



Metropolitan Development Commission Hearing Examiner (April 13, 2023) Meeting Agenda

Meeting Details

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

Date: Thursday, April 13, 2023

Time: 1:00 PM

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

Business:

Special Requests

PETITIONS REQUESTING TO BE CONTINUED:

1. 2022-CZN-867 / 2022-CVC-867 | 5400 and 5430 Greenfield Avenue and 400 Burgess Avenue

Warren Township, Council District #12

Baldeep Baidwan by David Kingen and Emily Duncan

Rezoning of 2.71 acres from the D-5 district to the D-7 district to provide for multi-family development.

Vacation of a portion of Greenfield Avenue, ranging from 25 feet wide to 50 feet wide, from the southwest corner of Lot 65 in Witz and Spannuth's Addition, southeast 451.54 feet to the southeast corner of Lot 49 in said subdivision

Vacation of a portion of Elm Avenue, ranging from 25 feet to 50 feet wide, from the northeast corner of Lot 59 in Witz and Spannuth's Addition, south 528.79 feet to the southeast corner of Lot 61 in said subdivision,

Vacation of the first east-west alley north of Greenfield Avenue, being 15 feet in width, from the southeast corner of Lot 59 in Witz and Spannuth's Addition, west 40.50 feet, to the northwest corner of Lot 61 in said subdivision,

Vacation of the first east-west alley north of Greenfield Avenue, being 15 feet in width, from the southwest corner of Lot 53 in Witz and Spannuth's Addition, east 182.20 feet, to the northeast corner of Lot 49 in said subdivision, all with a waiver of the Assessment of Benefits.

The petitioner is requesting a continuance to the July 27, 2023 hearing.

2. 2022-CZN-876 / 2022-CVR-876 / 2022-CVC-876 (Amended) | 1507 & 1517 West Vermont Street and 333 Koehne Street

Center Township, Council District #16

Own It Enterprise, LLC, by David Kingen and Emily Duncan

Rezoning of 0.62-acre from the D-8 (RC) district to the CBD-2 (RC) district.

Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for side and rear yard setbacks of zero feet when abutting an alley (minimum ten-foot required), to legally establish a zero-foot front setback for vehicle areas (minimum eight-foot required), and for 31 off-street parking spaces (maximum of 23 off-street parking spaces permitted).

Vacation of the first alley east of Koehne Street, being 12 feet in width, from the south right-of-way line of Vermont Street, being the northeast corner of Lot 47 in Lentz Heirs Addition, Recorded in Plat Book 11, Page

in the Office of the Recorder of Marion County, Indiana, south a distance of 109 feet to the southeast corner of Lot 45 in said subdivision, with a waiver of the assessment of benefits.

Vacation of an irregular portion of White River Parkway West Drive located at the southwest intersection of Vermont Street and White River Parkway West Drive totaling 0.12 acres, with a waiver of the assessment of benefits.

**** Petitioner to request a continuance to an unspecified date.**

3. 2023-ZON-015 | 2434 and 2444 Winthrop Avenue

Center Township, Council District #17
Indianapolis Neighborhood Housing Partnership, by Jeff Hasser

Rezoning of 1.35 acres from the I-2 district to the D-8 district.

***An automatic continuance has been filed by a registered neighborhood organization, continuing this petition to the May 11, 2023 hearing.**

4. 2023-ZON-021 | 3449 South Harding Street

Perry Township, Council District #20
RIARS, LLC, by David Gilman

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

***An automatic continuance has been filed by a registered neighborhood organization, continuing this petition to the May 11, 2023 hearing.**

5. 2023-ZON-022 | 2810, 2834, 2838 and 2844 Ruckle Street

Center Township, Council District #9
Mapleton Fall Creek Development Corporation, by Andrea Townsend

Rezoning of 0.48 acre from the MU-2 district to the D-8 district.

This petition has been companioned into case number 2023-CZN-818 and 2023-CVC-818, which will be heard on April 27, 2023.

6. 2023-ZON-023 | 8480, 8508 and 8510 Ditch Road

Washington Township, Council District #1
Adams French Property, LLC, by Brian J. Tuohy

Rezoning of 1.88 acres from the C-1 and C-4 districts to the C-S district to provide for a self-storage facility.

*** An automatic continuance has been filed by a registered neighborhood organization, continuing this petition to the May 11, 2023 hearing.**

7. 2023-ZON-024 / 2023-VAR-001 | 2802 South Holt Road Wayne Township, Council District #16

Maninder Singh

Rezoning of 0.36 acre from the D-5 district to the C-4 district to provide for an automobile body repair shop.

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

- a. A six-foot tall perimeter chain link fence with barbed wire (fence height limited to 3.5 feet in front yards, chain link not permitted within front yards in Commercial Districts, chain link within side yards must be coated in vinyl within Commercial Districts, barbed wire prohibited);
- b. Outdoor Storage and Operations associated with automobile repair (not permitted);
- c. The permanent location of a portable storage structure (limited to 30 consecutive days);
- d. Two sliding gates within the clear sight triangles of the vehicular access drives along Farnsworth Street and Holt Road (encroachment of clear sight triangles not permitted); and

e. Lack of hard surfaced parking area (hard surfaced parking areas required).

****Staff is requesting a continuance to allow for amended notice.**

Petitions for Public Hearing

PETITIONS TO BE EXPEDITED:

8. 2023-APP-003 | 1020 Sharon Avenue

Wayne Township, Council District #11, Zoned PK-1

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

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

9. 2023-APP-004 | 2320 North Centennial Street

Wayne Township, Council District #11, Zoned PK-1

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

Park District One Approval to provide for playground equipment and a rubberized play surface.

10. 2023-APP-005 | 6050 Gateway Drive

Pike Township, Council District #10, Zoned PK-1 (FW)

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

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

11. 2023-APP-006 | 1831 Lafayette Road

Wayne Township, Council District #11, Zoned PK-1 (FW)

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

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

12. 2023-APP-007 | 2401 Howard Street

Wayne Township, Council District #16, Zoned PK-1

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

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

13. 2023-MOD-005 | 2205 North Delaware Street

Center Township, Council District #11, Zoned C-S

Delaware 632, LLC, by Timothy E. Ochs

Modification of Development Statement and Site Plan related to petition 2015-CZN/CVR-817 to replace the approved site plan with the one filed with this petition, which shows 81 parking spaces and an enclosed patio for outdoor seating (previous site plan showed 83 parking spaces).

14. 2023-ZON-011 | 3019 North Gale Street

Center Township, Council District #17

Dewayne Michaels Group, LLC, by David E. Dearing

Rezoning of 0.14 acre from the SU-1 district to the D-5II district to provide for residential uses.

15. 2023-ZON-017 | 1416 English Avenue

Center Township, Council District #17

Ebuka Unogu, by Mark and Kim Crouch

Rezoning of 0.08 acre from the D-5 district to the D-5II district.

16. 2023-ZON-020 | 25 South Tuxedo Street

Center Township, Council District #12

Marybeth McShea

Rezoning of 0.22 acre from the I-3 (TOD) district to the D-5 (TOD) district to provide for a two-family dwelling.

17. 2023-CZN-810 / 2023-CVR-810 / 2023-CPL-810 | 809 Noble Street

Center Township, Council District #16
PADBROS, LLC, by Jynell D. Berkshire

Rezoning of 0.53 acre from the I-3 (RC) district to the D-8 (RC) district.

Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to legally establish front building setbacks along Noble Street of 4.5 feet (10-foot-19.9-foot required), a 3.8-foot and a 5.7 foot rear setback (fifteen feet required), and to provide for a 1.75-foot north side setback for proposed Lot 2 (three feet required).

Approval of a Subdivision Plat to be known as Padbros Noble Street Addition, subdividing 0.53 acre into two lots.

18. 2023-CZN-813 / 2023-CVR-813 | 6206 North Olney Street

Washington Township, Council District #3
Logan and Erika Burdick

Rezoning of 0.76 acre from the SU-2 district to the D-1 district.

Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for a detached accessory structure in the established front yard along 62nd Street (not permitted).

PETITIONS FOR PUBLIC HEARING (Continued Petitions):

19. 2022-CZN-840 / 2022-CVR-840 / 2022-CVC-840 (Amended) | 5436 Brookville Road

Warren Township, Council District #12
Baldeep Baidwan, by David Kingen and Emily Duncan

Rezoning of 1.60 acres from the C-3 district to the C-S district to provide for a truck retail and repair facility with related parking and limited C-4 uses.

Variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for loading bays in the front yard (not permitted).

Vacation of the first northwest-southeast alley north of Brookville Road, being fifteen feet in width, from the southwest corner of Lot 40 in Witz and Spannuth's Addition, as recorded in Plat Book 16, Page 6 in the Office of the Marion County Recorder, southeast 210.40 feet to the northeast corner of Lot 5 in said subdivision, with a waiver of the Assessment of Benefits.

20. 2022-CZN-847 / 2022-CVR-847 | 2619, 2625 and 2627 West Washington Street Wayne Township, Council District #16

Purewal Holdings, Inc., by David Kingen and Emily Duncan

Rezoning of 0.39 acre from the C-4 (TOD) district to the MU-2 (TOD) district to provide for mixed-use development.

Variance of Development Standards to provide for:

1. A liquor store located 87 feet from a protected district (100-foot separation required),
2. A parking lot to be accessed from Holmes Avenue (access from adjacent alley required),
3. A front building line of 42.4% along Holmes Avenue (minimum 60% building frontage required),
4. A parking lot totaling 43.9% of the lot width along Holmes Avenue (maximum 40% of lot width permitted).

21. 2022-CZN-862 / 2022-CVR-862 (Amended) | 5204, 5206 and 5216 South Harding Street

Perry Township, Council District #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 of SR 37 (not permitted in front yard), with a 50-foot tall, 568.5-square-foot pole sign (maximum 20-foot tall, 300 square feet permitted), with fifteen street trees along Harding Street (29

required) and sixteen 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).

22. 2022-CZN-868 / 2022-CVR-868 (Second amendment) | 431 South Shortridge Road

Warren Township, Council District #18

Bhullar Deol Properties, Inc, by David Kingen and Emily Duncan

Rezoning of 2.74 acres from the D-A district to the C-S district to provide for an event center and C-1 uses with exceptions.

Variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for a zero-foot east yard (10-foot rear yard required), and without the required front-yard landscaping (landscaping required).

23. 2023-ZON-009 | 5635 West 96th Street

Pike Township, Council District #1

Eric Sanquetti

Rezoning of 4.213 acres from the C-S district to the C-S district to provide for indoor recreational and educational uses.

24. 2023-CZN-809 / 2023-CVR-809 / 2023-CVC-809 (Amended) | 2357 Dr Martin Luther King Jr Street

Center Township, Council District #11

Grundy Memorial Chapel, Inc., by David Kingen

Rezoning of 0.70 acre from the C-1 district, to the MU-1 district to provide for a multi-family development.

Variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for a zero-foot west front transitional yard (20-foot required), zero-foot north front yard (twelve-foot minimum required), five-foot south side yard (ten-foot side yard required), a five-foot south transitional yard (15-foot required), and a six-foot east transitional yard (15-foot required).

Vacation of the first north-south alley east of Dr Martin Luther King Jr Street, being twelve feet in width, from the south right-of-way line of 24th Street, south 134.54 feet to the first east-west alley south of 24th Street with a waiver of Assessment of Benefits.

PETITIONS FOR PUBLIC HEARING (New Petitions):

25. 2022-CZN-864A / 2022-CZN-864B / 2023-CPL-864 | 370 South Franklin Road

Warren Township, Council District #18

JAW Enterprises, LLC and M & K Warehouse Services, LLC, by William T. Rosenbaum

Rezoning of 3.543 acres from the D-A district to the C-7 district.

Rezoning of 3.45 acres from the D-A district to the I-2 district.

Approval of a Subdivision Plat to be known as M.B. Rapp Acres, dividing 6.82 acres into two lots.

26. 2023-CVR-811 / 2023-CPL-811 | 1316 South Capitol Avenue and 207 Wisconsin Street

Center Township, Council District #16

Jorge Oscar Gonzales

Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for a detached garage with a corner side setback of three feet (eight feet required).

Approval of a Subdivision Plat to be known as Padbros Noble Street Addition, subdividing 0.53 acre into two lots.

27. 2023-CZN-812 / 2023-CVR-812 | 1257 South East Street

Center Township, Council District #21

Bryce Chambers, by Mark and Kim Crouch

Rezoning of 0.13 acre from the C-1 district to the D-5 district.

Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide an 810-square foot secondary dwelling unit (maximum 720-square foot secondary dwelling unit permitted) without an entrance visible from the public right-of-way (not 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

Department of Metropolitan Development Division of Planning Current Planning Section

Case Number: 2022-CZN-867 / 2022-CVC-867
Address: 5400 and 5430 Greenfield Avenue and 400 Burgess Avenue
(Approximate Address)
Location: Warren Township, Council District #12
Petitioner: Baldeep Baidwan by David Kingen and Emily Duncan
Request: Rezoning of 2.71 acres from the D-5 district to the D-7 district to provide for multi-family development.

Vacation of a portion of Greenfield Avenue, ranging from 25 feet wide to 50 feet wide, from the southwest corner of Lot 65 in Witz and Spannuth's Addition, southeast 451.54 feet to the southeast corner of Lot 49 in said subdivision,

Vacation of a portion of Elm Avenue, ranging from 25 feet to 50 feet wide, from the northeast corner of Lot 59 in Witz and Spannuth's Addition, south 528.79 feet to the southeast corner of Lot 61 in said subdivision,

Vacation of the first east-west alley north of Greenfield Avenue, being 15 feet in width, from the southeast corner of Lot 59 in Witz and Spannuth's Addition, west 40.50 feet, to the northwest corner of Lot 61 in said subdivision,

Vacation of the first east-west alley north of Greenfield Avenue, being 15 feet in width, from the southwest corner of Lot 53 in Witz and Spannuth's Addition, east 182.20 feet, to the northeast corner of Lot 49 in said subdivision, all with a waiver of the Assessment of Benefits.

The petitioner's representative has requested a **continuance from the April 13, 2023 hearing to the July 27, 2023 hearing**. Staff has no objection to this continuance but notes that staff will not be supportive of any further continuances.

The petitioner's representative requested and was granted a continuance from the February 9, 2023 hearing to the April 13, 2023 hearing to provide time to amend the site plan.

The petitioner's representative requested and was granted a continuance from the December 29, 2022 hearing to the February 9, 2023 hearing to allow for additional time to meet with the neighborhood and with staff.

The petitioner's representative requested and was granted a continuance from the December 1, 2022 hearing to the December 29, 2022 hearing to accommodate the petitioner's travel schedule.

klh

STAFF REPORT

Item 2.

Department of Metropolitan Development
Division of Planning
Current Planning Section

Case Number: 2022-CZN-876 / 2022-CVR-876 / 2022-CVC-876
Address: 1507 & 1517 West Vermont Street and 333 Koehne Street
(Approximate Addresses)
Location: Center Township, Council District #16
Petitioner: Own It Enterprise, LLC, by David Kingen and Emily Duncan
Request: Rezoning of 0.62 acre from the D-8 (RC) district to the CBD-2 (RC) district.

Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for a side and rear yard setback of zero feet when abutting an alley (ten-foot required).

Vacation of the first alley east of Koehne Street, being 12 feet in width, from the south right-of-way line of Vermont Street, being the northeast corner of Lot 47 in Lentz Heirs Addition, Recorded in Plat Book 11, Page 69 in the Office of the Recorder of Marion County, Indiana, south a distance of 109 feet to the southeast corner of Lot 45 in said subdivision, with a waiver of the assessment of benefits.

Vacation of an irregular portion of White River Parkway West Drive located at the southwest intersection of Vermont Street and White River Parkway West Drive totaling 0.12 acres, with a waiver of the assessment of benefits.

Staff understands that the petitioner will submit a request to **continue** these petitions in order to consider potential amendments to the requests. As writing, the requested hearing date has not been submitted to the staff. A staff report will be available prior to that hearing.

JY

STAFF REPORT

Item 3.

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

Case Number: 2023-ZON-015
Address: 2434 and 2444 Winthrop Avenue (*Approximate Address*)
Location: Center Township, Council District #17
Petitioner: Indianapolis Neighborhood Housing Partnership, by Jeff Hasser
Request: Rezoning of 1.35 acres from the I-2 district to the D-8 district.

A timely automatic continuance was filed by a registered neighborhood organization **continuing this petition from the April 13, 2023 hearing, to the May 11, 2023 hearing.** This would require acknowledgement from the Hearing Examiner.

kb

STAFF REPORT

Item 4.

Department of Metropolitan Development
Division of Planning
Current Planning Section

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

A timely automatic continuance was filed by a registered neighborhood organization **continuing this petition from the April 13, 2023 hearing, to the May 11, 2023 hearing.** This would require acknowledgement from the Hearing Examiner.

kb

STAFF REPORT

Item 6.

Department of Metropolitan Development
Division of Planning
Current Planning Section

Case Number: 2023-ZON-023
Address: 8480, 8508 and 8510 Ditch Road (*Approximate Address*)
Location: Washington Township, Council District #1
Petitioner: Adams French Property, LLC, by Brian J. Tuohy
Request: Rezoning of 1.88 acres from the C-1 and C-4 districts to the C-S district to provide for a self-storage facility.

A timely automatic continuance was filed by a registered neighborhood organization **continuing this petition from the April 13, 2023 hearing, to the May 11, 2023 hearing.** This would require acknowledgement from the Hearing Examiner.

kb

STAFF REPORT

Department of Metropolitan Development Division of Planning Current Planning Section

Case Number: 2023-ZON-024 / 2023-VAR-001
Address: 2802 South Holt Road (*Approximate Address*)
Location: Wayne Township, Council District #16
Petitioner: Maninder Singh
Request: Rezoning of 0.36 acre from the D-5 district to the C-4 district to provide for an automobile body repair shop.

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

- a. A six-foot tall perimeter chain link fence with barbed wire (fence height limited to 3.5 feet in front yards, chain link not permitted within front yards in Commercial Districts, chain link within side yards must be coated in vinyl within Commercial Districts, barbed wire prohibited);
- b. Outdoor Storage and Operations associated with automobile repair (not permitted);
- c. The permanent location of a portable storage structure (limited to 30 consecutive days);
- d. Two sliding gates within the clear sight triangles of the vehicular access drives along Farnsworth Street and Holt Road (encroachment of clear sight triangles not permitted); and
- e. Lack of hard surfaced parking area (hard surfaced parking areas required).

This petition was amended after filing to add the variances listed above, requiring additional notice. Therefore, Staff requests that this petition be continued to the May 11, 2023 hearing.

EDH

STAFF REPORT

Item 8.

Department of Metropolitan Development Division of Planning Current Planning Section

Case Number: 2023-APP-003
Address: 1020 Sharon Avenue (approximate address)
Location: Wayne Township, Council District #11
Zoning: PK-1
Petitioner: City of Indianapolis, Department of Parks and Recreation, by Jason Larrison
Request: Park District One Approval to provide for playground equipment, a rubberized play surface and walking paths.

Case Number: 2023-APP-004
Address: 2320 North Centennial Street (approximate address)
Location: Wayne Township, Council District #11
Zoning: PK-1
Petitioner: City of Indianapolis, Department of Parks and Recreation, by Jason Larrison
Request: Park District One Approval to provide for playground equipment, a rubberized play surface and walking paths.

Case Number: 2023-APP-005
Address: 6050 Gateway Drive (approximate address)
Location: Pike Township, Council District #10
Zoning: PK-1 (FW)
Petitioner: City of Indianapolis, Department of Parks and Recreation, by Jason Larrison

Case Number: 2023-APP-006
Address: 1831 Lafayette Street (approximate address)
Location: Wayne Township, Council District #11
Zoning: PK-1 (FW)
Petitioner: City of Indianapolis, Department of Parks and Recreation, by Jason Larrison
Request: Park District One Approval to provide for playground equipment, a rubberized play surface and walking paths.

Case Number: 2023-APP-007
Address: 2401 Howard Street (approximate address)
Location: Wayne Township, Council District #16
Zoning: PK-1
Petitioner: City of Indianapolis, Department of Parks and Recreation, by Jason Larrison
Request: Park District One Approval to provide for playground equipment, a rubberized play surface and walking paths.

(Continued)

RECOMMENDATIONS

Staff **recommends approval** of these requests.

SUMMARY OF ISSUES

The following issues were considered in formulating the recommendation:

PARK DISTRICT-ONE APPROVAL

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

(Continued)

blended transitions must be provided. If sidewalks are required to be installed, the Administrator or the Commission must be guided by the provisions of Section 744-304 for the installation of sidewalks.

- ◇ The Comprehensive Plan recommends either park, large-scale park, or suburban neighborhood, for the sites. Small-scale parks are generally for public or private parks that are under 10 acres in size. Large-scale parks are generally for public and private parks that are over 10 acres in size. “The 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 the navigability of the development. This typology generally has a residential density of one to five units per acre, but a higher density is recommended if the development is within a quarter-mile of a frequent transit line, greenway, or park.”
- ◇ Each site plan indicates the proposed improvements would be within the park boundaries. Staff supports these requests.

GENERAL INFORMATION

EXISTING ZONING AND LAND USE – 2023-APP-003

PK-1

Park

SURROUNDING ZONING AND LAND USE

North -	D-5	Single-family dwellings
South -	C-3	Single-family dwellings
East -	D-5	Single-family dwellings
West -	D-5	Single-family dwellings

COMPREHENSIVE LAND USE PLAN	The Comprehensive Land Use Plan for Indianapolis and Marion County (2018) recommends park development.
THOROUGHFARE PLAN	11 th Street, Medford Avenue, and Sharon Avenue are designated in the Marion County Thoroughfare Plan as local streets, with existing and proposed 48-foot rights-of-way.
CONTEXT AREA	This site is located within the compact context area.
OVERLAY	There are no overlays for this site.

EXISTING ZONING AND LAND USE – 2023-APP-004

PK-1

Park

SURROUNDING ZONING AND LAND USE

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

(Continued)

(Continued)

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

THOROUGHFARE PLAN Centennial Street and Groff Avenue are designated in the Marion County Thoroughfare Plan as local streets, with an existing and proposed 50-foot rights-of-way.

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

OVERLAY There are no overlays for this site.

EXISTING ZONING AND LAND USE – **2023-APP-005**

PK-1

Park

SURROUNDING ZONING AND LAND USE

North - C-S

Self-storage facility

South - D-7

Multi-family dwellings

East - D-4

Single-family dwellings

West - SU-2

School

COMPREHENSIVE LAND USE PLAN

The Comprehensive Land Use Plan for Indianapolis and Marion County (2018) recommends suburban neighborhood development, with a portion of the site within a floodway.

THOROUGHFARE PLAN

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

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

OVERLAY There are no overlays for this site.

EXISTING ZONING AND LAND USE – **2023-APP-006**

PK-1

Park

SURROUNDING ZONING AND LAND USE

North - PK-1

Municipal Gardens Memorial Grove

South - D-5

Single-family dwellings

East - PK-1

White River

West - C-4

Commercial

COMPREHENSIVE LAND USE PLAN

The Comprehensive Land Use Plan for Indianapolis and Marion County (2018) recommends large-scale park, with a portion of the site within a floodway.

THOROUGHFARE PLAN

Lafayette Road is designated in the Marion County Thoroughfare Plan as a primary arterial, with an existing and proposed 78-foot right-of-way.

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

OVERLAY There are no overlays for this site.

(Continued)

EXISTING ZONING AND LAND USE – 2023-APP-007

PK-1

Park

SURROUNDING ZONING AND LAND USE

North - I-3 / C-7

Outdoor storage / commercial

South - D-5

Single-family dwelling

East - C-1 / D-5

Single-family dwellings

West - I-3

Industrial

**COMPREHENSIVE LAND USE
PLAN**

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

THOROUGHFARE PLAN

Howard Street and Pershing Avenue are designated in the Marion County Thoroughfare Plan as local streets, with existing and proposed 48-foot rights-of-way.

CONTEXT AREA

This site is located within the Compact context area.

OVERLAY

There are no overlays for this site.

SITE PLANS – ALL SITES

File-dated February 27, 2023

ELEVATIONS

None

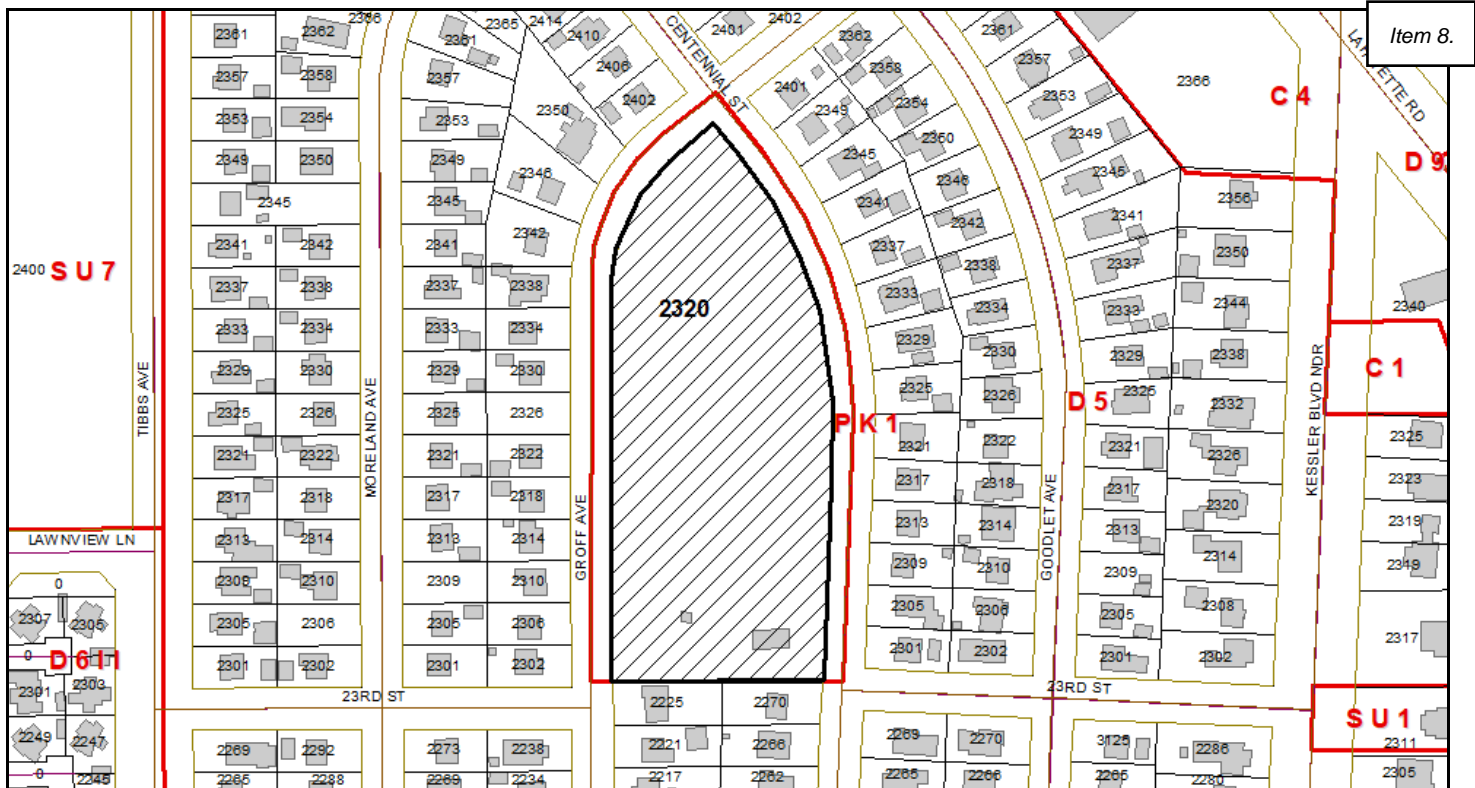
ZONING HISTORY

None.

JY

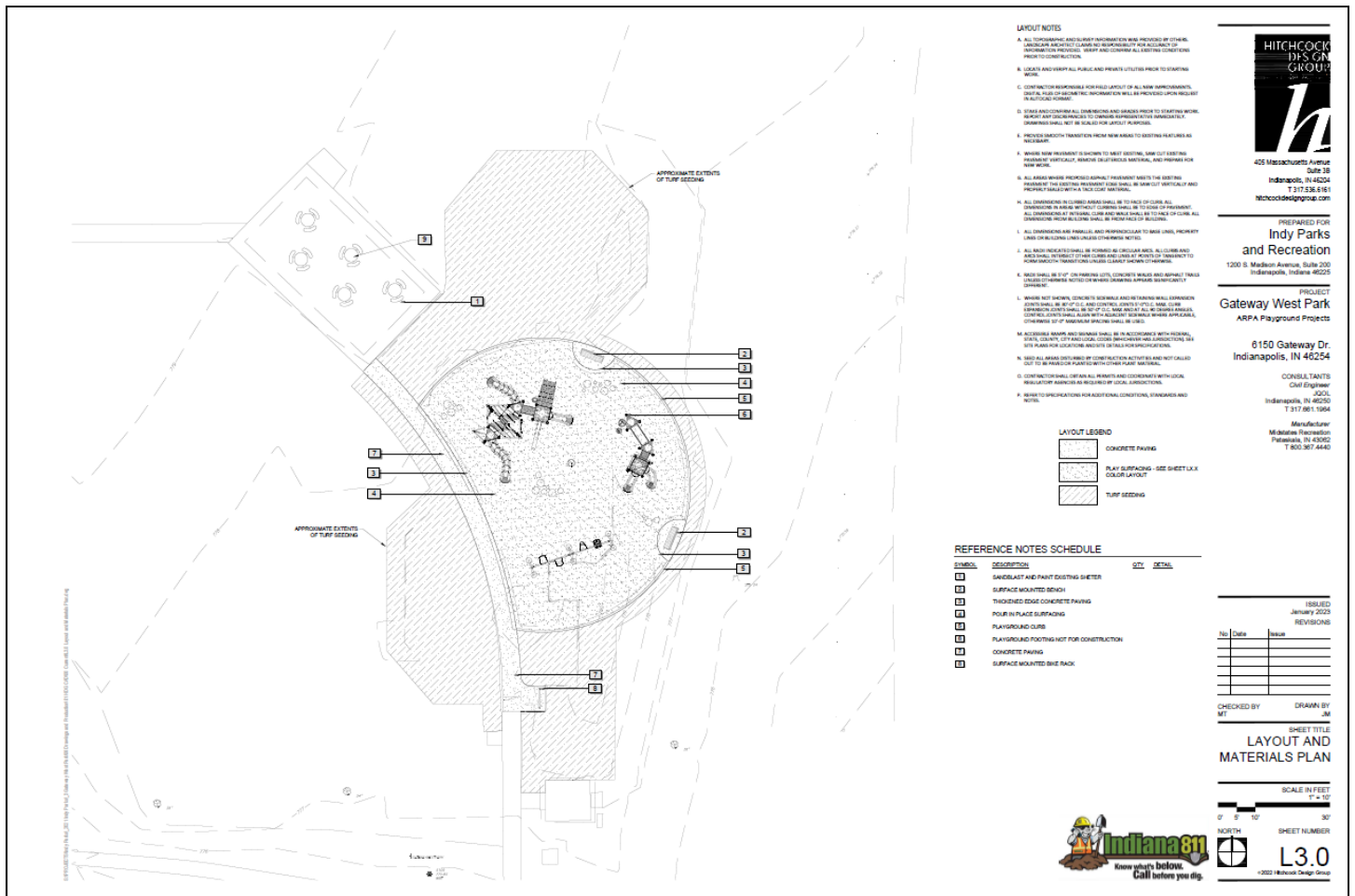
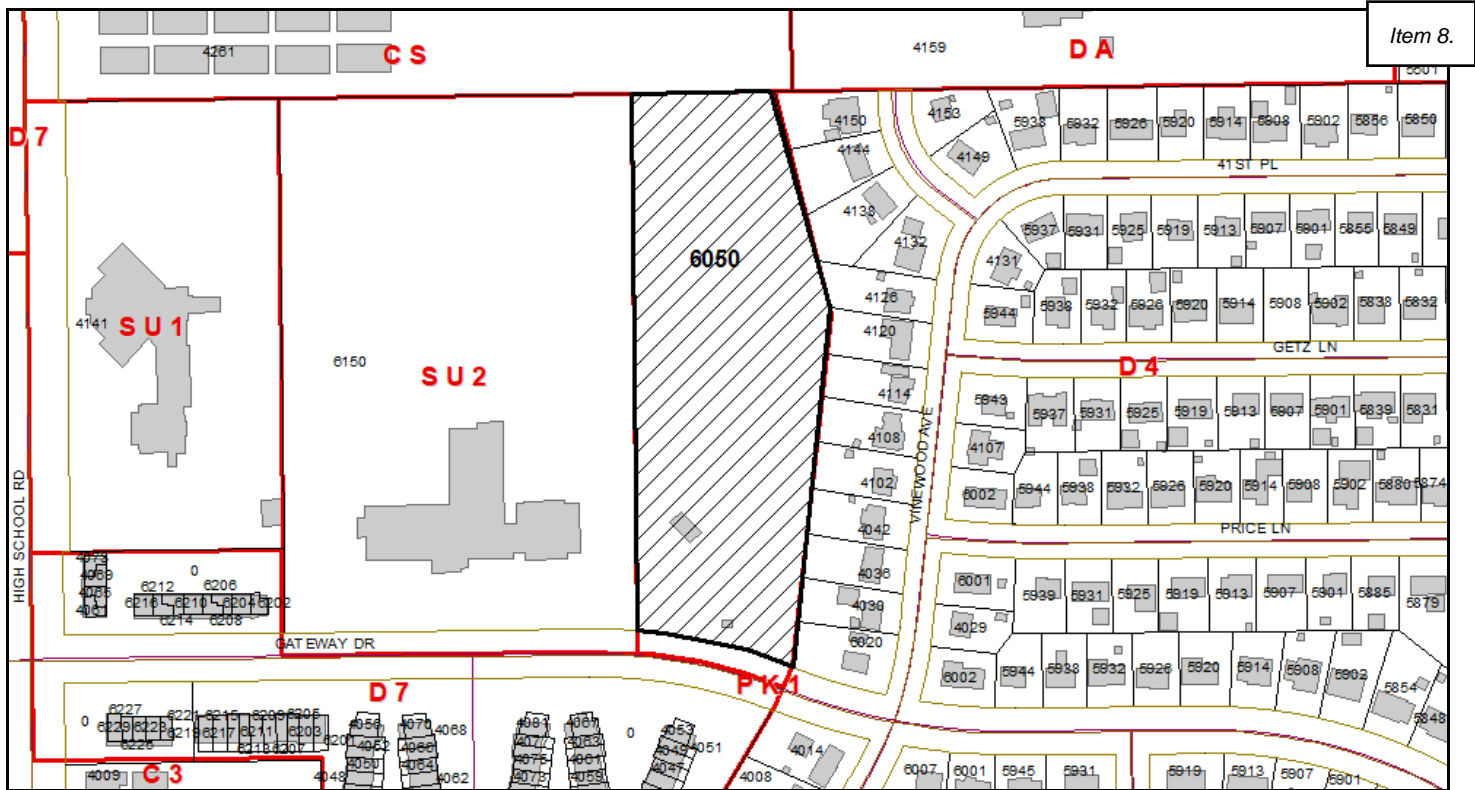


Photos – 1020 Sharon Avenue – 2023-APP-003





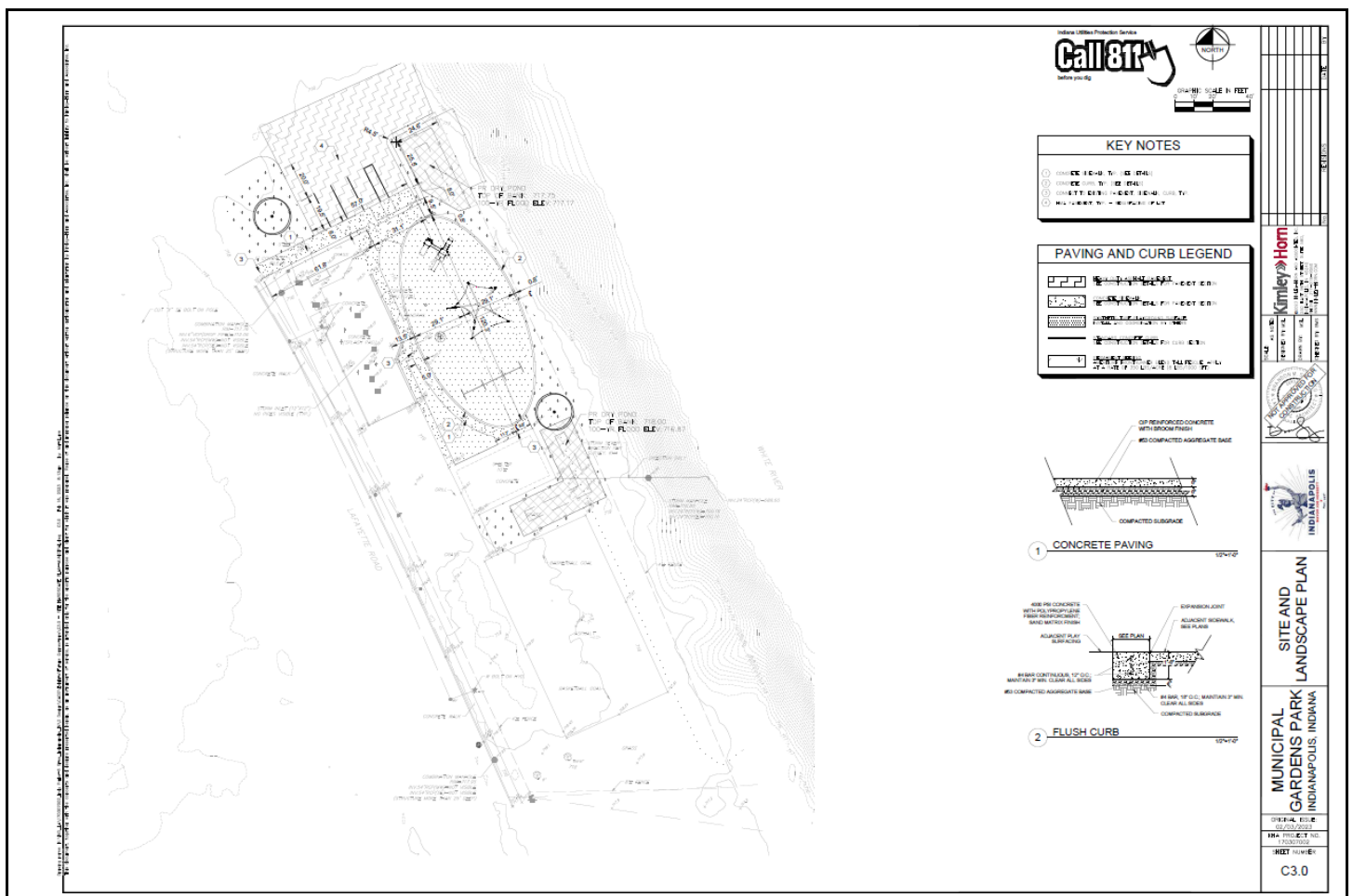
Photos – 2320 North Centennial Street – 2023-APP-004



Map and Site plan – 6050 Gateway Drive – 2023-APP-005



Photos – 6050 Gateway Drive – 2023-APP-005



Map and Site plan – 1831 Lafayette Road – 2023-APP-006



Photos – 1831 Lafayette Road – 2023-APP-006



Photos – 2401 Howard Street – 2023-APP-007

STAFF REPORT

Item 13.

Department of Metropolitan Development Division of Planning Current Planning Section

Case Number: 2023-MOD-005
Address: 2205 North Delaware Street (*Approximate Address*)
Location: Center Township, Council District #11
Zoning: C-S
Petitioner: Delaware 632, LLC, by Timothy E. Ochs
Request: Modification of the Development Statement and Site Plan, related to 2015-CZN/CVR-817, to replace the approved site plan with the one filed with this petition, which shows 81 parking spaces and an enclosed patio for outdoor seating (previous site plan showed 83 parking spaces).

RECOMMENDATIONS

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

SUMMARY OF ISSUES

The following issues were considered in formulating the recommendation:

LAND USE ISSUES

- ◇ This 0.8-acre site, zoned C-S, is fully developed with a mixed-use building, consisting of 47 multi-family dwellings, 8,920 square feet of retail space, outdoor seating, resident amenities, including a fitness center, 29 surface parking spaces and 54 garage parking spaces. The site is located at the northeast corner of 22nd Street and Delaware Street. To the north are single-family dwellings, zoned D-8, to the east is vacant commercial, zoned D-8, to the south, with Herron-Morton Place, is single- and multi-family dwellings and to the west is a gasoline station, zoned C-4.

MODIFICATION

- ◇ This request would modify the Development Statement and Site Plan, related to 2015-CZN-817 . 2015-CZN-817, to allow for an enclosed area to add seating to an existing restaurant, reducing the surface parking count from 29 spaces to 27 spaces and the overall on-site parking spaces from 83 to 81.
- ◇ As proposed, the site plan would be altered behind the building line, along 22nd Street, to provide for the enclosed seating area. The two surface parking spaces that would be removed were within an area under roof and could not be seen from 22nd Street. This area is noted as the southern-most surface parking spaces on the original site plan.
- ◇ Staff believes the proposed amendments would be minor and have minimal impact on surrounding land uses, while providing an additional housing option. Staff is, therefore, in support of this request.

(Continued)

GENERAL INFORMATION

EXISTING ZONING AND LAND USE

C-S

Mixed-use development

SURROUNDING ZONING AND LAND USE

North - D-8

Single-family dwellings

South - D-8

Single- and multi-family dwellings

East - D-8

Vacant commercial / single-family dwellings

West - C-4 / D-8

Gasoline station / single-family dwellings

COMPREHENSIVE LAND USE
PLAN

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

THOROUGHFARE PLAN

This portion of Delaware Street is designated in the Marion County Thoroughfare Plan as a primary arterial with an existing and proposed 78-foot right-of-way. 22nd Street is designated as a primary arterial with an existing and proposed 56-foot right-of-way

CONTEXT AREA

This site is located within the compact context area.

OVERLAY

There is no overlay for this site.

SITE PLAN

File-dated March 9, 2023

ELEVATIONS

File-dated March 9, 2023

C-S STATEMENT

File-dated March 9, 2023

ZONING HISTORY - SITE

2016-DV1-012; 2205 North Delaware Street, requested a variance of development standards of the Consolidated Subdivision and Zoning Ordinance to provide for a bar / tavern, located 80 feet from the nearest protected district, **approved**.

2015-CZN-817 / 2015-CVR-817; 2205 North Delaware Street, requested a rezoning of 0.8-acre, from the C-3 district to the C-S classification to provide for a four-story, 60-foot tall, 90,000-square-foot mixed-use development, with a parking garage, 47 dwelling units and 8,850-square-foot of retail area and 83 spaces, and a variance of development standards of the Consolidated Subdivision and Zoning Ordinance to provide for a 60-foot tall mixed-use building, with an 11-foot north side transitional yard setback, a five-foot east side transitional yard setback, with reduced landscaping, a 40-foot front setback along Delaware Street, a 31-foot front setback along 22nd Street, with reduced landscaping, a 20-foot drive lane width from Delaware Street and 22nd Street and a fenced outdoor seating area and building awnings within the rights-of-way of Delaware Street and 22nd Street, **approved**.

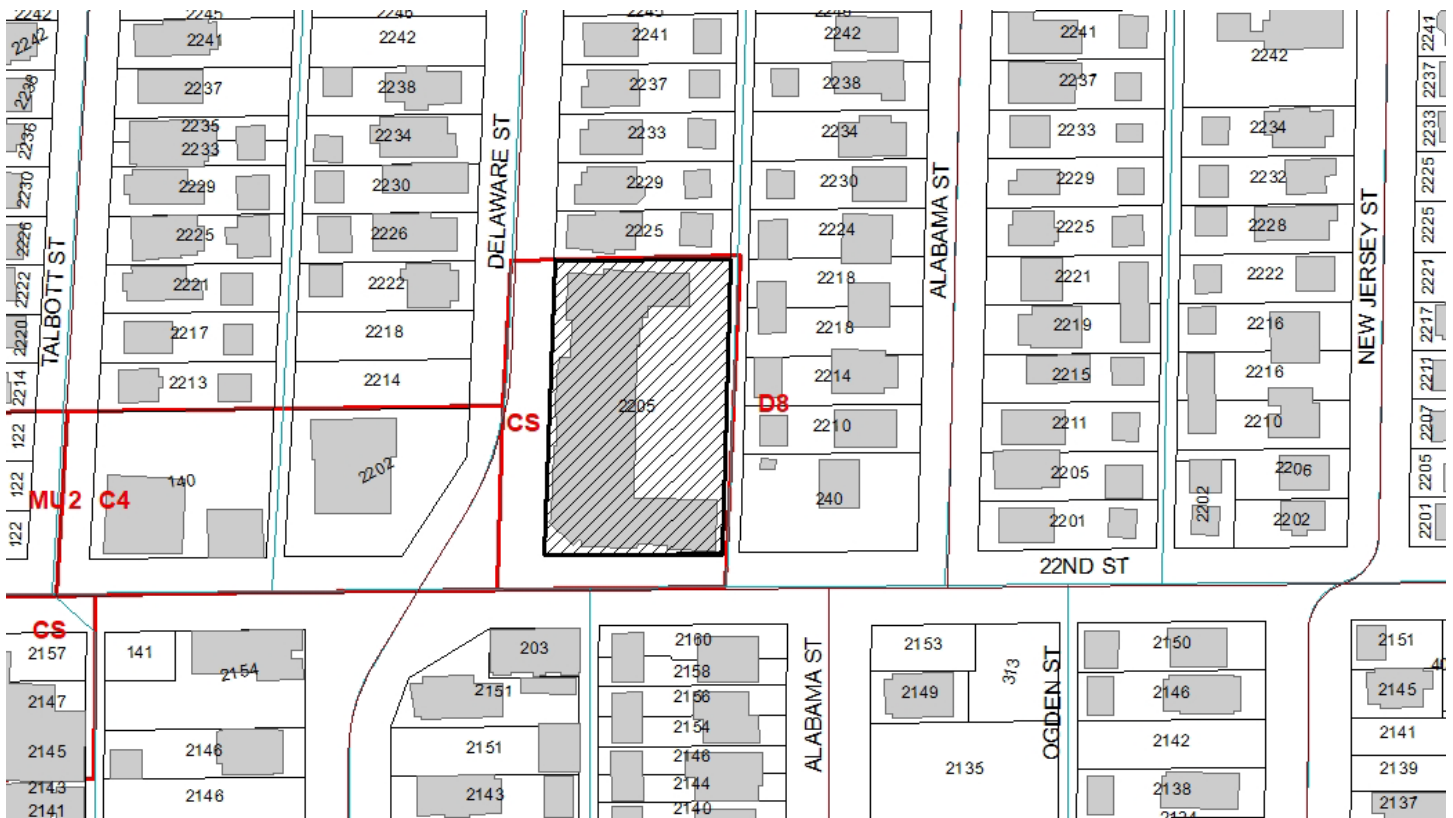
(Continued)

ZONING HISTORY - VICINITY

2018-DV2-033; 2230 North Delaware Street, requested a variance of development standards of the Consolidated Subdivision and Zoning Ordinance to provide for additions to a single-family dwelling, with a 10-foot front setback, and six and nine feet between dwellings and to legally establish a two-foot north side yard setback, **granted**.

2016-UV1-024; 2218 North Delaware Street, requested a variance of use and development standards of the Consolidated Subdivision and Zoning Ordinance to provide for a 30-foot-tall accessory building, with an 840-square-foot secondary dwelling unit, **granted**.

JY





Department of Metropolitan Development
200 E. Washington Street, 18th fl.
Indianapolis, Indiana 46204
317-327-4406

Attn: Linda Albrand

RE: 2205 N. Delaware Street (22nd and Delaware)
June 18th, 2015

RECEIVED
JUN 18 2015
METROPOLITAN DEVELOPMENT

PETITIONERS STATEMENT

Dear Linda

Studio 3 Design is pleased to submit the attached development at 2205 Delaware Street (22nd and Delaware). The following document outlines the project scope for the site and is based around the requested Rezoning of the property from C-3 to C-S zoning. We have met with the neighborhood group as well as interested retailers at this point and have favorable support heading into this submission.

Project Location:

The project is located at the Northeast corner of 22nd and Delaware streets. The site is currently comprised of a vacant lot.

Zoning:

We are requesting a rezoning of the property from C-3 to C-S to allow for a mixed use development comprised of approx. 8,800 sf of level 1 retail and upscale market rate apartments. As part of the rezoning, we are requesting height standards up 4 levels and reduced setbacks to property line on Delaware and 22nd streets as well as 9'x 18' parking stalls and 20' drive aisles. Each of these items is outlined on the attached drawings and site plan.

Proposed Land Use:

The Site will be developed as a 4 level urban apartment building set over retail and a full underground parking garage. The street level will serve primarily for Retail with upwards of 8,800 sf available. A pedestrian entrance and building amenity space are located on street level at the North end of the building along Delaware street. A full underground garage sits under the building with another ½ deck of parking above at street level behind the building. The upper here (3) floors will be occupied by a mix of studio, one, and two bedroom apartments. The building steps down to 3 levels at the north end as it engages the neighborhood. An outdoor sky lounge and garden area for use by the tenants will be provided on part of this lowered zone. The sky

22nd and Delaware
June 18th, 2015
Page 2

lounge will provide an outdoor living area for residence to gather and enjoy the downtown view, have a barbeque or just kick back and relax.

Parking Strategy

83 parking spaces serve the retail tenants and the apartment tenants on site.
On site - 54 garage spaces and 29 surface spaces
Street parking - 4 public spaces front the building on Delaware and (4) public spaces are proposed for along the North side of 22nd street.

Parking , Unit and Bed Counts:

<u>Units</u>	<u>Total Unit Count</u>	<u>Total beds</u>	<u>Total parking</u>	<u>Ratio</u>
Studio	12	12	12 spaces	1:1
1 Bed	24	24	24 spaces	1:1
2 bed	11	22	11 spaces	1:2
Extra	0	0	09 spaces	
Totals:	47 units	58 beds	54 parking spaces	

Retail Parking:
1 space per 305 sf of Retail space 8,850 sf 29 on-site Parking spaces
Up to eight (8) street spaces (4 on Delaware) 4 new proposed along 22nd street.

Extra garage spaces would be available for rent by tenants or retailers.

Project organization, scale and architecture:

The building architecture is developed with a more urban, modern feel. The first floor is predominantly retail space and is lined with 10' high storefront windows with canopy structures overhead to highlight the retail tenants. The building massing is broken down into smaller vertical modules that step in and out along the façade to provide visual interest and relief to the overall mass. Vertical ribs divide balcony units and provide an opportunity for color and material changes as well as building signage. The corner is articulated with large scale storefront windows on each level, modified material palette and a sloped roof plan along with an opportunity for retail signage on the corner.

The primary building material will be a mix of larger scale cement panel in gray, blue and black colors, a red and gray brick with brick banding and detailing at windows and floor lines. A cast stone band further defines the building base and acts as a divider between the retail and the residential floors above. This same level of articulation is carried around the building to create a 360 degree architectural treatment that is sensitive to its surrounding and refined in its composition and detailing.

Ganged residential windows create larger scale openings and maximize internal natural lighting, and a flat white TPO roof is provided for energy efficiency. Level one (street level) will also serve as a common entrance for the apartment building with the entrance tied to the drive that enters under the building to access the retail parking behind.

The underground parking garage for the tenants is accessed from the alley and includes an elevator for accessibility as well as ample area for secured bike storage on site.

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METROPOLITAN DEVELOPMENT

22nd and Delaware
June 18th, 2015
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Building Height:

As part of the rezoning to C-S we would set a max building height at 60'. This will allow the proposed 4 level building to have a taller first floor retail bay, 9 to 10' ceilings in the apartments and variations in parapet height and detailing.

Modifications to Street Corner:

The attached site plan shows a proposed modification to the intersection of 22nd and Delaware to remove the current island and right on red turn lane and replace it with a wider sweeping turn with a no turn on red at the intersection. The change will create a larger zone for landscaping and outdoor seating at the corner. Initial discussions have begun with the City on this proposed change. The current brick pillar in the landscape island will be replaced with another identifier for the neighborhood within the modified bump at the corner.

Streetscape

A hard-scape walk with a simple rhythm of street trees and acorn style light fixtures will wrap the building along 22nd street and Delaware. Outdoor seating for the retailers is proposed at the corner and partially down 22nd and Delaware streets as an amenity to enhance street life and the vibrancy of the development. Additional landscape buffers will be developed between the development and the neighboring property to the north as well as along the alley.

Building Signage:

Building signage will be internally lite channel letters with either illuminated faces or back lit letters denoting the building name (vertically) at the main entrance and entry drive as well as horizontally at each individual tenant. The building address will be displayed at the drive entry canopy.

Site Accessibility

Pedestrian access to the building lobby will be from Delaware street, the rear parking area and by elevator / stair form the lower level parking garage. Retail shops will be accessible at grade from 22nd street, Delaware street and the rear retail parking lot. Vehicular access to the site will be from Delaware street with access to the rear parking lot via an entrance under the building and from the alley behind the building. The lower level garage will be accessed via a ramp entering off of the alley.

Environmental Considerations

The developer is interested in providing a building that is sensitive to the concerns of today's built environment. As such, we are reviewing the incorporation of the following into the project:

- "Green friendly" building materials – This includes both materials with recycled content as well as building materials that have been harvested and manufactured within a 500 mile radius. Examples of these materials include brick, CMU blocks, and cast concrete.
- Energy efficient "Energy Star" appliances.
- Energy efficient windows with low-E glazing
- White reflective roofing membrane for energy conservation and reduced heat island effect at flat roof areas.
- Use of larger window openings for natural day lighting of interior spaces to cut down on the use of artificial lighting.
- Energy efficient lighting fixtures

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METROPOLITAN DEVELOPMENT

22nd and Delaware
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- Building shell and demising wall insulation.

Encroachments:

The project may require the following encroachments with the city:

- Building awnings along 22nd street
- Site Landscaping in City right of way for street trees.
- Outdoor seating in the public right of way

Stormwater Detention

The site is currently pervious. Storm water detention, if required, will be contained below grade at the north end of the lot outside of the building line and from there will feed into the City storm system.

Trash Removal

An enclosed dumpster location will be provided against the building with access from the alley on the back side and will include a brick surround with wood gates to screen the trash container.

Deliveries:

The building has been set back from the alley to allow for a pull off for delivery trucks to park without blocking the alley. A staging area is provided within the building with covered access to the various tenant locations.

Thank you for your review and input on this exciting addition to the MLK streetscape. Please let me know if you have any questions.

Sincerely;

Tim Cover
Studio 3 Design

RECEIVED
JUN 18 2015
METROPOLITAN DEVELOPMENT

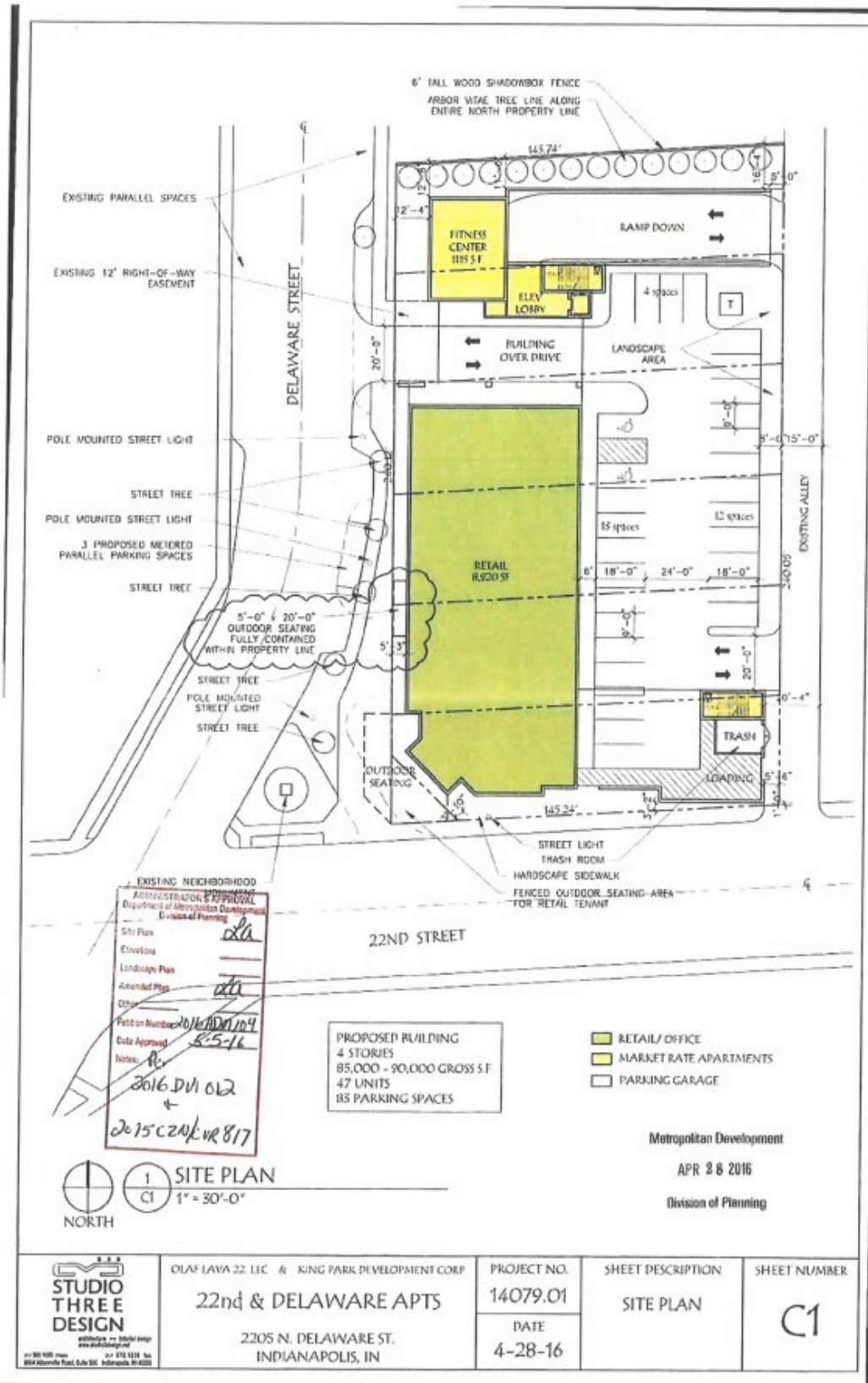
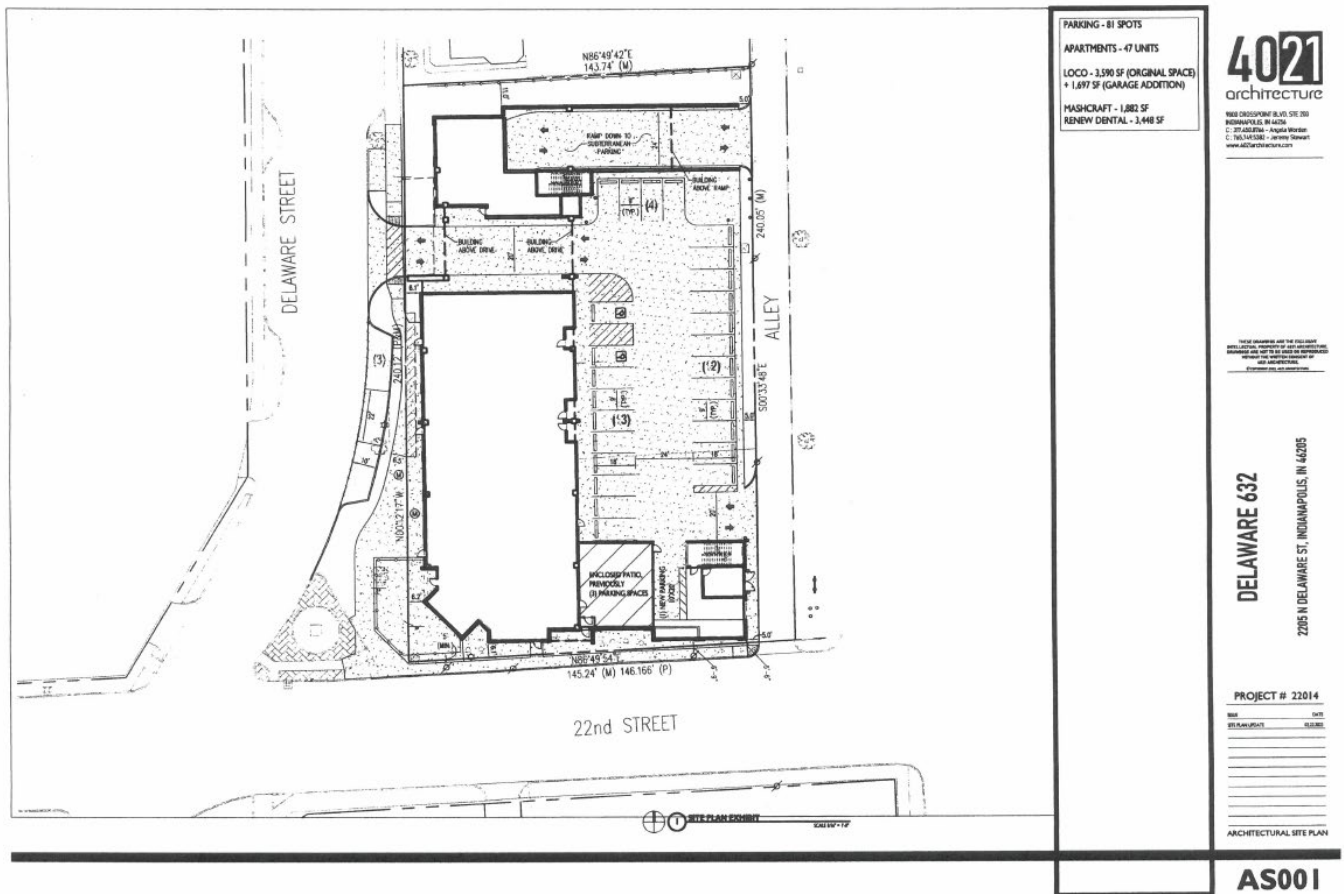


EXHIBIT B

The Development Statement approved as part of 2015-CZN-817 is hereby amended to reflect that 81 parking spaces shall serve the retail tenants and the apartment tenants on site, which shall be comprised of 54 onsite garage spaces and 27 surface spaces. In addition, the Site and Development Plan approved as part of 2015-CZN-817 is hereby replaced with the site plan attached hereto as Exhibit B-1.

Exhibit B-1





Location of restaurant seating



Building along 22nd Street (top); and at corner of 22nd Street and Delaware Street

STAFF REPORT

Department of Metropolitan Development Division of Planning Current Planning Section

Case Number: 2023-ZON-011 (Amended)
Address: 3019 North Gale Street (*Approximate Address*)
Location: Center Township, Council District #17
Petitioner: Dewayne Michaels Group, LLC, by David E. Dearing
Request: Rezoning of 0.14 acre from the SU-1 district to the D-5II district to provide for residential uses.

RECOMMENDATION

Staff **recommends approval** of this request.

SUMMARY OF ISSUES

The following issues were considered in formulating the recommendation.

LAND USE

- ◇ The subject site was platted as part of C.A. Greenleaf's Subdivision in 1872. Historic mapping indicates that a dwelling has stood on the site for over a century.
- ◇ The 2018 Comprehensive Land Use Plan recommends Traditional Neighborhood for the subject site. This typology envisions a full spectrum of housing types, ranging from single family homes to large-scale multi-family housing with a development pattern that is compact and well-connected. This typology usually has a residential density of five to fifteen dwelling units per acre, but a higher density in proximity of a transit line, greenway, or park.

ZONING

- ◇ This petition requests a rezoning from the SU-1 district to the D-5II district. The SU-1 provides for religious uses. The D-5II district permits single-family and two-family dwellings, multi-unit houses and rowhouses. Minimum lot width in the D-5 for a single-family dwelling is 25 feet as compared to the D-5 district, which is common in the vicinity and where the minimum lot width is 40 feet. This is significant because the subject lot appears to be 34 feet wide.

(Continued)

STAFF REPORT 2023-ZON-011 (Amended) (Continued)

- ◇ The D-5II district is appropriate as it is responsive to the Traditional Neighborhood recommendation of the Comprehensive Land Use Plan.

GENERAL INFORMATION

EXISTING ZONING, CONTEXT AREA, AND LAND USE

SU-1	Compact	Vacant single-family dwelling
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SURROUNDING ZONING AND LAND USE

North	D-5	Vacant lot used for parking
South	SU-1	Vacant lot
East	SU-1	Vacant lot
West	D-5	Vacant lot

COMPREHENSIVE LAND USE PLAN	The Center Township Comprehensive Plan (2018) recommends Traditional Neighborhood.
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THOROUGHFARE PLAN	Gale Street is classified in the Official Thoroughfare Plan for Marion County, Indiana as a Local Street, with a 50-foot existing right-of-way and a 48-foot proposed right-of-way.
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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

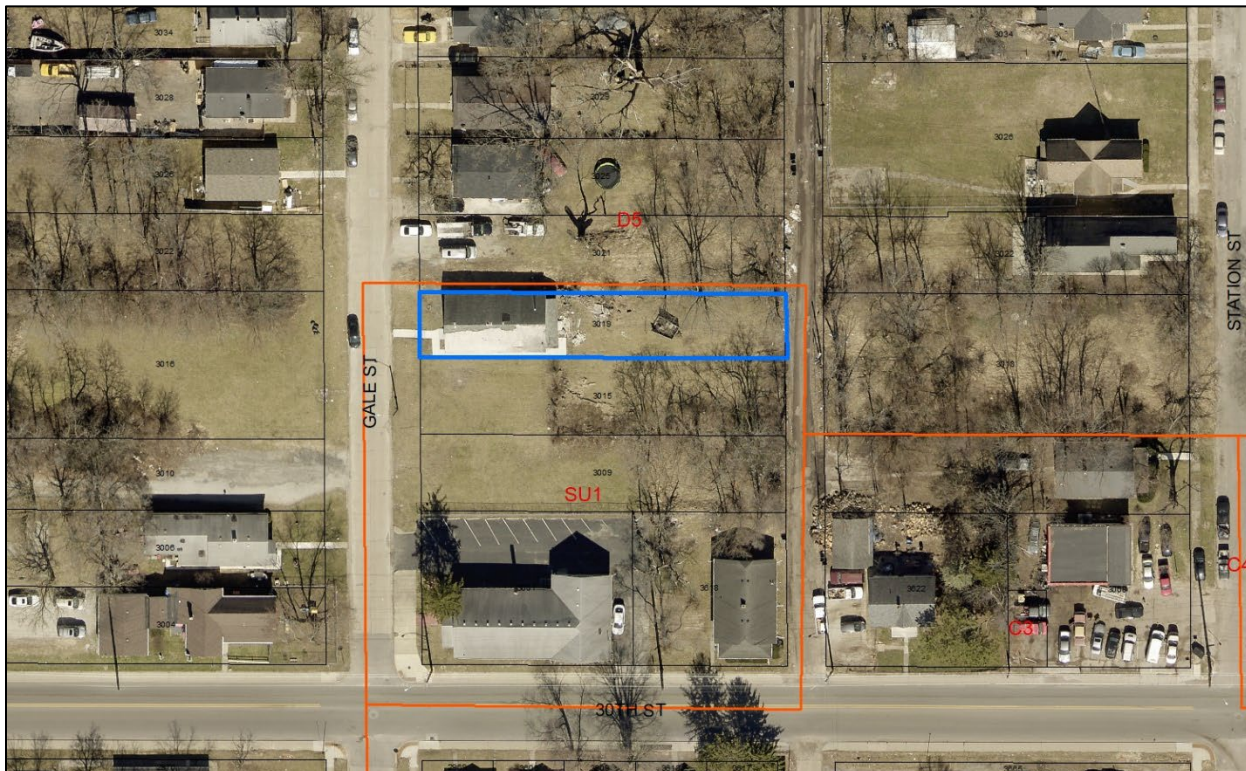
None

klh

STAFF REPORT 2023-ZON-011 (Amended), Location



STAFF REPORT 2023-ZON-011 (Amended), Aerial photograph (2022)



STAFF REPORT 2023-ZON-011 (Amended), Photographs



Looking east from Gale Street at the subject site.



Looking east from the structure on the site across the back yard.



Looking southeast at the neighbors to the south. The subject site is to the left.



Looking northeast from Gale Street to the neighbors to the north. The site is to the right.



Looking west across Gale Street from the site.



Looking south on Gale Street from in front of the site.

STAFF REPORT

Item 15.

Department of Metropolitan Development Division of Planning Current Planning Section

Case Number: 2023-ZON-017
Address: 1416 English Avenue (*Approximate Address*)
Location: Center Township, Council District #17
Petitioner: Ebuka Unogu, by Mark and Kim Crouch
Request: Rezoning of 0.08 acre from the D-5 district to the D-5II 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. The site and improved areas within the site shall be maintained in a reasonably neat and orderly manner during and after development of the site with appropriate areas and containers / receptables provided for the proper disposal of trash and other waste.
2. Elevations shall be submitted for Administrator Approval prior to the issuance of an Improvement Location Permit (ILP). Features would include, but not be limited to, a pitched roof and consideration of building height and building massing.

SUMMARY OF ISSUES

The following issues were considered in formulating the recommendation:

LAND USE ISSUES

- ◇ This 0.08-acre site, zoned D-5, is undeveloped and surrounded by industrial uses to the north, zoned I-2; single-family dwellings, across English Avenue to the south, zoned D-5; a single-family dwelling to the east, zoned D-5; and attached single-family dwellings to the west, zoned D-P.

REZONING

- ◇ This request would rezone the site from D-5 District to the D-5II classification to provide for residential uses. "The D-5II district is intended for small-lot housing formats, primarily for small, detached houses, 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."

(Continued)

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

Conditions for All Housing

- A mix of housing types is encouraged.
- Should be within a one-mile distance (using streets, sidewalks, and/or off-street paths) of a school, playground, library, public greenway, or similar publicly-accessible recreational or cultural amenity that is available at no cost to the user.
- Primary structures should be no more than one and a half times the height of other adjacent primary structures.
- Should be oriented towards the street with a pedestrian connection from the front door(s) to the sidewalk. Driveways/parking areas do not qualify as a pedestrian connection.
- Developments with densities higher than 15 dwelling units per acre should have design character compatible with adjacent properties. Density intensification should be incremental with higher density housing types located closer to frequent transit lines, greenways or parks.

(Continued)

Detached Housing

- The house should extend beyond the front of the garage. Garages should be loaded from an alley or side street when possible and should be detached if located on the side of the house.
 - Secondary units are encouraged.
- ◇ The Pattern Book also provides guidance when a site is located within an overlay. Modifications are recommended that specifically address the constraints / opportunities presented by the overlay. In this case, the site is located within the Transit-Oriented Development (TOD) overlay.

Removed Uses

- Detached Housing - Where detached housing already exists, secondary units are encouraged. Detached housing is not recommended as new development.

Overlays

- ◇ This site is also located within an overlay, specifically the Transit Oriented Development (TOD). “Overlays are used in places where the land uses that are allowed in a typology need to be adjusted. They may be needed because an area is environmentally sensitive, near an airport, or because a certain type of development should be promoted. Overlays can add uses, remove uses, or modify the conditions that are applied to uses in a typology.”
- ◇ The Transit-Oriented Development (TOD) overlay is intended for areas within walking distance of a transit station. The purpose of this overlay is to promote pedestrian connectivity and a higher density than the surrounding area.
- ◇ This site is located within a ½ mile walk of a proposed transit stop located at the intersection of East Washington Street and Arsenal Avenue, with a District Center typology.
- ◇ District Center stations are located at the center of regionally significant districts with several blocks of retail or office at their core. Development opportunities include infill and redevelopment, dense residential, employment near transit stations, neighborhood retail and a focus on walkability and placemaking.
- ◇ Characteristics of the District Center typology are:
- A dense mixed-use hub for multiple neighborhoods with tall buildings
 - Minimum of 3 stories at core with no front or side setbacks
 - Multi-family housing with a minimum of 5 units
 - Structured parking only with active first floor

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.

(Continued)

- ◇ 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.

Infill Housing Guidelines

- ◇ The Infill Housing Guidelines were updated and approved in May 2021, with a stated goal “to help preserve neighborhood pattern and character by providing guiding principles for new construction to coexist within the context of adjacent homes, blocks, and existing neighborhoods. These guidelines provide insight into basic design concepts that shape neighborhoods, including reasons why design elements are important, recommendations for best practices, and references to plans and ordinance regulations that reinforce the importance of these concepts.”
- ◇ These guidelines apply to infill development in residential areas within the Compact Context Area and include the following features:

Site Configuration

- Front Setbacks
- Building Orientation
- Building Spacing
- Open Space
- Trees, Landscaping, and the Outdoors

(Continued)

Aesthetic Considerations

- Building Massing
- Building Height
- Building Elevations and Architectural Elements

Additional Topics

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

- ◇ “As established neighborhoods experience new development, infill residential construction will provide housing options for new and existing residents. Increased population contributes positively to the local tax base, economic development, lively neighborhoods, and an interesting city. As infill construction occurs, it is important to guide development in a way that complements current neighborhoods. Each home in a neighborhood not only contributes to the existing context of adjoining houses and the block, but to the sense of place of the entire neighborhood.”
- ◇ Because no elevations were submitted for review to confirm that the proposed dwelling would architecturally be compatible and harmonious with the surrounding land uses and neighborhood character, staff would request that elevations be submitted for Administrator Approval prior to the issuance of an Improvement Location Permit (ILP).

Site Plan

- ◇ The site plan, file-dated March 2, 2023, depicts a 1,234 square foot detached single-family dwelling, with a 22-foot by 24-foot detached garage. Access to the garage would be gained from the abutting north / south alley to the west.
- ◇ The site plan notes that the dwelling would be two- and one-half stories tall but no elevations were provided.

Planning Analysis

- ◇ As proposed, the request would be consistent with the Comprehensive Plan recommendation of traditional neighborhood.
- ◇ Furthermore, the rezoning would be consistent and support the most recent update to the Ordinance that implements transit-oriented development.
- ◇ Staff would note that the recommended modifications in the Pattern Book would not permit detached housing unless detached housing exists. Except for the attached housing (under construction) to the west of this site, the neighborhood is generally comprised of detached single-family dwellings. Consequently, staff believes the proposed rezoning would be appropriate for this site.

(Continued)

GENERAL INFORMATION

EXISTING ZONING AND LAND USE

D-5 Undeveloped land

SURROUNDING ZONING AND LAND USE

North -	I-2	Industrial uses
South -	D-5	Single-family dwellings
East -	D-5	Single-family dwelling
West -	D-P	Attached dwellings (under construction)

COMPREHENSIVE LAND USE PLAN	<p>The Comprehensive Land Use Plan for Indianapolis and Marion County (2018) recommends traditional neighborhood typology.</p> <p>The Blue Line Transit Oriented Development Strategic Plan (2018).</p>
THOROUGHFARE PLAN	<p>This portion of English Avenue is designated in the Marion County Thoroughfare Plan as a primary arterial with an existing 60-foot right-of-way and a proposed 78-foot right-of-way.</p>
CONTEXT AREA	<p>This site is located within the compact context area.</p>
OVERLAY	<p>This site is located within the Transit Oriented Development (TOD) overlay.</p>
SITE PLAN	<p>File-dated March 2, 2023</p>

ZONING HISTORY

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

2022-DV1-011; 1422 English Avenue (west of site), requested a variance of development standards of the Consolidated Zoning and Subdivision Ordinance to legally establish an existing structure with a one-foot east side setback and seven-foot rear yard setback and provide for building additions resulting in a single-family dwelling with a six-foot east side yard setback, a zero-foot west side setback, a seven-foot rear yard setback and an open space of 24 percent, **withdrawn**.

2021-ZON-014; 1400 English Avenue (west of site), requested the rezoning of 1.85 acres from the SU-1 district to the D-P district for 37 dwelling units, consisting of 31 single-family attached dwellings and six single-family detached dwellings at a density of 20 units per acre, **approved**.

(Continued)

2018-DV3-041; 1423-1425 English Avenue (south of site), requested a variance of development standards to provide for a two-family dwelling on a 5,000 square-foot, 40-foot-wide lot with 48% open space, **denied**.

2018-CZN-868 / 2018-CVR-868; 1236 English Avenue (west of site), requested rezoning of 0.25 acre from the C-1 district to the D-8 classification and a variance of development standards to provide for five single-family attached dwellings/lots, with three 16.67-foot wide lots, with 600 square feet of main floor area, with 51% open space, with five-foot front setbacks, five feet from the dwelling to the west, with three-foot side setbacks, **approved and granted**.

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

2018-DV1-026, 1236 English Avenue (west of site), requested a variance of use of the Consolidated Zoning and Subdivision Ordinance to provide for three single-family dwellings and a secondary dwelling on the westernmost lot of three lots, with a three-foot front transitional setback for the easternmost dwelling, **granted**.

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

2018-HOV-068; 1417 Deloss Street (north of site), requested a variance of use and development standards to provide for primary and accessory residential uses, including but not limited to a single-family dwelling and detached garage with reduced setbacks, **granted**.

2018-HOV-056; 1421 Deloss Street (north of site), requested a variance of use and development standards to provide for primary and accessory residential uses, including but not limited to a single-family dwelling and detached garage with reduced setbacks, **granted**.

2017-HOV-040; 1401 and 1405 English Avenue (south of site), requested a variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for two single-family dwellings, with five-foot front setbacks, six feet between dwellings, within the clear sight triangle of the abutting streets, on lots with deficient lot area and width, and with 50% open space, **granted**.

2017-DV1-031; 1447 English Avenue (east of site), requested a variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide a single-family dwelling and detached garage, creating 50% open space, with a 15-foot front setback, with three and nine feet between dwellings, and with a two-foot side yard, **granted**.

(Continued)

2016-DV1-047; 1501 Spann Avenue (south of site), requested a variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for the construction of a single-family dwelling, with eight feet between primary buildings and with an open space of 49%, **granted**.

2005-DV2-010; 1222, 1237, and 1247 Deloss Street (north of site), requested a variance of use and development standards of the Industrial Zoning Ordinance to legally establish off-street parking and loading areas consisting of crushed asphalt (all off-street parking and loading areas must be hard surfaced), **granted**.

2005-ZON-129; 1656 English Avenue (east of site), requested rezoning of 0.07 acre, being in the D-5 District, to the C-3C classification to provide for commercial and residential uses, **approved**.

2004-DV3-043; 1733 Spann Avenue Street (east of site), requested a variance of development standards of the Sign Regulations to provide for a 7.91-square foot illuminated window sign with a two-square foot Electronic Variable Message Component (not permitted), **granted**.

2004-UV3-030; 1641 Deloss Street (north of site), requested a variance of use of the Industrial Zoning Ordinance to provide for an off-site automobile storage lot for an automobile sales facility (not permitted), **granted**.

2003-ZON-103; 1641 Deloss Street (north of site), requested rezoning of 0.567 acre from I-2-U to the C-ID classification to provide for new and used vehicle storage, **withdrawn**.

2001-HOV-013; 1602 Spann Avenue (east of site), requested a variance of development standards of the Dwelling Districts Zoning Ordinance to provide for the construction of a 20 by 24-foot detached garage creating 2,295 square feet of open space of 61.2 percent of the lot area (minimum 2,437.5 square feet of open space or 65 percent of the lot required), **granted**.

97-Z-86; 510 Laurel Street (west of site), requested rezoning of from the C-1 and D-5 districts to the SU-2 classification, **approved**.

97-Z-81; 1402 English Avenue (west of site), requested rezoning of 1.8 acres from the C-1 and I-2-U Districts to the SU-1 classification to provide for religious uses, **approved**.

95-UV1-75; 1719 English Avenue (east of site), requested a variance of use of the Dwelling Districts Zoning Ordinance to legally establish off-street parking for an adjacent industrial use (not permitted), **granted**.

85-UV2-117; 1701 English Avenue (east of site), requested a variance of use of the Industrial Zoning Ordinance to provide for the outdoor display and sales of automobiles, **granted**.

84-UV3-50; 1701 English Avenue (east of site), requested a variance of use and development standards for automobile engine repair in the existing building without adequate setbacks, or transitional yards, **dismissed**.

(Continued)

85-Z-120A; 1006, 1014, 1018 Fletcher Avenue (south of site), requested the rezoning of 0.82 acre, being in the C-5 District to the SU-1 District to provide additional parking for a church, **approved**.

81-UV1-58; 615-628 South State Avenue (south of site), requested a variance of use and development standards for an auto sales lot, **granted**.

79-UV3-34; 615-628 South State Avenue (south of site), requested a variance of use and development standards for an auto sales lot, **granted (two years)**

65-V1-218; 1745 English (east of site), requested a variance of use and setback requirements to erect an addition to the existing warehouse and office building, with off-street parking provided, **approved**.

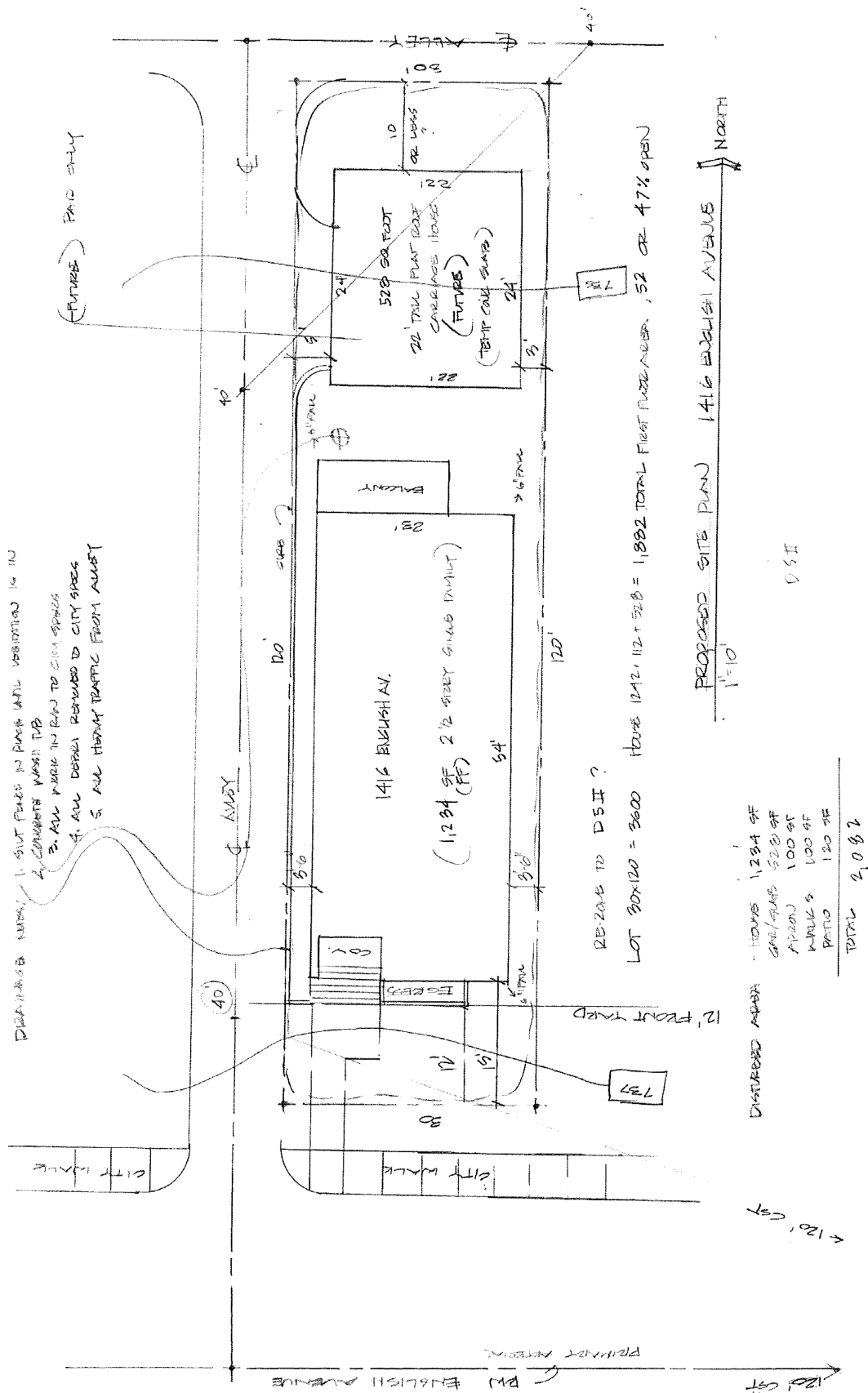
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1416 English Avenue

0 0.004 0.008 0.017 0.025 0.034 Miles







View looking east along English Avenue



View looking west along English Avenue



View looking north across English Avenue



View looking north across English Avenue of site and adjacent property to the east



View looking north across English Avenue at adjacent development to the west



View of site looking south across Deloss Street to the north

STAFF REPORT

Item 16.

Department of Metropolitan Development Division of Planning Current Planning Section

Case Number: 2023-ZON-020
Address: 25 South Tuxedo Street (*Approximate Address*)
Location: Center Township, Council District #12
Petitioner: Marybeth McShea
Request: Rezoning of 0.22 acre from the I-3 (TOD) district to the D-5 (TOD) district to provide for a two-family dwelling.

RECOMMENDATIONS

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

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

SUMMARY OF ISSUES

The following issues were considered in formulating the recommendation:

LAND USE ISSUES

- ◇ This 0.22-acre site, zoned I-3 (TOD), is undeveloped and surrounded by a two-family dwelling to the north, zoned I-3; a single-family dwelling, to the south, zoned I-3; undeveloped land to the east, zoned I-4; and single-family dwelling to the west, across South Tuxedo Street, zoned D-5.

REZONING

- ◇ This request would rezone the site from I-2 District to the D-8 classification to provide for residential uses. "The D-8 district is intended for a variety of housing formats, with a mix of small-scale multi-unit building types. This district can be used as a part of new mixed- use areas, or for infill situations in established urban areas, including medium and high-density residential recommendations of the Comprehensive Plan, and the Traditional Neighborhood, City Neighborhood, and Village or Urban Mixed-Use Typologies of the Land Use Pattern Book."

(Continued)

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

Conditions for All Housing

- A mix of housing types is encouraged.
- Should be within a one-mile distance (using streets, sidewalks, and/or off-street paths) of a school, playground, library, public greenway, or similar publicly accessible recreational or cultural amenity that is available at no cost to the user.
- Primary structures should be no more than one and a half times the height of other adjacent primary structures.
- Should be oriented towards the street with a pedestrian connection from the front door(s) to the sidewalk. Driveways/parking areas do not qualify as a pedestrian connection.
- Developments with densities higher than 15 dwelling units per acre should have design character compatible with adjacent properties. Density intensification should be incremental with higher density housing types located closer to frequent transit lines, greenways or parks.

(Continued)

Attached Housing

- Duplexes should be located on corner lots, with entrances located on different sides of the lot.
 - It is preferred that townhomes should be organized around intersections of neighborhood collector streets, greenways, parks or public squares, or neighborhood-serving retail.
 - If the above conditions are not met, individual buildings of attached housing (not part of a complex) may be interspersed with single-family homes but should not make up more than 25% of the primary residential structures on a block.
- ◇ The Pattern Book also provides guidance when a site is located within an overlay. Modifications are recommended that specifically address the constraints / opportunities presented by the overlay. In this case, the site is located within the Transit-Oriented Development (TOD) overlay.

Modified Uses

- Attached Housing - A residential density of 15+ units per acre is recommended.

Overlays

- ◇ This site is also located within an overlay, specifically the Transit Oriented Development (TOD). "Overlays are used in places where the land uses that are allowed in a typology need to be adjusted. They may be needed because an area is environmentally sensitive, near an airport, or because a certain type of development should be promoted. Overlays can add uses, remove uses, or modify the conditions that are applied to uses in a typology."
- ◇ The Transit-Oriented Development (TOD) overlay is intended for areas within walking distance of a transit station. The purpose of this overlay is to promote pedestrian connectivity and a higher density than the surrounding area.
- ◇ This site is located within the ¼ mile walk of a proposed transit stop at the intersection of East Washington Street and Lasalle Street, with a Community Center typology.
- ◇ District Center stations are defined as having varying types of commercial developments, from large strip centers to shopping malls, along arterial corridors. Development opportunities vary from redevelopment into mixed-use, walkable patterns to multi-family residential infill development
- ◇ Characteristics of the Community Center typology are:
- A dense mixed-use neighborhood center
 - Minimum of 3 stories at core
 - No front or side setbacks at core; 1-10 feet, front setbacks and 0-10 feet side setbacks at the periphery
 - Multi-family housing with a minimum of 3 units
 - Structured parking at the core and attractive surface parking at the periphery

(Continued)

Environmental Public Nuisances

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

Infill Housing Guidelines

- ◇ The Infill Housing Guidelines were updated and approved in May 2021, with a stated goal “to help preserve neighborhood pattern and character by providing guiding principles for new construction to coexist within the context of adjacent homes, blocks, and existing neighborhoods. These guidelines provide insight into basic design concepts that shape neighborhoods, including reasons why design elements are important, recommendations for best practices, and references to plans and ordinance regulations that reinforce the importance of these concepts.”
- ◇ These guidelines apply to infill development in residential areas within the Compact Context Area and include the following features:

(Continued)

Site Configuration

- Front Setbacks
- Building Orientation
- Building Spacing
- Open Space
- Trees, Landscaping, and the Outdoors

Aesthetic Considerations

- Building Massing
- Building Height
- Building Elevations and Architectural Elements

Additional Topics

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

- ◇ “As established neighborhoods experience new development, infill residential construction will provide housing options for new and existing residents. Increased population contributes positively to the local tax base, economic development, lively neighborhoods, and an interesting city. As infill construction occurs, it is important to guide development in a way that complements current neighborhoods. Each home in a neighborhood not only contributes to the existing context of adjoining houses and the block, but to the sense of place of the entire neighborhood.”
- ◇ Because no elevations were submitted for review to confirm that the proposed dwelling would architecturally be compatible and harmonious with the surrounding land uses and neighborhood character, staff would request that elevations be submitted for Administrator Approval prior to the issuance of an Improvement Location Permit (ILP).

Site Plan

- ◇ The site plan, file-dated February 28, 2023, depicts a 3,211 square-foot, two-family dwelling with four covered porches totaling 516 square feet.
- ◇ No off-street parking would be provided.
- ◇ It should be noted that staff’s support of the rezoning request does not constitute approval of the site plan, as submitted.

Planning Analysis

- ◇ As proposed the request would be consistent with the Comprehensive Plan recommendation of traditional neighborhood typology.
- ◇ The site consists of two originally platted lots that have been combined into one lot. Historically, the northern parcel was developed with a single-family dwelling and the southern lot was developed with a two-family dwelling.

(Continued)

- ◇ The residential-sized parcels were developed with dwellings many years ago, which have been demolished. The current I-3 zoning district does not reflect the long-time and historical residential use on these parcels. Staff supports this rezoning because it would match the zoning classification with the proposed residential use.

GENERAL INFORMATION

EXISTING ZONING AND LAND USE

I-3 (TOD)	Undeveloped land
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SURROUNDING ZONING AND LAND USE

North -	I-2 (TOD)	Two-family dwelling
South -	I-2 (TOD)	Single-family dwelling
East -	I-4 (TOD)	Undeveloped land
West -	D-5 (TOD)	Single-family dwelling

COMPREHENSIVE LAND USE PLAN

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

The Blue Line Transit Oriented Development Strategic Plan (2021).

THOROUGHFARE PLAN

This portion of South Tuxedo 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 located within the transit-oriented development overlay.

SITE PLAN

File-dated February 29, 2023

ZONING HISTORY

2018-ZON-113; 4011 East New York Street, 2652 (2654-parcel) Brookside Avenue, 3031 (452 North Gray Street – parcel) and 3109 East Michigan Street, 38 and 54 South Oxford Street, 36 and 60 South Dearborn Street, 34 South Tuxedo Street, 47 South Gray Street, 43 and 52 South LaSalle Street), requested rezoning of 1.26 acres from the C-3, MU-1 and I-3 districts to the D-5 classification., approved.

2004-UV2-037; 27 South Tuxedo Street (south of site), requested a variance of use and Development standards of the Industrial Zoning Ordinance to legally establish a two-family dwelling and a detached accessory building, granted.

(Continued)

92-UV1-4; 3401 East Washington Street (north of site), requested a variance of use of the Industrial Zoning Ordinance to permit the continued operation of automobile sale, **granted**.

87-UV3-86; 32 South Tuxedo Street (south of site), requested a variance of use of the Industrial Zoning Ordinance to provide for construction and use of a garage attached to an existing single-family residence without the required setback, **granted**

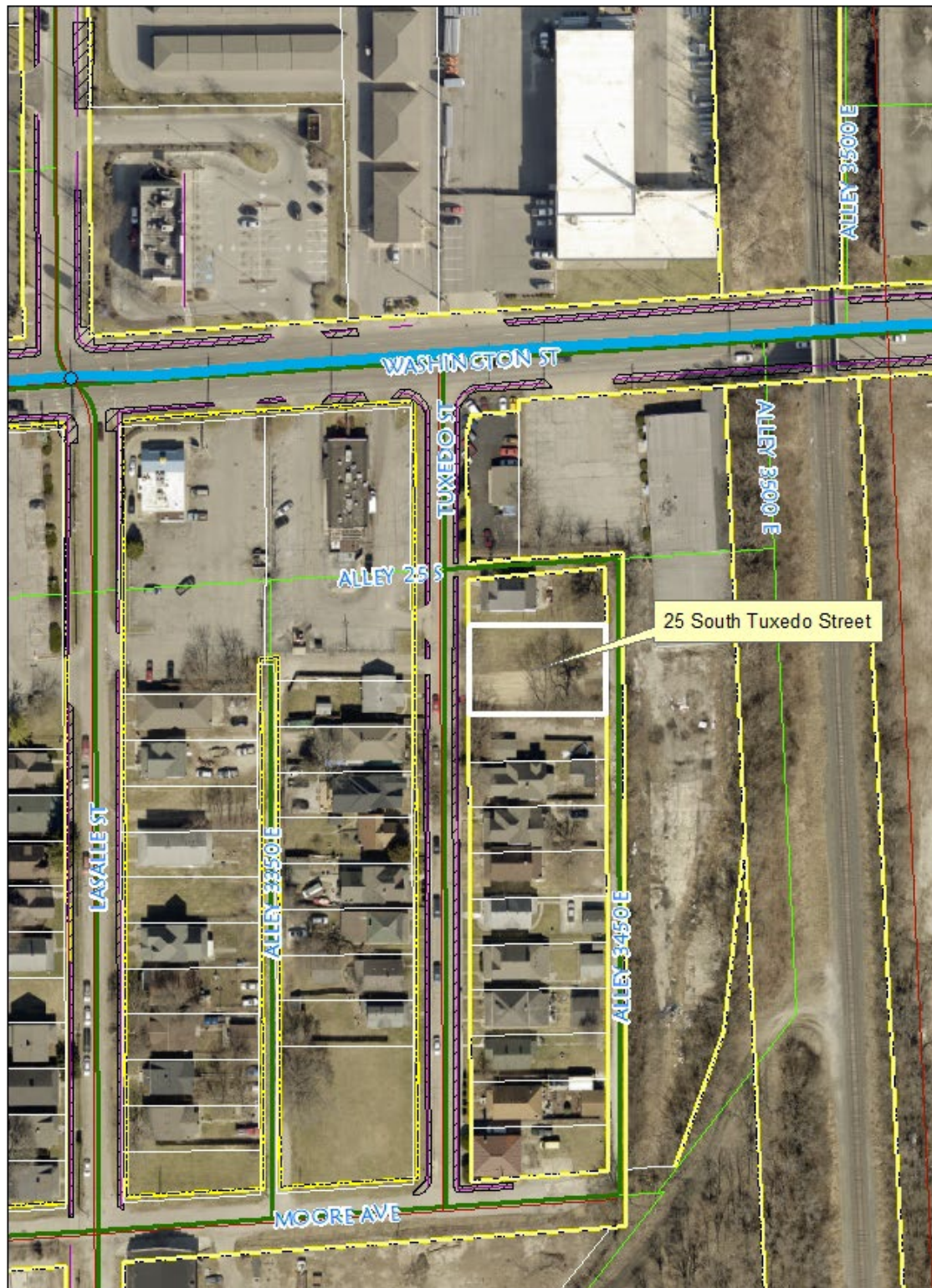
86-UV1-66; 3401 East Washington Street (north of site), requested a variance of use to permit the outdoor display and sales of automobiles with new a new building for office and repair garage, **granted**.

85-UV1-37, 3323 East Washington Street, (north of site), requested a variance of use and development standards of the Industrial Zoning Ordinance to provide for the addition of a 10-foot by 30-foot solarium to the front of an existing restaurant, encroaching into the front building setback, approved.

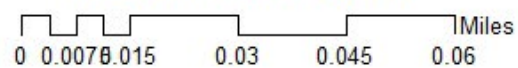
84-UV3-71; 3323 East Washington Street (north of site), requested a variance of use to provide for a storage addition, granted.

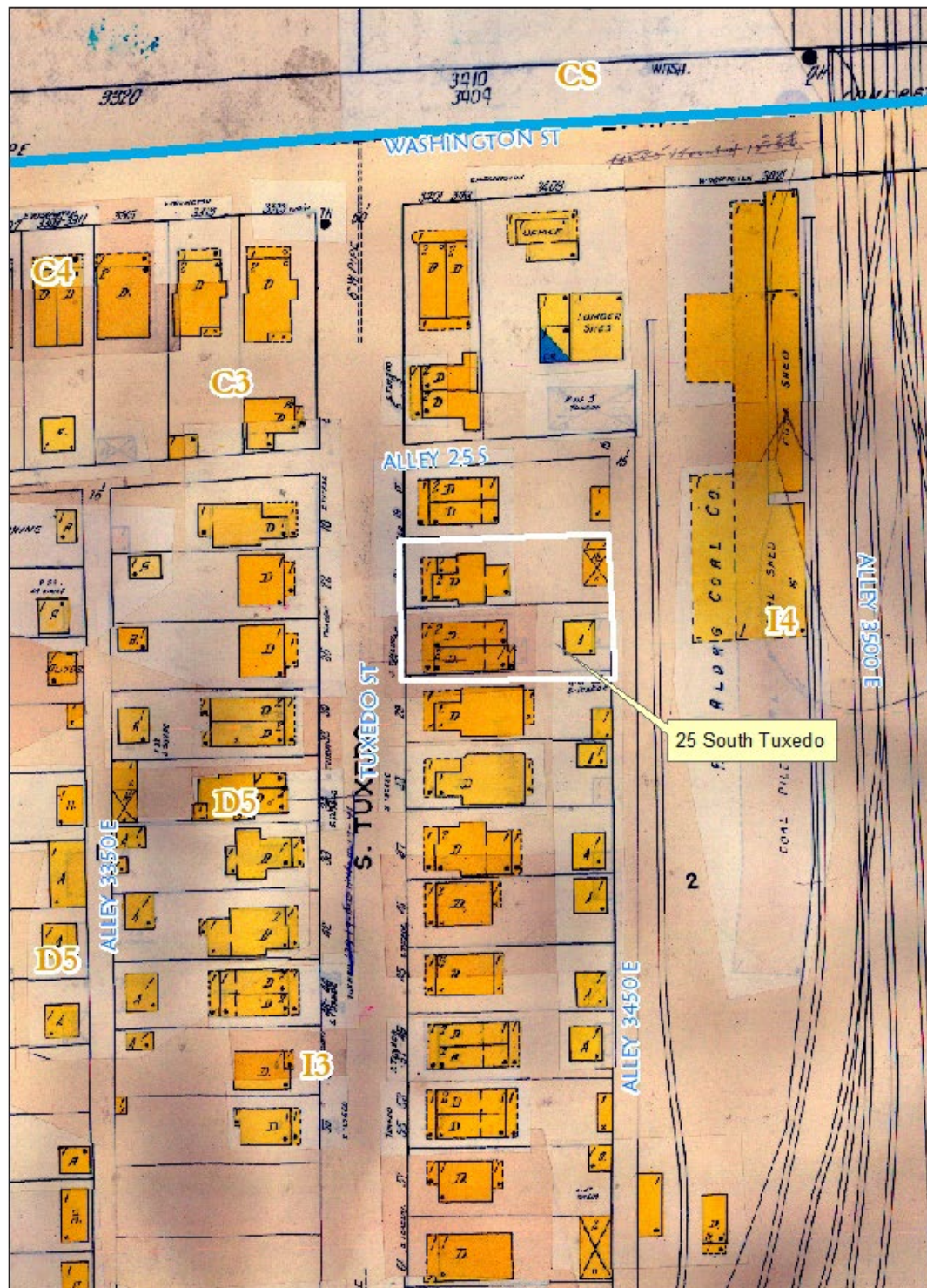
77-UV1-39; 3323 East Washington Street (north of site), requested a variance of use to provide for a restaurant, **granted**.

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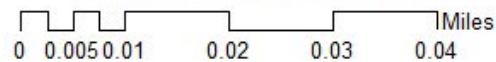


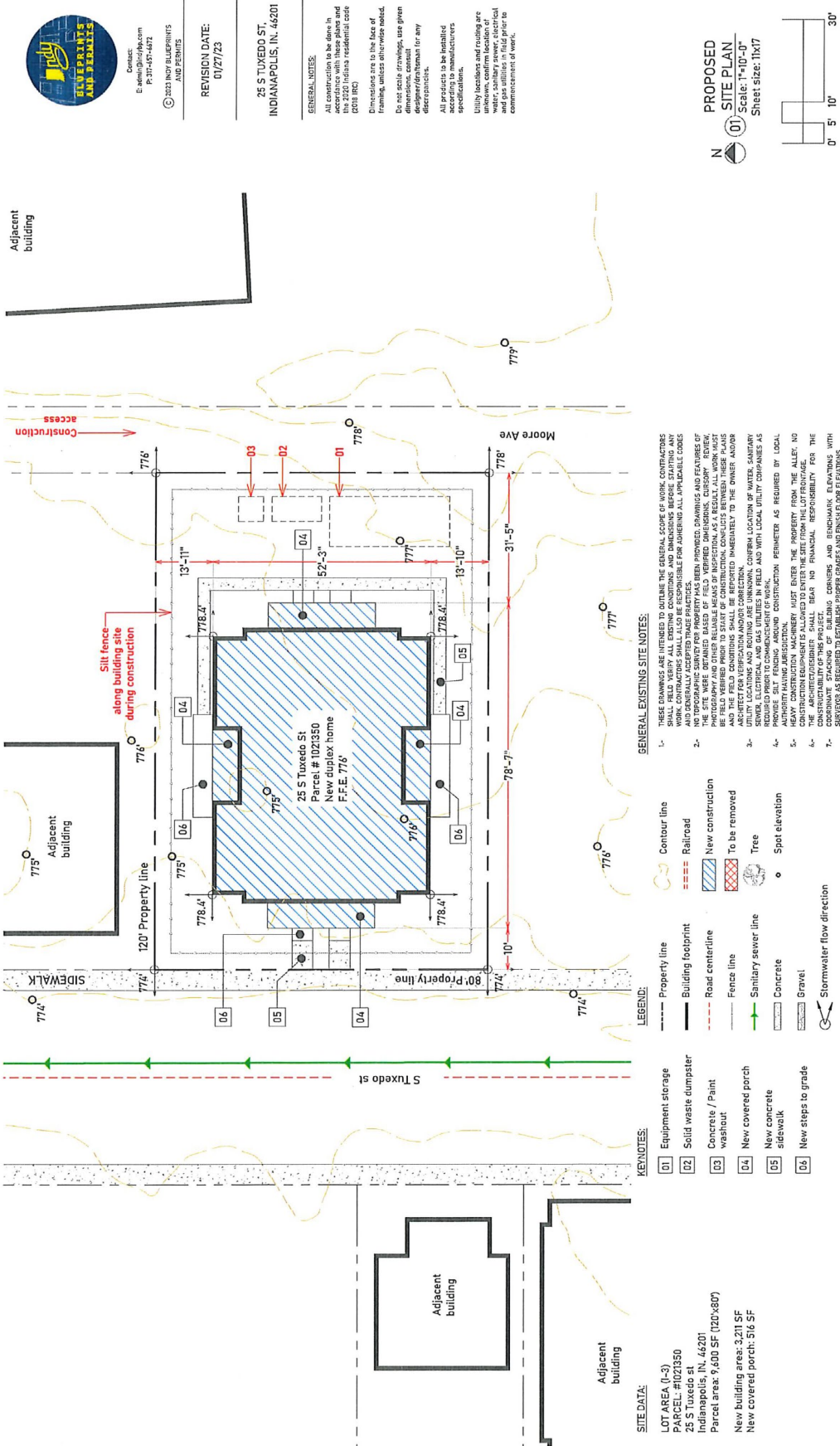
25 South Tuxedo Street





25 South Tuxedo Street





SHEET NUMBER
C102



View looking north along South Tuxedo Street



View looking south along South Tuxedo Street



View of site looking east across Tuxedo Street



View of site and adjacent dwelling looking northeast across South Tuxedo Street



View of site looking west from abutting north / south alley to the east

STAFF REPORT

Department of Metropolitan Development Division of Planning Current Planning Section

Case Number: 2023-CZN-810 / 2023-CVR-810 / 2023-CPL-810
Address: 809 Noble Street (*Approximate Address*)
Location: Center Township, Council District #16
Petitioner: PADBROS, LLC, by Jynell D. Berkshire
Requests: Rezoning of 0.53-acre from the I-3 (RC) District to the D-8 (RC) district.

Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to legally establish front building setbacks along Noble Street, of 4.5 feet (10-foot to 19.9-foot required), a 3.8-foot and a 5.7-foot rear setback (minimum fifteen feet required), and to provide for a 1.75-foot north side yard setback for a proposed Lot Two (minimum three feet required).

Approval of a Subdivision Plat to be known as Padbros Noble Street Addition, subdividing 0.53-acre into two lots.

RECOMMENDATIONS

Staff recommends **approval of the rezoning** petition.

Staff **recommends approval of the variance** petition.

Staff recommends that the Hearing Examiner **approve** and find that the plat, file-dated March 6, 2023, complies with the standards of the Subdivision regulations, subject to the following conditions:

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

(Continued)

2023-CZN-810 / 2023-CVR-810 / 2023-CPL-810 STAFF REPORT (Continued)

10. That all the standards related to secondary plat approval listed in Sections 741-207 and 741-208 of the Consolidated Zoning and Subdivision Ordinance are met, prior to the recording of the final plat.
11. An access easement shall be placed on the southern portion of Lot Two, to provide legal access to an accessory structure located at 707 East McCarty Street.

SUMMARY OF ISSUES

The following issues were considered in formulating the recommendation:

LAND USE

- ◇ The subject site is zoned I-3 (RC) and is developed with an historic one and one-half story brick Gothic church, constructed in 1872 and a two-story single-family dwelling. It is a corner lot at the intersection of McCarty Street and Noble Street within the Holy Rosary / Danish Church Historic District, a district recognized on the National Register of Historic Places. It is not a locally designated historic district by the Indianapolis Historic Preservation Commission.
- ◇ The rezoning petition would rezone this property to the D-8 (RC) district to permit for multi-family dwellings within the existing church building and to legally establish the existing single-family dwelling. The variance petition would legally establish the existing setbacks. A plat would subdivide the property into two lots so that each use may have separate ownership.

REZONING

- ◇ This petition would rezone this site from the I-3 (RC) district to the D-8 (RC) district to permit the church building to be renovated for multi-family dwellings and to bring the single-family into compliance with zoning regulations.
- ◇ The comprehensive plan recommends Traditional Neighborhood uses, which would support a mix of housing types and small-scale commercial uses. Typology standards suggest locating townhomes at intersections near neighborhood-serving retail. This portion of McCarty Street is residential, with a park to the west, however, this street carries traffic between two major arterials, Virginia Avenue and East Street. The comprehensive plan suggests that commercial uses are preferred as part of a mixed-use building, located at intersections, and limited to an aggregate of one acre. This petition does not propose mixed uses. The proposed rezoning and development are consistent with the land use plan recommendations and their conditions. Therefore, staff is recommending approval of the rezoning.

VARIANCE

- ◇ This request would provide for legally establishing the long-standing structures, with the church dating to 1872. The variances for front yard setback, though indicated as required to be between 10 feet and 19.9 feet, are not required within the Regional Center overlay zone. Rather, the site plan that would be approved would establish the front setbacks. The proposed side and rear yard setbacks would not materially affect the adjacent property values in a negative manner, due to their long-standing use. Therefore, staff would recommend approval of the variance requests.

(Continued)

2023-CZN-810 / 2023-CVR-810 / 2023-CPL-810 STAFF REPORT (Continued)**PLAT**

- ◇ The plat would subdivide the subject site into two lots.
- ◇ Lot One would be 3,308 square feet and would provide for the church building to be renovated to multi-family dwellings. This lot would front on the corner of McCarty Street and Noble Street with the primary entrance facing McCarty Street.
- ◇ Lot Two would be 2,686 square feet and would provide for a single-family dwelling. This lot would front on Noble Street with the primary entrance facing west. Approval of this plat is subject to approval of the variances for 2023-CVR-810.
- ◇ Staff noted on a site visit that access to an accessory structure to the east (707 East McCarty) is currently through the southern portion of Lot Two, as the garage door to this structure faces west. Staff understands that this garage may be removed in the near future. However, a petition to demolish this structure has not been formally submitted for staff review, through the filing of a Regional Center Approval petition. Staff, therefore, requests that an access easement be placed on the southern portion of Lot Two.

TRAFFIC / STREETS

- ◇ The subject site has frontages on two existing streets: McCarty Street and Noble Street. No new streets are proposed as part of this petition.

SIDEWALKS

- ◇ Sidewalks are existing on McCarty Street and Noble Street.

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

I-3 (RC)	Compact	Vacant church and one single-family dwelling
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SURROUNDING ZONING AND LAND USE

North	D-8 (RC)	Residential
South	D-8 (RC)	Residential
East	I-3 (RC)	Residential
West	D-8 (RC)	Residential

COMPREHENSIVE LAND USE PLAN	Traditional Neighborhood
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THOROUGHFARE PLAN

McCarty Street is classified in the Official Thoroughfare Plan for Marion County, Indiana as a Primary Arterial, with a 78-foot existing and proposed right-of-way. Noble Street is classified in the Official Thoroughfare Plan for Marion County, Indiana as a Local Street, with a 48-foot existing and proposed right-of-way.

FINDINGS OF FACT

File-dated March 6, 2023

(Continued)

2023-CZN-810 / 2023-CVR-810 / 2023-CPL-810 STAFF REPORT (Continued)

SITE PLAN

File-dated March 6, 2023

SURVEY

File-dated March 6, 2023

ZONING HISTORY – SITE

None.

ZONING HISTORY – VICINITY

2019-ZON-063; 741 Greer Street, requested a rezoning of 0.261-acre, from the I-3 (RC) district to the D-8 (RC) district, **approved**.

2018-ZON-096; 822 Wright Street, requested a rezoning of 0.20-acre, from the I-3 (RC) district to the D-8 (RC) district, **approved**.

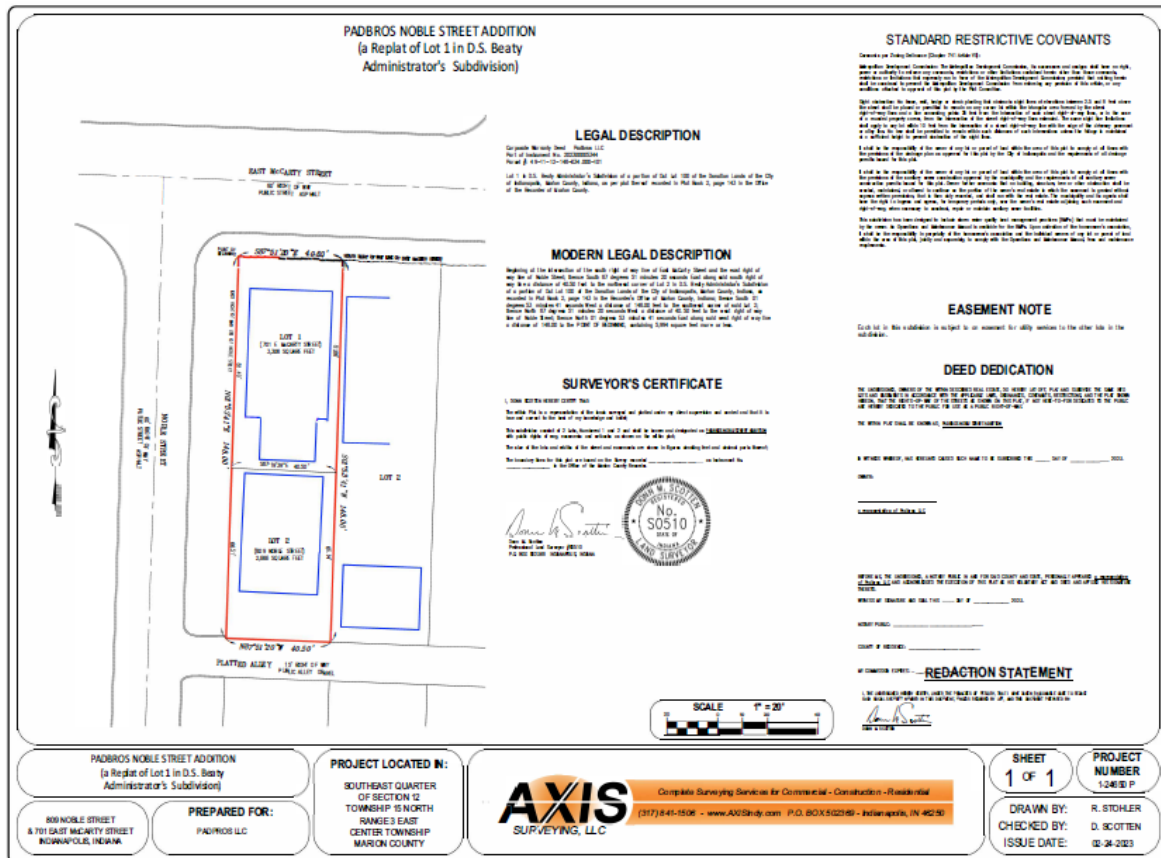
2018-HOV-086; 726 Noble Street, requested a variance of development standards of the Consolidated Subdivision and Zoning Ordinance to provide for four feet between buildings, **granted**.

95-HOV-116; 707 East McCarty Street, requested a variance of development standards of the Dwelling Districts Zoning Ordinance, to provide for an accessory use structure, with an aggregate side yard setback of eight feet (minimum 10 feet required), **granted**.

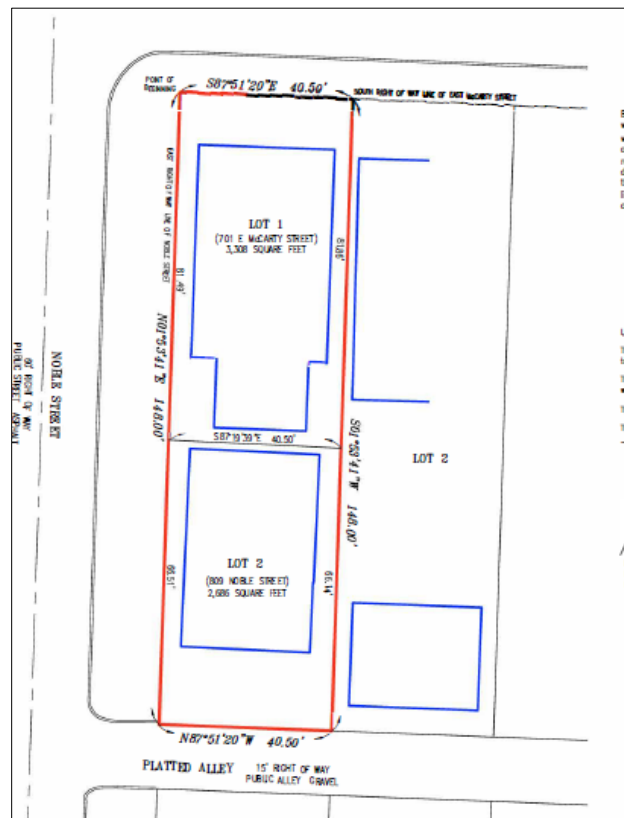
JY

2023-CZN-810 / 2023-CVR-810 / 2023-CPL-810 Area Maps

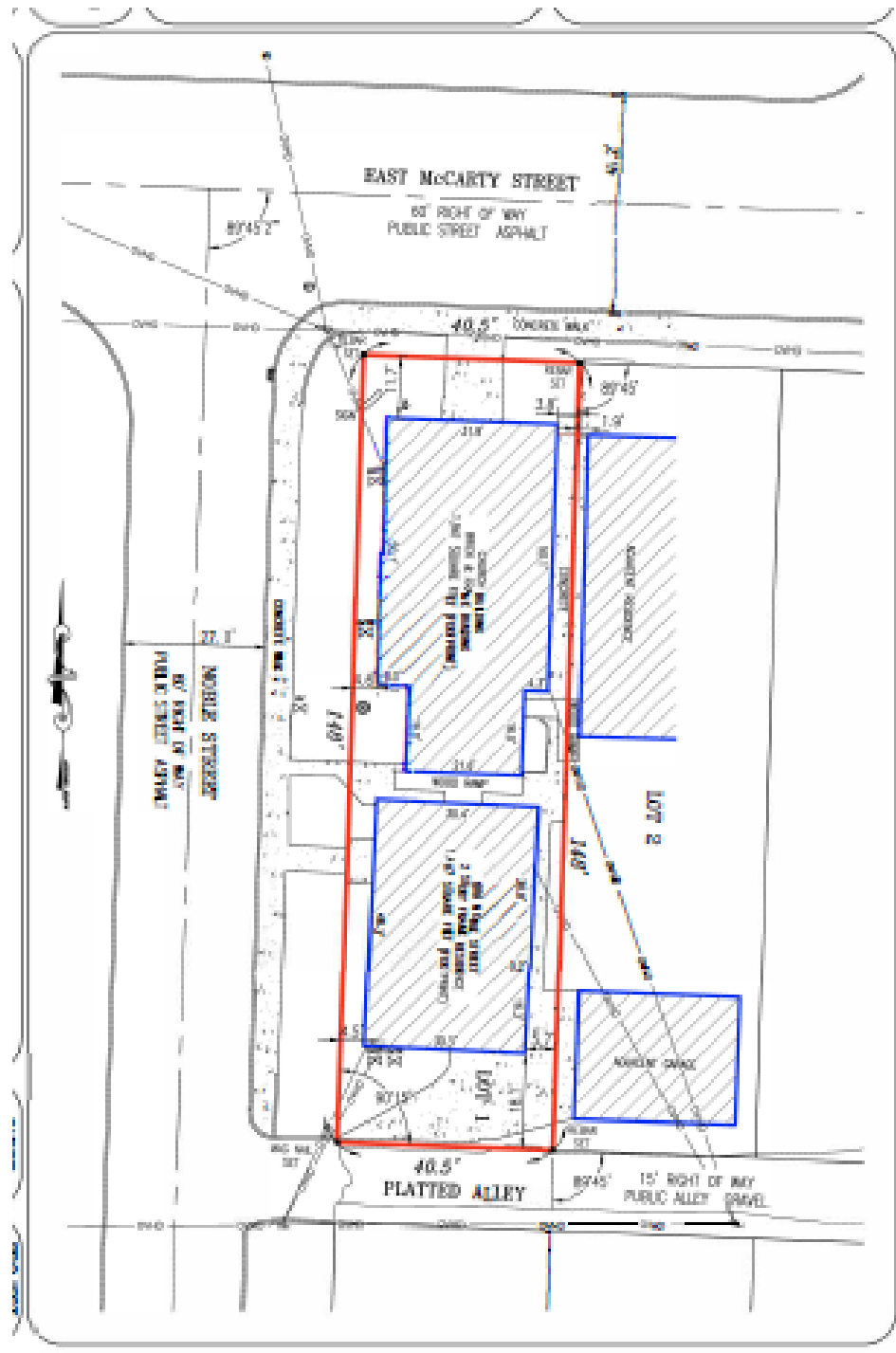




Plat Detail



STAFF REPORT 2023-CZN-810 / 2023-CVR-810 / 2023-CPL-810 Site Plan



STAFF REPORT 2023-CZN-810 / 2023-CVR-810 / 2023-CPL-810 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 variance will not result in an increase in public expenditure nor unduly increase traffic congestion in the public streets and highways. This variance to legally establish existing setbacks for the structures and to permit reduced side yard setbacks will not substantially increase the hazard from fire or other dangers.

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 variance is a minimum variation that makes possible the reasonable use of land. The proposed use will not cause a nuisance, create an economic hardship, diminish, nor impair property values to the adjacent 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 proposed subdivision of the parcel will not meet setback requirements for the existing structures. The application will prevent the improvements of the property which are reasonable, customary and consistent with other residential uses in the zoning district.

DECISION

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

Adopted this _____ day of _____, 20 ____



Existing church building along McCarty Street – Proposed Lot One



Church and single-family dwelling, from Noble Street



Single-family dwelling on proposed Lot Two (note access to adjacent garage)

STAFF REPORT

Item 18.

Department of Metropolitan Development Division of Planning Current Planning Section

Case Number: 2023-CZN-813 / 2023-CVR-813
Address: 6206 North Olney Street (Approximate Address)
Location: Washington Township, Council District #3
Petitioner: Logan and Erika Burdick
Request: Rezoning of 0.76-acre from the SU-2 district to the D-1 district.

Variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for a detached accessory structure in the established front yard along 62nd Street (not permitted).

RECOMMENDATIONS

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

Staff **recommends approval** of the variance of development standards, subject to at least two windows installed on the south elevation of the proposed garage.

SUMMARY OF ISSUES

The following issues were considered in formulating the recommendation:

LAND USE ISSUES

- ◇ This 0.76-acre site, zoned SU-2, is developed with a single-family dwelling and attached garage. It is surrounded by single-family dwellings to the north, west and south. The dwelling to the north is zoned SU-2. The dwellings to the west are zoned D-1 and the dwellings to the south, across 62nd Street, are zoned D-S. To the east is a library, which is under construction, and zoned SU-37.

REZONING

- ◇ This request would rezone the site from the SU-2 District to the D-1 classification. “The D-1 district is intended for use in suburban areas. The D-1 district has a typical density of 0.9 units per gross acre which fulfills the lowest density residential classification of the Comprehensive General Land Use Plan. The D-1 district provides for estate-style development characterized by generous front yards for trees and a bucolic atmosphere, appropriately served by gently curving roadways. Under most circumstances, public water and sewer facilities should be present but are not mandatory. Development plans should incorporate and promote environmental and aesthetic considerations, working within the constraints and advantages presented by existing site considerations, including vegetation, topography, drainage, and wildlife. Use of the cluster option when subdividing would maximize site advantages.”

(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 the navigability of the development. This typology generally has a residential density of one to five 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.”
- ◇ As proposed, the rezoning request would be appropriate and supportable because it would be consistent with the land use recommendation of the suburban neighborhood typology.

VARIANCE OF DEVELOPMENT STANDARDS

- ◇ This request would provide for 16-foot by 40-foot accessory structure to the southwest of the existing dwelling. The shed would replace a section of fence and would be approximately 100 feet from the south property line, along 62nd Street. The existing dwelling is approximately 120 feet from the south property line.
- ◇ The Ordinance requires that accessory structures be no closer to a street than the primary structure, or dwelling, on residential lots. This lot has an area to the west of the dwelling that is cleared of trees; however, the petitioner has indicated that much of this area is used for a garden bed to take advantage of considerable sunlight. The area that the shed would be constructed has a number of trees adjacent to it, however, the petitioner has indicated that only a few limbs would need to be cut to make room for the shed. No trees would be removed.
- ◇ The petitioner has provided elevations that indicate that two windows would be placed on the south elevation of the proposed shed. This would improve the appearance of the shed to look similar to a primary structure. Additionally, the shed would be no closer to 62nd Street than dwellings to the west. Therefore, staff supports the variance based on the large setback provided along 62nd Street and because it would be compatible with the adjacent dwellings.

GENERAL INFORMATION

EXISTING ZONING AND LAND USE

SU-2

Single-family dwelling

SURROUNDING ZONING AND LAND USE

North - SU-2

Single-family dwelling

South - D-S

Single-family dwellings

East - SU-37

Library

West - D-1

Single-family dwellings

(Continued)

COMPREHENSIVE LAND USE PLAN

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

THOROUGHFARE PLAN

Olney Street is designated in the Marion County Thoroughfare Plan as a local street with an existing and proposed 50-foot right-of-way. 62nd Street is designated as a primary collector with an existing and proposed 80-foot right-of-way.

CONTEXT AREA

This site is located within the metro context area.

OVERLAY

There is no overlay for this site.

SITE PLAN

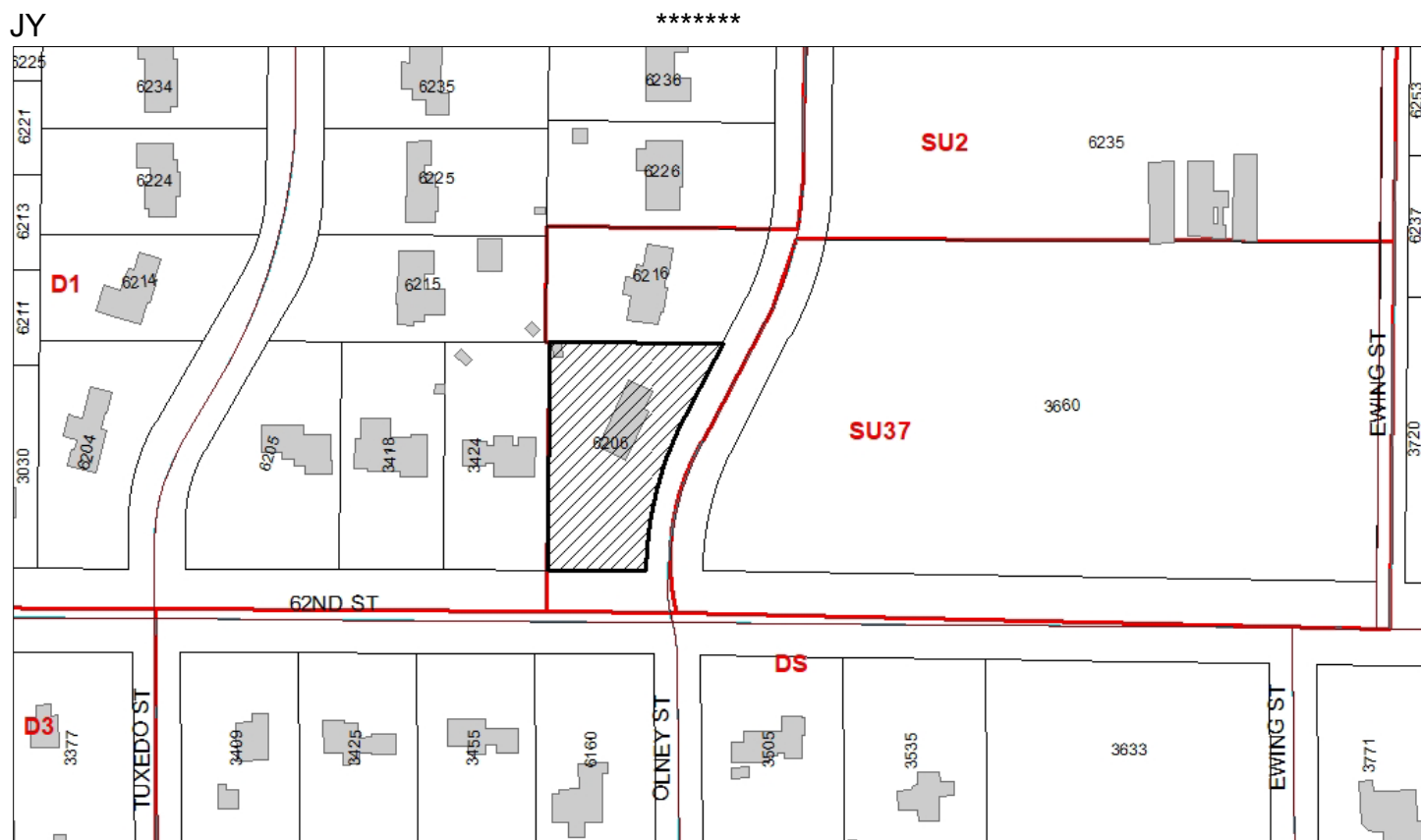
File-dated March 9, 2023

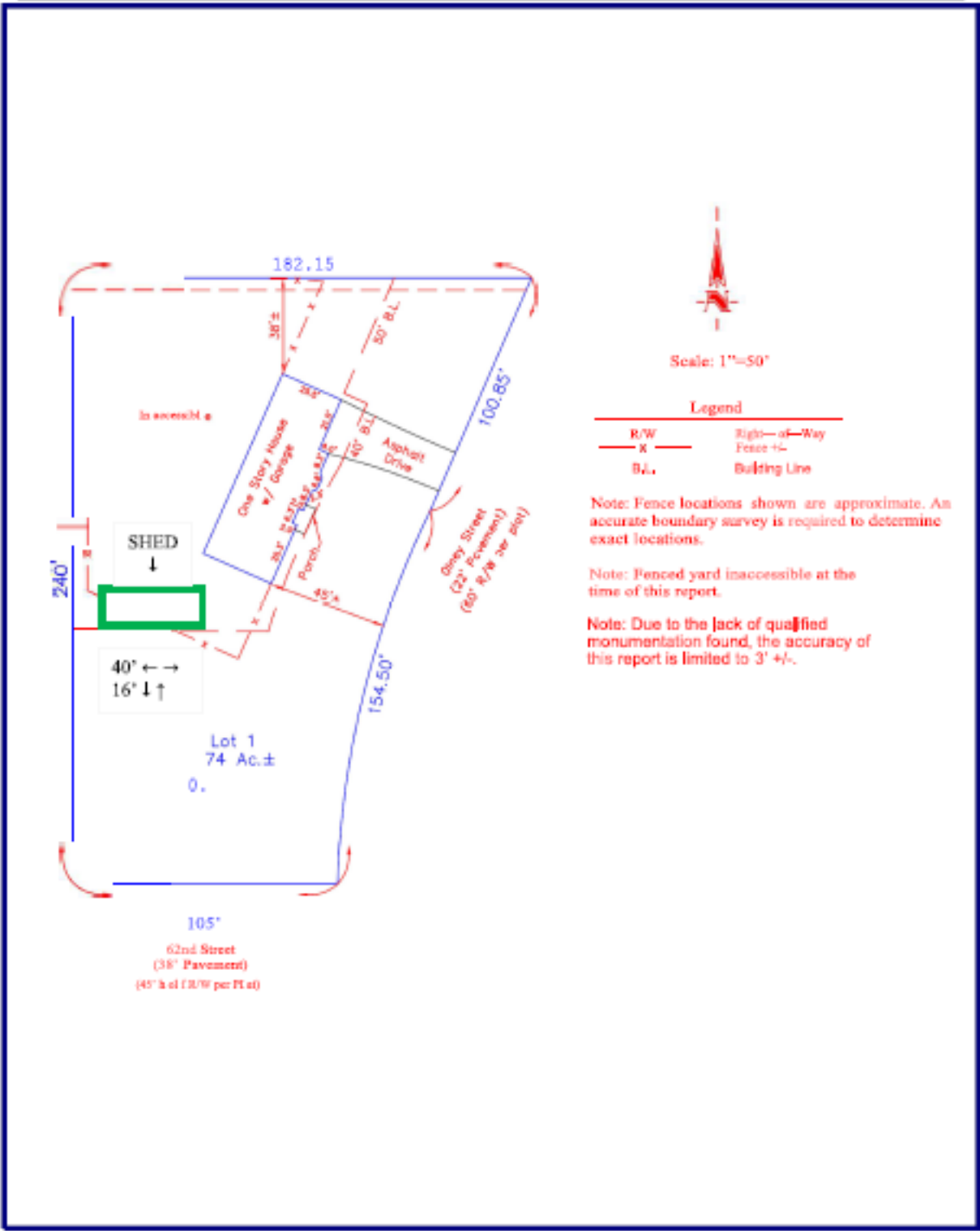
ZONING HISTORY – SITE

None.

ZONING HISTORY – VICINITY

2020-CZN-851 / 2020-CPL-851; 3660 East 62nd Street, requested a rezoning of 6.06 acres, from the SU-2 district to the SU-37 district, to provide for a public library, and subdivision plat, dividing 11.79 acres into two lots, **approved**.









Developing Public Library across the street from the subject site



Subject site, from Olney Street



Subject site looking west (bottom photo shows approximate area of proposed accessory structure)



Subject site in foreground, looking west along 62nd Street

STAFF REPORT

Department of Metropolitan Development Division of Planning Current Planning Section

Case Number: 2022-CZN-840 / 2022-CVR-840 / 2022-CVC-840
Address: 5436 Brookville Road (Approximate Addresses)
Location: Warren Township, Council District #12
Petitioner: Baldeep Baidwan, by David Kingen and Emily Duncan
Request: Rezoning of 1.60 acres from the C-3 district to the C-S district to provide for a truck retail and repair facility with related parking and limited C-4 uses.
 Variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for loading bays in the front yard (not permitted).
 Vacation of the first northwest-southeast alley north of Brookville Road, being fifteen feet in width, from the southwest corner of Lot 40 in Witz and Spannuth's Addition, as recorded in Plat Book 16, Page 6 in the Office of the Marion County Recorder, southeast 210.40 feet to the northeast corner of Lot 5 in said subdivision, with a waiver of the Assessment of Benefits.

April 13, 2023

This is the seventh hearing for this petition. This petition was continued from the July 28, 2022 hearing to the August 25, 2022 hearing, from the August 25, 2022 hearing to the October 27, 2022 hearing, from the October 27, 2022 hearing to the December 15, 2022 hearing, from the December 15, 2022 hearing to the February 9, 2023 hearing, and from the February 9, 2023 hearing to the April 13, 2023 hearing.

The petitioner provided an amended variance request, and an amended site plan shown in the body of this report. The site plan includes a 20-foot front south setback, a 20-foot east side setback, a 25-foot west side setback, and a 30-foot north rear setback. The amended site plan would have the proposed L-shaped building placed at the west and rear of the site to provide a buffer between the residential uses. This would orient the loading bays to Brookville Road and the access drive to the east, which requires the amended variance. The surface parking would also be in the front yard. The proposed landscape plan would include a mound and evergreen trees in the front yard and a bio-retention area in the rear yard.

Staff continues to **recommend denial** of these petitions.

February 9, 2023

The petitioner and a registered neighborhood organization provided a written request for continuance from the February 9, 2023 hearing to the April 13, 2023 hearing to allow for additional time to meet with neighborhood organizations and to provide revised plans.

(Continued)

2022-CZN-840 / 2022-CVR-840 / 2022-CVC-840 STAFF REPORT (Continued)

December 15, 2022

This petition was continued for cause at the request of the petitioner from the October 27, 2022 hearing to the December 15, 2022 hearing so the petitioner would be able to attend the hearing and to provide for plan revisions. An amended site plan was received, including parking areas with the required minimum number of parking spaces and required setbacks. The proposed building size was reduced. The variance portion of the request may be withdrawn.

Staff continues to recommend **denial of the rezoning and vacation requests**.

October 27, 2022

This petition was continued for cause at the request of the petitioner from the August 25, 2022 hearing to the October 27, 2022 hearing to allow time for plan revisions. An amended site plan was received, reducing the building size and increasing the number of parking spaces. The site plan now meets the minimum required parking per ordinance section 744-402. The variance request as proposed may be withdrawn.

However, staff would note that the current site plan does not meet the 10-foot front setback for parking in the front yard. This petition should either be continued to December 1, 2022 with notice for an amended variance, or the petitioner may commit to administrative approval of a compliant site plan. Additionally, the C-S development statement should be revised to reflect the revised site plan, prior to the hearing.

Staff continues to recommend **denial of the rezoning and vacation requests**.

August 25, 2022

This petition was continued for cause at the request of the petitioner from the July 28, 2022 hearing to the August 25, 2022 hearing for a possible amendment. No new information has been received. Staff continues to recommend denial of these requests.

July 28, 2022

RECOMMENDATIONS

Staff recommends **denial of the rezoning** petition.

Staff recommends **denial of the variance** petition.

RECOMMENDED MOTION (denial): That the Hearing Examiner find that the proposed vacation is not in the public interest; and that the Hearing Examiner deny Declaratory Resolution 2022-CVC-840.

(Continued)

2022-CZN-840 / 2022-CVR-840 / 2022-CVC-840 STAFF REPORT (Continued)**SUMMARY OF ISSUES**

The following issues were considered in formulating the recommendation:

LAND USE

- ◇ The subject site is zoned C-3 and consists of two vacant parcels.
- ◇ This petition would rezone this property to the C-S district. This request would permit fifteen parking spaces where thirty-two spaces are required. This request would vacate the alley separating these parcels to allow these sites to be developed as one lot.

REZONING

- ◇ This petition would rezone this site from the C-3 district to the C-S district to permit truck or heavy vehicle repair and sales, and limited C-4 uses. The comprehensive plan recommends light industrial uses.
- ◇ Staff recommends denial of the rezoning. The light industrial recommendation removes heavy commercial uses where adjacent to a dwelling district. North and west of this site is zoned D-5 or developed with single-family uses. The use proposed would not be appropriate for this location.
- ◇ Additionally, the proposed use is C-7 or I-3 permitted use. The required transitional yards in those districts are much larger because of the intense nature of the district. The C-S classification only requires a ten-foot transitional yard. Ten feet would not be an adequate distance to buffer the proposed intense use from the adjacent dwelling uses. Because the C-S district does not require adequate transitional yards for the proposed intense use, staff would suggest the C-S should not be utilized for the proposed use/location.

VARIANCE

- ◇ This request would provide for a surface parking lot with fifteen parking spaces where thirty-two spaces are required. The ordinance requirement for parking for truck and heavy vehicle repair uses requires two parking spaces per service bay, plus one space for 250 square feet of sales and display area. The use proposes eleven service bays and 2,400 square feet of sales area.
- ◇ Staff recommends denial of the variance. It is counter-intuitive to permit a vehicle-oriented use that does not provide the minimum parking for that use. Staff would also suggest that if the site cannot provide adequate parking for the use, the site is an inappropriate location.

(Continued)

2022-CZN-840 / 2022-CVR-840 / 2022-CVC-840 STAFF REPORT (Continued)**VACATION**

- ◇ The subject site includes the right-of-way for Alley 475 South, a platted alley that has never been improved. However, the alley to the west is improved, and the prior user on this property did pave this area for vehicle access. Overhead power lines are also existing within this platted alley. Therefore, staff would not support the vacation.

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

C-3	Compact	Undeveloped
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SURROUNDING ZONING AND LAND USE

North	D-5	Undeveloped
South	I-4	Industrial
East	D-5 / C-7	Commercial
West	C-3	Residential

COMPREHENSIVE LAND USE PLAN	Light Industrial
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THOROUGHFARE PLAN	Brookville Road is classified in the Official Thoroughfare Plan for Marion County, Indiana as a Primary Collector, with an 80-foot existing and an 88-foot proposed right-of-way.
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DEVELOPMENT PLAN (C-S)	File-dated June 23, 2022
DEVELOPMENT PLAN (C-S) (Amended)	File-dated November 3, 2022
FINDINGS OF FACT	File-dated June 23, 2022
SITE PLAN	File-dated June 23, 2022
SITE PLAN (AMENDED)	File-dated October 18, 2022
SITE PLAN (2 nd AMENDED)	File-dated March 14, 2023
VACATION SURVEY	File-dated June 23, 2022
COMMITMENTS	File-dated October 22, 2022

ZONING HISTORY – SITE

87-V1-29, 5436 Brookville Road, variance to provide for a gas station canopy with a 1.5-foot setback in the C-3 district, **approved**.

89-HOV-103, 5346 Brookville Road, variance to provide for a pricing sign on the canopy within the required 70-foot setback from the street centerline in the C-3 district, **approved**.

(Continued)

2022-CZN-840 / 2022-CVR-840 / 2022-CVC-840 STAFF REPORT (Continued)**ZONING HISTORY – VICINITY**

2020-PLT-090, 5565 Brookville Road, Approval of a Subdivision Plat, to be known as Indianapolis Central Logistics Park, dividing 89.66 acres into three lots.

2002-ZON-139, 5424 Brookville Road, rezoning from the D-5 district to the C-5 classification, **denied**.

2000-SE1-005, 5402 Brookville Road, special exception to provide for the construction of a wheelchair lift addition for a religious use in the D-5 district, **withdrawn**.

2000-ZON-043, 5402 Brookville Road, rezoning from the D-5 district to the SU-1 classification, **approved**.

96-VAC-15, 5460 Brookville Road, vacation of a portion of the first north-south alley west of South Ritter Avenue, being approximately 15 feet in width, from the north right-of-way line of Brookville Road, extending approximately 310 feet northward, to the south right-of-way line of Greenfield Avenue, **approved**.

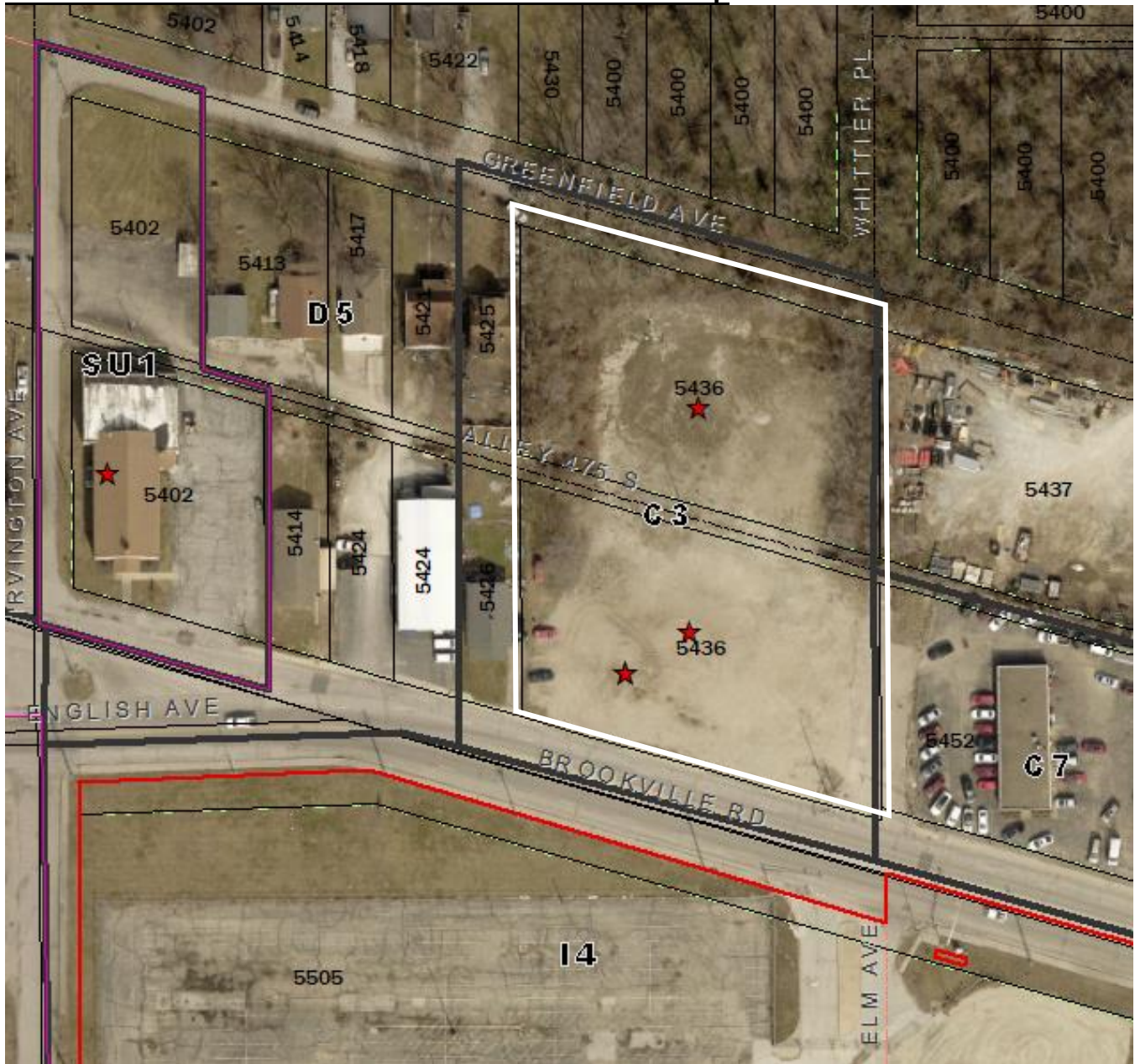
88-UV1-79, 450 South Ritter Road, variance to provide for an office expansion for a construction contractor in the C-5 district, **approved**.

86-UV3-35, 5478 Brookville Road, variance to permit an adult cabaret limited to live entertainment within 500 feet of a residential district, **denied**.

78-VAC-12, 450 South Ritter Road, vacation of part of Greenfield Avenue between Ritter Avenue and the First Alley west of Ritter Avenue, **approved**.

AR

2022-CZN-840 / 2022-CVR-840 / 2022-CVC-840 Aerial Map



2022-CZN-840 / 2022-CVR-840 / 2022-CVC-840 C-S Statement**ATTACHMENT "C"**

Development Plan and Site Plan to allow:

Uses:

1. Truck Retail and Repair facility with related parking along the east side of the new building and along the east and north sides of the site, per the site plan on file.
2. All C4 Uses except those listed in Attachment "E"

Building:

One (1) new proposed truck repair building (12,075 square feet) in the southwest part of the site, per the site plan on file.

Parking:

Fifteen (15) parking spaces with one (1) reserved for the handicapped, to serve the truck repair shop. Trucks awaiting repair shall be parked on the north part of the site per the site plan on file.

Signs:

Wall signs shall be permitted.

Directional signs shall be permitted

No pole signs or off-site advertising signs shall be permitted or sought for approval on the site.

No off-site advertising signs shall be erected on the site.

Landscaping, screening/ fencing shall be used for buffering:

Install the landscaping per site plan on file.

Security:

Monitored by security cameras

Lighting:

Parking lot lighting may be used on the site, with no light spillage off the site.

Box lighting shall be used and affixed to the new building.

Trash Collection:

All dumpsters shall be behind or to the side of the building and to the north of the buildings; and enclosed and gated so as not to be visible, from any public street.

6/17/22

Metropolitan Development

Jun 23 2022

Division of Planning

2022-CZN-840 / 2022-CVR-840 / 2022-CVC-840 C-S Statement (Amended 11.3.22)**ATTACHMENT "C"**

Development Plan and Site Plan to allow:

Uses:

1. Truck Retail and Repair facility with related parking along the east site of the new building and along the east and north sides of the site, per the site plan on file.
2. All C4 Uses except those listed in Attachment "E"

Building:

One (1) new proposed truck repair building (9,694 square feet) in the southwest part of the site, per the site plan on file.

Parking:

Twenty-eight (28) parking spaces with one (1) reserved for the handicapped, to serve the truck repair shop. Trucks awaiting repair shall be parked on the north part of the site per the site plan on file.

Signs:

Wall signs shall be permitted.

Directional signs shall be permitted

No pole signs or off-site advertising signs shall be permitted or sought for approval on the site.

No off-site advertising signs shall be erected on the site.

Landscaping, screening/ fencing shall be used for buffering:

Install the landscaping per site plan on file.

Security:

Monitored by security cameras

Lighting:

Parking lot lighting may be used on the site, with no light spillage off the site.

Box lighting shall be used and affixed to the new building.

Trash Collection:

All dumpsters shall be behind or to the side of the building and to the north of the buildings; and enclosed and gated so as not to be visible, from any public street.

11/3/22

2022-CZN-840 / 2022-CVR-840 / 2022-CVC-840 C-S Statement

STATEMENT OF COMMITMENTS

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

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

Legal Description: 5436 Brookville Road (See Attached Exhibit "A")

Statement of COMMITMENTS:

1. The owner agrees to abide by the Open Occupancy and Equal Employment Opportunity Commitments required by Metropolitan Development Commission Resolution No. 85-R-69, 1985, which commitments are attached hereto and incorporated herein by reference as Attachment "A".
2. Additional signage shall be provided to warn motorists and cyclists on Brookville Road that they are nearing a truck access point at the entrance to this facility.
3. Additional signage shall be provided on Elm Street or the private drive to the parcel north of this truck entrance to the facility that intersecting bike traffic is ahead along the northside of Brookville Road.
4. Hours of operation shall not exceed 7am to 7pm Monday through Saturday with no hours open on Sundays.
5. The only trucks parked on the site are those awaiting service or ready for pick up after being serviced.
 - a. No trucks or trailers, not being serviced, shall be parked on the site for compensation.
6. New trees shall be planted as part of the tree removal mitigation from the rights of way that abut the site of 5436 Brookville Road and 5400 Greenfield Avenue, shall be planted within the perimeter of the Irvington boundaries as determined by the boundaries as shown in the Indianapolis Neighborhood Registration recognized by the Department of Metropolitan Development neighborhood registration website.
 - a. The number of new trees to be replaced, based on the number of mature trees shall be certified by a registered arborist.
 - b. The final tree planting plan shall occur after input is sought from the Irvington Development Organization and the Irvington Community Council.

MDC's Exhibit B - - page 1 of 7

- c. Such trees shall be planted by 5/31/23.
- 7. The petitioner shall establish a scholarship program for three high school aged students in the area of mathematics, chemistry, or physics.
 - a. Such students shall be nominated (maximum of ten) and three shall be selected.
 - b. The nominations and persons selected shall reside in Warren Township at the time of their nomination and selection.
 - c. The nominations shall be received by a committee of three (3) members of WTDA, One (1) from ICC and one (1) from IDO and four (4) City-County Councilors of Districts, 14, 17, 18 & 19.
 - d. The nominations shall operate on a deadline of 6/30 of each year and the selection of the three students shall be determined and announced by 7/31/of each year.
 - e. Each selected student shall receive an award of ten thousand dollars (\$10,000) to further their post high school education.
 - f. This scholarship program shall be funded solely by Baldeep Baidwin in an amount not to exceed thirty thousand dollars (\$30,000) annually, with such funding to be available in an account no later than April 30 of each year.
- 8. If the community/neighborhood of Irvington is designated as a Main Street award winner, a grant of ten thousand dollars (\$10,000) will be provided by Baldeep Baidwin no later than sixty days from the date of the award of the designation by the National Main Street Program.
 - a. The monies provided shall be used at the discretion of the new Board of committee that administers the Main Street program for the neighborhood/community of Irvington, within the City of Indianapolis, Indiana.

Petitioner commits to exclude the following C-4 uses from the subject site:

- 1. Emergency shelter
- 2. Greenway
- 3. Garden as primary use
- 4. Check cashing or validation service
- 5. Tattoo parlor
- 6. Adult entertainment use sales and services
- 7. Night club or cabaret
- 8. Firearm sales
- 9. Fireworks sales on-going
- 10. Pawn shop

MDC's Exhibit B - - page 2 of 7

11. Power generating facility
12. Automobile Fueling station
13. Plasma (Blood Center)
14. Liquor store
15. Automobile, motorcycle and light vehicle service or repair
16. Any single-family dwelling or group home
17. Special use methadone clinic or treatment facility
18. Swimming pool or hot tub sales
19. Vending machine or self-service kiosk
20. Any temporary use or outdoor sales or display, portable storage, construction yard, equipment storage, any temporary fireworks sales or outdoor events.

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

COMMITMENTS contained in this instrument shall be effective upon:

- (a) the adoption of rezoning petition #2022-CZN-840 by the City-County Council changing the zoning classification of the real estate from a C-3 zoning classification to an C-S zoning classification; or
- (b) the adoption of approval petition #___ by the Metropolitan Development Commission;

and shall continue in effect for as long as the above-described parcel of real estate remains zoned to the C-S zoning classification or until such other time as may be specified herein.

These COMMITMENTS may be enforced jointly or severally by:

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

The undersigned hereby authorizes the Division of Planning of the Department of Metropolitan Development to record this Commitment in the office of the Recorder of Marion County, Indiana, upon final approval of petition #2022-CZN-840.

IN WITNESS WHEREOF, owner has executed this instrument this 21st day of October, 20 22.

Signature: [Signature]
 Printed: BALDEEP BAIDNAN
 Title / OWNER
 Organization
 Name: _____

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

STATE OF INDIANA)
) SS:
 COUNTY OF MARION)

Before me, a Notary Public in and for said County and State, personally appeared

BALDEEP BAIDNAN OWNER (owner(s)
 name, title & organization name) of the real estate who acknowledged the execution of the foregoing
 instrument and who, having been duly sworn, stated that any representations therein contained are
 true.

Witness my hand and Notarial Seal this

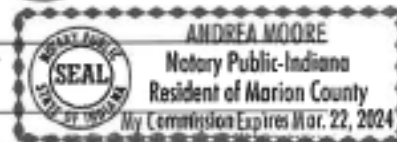
21st day of OCTOBER, 20 22

[Signature]
 Notary Public

Printed Name of Notary Public

My Commission expires: _____

My County of residence: _____



I affirm under the penalties for perjury, that I have taken reasonable care to redact each social security number in this document unless required by law - Emily Duncan

This instrument was prepared by Emily Duncan.

ATTACHMENT "A"**OPEN OCCUPANCY AND EQUAL EMPLOYMENT OPPORTUNITY COMMITMENT**

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

EXEMPT PERSONS AND EXEMPT ACTIVITIES

An exempt person shall mean the following:

1. With respect to commitments (a) and (b) above:
 - (a) any not-for-profit corporation or association organized exclusively for fraternal or religious purposes;
 - (b) any school, educational, charitable or religious institution owned or conducted by, or affiliated with, a church or religious institution;
 - (c) any exclusively social club, corporation or association that is not organized for profit and is not in fact open to the general public;provided that no such entity shall be exempt with respect to a housing facility owned and operated by it if such a housing facility is open to the general public;
2. With respect to commitment b, a person who employs fewer than six (6) employees within Marion County.

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

2022-CZN-840 / 2022-CVR-840 / 2022-CVC-840 Findings of FactPetition Number 2022-CVR-840

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 needs to provide space for for the maneuvering of large trcuks and thus the parking has been placed around the perimeter of the parcel and thus only so much room is available for the auto parking of employees and customers; however from the petitioner's experience for the size of the operation, the parking provided is sufficient.

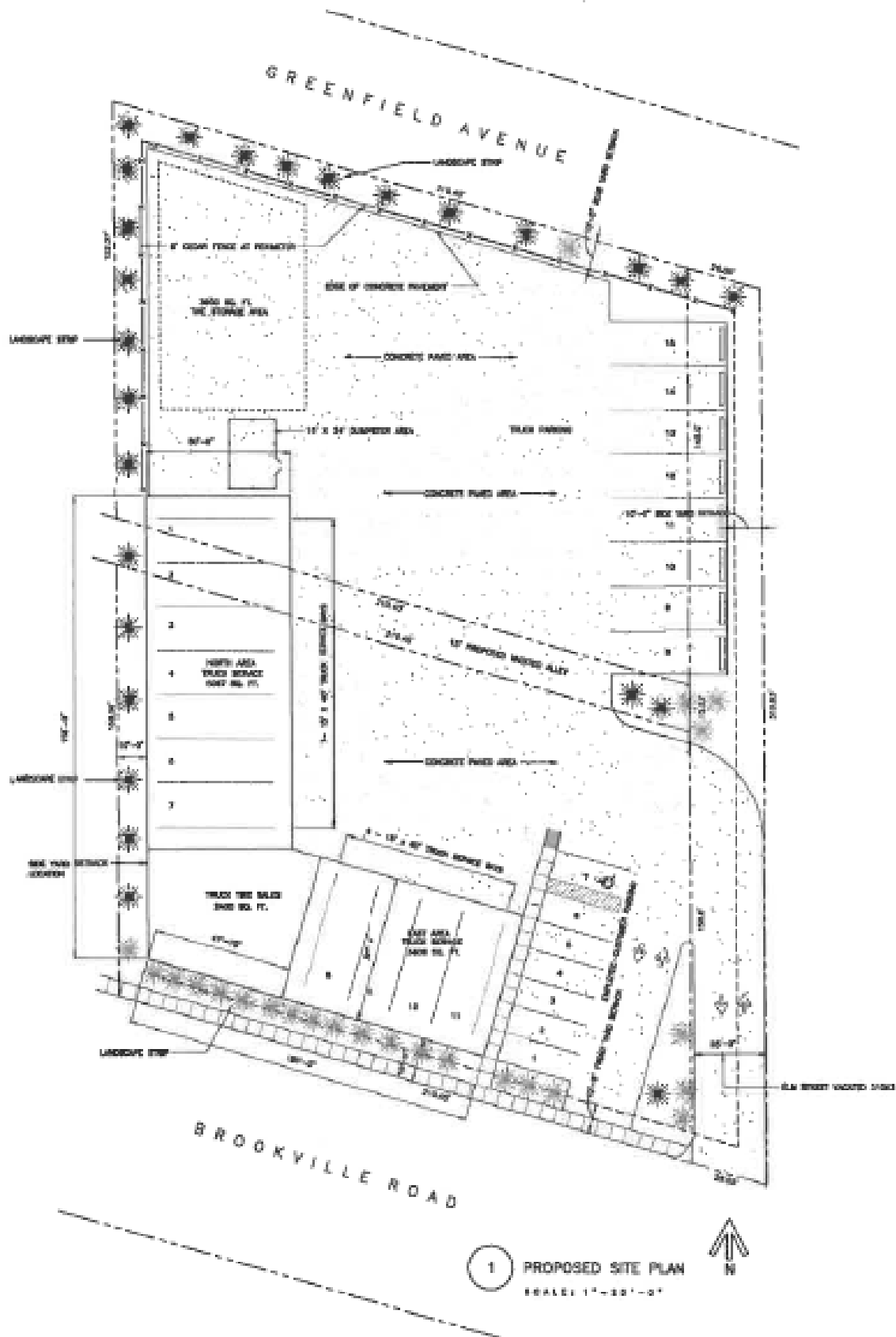
2. THE USE OR VALUE OF THE AREA ADJACENT TO THE PROPERTY INCLUDED IN THE VARIANCE WILL NOT BE AFFECTED IN A SUBSTANTIALLY ADVERSE MANNER BECAUSE:

With the surrounding heavy commercial and industrial uses, parking shall be confined to the subject parcel even allowing for the maneuvering of the large trucks on the site. This new beautiful commercial building developed up close to the street will contribute to the appearance of this commercial corridor and thus shall affect the use and value of the are ain a significant way.

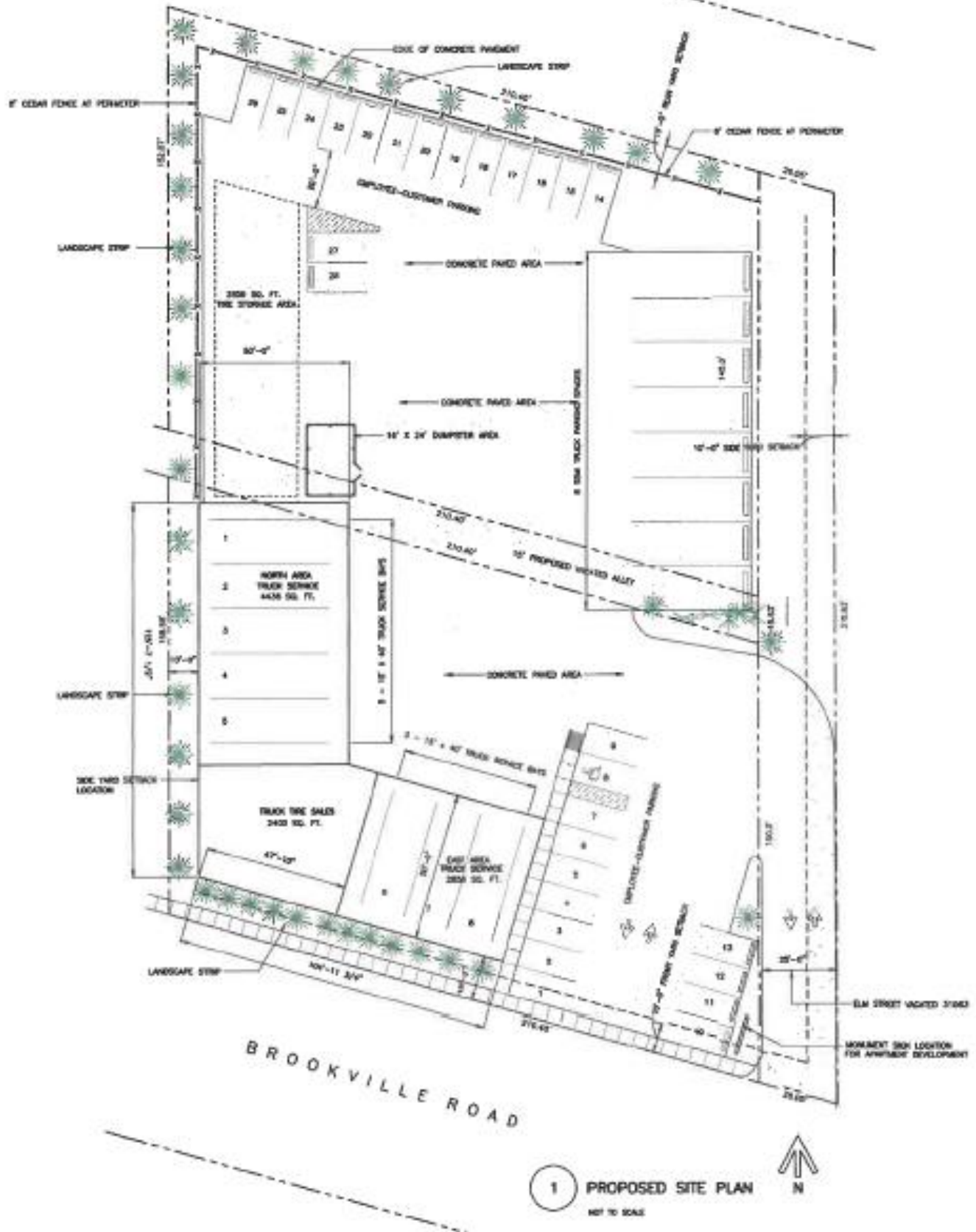
3. THE STRICT APPLICATION OF THE TERMS OF THE ZONING ORDINANCE WILL RESULT IN PRACTICAL DIFFICULTIES IN THE USE OF THE PROPERTY BECAUSE:

The required parking for the anticipated activity on this site given the petitioner experiercer with similar uses on sites fairly similar to this parcel shall be adequate if not plentiful..

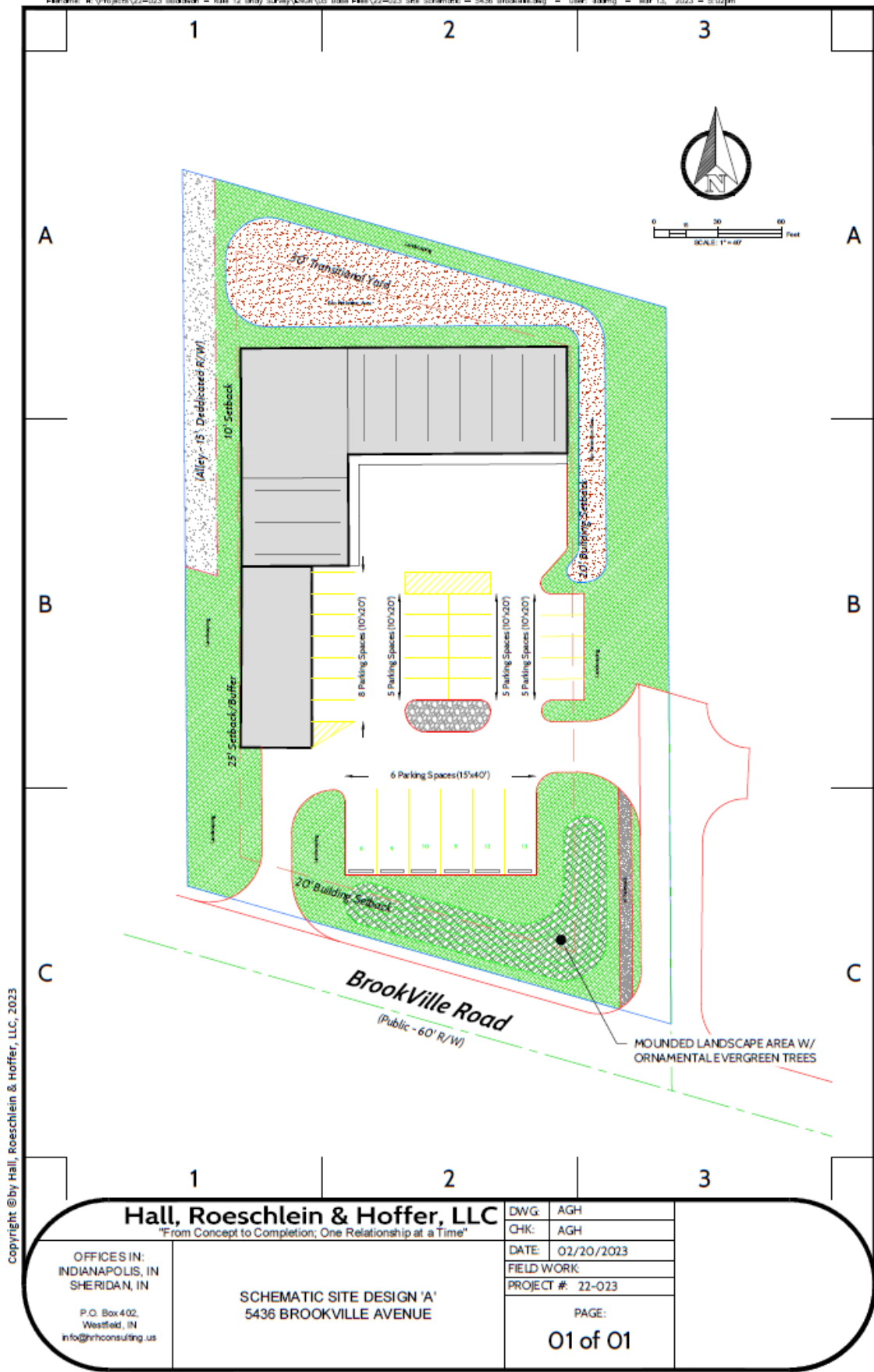
2022-CZN-840 / 2022-CVR-840 / 2022-CVC-840 Site Plan



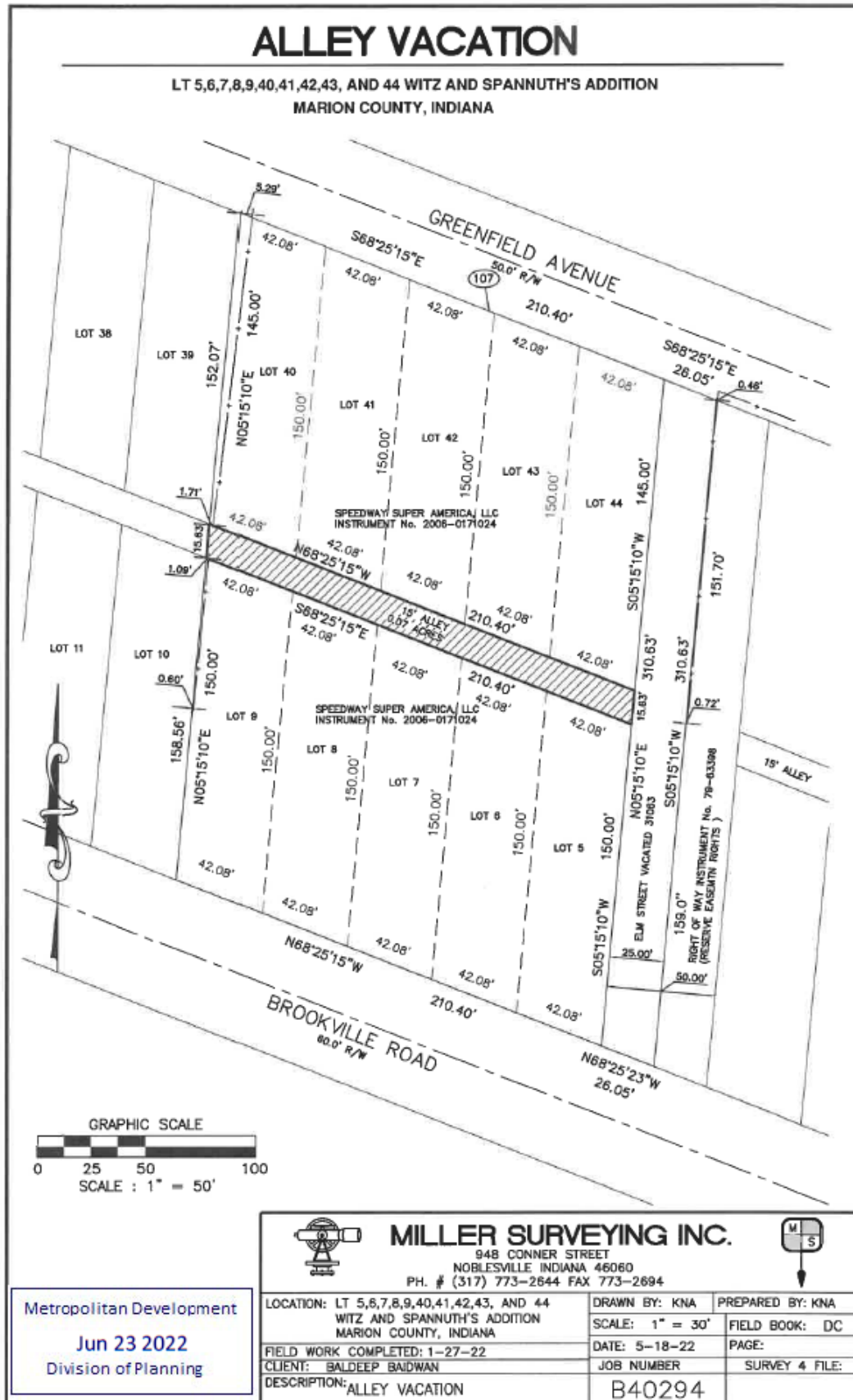
2022-CZN-840 / 2022-CVR-840 / 2022-CVC-840 Site Plan (Amended 10.18.22)



2022-CZN-840 / 2022-CVR-840 / 2022-CVC-840 Site Plan (Amended 3.14.23)



2022-CZN-840 / 2022-CVR-840 / 2022-CVC-840 Vacation Survey



2022-CZN-840 / 2022-CVR-840 / 2022-CVC-840 Site Photos



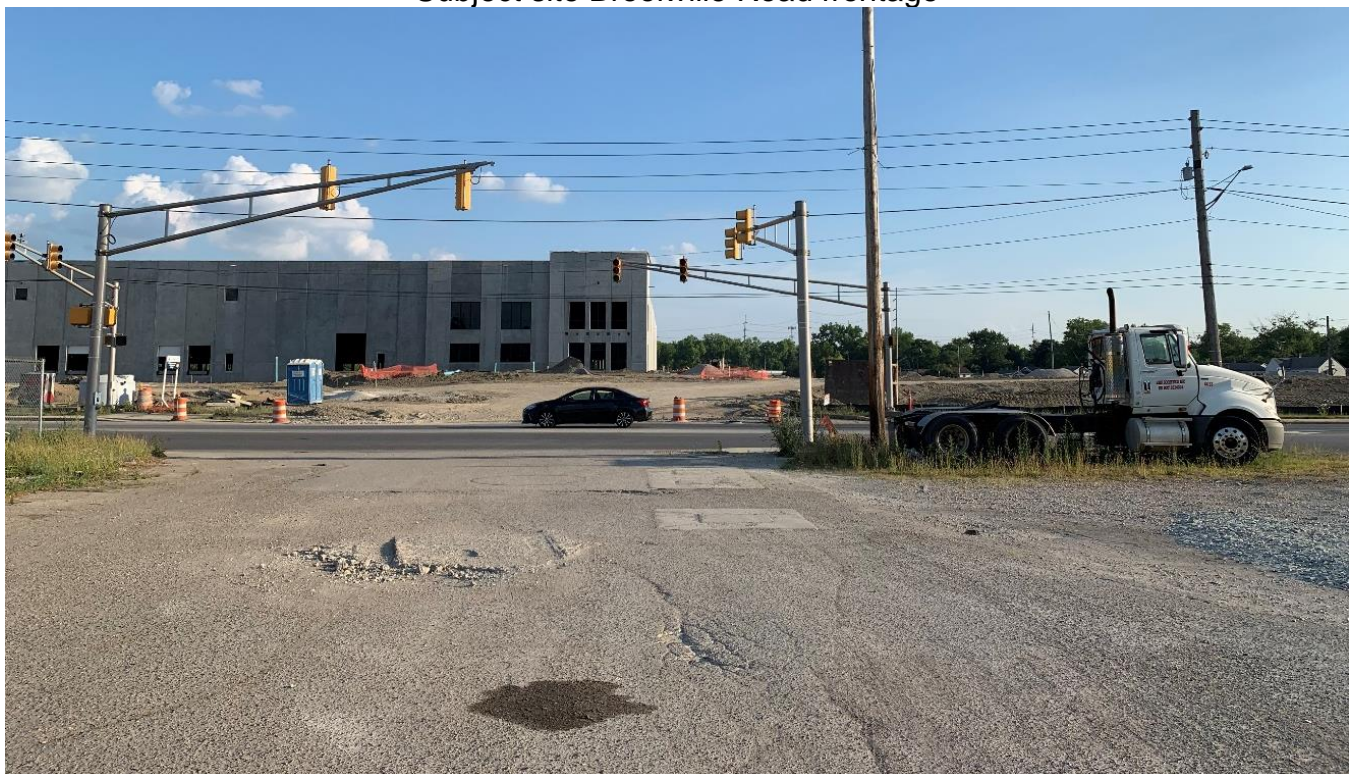
Subject site Brookville Road frontage



Subject site, alley location



Subject site Brookville Road frontage



Existing site access and south of site

STAFF REPORT

Item 20.

Department of Metropolitan Development Division of Planning Current Planning Section

Case Number: 2022-CZN-847 / 2022-CVR-847
Address: 2619, 2625 and 2627 West Washington Street (*Approximate Address*)
Location: Wayne Township, Council District #16
Petitioner: Purewal Holdings, Inc., by David Kingen and Emily Duncan
Requests: Rezoning of 0.39 acre from the C-4 (TOD) district to the MU-2 (TOD) district to provide for mixed-use development.

Variance of Development Standards to provide for:

1. A liquor store located 87 feet from a protected district (100-foot separation required),
2. A parking lot to be accessed from Holmes Avenue (access from adjacent alley required),
3. A front building line of 42.4% along Holmes Avenue (minimum 60% building frontage required),
4. A parking lot totaling 43.9% of the lot width along Holmes Avenue (maximum 40% of lot width permitted).

The Hearing Examiner continued these petitions from the December 15, 2022 hearing, to the February 9, 2023, at the request of staff and the petitioner's representative.

The Hearing Examiner continued these petitions from the from the February 9, 2023 hearing, to the April 13, 2023, at the request of the petitioner's representative.

RECOMMENDATIONS

Staff **recommends denial** of the request. If the request would be approved, staff would recommend that such approval be subject to the following commitments being reduced to writing on the Commission's Exhibit "B" forms at least three days prior to the MDC hearing:

1. The site and improved areas within the site shall be maintained in a reasonably neat and orderly manner during and after development of the site with appropriate areas and containers / receptables provided for the proper disposal of trash and other waste.
2. A high intensity activated crosswalk (aka a HAWK crossing), including marked crosswalks and pedestrian countdown signals, shall be installed and operating prior the issuance of an Improvement Location Permit (ILP).

SUMMARY OF ISSUES

The following issues were considered in formulating the recommendation:

(Continued)

LAND USE ISSUES

- ◇ This 0.39-acre site, zoned C-4, is comprised for three parcels, two of which are undeveloped and the third is developed with a mixed-use building. It is surrounded by single-family dwellings to the north, across West Washington Street, zoned C-4; single-family dwellings to the south, zoned D-5; commercial uses to the east, zoned C-4; and commercial uses to the west, across Holmes Street, zoned C-4.

REZONING

- ◇ This request would rezone the site from C-4 (TOD) District to the MU-2 (TOD) classification to provide for mixed-use development. “The MU-2 District is intended to meet the daily needs for surrounding neighborhoods and include small social spaces that serve as neighborhood gathering places. The district includes primarily neighborhood-serving businesses and institutions, including a wide range of small-scale retail and service uses that typically do not draw customers from beyond the adjacent neighborhoods, and employment, institutional and residential uses that complement the compact, walkable development pattern. The MU-2 District is implemented as a small node or on busy corridors in the Traditional Neighborhood or City Neighborhood Typologies of the Land Use Pattern Book, or as a Village Mixed Use Typology. The typical size of a district is from 2 to 20 acres (1 to 4 blocks) but depends on the context and what integrates best into surrounding neighborhoods and complimentary zoning districts.
- ◇ 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:

(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.
- 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.

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.

Overlays

- ◇ This site is also located within an overlay, specifically the Transit Oriented Development (TOD). "Overlays are used in places where the land uses that are allowed in a typology need to be adjusted. They may be needed because an area is environmentally sensitive, near an airport, or because a certain type of development should be promoted. Overlays can add uses, remove uses, or modify the conditions that are applied to uses in a typology."
- ◇ The Transit-Oriented Development (TOD) overlay is intended for areas within walking distance of a transit station. The purpose of this overlay is to promote pedestrian connectivity and a higher density than the surrounding area.

(Continued)

- ◇ This site is located within a ¼ mile walk (approximately 652 feet) of a proposed transit stop located at the intersection of West Washington Street and Bellevue Place, with a Walkable Neighborhood typology.
- ◇ Walkable neighborhood stations are primarily residential but may have a commercial node of one to two city blocks, with a mix of uses at station with stabilized residential beyond; off-street parking is discouraged and should be limited to garages.
- ◇ Characteristics of the District Center typology are:
 - Mix of uses at station area and primarily residential beyond
 - Maximum of three stores 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

Environmental Public Nuisances

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

(Continued)

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

Site Plan

- ◇ The updated site plan, file-dated November 18, 2022, depicts a 5,245-square foot building with 15 off-street parking spaces and a trash enclosure at the southeast corner.
- ◇ Access to the site would be from Holmes Avenue. Landscaped areas are proposed along the eastern and western boundaries and along the east / west alley to the south.
- ◇ Elevations, file-dated November 18, 2022, indicate a two-story structure, with a primary entrance along West Washington Street. Secondary entrances are located along Holmes Avenue and adjacent to the parking to the rear.

Planning Analysis

- ◇ As proposed, this request would provide for a two-story mixed-use building, with 5,245 square feet of retail space, occupied by a liquor store, on the first floor and four dwellings on the second floor.
- ◇ The proposed use would be consistent with the Comprehensive Plan of village mixed-use but it would not be supportive of the walkable neighborhood typology of the transit oriented development that recommends primarily residential with mixed uses at transit stations and residential uses beyond the station. Additionally, off-street parking is discouraged and limited to garages.
- ◇ Residential uses at this site could be supportable but the liquor store, without the appropriate separation and buffer would not be acceptable and would be incompatible with adjacent sensitive uses, such as single-family dwellings.
- ◇ Furthermore, encroachment of a parking lot for commercial uses into neighborhood would further exacerbate the impact of the liquor store.
- ◇ Staff understands that liquor stores and convenience stores typically generate pedestrian activity from surrounding neighborhoods. Staff is very concerned because the high volume of traffic along West Washington Street, a primary arterial, and the location of this proposed development between traffic signals, would compromise the safety of the customers from the surrounding neighborhood. Staff, therefore, is requesting that, if approved, a high intensity activated crosswalk (also known as a HAWK crossing) be installed prior to the issuance of an Improvement Location Permit (ILP).
- ◇ A HAWK crossing is non-illuminated until it is activated by a pedestrian that triggers multiple driver cues that emphasizes the potential of the presence of a pedestrian. These upscale devices have proven to be much more effective than the typical crosswalk and should be installed with marked crosswalks and pedestrian countdown signals.

(Continued)

VARIANCE OF DEVELOPMENT STANDARDS

- ◇ This request would provide for a liquor store located 87 feet from a protected district when the Ordinance requires a minimum of 100 feet. As previously noted, this provision provides an appropriate buffer that mitigates the negative impact of an intense commercial use upon adjacent residential uses, which are much less of an intense use.
- ◇ Furthermore, the location of the parking lot pushes activities associated with a liquor store within a few feet of residential uses to the south (approximately 15 feet).
- ◇ The request would allow a parking lot to be accessed from Holmes Avenue. The Ordinance requires adjacent alley access when available. A 15-foot wide east / west alley (Alley 25 S) abuts the southern property line and could be used to access the site.
- ◇ One of the purposes of alley access is to minimize pedestrian / vehicular conflicts that could possibly occur along city streets. As a walkable neighborhood within the TOD overlay, relocating access to the site from the alley would avoid potential conflicts between vehicles and pedestrians along Holmes Avenue.
- ◇ The Ordinance requires a minimum of 60% front building line along Holmes Avenue. If granted this variance would allow for a reduced front building line of 42.4%. No documentation has been submitted substantiating a practical difficulty with meeting with the Ordinance. Staff believes this is further evidence that the site cannot accommodate the proposed development without resulting negative impacts on the surrounding land uses, particularly the residential uses.
- ◇ This request would allow for a parking lot totaling 43.9% of the lot width along Holmes Avenue that exceeds the required 40% of the lot width. Admittedly, the 3.9% difference would have minimal impact on surrounding land uses, but the combination of the need for four variances for this development project is a clear indication that this site is not appropriate for the proposed development and would have a negative and detrimental impact on existing land uses and minimal support of transit-oriented development in this area of Washington Street.

GENERAL INFORMATION**EXISTING ZONING AND LAND USE**

C-4

Undeveloped / mixed-use

SURROUNDING ZONING AND LAND USE

North - C-4

Single-family dwellings

South - D-5

Single-family dwellings

East - I-4

Undeveloped land

West - C-1

Single-family dwelling

(Continued)

COMPREHENSIVE LAND USE PLAN

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

The Blue Line Transit Oriented Development Strategic Plan, (2018)

THOROUGHFARE PLAN

This portion of West Washington Street is designated in the Marion County Thoroughfare Plan as a primary arterial with an existing 80-foot right-of-way and a proposed 88-foot right-of-way.

This portion of Holmes Avenue 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 located within a Transit Oriented Development overlay (Blue Line).

SITE PLAN (AMENDED)

File-dated November 18, 2022

ELEVATIONS

File-dated November 18, 2022.

FINDINGS OF FACT (AMENDED)

File-dated March 24, 2022

ZONING HISTORY

2021-ZON-084; 2619 West Washington Street (north of site), requested rezoning of 0.16 acre from the C-4 district to the D-5 district, **approved**.

2009-UV2-005; 2705 West Washington Street, (west of site), requested a variance of developments standards of the Commercial Zoning Ordinance to provide for a nightclub with alcohol sales within 13.4 feet of a protected district, with a minimum of 30 off-street parking space; and a variance of use of the Dwelling Districts Zoning Ordinance to provide for a parking lot for a commercial use, **granted**.

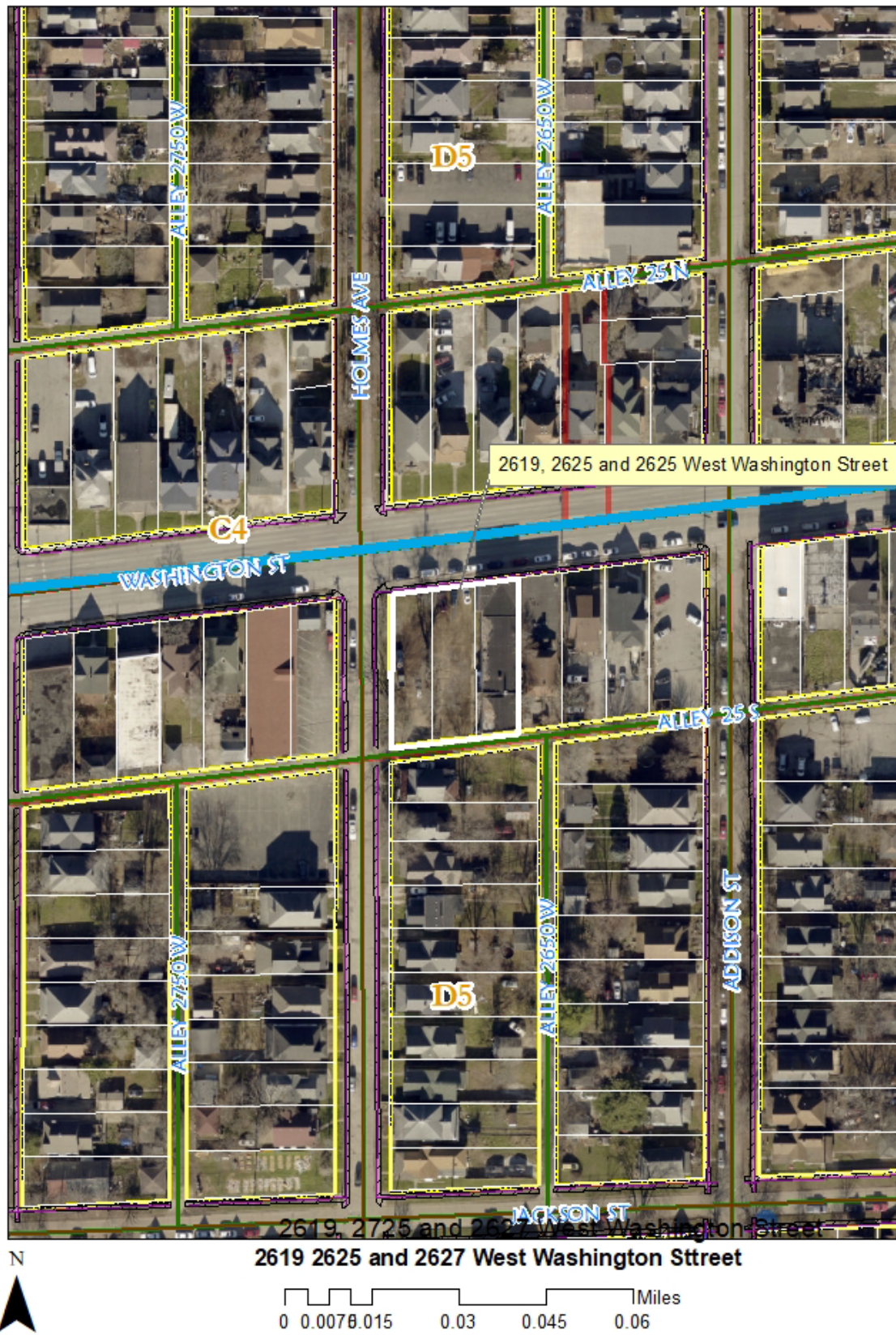
95-UV3-8; 2610 West Washington Street (north of site), requested a variance of use of the Commercial Zoning Ordinance to provide for a two-story addition to a single-family dwelling, **granted**.

(Continued)

95-UV3-38; 2614 West Washington Street (north of site), requested a variance of use of the Commercial Zoning Ordinance to legally establish an above-ground pool associated with a single-family dwelling, **granted**.

89-UV3-7; 2602 West Washington Street (east of site), requested a variance of use of the Commercial Zoning Ordinance to provide for remodeling of an existing structure to an apartment hotel with two on-site parking spaces and 13 off-site parking spaces, **granted**.

kb

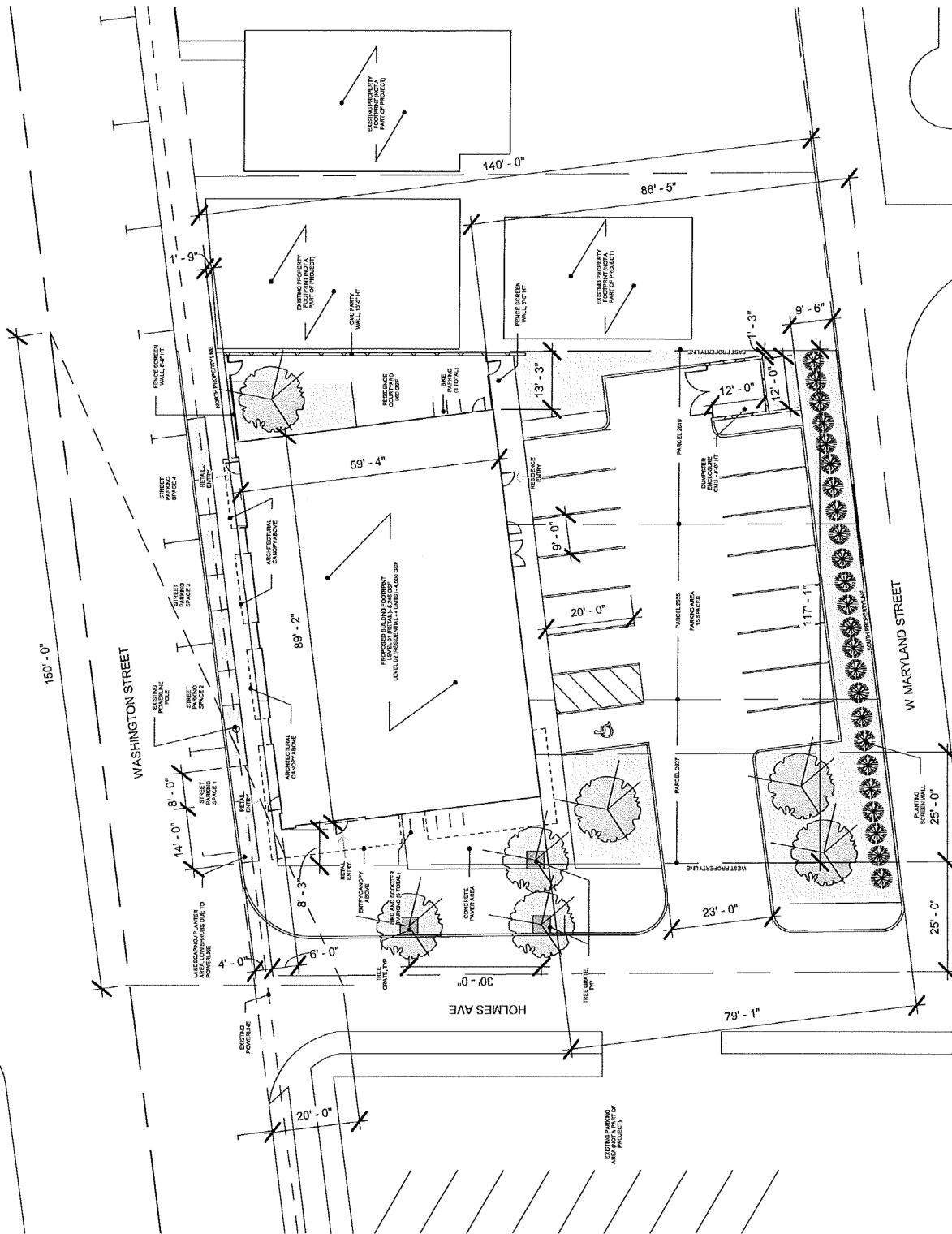


ATTACHMENT "C"

Petitioner envisions mixed use project with limited neighborhood commercial use on the ground floor with 2nd story dwelling units to recreate some of the historic character of this segment of the old National Road. The development will fill a void of taking vacant and providing infill commercial development consistent with the historic character of the area. The proposed infill neighborhood serving commercial development will provide neighborhood employment opportunities for the residents of the nearby Stringtown, Hawthorne, We Care neighborhoods while allow transportation opportunities for persons seeking to travel east to the regional Center and to the west to places in Wayne Township to the Airport via the purple line.

7/21/22

Metropolitan Development
Jul 27 2022
Division of Planning



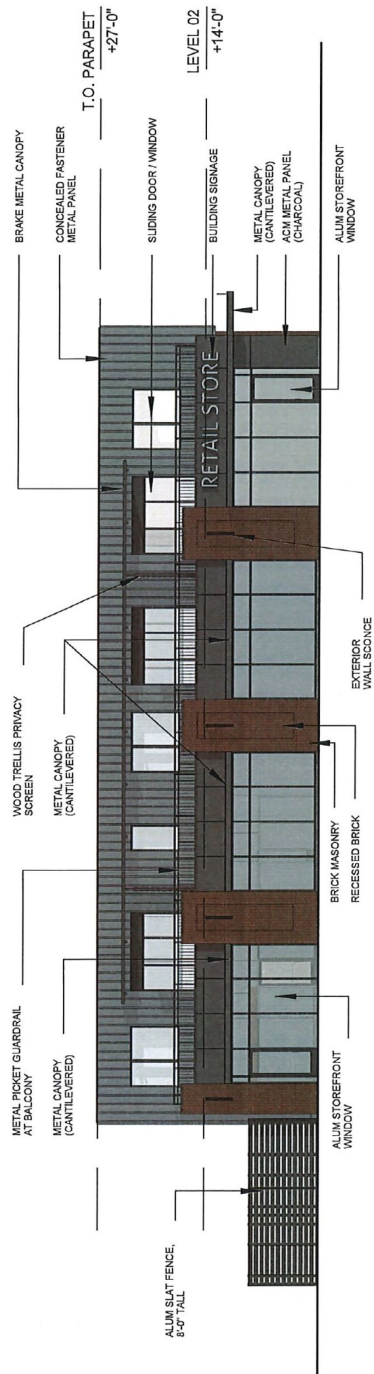
WEST WASHINGTON STREET DEVELOPMENT

PROPOSED SITE PLAN

A1.1

1 PROJECT SITE PLAN

DRAWN BY: SDM / - / HARJINDER PUREWAL / 10/25/2022



1 NORTH EXTERIOR ELEVATION (WASHINGTON ST)

1" = 20'-0"



2 WEST EXTERIOR ELEVATION (HOLMES AVE)

1" = 20'-0"

WEST WASHINGTON STREET DEVELOPMENT
EXTERIOR ELEVATIONS

A1.2

DRAWN BY: SDM / - / HARJINDER PUREWAL / 10/25/2022

ATTACHMENT "C":

Petitioner seeks Variance of Development Standards to allow for: the following Variances:

1. To allow for the separation of a liquor store to be 87' from the protected district to the south (One-hundred-foot separation of a liquor store from a protected district required to be one hundred feet)
2. To allow for a surface parking lot to be accessed from a public street,, when an improved alley is abutting a site on a corner lot.
3. To allow for the surface parking lot along Holmes Avenue to have a non-building width of 43.9 % (maximum 40% permitted)
4. To allow a surface parking lot off Holmes Street frontage that is 63 linear feet from the alley north to the southwest corner of the building (56 linear feet of surface parking lot permitted measured from the alley to the southwest corner of the building)

10/26/22



View looking east along West Washington Street



View looking west along West Washington Street



View looking south along Holmes Avenue



View of site looking south



View of site looking east across Holmes Avenue



View of site looking east along east / west alley that abuts the southern boundary of site



View of site looking north



View of site looking north



View from site looking west at intersection of West Washington Street and Holmes Avenue



View from site looking north across West Washington Street



View from site looking southwest across Holmes Avenue



View from site looking northwest across West Washington Street

STAFF REPORT

Department of Metropolitan Development Division of Planning Current Planning Section

Case Number: 2022-CZN-862 / 2022-CVR-862 (Amended)
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 of SR 37 (not permitted in front yard), with a 50-foot tall, 568.5-square-foot pole sign (maximum 20-foot tall, 300 square feet permitted), with fifteen street trees along Harding Street (29 required) and sixteen 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).

ADDENDUM FOR APRIL 13, 2023, HEARING EXAMINER

This petition was continued from the March 9, 2023 hearing to the April 13, 2023 hearing at the request of the petitioner. New site and landscape plans, and a new sign elevation were submitted that resulted in an amendment to the request.

Staff **continues to recommend 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).

The rezoning request was not amended. Staff recommends denial of the rezoning for the reasons found below in the November 10, 2022 Staff Report.

(Continued)

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

Changes were made in the variance requests. This petition now requests seven variances of development standards to provide for

- a dumpster enclosure in the front yard of SR 37. A trash enclosure is not permitted in a front yard,
- sixteen street trees along SR 37 where 23 trees are required,
- fifteen street trees along Harding Street where 29 are required,
- a 50-foot tall, 568.5-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 little attempt to locate the enclosures in an inconspicuous spot. Instead, they are placed along State Road 37.

The landscape strip along Harding Street is large enough to provide space for a compliant number of trees to be planted. There is no apparent reason the required number of trees cannot 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.

A pole sign over double the permitted height and nearly double the permitted area has been requested. 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

(Continued)

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

of this sign is atypical of incidental signs and as such, must be taller and larger than typical incidental signs to be useful.

ADDENDUM FOR MARCH 9, 2023, HEARING EXAMINER

This petition was continued from the December 15, 2022 hearing to the March 9, 2023 hearing at the request of the petitioner. No additional information has been supplied.

ADDENDUM FOR DECEMBER 15, 2022, HEARING EXAMINER

This petition was continued from the November 10, 2022 hearing to the December 15, 2022 hearing.

November 10, 2022 Staff Report

RECOMMENDATION

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

A 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.

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.

(Continued)

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

- ◇ 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.

VARIANCES

- ◇ 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,

(Continued)

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

- 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 enclosures in an inconspicuous spot. Instead, they are 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.
- ◇ 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

(Continued)

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

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 could 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. It would be more distant from the new I-69 interchange than from the remaining I-465 interchange.
- ◇ 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.

Traffic Impact Study

- ◇ A traffic impact study was submitted with this petition. The study investigates how the traffic generated by this project would affect seven nearby intersections and the proposed access points to the site.
- ◇ This request comes at a unique time for this area with the coming of I-69 in the next two years. The opening of the new interstate will cause major shifts in the traffic flows in the vicinity. Among the changes will be a drop in traffic volumes on State Route 37 and its transfer in the responsibility to the City of Indianapolis.

(Continued)

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

- ◇ According to the study, the proposed development would generate 120 new trips during the peak morning hour and 100 new trips during the peak afternoon hour.
- ◇ The study determined that the proposed development would not generate enough traffic to reduce the operations of nearby intersections to unacceptable levels. The study also looked at the access and egress on the two proposed driveways on Harding Street. The study found that dedicated left turns lanes into the site are not warranted. It also found that a dedicated right turn lane from southbound Harding Street into the north driveway is warranted. A dedicated right turn lane from southbound Harding Street into the south driveway was not warranted. The driveways should each have three lanes: an inbound lane, a right-turn only outbound lane and a left-turn only outbound lane.
- ◇ The study made recommendations for the improvement of traffic flow in the vicinity upon the opening of I-69. These improvements include establishing a left-bound turn lane from northbound Harding Street to southbound S.R. 37 and retiming the stoplights in the area.
- ◇ A Department of Public Works traffic engineer was of the opinion that even after the opening of I-69 and S. R. 37 reverts to the City's responsibility, a driveway from this site directly onto S.R. 37 is unlikely to be permitted. However, the traffic engineer stated that a study would need to be done before a definite decision on this matter was made.
- ◇ The site plan does not show sidewalks along Harding Street or from Harding Street to the front of the proposed building. Staff notes that sidewalks in these locations will be required to be provided by the Ordinance.

GENERAL INFORMATION

EXISTING ZONING, CONTEXT AREA, AND LAND USE

C-S	Metro	Landscape materials supplier
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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.
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(Continued)

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

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**.

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**.

(Continued)

STAFF REPORT 2022-CZN-862 / 2022-CVR-862 (Amended)(Continued)**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.**

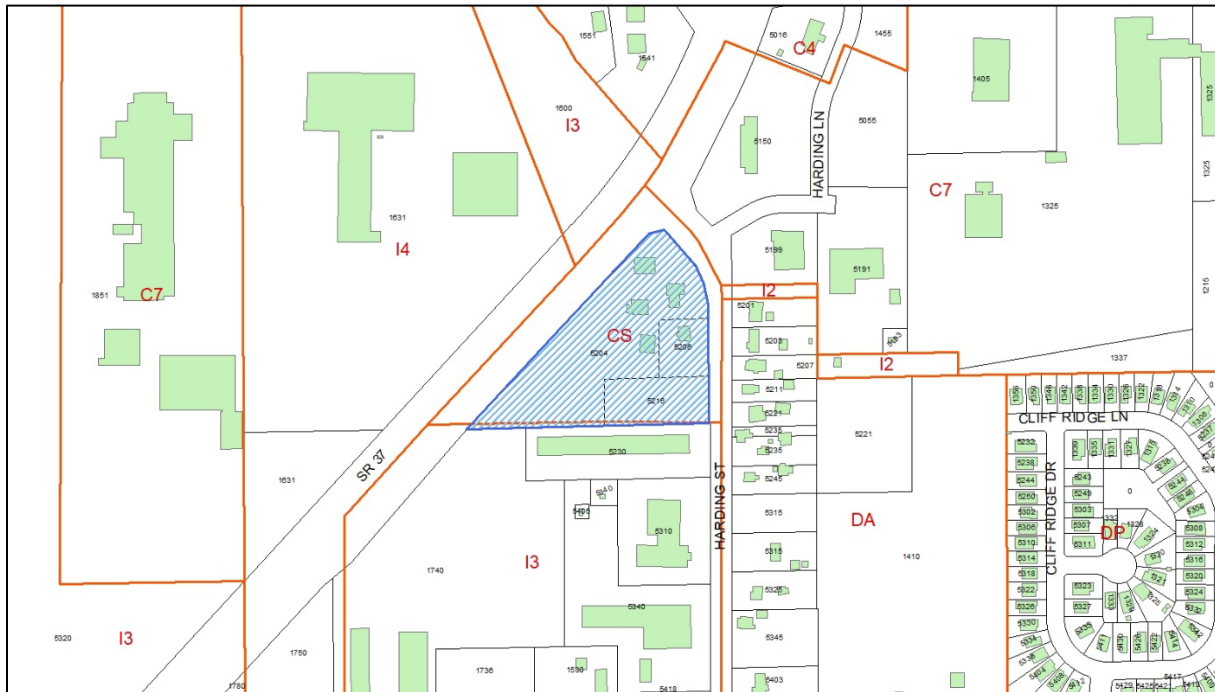
94-Z-45; 1631 West Thompson Road (northwest of site), requested the rezoning of 22.9 acres from the I-4-S district to the C-7 district, **withdrawn.**

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.**

klh

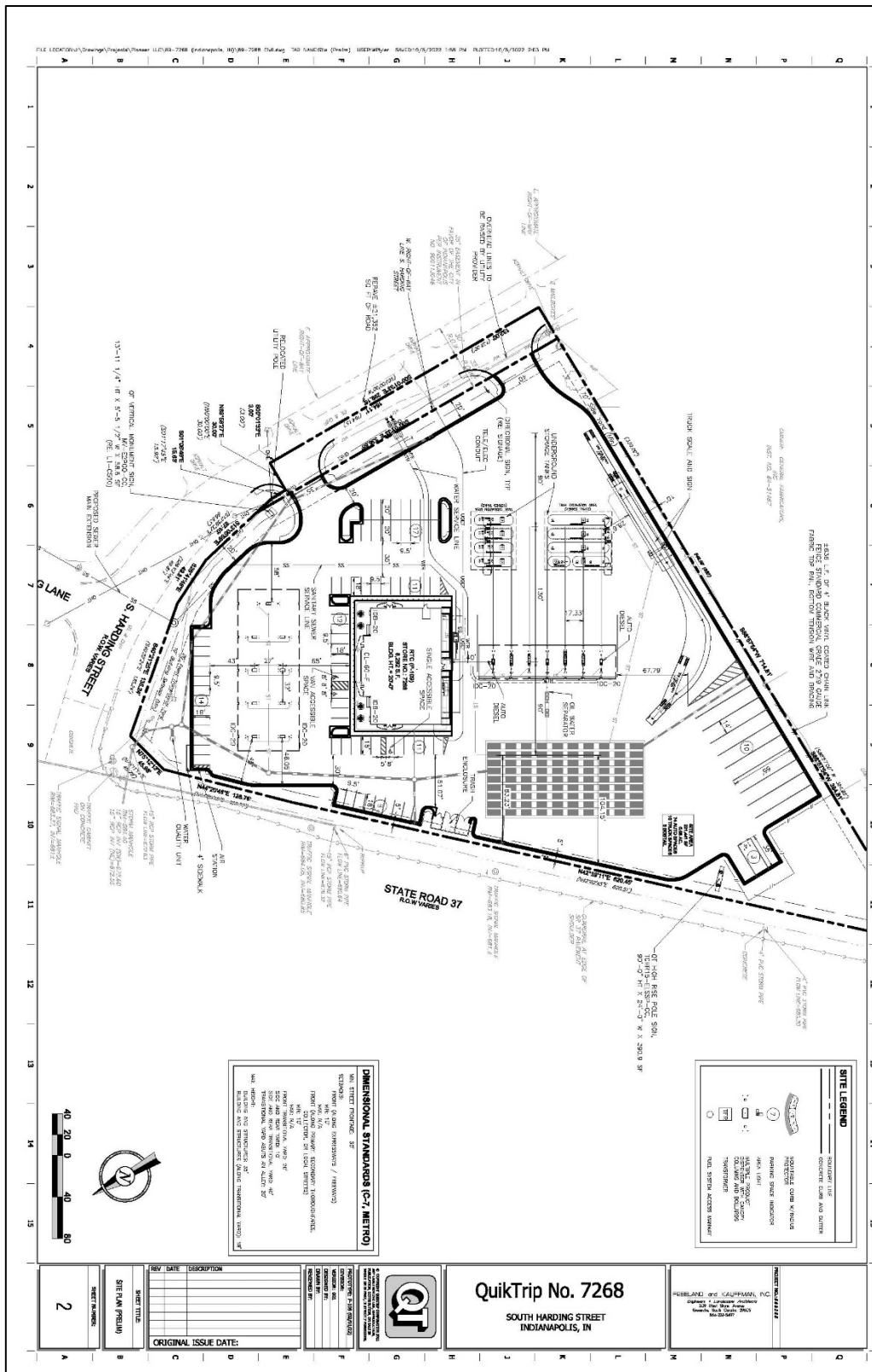
STAFF REPORT 2022-CZN-862 / 2022-CVR-862, Location



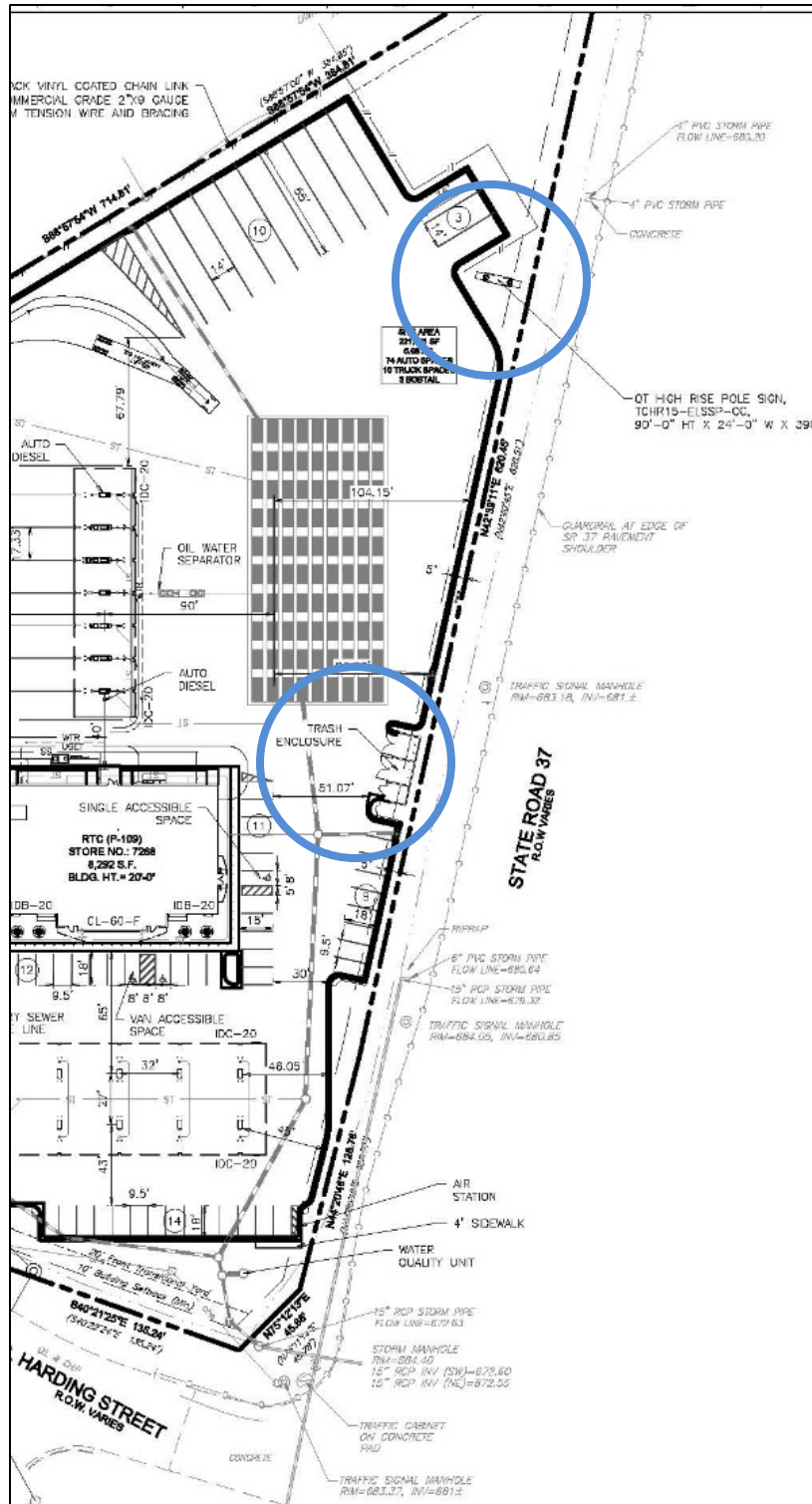
STAFF REPORT 2022-CZN-862 / 2022-CVR-862, Aerial photograph (2021)



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

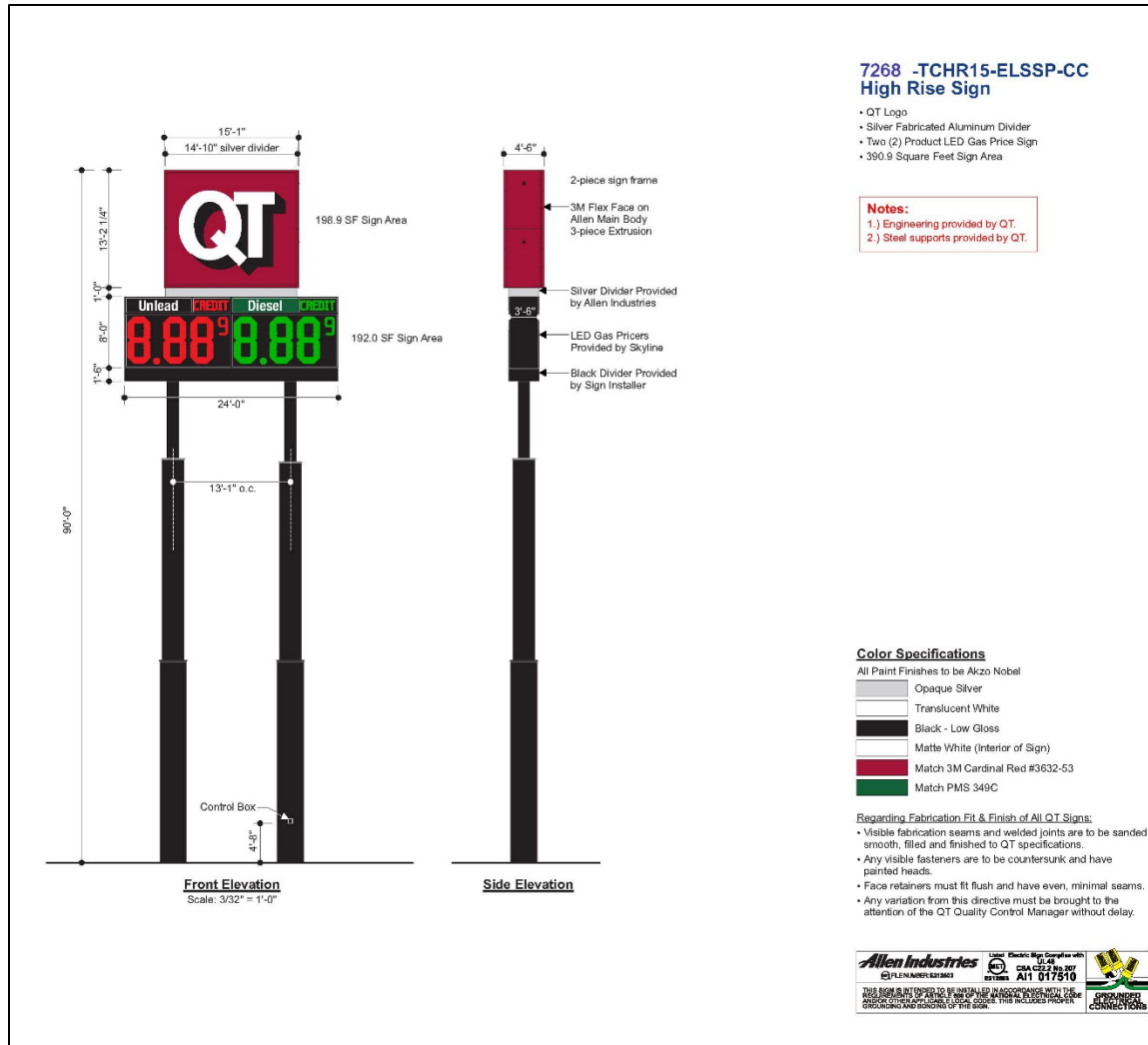


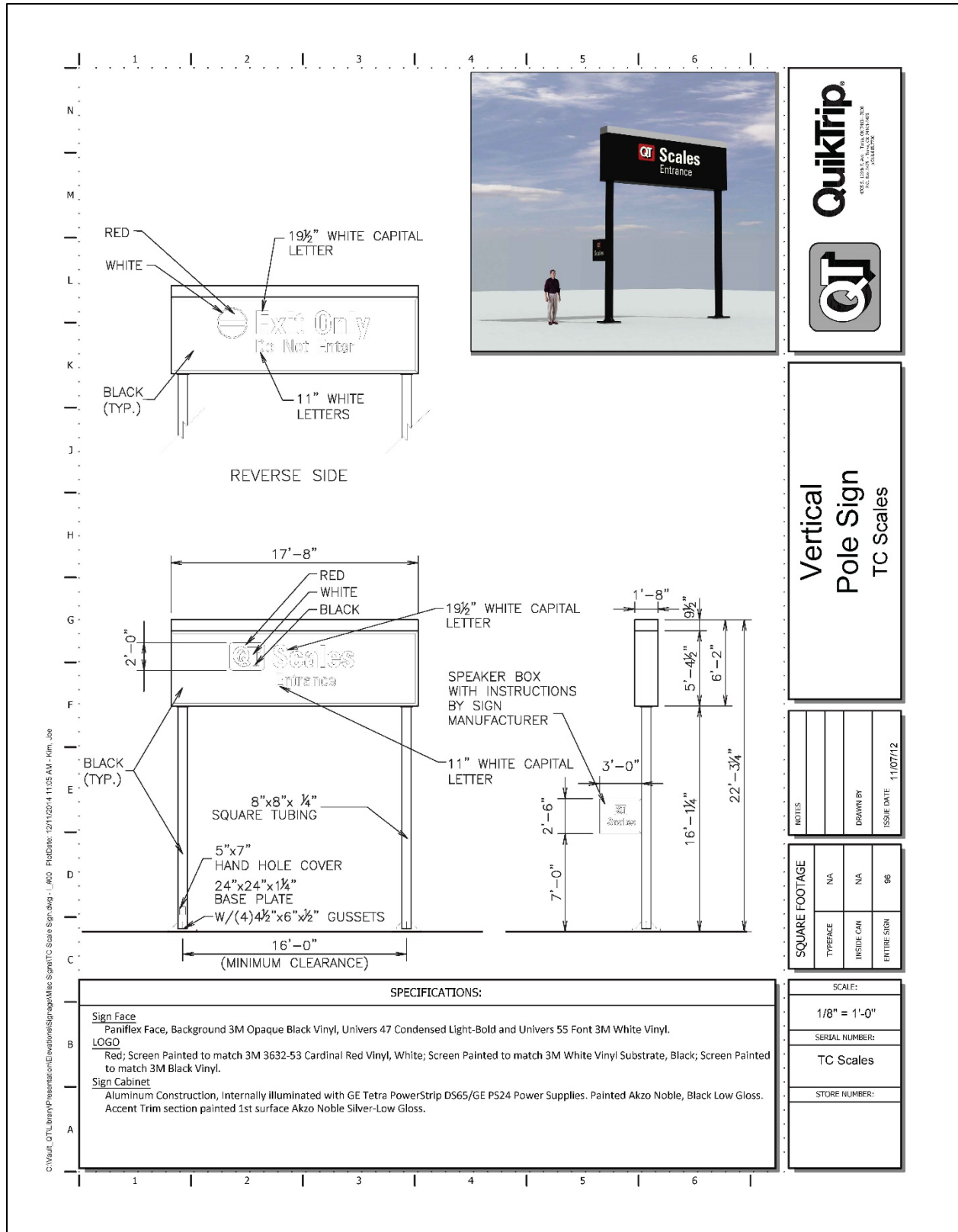
STAFF REPORT 2022-CZN-862 / 2022-CVR-862, Site Plan Insert



This inset shows the proposed location of the trash enclosures and 80-foot tall freestanding sign. North is to the bottom of the page.

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 ____

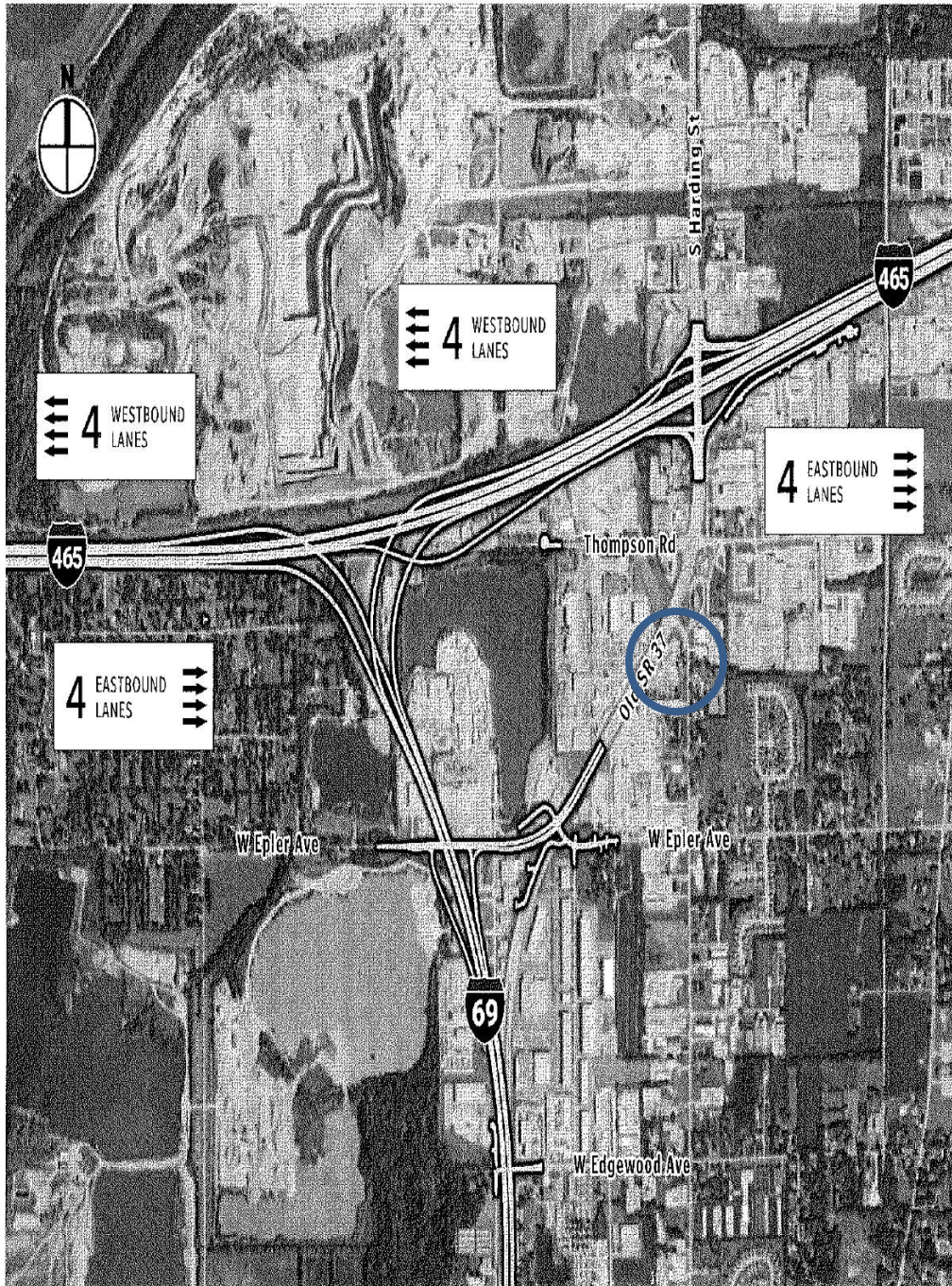
STAFF REPORT 2022-CZN-862 / 2022-CVR-862, Proposed list of excluded uses.

**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, Proposed Route of I-69.**STOP 11 RD to I-465**

Subject site is in the blue circle.

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.

STAFF REPORT

Department of Metropolitan Development Division of Planning Current Planning Section

Case Number: 2022-CZN-868 / 2022-CVR-868 (Second Amendment)
Address: 431 South Shortridge Road (*Approximate Address*)
Location: Warren Township, Council District #18
Petitioner: Bhullar Deol Properties, Inc, by David Kingen and Emily Duncan
Request: Rezoning of 2.74 acres from the D-A district to the C-S district to provide for an event center and C-1 uses with exceptions.
 Variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for a zero-foot east yard (10-foot rear yard required), and without the required front-yard landscaping (landscaping required).

ADDENDUM FOR April 13, 2023, HEARING EXAMINER

Updated materials were submitted for this petition on February 22, 2023. Remonstrators requested a continuance from the February 23, 2023 hearing to the April 13, 2023 hearing to allow time to review and consider the new submittals.

The new materials submitted for this petition include the **withdrawal of the variances of development standards**. This request requires the acknowledgement of the Hearing Examiner.

The new submittal amends the request to provide for an event center and C-1 uses with exceptions. The request no longer provides for truck fleet services. Revised attachments C, D, and E were submitted and can be found below.

With the withdrawal of the variance and removal of truck fleet services from the list of uses, staff **recommends approval** of the petition.

(Continued)

STAFF REPORT 2022-CZN-868 / 2022-CVR-868 (Continued)

ATTACHMENT “C”

Development Plan and Site Plan to allow:

Uses:

1. Event Center
2. All C1 uses except those listed in the Excluded uses list.

Building:

Retention of the existing building for an event center and offices for lease for any C1 use other than those excluded from this site.

Parking:

Forty-eight (48) parking spaces with two (2) additional spaces reserved for the handicapped, to serve the site.

Signs:

Wall signs and one ground sign, with no signs of any type oriented towards a protected district shall be permitted. Directional signs shall be permitted. No signs on the site shall be illuminated.

No pole signs shall be permitted or sought for approval on the site.

No off-site advertising signs shall be erected on the site.

Landscaping, screening and buffering:

Install the landscaping along So. Shortridge Road where indicated on the site plan and per the requirements for front yard landscaping per Indy Rezone.

Security:

Monitored by security cameras, minimum of six (6)

Lighting:

Parking lot lighting may be used on the site, with no light spillage off the site or oriented towards any protected district.

Box lighting shall be used and affixed to the existing building.

Trash Collection:

All dumpsters shall be behind or to the side of the buildings and to the southeast of the building; and enclosed and gated so as not to be visible, from any public street.

2/22/23

ATTACHMENT "D":

Petitioner commits to the following:

1. No sleeping shall be permitted between 12 midnight and 6 am on the site.
2. No billboards or off-site advertising signs shall be permitted on the property.
3. No new Electronic Variable Message Signs (EVMS) or new pole signs shall be erected on the subject property.
4. All parking lot areas shall be maintained and kept litter and weed free.
5. Trash containers shall be enclosed on three sides and have gates.
6. The existing tree line along the east and south properties lines of the site shall be preserved and maintained except for trimming of the existing trees and vegetation to continue to provide screening and buffering.
7. Only one ground sign d(non-illuminated) or one pylon (non-illuminated) shall be permitted on the site.
8. All the additional landscaping with year around evergreens shall be installed prior to the use of the site. All front yard landscaping of trees and shrubbery shall meet the minimum standards of the landscape requirements of Indy Rezone including the species of plant materials.
9. No lighting shall be projected off the site.
10. No liquor license shall be sought or issued for use on this site. Catering liquor for a specific event would be permitted.
11. Hours of operation shall be 7 am to 11 pm, Mondays thru Thursdays and 7 am to 12 midnight Fridays and Saturdays.

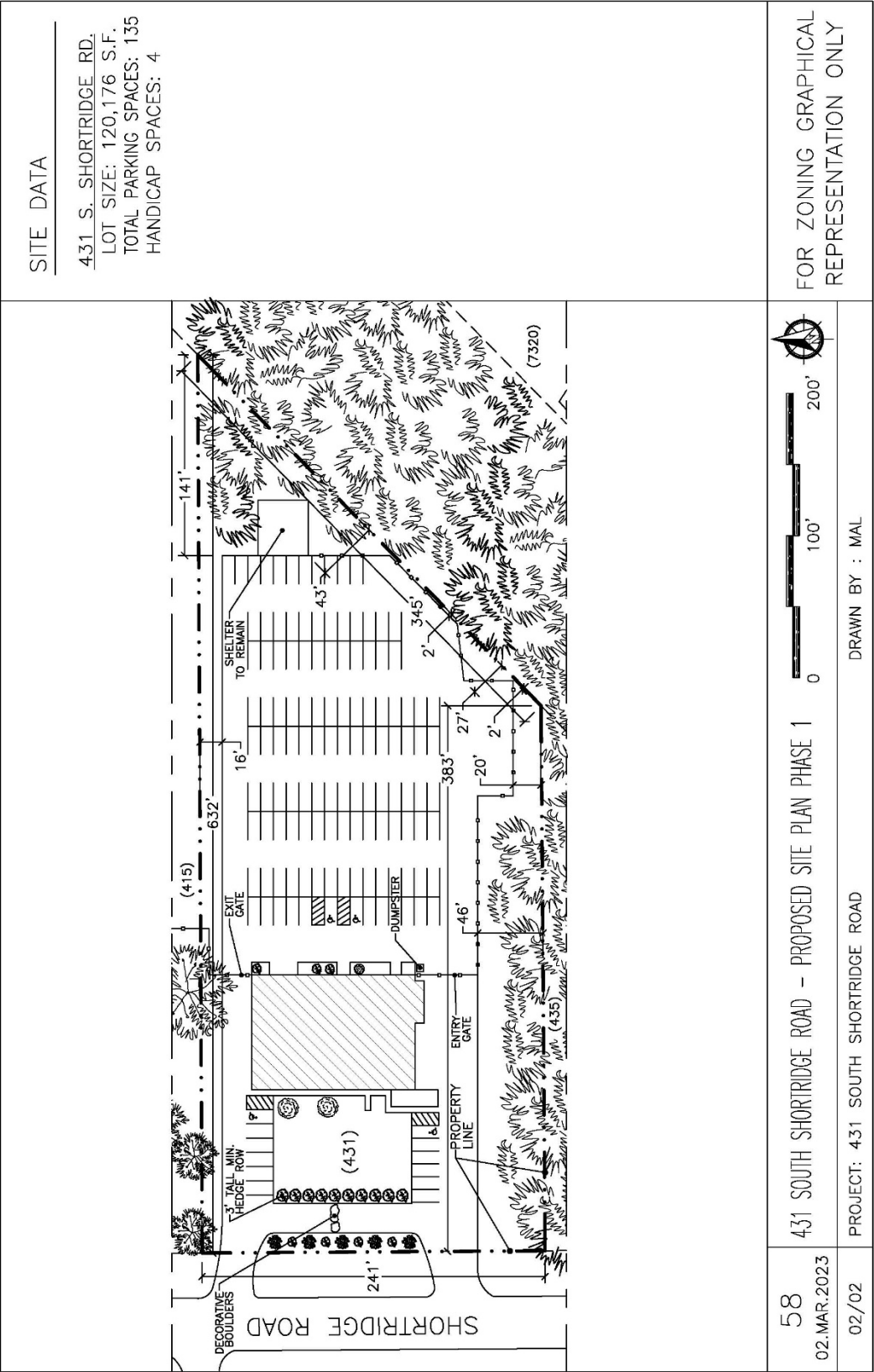
2/22/23

ATTACHMENT "E":

Petitioner commits to exclude the following C1 uses from the subject site:

1. Substation and utility Distribution
2. Wireless Communications facility
3. Transit Center
4. Indoor recreation and entertainment
5. Retail, Light general
6. Parking garage commercial
7. Drive through
8. Outdoor seating or patio
9. Recycling collection point
10. Sidewalk Café
11. Swimming pool or hot tub

2/22/23



ADDENDUM FOR FEBRUARY 23, 2023, HEARING EXAMINER

A continuance for cause from the January 26, 2023 hearing to the February 23, 2023 hearing was requested by the petitioner's representative. The continuance was granted. Staff has received no new information and continues to **recommend denial** of the petition.

ADDENDUM FOR JANUARY 26, 2023, HEARING EXAMINER

The petition was amended and continued from the December 29, 2022 hearing to the January 26, 2023 hearing to provide time for proper notice to be issued.

The petition was amended from a request for rezoning to the C-7 district to a request for rezoning to the C-S. District. The C-S district allows a petitioner to develop a custom list of permitted land uses. The C-S district requires a development statement and site plan.

The custom list of permitted land uses submitted with this petition would allow for truck fleet services, an event center and C-1 uses with exceptions

Staff continues to **recommend denial** of this request. Staff would recommend approval of the petition if the truck fleet services were excluded from the list of uses and the variances were withdrawn.

Truck Fleet Services falls into the Fleet Terminal land use category of the Ordinance, where it is permitted in the I-3 and I-4 zoning districts, the two most intense industrial districts. Fleet Terminal is defined in the Ordinance as a central facility for the distribution, storage, loading and repair of fleet vehicles, with or without associated dispatch services and offices. This definition includes uses such as ambulance services; courier, delivery, and express services; cleaning services; key and lock services; security services; motor truck terminals; limousine services; armored car services; and taxi services. An inherent characteristic of this use is the parking of operable vehicles.

Truck fleet services are not considered to be an appropriate use in the Office Commercial typology of the Comprehensive Land Use Plan. Additionally, the Ordinance notes that the districts that permit truck fleet services present risks to the general public and should be located away from protected districts. As the subject site is located within close proximity to a daycare to the north, residentially-zoned land to the east and a low-intensity office use to the west, staff doesn't believe that this is a suitable location for a heavy industrial use that involves significant truck traffic.

Event centers fall into the Indoor Recreation and Entertainment land use category, which is permitted as a primary use in the C-4, C-5 and C-7 zoning districts. This use is also considered to be too intense for the Office Commercial typology of the Comprehensive Land Use Plan.

(Continued)

STAFF REPORT 2022-CZN-868 / 2022-CVR-868 (Continued)

The C-1 district generally provides for offices and for personal professional services. The petitioner has indicated that three primary uses and eight accessory uses would be excluded from the permitted C-1 uses. The excluded primary uses are Substation and Utility Distribution Nodes, Wireless Communications Facility and Transit Centers. The eight accessory uses to be excluded can be found in Attachment E below. Staff would note that one of the proposed excluded land use categories, Indoor Recreation and Entertainment, includes event centers, which is one of the primary uses proposed by this petition. This would result in a stand-alone event center being permitted, but an event center that is part of larger facility being excluded.

The C-1 district would be an appropriate zoning district in the Office Commercial typology of the Comprehensive Land Use Plan.

The petition was also amended to remove a request for a variance of development standards to provide for a deficient side yard to the south. Staff has determined that the amended site plan meets the side yard requirement of the Ordinance, so the variance is no longer needed.

The amended site plan would remove parking spaces from the right-of-way and provides some landscaping in the area. Landscaping that meets the standards of the Ordinance would be required.

The site plan does not show a sidewalk along South Shortridge Road. A sidewalk would be required along this frontage.

ADDENDUM FOR DECEMBER 29, 2022, HEARING EXAMINER

This petition was continued from the December 1, 2022 hearing to the December 29, 2022 hearing to provide for the amendment of the petition.

December 29, 2022 Staff Report **RECOMMENDATION**

Staff **recommends denial** of this request.

SUMMARY OF ISSUES

The following issues were considered in formulating the recommendation.

(Continued)

STAFF REPORT 2022-CZN-868 / 2022-CVR-868 (Continued)**LAND USE**

- ◇ Historic aerial photography from 1962 shows the subject site under development with the existing structure and parking lots. The nearby Shadeland Avenue freeway was newly constructed and a row of single-family dwellings lined the east side of Shortridge Road north of the site. The nearby industrial dairy was not yet in existence. The site was used for many years as a union hall.
- ◇ The site was most recently occupied by a religious use. The area is now a mix of land uses including a daycare, credit union, woodland and an industrial dairy.
- ◇ The Comprehensive Land Use Plan for Warren Township (2018) recommends Office Commercial for the site and the surrounding area. This land use category is intended for offices, financial institutions and personal care salons.

ZONING

- ◇ This petition requests a rezoning to the C-7 district, which is a high-intensity commercial district. This district is intended for commercial uses that have features such as outdoor storage, sizable merchandise, or outdoor parking and storage of trucks, materials or equipment that make these uses unusually incompatible relative to other commercial uses. These uses should be located near freeway interchanges or on major commercial arterials. This district should not be located in close proximity to retailing, offices or restaurants. It should never be located adjacent to protected districts.
- ◇ The proposed commitments submitted with the request eliminate all uses other than truck and trailer parking. However, truck and trailer parking is considered to fall into the Fleet Terminal land use category of the Ordinance and the C-7 district does not permit fleet terminals. As submitted, this rezoning would have the effect of not permitting any use on the site.
- ◇ The site plan shows what might be 19 truck parking spaces. If they are truck parking space, the maneuvering room for the trucks doesn't appear to be adequate.

(Continued)

STAFF REPORT 2022-CZN-868 / 2022-CVR-868 (Continued)

VARIANCE

- ◇ This petition requests variances of development standards to provide for a 20-foot wide south side transitional yard where a 40-foot wide yard is required, for no east yard where a 10-foot wide rear yard is required, and without the required front-yard landscaping.
- ◇ The purpose of transitional yards is to provide a buffer between a less intense use and a more intense use. The parcel to the south is zoned D-A, which is a dwelling and agricultural district, and would require buffering from a C-7 district under the Ordinance. However, the site is used for neither a dwelling nor agriculture and is solidly wooded. The site is recommended for Office Commercial uses in the Comprehensive Land Use Plan.
- ◇ Rear yards are required for the more intense commercial districts to provide some buffering and open space around these intense uses. In this case the site abuts a rail right-of-way.
- ◇ Front yard landscaping is required for a number of reasons including the provision of an attractive streetscape and the screening of intense uses. The site appears to have been originally developed with parking in the rear. By 1972, a parking lot was constructed in the front of the building and partially in the right-of-way. This parking remains.
- ◇ The site plan shows the parking lot remaining in the right-of-way with stones placed in the center of the lot, but outside of the right-of-way. A low hedge is proposed between the parking lot and the building. This would have no effect on screening the parking lot from the street. The Department of Public Works has requested that the parking be removed from the right-of-way. Additionally, staff would recommend that adequate landscaping be provided between the right-of-way and the parking area to provide an effective landscape screen of the parking area.
- ◇ The back parking lot is fenced. The fence is topped with barbed wire. Barbed wire is not permitted under the Ordinance except for livestock and Public Safety properties such as correctional facilities. The barbed wire should be removed.

GENERAL INFORMATION

EXISTING ZONING, CONTEXT AREA, AND LAND USE
 D-A Metro Religious use

(Continued)

STAFF REPORT 2022-CZN-868 / 2022-CVR-868 (Continued)

SURROUNDING ZONING AND LAND USE

North	C-7	Undeveloped and wooded land
South	D-A	Undeveloped and wooded land
East	D-2	Railroad right-of-way, undeveloped and wooded land, parking lot
West	C-1	Credit Union with drive-thru

COMPREHENSIVE LAND USE PLAN The Comprehensive Land Use Plan for Warren Township (2018) recommends Office Commercial.

THOROUGHFARE PLAN Shortridge Road is classified in the Official Thoroughfare Plan for Marion County, Indiana as a Local Street, with a 115-foot existing right-of-way and a 60-foot proposed right-of-way.

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

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

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

ZONING HISTORY – SITE

86-UV1-4; 431 South Shortridge Road, requested a variance of use to permit an addition to an existing union hall, **approved**.

ZONING HISTORY – VICINITY

2018-ZON-068; 405, 409 & 411 South Shortridge Road (north of site), requested the rezoning of 8.8 acres from the D-11 and C-7 districts to the C-S district to provide for C-1 and I-1 uses, warehousing, commercial and building contractor, truck and trailer parking, heavy truck, heavy equipment and vehicle sales repair and service, **approved**.

2007-ZON-071; 415 South Shortridge Road (north of site), requested the rezoning of 2.7 acres from the C-1 district to the C-ID district, **approved**.

98-Z-100; 411 South Shortridge Road (north of site), requested the rezoning of 2.9 acres from the D-A district to the C-ID district, **approved**.

(Continued)

STAFF REPORT 2022-CZN-868 / 2022-CVR-868 (Continued)

89-Z-144 / 89-CV-21; 405 South Shortridge Road (north of site), requested the rezoning of 5.5 acres from the A-2 district to the D-11 district and a variance of development standards to provide for deficient perimeter yards and deficient distance between buildings, **approved**.

86-UV1-1; 411 South Shortridge Road (north of site), requested a variance of use to provide for a storage and maintenance building for an electric company and the operation of a automobile and small engine repair facility, **approved**.

86-Z-78; 415 South Shortridge Road (north of site), requested the rezoning of four acres from the A-1 district to the C-1 district, **approved**.

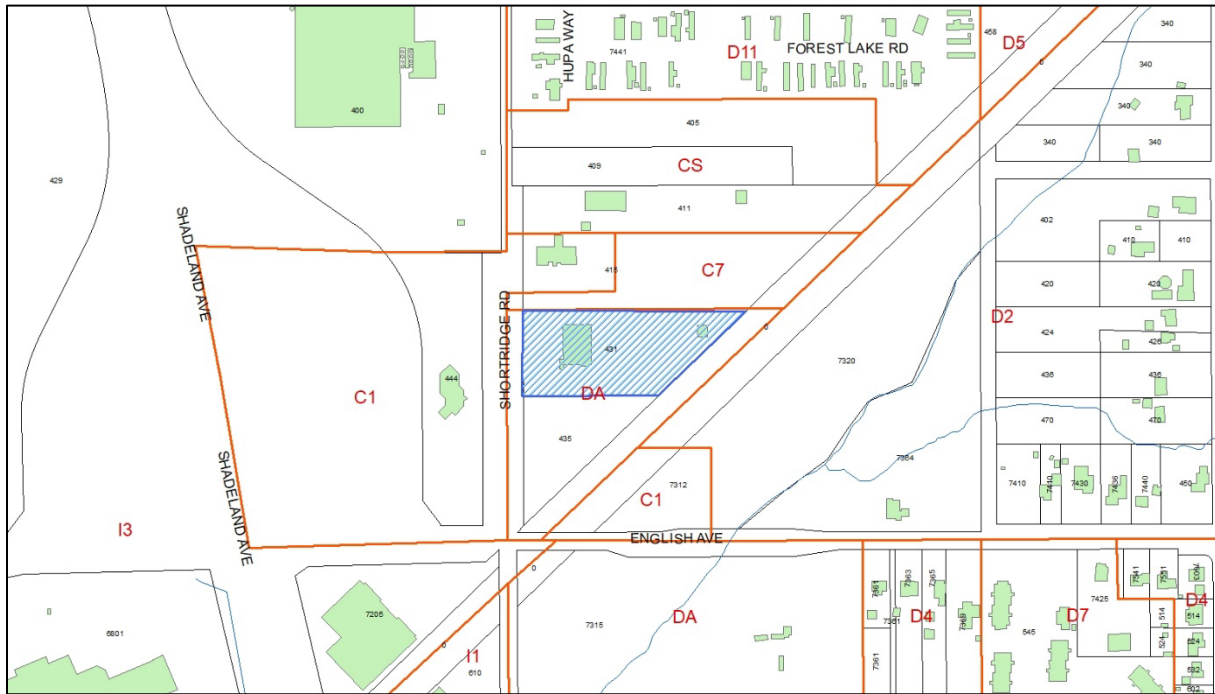
85-Z-157; 7302 English Avenue (south of site), requested the rezoning of 1.1 acre from the D-2 district to the C-1 district, **approved**.

84-UV1-40; 411 South Shortridge Road (north of site), requested a variance of use to provide for retail and repair of commercial search lights, electrical contractor, fabrication, maintenance and sales of radio towers, auto repair and outdoor storage, **approved**.

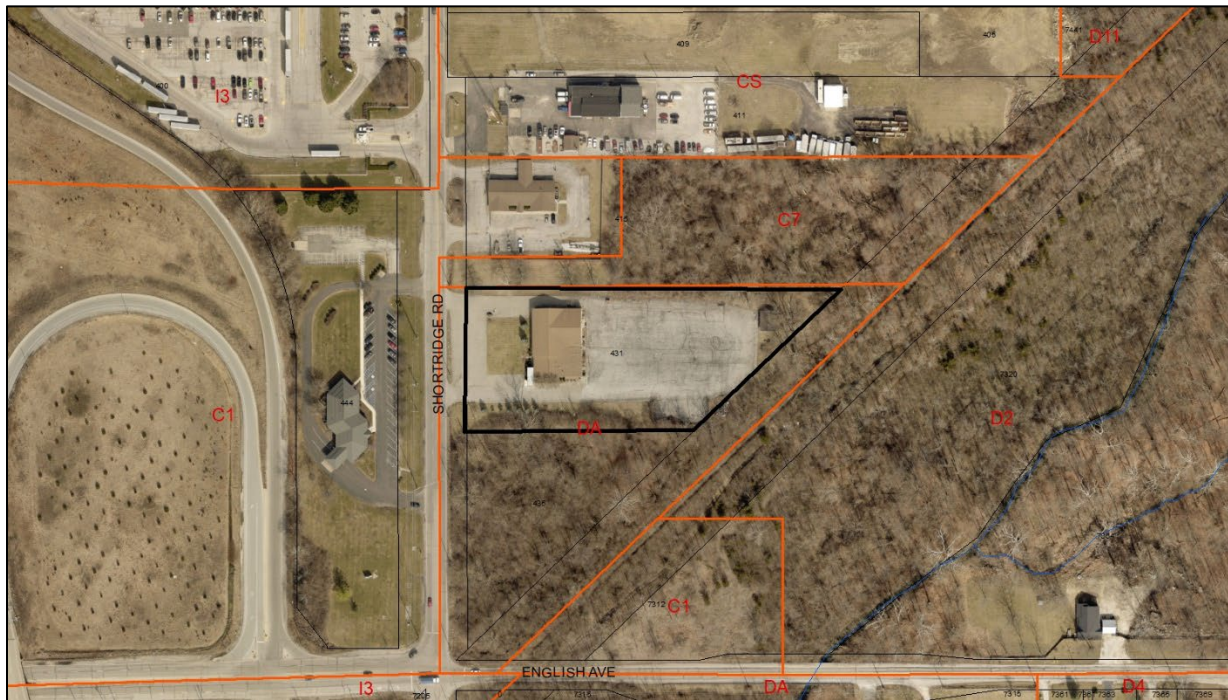
83-UV2-119; 405 South Shortridge Road (north of site), requested a variance of use to provide for automobile service and storage in an A-2 district, **denied**.

klh

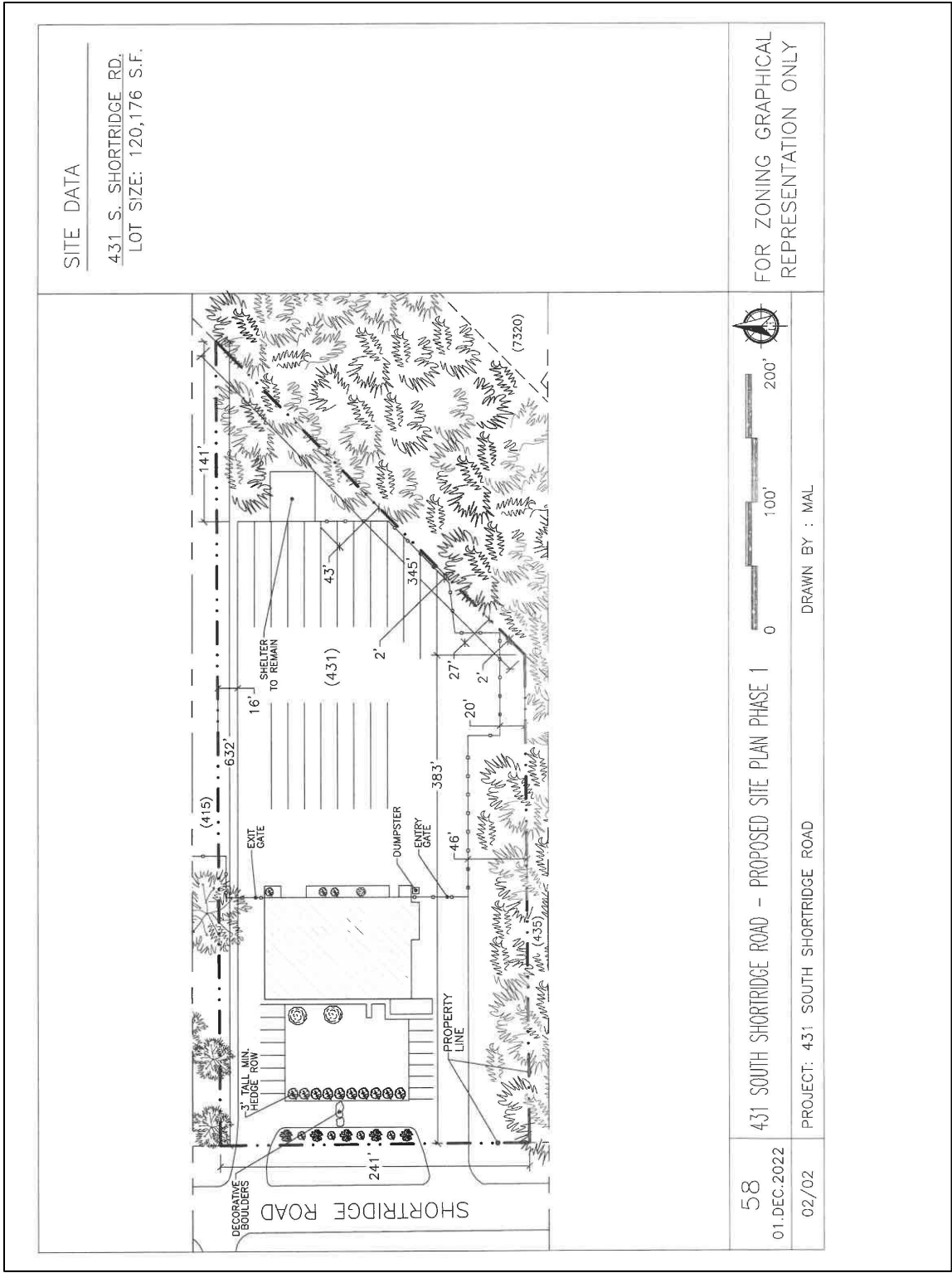
STAFF REPORT 2022-CZN-868 / 2022-CVR-868, Location



STAFF REPORT 2022-CZN-868 / 2022-CVR-868, Aerial photograph (2021)



STAFF REPORT 2022-CZN-868 / 2022-CVR-868, Site Plan



STAFF REPORT 2022-CZN-868 / 2022-CVR-868, Proposed Commitments

ATTACHMENT "C"

Development Plan and Site Plan to allow:

Uses:

1. Truck Fleet Services.
2. Event Center
3. All C1 uses except those listed in the Excluded uses

Building:

Retention of the existing building for the office of both the operation of a commercial truck parking facility and other offices for lease for any C1 use other than those excluded from this site.

Parking:

Thirty (30) parking spaces with one (1) additional space reserved for the handicapped, to serve the site.

Signs:

Wall signs and one ground sign, with no signs of any type oriented towards a protected district shall be permitted. Directional signs shall be permitted

No pole signs shall be permitted or sought for approval on the site.

No off-site advertising signs shall be erected on the site.

Landscaping, screening and buffering:

Install the landscaping along So. Shortridge Road where indicated on the site plan, per plans on file.

Security:

Monitored by security cameras, minimum of six (6)

Lighting:

Parking lot lighting may be used on the site, with no light spillage off the site or oriented towards any protected district.

Box lighting shall be used and affixed to the existing building.

Trash Collection:

All dumpsters shall be behind or to the side of the buildings and to the southeast of the building; and enclosed and gated so as not to be visible, from any public street.

12/13/22

ATTACHMENT "E":

Petitioner commits to exclude the following C1 uses from the subject site:

1. Substation and utility Distribution
2. Wireless Communications facility
3. Transit Center
4. Indoor recreation and entertainment
5. Retail, Light general
6. Parking garage commercial
7. Drive through
8. Outdoor seating or patio
9. Recycling collection point
10. Sidewalk Café
11. Swimming pool or hot tub

12/13/22

STAFF REPORT 2022-CZN-868 / 2022-CVR-868, 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: With the "no touch" zone for the buffering to the south and to the east, and the former railway line to the east; the grant shall not be injurious to the general welfare of the community.

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 trend of the area development along both sides of Shortridge Road, from East Washington Street to East English Street is heavy commercial and thus the "No touch zone" along the transitional yards on the two sides, provides for that area adjacent to 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 parking lot is existing and thus the transitional yards are already reduced in width and with the "no touch zone" to the south and east will allow the property to be used and leave all of the existing trees and vegetation and not shrink the parking lot by removing some of the asphalt.

DECISION

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

Adopted this _____ Day of _____, 20 ____

STAFF REPORT 2022-CZN-868 / 2022-CVR-868, Photographs



Looking east at the subject site.



Looking east along the northern edge of the site.



Looking east along the southern edge of the site.



Looking west along the southern edge of the site.



Looking north along Shortridge Road.



Looking south along the Shortridge Road frontage. Roughly the western half of the parking lot is in the right-of-way.



Looking east from Shortridge Road at the parcel to the north of the site. The site is to the right. A daycare operates behind the green fence to the left.



Looking southwest across Shortridge Road at the neighbor to the west.

STAFF REPORT

Department of Metropolitan Development Division of Planning Current Planning Section

Case Number: 2023-ZON-009 (Amended)
Address: 5635 West 96th Street (*Approximate Address*)
Location: Pike Township, Council District #1
Petitioner: Eric Sanquetti
Request: Rezoning of 4.213 acres from the C-S district to the C-S district to provide for indoor recreational and educational uses.

A valid Automatic Continuance was received from a registered neighborhood organization, the Pike Township Residents Association, **continuing this petition from the March 9, 2023 hearing to the April 13, 2023 hearing.**

RECOMMENDATION

Staff **recommends approval** of this request.

SUMMARY OF ISSUES

The following issues were considered in formulating the recommendation:

LAND USE

- ◇ This site has been used for research, light industrial and office uses since at least the late 1950s/early 1960s. The current building on the site dates from 2005. Among the former tenants of the site was a business called Professional Fitness.
- ◇ The 2018 Comprehensive Land Use Plan recommends Heavy Industrial for the subject site. This typology provides for industrial, production, distribution and repair uses that are intense and may create emissions of light, odor, noise, or vibrations. Outdoor operations and storage are common.
- ◇ The subject site is also within the Industrial Reserve Overlay of the Comprehensive Land Use Plan. An overlay is used in places where the land use uses that allowed in the land use typology need to be adjusted. The Industrial Reserve overlay is for areas that are prime for industrial development and should be reserved for that use. Land uses that detract from the viability of the area for industrial uses should not be supported.

(Continued)

STAFF REPORT 2023-ZON-009 (Continued)

ZONING

- ◇ This petition requests a rezoning to the C-S district to the C-S district. The C-S district allows a petitioner to develop a custom list of permitted land uses. The C-S district requires a development statement and site plan. When a change to the list of permitted uses is desired, a rezoning petition is required.
- ◇ The subject site was part of a larger, 17.6-acre rezoning filed in 2000 (2000-ZON-050). The customized list of permitted land uses associated with that petition can be found below. The permitted uses can be characterized as office and light industrial uses, schools and educational services, a day care center and several accessory uses. These are the uses that are currently permitted on the site. The petition specifically excluded one use, which was outdoor advertising signs (billboards).
- ◇ The “detailed description” submitted with this petition would function as the list of customized uses to be added to the current list. This detailed description can be found below. It can be summarized as adding indoor recreation uses, generally for children, and beyond the scope of a typical daycare or educational service.
- ◇ When rezoned in 2000 to permit office / warehouse uses, the Staff Report noted that the Comprehensive Land Use Plan in effect at the time recommended Heavy Industrial uses for the site. The report went on to say that “Though the proposed office and industrial uses would not be consistent with the heavy industrial recommendation of the Comprehensive Plan, they would generate less impact, and therefore, represent an acceptable deviation from the Plan.”
- ◇ The site is not currently used for heavy industrial uses, nor are heavy industrial uses permitted. The surrounding properties are a mix of office, research, light industrial and heavy industrial uses.
- ◇ Given the site’s history of use and the character of the surrounding uses, staff supports the rezoning.

GENERAL INFORMATION

EXISTING ZONING, CONTEXT AREA, AND LAND USE

C-S Metro Laboratory

(Continued)

STAFF REPORT 2023-ZON-009 (Continued)

SURROUNDING ZONING AND LAND USE

North		Boone County
South	C-S	Laboratory
East	I-3	Natural gas plant
West	C-S	Office building

COMPREHENSIVE LAND USE PLAN The Pike Township Comprehensive Plan (2018) recommends Heavy Industrial.

THOROUGHFARE PLAN 96th Street is classified in the Official Thoroughfare Plan for Marion County, Indiana as a Secondary Arterial, with a 29-foot existing half right-of-way and a 126-foot proposed right-of-way.

Zionsville Road is classified in the Official Thoroughfare Plan for Marion County, Indiana as a Secondary Arterial, with a 72-foot existing half right-of-way and a 126-foot proposed right-of-way.

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

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

ZONING HISTORY – SITE

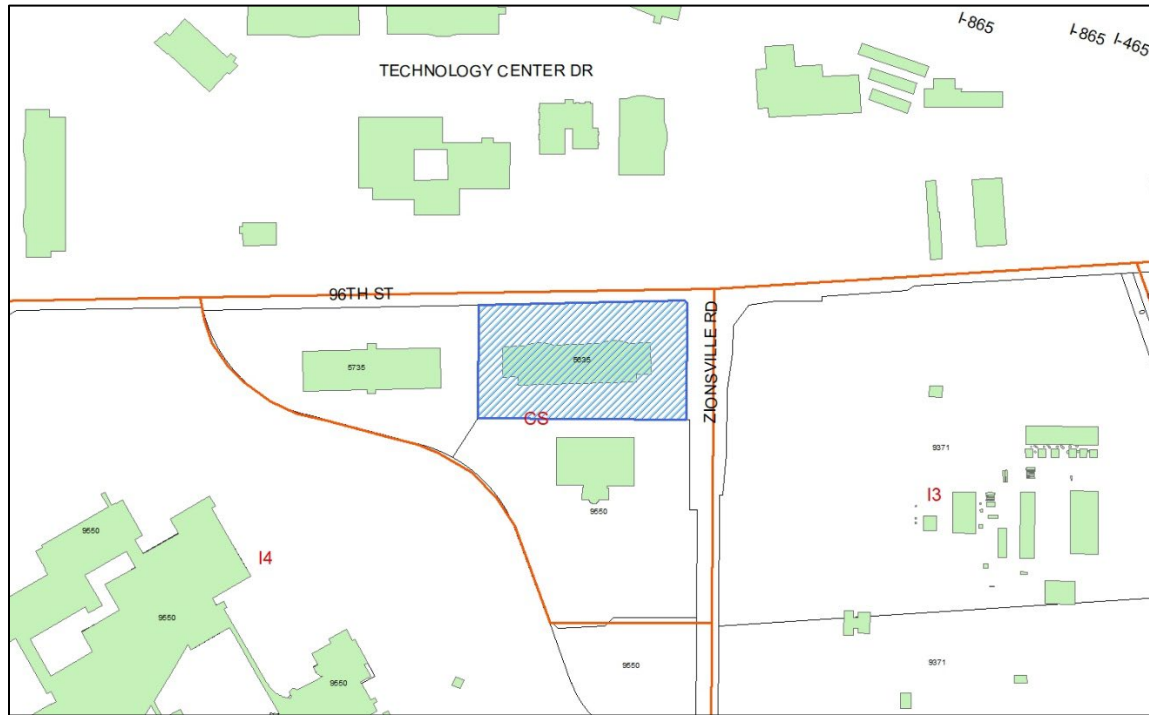
2000-ZON-050; 9550 Zionsville Road, requested the rezoning of 17.6 acres from the I-4-S and C-1 districts to the C-S district to provide for office/warehouse development, **approved.**

ZONING HISTORY – VICINITY

None.

klh

STAFF REPORT 2023-ZON-009, Location



STAFF REPORT 2023-ZON-009, Aerial photograph (2022)



STAFF REPORT 2023-ZON-009, Existing list of permitted uses from 2000-ZON-050

Petitioner, Holladay Partners Midwest, requests the rezoning of 17.639 acres located at the southwest corner of 96th Street and Zionsville Road, being in the I-4-S District, to the C-S Special Commercial Classification to provide for office or light industrial uses as specified below:

Permitted Uses:

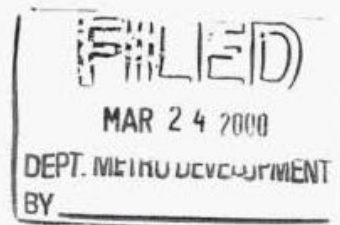
1. **The following C-1 Office - Buffer Uses** (as described in the Commercial Zoning Ordinance of Marion County, Indiana, 92-AO-4, as amended through 98-AO-5):
 - a. **Day Care Center** (adult, child or handicapped);
 - b. **Office Use**, any type, including:

Business or Personal Service	Governmental
Financial (bank, savings & loan, credit union, etc.)	Professional
	Social Services (office only);
 - c. **Schools / Educational Services;** and,

Business and Secretarial	Data Processing	Music
Clerical	Junior College	Nursery
Correspondence	Language	Vocational or Technical;
 - d. **Accessory Uses and Structures**, including:

Cafeteria (serving only employees and guests only)	Office Supplies
Drug Store / Pharmacy	Optical Goods
Florist (including florist telegraph service)	Photocopying and Duplicating Services
News Dealers and Newstands	Restaurant (serving office employees and guests only)
2. **Any I-2-S Light Industrial Use** (as described in the Industrial Zoning Ordinance of Marion County, Indiana; 63-AO-4, as amended through 98-AO-4).

The initial purpose of this rezoning is to provide for the use of existing buildings located on the site for the above specified Permitted Uses. Petitioner also wishes to have the ability to raze one or more of the existing buildings and redevelop the site in substantial compliance with the concept depicted on the Site Plan filed with this petition.



STAFF REPORT 2023-ZON-009, Proposed addition to the list of permitted uses from 2000-ZON-050

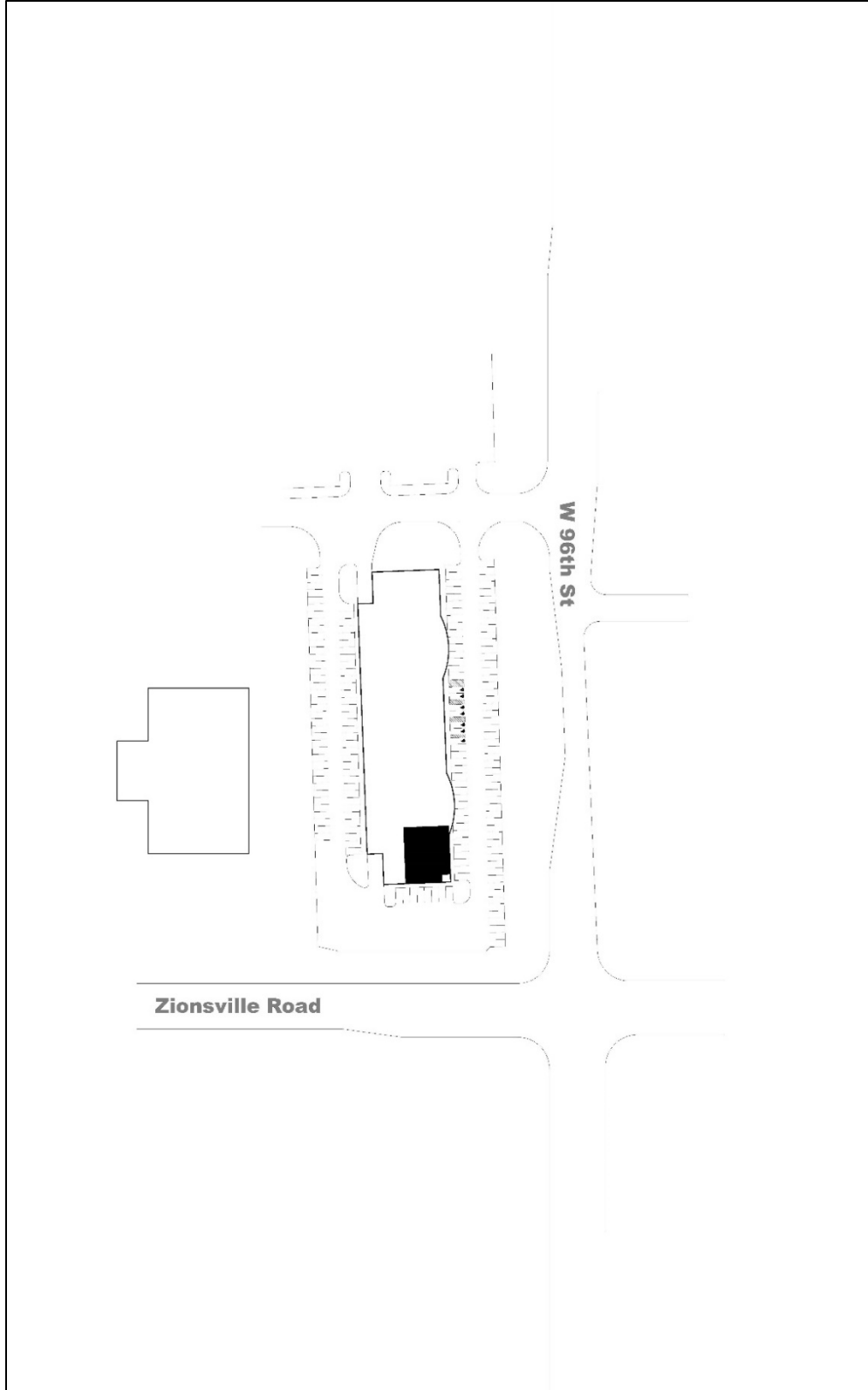
Proposed Modifications: Original Copy

DETAILED DESCRIPTION OF THE PROPOSAL:

Property owner wishes to modify the CS Use to accept indoor recreational and educational facility. The new tenant will be offering many educational classes. They plan to run 3-5 unique classes per week that include music classes, arts/crafts, bilingual storytimes and cultural explorations, dance and fitness classes for children. They will also offer several summer camp classes. They've consulted with a renown occupational therapist on how best to set up the space to be inclusive and educational for all children, especially those on the autism spectrum. Also planned, is to offer meeting rooms to local groups such as book clubs and bible studies. While offering gross motor play, that is not the only focus. Tenant has consulted with several teachers on how to include educational content in everyday experiences. In addition, this business will offer drop-in childcare and a co-working space for parents of children. Lastly, The tenant is not an arcade and will not offer any sort of gaming.

JK/aw 1-24-23

STAFF REPORT 2023-ZON-009, Site Plan



STAFF REPORT 2023-ZON-009, Photographs



Looking southeast at the subject site from the 96th Street entrance.



Looking southwest at the site from the corner of Zionsville Road and 96th Street.



Looking southeast at the neighbor to the south.



Looking west from the subject site along 96th Street.



Looking north across 96th Street from the subject site.



Looking east across Zionsville Road at the neighboring natural gas facility.

STAFF REPORT

Department of Metropolitan Development Division of Planning Current Planning Section

Case Number: 2023-CZN-809 / 2023-CVR-809 / 2023-CVC-809 (Amended)
Address: 2357 Dr Martin Luther King Jr Street (*Approximate Address*)
Location: Center Township, Council District #11
Petitioner: Grundy Memorial Chapel, Inc., by David Kingen
Request: Rezoning of 0.70 acre from the C-1 district, to the MU-1 district to provide for a multi-family development.

Variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for a zero-foot west front transitional yard (20-foot required), zero-foot north front yard (twelve-foot minimum required), five-foot south side yard (ten-foot side yard required), a five-foot south transitional yard (15-foot required), and a six-foot east transitional yard (15-foot required).

Vacation of the first north-south alley east of Dr Martin Luther King Jr Street, being twelve feet in width, from the south right-of-way line of 24th Street, south 134.54 feet to the first east-west alley south of 24th Street with a waiver of Assessment of Benefits.

This petition was continued from the March 23, 2023 hearing to the April 13, 2023 hearing to allow time for the petition to be amended and new notice to be sent. It is Staff's understanding that the vacation petition will be withdrawn.

RECOMMENDATION

The **vacation request should be withdrawn**. Staff **recommends approval of the rezoning and variance requests**, provided that the following commitments being reduced to writing on the Commission's Exhibit "B" forms at least three days prior to the MDC hearing:

1. Building height shall be limited to 50 feet, except within 15 feet of the south property line, where the height shall be limited to 38 feet.
2. Elevations of any building to be constructed on the site shall be submitted for Administrator' Approval prior to the issuance of an Improvement Location Permit for that building.
3. Landscape plans shall be submitted for Administrator' Approval prior to the issuance of any Improvement Location Permit for the site.

(Continued)

STAFF REPORT 2023-CZN-809 / 2023-CVR-809 / 2023-CVC-809 (Amended) (Continued)

4. The center line of the parking aisle that includes the alley right-of-way shall be marked with a yellow dashed line in accordance with Department of Public Works standards.
5. A traffic sign stating "To 24th Street" shall be erected at the south edge of the site where the alley bisects the site for the purpose of communicating that a public alley still exists and is open to the public.

SUMMARY OF ISSUES

The following issues were considered in formulating the recommendation.

LAND USE

- ◇ The subject site is seven lots with an intervening alley at the southeast corner of Dr. Martin Luther King Jr Street and 24th Street. As originally filed the petition also provided for the vacation of the intervening alley. The vacation portion of the petition is to be withdrawn.
- ◇ The site was platted as residential lots as part of Graceland Park subdivision in 1891. Historic aerial photography indicates that each parcel within the subject site was originally developed with a single-family or two-family dwelling. By the mid-1950s the three parcels at the intersection had been converted to a commercial use. By 2000, the dwellings on the remaining parcels had been demolished and these parcels have remained vacant since that time.
- ◇ The site is across Dr Martin Luther King Jr Street from Watkins Park and the Watkins Park Family Center. The site is two blocks west of IPS's George Washington Carver Montessori School #87.
- ◇ The site is served by an active north-south alley that parallels Dr. Martin Luther King Jr Street. The north-south alley is used by the neighbors to the south to access their backyards for parking. The alley is also used by the Department of Public Works for trash and heavy trash collection.
- ◇ The site also abuts an east-west alley. Historic aerial photography indicates that the east-west alley was in use as late as 1986. However, the east-west alley is now overgrown with vegetation and unpassable in its current condition.
- ◇ The United Northwest Neighborhood Plan, a segment of the Indianapolis/Marion County Comprehensive Plan, recommends eight to fifteen dwelling units per acre as the land use for the subject site and D-8 as the appropriate zoning district. The development proposed in the site plan would place 34 multi-family units on 0.76 acre for a density of 48 units per acre.

(Continued)

STAFF REPORT 2023-CZN-809 / 2023-CVR-809 / 2023-CVC-809 (Amended) (Continued)

ZONING

- ◇ This petition requests a rezoning to the MU-1 district. The MU-1 district is intended for the development of high-rise office uses and apartments, both in separate buildings and in the same building. This district is intended for use along arterials with high traffic counts and positive pedestrian experience or demand. Appropriate settings for the MU-1 district include midtown and uptown areas of the city, near rapid transit stops or in the midst of high intensity regional commercial complexes. The site is on a high traffic count arterial with pedestrian demand and in a mid-town location.
- ◇ The requested zoning district would permit development more intense than the land use plan recommends by way of height, land uses, and density.
- ◇ The MU-1 district permits unlimited building height. This standard is appropriate in most locations that are zoned MU-1. However, the development pattern in the area surrounding the subject site does not include high-rise buildings. As such, staff is requesting a height limitation on the site that is more in keeping with the area's tallest structures and that won't loom over the neighboring dwelling to the south.
- ◇ The MU-1 district provides for both residential and office uses. The site is currently zoned C-1, which is a district that provides for office uses. The proposed zoning district would be something of a compromise between the current zoning and that proposed by the neighborhood land use plan.
- ◇ The building proposed for the site would contain 34 multi-family units for a density of 48 units per acre. Since the neighborhood plan was adopted in 2008, higher density projects have been proposed and approved for this corridor, indicating a desire for some intensification of the street.

VARIANCE

- ◇ Five variances of development standards have been requested. They would provide for:
 - a zero-foot west front transitional yard where a 20-foot is required,
 - a zero-foot north front yard where a twelve-foot yard is required,
 - a five-foot south side yard where a ten-foot side yard is required,
 - a five-foot south transitional yard where a 15-foot yard is required, and
 - a six-foot east transitional yard where a 15-foot is required.

(Continued)

STAFF REPORT 2023-CZN-809 / 2023-CVR-809 / 2023-CVC-809 (Amended) (Continued)

- ◇ Within the last few years, multi-family structures have been approved along Dr Martin Luther King Jr Street with zero-foot front setbacks. This creates a “street wall” that is appropriate for an urban arterial such as Dr Martin Luther King Jr Street. The zero-foot front yard and front transitional yard requested by this petition would continue that development pattern. However, where a front setback is reduced in this manner, it’s especially important that the architecture of the building be appropriate for the site, the streetscape and the pedestrian experience. As such, staff is requesting Administrator’s Approval of the building elevations.
- ◇ The reduction in the side and side transitional yards will bring the proposed development to be located closer to the abutting neighbors that the Ordinance would permit. To mitigate the impact on the abutting properties, intense landscaping should be installed as a buffer. As such, staff is requesting Administrator’s Approval of the landscape plans.

VACATION

The Graceland Park subdivision plat laid out an alley paralleling Michigan Road (now Dr Martin Luther King Jr Street). This alley serves the rear yards of the lots facing the street, as well as connecting 24th Street to Myrtis and 23rd streets. The alley is used by the Department of Public Works for trash collection.

This vacation petition would vacate the portion of the alley from 24th Street south to the alley’s intersection with the east-west alley.

The request would allow for a larger buildable site. However, it would create situations that are poor platting practices or that cause access and travel burdens to others.

The alley is visibly well-used. The residents of the lots to the south park their vehicles in their backyards, which are accessed from the alley. Additionally, the vacation of the alley would hinder the redevelopment of the vacant lots fronting Myrtis Street. The vacation request does not account for the displacement of either current or future traffic, trash collection or existing utilities.

With the proposed removal of the buildings from the subject site, a development “clean slate” is created. No compelling reason has been put forward why the proposed use cannot be built without the use of a City asset or in a manner that doesn’t detract from the current and future utility of the abutting lots.

Staff believes that the petitioner intends to withdraw the vacation petition.

(Continued)

STAFF REPORT 2023-CZN-809 / 2023-CVR-809 / 2023-CVC-809 (Amended) (Continued)

With the alley right-of-way running through the proposed parking lot, it's important that alley users understand that the alley remains open for public use. As such the Department of Public Works has requested that commitments be made for appropriate signage and striping.

However, if the petitioner does not withdraw the vacation petition, staff finds that the vacation **would not be in the public interest** and recommends the vacation petition be **denied**.

ASSESSMENT OF BENEFITS

A request for the waiver of assessment of benefits has been made. The assessment of benefits compensates the City for the City's investment in public infrastructure that would become privately property. This waiver request is routinely recommended for denial wherever there is indication that an investment in infrastructure was made. Although the subject alley was constructed many years ago, there is indication that it was once paved, curbed and provided with a curb cut. As such, if the vacation petition is not withdrawn, and should the alley be vacated, staff recommends that **the waiver of assessment of benefits be denied**.

RECOMMENDED MOTION: That the Hearing Examiner finds that the proposed vacation is not in the public interest; that a hearing upon the assessment of benefits be scheduled for August 25, 2022; and that the Hearing Examiner confirms and ratifies the adoption of Declaratory Resolution 2022-CVC-808; subject to the rights of public utilities under IC 36-7-3-16.

PROCEDURE

Neither the Division of Planning nor the Plat committee, Hearing Examiner or Metropolitan Development Commission determines how vacated right-of-way is divided. The approval of a vacation petition only eliminates the public right-of-way. The vacation approval does nothing more. A petitioner will not receive a deed or other document of conveyance after the approval of a vacation.

The general rule under Indiana case law is that when a street or highway is vacated or abandoned the title to the land reverts to the abutting property owners. This rule exists by virtue of the fact that the abutting landowner owns to the center of the street or highway subject only to an easement for the public for 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 a 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)

STAFF REPORT 2023-CZN-809 / 2023-CVR-809 / 2023-CVC-809 (Amended) (Continued)**GENERAL DESCRIPTION:**

Vacation of the first north-south alley east of Dr Martin Luther King Jr Street, being twelve feet in width, from the south right-of-way line of 34th Street, south 134.54 feet to the first east-west alley south of 24th Street.

UTILITIES AND AGENCY REPORT

Telephone:	No answer, retain easement
CEG, Gas:	Release
CEG, Wastewater:	Release
CEG, Water:	Release
Power:	No objection, retain easement
Cable:	Retain easement
DPR:	No answer, retain easement, if requested
DPW, TS:	No answer, retain easement

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

C-1, D-8	Compact	Funeral home, vacant lots
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SURROUNDING ZONING AND LAND USE

North	SU-7	Center for Leadership Development
South	C-1	Two-family dwelling
East	D-8	Single-family dwelling
West	PK-1	Watkins Park

COMPREHENSIVE LAND USE PLAN	The United Northwest Neighborhood Plan (2008) recommends 8 to 15 dwelling units per acre.
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THOROUGHFARE PLAN	<p>Dr Martin Luther King Jr Street is classified in the Official Thoroughfare Plan for Marion County, Indiana as a Primary Arterial, with an 80-foot existing right-of-way and a 66-foot proposed right-of-way.</p> <p>24th Street is classified in the Official Thoroughfare Plan for Marion County, Indiana as a Local Street, with a 50-foot existing right-of-way and a 48-foot proposed right-of-way.</p>
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FLOODWAY / FLOODWAY FRINGE	<p>This site is not located within a floodway or floodway fringe.</p> <p>(Continued)</p>
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STAFF REPORT 2023-CZN-809 / 2023-CVR-809 / 2023-CVC-809 (Amended) (Continued)

WELLFIELD PROTECTION DISTRICT This site is located within the White River W-5 wellfield protection district.

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

ZONING HISTORY – SITE

None.

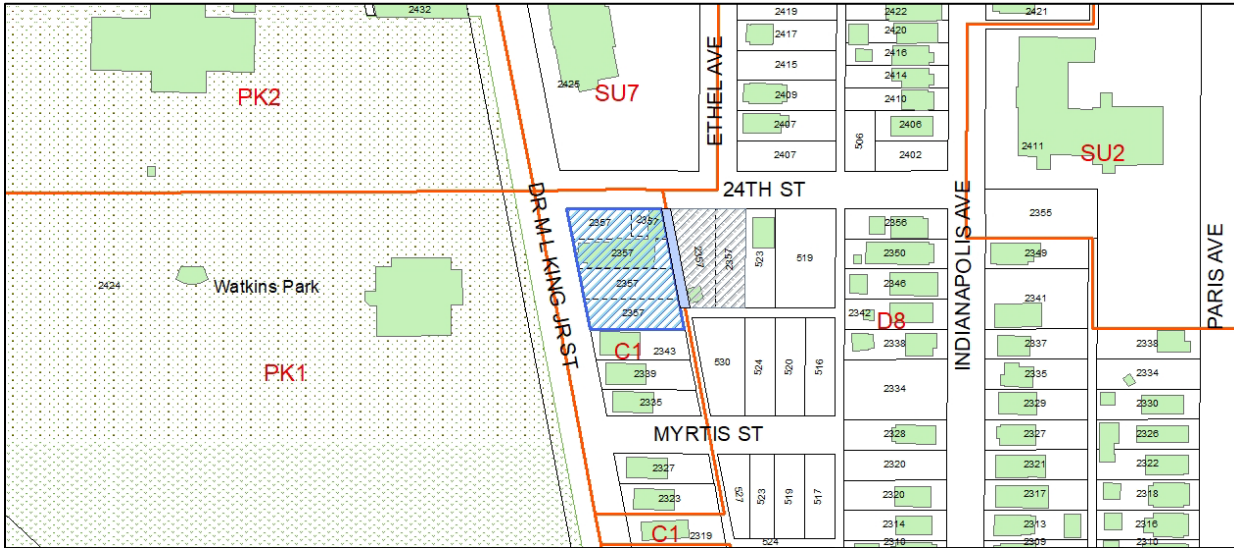
ZONING HISTORY – VICINITY

2007-ZON-021; 532 West 24th Street, four addresses on Dr. Martin Luther King, Jr. Street and eight addresses on Ethel Avenue (north of site), requested the rezoning of 1.95 acre from the D-8 & C-3 districts to the SU-7 district, **approved.**

95-SE1-8; 532 West 24th Street (north of site), requested a special exception for religious uses, **approved.**

klh

STAFF REPORT 2023-CZN-809 / 2023-CVR-809 / 2023-CVC-809 (Amended), Location



Blue hatching = area to be rezoned. Solid blue = Right-of-way to be vacated. Blue hatching, solid blue and gray hatching = area for variance.

STAFF REPORT 2023-CZN-809 / 2023-CVR-809 / 2023-CVC-809 (Amended), Aerial photograph (2022)



STAFF REPORT 2023-CZN-809 / 2023-CVR-809 / 2023-CVC-809 (Amended), Site Plan



STAFF REPORT 2023-CZN-809 / 2023-CVR-809 / 2023-CVC-809 (Amended), Variance 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 requested setbacks and setbacks of transitional yards on all four sides of the site are typical for a mixed use building along this mixed use corridor.

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 use and value of the area adjacent shall be affected in a positive manner.

This is reflected primarily that the proposed mixed-use will replace the existing funeral home

The funeral can generate lot of traffic and parking needs all at one time.

The proposed mixed use will provide adequate parking.

The value of the adjoining properties to the west, south and east have all issued letters of

support to the petitioner to demonstrate that they believe that the proposed will be an asset to their properties

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

If the strict application of the terms of the ordinance were held firm,

related to the reduction of side yards and transitional yards, then the number of dwelling units for the homeless veterans

and the related parking would not be possible. The use serves a need that both the United Northwest Area

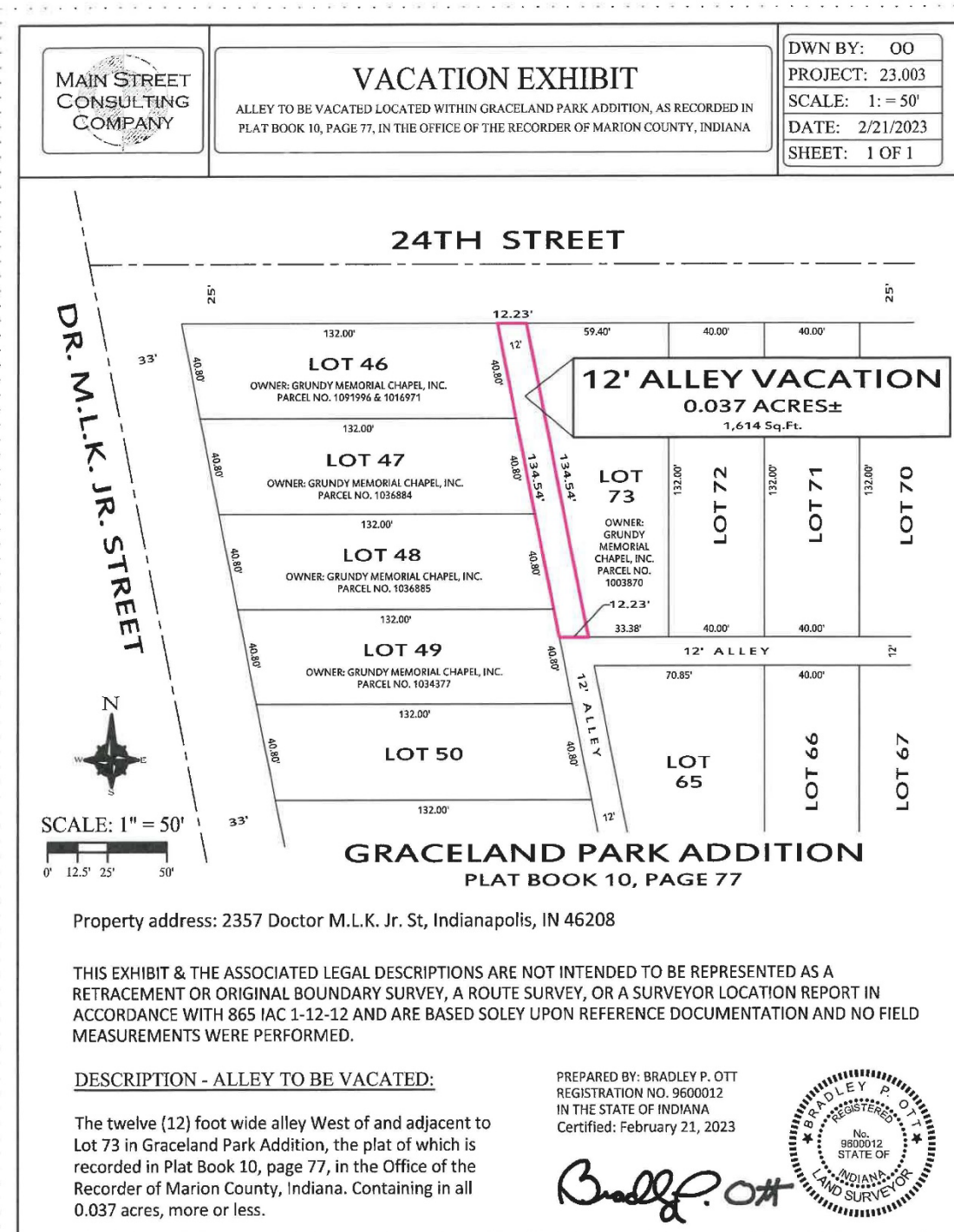
and the community have a need to provide.

DECISION

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

Adopted this _____ day of _____, 20 ____

STAFF REPORT 2023-CZN-809 / 2023-CVR-809 / 2023-CVC-809 (Amended), Proposed vacation



STAFF REPORT 2023-CZN-809 / 2023-CVR-809 / 2023-CVC-809 (Amended), Vacation Findings of Fact

Petition Number _____

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

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

FINDINGS OF FACT

1. THE PROPOSED VACATION IS IN THE PUBLIC INTEREST because: the unimproved alleys to the east, southeast and to the south of the subject site are only twelve feet in width and have very sharp turns, not conducive to accepting increased traffic of the proposed redevelopment project.

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 ____

STAFF REPORT 2023-CZN-809 / 2023-CVR-809 / 2023-CVC-809 (Amended), Photographs



Looking southeast at the subject site from the intersection of Dr Martin Luther King Jr Street and 24th Street.



Looking east along 24th Street from the intersection with Dr Martin Luther King Jr Street.



Looking east across the south portion of the subject site.



Looking south along Dr Martin Luther King Jr Street from the subject site.



Looking west across Dr Martin Luther King Jr Street to the Watkins Park Family Center.



Looking north across 24th Street to the neighbor to the north.



Looking east along 24th Street from the subject site toward IPS School #87.



Looking north from the subject site along Ethel Street.



Looking south from 24th Street at the portion of the north-south alley that is requested to be vacated. Note the overhead utility lines, curbcut, alley curb and alley pavement.



Looking south from the south boundary of the subject site along the north-south alley. This portion of the alley would remain. Google Streetview from June 2011.



Looking east from the north-south alley to the east-west alley. Google Streetview from June 2011.

STAFF REPORT

Department of Metropolitan Development Division of Planning Current Planning Section

Case Number: 2022-CZN-864A / 2022-CZN-864B / 2023-CPL-864
Address: 370 South Franklin Road (*Approximate Address*)
Location: Warren Township, Council District #18
Petitioner: JAW Enterprises, LLC and M & K Warehouse Services, LLC, by William T. Rosenbaum
Requests: Rezoning of 3.543 acres from the D-A district to the C-7 district.
 Rezoning of 3.45 acres from the D-A district to the I-2 district.
 Approval of a Subdivision Plat to be known as M.B. Rapp Acres, dividing 6.82 acres into two lots.

This petition was automatically continued from the **March 9, 2023** hearing to the **April 13, 2023** hearing.

RECOMMENDATIONS

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

Staff recommends that the Hearing Examiner **approve** and find that the plat, file-dated February 8, 2023, complies with the standards of the Subdivision regulations, subject to the following conditions:

1. That the applicant provides a bond, as required by Section 741-210, of the Consolidated Zoning and Subdivision Ordinance.
2. Subject to the Standards and Specifications of the Department of Public Works, Sanitation Section.
3. Subject to the Standards and Specifications of the Department of Public Works, Drainage Section.
4. Subject to the Standards and Specifications of the Department of Public Works, Transportation Section.
5. That addresses and street names, as approved by the Department of Metropolitan Development, be affixed to the final plat, prior to recording.
6. That the Enforcement Covenant (Section 741-701, of the Consolidated Zoning and Subdivision Ordinance) be affixed to the final plat, prior to recording.
7. That the Site Distance Covenant (Section 741-702, of the Consolidated Zoning and Subdivision Ordinance) be affixed to the final plat, prior to recording.
8. That the Sanitary Sewer Covenant (Section 741-704, of the Consolidated Zoning and Subdivision Ordinance) be affixed to the final plat, prior to recording.
9. That the Storm Drainage Covenant (Section 741-703, of the Consolidated Zoning and Subdivision Ordinance) be affixed to the final plat, prior to recording.
10. That the plat restrictions and covenants, done in accordance with the rezoning commitments, be submitted, prior to recording the final plat.

(Continued)

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

11. That all the standards related to secondary plat approval listed in Sections 741-207 and 741-208 of the Consolidated Zoning and Subdivision Ordinance are met, prior to the recording of the final plat.

SUMMARY OF ISSUES

The following issues were considered in formulating the recommendation:

LAND USE

- ◇ The subject site is zoned D-A and developed with a commercial building and outdoor storage for boat sales.
- ◇ This petition would subdivide the property into two lots. The northern lot would be rezoned to the C-7 district and contain the existing commercial development. The southern lot would be rezoned I-2. No development is proposed at this time for the southern lot.

REZONING

- ◇ This petition would rezone this site from the D-A district to the C-7 and I-2 districts.
- ◇ The comprehensive plan recommends light industrial uses. These recommended land uses may include light industrial uses, and heavy commercial uses, such as other vehicle sales, rental, or repair.
- ◇ The I-2 light industrial district is intended for industries that present minimal risk and typically do not create objectionable characteristics, which is consistent with the light industrial typology recommended by the comprehensive plan.
- ◇ The site proposed to be rezoned to the C-7 district obtained a variance of use to permit boat sales and outdoor storage. The C-7 district is intended for commercial uses that typically include outdoor storage and display of sizable merchandise, and generate truck traffic. This land use is also consistent with the light industrial typology. The proposed rezoning would be appropriate for the existing development and use of this site.
- ◇ Staff is, therefore, recommending approval of the rezoning to the I-2 district and rezoning to the C-7 district.

PLAT

- ◇ The plat would subdivide the subject site into two lots. Lot One would be 3.25 acres and contain the existing commercial development. Lot Two would be 3.16 acres; no development was proposed for Lot Two at the time of submittal. The proposed plat meets the standards of the C-7 and I-2 zoning classifications as proposed in the companion rezoning.

(Continued)

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

- ◇ The proposed lots would front on Franklin Road. No new streets are proposed as part of this petition.

SIDEWALKS

- ◇ Sidewalks are required on Franklin Road.

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

D-A	Metro	Commercial
-----	-------	------------

SURROUNDING ZONING AND LAND USE

North	C-7	Commercial
South	D-A / I-2	Industrial
East	D-2 / I-2	Residential / Industrial
West	D-2	Undeveloped / Interstate

**COMPREHENSIVE LAND USE PLAN
THOROUGHFARE PLAN**

Light Industrial
Franklin Road is classified in the Official Thoroughfare Plan for Marion County, Indiana as a Primary Arterial, with a 34-foot existing and a 90-foot proposed right-of-way.

PRELIMINARY PLAT

File-dated February 8, 2023

ZONING HISTORY – SITE

2018-UV1-028, variance to provide for the expansion of a maintenance and storage building for an adjacent boat sales business with a 28-foot south side setback, **approved**.

2015-UV1-041, variance to provide for the construction of a 5,000-square foot maintenance storage building for an adjacent boat sales business, with paved off-street parking and gravel storage areas, **approved**.

ZONING HISTORY – VICINITY

2020-DV3-012, 375 South Franklin Road, variance to provide for additions to an existing single-family dwelling and garage with a 0.5-foot north side setback, **approved**.

2012-ZON-025, 416 South Franklin Road, rezoning of 3.9 acres from the D-A district to the I-2-S classification, **approved**.

2012-CZN-815, 416 South Franklin Road, rezoning of 12.41 acres from the I-2-S and D-A districts to the I-2-S district, **approved**.

2012-CVC-815, 416 South Franklin Road, Vacation of a portion of Beechwood Avenue, being 50 feet in width from the east right-of-way line of Interstate 465 to a point 271.96 feet to the east, **approved**.

(Continued)

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

2012-CVR-815, 416 South Franklin Road, variance to provide for a 31-foot-tall building addition, with a 45-foot front building setback and a zero-foot parking and access drive setback, with 45,000 square-feet of outdoor truck and trailer storage, **approved.**

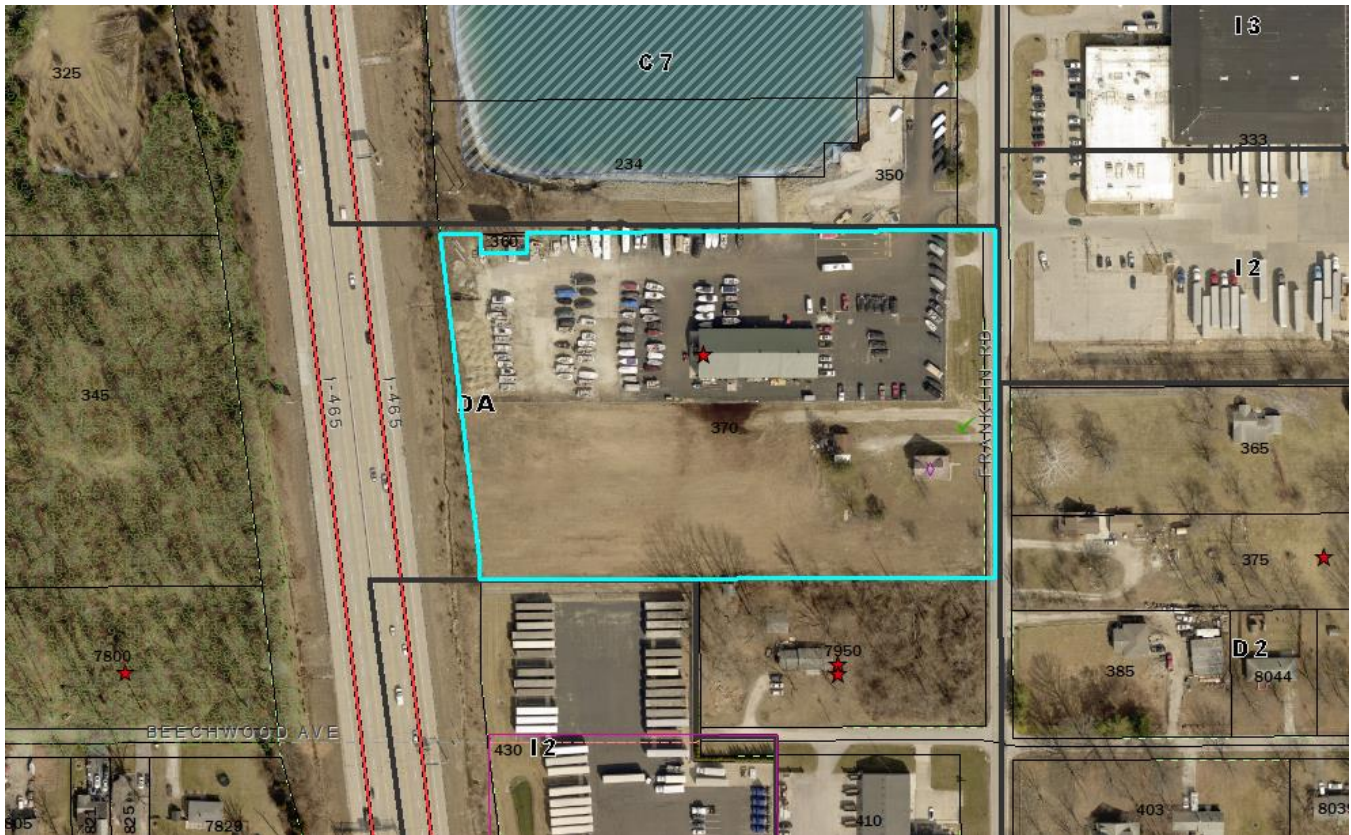
99-UV3-98, 375 South Franklin Road, variance to provide for a plumbing contractor business, denied.

76-UV3-139, 7950 Beechwood Avenue, variance to permit occupancy of a trailer on rear of lot, for a period of two years, **approved**.

72-UV2-128, 7950 Beechwood Avenue, variance to permit an existing house trailer to remain on a permanent basis, limited to current occupant, **approved.**

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2022-CZN-864A / 2022-CZN-864B / 2022-CPL-864 Aerial Map



M.B. RAPP ACRES

STANDARD RESTRICTIVE COVENANTS

[illegible]

DEED DEDICATION

[illegible]

THE UNIVERSITY OF CHICAGO PRESS

de 1971 — 1984. O período de 1971 a 1979 refere-se ao período de 1971 a 1979, e o período de 1980 a 1984 refere-se ao período de 1980 a 1984.

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LEGAL COUNSEL: THE FIRM OF LIT. ASSOCIATES, INC., OF 375 N. 34. ST. MINNEAPOLIS, MN 55412-1001, HAS BEEN SELECTED BY THE BOARD OF DIRECTORS OF THE COMPANY TO BE THE LEGAL COUNSEL FOR THE COMPANY. THE FIRM HAS BEEN SELECTED BY THE BOARD OF DIRECTORS OF THE COMPANY TO BE THE LEGAL COUNSEL FOR THE COMPANY.

M. PUGH AND J. W. WILSON

ORIGINAL LEGAL DESCRIPTIONS

[illegible]

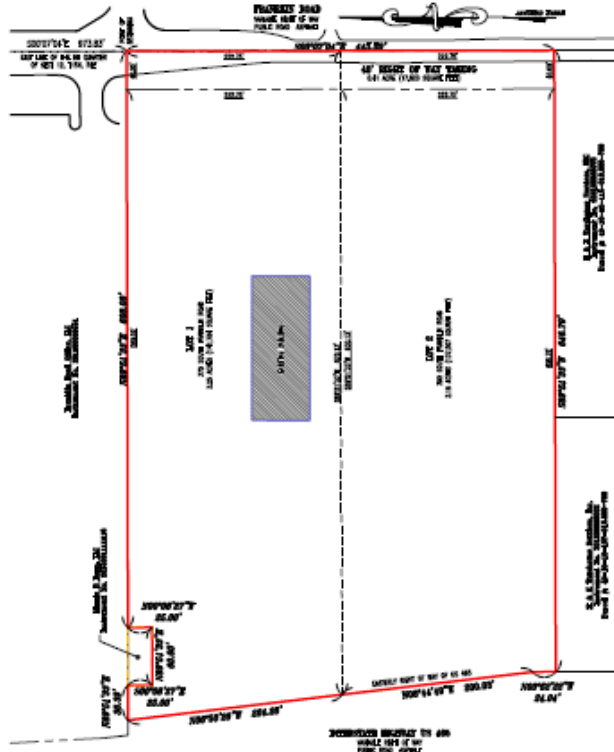
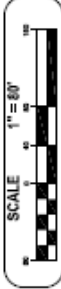
MODERN LEGAL DESCRIPTION

and being very particularly interested in the

SURVEYOR'S CERTIFICATE

[illegible]

Donna K. Senter
Sally M. Senter
Purchased Land Survey #0010
P.O. Box 501246
McAfee, NJ, 08854



RED ACTION STATEMENT

THE NEW YORK PUBLIC LIBRARY
ASTOR LENOX TILDEN FOUNDATION
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NEW YORK, N.Y. 10017-2454

James H. Cotton

M.B. RAPP ACRES

379 SOUTH FRANKLIN ROAD
INDIANAPOLIS, INDIANA

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OF SECTION 12
TOWNSHIP 15 NORTH
RANGE 4 EAST
WARREN TOWNSHIP
MARION COUNTY



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SHEET
1 OF 1

DRAWN BY: R. STOHLER
CHECKED BY: D. SCOTTEN
ISSUE DATE: 01-27-2023

2022-CZN-864A / 2022-CZN-864B / 2022-CPL-864 Site Photos



Proposed Lot One, looking west



Proposed Lots One and Two, looking southwest



Proposed Lot One, Lot Two shown left



Proposed Lot Two, looking south



Proposed Lot Two, Interstate shown at the rear, looking west.

STAFF REPORT

Department of Metropolitan Development Division of Planning Current Planning Section

Case Number: 2023-CVR-811 / 2023-CPL-811
Address: 1316 South Capitol Avenue and 207 Wisconsin Street (*Approximate Address*)
Location: Center Township, Council District #16
Zoning: D-5
Petitioner: Jorge Oscar Gonzales
Requests: Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for a detached garage with a corner side setback of three feet (eight feet required).
 Approval of a Subdivision Plat to be known as Padbros Noble Street Addition, subdividing 0.53 acre into two lots.

RECOMMENDATIONS

Staff recommends **approval of the variance** petition, subject to the following commitments:

1. The access easement shall be used as a shared driveway for both lots. No other driveways will be permitted except from the alley.
2. The driveway on Capitol Avenue must be paved at minimum from the property line to the curb.
3. The garage proposed on Lot One must orient the garage door to the south.
4. The garage proposed on Lot Two must orient the garage door to the north.

Staff recommends that the Hearing Examiner **approve** and find that the plat, file-dated February 27, 2023, complies with the standards of the Subdivision regulations, subject to the following conditions:

1. That the applicant provides a bond, as required by Section 741-210, of the Consolidated Zoning and Subdivision Ordinance.
2. Subject to the Standards and Specifications of the Department of Public Works, Sanitation Section.
3. Subject to the Standards and Specifications of the Department of Public Works, Drainage Section.
4. Subject to the Standards and Specifications of the Department of Public Works, Transportation Section.
5. That addresses and street names, as approved by the Department of Metropolitan Development, be affixed to the final plat, prior to recording.
6. That the Enforcement Covenant (Section 741-701, of the Consolidated Zoning and Subdivision Ordinance) be affixed to the final plat, prior to recording.
7. That the Site Distance Covenant (Section 741-702, of the Consolidated Zoning and Subdivision Ordinance) be affixed to the final plat, prior to recording.
8. That the Sanitary Sewer Covenant (Section 741-704, of the Consolidated Zoning and Subdivision Ordinance) be affixed to the final plat, prior to recording.

(Continued)

2023-CVR-811 / 2023-CPL-811 STAFF REPORT (Continued)

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

SUMMARY OF ISSUES

The following issues were considered in formulating the recommendation:

LAND USE

- ◇ The subject site is zoned D-5 and is developed with two single-family dwellings. These dwellings have existed since at least 1915 as shown on the historic Sanborn Maps below.
- ◇ This petition would subdivide the property into two lots so that each dwelling is on a separate parcel. This petition would also provide for a detached garage with a three-foot corner side setback where eight feet is required.

VARIANCE OF DEVELOPMENT STANDARDS

- ◇ This petition would provide for a detached garage with a three-foot corner side setback where eight feet is required.
- ◇ The variance relates to companion plat petition. Typical development patterns would locate the detached garage directly behind the dwelling; but once platted, the rear setback for Lot One will only be approximately 26 feet. The existing east setback for the dwelling is 36.75 feet. In the D-5 district, the minimum lot area is 5,000 square feet. The most even split of these properties would result in a small rear setback for Lot One. This setback would not allow for adequate distance from the property lines or between structures for the proposed garage.
- ◇ The proposed garage would have a three-foot setback from the east property line, measured from the roof overhang. The foundation wall has a proposed 5.083-foot setback from the east property line. Were this property line not a corner side setback, the required side setback would be five feet instead of eight feet. Architectural features are permitted to encroach up to 18 inches into any yard or setback. Staff believes the proposed setback is consistent with general intent of the D-5 district and that the reduced setback is not a significant deviation.
- ◇ Staff is not opposed to a reduced corner side setback where the existing development creates a practical difficulty, and the reduction would not significantly impact the surrounding development.

(Continued)

2023-CVR-811 / 2023-CPL-811 STAFF REPORT (Continued)

- ◇ Staff is requesting the approval of the variance be subject to the following commitments:
 1. The access easement shall be used as a shared driveway for both lots. No other driveways will be permitted except from the alley.
 2. The driveway on Capitol Avenue must be paved at minimum from the property line to the curb.
 3. The garage proposed on Lot One must orient the garage door to the south.
 4. The garage proposed on Lot Two must orient the garage door to the north.

PLAT

- ◇ The plat would subdivide the subject site into two lots. Lot One would contain the existing dwelling on the northern portion of the property and be approximately 5,631 square feet. Lot Two would contain the existing dwelling on the southern portion of the property and be approximately 5,085 square feet. The proposed plat meets the standards of the D-5 zoning classifications.

TRAFFIC / STREETS

- ◇ Lot One would be a corner lot, fronting on Wisconsin Street to the north. The east side yard would front on Capitol Avenue.
- ◇ Lot Two would front on Capitol Avenue. The south side yard would also front on the alley.
- ◇ Both lots propose vehicle access from a sixteen-foot access easement with an existing curb cut. No new streets are proposed for this development.

SIDEWALKS

- ◇ Sidewalks are existing on Capitol Avenue and Wisconsin Street.

GENERAL INFORMATION

EXISTING ZONING, CONTEXT AREA, AND LAND USE

D-5	Compact	Single-Family Residential
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SURROUNDING ZONING AND LAND USE

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

COMPREHENSIVE LAND USE PLAN	Traditional Neighborhood
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(Continued)

2023-CVR-811 / 2023-CPL-811 STAFF REPORT (Continued)**THOROUGHFARE PLAN**

Capitol Avenue is classified in the Official Thoroughfare Plan for Marion County, Indiana as a local street, with a 40-foot existing and a 48-foot proposed right-of-way.

Wisconsin Street is classified in the Official Thoroughfare Plan for Marion County, Indiana as a local street, with a 60-foot existing and proposed right-of-way.

SITE PLAN 207 Wisconsin Street

File-dated February 23, 2023

SITE PLAN 1316 Capitol Avenue

File-dated February 23, 2023

PRELIMINARY PLAT

File-dated February 27, 2023

FINDINGS OF FACT

File-dated March 2, 2023

ZONING HISTORY – SITE

None

ZONING HISTORY – VICINITY

96-Z-52, 234 and 236 West Wisconsin Street, rezoning of 0.34-acre from the D-5 district to the D-8 district, **approved**.

2007-VAC-006, 225 and 229 Kansas Street, vacation of a portion of the first north-south alley east of Senate Avenue, being fifteen feet in width, **withdrawn**.

2019-PLT-092, 117 Kansas Street, Approval of a Subdivision Plat, to be known as Prince's Kansas Street Townhomes, dividing 0.13 acre into two single-family attached lots, **approved**.

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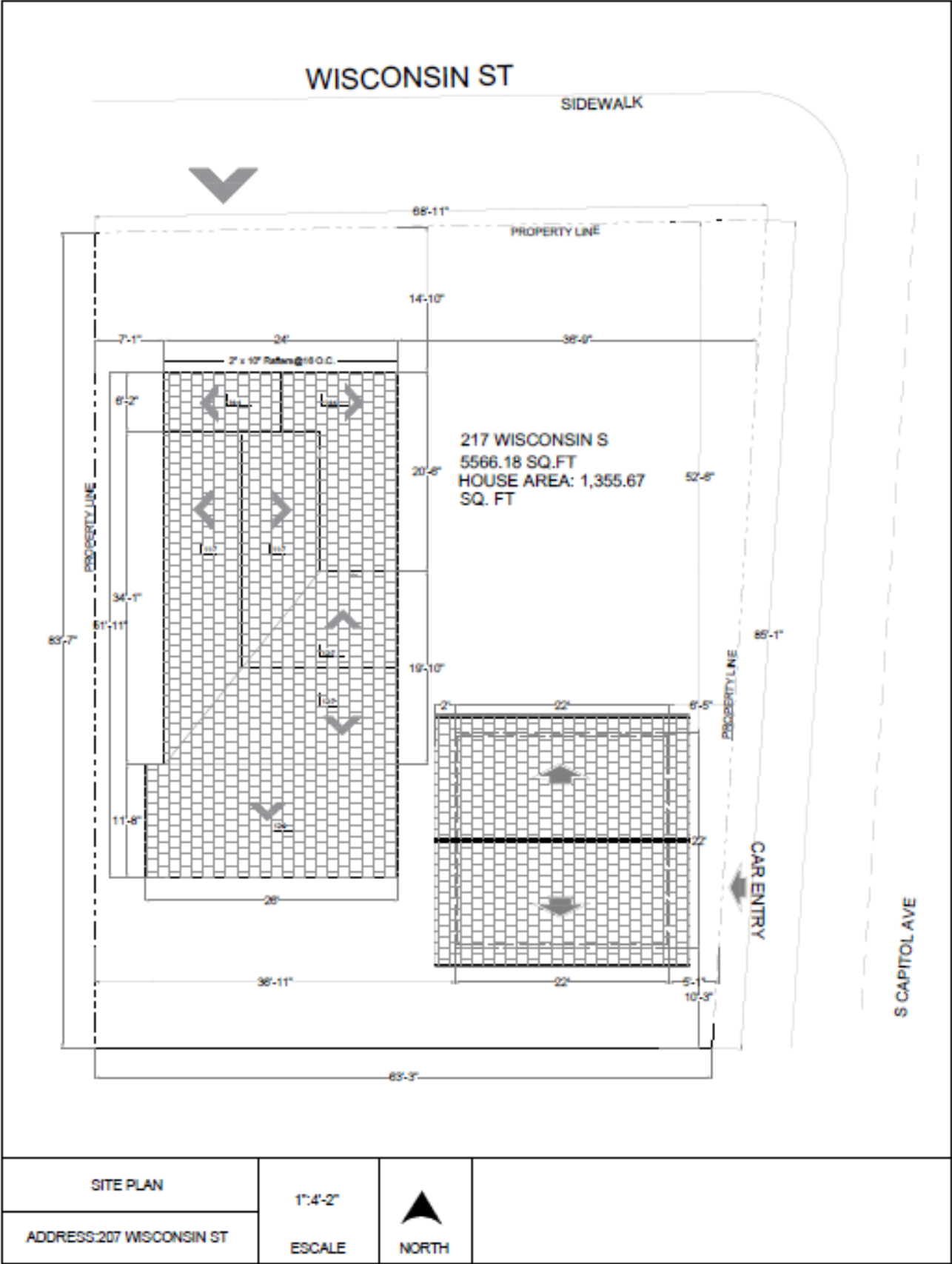
2023-CVR-811 / 2023-CPL-811 Aerial Map



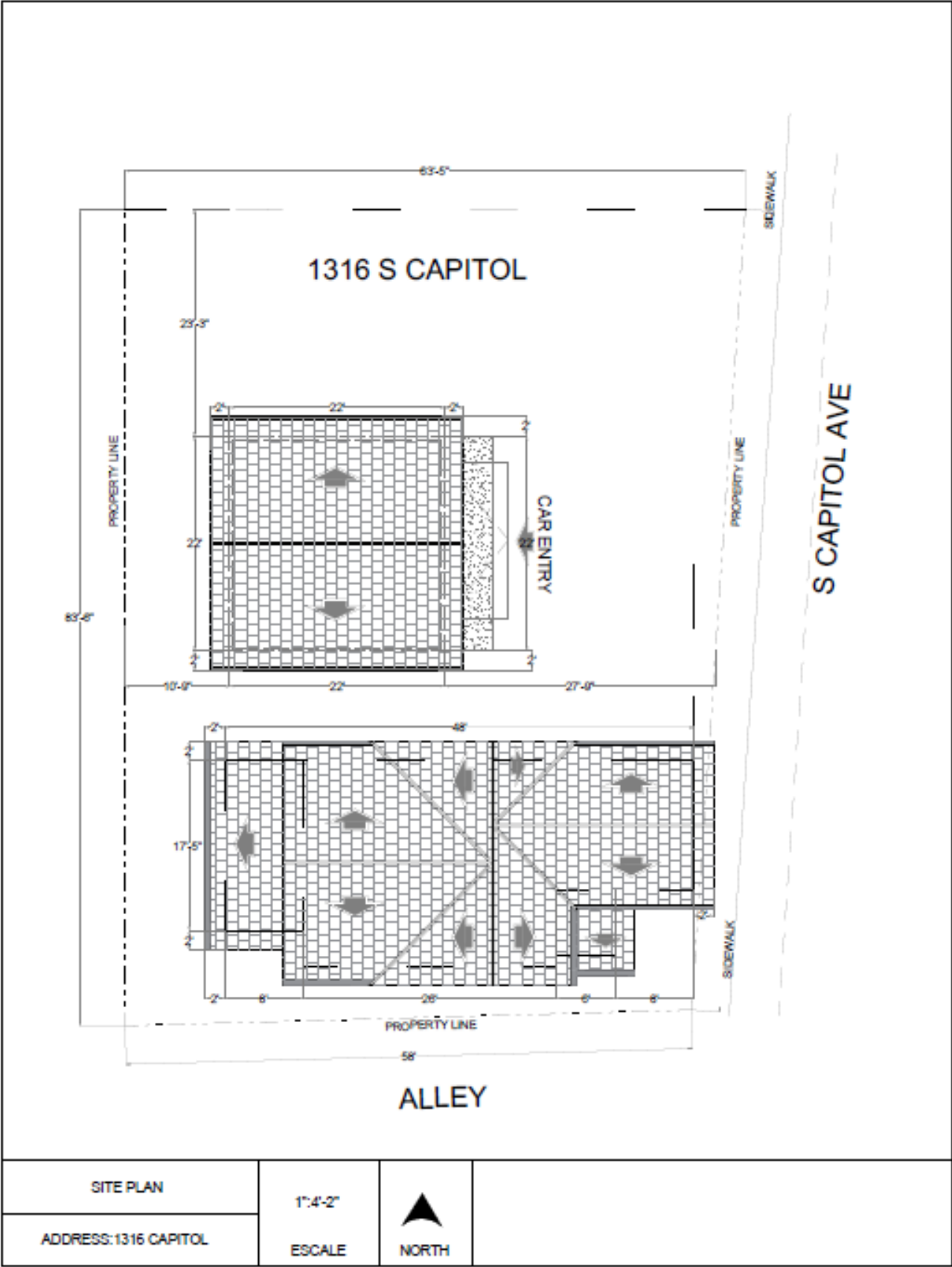
2023-CVR-811 / 2023-CPL-811 Sanborn Map 1915

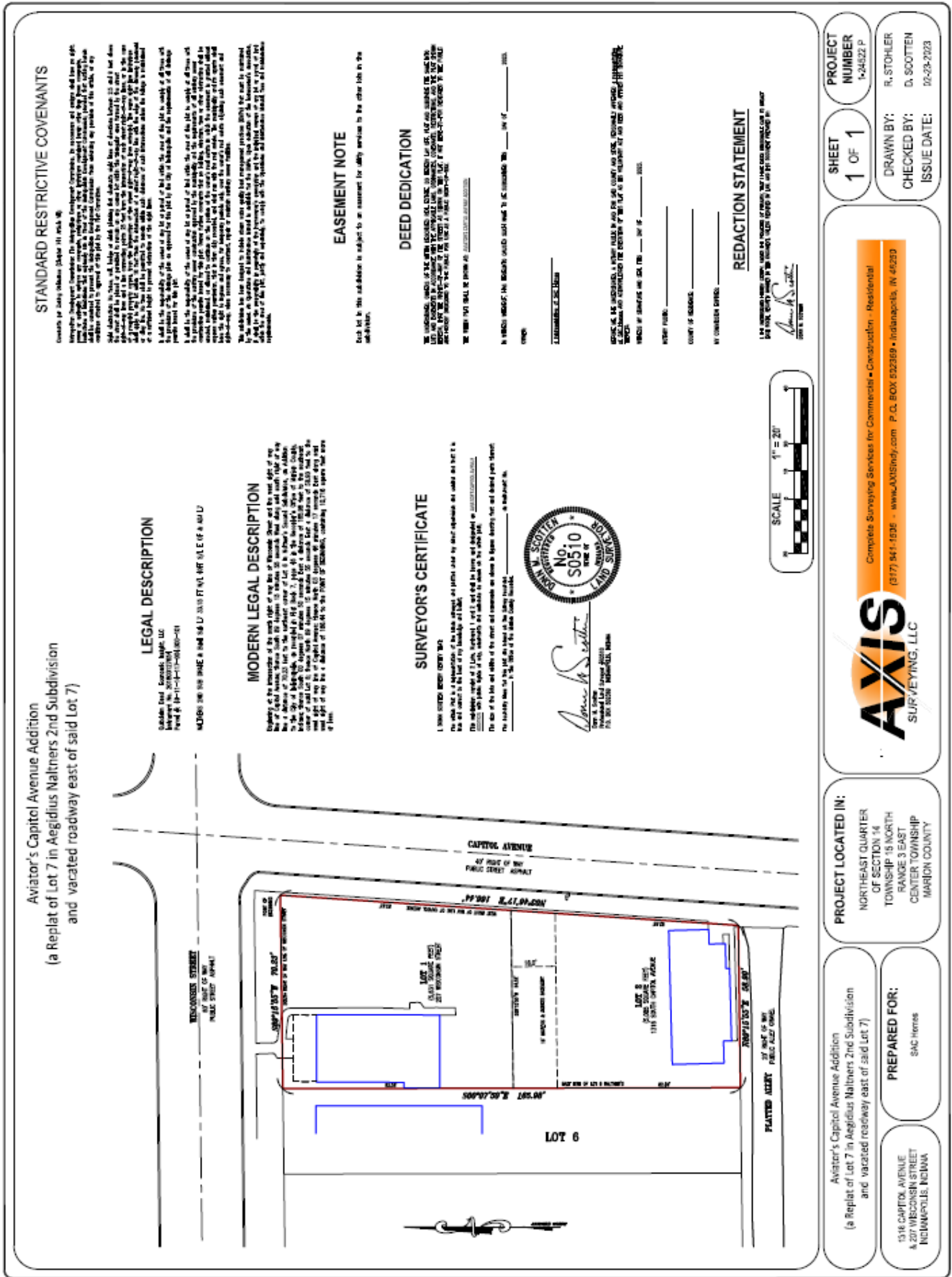


2023-CVR-811 / 2023-CPL-811 Site Plan 207 Wisconsin Street



2023-CVR-811 / 2023-CPL-811 Site Plan





2023-CVR-811 / 2023-CPL-811 Site Photos



Proposed Lot One, looking south



Proposed Lot One east side yard, looking south



Proposed Lot One, looking west



Proposed lot split, Lot One shown right, Lot Two shown left, looking northwest.



Existing driveway curb cut on Capitol Avenue, looking southwest



Proposed Lot Two, looking west



Proposed Lot Two, approximate garage location, looking south



Proposed Lot Two viewed from alley, looking northeast



Proposed Lot Two rear yard, looking north

STAFF REPORT

Item 27.

Department of Metropolitan Development Division of Planning Current Planning Section

Case Number: 2023-CZN-812 / 2023-CVR-812
Address: 1257 South East Street (*Approximate Address*)
Location: Center Township, Council District #21
Petitioner: Bryce Chambers, by Mark and Kim Crouch
Requests: Rezoning of 0.13 acre from the C-1 district to the D-5 district.

Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide an 810-square foot secondary dwelling unit (maximum 720-square foot secondary dwelling unit permitted) without an entrance visible from the public right-of-way (not permitted).

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

Staff **recommends denial** of the variance request.

SUMMARY OF ISSUES

The following issues were considered in formulating the recommendation:

LAND USE ISSUES

- ◇ This 0.13-acre site, zoned C-1, is developed with a single-family dwelling. It is surrounded by a single-family dwelling to the north, zoned C-1; a single-family dwelling to the south, zoned D-5; a single-family dwelling to the east, zoned D-5; and commercial uses to the west, across South East Street, zoned C-3.

(Continued)

REZONING

- ◇ This request would rezone the site from C-1 District to the D-5 classification to provide for residential uses. “The D-5 district is intended for medium and large-lot housing formats, primarily for detached houses, but may incorporate small-scale multi-unit building types in strategic locations. This district can be used for new, walkable suburban neighborhoods or for infill situation in established urban areas, including both low density and medium density residential recommendations of the Comprehensive Plan, and the Suburban Neighborhood and Traditional Neighborhood Typologies of the Land Use Pattern Book.”
- ◇ The Comprehensive Plan recommends Traditional Neighborhood typology. “The Traditional Neighborhood typology includes a full spectrum of housing types, ranging from single family homes to large-scale multifamily housing. The development pattern of this typology should be compact and well-connected, with access to individual parcels by an alley when practical. Building form should promote the social connectivity of the neighborhood, with clearly defined public, semi-public, and private spaces. Infill development should continue the existing visual pattern, rhythm, or orientation of surrounding buildings when possible. A wide range of neighborhood-serving businesses, institutions, and amenities should be present. Ideally, most daily needs are within walking distance. This typology usually has a residential density of 5 to 15 dwelling units per acre, but a higher density is recommended if the development is within a quarter mile of a frequent transit line, greenway, or park.”
- ◇ The 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.

(Continued)

Conditions for All Housing

- A mix of housing types is encouraged.
- Should be within a one-mile distance (using streets, sidewalks, and/or off-street paths) of a school, playground, library, public greenway, or similar publicly-accessible recreational or cultural amenity that is available at no cost to the user.
- Primary structures should be no more than one and a half times the height of other adjacent primary structures.
- Should be oriented towards the street with a pedestrian connection from the front door(s) to the sidewalk. Driveways/parking areas do not qualify as a pedestrian connection.
- Developments with densities higher than 15 dwelling units per acre should have design character compatible with adjacent properties. Density intensification should be incremental with higher density housing types located closer to frequent transit lines, greenways or parks.

Detached Housing

- The house should extend beyond the front of the garage. Garages should be loaded from an alley or side street when possible and should be detached if located on the side of the house.
- Secondary units are encouraged.
- Lots should be no larger than one and a half times the adjacent lots.

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.

Infill Housing Guidelines

- ◇ The Infill Housing Guidelines were updated and approved in May 2021, with a stated goal “to help preserve neighborhood pattern and character by providing guiding principles for new construction to coexist within the context of adjacent homes, blocks, and existing neighborhoods. These guidelines provide insight into basic design concepts that shape neighborhoods, including reasons why design elements are important, recommendations for best practices, and references to plans and ordinance regulations that reinforce the importance of these concepts.”

- ◇ These guidelines apply to infill development in residential areas within the Compact Context Area and include the following features:

Site Configuration

- Front Setbacks
- Building Orientation
- Building Spacing
- Open Space
- Trees, Landscaping, and the Outdoors

Aesthetic Considerations

- Building Massing
- Building Height
- Building Elevations and Architectural Elements

Additional Topics

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

- ◇ “As established neighborhoods experience new development, infill residential construction will provide housing options for new and existing residents. Increased population contributes positively to the local tax base, economic development, lively neighborhoods, and an interesting city. As infill construction occurs, it is important to guide development in a way that complements current neighborhoods. Each home in a neighborhood not only contributes to the existing context of adjoining houses and the block, but to the sense of place of the entire neighborhood.”

(Continued)

Site Plan

- ◇ The site plan, file-dated March 10, 2023, depicts the existing single-family that was constructed in 1900 (according to the Assessor's Office records), with a proposed 27-foot by 30-foot (810 square feet) three-car detached garage.
- ◇ Access to the garage would be via a north / south alley abutting the site to the east.

Planning Analysis

- ◇ As proposed the rezoning request would be consistent with the Comprehensive Plan recommendation of traditional neighborhood typology.
- ◇ The residential-sized parcel was developed with two-family dwelling many years ago, which would be converted to a single-family dwelling. The current C-1 zoning district does not reflect the long-time and historical residential use on this parcel. Staff, therefore, supports this rezoning because the zoning classification would be consistent with the existing residential use.

VARIANCE OF DEVELOPMENT STANDARDS

- ◇ The request would also provide for an 810-square foot secondary dwelling unit when the Ordinance limits the size to a maximum of 720-square feet secondary dwelling, without an entrance visible from the public right-of-way. The Ordinance requires that the entrance be visible from the right-of-way.
- ◇ The purpose of the limitation on a secondary dwelling unit is to maintain the scale and prominence of the primary structure (proposed single-family dwelling). As proposed, the secondary dwelling unit above the garage results in a 26-foot-tall two-story structure when the existing dwelling is a one-story structure with an attic. Staff believes the mass of the proposed three-car garage with a secondary dwelling unit minimizes the prominence of the existing residential structure and compromises the appropriate scale of the dwelling in relation to the development of the site and surrounding structures.
- ◇ The request would also permit an entrance to the secondary dwelling to be visibly obscured and hidden from view, thereby creating a health and safety issue for the comings and goings of the occupants of that secondary dwelling unit.
- ◇ Staff does not believe there is a practical difficulty and, in fact, believes the practical difficulty presented by the petitioner's representative is clearly self-imposed. The secondary dwelling could be reduced to comply with the Ordinance, without the need for a variance.
- ◇ For these reasons, staff recommends denial of the variance requests.

(Continued)

GENERAL INFORMATION

EXISTING ZONING AND LAND USE

C-1

Single-family dwelling

SURROUNDING ZONING AND LAND USE

North -	C-1	Single-family dwelling
South -	D-5	Single-family dwelling
East -	D-5	Single-family dwelling
West -	C-3	Commercial uses (vacant)

COMPREHENSIVE LAND USE PLAN

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

THOROUGHFARE PLAN

This portion of South East Street is designated in the Marion County Thoroughfare Plan as a primary arterial with an existing 46-foot right-of-way and a proposed 56-foot right-of-way.

CONTEXT AREA

This site is located within the compact context area.

OVERLAY

This site is not located within an overlay.

FINDINGS OF FACT

File-dated March 10, 2023

SITE PLAN

File-dated March 10, 2023

ELEVATIONS

File-dated March 24, 2023

ZONING HISTORY

2017-CZN-837; 1306 South East Street (west of site),. requested rezoning of 0.8 acre from the C-3 district to the D-5 classification, **approved**.

2016-ZON-015; 1263 South East Street (south of site), requested rezoning of 0.11 acre, from the D-P District, to the D-5 classification, **approved**.

2015-UV3-033; 1324 South East Street (south of site), requested variances of development standards of the Commercial Zoning Ordinance and Sign regulations to provide for expansion of an existing commercial building for a restaurant, with outdoor seating, reduced parking, carryout without the required separation from a protected district, zero-foot setbacks for the outdoor seating and parking lot, maneuvering within the right-of-way, and a pick-up window awning extending into the right-of-way, **granted**.

(Continued)

2015-HOV-027; 601 Sanders Street (east of site), requested a variance of development standards of the Dwelling Districts Zoning Ordinance to provide for a detached garage, with a zero-foot side yard setback and a reduction in the required open space, **granted**.

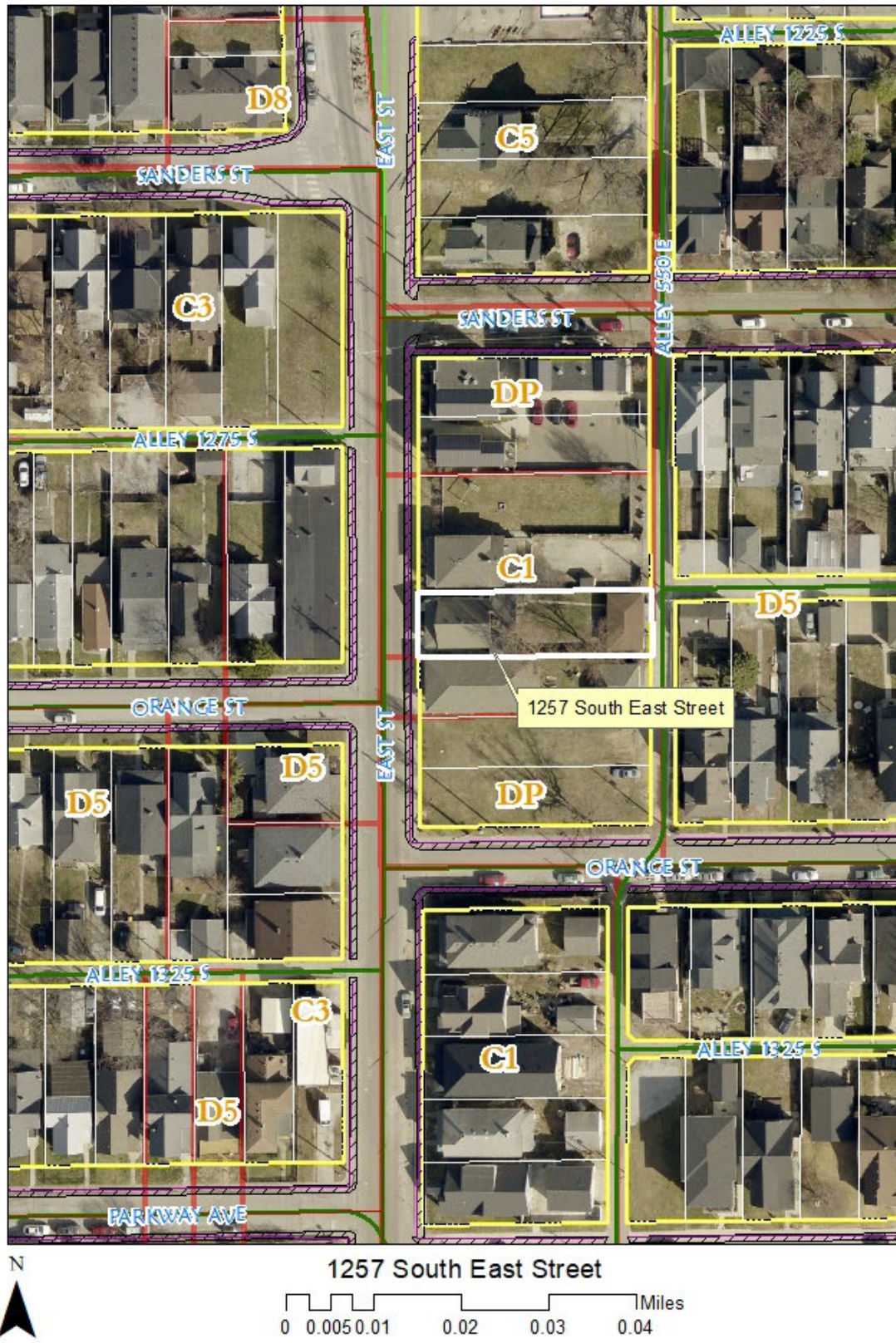
2011-ZON-011 (2011-DP-001); 1239,12415,1265,1267 and 1271 South East Street, (north and south of site) request rezoning of 0.56 acre, from the C-1 District to the C-P classification to provide for fourteen multi-family residential uses at a density of 25 units per acre, **approved**.

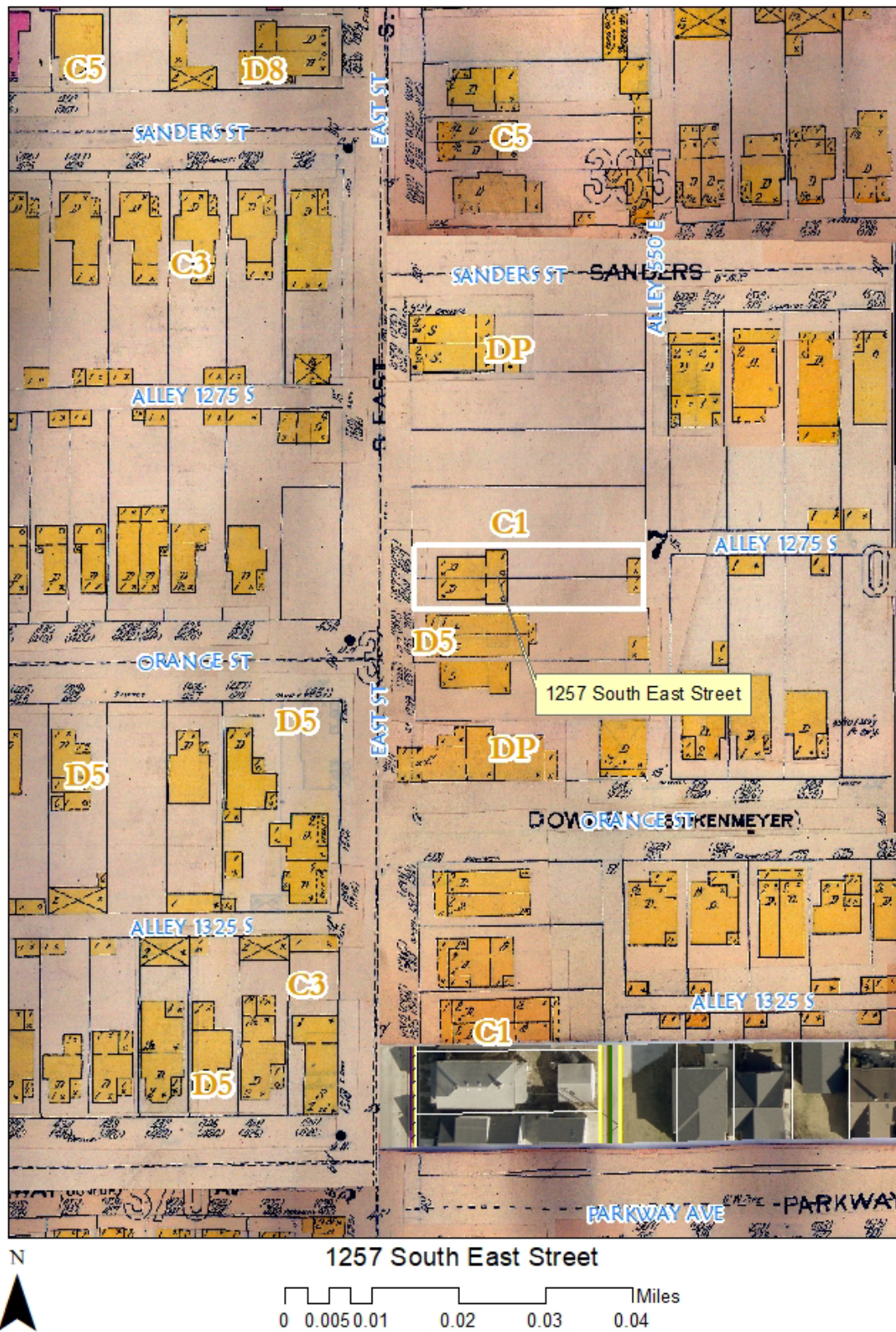
2009-UV2-034; 1319 South East Street (south of site), requested a variance of use and development standards of the Commercial Zoning Ordinance to provide for the conversion of a non-conforming single-family dwelling into a two-unit dwelling and to provide for an entrance landing with reduced side setback, **withdrawn**.

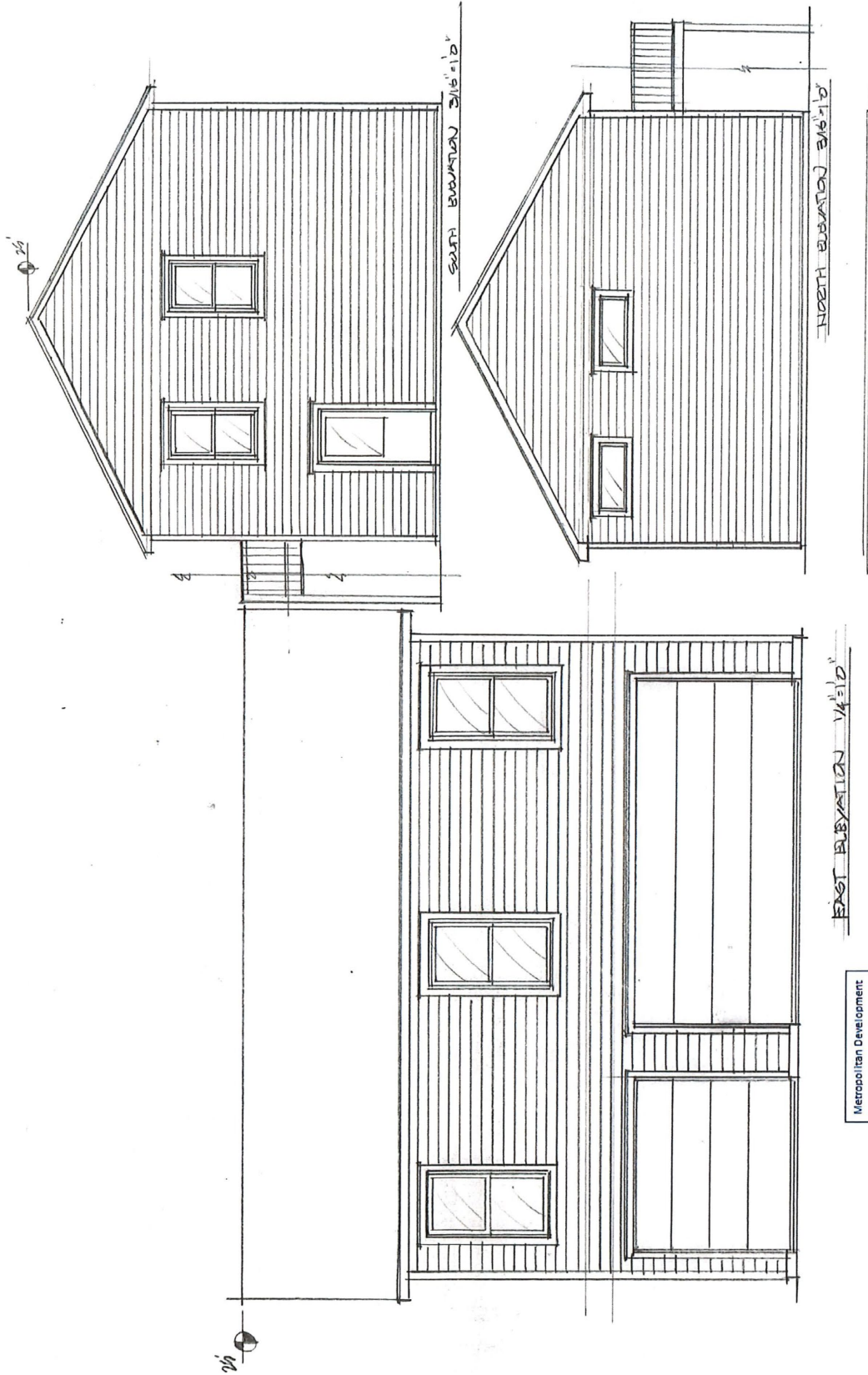
2003-LNU-001; 1270 South East Street (south of site), requested legal nonconforming use status to establish a tavern in a C-1 District, **granted**.

87-UV3-85; 613 Sanders Street (east of site), requested a variance of use and development standards of the Dwelling Districts Zoning Ordinance to provide for the construction of a garage for a two-family dwelling, with reduced side yard setback, **granted**.

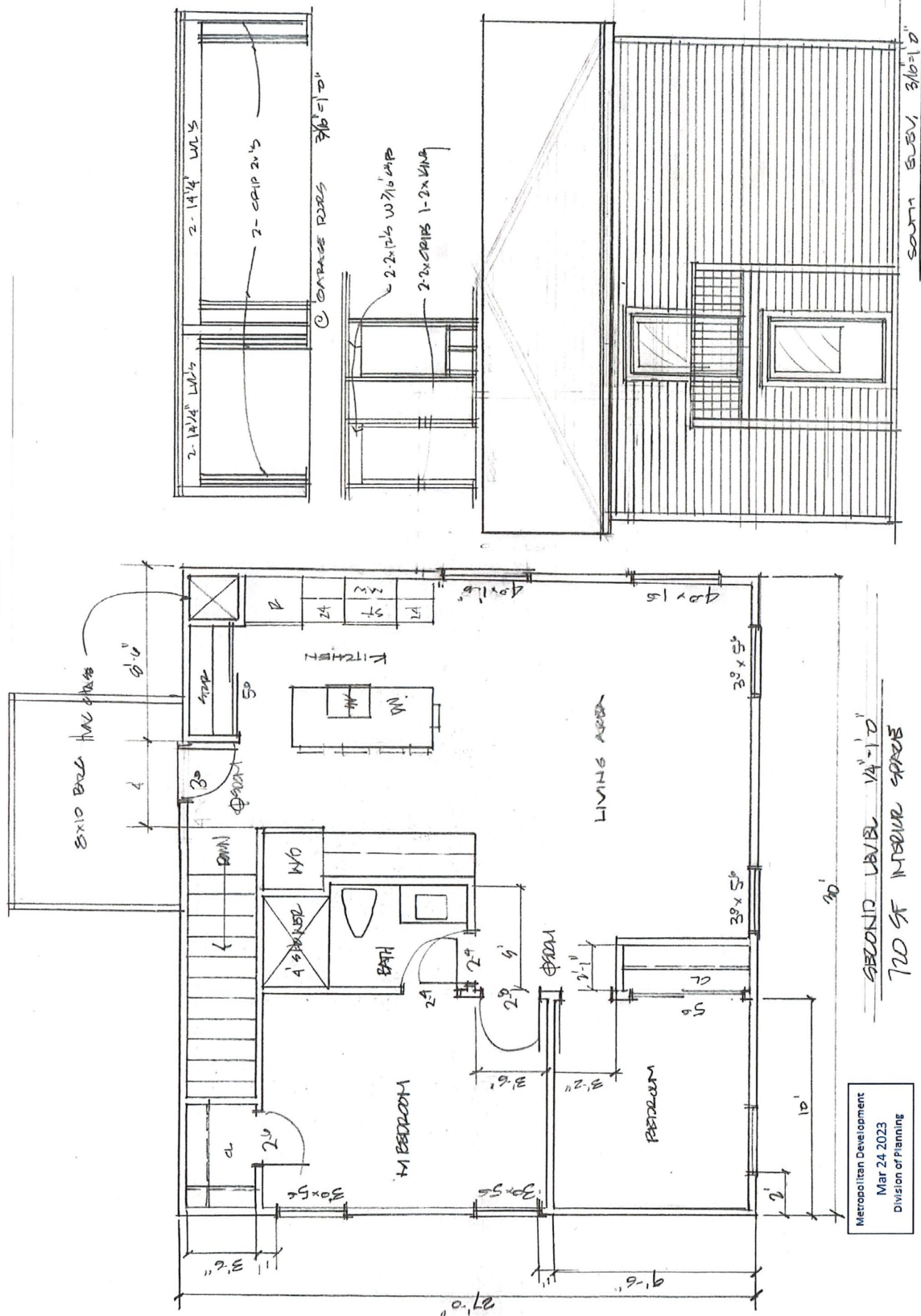
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Metropolitan Development
Mar 24 2023
Division of Planning



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 grant will allow for the construction of a new detached carriage house garage for private residential use.

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

the proposed detached carriage house garage will be consistent with development in the area and adjacent area.

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

the previous garage was similar to proposed footprint but needed to be expanded on to include enclosed staircase resulting in a need to increase allowable square footage. Without variance approval, proposed detached carriage house garage will not be built.

DECISION

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

Adopted this _____ day of _____, 20 ____



View looking north along South East Street



View looking south along South East Street



View of site looking west across South East Street



View of site looking northeast across South East Street



View looking west at location of proposed garage



View looking west at location of proposed garage