



Metropolitan Development Commission Hearing Examiner (November 10, 2022) Meeting Agenda

Meeting Details

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

Date: Thursday, November 10, 2022 **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. 2022-ZON-085 | 4505 South Harding Street | Perry Township, CD #20

Harding Street, Inc., by David Kingen and Emily Duncan

Rezoning of 5.22 acres from the MU-1 (FF) district to the I-3 (FF) district.

Continuance Request by Petitioner to March 23, 2023, with additional Notice.

2. 2022-ZON-116 | 205 Palmer Street | Center Township, CD #16

Tom and Hawk Properties, LLC, by Alex Intermill

Rezoning of 1.07 acres from the I-4 district to the C-5 district to provide for an art gallery, artist studios, art market place and an indoor entertainment venue/banquet facility.

Continuance Request by Petitioner to December 1, 2022.

3. 2022-CVC-856 | Assessment of Benefits | 6102 Carvel Avenue | Washington Township, CD #2

Buckingham Companies, by Mike Timko

Vacation of a fourteen-foot wide portion of Carvel Avenue, along the western edge of said right-of-way, from the northwest corner of the intersection of 61st Street and Carvel Avenue, north 280.70 feet.

Continuance Request by Staff to December 1, 2022.

4. 2022-CZN-857 / 2022-CVR-857 | 3730, 3740 & 3766 North Kitley Avenue and 6490 Massachusetts Avenue | Warren Township, CD #13

WEB Property Group, LLC, by Alex C. Intermill

Rezoning of 14.878 acres from the I-2 (TOD) and D-3(TOD) Districts to the I-4 (TOD) District.

Variance of Use of the Consolidated Zoning and Subdivision Ordinance to provide for a cement batching plant (not permitted within 500 feet of a protected district).

Continuance Request by Petitioner to December 15, 2022.

Petitions for Public Hearing

PETITIONS TO BE EXPEDITED:

- [5.](#) 2022-MOD-019 | 8235 East 96th Street | Lawrence Township, CD #4

ICT Restaurant 5, LLC, by Joseph D. Calderon

Modification of commitments related to 95-Z-55, 2010-MOD-004, 2011-MOD-013 and 2014-MOD-018 to modify Commitment Two of the above referenced petitions to replace the approved site-plan with the site-plan filed with this petition to provide for a building addition for a restaurant with outdoor seating and drive-through.
- [6.](#) 2022-ZON-088 / 2022-VAR-008 (Amended) | 1449 East 16th Street and 1549 & 1553 North Arsenal Avenue | Center Township, CD #17

M/E Rental Properties, LLC, by David Gilman

Rezoning of 0.47 acre from the C-5 district to the D-9 district to provide for a multi-family development.

Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for a multi-family development with a five-foot rear setback (10 feet required) with a floor area ratio of 0.87 (maximum floor area ratio 0.50 required) and a minimum livability space ratio of 0.31 (minimum 0.75 ratio required).
- [7.](#) 2022-ZON-120 | 6051 Shelbyville Road | Franklin Township, CD #25

Crawford Glover

Rezoning of 3.93 acres from the D-A district to the D-1 district.
- [8.](#) 2022-ZON-121 | 1347 and 1361 Madison Avenue and 215 Parkway Avenue | Center Township, CD #16

Midwest Floor Restore, by William W. Gooden and Elizabeth Bentz Williams

Rezoning of 0.85 acre from the I-4 and D-5 districts to the MU-2 district.
- [9.](#) 2022-ZON-122 | 9833 East 96th Street | Lawrence Township, Council District #4

Qurnyn Vandermerwe, by Lindsey M. Bennett

Rezoning of 0.9 acre from D-A District to the D-1 District.
- [10.](#) 2022-CZN-842 (Second Amendment) / 2022-CVR-842 | 6544 Ferguson Street | Washington Township, CD #2

Charles L. Mong III, by David Kingen and Emily Duncan

Rezoning of 0.20 acre from the D-4 (FF) (TOD) district to the C-1 (FF) (TOD) district, with certain excluded uses.

Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to legally establish a zero-foot south transitional yard (ten feet required).

PETITIONS FOR PUBLIC HEARING (Continued Petitions):

- [11.](#) 2022-MOD-015 | 9111 Allisonville Road and 5750 East 91st Street | Washington and Lawrence Townships, CD #3

Indianapolis Children's Choir, Inc., by Joseph D. Calderon

Modification of Commitments to terminate all commitments related to 88-AP-85 and 2000-APP-007.
- [12.](#) 2022-ZON-036 | 4161 and 4355 Senour Road | Franklin Township, CD #25

Beazer Homes of Indiana, LLP, by David A. Retherford

Rezoning of 63.60 acres from the D-A district to the D-3 district.

13. 2022-ZON-102 | 3425 Carson Avenue | Perry Township, CD #21

Maninder Singh and Jasbir Singh

Rezoning of 0.52 acre from the D-4 district to the C-4 district to provide for automobile repair.

14. 2022-ZON-111 | 9602 Fall Creek Road | Lawrence Township, CD #4

Jerome Mason, by Brian J. Tuohy

Rezoning of 1.21 acres from the D-P district to the D-1 district to provide for a single-family dwelling.

15. 2022-ZON-112 | 7305 and 7725 Kentucky Avenue | Decatur Township, CD #20

Camby Village, LLC, by Brian J. Tuohy

Rezoning of 123.23 acres from the C-4 and C-S districts to the C-S district to provide for all uses permitted in the I-1, I-2, C-3, D-4 and D-5II districts and an automobile fueling station.

16. 2022-ZON-117 | 6105 Southeastern Avenue | Warren Township, CD #18

Tim Hedinger, by David Gilman

Rezoning of 2.07 acres from the C-3 and C-S districts to the C-S district to provide the expansion of a self-storage use and to terminate all commitments approved under rezoning petition 95-Z-6.

PETITIONS FOR PUBLIC HEARING (New Petitions):

17. 2022-ZON-119 | 2525 West 44th Street | Washington Township CD #8

Children's Better Health Institute, a division of the Benjamin Franklin Literary and Medical Society, Inc, by Timothy E. Ochs

Rezoning of 22.79 acres from the SU-7 district to the SU-2 district to provide for educational uses.

18. 2022-CZN-861 / 2022-CVR-861 | 4016 East 82nd Street | Washington Township, CD #3

Edward Rose Properties, Inc., by Joseph D. Calderon

Rezoning of 9.805 acres from the C-S district to C-S district to provide for a 300-unit multi-family development with a Modification of Commitments related to 89-Z-208, as amended by 94-Z-103 and 2011-CZN-800, to amend Commitment #4 to add multi-family uses as a permitted use to Parcel D of Area B.

Variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for a lot with zero-feet of street frontage (50 feet required), with a maximum setback greater than 85 feet from 82nd Street (maximum 85-foot setback permitted), with a maximum building height of 55 feet (maximum 45 feet permitted).

19. 2022-CZN-862 / 2022-CVR-862 | 5204, 5206 and 5216 South Harding Street | Perry Township, CD #20

Quiktrip Corporation, by J. Murray Clark

Rezoning of 5.327 acres from the C-S district to C-7 classification to provide for a truck stop.

Variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for a dumpster enclosure in the front yard with a five-foot setback along SR 37 (not permitted in front yard, 10-foot setback required), with parking and drive aisles with a five-foot setback from SR 37 (ten-foot wide landscape area required), with a 90-foot tall, 391-square-foot pole sign (maximum 20-foot tall, 300 square feet permitted), and to provide for a 23-foot tall, 109-square-foot free-standing incidental sign (maximum eight-foot tall, 32 square feet permitted).

Additional Business:

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

STAFF REPORT

Item 1.

Department of Metropolitan Development Division of Planning Current Planning Section

Case Number: 2022-ZON-085
Address: 4505 South Harding Street (*Approximate Address*)
Location: Perry Township, Council District #20
Petitioner: Harding Street, Inc., by David Kingen and Emily Duncan
Request: Rezoning of 5.22 acres from the MU-1 (FF) district to the I-3 (FF) district.

ADDENDUM FOR NOVEMBER 10, 2022, HEARING EXAMINER

The Hearing Examiner continued this petition from the October 27, 2022 hearing, to the November 10, 2022 hearing, to provide time for the petitioner's representative to provide additional information that had been previously requested by staff.

ADDENDUM FOR OCTOBER 27, 2022, HEARING EXAMINER

The Hearing Examiner continued this petition from the September 15, 2022 hearing, to the October 27, 2022 hearing, at the request of the petitioner's representative.

September 15, 2022

The Hearing Examiner acknowledged the automatic continuance filed by a registered neighborhood organization that continued this petition from the August 11, 2022 hearing, to the September 15, 2022 hearing.

RECOMMENDATIONS

Staff **recommends denial** of the request.

SUMMARY OF ISSUES

The following issues were considered in formulating the recommendation:

LAND USE ISSUES

- ◇ This 5.22-acre site, zoned MU-1 (FF), is developed with a vacant motel. It is surrounded by industrial uses to the north, zoned I-3 (FF); commercial uses to the south, zoned C-5 (FF) and C-7 (FF); undeveloped land to the east, zoned I-4; and commercial uses to the west, across South Harding Street, zoned C-7(FF).
- ◇ Petitions 2021-CZN-842 / 2022 CVR-842; 4050 South Harding Street, requested rezoning of this site to the I-3 (FF) district and a variance of development to legally establish zero-foot north and south side and east rear yards. The petitions were withdrawn.

(Continued)

REZONING

- ◇ This request would rezone the site from MU-1 (FF) District to the I-3 (FF) classification to provide for industrial uses. “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 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.
- ◇ Because industrial uses are not a recommended land use within community commercial typology, there are no recommended policies or development guidelines.

Overlays

- ◇ This site is also located within an overlay, specifically the Environmentally Sensitive Areas. “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.
- ◇ This entire site is located within the 100-year flood plain of White River.

(Continued)

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 (I-3 in this request) are permitted, subject to certain development standards of the Flood Control Secondary Zoning Districts Ordinance.
- ◇ Staff would 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.
- ◇ Furthermore, staff has concerns with the following uses that would be permitted should this request be approved:
 - Agricultural machinery and equipment sales, rental or repair
 - Agricultural uses, buildings and structures
 - Processing and packaging of food and beverages
 - Auctioneering and liquidating services
 - Dry cleaning plant
 - Outdoor advertising off-premises sign
 - Commercial and building contractors
 - Heavy Equipment sales, service or repair
 - Light, medium and heavy manufacturing
 - Automobile and vehicles storage or auction
 - Automobile, motorcycle and light vehicle service or repair

(Continued)

- Recycling station
- Waste or recycling transfer facility
- Heavy outdoor storage
- Self-storage facility
- Warehousing, wholesaling and distribution

Planning Analysis

- ◇ As proposed, the request would not be consistent with the Comprehensive Plan recommendation of community commercial. Staff requested more information on the proposed use for further consideration and review but no additional documents have been submitted by the petitioner’s representative. Admittedly, information on specific uses is not required but given the environmental sensitive overlay and the inconsistency with the Plan recommendation, staff believes it would be appropriate for the petitioner’s representative to provide more information.
- ◇ Because of the location within the floodplain of White River, many permitted industrial uses would be detrimental and could negatively impact surrounding land uses and the water quality of the White River.
- ◇ Redevelopment of this site would be appropriate but without more information, staff does not believe I-3 industrial uses on this site would be supportable.

GENERAL INFORMATION

EXISTING ZONING AND LAND USE

MU-2 (FF) Vacant motel

SURROUNDING ZONING AND LAND USE

North -	I-3 (FF)	Industrial uses
South -	C-5 (FF) / C-7 (FF)	Commercial uses
East -	I-4 (FF)	Undeveloped land
West -	C-7 (FF)	Commercial uses

COMPREHENSIVE LAND USE PLAN

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

THOROUGHFARE PLAN

This portion of South Harding Street is designated in the Marion County Thoroughfare Plan as a primary arterial with an existing 226-foot right-of-way and a proposed 102-foot right-of-way.

(Continued)

CONTEXT AREA	This site is located within the metro context area.
OVERLAY	This site is located within an environmentally sensitive area (100-year floodplain of White River)

ZONING HISTORY

2021-CZN-842 / 2022 CVR-842; 4505 South Harding Street, requested rezoning of 5.22 acres from the MU-1 (FF) district to the I-3 (FF) district and a variance of development standards of the Consolidated Zoning and Subdivision Ordinance to legally establish zero-foot north and south side and east rear yards, **withdrawn**.

VICINITY

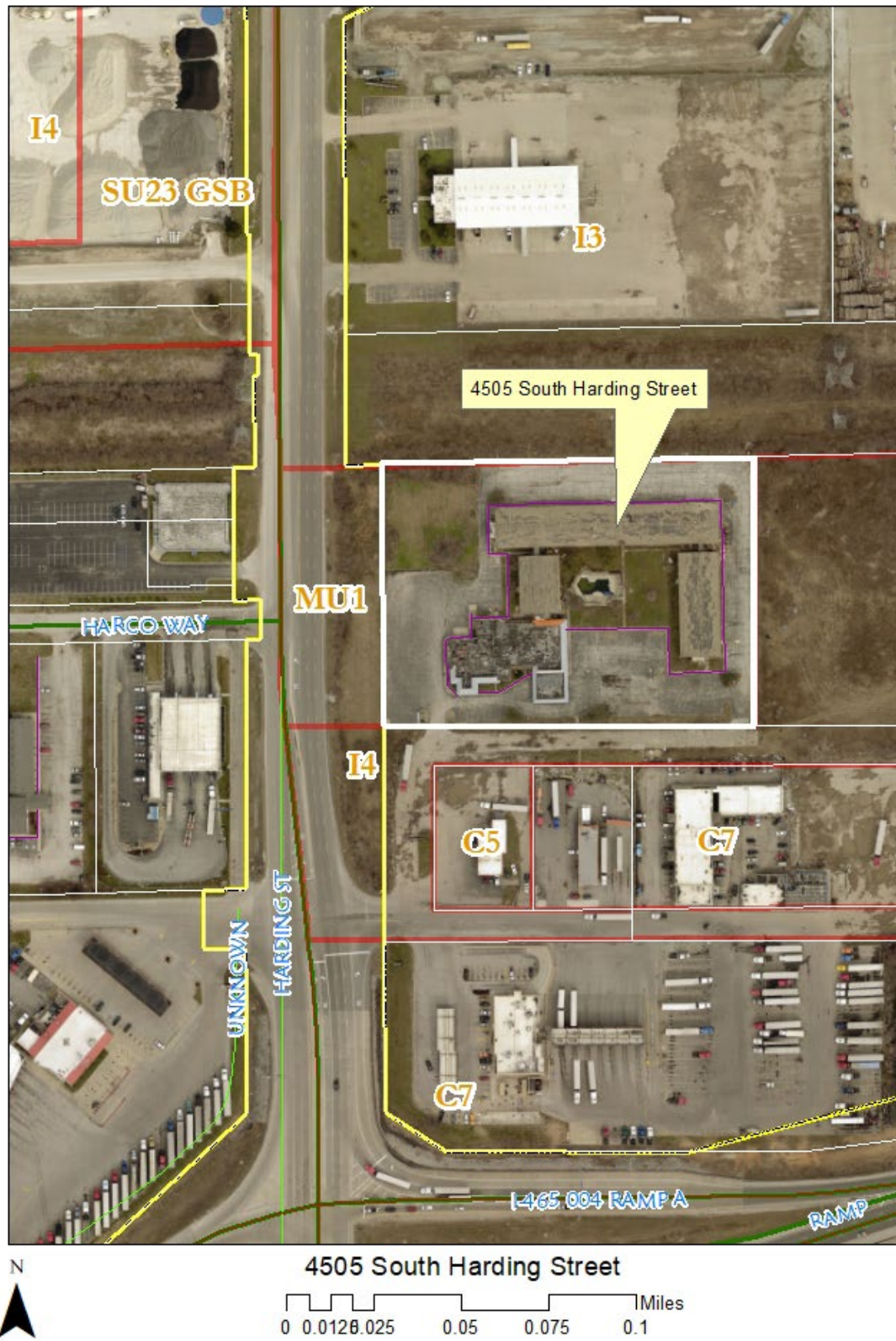
2012-CZN-813 / 2012-CVR-813; 4585, 4600 and 4800 South Harding Street (south of site), requested rezoning of 37.11 acres from the C-2 (FF), C-3 (FF), C-5 (FF), C-7 (FF) and I-3-S (FF) Districts to the I-4-S (FF) classification to provide for a motor truck terminal and a variance of use and development standards of the Industrial Zoning Ordinance to provide for truck and truck-related sales and to provide for a 15-foot north side lot line, a zero-foot front yard, without landscaping, zero-foot side yards lines abutting the parcel shown as an exception (addressed as 4585 (Parcel 5028528) 4603 and 4605 South Harding Street), on the site plan submitted to the file, and a zero-foot south side lot line, **approved and granted**.

2009-SE1-005; 4607 South Harding Street (south of site), requested special exception of the Commercial Zoning Ordinance to provide for an amusement arcade, **granted**.

98-V2-14; 4584 South Harding (south of site), requested variance of development standards of the Sign Regulations to provide for an off-premises advertising sign, **granted**.

91-SE2-1 / 91-UV2-36; 4507 South Harding Street (south of site), requested the approval of an Industrial Special Exception to permit the construction and use of an asphalt plan and a variance of use of the Flood Control District Zoning Ordinance to permit development on a lot that does not have all-weather access above the 100-year floodplain elevations, and a variance of development standards to permit development on a lot that does not have direct access to a public street, **granted**.

kb





View of site looking north from site entrance



View of site looking southeast



View of site looking southeast



View of site looking north



View of site looking west



View from site looking west



View from site looking south



View from site looking south



View from site looking south

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

Case Number: 2022-ZON-116
Address: 205 Palmer Street (*Approximate Address*)
Location: Center Township, Council District #16
Petitioner: Tom and Hawk Properties, LLC, by Alex Intermill
Request: Rezoning of 1.07 acres from the I-4 district to the C-5 district to provide for an art gallery, artist studios, art marketplace and an indoor entertainment venue/banquet facility.

The petitioner has requested that this petition be **continued from the November 10, 2022 hearing to the December 1, 2022 hearing** to provide time to amend the request.

An Automatic Continuance was filed by the petitioner continuing this petition from the October 13, 2022 hearing to the November 10, 2022 hearing.

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STAFF REPORT

Item 3.

Department of Metropolitan Development Division of Planning Current Planning Section

Case Number: 2022-CPL-856 / 2022-CVC-856
Address: 6102 Carvel Avenue (*Approximate Address*)
Location: Washington Township, Council District #2
Petitioner: Buckingham Companies, by Mike Timko
Requests: Approval of a subdivision plat to be known as Monon Court combining 1.40 acres into one lot.

Vacation of a fourteen-foot wide portion of Carvel Avenue, along the western edge of said right-of-way, from the northwest corner of the intersection of 61st Street and Carvel Avenue, north 280.70 feet.

Vacation of a fourteen-foot wide portion of 61st Street, along the northern edge of said right-of-way, from the northwest corner of the intersection of 61st Street and Carvel Avenue, west 216.50 feet.

ADDENDUM FOR NOVEMBER 10., 2022, HEARING EXAMINER

The Hearing Examiner approved petition 2022-CPL-856 and continued petition 2022-CVC-856 from the October 13, 2022 hearing to the November 10, 2022 hearing, to provide time for assessment of benefits to be conducted.

Because the required information has not been submitted for the assessment of benefits, petition 2022-CVC-856 will need to be **continued to the December 1, 2022 hearing**.

October 13, 2022

The petitioner's representative **withdrew** the proposed vacation along East 61st Street on September 27, 2022, leaving only the approval of the vacation along Carvel Avenue. The petitioner's representative will make that request at the hearing, which will require acknowledgement from the Hearing Examiner.

RECOMMENDATIONS

Staff **recommends approval** of the plat request.

Staff recommends that the Hearing Examiner **approve** and find that the plat, file-dated June 1, 2022, complies with the standards of the Subdivision regulations, subject to the following conditions:

1. Subject to the Standards and Specifications of Citizens Energy Group, Sanitation Section.
2. Subject to the Standards and Specifications of the Department of Public Works, Drainage Section.

(Continued)

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

Staff **recommends approval** of the vacation request and offers the follow motion:

RECOMMENDED MOTION: That the Hearing Examiner finds that the proposed vacation is in the public interest. That a hearing upon the assessment of benefits be held on November 10, 2022; that the Hearing Examiner confirm and ratify the adoption of Declaratory Resolution 2022-CVC-856; and that the vacation be subject to the rights of public utilities under IC 36-7-3-16.

SUMMARY OF ISSUES

The following issues were considered in formulating the recommendation:

LAND USE ISSUES

- ◇ This 1.40-acre site, zoned D-P, is developed with a multi-family complex. It is surrounded by multi-family dwellings to the north, zoned C-1; multi-family dwellings to the south, across East 61st Street, zoned D-P; multi-family dwellings to the east, across Carvel Avenue, zoned D-7; and the Monon Trail to the west, zoned D-5.
- ◇ Petition 2021-ZON-043 rezoned the site from the C-1 district to the D-P district to provide for a four-story, 200-unit, multifamily building.

(Continued)

PLAT APPROVAL

- ◇ This petition would provide for the approval of a Subdivision Plat to be known as Monon Court.
- ◇ The request would combine 1.40 acres into one lot to provide for redevelopment of the site for multi-family dwellings.
- ◇ The existing structures would be demolished, and a new structure would be constructed that would provide for approximately 200 dwelling units and no less than 160 off-street parking spaces, which would be on the first, partially below-grade floor.

VACATION

- ◇ This vacation would vacate a fourteen-foot wide portion of Carvel Avenue, along the western edge of said right-of-way, from the northwest corner of the intersection of 61st Street and Carvel Avenue, north 280.70 feet.
- ◇ Due to proposed upgrade of electrical distribution in the area, additional space would be required to provide on-street parking for the proposed redevelopment of the site. The proposed vacated area, however, would require a transportation easement on behalf of the City of Indianapolis, Department of Public Works.

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 land owner 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)

GENERAL DESCRIPTION:

Street Vacation: Vacation of a fourteen-foot wide portion of Carvel Avenue, along the western edge of said right-of-way, from the northwest corner of the intersection of 61st Street and Carvel Avenue, north 280.70 feet.

UTILITIES AND AGENCY REPORT

Telephone:	No answer, retain easement
CEG, Gas:	No answer, retain easement
CEG, Water:	No answer, retain easement
CEG, Wastewater	No answer, retain easement
Power:	No answer, retain easement
Cable:	No answer, retain easement
DPR:	No answer, retain easement, if requested

GENERAL INFORMATION**EXISTING ZONING AND LAND USE**

D-P	Multi-family dwellings (to be demolished)
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SURROUNDING ZONING AND LAND USE

North -	C-1	Multi-family dwellings
South -	D-P	Multi-family dwellings
East -	D-7	Multi-family dwellings
West -	D-5	Monon Trail

COMPREHENSIVE LAND USE PLAN

The Envision Broad Ripple Plan for Indianapolis and Marion County (2012) recommends regional commercial typology.

The Red Line Transit-Oriented Development Strategic Plan (2015) provides for transit station within a ½ mile walk shed.

THOROUGHFARE PLAN

This portion of Carvel Avenue is designated in the Marion County Thoroughfare Plan as a local street with an existing 50-foot right-of-way and proposed 48-foot right-of-way.

This portion of East 61st Street is designated in the Marion County Thoroughfare Plan as a local street with an existing 50-foot right-of-way and proposed 48-foot right-of-way.

CONTEXT AREA

This site is located within the compact context area.

OVERLAY

This site is located within the transit-oriented development overlay.

PRIMARY PLAT

File-dated September 27, 2022

(Continued)

VACATION SITE PLAN	File-dated September 1, 2022
VACATION SITE PLAN (AMENDED)	File-dated September 27, 2022
FINDINGS OF FACT	File-dated September 1, 2022

ZONING HISTORY

2021-ZON-043; 6102 Carvel Avenue, requested rezoning of 1.4 acres from the C-1 district to the D-P district to provide for a four-story, 200-unit, multifamily building at a density of 142 units per acre, **approved**.

VICINITY

2007-ZON-129; 5900 Carvel Avenue and 1111 East 61st Street (south of site), requested rezoning of 13.67 acres, from the D-7 and C-1 Districts to the D-P classification to provide for a total of 286 apartment units and 12,450 square feet of commercial space for C-1 and C-3 uses, **approved**.

2007-ZON-083; 6159, 6161, 6165, 6171 and 6175 Winthrop Avenue (north of site), requested rezoning of 1.504 acres, from the D-5 District, to D-P classification to provide for 23 condominium dwelling units, with a density of 15.29 units per acre, **approved**.

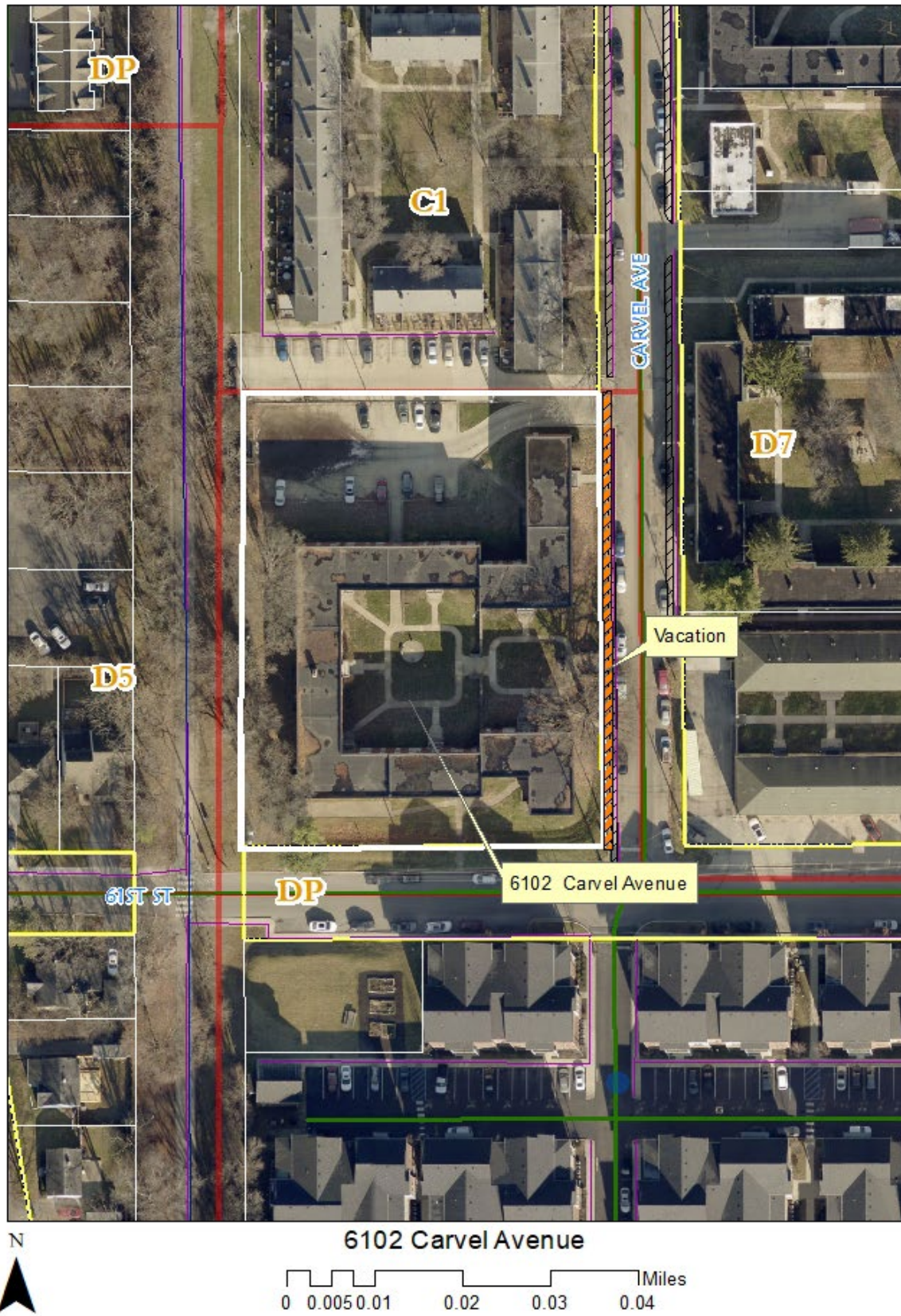
2007-ZON-024; 6159, 6161, 6165, 6171 and 6175 Winthrop Avenue (north of site), requested rezoning of 1.504 acres, from the D-5 District, to D-P classification to provide for 25 condominium dwelling units, with a density of 16.6 units per acre, **denied**.

2005-ZON-146; 6137 Winthrop Avenue (north of site), requested rezoning of 1.43 acres from D-5 to D-P to provide for the construction of 28 multi-family dwelling units at a density of 19.58 units per acre, **approved**.

2002-ZON-008; 5900 Carvel Avenue and 1111 East 61st Street (south of site), requested rezoning of 13.67 acres from C-1 and D-7 to D-P to provide for a mixed office, retail and multi-family residential development, with 18,000 square feet of commercial/retail space and 236 multi-family residential units, or 17.26 units per acre, **denied**.

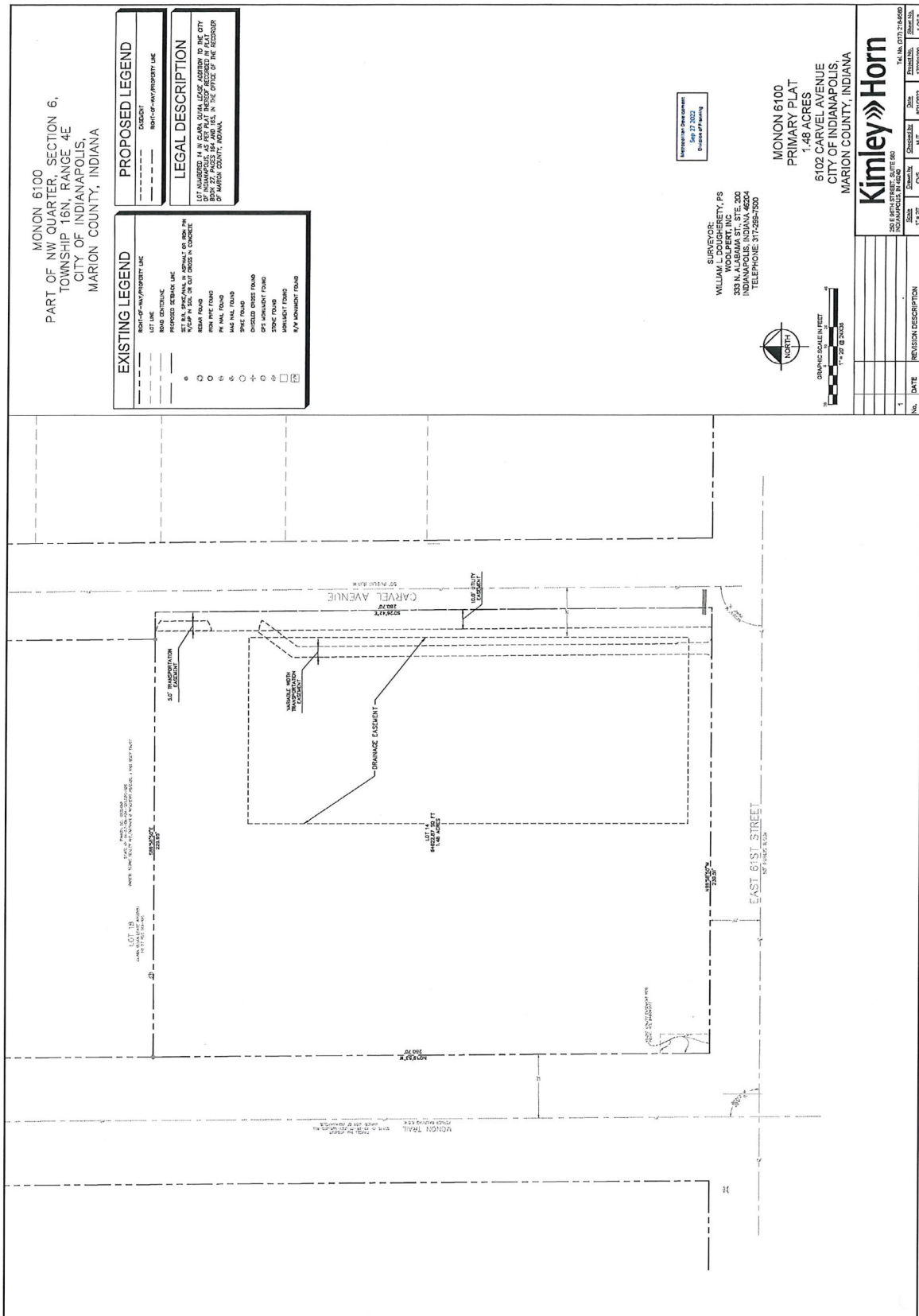
2001-ZON-810; 1115 Broad Ripple Avenue (northeast of site), requested rezoning of 14 acres from D-5 to SU-2 to legally establish a school, **approved**.

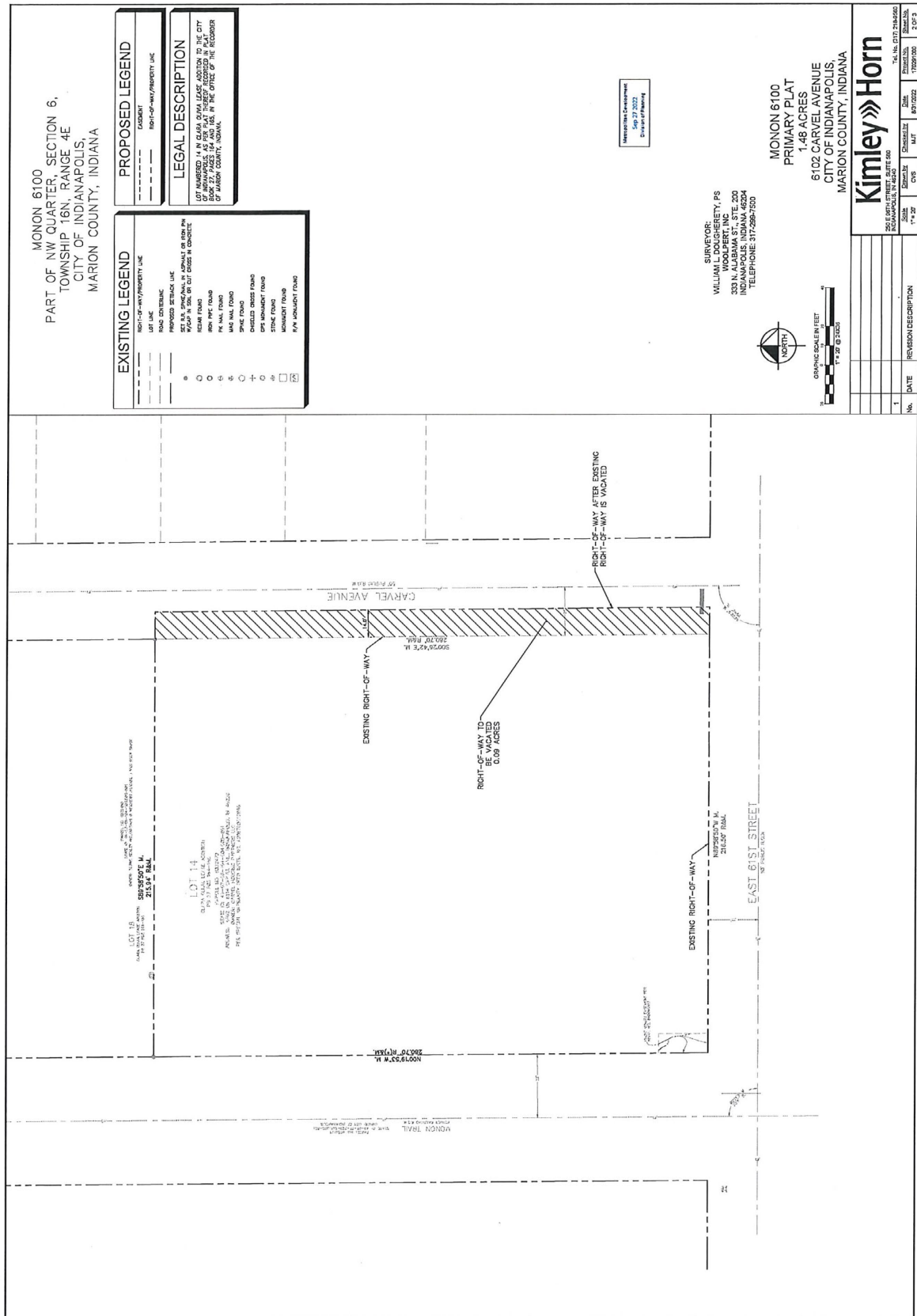
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Primary Plat

Item 3.





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:
It will allow for additional on street parking to be provided for the proposed apartment building project.
The addition of parking available to future tenants will help reduce congestion and traffic in the area.

DECISION

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

Adopted this _____ day of _____, 20 ____



View looking west at intersection of East 61st Street and Carvel Avenue



View looking north across intersection of East 61st Street and Carvel Avenue



View looking south along Carvel Avenue



View looking east at intersection of East 61st Street and Carvel Avenue

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

Case Number: 2022-CZN-857 / 2022-CVR-857
Address: 3730, 3740 & 3766 North Kitley Avenue and 6490 Massachusetts Avenue (*Approximate Address*)
Location: Warren Township, Council District #13
Petitioner: WEB Property Group, LLC, by Alex C. Intermill
Request: Rezoning of 14.878 acres from the I-2 (TOD) and D-3(TOD) Districts to the I-4 (TOD) District.

Variance of Use of the Consolidated Zoning and Subdivision Ordinance to provide for a cement batching plant (not permitted within 500 feet of a protected district).

The petitioner has requested that this petition be **continued from the November 10, 2022 hearing to the December 15, 2022 hearing** to provide time to amend the request.

An Automatic Continuance was filed by the petitioner continuing this petition from the October 13, 2022 hearing to the November 10, 2022 hearing.

klh

STAFF REPORT

Department of Metropolitan Development Division of Planning Current Planning Section

Case Number: 2022-MOD-019
Address: 8235 East 96th Street (*Approximate Address*)
Location: Lawrence Township, Council District #4
Zoning: C-4
Petitioner: ICT Restaurant 5, LLC, by Joseph D. Calderon
Request: Modification of commitments related to 95-Z-55, 2010-MOD-004, 2011-MOD-013 and 2014-MOD-018 to modify Commitment Two of the above referenced petitions to replace the approved site-plan with the site-plan filed with this petition to provide for a building addition for a restaurant with outdoor seating and drive-through.

RECOMMENDATION

Staff **recommends approval** of the modification.

SUMMARY OF ISSUES

The following issues were considered in formulating the recommendation:

LAND USE

- ◇ The subject site is home to a 6000 square-foot commercial building with three tenant bays. It is an outlot within a larger commercial center containing several anchor stores and smaller shops. The site does not front on a public street.
- ◇ The 2018 Comprehensive Land Use Plan recommends Regional Neighborhood for the site. This typology provides for general commercial uses that serve a significant portion of the county to that generates a significant amount of traffic. Typical examples include strip shopping centers, home improvement centers and department stores.

(Continued)

STAFF REPORT 2022-MOD-019 (Continued)

MODIFICATION OF COMMITMENTS

- ◇ This site was part of a 37-acre rezoning in 1995 from the C-6 and I-2-S districts to the C-4 district to provide for commercial development. The approval of the rezoning petition (95-Z-55) was subject to 17 commitments, one of which was “The site shall be developed in substantial conformance with the site, file dated August 22, 1995.” That site plan was later modified to allow the current development on the site.
- ◇ This petition would further modify the approved site plan to remove 21 parking spaces from the site and replace them with a drive-thru facility on the north side of the building. With 48 parking spaces remaining, the site would continue to meet the parking standards of the Ordinance (minimum of 33, maximum of 52). The drive-thru unit would meet the Ordinance’s development standards for drive-thrus.
- ◇ Staff finds the proposed site plan appropriate to the site and its vicinity and recommends its approval.

GENERAL INFORMATION

EXISTING ZONING, CONTEXT AREA, AND LAND USE

C-4	Metro	Retail shops
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SURROUNDING ZONING AND LAND USE

North	C-4	Retail center
South	C-4	Retail center
East	C-4	Retail center
West	C-4	Retail center

COMPREHENSIVE LAND USE PLAN	The Lawrence Township Comprehensive Land Use Plan (2018) recommends Regional Commercial.
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THOROUGHFARE PLAN	The site does not front on a public right-of-way.
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FLOODWAY / FLOODWAY FRINGE	The 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 2022-MOD-019 (Continued)

ZONING HISTORY – SITE

2014-MOD-018; 8375 East 96th Street, requested a modification of commitments related to 95-Z-55, 2010-MOD-004 and 2011-MOD-013 to provide for an amended site plan, **approved**.

95-Z-55; 9589 Hague Road, requested the rezoning of 36.8 acres from the C-6 and I-2-S districts to the C-4 district, **approved**.

86-Z-172; 8351 East 96th Street, requested the rezoning of 103 acres from the A-2 district to the I-2-S district, **approved**.

85-Z-103 / 85-DP-6; 8351 East 96th Street, requested the rezoning of 103 acres from the A-2 district to the D-P district to provide for mixed residential uses, **denied**.

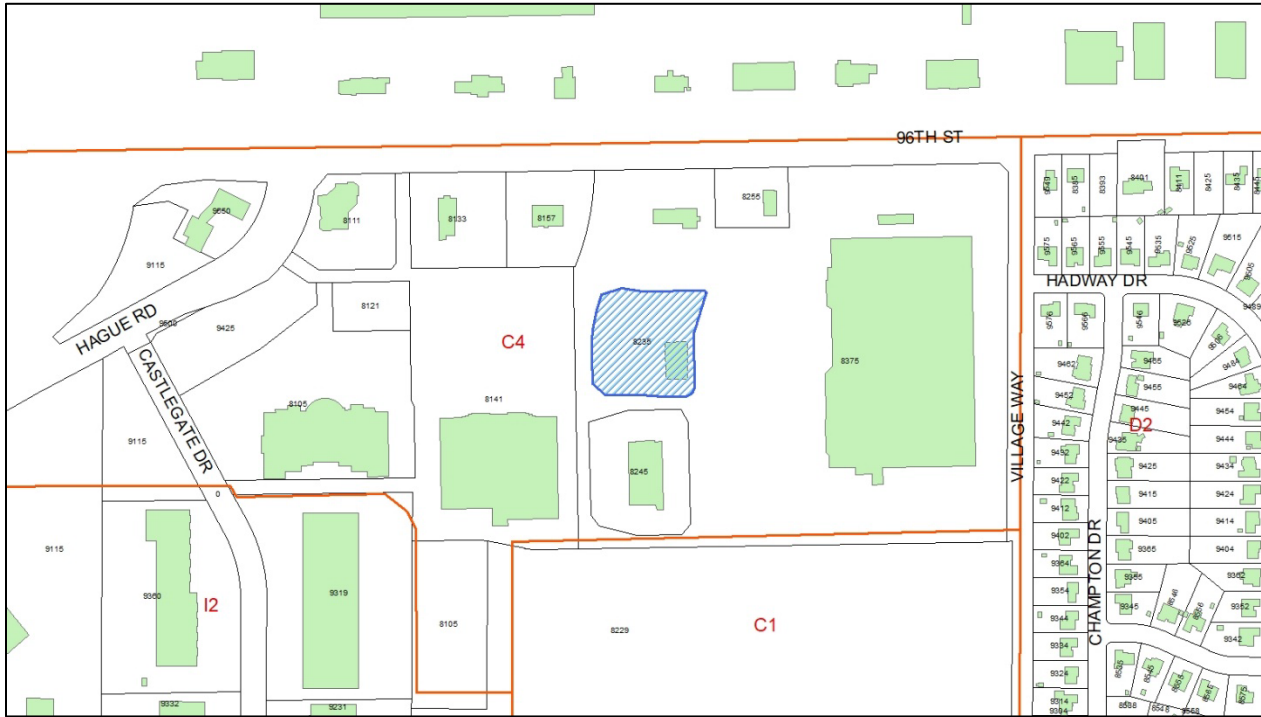
ZONING HISTORY – VICINITY

2011-MOD-013; 8375 East 96th Street (northeast of site), requested a modification of commitments related to 95-Z-55 to provide for an amended site plan, **approved**.

2010-MOD-004; 8375 East 96th Street (northeast of site), requested a modification of commitments related to 95-Z-55 to provide for an amended site plan, **approved**.

klh

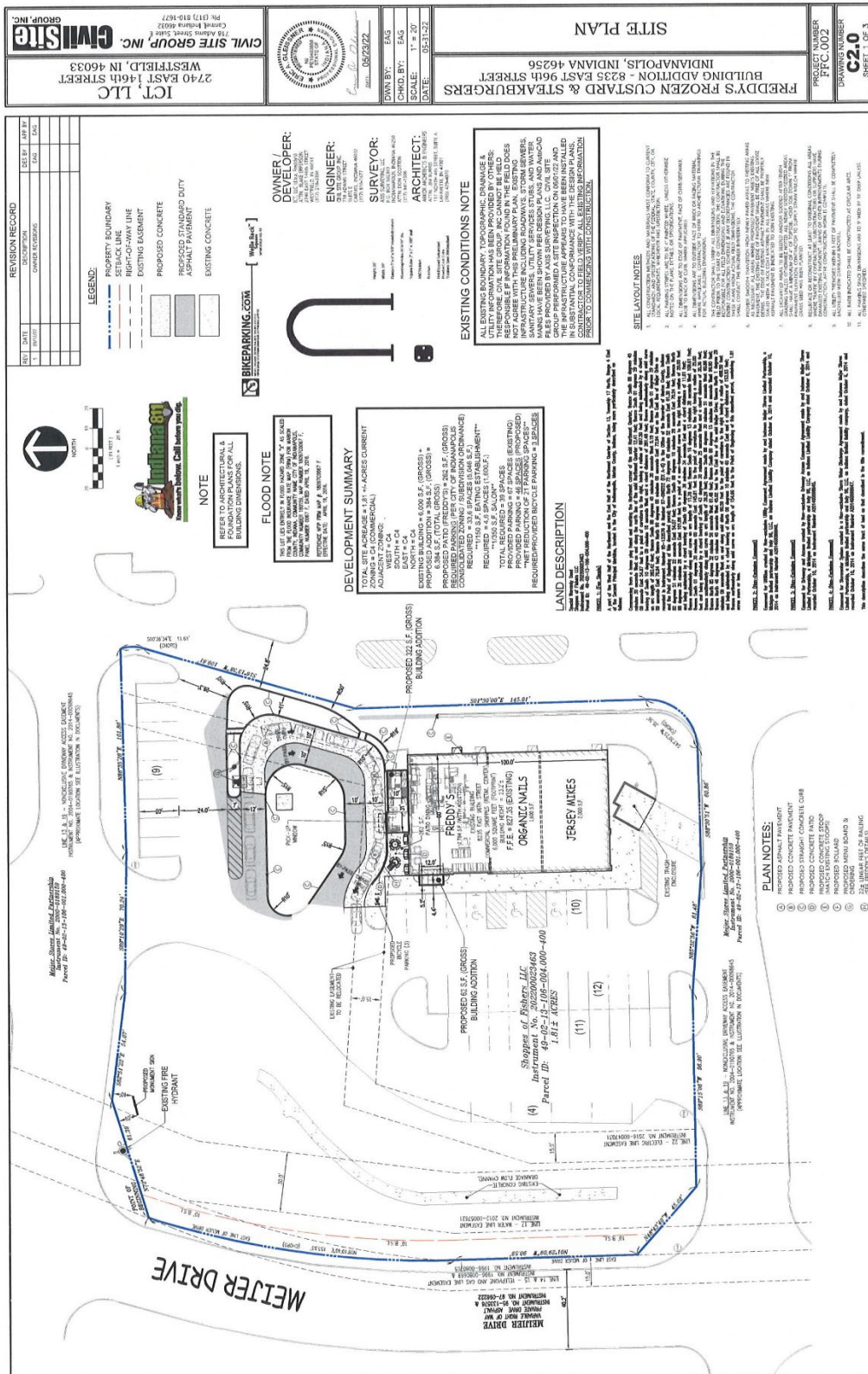
STAFF REPORT 2022-MOD-019, Location



STAFF REPORT 2022-MOD-019, Aerial photograph (2021)



STAFF REPORT 2022-MOD-019, Proposed Site Plan



STAFF REPORT 2022-MOD-019, Photographs



Looking southwest across the site.



Looking south at the north end of the building where the drive-thru is proposed.



Looking at the neighbor to the east.



Looking north at the neighbor to the north.

STAFF REPORT

Department of Metropolitan Development Division of Planning Current Planning Section

Case Number: 2022-ZON-120
Address: 6051 Shelbyville Road (*Approximate Address*)
Location: Franklin Township, Council District #25
Petitioner: Crawford Glover
Request: Rezoning of 3.93 acres from the D-A district to the D-1 district.

RECOMMENDATION

Staff **recommends approval** of this 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:

A 40-foot half right-of-way shall be dedicated along the frontage of Combs 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 developed with a single-family dwelling dating from the late 1950s/early 1960s. Most of the dwellings in the vicinity date to a similar time period.
- ◇ The 2018 Comprehensive Land Use Plan recommends Rural or Estate Neighborhood for the subject site. This typology envisions estate-style homes on large lots with a density of less than one unit per acre. Two single-family dwellings on this site would equal 0.5 units per acre.

ZONING

- ◇ This petition requests a rezoning from the D-A district to the D-1 district. The D-1 district is a residential district intended for very low density suburban residential development. It has a minimum lot size of 24,000 square feet.

(Continued)

STAFF REPORT 2022-ZON-120 (Continued)

- ◇ The D-1 district is appropriate as it is responsive to the Rural or Estate Neighborhood recommendation of the Comprehensive Land Use Plan.

GENERAL INFORMATION

EXISTING ZONING, CONTEXT AREA, AND LAND USE

D-A	Metro	Single-family dwelling.
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SURROUNDING ZONING AND LAND USE

North	D-A, SU-1	Single-family dwellings
South	D-A	Single-family dwelling
East	D-A	Single-family dwelling
West	D-A	Single-family dwellings

COMPREHENSIVE LAND USE PLAN	The Franklin Township Comprehensive Plan (2018) recommends Rural or Estate Neighborhood.
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THOROUGHFARE PLAN	Shelbyville Road is classified in the Official Thoroughfare Plan for Marion County, Indiana as a Secondary Arterial, with a 60-foot existing right-of-way and an 80-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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ZONING HISTORY – SITE

None.

ZONING HISTORY – VICINITY

2022-UV1-005; 6145 Shelbyville Road (east of site), requested variance of use to provide for a commercial workshop in a dwelling district and a variance of development standards to provide for an accessory structure larger than the primary structure, **withdrawn.**

(Continued)

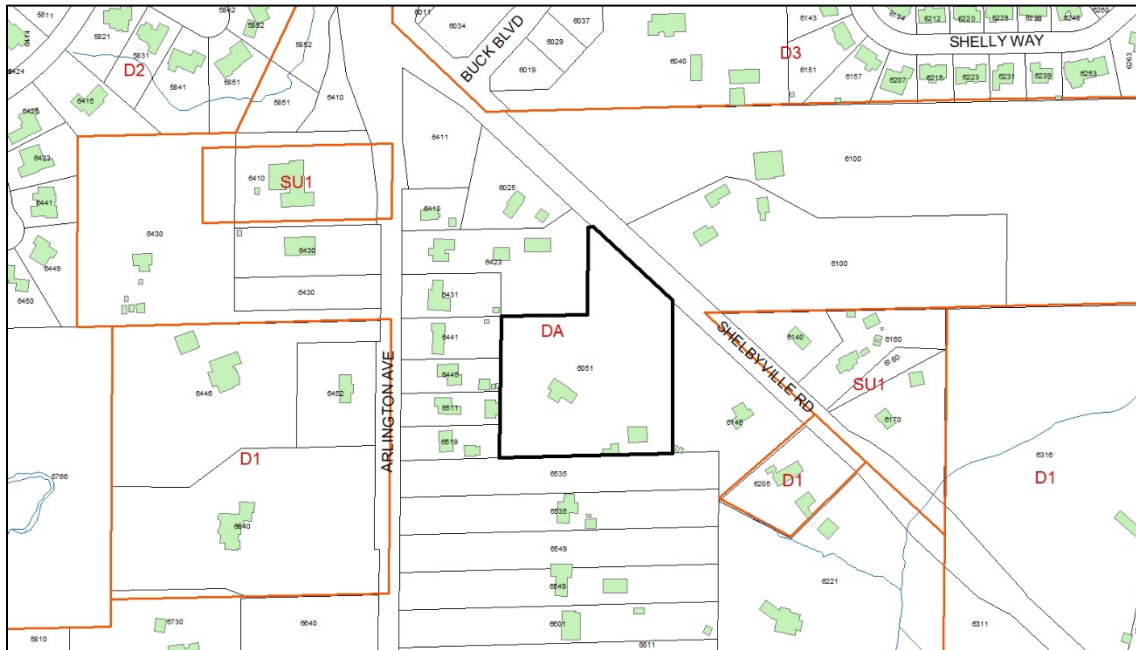
STAFF REPORT 2022-ZON-120 (Continued)

2016-DV1-028; 6535 South Arlington Avenue (south of site), requested a variance of development standards to provide for an over-height barn in the front yard, **approved**.

77-UV1-96; 6423 South Arlington Avenue (north of site), requested variances of use and development standards to provide for a pole barn for the storage of antique automobiles and fire apparatus, **denied**.

klh

STAFF REPORT 2022-ZON-120, Location



STAFF REPORT 2022-ZON-120, Aerial photograph (2021)



STAFF REPORT 2022-ZON-120, Photographs



Looking south from Shelbyville Road across the western portion of the subject site.



Looking south from Shelbyville Road across the eastern portion of the site.



Looking north across Shelbyville Road at the neighbor to the north.



Looking northwest along Shelbyville Road.

STAFF REPORT

Item 8.

Department of Metropolitan Development Division of Planning Current Planning Section

Case Number: 2022-ZON-121
Address: 1347 and 1361 Madison Avenue and 215 Parkway Avenue (*Approximate Address*)
Location: Center Township, Council District #16
Petitioner: Midwest Floor Restore, by William W. Gooden and Elizabeth Bentz Williams
Request: Rezoning of 0.85 acre from the I-4 and D-5 districts to the MU-2 district.

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. Development of the site shall be in substantial compliance with the site plan, filed-dated October 5, 2022, and the Development Plan, file-dated October 25, 2022.
2. The site and improved areas within the site shall be maintained in a reasonably neat and orderly manner during and after development of the site with appropriate areas and containers / receptables provided for the proper disposal of trash and other waste.

SUMMARY OF ISSUES

The following issues were considered in formulating the recommendation:

LAND USE ISSUES

- ◇ This 0.85-acre site, zoned I-4 and D-5, is comprised of three parcels developed with an office building, industrial building, dwelling and a parking lot. It is surrounded by a dental office and religious uses to the north, across Parkway Avenue, zoned I-3 and D-5, respectively; a financial institution and associated parking to the south, zoned I-3 and D-5, respectively; and religious uses and single-family dwellings to the east, across South Alabama Street, zoned D-5; and the Madison Avenue right-of-way to the west, zoned I-3.

(Continued)

REZONING

- ◇ This request would rezone the site from I-3 and D-5 Districts to the MU-2 (FF)(W-5) classification to provide for multi-family development uses. “The MU-2 District is intended to accommodate a mix of residential uses, offices, personal services, retail, and eating & drinking businesses that typically do not draw customers from beyond their neighborhood boundaries and do not generate substantial vehicle traffic. The corridor development pattern of the MU-2 district is neighborhood-focused; supportive of safe, vibrant pedestrian activity; and offers additional housing options. Application of the MU-2 district is for use in older urban commercial areas that are located adjacent to established residential neighborhoods extending along segments of primary and secondary thoroughfares. It can also be used in newer areas to replicate those building patterns found in older parts of the city. In order to perform its neighborhood focus, floor areas are restricted, auto-related uses minimized, and building details and other similar amenities are scaled to the pedestrian.”
- ◇ The Comprehensive Plan recommends Village Mixed-Use typology. “The Village Mixed-Use typology creates neighborhood gathering places with a wide range of small businesses, housing types, and public facilities. This typology is intended to strengthen existing, historically small-town centers as well as to promote new neighborhood centers. Businesses found in this typology serve adjacent neighborhoods, rather than the wider community. This typology is compact and walkable, with parking at the rear of buildings. Buildings are one to four stories in height and have entrances and large windows facing the street. Pedestrian-scale amenities such as lighting, landscaping, and sidewalk furniture also contributes to a walkable environment in this typology. Uses may be mixed vertically in the same building or horizontally along a corridor. Public spaces in this typology are small and intimate, such as pocket parks and sidewalk cafes. This typology has a residential density of 6 to 25 dwelling units per acre.”
- ◇ The Comprehensive Plan consists of two components that include the Pattern Book and the land use map. The Pattern Book provides a land use classification system that guides the orderly development of the county and protects the character of neighborhoods while also being flexible and adaptable to allow neighborhoods to grow and change over time.
- ◇ The Pattern Book serves as a policy guide as development occurs. Below are the relevant policies related to this request:

Conditions for All Land Use Types

- All land use types except small-scale parks and community farms/gardens in this typology must have adequate municipal water and sanitary sewer.
- All development should include sidewalks along the street frontage.
- In master-planned developments, block lengths of less than 500 feet, or pedestrian cut-throughs for longer blocks, are encouraged.
- Where possible, contributing historic buildings should be preserved or incorporated into new development.

(Continued)

Conditions for All Housing

- Should be within a one-quarter-mile distance (using streets, sidewalks, and/or off-street paths) of a school, playground, library, public greenway, or similar publicly-accessible recreational or cultural amenity that is available at no cost to the user.
- Should be oriented towards the street with a pedestrian connection from the front door(s) to the sidewalk. Driveways/parking areas do not qualify as a pedestrian connection.

Small-Scale Multi-Family Housing (defined as single or multiple buildings each with five or more legally complete dwelling units in a development of less than two acres and at a height of less than 40 feet.)

- Mixed-Use structures are preferred.
- Parking should be either behind or interior to the development.

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

- Mixed-Use structures are preferred.
- Automotive uses (such as gas stations and auto repair) and uses with drive-through lanes are excluded.
- Should not include outdoor display of merchandise

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, this request would be consistent with the Comprehensive Plan recommendation of village mixed-use and result in a more appropriate zoning consistent with current and historical use of the site.
- ◇ The existing and proposed uses would be conducted within existing on-site structures. Building expansions or additions are not contemplated at this time.
- ◇ The existing flooring business would remain with interior expansions consisting primarily of office uses, with an accessory indoor recreational facility. The existing dwelling would be converted to four living units. Parking for this site would be behind the buildings that front on Madison Avenue.
- ◇ Neither the existing industrial zoning or the residentially zoned parking lot is appropriate for the area and adjacent residential neighborhood to the east.

GENERAL INFORMATION

EXISTING ZONING AND LAND USE

I-4 / D-5	Office use / commercial uses / parking lot / residential
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SURROUNDING ZONING AND LAND USE

North -	I-4	Commercial office use
South -	I-4	Financial institution
East -	D-5	Religious uses / single-family dwelling
West -	I-3	Madison Avenue right-of-way

COMPREHENSIVE LAND USE PLAN

The Comprehensive Land Use Plan for Indianapolis and Marion County (2018) recommends village mixed-use typology.

(Continued)

THOROUGHFARE PLAN

This portion of Madison Avenue is designated in the Marion County Thoroughfare Plan as an expressway with an existing 112-foot right-of-way

This portion of Parkway Avenue is designated in the Marion County Thoroughfare Plan as a local street with an existing 62-foot right-of-way and a proposed 48-foot right-of-way.

This portion of South Alabama 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.

CONTEXT AREA

This site is located within the compact context area.

OVERLAY

This site is not located within an overlay

SITE PLAN

File-dated October 5, 2022

PROPOSED DEVELOPMENT PLAN File-dated October 25, 2022

ZONING HISTORY

90-UV1-119; 1343-1347 Madison Avenue, requested a variance of use of the Industrial Zoning Ordinance to permit an existing building to be used as a church office, reading room and lending library, **granted**.

VICINITY

84-UV3-127; 215 – 217 East Orange Street (north of site), requested a variance of use of the Dwelling Districts Zoning Ordinance to provide for a parking lot for use by an existing dental office, **granted**.

74-UV2-136; 218 East Orange Street (north of site), requested a variance of use to permit construction and operation of a machine shop, **granted**.

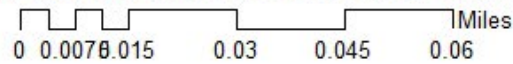
66-V1-55; 1353-57 Madison Avenue (north of site), requested a variance of use to permit construction and operation of a dental office, **granted**.

64-V-233; 215 East Orange Street (north of site), requested a variance of use to permit construction and operation of an auto repair business, **denied**.

kb



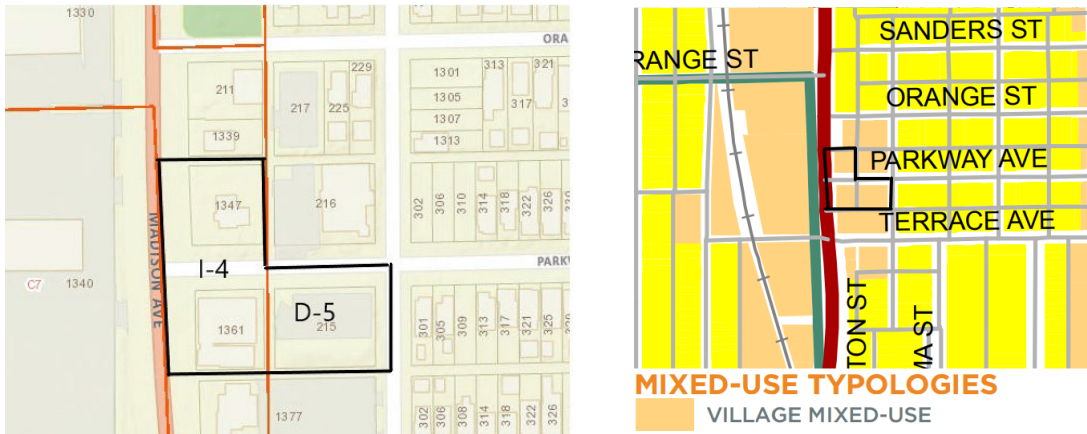
1347 and 1367 Madison Avenue and 215 Parkway Avenue



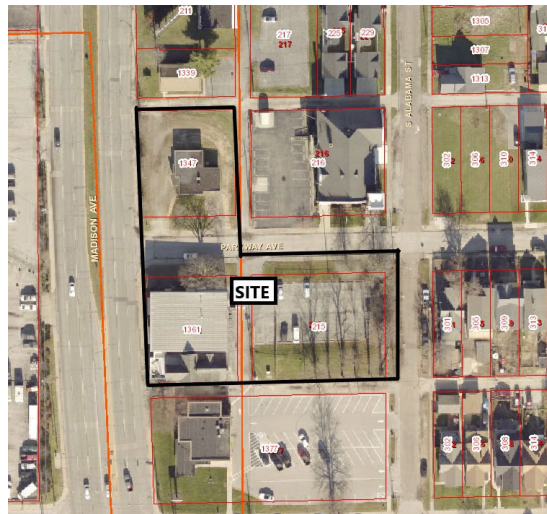
Detailed Description

Explanation and Details: Based on staff's subsequent questions 10-19-22, after receiving information of staff's support 9-26-22, following our inquiry, prior to filing rezoning petition. Please consider the following:

- Property is zoned I-4 along Madison Ave and the existing parking is zoned D-5.
- In 1990 and 1992 permanent variances were granted for:
 - o 215 Parkview - the existing parking lot,
 - o 1347 Madison – for church office and library
 - o 1361 Madison – commercial and janitorial services



- The Comprehensive Plan recommends Village Mixed Use and that corresponds directly to the MU-2 Zoning District
- All structures are existing



History / Background:

Midwest Floor Restore has long made the 1361 buildings home, housing their materials and equipment in the rear of the main building, with their showroom up front. For a number of years, the business operations offices were located in the residential-type building to the south on 1361.

Some time ago, the offices were moved to the upper level of the building, above the garage area, largely vacating the south building. As the business model has changed, there is no longer a need for an active showroom and the need for additional offices has grown.

To accommodate the business's needs and make best use of these buildings, Midwest Floor Restore has purchased the small, one-story building across the street at 1347. It's in this building, once renovated, the business operation's office will be located. In the buildings on 1361, the continued use of the garage as it stands today, will remain. The showroom is to become an accessory recreational use (pickleball court) and the upper level will more than likely be office, storage and lounge area. The residential building to the south will be reclassified as a class 1 structure in order to accommodate four living units. Ample parking is on site, to the east on 1361, as well as in the gravel driveway areas on 1347.

All of these uses are allowed in the Village Mixed Use (of MU-2) zoning category which is recommended in the City's Comprehensive Land Use Plan for these parcels.

- Site plan (Attached and filed with petition) indicates:
 - o Proposed office use for northern lot 1347 Madison
 - o Existing parking on 215 Parkview
 - o Residential, office use and proposed accessory recreational use on 1361 Madison



View looking south along Madison Avenue



View looking south along Madison Avenue



View looking north along Madison Avenue



View of site looking east across Madison Avenue



View of site looking east across Madison Avenue



View of site looking east across Madison Avenue



View of site looking east across Madison Avenue



View of site looking northeast across Madison Avenue



View of southern portion of site looking west



View of parking lot looking north



View of parking lot looking north



View of parking looking north across Alabama Street



View of southern portion of site looking southwest



View of parking lot looking west across Parkway Avenue



View of site looking south across Parkway Avenue



View of site looking south across Parkway Avenue



View of northern portion of site looking north across Parkway Avenue



View of north portion of site looking north



View of northern portion of site looking south



View from site looking northeast across Parkway Avenue



View from site parking lot looking east across South Alabama Street



View from site parking lot looking south at adjacent land uses

STAFF REPORT

Department of Metropolitan Development Division of Planning Current Planning Section

Case Number: 2022-ZON-122
Address: 9833 East 96th Street (*Approximate Address*)
Location: Lawrence Township, Council District #4
Petitioner: Qurn Vandermere, by Lindsey M. Bennett
Request: Rezoning of 0.9 acre from D-A District to the D-1 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 is a single-family dwelling in a row of single-family dwellings facing 96th Street, most of them dating to the mid to late 1970s. Abutting to the south is The Moorings, a single-family dwelling subdivision developed in the early 1990s.
- ◇ The 2018 Comprehensive Land Use Plan recommends Rural or Estate Neighborhood for the subject site. This typology envisions estate-style homes on large lots with a density of less than one unit per acre. A single-family dwelling on this site would equal 0.9 units per acre.

ZONING

- ◇ This petition requests a rezoning from the D-A district to the D-1 district. The D-A district is intended for agricultural enterprises but also provides for large estate development. The D-1 district is a residential district intended for low-density suburban areas.
- ◇ The D-1 district is appropriate as it is responsive to the Rural or Estate Neighborhood recommendation of the Comprehensive Land Use Plan.

(Continued)

STAFF REPORT 2022-ZON-122 (Continued)

GENERAL INFORMATION

EXISTING ZONING, CONTEXT AREA, AND LAND USE

D-A	Metro	Single-family dwelling
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SURROUNDING ZONING AND LAND USE

North	Hamilton County	Single-family dwelling
South	D-P	Single-family dwelling
East	D-A	Single-family dwelling
West	D-1	Single-family dwelling

COMPREHENSIVE LAND USE PLAN	The Lawrence Township Comprehensive Plan (2018) recommends Rural or Estate Neighborhood.
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THOROUGHFARE PLAN	96 th Street is classified in the Official Thoroughfare Plan for Marion County, Indiana as a Primary Arterial, with a 50-foot existing half right-of-way and a 119-foot proposed full 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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ZONING HISTORY – SITE

None.

ZONING HISTORY – VICINITY

97-CP-24Z; 9815 East 96th Street (west of site), requested the rezoning of two acres from the D-S district to the D-1 district, **approved**.

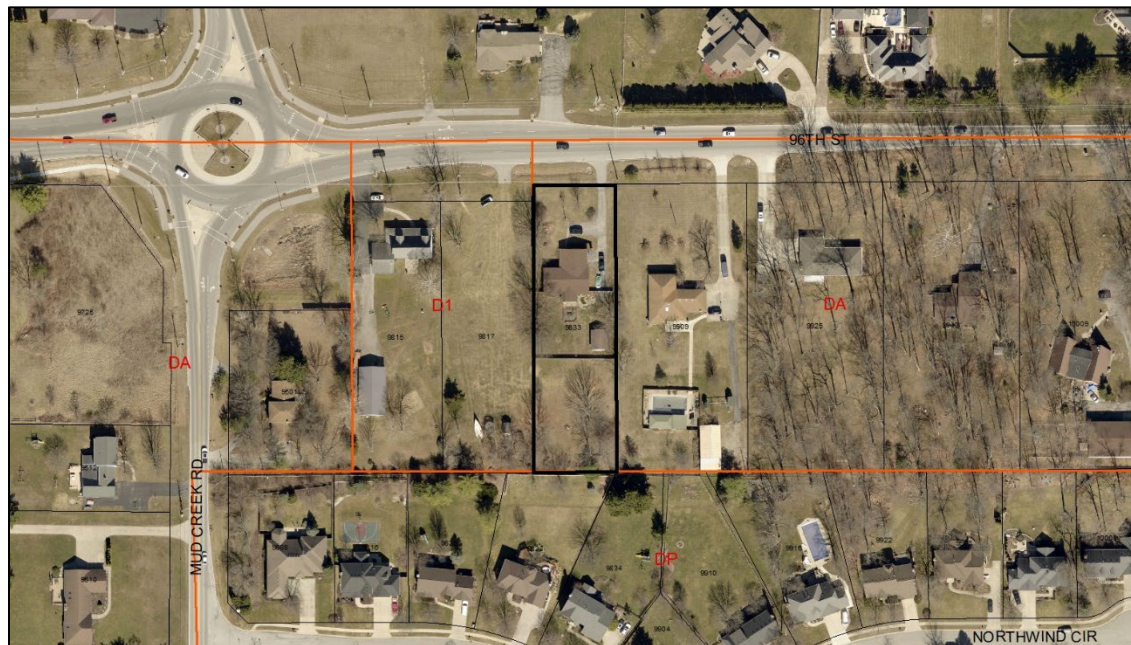
86-Z-96 / 86-DP-12 (south of site), requested the rezoning of 145 acres to the D-P district, **approved**.

klh

STAFF REPORT 2022-ZON-122, Location



STAFF REPORT 2022-ZON-122, Aerial photograph (2021)



STAFF REPORT 2022-ZON-122, Photographs



Looking south at the subject site from 96th Street.



Looking west along the 96th Street.



Looking east along 96th Street.



Looking southeast from 96th Street at the neighbor to the east.

STAFF REPORT

Item 10.

Department of Metropolitan Development Division of Planning Current Planning Section

Case Number: 2022-CZN-842 (Second Amendment) / 2022-CVR-842
Address: 6544 Ferguson Street (*Approximate Address*)
Location: Washington Township, Council District #2
Petitioner: Charles L. Mong III, by David Kingen and Emily Duncan
Requests: Rezoning of 0.20 acre from the D-4 (FF) (TOD) district to the C-1 (FF) (TOD) district, with certain excluded uses.

Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to legally establish a zero-foot south transitional yard (ten feet required).

ADDENDUM FOR NOVEMBER 10, 2022, HEARING EXAMINER

The Hearing Examiner continued this petition from the October 27, 2022 hearing, to the November 10, 2022 hearing, at the request of the petitioner's representative.

The survey, file-dated November 1, 2022, was submitted by the petitioner's representative. As submitted, the survey accurately depicts development of the site and the zero-foot south transitional yard.

It appears that the structure and driveway that encroaches into the setback was constructed around 1986. Because of the existing retaining wall on the property to the south and the number of years that the encroachment has existed, staff believes the zero-foot setback would have minimal impact.

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

ADDENDUM FOR OCTOBER 27, 2022, HEARING EXAMINER

The Hearing Examiner continued these petitions from the September 29, 2022 hearing, to the October 27, 2022 hearing, at the request of the petitioner's representative to amend the request and provide new notice.

Because the rezoning request has amended from the MU-2 and from MU-1 (FF) districts to the C-1 (FF) district, staff supports the amended rezoning request and **recommends approval.**

(Continued)

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

Staff continues to **recommend denial of the variance request** because no new information has been submitted to the file that would clarify the site boundary and accurately depict development of the site and location of south transitional yard.

ADDENDUM FOR SEPTEMBER 29, 2022, HEARING EXAMINER

The Hearing Examiner continued these petitions from the August 25, 2022 hearing, to the September 29, 2022 hearing, at the request of the petitioner's representative.

August 25, 2022

The Hearing Examiner continued these petitions from the July 28, 2022 hearing to the August 25, 2022 hearing to provide time to amend the petition and provide the required notice.

RECOMMENDATIONS

Staff **recommends denial** of the requests.

SUMMARY OF ISSUES

The following issues were considered in formulating the recommendation:

LAND USE ISSUES

- ◇ This 0.20-acre site, zoned D-4 (FF) (TOD), is developed with a two-story single-family dwelling. It is surrounded by a single-family dwelling to the north, zoned D-4 (FF) (TOD); multi-family dwellings to the south, zoned D-8 (FF) (TOD); a single-family dwelling to the east, across Ferguson Street, zoned D-4 (FF) (TOD); and a single-family dwelling (converted to commercial office uses) to the west, zoned D-4 (FF) (TOD).
- ◇ Petition 2006-UV2-031 provided for a specialty retail store, including the sale of clothing, jewelry and accessory furnishings, with limited sales of home furnishings and smaller antique furniture items within the existing structure.

(Continued)

REZONING

- ◇ This request would rezone the site from D-4 (FF) (TOD) District to the MU-1 (FF) (TOD) classification. “The MU-1 District is intended for the development of high-rise office uses and apartments intermixed, grouped in varying combinations or provided in the same building. MU-1 is designed for use along arterials with both high-traffic counts and positive pedestrian experience or demand. Appropriate settings for the MU-1 district include the midtown and uptown areas of the city, very near rapid transit stops, or in the midst of high intensity regional commercial complexes.”
- ◇ The Plan recommendation is village mixed-use. This land use category consists of a development focused on a mixed-use core of small, neighborhood office/retail nodes, public and semi-public uses, open space and light industrial development. Residential development densities vary from compact single-family residential development and small-scale multi-family residential development near the “Main Street” or “Village Center” and progress to lower densities outward from this core. Village mixed use areas are intended to strengthen existing, historically rural, small towns and cities within Indianapolis, which are intended to continue as neighborhood gathering places and should allow a wide range of small businesses, housing types, and public and semi-public facilities. This category should be compatible in size and scale to existing villages in Marion County. It will allow development of residential and limited commercial uses on smaller lots than in other sections of rural and suburban Indianapolis. Potential development in these areas should focus on design issues related to architecture, building size, parking, landscaping and lighting to promote a pedestrian-oriented “village” or “small town” atmosphere, rather than focusing on residential density. Strip commercial development (integrated centers setback from rights-of-way by parking areas), large-scale freestanding retail uses and heavy industrial development are generally inappropriate within this land use category. The Plan anticipates that this category will typically be designated as a critical area.
- ◇ The Plan also identified this site with a North Village Local Corridor frontage typology, with the following use, height, setbacks, access, facades and parking recommendations:

Allowed Uses	Permitted Street Level Uses	Building Height	Required Building Line (RBL)	Required Setback
Retail Personal Services, Restaurant, Tavern, Offices, Residential	All allowed uses	Minimum: 20 feet Maximum: 40 feet or 4 stories, whichever is the lesser	RBL – No Front Setback: Min: 10 ft.	Rear Min: 20 ft. Side: Min: 5 ft. Max: 20 ft.

(Continued)

Entrance	Frontage Face of Building	On-site Parking	Driveways
An entrance(s) required from the frontage	Transparency at Ground Level Min: 25% Max: 50% Upper Level(s) Min: 25% Max: 50%	Required Permitted only in rear yard or in a side yard*	Permitted.

Overlays

- ◇ This site is also located within two overlays, specifically the Transit Oriented Development (TOD) and the Environmentally Sensitive Areas (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 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 ¼ mile walk shed (approximately 550 feet) of the transit station located at the intersection of College Avenue and North 66th Street and is designated with a Walkable Neighborhood typology with the following characteristics:
 - Mix of uses at station area and primarily residential beyond
 - Maximum of three stories throughout
 - No front or side setbacks at core; 0-15 feet front setbacks and 0-20 feet side setbacks at periphery
 - Mix of multi-family and single-family housing
 - Structured parking at the core and attractive surface parking at the periphery
- ◇ 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 White River.

(Continued)

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 (MU-1 in this request) are permitted, subject to certain development standards of the Flood Control Secondary Zoning Districts Ordinance.

Site Plan

- ◇ The site plan, file-dated June 24, 2022, provides for six off-street parking spaces, three on-street parking spaces and a bike rack to the rear of the existing structure. It should be noted that no required ADA parking spaces are provided.
- ◇ Staff is also concerned with the accuracy of the site plan because existing aerials indicate that the access drive and parking lot may be encroaching onto the abutting property to the south. Additionally, the blurred southern property line raises questions about the accuracy of the site plan.
- ◇ If this request is approved, the approval should be subject to submittal of an accurate site plan for Administrator Approval within 30 days of final approval of the rezoning request.

Planning Analysis

- ◇ As proposed, the MU-1 district is not consistent with the Plan recommendation of village mixed-use and would be wholly inappropriate for this site. As noted above, the MU-1 district should be located along arterials. This site is located on a local street, with a 44-foot wide right-of-way. Additionally, this district would be appropriate in the midtown and uptown areas of the city or in high intensity regional commercial complexes. This site is located within an area characterized primarily with single-family dwellings that have been converted to small-scale neighborhood commercial uses.

This site is also located within Critical Area 2 (See Exhibit A). The purpose of this critical area is “to retain and enhance the village character of Broad Ripple and to promote its evolution into a self-sustaining pedestrian-oriented village.” Clearly, the proposed rezoning would not support or be consistent with the purpose of this area.

- ◇ Staff is also of the opinion that requests for mixed-use districts should include details related to the proposed uses, the approximate square footage of the proposed uses, parking requirements and development standards. This is particularly critical with the MU-1 district because many permitted uses are permitted only as accessory uses, some of which require use specific standards.

(Continued)

- ◇ Exhibit B consists of the list of prohibited uses but staff would request a list of proposed uses that would also include the square footage of each of the proposed uses.
- ◇ Otherwise, the rezoning request is simply speculative and lacks the detail necessary to thoroughly review the request related to the compatibility with and impact on surrounding land uses. In other words, this request is incomplete, premature and should not go forward without more detailed information.

VARIANCE OF DEVELOPMENT STANDARDS

- ◇ This request would legally establish a zero-foot south transitional yard when the Ordinance requires 10 feet.
- ◇ Despite the existing development of the site, staff believes legally establishing an illegal setback would not be appropriate due to the lack of information and details related to the uses, square footage of those uses and development standards. In other words, no information has been submitted that would merit supporting this variance request.
- ◇ Furthermore, staff believes there is no practical difficulty because the 2006 use variance would permit neighborhood commercial uses and the current D-4 zoning would obviously permit residential uses.

GENERAL INFORMATION

EXISTING ZONING AND LAND USE

D-4 (FF) (TOD), Undeveloped

SURROUNDING ZONING AND LAND USE

North -	D-4 (FF) (TOD)	Single-family dwelling
South -	D-8 (FF) (TOD),	Multi-family dwellings
East -	D-4 (FF) (TOD),	Single-family dwelling
West -	D-4 (FF) (TOD),	Single-family dwelling

COMPREHENSIVE LAND USE PLAN

The Envision Broad Ripple Neighborhood Plan for Indianapolis and Marion County (2012) recommends village mixed-use. The site is located within Critical Area 2.

The Red Line Transit-Oriented Development Strategic Plan (2021).

THOROUGHFARE PLAN

This portion of Ferguson Street is designated in the Marion County Thoroughfare Plan as a local street with an existing 44-foot right-of-way and a proposed 48-foot right-of-way.

(Continued)

CONTEXT AREA	This site is located within the compact context area.
OVERLAY	This site is located within an environmentally sensitive area (100-year floodplain of White River) and the transit-oriented development overlay.
SITE PLAN	File-dated June 24, 2022
FINDINGS OF FACT	File-dated June 24, 2022

ZONING HISTORY

2006-UV2-031, 6544 Ferguson Street, requested a variance of use of the Dwelling Districts Zoning Ordinance to provide for a specialty retail store, including the sale of clothing, jewelry and accessory furnishings, with limited sales of home furnishings and smaller antique furniture items within the existing structure, **granted**.

VICINITY

2014-UV2-021; 6551 Carrollton Avenue (west of site), requested a variance of use of the Dwelling Districts Zoning Ordinance to provide for general business office uses, **granted**.

2003-UV1-030; 6551 Carrollton Avenue (west of site), requested a variance of use of the Dwelling Districts Zoning Ordinance and a variance of development standards of the Sign Regulations to provide for an antique store and offices, with reduced setbacks and a pylon sign, with a reduced setback, **granted**.

2002-UV1-03; 6551 Carrollton Avenue (west of site), requested a variance of use of the Dwelling Districts Zoning Ordinance and a variance of development standards of the Sign Regulations to provide for a catering business, with a projecting building identification sign, **granted**.

2006-UV1-039; 6528 Ferguson Street (south of site), requested a variance of use of the Dwelling Districts Zoning Ordinance to provide for an exercise studio, **granted**.

2004-ZON-823 / 2004-VAR-823; 6536 Ferguson Street (east of site), requested rezoning of 0.41 acre from D-4 (FF) to D-8 (FF) and a variance of development standards to provide for the construction of two, 2.5-story, 3,365-square foot multi-family buildings, each containing five dwelling units, with deficient setbacks and deficient development amenity ratios, **approved and granted**.

2004-UV3-033; 6531 Ferguson Street (south of site), requested a variance of use of the Dwelling Districts Zoning Ordinance to provide for a beauty shop, **granted**.

2003-ZON-188; 6627 and 6629 Ferguson Street (south of site), requested a rezoning of 2.28 acre from C-2 (FF), D-4 (FF), and D-P (FF) to D-P (FF) to provide for the construction multi-family dwellings at a density of 27.19 units per acre, **granted**.

(Continued)

2002-UV1-041; 6543 Ferguson Street (east of site) requested a variance of use of the Dwelling Districts Zoning Ordinance to provide for a beauty salon within an existing dwelling, **granted**.

2001-UV3-029; 6528 North Ferguson Street (south of site), requested a variance of use and development standards of the Dwelling Districts Zoning Ordinance to legally establish an artist's studio and office in an existing single-family dwelling (not permitted), with five commercial off-street parking spaces having a 1.5-foot side yard setback (minimum 5-foot side yard setback required), **granted**.

2001-UV3-009; 6562 Ferguson Street (north of site), requested a variance of use of the Dwelling Districts Zoning Ordinance to provide for the conversion of a single-family dwelling into a three-family dwelling, **granted**.

2000-UV2-033; 6543 Ferguson Street (east of site), requested a variance of use and development standards of the Dwelling Districts Zoning Ordinance and Sign Regulations to provide for an office with and a ground sign with a reduced setback, **granted**.

2000-UV3-006; 6523 North Ferguson Street (south of site), requested a variance of use of the Dwelling Districts Zoning Ordinance and a variance of development standards of the Sign Regulations to provide for a 634 square foot addition to an existing single-family dwelling, for a deli-restaurant (not permitted), with six square-foot wall sign on the south façade, a four square foot canopy sign on the south façade, and one four-foot canopy sign on the west façade (one sign permitted per building frontage at a maximum size of 3% of the building façade and canopy signs are not permitted in the D-4 District, **granted**.

97-UV1-90; 6570 North Carrollton Avenue (west of site). requested a variance of use of the Dwelling Districts Zoning Ordinance to provide for professional office uses, **granted**.

96-UV3-93; 6536 Ferguson Street (south of site), requested a variance of use and development standards of the Dwelling Districts Zoning Ordinance and Sign Regulations to provide for a flower shop within an existing dwelling and a ground sign, **granted**.

91-UV3-75; 6511 Ferguson Street (south of site), requested a variance of use of the Dwelling Districts Zoning Ordinance to provide for a beauty shop within an existing building, **granted**.

89-Z-177, 89-CV-28; 6524 North Carrollton Avenue (west of site), requested rezoning of 0.177 acre, being in the D-4 District, to the C-1 classification to provide for office uses and a variance of development standards to permit an addition to the existing structure with a front setback of 11 feet, 4 inches (55 feet required) without required parking, landscaping and transitional yards, **approved and granted**.

89-UV2-18; 6539 North Carrollton Avenue (west of site), requested a variance of use to provide for a children's shoe store, **granted**.

(Continued)

84-UV2-25; 6553-6535 North Carrollton Avenue (west of site), requested a variance of use to provide for medical offices, a publishing office and a computer software office, **granted**.

80-UV2-83; 6523 North Carrollton Avenue (west of site), requested a variance of use to provide for an office and testing laboratory for an engineering firm, **granted**.

74-UV1-34; 6570 North Carrollton Avenue (west of site), requested a variance of use and development standards, to permit a beauty salon, with reduced setback, reduced off-street parking, and two pole signs, **granted**.

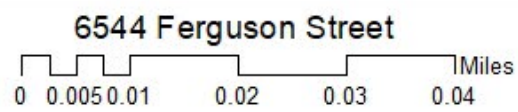
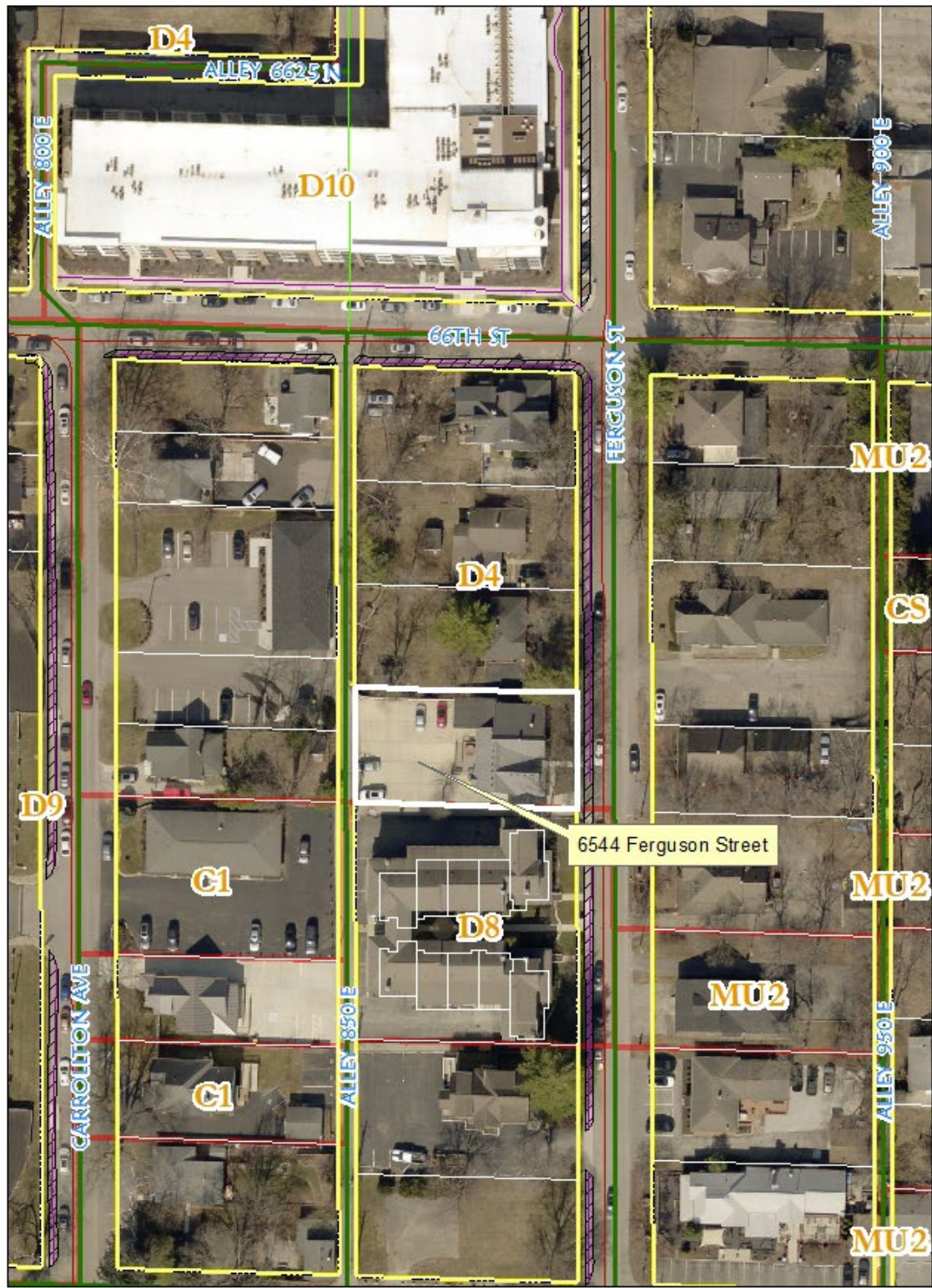
72-UV3-137; 6524 North Carrollton Avenue (west of site), requested a variance of use and transitional yard requirements to permit retail sales of handcrafted pieces and supplies in an existing dwelling, **granted**.

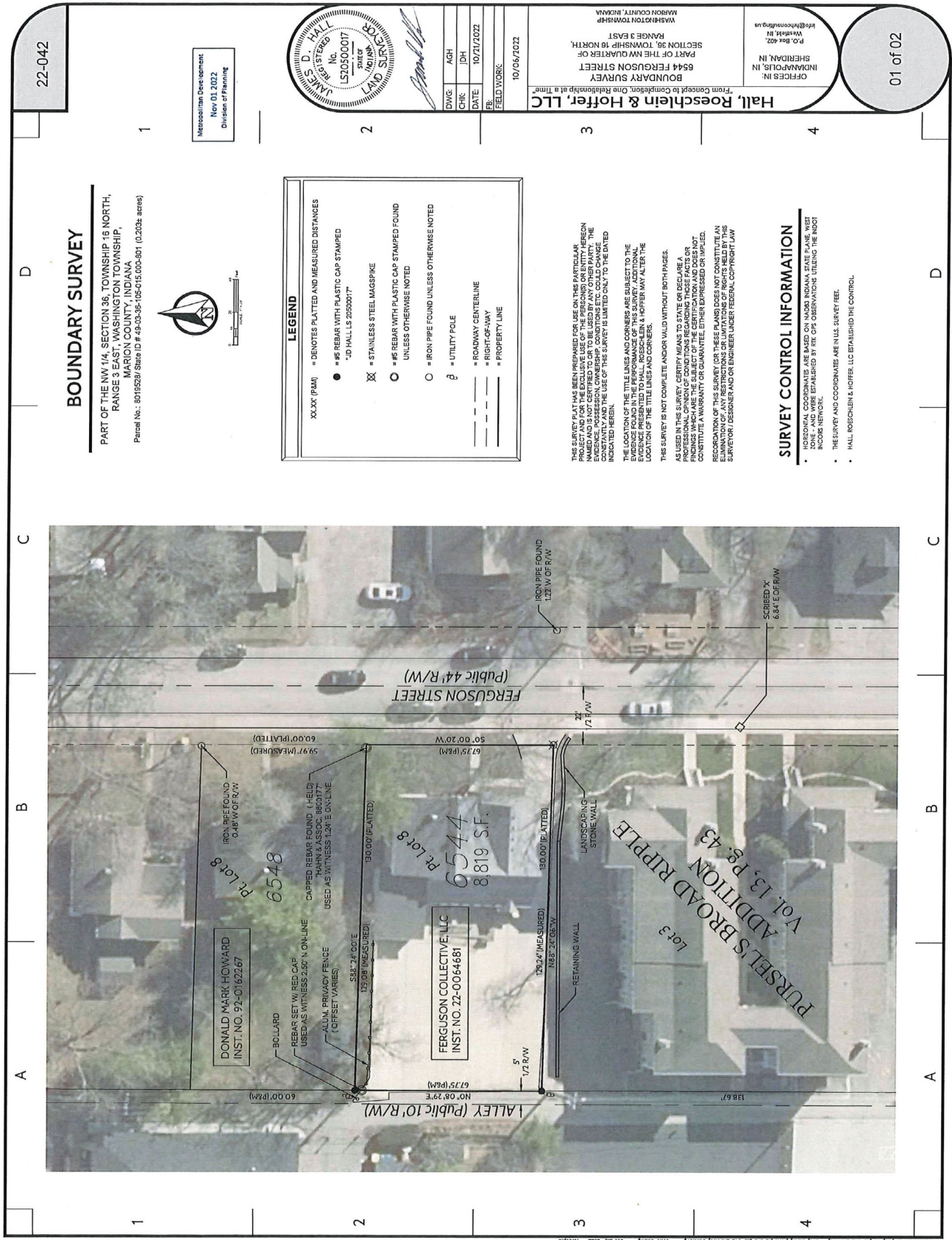
72-UV1-25; 6535 Ferguson Avenue (south of site), requested a variance of use and floodplain regulations of Dwelling Districts Zoning Ordinance to provide for the conversion of a dwelling into a commercial establishment providing for retail sales of books with a reading room, **granted**.

69-V1-147, 6516 North Carrollton Avenue (west of site), requested a variance of use and setback requirements to provide for an addition to a building for retail sales of bath accessories, **granted**.

69-Z-207, North side of East 65th Street (south of site), requested rezoning of 1.38 acres, being in the U-3 and D-4 Districts, to the C-3 classification to provide for a neighborhood convenience center, **approved**.

kb





Critical Area 2

Location: Broad Ripple Village

Why critical:

Broad Ripple originally developed as a distinct village. Over the years, the City of Indianapolis grew out to envelop it. To maintain Broad Ripple's identity as a distinct place it has been designated as Urban Mixed-Use and Village Mixed-Use. To retain and enhance the village character of Broad Ripple and to promote its evolution into a self-sustaining pedestrian-oriented village it is critical to increase the population density, promote mixed-use development and enhance vitality of the streetscape.

Recommendations:

- For land use recommendations for the village area and development guidelines for the village area see tables above that describe use, height, setbacks, access, facades and parking recommendations.

ATTACHMENT “E”:

Petitioner commits to exclude the following MU1 uses from the subject site:

1. Assisted living facility
2. Group Home
3. Business, art or other post-secondary proprietary school
4. Club or lounge
5. Community center
6. Greenway
7. Religious use
8. Hotel or Motel
9. Substation and utility distribution
10. Wireless Communications facility
11. Transit Center

7/15/22

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 commercial use of the subject property was located on this parcel before the development of the multi-family residential was developed on the parcel to the south. It is characteristic in the area north of the canal in the Broad Ripple area to have residential uses next to commercial uses on commercially or residentially zoned properties without providing the required transitional yards.

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 development of the multi-family development, to the south of the subject property was undertaken with the commercial use that is on this subject property. The existing structure shall retain its existing character and high maintenance and thus the area adjacent shall be affected in a positive manner.

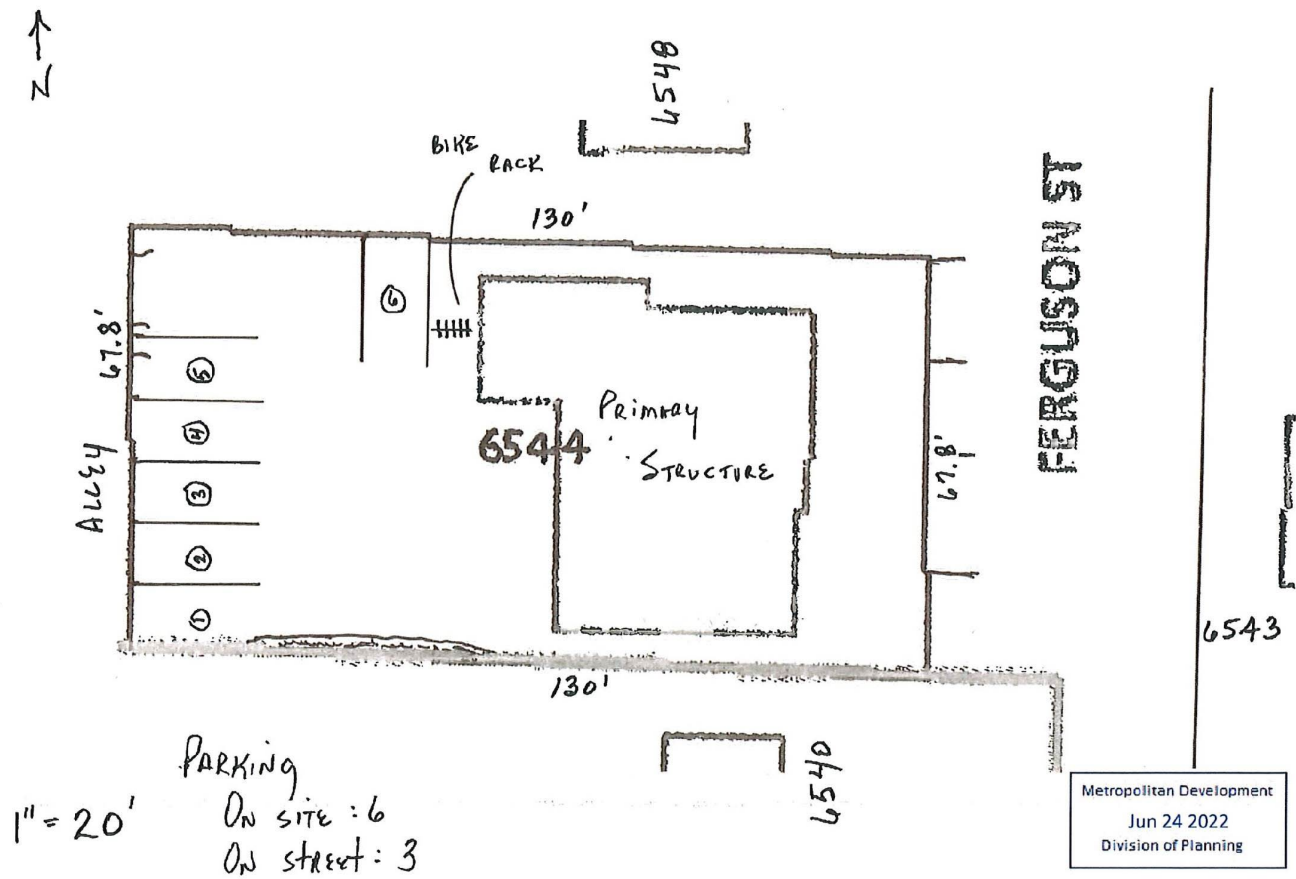
3. THE STRICT APPLICATION OF THE TERMS OF THE ZONING ORDINANCE WILL RESULT IN PRACTICAL DIFFICULTIES IN THE USE OF THE PROPERTY BECAUSE:

The subject property would be required to insert the required transitional yard which would interfere with the existing parking and access to the parking area.

DECISION

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

Adopted this _____ Day of _____, 20 _____





View looking north along Ferguson Street



View looking south along Ferguson Street



View of site looking west across Ferguson Street



View of abutting property to the north looking northwest across Ferguson Street



View of site looking southwest across Ferguson Street



View from site looking east across Ferguson Street



View from site looking northeast across Ferguson Street

STAFF REPORT

Department of Metropolitan Development Division of Planning Current Planning Section

Case Number: 2022-MOD-015
Address: 9111 Allisonville Road and 5750 East 91st Street (*Approximate Address*)
Location: Washington and Lawrence Townships, Council District #3
Zoning: C-1
Petitioner: Indianapolis Children's Choir, Inc., by Joseph D. Calderon
Request: Modification of Commitments to terminate all commitments related to 88-Z-85 and 2000-APP-007.

This petition was continued from the October 13, 2022 hearing to the November 10, 2022 hearing.

RECOMMENDATION

Staff **recommends approval** of the termination of Commitments #2 through #7, #9, #10, #12, #13, #15, #18 through #22, and #24 of 88-Z-85 as modified by 2000-APP-007.

SUMMARY OF ISSUES

The following issues were considered in formulating the recommendation:

LAND USE

- ◇ The subject site is home to two office buildings. The first building to be constructed on the site was erected in late 1980s in the southwest corner of the site. The second building to be developed was put up in the northeast corner in the site in 2000/2001. Having been established in the 1970s, the subdivision to the north and east and the apartment communities to the west were in place when the subject site was developed.
- ◇ The 2018 Comprehensive Land Use Plan recommends Suburban Neighborhood for the site. This typology primarily envisions single-family dwellings, but also accommodates some commercial development such as small-scale offices if located at the intersection of arterial streets and if adequately screened and buffered from neighboring residences.

(Continued)

STAFF REPORT 2022-MOD-015 (Continued)

MODIFICATION OF COMMITMENTS

- ◇ This site was part of a 162-acre rezoning in 1969 from the A-2 district to the D-2 district to provide for single-family development. In 1983, the site was rezoned to the C-1 district to provide for the development of three office buildings with combined area of no more than 16,215 square feet. Approval of the rezoning was subject to 27 commitments.
- ◇ In 1988, a modification of commitments was requested and approved, which replaced the original 27 commitments with 24 commitments and increased the maximum building height to allow for a building cupola up to 44.6 feet. In 2000, another a modification was requested and approved. This modification reduced the number of buildings on site from three to two, but increased the maximum square footage from 16,215 to 18,500. The other commitments were retained as previously approved.
- ◇ This modification of commitments would entirely delete the 24 commitments from 88-AP-85, as modified by 2000-APP-007. In review of the 24 commitments, staff determined that many of the commitments were redundant to the Ordinance or have become redundant to the Ordinance by way of ordinance amendments since 2000. As such, staff has no objection to the deletion of Commitments #2 through #7, #9, #10, #12, #13, #15, #18 through #22 and #24.
- ◇ However, several of the commitments could be important to the orderly development of the site, should the site undergo redevelopment at some point in its future. As such, staff recommends that the following commitments be retained as written or revised in some appropriate manner: #1, #8, #11, #14, #16, #17 and #23.

GENERAL INFORMATION

EXISTING ZONING, CONTEXT AREA, AND LAND USE

C-1	Metro	Offices
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SURROUNDING ZONING AND LAND USE

North	D-2	Single-family dwellings
South	MU-1, SU-1	Multi-family dwelling complex, church
East	D-2	Single-family dwellings
West	D-6-II, D-7	Multi-family dwelling complex

COMPREHENSIVE LAND USE PLAN	The Washington and Lawrence Township Comprehensive Land Use Plans (2018) recommend Suburban Neighborhood.
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(Continued)

STAFF REPORT 2022-MOD-015 (Continued)**THOROUGHFARE PLAN**

Allisonville Road is classified in the Official Thoroughfare Plan for Marion County, Indiana as a Primary Arterial, with an existing right-of-way ranging from 123 to 153 feet and a 102-foot proposed right-of-way.

91st Street is classified in the Official Thoroughfare Plan for Marion County, Indiana as a Primary Collector, with an existing right-of-way ranging from 99 to 105 feet and a 90-foot proposed right-of-way.

FLOODWAY / FLOODWAY FRINGE

The 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

2000-APP-007; 5809 East 91st Street, requested modification of Commitment #11 of petition 88-AP-85, **approved**.

88-AP-85; 9105 Allisonville Road, requested modification of Commitment #10 of petition 83-Z-85, **approved**.

83-Z-85; 5710 East 91st Street, requested the rezoning of 3.5 acres from the D-2 district to the C-1 district, **approved**.

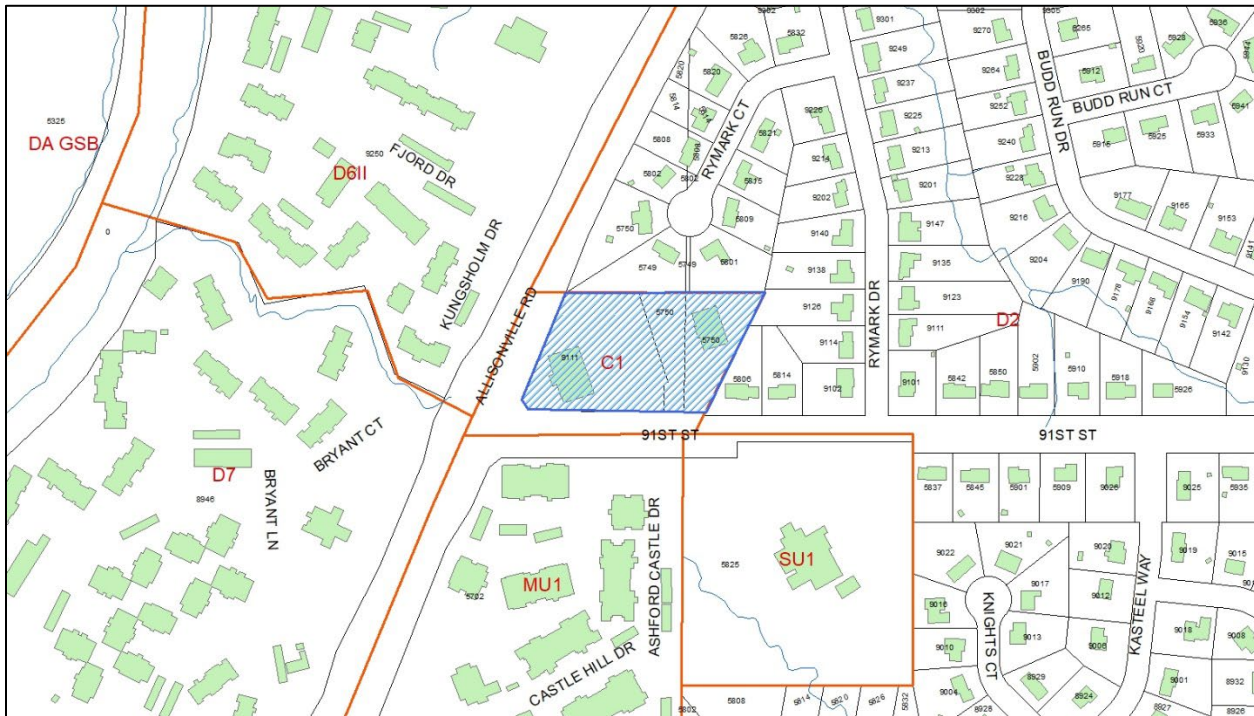
69-Z-252, 9100 Allisonville Road, requested the rezoning of 162.3 acres from the A-2 district to the D-2 district, **approved**.

ZONING HISTORY – VICINITY

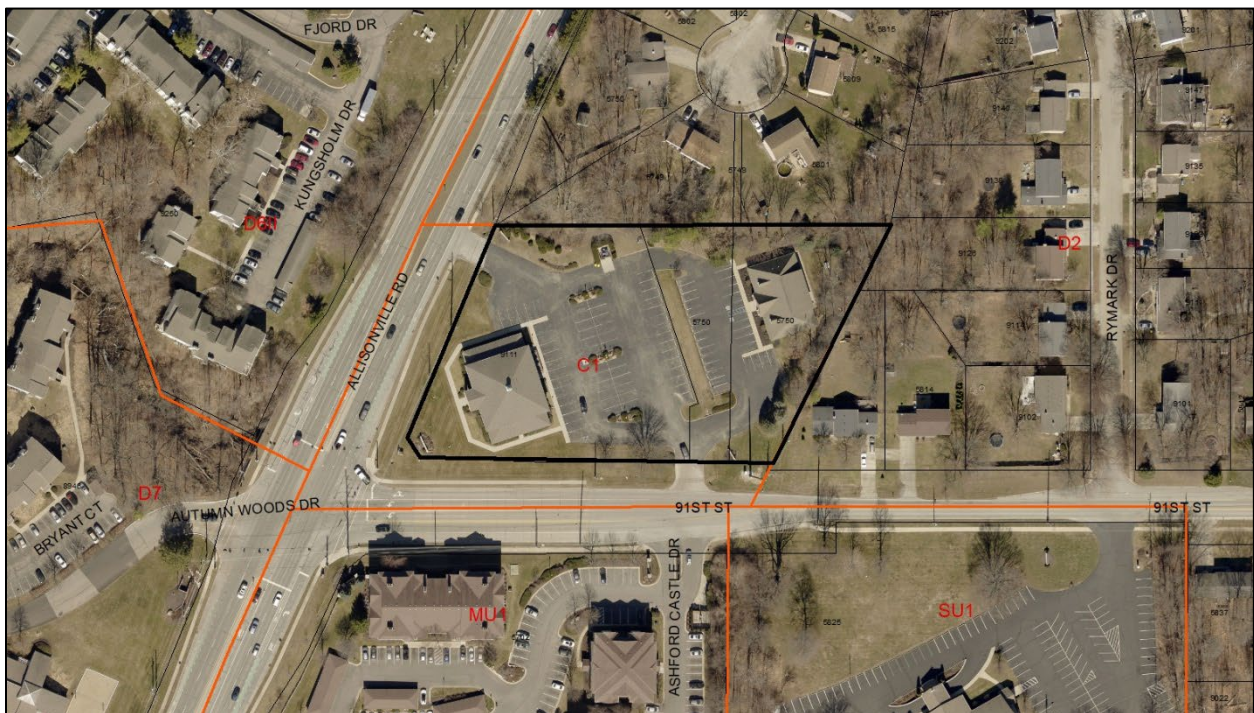
97-Z-201; 9051 Allisonville Road (south of site), requested the rezoning of 16 acres from the SU-2 district to the C-2 district, **approved**.

klh

STAFF REPORT 2022-MOD-015, Location



STAFF REPORT 2022-MOD-015, Aerial photograph (2021)



STAFF REPORT 2022-MOD-015, Current Commitments from 1988-AP-85

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. Resolution No. 85-R-69, 1985 of the Metropolitan Development Commission requires the owner to make Commitment #1.

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

In accordance with I.C. 36-7-4-607, 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:

RECEIVED FOR RECORD

88 JUN 28 AM 10:00

Statement of COMMITMENTS:

BETH O'LAUGHLIN
MARION COUNTY RECORDER

1. The owner agrees to abide by the Open Occupancy and Equal Employment Opportunity Commitments required by Metropolitan Development Commission Resolution No. 85-R-69, 1985, which commitments are attached hereto and incorporated herein by reference as Attachment "A".
2. The Real Estate usage shall be limited to the uses described in Sections 2.01, A, 1 and 5 of the Commercial Zoning Ordinance as in effect on the effective date hereof.
3. A definitive site plan for the Real Estate will be submitted to the Administrator of the Division of Development Services of the Department of Metropolitan Development of the City of Indianapolis, Indiana (the "Administrator"), and will be subject to approval by the Administrator prior to the issuance of an improvement location permit.
4. A detailed perimeter treatment plan for the Real Estate, including details of access, building locations, parking, signs, landscaping and screening, will be submitted to the Administrator prior to the issuance of an improvement location permit.
5. A detailed landscaping plan for the Real Estate will be submitted to the Administrator and will be subject to approval by the Administrator prior to the issuance of an improvement location permit.
6. All signage on the entire tract shall be in accord with the requirements of the Open Occupancy Ordinance in effect on the effective date hereof and identifying the office complex and its occupants; the building at the southwest corner of the Real Estate may contain a ground sign in the front of the building identifying the building as the office of F. C. Tucker and Company said building shall also be permitted to have a wall sign on the rear thereof not higher than the first floor ceiling. No signs may be exposed neon and there shall be no banners. All signs on the Real Estate will be subject to approval by the Administrator prior to the issuance of an improvement location permit.
7. Exterior lighting equipment will be of the types and distribution that are appropriate to lighting within the property lines of the Real Estate. All lighting equipment will be so located, shielded and directed that the lighting distribution is confined to area to be lighted and that spill light onto adjacent properties or streets is avoided. Lighting details will be submitted to the Administrator for approval.

88-AP-95

8. The definitive building plans for those buildings will be submitted to the Administrator and will be subject to the Administrator's approval for architectural style and design prior to the issuance of an improvement location permit.
9. Access to the Real Estate will be as permitted by the Department of Transportation ("DOT") prior to the issuance of an improvement location permit.
10. Subject to approval by the Department of Public Works, surface water drainage will be constructed so as to drain water away from adjoining properties on the north and east of the Real Estate.
11. No buildings will be built on the Real Estate other than three (3) buildings, all of which combined, shall not exceed 16,215 square feet of gross floor area. All buildings shall be finished alike, with the front and back of like detail and construction. No building shall be constructed with an exterior concrete block wall. The F. C. Tucker and Company building to be constructed on Tract A shall be permitted to have two (2) stories and an elevation of 36 feet at peak roof height with the top of the cupola on the roof at an elevation of 44 feet 6 inches above grade. All other buildings on the total tract shall not exceed 25 feet or one and one-half stories in height. Any wall built around a trash container(s) serving the F. C. Tucker and Company Building shall be of the same construction as the architectural brick used in construction of the F. C. Tucker and Company building, and, such trash container(s) may be located in parking areas provided the same are also surrounded by earth mounding which shall be landscaped in accordance with the administrator's approved landscaped plan. All other trash containers shall be installed in like manner with walls constructed of masonry similar to the building(s) served, and with like mounding treatment.
12. No dumpsters or trash containers on the Real Estate shall be in view of any adjoining property or street. All trash or refuse in these dumpsters or trash containers must be properly bagged in plastic tyne trash bags and secured to prevent odors or refuse from being transmitted onto adjoining property or streets.
13. Subject to approval of the utility companies, all utilities will be installed underground with no additional utility poles or electric boxes along the north and east boundaries of the Real Estate.
14. For tree preservation, all healthy existing trees more than three (3) inches in diameter, twelve (12) inches above ground grade, that are located within fifteen (15) feet of the north and east property lines of the Real Estate shall be preserved.
15. All landscaping and screening installed on the Real Estate will be maintained in good condition and repair and any trees or shrubs that die will be replaced not later than the following planting season.
16. There will be undulating earth mounding along the north and east boundaries of the Real Estate with tree and shrub plantings.
17. Tree plantings along and on earth moundings shall consist of conifers, such as arbovitae type, with interspersed shrubs to attain desire density.
18. The combined tree preservation, moundings and plantings along the north and east boundaries of the Real Estate will be such as substantially to remove the view of access roads or parking areas from adjoining properties on the north and east boundaries of the Real Estate.
19. No more than one (1) parking space for each two hundred (200) square feet of gross building floor area shall be provided on the Real Estate with parking areas broken up by tree plantings.

880062311

20. There will be no car, boat, recreational vehicle or truck storage on the Real Estate except during the initial construction phase.

21. No trucks or cars will be allowed to use the parking lots, access drives or other roads within the boundaries of the Real Estate for overnight parking.

22. No environmental public nuisance (as defined in Chapter 50-1/2 of the Code of Indianapolis and Marion County, Indiana, as in effect on the effective date hereof) shall be allowed to exist on the Real Estate prior to commencement of construction.

23. No part of any building on the Real Estate will be built closer to the north property line of the Real Estate than thirty (30) feet and/or closer to the east property line of the Real Estate than twenty-five (25) feet.

24. All of the aforementioned plans, etc., subject to approval by the Administrator will also be submitted to the Castlewood Association of Neighbors for review and comment at the same time as they are submitted to the Administrator.

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

880062311

STAFF REPORT 2022-MOD-015, 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 Exhibit "A" Attached Hereto And Incorporated By Reference.

Statement of MODIFICATION OR TERMINATION of Covenants or Commitments:

1. Those certain Commitments provided in connection with Cases #88-AP-85 and #2000-APP-007, and recorded as Instruments #880062311 and #2000-0053259, in the Office of the Recorder of Marion County, Indiana, are hereby terminated in their entirety.

These COVENANTS or COMMITMENTS shall be binding on the owner, subsequent owners of the real estate and other persons acquiring an interest therein. These COVENANTS or 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.

COVENANTS or COMMITMENTS contained in this instrument shall be effective upon the adoption of modification or termination approved by the Metropolitan Development Commission in petition 2022-MOD-___.

These COMMITMENTS may be enforced jointly or severally by:

1. The Metropolitan Development Commission;
2. Owners of all parcels of ground adjoining the real estate to a depth of two (2) ownerships, but not exceeding six-hundred-sixty (660) feet from the perimeter of the real estate, and all owners of real estate within the area included in the petition who were not petitioners for the rezoning or approval. Owners of real estate entirely located outside Marion County are not included, however. The identity of owners shall be determined from the records in the offices of the various Township Assessors of Marion County

which list the current owners of record. (This paragraph defines the category of persons entitled to receive personal notice of the rezoning or approval under the rules in force at the time the commitment was made);

These COVENANTS may be enforced by the Metropolitan Development Commission.

The undersigned hereby authorizes the Division of Planning of the Department of Metropolitan Development to record this Covenant or Commitment in the office of the Recorder of Marion County, Indiana, upon final approval of modification and/or termination of Covenant(s) or Commitment(s) of petition # 2022-MOD-___ by the Metropolitan Development Commission.

STAFF REPORT 2022-MOD-015, Photographs



Looking northeast at the southwestern building on the site.



Looking east across the northern portion of the site from Allisonville Road.



Looking southwest along the Allisonville Road frontage.



Looking northeast along the Allisonville Road frontage.



Looking west along the 91st Street frontage.



Looking east along the 91st Street frontage and beyond.

STAFF REPORT

Department of Metropolitan Development Division of Planning Current Planning Section

Case Number: 2022-ZON-036
Address: 4161 and 4355 Senour Road (*Approximate Address*)
Location: Franklin Township, Council District #25
Petitioner: Beazer Homes of Indiana, LLP, by David A. Retherford
Request: Rezoning of 63.60 acres from the D-A district to the D-3 district.

An Automatic Continuance was filed by the Franklin Township Civic League, a registered neighborhood organization, continuing this petition from the October 13, 2022 hearing to the November 10, 2022 hearing.

This petition was continued from the August 25, 2022 hearing to the October 13, 2022 hearing. A Traffic Impact Study was submitted and reviewed. This review and further scrutiny of the site plan revealed potential access issues to the site. The purpose of the continuance was to provide more time to resolve these issues.

This petition was continued from the July 14, 2022 hearing to the August 25, 2022 hearing to provide time for the submission and review of a Traffic Impact Study.

This petition was continued from the June 9, 2022 hearing to the July 14, 2022 hearing to provide time for the submission and review of a Traffic Impact Study.

This petition was continued from the May 12, 2022 hearing to the June 9, 2022 hearing to provide time for the submission and review of a Traffic Impact Study.

This petition was continued from the April 14, 2022 hearing to the May 12, 2022 hearing to provide time for the submission and review of a Traffic Impact Study.

RECOMMENDATION

Staff **recommends denial** of this request. Should the Hearing Examiner recommend approval of the petition, staff recommends that the approval be subject to the following commitments:

(Continued)

STAFF REPORT 2022-ZON-036 (Continued)

1. A 40-foot half right-of-way shall be dedicated along the frontage of Senour 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).
2. A 25-foot half right-of-way shall be dedicated along the frontage of Marlin Road, as per the request of the Department of Public Works (DPW), Engineering Division. Additional easements shall not be granted to third parties within the area to be dedicated as public right-of-way prior to the acceptance of all grants of right-of-way by the DPW. The right-of-way shall be granted within 60 days of approval and prior to the issuance of an Improvement Location Permit (ILP).
3. A passing blister shall be provided on southbound Senour Road at the site driveway
4. Marlin Road from Senour Road to the site driveway shall be widened to provide a minimum of 22-foot wide pavement.
5. A Heritage Tree study shall be conducted for the woods in the southeast corner of the site to determine the species, size, location, and condition of any Heritage Trees, how the tree's locations relate to the proposed development, and how the development may be modified to preserve as many Heritage Trees as possible.

SUMMARY OF ISSUES

The following issues were considered in formulating the recommendation.

LAND USE

- ◇ The subject site is mostly agricultural land, but with a wooded square in the southeast corner and a wooded streambank in the north central part of the site. The site abuts a row of single-family dwellings along Senour Road. These dwellings were constructed over a thirty-year period starting in the mid-1950s. A large, platted subdivision to the west on Senour Road dates from the mid-2000s and is still under construction. A quarry to the east dates from the mid-1990s.
- ◇ The 2018 Comprehensive Land Use Plan recommends Agricultural Preservation for the site. This land use is intended for areas that should be protected for agricultural use. Typical density in this typology is less than one dwelling unit per acre.

(Continued)

STAFF REPORT 2022-ZON-036 (Continued)

ZONING

- ◇ This petition would rezone the subject site to the D-3 district. This district provides for low to medium intensity residential development. Land in this district should have good thoroughfare access and pedestrian links to community and neighborhood services and facilities such as schools, parks and shopping areas. It is primarily intended for single-family detached dwellings with some two-family dwellings on corner lots. This district has a typical density of 2.6 units per acre.
- ◇ The petitioner has submitted a site plan that employs the cluster option. The Ordinance provides this option to incorporate and promote environmental and aesthetic considerations into development by working with existing site considerations such as vegetation, topography, drainage and wildlife. The cluster option permits a reduction in the minimum area, width, setback and open space requirements to concentrate development into specific areas of the development and thus reserving the remaining land in perpetuity.
- ◇ The submitted site plan shows a total of 153 lots. This would create a density of 2.4 units per acre. The plan indicates preservation of much of the wooded area in the southeast corner of the site.

Traffic Impact Study

- ◇ A Traffic Impact Study was conducted for this site. The purpose of the study was to determine the proposed development's impact on the existing road network and, should the development create deficiencies in the network, propose possible modifications to mitigate those deficiencies.
- ◇ The study looked at five intersections:
 - ◇ Senour Road & Thompson Road,
 - ◇ Senour Road & Marlin Road,
 - ◇ Senour Road & Pentecost Road
 - ◇ Senour Road and the proposed west access drive,
 - ◇ Marlin Road and the proposed south access drive.
- ◇ The study looked at existing traffic during the morning peak time and the evening peak time and at estimated traffic with and without the development for the year 2032.
- ◇ Traffic capacity is expressed as Levels of Service from A to F. The four existing intersections currently operate at levels A or B.

(Continued)

STAFF REPORT 2022-ZON-036 (Continued)

- ◇ The study indicates that the proposed development is expected to generate 114 trips during the morning peak hour and 154 trips during the evening peak hour. The study used a unit count of 153 in its calculations. About 84% of the traffic is expected to use the west access drive onto Senour Road and 16% of the traffic would use the south access drive onto Marlin Road.
- ◇ With the addition of these trips to the road system, the studied intersections would operate at levels A, B, or C.
- ◇ Even without the proposed development, traffic volume in the area is expected to grow over the next ten years. Levels of Service would change, and as a whole degrade somewhat, but would still remain at levels A, B, and C.
- ◇ With the proposed development, traffic in the area would rise, but remain at levels A, B, and C. Although the increase in traffic may be noticeable, it would be unlikely to create deficiencies in the local street network.
- ◇ Based on these findings and their own observations and expertise, the Department of Public Works requests that a passing blister be provided on southbound Senour Road at the site driveway and that Marlin Road from Senour Road to the site driveway be widened to provide a minimum of 22-foot wide pavement.

GENERAL INFORMATION

EXISTING ZONING, CONTEXT AREA, AND LAND USE

D-A	Metro	Agricultural land, woodland
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SURROUNDING ZONING AND LAND USE

North	D-A	Agricultural land
South	D-A	Single-family dwellings, large equipment storage
East	D-A (GSB)	Sand and gravel extraction
West	D-A, D-P	Single-family dwellings

COMPREHENSIVE LAND USE PLAN	The Franklin Township Comprehensive Plan (2018) recommends Agricultural Preservation and Rural or Estate Neighborhood.
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(Continued)

STAFF REPORT 2022-ZON-036 (Continued)

THOROUGHFARE PLAN

Marlin Road 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 50-foot proposed right-of-way.

Senour Road is classified in the Official Thoroughfare Plan for Marion County, Indiana as a Primary Arterial, with an existing right-of-way ranging from 30 feet to 84 feet and an 80-foot proposed right-of-way.

FLOODWAY / FLOODWAY FRINGE

This site is not located within a floodway or floodway fringe.

STREAM PROTECTION CORRIDOR

This site is not located within a stream protection corridor.

WELLFIELD PROTECTION DISTRICT

This site is not located within a wellfield protection district.

ZONING HISTORY – SITE

None.

ZONING HISTORY – VICINITY

2018-DV1-002; 10073 Pentecost Road (west of site), requested a variance of development standards to legally establish freestanding signs with deficient setbacks, excess height and located within the clear sight triangle and to legally establish a fence with excess height, **approved**.

2003-ZON-060; 10050 East Thompson Road (west of site), requested the rezoning of 423 acres from the D-P district to the D-P district to provide for 833 single-family dwellings at a density of 1.98 units per acre, **approved**.

96-Z-18 / 96-DP-24650 Senour Road (west of site), requested the rezoning of 423 acres from the D-A district to the D-P district to provide for a commercial center, golf course and single-family dwellings at a density of 1.18 units per acre, **approved**.

90-UV2-63; 10930 Marlin Road (southeast of site), requested a variance of use to provide for the outdoor storage of equipment and vehicles related to a construction business in a D-A district, **approved for three years**.

(Continued)

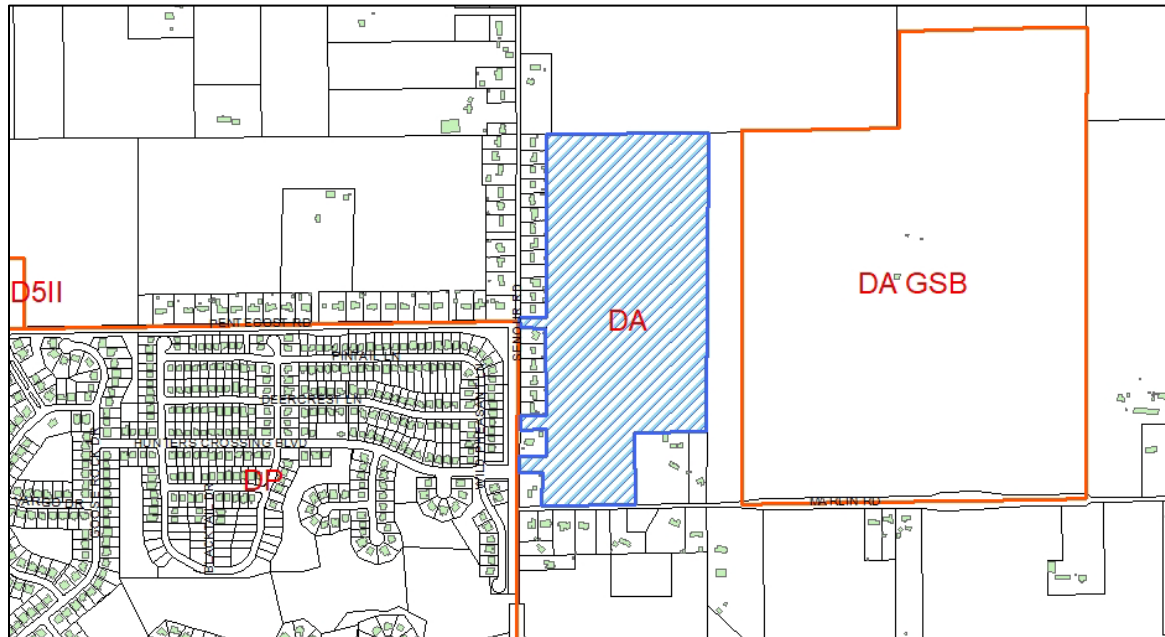
STAFF REPORT 2022-ZON-036 (Continued)

87-UV2-135; 10930 Marlin Road (southeast of site), requested a variance of use to provide for the outdoor storage of equipment and vehicles related to a construction business in a D-A district, **approved for two years.**

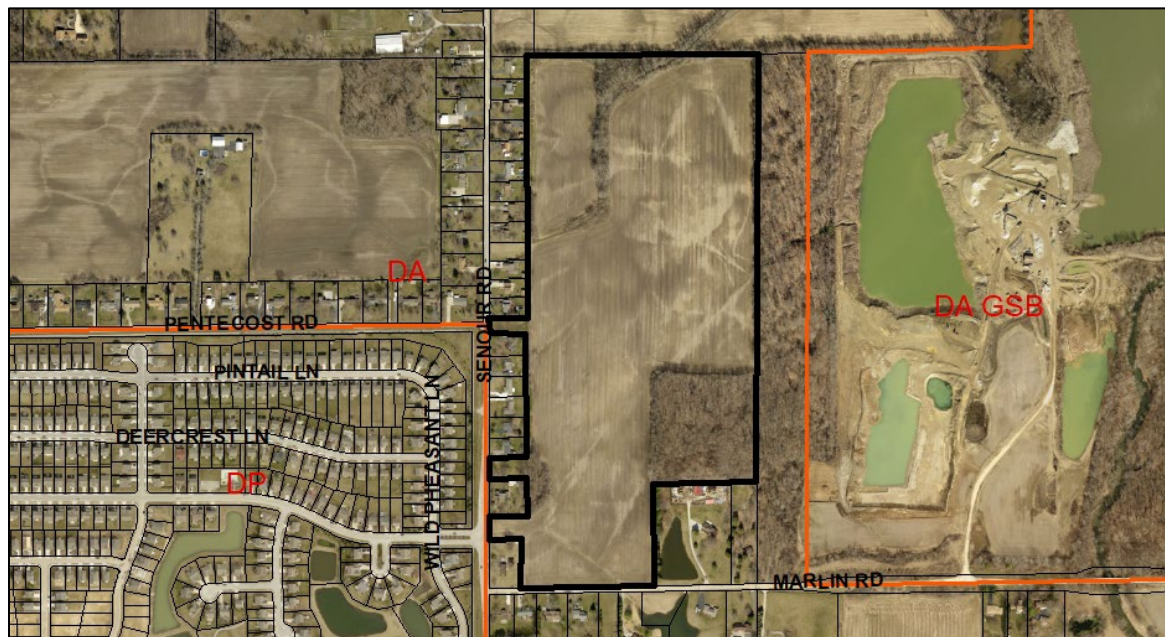
85-UV2-31; 10930 Marlin Road (southeast of site), requested a variance of use to provide for the outdoor storage of equipment and vehicles related to a construction business in a D-A district, **approved for two years.**

klh

STAFF REPORT 2022-ZON-036, Location



STAFF REPORT 2022-ZON-036, Aerial photograph (2021)



STAFF REPORT 2022-ZON-036, Photographs



Looking north across the subject site from Marlin Road.



Looking northwest across the subject site from Marlin Road.



Looking west along the southern edge of the site.



Looking east on Marlin Road. The subject site is to the left.



Neighbor to the south.



Neighbor to the south.



Looking northeast from Marlin Road to the neighbors to the east.



Looking east on Pentecost Road toward the subject site. Extension of Pentecost Road between the dwellings in the photo is proposed for access to the site.

STAFF REPORT

Item 13.

Department of Metropolitan Development Division of Planning Current Planning Section

Case Number: 2022-ZON-102
Address: 3425 Carson Avenue (*Approximate Addresses*)
Location: Perry Township, Council District #21
Petitioner: Maninder Singh and Jasbir Singh
Request: Rezoning of 0.52 acre from the D-4 district to the C-4 district to provide for automobile repair.

ADDENDUM FOR NOVEMBER 10, 2022, HEARING EXAMINER

The Hearing Examiner continued this petition from the September 29, 2022 hearing to the November 10, 2022 hearing, at the request of the petitioner.

September 29, 2022

RECOMMENDATIONS

Staff **recommends denial** of the request.

SUMMARY OF ISSUES

The following issues were considered in formulating the recommendation:

LAND USE ISSUES

- ◇ This 0.52-acre site, zoned D-4, is undeveloped and surrounded by a single-family dwelling to the north; religious uses to the south, across Sumner Avenue; a single-family dwelling to the east; and a single-family dwelling to the west, across Carson Avenue, all zoned D-4.
- ◇ Petition 97-SE2-2 provided for the placement of a manufactured home on this site. According to historical aerials, the manufactured home was removed around 2005.

REZONING

- ◇ This request would rezone the site from D-4 District to the C-4 classification (Community-Regional District) to provide automobile 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."

(Continued)

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

Conditions for All Land Use Types

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

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

- If proposed within one-half mile along an adjoining street of an existing or approved residential development, then connecting, continuous pedestrian infrastructure between the proposed site and the residential development (sidewalk, greenway, or off-street path) should be in place or provided.
- Should be located at the intersections of arterial streets, and should be no closer than one mile to another commercial node with one acre or more of commercial uses except as reuse of a historic building.
- Should be limited to an aggregate of 3.5 acres per intersection, with no one corner having more than 1.5 acres.
- Should be limited to areas and parcels with adequate space for required screening and buffering.
- **Automotive uses (such as gas stations and auto repair) and uses requiring a distance of separation of greater than 20 feet under the zoning ordinance (such as liquor stores, adult uses, and drive-through lanes) are excluded.**
- Should not include outdoor display of merchandise.

(Continued)

Department of Public Works

- ◇ The Department of Public Works, Traffic Engineering Section, has requested the dedication and conveyance of a 40-foot half right-of-way along Carson Avenue and a 20-foot half right-of-way along Sumner Avenue. This dedication would also be consistent with the Marion County Thoroughfare Plan.
- ◇ 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:

A 40-foot half right-of-way shall be dedicated along the frontage of Carson Avenue and a 20-foot half right-of-way shall be dedicated along the frontage of Sumner 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).

Planning Analysis

- ◇ As proposed, staff recommends denial because it is not consistent with the Comprehensive Plan recommendation of suburban neighborhood and the Pattern Book that excludes automotive uses, including automotive repair.
- ◇ This site is surrounded by residential uses and a religious use. Introducing an incompatible use, such as automotive repair would be detrimental to and negatively impact the adjacent land uses. Furthermore, outdoor storage of vehicles waiting for repair or pick up would be typical of an automotive repair operation and would intensify the negative impact on the residential neighborhood.

GENERAL INFORMATION**EXISTING ZONING AND LAND USE**

D-4

Undeveloped

SURROUNDING ZONING AND LAND USE

North - D-4

Single-family dwelling

South - D-4

Religious uses

East - D-4

Single-family dwelling

West - D-4

Single-family dwelling

COMPREHENSIVE LAND USE PLAN

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

(Continued)

THOROUGHFARE PLAN

This portion of Carson Avenue is designated in the Marion County Thoroughfare Plan as a secondary arterial with an existing 60-foot right-of-way and a proposed 80-foot right-of-way.

This portion of Sumner Avenue is designated in the Marion County Thoroughfare Plan as a local street with an existing 40-foot right-of-way and a proposed 50-foot right-of-way.

CONTEXT AREA

This site is located within the metro context area.

OVERLAY

This site is not located within an overlay

ZONING HISTORY

97-SE2-3; 3425 Carson Avenue, requested a special exception of the Dwelling Districts Zoning Ordinance to provide for the placement of a manufactured home, **granted**.

VICINITY

2000-UV1-003; 1802 Sumner Avenue, requested a variance of use of the Dwelling Districts Zoning Ordinance to provide for the mixing and repackaging of soap, with pick-up and delivery of soap products, **granted**.

97-UV1-91; 1801 East Sumner Avenue (south of site), requested a variance of use of the Dwelling Districts Zoning Ordinance to provide for a 44-foot by 110-foot addition associated with a clothing repackaging business (not permitted), including incidental pick-up and delivery, **granted**.

97-UV1-12; 1801 East Sumner Avenue (south of site), requested a variance of use of the Dwelling Districts Zoning Ordinance to provide for the operation of a clothing repackaging business (not permitted), including incidental pick-up and delivery, **granted**.

96-UV3-93; 3450 Carson Avenue (west of site), requested a variance of use and development standards of the Dwelling Districts Zoning Ordinance to provide for the construction of an office and commercial storage facility, **granted**.

94-UV1-65; 3481 Carson Avenue (south of site), requested a variance of use and development standards of the Dwelling Districts Zoning Ordinance to provide for construction of a 2,204 square foot building to be used as an office and storage facility for commercial materials, being 15 feet from the proposed right-of-way of Carson Avenue, **granted**.

79-Z-177; 3438 Carson Avenue (south of site), requested rezoning of 0.68 acre, being in the D-5 District, to the C-3 classification to provide for commercial use, **granted**.

63-V-17; 1801 East Sumner Avenue (south of site), requested a variance of use of the B-1 District to provide for a machine shop, office and living area, **granted (voided by grant of 97-UV1-12)**.

kb





View looking north along Carson Avenue



View of site looking southeast across Carson Avenue



View of site looking east across Carson Avenue



View of site looking north across Sumner Avenue



View of site looking north across Sumner Avenue



View looking east along Sumner Avenue



View looking west along Sumner Avenue



View from site looking north across Sumner Avenue



View looking north at the intersection of Sumner Avenue and Carson Avenue



View from site looking west along Sumner Avenue

STAFF REPORT

Department of Metropolitan Development Division of Planning Current Planning Section

Case Number: 2022-ZON-111
Address: 9602 Fall Creek Road (*Approximate Address*)
Location: Lawrence Township, Council District #4
Petitioner: Jerome Mason, by Brian J. Tuohy
Request: Rezoning of 1.21 acres from the D-P district to the D-1 district to provide for a single-family dwelling.

This petition was continued from the September 29, 2022 hearing to the November 10, 2022 hearing at the request of a remonstrator.

RECOMMENDATION

Staff **recommends approval** of this 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:

A 40-foot half right-of-way shall be dedicated along the frontage of Fall Creek 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

- ◇ Historic aerial photography shows a single-family dwelling on the subject site in 1937. This dwelling had a footprint of approximately 1100 to 1200 square feet and was demolished in 2000/2001. Since that time the site has been vacant.
- ◇ The 2018 Comprehensive Land Use Plan recommends Suburban Neighborhood for the subject site. This typology is intended to be predominately single-family dwellings.

(Continued)

STAFF REPORT 2022-ZON-111 (Continued)

ZONING

- ◇ This petition requests a rezoning from the D-P district to the D-1 district. The D-P district was established to encourage a more creative approach in land and building site planning that permits special consideration of properties with outstanding features, such as unusual topography. Petitions for the D-P district must include a preliminary site plan that identifies the locations and types of land uses and proposed layout of streets, open space, parking and other basic elements of the plan.
- ◇ The D-1 district is a residential district intended for suburban areas. It has a typical density of 0.9 units per acre. One unit on the subject site would be 0.8 units per acre.
- ◇ The subject site was included in the rezoning of 304 acres in 1995. The development statement for that rezoning acknowledges the existence of a dwelling on the subject site as well as a nearby dwelling and cabin. The development statement says that this “acreage of approximately 40 acres shall have no more homes built on it other than the two homes and the summer cottage or their replacements.” Tree preservation and protection of the steeply sloped portions of the overall site were particularly important aspects of the development statement.
- ◇ The site plan filed with the 1995 rezoning shows the subject site as part of a nature preserve and shows no houselot or dwelling on the site.
- ◇ The subject site became detached from the rest of the development when property taxes were not paid on this particular parcel and it was sold in the tax sale.
- ◇ The site plan submitted with this petition shows a proposed dwelling of 3780 square feet. As submitted, the proposed structure would not meet all the standards of the Ordinance. The petitioner may want to either modify the site plan or seek variances. A dwelling that meets the standards of the Ordinance could be constructed on this site.
- ◇ The previous dwelling on the site was cleared twenty years ago and was significantly smaller than the proposed dwelling. As such, it is difficult to consider the proposed dwelling as a replacement to the original one as permitted in the 1995 development statement. This situation, combined with the site plan approved in 1995, leads to the necessity for this petition if the proposed dwelling is to be built on this site.
- ◇ Staff recommends approval of this petition as the request is responsive to the Comprehensive Land Use Plan, it is a former house site, and the proposed dwelling does not disturb either the steep slopes or existing woodland.

(Continued)

STAFF REPORT 2022-ZON-111 (Continued)

GENERAL INFORMATION

EXISTING ZONING, CONTEXT AREA, AND LAND USE

D-P	Metro	Undeveloped land
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SURROUNDING ZONING AND LAND USE

North	D-P	Undeveloped land
South	SU-10	Undeveloped land
East	D-P	Undeveloped land
West	D-P	Undeveloped land

COMPREHENSIVE LAND USE PLAN	The Lawrence Township Comprehensive Plan (2018) recommends Suburban Neighborhood.
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THOROUGHFARE PLAN	Fall Creek Road is classified in the Official Thoroughfare Plan for Marion County, Indiana as a Secondary Arterial, with a 62-foot existing right-of-way and an 80-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 located within both the Geist W-1 and W-5 wellfield protection districts.
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STREAM PROTECTION CORRIDOR	The City's Geographic Information System shows that a tributary of Fall Creek runs across the southern end of the site. A Stream Protection Corridor 50 feet in width as measured from the top of each bank is required.
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ZONING HISTORY – SITE

95-Z-42, DP-2; 9602-9902 Fall Creek Road, requested the rezoning of 304 acres from the D-S and D-1 districts to the D-P district to provide for 421 single-family dwellings, **approved**.

ZONING HISTORY – VICINITY

88-Z-17; 9651 Fall Creek Road (east of site), requested the rezoning of 5.9 acres from the D-S district to the C-1 district, **approved**.

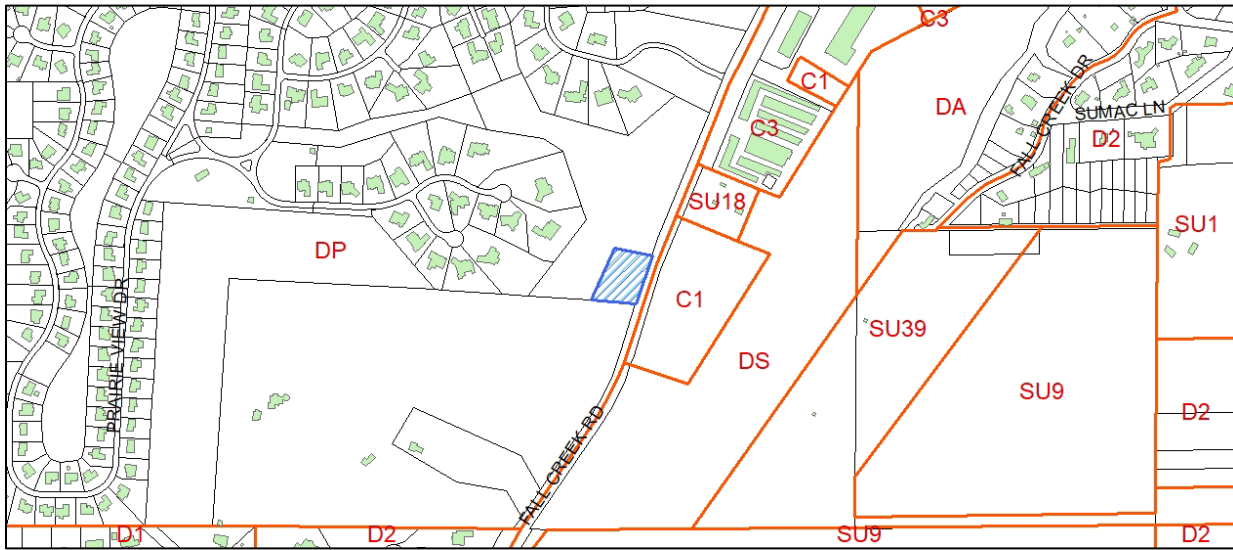
(Continued)

STAFF REPORT 2022-ZON-111 (Continued)

85-Z-77; 9651 Fall Creek Road (northeast of site), requested the rezoning of 1.7 acres from the D-5 district to the SU-18 district to provide for an electric substation, **approved**.

klh

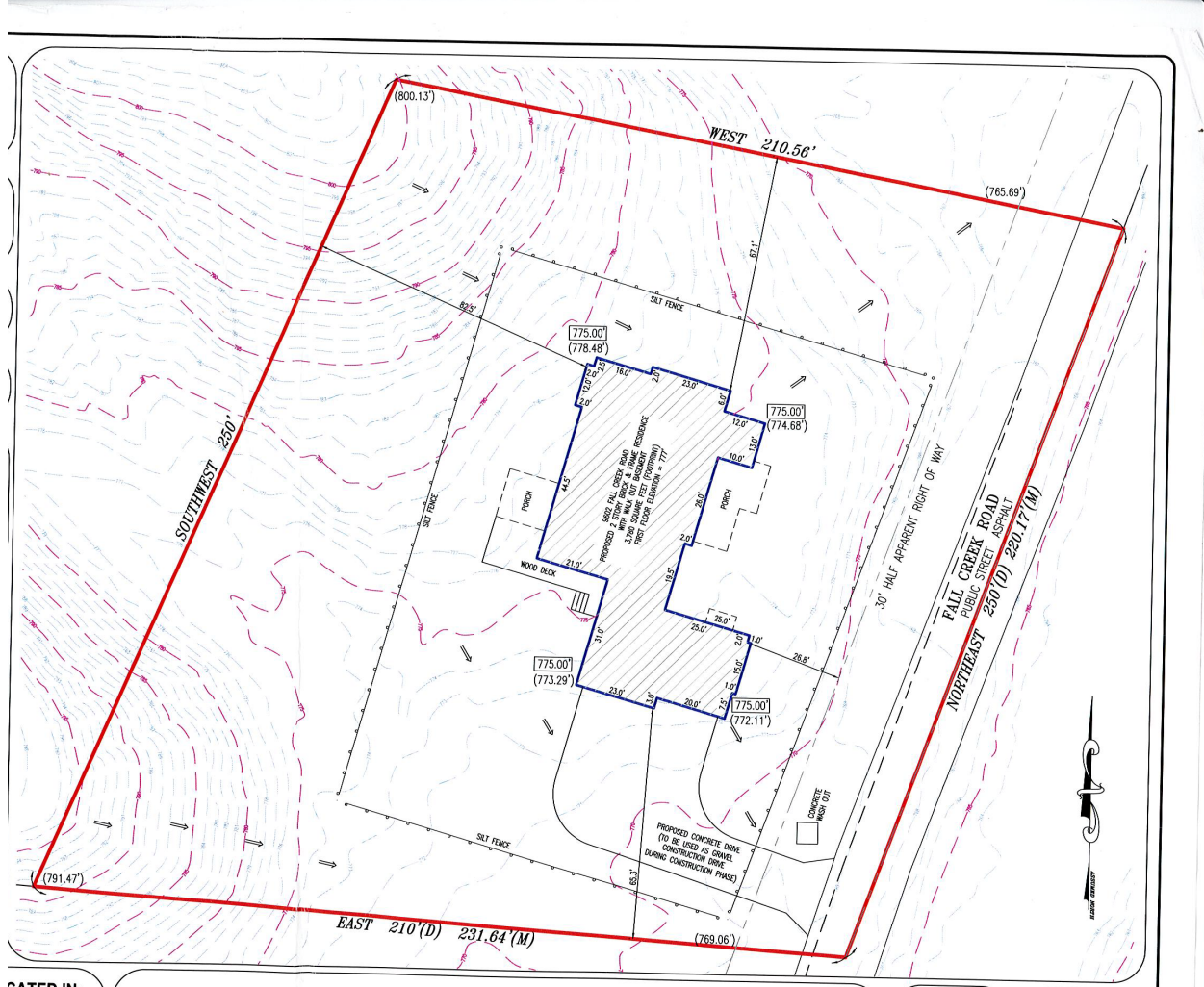
STAFF REPORT 2022-ZON-111, Location



STAFF REPORT 2022-ZON-111, Aerial photograph (2021)



STAFF REPORT 2022-ZON-111, Site Plan



STAFF REPORT 2022-ZON-111, Photographs



Looking southwest across the subject site from Combs Road.



Looking northwest along the subject site.



Looking northeast along Fall Creek Road. The subject site is to the left.



Looking east across Fall Creek Road from the subject site.

STAFF REPORT

Item 15.

Department of Metropolitan Development Division of Planning Current Planning Section

Case Number: 2022-ZON-112
Address: 7305 and 7725 Kentucky Avenue (*Approximate Address*)
Location: Decatur Township, Council District #20
Petitioner: Camby Village, LLC, by Brian J. Tuohy
Request: Rezoning of 123.23 acres from the C-4 and C-S districts to the C-S district to provide for all uses permitted in the I-1, I-2, C-3, D-4 and D-5II districts and an automobile fueling station.

The Hearing Examiner continued this petition from the September 29, 2022 hearing, to the November 10, 2022 hearing, at the joint request of the petitioner's representative and the 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. Industrial building elevations shall be submitted for Administrator Approval prior to the issuance of an Improvement Location Permit (ILP).
2. The berm, as depicted on the site plan, file-dated August 25, 2022, shall be six feet tall and landscaped with a double row of evergreen trees to provide year around screening.
3. An eight to ten-foot wide multi-use path shall be installed along the Kentucky Avenue frontage.
4. 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 123.23-acre site, zoned C-4 and C-S, is comprised of two parcels bisected by Camby Village Boulevard. It is undeveloped and surrounded by undeveloped land to the north, zoned C-4; religious uses and single-family dwellings to the south, zoned SU-1 and D-4, respectively; multi-family and single-family dwellings to the east, zoned D-7 and D-5 respectively; and single-family dwellings, undeveloped land, and single-family dwellings to the west, zoned D-A, SU 46 (airport) D-3, C-7 and C-5.

(Continued)

- ◇ Petition 2019-ZON-036 provided for commercial and industrial uses, which was denied. Petition 96-Z-76 A-D provided for multi-family dwellings (A), community-regional commercial (B), self-storage (C) and single-family dwellings (D).

REZONING

- ◇ “The C-S District is designed to permit, within a single zoning district, multi-use commercial complexes or land use combinations of commercial and noncommercial uses, or single-use commercial projects. The primary objective of this district is to encourage development which achieves a high degree of excellence in planning, design or function, and can be intermixed, grouped or otherwise uniquely located with maximum cohesiveness and compatibility. The district provides flexibility and procedural economy by permitting the broadest range of land use choices within a single district, while maintaining adequate land use controls. The C-S District can include high-rise or low-rise developments, can be applied to large or small land areas appropriately located throughout the metropolitan area, and can be useful in areas of urban renewal or redevelopment.”
- ◇ The Comprehensive Plan recommends suburban neighborhood. “The Suburban Neighborhood typology is predominantly made up of single-family housing, but is interspersed with attached and multifamily housing where appropriate. This typology should be supported by a variety of neighborhood-serving businesses, institutions, and amenities. Natural Corridors and natural features such as stream corridors, wetlands, and woodlands should be treated as focal points or organizing systems for development. Streets should be well-connected and amenities should be treated as landmarks that enhance navigability of the development. This typology generally has a residential density of 1 to 5 dwelling units per acre, but a higher density is recommended if the development is within a quarter mile of a frequent transit line, greenway, or park.”
- ◇ The Comprehensive Plan consists of two components that include the Pattern Book and the land use map. The Pattern Book provides a land use classification system that guides the orderly development of the county and protects the character of neighborhoods while also being flexible and adaptable to allow neighborhoods to grow and change over time.
- ◇ The Pattern Book serves as a policy guide as development occurs. Below are the relevant policies related to this request:

Conditions for All Land Use Types

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

(Continued)

Conditions for All Housing

- A mix of housing types is encouraged.
- Developments of more than 30 housing units must have access to at least one arterial street of 3 or more continuous travel lanes between the intersections of two intersecting arterial streets.
- Should be within a one-mile distance (using streets, sidewalks, and/or off-street paths) of a school, playground, library, public greenway, or similar publicly accessible recreational or cultural amenity that is available at no cost to the user
- Should be oriented towards the street with a pedestrian connection from the front door(s) to the sidewalk. Driveways/parking areas do not qualify as a pedestrian connection.
- Developments with densities higher than 5 dwelling units per acre should have design character compatible with adjacent properties. Density intensification should be incremental with higher density housing types located closer to frequent transit lines, greenways or parks.

Detached Housing

- The house should extend beyond the front of the garage.
- Lots should be no more than 1.5 times the size (larger or smaller) of adjacent/surrounding lots, except in cases where lots abut existing residential lots of one acre or more in size. In those cases, lots should be no smaller than 10,000 square feet and no larger than 1.5 times the size of the abutting lot.

Attached Housing

- Duplexes should be located on corner lots, with entrances located on different sides of the lot or otherwise interspersed with detached housing.
 - Duplexes should be architecturally harmonious with adjacent housing.
 - Townhomes should be organized around intersections of neighborhood collector streets, greenways, parks or public squares, or neighborhood-serving retail.
- ◇ “The I-1 district is designed for those industries that present the least risk to the public. In the I-1 district, uses carry on their entire operation within a completely enclosed building in such a manner that no nuisance factor is created or emitted outside the enclosed building. No storage of raw materials, manufactured products, or any other materials is permitted in the open space around the buildings. Loading and unloading berths are completely enclosed or shielded by solid screening. This district has strict controls on the intensity of land use providing protection of each industry from the encroachment of other industries. It is usually located adjacent to protected districts and may serve as a buffer between heavier industrial districts and business or protected districts.”

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- ◇ “The I-2 district is for those industries that present minimal risk and typically do not create objectionable characteristics (such as dirt, noise, glare, heat, odor, etc.) that extend beyond the lot lines. Outdoor operations and storage are completely screened if adjacent to protected districts and are limited throughout the district to a percentage of the total operation. Wherever possible, this district is located between a protected district and a heavier industrial area to serve as a buffer. For application to the older industrial districts within the central city, standards specifically accommodate the use of shallow industrial lots.”
- ◇ “The C-3 District is for the development of an extensive range of retail sales and personal, professional and business service 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 D-4 district is intended for low or medium intensity single-family and two-family residential development. Land in this district needs good thoroughfare access, relatively flat topography, and nearby community and neighborhood services and facilities with pedestrian linkages. Provisions for recreational facilities serving the neighborhood within walking distance are vitally important. Trees fulfill an important cooling and drainage role for the individual lots in this district. The D-4 district has a typical density of 4.2 units per gross acre. This district fulfills the low density residential classification of the Comprehensive General Land Use Plan. All public utilities and facilities must be present. Development plans, which may include the use of clustering, should incorporate and promote environmental and aesthetic considerations, working within the constraints and advantages presented by existing site conditions, including vegetation, topography, drainage and wildlife.”
- ◇ “The D-5II district is intended for small-lot housing formats, but also including a mix of small-scale multi-unit building types. This district can be used for new, walkable suburban neighborhoods or for infill situations in established urban areas, including both low density and medium density residential recommendations of the comprehensive Plan, and the suburban Neighborhood or Traditional Neighborhood typologies of the Land Use Pattern Book.”

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.

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- ◇ 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.

C-S Statement (See Exhibit A)

- ◇ The C-S Statement, filed-dated August 25, 2022, states that approximately 62 acres (southern parcel) would be developed with I-1 and I-2 industrial uses and the remaining 61 acres (northern parcel) would be developed with single-family and two-family dwellings. Camby Village Boulevard would provide a clear boundary between the two uses.

Industrial Development

- Building height in the industrial developed area would be a maximum of 45 feet, with exceptions related to the parapet walls and roof structures in accordance with the Ordinance.
- As proposed, either three buildings or four buildings would be developed with building sizes ranging from approximately 163,920 square feet to 235,200 square feet, depending upon the number of buildings.
- Sidewalks would be provided throughout the development with connections to public rights-of-way.

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- Outdoor amenity areas would be constructed and available for employees, including picnic areas and fitness stations at each building.
- The number of loading docks would be determined by the petitioner and would be oriented to the interior of the site with screening provided by extending the building façade an additional column bay at the building corners.
- Parking for semis, delivery trucks, delivery vans and employee would be provided on site.
- Building exteriors would be in general conformance with the front façade design feature depicted in the C-S Statement.
- Landscaping would comply with the Ordinance requirements with four-foot-tall mounding along a portion of Camby Village Boulevard, the southern boundary and the eastern boundary. Such mounding would be planted with evergreen trees.
- Transitional yard would be a minimum of 100 feet along Camby Village Boulevard and 75 feet along Kentucky Avenue.
- Site access would be from Kentucky Avenue only, with an emergency access along Camby Village Boulevard.

Commercial Area

- Commercial uses would be permitted on approximately 1.15 acres at the northwest corner of the southern parcel and would include C-3 uses and an automobile fueling station.

Residential Uses

- A total of 133 single-family dwelling units and 52 two-family dwellings are proposed.
- Development standards and architectural standards are identified for each of the types of dwellings.
- General development standards that include street, sidewalks, streetlights, signage, stormwater and phasing of development are described, along with the open space and amenities features and the homeowners' association / covenants.

Site Plan (See Exhibit B)

- ◇ The site plans, file-dated August 25, 2022, depict two options related to the layout of the industrial area that includes a three industrial building layout and a four industrial building layout. Staff understands the options provide the flexibility to respond to the future needs of potential users.
- ◇ Truck and employee access associated with the industrial development would be located at the southern end of the site along Kentucky Avenue. Access along Camby Village Boulevard would be limited to emergency access only to the industrial development.

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- ◇ Truck and employee parking associated with the industrial development would be located interior to the site, with employee parking located on the perimeter on the buildings primarily along Kentucky Avenue and the eastern boundary abutting the existing multi-family development.
- ◇ Retention / detention ponds would be located throughout the development as determined by drainage requirements.
- ◇ A four-foot-tall landscape berm is depicted along the southern, eastern and a portion of the northern boundary of the industrial development, which abuts and would be adjacent to residential uses.
- ◇ The northern parcel would be developed with single-family and two-family dwellings. Access to the residential development would be along Camby Village Boulevard with a second access connecting to Firecrest Lane and a stub street to the north for a possible future connection.

Planning Analysis

- ◇ As proposed, only the northern residential portion of the site complies with the Comprehensive Plan recommendation of suburban neighborhood typology. The southern portion of the site proposed for industrial development does not comply because industrial development is not a recommended land use in this typology.
- ◇ However, the southern parcel is split-zoned with a C-S district and C-4 district. Of the approximately 62.5 acres, approximately 38 acres, zoned as C-S, permits industrial development. Consequently, approximately 24.5 acres, currently zoned as C-4, would also be zoned for industrial development. Staff believes this expansion of I-1 and I-2 industrial uses would be reasonable and acceptable.
- ◇ Staff, therefore, supports the proposed rezoning request, subject to enhanced buffering that would consist of a six-foot tall berm along those portions of the site where a four-foot-tall berm is proposed. Staff also believes that a double row of year around (evergreen) landscaping would be appropriate and provide some mitigation between the two land uses.
- ◇ Staff believes limiting access to the industrial portion of the site to the southernmost point further minimizes the impact of this use on surrounding land uses.
- ◇ Staff understands that no outdoor storage would be permitted, which also minimizes the impact of industrial uses in this area.
- ◇ Staff is also concerned with exterior materials and architectural style of the proposed industrial structures because of their mass, the proximity to residential uses and the visibility along Kentucky Avenue. Staff believes that a variety of materials, including but not limited to brick, stone, pre-cast concrete panels, tile, decorative block, wood lap siding, ceramic and glass should be incorporated into the design of the buildings. Consequently, staff would request that elevations be submitted for Administrator Approval prior to the issuance of an Improvement Location Permit (ILP) to assure

(Continued)

- ◇ Staff also believes that connectivity in the area is critical and should be supported by internal sidewalks that connect to rights-of-way throughout the entire site, along with the installation of an eight- to ten-foot-wide multi-use path along the Kentucky Avenue frontage.

GENERAL INFORMATION

EXISTING ZONING AND LAND USE

C-S / C-4 Commercial use

SURROUNDING ZONING AND LAND USE

North -	C-4	Undeveloped land
South -	SU-1 / D-4	Undeveloped land / single-family dwellings
East -	D-7 / D-5	Multi-family dwellings / single-family dwellings
West -	D-A / SU-46 / D-3 / C-7 / C-5	Undeveloped land / single-family dwellings

COMPREHENSIVE LAND USE PLAN

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

THOROUGHFARE PLAN

This portion of Kentucky Road is designated in the Marion County Thoroughfare Plan as a primary arterial, with an existing and proposed 215-foot right-of-way.

This portion of Camby Village Boulevard is designated in the Marion County Thoroughfare Plan as a local street, with an existing and proposed 70-foot right-of-way.

CONTEXT AREA

This site is located within the metro context area.

OVERLAY

There are no overlays for this site.

SITE PLAN

File-dated August 25, 2022

C-S STATEMENT

File-dated August 25, 2022

(Continued)

ZONING HISTORY

2019-ZON-036; 8900 Mooresville Road (includes site), requested rezoning of 121.1 acres from the C-4 and C-S Districts to the C-S classification to provide for all Manufacturing, Research and Development, Utilities, Wholesale Distribution uses permitted by the I-1 District; all Group Living, Community, cultural and Educational Facilities, and Office Uses permitted in the C-1 district; Vocational, Technical or Industrial Training School or Training Facility; Hospital; Animal Care, Boarding and Veterinary Services; Farmer's Market; Artisan Food and Beverage; Business, Home and Personal Services or Repair; Bar or Tavern; Eating Establishment or Food Preparation; Indoor Recreation and Entertainment; Indoor Spectator Venue; Hotel or Motel; Department Store; Grocery Store; Liquor Store; Light and Heavy General Retail; Automobile and Light Vehicle Wash; Automobile Fueling Station; Automobile, Motorcycle, and Light Vehicle Service or Repair; Commercial Parking Lot; Transit Center; and Recycling Station and the following accessory uses: wireless communications facility; game courts; outdoor storage; temporary outdoor display and sales; outdoor seating and patio; recycling collection point; renewable energy facility, solar, geothermal or wind; satellite dish antenna; signs; temporary construction yard, office or equipment storage; temporary outdoor event; and outside vending machines/self-serve kiosk, **denied**.

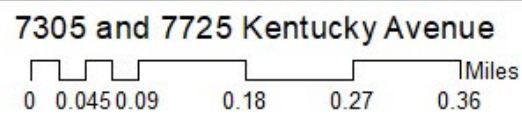
96-Z-76 A; 7401 Kentucky Avenue (includes site), requested rezoning of 10.99 acres, being in the D-3 and C-4 Districts, to the D-7 classification to provide for multi-family development, **approved**.

96-Z-76 B; 7401 Kentucky Avenue (includes site), requested rezoning of 82.04 acres, being the D-3 and D-7 Districts, to the C-4 classification to provide a community-regional commercial development, **approved**.

96-Z-76 C; 8201 Camby Road (includes site), requested rezoning of 52.62 acres, being in the D-3 and D-7 Districts, to the C-S classification to provide for the construction of a self-storage facility, with ancillary uses, including an office and resident manager; office, commercial, multi-family, industrial research and park uses, **approved**.

96-Z-76 D; 8302 Trotter Road (includes site), requested rezoning of 120 acres, being in the D-A District, to the D-3 classification to provide for the construction of single-family residential development at 2.6 units per acre, **approved**.

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C-S Statement

Petitioner respectfully requests that the approximately 120 acre +/- site (the "Site") located at the northeast and southeast corners of Kentucky Avenue and Camby Village Boulevard (the "Intersection") be rezoned to the C-S district to provide for residential, commercial and industrial uses on the Site.

The development proposed by Petitioner includes an Industrial Area, which may be improved with three (3) or four (4) buildings, a Commercial Area and a Residential Area. Attached as Exhibit A are two proposed preliminary Conceptual Site Plans, which approximately depict the proposed development. Conceptual Site Plan A depicts the Industrial Area improved with three (3) buildings and Conceptual Site Plan B depicts the Industrial Area improved with four (4) buildings. Hereinafter, the term "Conceptual Site Plan" shall refer to either Conceptual Site Plan A or Conceptual Site Plan B.

A. Industrial Area.

1. **Uses:** All permitted, accessory, temporary and special exception uses permitted in the I-1 and I-2 zoning district set forth in the Zoning Ordinance for Marion County, Indiana in effect at the time this Development is approved by the City-County Council (the "Zoning Ordinance") shall be permitted on approximately 62 acres near the southeast corner of the Intersection, as approximately depicted on the attached Conceptual Site Plan (the "Industrial Area").
2. **Site Development:**
 - a. Site Plan Generally: Maximum Building Heights. The Industrial Area shall be developed as approximately depicted on the Conceptual Site Plan. The maximum buildings sizes and general locations of the buildings within the Industrial Area as approximately depicted on the Conceptual Site Plan shall coincide with those set forth therein. The Administrator shall have the authority to approve any minor or non-substantial deviations therefrom. Notwithstanding the foregoing, Petitioner shall have the unilateral right to reduce the size of any buildings set forth on the Conceptual Site Plan (as defined in Paragraph A.2.b. below).

Additionally, the maximum height of the buildings within the Industrial Area as set forth on the Conceptual Site Plan shall be as follows:

Forty-Five feet (45'); provided that per table 744-204-1 of the Zoning Ordinance, parapet walls may extend up to four feet (4') above the maximum 45' building height and roof structures for the housing of elevators, stairways, air conditioning apparatus, cooling towers, ventilating fans, skylights or similar equipment to operate and maintain the structure may extend up to twenty-five (25') above the roof line of the building.

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b. Size of Buildings.

- i. If the Industrial Area is improved with three (3) buildings, the maximum main floor square footage of Buildings 1, 2 and 3 as approximately shown on the Conceptual Site Plan shall be as follows: building 1 and building 2 shall be a maximum of approximately 235,200 square feet each and building 3 shall be a maximum of approximately 346,663 square feet.
- ii. If the Industrial Area is improved with four (4) buildings, the maximum main floor square footage of Buildings 1, 2, 3 and 4 as approximately shown on the Conceptual Site Plan shall be as follows: building 1 and building 2 shall be a maximum of approximately 235,200 square feet each and building 3 and building 4 shall be a maximum of approximately 163,920 square feet each.

c. Sidewalks. Sidewalks required by the Zoning Ordinance will be installed as set forth therein.

d. Outdoor Amenities. Commensurate with the occupancy of each building constructed within the Industrial Area, outdoor amenities (i.e. picnic areas and fitness stations at each building) for the employees of businesses located within the Industrial Area shall be constructed. The location of such amenities shall be determined by the Petitioner.

e. Loading Docks. The maximum aggregate number of loading docks within the Industrial Area shall be equal to the ratio of 1 per 5000 square feet of the total main floor area of all buildings proposed within the Industrial Area. The number of the docks among the various buildings in the Industrial Area is at the sole discretion of the Petitioner. Additionally, all loading docks shall be situated on only one side of any building and shall face toward the interior of the Industrial Area as approximately shown on the Conceptual Site Plan. Building design within the Industrial Area shall also include screening of the loading dock areas by extending the building facade an additional column bay as approximately depicted on the Conceptual Site Plan.

f. Truck Parking. There shall be a maximum aggregate number of truck parking spaces within the Industrial Area equal to the ratio of 1 per 3,500 square feet of the total main floor area of all buildings proposed within the Industrial Area. These parking spaces shall be for the combined use of semis, delivery trucks and delivery vans. The locations of the truck parking spaces within the Industrial Area are approximately depicted on the Conceptual Site Plan. The Administrator shall have the authority to approve any minor or non-substantial deviations therefrom.

g. Rendering. The buildings constructed within the Industrial Area shall be in general conformance with the front façade design elements depicted in the illustrative building rendering attached hereto as Exhibit B (the "Industrial Rendering"). Notwithstanding the foregoing, the long side of the buildings opposite the dock side shall have a visual break not more than every 150'. The color scheme may be modified from the Industrial Rendering, but shall be uniform throughout the Industrial Area. The

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Administrator shall have the authority to approve any minor or non-substantial deviations therefrom.

h. Landscaping.

- i. All landscaping and buffering proposed for the Industrial Area shall comply with the Landscaping and Screening requirements of the Zoning Ordinance which are applicable to the I-2 zoning district.
- ii. Mounding. The landscaping for the Industrial Area shall include:
 - (i) a mound of at least four feet (4') at its apex along a portion of Camby Village Blvd. as approximately depicted on the attached Conceptual Site Plan.
 - (ii) a mound of at least four feet (4') at its apex south of the retention ponds within the Industrial area as approximately shown on the Conceptual Site Plan, and
 - (iii) a mound of at least four feet (4') at its apex within the transitional yard along the eastern border of the Industrial Area as approximately shown on the Conceptual Site Plan.
 - (iv) Among other potential plantings, evergreen trees shall be planted along the top of the mounds so that at maturity, they form a reasonable, visual screen.
- iii. Transitional Yards. Within the Industrial Area, there shall be a minimum of a one hundred foot (100') transitional yard along Camby Village Boulevard, and a minimum seventy-five foot (75') transitional yard along Kentucky Avenue.
- iv. Maintenance and Replacement. Petitioner shall maintain and replace as needed landscaping within the Industrial Area. Substantially damaged, irreparably sick or dead plantings shall be replaced by the Petitioner with the same species, or a species with similar characteristics, within three (3) months or if not possible, advisable or practical due to weather or season, as soon as is practical thereafter.
- i. No vehicular traffic will be allowed to enter/exit the Industrial Area from Camby Village Boulevard. Emergency Vehicle access will be provided for fire department and emergency services only as approximately depicted on the Conceptual Site Plan. The Commercial Area defined in Section B below shall have access from Camby Village Boulevard.
- j. Access for all truck and employee vehicles to / from the Industrial Area will come from Kentucky Avenue.

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B. Commercial Area.

1. **Uses:**

- a. All permitted, accessory, temporary and special exception uses permitted in the C-3 zoning district set forth in the Zoning Ordinance shall be permitted on approximately 1.15 acres at the southeast corner of the Intersection, as approximately depicted on the attached Conceptual Site Plan and on approximately 2 acres at the northeast corner of the Intersection (the "Commercial Area").
- b. In addition to C-3 uses, one (1) Automobile Fueling Station shall be permitted within the Commercial Area.

2. **Site Development:** Development within the Commercial Area shall comply with the development standards for C-3 Zoning District as set forth in the Zoning Ordinance.

C. Residential Area: A residential neighborhood shall be developed on approximately 56.5 acres near the northeast corner of the Intersection (the "Residential Area"), which shall include approximately 20 acres of open space and two types of residential sections as follows:

1. **Single-Family Detached Section:** The easternmost portion of the Residential Area shall include single-family detached residences, as approximately depicted as Lots 1-133 on the attached Conceptual Site Plan (the "Single-Family Detached Section").

- a. **Uses:** All permitted, accessory, temporary and special exception uses permitted in the D-4 zoning district set forth in the Zoning Ordinance shall be permitted within the Single-Family Detached Section.
- b. **Development Standards:** The following development standards shall apply to the Single-Family Detached Section:

Maximum Dwelling Units	133
Minimum Lot Area	6,000 sf
Minimum Lot Width	50'
Minimum Lot Frontage	25'
Minimum Open Space	50%
Maximum Height	35' for a primary structure 24' for accessory structure
Minimum Main Floor Area (sq. ft.)	1,200 sq. ft. for one-story 600 sq. ft for two-story
Minimum Front Yard Building Setback	20'
Minimum Side Yard Setback	5'
Minimum Rear Yard Setback	20'
Minimum Distance Between Homes	10'

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- c. **Architectural Standards:** The following development standards shall apply to the Single-Family Detached Section:
- i. Permitted exterior materials shall include but are not limited to brick, stone, wood, cement fiber board, stucco, shake, board and batten, and E.I.F.S. Vinyl siding and aluminum siding are prohibited.
 - ii. All homes shall contain a minimum of brick or stone wainscot on the front and side façade up to the bottom of the first-floor windows excluding doors and garage doors.
 - iii. Unless adjacent to brick or stone, all front façade windows shall have a minimum nominal one-inch by four-inch wood or fiber surround trim, shutters or decorative trim or headers.
 - iv. All homes shall have a minimum Roof Pitch of five to twelve (5:12) for the primary Roof Pitch. Ancillary roofs (including but not limited to porches, garage extensions, overhangs, sunrooms, and third car garages with separate roof structures) shall not be considered primary roof for the purposes of the five to twelve (5:12) Roof Pitch requirement.
 - v. All homes shall have a minimum of a twelve (12") inch overhang on homes where the sides consist of siding at the eaves, and a minimum of an eight (8") inch gable overhang on homes where the sides consist of brick at the eaves. This measurement does not include the gutter system.
 - vi. All homes shall have dimensional or architectural grade roof shingles.
 - vii. All homes shall have a minimum two car garage with a minimum size of 380 sq. ft. Third car garages shall have a separate door and shall be recessed a minimum of two (2') feet from the other bays.
 - viii. All homes shall have a minimum of two dusk to dawn carriage lights on the front of each garage.
 - ix. All homes shall have fully sodded front yards installed by the home builder including the area between the street and sidewalk. The rear and side yards shall be seeded by the home builder.
 - x. All homes shall include at least one (1) front yard tree, with corner lots to include an additional two (2) trees in the street side yard, with all being a minimum two-inch (2") caliper at time of planting. In addition, all homes will include a minimum of twelve (12) shrubs or bushes in the front foundation planting bed and all shrubs or bushes will be at least eighteen inches (18") in height at the time of planting.
 - xi. Homes shall have individual mailboxes to be installed by the developer for each house and shall be uniform in design. Mailboxes will be installed in accordance with the direction of the local United States Postal Service.
 - xii. All homes shall have a street number permanently affixed to the front of the home.
 - xiii. All homes shall have hard surfaced driveways with concrete.

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- c. **Architectural Standards:** The following development standards shall apply to the Single-Family Detached Section:
- i. Permitted exterior materials shall include but are not limited to brick, stone, wood, cement fiber board, stucco, shake, board and batten, and E.I.F.S. Vinyl siding and aluminum siding are prohibited.
 - ii. All homes shall contain a minimum of brick or stone wainscot on the front and side façade up to the bottom of the first-floor windows excluding doors and garage doors.
 - iii. Unless adjacent to brick or stone, all front façade windows shall have a minimum nominal one-inch by four-inch wood or fiber surround trim, shutters or decorative trim or headers.
 - iv. All homes shall have a minimum Roof Pitch of five to twelve (5:12) for the primary Roof Pitch. Ancillary roofs (including but not limited to porches, garage extensions, overhangs, sunrooms, and third car garages with separate roof structures) shall not be considered primary roof for the purposes of the five to twelve (5:12) Roof Pitch requirement.
 - v. All homes shall have a minimum of a twelve (12") inch overhang on homes where the sides consist of siding at the eaves, and a minimum of an eight (8") inch gable overhang on homes where the sides consist of brick at the eaves. This measurement does not include the gutter system.
 - vi. All homes shall have dimensional or architectural grade roof shingles.
 - vii. All homes shall have a minimum two car garage with a minimum size of 380 sq. ft. Third car garages shall have a separate door and shall be recessed a minimum of two (2') feet from the other bays.
 - viii. All homes shall have a minimum of two dusk to dawn carriage lights on the front of each garage.
 - ix. All homes shall have fully sodded front yards installed by the home builder including the area between the street and sidewalk. The rear and side yards shall be seeded by the home builder.
 - x. All homes shall include at least one (1) front yard tree, with corner lots to include an additional two (2) trees in the street side yard, with all being a minimum two-inch (2") caliper at time of planting. In addition, all homes will include a minimum of twelve (12) shrubs or bushes in the front foundation planting bed and all shrubs or bushes will be at least eighteen inches (18") in height at the time of planting.
 - xi. Homes shall have individual mailboxes to be installed by the developer for each house and shall be uniform in design. Mailboxes will be installed in accordance with the direction of the local United States Postal Service.
 - xii. All homes shall have a street number permanently affixed to the front of the home.
 - xiii. All homes shall have hard surfaced driveways with concrete.

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- overhangs, sunrooms, each with separate roof structures) shall not be considered as primary body and may have less than 5/12 pitch.
- v. All homes shall have dimensional or architectural grade roof shingles.
 - vi. Each home (dwelling) shall have an attached 2-car garage with a minimum size of 380 square feet.
 - vii. The total width of front facing garage doors of the buildings (2 dwellings) shall not exceed 50% of the front façade width.
 - viii. All homes shall have a minimum of two dusk to dawn lights on the front of each garage.
 - ix. All homes shall have fully sodded front yards installed by the home builder including the area between the street and sidewalk. The rear and side yards shall be seeded by the home builder.
 - x. Each home (dwelling unit) shall have a minimum of one (1) shade or ornamental tree and eight (8) shrubs.
 - xi. All homes shall have uniform mailboxes.
 - xii. All homes shall have a street number permanently affixed to the front of the home.
 - xiii. All homes shall have hard surfaced driveways of concrete.
 - xiv. No home with the same front yard facing elevation shall be built next door to a home with the same front yard facing elevation.

3. General Development Standards: The following general development standards shall apply to the Residential Area:

- a. Streets. The streets within the Residential Area shall be built in accordance to Indianapolis Department of Public Works (“DPW”) current standard of 28’ wide back to back of curb and 24’ wide pavement. On street parking shall be permitted on both sides of the streets within the Development.
- b. Sidewalks. Sidewalks shall be installed by Developer of the Residential Area on the Residential Area side along the frontage of Camby Village Boulevard. Sidewalks shall be installed on both sides of the new streets in the Residential Area. No sidewalks will be installed along the frontage of SR 67.
- c. Street Lights. The Residential Area shall have uniformed street lights at each intersection and no more than 500’ apart between intersections. Street lights shall conform with the standards of the Zoning Ordinance and shall be maintained by the Homeowners’ Association (“HOA”) to be formed by the Developer of the Residential Area.
- d. Signage. Signage within the Residential Area, including neighborhood entrance identification signage, directional or informational signage, and any amenity area signage shall be subject to the approval of the Administrator of the Department of Metropolitan Development.

- e. Stormwater. The Developer of the Residential Area, subject to DPW's approval, shall install stormwater detention ponds as approximately depicted on the attached Conceptual Site Plan. All detention ponds shall be maintained by the HOA.
 - f. Phasing of Development. The Residential Area shall be constructed in multiple phases.
4. **Open Space and Amenities**. The Residential Area shall have a minimum amount of permanent open space of 20 acres or approximately 35% of the total land area. Amenities within the Residential Area shall include but are not limited to the following:
- Playground area
 - Multipurpose trails
 - Landscaped entry area
 - Landscaping in common areas
 - Tree preservation (along property lines)

The above amenities shall be installed by the Developer of the Residential Area prior to the completion of the Residential Area and turnover to the HOA.

Developer of the Residential Area shall install a six-foot (6') wide asphalt multipurpose trail, as approximately shown on the Conceptual Site Plan, which will be maintained by the HOA. The multipurpose trail shall be installed by the Developer of the Residential Area within six (6) months of the recording of the Final Plat for the Residential Area.

5. **Homeowners' Association / Covenants**. The following shall apply to the Residential Area and shall be incorporated into the Declaration of Covenants, Conditions and Restrictions ("Covenants") for the Residential Area that shall be recorded prior to or simultaneously with the final plat for the Residential Area. The Homeowners' Association ("HOA") shall be established by the Developer of the Residential Area pursuant to the terms of the Covenants and the HOA shall govern the Residential Area by the Covenants.
- a. The Covenants shall apply to all the real estate within the Residential Area.
 - b. The maintenance and upkeep of the Open Space within the Residential Area including the detention ponds, common areas and amenities shall be the responsibility of the HOA.
 - c. Within the Paired Patio Section, the HOA shall be responsible for lawn mowing and treatment, snow removal and routine cleaning and maintenance of the following exterior elements of the homes in the Paired Patio Section: siding, shutters, trim and roof, provided that the HOA shall not be responsible for replacement of such exterior elements.
 - d. Upon the sale of 80% of the homes within the Residential Area the Developer of the Residential Area shall work with the homeowners within the Development to establish a Homeowner Board of Directors to be responsible for management of the HOA.

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- e. Mini-barns or outside storage sheds shall be prohibited within the Residential Area.
- f. Above ground swimming pools shall be prohibited within the Residential Area, excluding small inflatable pools that are no larger than 25 square feet which shall be stored out of sight when not in use.
- g. Basketball goals shall be prohibited within the Residential Area.
- h. No campers, motor homes, buses, truck trailers, boats or other recreational vehicle shall be stored on any common area, public street, or Lot in public view, nor shall unlicensed or disabled vehicles be stored outdoors within the Residential Area.

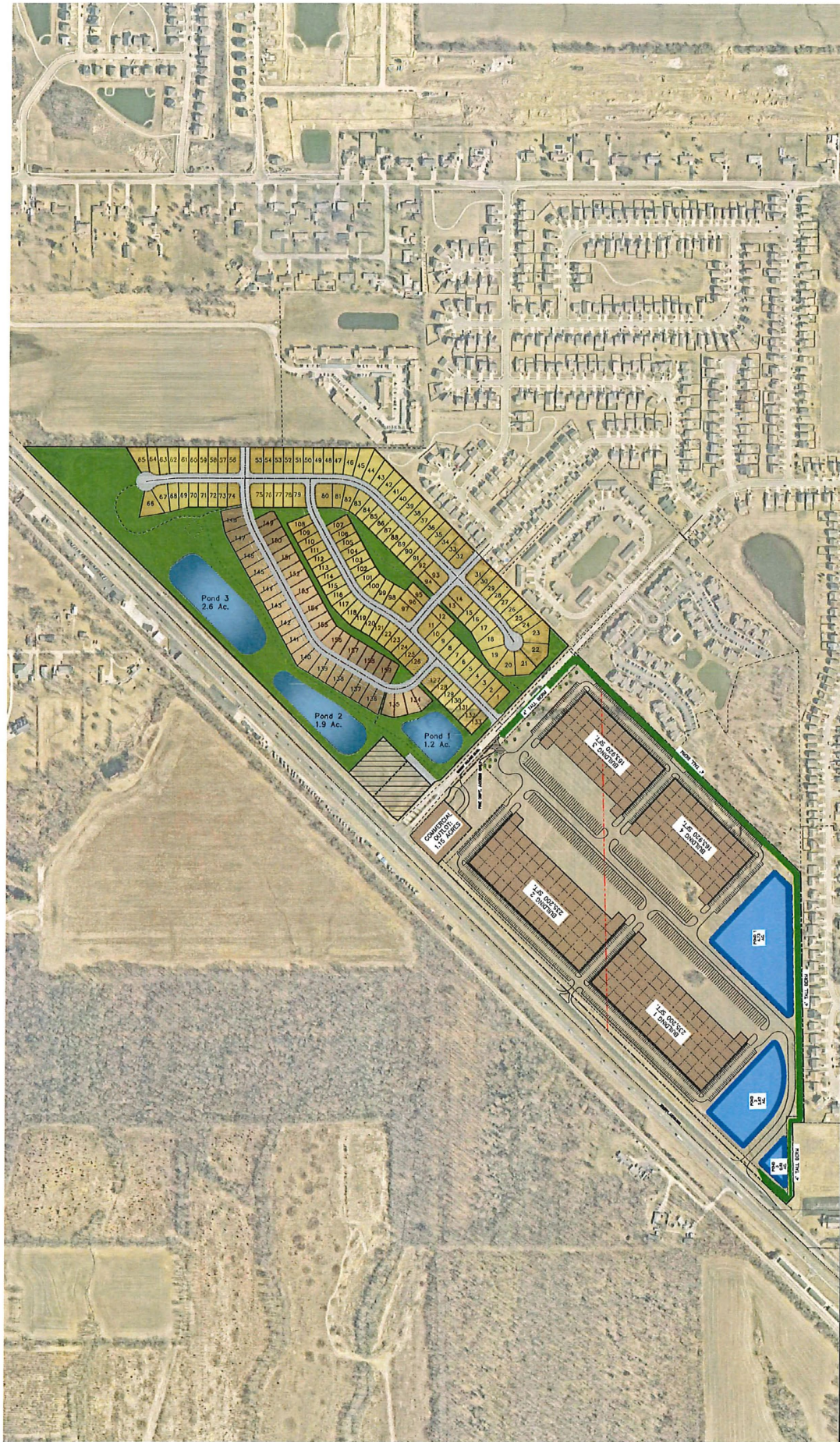
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Exhibit B
Industrial Rendering



Metropolitan Development
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Division of Planning








0' 200'
SCALE: 1" = 200'
August 22, 2022

Combined Conceptual
Camby Village
SR 67 (Kentucky Avenue)
Indianapolis, Indiana



STRUCTUREPOINT
2019.02.23.5

MANAGED BY ENGINEER
CHIEF OF PARTY



View looking south along Kentucky Avenue



View looking north along Kentucky Avenue



View of site looking north across Camby Village Boulevard



View of site looking north across Camby Village Boulevard



View of site looking north across Camby Village Boulevard



View looking northeast at adjacent residential development to the east



View of site looking north from single-family development to the east



View of site looking northwest from single-family development to the east



View of site looking northwest from multi-family development to the east



View of site looking northwest from multi-family development to the east



View of multi-family dwellings looking south across Camby Village Boulevard



View of site looking south across Camby Village Boulevard



View of site looking south across Camby Village Boulevard



View of site looking south across Camby Village Boulevard



View of site looking southwest across Camby Village Boulevard

STAFF REPORT

Item 16.

Department of Metropolitan Development Division of Planning Current Planning Section

Case Number: 2022-ZON-117
Address: 6105 Southeastern Avenue (*Approximate Address*)
Location: Warren Township, Council District #18
Petitioner: Tim Hedinger, by David Gilman
Request: Rezoning of 2.07 acres from the C-3 and C-S districts to the C-S district to provide the expansion of a self-storage use and to terminate all commitments approved under rezoning petition 95-Z-6.

ADDENDUM FOR NOVEMBER 10, 2022, HEARING EXAMINER

The Hearing Examiner continued this petition from the October 27, 2022 hearing, to the November 10, 2022 hearing, at the request of the petitioner's representative.

October 27, 2022

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. Development of the site shall be in substantial compliance with the site plan and Development Statement (Plan of Operation), both file-dated September 15, 2022.
2. A landscape plan and elevations of proposed buildings shall be submitted for Administrator's Approval prior to the issuance of an Improvement Location Permit (ILP).
3. The existing tree buffer along the southern and western boundary of this site shall be preserved and maintained.

SUMMARY OF ISSUES

The following issues were considered in formulating the recommendation:

LAND USE ISSUES

- ◇ This 2.07-acre site, zoned C-3 and C-S, is developed with a commercial building and three self-storage buildings. It is surrounded by undeveloped land to the north, across Southeastern Avenue, zoned C-S; single-family dwellings to the south, zoned D-3; industrial uses to the east, zoned C-S; and commercial uses and undeveloped land to the west, zoned C-3.
- ◇ Petition 95-Z-6 rezoned the southern portion of the site from the C-3 to the C-S classification to provide for a self-storage facility.

(Continued)

REZONING

- ◇ This request would rezone the site from the C-3 and C-S Districts to the C-S classification to provide for the expansion of a self-storage use and a wrecker and tow truck sales business and to terminate all commitments approved under rezoning petition 95-Z-6. "The C-S District is designed to permit, within a single zoning district, multi-use commercial complexes or land use combinations of commercial and noncommercial uses, or single-use commercial projects. The primary objective of this district is to encourage development which achieves a high degree of excellence in planning, design or function, and can be intermixed, grouped or otherwise uniquely located with maximum cohesiveness and compatibility. The district provides flexibility and procedural economy by permitting the broadest range of land use choices within a single district, while maintaining adequate land use controls. The C-S District can include high-rise or low-rise developments, can be applied to large or small land areas appropriately located throughout the metropolitan area, and can be useful in areas of urban renewal or redevelopment."
- ◇ The Special Commercial district (C-S) is established for the following purposes:
 - 1. To encourage:
 - i. A more creative approach in land planning.
 - ii. Superior site and structural design and development.
 - iii. An efficient and desirable use of open space.
 - 2. To provide for a use of land with high functional value.
 - 3. To assure compatibility of land uses, both within the C-S district and with adjacent areas.
 - 4. To permit special consideration of property with outstanding features, including, but not limited to, historical, architectural or social significance, unusual topography, landscape amenities, and other special land characteristics.
 - 5. To provide maximum adaptability and flexibility in zoning and development controls to meet the changing and diverse needs of the metropolitan area.
- ◇ The Comprehensive Plan recommends suburban neighborhood. "The Suburban Neighborhood typology is predominantly made up of single-family housing, but is interspersed with attached and multifamily housing where appropriate. This typology should be supported by a variety of neighborhood-serving businesses, institutions, and amenities. Natural Corridors and natural features such as stream corridors, wetlands, and woodlands should be treated as focal points or organizing systems for development. Streets should be well connected and amenities should be treated as landmarks that enhance navigability of the development. This typology generally has a residential density of 1 to 5 dwelling units per acre, but a higher density is recommended if the development is within a quarter mile of a frequent transit line, greenway, or park."
- ◇ This request would not be consistent with the Comprehensive Plan but given the auto-related commercial uses to the west, the industrial uses to the north and east, and the proximity of Interstate 74, staff believes that the proposed use would not be impactful to the existing uses. Furthermore, the existing buffers would mitigate the impact of the proposed use on those abutting land uses. Staff also believes that because of the surrounding land uses, it would be unlikely that the uses permitted in the suburban neighborhood would occur on this site as it has been developed.

(Continued)

Plan of Operation / C-S Statement

- ◇ The Plan of Operation, file-dated September 8, 2022 and the Development Statement, file-dated September 15, 2022, are the same documents with different titles and dates. Because the rezoning to the C-S district requires a C-S Statement, staff will comment only on the Development Statement.
- ◇ The Development Statement states that additional property has been acquired and the owner proposes to expand the wrecker and tow truck sales business.
- ◇ A portion of one of the existing self-storage buildings would be demolished to allow for construction of an 80-foot by 80-foot storage building that would provide for storage of larger trucks and equipment.
- ◇ There would be between 10 and 15 employees. Hours of operation would be 8:00 a.m. to 5:00 p.m., Monday through Friday; 8:00 a.m. to 2:00 p.m. on Saturday; and closed on Sunday.
- ◇ The Plan also indicates that traffic associated with the proposed use would be minimal because most of the sales would occur by appointment.
- ◇ Proposed signage would be in accordance with the Sign Regulations and shall not include billboard advertising signs or digital signs.

Site Plan

- ◇ The site plan, file-dated September 15, 2022, includes the existing site development to the east and incorporates this site that depicts the demolition of the northern portion of the larger self-storage building and identifies the location of proposed new 6,400-square foot building located behind the existing building.
- ◇ The existing access drive would remain in the current location.

Planning Analysis

- ◇ As proposed, staff believes this request would be a reasonable and supportable expansion of an existing use that would not negatively impact the surrounding land uses.
- ◇ Staff does, however, believe the existing landscape areas along the western and southern boundary should remain and be maintained to provide an appropriate buffer particularly to the abutting residential uses to the south. If necessary, additional landscaping should be installed to preserve and maintain that buffer.

(Continued)

- ◇ Staff also believes that the 1995 commitments would no longer be applicable to the current use and / or has been satisfied during the intervening years. See Exhibit A.
- ◇ Staff would note that a sidewalk has been installed along the Southeastern Avenue frontage outside the existing right-of-way and on private property.

GENERAL INFORMATION**EXISTING ZONING AND LAND USE**

C-3 / C-S

Commercial use

SURROUNDING ZONING AND LAND USE

North - C-S

Industrial uses / offices

South - D-3

Single-family dwellings

East - C-S

Industrial uses

West - C-3

Auto-related commercial uses / undeveloped land

**COMPREHENSIVE LAND USE
PLAN**

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

THOROUGHFARE PLAN

This portion of Southeastern Avenue is designated in the Marion County Thoroughfare Plan as a freeway, with an existing 180-foot right-of-way and proposed 102-foot right-of-way.

CONTEXT AREA

This site is located within the metro context area.

OVERLAY

There are no overlays for this site.

SITE PLAN

File-dated September 15, 2022

**DEVELOPMENT STATEMENT AND
PLAN OF OPERATION**

File-dated September 15, 2022 and September 8, 2022

ZONING HISTORY

2019-ZON-098; 6105 Southeastern Avenue, requested rezoning of 2.57 acres from the C-3 and C-S districts to the C-S district to provide for a wrecker and tow truck sales business, **approved**.

2005-ZON-080; 6215 Southeastern Avenue, requested rezoning of 2.285 acres from the C-S District to the C-S classification to provide for an outdoor stage with live entertainment with operations limited to Sundays from 1:00 p.m. until sunset from May until September in addition to the existing mini-warehouse facility permitted by petition 95-Z-6, **denied**.

(Continued)

2002-UV1-013; 6125 Southeastern Avenue, requested a variance of use of the Commercial Zoning Ordinance to provide for weekend live entertainment in an existing 9,960-square foot restaurant and to legally establish a landscaping strip located within the right-of-way of Southeastern Avenue, **granted**.

95-Z-6, 95-CV-2; 6105 Southeastern Avenue, requested rezoning of 2.285 acres, being in the C-3 District, to the C-S classification to provide for the installation of a mini-warehouse facility, deck and patio business and a Variance of Development Standards to allow access to the mini-warehouse facility from a 30-foot wide access easement, **approved and granted**.

VICINITY

2016-UV1-009; 6033 Southeastern Avenue (west of site), requested a variance of use and development standards of the Commercial Zoning Ordinance to provide for automobile sales and display with a parking area with a reduced front setback, **granted**.

2014-ZON-022; 6300 Southeastern Avenue, 2402 Hunter Road and 6221 East Raymond Street (north of site), requested rezoning of 133.5 acres, being in the D-A and C-S districts, to the C-S classification to provide for an industrial use, including corporate offices, light and heavy vehicle and equipment sales and rental, light and heavy vehicle and equipment service, repair and storage facilities, new and used vehicle and equipment parts sales, service and storage, outdoor display and storage of light and heavy vehicles, equipment, machines and parts, with accessory uses and operations including, welding shops, wash bays, fuel islands, sandblast shops, painting booths, test facilities, cold storage areas, outdoor equipment and machinery test area, outdoor equipment and machinery staging area, trash compactor and old tractor storage / museum building, **approved**.

96-Z-227, 6202 Southeastern Avenue (north of site); requested rezoning 43 acres, from D-A to C-S, to provide for 84 acres of regional and highway-oriented commercial development and light industrial development, 43 acres of multi-family residential development, and 21 acres for an assisted living facility, **approved**.

86-UV3-115, 6101 Southeastern Avenue (west of site); requested a variance of use and development standards of the Commercial Zoning Ordinance to provide for the outdoor sales and display of lawn furniture and parking located along the existing right-of-way of Southeastern Avenue, **granted**.

77-UV2-119, 6033 Southeastern Avenue (west of site); requested variance of use of the Commercial Zoning Ordinance to provide for retail and wholesale of fencing supplies, with outdoor storage and a pole sign, **granted**.

71-Z-113, 6201 Southeastern Avenue (east of site); requested rezoning of three acres, from A-2 to SU-34, to provide for a masonic lodge, **approved**.

kb



Cross References:

1995-0052570

2003-0104546

2020-0003358

Development Statement

6105 Southeastern Avenue

September 15, 2022

BACKGROUND

The subject property was granted a CS rezoning in 1995, under petition 95-Z-06, to allow for a self-storage warehouse development. The site was again rezoned CS under petition 2019-ZON-098 to allow for a wrecker and tow truck sales business.

The owner has developed the wrecker and tow truck sales business and has since acquired the adjacent lot to the west. That site is developed with 2 rows of self-storage buildings (presently unoccupied). The owner proposes to construct a larger 80 X 80 storage building to replace the northern end of these storage units. The lot and buildings will continue to be used for self-storage or personal storage for the business. A new site plan and elevations are on file.

PROPOSAL

The petitioner owns a wrecker and tow truck sales business approved in 2019 and would like to expand this business to include the adjacent lot to the west. This lot is part of the original CS and developed with 2 rows of self-storage buildings (presently unoccupied).

The owner proposes to petition for a new CS zoning classification to include this adjacent lot for his wrecker and tow truck sales business. The existing buildings will be used for self-storage and business storage. The owner proposes a new 80 X 80 storage building to store larger trucks and equipment.

Workforce

The proposed truck sales business employees approximately 10-15 persons per largest work shift.

The business hours are from 8am to 5pm Monday through Friday; 8am to 2pm on Saturday and closed on Sundays.

Off-Street Parking

There is ample off-street parking provided at the subject site (see site plan on file).

Clients and Customers

Much of the customer business is by appointment, however, walk in customers would be allowed. The proposed use would generate a minimal amount of traffic, since much of the truck sales business activity could be conducted over the phone or on-line.

Business Activity/Security Measures

There is a new security fence around the vehicle storage area and a gate at the business entrance.

Shipping and Receiving

The business would receive materials from UPS or a FedEx type of delivery service. The new wreckers and tow trucks are driven to the site or delivered on flat bed trailers. There would be no hazardous materials stored or delivered to the site.

Waste

All waste would be picked up by utilizing a private or City waste disposal service. The owner would continue to participate in a recycling program.

Signage

Signs shall be permitted for the building and a pylon sign along the Southeastern frontage in accordance with the Consolidated Zoning and Subdivision Ordinance (CZSO). There will be no EVMS permitted.

Prior Written Commitments or Agreements

1. The Written Zoning Commitments (*Commitments*) recorded under Instrument Number 1995-00525570 are hereby nulled and void. These Commitments are crossed referenced with this Development Statement.
2. The Agreement for Construction of Sanitary Sewer Under Private Contract (*Agreement*) recorded under Instrument Number 2003-0104546, has been fully executed by David L. Munn, prior owner, on November 20, 2002, and is deemed fully satisfied by the City of Indianapolis, Department of Public Works. This Agreement is crossed referenced with this Development Statement.

Cross References:**1995-0052570****2003-0104546****2020-0003358**

Plan of Operation
6105 Southeastern Avenue
September 8, 2022

BACKGROUND

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The owner has developed the wrecker and tow truck sales business and has since acquired the adjacent lot to the west. That site is developed with 2 rows of self-storage buildings (presently unoccupied). The owner proposes to construct a larger 80 X 80 storage building to replace the northern end of these storage units. The lot and buildings will continue to be used for self-storage or personal storage for the business. A new site plan and elevations are on file.

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COMMITMENTS

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. Resolution No. 85-R-69, 1985 of the Metropolitan Development Commission requires the owner to make Commitment #1.

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

In accordance with I.C. 36-7-4-607, 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:

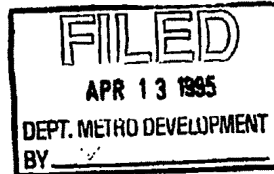
Legal Description: See Exhibit A, attached hereto and by this reference incorporated herein.

Statement of COMMITMENTS:

1. The owner agrees to abide by the Open Occupancy and Equal Employment Opportunity Commitments required by Metropolitan Development Commission Resolution No. 85-R-69, 1985, which commitments are attached hereto and incorporated herein by reference as Attachment "A".
2. A landscape plan showing the proposed landscaping of the entire site with additional landscape elements in the southern transitional yard shall be submitted for and subject to Administrator's Approval prior to the issuance of the first Improvement Location Permit. Said landscaping shall indicate spacing, species and size of the landscape elements. The landscaping along the south, east and west perimeters and the privacy fencing along the south and east property lines shall be completed in conjunction with the completion of the first phase of mini-warehousing structures and maintained at all times thereafter.
3. The site shall be developed in conformance with the site plan and building elevations, file-dated February 24, 1995, as amended by the provision of additional landscaping located in the south transitional yard.
4. Petitioner shall, prior to or at the time of issuance of the first Improvement Location Permit, provide plans and specifications for a water retention area of not less than 12,000 gallons usable water for fire protection purposes with a 20 foot unobstructed access to water retention area from a public right-of-way and with a commercially acceptable Dry Hydrant for quick drafting applications.
5. Upon installation of Indianapolis Water Company mains along Southeastern Ave., the owner shall extend a main into the northwest corner of the storage facility and provide a wet fire hydrant.

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

COMMITMENTS contained in this instrument shall be effective upon the adoption of rezoning petition # 95-Z-6 by the City-County Council changing the zoning classification of the real estate from a C-3 zoning classification to a C-S zoning classification and shall continue in effect for as long as the above-described parcel of real estate remains zoned to the C-S zoning classification or until such other time as may be specified herein.



Inst # 1995-0052570

05/09/95 11:21AM JOHN N. ROBERTS MARION CITY RECORDER RAN 12.00 PAGES: 4

These COMMITMENTS may be enforced jointly or severally by:

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

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 # 95-Z-6.

IN WITNESS WHEREOF, owner has executed this instrument this 9th day of March, 1995.

Signature David J. Munn
Printed David J. Munn

Signature _____
Printed _____

STATE OF INDIANA)
) SS:
COUNTY OF MARION)

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

Witness my hand and Notarial Seal this 9th day of March, 1995.

Signature Judi A. LeMond
Printed Judi A. LeMond
County of Residence Morgan

My Commission expires:
April 1, 1998

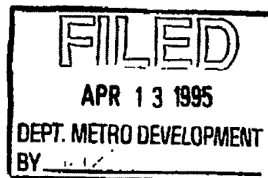
This instrument was prepared by William F. LeMond, Attorney at Law.

file 4232
code 3/95MUNN.2

MD-171b (revised 2/24/86)

5271/jh

95-2-6





View looking east along Southeastern Avenue



View looking west along Southeastern Avenue



View of site looking south



View of site looking south



View of site looking west



View looking south at adjacent property



View from site looking southeast at adjacent property



View from northern portion of the site looking west at adjacent land uses



View of sidewalk looking south on adjacent property



View of sidewalk looking north on adjacent property

STAFF REPORT

Item 17.

Department of Metropolitan Development Division of Planning Current Planning Section

Case Number: 2022-ZON-119
Address: 2525 West 44th Street (*Approximate Address*)
Location: Washington Township, Council District #8
Petitioner: Children's Better Health Institute, a division of the Benjamin Franklin Literary and Medical Society, Inc, by Timothy E. Ochs
Request: Rezoning of 22.79 acres from the SU-7 district to the SU-2 district to provide for educational uses.

RECOMMENDATIONS

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

1. A 40-foot half right-of-way shall be dedicated along the frontage of West 44th 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).
2. A tree inventory, tree assessment and preservation plan prepared by a certified arborist shall be submitted for Administrator Approval prior to preliminary plat approval and prior to any site preparation activity or disturbance of the site. This plan shall, at a minimum: a) indicate proposed development; b) delineate the location of the existing trees, c) characterize the size and species of such trees, d) indicate the wooded areas to be saved by shading or some other means of indicating tree areas to be preserved and e) identify the method of preservation (e.g. provision of snow fencing or staked straw bales at the individual tree's dripline during construction activity). All trees proposed for removal shall be indicated as such.

SUMMARY OF ISSUES

The following issues were considered in formulating the recommendation:

LAND USE ISSUES

- ◇ This 22.79-acre site, zoned SU-7 (charitable, philanthropic and not-for-profit) is comprised of 12 parcels and developed with a single-family dwelling, accessory structures, athletic fields / courts and open space. It is surrounded by single-family dwellings to the north across West 44th Street, zoned D-2; agricultural uses and single-family dwellings to the south, zoned D-A and D-1, respectively; single-family dwellings to the east, zoned D-1; and single-family dwellings and agricultural uses to the west, zoned D-2 and D-A, respectively.

(Continued)

REZONING

- ◇ This request would rezone the site from SU-7 district to the SU-2 classification to provide for educational uses. “No building, structure, premises or part thereof shall be constructed, erected, converted, enlarged, extended, reconstructed or relocated except in conformity with these regulations and for uses permitted by this article and until the proposed Site and Development Plan and landscape plan have been filed with and approved on behalf of the Commission by the Administrator or approved by the Commission, as hereinafter provide.” The SU-2 District only permits schools and “accessory uses and structures, subordinate, appropriate and incidental to the school use.”
- ◇ The Comprehensive Plan recommends Rural or Estate Neighborhood typology for the western portion of the site. “The Rural or Estate Neighborhood typology applies to both rural or agricultural areas and historic, urban areas with estate-style homes on large lots. In both forms, this typology prioritizes the exceptional natural features – such as rolling hills, high quality woodlands, and wetlands – that make these areas unique. Development in this typology should work with the existing topography as much as possible. Typically, this typology has a residential density of less than one dwelling unit per acre unless housing is clustered to preserve open space.”
- ◇ The Comprehensive Plan also recommends large scale park, a non-typology land use, defined as being over 10 acres, for the eastern portion of this site.
- ◇ The Comprehensive Plan consists of two components that include the Pattern Book and the land use map. The Pattern Book provides a land use classification system that guides the orderly development of the county and protects the character of neighborhoods while also being flexible and adaptable to allow neighborhoods to grow and change over time.
- ◇ The Pattern Book serves as a policy guide as development occurs. The recommended land uses for this typology is detached housing, working farms, group homes, bed / breakfast and wind or solar farms. The Pattern Book, however, removes working farms and wind or solar farms as recommended uses in environmentally sensitive areas.

Overlays

- ◇ This site is also located within an overlay, specifically the Environmentally Sensitive Areas (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 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.

(Continued)

- ◇ The ES overlay on this site is located along the eastern boundary and at the southwest corner of the site and is designated as high-quality woodlands by the Forest Alliance organization.

Department of Public Works

- ◇ The Department of Public Works, Traffic Engineering Section, has requested the dedication and conveyance of a 40-foot half right-of-way along West 44th Street, a primary collector. This dedication would also be consistent with the Marion County Thoroughfare Plan.

Tree Preservation / Heritage Tree Conservation

- ◇ There are significant amounts of natural vegetation and trees located on the south westernmost portion of the site and along the eastern site boundary. Due to their inherent ecological, aesthetic, and buffering qualities, the maximum number of these existing trees should be preserved on the site.
- ◇ All development shall be in a manner that causes the least amount of disruption to the trees.
- ◇ A tree inventory, tree assessment and preservation plan prepared by a certified arborist shall be submitted for Administrator Approval prior to preliminary plat approval and prior to any site preparation activity or disturbance of the site. This plan shall, at a minimum: a) indicate proposed development, b) delineate the location of the existing trees, c) characterize the size and species of such trees, d) indicate the wooded areas to be saved by shading or some other means of indicating tree areas to be preserved and e) identify the method of preservation (e.g. provision of snow fencing or staked straw bales at the individual tree's dripline during construction activity). All trees proposed for removal shall be indicated as such.
- ◇ If any of the trees are heritage trees that would be impacted, then the Ordinance requires that the Administrator, Urban Forester or Director of Public Works determine whether the tree(s) would be preserved or removed and replaced.
- ◇ The Ordinance defines "heritage tree" as a tree over 18 inches Diameter at Breast Height (DBH) and one of the Heritage tree species. Heritage tree species include: Sugar Maple (*Acer saccharum*), Shagbark Hickory (*Carya ovata*), Hackberry (*Celtis occidentalis*), Yellowwood (*Cladrastus kentukea*), American Beech (*Fagus grandifolia*), Kentucky Coffeetree (*Gymnocladus dioica*), Walnut or Butternut (*Juglans*), Tulip Poplar (*Liriodendron tulipifera*), Sweet Gum (*Liquidambar styraciflua*), Black Gum (*Nyssa sylvatica*), American Sycamore (*Platanus occidentalis*), Eastern Cottonwood (*Populus deltoides*), American Elm (*Ulmus americana*), Red Elm (*Ulmus rubra*) and any oak species (*Quercus*, all spp.)
- ◇ The Ordinance also provides for replacement of heritage trees if a heritage tree is removed or dies within three years of the Improvement Location issuance date. See Exhibit A, Table 744-503-3: Replacement Trees.

(Continued)

Planning Analysis

- ◇ As proposed this request would not be consistent with the Comprehensive Plan recommendation of rural or estate neighborhood and large-scale park because a school is not a recommended land use in the rural or estate neighborhood.
- ◇ Initially the school would be based within the existing single-family dwelling at the northwest corner of the site, with no immediate plans for new construction. It should be noted, however, that any expansion of the existing physical facilities would require submittal of a site and development plan for Administrator Approval.
- ◇ The school would offer K-12 academic, arts, athletics and character development program. The full program would initially offer K-5 / 6 programs with expansion occurring as demand would allow.
- ◇ Staff believes that during the early stages of this program, impact on surrounding land uses would be minimal. As enrollment in the school increases and new facilities are constructed, however, consideration should be given to the impact of the development on the surrounding residential neighborhood and the preservation of the woodlands.
- ◇ It would be important to provide adequate setbacks and architectural integration with the surrounding neighborhood related to, but not limited to, building height, building mass and exterior materials. Parking lots should be well buffered and landscaped to minimize the impact on the adjacent properties. Athletic facilities should be well buffered and activities scheduled to minimize the impact of lighting and amplification of public address systems.
- ◇ Additionally, appropriate infrastructure (including sidewalks) should be installed to adequately provide for the increased traffic in the area. West 44th Street is a two-lane primary collector that may require the installation of accel / decel lanes and / or by-pass lanes as the traffic generated by the proposed use increases because of increased enrollment.
- ◇ Because the Comprehensive Plan recommends a large-scaled park for the eastern portion of the site, staff believes this area should remain open to preserve the open space and existing woodlands. By limiting development in this area, the proposed use would be consistent with the Plan recommendation.

(Continued)

EXISTING ZONING AND LAND USE

Single-family dwelling / athletic facilities / accessory buildings / open space

North -	D-2	Single-family dwellings
South -	D-A / D-1	Agricultural Single-family dwellings
East -	D-1	Single-family dwellings
West -	D-2	Single-family dwellings

The Comprehensive Land Use Plan for Indianapolis and Marion County (2018) recommends rural or estate neighborhood typology and a large-scaled park.

This portion of East 44th Street is designated in the Marion County Thoroughfare Plan as a primary collector with an existing 42-foot right-of-way and a proposed 80-foot right-of-way.

This site is located within the metro context area.

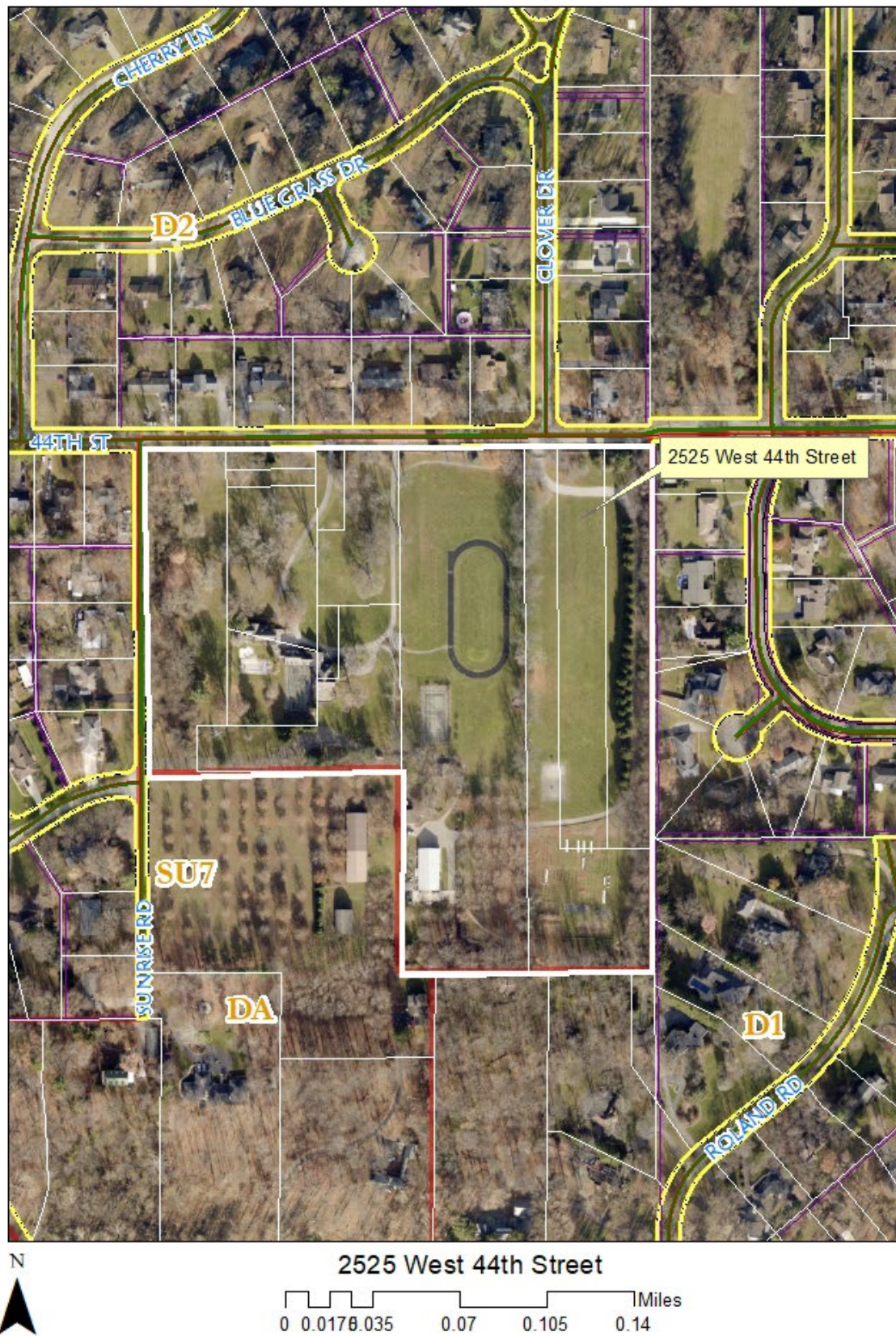
This site is located within an environmentally sensitive area (Forest Alliance Woodlands)

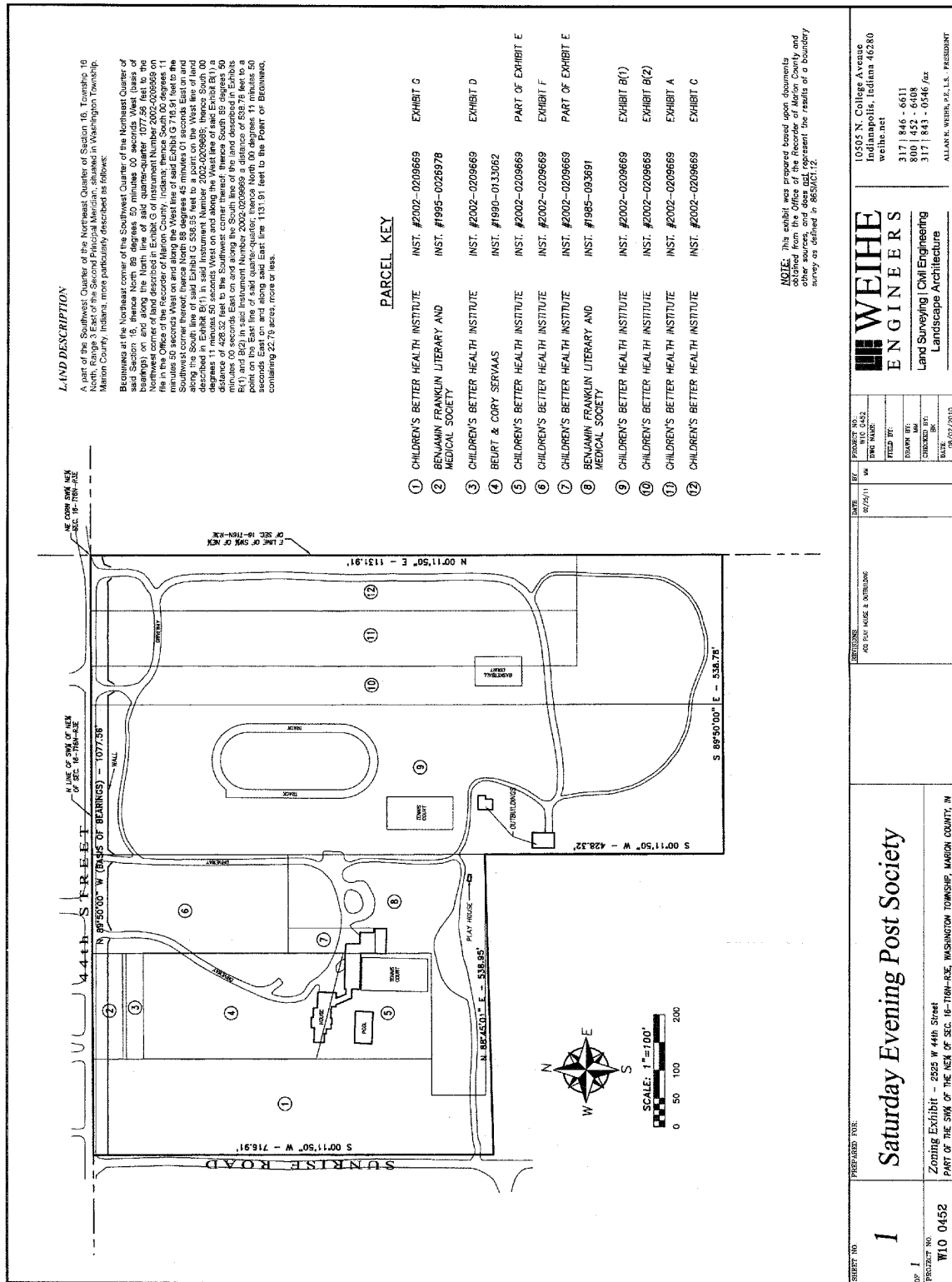
File-dated September 29, 2022

File-dated September 29, 2022

2011-ZON-032; 2525 West 44th Street, requested rezoning of 22.79 acres, from the D-A and D-1 Districts, to the SU-7 classification to provide for a fitness farm where children are taught fitness, sports, wellness, gardening and tree planting utilizing the existing improvements including tennis courts, pool, basketball court, running track, trails, dwelling, log cabin and playhouse, **approved**.

89-UV2-14; 2425 West 44th Street requested a variance of use and development standards of the Dwelling Districts Zoning Ordinance to provide for the construction of a 12,000-square foot, 42-foot tall barn as a recreational facility for charitable events, **withdrawn**.





Heritage Tree Conservation

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

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

Table 744-503-3: Replacement Trees		
Size of tree removed or dead (inches)	Number of Trees to be planted to replace a Heritage Tree	Number of Trees to be planted to replace an existing tree
Over 36 DBH	15	10
25.5 to 36 DBH	11	8
13 to 25 DBH	8	6
10.5 to 12.5 DBH	6	4
8.5 to 10 DBH	5	4
6.5 to 8	3	2
4 to 6	2	2
2.5 to 3.5	1	1

The Classical School (TCS)

Description

The Classical School is an independent school offering a K-12 academic, arts, athletics and character development program, taking the child from the rudiments of learning and sound behavior to the highest level of thought and character.

Mission

The mission of **TCS** is to develop internationally competitive and highly effective citizens through a timeless American classical education, rich in content in both the humanities and sciences, offering broad exposure to the arts, requiring daily strenuous physical activity, and with a strong emphasis on moral character, resilience, and civic responsibility.

Virtues

TCS places equal emphasis on the development of the intellect and personal character of its students. To this end, the school will focus on instilling the following virtues in our students to guide them throughout their lives:

Courage Compassion Honesty Perseverance Respect Self-discipline

Founders

- David Amstutz – Former Head of School, St. Richard's Episcopal School
- Jim Fadely – Former Director of College Counseling at Brebeuf Jesuit Preparatory School & University High School of Indiana; Executive Director, Russell & Penny Fortune Foundation
- Jock Fortune – Businessman & Chairman, Russell & Penny Fortune Foundation

Why We Are Founding TCS

Benjamin Franklin, when asked what sort of government the delegates to the Constitutional Convention had created, is reported to have answered, "A Republic, if you can keep it." *This is why we are founding **The Classical School!*** While the United States has experienced many struggles that can be fairly criticized, we must develop more citizens and leaders who will commit to the difficult work of continuously improving upon the remarkable successes of our country. We must better prepare our children not only to "keep" our remarkable Republic, but to continually strive to "form a more perfect union".

Timeline

TCS currently expects to open a K-5/6 program in a temporary location in the Fall of 2023. The school will then add grade levels as demand allows. Searches are currently underway for a temporary facility and real estate to build a permanent facility.

Curriculum

Our curriculum is best described as American classical (also called democratic classical) and can be traced back to the American Founders and the Great Books movement led by University of Chicago President Robert Maynard Hutchins. We expect to license Hillsdale College's K-12 Curriculum (see below) and use this as the basis for our academic program, with modifications by our Academic Advisory Group. This American classical approach will be overlaid on a traditional preparatory school framework.

HILLSDALE COLLEGE

K-12 Curriculum Overview

An American Classical Education

Grammar School (K-4)

Upper School (5-12)

	ELEMENTARY SCHOOL: K-4					MIDDLE SCHOOL: 5TH-8TH GRADE			HIGH SCHOOL: 9TH-12TH GRADE				
	Kindergarten	1	2	3	4	5	6	7	8	9	10	11	12
MATH					Singapore Math Dimensions				Algebra I	Geometry	Algebra II	Trigonometry/Precalculus	Calculus
SCIENCE					Life, Physical, & Earth Science		Intro to Life & Chemical Sciences	Conceptual Physics	Biology	Chemistry	Physics or Other Advanced Science	Astronomy or Other Advanced Science	
LITERATURE					Classic Children's Literature, Sayings & Phrases, Poetry			Classic Literature & Poetry	Ancient Literature	Medieval & British Literature	American Literature	Modern Literature	
HISTORY & CIVICS					American History & Geography, Memorization & Recitation of American Documents			America to 1877	America 1877-Present	Ancient World to 500 AD	Economics	Moral & Political Philosophy	American Government
READING, WRITING, & SPEAKING					Writing, Spelling, & Reading Literacy Essentials: Phonics					Logic & Rhetoric	Elective		Senior Thesis
FOREIGN LANGUAGES					French or Spanish			Greek & Latin Roots	Latin Ia	Latin Ib	Latin II	Latin III	Advanced Latin or Other Foreign Language Elective
FINE ARTS													
PHYSICAL EDUCATION													

Fine Arts

(Art & Music History, Art & Music Appreciation, Studio Art, Music Theory)

Physical Education

Physical Education, Fine Arts, or Other Electives

* Fewer schools may choose to offer composition instead of formal logic.

** Recommended course of study.

Updated 2/2024

¹ Fewer schools may choose to offer composition instead of formal logic.

² Recommended course of study.

Updated 8-20

School Calendar

TCS will follow a traditional school year calendar, opening the school year shortly after Labor Day and concluding around Memorial Day. We expect to have a long Fall break weekend in October, a typical Thanksgiving break, two-week vacations for Christmas and spring break (late March/early April), and a teacher conference day both in the fall and spring.

Tuition

Like many parents, we've been alarmed by the very high costs of many independent schools in Indianapolis. Our plan is to charge roughly half the cost of the most expensive schools in town, somewhere in the \$12K range. We are also exploring the use of vouchers, which would allow more students to attend. For the school to prosper, a well-supported Annual Fund will also be required.

Teachers

From our many years in independent school education, we have a group of strong, like-minded teachers who are excited to teach in this environment.

What's Next?

With our school model coming into focus, we now must determine if there is sufficient interest from prospective families (students) and donors. We are working on a website, and we ask that you help us spread the word with both groups.

What is American Classical Education?

Classical education is a sound and time-tested means of leading students towards intellectual, moral, and civic virtue.

Grounded in Human Nature - Classical education begins with reflection upon the common humanity of its students. All young people require formation, but they innately represent all the potential that makes human beings so unique and remarkable. They can speak, which means they are both social and capable of knowing. They are possessed of will and are therefore capable of doing good. They wonder, and they are moved by beauty. These common characteristics point to the virtues and vices that are common to all human beings, and classical education leads students to know, practice, and love the virtues.

Real Content - A classical education takes a content-rich approach to the study of important subjects. As students mature in the curriculum, classical education teaches them to ask and venture answers to the big questions, then goes further to consider how those questions might be answered persuasively and beautifully. Classical education regards both the humanities and the sciences as equally important, because wonder about human nature and the natural world is essential to the human condition, and that knowledge of both leads us towards wisdom and happiness.

Moral Formation - Happiness is not merely an intellectual condition, but a moral one, and classical education attends closely to the moral development of its students. According to both simple observation and millennia-old traditions of literature and philosophy, classical educators understand that moral character is built on a foundation of habit and imitation. This foundation is later justified and reinforced by reason and intellect, but it does not start that way. Classical education begins by instilling good habits, proceeds by offering examples worthy of emulation, and continues with robust examination of moral philosophy.

Thoughtful Patriotism - As Americans, students are inheritors of a civic tradition whose central idea is human equality, a truth apparent in our common humanity, and an idea that allows for our common liberty and mutual pursuit of excellence. To use the language of our founding, America's foundational ideas and institutions were born of reflection and choice, not accident and force. It is essential that our students learn these ideas and how their country has sought to live up to its founding ideals. Their training in civic virtue is also a fulfillment of their human nature, for as Aristotle teaches, man is a political animal who can only access the heights of virtue through participation in a just political community. Through practice, affection, and knowledge, classical education educates citizens with a refined and rational love of their country, the necessary basis for civic virtue.

The project of classical education is engaged in a community that is working together in the bonds of mutual affection towards truth and virtue. Its methods and texts are often ancient, but are informed by modern knowledge, experience, and circumstances. Its intent is to form graduates befitting of their charge, who regardless of their future professions or aspirations seek to perpetuate intellectual, moral, and civic virtue in themselves and future generations. It is an education appropriate to our humanity, and essential for good government and the happiness of mankind.

Taken from Hillsdale College K12 Education at <https://k12.hillsdale.edu/Classical-Education/>



View looking west along West 44th Street



View looking east along West 44th Street



View of site looking southwest from entrance drive



View of site looking west from eastern drive



View of site looking west from eastern drive



View of site looking north from southern drive



View of site looking north from southern drive



View of site looking north from southern drive



View of site looking north from southern drive



View of site looking south from southern drive



View of site looking south from southern drive



View of site looking west along southern drive

STAFF REPORT

Item 18.

Department of Metropolitan Development Division of Planning Current Planning Section

Case Number: 2022-CZN-861 / 2022-CVR-861 (Amended)
Address: 4016 East 82nd Street (*Approximate Addresses*)
Location: Washington Township, Council District #3
Petitioner: Edward Rose Properties, Inc., by Joseph D. Calderon
Request: Rezoning of 9.805 acres from the C-S (FW)(FF) district to C-S (FW)(FF) district to provide for a 300-unit multi-family development with a Modification of Commitments related to 89-Z-208, as amended by 94-Z-103 and 2011-CZN-800, to amend Commitment #4 to add multi-family uses as a permitted use to Parcel D of Area B.

Variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for a lot with zero-feet of street frontage (50 feet required), with a maximum setback greater than 85 feet from 82nd Street (maximum 85-foot setback permitted), with a maximum building height of 55 feet (maximum 45 feet permitted) and encroachment into the 100-foot stream protection corridor.

RECOMMENDATIONS

Staff **recommends approval** of the rezoning 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.

Staff **recommends approval** of the variance requests related to the street frontage, setback and building height. Staff **recommends denial** of the variance request for encroachment into the stream protection corridor.

SUMMARY OF ISSUES

The following issues were considered in formulating the recommendation:

LAND USE ISSUES

- ◇ This 9.805-acre site, zoned C-S (FW)(FF), is developed with a currently vacant commercial building and associated parking. It is surrounded by multi-family dwellings to the north, zoned C-S; commercial uses to the south, zoned C-4; the White River to the east, zoned C-S; and commercial uses to the west, zoned C-S.

(Continued)

- ◇ This site was included in a 64-acre site rezoning in 1989 (89-Z-208) to the C-S classification. That rezoning case established four distinct commercial areas that provided for all C-1 uses, C-4 uses, restaurants, health clubs, indoor theater, hotel, apartment hotel, motor hotel, motel and commercial sales and services, including retail, primarily for service to office uses within this area and to employees, guests and visitors to such office uses.
- ◇ Petition 94-Z-103 amended the terms of 89-Z-208 to allow for all C-1, C-3 and C-4 uses.

REZONING

- ◇ The request would rezone the site from the C-S (FW)(FF) district to the C-S (FW)(FF) classification to provide for a 300-unit multi-family development and to modify commitments related to 89-Z-208, as amended by 94-Z-103 and 2011-CZN-800, to amend Commitment #4 to add multi-family uses as a permitted use to Parcel D of "Area B."
- ◇ "The C-S District is designed to permit, within a single zoning district, multi-use commercial complexes or land use combinations of commercial and noncommercial uses, or single-use commercial projects. The primary objective of this district is to encourage development which achieves a high degree of excellence in planning, design or function, and can be intermixed, grouped or otherwise uniquely located with maximum cohesiveness and compatibility. The district provides flexibility and procedural economy by permitting the broadest range of land use choices within a single district, while maintaining adequate land use controls. The C-S District can include high-rise or low-rise developments, can be applied to large or small land areas appropriately located throughout the metropolitan area, and can be useful in areas of urban renewal or redevelopment."
- ◇ The Comprehensive Plan recommends Regional Commercial typology. "The Regional Commercial typology provides for general commercial and office uses that serve a significant portion of the county rather than just the surrounding neighborhoods. Uses are usually in large freestanding buildings or integrated centers. Typical examples include shopping malls, strip shopping centers, department stores, and home improvement centers."
- ◇ The Comprehensive Plan consists of two components that include the Pattern Book and the land use map. The Pattern Book provides a land use classification system that guides the orderly development of the county and protects the character of neighborhoods while also being flexible and adaptable to allow neighborhoods to grow and change over time.
- ◇ The Pattern Book serves as a policy guide as development occurs. Below are the relevant policies related to this request:

(Continued)

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 Multi-Family Housing (defined as single or multiple buildings each with five or more legally-complete dwelling units in a development of more than two acres and at a height greater than 40 feet)

- Should be within a one-half-mile distance (using streets, sidewalks, and/or off-street paths) of a school, playground, library, public greenway, or similar publicly accessible recreational or cultural amenity that is available at no cost to the user.
- Must be located within one-half mile of a bus or rapid transit using sidewalks or off-street paths.
- Should be oriented towards the street with a pedestrian connection from the front door(s) to the sidewalk. Driveways/parking areas do not qualify as a pedestrian connection.

- ◇ Large-scale multi-family housing is a removed use in environmentally sensitive areas.

Overlays

- ◇ This site is also located within an overlay, specifically the Environmentally Sensitive Areas . “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.
- ◇ This site is located within the floodway and floodway fringe of White River.

Stream Protection Corridor

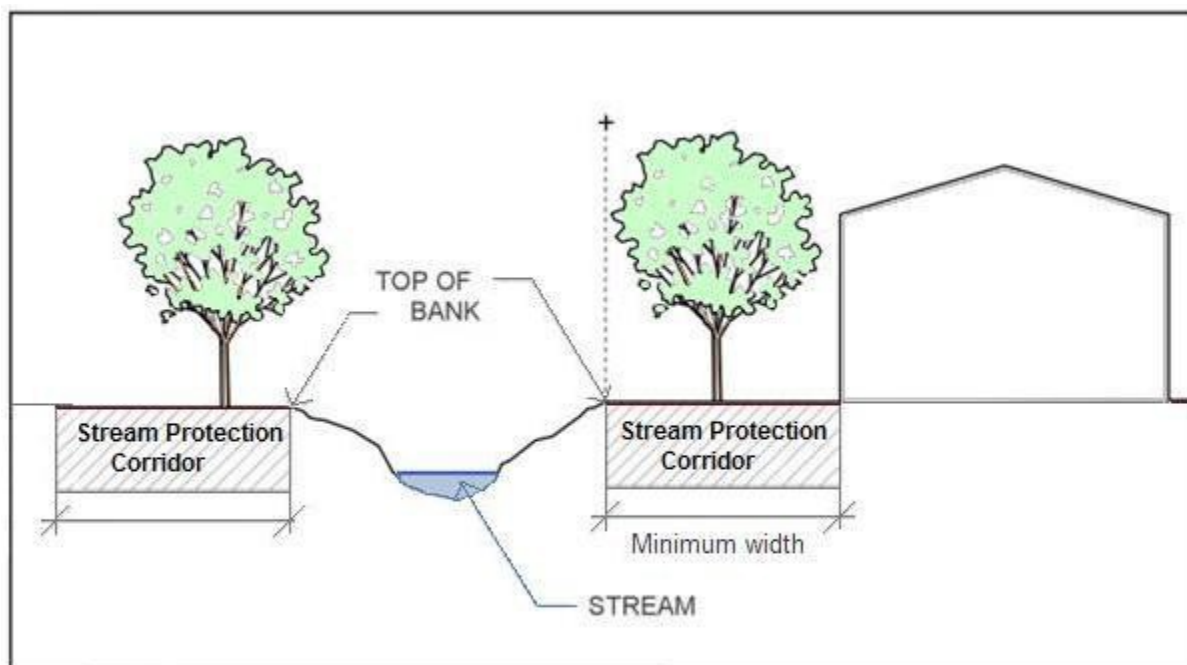
- ◇ A stream protection corridor consists of a strip of land, extending along both sides of all streams, with measurements taken from the top of the bank on either side. The width of the corridor is based upon whether the stream is designated as a Category One or Category Two. Category One streams have a corridor width of 60 feet in the compact context area and 100 feet in the metro context area. Category Two streams have a corridor width of 25 feet in the compact context area and 50 feet in the metro context area.

(Continued)

- ◇ The vegetative target for the Stream Protection Corridor is a variety of mature, native riparian tree and shrub species that can provide shade, leaf litter, woody debris, and erosion protection to the stream, along with appropriate plantings necessary for effective stream bank stabilization.
- ◇ The Stream Protection Corridor is defined as:

“A vegetated area, including trees, shrubs, and herbaceous vegetation, that exists or is established to protect a stream system, lake, or reservoir, and where alteration is strictly limited. Functionally, stream protection corridors provide erosion control, improve water quality (lower sedimentation and contaminant removal) offer flood water storage, provide habitat, and improve aesthetic value.”
- ◇ Stream is defined as “a surface watercourse with a well-defined bed and bank, either natural or artificial that confines and conducts continuous or periodic flowing water.”
- ◇ Stream Bank is defined as “the sloping land that contains the stream channel and the normal flows of the stream.”
- ◇ Stream Channel is defined as “part of a watercourse that contains an intermittent or perennial base flow of groundwater origin.”
- ◇ There are two types of categories of Streams: Category One Streams and Category Two Streams. Pleasant Run is listed as a Category One Stream, which is defined as: “A perennial stream that flows in a well-defined channel throughout most of the year under normal climatic conditions. Some may dry up during drought periods or due to excessive upstream uses. Aquatic organism such as some fish are normally present and easily found in these streams. The Category One Streams are listed in Table 744-205-2: Category One Streams.”
- ◇ Category Two Stream is defined as: “An intermittent stream that flows in a well-defined channel during wet seasons of the year but not necessarily for the entire year. These streams generally exhibit signs of water velocity sufficient to move soil, material, litter, and fine debris. Aquatic organisms, such as fish, are often difficult to find or not present at all in these streams. These streams are identified on the United States Geological Survey (USGS) topographic maps and on the Department of Natural Resources Conservation Service (NRCS) soils maps.”
- ◇ There are 32 Category One streams listed in the Ordinance. The stream protection corridor is a strip of land on both sides of the stream whose width varies according to whether it is within the Compact or Metro Context Area and whether it is a Category One or Category Two Stream.
- ◇ White River forms the eastern boundary of the site and is designated as a Category One stream requiring a 100-foot-wide stream protection corridor on both sides of the stream, as measured parallel from the top of the bank. Top of the bank is not defined by the Ordinance, other than by Diagram UU, Stream Protection Corridor Cross-section, as shown below.

(Continued)

**Stream Protection Corridor**

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

(Continued)

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.

C-S Statement

- ◇ The C-S Statement, file-dated October 6, 2022, states permitted uses would include multi-family dwellings and all C-1 uses and C-4 uses, if the property would not be developed with multi-family dwellings.
- ◇ Accessory uses would include all accessory uses permitted in the D-9 district, if developed with multi-family dwellings and the C-1 or C-4 districts.
- ◇ The development of the site would comply with the development standards of the C-S district, except for a required minimum street frontage, maximum setback, maximum height and stream protection corridor.
- ◇ Signage would be in accordance with that allowed in multi-family development or commercial development, depending upon development of the site. A sign program would be submitted for Administrator Approval prior to the issuance of a sign permit.
- ◇ Final site and development plans would be submitted for Administrator Approval.

Preliminary Site Plan

- ◇ The preliminary site plan, file-dated October 6, 2022, depicts three buildings. The two northern buildings would be L-shaped, with the southern building configured with an amenity space centrally located and surrounded by the structure.
- ◇ Parking would be located on the perimeter of the site, with the larger parking area along the southern portion of the site, abutting the commercial uses.
- ◇ Access to the site would be from a private street that gains access along East 82nd Street and opposite Dean Road.

Planning Analysis

- ◇ As proposed the rezoning request would be consistent with the Comprehensive Plan recommendation of regional commercial, except that the environmental sensitive area overlay removes the use of large-scale multi-family dwellings.

(Continued)

- ◇ Staff, however, supports this use because the site has been developed since 1989 as mixed use and multi-family dwellings adjacent to the site to the north. This request would be a reasonable and appropriate expansion of the existing residential uses.
- ◇ Additionally, the Ordinance provisions related to the stream protection corridor could provide some mitigation of the impact of the use in this environmentally sensitive area.
- ◇ Furthermore, the surrounding uses would not be negatively impacted and redevelopment of this commercial site with residential uses would be appropriate because of the apparent challenges of commercial viability in recent years.

VARIANCES OF DEVELOPMENT STANDARDS

- ◇ This request would provide for a lot with zero-feet of street frontage with a maximum setback greater than 85 feet from 82nd Street. The Ordinance requires 50 feet of street frontage and limits the setback to 85-feet. These two variances are linked because this request would be redevelopment of an integrated mixed-use site whose site configuration and layout was established many years ago.
- ◇ This 63-acre site was developed prior to the current development standards, which results in a practical difficulty as portions of this site are redeveloped to respond to changes that have occurred during the intervening years. Furthermore, support of these two variances would have minimal impact on the surrounding land uses.
- ◇ This request would provide for a maximum building height of 55 feet, which would be 10 feet above the permitted maximum height of 45 feet. The existing multi-family dwellings to the north are three stories. The proposed multi-family dwellings would be four stories.
- ◇ Staff believes the additional ten feet in height would have minimal impact on the adjacent three-story buildings to the north and the surrounding commercial uses. Furthermore, the proposed buildings would be in proximity of the East 82nd Street, a primary arterial, and along a highly traveled and dense commercial corridor. Therefore, taller buildings would be an acceptable deviation from the Ordinance.
- ◇ The request would allow for encroachment into the 100-foot stream protection corridor, which staff does not support. Because more detailed documents have not been submitted, the depth of the encroachment causes concern about the level of impact on this corridor and whether any efforts have been made to mitigate the impact.
- ◇ Staff believes mitigation would be absolutely necessary and at a minimum should include green infrastructure such as rain gardens, bio swales and curbing along the parking areas that would direct water away from White River and into the existing on-site drainage system.

(Continued)

GENERAL INFORMATION**EXISTING ZONING AND LAND USE**

C-S (FW)(FF)

Commercial building (vacant) / parking

SURROUNDING ZONING AND LAND USE

North - C-S

Multi-family dwellings

South - C-4

Commercial uses

East - C-S

White River

West - C-S

Commercial uses

**COMPREHENSIVE LAND USE
PLAN**

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

THOROUGHFARE PLAN

This portion of East 82nd Street is designated in the Marion County Thoroughfare Plan as a primary arterial with an existing 136-foot right-of-way and a proposed 112-foot right-of-way.

CONTEXT AREA

This site is located within the metro context area.

OVERLAY

This site is located within an environmentally sensitive area (Floodway and 100-year floodplain of White River)

C-S STATEMENT

File-dated October 6, 2022

SITE PLAN

File-dated October 6, 2022

ELEVATIONS

File-dated October 6, 2022

FINDINGS OF FACT

File-dated October 6, 2022

ZONING HISTORY

2011-CZN 800 / 2011-CVR-800; 3810, 3820 and 4106 East 82nd Street, requested rezoning of 13.832 acres from the C-S (FW) (FF) District to the C-S (FW) (FF) classification to provide for C-1 and C-4 uses on the Cinema Parcel and Parcels "F" and "G" and a variance of Variance of Use of the Commercial Zoning Ordinance to provide for an amusement arcade without the grant of a special exception within 500 of protected district, **approved and granted**.

(Continued)

94-Z-103 / 94-CSE1; 3850 East 82nd Street (includes subject site), the rezoning of 40.369 acres, being in the C-S district, to the C-S classification to reduce the maximum square footage of offices from 329,000 to 253,445 in order to accommodate a family entertainment center (previously not a permitted use in "Area B" as described in petition 89-Z-208) and a special exception of the commercial Zoning Ordinance to permit a family entertainment center, **approved and granted**.

89-Z-208; 3850 East 82nd Street (includes subject site), requested rezoning of 63.85 acres, being in the A-2 to C-S to provide for a commercial mixed-use commercial development, including retail commercial on the southern portion of the site and office development for the northern portion of the site, **approved**.

kb



C-S Development Statement

Introduction:

Petitioner, Edward Rose Properties, Inc., seeks to rezone approximately 9.8 acres of property commonly known as 4016 East 82nd Street (the "Subject Property") as shown on the Concept Plan in order to develop the Subject Property with a multi-family residential complex containing approximately 300 Units.

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"). The current C-S zoning permits indoor recreation and entertainment by virtue of case 2011-CZN-800.

Permitted Uses:

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) Multi-family Dwellings
- 2) All C-1 and C-4 uses (as permitted as of 10/6/22, if the Subject Property is not developed for Multi-Family uses)

Accessory Uses:

Permitted Accessory Uses of the Subject Property shall include all accessory uses permitted in the D-9 zoning district, if developed as a multi-family development, and the C-1 or C-4 zoning district, depending on the underlying commercial use of the Subject Property. For example, if the Subject Property is developed with a C-1 underlying use, then C-1 accessory use standards shall apply. If developed with a C-4 underlying use, then C-4 accessory use standards shall apply.

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; however, Petitioner is seeking a variance of minimum street frontage, maximum setback and maximum height requirements.

Landscaping for the multi-family development or commercial development, as the case might be, shall meet the requirements of Chapter 744, Art. V of the Zoning Ordinance.

Signs:

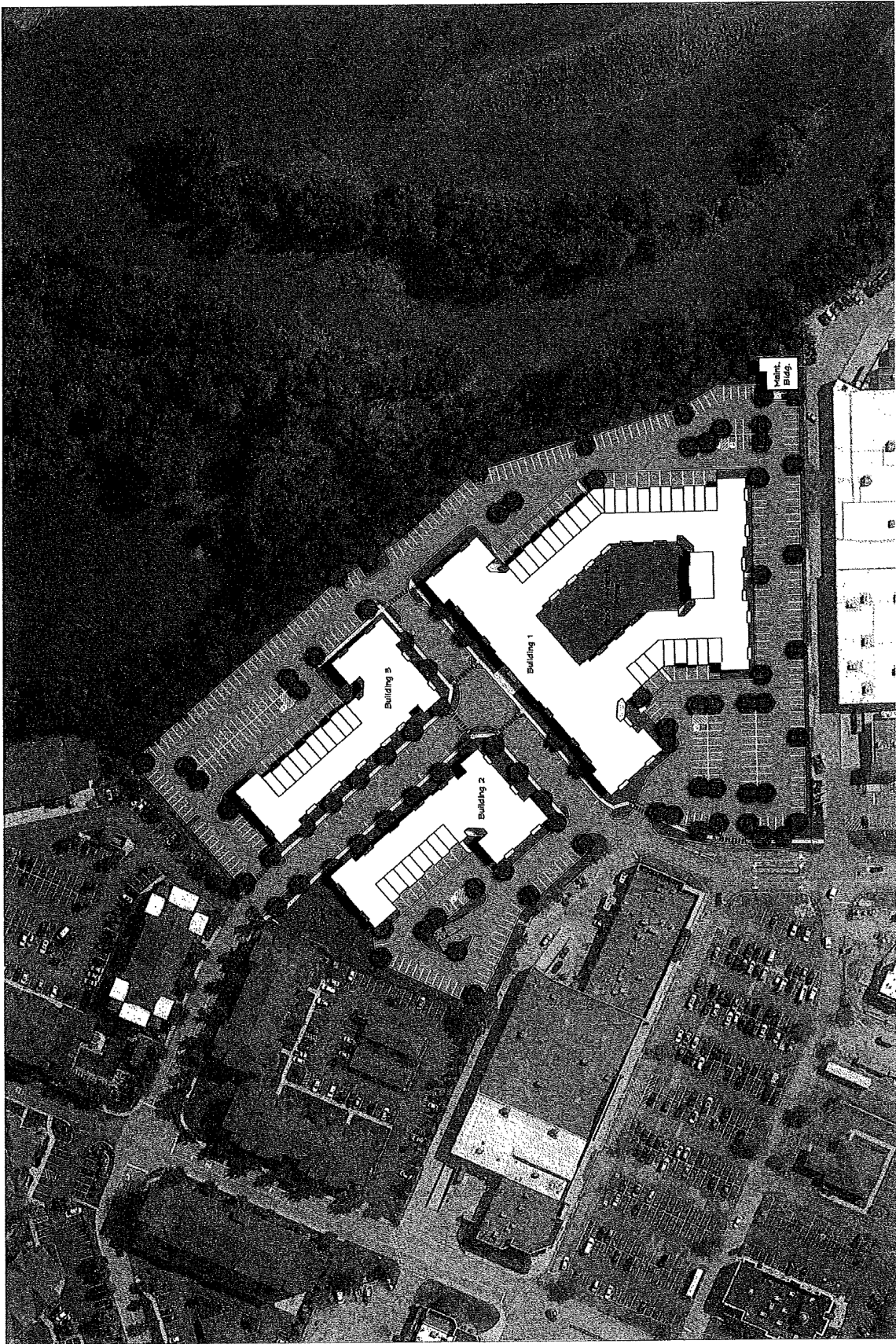
The following sign types shall be permitted on the Subject Property:

Monument, Marquee, Blade, Wall, Incidental, Temporary, and Other Signs as would otherwise be permitted in a multi-family zoning district, if developed for multi-family use, or as would be otherwise be permitted in a commercial zoning district, if developed for commercial use.

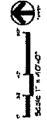
All signs shall be submitted as part of a sign program to be submitted for Administrator's Approval prior to obtaining a sign permit.

Final Site and Development Plan:

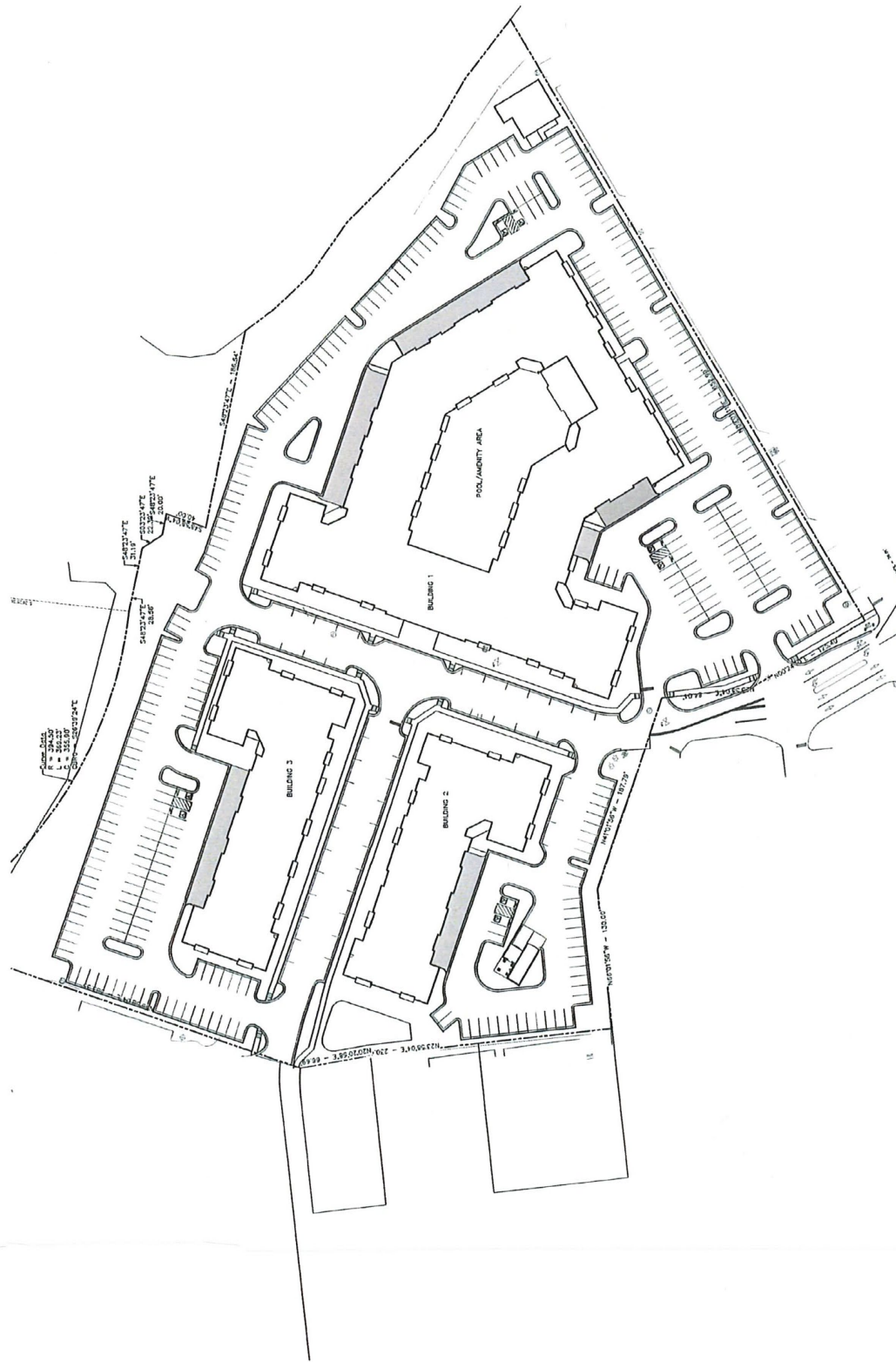
Final site and development plans shall be consistent with the standards set forth in this C-S Statement, and shall be submitted for Administrator's Approval prior to applying for an Improvement Location Permit.



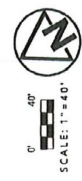
STUDIO M
ARCHITECTURE & PLANNING



Preliminary Site Plan
Scale: 1"=40'-0"



Preliminary Site Plan
Indianapolis, Indiana



A3

Conceptual Rendering

Edward Rose Properties, Inc.
Multi-Family Residential -
4016 E. 82nd Street

2/20/21
Sept. 2nd, 2022

STUDIO M
ARCHITECTURE & PLANNING



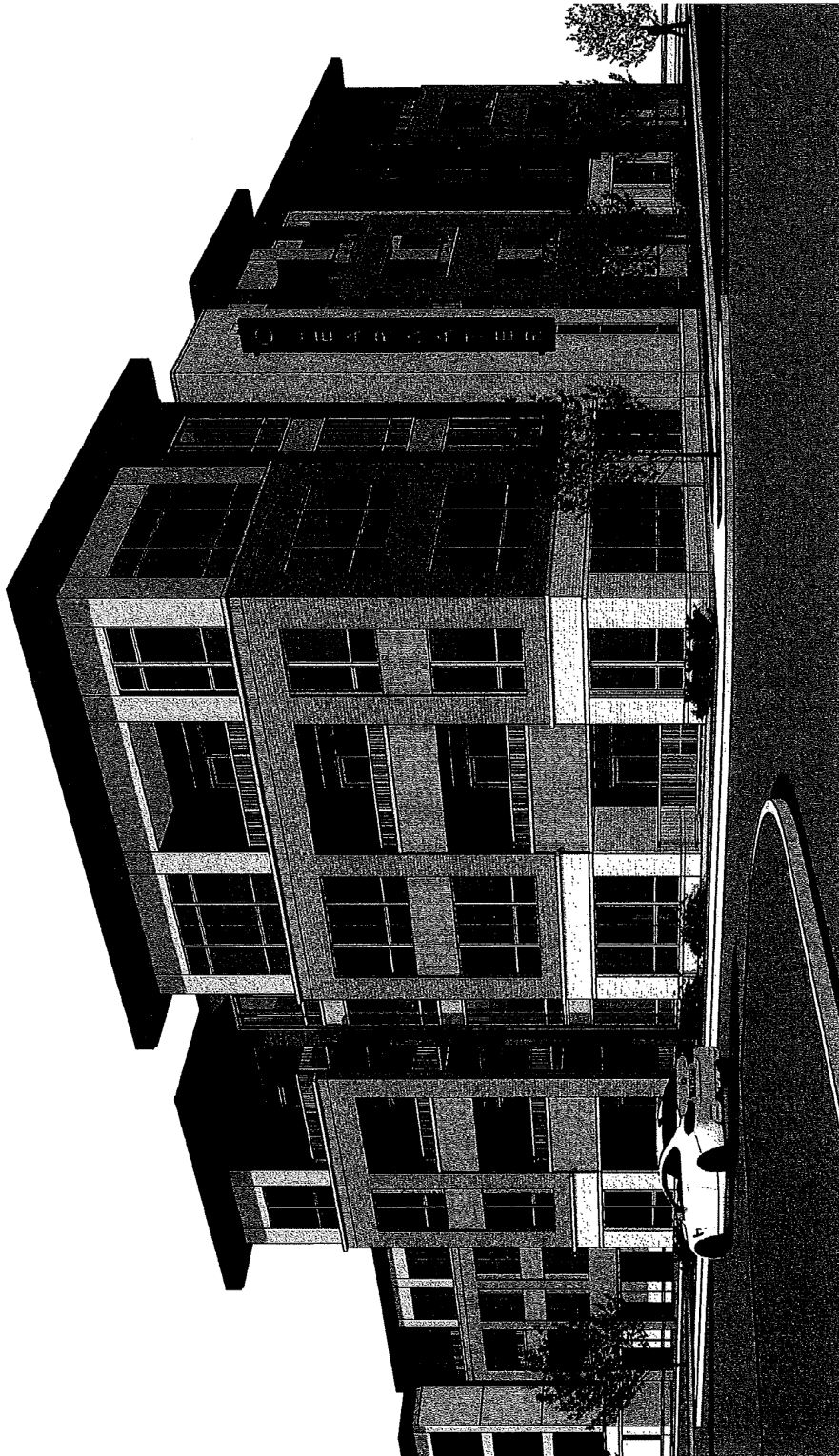
A1

Conceptual Rendering

Edward Rose Properties, Inc.
Multi-Family Residential -
4016 E. 82nd Street

22021
Sept. 29, 2022

STUDIO M
ARCHITECTURE & PLANNING



A2

Conceptual Rendering

Edward Rose Properties, Inc.
Multi-Family Residential -
4016 E. 82nd Street

22021
Sept. 29, 2022

STUDIO M
ARCHITECTURE & PLANNING



Petition Number _____

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

PETITION FOR VARIANCE OF DEVELOPMENT STANDARDS

FINDINGS OF FACT

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

the site has previously been developed, there is legal access to the property, and the buildings are located in a manner such that they will not overwhelm the site.

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 site has previously been developed, traffic to the site will largely flow opposite of traffic visiting the adjacent retail uses, and the height of the buildings will not unreasonably inhibit visibility to adjoining properties.

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

the site was previously developed with access to the subject property via private access drives and before the current version of the Ordinance, and the proposed height is less than is currently permitted under the C-4 zoning classification which is permitted under the current C-S zoning.

DECISION

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

Adopted this _____ day of _____, 20 ____

23883082.1



View looking north along access drive



View looking southwest along access drive



View looking north along access drive along western boundary of site



View of site looking east



View of south building façade looking northeast



View of site looking northeast along White River



View of southeast corner of the site



View from southern portion of site looking south



View from site looking west along southern boundary



View from site looking southwest



View of northern portion of site along White River looking northeast



View from northern portion of site along White River looking northeast



View of northern portion of site along White River looking southeast

STAFF REPORT

Department of Metropolitan Development Division of Planning Current Planning Section

Case Number: 2022-CZN-862 / 2022-CVR-862
Address: 5204, 5206 and 5216 South Harding Street (*Approximate Address*)
Location: Perry Township, Council District #20
Petitioner: Quiktrip Corporation, by J. Murray Clark
Request: Rezoning of 5.327 acres from the C-S district to C-7 classification to provide for a truck stop.

Variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for a dumpster enclosure in the front yard with a five-foot setback along SR 37 (not permitted in front yard, 10-foot setback required), with parking and drive aisles with a five-foot setback from SR 37 (ten-foot wide landscape area required), with a 90-foot tall, 391-square-foot pole sign (maximum 20-foot tall, 300 square feet permitted), with fifteen street trees along Harding Street (29 required) and thirteen trees along SR 37 (23 required) and to provide for a 23-foot tall, 109-square-foot free-standing incidental sign (maximum eight-foot tall, 32 square feet permitted).

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

SUMMARY OF ISSUES

The following issues were considered in formulating the recommendation.

(Continued)

STAFF REPORT 2022-CZN-862 / 2022-CVR-862 (Continued)

LAND USE

- ◇ Historic aerial photography from 1937 indicates a farmstead on 5204 South Harding Street and a single-family dwelling at 5216 South Harding Street. By 1956 a dwelling on 5206 South Harding had been constructed as had a row of dwellings south along the east side of Harding Street. Those dwellings still stand today. In the mid-1960s State Road 37 was under construction along the west edge of the subject site and headed southwest across open farmland. By 1972 industrial uses were developed along the west side of Harding Street.
- ◇ The Comprehensive Land Use Plan (2018) recommends Community Commercial for the site. This land use category is intended for low intensity commercial uses that serve nearby neighborhoods.

ZONING

- ◇ This petition requests a rezoning from the C-S district to the C-7 district. The C-S district allows for a customized list of permitted land uses, but also requires adherence to an approved site plan and development statement. For this site, Petition 2009-ZON-057 provided for wholesale and retail landscape supply operations, two single-family dwellings, C-3 uses and a hotel. The C-3 uses are responsive to the Land Use Plan recommendation. Depending on its size and amenities the hotel might also be responsive to the Land Use Plan. The landscape supply operations might also fit into the Community Commercial typology depending on its operations and arrangement.
- ◇ The C-7 district is designed to provide for commercial uses that have qualities that are incompatible with less intense land uses. Examples of these qualities are outdoor storage and display of merchandise, and the outdoor parking and storage of trucks. Because of the character and intensity of these uses, this district should be located on major commercial arterial thoroughfares and near interstate interchanges, but not in close association with consumer commercial activities such as retailing, professional services, or restaurants. Due to the intensity of its uses, location of this district should never be adjacent to protected districts, such as dwellings, churches and schools.
- ◇ This request would locate the C-7 district across the street from single-family dwellings in the D-A zoning district. The Comprehensive Land Use Plan recommendation for the adjacent dwellings is Office Commercial. The petitioner has supplied a list of uses that they are willing to commit to excluding from the site (See below.). However, the remaining C-7 uses are not appropriate adjacent to either single-family dwellings or office development.

(Continued)

STAFF REPORT 2022-CZN-862 / 2022-CVR-862 (Continued)

VARIANCE

- ◇ This petition requests eight variances of development standards to provide for
 - a dumpster enclosure in the front yard with a five-foot setback along SR 37. A trash enclosure is not permitted in front yard and a ten-foot setback is required,
 - parking and drive aisles with a five-foot setback from SR 37. A ten-foot wide landscape area required,
 - thirteen street trees along SR 37 where 23 trees are required,
 - fifteen street trees along Harding Street where 29 are required,
 - a 90-foot tall, 391-square-foot pole sign. Maximum pole sign height is 20 feet tall and maximum pole sign area is 300 square feet, and
 - a 23-foot tall, 109-square-foot free-standing incidental sign. Maximum incidental sign height is eight feet tall and maximum incidental sign area is 32 square feet.

- ◇ Trash enclosures are not permitted in front yards. Trash enclosures in a front yard are frequently unsightly and disrespect passers-by and neighbors by forcing them to look at the site's trash. Because the subject site is roughly triangular with streets on two sides, the number of potential locations for a trash enclosure is limited. However, the site plan makes no attempt to locate the enclosure in an inconspicuous spot. Instead, it is placed along State Road 37 and five feet closer to the right-of-way than a structure of any sort is permitted.

- ◇ The site plan depicts parking spaces and drive aisles within the required ten-foot landscape space along State Route 37. This site is an intense use that will generate a significant amount of traffic. The reduced landscape space detracts from the site's ability to adequately screen the site or provide the other aesthetic and environmental benefits conferred by landscaping. The lack of landscaping space along SR 37 is also an indication that the site would be overdeveloped.

- ◇ The lack of an adequately sized landscape strip plays into the further request to reduce the required number of street trees along SR 37 from 23 to 13. If an adequately sized landscape strip was provided a compliant number of trees could be planted. This use will generate a significant amount of vehicle fumes compared to most uses that would be typically found in the Community Commercial typology. The site should be providing more trees rather than a deficient number of trees to mitigate the site's impact on air quality and urban heat.

- ◇ The landscape strip along Harding Street is large enough to provide space for a compliant number of trees to be planted. No reason for the lack of trees is given in the Findings of Fact.

(Continued)

STAFF REPORT 2022-CZN-862 / 2022-CVR-862 (Continued)

- ◇ A pole sign over four times the permitted height has been requested, presumably to allow it to be seen from I-465. Tall signs in close proximity to interstate interchanges were once permitted by the Ordinance. The tall interchange sign provision of the Ordinance was removed in 2019.
- ◇ The tall interchange sign provisions that were in place prior to 2019 allowed for signs up to 80 feet in height if they were within 1,320 feet of the intersection of the centerlines of the interstate and local street. The sign had to be at least 600 feet from a protected district and could be no greater in area than that permitted for other freestanding signs on the site. The tall interchange sign can be the only pole or pylon sign on the site.
- ◇ An eighty-foot tall sign was permitted nearby at 1551 West Thompson Road in the late 1990s. This sign required a variance because it was approximately 1440 feet from the interchange.
- ◇ The proposed sign would not meet any of the 2019 provisions above. The proposed sign is 90 feet tall, roughly 2,600 feet from the interchange, roughly 550 feet from a protected district, is 91 square feet larger than the largest freestanding sign permitted on the site, and is one of two freestanding signs on the site.
- ◇ Freestanding signs in limited numbers can significantly help the motoring public identify destinations; however, unnecessarily large or tall signs tend to distract confuse and disorient motorists while losing the effectiveness of commercial messages in a harsh sea of poles, colors, logos and words. This would be especially true in the subject area with its heavy, fast traffic and preponderance of large trucks.
- ◇ Incidental signs are those whose purpose is secondary and incidental to the use of the site and carries no commercial message that is legible beyond the site. They are limited in size to 32 square feet and in height to eight feet. One of the incidental signs on this site provides directions to the users of the site, specifically truck drivers seeking to weigh their vehicle. It's proposed to be 109 square feet and 23 feet tall. The function of this sign is atypical of incidental signs and as such, must be taller and larger than typical incidental signs to be useful.

GENERAL INFORMATION

EXISTING ZONING, CONTEXT AREA, AND LAND USE

C-S

Metro

Landscape materials supplier

(Continued)

STAFF REPORT 2022-CZN-862 / 2022-CVR-862 (Continued)

SURROUNDING ZONING AND LAND USE

Northwest	I-3, I-4	Electrical contractor, truck sales
South	I-3	Construction contractor
East	C-7, D-A, I-2	Truck repair, single-family dwellings

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

THOROUGHFARE PLAN Harding Street is classified in the Official Thoroughfare Plan for Marion County, Indiana as a Primary Collector, with an existing right-of-way ranging from 65 feet to 107 feet and an 80-foot proposed right-of-way.

State Route 37 is classified in the Official Thoroughfare Plan for Marion County, Indiana as an Expressway. The plan does not propose a future right-of-way width.

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

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

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

ZONING HISTORY – SITE

2009-ZON-057; 5204, 5206 & 5216 South Harding Street, requested the rezoning of 5.3 acres from the C-S district to the C-S district to provide for wholesale and retail landscape supply operations, two single-family dwellings, C-3 uses and a hotel, **approved**.

2007-ZON-851 / 2007-CAP-851; 5202, 5206 & 5216 South Harding Street, requested the rezoning of 5.3 acres from the C-S district to the C-S district to provide for C-3 uses and an extended stay hotel, **approved**.

(Continued)

STAFF REPORT 2022-CZN-862 / 2022-CVR-862 (Continued)

90-Z-12; 5202 South Harding Street, requested the rezoning of 5.3 acres from the I-2-U district to the C-S district to provide a construction company, display of model homes, outdoor storage, retail sales associated with a construction company and manufacturing of homes, **approved**.

89-Z-132; 5202 South Harding Street, requested a variance to provide for a second business sign structure, **approved**.

89-UV1-30; 5202 South Harding Street, requested a variance of use to provide for five model homes and sales office, **approved**.

ZONING HISTORY – VICINITY

2022-ZON-045; 1600 West Thompson Road (northwest of site), requested the rezoning of 3.2 acres from the C-4 district to the I-3 district, **approved**.

2018-UV3-024; 5201 South Harding Street (east of site), requested a variance of use to provide for a transport company and a variance of development standards to provide for deficient maneuvering space, the storage of tractor trailers and deficient setbacks and transitional yard, **denied**.

2014-ZON-074; 1600 West Thompson Road (northwest of site), requested the rezoning of 3.2 acres from the I-3-S district to the C-4 district, **approved**.

2007-ZON-051; 5191 Harding Lane (east of site), requested the rezoning of 0.9 acre from the I-2-S district to the C-7 district, **approved**.

98-Z-225; 4950 Harding Lane (east of site), requested the rezoning of 2.5 acres from the C-4 district to the C-7 district, **approved**.

94-UV1-68; 1631 West Thompson Road (west of site), requested a variance of use to provide for commercial truck and trailer servicing, repair, sales and leasing and the sale of truck parts, **approved**.

94-Z-45; 1631 West Thompson Road (northwest of site), requested the rezoning of 22.9 acres from the I-4-S district to the C-7 district, **withdrawn**.

87-UV3-82; 1631 West Thompson Road (west of site), requested a variance of use to provide for a mobile structure as a temporary facility, **approved**.

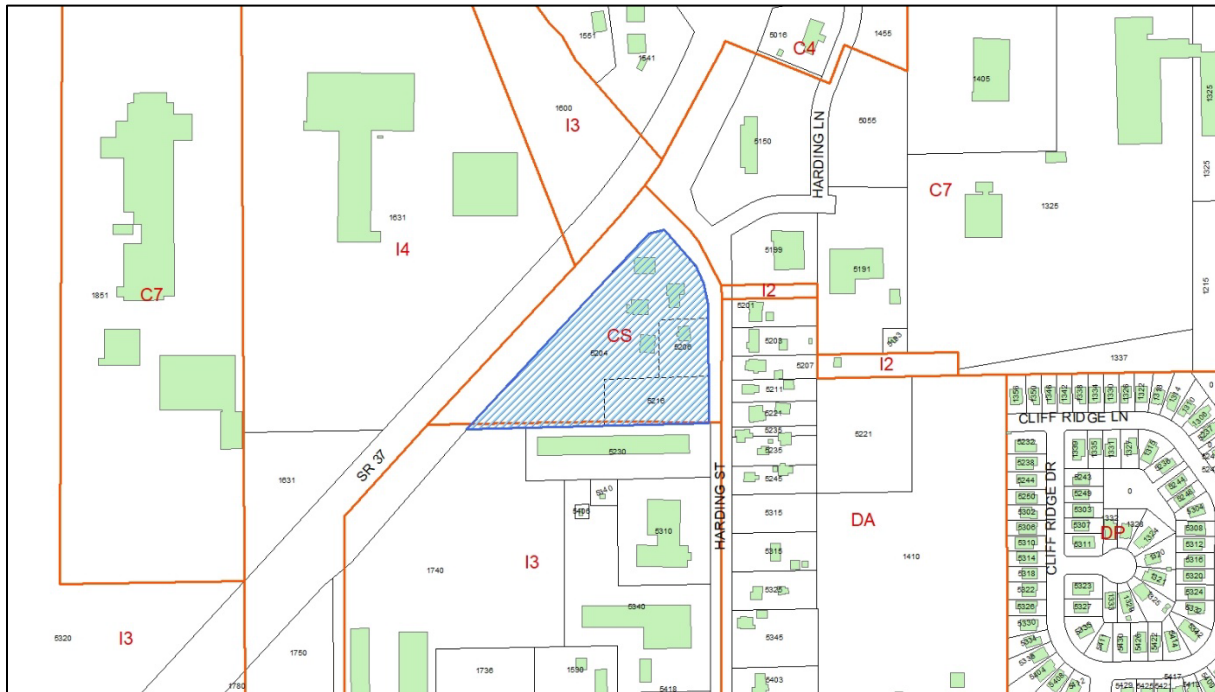
83-Z-241; 1751 West Thompson Road (northwest of site), requested the rezoning of twenty acres from the I-3-S district to the I-4-S district, **approved**.

(Continued)

STAFF REPORT 2022-CZN-862 / 2022-CVR-862 (Continued)

klh

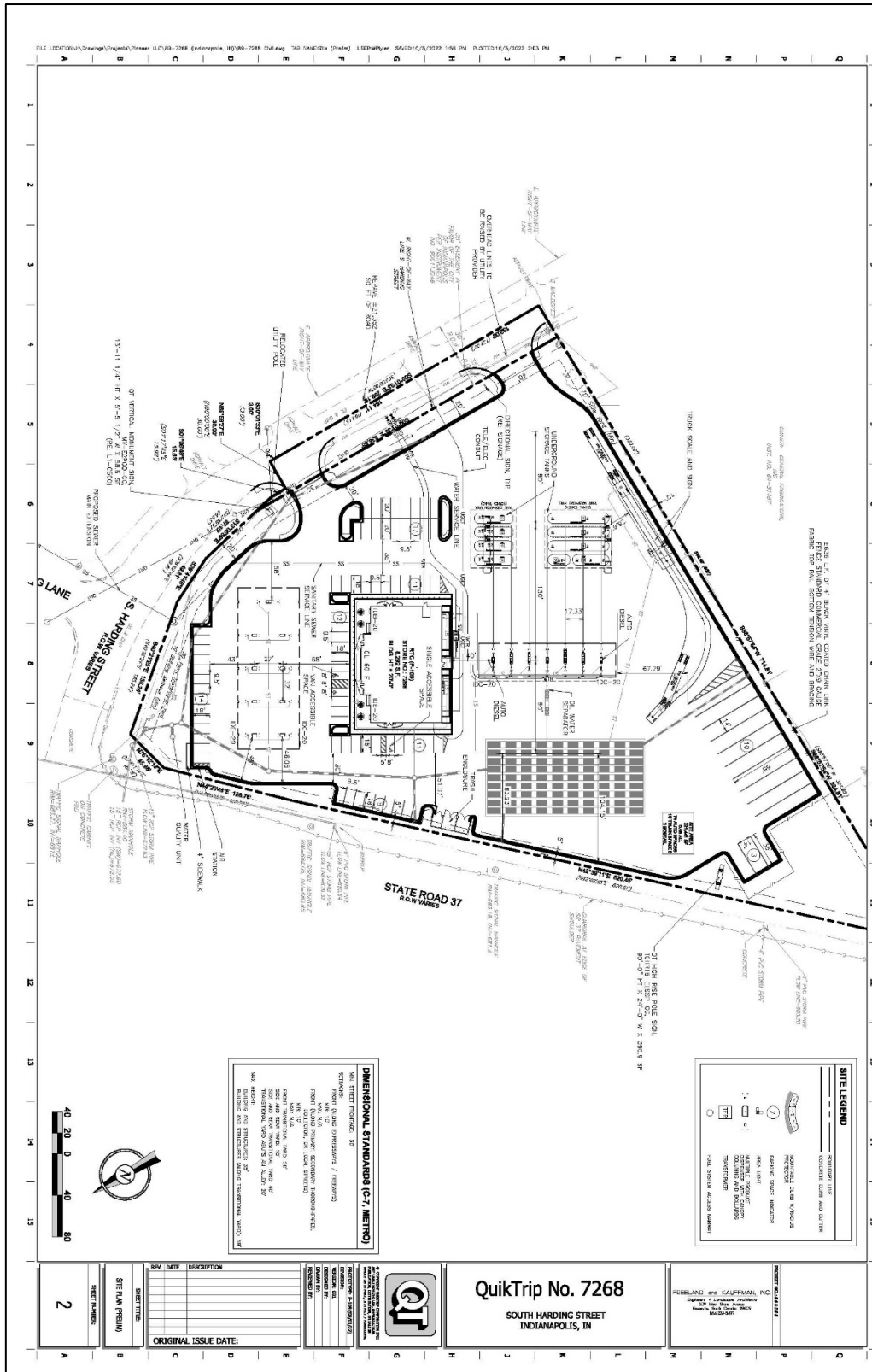
STAFF REPORT 2022-CZN-862 / 2022-CVR-862, Location



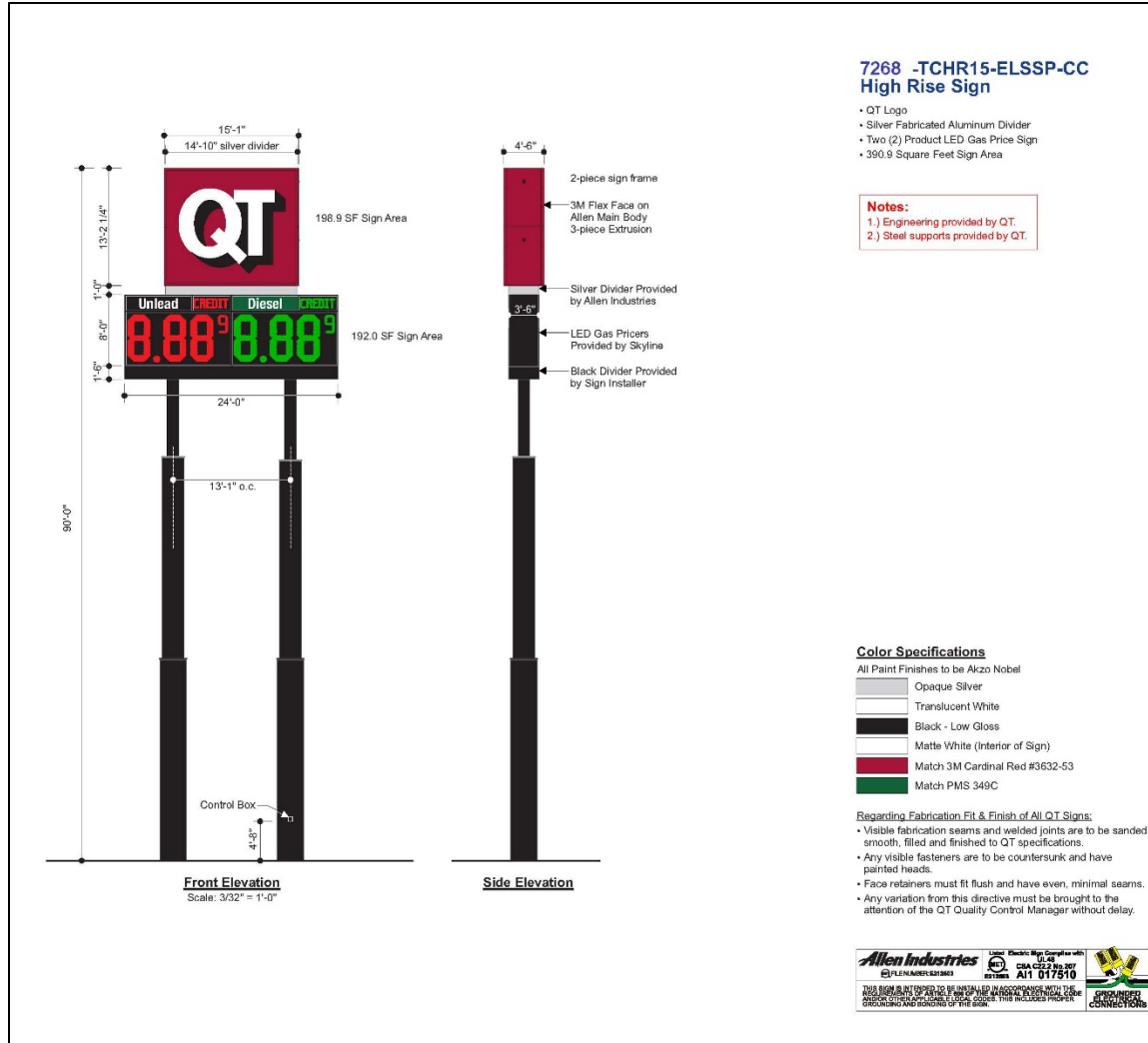
STAFF REPORT 2022-CZN-862 / 2022-CVR-862, Aerial photograph (2021)

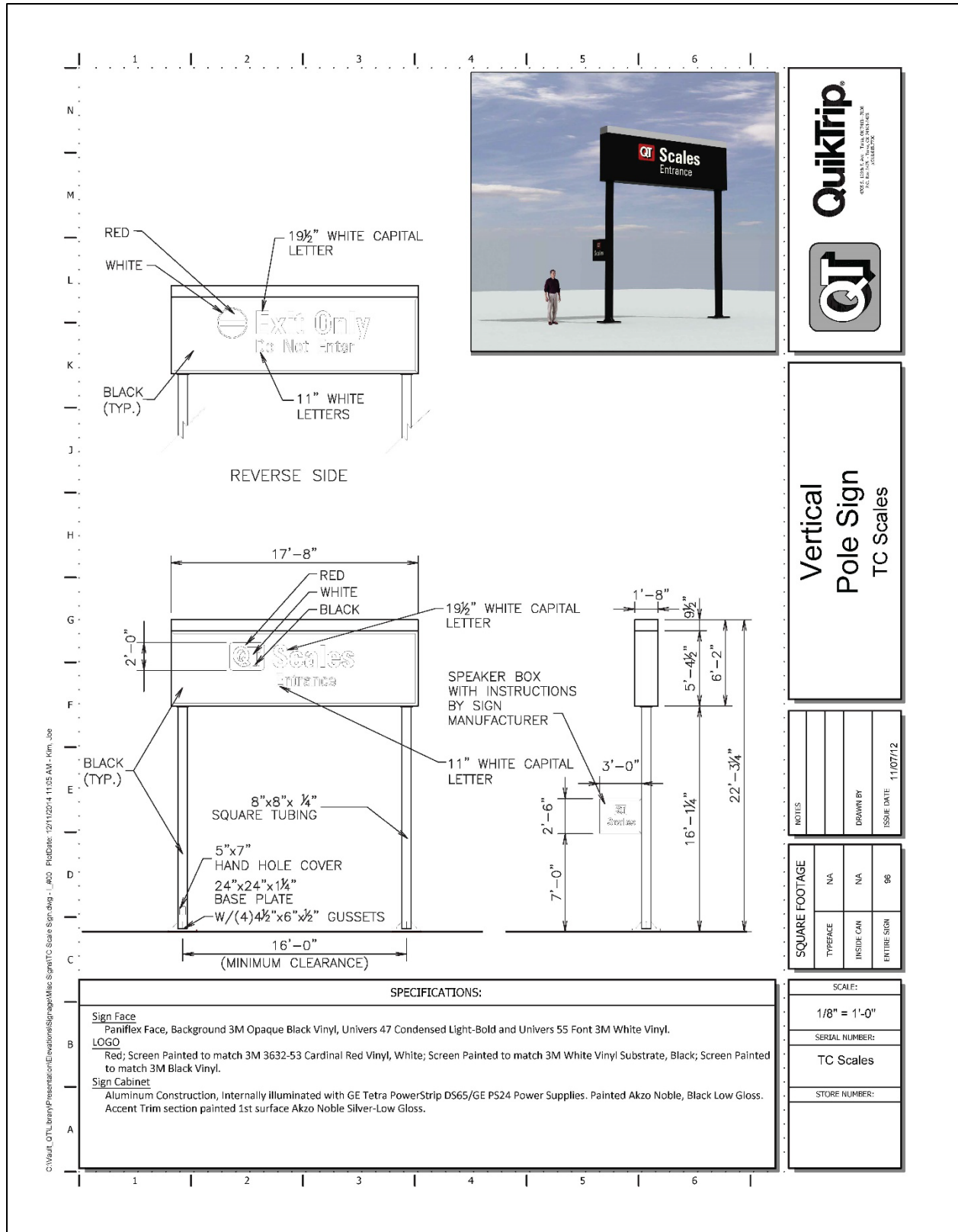


STAFF REPORT 2022-CZN-862 / 2022-CVR-862, Site Plan



STAFF REPORT 2022-CZN-862 / 2022-CVR-862, Sign elevations





STAFF REPORT 2022-CZN-862 / 2022-CVR-862, 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 grant will not be injurious to the community because the property is ideally situated for use as a truck stop, as it is located at the corner of an expressway and a primary collector, and is nearby to other heavy commercial and industrial type uses. The requested development standards variances will allow for the best possible layout of the property and will allow for adequate signage for community members who wish to utilize the truck stop.

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 grant will not substantially adversely effect the area adjacent to the property because the real estate is already operating with a heavy commercial / industrial type use, and is nearby to other heavy commercial and industrial type uses. The requested development standards variances will allow for the best possible layout of the property and will allow for adequate signage for community members who wish to utilize the truck stop.

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

The property has two frontages, and in order for the truck stop to function with the greatest efficiency and provide the best utilized signage, the property needs the grant of the development standards variances. The requested development standards variances will allow for the best possible layout of the property and will allow for adequate signage for community members who wish to utilize the truck stop.

DECISION

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

Adopted this _____ day of _____, 20 ____

STAFF REPORT 2022-CZN-862 / 2022-CVR-862, Proposed list of excluded uses.**QuikTrip Store #7268
5204, 5206, 5216 S. Harding St.**

Rezoning of real estate from C-S district to C-7 district for use as a Truck Stop.

List of prohibited uses:

- Agricultural Machinery and Equipment Sales, Rental, or Repair
- Auctioneering and Liquidating Services
- Dry Cleaning Plant or Industrial Laundry
- Adult Entertainment Business
- Bar or Tavern
- Night Club or Cabaret
- Commercial and Building Contractors
- Heavy Equipment Sales, Service or Repair
- Adult Entertainment Business: Retail
- Firearm Sales
- Fireworks Sales, On-going
- Liquor Store
- Pawn Shop
- Automobile and Light Vehicle Wash
- Automobile and Vehicle Storage or Auction
- Automobile, Motorcycle, and Light Vehicle Sales or Rental
- Automobile, Motorcycle, and Light Vehicle Service or Repair
- Heavy Vehicle Wash
- Motorsports Industry
- Other Vehicle Sales, Rental or Repair
- Truck or Heavy Vehicle Sales, Rental, or Repair
- Recycling Station
- Mini-Warehouses (Self-Storage Facility)
- Warehousing, Wholesaling and Distribution

STAFF REPORT 2022-CZN-862 / 2022-CVR-862, Photographs



Looking south across the southwest portion of the subject site.



Looking southeast from SR 37 across the central section of the site.



Looking southwest along the site's frontage on SR 37.



Looking south at the northern point of the site from Harding Street.



Looking west at the site from Harding Street.



Looking west at the site from Harding Street.



Looking southwest across the southern portion of the site. The industrial building in the background is the neighbor to the south.



Looking southeast along Harding Street at the neighboring dwellings to the east.



Looking east from the site across Harding Street.



Looking north from the site across Harding Street.



Looking north at the intersection of Harding Street and SR 37 toward the I-465 interchange.



Looking southwest along SR 37 to the neighbor to the west.