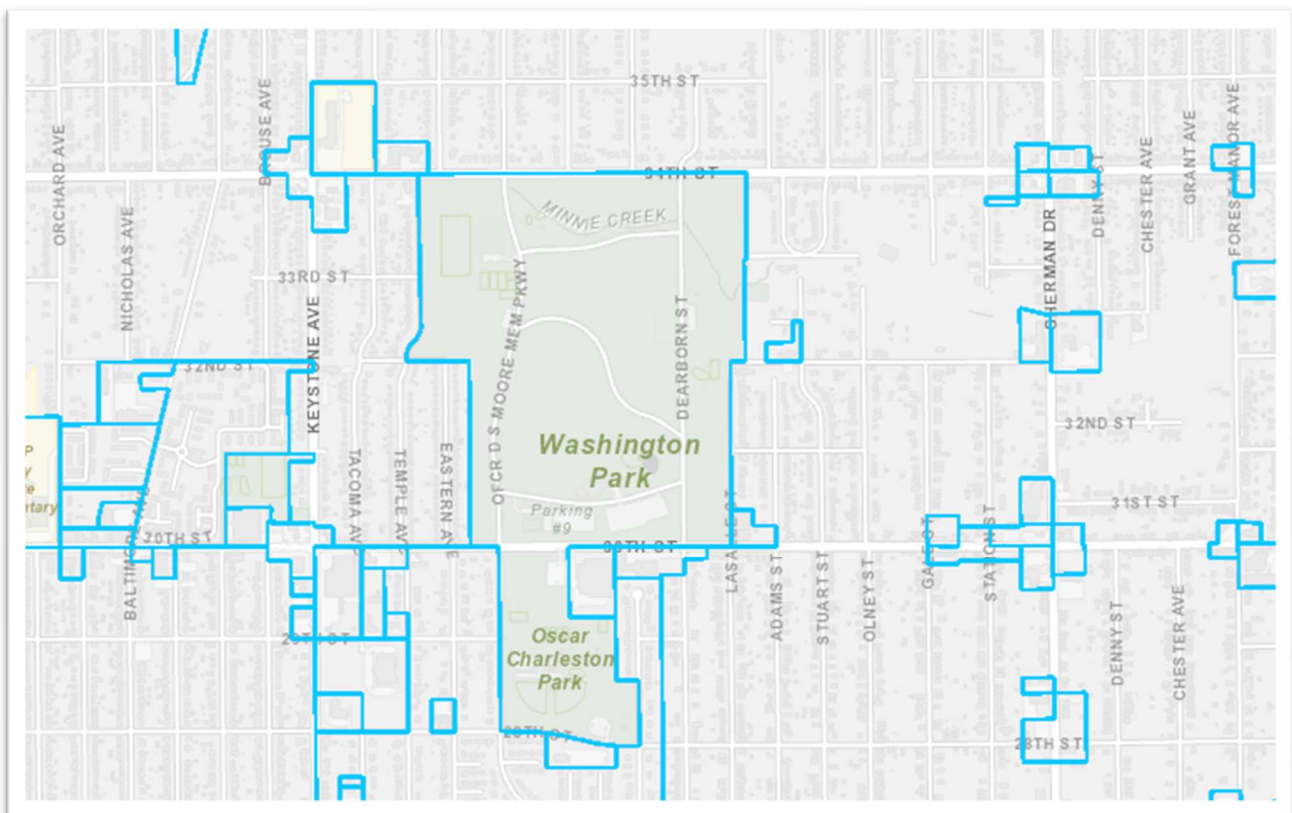


Site Plan, Oscar Charleston Park



Site photo, Oscar Charleston Park

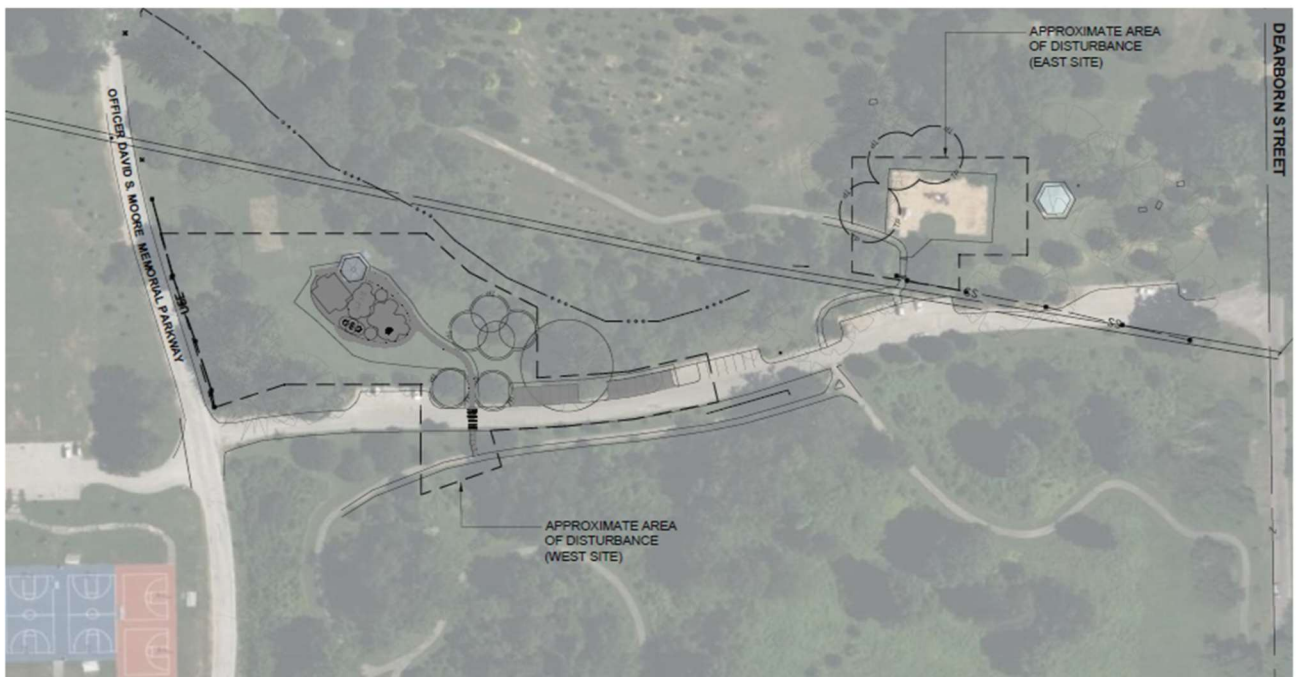
STAFF REPORT 2023-APP-019, Enclosures



Location map, Washington Park



Aerial view, Washington Park



Site Plan, Washington Park



Site photo (west), Washington Park



Site photo (east), Washington Park

STAFF REPORT

Item 12.

Department of Metropolitan Development Division of Planning Current Planning Section

Case Number: 2023-APP-016
Address: 3091 East 19th (approximate address)
Location: Perry Township, Council District #17
Zoning: PK-1
Petitioner: City of Indianapolis, Department of Parks and Recreation, by Jason Larrison
Request: Park District One Approval to provide for playground equipment, a rubberized play surface, walking paths, and a picnic shelter.

Case Number: 2023-APP-017
Address: 2022 Roosevelt Ave (approximate address)
Location: Center Township, Council District #17
Zoning: PK-1
Petitioner: City of Indianapolis, Department of Parks and Recreation, by Jason Larrison
Request: Park District One Approval to provide for new playground equipment, a rubberized play surface, and the resurfacing of a basketball court.

Case Number: 2023-APP-018
Address: 2901 North Rural Street (approximate address)
Location: Center Township, Council District #17
Zoning: PK-1
Petitioner: City of Indianapolis, Department of Parks and Recreation, by Jason Larrison
Request: Park District One Approval to provide for new playground equipment, a rubberized play surface, new walkways and sunshade structures.

Case Number: 2023-APP-019
Address: 3030 East 30th Steet (approximate address)
Location: Center Township, Council District #17
Zoning: PK-1
Petitioner: City of Indianapolis, Department of Parks and Recreation, by Jason Larrison
Request: Park District One Approval to provide for new playground equipment, a rubberized play surface, new walkways, and additional parking.

RECOMMENDATIONS

Staff **recommends approval** of these requests.

(Continued)

SUMMARY OF ISSUES

The following issues were considered in formulating the recommendation:

PARK DISTRICT-ONE APPROVAL

- ◇ These petitions would provide for replacement playground equipment, new playground surfaces, new surface for playing courts and walking paths to existing walking paths for four existing parks within the Indy Parks and Recreation System: Brookside Park, John Ed Park, Oscar Charleston Park, and Washington Park.
- ◇ All of the parks are zoned PK-1; however, no use, building or structure is permitted for any purpose until a site and development plan for such land, including the proposed use or uses, has been filed with and approved by the Commission in accordance with the Zoning Ordinance.
- ◇ Land in the development plan districts is subject to the following site and development requirements. In review of the proposed Site and Development Plan, the Commission must assess whether the Site and Development Plan, proposed use, buildings, and structures must:
 - a. Be so designed as to create a superior land development plan, in conformity with the Comprehensive Plan;
 - b. Create and maintain a desirable, efficient and economical use of land with high functional and aesthetic value, attractiveness and compatibility of land uses, within the development plan district and with adjacent uses;
 - c. Provide sufficient and adequate multi-modal access, such as parking and loading areas, transit provisions, and bicycle facilities;
 - d. Integrate a multi-modal transportation network using active and passive traffic control with the existing and planned public streets and interior roads;
 - e. Provide adequately for sanitation, drainage and public utilities in a sustainable, low-impact manner;
 - f. Allocate adequate sites for all uses proposed - the design, character, grade, location and orientation thereof to be appropriate for the uses proposed, logically related to existing and proposed topographical and other conditions, and consistent with the Comprehensive Plan; and
 - g. Provide pedestrian accessibility and connectivity, which may be paths, trails, sidewalks, or combination thereof. Pedestrian accessibility to available public transit must be provided. Sidewalks along eligible public streets consisting of the walkway and any curb ramps or blended transitions must be provided. If sidewalks are required to be installed, the Administrator or the Commission must be guided by the provisions of Section 744-304 for the installation of sidewalks.

(Continued)

- ◇ The Comprehensive Plan recommends either large-scale park or traditional neighborhood for the sites. Small-scale parks are generally for public or private parks that are under 10 acres in size. Large-scale parks are generally for public and private parks that are over 10 acres in size. “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.”
- ◇ Each site plan indicates the proposed improvements would be within the park boundaries. Staff supports these requests.

GENERAL INFORMATION

EXISTING ZONING AND LAND USE – **2023-APP-016**

PK-1

Park

SURROUNDING ZONING AND LAND USE

North -	D-5 / I-3 / C-S	Single-family dwellings / Lumber Yard / Vacant
South -	D-5 / SU-2	Single-family dwellings / School
East -	I-3	Heavy Commercial / Industrial
West -	D-5 / SU-2	Single-family dwellings / School

COMPREHENSIVE LAND USE PLAN

The Comprehensive Land Use Plan for Indianapolis and Marion County (2018) recommends large-scale park development. A portion of the site is within a floodway as Pogue’s Run traverses the entire park from east to west.

THOROUGHFARE PLAN

Sherman Drive is designated in the Marion County Thoroughfare Plan as a primary arterial street with existing 80-foot right-of-way and a proposed 88-foot right-of-way; Brookside Pkwy South Drive is designated in the Marion County Thoroughfare Plan as a primary arterial street with existing 67-foot right-of-way and a proposed 78-foot right-of-way; Brookside Pkwy North Drive is designated in the Marion County Thoroughfare Plan as a local street with an existing 70-foot right-of-way and a proposed 48-foot right-of-way.

CONTEXT AREA

This site is located within the compact context area.

OVERLAY

There are no overlays for this site.

EXISTING ZONING AND LAND USE – **2023-APP-017**

PK-1

Park

SURROUNDING ZONING AND LAND USE

North -	D-5	Single-family dwellings
South -	D-5	Single-family dwellings
East -	SU-34	Community center
West -	D-5	Single-family dwellings

COMPREHENSIVE LAND USE PLAN

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

THOROUGHFARE PLAN

Roosevelt Ave is designated in the Marion County Thoroughfare Plan as a local street, with an existing and proposed 48-foot right-of-way; Lawrence St is designated in the Marion County Thoroughfare Plan as a local street with an existing and proposed 48-foot right-of-way.

CONTEXT AREA

This site is located within the compact context area.

OVERLAY

There are no overlays for this site.

EXISTING ZONING AND LAND USE – **2023-APP-018**

PK-1	Park
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SURROUNDING ZONING AND LAND USE

North -	PK-1 / I-2	Park / Food Pantry
South -	D-8 / SU-1	Single-family dwellings / Religious
East -	D-8	Single-family dwellings
West -	D-8	Single-family dwellings

COMPREHENSIVE LAND USE PLAN

The Comprehensive Land Use Plan for Indianapolis and Marion County (2018) recommends large-scale park development.

THOROUGHFARE PLAN

Rural Street is designated in the Marion County Thoroughfare Plan as a local street, with an existing 60-foot right-of-way and a proposed 48-foot right-of-way; 30th Street is designated in the Marion County Thoroughfare Plan as a primary arterial, with an existing 54-foot right-of-way and a proposed 66-foot right-of-way; Wheeler Street is designated in the Marion County Thoroughfare Plan as a local street, with an existing 50-foot right-of-way and a proposed 48-foot right-of-way; and, 28th Street is designated in the Marion County Thoroughfare Plan as a local street, with an existing 52-foot right-of-way and a proposed 48-foot right-of-way.

CONTEXT AREA

This site is located within the compact context area.

OVERLAY

There are no overlays for this site.

EXISTING ZONING AND LAND USE – **2023-APP-019**

PK-1	Park
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SURROUNDING ZONING AND LAND USE

North -	D-5	Single-family dwellings
South -	PK-1 / I-2 / SU-1	Park / Food Pantry / Religious
East -	D-5 / SU-1	Single-family dwellings / Religious
West -	D-5	Single-family dwellings

COMPREHENSIVE LAND USE PLAN The Comprehensive Land Use Plan for Indianapolis and Marion County (2018) recommends large-scale park development.

THOROUGHFARE PLAN 30th Street is designated in the Marion County Thoroughfare Plan as a primary arterial, with an existing 54-foot right-of-way and a proposed 66-foot right-of-way; Temple Avenue is designated in the Marion County Thoroughfare Plan as a local street, with an existing and proposed 48-foot right-of-way; 34th Street is designated in the Marion County Thoroughfare Plan as a secondary arterial, with an existing 50-foot right-of-way and a proposed 78-foot right-of-way; and, LaSalle Street is designated in the Marion County Thoroughfare Plan as a local street, with an existing 40-foot right-of-way and a proposed 48-foot right-of-way.

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

OVERLAY There is an environmentally sensitive (Forest Alliance Woodlands) overlay for this site.

SITE PLANS – **ALL SITES** File-dated May 10, 2023

ELEVATIONS None

ZONING HISTORY

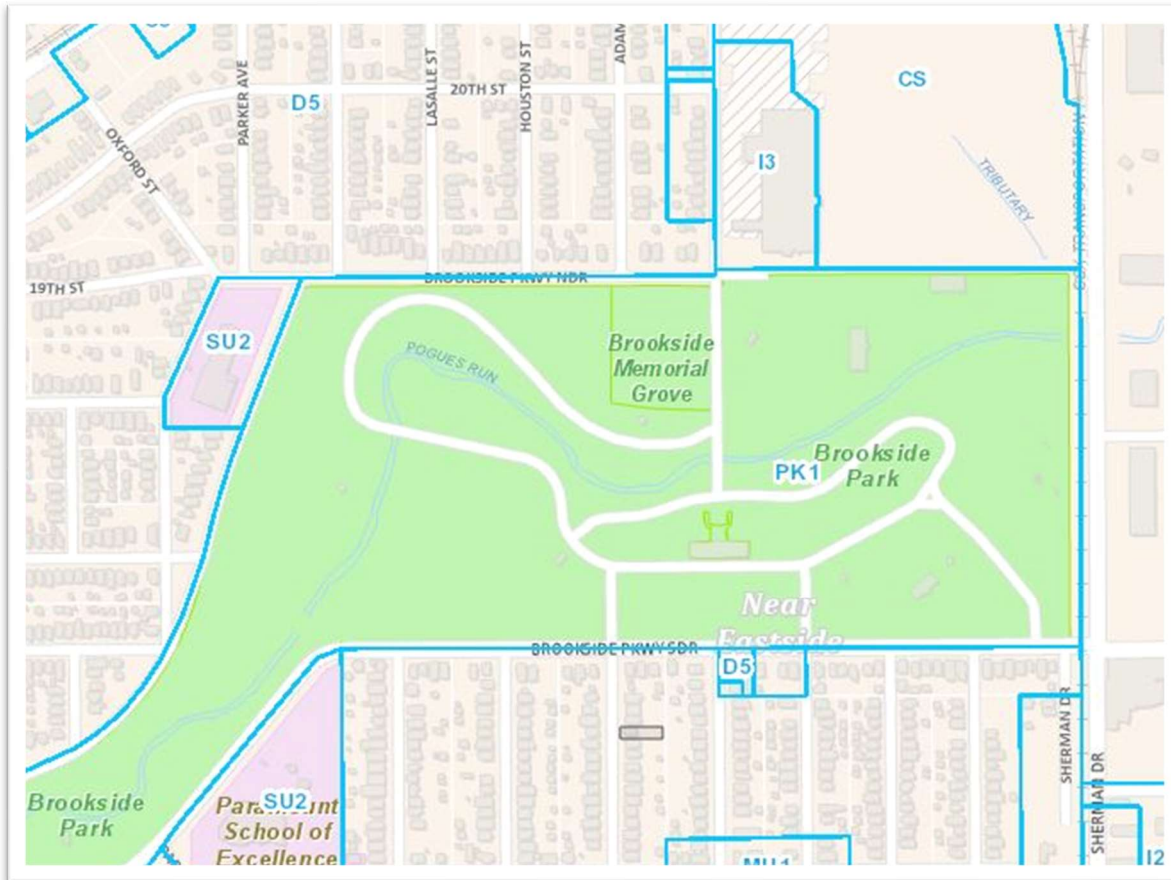
SITE

None.

VICINITY

2020-ZON-100, 3501 & 3509 Brookside Pkwy South Drive, rezoning of .23 acres from MU-1 to D-5, **granted**.

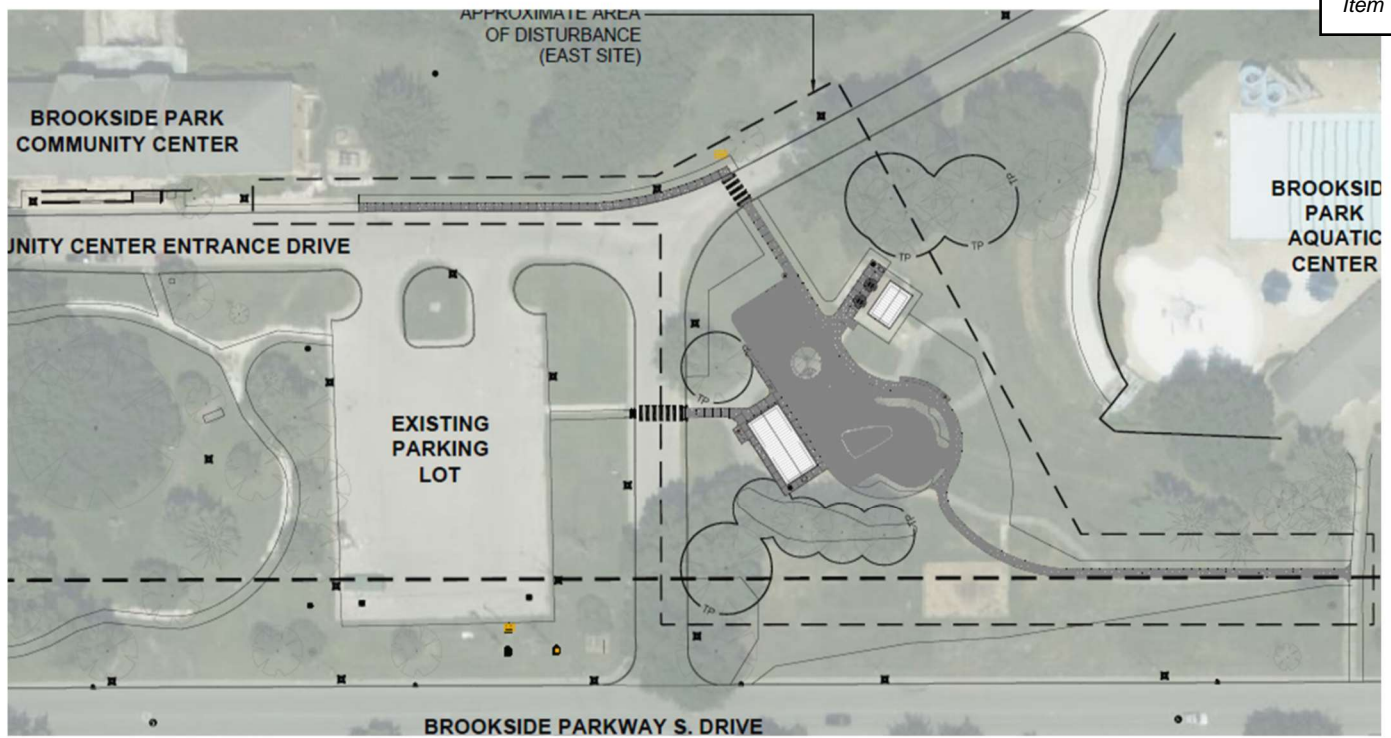
BB



Location Map, Brookside Park



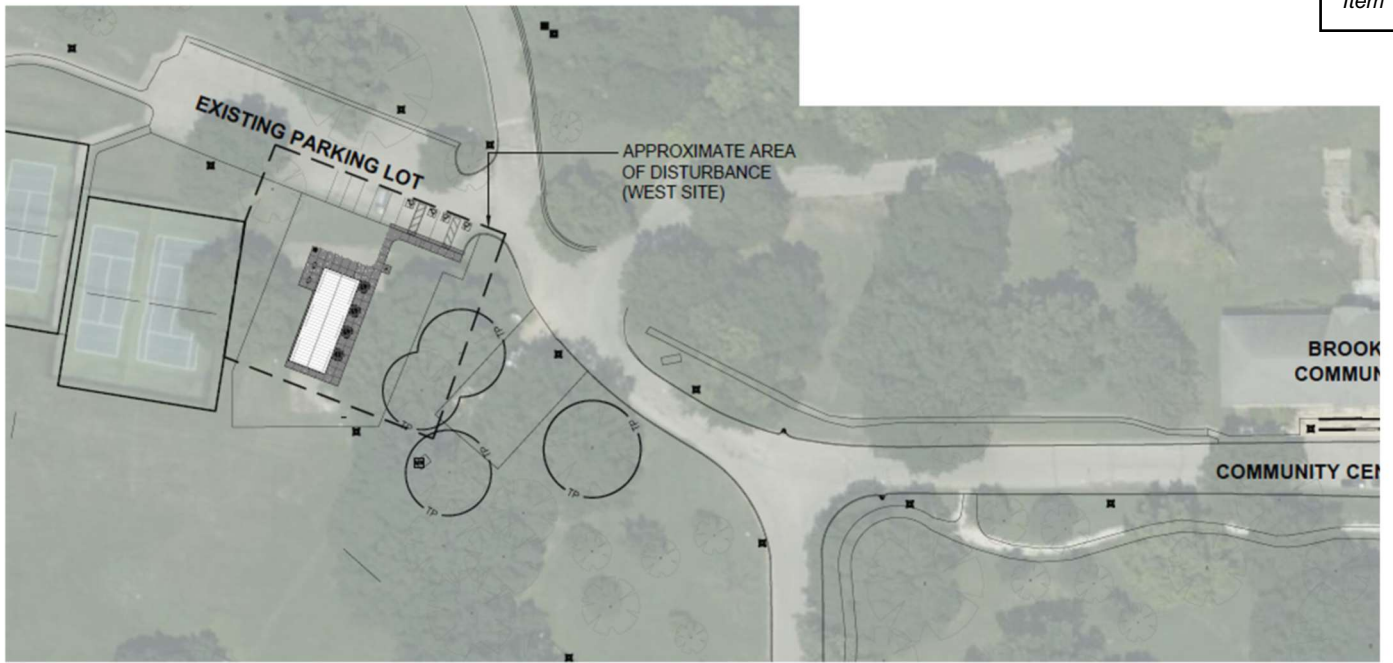
Aerial view, Brookside Park



Site Plan (east), Brookside Park



Site photo (east), Brookside Park



Site Plan (west), Brookside Park



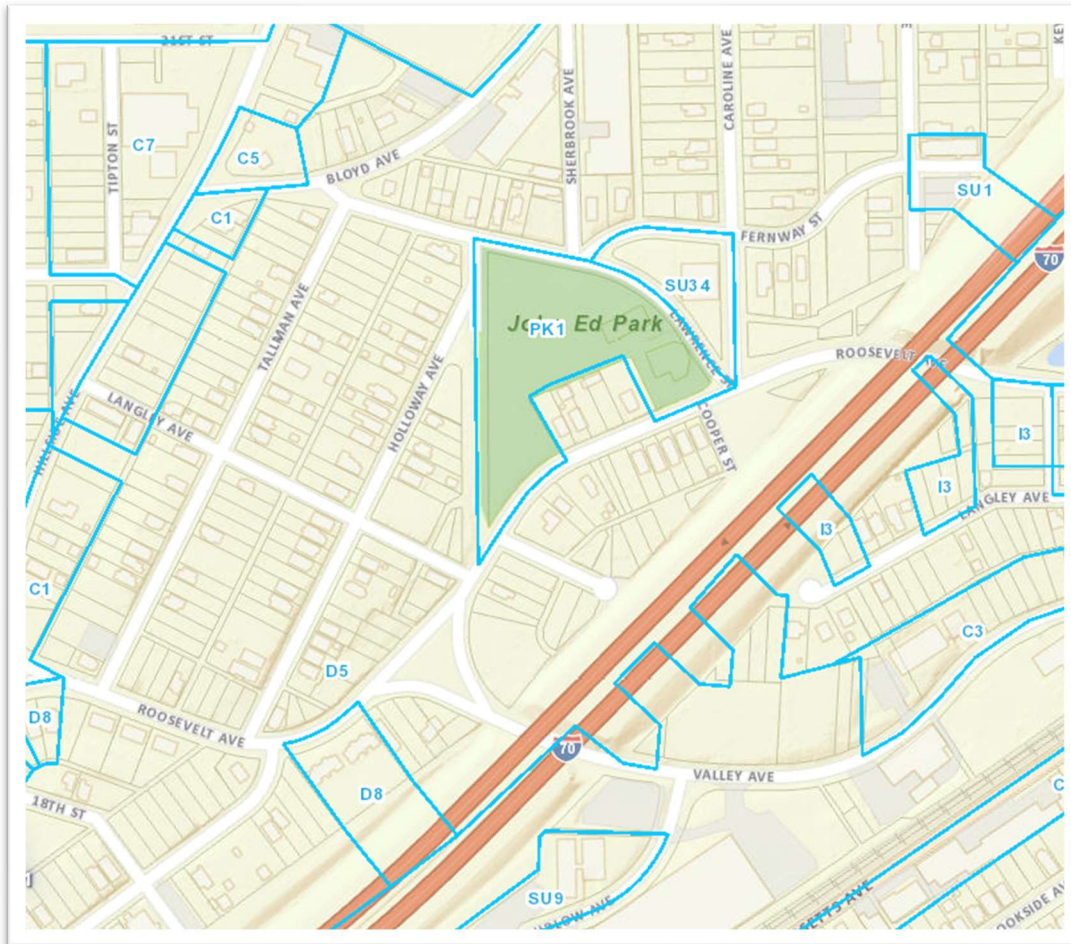
Site photo (west), Brookside Park



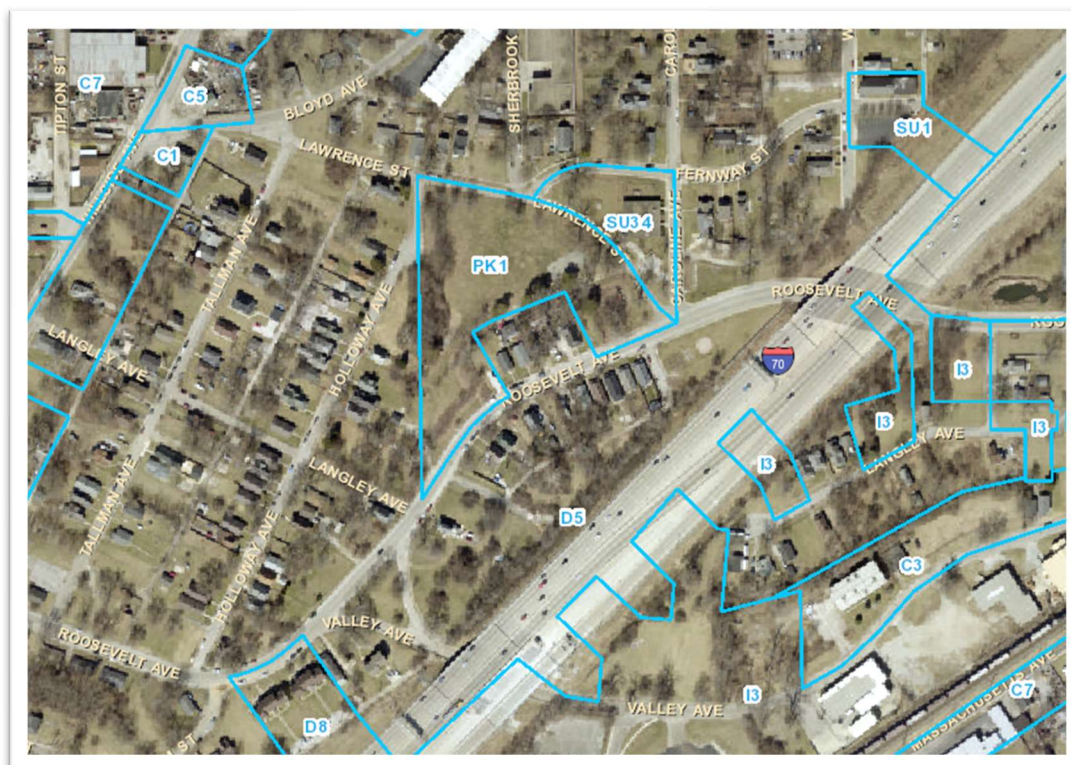
Site Plan (north), Brookside Park



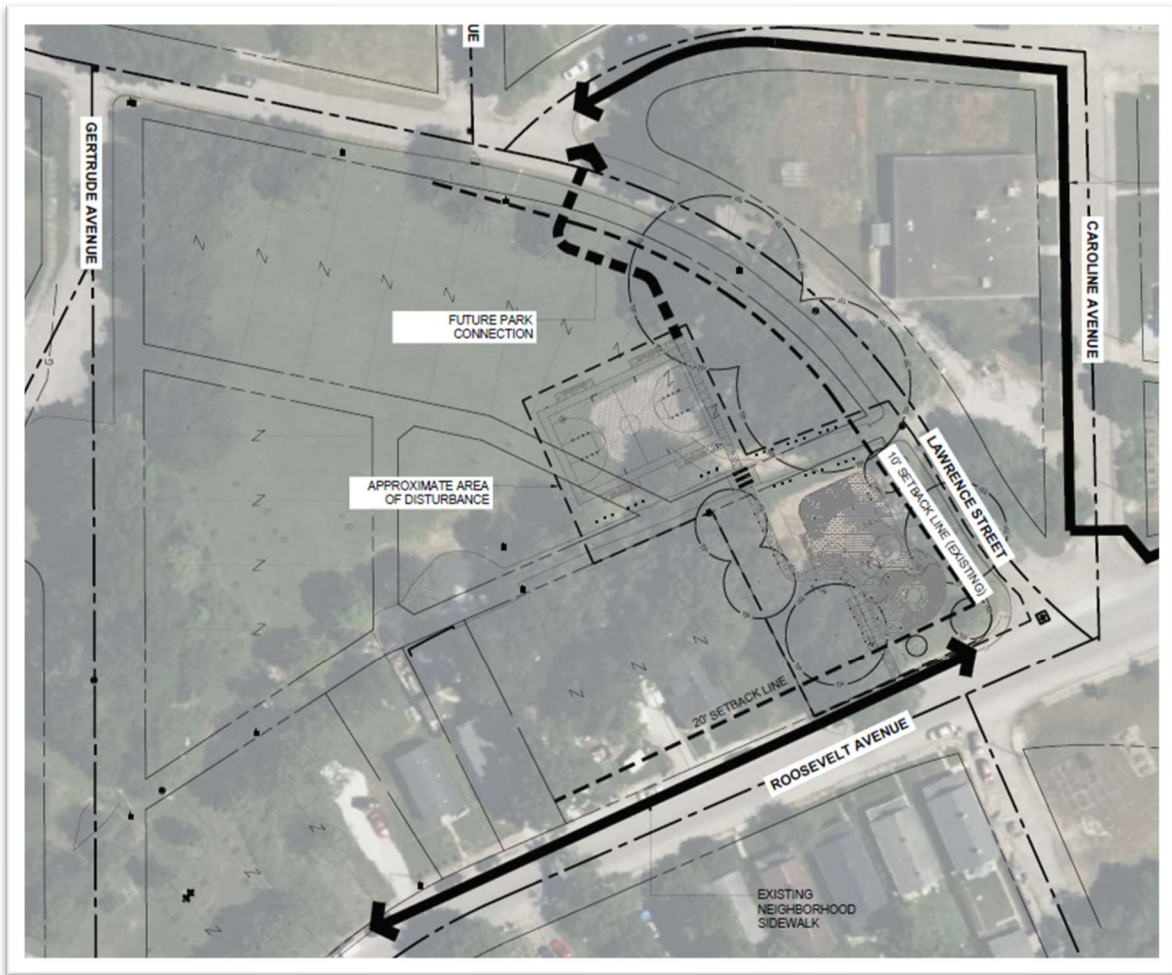
Site photo (north), Brookside Park



Location map, John Ed Park



Aerial view, John Ed Park



Site Plan, John Ed Park

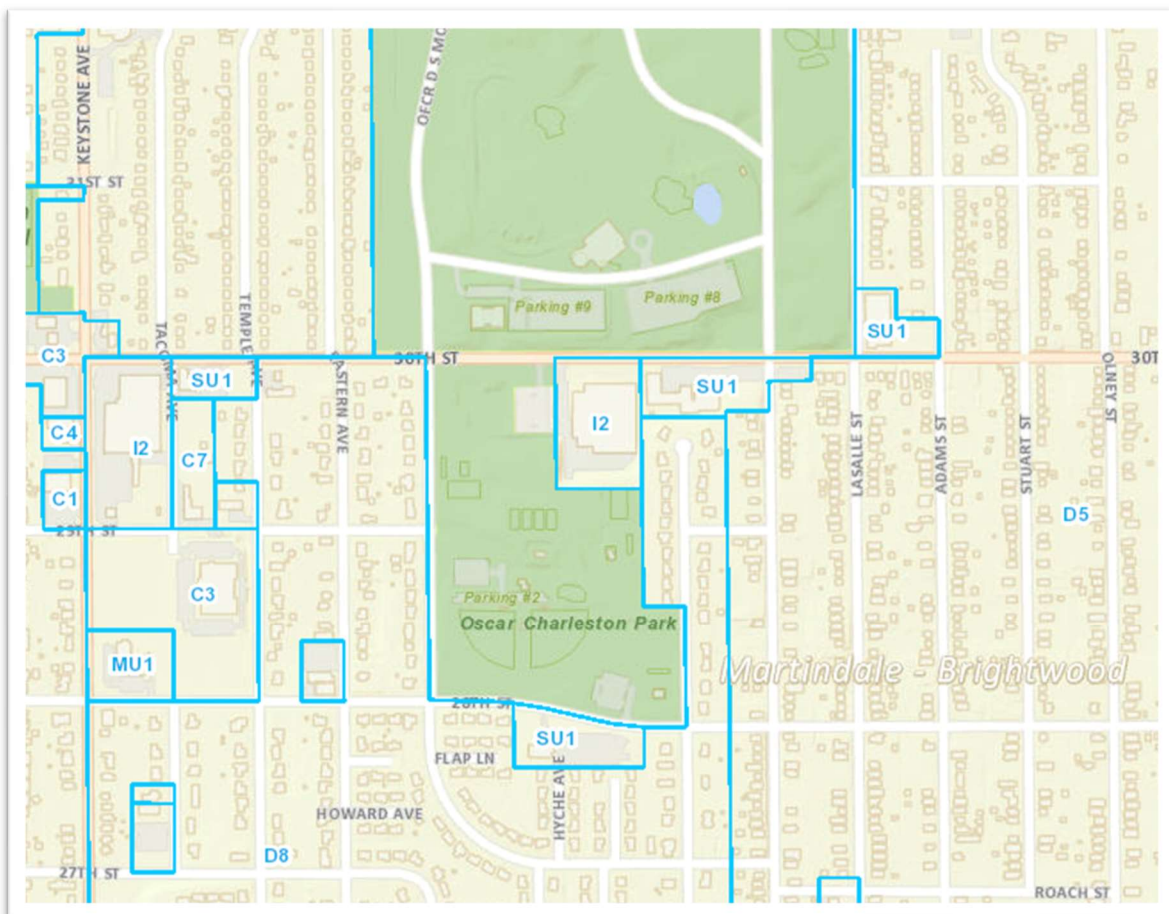


Site photo, John Ed Park

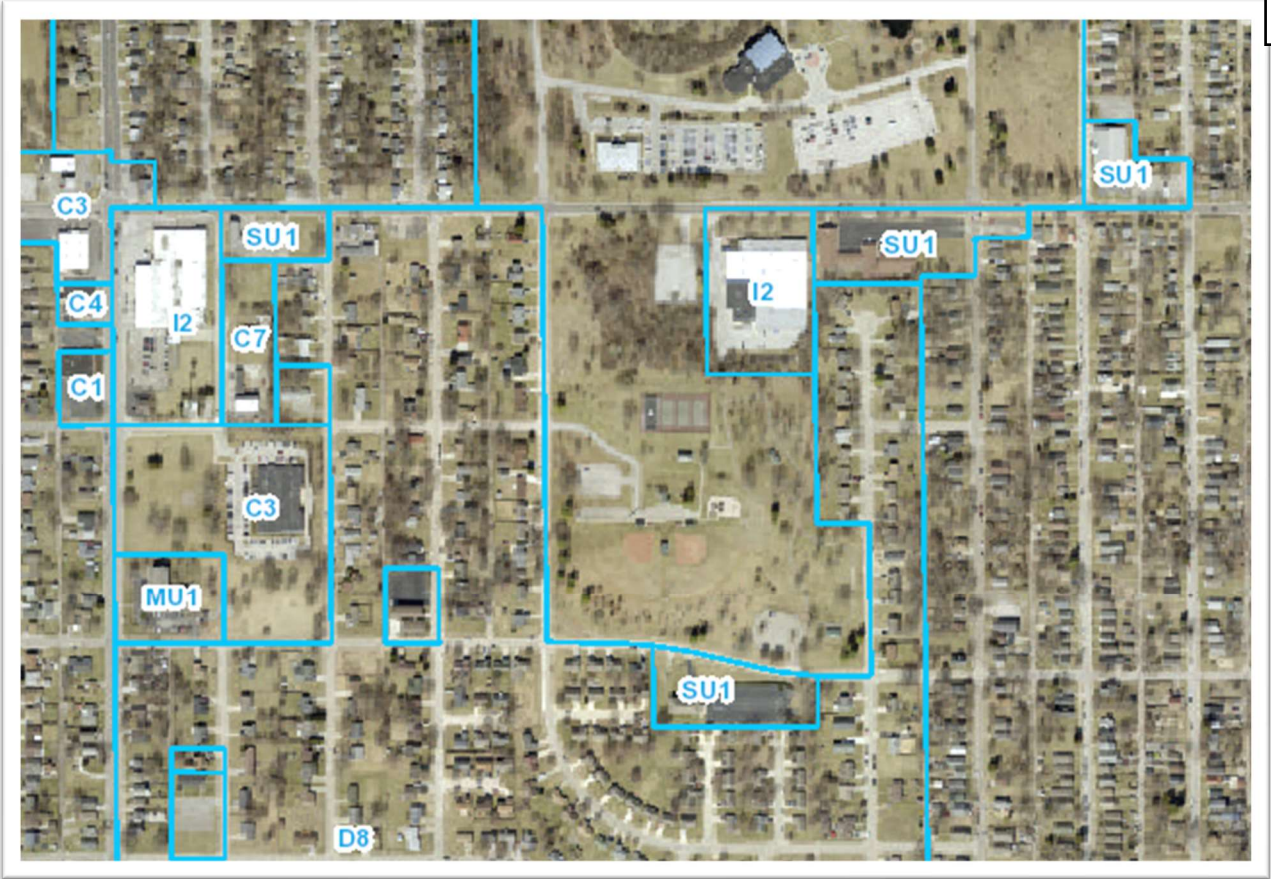


Site photo, John Ed Park

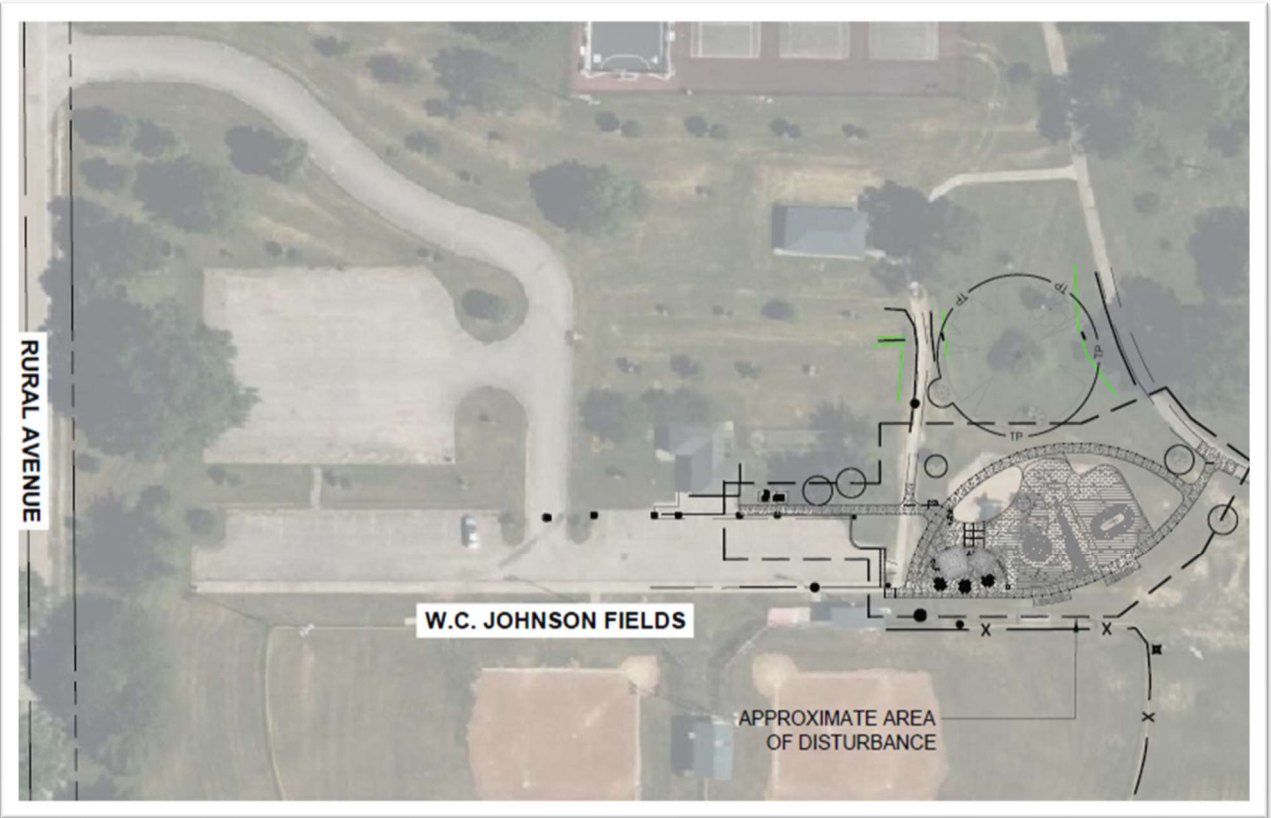
STAFF REPORT 2023-APP-018, Enclosures



Location map, Oscar Charleston Park



Aerial view, Oscar Charleston Park

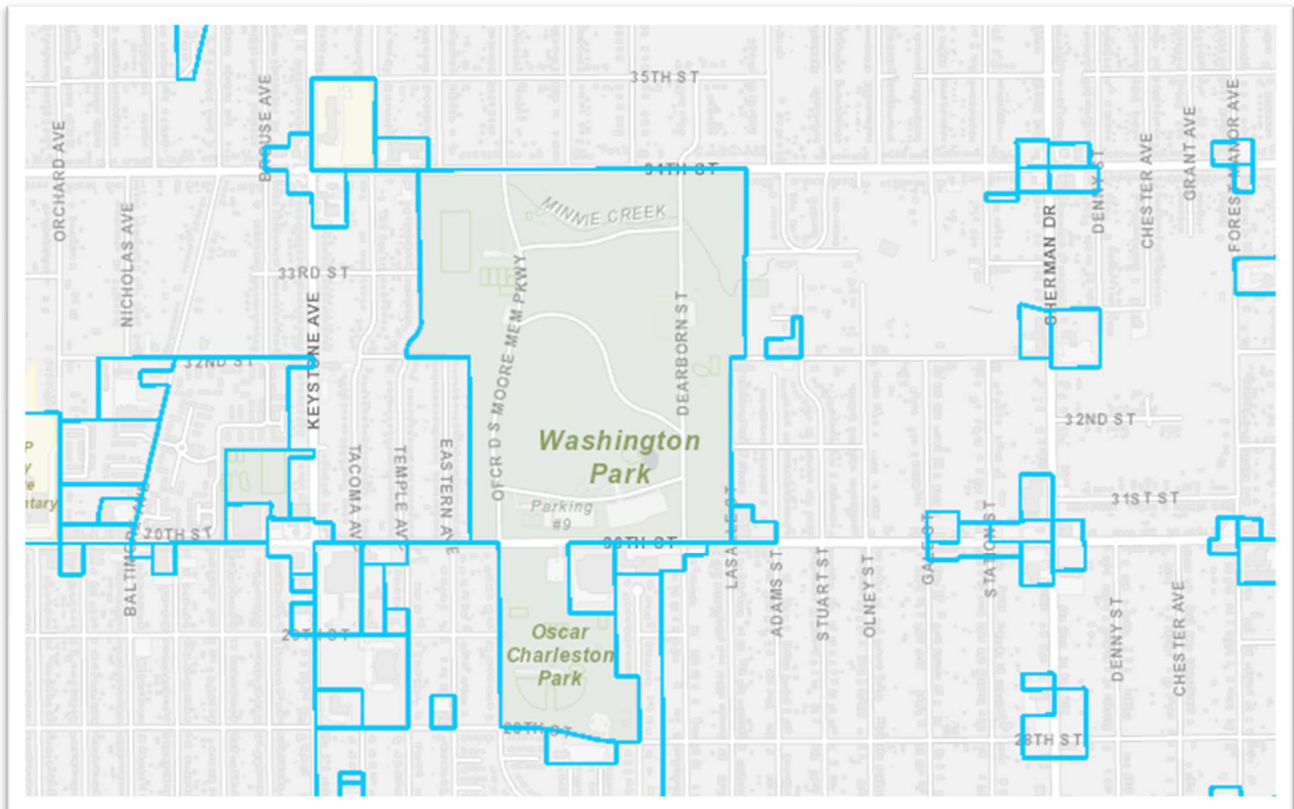


Site Plan, Oscar Charleston Park



Site photo, Oscar Charleston Park

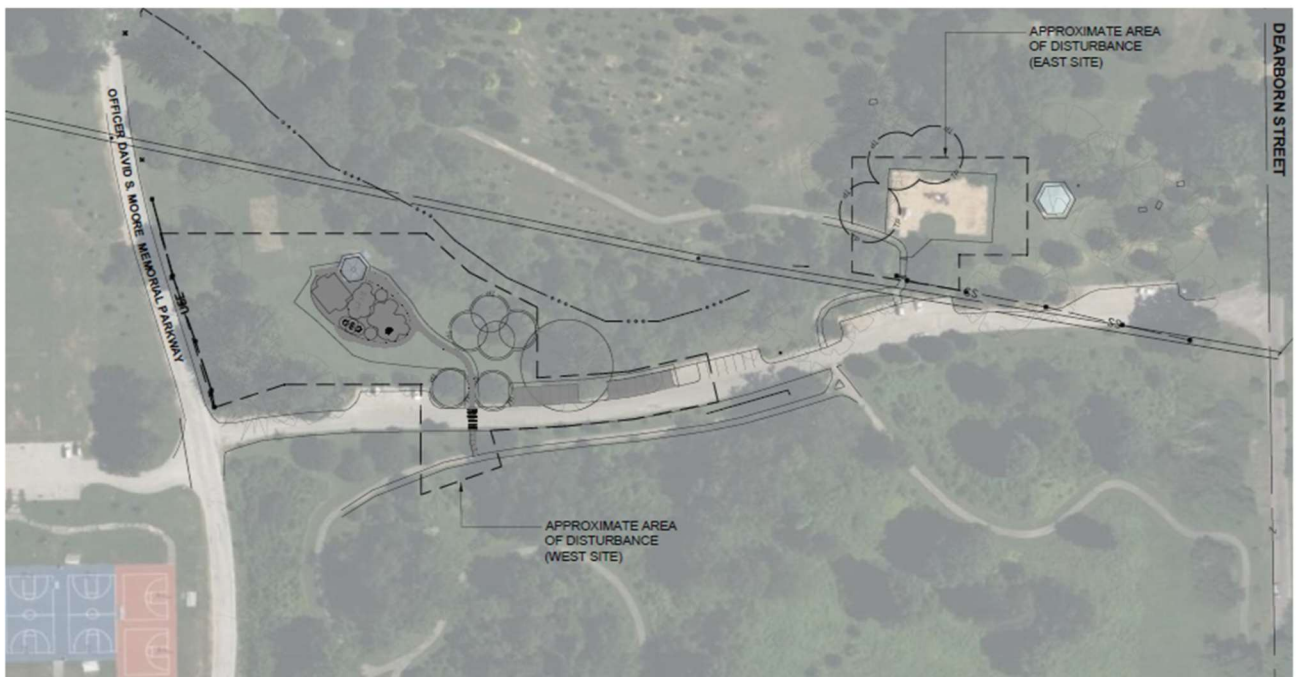
STAFF REPORT 2023-APP-019, Enclosures



Location map, Washington Park



Aerial view, Washington Park



Site Plan, Washington Park



Site photo (west), Washington Park



Site photo (east), Washington Park

STAFF REPORT

Department of Metropolitan Development Division of Planning Current Planning Section

Case Number: 2023-ZON-038
Address: 6041 and 6125 East Thompson Road (*Approximate Address*)
Location: Franklin Township, Council District #18
Petitioner: Albert Fullenkamp, by David Gilman
Request: Rezoning of 3.40 acres from the C-S and D-P districts to the C-3 district to provide for a neighborhood commercial development.

RECOMMENDATION

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

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

SUMMARY OF ISSUES

The following issues were considered in formulating the recommendation.

LAND USE

- ◇ The subject site is two abutting parcels on the south side of Thompson Road just east of its intersection with Arlington Avenue. Historic aerial photography indicates that the dwelling on the site was in existence by 1937. The area was solidly agricultural until the 1980s when residential development began to occur. Commercial development, centered on the intersection of Thompson Road and Arlington Avenue, also began to occur in the early 1980s. Single-family dwellings are currently under construction to the south of the subject site.
- ◇ The 2018 Comprehensive Land Use Plan recommends Community Commercial for the subject site. This typology envisions low-intensity commercial and office uses that serve nearby neighborhoods.

(Continued)

STAFF REPORT 2023-ZON-038 (Continued)

ZONING

- ◇ This petition requests a rezoning from the C-S and D-P districts to the C-3 district. The whole site was a part of petition 97-Z-132, which rezoned 73 acres to the D-P district to provide for 137 single-family dwellings, plus C-1 and C-3 uses. The approved site plan and development statement for the 1997 petition committed to retaining the dwellings on the two parcels that make up the current subject site.
- ◇ About ten years later, the western portion of the subject site was rezoned from D-P to C-S to provide for C-3 uses, plus temporary seasonal sales and the sale and display of lawnmowers, and small sheds. The approval was tied to a site plan.
- ◇ The C-3 district provides for a range of retailing, personal services and offices. It is intended for neighborhood-serving business rather than businesses that draw from a wide area or generate significant traffic.

GENERAL INFORMATION

EXISTING ZONING, CONTEXT AREA, AND LAND USE

C-S, D-P	Metro	Single-family dwellings, seasonal sales
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SURROUNDING ZONING AND LAND USE

North	D-P	Retail center, undeveloped land
South	D-P	Single-family neighborhood under construction
East	D-P	Single-family neighborhood under construction
West	D-P	Retail center

COMPREHENSIVE LAND USE PLAN	The Franklin Township Comprehensive Plan (2018) recommends Community Commercial.
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THOROUGHFARE PLAN	Thompson Road is classified in the Official Thoroughfare Plan for Marion County, Indiana as a Primary Arterial, with a 92-foot existing right-of-way and a 119-foot proposed right-of-way.
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FLOODWAY / FLOODWAY FRINGE	This site is not located within a floodway or floodway fringe.
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WELLFIELD PROTECTION DISTRICT	This site is not located within a wellfield protection district.
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(Continued)

STAFF REPORT 2023-ZON-038 (Continued)

ZONING HISTORY – SITE

2007-ZON-848 / 2007-VAR-848; 6041 East Thompson Road, requested the rezoning of 1.5 acre from the D-P district to the C-S district to provide for single-family dwellings, C-3 uses, temporary seasonal sales and the sales and display of lawnmowers and detached accessory structures, and a variance of development standards to provide for unpaved parking and a deficient side setback, **approved**.

97-Z-132; 6125 East Thompson Road, requested the rezoning of 73 acres from the D-A district to the D-P district to provide for 137 single-family dwellings, C-1 and C-3 uses, **approved**.

94-UV3-123; 6041 East Thompson Road, requested a variance of use to provide for seasonal sales in a dwelling district, **approved**.

ZONING HISTORY – VICINITY

2009-DV2-013; 5935 East Thompson Road (west of site), requested a variance of development standards to provide for an over-sized sign, **approved**.

2001-ZON-823; 6040 East Thompson Road (north of site), requested the rezoning of 17.3 acres from the D-P district to the D-P district to provide for 41 two-family residential lots, **approved**.

2000-ZON-032; 6040 East Thompson Road (north of site), requested the rezoning of 32.3 acres from the D-A district to the D-P district to provide for two-family dwellings, multi-family dwellings, offices and neighborhood services and retail, **approved**.

97-UV3-10; 5910 East Thompson Road (west of site), requested a variance of use to provide for a convenience store and gas station with a carwash in a C-3 district, **approved**.

95-Z-110; 5901 East Thompson Road (west of site), requested the rezoning of 3.8 acres from the C-1 district to the C-3 district, **approved**.

86-Z-236; 5951 East Thompson Road (west of site), requested the rezoning of 1.4 acre from the D-6II district to the C-3 district, **approved**.

80-UV1-22; 5002 South Arlington Avenue (west of site), requested a variance of use to provide for a temporary sign, **approved**.

73-Z-281; 4902 South Arlington Avenue (west of site), requested the rezoning of 8.7 acres from the D-3 district to the C-3 district, **approved**.

klh

STAFF REPORT 2023-ZON-038, Location



STAFF REPORT 2023-ZON-038, Aerial photograph (2022)



STAFF REPORT 2023-ZON-038, Photographs



Looking south across Thompson Road at the eastern portion of the subject site.



Looking south across Thompson Road at the western portion of the site.



Looking northwest from Modernist Boulevard at the eastern portion of the site.



Looking south at the neighbor to the east.



Looking north across Thompson Road from the site to the neighbor to the north.



Looking east along Thompson Road, showing a sidewalk under construction along the site's frontage.



Looking south along the east property line of the site. To the left is a common area for the abutting residential neighborhood.



Looking north along the east property line of the site, showing a common area for the abutting residential neighborhood, currently under construction.

STAFF REPORT

Department of Metropolitan Development Division of Planning Current Planning Section

Case Number: 2023-ZON-040
Address: 10600 Prospect Street (*Approximate Address*)
Location: Warren Township, Council District #19
Petitioner: Highlands at Grassy Creek Partners, by Chase Henderson
Request: Rezoning of 10.45 acres from the D-3 (FW) (FF) district to the PK-1 (FW) (FF) district to park uses.

RECOMMENDATION

Staff **recommends approval** of this request.

SUMMARY OF ISSUES

The following issues were considered in formulating the recommendation.

LAND USE

- ◇ The subject site was a portion of a site rezoned to the D-3 district in petition 2005-ZON-007. That petition included a commitment to donate the western portion of the site along Grassy Creek to the Department of Parks and Recreation. This site is the area to be donated.
- ◇ The Comprehensive Land Use Plan recommends Linear Park, Floodway and Suburban Neighborhood for various parts of this site.

ZONING

- ◇ This petition requests a rezoning from the D-3 district to the PK-1 district. The PK-1 district provides for public or private parks.
- ◇ This site is located along Grassy creek and abuts Grassy Creek Elementary School. It would bridge a gap between two other City park properties along Grassy Creek, Iron Gate Conservation Area to the north and Grassy Creek Wood Conservation Area to the south.
- ◇ Staff finds the request appropriate as it is responsive to the Comprehensive Land Use Plan and the commitment made in petition 2005-ZON-007.

(Continued)

STAFF REPORT 2023-ZON-040 (Continued)

GENERAL INFORMATION

EXISTING ZONING, CONTEXT AREA, AND LAND USE

D-3	Metro	Undeveloped land
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SURROUNDING ZONING AND LAND USE

North	PK-1	Indy Parks greenway
South	D-A	Agricultural land
East	D-3	Single-family dwellings
West	D-A, D-3, SU-2	Agricultural land, Grassy Creek Elementary School

COMPREHENSIVE LAND USE PLAN	The Warren Township Comprehensive Land Use Plan (2018) recommends Linear Park, Floodway and Suburban Neighborhood for various parts of this site.
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THOROUGHFARE PLAN	Prospect Street is classified in the Official Thoroughfare Plan for Marion County, Indiana as a Primary Collector, with a 115-foot existing right-of-way and an 80-foot proposed right-of-way.
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Grassy Creek is classified in the Official Thoroughfare Plan for Marion County, Indiana as a Special Corridor – Greenway.

FLOODWAY / FLOODWAY FRINGE	Portions of this site are located within the floodway and floodway fringe of Grassy Creek.
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WELLFIELD PROTECTION DISTRICT	This site is not located within a wellfield protection district.
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STREAM PROTECTION CORRIDOR	This site within the 100-foot-wide Stream Protection Corridor of Grassy Creek.
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ZONING HISTORY – SITE

2005-ZON-007; 10602 East Prospect Street, requested the rezoning of 41.6 acres from the D-A district to the D-3 district, **approved**.

(Continued)

STAFF REPORT 2023-ZON-040 (Continued)**ZONING HISTORY – VICINITY**

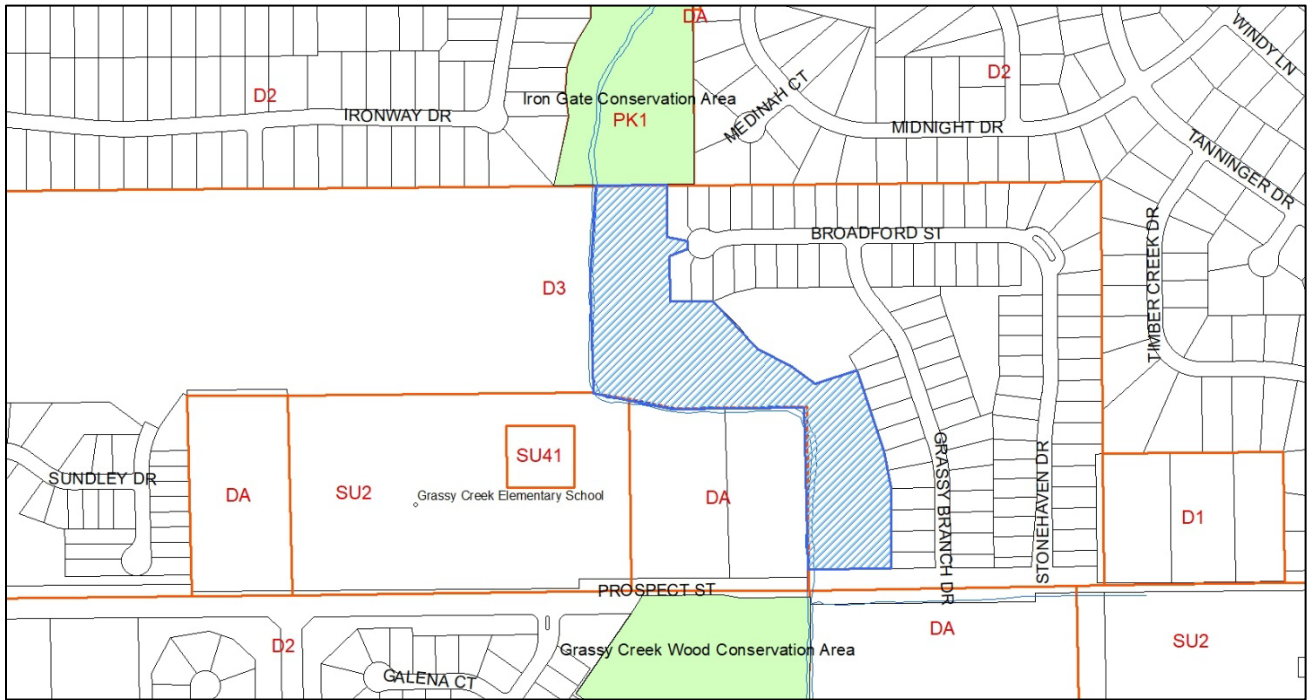
2021-ZON-055; 1000 South Mitthoefer Road and 10224 & 10602 East Prospect Street (west of site), requested the rezoning of 51.5 acres from the D-A district to the D-3 district, **approved**.

2010-ZON-059; 601 Crossfield Drive (north of site) and 13 other addresses across Marion County, requested the rezoning of 173.7 acres from various zoning districts to the PK-1 district, **approved**.

98-Z-82; 1550 South German Church Road (south of site), requested the rezoning of 66 acres from the D-A district to the D-P district to provide for 135 single-family dwelling units, **denied**.

klh

STAFF REPORT 2023-ZON-040, Location



STAFF REPORT 2023-ZON-040, Aerial photograph (2022)



STAFF REPORT 2023-ZON-040, Photographs



Looking west across the subject site from the end of Broadford Street.



Looking southeast across the site.



Looking northwest across the site from Prospect Street.



Looking north from Prospect Street along Grassy Creek.

STAFF REPORT

Department of Metropolitan Development Division of Planning Current Planning Section

Case Number: 2023-ZON-041
Address: 1328 West 30th Street (*Approximate Address*)
Location: Center Township, Council District #7
Petitioner: Scott Middleton
Request: Rezoning of 0.13 acre from the C-3 district to the D-5 district.

RECOMMENDATION

Staff **recommends approval** of this request.

SUMMARY OF ISSUES

The following issues were considered in formulating the recommendation.

LAND USE

- ◇ The subject site was platted as part of Armstrong's 1st Addition in 1874. Historic mapping indicates that a dwelling has stood on the site for over a century.
- ◇ The 2008 United Northwest Neighborhood Plan 2008 recommends 3.5 to 5 residential units per acre for the subject site. One dwelling unit on this site equates to 7.7 dwelling units per acre.

ZONING

- ◇ This petition requests a rezoning from the C-3 district to the D-5 district. The D-5 district permits single-family and two-family dwellings, and multi-unit houses.
- ◇ Although the request doesn't strictly follow the recommendation of the Neighborhood Plan, staff finds the request appropriate given the site's history as a single-family dwelling and the context of the area as platted nearly 150 years ago.

GENERAL INFORMATION

EXISTING ZONING, CONTEXT AREA, AND LAND USE

C-3	Compact	Single-family dwelling
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(Continued)

STAFF REPORT 2023-ZON-041 (Continued)

SURROUNDING ZONING AND LAND USE

North	D-5	Single-family dwelling
South	C-7	Commercial and building contractor, outdoor storage
East	C-3	Vacant lot
West	C-3	Single-family dwelling

COMPREHENSIVE LAND USE PLAN The United Northwest Neighborhood Plan (2008) recommends 3.5 to 5 residential units per acre.

THOROUGHFARE PLAN 30th Street is classified in the Official Thoroughfare Plan for Marion County, Indiana as a Primary Arterial, with a 60-foot existing right-of-way and a 78-foot proposed right-of-way.

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

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

ZONING HISTORY – SITE

None.

ZONING HISTORY – VICINITY

2023-ZON-033B; 1324 West 30th Street (east of site), requested the rezoning of 0.13 acre from the C-3 district to the D-5 district, **pending**.

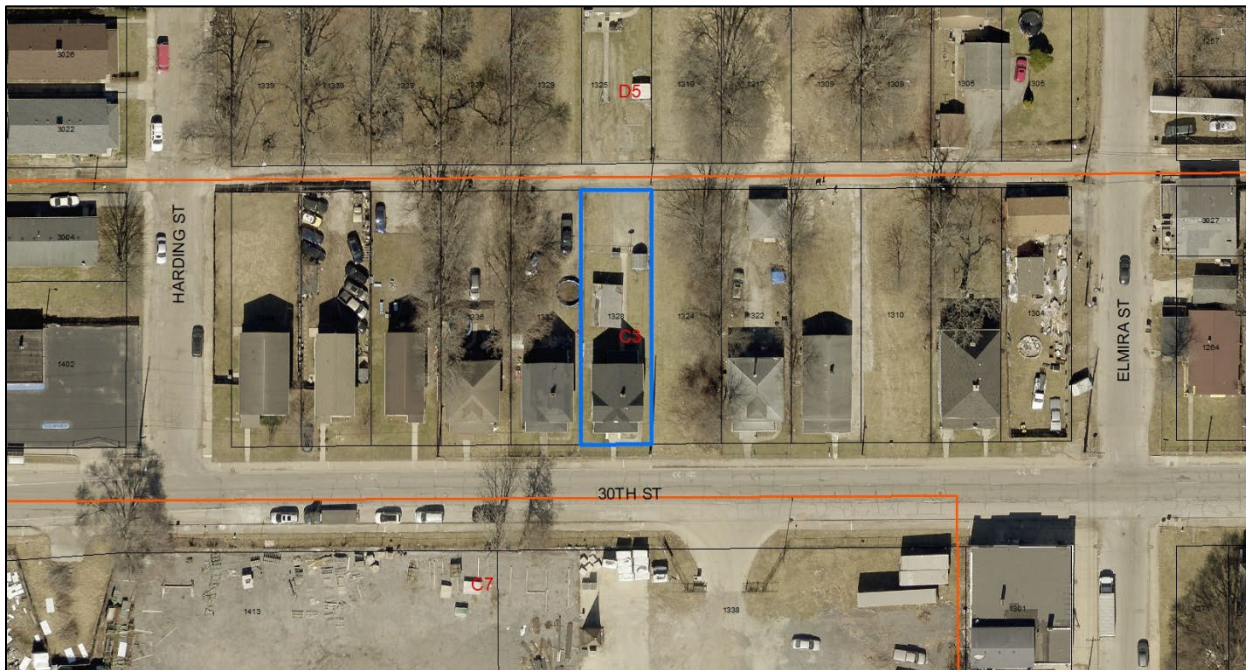
92-Z-6; 1311 West 30th Street (south of site), requested the rezoning of 4.7 acres from the C-7 district to the SU-9 district, **withdrawn**.

klh

STAFF REPORT 2023-ZON-041, Location



STAFF REPORT 2023-ZON-041, Aerial photograph (2022)



STAFF REPORT 2023-ZON-041, Photographs



Looking north across 30th Street at the subject site.



Looking northwest along 30th Street at the neighbors to the west.



Looking east from the site along 30th Street.



Looking south across 30th Street to the neighbors to the south.

STAFF REPORT

Item 16.

Department of Metropolitan Development Division of Planning Current Planning Section

Case Number: 2023-ZON-045
Address: 601 and 701 Kentucky Avenue and 602 West McCarty Street
(approximate addresses)
Location: Center Township, Council District #16
Petitioner: 701 Kentucky Ave, LLC, by Joseph D. Calderon
Request: Rezoning of 10.85 acres from the I-4 (RC) district to the CBD-2 (RC) district.

RECOMMENDATIONS

Staff **recommends approval** of the petition.

SUMMARY OF ISSUES

The following issues were considered in formulating the recommendation:

LAND USE

- ◇ The request would provide for the rezoning of a largely undeveloped site, at the northeast intersection of Kentucky Avenue and McCarty Street. The site was formerly developed with heavy industrial uses until 2010. The eastern portion of the site is developed with a surface parking lot, which was installed by the State of Indiana in 2019. The site contains only the western portion of the surface parking lot.
- ◇ The request to CBD-2 would comply with the Comprehensive Plan, which recommends the site for Urban Mixed-Use development.

REGIONAL CENTER

- ◇ The site is located within the Regional Center overlay district. Design of all new construction, including parking areas in the Regional Center overlay district, is subject to the approval of the Administrator of the Division of Planning. No development plans were submitted with this petition.

GENERAL INFORMATION

EXISTING ZONING AND LAND USE

I-4 (RC) Compact	Undeveloped and surface parking
------------------	---------------------------------

SURROUNDING ZONING AND LAND USE

North - I-4 (RC)	Medium industrial
South - I-4 (RC)	State of Indiana offices
East - I-4 (RC)	Surface parking – State-owned
West - I-4 (RC)	Medium industrial / White River

(Continued)

COMPREHENSIVE PLAN	The Comprehensive Plan of Marion County recommends Urban Mixed-Use development.
THOROUGHFARE PLAN	The Official Thoroughfare Plan for Marion County indicates that this portion of Kentucky Avenue is a primary arterial street, with an 88-foot right-of-way existing and proposed. McCarty Street is a primary arterial street, with an 88-foot right-of-way existing and proposed.

ZONING HISTORY - SITE

None.

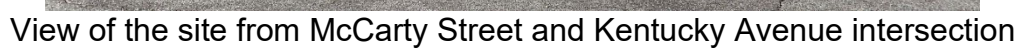
ZONING HISTORY - VICINITY

2023-CZN-807 / 2023-CVR-807; 402 Kentucky Avenue, 700 Gardner Lane and 350 South West Street, requested a rezoning of 20.326 acres, from the I-4 (RC) and SU-18 districts, and a variance of development standards of the consolidated Zoning and Subdivision Ordinance, to provide for four buildings with encroachments into the Sky Exposure Plane Two of Kentucky Avenue, West Street and Gardner Lane, **approved**.

2023-ZON-014; 519 Kentucky Avenue, requested a rezoning of 0.93-acre, from the I-4 (RC) district to the CBD-2 (RC) district, to provide for office, retail, restaurant, and event space uses, **approved**.

JY

Item 16.





Views of the site from McCarty Street, looking north



Views of the site from McCarty Street – formerly Sand Street (top); and Merrill Street



View of the site from Merrill Street and Kentucky Avenue

STAFF REPORT

Item 17.

Department of Metropolitan Development Division of Planning Current Planning Section

Case Number: 2023-ZON-046
Address: 7250 North Keystone Avenue (*Approximate Addresses*)
Location: Washington Township, Council District #2
Petitioner: Hansen Collision, Inc., by J. Murray Clark
Request: Rezoning of 4.199 acres from the D-4 and C-4 (FF) district to the C-4 (FF) district to provide for automobile, motorcycle, and light vehicle service or repair.

RECOMMENDATIONS

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

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

SUMMARY OF ISSUES

The following issues were considered in formulating the recommendation:

LAND USE ISSUES

- ◇ This 4.119-acre site, zoned D-4 and C-4 (FF) is developed with an automobile service and repair business. It is surrounded by single-family dwellings and commercial uses to the north, zoned D-3 and C-3, respectively; undeveloped land and commercial uses to the south, zoned D-A and C-5, respectively; commercial uses to the east, across North Keystone Avenue, zoned C-4; and single-family dwellings and park to the west, zoned D-4 and PK-1, respectively.
- ◇ Petition 2022-ZON-027 requested rezoning of 7.20 acres from the D-4 and C-4 (FW)(FF) district to the C-4 district to provide for automobile service and repair but was withdrawn by the petitioner on December 1, 2022.
- ◇ Petition 89-UV1-44 provided for outdoor display and sale of vehicles with a 10-foot front setback.

(Continued)

REZONING

- ◇ This request would rezone the site from the D-4 and C-4 (FF) districts to the C-4 (FF) classification to provide for automobile, motorcycle and light vehicle service or repair. “The C-4 District is designed to provide for the development of major business groupings and regional-size shopping centers to serve a population ranging from a community or neighborhoods to a major segment of the total metropolitan area. These centers may feature a number of large traffic generators such as home improvement stores, department stores, and theatres. Even the smallest of such freestanding uses in this district, as well as commercial centers, require excellent access from major thoroughfares. While these centers are usually characterized by indoor operations, certain permitted uses may have limited outdoor activities, as specified.”
- ◇ The Comprehensive Plan recommends community commercial typology. “The Community Commercial typology provides for low-intensity commercial, and office uses that serve nearby neighborhoods. These uses are usually in freestanding buildings or small, integrated centers. Examples include small-scale shops, personal services, professional and business services, grocery stores, drug stores, restaurants, and public gathering spaces.”
- ◇ The Pattern Book 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.

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

- Should be located along an arterial street.
- Outdoor display of merchandise should be limited.
- If adjacent to residential uses or a Living Typology, outdoor display of merchandise is not recommended.
- 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 no larger than 25 acres with 125,000 square feet of floor space and no more than three out lots.

(Continued)

Overlays

- ◇ This site is located within an overlay, specifically the Environmentally Sensitive overlay (ES). “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 Environmentally Sensitive Areas (ES) Overlay is intended for areas containing high quality woodlands, wetlands, or other natural resources that should be protected. The purpose of this overlay is to prevent or mitigate potential damage to these resources caused by development. This overlay is also appropriate for areas that present an opportunity to create a new environmental asset. This overlay is not intended for the preservation of open space.
- ◇ Except for the access drive along Ruth Drive, the entire site is located within the 100-year floodplain of Highland Creek.

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-4 in this request) are permitted, subject to certain development standards of the Flood Control Secondary Zoning Districts Ordinance.
- ◇ Staff would note, except for a small portion of the access drive along Ruth Drive, the entire site lies within the 100-year floodplain.
- ◇ Staff would also note the following uses are prohibited in the floodplain:
 - a. Jails;
 - b. Hospitals;
 - c. Assisted living facilities;
 - d. Nursing homes;
 - e. Laboratories;
 - f. Elementary, Middle or High Schools;
 - g. Daycare facilities;
 - h. Fire stations;
 - i. Emergency operation centers;
 - j. Police facilities;
 - k. Truck, train, or bus terminal, storage or maintenance facility;
 - l. Wrecking or salvage facility;
 - m. Gas, oil or propane storage facility;
 - n. Industrial laundry;
 - o. Hazardous waste handling or storage facility; and
 - p. Other public equipment storage facilities.

(Continued)

Environmental Public Nuisances

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

Planning Analysis

- ◇ The 1989 variance of use permitted outdoor display and sale of vehicles. The current use as an automobile vehicle service and repair operation has been operating illegally since the conversion occurred. Admittedly, the zoning boundary bisects the building with the C-4 district located along North Keystone Avenue frontage. Staff believes that zoning classification is appropriate along this commercial corridor but expanding that C-4 district boundary to the west that abuts a park would not be appropriate.
- ◇ Petition 2023-ZON-027 requested a similar rezoning that included a larger area adjacent to residential uses and a park. As proposed staff did not support the request because of the potential impact of commercial uses on those land uses but indicated the recommendation would be reconsidered if the amount of area to be rezoned would be reduced.

(Continued)

- ◇ Staff suggested that the southern zoning boundary be reconfigured to remove the open undeveloped space from the request. The proposed southern boundary and legal description submitted with this current petition is approximately the same area that was previously proposed by staff.
- ◇ Generally, the C-3 or C-4 districts are contemplated to be consistent with the Comprehensive Plan recommendation of community commercial, depending upon the location and surrounding land uses. In staff’s opinion, the request would be consistent with the Plan recommendation because of the adjacent land uses and the site location along a highly commercial corridor. Staff would note, however, that development of the site would need to comply the all the C-4 district development standards, including buffering along the western boundary abutting protected districts.

GENERAL INFORMATION

EXISTING ZONING AND LAND USE

D-2 / C-4 (FF) Commercial uses

SURROUNDING ZONING AND LAND USE

North -	D-4 / C-3	Single-family dwellings / commercial uses
South -	D-A (FF) / C-5 (FF)	Undeveloped land / commercial uses
East -	C-4	Commercial uses
West -	D-4 (FF) / PK-1(FF)	Single-family dwellings / park

COMPREHENSIVE LAND USE PLAN

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

THOROUGHFARE PLAN

This portion of North Keystone Avenue is designated in the Marion County Thoroughfare Plan as a primary arterial with an existing 145-foot right-of-way and a proposed 124-foot right-of-way.

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

CONTEXT AREA

This site is located within the metro context area.

OVERLAY

This site is located within the environmentally sensitive overlay.

(Continued)

ZONING HISTORY

2022-ZON-027; 7250 North Keystone Avenue, requested rezoning of 7.20 acres from the D-4 and C-4 (FW) (FF) districts to the C-4 (FW) (FF) district to provide for Automobile Service and Repair, **withdrawn**.

89-UV1-44; 7250 North Keystone Avenue, requested a variance of use and development standards of the Commercial Zoning Ordinance to provide for the outdoor display and sales of vehicles, with a 10-foot front setback, **granted**.

88-Z-136; 7250 North Keystone Avenue, requested the rezoning of 3.268 acres, being in the C-3 (FF) District to the C-5 (FF) classification, **approved**.

VICINITY

2005-ZON-179; 7216 North Keystone Avenue (south of site), requested rezoning of 3.6 acres, being in the SU-34 (FW)(FF) and D-A (FW) Districts, to the C-4 (FW)(FF) classification to provide for community-regional commercial uses, **approved**.

2004-UV3-046; 7215 North Keystone Avenue (south of site), requested a variance of use of the Dwelling Districts Zoning Ordinance to provide for a 1,440-square foot greenhouse and a 400-square foot temporary sales tent (not permitted) related to an existing landscaping lawn and garden center, **granted**.

2001-ZON-036; 2100 East 71st Street (south of site), requested the rezoning of 10.696 acres from the D-A District to the SU-16 classification to provide for athletic fields and related accessory uses, **withdrawn**.

98-HOV-50G; 7101 North Keystone Avenue (south of site), requested a variance of development standards of the Commercial Zoning Ordinance to provide for the placement of beverage vending machines on gasoline pump islands (required placement against the wall of the primary building), **granted**.

98-V3-89; 7246 North Keystone Avenue (south of site), requested a variance of development standards of the Wireless Communications Zoning Ordinance, to provide for a 20-foot height increase to an existing 100-foot monopole tower, located within 500 feet of a protected district (maximum 70 feet in height permitted), **granted**.

98-UV2-35; 2102 East 71st Street (south of site), requested a variance of use of the Special Districts Zoning Ordinance to provide for a telecommunications facility (not permitted) consisting of a monopole tower being 180 feet in height and a 12 by 20-foot equipment building, **granted**.

98-UV1-29; 7246 North Keystone Avenue (south of site), requested a variance of use and development standards of the Commercial Zoning Ordinance to provide for the construction of a telecommunications facility (not permitted, with a cellular communications tower, being 100 feet in height (maximum 22 feet in height permitted at the proposed tower location), **granted**.

(Continued)

93-Z-128; 2507 East 72nd Street (south of site), requested rezoning of 0.29 acre from the D-5 District to the SU-9 classification to provide for construction of a fire station, **approved**.

91-UV3-51; 7215 North Keystone Avenue (south of site), requested a variance of use of the Dwelling District Zoning Ordinance to permit the placement of a cellular commercial facility and a 185-foot monopole tower, **granted**.

91-UV2-2; 2301 East 71st Street (south of site), requested a variance of use and development standards to provide for the reconstruction of a restaurant, which would serve alcohol within 100 feet of a dwelling district, **granted**.

89-UV1-33; 7215 North Keystone Avenue (east of site); requested a variance of use of the Dwelling Districts Zoning Ordinance to provide for the continued operation of a landscaping lawn and garden center with lawnmower sales and service, and seasonal plant and firewood sale, **granted**.

87-Z135; 7102 North Keystone Avenue (south of site), requested rezoning of 1 acre being in the SU-34 District, to the C-3 classification to provide for a restaurant, **approved**.

86-HOV-111; 7220 North Keystone Avenue (south of site), requested a variance of development standards of the Sign Regulations to provide for an eight-foot increase in the height of an existing advertising sign, **granted**.

86-HOV-23; 7215 North Keystone Avenue (south of site), requested a variance of development standards of the Sign Regulations to provide for the use of 2.917 by 38.917-foot electronic message panel attached to an existing advertising pole sign, **granted**.

85-UV2-20; 7209 North Keystone Avenue (south of site), requested a variance of use and development standards of the Commercial Zoning Ordinance to provide for the retail sales of swimming pool equipment and accessories, **granted**.

85-UV2-5; 7216 North Keystone Avenue (south of site), requested a variance of use of the Special Use Districts Zoning Ordinance to provide for an addition to an existing health spa, **granted**.

84-UV1-18; 7215 North Keystone Avenue (south of site), requested a variance of use of the Dwelling Districts Zoning Ordinance to provide for the sale and outdoor display of lawn and garden products, including supplies, equipment, flowers, shrubs, small trees, firewood, and Christmas trees, **granted**.

84-Z-135; 7209 North Keystone Avenue (south of site), requested rezoning of 0.96 acre, being in the D-5 District to the C-3 classification to provide for commercial development, **approved**.

(Continued)

83-UV2-109; 7201 North Keystone Avenue (south of site), requested a variance of use and development standards of the Sign Regulations to allow the erection of a pole sign in the required 5-foot setback at zero feet from a diagonal right-of-way line, seven feet from the Keystone Avenue right-of-way extended and 11.5 feet from the 72nd Street right-of-way, **granted**.

74-UV3-27; 7201 North Keystone Avenue (south of site), requested a variance of use and development standards to allow for the construction of a pizza restaurant with carry-out and beer sale, **granted**.

69-V4-104; 7216 North Keystone Avenue (south of site), requested a variance of use to provide for a pole sign for an existing health spa, **granted**.

kb







View looking south along North Keystone Avenue



View looking north along North Keystone Avenue



View of site looking south



View of site looking south



View of site looking southeast



View of site looking north



View from site looking south

STAFF REPORT

Department of Metropolitan Development Division of Planning Current Planning Section

Case Number: 2023-CZN-821 / 2023-CVR-821 / 2023-CPL-821 (Amended)
Address: 4359 and 4361 East 75th Street (*Approximate Address*)
Location: Washington Township, Council District #3
Zoning: D-A
Petitioner: Thomas D. & Cynthia W. Mattingly, by Anthony B. Syers
Requests: Rezoning of 7.194 acres from the D-A district to the D-S district.

Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to legally establish two existing parcels with zero feet of street frontage and to provide for a subdivision creating a third lot, also without street frontage (125 feet of street frontage required).

Approval of a Subdivision Plat to be known as Mattingly Subdivision, dividing 3.884 acres into two lots.

This petition was automatically continued from the May 11, 2023 hearing to the June 15, 2023 hearing.

RECOMMENDATIONS

Staff recommends **approval of the rezoning and variance** petitions.

Staff recommends that the Hearing Examiner **approve** and find that the plat, file-dated May 26, 2023, complies with the standards of the Subdivision regulations, subject to the following conditions:

1. That the applicant provides a bond, as required by Section 741-210, of the Consolidated Zoning and Subdivision Ordinance.
2. Subject to the Standards and Specifications of the Department of Public Works, Sanitation Section.
3. Subject to the Standards and Specifications of the Department of Public Works, Drainage Section.
4. Subject to the Standards and Specifications of the Department of Public Works, Transportation Section.
5. That addresses and street names, as approved by the Department of Metropolitan Development, be affixed to the final plat, prior to recording.
6. That the Enforcement Covenant (Section 741-701, of the Consolidated Zoning and Subdivision Ordinance) be affixed to the final plat, prior to recording.
7. That the Site Distance Covenant (Section 741-702, of the Consolidated Zoning and Subdivision Ordinance) be affixed to the final plat, prior to recording.

(Continued)

2023-CZN-821 / 2023-CVR-821 / 2023-CPL-821 STAFF REPORT (Continued)

8. That the Sanitary Sewer Covenant (Section 741-704, of the Consolidated Zoning and Subdivision Ordinance) be affixed to the final plat, prior to recording.
9. That the Storm Drainage Covenant (Section 741-703, of the Consolidated Zoning and Subdivision Ordinance) be affixed to the final plat, prior to recording.
10. That the plat restrictions and covenants, done in accordance with the rezoning commitments, be submitted, prior to recording the final plat.
11. That all the standards related to secondary plat approval listed in Sections 741-207 and 741-208 of the Consolidated Zoning and Subdivision Ordinance are met, prior to the recording of the final plat.

SUMMARY OF ISSUES

The following issues were considered in formulating the recommendation:

LAND USE

- ◇ The subject site is zoned D-A and consists of two parcels. Each parcel was developed with a single-family dwelling (the dwelling at 4361 was demolished and is proposed to be re-developed).
- ◇ This petition would rezone both parcels, legally establish the parcels without street frontage, and subdivide the property at 4359 into two lots.

REZONING

- ◇ This petition would rezone this site from the D-A district to the D-S district.
- ◇ The comprehensive plan recommends Suburban Neighborhood development, which has a typical density of one to five units per acre. This D-S district is intended for low-density development, especially estate-type lots. The D-S district has a minimum lot area of one acre. This district would be appropriate for the suburban neighborhood typology.

VARIANCE OF DEVELOPMENT STANDARDS

- ◇ This petition would legally establish two existing parcels with zero feet of street frontage, and provide for a subdivision creating a third lot, also without street frontage.
- ◇ The two existing parcels are accessed via an existing shared driveway and access easement. These lots would continue to use this private drive, as would the proposed third lot.
- ◇ It is common in this area for estate-type properties to be developed without frontage and be accessible from common driveways. Staff would not be opposed to creation of a lot for an estate-type development where all other standards of the zoning ordinance would be met.

(Continued)

2023-CZN-821 / 2023-CVR-821 / 2023-CPL-821 STAFF REPORT (Continued)**PLAT**

- ◇ The plat would subdivide the 3.884-acre property at 4359 East 75th Street into two lots. Lot One would contain the existing dwelling, and Lot Two would be a one-acre lot for a future single-family dwelling. The proposed plat meets the standards of the D-S zoning classifications as proposed in the companion rezoning, and per the companion variance.

TRAFFIC / STREETS

- ◇ The proposed lots would be accessed via the existing driveway easement as shown on the plat. This drive provides access to East 75th Street to the north. No new streets are proposed as part of this petition.

SIDEWALKS

- ◇ Sidewalks are not required for minor plats.

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

D-A	Metro	Residential
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SURROUNDING ZONING AND LAND USE

North	D-A	Residential
South	D-2	Residential
East	D-A	Residential
West	D-A	Residential

COMPREHENSIVE LAND USE PLAN	Suburban Neighborhood
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THOROUGHFARE PLAN	East 75 th Street is classified in the Official Thoroughfare Plan for Marion County, Indiana as a Primary Collector, with a 35-foot existing and an 80-foot proposed right-of-way.
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PRELIMINARY PLAT	File-dated May 26, 2023
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FINDINGS OF FACT	File-dated April 6, 2023
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ZONING HISTORY – SITE

None

ZONING HISTORY – VICINITY

2020-DV1-026, 4421 East 75th Street, variance to provide for a detached garage in the front yard of the single-family dwelling, **approved**.

2015-DV3-046, 4357 East 75th Street, variance to provide for a 24.5 by 40.5-foot, 33-foot-tall storage barn and chicken coop, **approved**.

(Continued)

2022-CZN-864A / 2022-CZN-864B / 2022-CPL-864 STAFF REPORT (Continued)

2015-UV3-010, 4355 East 75th Street, Variance to provide for 28.7-foot tall, two-story, 24 by 36-foot detached accessory building, with a second-floor dwelling unit, with an 11-foot side setback and an 18-foot rear setback, **approved**.

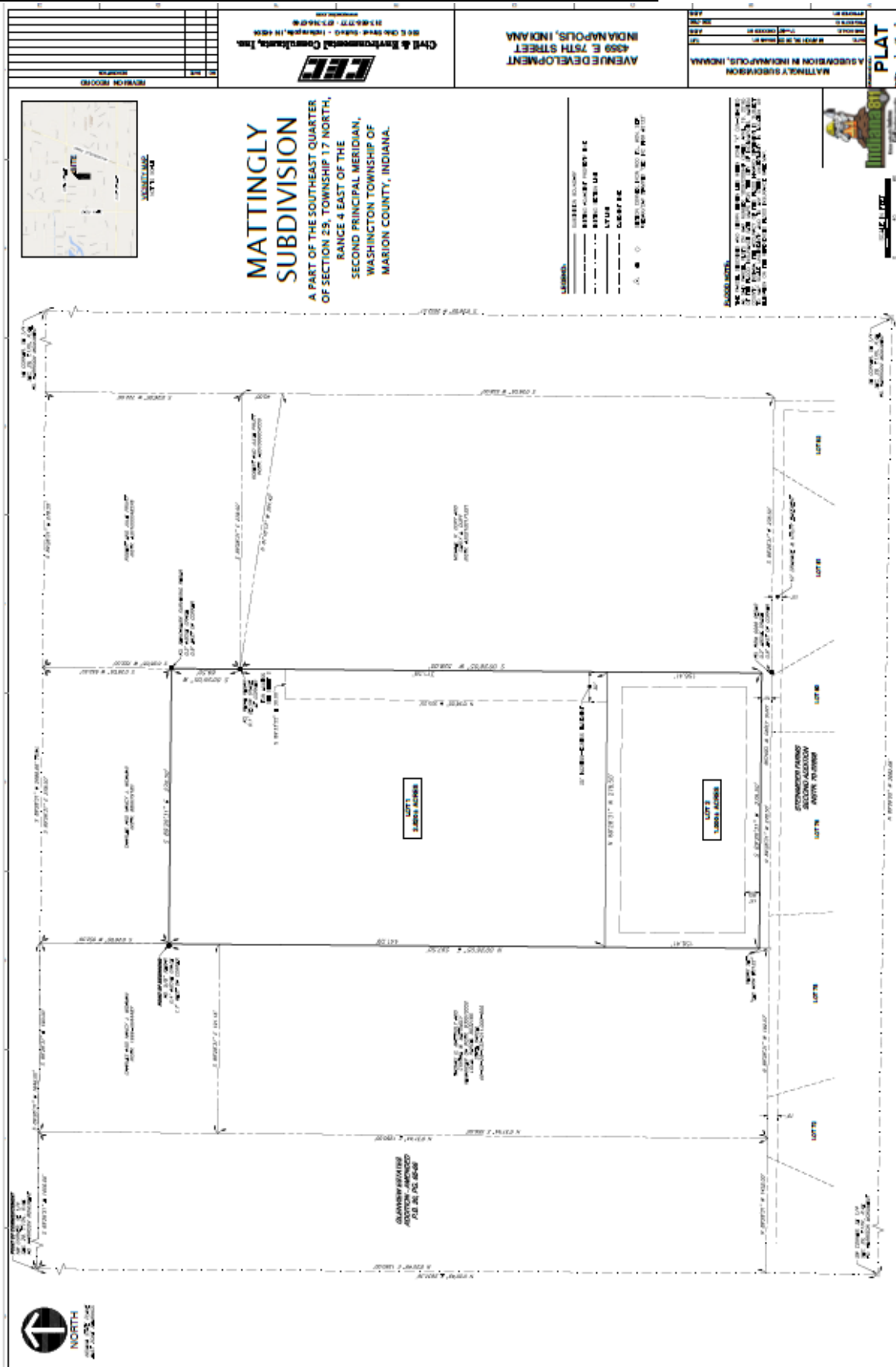
68-P-29, Approval of a subdivision to be known as Steinmeier Farms Estates Second Section, dividing 25.10 acres into 56 lots.

AR

2023-CZN-821 / 2023-CVR-821 / 2023-CPL-821 Aerial Map



2023-CZN-821 / 2023-CVR-821 / 2023-CPL-821 Preliminary Plat



2023-CZN-821 / 2023-CVR-821 / 2023-CPL-821 Site Photos



View from driveway on 75th Street, looking north



View of driveway from 75th Street, looking south



View of shared driveway for lots 4359 and 4361 East 75th Street, looking east



Proposed Lot Two to be developed, looking west



Proposed property line for Lots One and Two, proposed driveway location, looking north



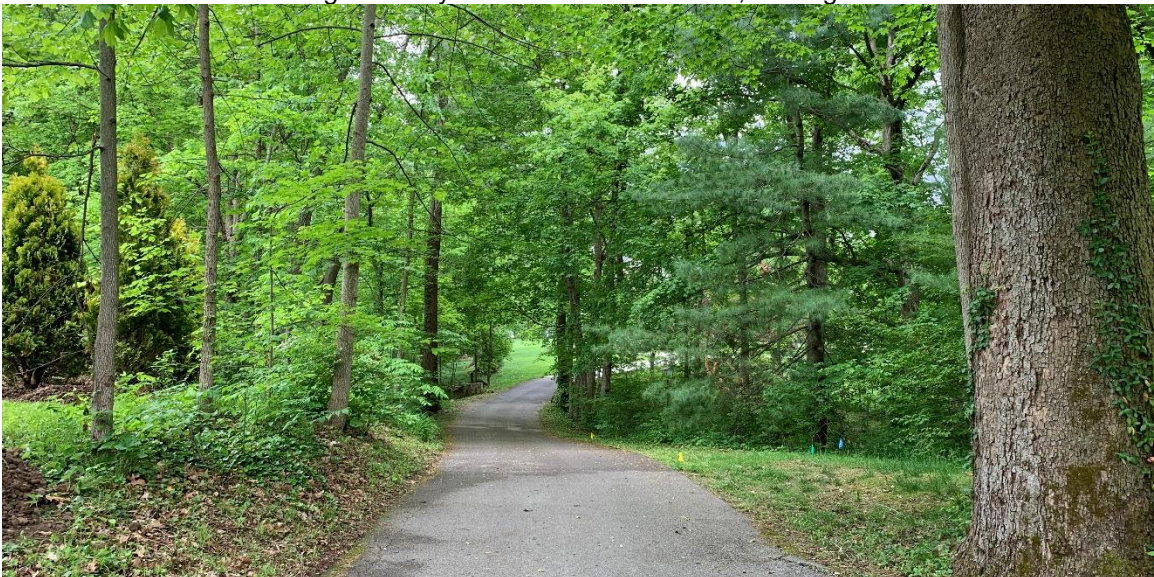
Proposed south side yard, looking south



4361 East 75th Street, looking east



Existing driveway to 4361 East 75th Street, looking south



Existing driveway to 4359 East 75th Street, looking west

STAFF REPORT

Department of Metropolitan Development Division of Planning Current Planning Section

Case Number: 2023-CZN-825 / 2023-CAP-825
Address: 1940 Forest Manor Avenue (*Approximate Address*)
Location: Center Township, Council District #17
Petitioner: City of Indianapolis, Department of Parks and Recreation, by Jason Larrison
Request: Rezoning of 12.77 acres from the D-5 (FW) (FF) and I-3 (FW) (FF) districts to the PK-1 (FW) (FF) district to provide for park uses. Park District One Approval to provide for new playground equipment, play surface, walkways and parking.

RECOMMENDATION

Staff **recommends approval** of these requests.

SUMMARY OF ISSUES

The following issues were considered in formulating the recommendation:

LAND USE

- ◇ This site was platted as part of Vajen's 6th Subdivision in 1871. Historic mapping indicates that the current site of Forest Manor Park has never been developed. Historic aerial imagery suggests it was a public green space until officially established as a park in 1937. Youth baseball has been a part of the park since the 1950's and remains the primary public use there. The current playground was added in the late 1990's.
- ◇ The 2018 Comprehensive Land Use Plan recommends Large-Scale Park for the subject site.

ZONING

- ◇ Given the site's history of use and the character of the surrounding uses, staff supports the rezoning.

GENERAL INFORMATION

EXISTING ZONING, CONTEXT AREA, AND LAND USE

D-5 / I-3

Compact

Park

(Continued)

STAFF REPORT 2023-CZN-825 / 2023-CAP-825 (Continued)**SURROUNDING ZONING AND LAND USE**

North	D-5	Single-family dwellings
South	I-3 / D-5	Industrial / Single-family dwellings
East	D-5	Single-family dwellings
West	I-3 / SU-9	Industrial / Marion County Mosquito Control

COMPREHENSIVE LAND USE PLAN The Comprehensive Land Use Plan for Indianapolis and Marion County (2018) recommends large-scale park development.

THOROUGHFARE PLAN 19th Street is classified in the Official Thoroughfare Plan for Marion County, Indiana as a local street, with a 25-foot existing right-of-way and a 48-foot proposed right-of-way. Forest Manor Avenue is classified in the Official Thoroughfare Plan for Marion County, Indiana as a Local Street, with a 25-foot existing right-of-way and a 48-foot proposed right-of-way. Sherman Drive is classified in the Official Thoroughfare Plan for Marion County, Indiana as a primary arterial, with a 75-foot existing right-of-way, and a 48-foot proposed right-of-way and an 88-foot proposed right-of-way.

FLOODWAY / FLOODWAY FRINGE Portions of this site are located within a floodway or floodway fringe. All work related to this project will be performed outside of those flood zones.

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

ZONING HISTORY – SITE

None.

ZONING HISTORY – VICINITY

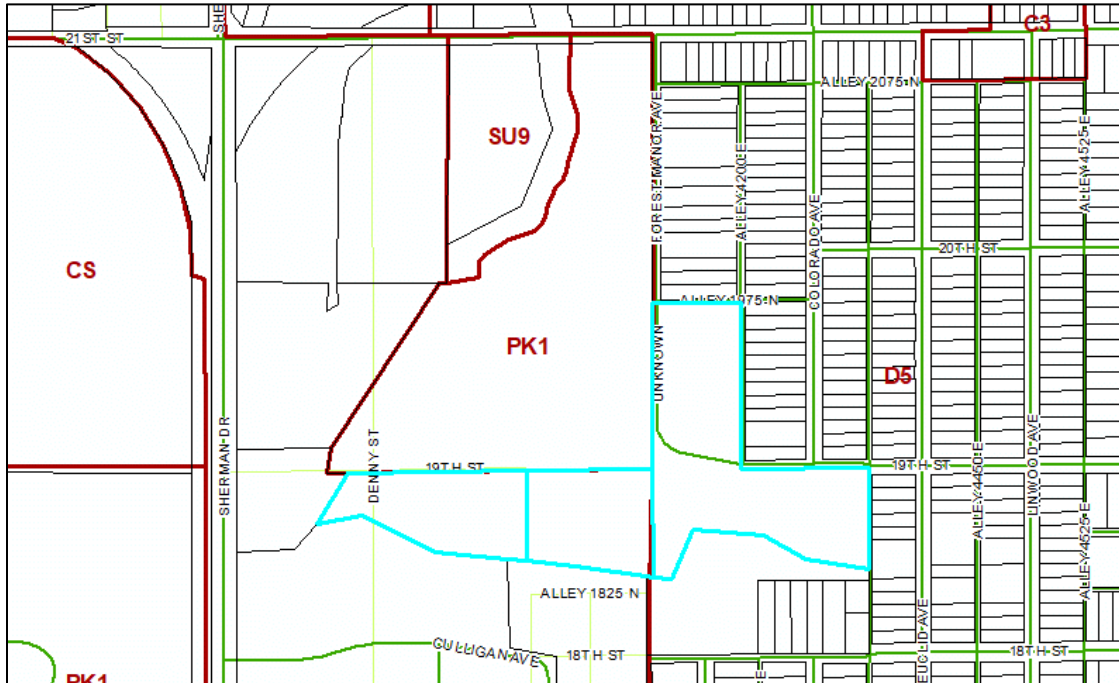
2022-ZON-028, 4020 E. 21st St (north of site), rezoning of .75 acres from D-5 to I-3, **denied**.

2018-ZON-055, 2005 North Sherman Drive (west of site), rezoning of 5.22 acres from the SU-16 district to the I-3 district, **approved**.

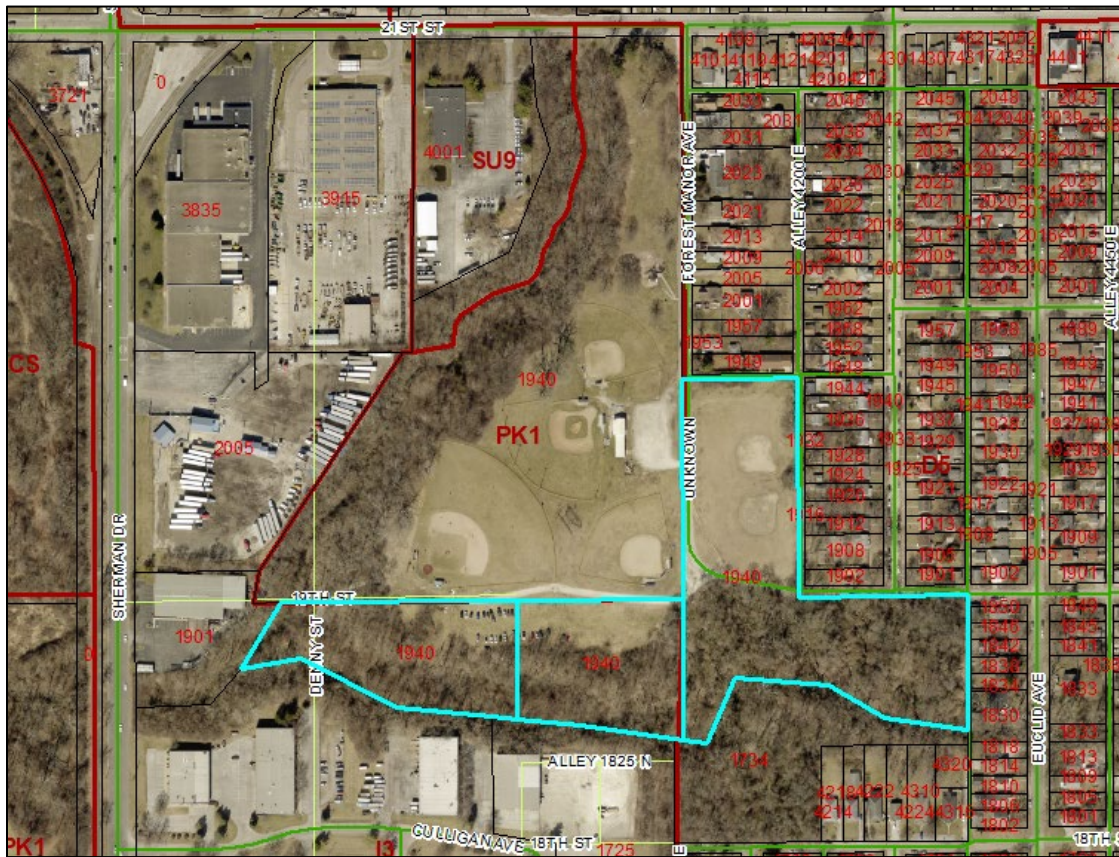
2002-ZON-166, 3500 East 20th Street (west of site), rezoning of 30 acres from the I-3-U district to the C-S district for commercial and industrial uses, **approved**.

BB

STAFF REPORT 2023-CZN-825 / 2023-CAP-825, Location map

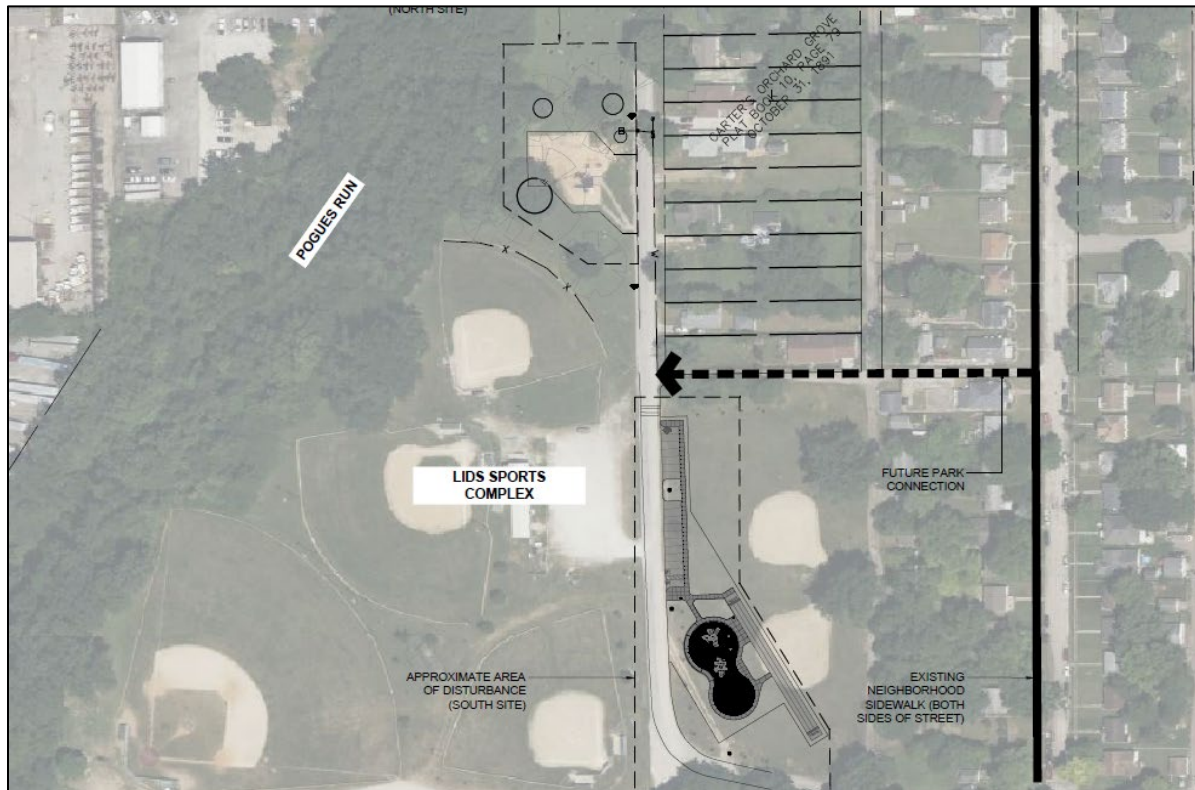


STAFF REPORT 2023-CZN-825 / 2023-CAP-825, Aerial photograph (2022)



(Continued)

STAFF REPORT 2023-CZN-825 / 2023-CAP-825, Site Plan



STAFF REPORT 2023-CZN-825 / 2023-CAP-825, Photographs



View of the site from the south

(Continued)

STAFF REPORT 2023-CZN-825 / 2023-CAP-825, Photographs (continued)



View of existing playground



View of site from north

STAFF REPORT

Department of Metropolitan Development Division of Planning Current Planning Section

Case Number: 2023-CZN-827 / 2023-CVR-827 (Amended)
Address: 6209 East Edgewood Avenue (approximate address)
Location: Franklin Township, Council District #25
Zoning: D-A
Petitioner: Salina and Jaime Hernandez, by David Gilman
Request: Rezoning of 4.83 acres from the D-A district to the D-1 district.
 Variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for the future subdivision of a parcel into two lots, with future Lot Two maintaining a 25-foot street frontage and lot width (minimum 45-foot street frontage, minimum 90-foot lot width required).

RECOMMENDATIONS

Staff **recommends approval** of this request.

SUMMARY OF ISSUES

The following issues were considered in formulating the recommendation:

LAND USE

- ◇ The subject site is an approximately 4.83-acre lot in the D-A district, and it is developed with a single-family dwelling and accessory building.
- ◇ The neighboring properties west of site also include two flag lots. There is an existing single-family dwelling, 6001 East Edgewood Avenue, located directly behind the dwelling on the subject site.

REZONING

- ◇ This petition would rezone this site from the D-A district to the D-1 district. The D-1 district has a typical density of 0.9 units per acre, and a minimum lot area of 24,000 square feet and minimum lot width of 90 feet.
- ◇ The comprehensive plan recommends Suburban Neighborhood development, which has a density of one to five units per acre. The D-1 district would be appropriate for this location.

VARIANCE OF DEVELOPMENT STANDARDS

- ◇ This request would provide the future subdivision of a parcel into two lots, with future Lot Two maintaining a 25-foot street frontage and lot width.

(Continued)

STAFF REPORT 2023-CZN-827 / 2023-CVR-827 (Continued)

- ◇ The subject site is developed with a single-family dwelling and accessory building. This petition would allow for a future subdivision of this property. Proposed Lot One would contain the existing structures, and be .81-acre and 100.5 feet of frontage. The proposed D-1 district has a minimum lot area of 24,000 square feet and a minimum frontage of 45 feet.
- ◇ Proposed Lot Two would have 25 feet of frontage and lot width where a 45-foot frontage and 90-foot lot width is required. Approval of this petition would create a flag lot, where a narrow strip of land meets the street frontage, and the proposed dwelling would be located behind two other dwellings as shown on the aerial map. Although staff does not typically support creation of flag lots, the development proposed would fit the proposed zoning district and development patterns in this area. Therefore, staff is not opposed to the request.

GENERAL INFORMATION**EXISTING ZONING AND LAND USE**

D-A	Metro	Single-Family residential
-----	-------	---------------------------

SURROUNDING ZONING AND LAND USE

North	D-3	Single-Family residential
South	D-3	Single-Family residential
East	D-A	Single-Family residential
West	D-A	Single-Family residential

COMPREHENSIVE PLAN

The Comprehensive Plan recommends Suburban Neighborhood development with the Environmentally Sensitive Overlay

THOROUGHFARE PLAN

Edgewood Avenue is classified in the Official Thoroughfare Plan for Marion County, Indiana as a local street, with an 84-foot existing and proposed right-of-way.

SITE PLAN

File-dated May 9, 2023

FINDINGS OF FACT

File-dated May 9, 2023

ZONING HISTORY – VICINITY

2018-PLT-021, 6231 South Arlington Avenue, Approval of a Subdivision Plat to be known as Buck Creek Woods, Section Three, subdividing 17.1 acres into 33 lots.

2014-PLT-004, 6295 South Arlington Avenue, Approval of a Subdivision Plat to be known as Buck Creek Woods, Section Three, dividing 33.51 acres into 53 lots.

2008-PLT-012, 6124 Buck Boulevard, Approval of a Subdivision Plat to be known as Buck Creek Woods, Section Three, dividing 17 acres into 45 lots.

99-V2-136, 6234 East Edgewood Avenue, variance to legally establish a single-family dwelling with two outbuildings, on a 2.62-acre lot, and with 245 feet of lot width at the required setback line along Edgewood Avenue, **approved**.

(Continued)

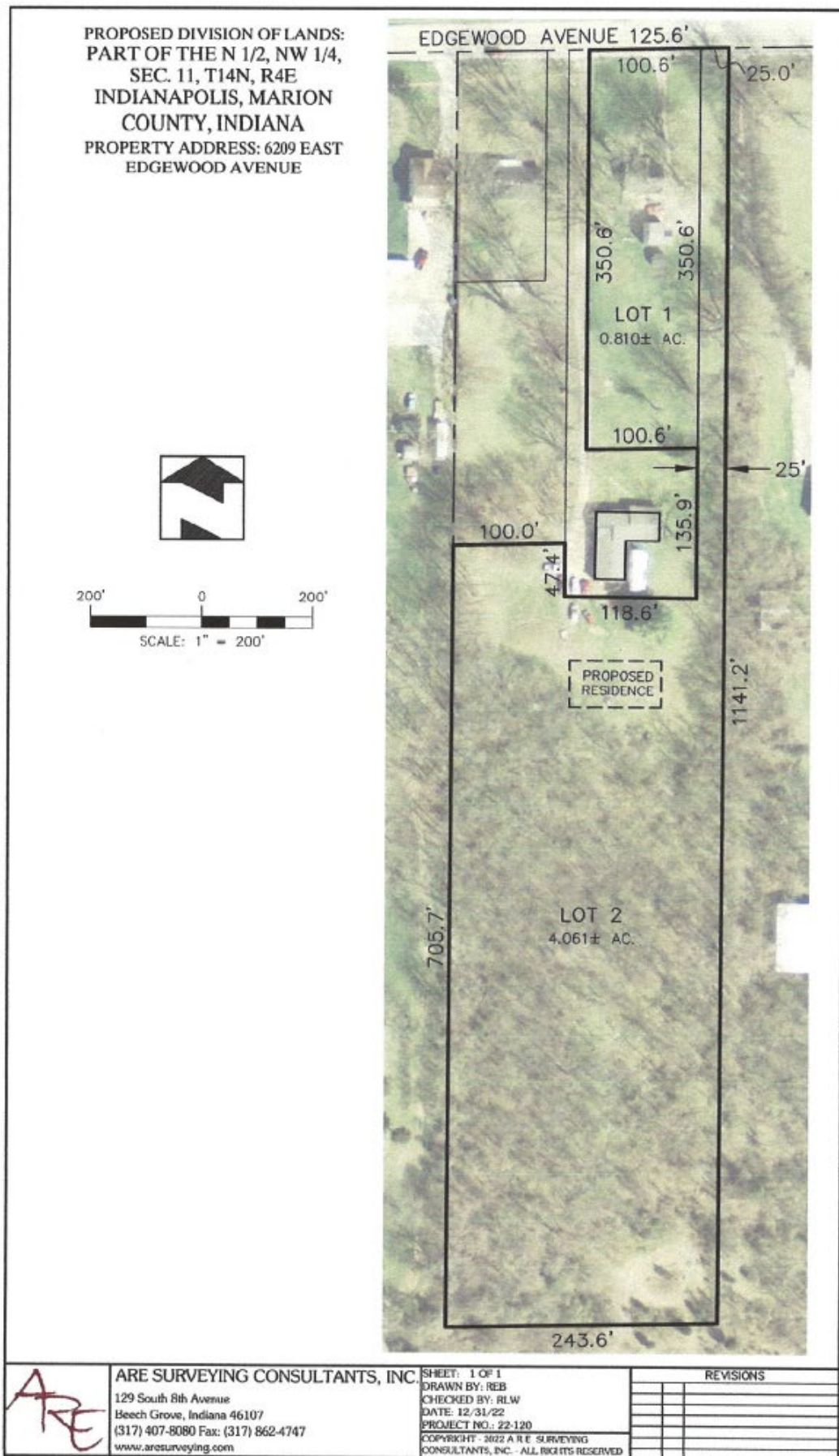
STAFF REPORT 2023-CZN-827 / 2023-CVR-827 (Continued)

95-Z-186, 6231 South Arlington Avenue, rezoning of 4.48 acres from the D-A district to the D-3 district, **approved**.

92-Z-105, 6200 East Edgewood Avenue, rezoning of 30.48 acres from the D-A district to the D-3 district, **approved**.

AR

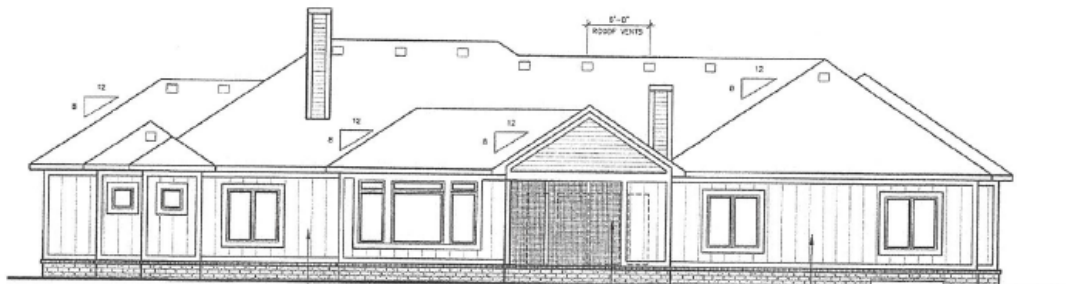
2023-DV1-012; Aerial Map





FRONT ELEVATION

SCALE: 1/8"=1'-0" (11x17 PRINTS)
SCALE: 1/4"=1'-0" (24x36 PRINTS)



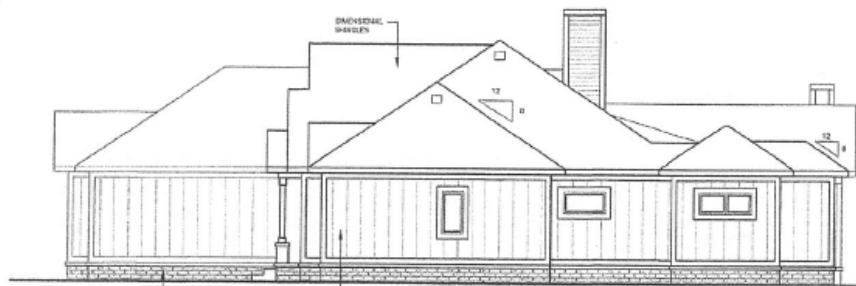
REAR ELEVATION

SCALE: 1/8"=1'-0" (11x17 PRINTS)
SCALE: 1/4"=1'-0" (24x36 PRINTS)



LEFT ELEVATION

SCALE: 1/8"=1'-0" (11x17 PRINTS)
SCALE: 1/4"=1'-0" (24x36 PRINTS)



RIGHT ELEVATION

SCALE: 1/8"=1'-0" (11x17 PRINTS)
SCALE: 1/4"=1'-0" (24x36 PRINTS)

PALLADIAN
ARCHITECTURAL
SERVICES, INC.
INDIANAPOLIS
6155 GULF DR. RD.
(317) 852-6483
LAFAYETTE
401 SOUTH EARL AVE.
(765) 471-7472
PalladianArchitect.com

PLAN NUMBER
22-008
DRAWN BY
MSHrader
DATE
3/30/22

NORTH
ARROWS INC.
NORTH EASTON/INDIANA
100 SOUTH HERRICK ST.
LAFAYETTE, INDIANA 46905

ELEVATIONS
THE HERNANDEZ RESIDENCE

REVIEW
SET
NOT FOR
CONSTRUCTION
3/30/22

SHEET 03
2

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SHEET 04
3

2023-DV1-012; Findings of Fact

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

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

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

The lots will have separate drives clearly marked with addresses. The proposed home will be constructed to meet the applicable residential building code and the site will have proper drainage and adequate utility services.

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

The adjacent parcels are subdivided in a similar manner and the use will be for single family residential.

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

The existing lot has a unique property configuration and the rear portion of the lot is well suited for a second residence. Each lot will be platted and well maintained and serve the community with a second tax base.



Subject site proposed Lot One front yard, facing north



Existing single-family dwelling and accessory building, proposed Lot One



Subject site shown left, driveway for existing house at 6201 Edgewood Avenue, south of existing house



Subject site shown right. East of site shown left.



Existing dwelling at 6201 Edgewood Avenue, south of proposed Lot One



Existing house south of proposed Lot One



Existing house south of proposed Lot One



Existing front building line for house south of proposed Lot One



Proposed Lot Two



Proposed Lot Two, approximate distance from Edgewood Avenue, looking north



Proposed Lot Two, approximate location of proposed dwelling, facing west



Proposed Lot Two rear yard, looking south

STAFF REPORT

Item 21.

Department of Metropolitan Development Division of Planning Current Planning Section

Case Number: 2023-ZON-021
Address: 3449 South Harding Street (*Approximate Address*)
Location: Perry Township, Council District #20
Petitioner: RIARS, LLC, by David Gilman
Request: Rezoning of 0.75 acre from the D-4 (FF) district to the C-3 (FF) district to provide for retail sales of accessories and parts for semi-tractors and trailers.

The Hearing Examiner acknowledged the timely automatic continuance filed by a registered neighborhood organization that continued this petition from the April 13, 2023 hearing, to the May 11, 2023 hearing.

The Hearing Examiner continued this petition from the May 11, 2023 hearing, to the June 15, 2023 hearing, at the joint request of petitioner's representative and the registered neighborhood organization.

RECOMMENDATIONS

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

1. The site and improved areas within the site shall be maintained in a reasonably neat and orderly manner during and after development of the site with appropriate areas and containers / receptables provided for the proper disposal of trash and other waste.
2. The following improvements shall be completed prior to the opening and operation of the proposed commercial uses: the parking areas shall be paved and striped; landscaping shall be installed; and the six-foot tall privacy fence along the northern and eastern site boundaries shall be installed.

SUMMARY OF ISSUES

The following issues were considered in formulating the recommendation:

LAND USE

- ◇ This 0.75-acre site, zoned D-4 (FF), is developed with commercial structures (currently vacant). It is surrounded by a single-family dwelling to the north and east, zoned D-4; single-family dwellings to the south, across Sumner Avenue, zoned D-4; and industrial uses to the west, across South Harding Street, zoned, I-4.

(Continued)

- ◇ Aerial photography from 1937 appears to depict a commercial building on the corner with single-family dwelling to the north. By 1941, a single-family dwelling was constructed on the northern portion of the site. Additions to the commercial building in the 1960s and 70s connected the original commercial structure to the southern dwelling along with extensions to the east.
- ◇ Petition 89-UV1-117 provided for indoor storage of supplies. Petition 2021-ZON-066 requested development of the fueling station and convenience store. This request was denied.

REZONING

- ◇ This request would rezone the site from the D-4 (FF) District to the C-3 (FF) classification. “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 traditional neighborhood typology. “The Traditional Neighborhood typology includes a full spectrum of housing types, ranging from single family homes to large-scale multifamily housing. The development pattern of this typology should be compact and well-connected, with access to individual parcels by an alley when practical. Building form should promote the social connectivity of the neighborhood, with clearly defined public, semi-public, and private spaces. Infill development should continue the existing visual pattern, rhythm, or orientation of surrounding buildings when possible. A wide range of neighborhood serving businesses, institutions, and amenities should be present. Ideally, most daily needs are within walking distance. This typology usually has a residential density of 5 to 15 dwelling units per acre, but a higher density is recommended if the development is within a quarter mile of a frequent transit line, greenway, or park.”
- ◇ The Pattern Book lays out a land use classification system that guides the orderly development of the county, protects the character of neighborhoods and serves as a policy guide for development or redevelopment of a site.

(Continued)

- ◇ The following elements of the Pattern Book apply to this site:

Conditions for All Land Use Types

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

Small-Scale Offices, Retailing, and Personal or Professional Services

- If proposed within one-half mile along an adjoining street of an existing or approved residential development, then connecting, continuous pedestrian infrastructure between the proposed site and the residential development (sidewalk, greenway, or off-street path) should be in place or provided.
- Should be located at intersections and limited to an aggregate of 1 acre per intersection.
- Should be limited to areas and parcels with adequate space for required screening and buffering.
- Automotive uses (such as gas stations and auto repair) and uses requiring a distance of separation of greater than 20 feet under the zoning ordinance (such as liquor stores, adult uses, and drive-through lanes) are excluded.
- Should not include outdoor display of merchandise.
- Lots should be no larger than one and a half times the adjacent lots.

Overlays

- ◇ This site is located within an overlay, specifically the Environmentally Sensitive overlay (ES). “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 Environmentally Sensitive Areas (ES) Overlay is intended for areas containing high quality woodlands, wetlands, or other natural resources that should be protected. The purpose of this overlay is to prevent or mitigate potential damage to these resources caused by development. This overlay is also appropriate for areas that present an opportunity to create a new environmental asset. This overlay is not intended for the preservation of open space.
- ◇ The entire site is located within the 100-year floodplain of Highland Creek

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.

(Continued)

- ◇ 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-4 in this request) are permitted, subject to certain development standards of the Flood Control Secondary Zoning Districts Ordinance.
- ◇ Staff would note, except for a small portion of the access drive along Ruth Drive, the entire site lies within the 100-year floodplain.
- ◇ Staff would also note the following uses are prohibited in the floodplain:
 - a. Jails;
 - b. Hospitals;
 - c. Assisted living facilities;
 - d. Nursing homes;
 - e. Laboratories;
 - f. Elementary, Middle or High Schools;
 - g. Daycare facilities;
 - h. Fire stations;
 - i. Emergency operation centers;
 - j. Police facilities;
 - k. Truck, train, or bus terminal, storage or maintenance facility;
 - l. Wrecking or salvage facility;
 - m. Gas, oil or propane storage facility;
 - n. Industrial laundry;
 - o. Hazardous waste handling or storage facility; and
 - p. Other public equipment storage facilities.

Environmental Public Nuisances

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

(Continued)

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

Planning Analysis

- ◇ As proposed, the request would be consistent with the Comprehensive Plan recommendation of traditional neighborhood, specifically small-scale retailing that is further defined as light general retail.
- ◇ Staff would also note that this site has historically been used commercially since the mid-1900’s. The proposed commercial use would be a similar historical land use with minimal impact on the surrounding land uses.
- ◇ Staff understands that the existing structure would remain, with site improvements that would include parking lot paving, / striping, installation of landscaping and installation of a six-foot tall privacy fence along the northern and eastern site boundaries abutting the residential neighborhood. The petitioner’s representative has agreed that these improvements would be completed prior to the opening of the business.

GENERAL INFORMATION

EXISTING ZONING AND LAND USE

D-4 Commercial uses (vacant)

SURROUNDING ZONING AND LAND USE

North -	D-4	Single-family dwelling
South -	D-4	Single-family dwelling
East -	D-4	Single-family dwelling
West -	I-4	Industrial uses

COMPREHENSIVE PLAN

The Comprehensive Land Use Plan for Indianapolis and Marion County (2018) recommends traditional neighborhood typology.
Marion County Land Use Pattern Book (2019).

(Continued)

THOROUGHFARE PLAN	<p>This portion of South Harding Street is designated in the Marion County Thoroughfare Plan as a primary arterial, with an existing 85-foot right-of-way and a proposed 102-foot right-of-way.</p> <p>This portion of Sumner Avenue is designated in the Marion County Thoroughfare Plan as a primary collector, with an existing 75-foot right-of-way and a proposed 80-foot right-of-way.</p>
CONTEXT AREA	This site is located within the metro context area.
OVERLAY	This site is located within an environmentally sensitive overlay.
SITE PLAN	File-dated March 28, 2023

ZONING HISTORY

2021-ZON-066; 3449 South Harding Street, requested rezoning of 0.75 acre from the D-4 (FF) district to the C-S (FF) district to provide for a convenience store and gasoline station, **denied**.

89-UV1-117; 3448 South Harding Street, requested a variance of use to provide for indoor storage of supplies, **approved**.

VICINITY

2016-UV1-011; 3512 South Harding Street (southwest of site), requested a variance of use to provide for a construction business and the indoor parking and storage of construction vehicles, **approved**.

2005-ZON-016; 1309 West Sumner Avenue (southeast of site), requested the rezoning of 1.7 acres from the D-4 district to the C-S district to provide for truck and trailer sales and storage, **withdrawn**.

2004-ZON-032; 3515 South Harding Street (south of site), requested the rezoning of 0.8 acre from the D-4 district to the I-2-S district, **approved**.

97-Z-172; 3512 South Harding Street (southwest of site), requested the rezoning of 1 acre from the C-3 district to the C-ID district, **withdrawn**.

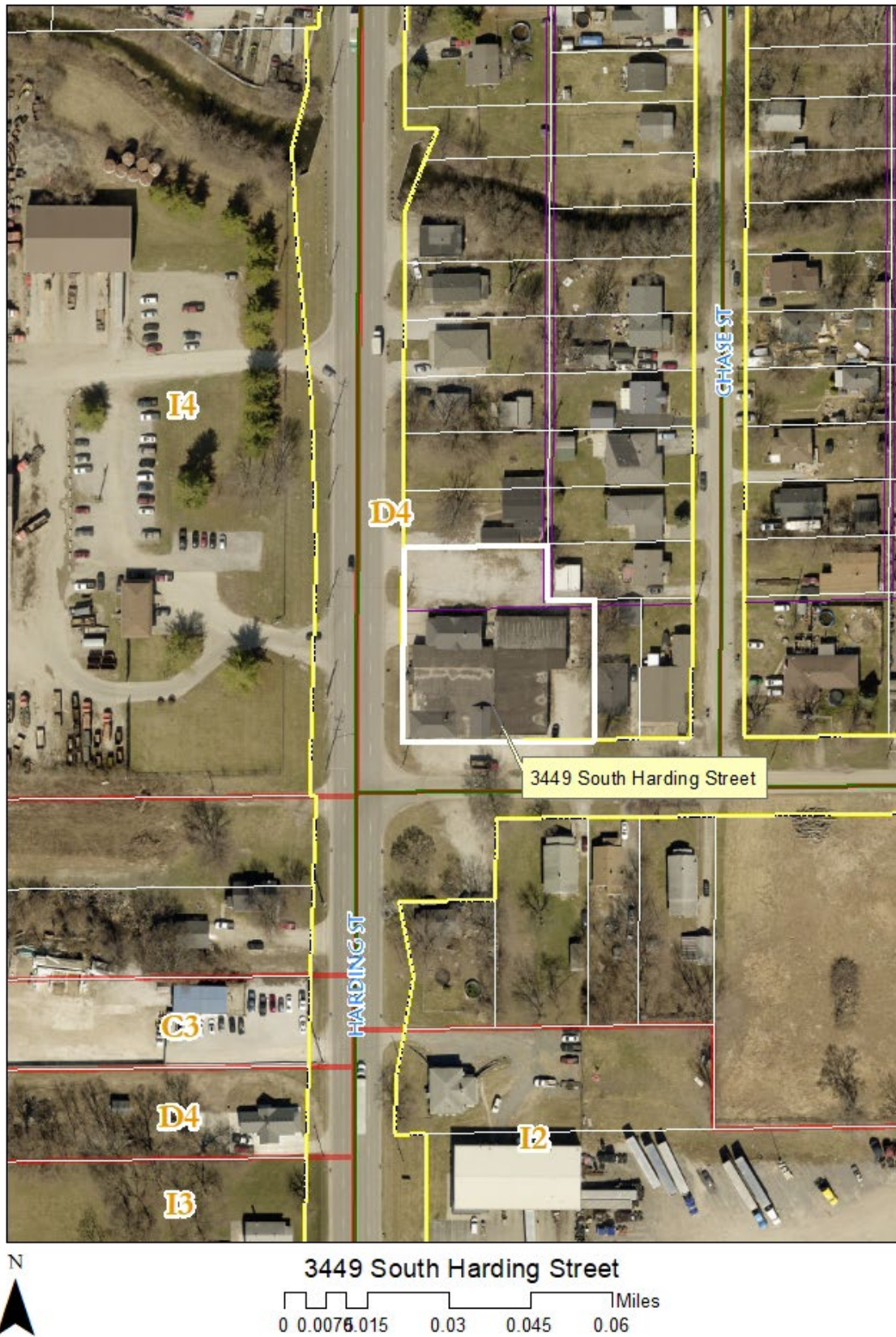
95-UV1-77; 3501 South Harding Street (south of site), requested a variance of use to provide for a garage addition for indoor storage of equipment and supplies for a legally established, non-conforming window sales and contracting business, **approved**.

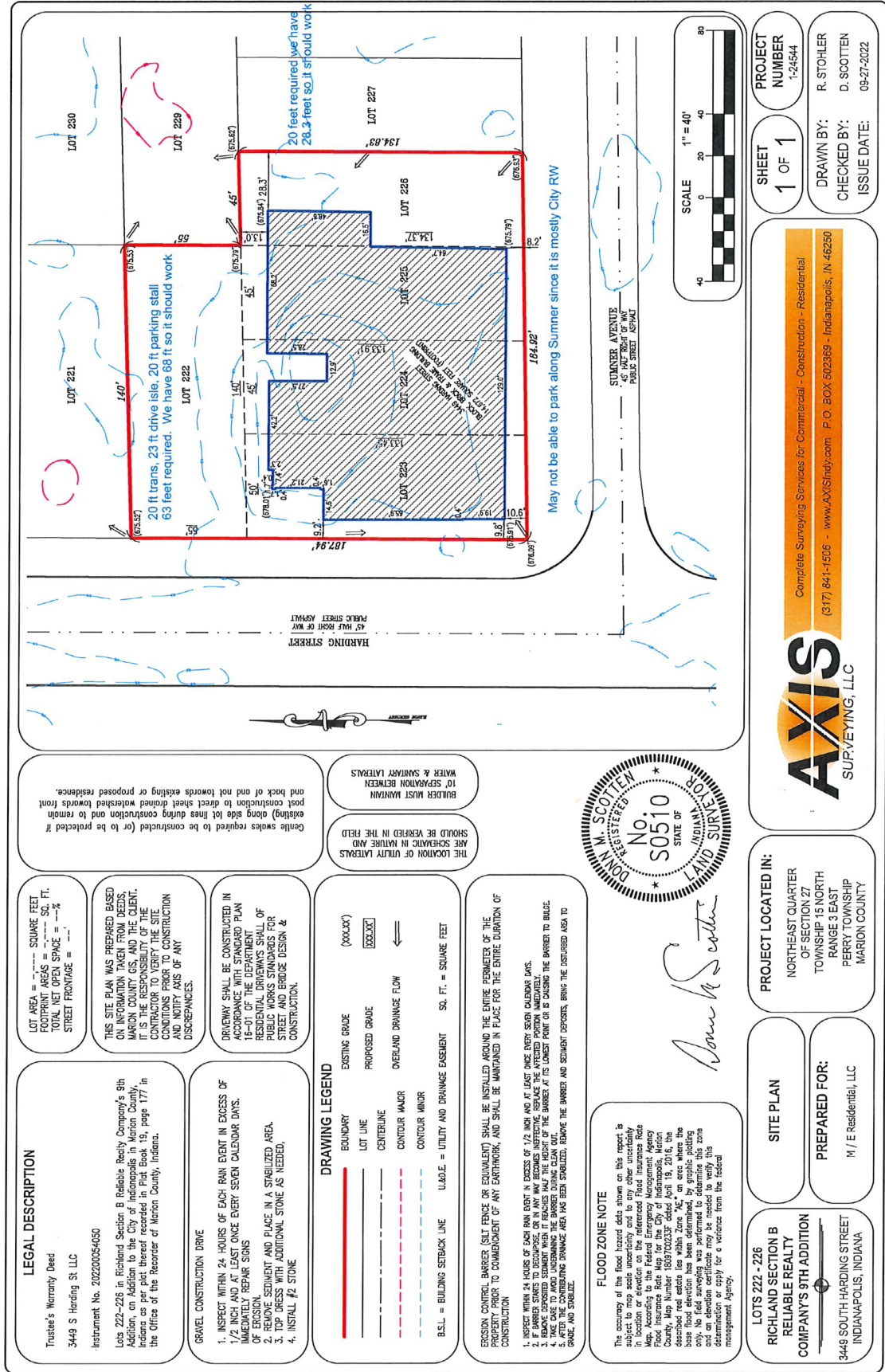
(Continued)

88-Z-202; 3519 South Harding Street (south of site), requested the rezoning of 2.5 acres from the D-4 district to the I-2-S district, **approved**.

86-Z-182; 3402 South Harding Street (west of site), requested the rezoning of 13.67 acres from the 1-4-S district to the I-5-S district, **withdrawn**.

kb







View looking south along South Harding Street



View looking north along South Harding Street



View of site looking east across South Harding Avenue



View of site looking northeast across South Harding Street



View of site looking east



View of site looking south



View of site looking north across West Sumner Avenue



View of site looking north across West Sumner Avenue



View of site and abutting dwelling to the east looking north across West Sumner Avenue

STAFF REPORT

Item 22.

Department of Metropolitan Development Division of Planning Current Planning Section

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

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

RECOMMENDATIONS

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

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

SUMMARY OF ISSUES

The following issues were considered in formulating the recommendation:

LAND USE

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

(Continued)

REZONING

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

Heavy Commercial Uses

- Should be located along an arterial or collector streets

Environmental Public Nuisances

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

(Continued)

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

Department of Public Works

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

Planning Analysis

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

GENERAL INFORMATION

EXISTING ZONING AND LAND USE

I-3 Industrial uses (vacant)

SURROUNDING ZONING AND LAND USE

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

(Continued)

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

THOROUGHFARE PLAN This portion of Brookville Road is designated in the Marion County Thoroughfare Plan as a primary arterial, with an existing 105-foot right-of-way and a proposed 112-foot right-of-way.

 This portion of South Kitley Avenue is designated in the Marion County Thoroughfare Plan as a primary collector, with an existing 70-foot right-of-way and a proposed 80-foot right-of-way

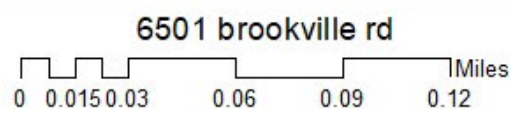
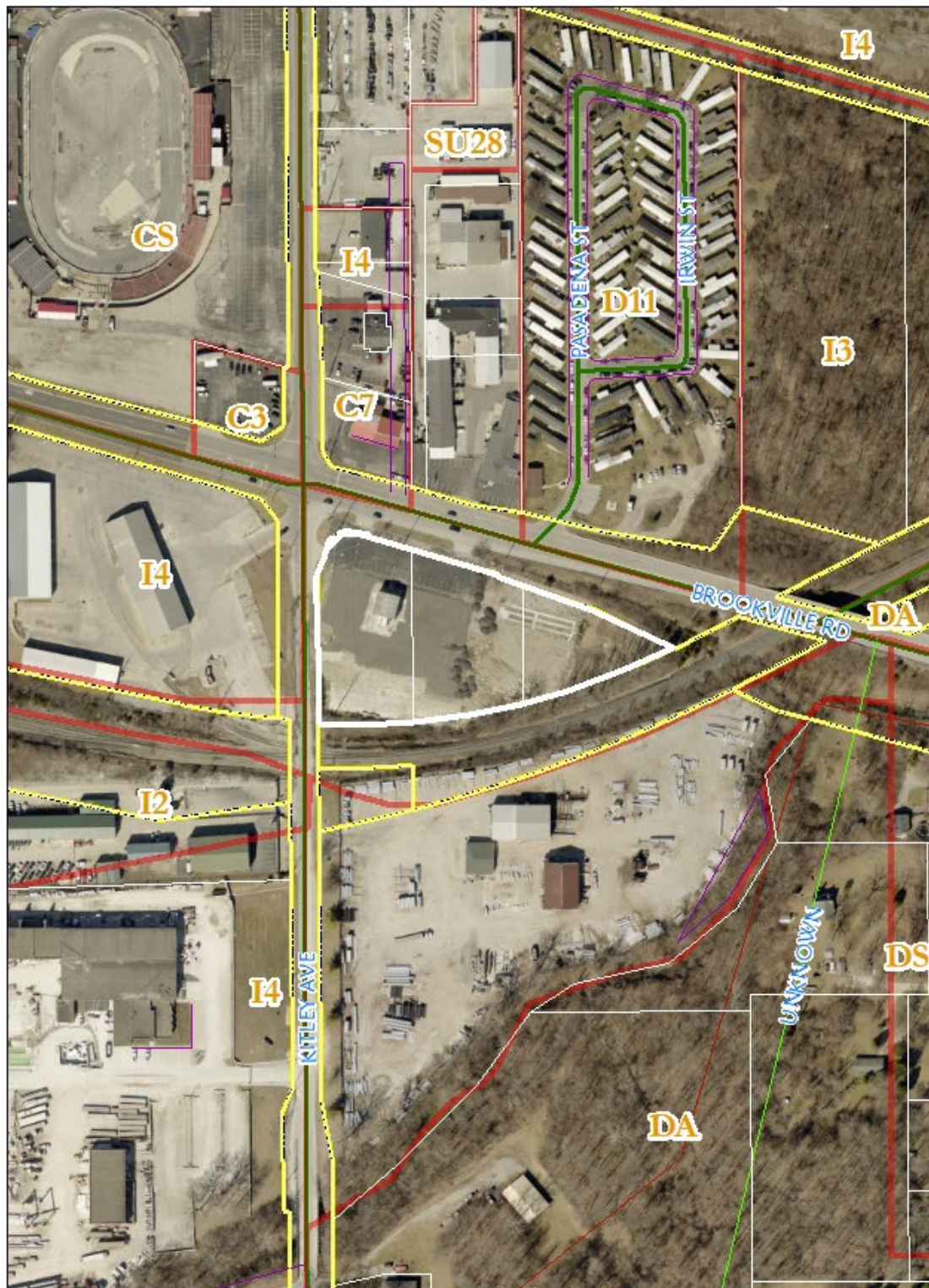
CONTEXT AREA This site is located within the metro context area.

OVERLAY There is no overlay for this site.

ZONING HISTORY

None.

kb





View looking west along Brookville Road



View looking east along Brookville Road



View looking north along South Kitley Avenue



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



View of site looking southeast across Brookville Road



View of site looking south across Brookville Road



View of site looking south across Brookville Road



View of site looking east across South Kitley Avenue



View of site looking east across South Kitley Avenue



View of site looking east across South Kitley Avenue



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

STAFF REPORT

Item 23.

Department of Metropolitan Development Division of Planning Current Planning Section

Case Number: 2023-CAP-819 / 2023-CVR-819
Address: 2801 South Pennsylvania Street (*Approximate Address*)
Location: Center Township, Council District #16
Petitioner: 2801 S Pennsylvania LLC, by Jason E. Burk
Zoning: D-8
Requests: Modification of Commitments related to 2019-ZON-086, modifying Commitment Four to reduce the amount of required parking to 1.75 spaces per residential unit, from two spaces per unit, and Commitment Ten to allow for additional lighting elements and height placement.

Variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for parking areas up to 583 feet wide within the front yards of the subject site, depending on final site plan (parking areas within front yard limited to 30-foot widths).

ADDENDUM FOR JUNE 15, 2023, HEARING EXAMINER

The Hearing Examiner continued these petitions from the May 25, 2023 hearing, to the June 15, 2023 hearing, to provide time for the petitioner's representative to clarify the parking.

An updated site plan was submitted that provides for 14 parking spaces along South Pennsylvania Street and 15 parking spaces along Yoke Street, along with a parking lot on the southern portion of the site.

May 25, 2023

The Hearing Examiner continued these petitions from the May 11, 2023 hearing, to the May 25, 2023 hearing, at the request of staff to provide additional time to clarify rights-of-way.

RECOMMENDATIONS

Staff has **no recommendation** for the modification of commitments.

Staff would, however, request 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 25-foot half right-of-way shall be dedicated along the frontages of Yoke Street and Delaware Street, as per the request of the Department of Public Works (DPW), Engineering Division. Additional easements shall not be granted to third parties within the area to be dedicated as public right-of-way prior to the acceptance of all grants of right-of-way by the DPW. The rights-of-way shall be granted within 60 days of approval and prior to the issuance of an Improvement Location Permit (ILP).
2. The site plan and final elevations shall be submitted for Administrator's Approval prior to the issuance of an Improvement Location Permit (ILP).

(Continued)

Staff **recommends approval** of the variance of the development standard, subject to the commitments above being reduced to writing on the Commission's Exhibit "B" forms at least three days prior to the MDC hearing.

SUMMARY OF ISSUES

The following issues were considered in formulating the recommendation:

LAND USE

- ◇ This 3.91-acre site, zoned D-8, is developed with a three-story brick structure. It was originally constructed as a school and was later converted to office use (Petition 81-Z-88). It is surrounded by single-family dwellings to the north, across Yoke Street; single-family dwellings to the south; single-family dwellings to the east, across Delaware Street; and single-family dwellings to the west, across Pennsylvania Street, all zoned D-5.

MODIFICATION

- ◇ This request would modify commitments related to 2019-ZON-086, modifying Commitment Four to reduce the amount of required parking to 1.75 spaces per residential unit, from two spaces per unit, and Commitment Ten to allow for additional lighting elements and height placement.
- ◇ This request would modify commitments for the Rezoning Petition 2019-ZON-086 (See Exhibit "A"). The commitments relating to the number of parking spaces and lighting elements were originally the result of negotiation between the petitioner and remonstrators during the 2019 rezoning process. Because staff played no role in the negotiation of these subject commitments, staff would ordinarily provide no recommendation under such circumstances. Staff would note, however, that the neighborhood organization negotiated in good faith with the petitioner during the petition process, and their agreement was contingent upon all commitments being included with the rezoning petition.
- ◇ Staff would note that the modifications requested relates to the site plan submitted with the 2019 rezoning (See Exhibit B). The site plan submitted with this modification petition is substantially changed. Consequently, staff would request Administrator Approval of the site plan prior to the issuance of an Improvement Location Permit (ILP).

Department of Public Works

- ◇ The Department of Public Works, Traffic Engineering Section, has requested the dedication and conveyance of 25-foot half rights-of-way along Yoke Street and South Delaware Street. This dedication would also be consistent with the Marion County Thoroughfare Plan.

VARIANCE OF DEVELOPMENT STANDARDS

- ◇ This request would provide for parking areas up to 583 feet wide within the front yards of the subject site, depending on final site plan when the Ordinance limits parking areas in the front yard to 30-foot widths.

(Continued)

- ◇ The grant of a variance of development standards requires a finding that the strict application of the terms of the Ordinance will result in a practical difficulty in the use of the property.
- ◇ Staff believes a practical difficulty exists on this site because of the three public street frontages. Development of the site for multi-family dwellings would be impossible without the grant of this variance.
- ◇ Additionally, this site was rezoned to the D-8 district prior to the current Ordinance update that included the provision related parking in the front yard.
- ◇ Consequently, staff supports the request to provide for parking areas within the front yard that exceeds the 30-foot width.
- ◇ Because of the impact of this development, staff would request Administrator Approval of the elevations prior to the issuance of an Improvement Location Permit to assure that the elevations would be compatible with the existing building and surrounding neighborhood.

GENERAL INFORMATION

EXISTING ZONING AND LAND USE

D-8 Office building (vacant)

SURROUNDING ZONING AND LAND USE

North -	D-5	Single-family dwelling
South -	D-5	Single-family dwelling
East -	D-5	Single-family dwelling
West -	D-5	Single-family dwellings

COMPREHENSIVE PLAN	The Comprehensive Land Use Plan for Indianapolis and Marion County (2018) recommends office commercial typology.
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THOROUGHFARE PLAN	<p>This portion of Pennsylvania Street is designated in the Marion County Thoroughfare Plan as a local street, with an existing 40-foot right-of-way and a proposed 48-foot right-of-way.</p> <p>This portion of Yoke Street is designated in the Marion County Thoroughfare Plan as a local street, with an existing 36-foot right-of-way and a proposed 48-foot right-of-way.</p> <p>This portion of Delaware Street is designated in the Marion County Thoroughfare Plan as a local street, with an existing 24-foot right-of-way and a proposed 48-foot right-of-way.</p>
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CONTEXT AREA	This site in located within the compact context area.
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(Continued)

OVERLAY	There is no overlay for this site.
SITE PLAN	File-dated March 14, 2023
ELEVATIONS	File-dated March 14, 2023
FINDINGS OF FACT	File-dated March 14, 2023

2019-ZON-086, 2801 South Pennsylvania Street, requested rezoning of 3.91 acres from the C-1 district to the D-8 district, **approved**.

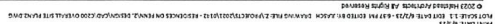
2005-ZON-036; 2801 South Pennsylvania Street, requested rezoning of 4.0 acres from the C-1 District to the SU-7 classification to provide for the development of a women's center housing up to 120 women and children, **withdrawn**.

2004-UV3-006; 2801 South Pennsylvania Street, requested a variance of use of the Commercial Zoning Ordinance to provide for a two-story multi-family dwelling in an existing 13,630 square foot building and to provide for a 27,924-square foot, two-story addition resulting in a total of 35 units, **withdrawn**.

81-Z-889, 2815 South Pennsylvania Street, requested rezoning of 3.91 acres from the SU-2 District to the C-1 classification to provide for office use, **approved**.

kb





A201900125560

12/13/2019 11:36 AM

KATHERINE SWEENEY BELL
MARION COUNTY IN RECORDER

FEE: \$ 35.00

PAGES: 7

By: KS

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 ("Owner"), makes the following COMMITMENTS concerning the use and development of that parcel of real estate:

Legal Description: See Exhibit A attached hereto (the "Real Estate").

STATEMENT OF COMMITMENTS:

1. 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 as Exhibit B and incorporated herein by reference.
2. A 25-foot half right-of way shall be dedicated along the frontage of South Pennsylvania Street, as per the request of the Department of Public Works (DPW), Engineering Division. Additional easements shall not be granted to third parties within the area to be dedicated as public right-of-way prior to the acceptance of all grants of right-of-way by the DPW. The right-of-way shall be granted within 60 days of approval and prior to the issuance of an Improvement Location Permit (ILP).
3. The maximum number of residential units on the Real Estate shall be seventy (70) units.
4. There shall be a minimum of two (2) interior (garage) or exterior parking spaces per residential unit.
5. Each residential unit shall be limited to a studio, one (1) bedroom, two (2) bedrooms, or three (3) bedrooms. A maximum of ten (10) units may contain three (3) bedrooms.
6. The occupancy ratio of any residential unit shall not exceed 3:1 (i.e. three (3) adults (persons over the age of eighteen (18) years old) to one (1) residential unit).
7. All leases for residential units must be for a term of at least six (6) months unless preceded by a term of at least six (6) months for the same resident (i.e. a lease renewal term may be for a duration less than six (6) months, so long as the original lease term was for at least six (6) months). None of the apartment units on the Real Estate shall be used for short term lodging (e.g. Airbnb).
8. All leases for residential units shall be developed, marketed, leased and maintained as full "market rate" units.

Metropolitan Development

NOV 14 2019

Division of Planning

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KS (7)

9. A six-foot (6') high black, decorative wrought iron-type ornamental fence or a six-foot (6') high cedar wood plank fence shall be constructed, maintained and repaired around the pool and playground areas.
10. There shall be no overhead pole lighting along the property lines of the Real Estate, except for street lighting provided by or required by the City of Indianapolis. There shall be no floodlights or other exterior lighting other than ground level landscape lighting or foot lighting near ground level along the property lines of the Real Estate; provided that each unit along such area may have up to two (2) coach lights on the front elevation of these units. Except for wall-mounted "down" lights located on balconies, any overhead pole lighting or coach lights within the development shall not be more than eight feet (8') tall or attached to any structure more than eight feet (8') off the ground. In order to reduce light spillage, all lighting in the development shall include shields, deflectors, or other reasonably sufficient measures to ensure that light generated by the development is directed downward.
11. Owner shall maintain all improvements on the Real Estate in a manner that complies with the following requirements:
 - A. The roof of all buildings shall be (i) inspected not less than once every five (5) years by a qualified roofing contractor, and (ii) replaced when determined necessary by such roofing contractor; provided, however, any twenty-five (25) year roofs installed on any townhomes on the Real Estate need only be inspected once every ten (10) years by a qualified roofing contractor. Any damage to a roof shall be repaired as soon as reasonably possible. If metal roofing materials are used and discoloration of portions of any roof occurs that are visible from the boundary of the Real Estate, actions will be taken in a timely manner to ensure the discoloration is corrected.
 - B. All painted surfaces on all buildings shall be repainted not less than once every ten (10) years. Areas of peeling paint that exceed ten (10) square feet shall be repainted as soon as reasonably possible.
 - C. All grass areas shall be mowed such that the height of the grass does not exceed two and a half inches (2 ½").
 - D. Sidewalks shall be kept reasonably clean of snow and ice, and interior streets shall be plowed after any snow event that exceeds two inches (2") in depth.
 - E. The Real Estate shall be kept reasonably free of trash and rubbish, and Owner shall cause the entirety of the Real Estate to be inspected for trash and rubbish not less than once per week.
 - F. All trash, garbage and refuse stored outside any building shall be stored in covered receptacles and screened from view.

In the event any of the above maintenance requirements are not met or adhered to in a timely manner, any party listed below with the authority to enforce these Commitments may notify Owner, in writing, of such failure. Owner shall then have ten (10) days to correct such failure, subject to delays caused by adverse weather or the availability of necessary equipment, materials, supplies or labor. A cure or correction may take longer than ten (10) days, provided such cure or correction is timely commenced and completed with reasonable diligence. If Owner disagrees that a failure has occurred or that a maintenance requirement has not been met, it shall notify the party attempting to enforce

this Commitment along with the Department of Code Enforcement or its successor department or agency ("DCE"). Thereafter, the decision of the DCE shall be binding upon both Owner and the party attempting to enforce. If the DCE determines that a failure has occurred or a maintenance requirement not met, Owner shall correct within ten (10) days of such decision as provided herein. If Owner fails to timely correct any maintenance requirement failure, after proper notice and applicable cure period, the enforcing party may, but is not required to, enter onto the Real Estate and perform such maintenance work. Owner shall reimburse the enforcing party for the actual cost of such work within thirty (30) days after receipt of an invoice for such work. Owner shall designate a point of contact to assure timely communications and notices relative to these Commitments.

12. During any construction activities on the Real Estate, vehicular ingress and egress to and from the Real Estate for construction purposes shall be limited to Yoke Street and Pennsylvania Street. No equipment, vehicles, or materials related to the construction on the Real Estate will be permitted on Delaware Street.
13. Upon completion of the construction activity on the Real Estate, vehicular ingress and egress to and from the Real Estate shall be limited to Yoke Street and Pennsylvania Street. Accordingly, no vehicular curb cuts shall be permitted on Delaware Street.
14. In the event of any litigation arising out of these COMMITMENTS, the prevailing party shall be entitled to receive from the other party an amount equal to the prevailing party's costs incurred in such litigation, including, without limitation, the prevailing party's attorneys' fees, costs and disbursements.

These COMMITMENTS shall be binding on 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 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 Exhibit B. 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.

The COMMITMENTS contained in this instrument shall be effective upon the adoption of rezoning petition 2019-ZON-086 by the City-County Council changing the zoning classification of the real estate from the C-1 zoning classification to the D-8 zoning classification; and shall continue in effect for as long as the Real Estate remains zoned to a residential 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. DCE;
3. Owners of all parcels of ground adjoining the Real Estate to a depth of two (2) ownerships, but not exceeding six-hundred-sixty feet (660') 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

Metropolitan Development

NOV 14 2019

Division of Planning

personal notice of the rezoning or approval under the rules in force at the time the commitment was made); and

4. Any person who is aggrieved by a violation of either of the Commitments contained in Commitment #1 (Open Occupancy and Equal Employment Opportunity Commitments).

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 **2019-ZON-086**.

[Remainder of Page Intentionally Left Blank; Signature to Follow.]

Metropolitan Development
NOV 14 2019
Division of Planning

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IN WITNESS WHEREOF, Owner has executed this instrument this 14th day of November, 2019.

TESO DEVELOPMENT GROUP, LLC

By: Harpreet Shauki

Printed: Harpreet Shauki

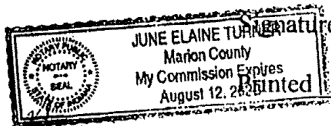
Position: Authorized Signer

STATE OF INDIANA)

COUNTY OF Marion) SS:

Before me, a Notary Public in and for said County and State, personally appeared Harpreet Shauki, the Authorized Signer of Teso Development Group LLC, a(n) LLC, who acknowledged the execution of the foregoing instrument and who, having been duly sworn, stated that any representations therein contained are true.

Witness my hand and Notarial Seal this 14th day of November, 2019.



County of Residence Marion

My Commission Expires: 8/12/2023

My Commission No.: 676552

This instrument was prepared by Kyle T. Resetarits, Esq., BINGHAM GREENEBAUM DOLL LLP, 10 West Market Street, 2700 Market Tower, Indianapolis, Indiana 46204.

I affirm, under penalties for perjury, that I have taken reasonable care to redact each Social Security number in this document, unless required by law. ~ Kyle T. Resetarits, Esq.

Metropolitan Development
NOV 14 2019
Division of Planning

Signature Page to Statement of Commitments

Exhibit A**Legal Description**

Part of Lot 10 in Eliza A. Hoefgen, Etal, Partition, 1st Addition to the City of Indianapolis, as recorded in Land Record UU, Page 613 in the Office of the Recorder of Marion County, Indiana, described as follows:

Beginning at a point 326 feet West of the East line and 188.10 feet South of the North line of said Lot 10; running thence South and parallel to the East line of said Lot 10, 485.90 feet to the South line of said Lot 10; thence West upon and along the South line of said Lot 10, 355 feet to the Southwest corner of said Lot 10; thence North upon and along the West line of said Lot 10, 485.90 feet to a point, said point being 188.10 feet South of the Northwest corner of said Lot 10; thence East and parallel to the North line of said Lot 10, 355 feet to the place of beginning.

Property Address: 2801 South Pennsylvania Street, Indianapolis, Indiana
Tax Id. No.: 1002779 / 49-11-24-119-019.000-101

Metropolitan Development
NOV 14 2019
Division of Planning

Exhibit A to Statement of Commitments

Exhibit B**OPEN OCCUPANCY AND EQUAL EMPLOYMENT OPPORTUNITY COMMITMENT**

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

EXEMPT PERSONS AND EXEMPT ACTIVITIES

An exempt person shall mean the following:

1. With respect to commitments (a) and (b) above:
 - (a) any not-for-profit corporation or association organized exclusively for fraternal or religious purposes;
 - (b) any school, educational, charitable or religious institution owned or conducted by, or affiliated with, a church or religious institution;
 - (c) any exclusively social club, corporation or association that is not organized for profit and is not in fact open to the general public;

provided that no such entity shall be exempt with respect to a housing facility owned and operated by it if such a housing facility is open to the general public;
2. With respect to commitment b, a person who employs fewer than six (6) employees within Marion County.

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

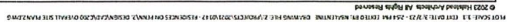
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NOV 14 2019

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Exhibit B to Statement of Commitments

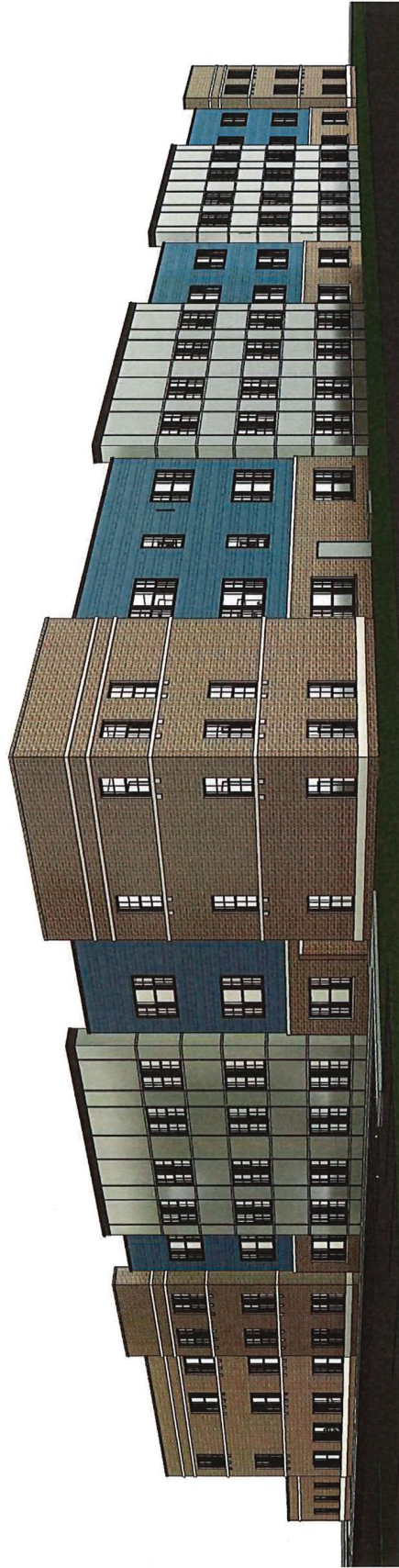




VIEW FROM SOUTHWEST



VIEW FROM SOUTHEAST



RESIDENCES ON PENN

2801 S PENNSYLVANIA ST.
INDIANAPOLIS, IN 46225
03/08/2023 | PROJ #2138

HALSTEADARCHITECTS





View looking east along Yoke Street



View looking west along Yoke Street



View looking east along Berwyn Street



View looking west along Berwyn Street



View of site looking east along Yoke Street



View of site looking south along South Delaware Street



View of site looking south across Yoke Street



View of site looking south from intersection of Yoke Street and South Pennsylvania Street



View of site looking east across South Pennsylvania Street



View of site looking east across South Pennsylvania Street



View of site looking east across South Pennsylvania Street



View of site looking east across South Pennsylvania Street



View of site looking west across South Delaware Street



View of site looking west across South Delaware Street



View of site looking west across South Delaware Street

STAFF REPORT

Department of Metropolitan Development Division of Planning Current Planning Section

Case Number: 2023-CAP-820 / 2023-CVR-820
Address: 6640 Heron Neck Drive (*Approximate Address*)
Location: Perry Township, Council District #20
Petitioner: WTS Inc., by Michael Rabinowitch
Request: Modification of Commitments related to the approval of 2008-ZON-853 terminating Commitments Two and Three and replace them with commitments updating the regulatory site plan, elevations, renderings, and plan of operation.
 Variance of Use and Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for 20-foot side and rear transitional yards (50-foot transitional yards required).

ADDENDUM FOR JUNE 15, 2023, HEARING EXAMINER

Following a presentation by the petitioner's representative, a remonstrator requested a continuance to provide time for further review of the proposal and negotiations with the petitioners. The Hearing Examiner continued the petition from the May 11, 2023 hearing to the June 15, 2023 hearing without notice.

Following the May 11, 2023 hearing an updated site plan was submitted to the file. This site plan accommodates the dedication of right-of-way along Banta Road.

Further investigation of the location of the gas easement in relationship to the property lines of the subject site has been conducted. There is now agreement that the gas easement runs along the eastern edge of the site within the boundaries of the site. This easement reduces the amount of buildable area on the site, although 30 feet of the 50-foot width is also the required front setback for this site. The easement minus the area of the required setback reduces the buildable area of the site by 15,000 square feet (roughly one-third of an acre). The grant of the variance would provide for an additional 30,600 square feet of buildable area by reducing the width of the required transitional yards. This is about double the amount of buildable area lost to the easement.

The petitioner's representative has stated that the site's drainage system would be modified and the deep swale along the west border of the site would be filled. This relieves staff's concern about planting within the area of the swale.

(Continued)

STAFF REPORT 2023-CAP-820 / 2023-CVR-820 (Continued)

May 11, 2023 Staff Report

RECOMMENDATION

Staff **recommends denial of these requests.** However, should the Hearing Examiner decide to approve the request, staff asks that the following commitment be reduced to writing on the Commission's Exhibit "B" forms at least three days prior to the MDC hearing:

A 45-foot half right-of-way shall be dedicated along the frontage of Banta Road, as per the request of the Department of Public Works (DPW), Engineering Division. Additional easements shall not be granted to third parties within the area to be dedicated as public right-of-way prior to the acceptance of all grants of right-of-way by the DPW. The right-of-way shall be granted within 60 days of approval and prior to the issuance of an Improvement Location Permit (ILP).

Should the variance petition be withdrawn and the site redesigned in a manner that meets the Ordinance, staff would be likely to recommend approval of the Modification of Commitments.

SUMMARY OF ISSUES

The following issues were considered in formulating the recommendation.

LAND USE

- ◇ Historic aerial photography indicates that the vicinity of the subject site was agricultural land until the 1980s when industrial uses began to be developed along State Route 37 to the north of the site. In 1998 the property to the west and south of the subject site was rezoned to the D-6II district to provide for multi-family residential development. By 2001 that community was built. The subject site remains undeveloped.
- ◇ The site is located on the west side of Belmont Avenue, which functions as a frontage road for SR 37. Currently, I-69, is being constructed to replace SR 37. There will not be an interchange at Banta Road, but Banta Road will pass under I-69.
- ◇ A 50-foot-wide natural gas pipeline easement runs along the Belmont Avenue frontage of the site. The easement is entirely within the right-of-way and does not affect the amount of buildable space on the subject site.

(Continued)

STAFF REPORT 2023-CAP-820 / 2023-CVR-820 (Continued)

- ◇ The Comprehensive Land Use Plan (2018) recommends Suburban Neighborhood for the site. This typology is primarily intended for single-family dwellings although neighborhood-serving retailing and offices are envisioned under certain circumstances.

MODIFICATION OF COMMITMENTS

- ◇ The site has been the subject of four zoning petitions over the last 25 years. The first two, 98-Z-17 and 2001-ZON-040, were requests for rezoning to the C-3 district. Both petitions were withdrawn. In petition 2002-ZON-152; the site was rezoned to the C-S district to provide for all C-1 and C-3 uses and a banquet facility. Finally, in petition 2008-ZON-853 / 2008-VAR-853 the site was rezoned to the I-2-S district with a companion variance of development standards to provide for the deficient screening of loading areas. However, no development has taken place on the site.
- ◇ The 2008 petitions were approved with commitments that the development would comply with the approved conceptual site plan and building elevations and would operate in accordance with the approved Plan of Operation. The approvals were for a single two-story building for the expansion of Morris Machines, which operated across Banta Road to the north.
- ◇ This petition would terminate the commitments from the 2008 petitions and replace them with new commitments for compliance with a new site plan, building elevations and renderings, and plan of operation.
- ◇ The proposed use, self-storage, is permitted in the I-2 district. This petition would limit use of the site to only self-storage and no other I-2 uses.

VARIANCES

- ◇ This petition requests variances to provide for 20-foot-wide side and rear transitional yards where 50-foot-wide transitional yards are required.
- ◇ The purpose of transitional yards is to provide a buffer between a less intense use and a more intense use. In this case, it would buffer residential uses, both single-family and multi-family dwellings, from an industrial use, the proposed self-storage units.

(Continued)

STAFF REPORT 2023-CAP-820 / 2023-CVR-820 (Continued)

- ◇ A drainage ditch approximately 20 feet in width runs along the westernmost edge of the site. The landscape plan submitted with this petition shows all the westside transitional yard planting in this drainage ditch. This location is not conducive to either the proper functioning of the drainageway or to the growth, longevity, and effectiveness of the landscaping. A landscape buffer of the required width would provide space for both the drainageway and the buffer landscaping.
- ◇ The site is undeveloped, level and without impediments to development.
- ◇ Because the site can be easily developed within the constraints of the Ordinance, and development of the site as proposed would burden the surrounding users, this petition should be denied.

Wellfield Protection Secondary Zoning Districts

- ◇ A wellfield is an area where the surface water seeps into the ground to the aquifer and recharges the wells that are the source of our drinking water. This secondary zoning district places closer scrutiny on uses and activities that might contaminate the underground drinking water supply.
- ◇ There are two wellfield district designations. An area identified as W-1 is a one-year time-of-travel protection area. The W-5 is a five-year time-of-travel protection area. The subject site is split between the South W-1 and the South W-5 wellfield protection areas.
- ◇ All development within these districts is subject to Commission approval. The filing of a site and development plan is required and subject to approval, on behalf of the Commission, by a Technically Qualified Person (TQP), unless exempted by the Ordinance.
- ◇ Contaminants that would have an adverse effect would include chemicals that are used in the home, business, industry, and agriculture. Chemicals such as furniture strippers, lawn and garden chemicals, cleaning chemical and solvents, gasoline, oil, and road salt can all contaminate groundwater supplies if poured on the ground or improperly used or stored.

GENERAL INFORMATION

EXISTING ZONING, CONTEXT AREA, AND LAND USE

I-2 Metro Undeveloped land

(Continued)

STAFF REPORT 2023-CAP-820 / 2023-CVR-820 (Continued)

SURROUNDING ZONING AND LAND USE

North	D-A, I-2	Single-family dwelling, machine shop
South	D-6II	Multi-family dwelling complex
East	D-A	I-69, undeveloped land
West	D-A, D-6II	Multi-family dwelling complex

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

THOROUGHFARE PLAN Banta Road is classified in the Official Thoroughfare Plan for Marion County, Indiana as a Primary Collector, with a 71-foot existing right-of-way and a 90-foot proposed right-of-way.

Belmont Avenue is classified in the Official Thoroughfare Plan for Marion County, Indiana as a Local Street, with an existing right-of-way ranging from 70 feet to 90 feet and a 90-foot proposed right-of-way.

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

WELLFIELD PROTECTION DISTRICT This southern portion of this site is located within the South W-1 wellfield protection district. The northern portion of this site is located within the South W-5 wellfield protection district.

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

ZONING HISTORY – SITE

2008-ZON-853 / 2008-VAR-853; 6640 Heron Neck Drive, requested the rezoning of 4.8 acres from the C-S district to the I-2-S district and requested a variance of development standards to provide for the deficient screening of loading areas, **approved.**

(Continued)

STAFF REPORT 2023-CAP-820 / 2023-CVR-820(Continued)

2002-ZON-152; 6640 Heron Neck Drive, requested the rezoning of 4.7 acres from the D-A district to the C-S district to provide for all C-1 and C-3 uses and a banquet facility, **approved**.

2001-ZON-040; 6630 South Belmont Avenue, requested the rezoning of 4.8 acres from the D-A district to the C-3 district, **withdrawn**.

98-Z-17; 6650 South Belmont Avenue, requested the rezoning of 4.8 acres from the D-A district to the C-3 district, **withdrawn**.

ZONING HISTORY – VICINITY

2008-DV3-020; 640 South Belmont Avenue (north of site), requested a variance of development standards to provide for parking in the required yards, deficient front setback, and a patio in the right-of-way of Banta Road and in the front transitional yard, **approved**.

99-V2-53; 6640 Heron Neck Drive (west and south of site), requested a variance of development standards to legally establish a 35-foot-tall “lighthouse” as an **accessory structure**, **approved**.

98-Z-18; 6650 South Belmont Avenue (west and south of site), requested the rezoning of 38.3 acres from the D-A district to the D-6II district, **approved**.

95-V1-2; 2151 West Banta Road (west of site), requested a variance of development standards to provide for a single-family dwelling with deficient lot area and width, **approved**.

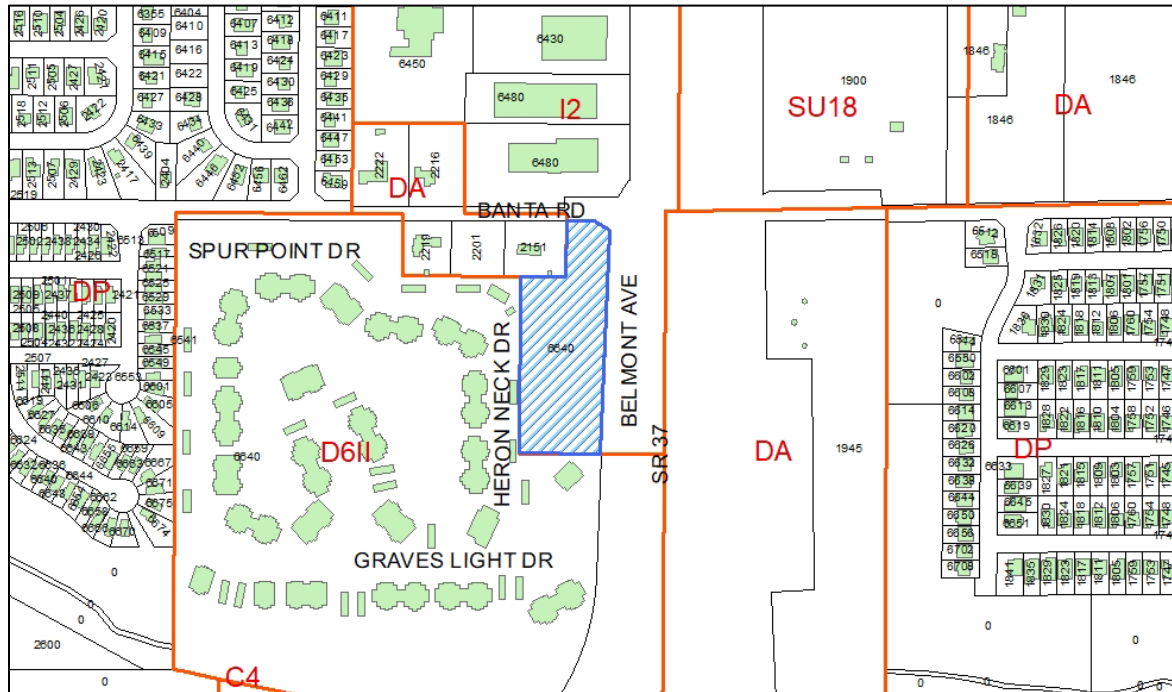
95-HSE-8; 2151 West Banta Road (north of site), requested a Special Exception for a manufactured home in a dwelling district, **approved**.

94-UV1-48; 2219 West Banta Road (west of site), requested a variance of use to provide for an accessory structure on a site without a primary structure, **approved**.

85-Z-14; 6450 South Belmont Avenue (north of site), requested the rezoning of 3.6 acres from the A-2 district to the I-2-S district, **approved**

klh

STAFF REPORT 2023-CAP-820 / 2023-CVR-820, Location



STAFF REPORT 2023-CAP-820 / 2023-CVR-820, Aerial photograph (2022)



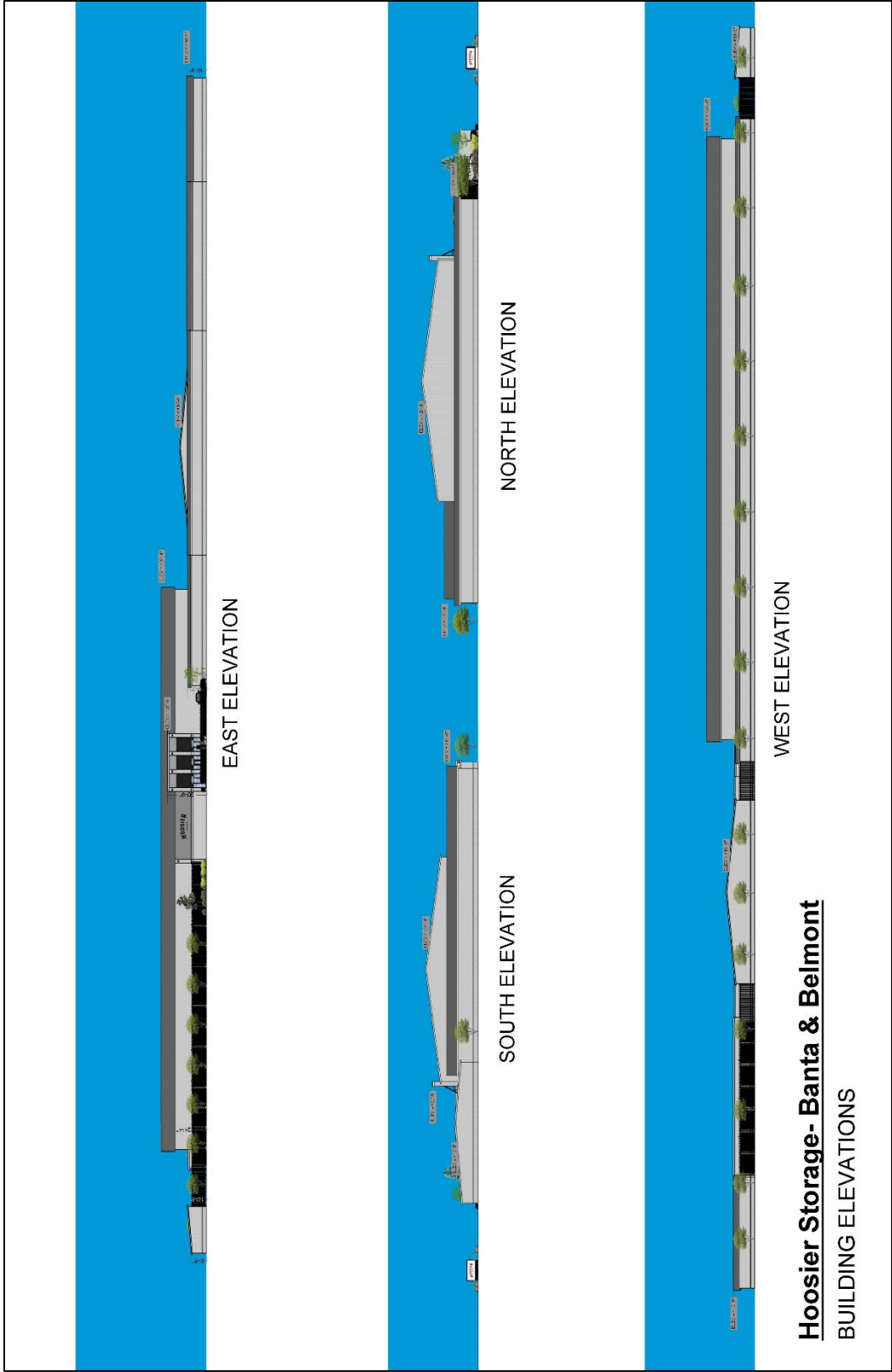
STAFF REPORT 2023-CAP-820 / 2023-CVR-820, Aerial rendering



STAFF REPORT 2023-CAP-820 / 2023-CVR-820, Renderings



STAFF REPORT 2023-CAP-820 / 2023-CVR-820, Building elevations



STAFF REPORT 2023-CAP-820 / 2023-CVR-820, Landscape plan[illegible]

STAFF REPORT 2023-CAP-820 / 2023-CVR-820, Findings of Fact

Petition Number _____

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

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

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

There will be a 20' setback from the property line to the rear of the storage buildings, which essentially provides adjacent property owners an additional 20' of undisturbed area. Also, ordinance required landscape buffering will be provided.

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

There will be a 20' setback from the property line to the rear of the storage buildings, which essentially provides adjacent property owners an additional 20' of undisturbed area. Also, ordinance required landscape buffering will be provided.

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

The parcel is narrow and "L" shaped such that development of the property is challenging without some relief from the 50' buffer requirement. Also, a gas line easement along the east frontage interferes with the ability to develop the property closer to Belmont St.

DECISION

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

Adopted this _____ day of _____, 20 ____

STAFF REPORT 2023-CAP-820 / 2023-CVR-820, Proposed Plan of Operation.**HOOSIER STORAGE – 6440 HERRON NECK DR.****PLAN OF OPERATION****Project Description**

The 3.37 acre undeveloped property, located within the newly established I-69 corridor, will be improved with a top of the line self-storage facility, featuring five separate buildings, with the main two story building (maximum height 24'9") located in the middle of the property with one story buildings located on the perimeter of the property. Access to the facility will be off of South Belmont Street.

Safety and Security

A management office will be located on site, which will be staffed by at least one employee during normal business hours. The facility will be fully secure with fencing, gates, security cameras and exterior lighting. Customer access to the storage units will be through a secured lift gate which will be always closed. Each customer will have their own code required to enter and leave the property. Customer access to the storage facility will be from 6:00am to 10:00pm daily. There shall be no outside storage permitted.

Hours of Operation

The management office will be open 9:30am – 6:00pm Monday through Saturday. Access to the storage facility will be from 6:00am – 10:00 pm daily.

Landscaping

Landscaping shall be provided in accordance with the Marion County Consolidated Zoning Ordinance.

STAFF REPORT 2023-CAP-820 / 2023-CVR-820, Proposed Commitments.

STATEMENT OF MODIFICATION OR TERMINATION OF COVENANTS OR COMMITMENTS

COVENANTS OR COMMITMENTS MODIFYING OR TERMINATING EXISTING COVENANTS OR COMMITMENTS CONCERNING THE USE OR DEVELOPMENT OF REAL ESTATE MADE IN CONNECTION WITH AN APPROVAL PETITION, REZONING OF PROPERTY, A VARIANCE PETITION OR SPECIAL EXCEPTION PETITION

In accordance with I.C. 36-7-4-918.8 and I.C. 36-7-4-1015, the owner of the real estate located in Marion County, Indiana, which is described below, makes the following modification(s) or termination(s) of covenants or commitments concerning the use and development of that parcel of real estate:

Legal Description:

See attached.

Statement of MODIFICATION OR TERMINATION of Covenants or Commitments:

1. Commitment No. 2 and Commitment No. 3 from Document No. 2009-0009799 are hereby terminated.

2. All development of the property shall be in compliance with the site plan, elevations and renderings approved by the Metropolitan Development Commission ("MDC").

All activities on the property shall be in accordance with the Plan of Operation approved by the MDC.

3. _____

4. _____

5. _____

MDC's Exhibit C - - page 1 of 3

STAFF REPORT 2023-CAP-820 / 2023-CVR-820, Photographs

Looking south across the subject site from Banta Road.



Looking east along the north edge of the site and the intersection of Banta Road with Belmont Avenue and SR 37. I-69 is under construction in the background.



Looking north across the site at the neighbor to the north.



Looking west from the site along Banta Road.



Looking west across the site at the neighbor to the northwest.



Looking north along the west edge of the site at the neighbor to the northwest.



Looking west from the site at the neighbor to the west.



Looking south across the site, showing the neighbor to the south and west.

STAFF REPORT

Item 25.

Department of Metropolitan Development Division of Planning Current Planning Section

Case Number: 2023-MOD-010
Address: 1102 West 16th Street and 1633 Rembrandt Street (*Approximate Address*)
Location: Center Township, Council District #11
Zoning: I-3 (W-1)
Petitioner: Michaelis Development, LLP, by Stephanie J. Truchan
Request: Modification of the Commitments related to 85-Z-8 to terminate Commitment #3, which restricted the use of the site to an industrial coating operation.

RECOMMENDATIONS

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

However, 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.

SUMMARY OF ISSUES

The following issues were considered in formulating the recommendation:

LAND USE

- ◇ This 2.02-acre site, zoned I-3 (W-1) is comprised of two parcels bisected by and north / south alley and developed with industrial uses. It is surrounded by undeveloped land and a single-family dwelling to the north, zoned D-5 (W-1) and C-1 (W-1), respectively; commercial uses to the south, across West 16th Street, zoned CBDS (RC)(W-1) and C-7 (RC)(W-1); a day care facility and single-family dwelling to the east, across Montcalm Street, zoned C-7 (W-1) and C-1 (W-1), respectively; and industrial uses to the west, across Rembrandt Street, zoned C-7 (W-1) and D-5 (W-1).
- ◇ Petition 85-Z-8 rezoned the site from the C-7 district to the I-3-U (currently I-3) classification, subject to recorded commitments Instrument Number 850015242. See Exhibit A.
- ◇ Petition 2004-ZON-037 rezoned the northern portion of the site addressed as 1633 Rembrandt Street from the D-5 (W-1) district to the I-3 U (W-1) classification and petition 2004 DV3-012 provided for reduced side yard setbacks and parking / access drive within the transitional yard.

(Continued)

MODIFICATION

- ◇ This request would modify Commitments related to 85-Z-8 to terminate Commitment #3, which restricted the use of the site to an industrial coating operation.
- ◇ The commitment restricting the use to an industrial coating operation was requested by the Hearing Examiner in response to remonstrators who expressed concerns about the impact of industrial uses on the residential neighborhood. Because staff played no role in the negotiation of this subject commitment, staff would ordinarily provide no recommendation under such circumstances. Staff would note, however, that the recommendation of approval of the rezoning by the Hearing Examiner was contingent upon the commitment that limited the use to an industrial coating operation.
- ◇ The Comprehensive Plan recommends light industrial typology. “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.”
- ◇ The Pattern Book lays out a land use classification system that guides the orderly development of the county, protects the character of neighborhoods and serves as a policy guide for development or redevelopment of a site.
- ◇ The following elements of the Pattern Book apply to this site:

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.

Environmental Public Nuisances

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

(Continued)

◇ Environmental public nuisance means:

1. Vegetation on private or governmental property that is abandoned, neglected, disregarded or not cut, mown, or otherwise removed and that has attained a height of twelve (12) inches or more;
2. Vegetation, trees or woody growth on private property that, due to its proximity to any governmental property, right-of-way or easement, interferes with the public safety or lawful use of the governmental property, right-of-way or easement or that has been allowed to become a health or safety hazard;
3. A drainage or stormwater management facility as defined in Chapter 561 of this Code on private or governmental property, which facility has not been maintained as required by that chapter; or
4. Property that has accumulated litter or waste products, unless specifically authorized under existing laws and regulations, or that has otherwise been allowed to become a health or safety hazard.

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

Wellfield Protection Secondary Zoning

- ◇ A wellfield is an area where the surface water seeps into the ground to the aquifer and recharges the wells that are the source of our drinking water. This secondary zoning district places closer scrutiny on uses and activities that might contaminate the underground drinking water supply.
- ◇ There are two wellfield district designations. An area identified as W-1 is a one-year time-of-travel protection area. The W-5 is a five-year time-of-travel protection area. All development within these districts is subject to Commission approval. The filing of a site and development plan is required and subject to approval, on behalf of the Commission, by a Technically Qualified Person (TQP), unless exempted by the Ordinance.
- ◇ “Because of the risk that hazardous materials or objectionable substances pose to groundwater quality, it is recognized that the further regulation of the manufacturing of, handling, transfer, disposal, use or storage of hazardous materials or objectionable substances related to nonresidential use activities is essential in order to preserve public health and economic vitality with Marion County.”
- ◇ All uses permitted in the applicable primary zoning district shall be those uses permitted in the W-1 and W-5 zoning districts, unless otherwise prohibited by the Ordinance, and provided no other secondary zoning district prohibits the use.

(Continued)

- ◇ “No building, structure, premises or part thereof shall be altered, constructed, converted, erected, enlarged, extended, modified, or relocated except in conformity with this Section, and not until the proposed Site and Development Plan has been filed with and approved on behalf of the Commission by the Technically Qualified Person (TQP). Regulations found in Chapter 742, Article II, Section 4 shall apply to all land within the Wellfield Protection Zoning Districts. The entire site shall be subject to review by the TQP. These regulations shall be in addition to all other primary and secondary zoning district regulations applicable to such land, and in case of conflict, the more restrictive regulations shall apply.”
- ◇ The subject site is located within the W-1 White River wellfield protection area and any use or development within a wellfield protection district would be subject to the Technically Qualified Person (TQP) review and approval, unless and until the property owner provides sufficient justification that the type of use, type of facility, and chemical quantity limits, independent of the land use would be exempt from the requirements for filing a development plan. Otherwise, a development plan would be required to be filed and approved on behalf of the Metropolitan Development Commission by the (TQP). Contaminants that would have an adverse effect would include chemicals that are used in the home, business, industry, and agriculture. Chemicals such as furniture strippers, lawn and garden chemicals, cleaning chemical and solvents, gasoline, oil, and road salt can all contaminate groundwater supplies if poured on the ground or improperly used or stored.

Procedural Note

- ◇ Staff would highly recommend that the petitioner and / or their representative contact the TQP prior to conducting any operation on this site.

GENERAL INFORMATION

EXISTING ZONING AND LAND USE

I-3 (W-1) Industrial uses

SURROUNDING ZONING AND LAND USE

North -	D-5 (W-1) / C-1 (W-1)	Undeveloped land / single-family dwelling
South -	CBDS (RC)(W-1) / C-7 (RC) (W-1)	Commercial uses
East -	C-7 (W-1) / C-1 (W-1)	Day care facility / single-family dwellings
West -	C-7 (W-1) / D-5 (W-)	Industrial uses

(Continued)

COMPREHENSIVE PLAN	The Comprehensive Land Use Plan for Indianapolis and Marion County (2018) recommends light industrial typology. Marion County Land Use Pattern Book (2019).
THOROUGHFARE PLAN	This portion of West 16th Street is designated in the Marion County Thoroughfare Plan as a primary arterial, with an existing-90-foot right-of-way and a proposed 78-foot right-of-way. This portion of Montcalm Street is designated in the Marion County Thoroughfare Plan as a local street, with an existing 50-foot right-of-way and a proposed 48-foot right-of-way. This portion of Rembrandt Street is designated in the Marion County Thoroughfare Plan as a primary arterial, with an existing 50-foot right-of-way and a proposed 478-foot right-of-way.
CONTEXT AREA	This site is located within the compact context area.
OVERLAY	There is no overlay for this site.
WELLFIELD PROTECTION DISTRICT	This site is located within the Wellfield Protection Secondary District, specifically the W-1 White River.

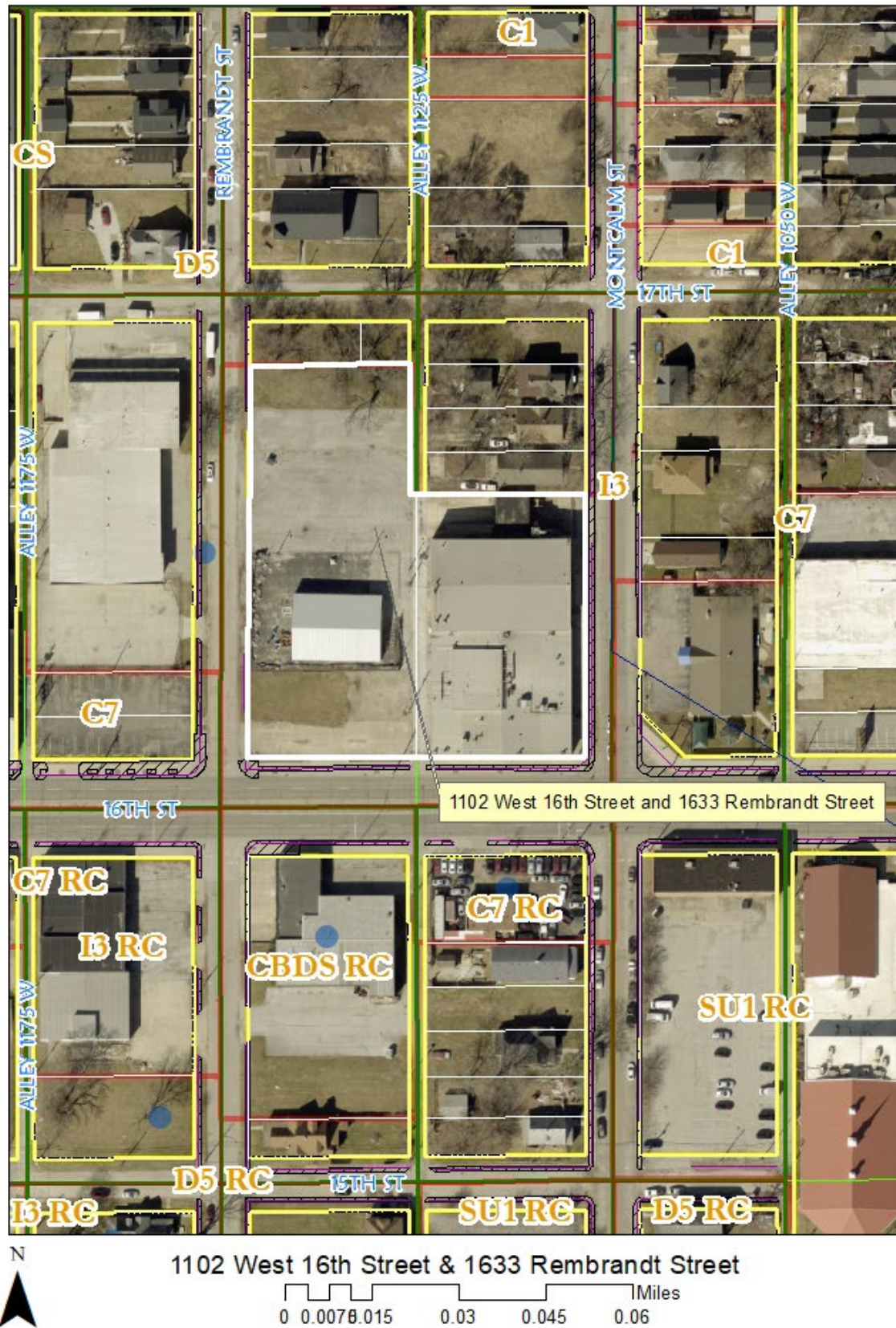
ZONING HISTORY

2004-ZON-037; 1633 Rembrandt Street, requested rezoning 0.13 acre, being in the D-5 (W-1) district, to the I-3-U (W-1) classification to provide for a construction contractor's office, **approved**.

2004-DV3-012; 1633 Rembrandt Street, requested a variance of development standards of the Industrial Zoning Ordinance to provide for a 5,225-square foot remodeling contractor's office with a 13-foot north side yard setback with parking and an access drive located within the west transitional yard, **granted**.

85-Z-8; 1102 West 16th Street, requested rezoning of 1.48 acres from the C-7 district to the I-3-U classification to provide for the reuse of the existing structure for an industrial coating shop, **approved**.

kb



850015242

~~EXHIBIT A~~

NOTE: Article VI, Section 3(b) of the rules of the Metropolitan Development Commission requires use of this form in recording commitments made with respect to zoning and approval cases in accordance with I.C. 36-7-4-607

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. 36-7-4-607, 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: Lots 25, 26, 27, 28, 29, 30, 33, 34, 35, 36, and 37 in Kothe & Lieber's Addition to the City of Indianapolis, as per plat thereof recorded in Plat Book 79, Page 29, in the office of the Recorder of Marion County, Indiana

Statement of COMMITMENTS:

1. Owner agrees that all storage of materials and/or products will be within completely enclosed buildings.
2. Owner agrees that it will not store or use toxic or hazardous materials on the subject real estate.
3. Owner agrees that it will use the subject real estate solely for the operation of an Industrial Coating Shop and uses related thereto.

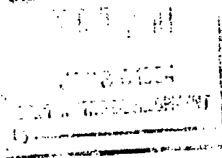
The COMMITMENTS shall be binding on the owner, subsequent owners of the real estate and other persons acquiring an interest therein. These COMMITMENTS may be modified or terminated by a decision of the Metropolitan Development Commission made at a public hearing after proper notice has been given.

COMMITMENTS contained in this instrument shall be effective upon:

the adoption of rezoning petition 85-Z-8 by the City-County Council changing the zoning classification of the real estate from a C-7 zoning classifications to the I-3-U zoning classification.

These COMMITMENTS may be enforced jointly or severally by:

1. The Metropolitan Development Commission; and
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).

The undersigned hereby authorizes the Division of Development Services of the Department of Metropolitan Development to record this Commitment in the office of the Recorder of Marion County, Indiana, upon final approval of petition #85-2-8.

IN WITNESS WHEREOF, Owner has executed this instrument this 28th day of January, 1985.

NAOMI R. GALYAN

BY: DAVID H. KOSENE, ATTORNEY-
IN-FACT

David H. Kosene, Attorney-in-Fact
David H. Kosene, as attorney-in-
fact for Naomi R. Galyan

STATE OF INDIANA)
) SS:
COUNTY OF MARION)

#85-14427 P.O.A.

Before me, a Notary Public in and for said County and State, personally appeared David H. Kosene, attorney in fact for Naomi R. Galyan, owner of the real estate, who acknowledged the execution of the foregoing instrument for and on behalf of Naomi R. Galyan, and who, having been duly sworn, stated that any representations therein contained are true.

Witness my hand and Notarial Seal this 28th day of January, 1985.

Signature *Julie A. Baker*

Printed Julie A. Baker

Notary Public

My Commission Expires:

May 20, 1988

County of Residence:

Hamilton

850015242

This instrument was prepared by Zeff A. Weiss, ICE MILLER DONADIO & RYAN, One American Square, Box 82001, Indianapolis, IN 46282.

Authorization For Zoning Petition

The undersigned, owners of the Real estate described on the attached exhibit A do, hereby grant authority to Jeff A. Weiss or assigns to act as Attorney in Fact in all necessary matters concerning the rezoning or variance on property or any part of said real estate described on attached exhibit A and acquiring of all permits necessary for purchasers specific use.

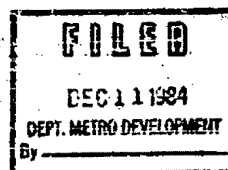
It is understood that any fees or other costs necessary in the executing of this grant of authority will not be paid by the undersigned.

Dated: 11/26/84

Julia A. Baker
witness

David H. Kosene for Naomi R. Galyan
David H. Kosene for Naomi R. Galyan- Pursuant to a limited Power of Attorney

EXHIBIT A



85-2-8

1102-06 West 16 th St.
Lots 25,26,27,28,29,30,33,34,35,36 and 37 in
Kothe & Litter's addition to the City of Indianapolis
as recorded in the Office of the Recorder, of Marion
County Indiana.



View looking east along West 16th Street



View looking west along West 16th Street



View looking north along Rembrandt Street



View looking south along Rembrandt Street



View of site looking west across Montcalm Street



View of site looking southwest across Montcalm Street



View of site looking southeast along north / south alley



View of site looking east across north / south alley



View of site looking south along north / south alley



View of site looking south



View from site looking north into adjacent land uses



View from site looking north along north / south alley



View of site looking east across Rembrandt Street



View of site looking east across Rembrandt Street



View of site looking east across Rembrandt Street



View of site looking north across West 16th Street



View of site looking north across West 16th Street

STAFF REPORT

Department of Metropolitan Development Division of Planning Current Planning Section

Case Number: 2023-ZON-044
Address: 1305 & 1309 East 11th Street (*Approximate Address*)
Location: Center Township, Council District #17
Petitioner: Compendium Group, LLC, by Paul J. Lambie
Request: Rezoning of 0.18 acre from the MU-1 district to the D-8 district.

RECOMMENDATION

Staff **recommends approval** of this request.

SUMMARY OF ISSUES

The following issues were considered in formulating the recommendation.

LAND USE

- ◇ The subject site consists of two abutting lots platted in 1873. A single-family dwelling was constructed on each of the lots. The dwelling on the eastern lot was demolished in the 1970s. The dwelling on west lot was demolished in the last year.
- ◇ Although platted and developed as a single-family neighborhood, the vicinity has been zoned for a mix of office and multi-family dwellings since the late 1960s.
- ◇ The 2018 Comprehensive Land Use Plan recommends Traditional Neighborhood for the subject site. This typology envisions a full spectrum of housing types, ranging from single family homes to large-scale multi-family housing with a development pattern that is compact and well-connected. This typology usually has a residential density of five to fifteen dwelling units per acre, but a higher density in proximity of a transit line, greenway, or park. A dwelling on each of the three lots would equal 13 units per acre.

(Continued)

STAFF REPORT 2023-ZON-044 (Continued)

ZONING

- ◇ This petition requests a rezoning to the D-8 district. The D-8 district is a unique district designed for application in older developed urban areas. The district allows all forms of residential development except mobile dwellings. The district is designed to provide for the wide range and mixture of housing types found in older, inner-city neighborhoods, as well as along older residential/commercial thoroughfares. A fine-grain of accessibility is provided and must be maintained.
- ◇ Lots surrounding the site on three sides have recently been rezoned to the D-8 district.
- ◇ The D-8 district is appropriate as it is responsive to the Traditional Neighborhood recommendation of the Comprehensive Land Use Plan and is the same district as other recent, nearby residential rezonings.

GENERAL INFORMATION

EXISTING ZONING, CONTEXT AREA, AND LAND USE

MU-1	Compact	Single-family dwelling, vacant lot
------	---------	------------------------------------

SURROUNDING ZONING AND LAND USE

North	C-S	Parking lot for a business center
South	D-8	Vacant lots
East	D-8	Single-family dwelling
West	D-8	Single-family dwelling

COMPREHENSIVE LAND USE PLAN	The Center Township Comprehensive Plan (2018) recommends Traditional Neighborhood.
-----------------------------	--

THOROUGHFARE PLAN	11 th Street is classified in the Official Thoroughfare Plan for Marion County, Indiana as a Local Street, with a 30-foot existing right-of-way and a 48-foot proposed right-of-way.
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FLOODWAY / FLOODWAY FRINGE	This site is not located within a floodway or floodway fringe.
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WELLFIELD PROTECTION DISTRICT	This site is not located within a wellfield protection district.
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(Continued)

STAFF REPORT 2023-ZON-044 (Continued)**ZONING HISTORY – SITE**

None

ZONING HISTORY – VICINITY

2022-ZON-022; 1301 East 11th Street and 1235 & 1239 Brookside Avenue (west of site), requested the rezoning of 0.23 acre from the MU-1 district to the D-8 district, **approved.**

2019-CZN-821 / 2019-CVR-821; 1232, 1302 & 1306 East 10th Street (south of site), requested the rezoning of 0.27 acre from the MU-1 district to the D-8 district and a variance of development standards to provide for deficient front and side setbacks, space between primary buildings and open space, **approved.**

2017-ZON-042; 1319 East 11th Street (east of site), requested the rezoning of 0.09 acre from the MU-1 district to the D-8 district, **approved.**

2017-CZN-801 / 2017-CVR-801; 1313, 1325 & 1409 East 11th Street (east of site), requested the rezoning of 0.2 acre from the MU-1 district to the D-8 district and a variance of development standards to provide for deficient separation between primary buildings and deficient side setback on the garage, **approved.**

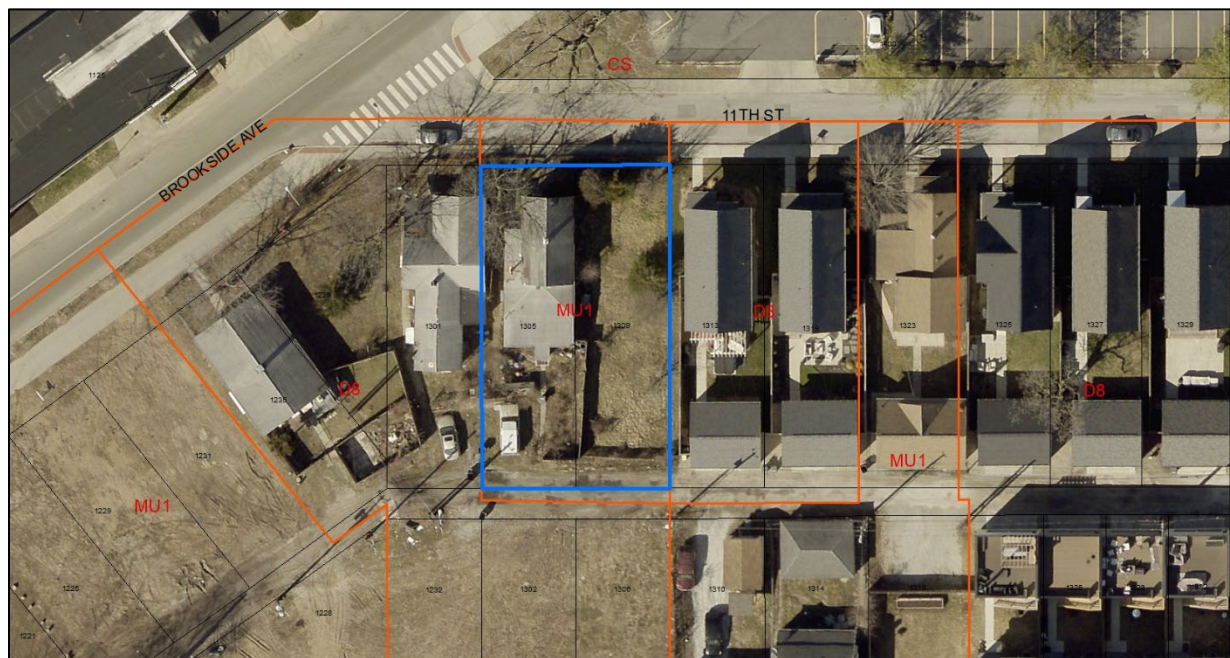
92-Z-138, CV-18; 1125 Brookside Avenue (north of site), requested the rezoning of 16.7 acres from the I-4-U, PK-1, C-2 and D-8 districts to the C-S district to provide from a multi-use commercial facility including industrial and office uses, and a variance of development standards to provide for deficient yards and parking, **approved.**

klh

STAFF REPORT 2023-ZON-044, Location



STAFF REPORT 2023-ZON-044, Aerial photograph (2022)



STAFF REPORT 2023-ZON-044, Photographs



Looking south across 11th Street at the subject site.



Looking southwest at the neighbor to the west.



Looking east along 11th Street at the neighbors to the east.



Looking north from the alley across the subject site at the neighbor to the north.

STAFF REPORT

Item 27.

Department of Metropolitan Development Division of Planning Current Planning Section

Case Number: 2023-CZN-823 and 2023-CVC-823
Address: 1545 Van Buren Street and 2014, 2016 and 2018 Draper Street
(Approximate Address)
Location: Center Township, Council District #21
Petitioner: GSS, LLC, by Mary E. Solada
Request: Rezoning of 9.56 acres from the D-10 (TOD) and I-3 (TOD) districts to the I-2 (TOD) district.

Vacation of the first 15-foot wide alley west of Draper Steet, from the north lot line of Lot 69 of The Justice C. Adams South Park subdivision as recorded in Plat Book 16, Page 177 in the Office of the Recorder of Marion County, Indiana, north 44 feet to the north lot line of Lot 70 in said subdivision.

Vacation of an irregular portion of right-of-way adjacent to the first north-south alley west of Draper Street, being part of Lot 57 in The Justice C Adams subdivision, as described in Instrument Number 76-53438 in the Office of the Recorder of Marion County, Indiana, all with a waiver of the Assessment of Benefits.

RECOMMENDATIONS

Staff **recommends denial** of these requests.

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

RECOMMENDED MOTION (denial): That the Hearing Examiner find that the proposed vacation is not in the public interest and that the waiver of the assessment of benefits be denied.

RECOMMENDED MOTION (approval): That the Hearing Examiner find 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 2023-CVC-823; and that the vacation be subject to the rights of public utilities under IC 36-7-3-16

(Continued)

SUMMARY OF ISSUES

The following issues were considered in formulating the recommendation:

LAND USE

- ◇ This 9.56-acre site, zoned D-10 (TOD) and I-3 (TOD), is undeveloped. It is surrounded by a railroad right-of-way to the north, zoned I-3; single-family dwellings to the south, zoned I-3; industrial uses to the east, zoned I-3; and single-family dwellings to the west, zoned D-5.

REZONING

- ◇ This request would rezone the site from the D-10 (TOD) and I-3 (TOD) Districts to the I-3 (TOD) classification. “The I-3 district is an intermediate district for industries that present moderate risks to the general public. Wherever practical, this district should be away from protected districts and buffered by intervening lighter industrial districts. Where this district abuts protected districts, setbacks are large and enclosure of activities and storage is required.
- ◇ The Comprehensive Plan recommends heavy industrial typology. “The Heavy Industrial typology provides for industrial, production, distribution, and repair uses that are intense and may create emissions of light, odor, noise, or vibrations. This typology is characterized by freestanding buildings or groups of buildings, often within industrial parks. Outdoor operations and storage are common. Typical uses include food processing, milling, storage of petroleum products, recycling, welding, and concrete mixing. Industrial or truck traffic should be separated from local/residential traffic.”
- ◇ The Pattern Book lays out a land use classification system that guides the orderly development of the county, protects the character of neighborhoods and serves as a policy guide for development or redevelopment of a site.
- ◇ The following elements of the Pattern Book apply to this site:

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 Industrial Uses

- The primary entrance should be served by an arterial street.
- 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.

(Continued)

Overlays

- ◇ This site is located within an overlay, specifically 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 to a transit stop located at the intersection of Shelby Street and Raymond Street, with a Community Center typology.
- ◇ This typology is described as walkable commercial centers with a range of commercial types (aging to new strip commercial, office, shopping malls, big box). It is a mixed of retail, entertainment, office and residential as desired. Surface parking should be consolidated and placed behind buildings, allowing a pedestrian orientation at the street, while still supporting drive-to business.
- ◇ Characteristics of the Community Center typology are:
 - A dense mixed-use neighborhood center
 - Minimum of two stories at core
 - No front or side setbacks at core; zero to 10-foot front setbacks and zero-to 10-foot side setbacks at the periphery.
 - Multi-family with a minimum of three units
 - Structured parking at the core and attractive surface parking at the periphery

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;

(Continued)

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

Site Plan

- ◇ The site plan, file-dated April 10, 2023, provides for 13 buildings of various sizes with a total square footage of 99,795-square feet, along with 88 parking spaces located along the Van Buren Street frontage and the southeast portion of the site.
- ◇ With the exception of a dry retention basin at the northwest corner of the site, the site is covered with buildings and pavement. No landscape plan has been provided.
- ◇ A sidewalk is proposed along Van Buren Street but there are no internal sidewalks or any connections to the sidewalk along Van Buren.

Plan of Operation

- ◇ The Plan of Operation, file-dated April 10, 2023, describes the development as industrial warehouse space for small businesses.
- ◇ As proposed the site would offer storage space, distribution / warehouse facilities and office space.
- ◇ There would not be any permanent loading docks but a forklift would be available for the tenants.
- ◇ Two to three large truck deliveries per day is anticipated.
- ◇ Although the property would be monitored 40 hours per week by an on-site manager, no hours or days of operation have been provided.

(Continued)

VACATION**Summary**

- ◇ This request would Vacate a portion of the first 15-foot wide alley west of Draper Steet, from the north lot line of Lot 69 of the Justice C. Adams South Park subdivision, north 44 feet to the north lot line of Lot 70 in said subdivision and an irregular portion of right-of-way adjacent to the first north-south alley west of Draper Street, being part of Lot 57 in the Justice C Adams subdivision. All with a waiver of the Assessment of Benefits.
- ◇ As proposed the vacated area would provide open space that would allow for the proposed redevelopment of the site.
- ◇ Staff does not support this vacation request because it is an integral component to the rezoning request for industrial uses that staff believes is not appropriate for this site.

Assessment of Benefits

- ◇ The petitioner has requested a waiver of the Assessment of Benefits for the subject right-of-way. Staff, however, does not support the waiver of the assessment of benefits because of its association with the industrial rezoning.

Procedure

- ◇ Neither the Division of Planning nor the Plat Committee, Hearing Examiner or Metropolitan Development Commission determines how vacated right-of-way is divided. The approval of a vacation petition only eliminates the public right-of-way. The vacation approval does nothing more. A petitioner will not receive a deed or other document of conveyance after the approval of a vacation.
- ◇ The general rule under Indiana case law is that when a street or highway is vacated or abandoned the title to the land reverts to the abutting property owners. This rule exists by virtue of the fact that the abutting landowner owns to the center of the street or highway subject only to an easement for the public to the use of the street or highway. *Gorby v. McEndarfer* 135 Ind.App. 74, *82, 191 N.E.2d 786, **791 (Ind.App.1963). However, there are possible exceptions to this general rule.
- ◇ After a vacation of public right-of-way, the county assessor determines how the vacated right-of-way will be assessed for tax purposes.
- ◇ Petitioners and abutters of the vacated right-of-way should consult their own attorneys for advice regarding the ownership of the vacated right-of way.

(Continued)

Planning Analysis

- ◇ The request would be consistent with the Comprehensive Plan recommendation of heavy industrial typology but would be wholly inappropriate at this location abutting residential uses because of the development guidelines provided in the Pattern Book. Furthermore, this proposed use would be in conflict with the transit-oriented Plan that generally recommends residential and a range of commercial uses. No industrial uses are recommended.
- ◇ The Pattern Book outlines seven development guidelines related to light and heavy industrial uses primarily related to site access that would mitigate the impact of industrial uses on adjacent residential uses.
- ◇ The guidelines state that local streets should not be used and entrance to industrial uses should feed into an arterial street. The only access to the site would be Van Buren Street, which is a local street with an existing 40-foot right-of-way. In other words, the industrial uses would create traffic patterns in the area that would compromise the safety and security of the surrounding land uses.
- ◇ Staff believes that existing D-10 district provides appropriate transitions from the industrial uses to the north and to allow rezoning to the I-3 district would be wholly inappropriate and would be detrimental to the surrounding residential neighborhood.
- ◇ If approved, staff would request Administrator Approval prior to the issuance of an Improvement Location Permit (ILP) that would provide for pedestrian connectivity both internally and to the sidewalk along Van Buren Street, year around landscaping along the site perimeter, and building materials that would be harmonious with the surround land uses.

GENERAL INFORMATION

EXISTING ZONING AND LAND USE

D-10	Undeveloped
(TOD) / I-3	
(TOD	

SURROUNDING ZONING AND LAND USE

North -	I-3	Railroad right-of-way
South -	I-3	Single-family dwellings
East -	I-3	Industrial uses
West -	D-5	Single-family dwellings

COMPREHENSIVE PLAN	The Comprehensive Land Use Plan for Indianapolis and Marion County (2018) recommends heavy industrial typology.
	Marion County Land Use Pattern Book (2019).
	Red Line Transit-Oriented Development Strategic Plan (2021)
	(Continued)

THOROUGHFARE PLAN	<p>This portion of Van Buren Street is designated in the Marion County Thoroughfare Plan as a local street, with an existing 40-foot right-of-way and a proposed 48-foot right-of-way.</p> <p>This portion of Draper Street is designated in the Marion County Thoroughfare Plan as a local street, with an existing 50-foot right-of-way and a proposed 48-foot right-of-way.</p>
CONTEXT AREA	<p>This site is located within the compact context area.</p>
OVERLAY	<p>This site is located within a transit-oriented development overlay (TOD).</p>
SITE PLAN	<p>File-dated April 10, 2023</p>
PLAN OF OPERATION	<p>File-dated April 10, 2023</p>
FINDINGS OF FACT	<p>File-dated April 20, 2023</p>

ZONING HISTORY

2013-ZON-058; 1545 Van Buren Street, requested rezoning of 9.0 acres from the I-3-U district to the D-10 district to provide for multi-family residential development, **approved**.

kb



PLAN OF OPERATION

GSS LLC
1545 Van Buren Street

The Petitioner plans to operate a franchise of RISE Commercial District at 1545 Van Buren Street (the "Property"). The objective of RISE Commercial District is to make industrial warehouse space affordable and accessible for all small businesses.

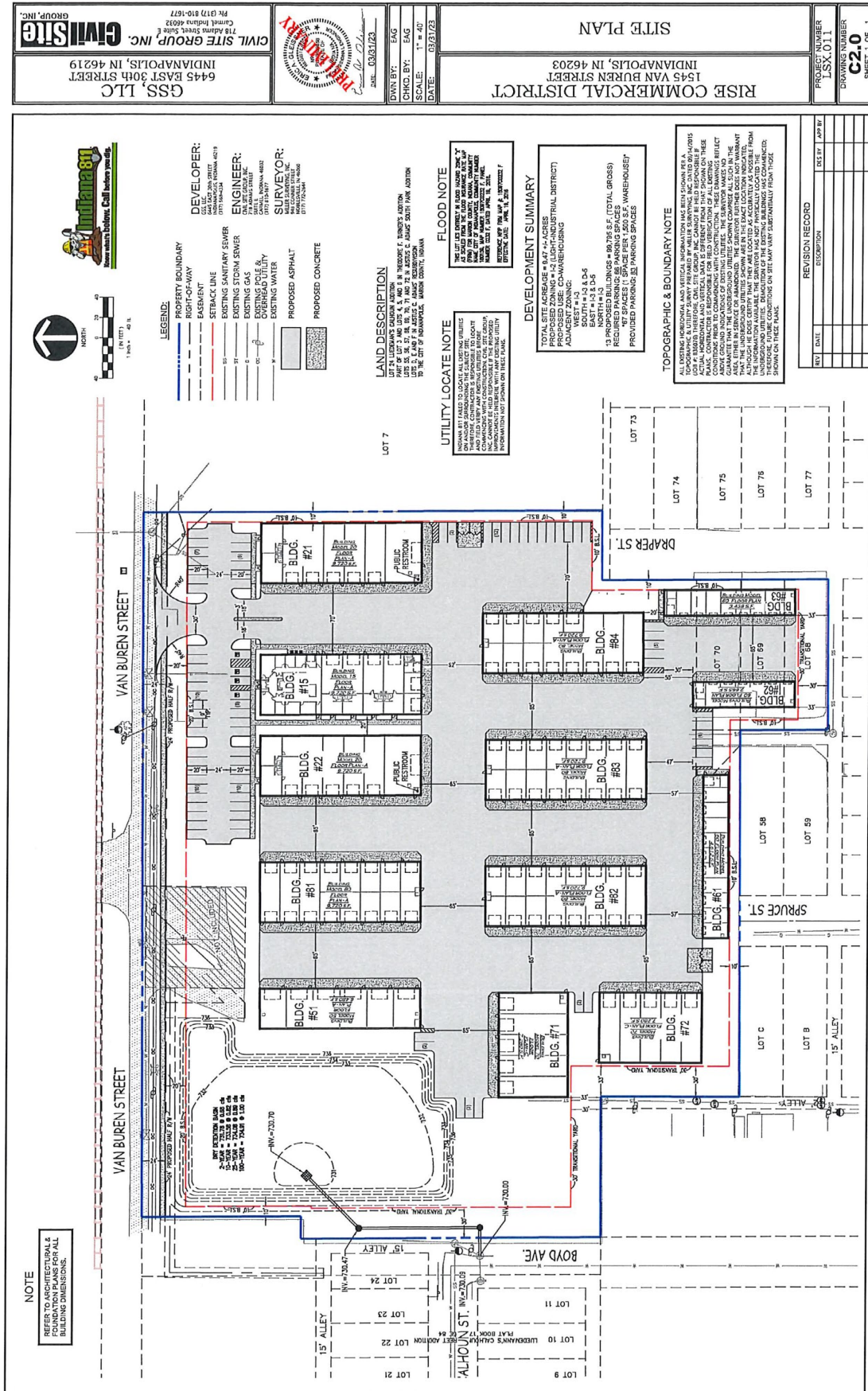
The Property consists of approximately 9.56 acres, and is located north of Legrande Avenue. G.W. Berkheimer Co., Inc., a heating, ventilation, air conditioning, and refrigeration wholesaler, along with Snodgrass Sheet Metal are located on the parcels adjacent to the east of the Property. Originally zoned to the Medium Industrial District (I-3), the Property was rezoned to the Residential Zoning District (D-10) by an entity related to the Petitioner in 2013. Petition has expended considerable effort to attempt to redevelop the site with multi-family housing but has been unable to secure a development partner for same nor any feasible financing. The Property location has proven to be a better match with the Comprehensive Plan recommendation of General Industrial use and development.

To a great extent, RISE Commercial District will function much like an industrial-warehouse-office facility for small businesses, providing storage space, distribution, and bookkeeping activities, all permitted in the requested Light Industrial District (I-2). RISE Commercial District will offer units ranging from 400 square feet to 1,400 square feet for rent, with the target tenant consisting of small businesses looking to accelerate their growth. RISE Commercial District intends each unit to be utilized as office space, warehouse space, and business storage space. Unlike mini storage facilities, RISE Commercial District is not meant for tenants to utilize units as personal storage space. Additionally, RISE Commercial District will offer tenants free wifi, the use of conference rooms, and access to public restrooms.

The proposed plan for RISE Commercial District consists of 13 buildings, ranging in size from 2,340 square feet to 9,720 square feet. Each building will be of rectangle shape – ranging in lengths from 90 feet to 162 feet, and widths from 26 feet to 70 feet. Within the 13 buildings, the proposed plan contains 91 units that Petitioner anticipates to lease. There will be no permanent loading docks on site, and none of the units will contain a loading dock. However, there will be a forklift available on-site for use by tenants as needed for loading and unloading purposes.

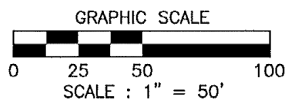
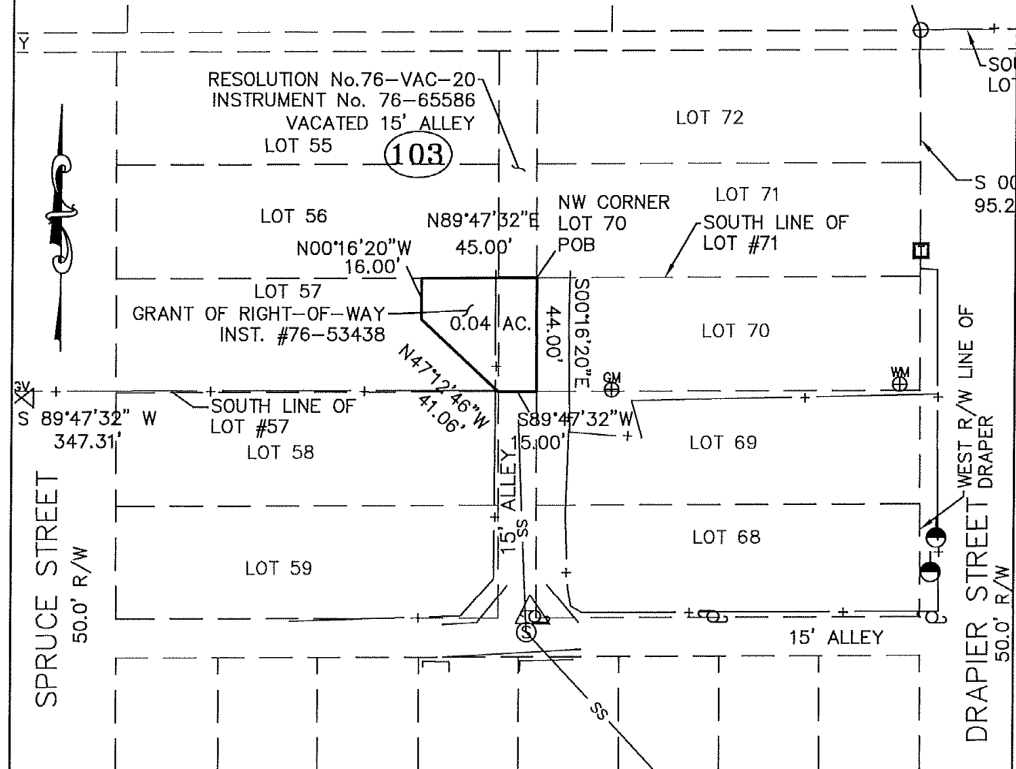
There will be no large trucks based on-site. The only anticipated large truck traffic is from deliveries and pick-ups only – the Petitioner anticipates an average of 2 to 3 large deliveries per day. Additionally, the Property will be monitored 40 hours per week by an on-site manager.

RISE Commercial District already has 5 successful locations in Indiana, and hopes to add another at the Property. For more information on RISE Commercial District, visit their website at [Warehouse Space, Office Space, Business Storage Space | RISE Commercial District](#).




VACATION EXHIBIT

PART OF LOT 57 AND 15.0' WIDE ALLEY LYING EAST OF SAID LOT 57
IN JUSTUS C. ADAMS' SOUTH PARK ADDITION TO THE CITY OF
INDIANAPOLIS, MARION COUNTY, INDIANA



THIS SURVEY IS NOT COMPLETE AND/OR
VALID WITHOUT BOTH PAGES.

PAGE 1 OF 2

R.L.S. LS20400007		4-4-23	
DATE:			
 MILLER SURVEYING INC. 948 CONNER STREET NOBLESVILLE INDIANA 46060 PH. # (317) 773-2644 FAX 773-2694			
LOCATION: PART OF LOT 57 AND 15.0' WIDE ALLEY LYING EAST OF SAID LOT 57 IN JUSTUS C. ADAMS' SOUTH PARK ADDITION TO THE CITY OF INDIANAPOLIS, MARION COUNTY, INDIANA		DRAWN BY: MJJ	PREPARED BY: KNA
FIELD WORK COMPLETED: 3-13-23		SCALE: 1" = 80'	FIELD BOOK: DC
CLIENT: LOU SCHIESZ		DATE: 4-4-23	PAGE: DC
DESCRIPTION: RETRACEMENT SURVEY		JOB NUMBER: B40949	SURVEY 4 FILE: 26 SCHIESZ

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 alley has been underutilized for many years. Additionally, the Petitioner owns the surrounding property
and is proposing to develop a franchise of RISE Commercial District, with the objective being to make industrial warehouse space
affordable and accessible for small businesses. This industrial use will compliment surrounding property uses (Snodgrass
Sheet Metal and G.W. Berkhelmer Co.), and the proposed vacated property is intended to be incorporated into the development.

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 _____, 20²³



View looking east along Van Buren Street



View looking west along Van Buren Street



View from site looking east



View of site looking southeast across Van Buren Street



View of site looking south across Van Buren Street



View of site looking south across Van Buren Street



View of site looking southeast across Van Buren Street



View from site looking northeast across Van Buren Street



View of site looking north from neighborhood to the south



View of site looking north from neighborhood to the south



View of site looking north from neighborhood to the south

STAFF REPORT

Department of Metropolitan Development Division of Planning Current Planning Section

Case Number: 2023-CAP-826 / 2023-CVR-826
Address: 4195 Millersville Road (*Approximate Address*)
Location: Washington Township, Council District #9
Petitioner: Garvey Properties, LLC, by Joseph D. Calderon
Request: Modification of Development Statement and Site Plan related to 2013-ZON-037 to remove the requirement for landscaping and buffering along Millersville Road and Meadows Parkway, and to provide for storage buildings as shown on the site plan submitted with this petition.

Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for a building located ten feet from Meadows Parkway with zero transparency (40% transparency required for buildings within 50 feet of a local street).

RECOMMENDATION

Staff **recommends approval of these requests**, provided that the following commitments be reduced to writing on the Commission's Exhibit "B" forms at least three days prior to the MDC hearing:

1. Prior to the issuance of any Improvement Location Permit for this site, all barbed wire and razor shall be removed from the perimeter fence.
2. A landscape plan shall be submitted for Administrator's Approval prior to the issuance of any Improvement Location Permit for this site. The landscaping shall be in excess of that required by the Ordinance in order to screen the view of the remaining existing fence and the material storage behind it.
3. Building elevations for the Meadows Parkway façade of the proposed building shall be submitted for Administrator's Approval prior to the issuance of any Improvement Location Permit for the building. The façade shall be in substantial compliance with the Building Façade Illustration submitted on May 30, 2023.

(Continued)

STAFF REPORT 2023-CAP-826 / 2023-CVR-826 (Continued)

SUMMARY OF ISSUES

The following issues were considered in formulating the recommendation.

LAND USE

- ◇ The site is part of the former, long-time home of the William Roberts & Sons Dairy, which operated at the site from circa 1925 to late in the century.
- ◇ The site is located at the intersection of Millersville Road and Meadows Parkway. Millersville Road functions as a dividing line between a single-family neighborhood to the northwest and a mix of institutional, commercial and industrial uses to the southeast. The site abuts a school property, is caddy-corner from another school property and is across the street from a Bureau of Motor Vehicles branch office.
- ◇ As can be seen in one of the photographs below, much of the site is surrounded by a rusty chain-link fence with barbed wire wrapped in razor wire and grown up with weedy vegetation. According to the Ordinance, with the construction of the proposed buildings, much of this fence will have to be removed. However, portions of it along both frontages would be permitted to remain. This fence is not pedestrian-friendly. The barbed and razor wire should be removed and the weedy vegetation along both frontages should be replaced with heavy and appropriate landscaping.
- ◇ The Comprehensive Land Use Plan (2018) recommends Village Mixed-Use for the site. This typology envisions a pedestrian-friendly, mixed-use village core of small neighborhood office/retail nodes, public and semi-public uses, open space and light industrial development surrounded by varying densities of residential development.

MODIFICATION OF COMMITMENTS

- ◇ The site was rezoned from the C-S district to the C-S district through petition 2013-ZON-037. This petition provided for a variety of land uses including a landscape design and installation business, a plant nursery with material and equipment storage, a sculpture garden, retail sales area, urban farming, fabrication and warehouse space; general office and flex space, and I-2-S uses. The petition was approved subject to compliance with a development statement and a conceptual site plan.

(Continued)

STAFF REPORT 2023-CAP-826 / 2023-CVR-826 (Continued)

- ◇ The development statement says that the Millersville Road frontage “will contain a combination of lawn/turf farm and plantings to provide partial screening of material and vehicle storage.” It goes on to say that “the Meadows Drive frontage will include a nursery where landscape materials will screen operations in the storage yard area.”
- ◇ This petition would provide for contractor storage units in the area previously approved for the lawn/turf farm and nursery.
- ◇ Storage units are permitted by the previous petition as they were permitted in the I-2-S district. If storage units were not already permitted on this site, staff would be unlikely to recommend their approval now, given the Comprehensive Land Use Plan recommendation of Village Mixed-Use and the changed character of the area.
- ◇ The storage units would provide “partial screening of material and vehicle storage” on site, as well as screening “operations in the storage yard area” as sought after in the previous petition. The proposed buildings would be required to be landscaped to the standards of the Ordinance.

VARIANCE

- ◇ This petition requests a variance to provide for zero transparency on the front of a building located within ten feet from Meadows Parkway. Transparency is required for building facades within 50 feet of a local street. The standard for transparency is that 40% of the portion of a wall between the heights of three and eight feet above grade must be glass or other transparent material. This provides for visual contact between the street or sidewalk and the inside of the building. This is a security measure aimed at providing surveillance between the street and the interior of a business.
- ◇ The transparency requirement also makes for a more pedestrian-friendly streetscape, in part by reducing the extent of long stretches of blank walls along a sidewalk. As proposed the building would place a blank wall, 240 feet in length, along the frontage of Meadows Drive.
- ◇ Currently no sidewalks run along the Meadows Parkway or Millersville Road frontages of the site, however construction of the proposed buildings would trigger a requirement to construct them. Given the mix of land uses in the area, pedestrian usage of these sidewalks is likely to be considerable. Persons using the sidewalk along Meadows Parkway would be roughly ten to twelve feet from a long, blank wall. This is not a pedestrian friendly streetscape.

(Continued)

STAFF REPORT 2023-CAP-826 / 2023-CVR-826 (Continued)

- ◇ Given the nature of the proposed use, storage units for contractors, windows in the building would not add to their safety or security. The petitioner has offered to break up the bleak appearance of the long blank wall with a combination of landscaping, murals and trellis as shown in the illustration below.

Wellfield Protection Secondary Zoning District

- ◇ A wellfield is an area where the surface water seeps into the ground to the aquifer and recharges the wells that are the source of our drinking water. This secondary zoning district places closer scrutiny on uses and activities that might contaminate the underground drinking water supply.
- ◇ There are two wellfield district designations. An area identified as W-1 is a one-year time-of-travel protection area. The W-5 is a five-year time-of-travel protection area. The subject site is within the Fall Creek W-5 wellfield protection area.
- ◇ All development within these districts is subject to Commission approval. The filing of a site and development plan is required and subject to approval, on behalf of the Commission, by a Technically Qualified Person (TQP), unless exempted by the Ordinance.
- ◇ Contaminants that would have an adverse effect would include chemicals that are used in the home, business, industry, and agriculture. Chemicals such as furniture strippers, lawn and garden chemicals, cleaning chemical and solvents, gasoline, oil, and road salt can all contaminate groundwater supplies if poured on the ground or improperly used or stored.

GENERAL INFORMATION

EXISTING ZONING, CONTEXT AREA, AND LAND USE

C-S	Compact	Undeveloped land, landscape nursery
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SURROUNDING ZONING AND LAND USE

Northwest	D-5	Single-family dwellings
Southeast	C-S, D-P	Vacant industrial building, Avondale Meadows Middle School
Northeast	C-S	Commercial/industrial complex
Southwest	C-4, C-S	Event center, Bureau of Motor Vehicles branch

(Continued)

STAFF REPORT 2023-CAP-826 / 2023-CVR-826(Continued)

COMPREHENSIVE LAND USE PLAN	The Center Township Comprehensive Land Use Plan (2018) recommends Village Mixed-Use.
THOROUGHFARE PLAN	<p>Millersville Road is classified in the Official Thoroughfare Plan for Marion County, Indiana as a Primary Collector, with a 72-foot existing right-of-way and a 56-foot proposed right-of-way.</p> <p>Meadows Parkway is classified in the Official Thoroughfare Plan for Marion County, Indiana as a Local Street, with a 50-foot existing right-of-way and a 48-foot proposed right-of-way.</p>
FLOODWAY / FLOODWAY FRINGE	This site is not located within a floodway or floodway fringe.
WELLFIELD PROTECTION DISTRICT	This this site is located within the Fall Creek W-5 wellfield protection district.
STREAM PROTECTION CORRIDOR	This site is not located within a Stream Protection Corridor.

ZONING HISTORY – SITE

2013-ZON-037; 4201 Millersville Road, requested the rezoning of 13.4 acres from the C-S district to the C-S district to provide for a landscape design and installation business, including offices, nursery, material and equipment storage, sculpture garden, retail sales area; offices and production space for the design and fabrication of landscape feature, fencing and artwork for hardscape installation; urban farming and associated uses, aquaponics and related operations; fabrication and warehouse space; general office and flex space; schools and ancillary facilities; other compatible uses and I-2-S uses, **approved**.

89-Z-7; 4201 Millersville Road, requested the rezoning of 14.3 acres from the D-5 district to the C-S district to provide for offices, general storage facilities, manufacturing, processing and packaging of food products, and high-tech research, development and manufacturing, **approved**.

(Continued)

STAFF REPORT 2023-CAP-826 / 2023-CVR-826(Continued)**ZONING HISTORY – VICINITY**

2014-ZON-029; 4201 Millersville Road (northeast of site), requested the rezoning of 6.3 acres from the C-S district to the C-S district to add automobile and motorcycle restoration and storage, lawn care, tree service, contracting offices and operations to the list of permitted uses, **approved**.

2013-ZON-071; 4175 Millersville Road (southwest of site), requested the rezoning of 1.3 acre from the C-1 district to the C-S district to provide for C-3 uses and a banquet hall, **approved**.

2012-ZON-042; 3801 - 4005 Meadows Drive, 3805 – 3806 North Dearborn Street (southeast of site), requested the rezoning of 102 acres from the D-8, D-9, SU-2, C-4 and C-S district to the D-P district to provide for single-family, two-family and multi-family residential uses, commercial uses permitted within the C-1, C-3 and C-4 districts, special and institutional uses permitted within the SU-1, SU-2, SU-3, SU-6, SU-7, SU-9, SU-37, SU-38 and SU-39 districts, light manufacturing and assembly, agricultural uses, community garden and sales of products produced therein, **approved**.

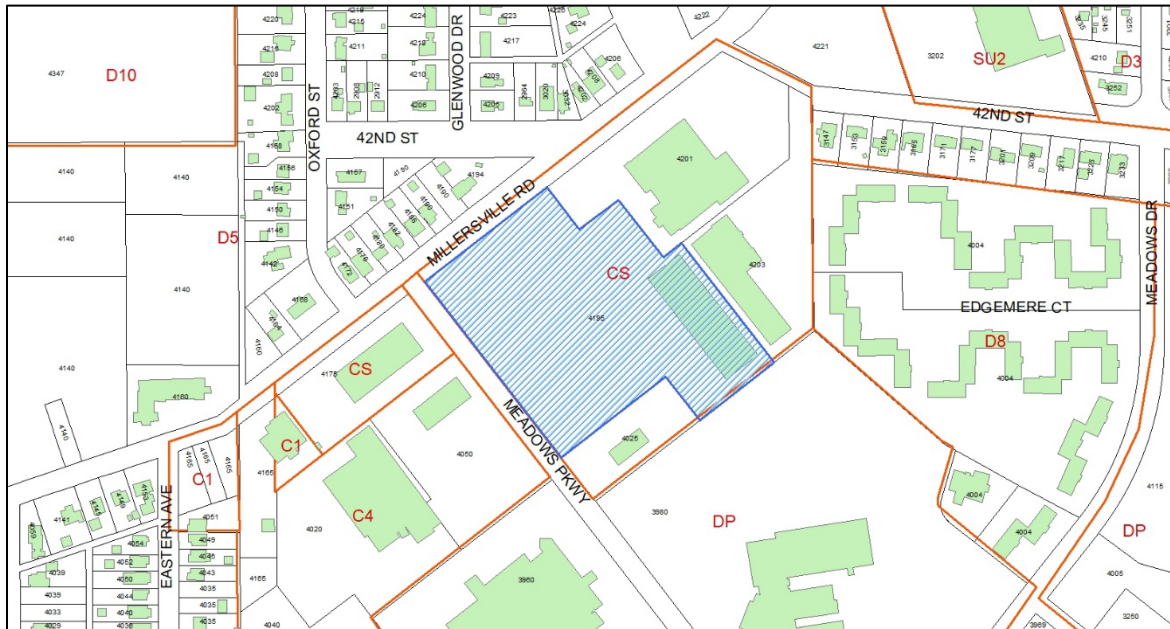
2006-ZON-008; 3980 Meadows Drive (southeast of site), requested the rezoning of 14 acres from the C-1, C-4 and D-8 districts to the SU-2 district, **approved**.

87-UV1-45; 4201 Millersville Road (northeast of site), requested a variance of use to provide for a loading dock, **approved**.

62-Z-172; 3939 Meadows Drive (southwest of site), requested the rezoning of two acres from the U1-H1-A2 district to the U3-H1-A4 district to provide for the sales of office equipment, **approved**.

klh

STAFF REPORT 2023-CAP-826 / 2023-CVR-826, Location



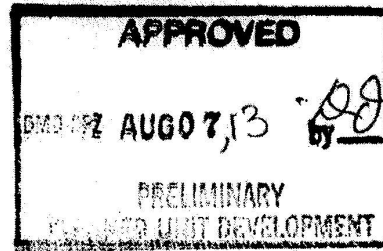
STAFF REPORT 2023-CAP-826 / 2023-CVR-826, Aerial photograph (2023)



STAFF REPORT 2023-CAP-826 / 2023-CVR-826, Commitments for petition 2013-ZON-037

4201 Millersville Road
Development Statement

Rezoning Petition - 2013-ZON-037



Introduction/History

The subject property has been utilized for industrial manufacturing, processing and distribution since the initial construction in the early 1900's. The site was the headquarters of a major dairy operation until the mid 1980's, and subsequently for smaller storage and manufacturing/construction companies.

Permitted Uses

Principal use of the subject property will be for the headquarters for a landscape/design and installation firm. Facilities include office, nursery, material and equipment storage, as well as a sculpture garden and retail sales area.

Other permitted uses will include:

- Offices and production space for companies involved in design and fabrication of landscape features, fencing, and art work to be utilized in hardscape installations.
- Urban farming and associated uses
- Aquaponics and related operations
- Fabrication and Warehouse space
- General Office and Flex space
- Schools and ancillary facilities
- Other compatible uses and those permitted within the I-2-S zoning district

Building Demolition/Site work

Due to the age and obsolescence of the existing buildings, all or certain portions of the structures may be demolished. The remaining facilities will be upgraded and utilized for those uses identified. Building additions or new structures will be permitted within the development standards outlined on the Site Plan.

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Site Plan

A preliminary site plan is included with this petition (*See Exhibit*). However, further amendments which meet the development standards are contemplated as specific uses occupancy the site. Such amendments shall be submitted to the Administrator of the Department of Metropolitan Development for review and approval.

Building Setback

Any new structures or additions will confirm with the Commercial Zoning Ordinance.

Screening/ Buffering

Additional landscaping and screening is proposed along the Millersville Road frontage as noted on the Site Plan. This area will contain a combination of lawn/turf farm and plantings to provide partial screening of material and vehicle storage. Similarly, the Meadows Drive frontage will include a nursery where landscape materials will screen operations in the storage yard area.

Perimeter buffering on the south and east property lines will generally remain in place, with general maintenance as may be required.

The west portion of the south property line is currently fenced, and will remain. Additional fencing material, if installed shall be chain link and will be six (6) feet in height.

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Signage

The signage plan for the property includes the following elements:

Main Identification Sign (Northeast Corner):

Millersville Road Entry Sign

Building Tenant Signs

Directional Signs

These signs will comply with ordinance requirements or a variance would be requested.

Site Lighting

Overhead and building mounted security lighting will be permitted on the property. Such lighting shall not adversely impact the adjoining properties.

Operations

The Landscape company will utilize the property for various activities including office, limited retail sales, storage of materials, vehicles and equipment. Currently the company has ten (10) full time and 25 seasonal employees. Subject to ability to grow the business, this number could increase to fifteen (15) full time and thirty-five (35) seasonal employees. The balance of the property will be used for compatible permitted uses and will include parking and storage for ancillary business operations. Outside storage shall be screened from any residential use.

Hours of Operation

Typical hours of operation will be from 6 am to 6 pm. However, extended hours will occur certain winter months for commencement of snow removal activity. Operator shall make efforts to minimize impact on adjacent residential uses during these times

Security

Security for the operations will be accomplished through the installation of the fencing as described above along with electrically operated gates. In addition, appropriate security lighting will illuminate the site, but will be compatible with adjoining residential uses.

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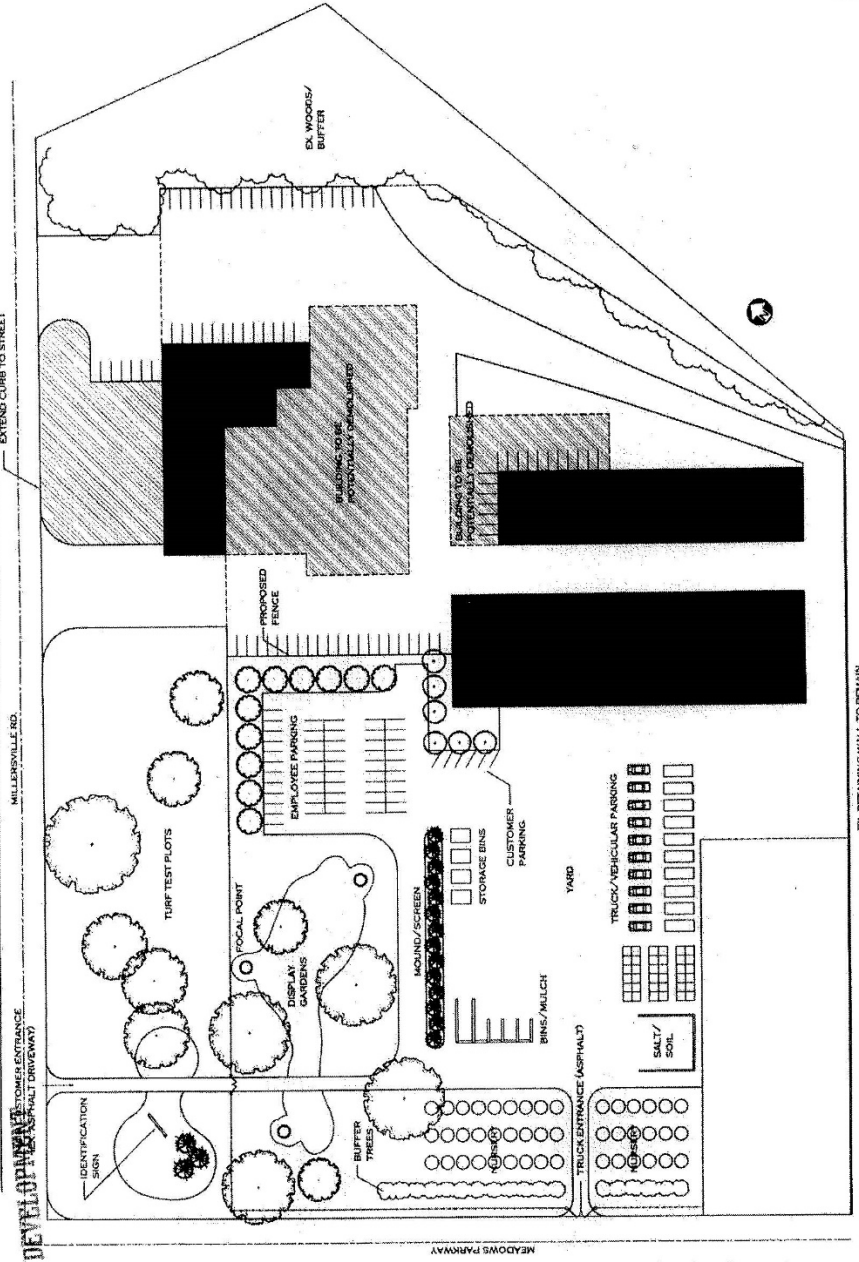
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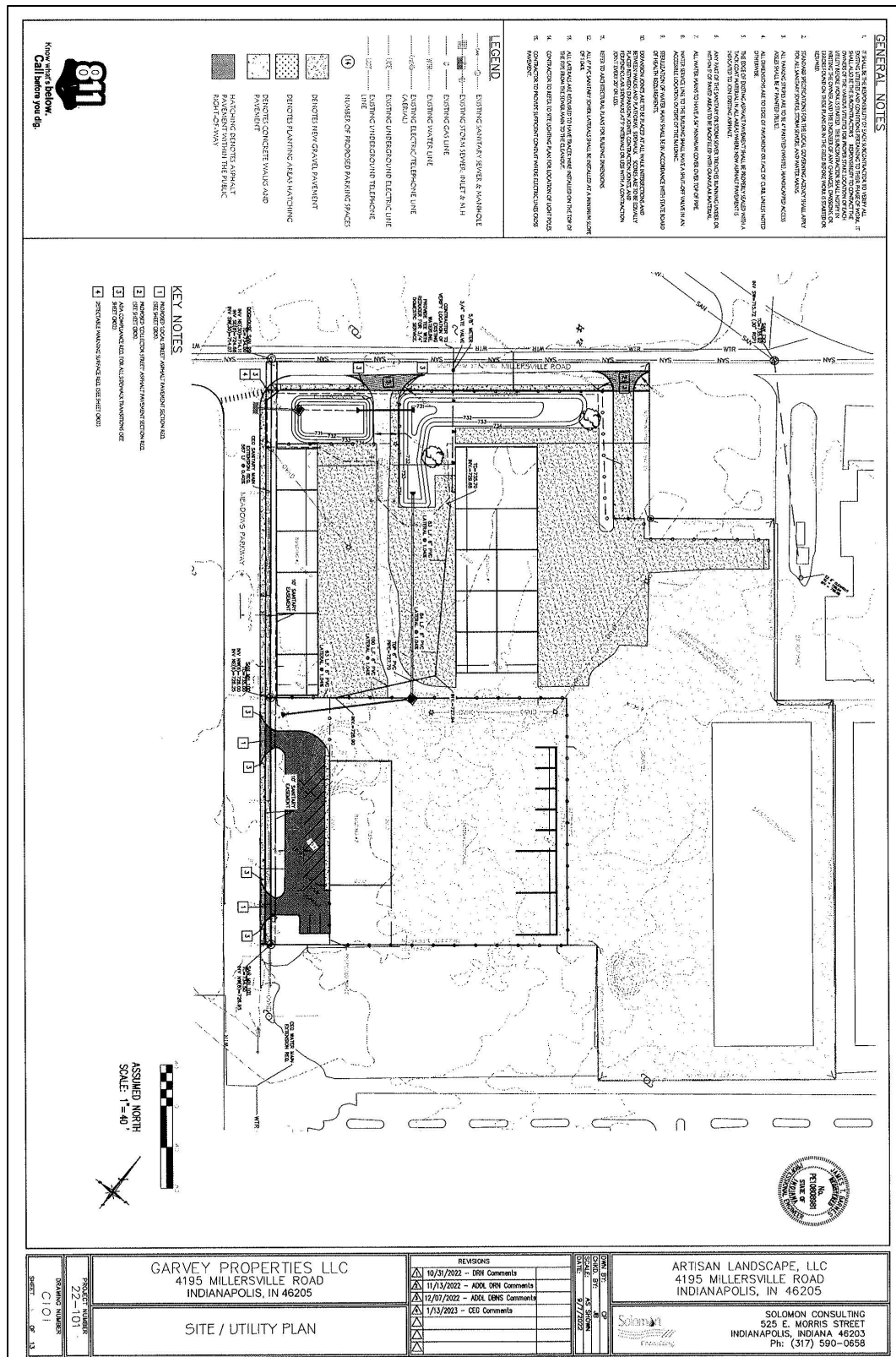


GOG OFFICE, 4201 ERSVILLE RD., INDIANAPOLIS, IN 46205
5/22/13



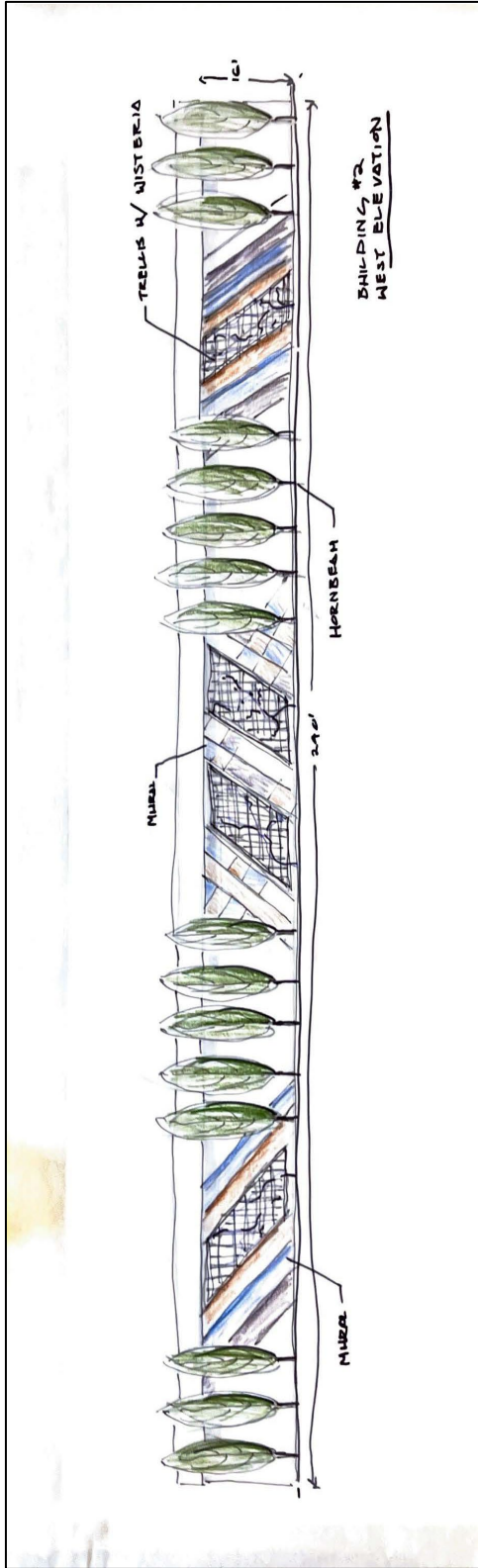
GOG MILLERSVILLE PROPERTY
CONCEPTUAL LAYOUT PLAN • SCALE: 1"=40'
DESIGNED BY: GARDENS OF GROWTH, INC. CALL @ 317.251.4769

STAFF REPORT 2023-CAP-826 / 2023-CVR-826, Site Plan





STAFF REPORT 2023-CAP-826 / 2023-CVR-826, Building façade illustration



STAFF REPORT 2023-CAP-826 / 2023-CVR-826, Findings of Fact

Petition Number _____

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

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

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

the buildings are designed for storing contractors items, and by not featuring transparent surface walls, they actually promote the public health, safety and welfare by enhancing security of the contents in the buildings.

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

there is no adjacent user which would need transparency on a wall surface on the Subject Property in order to safely use its property.

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

the C-S development standards contemplate a one size fits all approach to wall surface area transparency, although C-S allows for a variety of uses as applied to the subject property, including industrial uses, where the transparency standard is either impractical or a detriment to redevelopment of the subject property, as the C-S uses were approved prior to the transparency requirement

DECISION

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

Adopted this _____ day of _____, 20 ____

STAFF REPORT 2023-CAP-826 / 2023-CVR-826, Proposed Development Plan.

Zoning: The Subject Property is currently zoned C-S, as more particularly set forth in the City of Indianapolis Consolidated Zoning and Subdivision Ordinance (“Zoning Ordinance”), pursuant to a rezoning in 2013 under Case Number 2013-ZON-037 (the “2013 Rezoning”). The 2013 Rezoning allowed for the establishment of a headquarters for a landscape/design and installation firm, including an office nursery, material and equipment storage as well as a sculpture garden and retail sales area (the “Primary 2013 Use”).

Proposed Permitted Primary Uses of the Subject Property as described and defined in Chapter 743, Art II, Table 743-1 in the Zoning Ordinance shall be as follows:

- 1) The Primary 2013 Use.
- 2) Offices and production space for companies involved in design and fabrication of landscape features, fencing and art work to be utilized in landscape installations.
- 3) Urban Farming and associated uses.
- 4) Aquaponics and related operations.
- 5) Fabrication and Warehouse space.
- 6) General Office and Flex (industrial) space.
- 7) Schools and ancillary facilities.
- 8) Other compatible uses and those permitted in the I-2-S zoning district.

For purposes of this development statement, the intent being to not add a new permitted use, the current proposed use of the Subject Property is to allow for contractor storage units, along with material and equipment storage (the “Primary 2023 Use”), generally shown on the site plan submitted with the Approval Petition (“2023 Site Plan”). Permitted Accessory Uses of the Subject Property shall include all accessory uses permitted in the zoning district most closely identified with a particular use; provided, however, the Primary 2013 Use and Primary 2023 Use may have outdoor storage of materials and equipment as shown on the 2013 Site Plan and 2023 Site Plan, respectively.

Development Standards:

Petitioner hereby incorporates the Lot and Building Dimensions for properties in the C-S zoning district set forth in Chapter 744; Art. II, Section 01.C, Table 744-201-3 of the Zoning Ordinance, except as shown on: (i) the 2013 Site Plan with respect to the Primary 2013 Use; and (ii) the 2023 Site Plan, with respect to the Primary 2023 Use.

A final Site Plan and landscaping plan shall be tendered for Administrative Approval prior to obtaining an Improvement Location Permit, for the Primary 2023 Use and other permitted uses, but not the Primary 2013 Use.

Signs:

The following sign types shall be permitted on the Subject Property:

- 1) One (1) Monument Sign, at the entrance to the Subject Property
- 2) Wall Signs, Awning, Canopy and Window Signs
- 3) Incidental, Temporary, and Other Signs as would otherwise be permitted in a industrial zoning district

All signs shall meet the requirements for signs otherwise located in an Industrial zoning district.

STAFF REPORT 2023-CAP-826 / 2023-CVR-826, Photographs



Looking east across the subject site from the intersection of Millersville Road & Meadows Parkway.



Looking southeast along Meadows Parkway. The subject site is to the left.



Looking east into the site from Meadows Parkway.



Looking southwest from the site at the neighbor to the southwest.



Looking west across Meadows Parkway at the neighbor to the southwest, the Bureau of Motor Vehicles.



Looking south across Meadows Parkway from the site at the Tinley Genesis Academy.



Looking southeast the site's Millersville Road front.



Looking southeast along the site's access drive from Millersville Road.



Looking east across the north corner of the site at the neighbor to the northeast.



Looking west at the neighbors across Millersville Road.



Looking across Millersville Road from the site at the neighbors to the northwest.



Looking north at the neighbors across Millersville Road.