



Metropolitan Development Commission Hearing Examiner (July 25, 2024) Meeting Agenda

Meeting Details

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

Date: Thursday, July 25, 2024

Time: 1:00 PM

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

Business:

Special Requests

2024-ZON-078 | 402 South Carroll Road

Warren Township, Council District #20

Kristopher Holeyfield

****Special request for a one-day waiver of the 23-day period for mailed notice for four Hancock County addresses**

PETITIONS REQUESTING TO BE CONTINUED:

1. 2023-ZON-129 | 3050 North Illinois Street

Center Township, Council District #8

The Children's Museum of Indianapolis, by Jamilah Mintze

Rezoning of 3.31 acres from the C-S (TOD) district to the C-S (TOD) district to provide for a storage building.

Modification of Site Plan related to 2003-ZON/VAR-805 and 2004-APP-041 to provide for an updated site plan to include the proposed storage building.

****Petitioner has withdrawn the Petition**

2. 2024-MOD-012 | 5943 Copeland Mills Drive

Decatur Township, Council District #21

D-3

Ronald Holland

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

****Automatic continuance to August 29, 2024, filed by Registered Neighborhood Organization**

3. 2024-ZON-040 | 6000, 6012, 6020, 6180, and 6206 East 46th Street

Lawrence Township, Council District #9

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

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

****Staff request for continuance for cause to August 29, 2024**

4. 2024-ZON-050 | 3739 North Kitley Avenue

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

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

****Automatic Continuance to August 29, filed by a Registered Neighborhood Organization**

5. 2024-ZON-056 | 4545 East Michigan Street

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

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

****Petitioner request for continuance for cause to August 29, 2024**

6. 2024-ZON-072 | 4903 West Washington Street

Wayne Township, Council District #17
Axum Auto Parts, LLC, by Pat Rooney

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

****Petitioner request for continuance for cause to August 29, 2024**

7. 2024-ZON-073 / 2024-ZON-073B | 2155 Kessler Boulevard, West Drive

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

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

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

****Automatic Continuance to August 29, 2024, filed by a City-County Councilor**

8. 2024-ZON-075 | 7015 Brookville Road

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

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

****Petitioner request for continuance for cause to August 15, 2024**

9. 2024-CAP-815 / 2024-CVR-815 (Amended) | 2439 and 2455 Dr. Martin Luther King, Jr. Street

Center Township, Council District #12
C-S (W-5)
King Commons, LLC, by Bryan Conn

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

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

****Staff request for a continuance to August 29, 2024, with new Notice**

Petitions for Public Hearing

PETITIONS TO BE EXPEDITED:

10. 2024-ZON-076 / 2024-VAR-008 | 4701 East Thompson Road

Perry Township, Council District #24
Grace Bible Christian Church of Indiana, by Misha Rabinowitch

Rezoning of 3.65 acres from the D-A (FF) and SU-1 (FF) districts to the SU-1 (FF) district to provide for religious uses.

Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for a parking lot, dumpster enclosure and two existing garages encroaching into the stream protection corridor (50-foot stream protection corridor required).

11. 2024-CZN-824 (Amended) / 2024-CVR-824 | 1402 Shelby Street

Center Township, Council District #18
Carnivore Properties, LLC, by Emily Duncan and David Kingen

Rezoning of 0.14-acre from the MU-1 (TOD) district to the C-3 (TOD) district.

Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for zero off-street parking spaces (minimum 15 spaces required), to legally establish a zero-foot rear transitional yard setback, without landscaping (minimum 15-foot rear transitional yard required, and to legally establish a three-foot north side yard setback along an alley (minimum 10-foot side setback required along an alley).

PETITIONS FOR PUBLIC HEARING (Continued Petitions):

12. 2024-ZON-030 | 1362 and 1368 North Olney Street

Center Township, Council District #13
Read Investment Trust / Brookside Community Development Corp., by Emily Duncan and David Kingen

Rezoning of 0.29-acre from the C-3 district to the MU-1 district to provide for a mixed-use development.

13. 2024-ZON-059 (Amended) | 2345 South Arlington Avenue

Warren Township, Council District #20
Doris M. Lambert, by Teri L. Hutchison

Rezoning of five acres from the D-A (FF) district to the C-1 (FF) district to provide for office-buffer commercial uses.

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

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

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

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

PETITIONS FOR PUBLIC HEARING (New Petitions):

15. 2024-MOD-013 | 6904 and 6908 North Tacoma Avenue

Washington Township, Council District #3
C-S
Patrick Sullivan, LLC, by Brian J. Tuohy

Modification of the Development Statement and Site Plan related to 2015-CZN-800 (6908) to provide for a greenhouse, and a Modification of Development Statement, Site Plan and Commitments related to petition 2018-ZON-029 (6904), to provide for a greenhouse and to terminate Commitment #2, which required development of the site to be in substantial compliance with the site plan, file-dated April 28, 2018, and to

modify Commitment #3, which required accessory structures at 6904 North Tacoma Avenue to not be demolished.

16. 2024-ZON-078 | 402 South Carroll Road

Warren Township, Council District #20
Kristopher Holeyfield

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

17. 2024-CAP-828 / 2024-CVR-828 / 2024-CVC-828 | 1013 West Morris Street

Center Township, Council District #18
C-7 (FF)

Indy Grille Family Restaurant, LLC, by Adam DeHart

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

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

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

18. 2024-CZN-829 / 2024-CVR-829 | 707 East 22nd Street

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

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

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

Additional Business:

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



METROPOLITAN DEVELOPMENT COMMISSION **July 25, 2024**
HEARING EXAMINER

Case Number: 2023-ZON-129

Property Address: 3050 North Illinois Street (Approximate Address)

Location: Center Township, Council District #8

Petitioner: The Children’s Museum of Indianapolis, by Jamilah Mintze

Current Zoning: C-S

Request: Rezoning of 3.31 acres from the C-S (TOD) district to the C-S (TOD) district to provide for a storage building.
Modification of Site Plan related to 2003-ZON/VAR-805 and 2004-APP-041 to provide for an updated site plan to include the proposed storage building.

Current Land Use: Commercial

Staff Recommendations: Staff has no recommendation for this request.

Staff Reviewer: Marleny Iraheta, Senior Planner

PETITION HISTORY

This petition was automatically continued from the February 15, 2024 hearing to the March 14, 2024 hearing.at the request of the petitioner.

This petition was continued for cause from the March 14, 2024 hearing to the April 11, 2024 hearing at the request of the petitioner to allow additional time for updated plans to be provided and reviewed by staff.

This petition was continued for cause from the April 11, 2024 hearing to the May 23, 2024 hearing at the request of staff with new notice to allow additional time for revised plans to be submitted for review. A variance petition was anticipated per the Commercial Design Standards applicable in the Transit-Oriented Development Secondary District, which required new mailed notices to be sent and the publication of the amended request to be completed.

The petitioner failed to submit revised plans and an amended petition for review. Staff was prepared to request this petition be dismissed due to want of prosecution if the petitioner did not request a final continuance request to the June 27, 2024 hearing date. However, this petition was continued from the May 23, 2024 hearing to the July 25, 2024 hearing at the request of the petitioner to amend the request and provide proper notice.

The petitioner submitted a request to **withdraw** this petition on June 26, 2024. This would require acknowledgement form the Hearing Examiner.



METROPOLITAN DEVELOPMENT COMMISSION **July 25, 2024**
HEARING EXAMINER

Case Number: 2024-MOD-012

Property Address: 5943 Copeland Mills Drive

Location: Decatur Township, Council District #21

Petitioner: Ronald Holland

Current Zoning: D-3

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

Current Land Use: Single-family dwelling

Staff Reviewer: Kathleen Blackham, Senior Planner

PETITION HISTORY

A timely automatic continuance request was filed by a registered neighborhood organization **continuing this petition from the July 25, 2024 hearing, to the August 29, 2024 hearing**. This would require acknowledgement from the Hearing Examiner.



METROPOLITAN DEVELOPMENT COMMISSION **July 25, 2024**
HEARING EXAMINER

Case Number: 2024-ZON-040
Property Address: 6000, 6012, 6020, 6180, and 6206 East 46th Street
Location: Lawrence Township, Council District #9
Petitioner: Indianapolis Re Management LLC, 600-B East 46th Street LLC, by Emily Duncan and David Kingen
Current Zoning: C-3 (FF) and C-4 (FF)
Request: Rezoning of 35.8 acres from the C-3 (FF) and C-4 (FF) districts to the MU-2 (FF) district.
Current Land Use: Commercial (vacant)
Staff Reviewer: Kathleen Blackham, Senior Planner

PETITION HISTORY

The Hearing Examiner continued this petition from the June 27, 2024 hearing, to the July 25, 2024 hearing, at staff's request, to provide additional time for the petitioner's representative to provide additional information and details regarding this request.

Staff is requesting **a continuance from the July 25, 2024 hearing, to the August 29, 2024 hearing.** On June 12, 2024, staff sent an e-mail to the petitioner and their representative that included a list of eight items to be addressed. Staff followed up with e-mails to the petitioner and their representative on July 8, 2024, and July 16, 2024, regarding the requested information. Except for a Trip Generation Report, dated July 12, 2024 (not a full Traffic Impact Study), none of the items have received responses.



**METROPOLITAN DEVELOPMENT COMMISSION
HEARING EXAMINER**

July 25, 2024

Case Number: 2024-ZON-050

Property Address: 3739 North Kitley Avenue

Location: Warren Township, Council District #9

Petitioner: Patrium LLC, by Luis Gomez

Current Zoning: D-3 (TOD)

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

Current Land Use: Undeveloped

Staff Recommendations: To be determined.

Staff Reviewer: Marleny Iraheta, Senior Planner

PETITION HISTORY

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

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

A timely automatic continuance request was filed by a registered neighborhood organization **continuing this petition from the July 25, 2024 hearing, to the August 29, 2024 hearing**. This would require acknowledgement from the Hearing Examiner.

STAFF RECOMMENDATION

Staff recommendation to be determined.

PETITION OVERVIEW

This petition will be continued to the August 29, 2024 hearing.



**METROPOLITAN DEVELOPMENT COMMISSION
HEARING EXAMINER**

July 25, 2024

Case Number: 2024-ZON-056

Property Address: 4545 East Michigan Street (Approximate Address)

Location: Center Township, Council District #13

Petitioner: SJM Co. Inc., by Jamilah Mintze

Current Zoning: D-5t

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

Current Land Use: Vacant Commercial Building

Staff Recommendations: Denial)

Staff Reviewer: Marleny Iraheta, Senior Planner

PETITION HISTORY

ADDENDUM FOR JULY 25, 2024 HEARING EXAMINER

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

The petitioner will request a **continuance for cause from the July 25, 2024 hearing to the August 29, 2024 hearing** to amend the request and provide proper notice.

June 13, 2024

This is the first public hearing for this petition.

STAFF RECOMMENDATION

Staff **recommends denial** of the request.

PETITION OVERVIEW

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

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



Department of Metropolitan Development
Division of Planning
Current Planning

REZONING

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

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

The C-5 District is designed to provide areas for those retail sales and service functions whose operations are typically characterized by automobiles, outdoor display, or sales of merchandise; by major repair of motor vehicles; by outdoor commercial amusement and recreational activities; or by activities or operations conducted in buildings or structures not completely enclosed. The types of uses found in this district tend to be outdoor functions, brightly lit, noisy, etc. Therefore, to provide a location where such uses can operate in harmony with the vicinity, the C-5 district should be located on select heavy commercial thoroughfares and should avoid locating adjacent to protected districts.

Staff Analysis

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

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

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

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

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

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



GENERAL INFORMATION

Existing Zoning	D-5	
Existing Land Use	Vacant Commercial Building	
Comprehensive Plan	Traditional Neighborhood	
Surrounding Context	<u>Zoning</u>	<u>Land Use</u>
	North:	D-5 Residential (Single-family dwelling)
	South:	D-5 Residential (Single-family dwelling)
	East:	D-5 Residential (Single-family dwelling)
	West:	D-5 Undeveloped
Thoroughfare Plan		
Michigan Street	Primary Arterial Street	60-foot existing right-of-way and 78-foot proposed right-of-way.
Drexel Avenue	Local Street	49-foot existing right-of-way and 48-foot proposed right-of-way.
Context Area	Compact	
Floodway / Floodway Fringe	No	
Overlay	Yes	
Wellfield Protection Area	No	
Site Plan	N/A	
Site Plan (Amended)	N/A	
Elevations	N/A	
Elevations (Amended)	N/A	
Landscape Plan	N/A	
Findings of Fact	N/A	
Findings of Fact (Amended)	N/A	
C-S/D-P Statement	N/A	

COMPREHENSIVE PLAN ANALYSIS

Comprehensive Plan

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

Pattern Book / Land Use Plan



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

- The Marion County Land Use Plan Pattern Book (2019) recommends traditional neighborhood development for the subject site.
- The Traditional Neighborhood typology includes a full spectrum of housing types, ranging from single family homes to large-scale multifamily housing. The development pattern of this typology should be compact and well-connected, with access to individual parcels by an alley when practical. Building form should promote the social connectivity of the neighborhood, with clearly defined public, semi-public, and private spaces. Infill development should continue the existing visual pattern, rhythm, or orientation of surrounding buildings when possible. A wide range of neighborhood serving businesses, institutions, and amenities should be present. Ideally, most daily needs are within walking distance. This typology usually has a residential density of 5 to 15 dwelling units per acre, but a higher density is recommended if the development is within a quarter mile of a frequent transit line, greenway, or park.
- **Small-Scale Offices, Retailing, and Personal or Professional Services**
 - If proposed within one-half mile along an adjoining street of an existing or approved residential development, then connecting, continuous pedestrian infrastructure between the proposed site and the residential development (sidewalk, greenway, or off-street path) should be in place or provided.
 - Should be located at intersections and limited to an aggregate of 1 acre per intersection.
 - Should be limited to areas and parcels with adequate space for required screening and buffering.
 - Automotive uses (such as gas stations and auto repair) and uses requiring a distance of separation of greater than 20 feet under the zoning ordinance (such as liquor stores, adult uses, and drive-through lanes) are excluded.
 - Mixed-use structures are preferred.
 - Should not include outdoor display of merchandise.

Red Line / Blue Line / Purple Line TOD Strategic Plan

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

Neighborhood / Area Specific Plan

- The site falls within The Near Eastside Quality of Life Plan (2020).
- A Placemaking and Infrastructure Priority is to build stronger and safer connections for cyclists and pedestrians within and to commercial corridors such as 10th Street, Washington Street, New York Street, and Michigan Street



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Current Planning**

- Another Priority would be to extend protected bike lanes on either New York Street or Michigan Street (or both) to improve connectivity between downtown and out towards Irvington.

Infill Housing Guidelines

- Not Applicable to the Site.

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

- Not Applicable to the Site.



ZONING HISTORY

Zoning History – Site

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

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

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

Zoning History – Vicinity

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

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

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

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

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

EXHIBITS

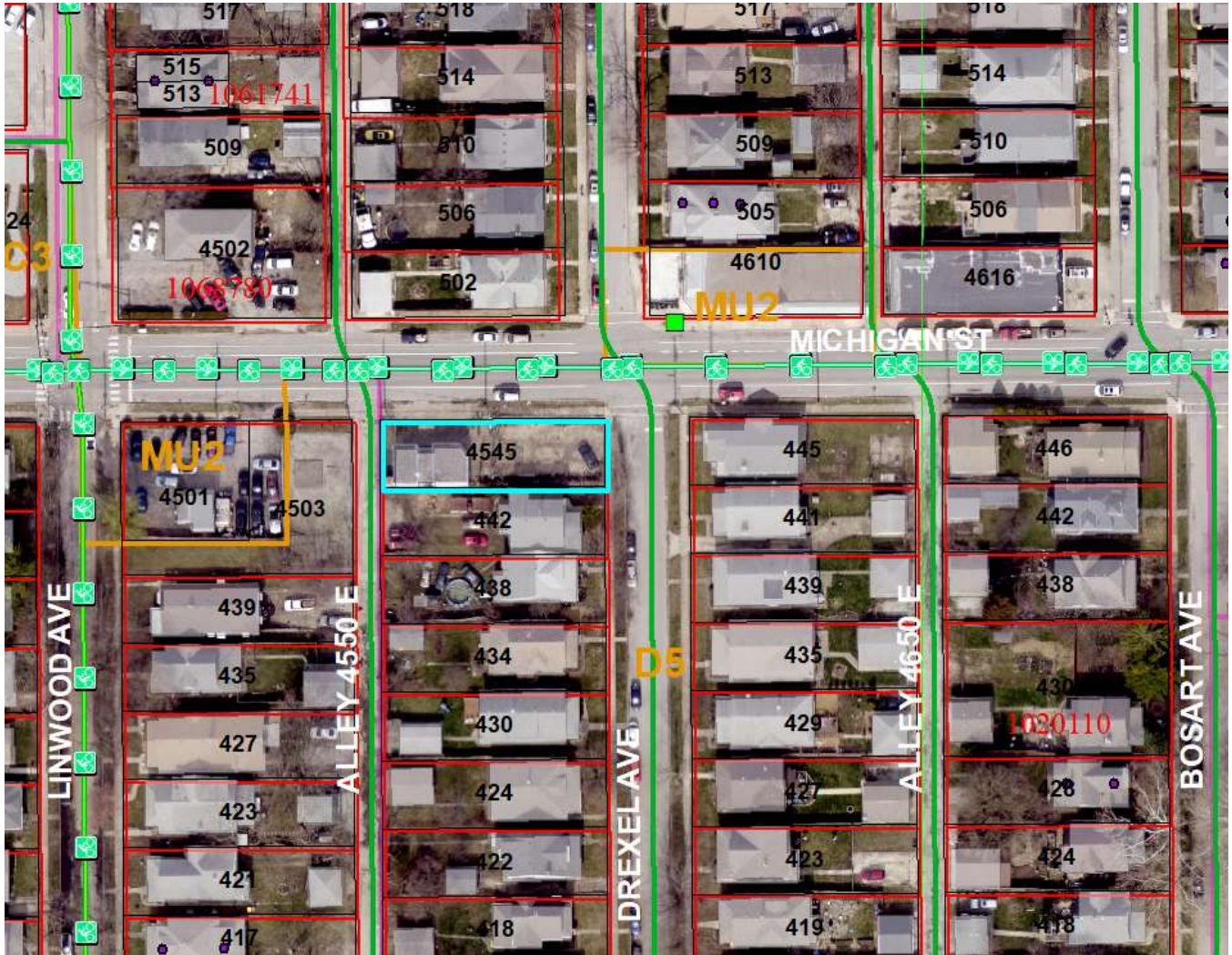




Photo of the eastern portion of the site looking south.



Photo of the western portion of the site looking south.



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



Photo of the subject site looking east.



Photo of the subject site looking west.



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



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



Photo of the residential dwelling north of the site.



Photo of the residential accessory structure north of the site.



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METROPOLITAN DEVELOPMENT COMMISSION **July 25, 2024**
HEARING EXAMINER

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

PETITION HISTORY

The petitioner’s representative is requesting a **continuance from the July 25, 2024 hearing, to the August 29, 2024 hearing**, due to a scheduling conflict. Staff would not object to the continuance.



METROPOLITAN DEVELOPMENT COMMISSION **July 25, 2024**
HEARING EXAMINER

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

Property Address: 2155 Kessler Boulevard West Drive

Location: Washington Township, Council District #2

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

Current Zoning: SU-34

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

Current Land Use: Country Club

Staff Reviewer: Kathleen Blackham, Senior Planner

PETITION HISTORY

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



METROPOLITAN DEVELOPMENT COMMISSION **July 25, 2024**
HEARING EXAMINER

Case Number: 2024-ZON-075

Property Address: 7015 Brookville Road (Approximate Address)

Location: Warren Township, Council District #20

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

Current Zoning: I-1

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

Current Land Use: Industrial

Staff Recommendations: To be determined.

Staff Reviewer: Marleny Iraheta, Senior Planner

PETITION HISTORY

It is staff’s understanding that the petitioner will be requesting a **continuance for cause from the July 25, 2024 hearing to August 15, 2024 hearing**. Staff will have no objection to this first continuance request.

STAFF RECOMMENDATION

Staff recommendation to be determined.

PETITION OVERVIEW

This petition is to be continued to the August 15, 2024 hearing.



Department of Metropolitan Development
Division of Planning
Current Planning

**METROPOLITAN DEVELOPMENT COMMISSION
HEARING EXAMINER**

May 23, 2024

Case Number:	2024-CAP-815 / 2024-CVR-815 (amended)
Property Address:	2439 and 2455 Dr. Martin Luther King, Jr. Street
Location:	Center Township, Council District #12
Petitioner:	Meridian Lodge #33 and NWQOL Holding Company LLC, by Bryan Conn
Request:	<p>Modification of Development Statement and Site Plan related to 2020-ZON-067 to provide for a four-story multi-family, with supportive services development, with 32 dwelling units for persons experiencing homelessness, community meeting space, mental health services, employment assistance, health and wellness programs, life skills training and development, and a food pantry for residents.</p> <p>Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for construction of a four-story multi-family, supportive services, and community space building, with 39% transparency on the west façade (minimum 40% transparency required on facades within 50 feet of a local, collector or arterial street), with 6% transparency on the north façade, with 25% transparency on the east façade, with 0% transparency on the south façade (minimum 40% transparency required within 50 feet of a public pedestrian entrance), with a front yard setback of five feet (minimum 10 feet required), a north side yard setback of three feet (minimum 10-foot side yard setbacks required), and a 48-foot-tall building (38-foot-tall building permitted).</p>
Staff Reviewer:	Kathleen Blackham, Senior Planner

CONTINUANCE

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

The Hearing Examiner continued these petitions from June 13, 2024 hearing, to the July 25, 2024 hearing, with notice, because of amendments to the variance request. Staff has discovered another amendment to the variance petition that will require new notice. Therefore, staff is requesting a **continuance of these petitions from the July 25, 2024 hearing, to the August 29, 2024 hearing, with notice.**



METROPOLITAN DEVELOPMENT COMMISSION **July 25, 2024**
HEARING EXAMINER

Case Number: 2024-ZON-076 / 2024-VAR-008

Property Address: 4701 East Thompson Road (Approximate Address)

Location: Perry Township, Council District #24

Petitioner: Grace Bible Christian Church of Indiana, by Misha Rabinowitch

Current Zoning: D-A and SU-1
Rezoning of 3.65 acres from the D-A (FF) and SU-1 (FF) districts to the SU-1 (FF) district to provide for religious uses.

Request: Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for a parking lot, dumpster enclosure and two existing garages encroaching into the stream protection corridor (50-foot stream protection corridor required).

Current Land Use: Single-family dwelling with accessory structures.

Staff Recommendations: Approval of rezoning with commitment. Denial of variance.

Staff Reviewer: Marleny Iraheta, Senior Planner

PETITION HISTORY

This is the first public hearing for this petition.

STAFF RECOMMENDATION

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

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

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

It is staff's understanding that the petitioner will be withdrawing the variance request.



PETITION OVERVIEW

LAND USE

The 3.65-acre subject site is comprised of three parcels developed with a single-family dwelling and three detached garages.

The site is bordered to by single-family dwellings to the north, zoned D-4, single-family dwellings to the east and west, zoned D-A, and a church to the south, zoned SU-1.

REZONING

This petition would rezone the property from the D-A (FF) and SU-1 (FF) districts to the SU-1 (FF) district to provide for religious uses.

The D-A district holds the agricultural lands of Marion County and provides for a variety of agricultural uses. It is intended to provide for animal and poultry husbandry, farming, cultivation of crops, dairying, pasturage, floriculture, horticulture, viticulture, apiaries, aquaculture, hydroponics, together with necessary, accompanying accessory uses, buildings, or structures for housing, packing, treating, or storing said products; or lands devoted to a soil conservation or forestry management program. A single-family dwelling is intended to be permitted as a part of such agricultural uses. A secondary provision of this district is large estate development of single-family dwellings. This district fulfills the very low-density residential classification of the Comprehensive General Land Use Plan. This district does not require public water and sewer facilities.

The SU-1 classification would permit religious uses.

FLOODWAY / FLOODWAY FRINGE

The subject site lies within the 500-year floodplain of Carson Creek, but it is not a regulated flood zone.

VARIANCE OF DEVELOPMENT STANDARDS

The request would allow for encroachments into the 50-foot-wide stream protection corridor along Carson Creek, which is a Category Two stream in the Metro Context Area.

Said encroachments would include a new parking lot, dumpster enclosure, and the two existing garages. However, the stream protection corridor variance could be withdrawn since the amended site plan relocated the proposed parking lot and dumpster enclosure outside of the stream protection corridor.

There is a section of the Ordinance for stream protection corridor nonconformities that notes that legally established buildings and structures within the Stream Protection Corridor existing prior to the first day of the month that is six months after the date of adoption, may not be altered to create a new nonconformity or increase the degree of noncompliance. Therefore, they can remain as they are without a variance.



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

DEPARTMENT OF PUBLIC WORKS

The Department of Public Works, Traffic Engineering Section, has requested the dedication and conveyance of a 45-foot half right-of-way along Thompson Road. This dedication would also be consistent with the Marion County Thoroughfare Plan.

STAFF ANALYSIS

Staff is recommending approval of the rezoning from the D-A (FF) district to the SU-1 (FF) district for religious uses since it would be compatible with the residential development in the immediate area and the existing church to the south.

Staff recommends denial of the new encroachments into the stream protection corridor because the layout of the site could be reconfigured as noted in the amended site plan submitted on July 15, 2024, to remove new development within the stream protection corridor.

Development within the SU-1 District would require Administrator’s Approval, prior to obtaining an Improvement Location Permit. In accordance with the Special Use Districts section the Ordinance, the Administrator would use the development standards of the C-1 district as a guideline for review.

GENERAL INFORMATION

Existing Zoning	D-A and SU-1	
Existing Land Use	Single-family dwelling with accessory structures.	
Comprehensive Plan	Suburban Neighborhood	
Surrounding Context	Zoning	Land Use
	North: D-4	Residential (Single-family dwellings)
	South: SU-1	Church
	East: D-A	Residential (Single-family dwelling)
	West: D-A	Residential (Single-family dwelling)
Thoroughfare Plan		
Thompson Road	Primary Arterial	96-foot proposed right-of-way and 76-foot existing right-of-way.
Context Area	Metro	
Floodway / Floodway Fringe	Yes	
Overlay	No	
Wellfield Protection Area	No	
Site Plan	June 22, 2024	
Site Plan (Amended)	July 15, 2024	
Elevations	N/A	
Elevations (Amended)	N/A	
Landscape Plan	N/A	
Findings of Fact	June 27, 2024	



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

COMPREHENSIVE PLAN ANALYSIS

Comprehensive Plan

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

Pattern Book / Land Use Plan

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

Red Line / Blue Line / Purple Line TOD Strategic Plan

- Not Applicable to the Site.

Neighborhood / Area Specific Plan

- Not Applicable to the Site.

Infill Housing Guidelines

- Not Applicable to the Site.



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

Indy Moves

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

- Indy Moves Transportation Integration Plan (2018) notes an off-street multiuse path along Thompson Road from Shelbyville Road to Emerson Avenue.



ZONING HISTORY

Zoning History – Site

93-UV2-33; 4701 E Thompson Road (subject site), Variance of use of the Dwelling Districts Zoning Ordinance to provide for the sale of garden and lawn supplies and accessories and a variance of development standards of the Sign Regulations of Marion County to permit the placement of a 32 square foot ground sign (one square foot permitted), **denied**

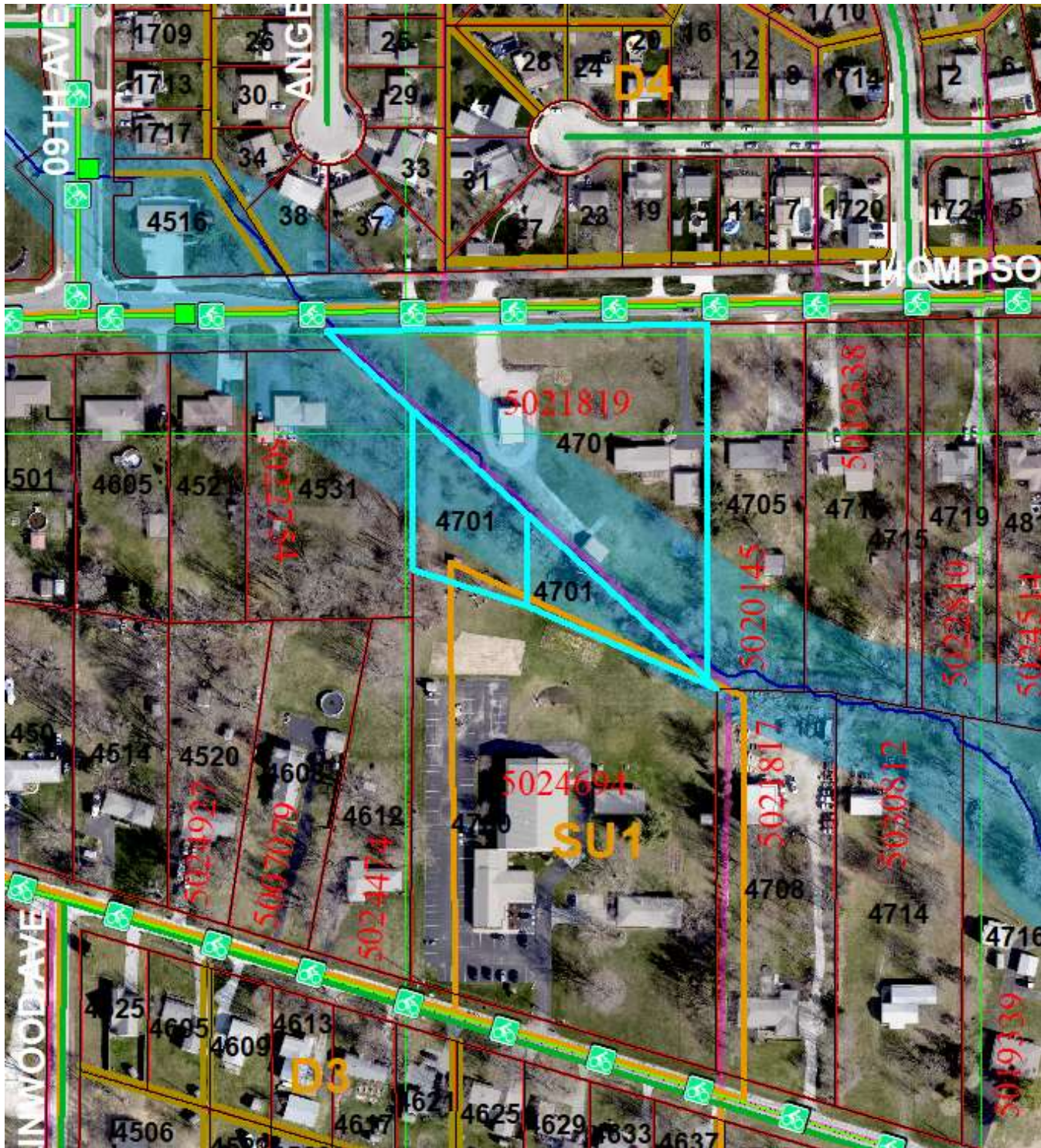
90-UV2-70; 4701 E Thompson Road (subject site), Variance of use and development standards of the Dwelling District Zoning Ordinance to permit a lawn and garden center with retail sales and outdoor storage and a 4 foot by 8-foot ground sign, **denied**.

Zoning History – Vicinity

2024-ZON-070; 4516 East Thompson Road (northwest of site), Rezoning of 0.63 acre from the D-4 district to the C-1 district to provide for commercial office uses, **pending**.

73-Z-203; 4302 E Thompson Road (northwest of site), Rezoning of 40.00 acres from D-2, D-3, and D-6 zoning to the D-6ll designation, **approved**.)

EXHIBITS





Department of Metropolitan Development
 Division of Planning
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Site Plan



Amended Site Plan



Grace Bible Christian Church (GBCC) Plan of Operation

The Grace Bible Christian Church Plan of operation will include a description and size of the proposed facilities, number of employees, security provisions and hours of operation and activities.

GBCC Congregation

GBCC is a Burmese speaking church comprises and founded with different ethnic groups including Burmese, Kachin, Karen, Kareni, Chin, Lahu, Mon from Myanmar (formerly Burma). The congregation consists of 162 growing members located in the south side of Indianapolis, Indiana. The demographic of the members consists of 79 adults, 12 youths and 71 children.

Proposed Building Overview

The proposed building will be a new permanent location for the growing Burmese-multiethnic congregation. The sanctuary is designed to seat 200 people along with a separate meeting hall to seat 20 people altogether.

Project Description

- Square Footage: Approximately 3200 Square footage.
- Use: to seat 200 people along with a separate meeting hall to seat 20 people altogether.

Office Hours

- Monday – Friday: 10:00 am – 4:00 pm

Office Staff

Currently, full-time office staff will consist of Church Pastors, Secretary and treasurer.

Detailed Operation Plan

Every Sunday worship service will start at 11:00 Am. Weekly Bible study will be on Wednesday evening at 6:00 pm. Fellowship will be on Saturday between 11:00 Am to 2:00 pm.

Future Plan for Proposed Building

Grace Bible Christian Church proposed building will provides services and social resources for church members. It will also provide helpful information for new immigrants who resettle here in Indianapolis from different parts of Burma. GBCC will provide new members with material needs, psychological needs as well as spiritual needs. Moreover, GBCC will actively involve in social activities of surrounding community. GBCC plans to provide resources and service as below.

- Pre-marital counselling
- Short Bible Study program for the members
- Summer Bible camp for the children
- Youth fellowship
- Provide outreach ministry such as evangelism.



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 garage located within the stream protection corridor is pre-existing and all improvements will be located at least 30' from the top of the stream bank so as not to disturb the ditch or any existing growth thereon.

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 garage located within the stream protection corridor is pre-existing and all improvements will be located at least 30' from the top of the stream bank so as not to disturb the ditch or any existing growth thereon.

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

the garage already exist within the 30' stream protection corridor. Also, the site is uniquely shaped, triangular along the stream frontage, which makes it difficult to provide proper setbacks and meet the stream protection corridor requirements.

DECISION

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

Adopted this _____ day of _____, 20 ____



Photo of the single-family dwelling and detached garage on site.



Photo of a second and third garage on site.



Photo of the wooded area along the stream on site.



Photo of the stream protection corridor to the right where the two existing garages are located.



Photo of the front yard where the proposed parking will be located.



Photo of the site looking north from the western most existing garage looking toward the proposed parking area.



Photo of the proposed building addition on the south side of the existing building on site.



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



Photo of single-family dwellings north of the site across Brookville Road.



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



METROPOLITAN DEVELOPMENT COMMISSION **July 25, 2024**
HEARING EXAMINER

Case Number: 2024-CZN-824 (Amended) / 2024-CVR-824

Property Address: 1402 Shelby Street

Location: Center Township, Council District #18

Petitioner: Carnivore Properties, LLC, by Emily Duncan and David Kingen

Current Zoning: MU-1 (TOD)
Rezoning of 0.14-acres from the MU-1 (TOD) district to the C-3 (TOD) district.

Request: Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for zero off-street parking spaces (minimum 15 spaces required), to legally establish a zero-foot rear transitional yard setback, without landscaping (minimum 15-foot rear transitional yard required, and to legally establish a three-foot north side yard setback along an alley (minimum 10-foot side setback required along an alley).

Current Land Use: Commercial uses (vacant)

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

Staff Reviewer: Kathleen Blackham, Senior Planner

PETITION HISTORY

The Hearing Examiner continued these petitions from the June 27, 2024 hearing, to the July 25, 2024 hearing, at the request of staff to provide time for discussions between staff and the petitioner’s representative.

STAFF RECOMMENDATION

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

1. The site shall be developed in accordance with the site plan, file-dated June 3, 2024, and the Plan of Operation, file-dated May 27, 2024.
2. The site and improved areas within the site shall be maintained in a reasonably neat and orderly manner during and after development of the site with appropriate areas and containers / receptacles provided for the proper disposal of trash and other waste.



PETITION OVERVIEW

REZONING

This 0.14-acre site, zoned MU-1 (TOD), is developed with a commercial building and surrounded by commercial uses to the north, zoned MU-2 (TOD); commercial uses to the south, zoned MU-1 (TOD); commercial uses to the east, across Shelby Street, zoned MU-1 (TOD); and single-family dwellings to the west, zoned D-5 (TOD).

Petition 2014-UV1-017 provided for the storage and distribution of frozen raw pet food and legally established the setbacks.

Petition 2024-UV2-003 provided for the operation of a marketing business, including graphic design and print services. The petition was withdrawn, and this rezoning was filed.

Historical maps indicate that this site was initially developed with a single-family dwelling and the current structure constructed in the early 1970's. Staff would note that these same aerial images indicate the removal of many dwellings in in this area in anticipation of Interstate 65. Additionally, several dwellings along Shelby Street were redeveloped with commercial structures during this time frame.

The request would rezone the site to the C-3 (Neighborhood Commercial) District. "The C-3 District is for the development of an extensive range of retail sales and personal, professional and business services required to meet the demands of a fully developed residential neighborhood, regardless of its size. Examples of such types of uses include neighborhood shopping centers, sales of retail convenience or durable goods, shopping establishments, retail and personal and professional service establishments. At this neighborhood scale of retail, a fine- grain of accessibility requisite for all modes of travel must be provided and maintained. It does not make provision, however, for those businesses that draw customers in significant numbers from well beyond a neighborhood boundary and are, therefore, unusually heavy traffic generators, such as theaters.

It does not allow those businesses that require the outdoor display, sale, or storage of merchandise; or require outdoor operations. In general, to achieve maximum flexibility of permitted land use, the C-3 District makes possible a highly varied grouping of indoor retail and business functions."

The Comprehensive Plan recommends village mixed-use typology for the site. Staff supports this request because it would align with the Plan recommendation and would be compatible with the surrounding commercial uses along this corridor. However, staff requests that approval of these requests be subject to the existing site development and Plan of Operation,



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Division of Planning
Current Planning**

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.

Environmental Public Nuisances

The purpose of the Revised Code of the Consolidated City and County, Sec.575 (Environmental Public Nuisances) is to protect public safety, health and welfare and enhance the environment for the people of the city by making it unlawful for property owners and occupants to allow an environmental public nuisance to exist.

All owners, occupants, or other persons in control of any private property within the city shall be required to keep the private property free from environmental nuisances.

Environmental public nuisance means:

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

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



VARIANCE OF DEVELOPMENT STANDARDS

This request would provide for zero off-street parking spaces when the Ordinance requires 15 spaces. Because the site is along both the Red Line TOD district and the protected two-way Shelby Street cycle track, that the subject site does not currently have off-street parking spaces, and that there is not sufficient area to add parking on site, staff supports the request for no off-street parking spaces.

The request would also legally establish reduced setbacks that include a zero-foot rear transitional yard setback without landscaping and a three-foot side yard setback along an alley. The Ordinance requires a minimum 15-foot rear transitional landscaped yard and a 10-foot side yard setback along the alley.

When this site was redeveloped and the current building constructed over 50 years ago, no setbacks were provided that resulted in a structure whose footprint generally followed the property boundaries. Staff believes this is a practical difficulty in meeting the current development standards and therefore, supports these setback variances.

GENERAL INFORMATION

Existing Zoning	MU-1 (TOD)	
Existing Land Use	Commercial use	
Comprehensive Plan	Village Mixed-Use	
Surrounding Context	Zoning	Land Use
	North:	MU-2 (TOD) Commercial uses
	South:	MU-2 (TOD) Commercial uses
	East:	MU-2 (TOD) Commercial uses
	West:	D-5 (TOD) Single-family dwellings
Thoroughfare Plan		
Shelby Street	Primary arterial	Existing 58-foot right-of-way and proposed 56-foot right-of-way.
Context Area	Compact	
Floodway / Floodway Fringe	No	
Overlay	Yes – Transit Oriented Development	
Wellfield Protection Area	No	
Site Plan	May 27, 2024	
Site Plan (Amended)	June 3, 2024	
Elevations	N/A	
Elevations (Amended)	N/A	
Landscape Plan	N/A	
Findings of Fact	May 27, 2024	
Findings of Fact (Amended)	N/A	
C-S/D-P Statement	N/A	

COMPREHENSIVE PLAN ANALYSIS

Comprehensive Plan

- The Comprehensive Plan (2018) 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.”

Pattern Book / Land Use Plan

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

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

- *Conditions for All Land Use Types – Village Mixed-Use Typology*
 - All land use types except small-scale parks and community farms/gardens in this typology must have adequate municipal water and sanitary sewer.
 - All development should include sidewalks along the street frontage.
 - In master-planned developments, block lengths of less than 500 feet, or pedestrian cut-throughs for longer blocks, are encouraged.
 - Where possible, contributing historic buildings should be preserved or incorporated into new development.
- *Small-Scale Offices, Retailing, and Personal or Professional Services (defined as commercial uses with minimal outdoor operations, storage, or display on lots of less than 1.5 acres and a height of less than 35 feet.)*
 - Mixed-Use structures are preferred.
 - Automotive uses (such as gas stations and auto repair) and uses with drive-through lanes are excluded.



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

- Should not include outdoor display of merchandise.

Red Line / Blue Line / Purple Line TOD Strategic Plan

- The Red Line Transit-Oriented Development Strategic Plan (2021)
- This site is located within a ¼ mile walk of a transit stop located at the intersection of Pleasant Run Parkway South Drive and Shelby Street with a Walkable Neighborhood typology.
- Walkable Neighborhood typology are walkable areas that are primarily residential but may have a commercial node of one to two city blocks.
- Characteristics of the Walkable Neighborhood typology are:
 - Mix of uses at station with stabilized residential beyond
 - Off-street parking is discouraged and should be limited to garages

Neighborhood / Area Specific Plan

- Not Applicable to the Site.

Infill Housing Guidelines

- Not Applicable to the Site.

Indy Moves

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

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



ZONING HISTORY

2024-UV2-003; 1402 Shelby Street, requested a variance of use and development standards of the Consolidated Zoning and Subdivision Ordinance to provide for the operation of a marketing business, including graphic design and print services with zero parking spaces, **withdrawn**.

2004-UV2-017; 1402 Shelby Street, requested a variance of use and development standards of the commercial zoning Ordinance to provide for the storage and distribution of frozen raw pet food and to legally establish the reduced setbacks, **granted**

2009-UV1-019, 1402 Shelby Street, requested a variance of use and development standards of the Commercial Zoning Ordinance to legally establish a carpet, flooring and tile retail use and to provide for all C-3 uses within the existing building with zero off-street parking spaces and deficient setbacks and landscaping for the front, side and rear yards, **withdrawn**.

VICINITY

2011-CZN / CVR-803, 1301 Barth Avenue, (northwest of site), requested rezoning of 0.58 acre from the D-5 and C-5 districts to the C-S district to provide for a brewery, within an existing building, with retail sales and events and variance of development standards to provide for outdoor seating, alcohol sales and a trash enclosure within the front yard, **granted**.

2004-LNU-013, 1354 Shelby Street, (north of site), requested a Certificate of Legal Non-conforming Use to legally establish a carpet, tile and vinyl commercial thrift store, **granted**.

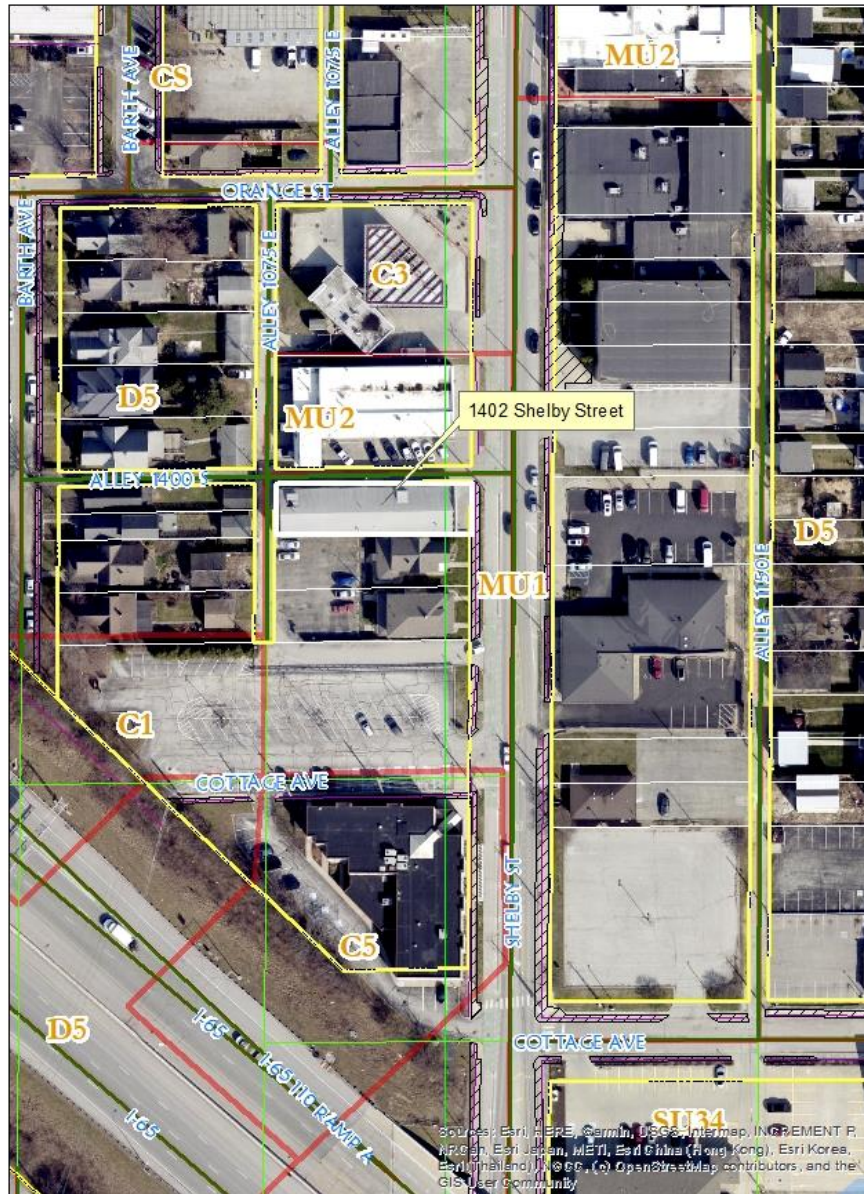
91-V3-87, 1415 Shelby Street, (east of site), requested a variance of development standards of the Commercial Zoning Ordinance to provide for an addition to an existing building with a zero-foot side yard setback, **granted**.

84-UV2-5, 1340 Shelby Street, (north of site), requested a variance of use of the Commercial Zoning Ordinance to provide for the continued operation of an automobile repair service with transitional yard encroachments and without minimum parking standards, **granted for 1 year**.

84-Z-184, 1340 Shelby Street, (north of site), requested rezoning of 0.41 acre from the C-2 district to the C-5 district (reduced to C-3 during petition process), **approved**.

79-Z-56, 1504 Shelby Street, (south of site), requested rezoning of 0.47 acre from the C-2 district to the C-5 district for commercial uses, **approved**.

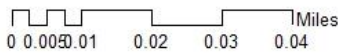
EXHIBITS

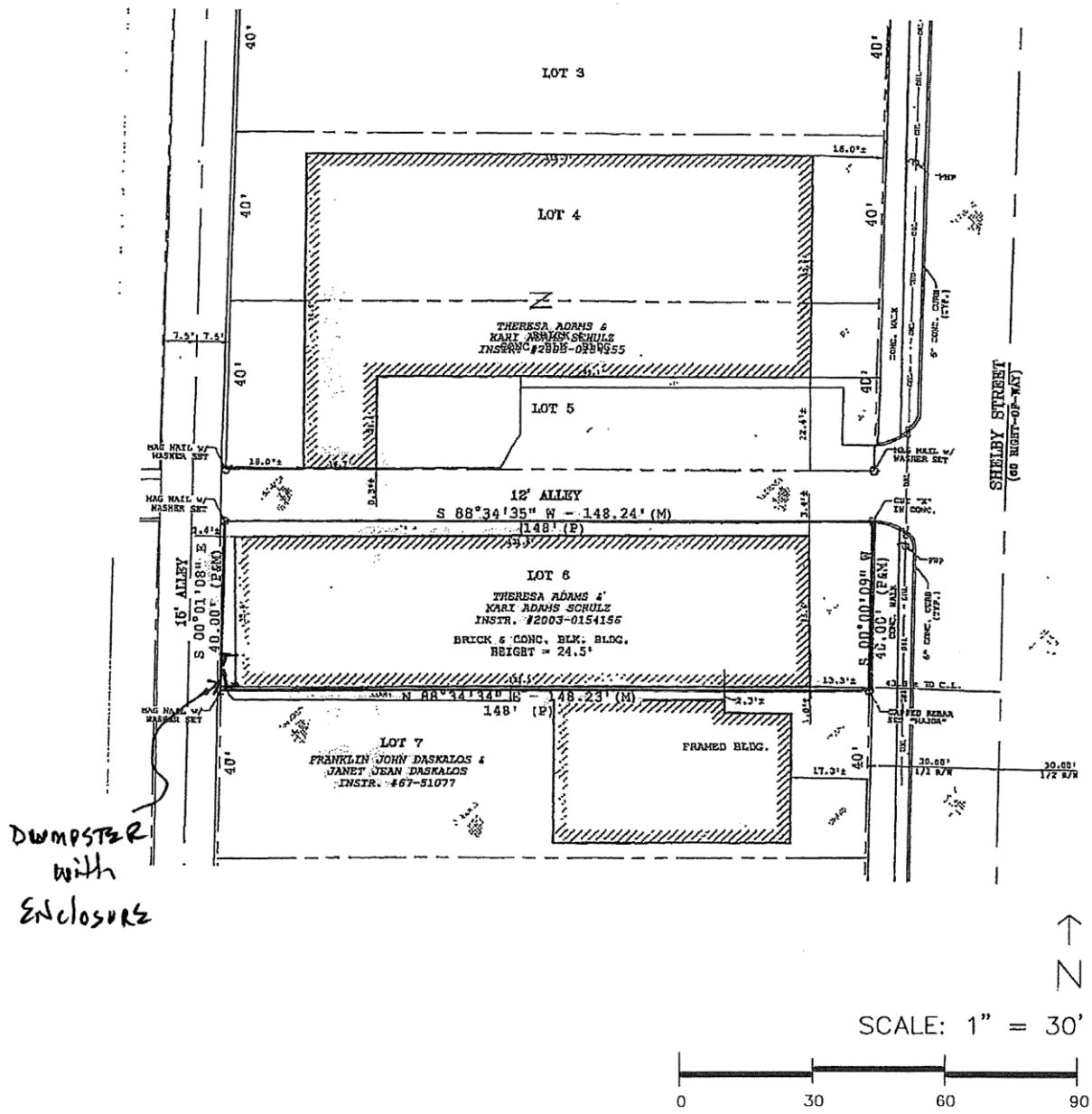


Source: Esri, AEP, Garmin, USGS, Intermap, INCREMENT P, NRCan, Esri Japan, METI, Esri China (Hong Kong), Esri Korea, Esri (Thailand), Swisstopo, (c) OpenStreetMap contributors, and the GIS User Community



1402 Shelby Street







Department of Metropolitan Development
Division of Planning
Current Planning

Petition Number 2024-CVR-824

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 majority of the commercial uses in the Fountain Fletcher commercial area are not able to provide adequate on-site parking. Many of the commercial and mixed uses in the immediate vicinity of the subject property have more than the required parking on their sites and thus the public safety and general welfare of the community shall not be injured.

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 rear yard setback and transitional yard to the west shall not be reduced and if the dumpster remains in the west transitional yard it shall be enclosed per city code. The new use has less visiting customers and clients than the previous uses to this site and with the site on the Redline and on the designated bike trail, customers, clients and employees have various options to gain access to the subject site.

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

Without a reduction for the required parking, no use could occupy the subject building and site. ,
Without a variance for the rear transitional yard; the building would need to be reduced to the west in size.
Without a variance for the dumpster, no variance could be located on this site; in the rear yard

DECISION

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

Adopted this _____ day of _____, 20 ____

Plan of Operation



Roles

Owners:

Primarily focused on client development and project management. Will spend a majority of time meeting with clients off site, overseeing installations, and managing contractors & vendors.

Designers:

Works with owner to execute on the vision of the client. Develops multiple options and iterates upon client feedback. Works with production manager to ensure the end product meets expectations.

Production Manager:

Oversees all in house production of deliverables. Manages materials and machines to ensure efficient and on time production before installation.

Installer:

Handles all installations of non-skilled trade work (electrical, carpentry, painting, etc.) Including wall graphics, artwork, signage, dimensional installs and more.

As work load grows we intend to expand each of these roles into departments with 2-3 person teams. In this space we would see the maximum number of full-time in-house employees being 10 with the addition of contract based installers.

Process

The process begins with an onsite client meeting to go over the space, discuss needs and goals, and determine project scope. Following the initial site visit, the owner and designer(s) will formulate a vision with various options and create 3D visualizations for the client to envision their new space. We will continue the iteration process until we've met clients' expectations.

Project Management:

Once the final design is agreed upon, we will work with the client's team to manage the project. This could include necessary buildouts with their contractors or ours. We would work with vendors for the production of elements outside our capabilities and determine final installation timeline and project completion dates.

Production:

For elements of the project that will be produced in house the Designer will work directly with the Production Manager to determine details of materials, installation, and any necessary electrical changes. Typically, in house production will include vinyl and textile printed graphics and dimensional panels/lettering. Allowing us full control over the parts of projects that catch the most attention.

Installation:

Once all deliverables have been completed, and necessary construction is complete, our installer(s) will start their process. We will complete the final design elements on site and verify contractor work is up to specs. All work done on site will follow OSHA guidelines for safety. Before client turnover we will complete a walkthrough and documentation process where we take detailed photos to verify work was done to spec and show the transformation.

Clients

We will work with a wide variety of clients and their spaces. Any space people gather is an opportunity to create experiences through great design. Some examples include but are not limited to:

- Offices
- Co-Working Spaces
- Retail
- Restaurants
- Worship Centers
- Gyms
- Schools
- Museums



Equipment

Latex Ink Roll-to-Roll Printer

Printing vinyl and textile graphics for walls and displays. Up to 60" wide. With this printing type there are no waste materials produced in use aside from scrap substrate.

UV Flatbed Printer

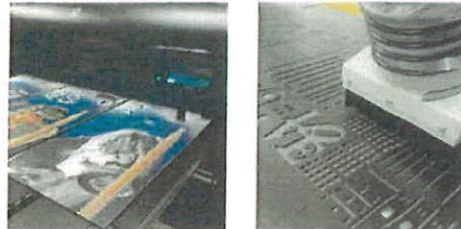
For printing directly to rigid substrates as large as 4'x8' such as plastic, wood and metal. Ink is UV cured with minimal waste.

Vinyl Cutter

Used for cutting thin materials ink any shape. This could include custom logos or lettering, abstract wall coverings, frosted vinyl applications and more.

Router

For cutting thick substrates up to 4'x8'x2" including wood and plastics. Used for creating custom dimensional displays and lettering.



Local Impact

Noise

Most of the equipment is very quiet, often being used in office/retail environments. The only exception being the vacuum table used by the router. This equipment will be housed in a separate room with insulation to shield the office space from the noise. We've used this same equipment in a multi-tenant office building with no complaints from neighbors and nothing audible on the exterior.

Odors

There are no smells or fumes create in the printing/manufacturing processes we will use.

Waste

The primary waste will be scrap material (mostly paper), which will be recycled when possible. Waste UV ink is combined with moisture absorber to remove solvents and can be disposed of normally once dry.

Traffic

We expect weekly material deliveries during work hours along with shipments of deliverables from third parties a maximum of twice weekly. Clients will typically be seen on an appointment basis an average of once per day. We have one client parking spot on site with contracted parking across the street and adjacent street parking.

Materials

Rolled Media

- Vinyls
- Canvas
- Wallpapers

Flat Media

- PVC
- Acrylic
- Composite Metal
- Plywood
- Laminates
- Polystyrene



Community

Beyond the benefits of utilizing a long-standing building in Fountain square as-is, and providing ongoing employment, we look forward to being a part of the community and giving back in bigger ways as well. Fountain Square is a community based around the love of art, which is why we've chosen this area to call home. We want to benefit local artists by offering periodic open house days to invite them to make use of our equipment and tools. Going beyond that we will be giving back by donating work to locally owned small businesses that are loved by the community but in need of an update that may be out of reach. Our goal is to be a contributing member of the Fountain Square culture and community for years to come.



View looking north along Shelby Street



View looking south along Shelby Street



View of site looking west across Shelby Street



View of site looking southwest across Shelby Street



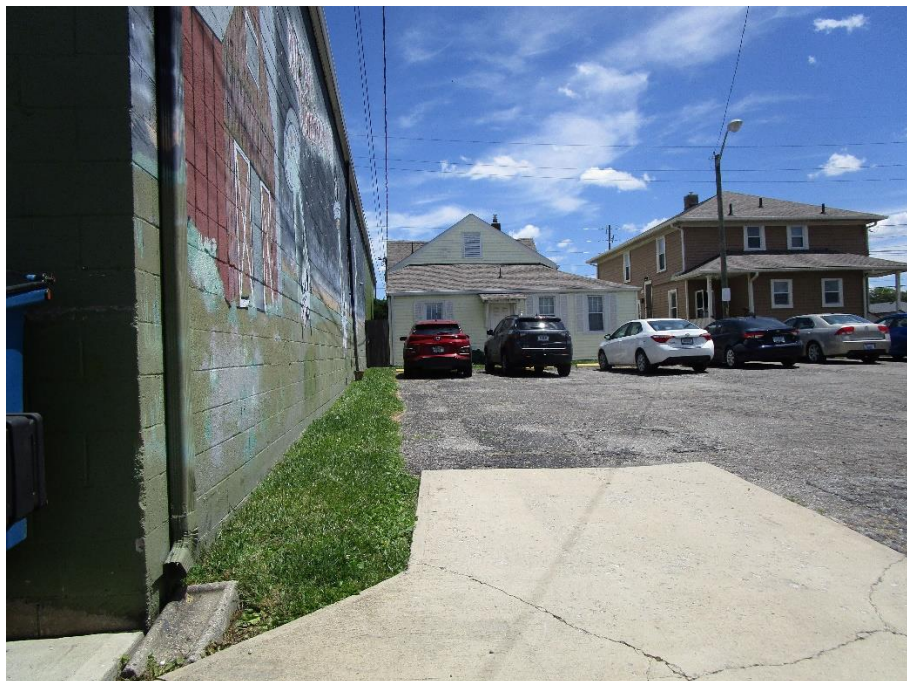
View of site frontage along Shelby Street



View looking south along north / south boundary



View looking north along north / south boundary



View of site looking east along southern boundary



METROPOLITAN DEVELOPMENT COMMISSION **July 25, 2024**
HEARING EXAMINER

Case Number: 2024-ZON-030

Property Address: 1362 and 1368 North Olney Street

Location: Center Township, Council District #13

Petitioner: Read Investment Trust / Brookside community Development Corporation by Emily Duncan and David Kingen

Current Zoning: C-3

Request: Rezoning of 0.29-acre from the C-3 district to the MU-1 district to provide for a mixed-use development.

Current Land Use: Residential uses

Staff Recommendations: Denial.

Staff Reviewer: Kathleen Blackham, Senior Planner

PETITION HISTORY

The Hearing Examiner continued this petition from the April 25, 2024 hearing, to the May 23, 2024 hearing, and to the July 25 2024 hearing, at the request of the petitioner’s representative to provide time for discussions with the neighborhood.

STAFF RECOMMENDATION

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

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



PETITION OVERVIEW

REZONING

This 0.29-acre site, zoned C-3, is comprised of two parcels developed with multi-family dwellings. It is surrounded by commercial uses and single-family dwellings to the north, across Nowland Avenue zoned MU-1; single-family dwellings to the south, zoned D-5; single-family dwellings to the east across North Olney Street, zoned MU-1; and single-family dwellings to the west, zoned D-5.

The request would rezone both parcels to the MU-1 District. “The MU-1 District is intended for the development of **high-rise office uses** and apartments intermixed, grouped in varying combinations or provided in the same building. MU-1 is designed for use and positive pedestrian experience or demand. Appropriate settings for the MU-1 district include the midtown and uptown areas of the city, **very near rapid transit stops**, or in the midst of **high intensity regional** commercial complexes.”

The Comprehensive Plan recommends traditional neighborhood typology. This typology would allow for mixed uses that would be compatible with the neighborhood if the recommendations and guidelines offered by The Pattern Book would be applied.

As proposed, this request would not be consistent with the Plan recommendation of traditional neighborhood. As noted above the MU-1 district would be highly detrimental to this solidly residential neighborhood.

Furthermore, this site is not very near a rapid transit stop but is located at the intersection of two local streets surrounded by residential uses. The nearest commercial uses are located along North Sherman Drive, approximately 1400 feet to the east.

For these reasons, staff strongly recommends denial of this rezoning request.

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.



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Environmental public nuisance means:

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

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

GENERAL INFORMATION

Existing Zoning	C-3	
Existing Land Use	Multi-family dwellings	
Comprehensive Plan	Traditional Neighborhood typology	
Surrounding Context	Zoning	Land Use
North:	MU-1	Commercial uses
South:	D-5	Single-family dwelling
East:	MU-1	Single-family dwelling
West:	D-5	Single-family dwellings
Thoroughfare Plan		
North Olney Street	Local Street	Existing 60-foot right-of-way and proposed 48-foot right-of-way.
Nowland Avenue	Local Street	Existing 60-foot right-of-way and proposed 48-foot right-of-way.
Context Area	Compact	
Floodway / Floodway Fringe	No	
Overlay	No	
Wellfield Protection Area	No	



Site Plan	N/A
Site Plan (Amended)	N/A
Elevations	N/A
Elevations (Amended)	N/A
Landscape Plan	N/A
Findings of Fact	N/A
Findings of Fact (Amended)	N/A
C-S/D-P Statement	N/A

COMPREHENSIVE PLAN ANALYSIS

Comprehensive Plan

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

Pattern Book / Land Use Plan

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

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

- *Conditions for All Land Use Types – Traditional Neighborhood Typology*
 - All land use types except small-scale parks and community farms/gardens in this typology must have adequate municipal water and sanitary sewer.
 - All development should include sidewalks along the street frontage.
 - In master-planned developments, block lengths of less than 500 feet, or pedestrian cut-throughs for longer blocks, are encouraged.



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- *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.

- *Large-Scale Multi-Family Homes (defined as single or multiple buildings each with five or more legally complete dwelling units in a development of more than two acres and at a height greater than 40 feet.*
 - Developments of more than 30 housing units must have access to at least one arterial street of 3 or more continuous travel lanes between the intersections of two intersecting arterial streets.
 - Should be located along an arterial street.
 - In predominantly platted, single-family neighborhoods, site should be at least as wide as it is deep.
 - Parking should be either behind or interior to the development.
 - Individual building height, massing, and footprint should gradually transition from adjacent developments. Specifically, buildings located adjacent to existing residential developments should be no more than one and a half times the height and no more than twice the average footprint of the existing adjacent residential buildings.

- *Small-Scale Offices, Retailing, and Personal or Professional Services (defined as commercial uses with minimal outdoor operations, storage, or display on lots of less than 1.5 acres and a height of less than 35 feet)*
 - If proposed within one-half mile along an adjoining street of an existing or approved residential development, then connecting, continuous pedestrian infrastructure between the proposed site and the residential development (sidewalk, greenway, or off-street path) should be in place or provided.
 - Should be limited to areas and parcels with adequate space for required screening and buffering.
 - Automotive uses (such as gas stations and auto repair) and uses requiring a distance of separation of greater than 20 feet under the zoning ordinance (such as liquor stores, adult uses, and drive-through lanes) are excluded.
 - Mixed-use structures are preferred.
 - Should not include outdoor display of merchandise.



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Red Line / Blue Line / Purple Line TOD Strategic Plan

- Not Applicable to the Site

Neighborhood / Area Specific Plan

- Not Applicable to the Site.

Infill Housing Guidelines

- Not Applicable to the Site.

Indy Moves

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

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



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ZONING HISTORY

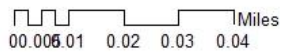
2010-UV3-003; 1402 North Olney, (north of site), requested a variance of use of the Commercial Zoning Ordinance to provide for a convenience / grocery store, without any off-street parking, **granted**.

EXHIBITS



Source: Esri, HERE, Garmin, USGS, Intermap, INCREMENTAL, NRC, Esri Japan, Swire, Esri China (Hong Kong), Esri Korea, Esri (Thailand), NEWS, © OpenStreetMap contributors, and the GIS User Community

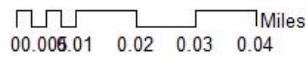
1362 and 1368 North Olney Street



Sanborn Map 1915



1362 and 1368 North Olney Street





View looking north along North Olney Street



View looking south along North Olney Street



View looking west along Nowland Avenue



View looking east along Nowland Avenue



View of site looking northwest across North Olney Street



View of site looking west across North Olney Street



View of site looking west across North Olney Street



View of site looking southwest across Nowland Avenue



View looking southeast across intersection on North Olney Street and Nowland Avenue



View looking northwest across intersection on North Olney Street and Nowland Avenue



METROPOLITAN DEVELOPMENT COMMISSION **July 11, 2024**
HEARING EXAMINER

Case Number: 2024-ZON-059 (Amended)
Property Address: 2345 South Arlington Avenue
Location: Warren Township, Council district #20
Petitioner: Doris M. Lambert, by Teri L. Hutchison
Current Zoning: D-A (FF)
Request: Rezoning of five acres from the D-A (FF) district to the C-1 (FF) district to provide for office-buffer commercial uses.
Current Land Use: Single-family dwelling
Staff Recommendations: Approval, subject to the commitments noted below.
Staff Reviewer: Kathleen Blackham, Senior Planner

PETITION HISTORY

The Hearing Examiner acknowledged the automatic continuance filed by a registered neighborhood organization that continued this petition from the June 13, 2024 hearing, to the July 11, 2024 hearing.

The Hearing Examiner continued this petition from the July 11, 2024 hearing, to the July 25, 2024 hearing, at the request of the petitioner’s representative.

STAFF RECOMMENDATION

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

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



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

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

PETITION OVERVIEW

This 5.0-acre site, zoned D-A (FF), is developed a single-family dwelling. It is surrounded by single-family dwellings to the north, zoned D-A (FF); commercial uses to the south zoned C-3 and C-S; a single-family dwelling and undeveloped land to the east, zoned D-A; and vacant land and single-family dwellings to the west, across South Arlington Avenue, zoned C-3 and D-2, respectively.

Petition 2022-ZON-025 requested rezoning to the C-7 district to provide for a commercial contracting business but was withdrawn.

REZONING

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

The Comprehensive Plan recommends suburban neighborhood typology for this site, which does allow for low intense small scale, neighborhood commercial uses that would be limited to lots less than 1.5 acres, with a limited aggregate of 3.5 acres per intersection. Currently, this intersection has over 11.64 acres that are commercially zoned or variances granted for commercial uses. Despite the expansion of commercial uses at this intersection, staff believes this request would serve as a buffer from the more intense commercial uses surrounding this intersection of Arlington Avenue and Southeastern Avenue.



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Department of Public Works

The Department of Public Works, Traffic Engineering Section, has requested the dedication and conveyance of a 59.5-foot half right-of-way along South Arlington Avenue. This dedication would also be consistent with the Marion County Thoroughfare Plan.

Floodway Fringe

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

The designation of the FF District is to guide development in areas subject to potential flood damage, but outside the Floodway (FW) District. Unless otherwise prohibited, all uses permitted in the primary zoning district (C-3 in this request) are permitted, subject to certain development standards of the Flood Control Secondary Zoning Districts Ordinance.

Henninger Ditch, including a 500-year unregulated flood plain is located within the northeast portion of the site.

Tree Preservation / Heritage Tree Conservation

The entire site is covered with natural vegetation and trees. Due to their inherent ecological, aesthetic, and buffering qualities, the maximum number of these existing trees should be preserved on the site.

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

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

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



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

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

Environmental Public Nuisances

The purpose of the Revised Code of the Consolidated City and County, Sec.575 (Environmental Public Nuisances) is to protect public safety, health and welfare and enhance the environment for the people of the city by making it unlawful for property owners and occupants to allow an environmental public nuisance to exist.

All owners, occupants, or other persons in control of any private property within the city shall be required to keep the private property free from environmental nuisances.

Environmental public nuisance means:

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

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

GENERAL INFORMATION

Existing Zoning	D-A (FF)	
Existing Land Use	Single-family dwelling	
Comprehensive Plan	Suburban Neighborhood	
Surrounding Context	Zoning	Land Use
	North:	D-A (FF) Single-family dwelling
	South:	C-3 / C-S Commercial uses
	East:	D-A Single-family dwelling / undeveloped land
	West:	C-3 / D-2 Vacant land / Single-family dwelling
Thoroughfare Plan		
South Arlington Avenue	Primary arterial	Existing 45-foot right-of-way and proposed 119-foot right-of-way.
Context Area	Metro	
Floodway / Floodway Fringe	Yes – unregulated 500-year floodplain	
Overlay	No	
Wellfield Protection Area	No	
Site Plan	N/A	
Site Plan (Amended)	N/A	
Elevations	N/A	
Elevations (Amended)	N/A	
Landscape Plan	N/A	
Findings of Fact	N/A	
Findings of Fact (Amended)	N/A	
C-S/D-P Statement	N/A	

COMPREHENSIVE PLAN ANALYSIS

Comprehensive Plan

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



Pattern Book / Land Use Plan

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

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

- *Conditions for All Land Use Types – Suburban Neighborhood Typology*
 - All land use types except small-scale parks and community farms/gardens in this typology must have adequate municipal water and sanitary sewer.
 - All development should include sidewalks along the street frontage
 - Hydrological patterns should be preserved wherever possible
 - Curvilinear streets should be used with discretion and should maintain the same general direction.
 - In master-planned developments, block lengths of less than 500 feet, or pedestrian cut-throughs for longer blocks, are encouraged.
- *Small-Scale Offices, Retailing, and Personal or Professional Services (defined as commercial uses with minimal outdoor operations, storage, or display on lots of less than 1.5 acres and a height of less than 35 feet.)*
 - If proposed within one-half mile along an adjoining street of an existing or approved residential development, then connecting, continuous pedestrian infrastructure between the proposed site and the residential development (sidewalk, greenway, or off-street path) should be in place or provided.
 - Should be located at the intersections of arterial streets and should be no closer than one mile to another commercial node with one acre or more of commercial uses except as reuse of a historic building.
 - Should be limited to an aggregate of 3.5 acres per intersection, with no one corner having more than 1.5 acres.
 - Should be limited to areas and parcels with adequate space for required screening and buffering.
 - Automotive uses (such as gas stations and auto repair) and uses requiring a distance of separation of greater than 20 feet under the zoning ordinance (such as liquor stores, adult uses, and drive-through lanes) are excluded.
 - Should not include outdoor display of merchandise.

Red Line / Blue Line / Purple Line TOD Strategic Plan

- Not Applicable to the Site.



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Neighborhood / Area Specific Plan

- Not Applicable to the Site.

Infill Housing Guidelines

- Not Applicable to the Site.

Indy Moves

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

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



ZONING HISTORY

2022-ZON-025; 2345 South Arlington Avenue, requested rezoning of five acres from the D-A district to the C-7 district to provide for a commercial contracting business, **withdrawn**.

VICINITY

2023-ZON-001; 5960 Southeastern Avenue (west of site), requested rezoning of 0.93 acres from the C-3 district to the C-4 district to provide for a gas station/convenience store, **denied**.

2020-ZON-071; 6002 Southeastern Avenue (south of site), requested rezoning of 0.70 acre from the C-3 district to the C-4 district, **withdrawn**.

2016-ZON-052; 6011 Southeastern Ave (south of site), requested rezoning of two acres from the C-3 district to the C-4 district, **denied**.

2007-ZON-082; 6011 Southeastern Avenue (south of site), requested rezoning of 0.5 acre from the D-A district to the C-3 district, **approved**.

2004-ZON-048; 6010 and 6020 (east of site), requested the rezoning of three acres from the D-A and C-3 districts to the C-3 district, **approved**.

95-UV1-81; 6020 Southeastern Avenue (east of site), requested a variance of use to provide for an office in a dwelling district, **approved**.

91-UV3-103; 5990 Southeastern Avenue (west of site), requested a variance of use to provide for outdoor automobile sales and variances of development standards for deficient landscaping and deficient transitional yards, **approved**.

85-Z-145; 6011 Southeastern Avenue (south of site), requested a rezoning of one acre from the A-2 district to the C-7 classification, **withdrawn**.

85-UV2-78; 6030 Southeastern Avenue (south of site), requested a variance of use to provide for the display and sales of automobiles in a dwelling district, **withdrawn**.

EXHIBITS

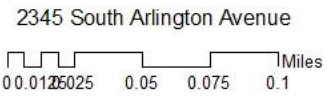




Exhibit A

Heritage Tree Conservation

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

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

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



View looking south along South Arlington Avenue



View looking north along South Arlington Avenue



View of site looking northeast across South Arlington Avenue



View from site looking northwest across South Arlington Avenue



View from site looking west across South Arlington Avenue



View from site looking south at adjacent property



View looking east at intersection of South Arlington Avenue and Southeastern Avenue



METROPOLITAN DEVELOPMENT COMMISSION **July 25, 2024**
HEARING EXAMINER

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

Property Address: 3107 East Sumner Road

Location: Perry Township, Council District #19

Petitioner: Francisco Aleman, by Josh Smith

Current Zoning: D-A

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

Current Land Use: Single-family dwelling / accessory building

Staff Recommendations: Approval of the rezoning and subdivision plat.

Staff Reviewer: Kathleen Blackham, Senior Planner

PETITION HISTORY

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

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

STAFF RECOMMENDATION

Approval of the rezoning and the plat.

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

1. That the applicant provides a bond as required by Section 741-210, of the Consolidated Zoning and Subdivision Ordinance.
2. Subject to the Standards and Specifications of Citizens Energy Group, Sanitation Section.
3. Subject to the Standards and Specifications of the Department of Public Works, Drainage Section.
4. Subject to the Standards and Specifications of the Department of Public Works, Transportation Section.



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

PETITION OVERVIEW

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

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

Rezoning

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

The Comprehensive Plan recommends suburban neighborhood typology.

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



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Plat (Site Plan and Design)

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

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

GENERAL INFORMATION

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

COMPREHENSIVE PLAN ANALYSIS

Comprehensive Plan

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

Pattern Book / Land Use Plan

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

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

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



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- Developments with densities higher than 5 dwelling units per acre should have design character compatible with adjacent properties. Density intensification should be incremental with higher density housing types located closer to frequent transit lines, greenways or parks.

Red Line / Blue Line / Purple Line TOD Strategic Plan

- Not Applicable to the Site.

Neighborhood / Area Specific Plan

- Not Applicable to the Site.

Infill Housing Guidelines

- Not Applicable to the Site.

Indy Moves

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

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



ZONING HISTORY

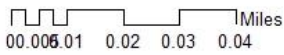
84-VU3-63; 3107 East Sumner Avenue, requested a variance of use of the Dwelling Districts Zoning Ordinance to provide for the use of a mobile home on the subject property as a residence for petitioner's parents, granted.

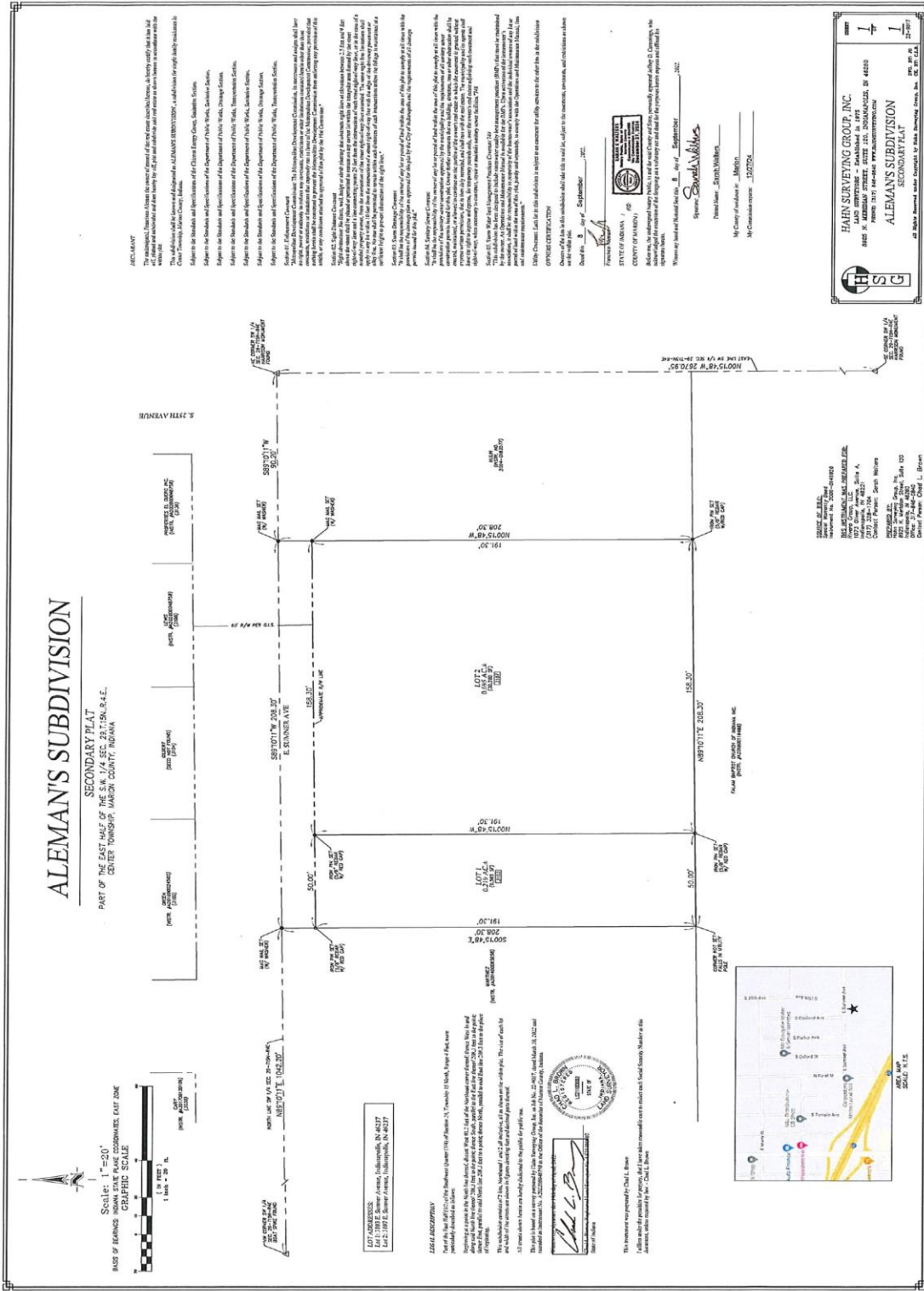
95-Z-58; .3615 South Rural Street (south of site), requested rezoning of 30.4 acres, being in the D-3 and D-A districts to the SU-1 classification to provide for the construction of a church use including the construction of a church, fellowship hall, day care, seminary dormitory and other uses, **approved**.

EXHIBITS



317 East Sumner Avenue





AFFIDAVIT
I, the undersigned, Charles L. Brown, Surveyor of Hancock County, Indiana, do hereby certify that the above and foregoing plat was prepared and filed by me in accordance with the provisions of the Indiana Subdivision Map Act, and that the same is a true and correct copy of the original plat as the same appears on file in my office.

STATE OF INDIANA
COUNTY OF HANCOCK

Subscribed and sworn to before me this 27th day of September, 2024.

Notary Public for Hancock County, Indiana
Charles L. Brown

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COUNTY OF HANCOCK

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Charles L. Brown



View looking west along East Sumner Avenue



View looking east along East Sumner Avenue



View of proposed Lot 2 looking south across East Sumner Avenue



View of proposed Lot 1 looking south across East Sumner Avenue



View of western boundary looking south across East Sumner Avenue



**METROPOLITAN DEVELOPMENT COMMISSION
HEARING EXAMINER**

July 25, 2024

Case Number: 2024-MOD-013

Property Address: 6904 and 6908 North Tacoma Avenue (Approximate Addresses)

Location: Washington Township, Council District #3

Petitioner: Patrick Sullivan, LLC, by Brian J. Tuohy

Current Zoning: C-S

Request:

Modification of the Development Statement and Site Plan related to 2015-CZN-800 (6908) to provide for a greenhouse, and a Modification of Development Statement, Site Plan and Commitments related to petition 2018-ZON-029 (6904), to provide for a greenhouse and to terminate Commitment #2, which required development of the site to be in substantial compliance with the site plan, file-dated April 28, 2018, and to modify Commitment #3, which required accessory structures at 6904 North Tacoma Avenue to not be demolished.

Current Land Use: Commercial and Residential

Staff Recommendations: Approval with commitment.

Staff Reviewer: Marleny Iraheta, Senior Planner

PETITION HISTORY

This is the first public hearing for this petition.

STAFF RECOMMENDATION

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

Development of the site shall be subject to the C-S Statement, file-dated June 19, 2024, and in substantial compliance with the site plan and building elevations, file-dated June 20, 2024.

PETITION OVERVIEW

LAND USE

The two sites in question are 6904 and 6908 North Tacoma Avenue, more specifically Lots 11 and 12 of the Creekwood Homes subdivision. They are currently developed with single-family dwellings, residential accessory structures, and commercial accessory structures. There is an existing privacy fence that divides the residential portions of the site to the east from the commercial portions to the west.



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They are bordered to the north and south by single-family dwellings and a commercial use, zoned C-S, single-family dwellings to the east, zoned D-3, and a commercial use to the west, zoned C-S.

6908 Tacoma Avenue was part of a rezone petition in 2015, 2015-CZN-800, that had the development subject to a site plan file-dated January 27, 2015, and a revised C-S Statement file-dated March 6, 2015.

6904 Tacoma Avenue was part of a rezone petition in 2018, 2018-ZON-029, that was subject to commitments that had the development subject to a C-S Statement file-dated April 28, 2019, had to be substantially compliant with the site plan file-dated April 28, 2018, and that prevented the demolition of the single-family dwelling and accessory structure on site in addition to other commitments that would not be addressed with this request.

MODIFICATION

The request would modify the Development Statement and Site Plan related to 2015-CZN-800 (6908) to provide for a greenhouse, modify the Development Statement, Site Plan and Commitments related to petition 2018-ZON-029 (6904), to provide for a greenhouse and to terminate Commitment #2, which required development of the site to be in substantial compliance with the site plan, file-dated April 28, 2018, and would modify Commitment #3, which required accessory structures at 6904 North Tacoma Avenue to not be demolished.

The site plan modification and commitment #2 termination would allow for the development of the greenhouse proposed in the June 20, 2024, file-dated site plan. The Development Statement modifications would allow for the greenhouse to be constructed across both sites, which would not have been permitted per the previous development statements. Lastly, the modification of commitment #3 would allow for the demolition of the existing detached garage at 6904 North Tacoma Avenue so that the proposed greenhouse could be partially located in its place.

STAFF ANALYSIS

The subject sites are currently developed residentially to the east of the fence and commercially to the west of the fence. This would not change with the approval of this request.

The existing privacy fence would remain intact and the commercial use would not encroach further east of the fence into the residential neighborhood.

Instead, an existing garage at 6904 would be demolished so that a greenhouse to be partially constructed in its place. The removal of this accessory structure would not create more of an impact to the residents than currently exists. Per the elevations submitted, the proposed greenhouse would be similar to the existing greenhouses west of the site and the appearance of it would not be different than what is currently visible behind the existing fence.

The existing single-family dwellings would continue to remain on both sites to protect and buffer the rest of the residential neighborhood east of North Tacoma Avenue from the commercial use west of the privacy fence.



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For these reasons, staff is recommending approval of the requests with the commitment that the development be substantially compliant with the site plan and building elevations, file-dated June 20, 2024, and subject to the C-S statement, file-dated June 19, 2024.

GENERAL INFORMATION

Existing Zoning	C-S	
Existing Land Use	Residential and Commercial	
Comprehensive Plan	Suburban Neighborhood Development	
Surrounding Context	Zoning	Land Use
North:	C-S	Commercial and Residential (Single-family dwelling)
South:	C-S	Commercial and Residential (Single-family dwelling)
East:	D-3	Residential (Single-family dwellings)
West:	C-3 / C-S	Commercial
Thoroughfare Plan		
Tacoma Avenue	Local Street	48-foot proposed right-of-way and 50-foot existing right-of-way.
Context Area	Compact	
Floodway / Floodway Fringe	No	
Overlay	No	
Wellfield Protection Area	No	
Site Plan	June 20, 2024	
Site Plan (Amended)	N/A	
Elevations	June 20, 2024	
Elevations (Amended)	N/A	
Landscape Plan	N/A	
Findings of Fact	N/A	
Findings of Fact (Amended)	N/A	
C-S/D-P Statement	June 19, 2024	

COMPREHENSIVE PLAN ANALYSIS

Comprehensive Plan

- Marion County Land Use Plan Pattern Book (2019)

Pattern Book / Land Use Plan



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

Red Line / Blue Line / Purple Line TOD Strategic Plan

- Not Applicable to the Site.

Neighborhood / Area Specific Plan

- Not Applicable to the Site.

Infill Housing Guidelines

- Not Applicable to the Site.

Indy Moves

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

- Not Applicable to the Site.



ZONING HISTORY

Zoning History - Site

2018-ZON-029; 6902 and 6904 North Tacoma Avenue, 2430 Butterfield Drive and 6955 North Keystone Avenue (subject site), Rezoning of 1.6 acres, from the C-S, C-3 and D-3 districts to the C-S district to provide for residential uses, a greenhouse expansion, the indoor and outdoor storage and display of plant material and other related garden items, covered pergola, with outdoor storage, an eight-foot tall privacy fence, a six-foot tall privacy fence, a six-foot tall wrought iron fence, a gift shop expansion, meeting and conference space, the North Pole / Santa experience, and the outdoor storage of nursery stock, as outlined in the C-S statement and site plan filed with this petition, **approved**.

2018-VAR-002; 6902 and 6904 North Tacoma Avenue, 2430 Butterfield Drive and 6955 North Keystone Avenue (subject site), Variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for an eight-foot tall wood fence (maximum six-foot tall fence permitted in the C-S district), a six-foot tall wrought iron type fence and a six-foot tall wood fence in the front yard of Butterfield Drive (maximum 3.5-foot tall fence permitted), and a covered pergola, with outdoor storage, with a five-foot front setback (20-foot front transitional setback required), **granted**.

2015-CZN-800 / 2015-CVR-800; 6908, 6912, 6916, 7034, 7044 and 7052 North Tacoma Avenue; 6893, 6897 and 6955 (Part) Keystone Avenue (subject site) Rezoning of 2.17 acres from the D-3 and C-1 district to the C-S classification to provide for outdoor display and storage, parking areas, and eight-foot tall screening fence, a building addition for a gift shop, a building for meetings, conferences and other uses related to the garden center, and to maintain the existing residential dwelling units on the remaining portions of 6908-7052 North Tacoma Avenue; and a variance of development standards of the Commercial Zoning Ordinance to provide for outdoor display and storage 60 feet from the centerline of Keystone Avenue, **granted and approved**.

Zoning History – Vicinity

2021-CAP-845 / 2021-CVR-845; 7034, 7044 and 7052 North Tacoma Avenue (north of the site), Modification of the Development Statement and Site Plan related to 2015-CZN-800 / 2015-CVR-800 to provide for the demolition of the existing dwelling structures and the expansion of a parking lot and Variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for a parking lot with a five-foot front transitional yard along Tacoma Avenue, 4.5-foot north side and north side transitional setbacks and a six-foot tall masonry wall and in the front yard of Tacoma Avenue and a six-foot tall wooden fence along the south lot line and within the front yard of Tacoma Avenue (10-foot front transitional, 10-foot side and side transitional yards and maximum 42-inch fence permitted in the front yard), **approved and granted**.

2004-ZON-811A / 2004-ZON-811B / 2004-VAR-811; 6901-7021 North Keystone Avenue (west of site), Rezoning of 2.55 acres, being in the C-3 and D-3 Districts, to the C-3 and C-1 classification to provide for a retail store and a greenhouse, with outdoor display and a variance of development standards of the Commercial Zoning Ordinance and a Variance of development standards of the Sign Regulations to provide for a 6,000-square greenhouse and a 10,960-square foot outdoor sales and display area



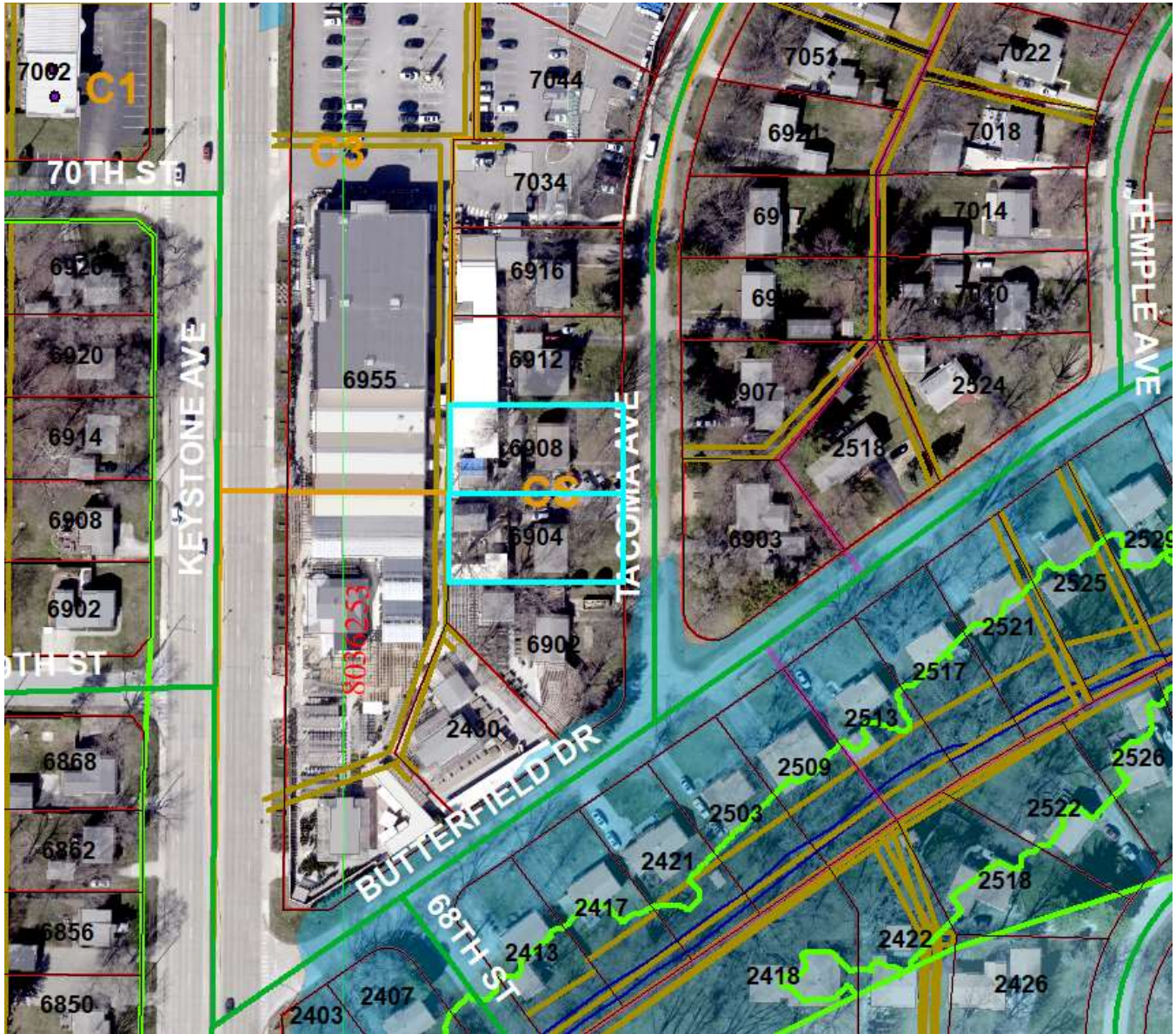
**Department of Metropolitan Development
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associated with a proposed 13,397-square foot hardware store and a 22-foot tall, 63-square foot pylon sign with a nine-square foot electronic variable message display component, **approved**.

98-UV3-52, 6917 North Keystone Avenue (west of site), Variance of use of the C-3 and D-3 Districts to provide for a hardware store, medical or dental office, and single-family residence with outdoor storage and display of garden materials with a 0-foot front yard setback for a display area, **approved**.

88-UV2-32; 6893 North Keystone Avenue (southwest of site), Variance of use to provide for a dentist's office, **dismissed**.

EXHIBITS





Department of Metropolitan Development
Division of Planning
Current Planning

**Sullivan's Hardware
Greenhouse Building**
6955 Keystone Avenue, Indianapolis, IN
Owner Review: February 25, 2024

Contractor: Stenz Construction

Architect: Pad Architecture
6215 Guilford Avenue
Indianapolis, IN 46220



Proposed Site Plan



GENERAL NOTES

1. ALL CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE CITY OF INDIANAPOLIS ZONING ORDINANCES AND THE INDIANAPOLIS SUBDIVISION ACT.
2. THE DEVELOPER SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE CITY OF INDIANAPOLIS.
3. THE DEVELOPER SHALL MAINTAIN ACCESS TO ALL ADJACENT PROPERTIES AT ALL TIMES.
4. THE DEVELOPER SHALL BE RESPONSIBLE FOR PROTECTING ALL UTILITIES AND EXISTING STRUCTURES TO REMAIN.
5. THE DEVELOPER SHALL MAINTAIN ALL EXISTING TREES AND LANDSCAPE FEATURES TO REMAIN.
6. THE DEVELOPER SHALL BE RESPONSIBLE FOR THE INSTALLATION AND MAINTENANCE OF ALL UTILITIES AND SERVICES.
7. THE DEVELOPER SHALL BE RESPONSIBLE FOR THE INSTALLATION AND MAINTENANCE OF ALL PAVEMENT AND CURBS.
8. THE DEVELOPER SHALL BE RESPONSIBLE FOR THE INSTALLATION AND MAINTENANCE OF ALL SIGNAGE.
9. THE DEVELOPER SHALL BE RESPONSIBLE FOR THE INSTALLATION AND MAINTENANCE OF ALL LIGHTING.
10. THE DEVELOPER SHALL BE RESPONSIBLE FOR THE INSTALLATION AND MAINTENANCE OF ALL FENCE AND SECURITY SYSTEMS.

SHEET SCHEDULE

NO.	DESCRIPTION
1	GENERAL NOTES
2	PROPOSED SITE PLAN
3	CONSTRUCTION SPECIFICATIONS
4	UTILITY LOCATIONS
5	EXISTING STRUCTURES TO REMAIN
6	EXISTING TREES AND LANDSCAPE TO REMAIN
7	EXISTING UTILITIES AND SERVICES
8	EXISTING PAVEMENT AND CURBS
9	EXISTING SIGNAGE
10	EXISTING LIGHTING
11	EXISTING FENCE AND SECURITY SYSTEMS

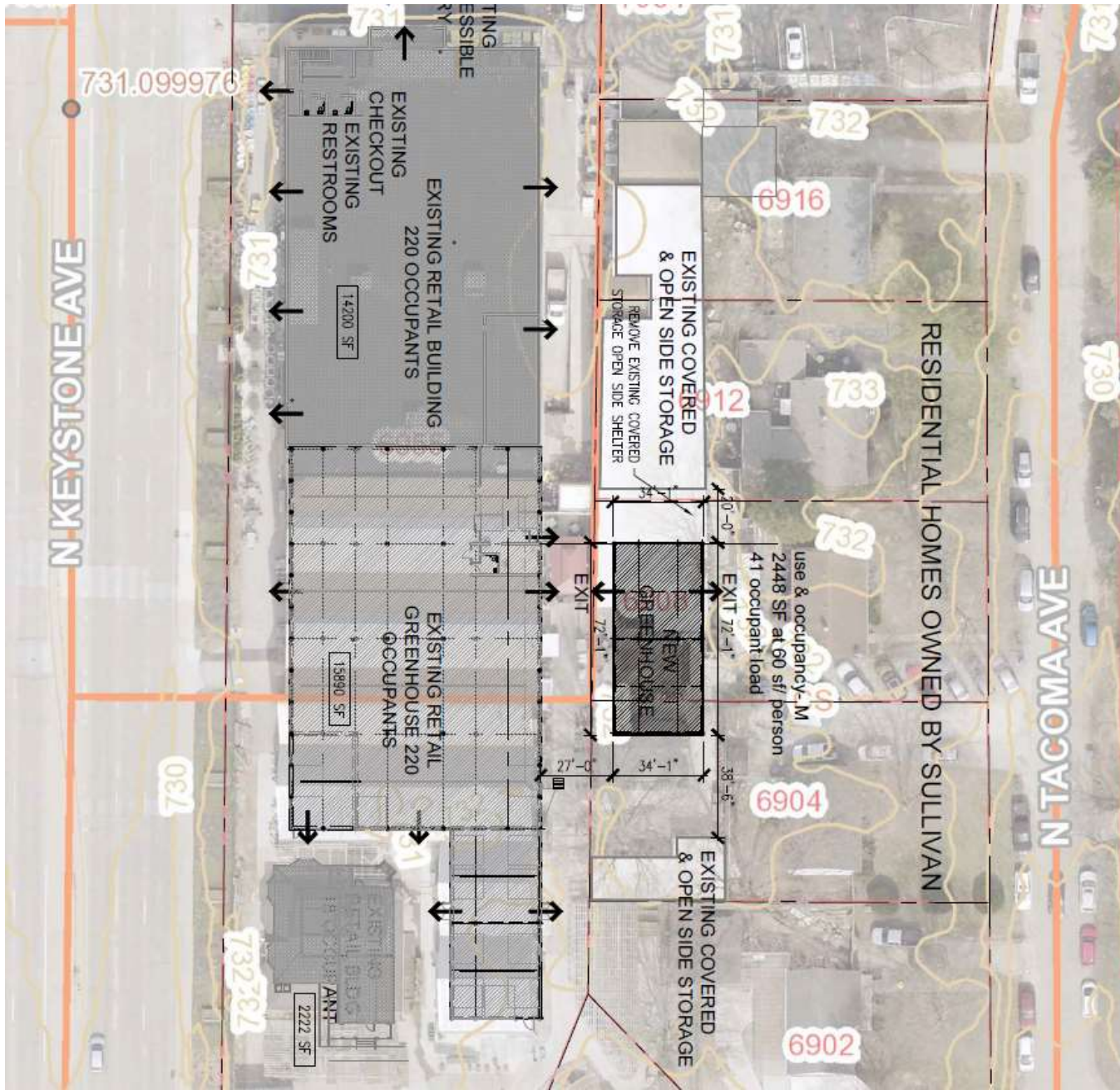
DENIAL NOTES

1. THE CITY OF INDIANAPOLIS HAS REVIEWED THE PROPOSED SITE PLAN AND HAS IDENTIFIED SEVERAL AREAS THAT DO NOT COMPLY WITH THE CITY OF INDIANAPOLIS ZONING ORDINANCES AND THE INDIANAPOLIS SUBDIVISION ACT.
2. THE DEVELOPER SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE CITY OF INDIANAPOLIS.
3. THE DEVELOPER SHALL MAINTAIN ACCESS TO ALL ADJACENT PROPERTIES AT ALL TIMES.
4. THE DEVELOPER SHALL BE RESPONSIBLE FOR PROTECTING ALL UTILITIES AND EXISTING STRUCTURES TO REMAIN.
5. THE DEVELOPER SHALL MAINTAIN ALL EXISTING TREES AND LANDSCAPE FEATURES TO REMAIN.
6. THE DEVELOPER SHALL BE RESPONSIBLE FOR THE INSTALLATION AND MAINTENANCE OF ALL UTILITIES AND SERVICES.
7. THE DEVELOPER SHALL BE RESPONSIBLE FOR THE INSTALLATION AND MAINTENANCE OF ALL PAVEMENT AND CURBS.
8. THE DEVELOPER SHALL BE RESPONSIBLE FOR THE INSTALLATION AND MAINTENANCE OF ALL SIGNAGE.
9. THE DEVELOPER SHALL BE RESPONSIBLE FOR THE INSTALLATION AND MAINTENANCE OF ALL LIGHTING.
10. THE DEVELOPER SHALL BE RESPONSIBLE FOR THE INSTALLATION AND MAINTENANCE OF ALL FENCE AND SECURITY SYSTEMS.

ABBREVIATIONS

Symbol	Description
(Symbol)	Proposed Building Footprint
(Symbol)	Proposed Parking Lot
(Symbol)	Proposed Driveway
(Symbol)	Proposed Walkway
(Symbol)	Proposed Fencing
(Symbol)	Proposed Landscaping
(Symbol)	Proposed Utilities
(Symbol)	Proposed Services
(Symbol)	Proposed Pavement
(Symbol)	Proposed Curbs
(Symbol)	Proposed Signage
(Symbol)	Proposed Lighting
(Symbol)	Proposed Fencing and Security Systems

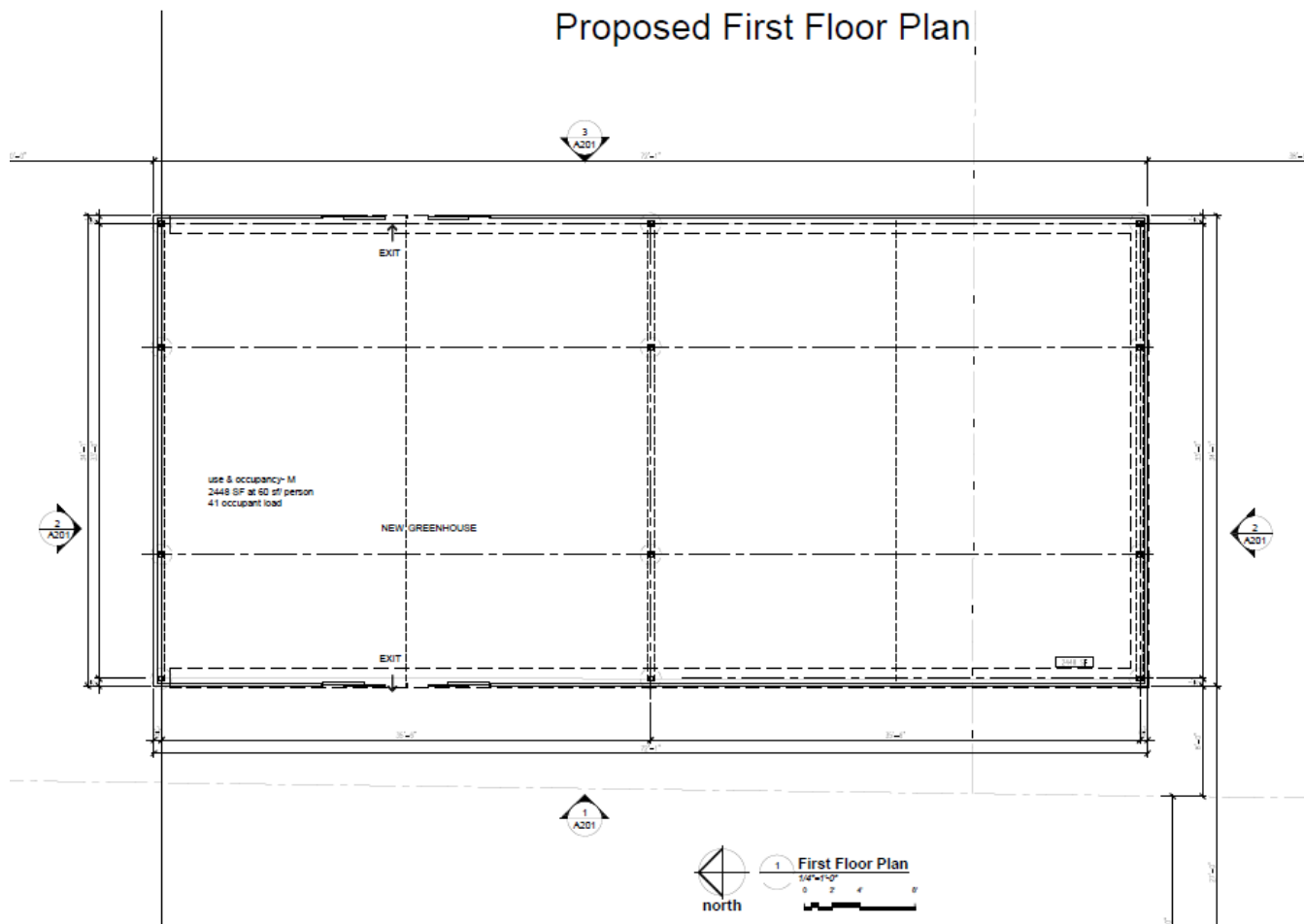






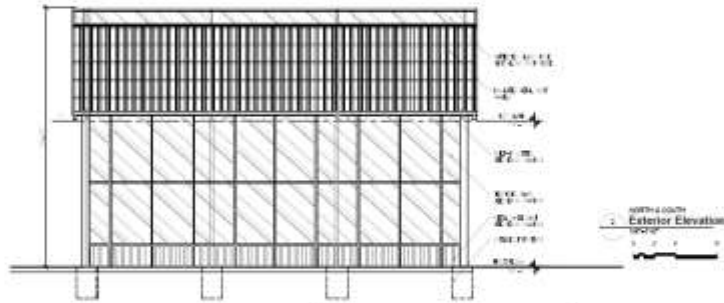
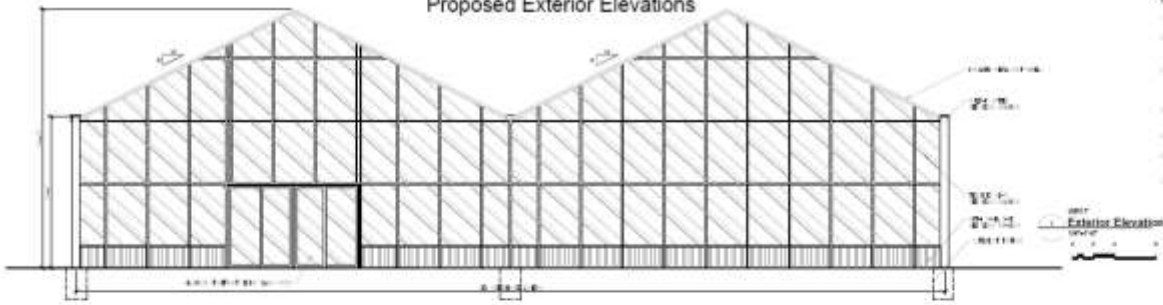
Department of Metropolitan Development
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Current Planning

Proposed First Floor Plan



Proposed Exterior Elevations

- GENERAL NOTES:
- 1. ALL DIMENSIONS ARE IN FEET AND INCHES.
 - 2. FINISHES TO BE DETERMINED BY ARCHITECT.
 - 3. MATERIALS TO BE DETERMINED BY ARCHITECT.
 - 4. ALL WORK SHALL BE IN ACCORDANCE WITH THE LATEST EDITION OF THE INTERNATIONAL BUILDING CODE (IBC).
 - 5. ALL WORK SHALL BE IN ACCORDANCE WITH THE LATEST EDITION OF THE NATIONAL FIRE PROTECTION ASSOCIATION (NFPA) CODES.
 - 6. ALL WORK SHALL BE IN ACCORDANCE WITH THE LATEST EDITION OF THE AMERICAN INSTITUTE OF ARCHITECTS (AIA) CODES.



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**PROPOSED
STATEMENT OF MODIFICATION OR TERMINATION
OF COVENANTS OR COMMITMENTS**

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

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

Legal Description:

Lots 11 & 12 in Creekwood Homes, First Section, a subdivision in Marion County, Indiana, the plat of which is recorded in Plat Book 28, page 335 in the Office of the Recorder of Marion County, Indiana (the "Site")

Statement of MODIFICATION OR TERMINATION of Covenants or Commitments:

1. As to the Site, Commitment Number 2 of the Commitments recorded as Instrument No. 2018-70513 and made in connection with Petition No. 2018-ZON-029 shall be terminated.

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

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



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Current Planning

2024 C-S Statement
6904 & 6908 N. Tacoma Ave

Petitioner proposes the above referenced sites be utilized for residential uses and accessory uses connected with the adjacent hardware store and garden center. The proposed operation and improvements of the of the above referenced sites are depicted on the proposed Site Plan filed herewith.

Specifically, for both 6904 & 6908 N. Tacoma Avenue, the existing residences shall remain and be utilized for residential purposes. Additionally, any existing fencing will remain. The areas west of the existing residences will be utilized for indoor and outdoor storage/display of goods and items related to the adjacent hardware store and garden center and for other uses related to the Sullivan Express train during the Christmas season. The new greenhouse will be located in the area as approximately depicted on the proposed Site Plan.

Staff Exhibits



2018 Aerial Map



2015 Aerial Map



Department of Metropolitan Development
Division of Planning
Current Planning

Staff Exhibits (Continued)

Metropolitan Development

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Division of Planning

C-S Statement

6902 & 6904 N. Tacoma Ave; 2430 Butterfield Drive
Portion of 6955 N. Keystone Ave

Petitioner proposes the above referenced sites be rezoned to CS to allow for residential uses and accessory uses connected with the adjacent hardware store and garden center. The proposed operation of the above referenced sites is depicted on the proposed Zoning Site Plan Exhibit (the "Proposed Site Plan"). Specific information relating to each site is set forth below:

6904 N. Tacoma (Lot 11): The existing residence shall remain on the site and such residence shall be utilized for residential purposes. The existing garage on Lot 11 shall be used for the storage of plant material and related garden items in connection with the adjacent hardware store and garden center. The areas west of the existing residence shall be utilized for storage/display of plant material and related garden items in connection with the hardware store and garden center. Any existing fence located on the property line between Lot 11 and Lot 5 shall be removed, and a new 8' tall privacy fence will be installed (as an extension of the existing 8' tall fence on Lot 12) to screen the proposed outdoor storage area from the residential use on the site.

6902 N. Tacoma (Lot 10): The existing residence shall remain on the site and such residence shall be utilized for residential purposes. The existing garage on Lot 10 shall be used in connection with the residence. The area west of the existing residence shall be utilized for storage/display of plant material and related garden items in connection with the hardware store and garden center. Any existing fence located on the property line between Lot 10 and Lot 6 shall be removed, and a new 8' tall privacy fence will be installed to screen the proposed outdoor storage area from the residential use on the site.

2430 Butterfield (Lot 9): The existing residence and garage shall be used for the storage of plant material and other related garden items in connection with the adjacent hardware store and garden center. Outdoor storage and display of plant material and related garden items for the hardware/garden center shall also be located on the site. Additionally, the North Pole / Santa experience shall be expanded onto Lot 9. A new fence will be installed between the existing residence and Butterfield Drive and along a portion of the property line between Lot 9 & 10. Any other existing fencing on the Lot shall be removed.

Portion of 6955 Keystone (Lot 5): Petitioner proposes to expand the existing greenhouse on Lot 5 southward. Outdoor storage and display of plant material and related garden items for the hardware/garden center shall also be located on the site.

Portion of 6955 Keystone (Lot 6): Petitioner proposes to construct a building addition to the south of the existing building on the site. Both the proposed addition and the existing building will continue to be used as a gift shop. The existing greenhouse on Lot 5 will be extended southward onto the site. Outdoor storage and display of plant material and related garden items for the hardware/garden center shall also be located on the site.

Portion of 6955 Keystone (Lot 7): The lot shall continue to be utilized for the outdoor storage and display of plant material and related garden items for the hardware/garden center and for uses related to the North Pole / Santa experience.

Portion of 6955 Keystone (Lot 8): Petitioner proposes to continue to utilize the lot and existing building on the site for meeting and conference space, including the North Pole / Santa experience and related uses. Petitioner also proposes to utilize the lot for the outdoor storage and display of nursery stock only, which includes the use of a covered pergola located at the east side of Lot 8 to store and display such nursery stock. The 6' tall wrought iron type fence installed near the western border of the site, which continues around the corner shall remain on the Lot and be expanded to meet the new 6' tall wooden fence to be installed on Lot 9.

2018 C-S Statement



Department of Metropolitan Development
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Staff Exhibits (Continued)

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:

Lots 5, 6, 7, 8, 9, 10, 11 in Creekwood Homes, First Section, a subdivision in Marion County, Indiana, the plat of which is recorded in Plat Book 28, page 335, in the Office of the Recorder of Marion County, Indiana.

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. Development of the site shall be subject to the C-S Statement, file-dated April 28, 2018, in substantial compliance with the site plan, file-dated April 28, 2018.
3. The dwellings and accessory structures located at 2430 Butterfield Drive, 6902 North Tacoma Avenue and 6904 North Tacoma Drive shall not be demolished.
4. Year around landscaping in front of the proposed wrought iron type fencing and wooden fencing shall be installed by October 31, 2018, and maintained thereafter.
5. An Improvement Location Permit shall be obtained for the L-shaped structure (covered pergola) located along Butterfield Drive (addressed as 6955 North Keystone Avenue), within 30 days from the date of approval of the rezoning request.

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)

MDC's Exhibit B -- page 1 of 5

Metropolitan Development

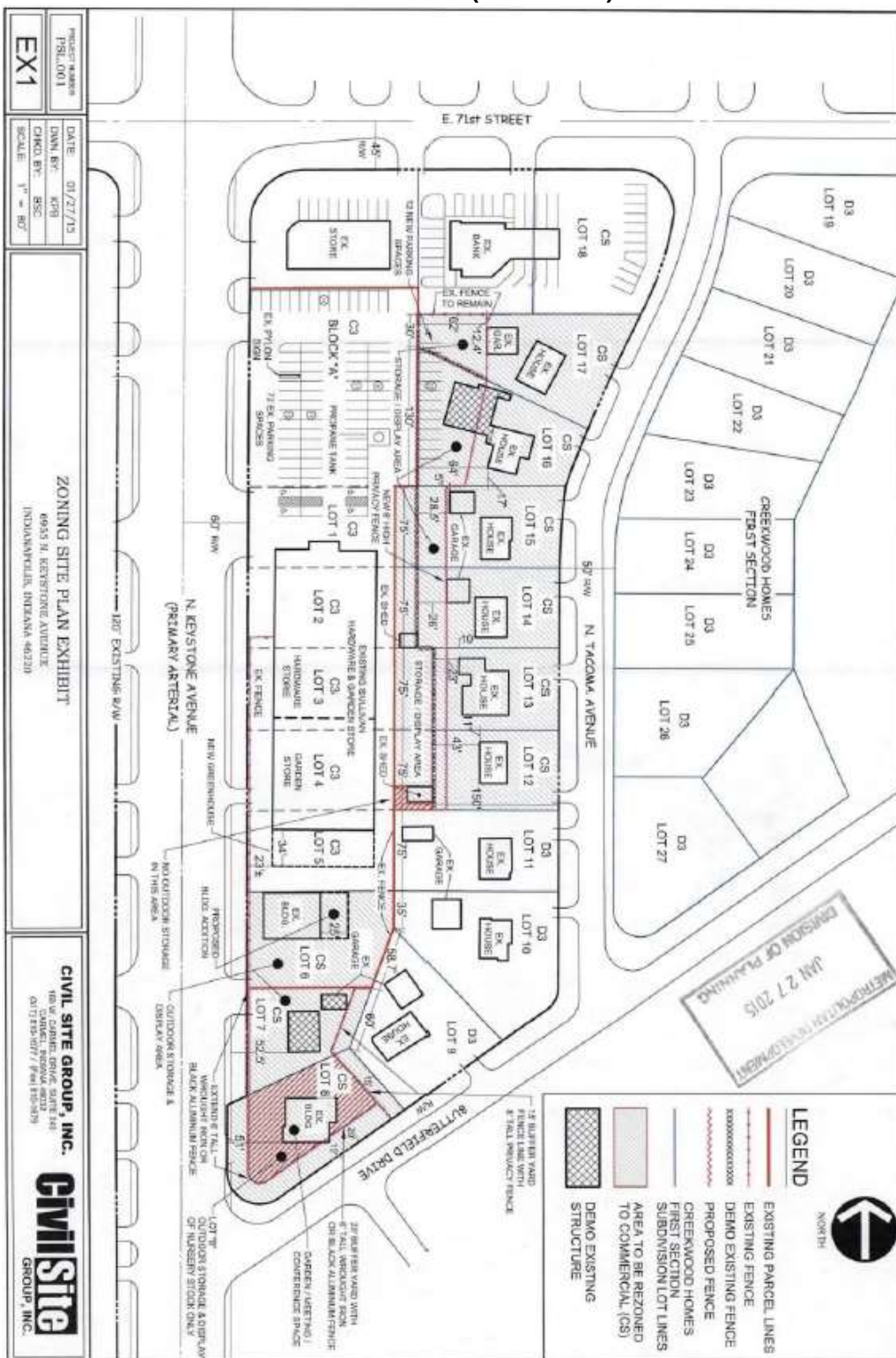
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2018 Commitments



Department of Metropolitan Development
Division of Planning
Current Planning

Staff Exhibits (Continued)



Staff Exhibits (Continued)

METROPOLITAN DEVELOPMENT
MAR 06 2015
DIVISION OF PLANNING

Revised Proposed C-S Statement
6908, 6912, 6916, 7034, 7044, 7052 N. Tacoma Ave
Portion of 6955, 6893, 6897 N. Keystone Ave

Petitioner proposes the above referenced sites be rezoned to CS to allow for residential uses and accessory uses connected with the adjacent hardware store. The proposed operation of the above referenced sites is depicted on the proposed revised Zoning Site Plan Exhibit dated January 27, 2015 (the "Revised Proposed Site Plan"). Specific information relating to each site is set forth below:

6908, 6912, 6916, 7034 Tacoma (Lots 12, 13, 14, 15): The existing residences shall remain on the respective sites and such residences shall be utilized for residential purposes. The existing garages on Lots 14 & 15 shall be used in connection with the residences. The existing sheds on Lots 12 & 14 shall be used for the storage of goods in connection with the adjacent hardware store. The areas west of the existing residences shall be utilized for storage/display of goods, as depicted on the Revised Proposed Site Plan. The existing fences will be removed and a new 8' tall privacy fence will be installed (east of where the existing fences are now located) to screen the proposed outdoor storage areas from the residential uses on the site.

7044, 7052 Tacoma (Lot 16, 17): A portion of the attached garage connected to the existing residence on 7052 Tacoma (Lot 16) will be demolished. The remaining existing residence, along with the residence on 7052 Tacoma (Lot 17) shall be utilized for residential purposes. The existing garage on Lots 17 shall be used in connection with the residence. The area west of the existing residences shall be used for storage/display of goods, and for 12 new parking spaces as depicted on the Revised Proposed Site Plan. A new 8' tall privacy fence will be installed to screen the outdoor storage / parking areas from the residential uses on the sites.

Portion of 6955 Keystone (Lot 6): Petitioner proposes to construct a building addition to the west of the existing building on the site. Both the proposed addition and the existing building will continue to be used as a gift shop. Outdoor storage and display for the hardware/garden center shall also be located on the site. The existing fence shall remain on the eastern border of site to screen the outdoor storage area and building from the residential uses to the east and the existing fence shall remain on the western border of the site.

6897 Keystone (Lot 7): Petitioner proposes to remove the existing residence and garage on the site, and utilize the site for outdoor storage and display for goods. A new 8' tall privacy fence is to be installed 15' from the eastern border of the site to screen the outdoor storage area from the residential use to the east of the site. Additionally, a new 6' tall wrought iron fence is to be installed on the western border of the site.

6893 Keystone (Lot 8): Petitioner proposes to utilize the existing building on the site for meeting and conference space. Petitioner also proposes to utilize the site for the outdoor storage and display of nursery stock only, as depicted on the Revised Proposed Site Plan. A new 8' tall privacy fence is to be installed 15' from the eastern border of the site to screen the area from the residential uses to the east. Additionally, a new 6' tall wrought iron fence is to be installed near the western border of the site, which will continue around the corner and be installed 20' from the southern border of the site as depicted on the Revised Proposed Site Plan.

2015 C-S Statement



Photo of the subject site at 6904 North Tacoma Avenue looking west.



Photo of the subject site at 6908 North Tacoma Avenue looking west.



Photo of both subject sites looking west.



Photo of the rear yard at 6904 North Tacoma Avenue and existing fence line.



Photo of the rear yard at 6904 North Tacoma Avenue and existing fence line.



Photo of the rear yard at 6908 North Tacoma Avenue and existing fence line.



Photo of the existing detached garage to be demolished on the west side of the existing fence line.



Photo of the proposed location of the greenhouse looking northwest from the existing fence line.



Photo of the existing detached garage to be demolished looking northeast towards the fence line.



Full view of the proposed greenhouse location and garage to be demolished.



Photo of the proposed location of the greenhouse looking south.



Photo of some existing greenhouses that staff believes would be like the proposal.



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



Photo of the single-family dwelling south of the site



Photo of single-family dwellings east of the site.



METROPOLITAN DEVELOPMENT COMMISSION **July 25, 2024**
HEARING EXAMINERX

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

PETITION HISTORY

This is the first public hearing for this petition.

STAFF RECOMMENDATION

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

A 63-foot half right-of-way shall be dedicated along the frontage of Carroll Road, as per the request of the Department of Public Works (DPW), Engineering Division. Additional easements shall not be granted to third parties within the area to be dedicated as public right-of-way prior to the acceptance of all grants of right-of-way by the DPW. The right-of-way shall be granted within 60 days of approval and prior to the issuance of an Improvement Location Permit (ILP).

PETITION OVERVIEW

LAND USE

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

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



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REZONING

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

The established purpose of the D-P District follows:

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

The D-A district holds the agricultural lands of Marion County and provides for a variety of agricultural uses. It is intended to provide for animal and poultry husbandry, farming, cultivation of crops, dairying, pasturage, floriculture, horticulture, viticulture, apiaries, aquaculture, hydroponics, together with necessary, accompanying accessory uses, buildings, or structures for housing, packing, treating, or storing said products; or lands devoted to a soil conservation or forestry management program. A single-family dwelling is intended to be permitted as a part of such agricultural uses. A secondary provision of this district is large estate development of single-family dwellings. This district fulfills the very low-density residential classification of the Comprehensive General Land Use Plan. This district does not require public water and sewer facilities.

DEPARTMENT OF PUBLIC WORKS

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



STAFF ANALYSIS

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

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

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

GENERAL INFORMATION

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

COMPREHENSIVE PLAN ANALYSIS

Comprehensive Plan

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

Pattern Book / Land Use Plan

- The Comprehensive Plan recommends suburban neighborhood development of the site.
- The Suburban Neighborhood typology is predominantly made up of single-family housing but is interspersed with attached and multifamily housing where appropriate. This typology should be supported by a variety of neighborhood-serving businesses, institutions, and amenities. Natural Corridors and natural features such as stream corridors, wetlands, and woodlands should be treated as focal points or organizing systems for development. Streets should be well-connected, and amenities should be treated as landmarks that enhance navigability of the development. This typology generally has a residential density of 1 to 5 dwelling units per acre, but a higher density is recommended if the development is within a quarter mile of a frequent transit line, greenway, or park.
- **Conditions for All Housing**
 - A mix of housing types is encouraged. Developments of more than 30 housing units must have access to at least one arterial street of 3 or more continuous travel lanes between the intersections of two intersecting arterial streets.
 - Should be within a one-mile distance (using streets, sidewalks, and/or off-street paths) of a school, playground, library, public greenway, or similar publicly accessible recreational or cultural amenity that is available at no cost to the user.
 - Should be oriented towards the street with a pedestrian connection from the front door(s) to the sidewalk. Driveways/parking areas do not qualify as a pedestrian connection.
 - Developments with densities higher than 5 dwelling units per acre should have design character compatible with adjacent properties. Density intensification should be incremental with higher density housing types located closer to frequent transit lines, greenways or parks.
- **Detached Housing**
 - The house should extend beyond the front of the garage.
 - Lots should be no more than 1.5 times the size (larger or smaller) of adjacent/surrounding lots, except in cases where lots abut existing residential lots of one acre or more in size. In those cases, lots should be no smaller than 10,000 square feet and no larger than 1.5 times the size of the abutting lot.

Red Line / Blue Line / Purple Line TOD Strategic Plan

- Not Applicable to the Site.

Neighborhood / Area Specific Plan

- Not Applicable to the Site.

Infill Housing Guidelines

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



**Department of Metropolitan Development
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Current Planning**

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

Indy Moves

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

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



ZONING HISTORY

Zoning History - Site

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

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

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

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

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

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

Zoning History – Vicinity

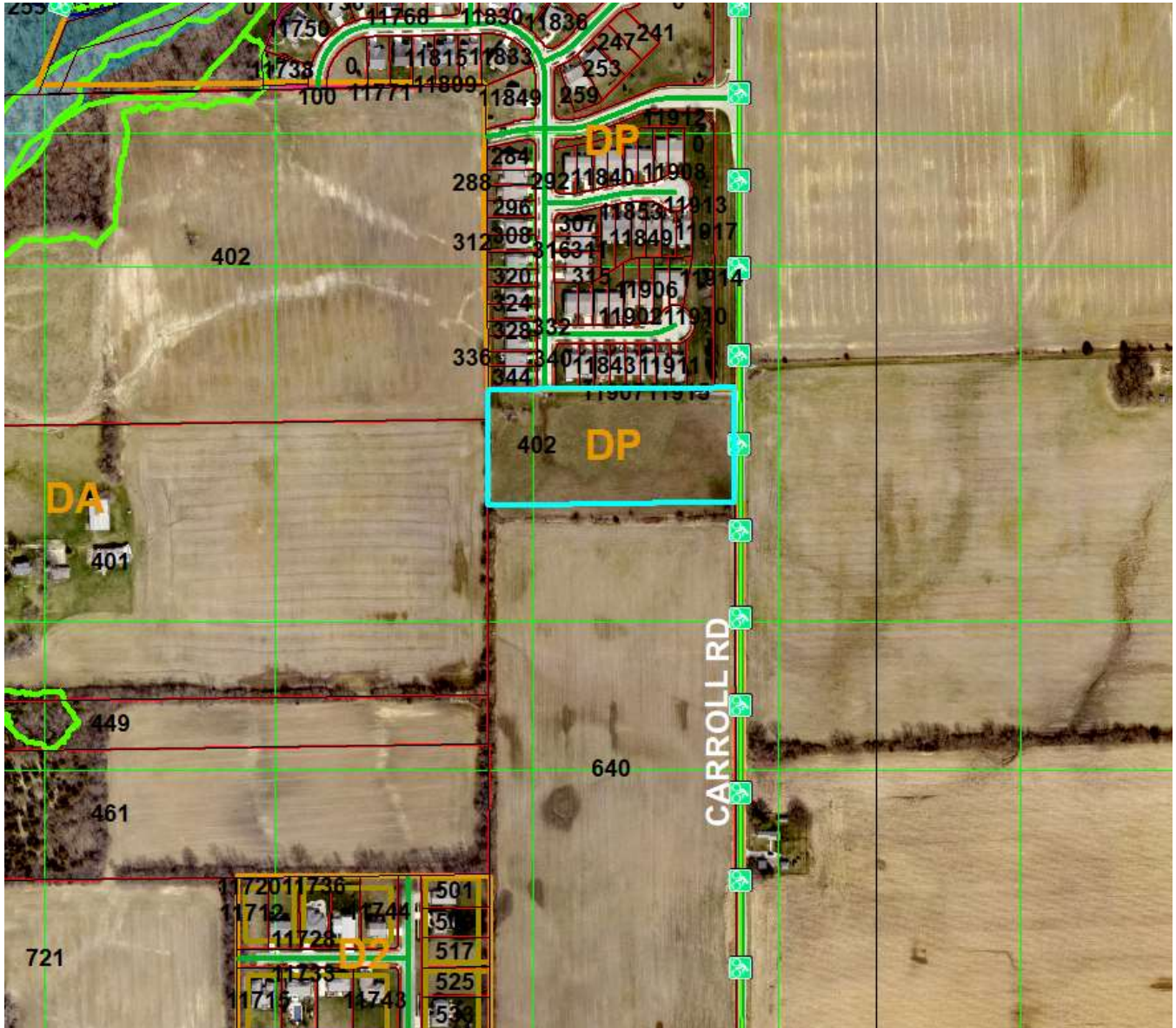
2022-ZON-076; 640 South Carroll Road (south of site), Rezoning of 44.373 acres from the D-A districts to the D-P district to provide for a 124-lot residential subdivision, **withdrawn**.

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

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

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

EXHIBITS





Phot of the subject site looking east towards Carroll Road.



Photo of the subject site looking southeast towards Carroll Road.



Photo of the subject site looking south.



Photo of the subject site looking west.



Photo of the subject site looking south from a



Photo of single-family dwellings north of the site.



Photo of single-family dwellings north of the site.



METROPOLITAN DEVELOPMENT COMMISSION **July 25, 2024**
HEARING EXAMINER

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

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

Request:

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

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

Current Land Use: Commercial uses (vacant)
Staff Recommendations: Approval of the modification and variance, subject to the commitment noted below.
Denial of the vacation request.
Staff Reviewer: Kathleen Blackham, Senior Planner

PETITION HISTORY

This is the first public hearing on these petitions.



STAFF RECOMMENDATION

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

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

Denial of the vacation request.

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

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

PETITION OVERVIEW

MODIFICATION

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

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

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

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



Environmental Public Nuisances

The purpose of the Revised Code of the Consolidated City and County, Sec.575 (Environmental Public Nuisances) is to protect public safety, health and welfare and enhance the environment for the people of the city by making it unlawful for property owners and occupants to allow an environmental public nuisance to exist.

All owners, occupants, or other persons in control of any private property within the city shall be required to keep the private property free from environmental nuisances.

Environmental public nuisance means:

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

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

VARIANCE OF DEVELOPMENT STANDARDS

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

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



VACATION

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

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

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

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

GENERAL INFORMATION

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



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

COMPREHENSIVE PLAN ANALYSIS

Comprehensive Plan

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

Pattern Book / Land Use Plan

- Not Applicable to the Site.

Red Line / Blue Line / Purple Line TOD Strategic Plan

- Not Applicable to the Site.

Neighborhood / Area Specific Plan

- Not Applicable to the Site.

Infill Housing Guidelines

- Not Applicable to the Site.



Department of Metropolitan Development
Division of Planning
Current Planning

Indy Moves

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

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



ZONING HISTORY

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

VICINITY

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

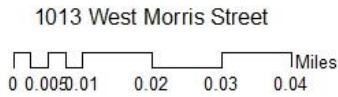
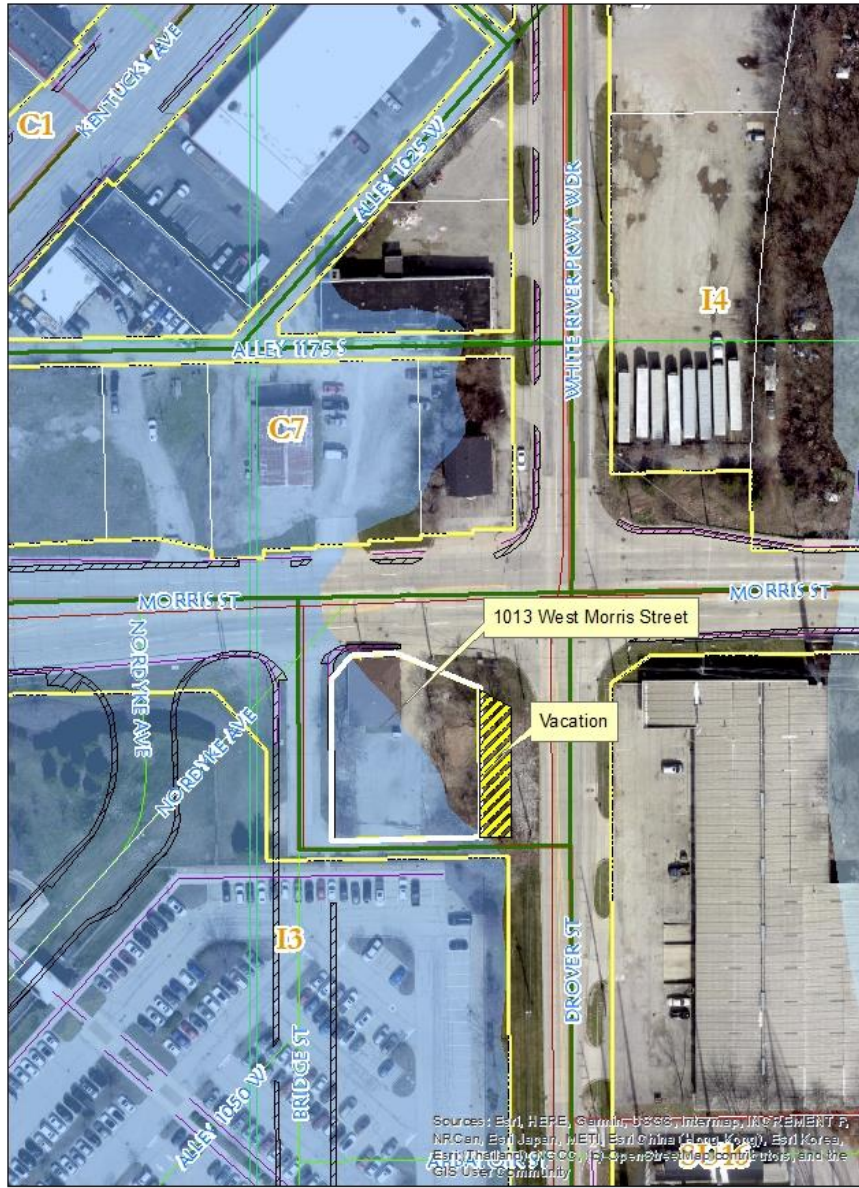
91-Z-103; 1312 Kentucky Avenue (west of site), requested the rezoning of 12.1 acres, being in the C-7 and D-5 districts, to the I-3 U classification to conform zoning to existing and future industrial use, **approved**.

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

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

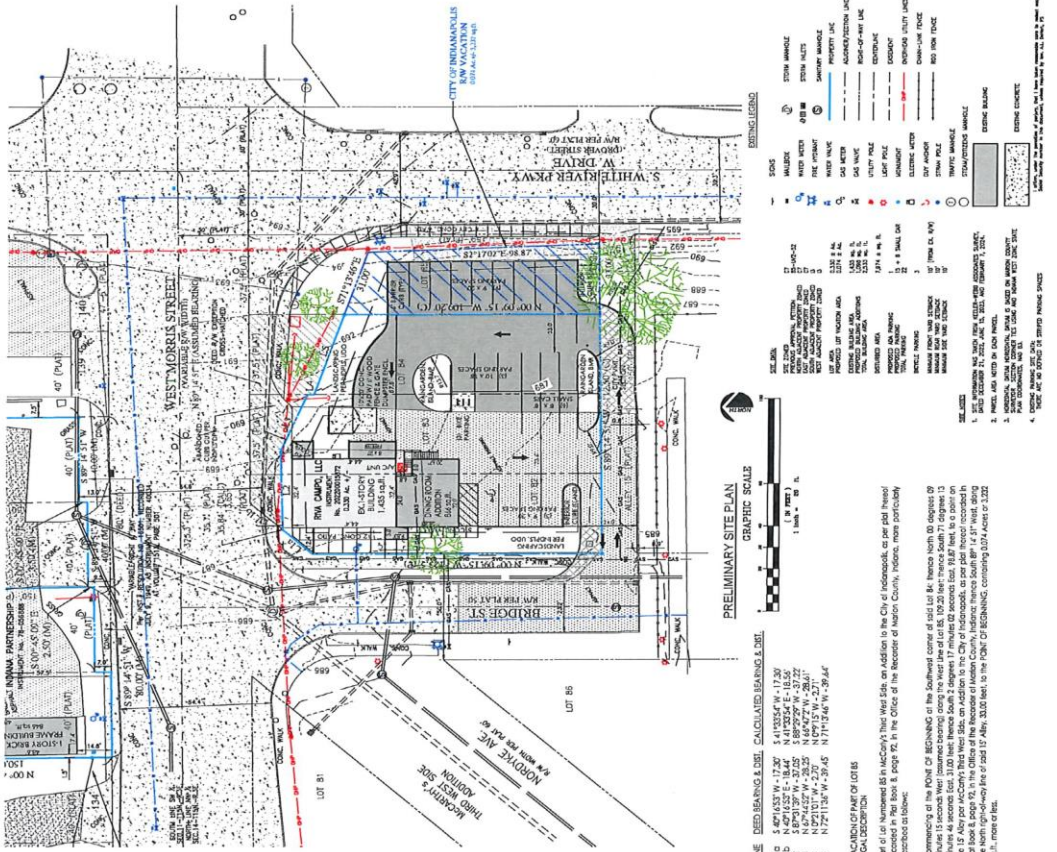
77-Z-177; 1240 Nordyke Avenue (west of site), requested rezoning of 1.79 acres, being in the D-5 district to the C-7 classification to provide for commercial uses, **approved**.

EXHIBITS



Site Plan

DATE: 10/24/15
DRAWN BY: [NAME]
CHECKED BY: [NAME]
APPROVED BY: [NAME]
PROJECT: PANCAKE HOUSE RESTAURANT
RIVA CAMPO, LLC
KEELER-WEBB ASSOCIATES
CONSULTING ENGINEERS-PLANNERS-SURVEYORS
FIRM: (317) 574-1088
FIRM: (317) 574-1088



PRELIMINARY SITE PLAN
GRAPHIC SCALE: 1 inch = 40 feet
LINE: DEED BEARINGS & DIST. CALCULATED BEARINGS & DIST.

L1	S 40° 43' 53" W - 17.200'	S 41° 03' 54" W - 17.200'
L2	S 89° 11' 03" E - 35.240'	N 48° 03' 52" E - 18.535'
L3	N 89° 14' 57" W - 35.240'	N 48° 03' 52" E - 28.841'
L4	N 77° 12' 38" W - 29.841'	N 77° 12' 38" W - 29.841'

VACATION OF PART OF LOT 85
LEGAL DESCRIPTION:
Part of Lot 85 in McCrory's First West Side, an addition to the City of Indianapolis, as per said threat recorded in the Book of Plat, page 92, in the Office of the Recorder of Madison County, Indiana, more particularly described as follows:
Commencing at the NW 1/4 of the SW 1/4 of the Southeast corner of said Lot 84, thence South 00 degrees 09 minutes 15 seconds West 100.00 feet to a point on the 20' wide alley; thence South 17 degrees 17 minutes 00 seconds East 78.88 feet to a point on the North 60-degree line of said Lot 17; thence South 60 degrees East 33.00 feet to the POINT OF BEGINNING, containing 3,073.94 S.F. of Lot 85, more or less.

PROPERTY MAP OF LOT 85
"BIG SAFETY"
11/15/15

NOTICE TO CONTRACTORS
MARRIOTT DEED INSTRUMENT NO. 042220180177
Lots 84, 85, 86, and 87 in McCrory's First West Side, as addition to the City of Indianapolis, as per said threat recorded in the Book of Plat, page 92, in the Office of the Recorder of Madison County, Indiana.

DESCRIPTIVE INSTRUCTIONS for the following described real estate:
Beginning at the Northwest corner of said Lot 84, thence South 89 degrees 21 minutes 21 seconds East, containing the East 1/4 of the West 1/4 of said Lot 84, thence North 72 degrees 11 minutes 11 seconds West, containing the West 1/4 of said Lot 84, thence South 89 degrees 21 minutes 21 seconds East, containing the East 1/4 of said Lot 84, thence North 60 degrees 09 minutes 15 seconds West, containing 100.00 feet to a point on the 20' wide alley; thence South 17 degrees 17 minutes 00 seconds East 78.88 feet to a point on the North 60-degree line of said Lot 17; thence South 60 degrees East 33.00 feet to the POINT OF BEGINNING, containing 3,073.94 S.F. of Lot 85, more or less.

1. The survey is performed based on evidence shown by an authorized surveyor. The data, including the chain, scale, and bearing, are used to determine the location of the surveyed property. The survey is based on the best available information and is subject to the usual limitations of a survey. The survey is not intended to be used as a title or as a means of determining ownership or interest in the property. The survey is for information only and does not constitute a guarantee of accuracy or a warranty of any kind.

2. The survey is based on the best available information and is subject to the usual limitations of a survey. The survey is not intended to be used as a title or as a means of determining ownership or interest in the property. The survey is for information only and does not constitute a guarantee of accuracy or a warranty of any kind.

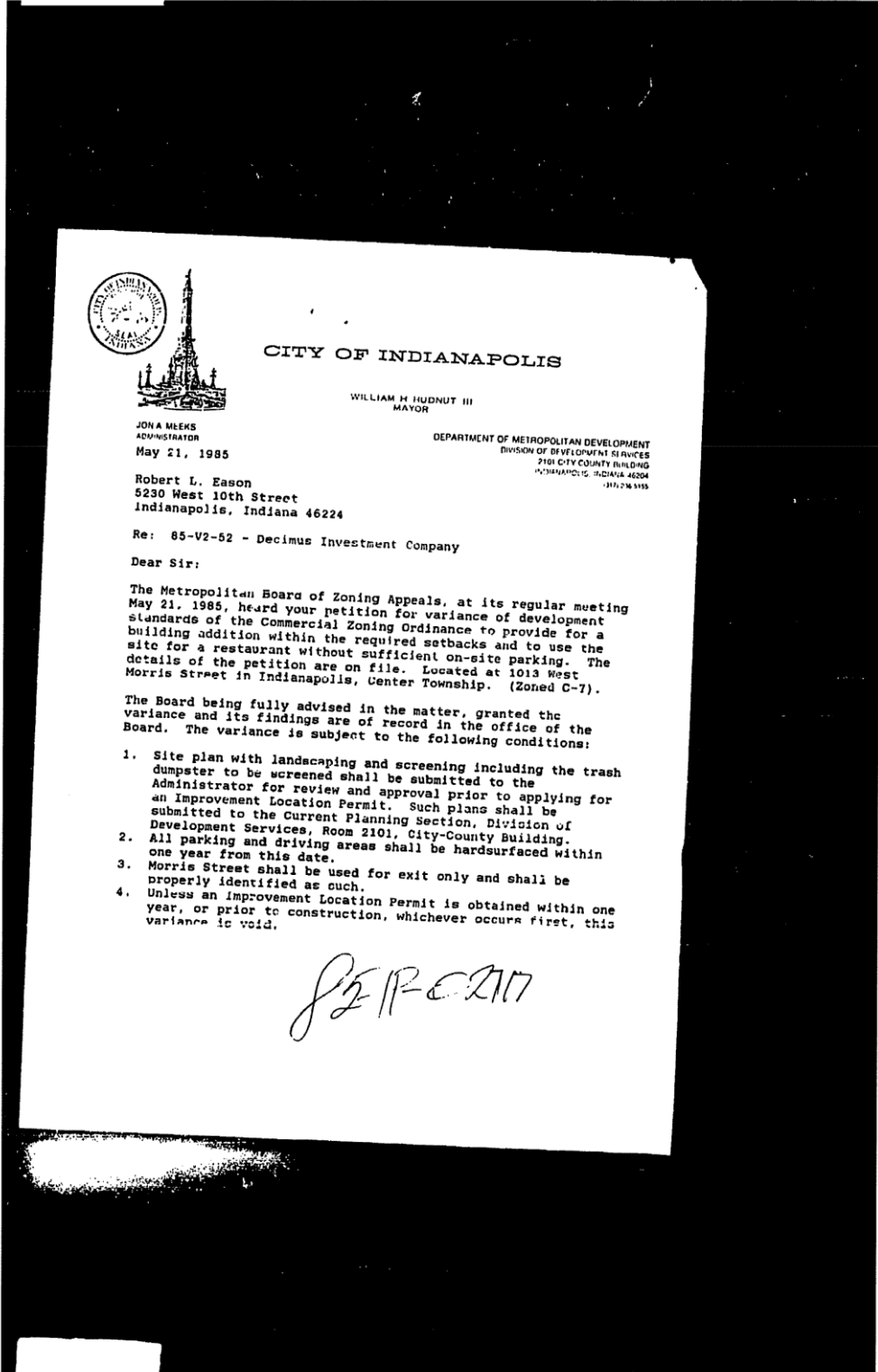
3. The survey is based on the best available information and is subject to the usual limitations of a survey. The survey is not intended to be used as a title or as a means of determining ownership or interest in the property. The survey is for information only and does not constitute a guarantee of accuracy or a warranty of any kind.

4. The survey is based on the best available information and is subject to the usual limitations of a survey. The survey is not intended to be used as a title or as a means of determining ownership or interest in the property. The survey is for information only and does not constitute a guarantee of accuracy or a warranty of any kind.



Department of Metropolitan Development
Division of Planning
Current Planning

EXHIBIT A



CITY OF INDIANAPOLIS

WILLIAM H HUDNUT III
MAYOR

JOHN A MEEKS
ADMINISTRATOR
May 21, 1985

DEPARTMENT OF METROPOLITAN DEVELOPMENT
DIVISION OF DEVELOPMENT SERVICES
2101 CITY COUNTY BUILDING
INDIANAPOLIS, INDIANA 46204
317-256-3155

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

Re: 85-V2-52 - Decimus Investment Company

Dear Sir:

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

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

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

J. H. Eason



Department of Metropolitan Development
Division of Planning
Current Planning

Robert F. Eason
May 21, 1985
Page 2

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

Very truly yours,

METROPOLITAN BOARD OF ZONING APPEALS

Joan Gibbs *sp*

Joan Gibbs, Secretary
JG:bg

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

SUBWAY

DO NOT REMOVE FROM FILE

85-UVa-52

The reproduction of this Drawing cannot be printed Due to the Condition of the Original

DRAWING INDEX

NO.	DATE	BY	CHKD.	DESCRIPTION
1				
2				
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4				
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THE STATE OF INDIANA
 DEPARTMENT OF METROPOLITAN DEVELOPMENT
 DIVISION OF PLANNING
 SUBWAY - SANWICH SHOP
 INDEX AND SITE PLANS
 PROJECT NO. 85-UVa-52
 DRAWN BY: [Name]
 CHECKED BY: [Name]
 DATE: [Date]



Department of Metropolitan Development
 Division of Planning
 Current Planning

EXHIBIT B

KEELER-WEBB ASSOCIATES



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

May 17, 2024

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

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

PROJECT NARRATIVE

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

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

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

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

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

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



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

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

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

Respectfully,
 KEELER-WEBB ASSOCIATES

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



Department of Metropolitan Development
Division of Planning
Current Planning

Petition Number _____

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

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

FINDINGS OF FACT

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

DECISION

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

Adopted this _____ day of _____, 20 ____



View looking east along West Morris Street



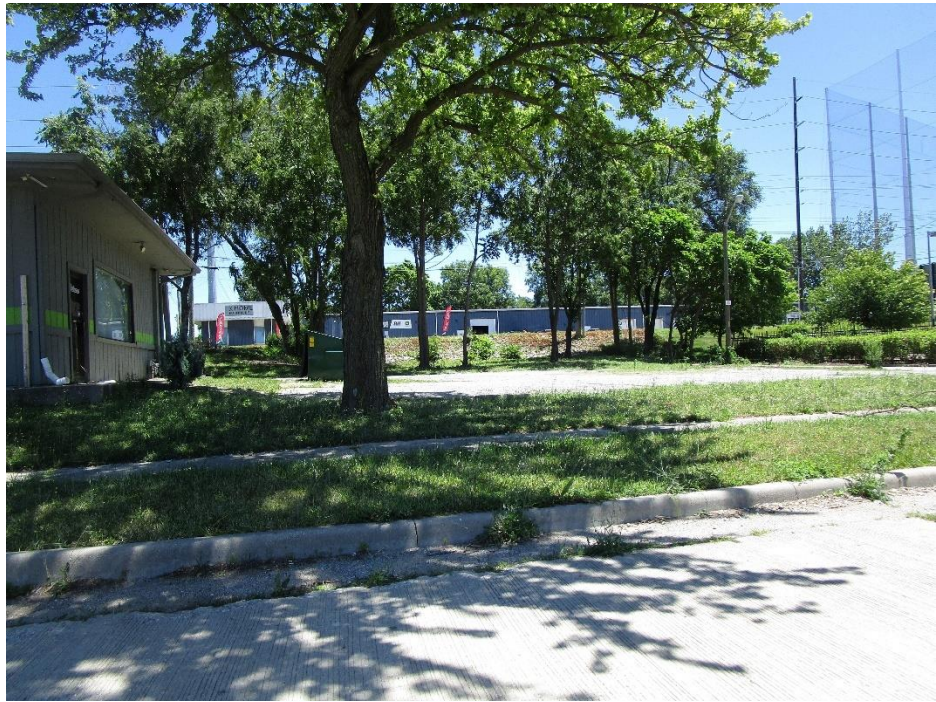
View looking west along West Morris Street



View looking south along Bridge Street



View of site looking east across Bridge Street



View of site looking east across Bridge Street



View of site looking east



View of site looking north



View of site looking north



View of vacation area looking northeast



View of vacation area looking east



View from site looking north across Bridge Street



View from site looking east



View from site looking southeast



View from site looking south



View from site looking north across West Morris Street



METROPOLITAN DEVELOPMENT COMMISSION **July 25, 2024**
HEARING EXAMINER

Case Number: 2024-CZN-829 / 2024-CVR-829

Property Address: 707 East 22nd Street (Approximate Address)

Location: Center Township, Council District #13

Petitioner: Elliott 317, LLC, by Jamilah Mintze

Current Zoning: C-3

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

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

Current Land Use: Undeveloped

Staff Recommendations: Approval of the rezone and approval of the variances if the landscape variances are withdrawn.

Staff Reviewer: Marleny Iraheta, Senior Planner

PETITION HISTORY

This is the first public hearing for this petition.

STAFF RECOMMENDATION

Staff **recommends approval** of the rezoning.

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

PETITION OVERVIEW

LAND USE

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

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



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Current Planning**

REZONING

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

The C-3 District is for the development of an extensive range of retail sales and personal, professional and business services required to meet the demands of a fully developed residential neighborhood, regardless of its size. Examples of such types of uses include neighborhood shopping centers, sales of retail convenience or durable goods, shopping establishments, retail and personal and professional service establishments. At this neighborhood scale of retail, a fine-grain of accessibility requisite for all modes of travel must be provided and maintained. It does not make provision, however, for those businesses that draw customers in significant numbers from well beyond a neighborhood boundary and are, therefore, unusually heavy traffic generators, such as theaters. It does not allow those businesses that require the outdoor display, sale or storage of merchandise; or require outdoor operations. In general, to achieve maximum flexibility of permitted land use, the C-3 District makes possible a highly varied grouping of indoor retail and business functions.

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

VARIANCE OF DEVELOPMENT STANDARDS

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

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

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

STAFF ANALYSIS

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

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



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

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

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

The variance request would also allow development of the site with no street trees and with deficient landscaping, specifically the requirement for 50% living material. Considering there would be more than enough front yard area to allow for the required landscaping to be met, staff would request that these standards be met.

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

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

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

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

GENERAL INFORMATION

Existing Zoning	C-3	
Existing Land Use	Undeveloped	
Comprehensive Plan	Traditional Neighborhood	
Surrounding Context	<u>Zoning</u>	<u>Land Use</u>
North:	C-3	Commercial
South:	D-P	Residential (Townhomes)
East:	C-3	Residential (Single-family dwelling)
West:	D-P	Residential (Townhomes)



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Thoroughfare Plan		
22 nd Street	Primary Arterial Street	56-foot proposed right-of-way and 60-foot existing right-of-way.
Context Area	Compact	
Floodway / Floodway Fringe	No	
Overlay	No	
Wellfield Protection Area	No	
Site Plan	June 24, 2024	
Site Plan (Amended)	N/A	
Elevations	N/A	
Elevations (Amended)	N/A	
Landscape Plan	N/A	
Findings of Fact	June 24, 2024	
Findings of Fact (Amended)	N/A	
C-S/D-P Statement	N/A	

COMPREHENSIVE PLAN ANALYSIS

Comprehensive Plan

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

Pattern Book / Land Use Plan

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

Red Line / Blue Line / Purple Line TOD Strategic Plan

- Not Applicable to the Site.

Neighborhood / Area Specific Plan

- Not Applicable to the Site.

Infill Housing Guidelines

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



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- materials are not the dominant material and make up less than 30% of the overall façade design.
- **8. Consider Unique Neighborhood Features:** In addition to the architectural features mentioned above, consider other common features like chimneys, dormers, gables, and overhanging eaves that shape the character of a neighborhood. When possible, include these features into new construction.

Indy Moves

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

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



ZONING HISTORY

Zoning History – Vicinity

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

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

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

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

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

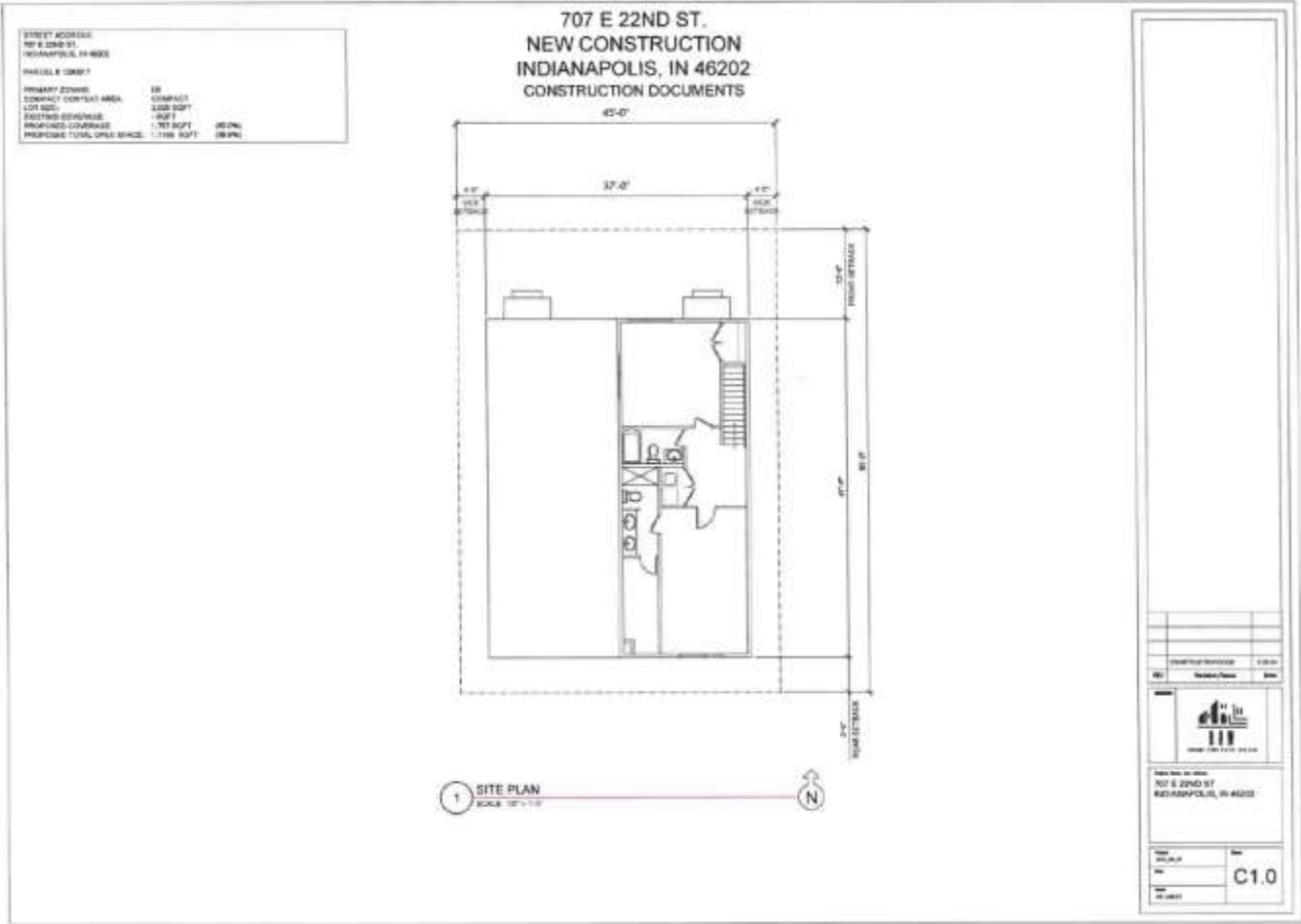
94-Z-93; 666 East 22nd Street (northwest of the site), Rezoning of 0.37 ace, being in the C-3 District to the SU-1 classification to provide for church use and a food pantry, **withdrawn**.

EXHIBITS

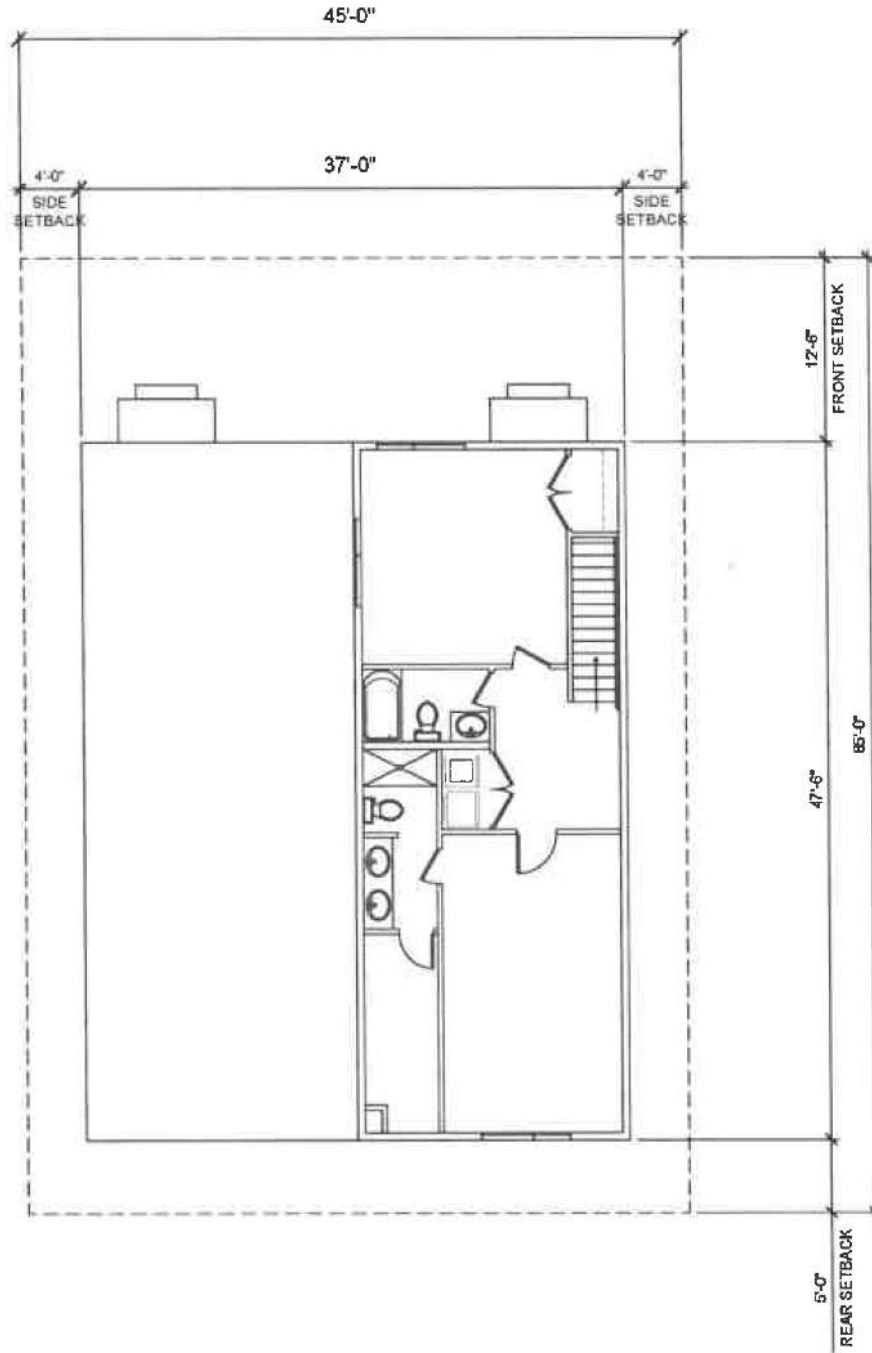




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707 E 22ND ST.
NEW CONSTRUCTION
INDIANAPOLIS, IN 46202
CONSTRUCTION DOCUMENTS



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





Petition Number _____

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

PETITION FOR VARIANCE OF DEVELOPMENT STANDARDS

FINDINGS OF FACT

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

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

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

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

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

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

DECISION



Photo of the subject site.



Photo of townhomes west of the site.



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



Photo of a commercial site to the north.