



Metropolitan Development Commission Hearing Examiner (June 13, 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, June 13, 2024

Time: 1:00 PM

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

Business:

Special Requests

2023-ZON-106 (Amended) / 2024-VAR-004 (Amended):

- 1) one-day waiver for posted Notice
- 2) withdrawal of special exception

PETITIONS REQUESTING TO BE CONTINUED:

- 1. 2024-APP-009 | 1801, 1851, and 2001 West 86th Street, 8301, 8401, 8433, 8402, and 8501 Harcourt Road, 8220, 8240, 8260, 8326, 8330, 8333, 8414, 8424, and 8550 Naab Road**
Washington Township, Council District #1 and #2
HD-1 / HD-2
St. Vincent Hospital and Health, by Brent Bennett

Hospital District One Approval and Hospital District Two Approval to provide for updated campus-wide wayfinding signage.

****Staff request for continuance for cause to July 11, 2024, with new Notice**

- 2. 2024-MOD-005 | 8316 Belfast Drive**
Decatur Township, Council District #13
C-S
Unicorp National Developments, Inc., by Mike Timko

Modification of Development Statement related to petition 95-Z-149 to modify item K. Landscape Easements, to provide for a minimum of 10-foot landscape easement measured from the back of curb along all public and private streets (current commitment required a minimum 45-foot landscape easement measured from the back of curb along all public and private streets).

****Joint request for continuance for cause to June 27, 2024**

- 3. 2024-MOD-006 | 8100 Southeastern Avenue**
Franklin Township, Council District #20
D-P
Circle City Property Group, Inc., by William T. Niemier

Modification of Commitments and Site Plan related to 98-Z-63 and 2006-APP-150 to modify:

- a) Commitment 45 to alter the approved site plan to provide for a 10,500-square-foot commercial building;
- b) Commitment 71 to provide for a 10,500 square-foot commercial building (maximum 10,000 square-foot

commercial building permitted);

c) Commitment 75 to provide for a flat roof on said proposed 10,500 square-foot commercial building (required only pitched, shingle-roofed structures).

****Automatic continuance to July 11, 2024, filed by Registered Neighborhood Organization**

4. 2024-ZON-059 | 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-3 (FF) district to provide for neighborhood commercial uses.

****Automatic continuance to July 11, 2024, filed by a Registered Neighborhood Organization**

5. 2024-ZON-060 | 2401 West Morris Street

Wayne Township, Council District #17
Amy Lapka

Rezoning of 3.99 acres from the D-5 (FF) and C-4 (FF) districts to the C-7 (FF) district to provide for a landscaping business.

****Automatic continuance to July 11, 2024, filed by a Registered Neighborhood Organization**

6. 2024-CZN-809 / 2024-CVR-809 | 2457 Barnes Avenue

Center Township, Council District #12
MSR Development Group, LLC, by Joseph D. Calderon

Rezoning of 0.56 acre from the D-5 (W-5) district to the D-8 (W-5) district to provide for a townhome development.

Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for 15.6-foot wide lots (minimum 16-foot wide lots required), 5.9-foot corner side yard setback (eight feet required), and a main floor area of 583 square feet (600 square feet required).

****Petitioner withdrawal of the Petitions**

7. 2024-CAP-815 / 2024-CVR-815 | 2439 and 2455 Dr. Martin Luther King, Jr. Street

Center Township, Council District #12
C-S (W-5)
Meridian Lodge #33 and NWQOL Holding Company 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 35% 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 9% 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 seven feet, and a south side yard setback of seven feet (minimum 10-foot side yard setbacks required).

****Staff request for continuance for cause to July 25, 2024**

Petitions for Public Hearing

PETITIONS TO BE EXPEDITED:

8. 2024-MOD-007 | 5080 East 82nd Street

Washington Township, Council District #3

C-S (FF)

Allison Pointe Owners Association, Inc., by Joseph D. Calderon

Modification of Development Plan related to 86-Z-81 to modify Permitted Sign Criteria to provide for an additional business park and building/tenant identification sign adjacent to I-465 and not less than 300 feet from the General Park identification sign. Said sign would include signage panels to identify tenants and occupants of the business park (previous Development Plan was limited to one sign along I-465).

9. 2024-MOD-008 | 1060 North Capitol Avenue

Center Township, Council District #12

CBD-S (RC) (TOD)

MTP – Stutz Propco, LLC, by Joseph D. Calderon

Modification of the development statement for 97-Z-48, to include uses as defined in Research and Development, Other in the Consolidated Zoning and Subdivision Ordinance, including a research laboratory.

10. 2024-ZON-061 | 2013 Yandes Street

Center Township, Council District #13

Jason Blankenship, by Mark and Kim Crouch

Rezoning of 0.13-acre from the I-3 district to the D-8 district to provide for residential uses.

11. 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 (Continued Petitions):

12. 2023-ZON-106 (Amended) / 2024-VAR-004 (Amended) | 2620 and 2710 Wicker Road

Perry Township, Council District #22

Reid Litwack, by Joseph D. Calderon

Rezoning of 6.39 acres from the D-A (W-1) district to the I-1 (W-1) district to provide for an industrial business park.

Special Exception of the Consolidated Zoning and Subdivision Ordinance to provide for a commercial parking lot in the C-4 district. (Withdrawn)

Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for outdoor storage without the required separation from a protected district (500 feet of separation required).

13. 2024-MOD-004 | 5514, 5532, and 5550 Victory Drive

Franklin Township, Council District #24

C-S

Patch Development LLC, by Brian J Tuohy

Modification of Commitments related to 2000-ZON-090 to terminate Commitment #6, which related to fence installation on Lots 385 through 393 of the Far Hill Downs Subdivision, terminate Commitment #7, which required the developer to pay \$600.00 for landscape allowance to each of the lot owners of Lots 385 through 393 of the Far Hill Downs Subdivision, terminate Commitment #8, which required building materials, color scheme and general appearance of the building to be substantially similar to buildings west of the site, terminate Commitment #15, which required water main extension and sanitary sewer connection, and to modify Commitment 4 (D) to provide that no docks and drive in doors will be located on the front of the building facing south, to modify Commitment #5 to delete and replace with acceleration / deceleration tapers shall be provided at the entrance to the site on Victory Drive, and modify Commitment #9 to provide that the maximum building height above the final grade shall be limited to thirty-six (36) feet.

14. 2024-CZN-819 / 2024-CVR-819 (Amended) | 8215 West Washington Street

Wayne Township, Council District #17
Site 3 West, LLC, by Joseph D. Calderon

Rezoning of 2.7 acres from the SU-46 district to the I-1 district for light industrial uses.

Variance of development standards of the Consolidated Zoning and Subdivision Ordinance to Provide for 25,730 square feet of outdoor storage (maximum of 8,805 square feet or 25% of gross floor area of all enclosed buildings), approximately 140 feet from a protected district to the west and 400 feet from a protected district to the east (minimum separation of 500 feet required from a protected district) and a 10-foot side yard setback (30-foot side yard setback required).

PETITIONS FOR PUBLIC HEARING (New Petitions):

15. 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.

16. 2024-ZON-058 | 2701 Hunter Road

Warren Township, Council District #20
Midland Investments, LLC., by David Gilman

Rezoning of 4.59 acres from the D-A district to the I-1 district to provide for restricted industrial uses.

17. 2024-CAP-822 / 2024-CVR-822 | 1351 Roosevelt Avenue

Center Township, Council District #13
C-S (FF)
Penn Electric Partners LLC, by Brent Roberts

Modification of the Commitments for 2022-ZON-115 to Modify Commitment #3 to provide for the addition of building signage, roof sign, and architectural canopies, which shall be submitted for Administrator's Approval prior to the issuance of Class 1 Structural Permit, which approval shall not be unreasonably withheld.

Variance of Use of the Consolidated Zoning and Subdivision Ordinance to provide for a 26-foot long, 8.5-foot tall roof sign. Said roof sign would be supported by a 23.2-foot long, 15.9-foot tall scaffold structure (not permitted).

Additional Business:

**The addresses of the proposals listed above are approximate and should be confirmed with the Division of Planning. Copies of the proposals are available for examination prior to the hearing by emailing planneroncall@indy.gov. Written objections to a proposal are encouraged to be filed via email at 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 **June 13, 2024**
HEARING EXAMINER

Case Number: 2024-APP-009

Property Address: 1801, 1851, and 2001 West 86th Street, 8301, 8401, 8433, 8402, and 8501 Harcourt Road, 8220, 8240, 8260, 8326, 8330, 8333, 8414, 8424, and 8550 Naab Road (approximate addresses)

Location: Washington Township, Council District #1 and #2

Petitioner: St. Vincent Hospital and Health, by Brent Bennett

Current Zoning: HD-1 / HD-2

Request: Hospital District One Approval and Hospital District Two Approval to provide for updated campus-wide wayfinding signage.

Current Land Use: Hospital and Health Services

Staff Recommendations: To be determined.

Staff Reviewer: Marleny Iraheta, Senior Planner

PETITION HISTORY

This petition will need to be **continued from the June 13, 2024 hearing to the July 11, 2024 hearing** to provide the petitioner time to submit additional information requested by staff and to provide sufficient time for the mailing of new notices for an anticipated amended petition.

STAFF RECOMMENDATION

Staff recommends this petition be continued to the July 11, 2024 hearing with new notice.

PETITION OVERVIEW

This petition is to be continued to the July 11, 2024 hearing.



METROPOLITAN DEVELOPMENT COMMISSION **June 13, 2024**
HEARING EXAMINER

Case Number: 2024-MOD-005

Property Address: 8316 Belfast Drive

Location: Decatur Township, Council District #13

Petitioner: Unicorp National Developments, Inc., by Mike Timko

Current Zoning: C-S

Request: Modification of Development Statement related to petition 95-Z-149 to modify Item K. Landscape Easements, to provide for a minimum of 10-foot landscape easement measured from the back of curb along all public and private streets (current commitment required a minimum 45-foot landscape easement measured from the back of curb along all public and private streets).

Staff Reviewer: Kathleen Blackham, Senior Planner

PETITION HISTORY

Staff received an e-mail, dated May 28, 2024, from a registered neighborhood organization and the petitioner’s representative requesting a **continuance of this petition from the June 13, 2024 hearing, to the June 27, 2024 hearing**. Staff would have no objection of this continuance.



METROPOLITAN DEVELOPMENT COMMISSION **June 13, 2024**
HEARING EXAMINER

Case Number: 2024-MOD-006

Property Address: 8100 Southeastern Avenue

Location: Franklin Township, Council District #20

Petitioner: Circle City Property Group, Inc., by William T. Niemier

Current Zoning: D-P

Request: Modification of Commitments and Site Plan related to 98-Z-63 and 2006-APP-150 to modify:

- a) Commitment 45 to alter the approved site plan to provide for a 10,500-square-foot commercial building;
- b) Commitment 71 to provide for a 10,500 square-foot commercial building (maximum 10,000 square-foot commercial building permitted);
- c) Commitment 75 provide for a flat roof on said proposed 10,500 square-foot commercial building (required only pitched, shingle-roofed structures).

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 June 13, 2024 hearing to the July 11, 2024 hearing**. This would require acknowledgement from the Hearing Examiner.



METROPOLITAN DEVELOPMENT COMMISSION **June 13, 2024**
HEARING EXAMINER

Case Number: 2024-ZON-059
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-3 (FF) district to provide for neighborhood \ commercial uses.
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 June 13, 2024 hearing to the July 11, 2024 hearing.** This would require acknowledgement from the Hearing Examiner.



METROPOLITAN DEVELOPMENT COMMISSION **June 13, 2024**
HEARING EXAMINER

Case Number: 2024-ZON-060
Property Address: 2401 West Morris Street
Location: Wayne Township, Council District #17
Petitioner: Amy Lapka
Current Zoning: D-5 (FF) and C-4 (FF)
Request: Rezoning of 3.99 acres from the D-5 (FF) and C-4 (FF) districts to the C-7 (FF) district to provide for a landscaping business.
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 June 13, 2024 hearing to the July 11, 2024 hearing.** This would require acknowledgement from the Hearing Examiner.



METROPOLITAN DEVELOPMENT COMMISSION **June 13, 2024**
HEARING EXAMINER

Case Number: 2024-CZN-809 / 2024-CVR-809

Property Address: 2457 Barnes Avenue (Approximate Address)

Location: Center Township, Council District #12

Petitioner: MSR Development Group, LLC, by Joseph D. Calderon

Current Zoning: D-5 (W-5)
Rezoning of 0.56 acre from the D-5 (W-5) district to the D-8 (W-5) district to provide for a townhome development.

Request: Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for 15.6-foot wide lots (minimum 16-foot wide lots required), 5.9-foot corner side yard setback (eight feet required), and a main floor area of 583 square feet (600 square feet required).

Current Land Use: Vacant with a residential accessory structure

Staff Recommendations: **Approval** of the rezoning subject to a commitment.
Denial of the variance requests.

Staff Reviewer: Marleny Iraheta, Senior Planner

PETITION HISTORY

ADDENDUM FOR JUNE 13, 2024 HEARING EXAMINER

This petition was continued from the April 25, 2024 hearing to the June 13, 2024 hearing at the request of the petitioner. The petitioner was working with DPW regarding the right-of-way dedication, which was subject to change from the initial dedication requested. Additional notice was to be provided since the petitioner intended to make amendments to the request and companion it with a subdivision plat. However, no new information has been provided to the case file.

The petitioner submitted a **request to withdraw** this petition. This would require acknowledgement from the Hearing Examiner.

ADDENDUM FOR APRIL 25, 2024 HEARING EXAMINER

This petition was continued from the March 28, 2024 hearing to the April 25, 2024 hearing at the request of the petitioner. Additional notice was to be provided since the petitioner intended to make amendments to the request. However, no new information has been provided to the case file.

March 28, 2024

This is the first public hearing on this petition

STAFF RECOMMENDATION



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

Staff **recommends approval** of the rezoning petition, 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 24-foot half right-of-way along Barnes Avenue and a 24-foot half right-of-way along Edgemont Avenue shall be dedicated, 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 0.56-acre subject site is comprised of seven parcels that are primarily undeveloped except for a detached garage located across the property line between two parcels. The site is surrounded by single-family dwellings west, north, and east, zoned D-5, and a church to the south, zoned D-5.

REZONING

The request would rezone the property from the D-5 (W-5) district to the D-8 (W-5) district for townhome development.

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 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.

DEPARTMENT OF PUBLIC WORKS

The Department of Public Works, Traffic Engineering Section, has requested the dedication and conveyance of a 24-foot half right-of-way along Barnes Avenue and a 24-foot half right-of-way along Edgemont Avenue. This dedication would also be consistent with the Marion County Thoroughfare Plan.

VARIANCE OF DEVELOPMENT STANDARDS



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

The grant of the request would allow for deficient lot widths, a deficient corner side yard setback, and main floor areas less than the minimum requirement.

Table 742.103.03 notes that Row-House-Small Lot development in the D-8 district requires 16-foot wide lot widths and an eight-foot corner side setback. The request would propose a 15.6-foot lot width and a 5.9-foot corner side setback.

Staff determined that due to the nature of the two-unit townhouse proposal it would be possible for the lot lines to be adjusted to meet the 16-foot lot width by eliminating one of the buildings since six are proposed. The removal of one of the buildings would ensure that the corner side setback could be met as well.

Considering that DPW is requesting a right-of-way dedication for this site, the layout of the development would need to be adjusted to take this into account providing more reason to eliminate one of the buildings.

With regards to the reduced main floor area, the floor area could be increased to meet or exceed the minimum floor area of 600 square feet since there is sufficient room on site to have this accomplished.

WELLFIELD PROTECTION SECONDARY ZONING

A wellfield is an area where the surface water seeps into the ground to the aquifer and recharges the wells that are the source of our drinking water. This secondary zoning district places closer scrutiny on uses and activities that might contaminate the underground drinking water supply.

There are two wellfield district designations. An area identified as W-1 is a one-year time-of-travel protection area. The W-5 is a five-year time-of-travel protection area. All development within these districts are subject to Commission approval.

This site is specifically located within the White River W-5 Wellfield Protection District. Unless exempted by Section 742-204.D Technically Qualified Person review requirement, a Site and Development Plan shall be filed with and be subject to approval on behalf of the Commission by the Technically Qualified Person (TQP).

STAFF ANALYSIS

The United Northwest Neighborhood Plan (2008) recommends 3.5 to five dwelling units per acre development. The proposal would have a 17 unit per acre density. Staff is willing to consider a density higher than the neighborhood plan recommendation since the development of each existing parcel would be a density of 12.5 if developed as is in the proposed D-8 district.

However, development of the site could meet the D-8 development standards because this would be all new construction in a neighborhood that could otherwise be developed for single-family dwellings or the townhomes with slight changes to the site and building layouts.

For these reasons, staff determined there is no practical difficulty at the site to warrant the variances to be granted.



GENERAL INFORMATION

| | | | |
|-----------------------------------|---|---|---------------------------------------|
| Existing Zoning | D-5 | | |
| Existing Land Use | Vacant with a residential accessory structure | | |
| Comprehensive Plan | 3.5 to 5 units per acre | | |
| Surrounding Context | Zoning | Land Use | |
| | North: | D-5 | Residential (Single-family dwelling) |
| | South: | D-5 | Church |
| | East: | D-5 | Residential (Single-family dwellings) |
| | West: | D-5 | Residential (Single-family dwellings) |
| Thoroughfare Plan | | | |
| Barnes Avenue | Local Street | 48-foot proposed right-of-way with a 45-foot existing right-of-way. | |
| Edgemont Avenue | Local Street | 48-foot proposed right-of-way with a 30-foot existing right-of-way. | |
| Context Area | Compact | | |
| Floodway / Floodway Fringe | No | | |
| Overlay | No | | |
| Wellfield Protection Area | Yes | | |
| Site Plan | February 23, 2024. | | |
| Site Plan (Amended) | N/A. | | |
| Elevations | February 23, 2024. | | |
| Elevations (Amended) | N/A. | | |
| Landscape Plan | N/A. | | |
| Findings of Fact | February 23, 2024. | | |
| Findings of Fact (Amended) | N/A. | | |
| C-S/D-P Statement | N/A. | | |

COMPREHENSIVE PLAN ANALYSIS

Comprehensive Plan

- United Northwest Neighborhood Plan (2008)
- Infill Housing Guidelines (2021)

Pattern Book / Land Use Plan

- Not Applicable to the Site. Please see United Northwest Neighborhood Plan (2008) below.



Red Line / Blue Line / Purple Line TOD Strategic Plan

- Not Applicable to the Site.

Neighborhood / Area Specific Plan

- United Northwest Neighborhood Plan (2008) recommends 3.5 to 5 units per acre development.

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.



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

Indy Moves

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

- Not Applicable to the Site.



ZONING HISTORY

ZONING HISTORY – VICINITY

2019-HOV-010; 1235 and 1250 West 25th Street and 1338 and 1363 West 27th Street (west of site), Variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for four single-family dwellings with 637 square feet of main floor area (660 square feet required), **granted**.

2018-UV2-013; 1164 Burdsal Parkway (south of site), Variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for a 45-foot-wide lot, a 38-foot wide lot, and a 37-foot wide lot (50 feet of width required), and 22.5-foot front yard setbacks (25-foot front yard setbacks required), **granted**.

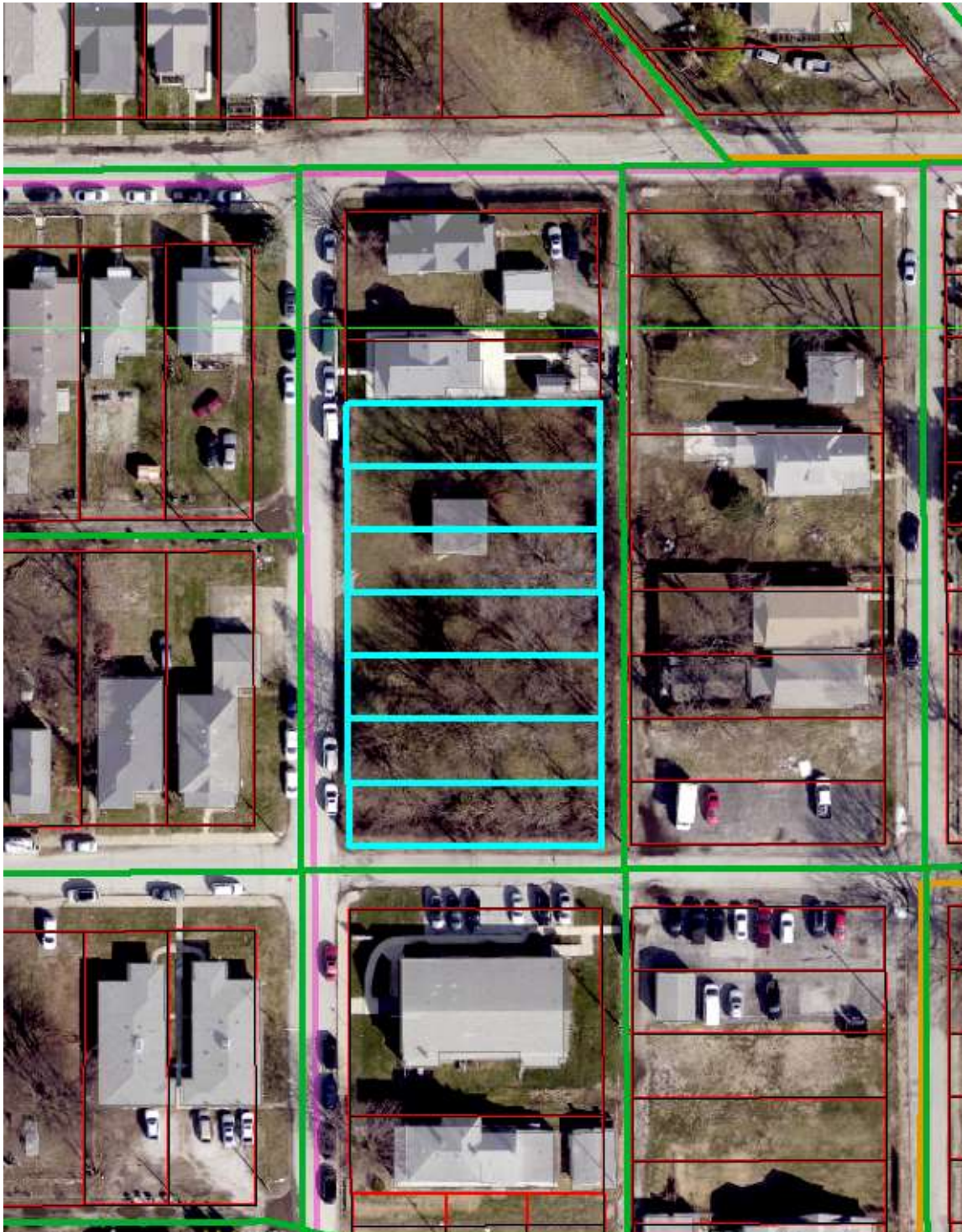
2006-ZON-828 / 2006-VAC-828; 1104 Burdsal Parkway and 2413, 2417, 2421, 2425, 2433, 2439, 2443 and 2447 Bond Street (southeast of site), Rezoning of 1.06 acres from the D-5 (W-1) (W-5) and I-3-U (W-1) (W-5) Districts, to the SU-1 classification to provide for religious uses and requests a vacation of portion of Edgemont Avenue, being 30 feet in width and a vacation of the first north-south alley east of Bond Street, being fourteen in width, **approved**.

65-V-399; 2425-2435 Barnes Avenue (south of site), Variance of use of the Dwelling District Zoning Ordinance to provide for the construction of a church, **granted**.

59-V-400; 2424-2434 Barnes Avenue (a/ka/ 1201 and 1205 Edgemont Avenue) (south of site), Variance of lot area, front building line, and off-street parking requirements to permit erection of three 2-family dwelling houses, with partial off-street requirements provided; **granted by the Board of Zoning Appeals, reversed, and denied by the Metropolitan Board of Zoning Appeals**.

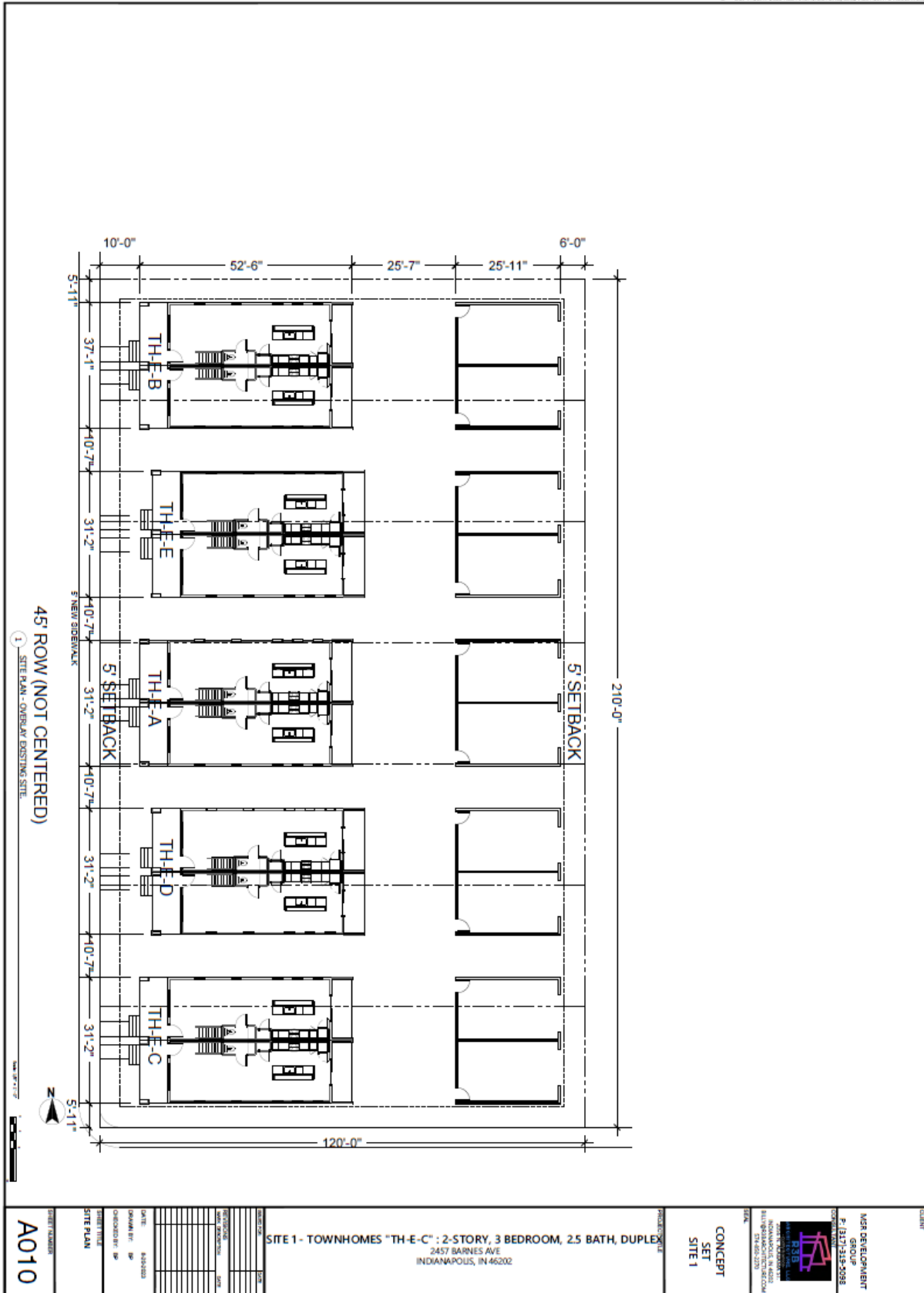
55-V-299; 2421 Bond Street (southeast of site), Variance to park and occupy an old trolley for an ice cream and barbecue business, **denied**.

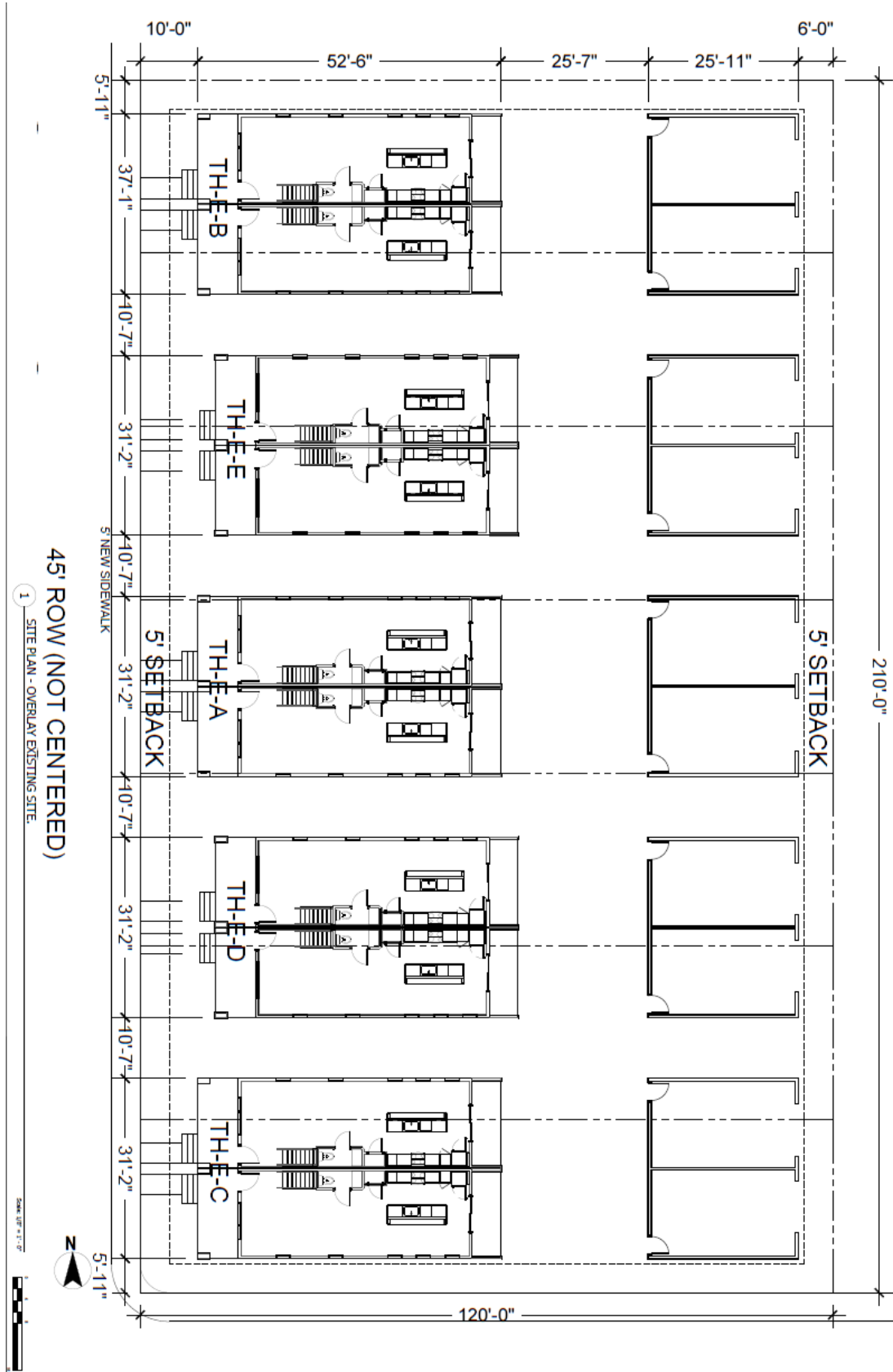
EXHIBITS

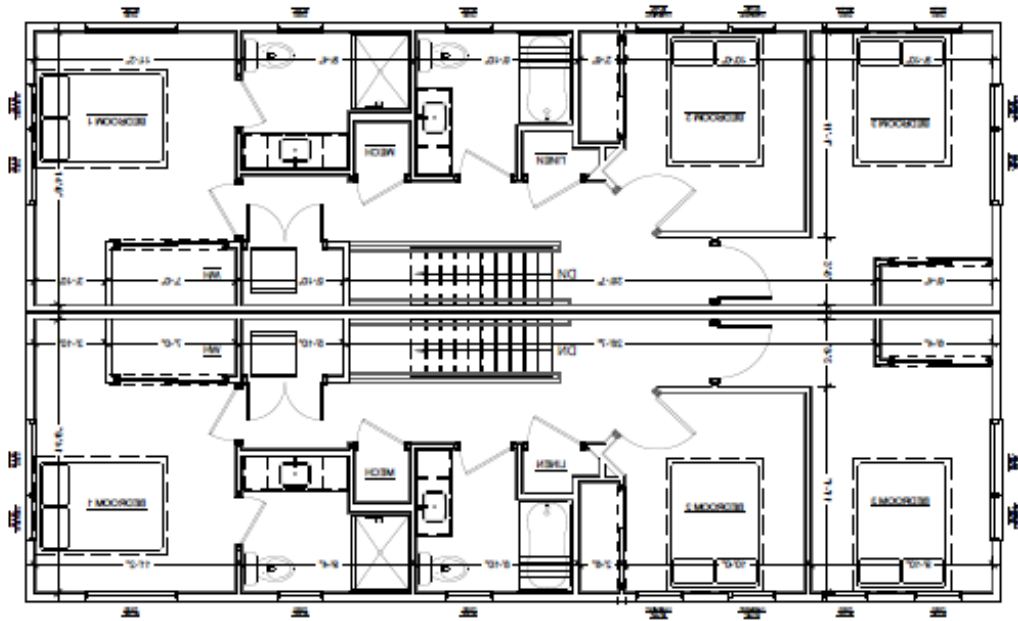




Department of Metropolitan Development
Division of Planning
Current Planning

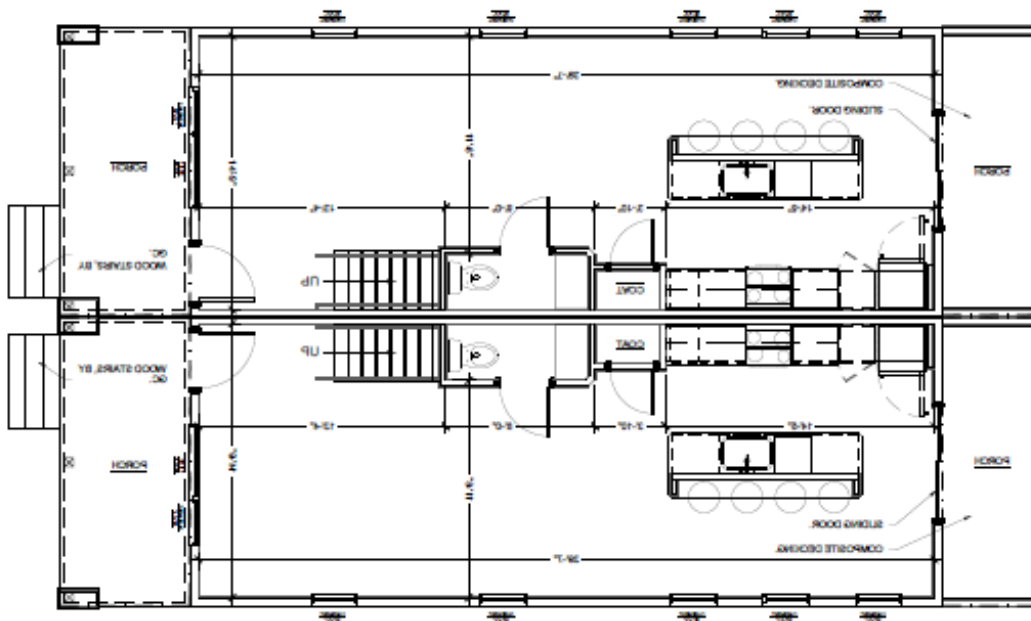






2 FLOOR PLAN - SECOND

Scale: 1/4" = 1'-0"



1 FLOOR PLAN - GROUND

Scale: 1/4" = 1'-0"



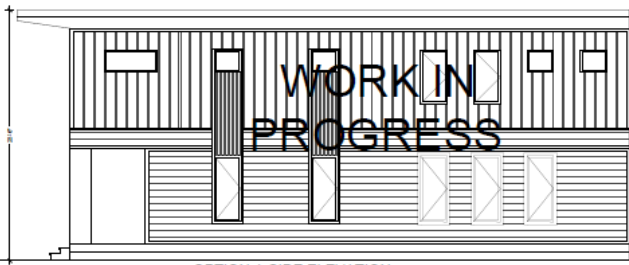
3 SITE RENDERING



2 SITE RENDERING



1 SITE RENDERING



OPTION A SIDE ELEVATION

4 ELEVATIONS: SIDE TH-E-A

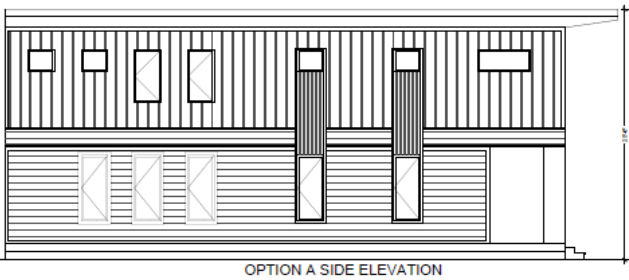
Scale: 1/8" = 1'-0"



OPTION A

3 ELEVATIONS: REAR TH-E-A

Scale: 1/8" = 1'-0"



OPTION A SIDE ELEVATION

1 ELEVATIONS: SIDE TH-E-A

Scale: 1/8" = 1'-0"



OPTION A

1 ELEVATIONS: FRONT TH-E-A

Scale: 1/8" = 1'-0"



4 ELEVATION: SIDE 3 ELEVATION: REAR



1 ELEVATION: SIDE 2 ELEVATION: FRONT



4 ELEVATION: SIDE 3 ELEVATION: REAR



1 ELEVATION: SIDE 2 ELEVATION: FRONT



④ ELEVATIONS: SIDE

① ELEVATIONS: FRONT



④ ELEVATIONS: SIDE

① ELEVATIONS: FRONT



④ ELEVATIONS: SIDE

① ELEVATIONS: FRONT



④ ELEVATIONS: SIDE

① ELEVATIONS: FRONT



4 ELEVATIONS: SIDE

3 ELEVATIONS: REAR



1 ELEVATIONS: SIDE

2 ELEVATIONS: FRONT



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 variances will provide for adequate front setbacks with sidewalks as well as a sidewalk on the corner side yard to make up for reduced corner side yard, there is more than adequate total floor area and ground level porch area to mitigate the variance for main level living area, and here is adequate side yards between lots to mitigate the variance for lot width.

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 new housing units will provide new investment on a block which has several vacant lots, which will actually improve property values of adjoining nearby properties.

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

the standards for this type of development, if applied, would result in the loss of housing units and result in a more suburban versus urban/compact feel.



Photo of the subject site looking northeast.



Photo of the street frontage along Edgemont Avenue.



Photo of the street frontage along Barnes Avenue.



Photo of the existing detached garage on the subject site.



Photo of the subject site street frontage looking south on Barnes Avenue.



Photo of the alley east of the site looking north from Edgemont Avenue.



Photo of the alley east of the site looking south from 25th Street.



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



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



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



Photo of the church south of the site.



METROPOLITAN DEVELOPMENT COMMISSION **May 23, 2024**
HEARING EXAMINER

Case Number: 2024-CAP-815 / 2024-CVR-815

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: 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 35% 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 9% 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 seven feet, and a south side yard setback of seven feet (minimum 10-foot side yard setbacks required).

Staff Reviewer: Kathleen Blackham, Senior Planner

CONTINUANCE

The Hearing Examiner continued this petition 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.

Staff is requesting a continuance from the June 13, 2024 hearing, to the July 25, 2024 hearing, with notice, because of amendments to the requests.



METROPOLITAN DEVELOPMENT COMMISSION **JUNE 13, 2024**
HEARING EXAMINER

Case Number: 2024-MOD-007

Property Address: 5080 East 82nd Street (approximate address)

Location: Washington Township, Council District #3

Petitioner: Allison Pointe Owners Association, Inc., by Joseph D. Calderon

Current Zoning: C-S (FF)

Request: Modification of Development Plan related to 86-Z-81 to modify Permitted Sign Criteria to provide for an additional business park and building/tenant identification sign adjacent to I-465 and not less than 300 feet from the General Park identification sign. Said sign would include signage panels to identify tenants and occupants of the business park (previous Development Plan was limited to one sign along I-465).

Current Land Use: Undeveloped

Staff Recommendations: Approval

Staff Reviewer: Marleny Iraheta, Senior Planner

PETITION HISTORY

This is the first public hearing for this petition

STAFF RECOMMENDATION

Staff **recommends approval** of the request.

PETITION OVERVIEW

LAND USE

The approximate 44-acre subject site is an undeveloped parcel that is part of an overall development plan for the Allison Point Business Park created through rezone petition 86-Z-81.

The site surrounded by businesses to the south and east, zoned C-S, to the west by the White River and wooded area, zoned D-A, with apartments across I-465 to the north, zoned D-9.

MODIFICATION

The existing development plan identifies a General Park identification sign adjacent to I-465, which exists today.



Department of Metropolitan Development
Division of Planning
Current Planning

It does not allow for additional signage to be installed as requested by the petitioner.

OVERLAYS

The site consists of three environmentally sensitive overlays such as woodlands, wetland, and 100-year flood plain.

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

The wetland within the existing lake system will not be affected by the new sign location.

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. Unless otherwise prohibited, all uses permitted in the primary zoning district (C-S in this request) are permitted, subject to certain development standards of the Flood Control Secondary Zoning Districts Ordinance.

Most of the site is within floodway fringe. This is the area where water is likely to sit during a flood of such intensity that there is a 1% chance of it occurring in any given year. This compares to the floodway along the southern property boundary where floodwater would flow during a flood of the same intensity. Generally, buildings are not permitted in the floodway, while, with exception of certain land uses, they are permitted in the floodway fringe, but must be constructed at least two feet above the base flood elevation.

Staff Analysis

The request would modify the development plan for 86-Z-81 to include an additional business park and building/tenant identification sign adjacent to I-465.

Staff determined that the new sign would be supportable since the existing identification sign does not include panels for tenant identification and is not visibly apparent from I-465.

GENERAL INFORMATION

| | |
|----------------------------|------------------------|
| Existing Zoning | C-S |
| Existing Land Use | Undeveloped |
| Comprehensive Plan | Large-Scale Park |
| Surrounding Context | Zoning |
| North: | D-9 |
| | Land Use |
| | Multi-family dwellings |



Department of Metropolitan Development
Division of Planning
Current Planning

| | | |
|-----------------------------------|---------------|--|
| South: | D6-II / C-S | Commercial |
| East: | C-S | Offices |
| West: | D6-II / D-A | White River / Park |
| Thoroughfare Plan | | |
| I-465 | Freeway | A range of 300 feet to 644 feet existing right-of-way without a proposed right-of-way. |
| Allison Point Boulevard | Local Street | 70-foot existing right-of-way and a 50-foot proposed right-of-way. |
| Context Area | Metro | |
| Floodway / Floodway Fringe | Yes | |
| Overlay | Yes | |
| Wellfield Protection Area | No | |
| Site Plan | May 3, 2024. | |
| Site Plan (Amended) | May 23, 2024. | |
| Elevations | May 9, 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 | N/A | |

COMPREHENSIVE PLAN ANALYSIS

Comprehensive Plan

- Marion County Land Use Plan Pattern Book (2019)

Pattern Book / Land Use Plan

- The Comprehensive Plan recommends Large-Scale Park development for the site.
- **LARGE-SCALE PARKS**
 - Large-Scale Parks are generally over 10 acres in size.

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

86-Z-81 / 86-CV-17; 5252 East 82nd Street (subject site), Rezoning of 111 acres, from the A-2 and CS Districts to the C-S classification to provide for a mixed-use business park with office buildings, hotels, restaurants, health club, branch bank and heliport and a variance of a reduction in required parking, **approved and granted.**

80-Z-137; 4500-5258 East 82nd Street (subject site), Rezoning of 180.0 acres, being in the A-2 and C-4 districts, to the C-S classification, to provide for commercial office and residential complex, **approved.**

Zoning History – Vicinity

2023-CZN-816; 5110 East 82nd Street (south of site), Rezoning of 10.5 acres from the C-S (FF) district to the C-S (FF) district to provide for a multi-family uses and Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for a 62-foot-tall multi-family building (maximum 45-foot height permitted), **approved.**

2018-ZON-115; 8580 Allison Pointe Boulevard and 5110 East 82nd Street (south of site), Rezoning of 13.79 acres from the C-S (FF) district to the C-S (FF) classification to provide for multi-family residential uses, in addition to the uses previously approved by 86-Z-81, **withdrawn.**

2009-ZON-021; 8415 Allison Pointe Boulevard (southeast of site), Rezoning of 8.767 acres, from the C-S District to the C-S classification to provide for Schools / Educational Services including University, Business and Secretarial, Clerical, Correspondence, Data Processing, Junior College, Language, Music, Nursery, or Vocational/Technical, and to provide for all uses previously permitted by petition 86-Z-81, **approved.**

2000-ZON-132; 8580 Allison Point Boulevard (south of site), Rezoning of 4.73 acres from the C-S District to the C-S classification to provide for the reuse of an existing restaurant building for a banquet hall and catering facility, **approved.**

86-Z-44; 4602 East 82nd Street (south of site), Rezoning of 81.20 acres, being in the A-2, FF, and FW district, to the D-6II classification to provide for multi-family development, **approved.**

85-Z-82; 4602 East 82nd Street (south of site), Rezoning of 82 acres, being in the A-2, FW, and FF districts, to the C-S classification, to provide for apartments, offices, and retail, **withdrawn.**

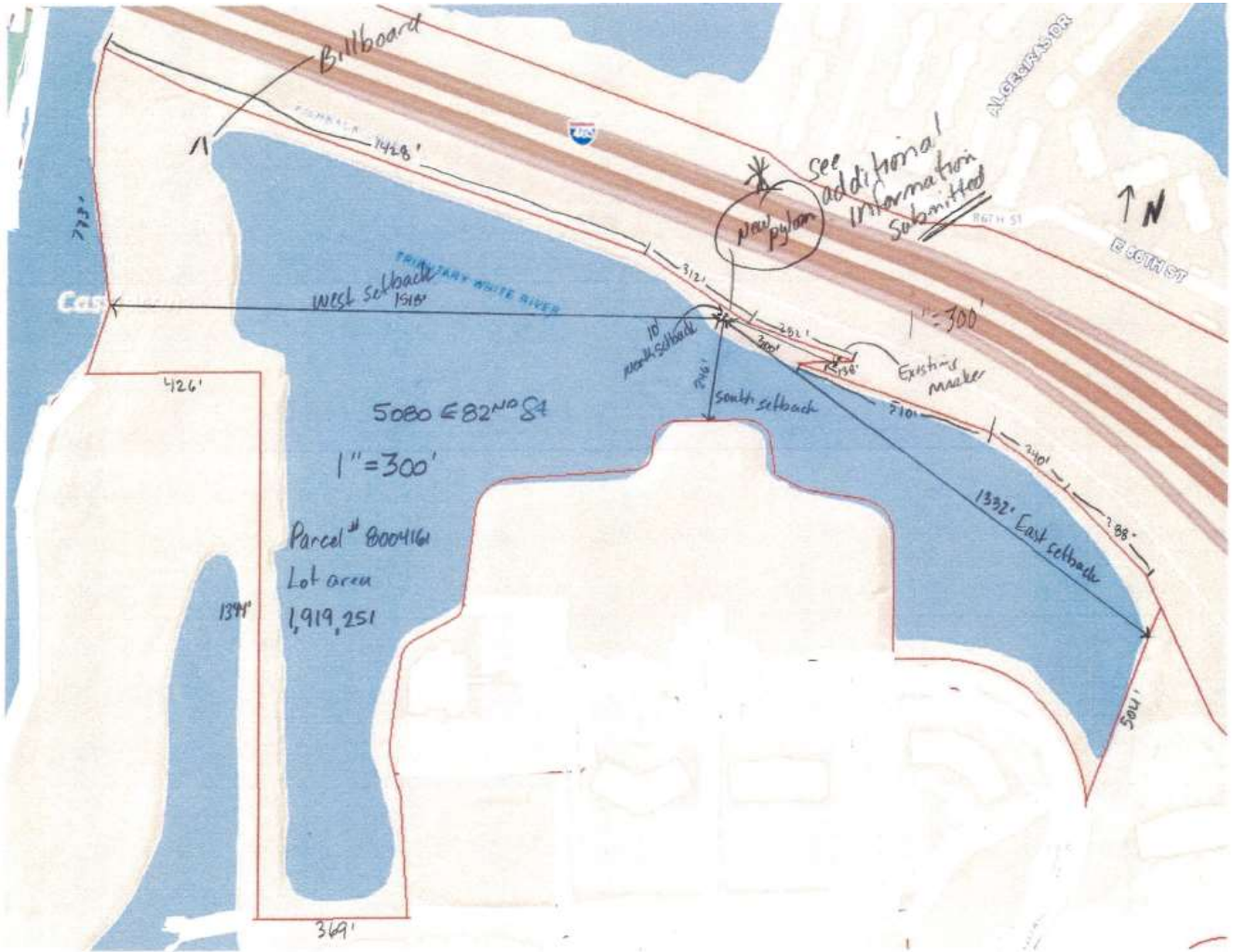
84-Z-108; 5258 East 82nd Street (south of site), Rezoning of 29.37 acres, being in the C-S Commercial District, to the C-S classification, to provide for a nursing home, **approved.**

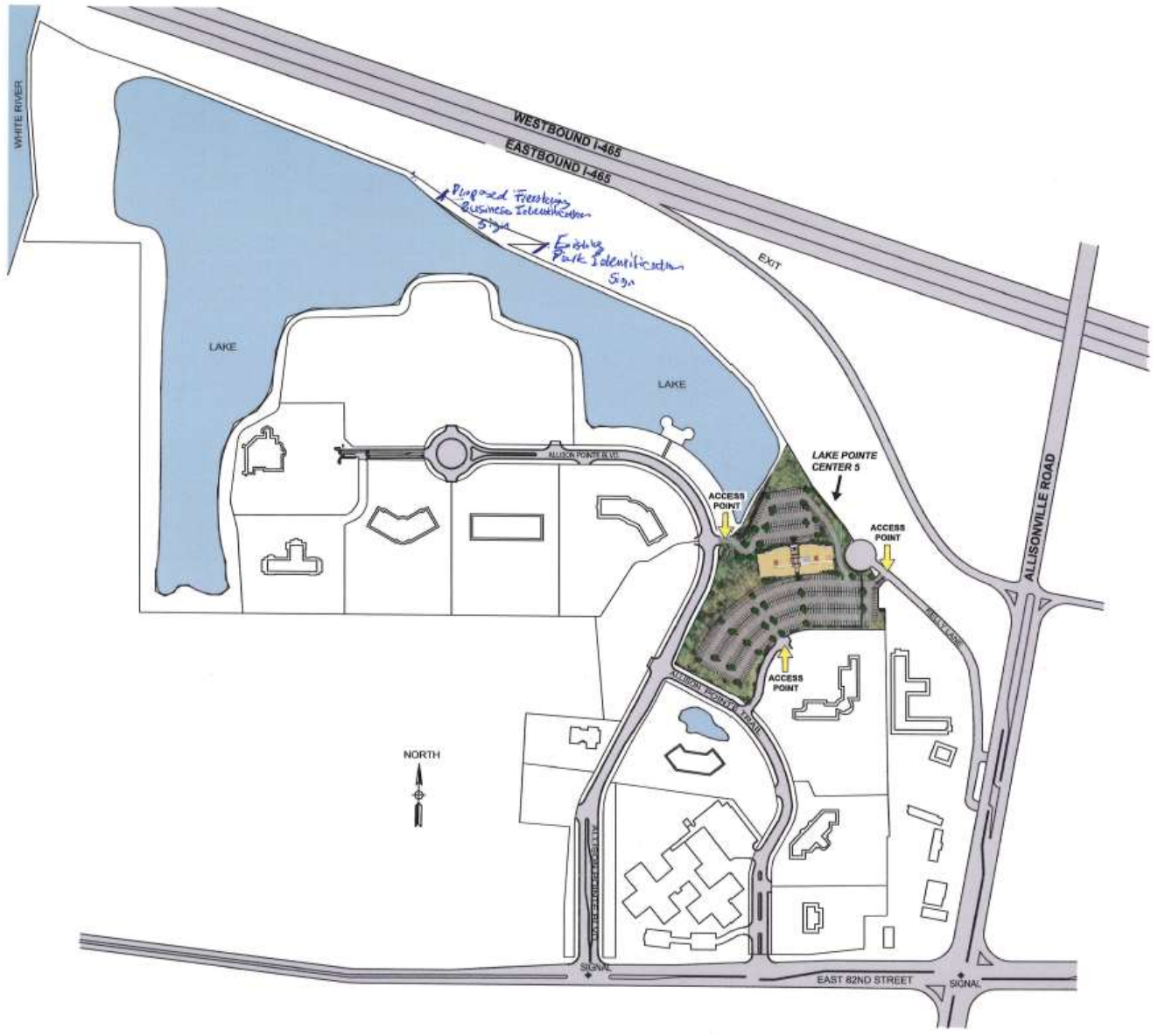
80-Z-72; 4802 East 82nd Street (south of site), Rezoning of 81.20 acres, being in A-2 district to GSB (Gravel-Sand-Borrow) Secondary classification to permit extraction and local processing of mineral aggregate, **denied.**



EXHIBITS



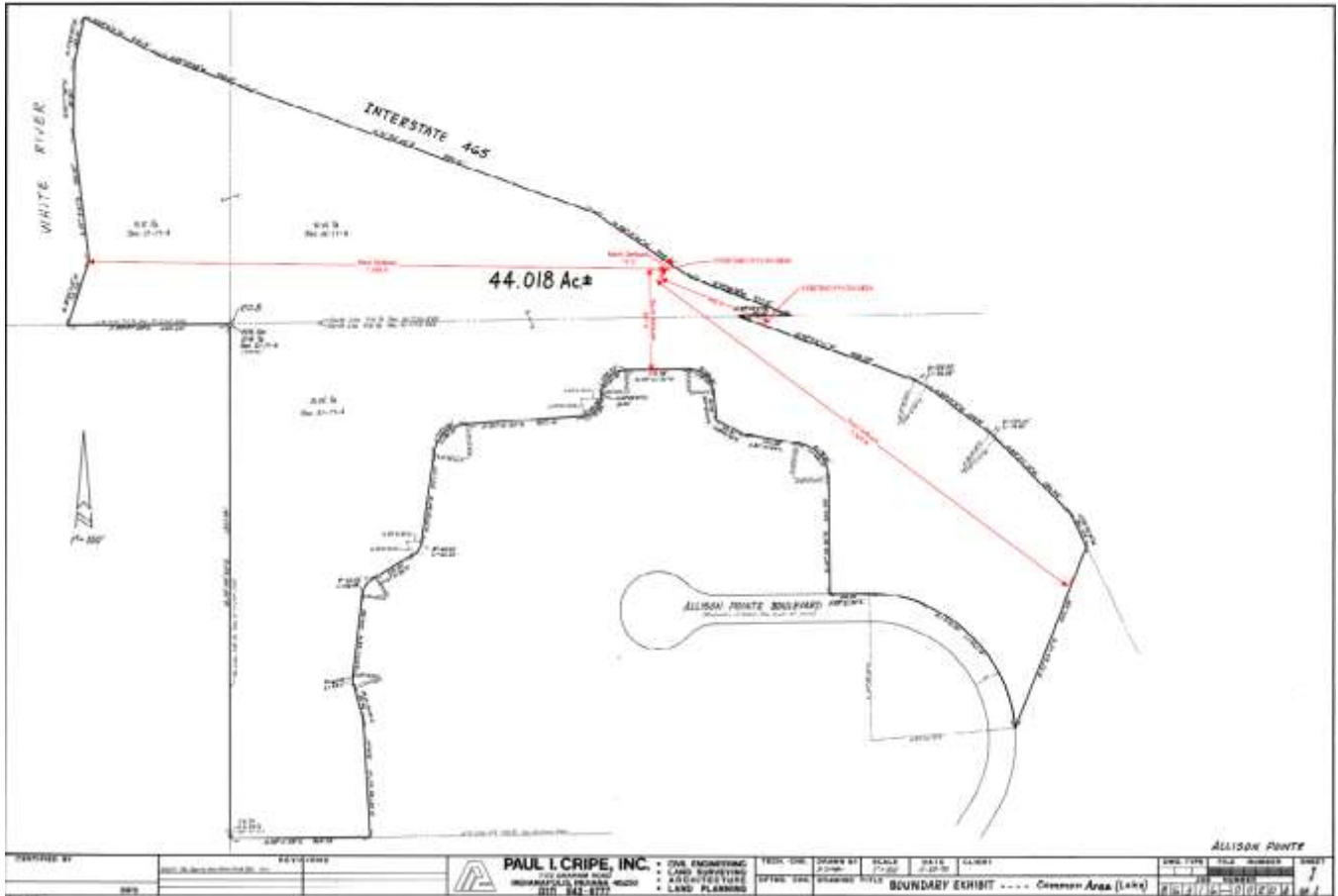




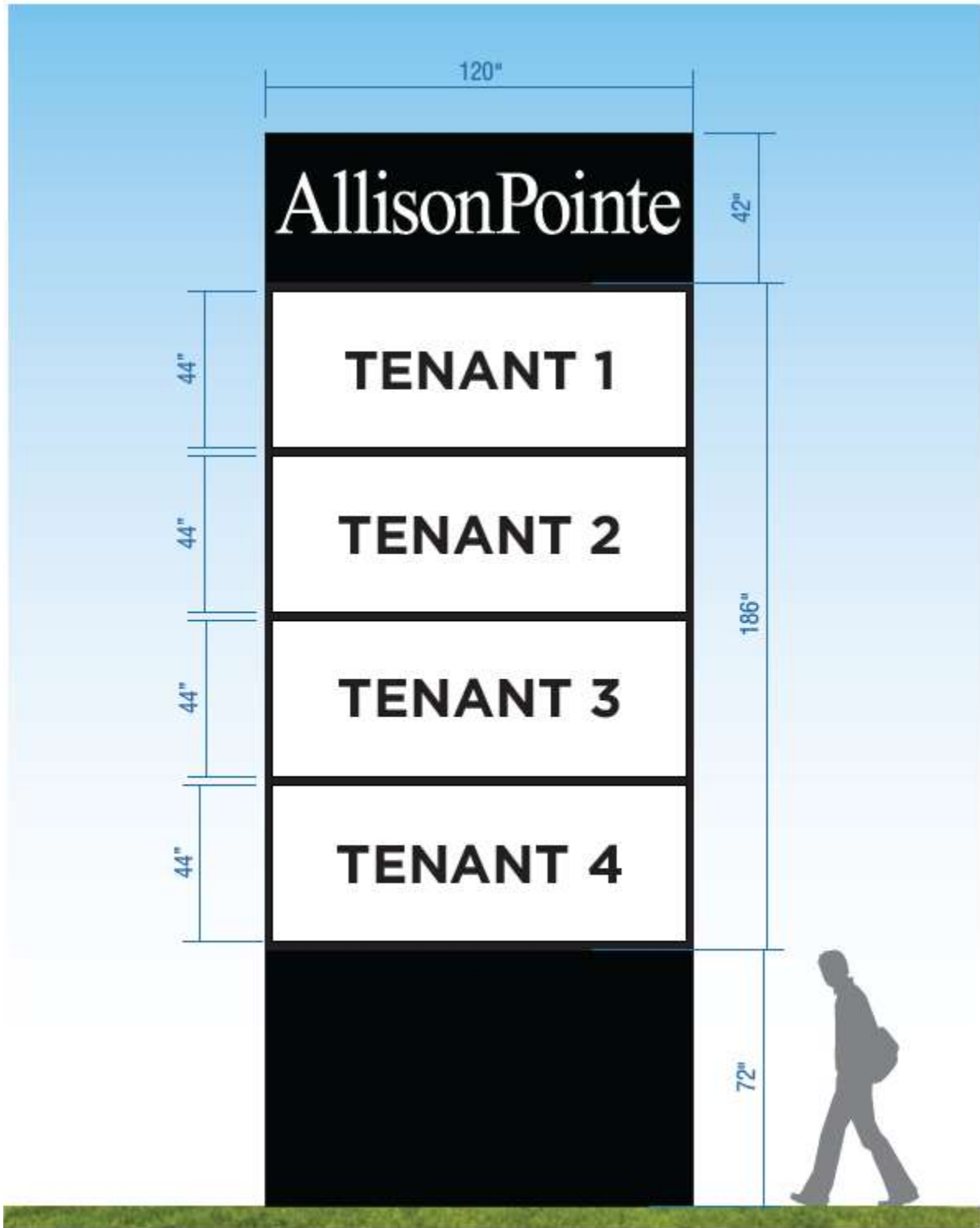
AMENDED SITE PLAN



Department of Metropolitan Development
Division of Planning
Current Planning



300-foot separation exhibit



1/4" = 1'-0"



ELEVATION OF PYLON SIGN

3/32" = 1'-0"



Department of Metropolitan Development
Division of Planning
Current Planning

Development Plan related to 86-Z-81

Proposed Sign Criteria
Business Park
I-465 & Allisonville Road

General.

All signs erected within Business Park shall be in compliance with these controls, and the Sign Regulations of Marion County, Indiana, except as relieved by the Metropolitan Board of Zoning Appeals and S.M.T. Realty Ltd.

Permitted Signs.

1. Business Park identification signs.
 - a. To identify entrance to Park.
 - b. General Park identification sign adjacent to I-465.
2. Business ground signs.
 - a. To identify specific buildings and tenants.
 - 1) One (1) sign per building shall be allowed.
3. Incidental ground signs.
 - a. To identify building entrances/exits, parking, loading areas, etc.
 - 1) One (1) sign at each entrance/exit driveway shall be allowed.

DEPT. OF METRO DEVELOP
MAY 2 - 1986
MARION COUNTY, INDIANA

86-Z-81

Temporary Signs.

- a. To identify individual buildings under construction, as well as available for lease.
 - 1) One (1) temporary sign per building shall be allowed.

Sign Sizes & Heights.

1. Business Park identification signs shall be of a size and height as required to effectively index Park Entrances along 82nd Street corridor and identify Park from I-465. Identification signs shall not exceed thirty (30) feet in height.
2. Business ground signs shall not exceed six (6) feet in height, twelve (12) feet in width, and two (2) feet in depth. Sign bases shall be concrete and shall not exceed the aforementioned width and depth limitations.
3. Incidental signs shall not exceed four (4) feet in height, two (2) feet in width, and six (6) inches in depth.
4. Temporary signs shall not exceed twenty (20) feet in height and thirty (30) feet in width.



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Development Plan related to 86-Z-81 (continued).

Sign Locations.

All signs shall be set back a minimum of five (5) feet from internal street right-of-ways, and fifteen (15) feet from external street right-of-ways.

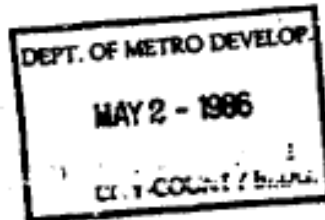
Sign Construction.

1. Business Park identification signs shall be constructed of quality materials in keeping with the scope of the Park.
2. With the exception of temporary signs, all other signs shall be fabricated aluminum frame construction with aluminum cabinet facing.
 - a. Graphics shall be either aluminum cutouts applied to sign face, or stencil cut with diffusers for internal back lighting.
3. Temporary signs shall be constructed of painted, weather proof plywood, or its equivalent.

Approval.

Erection of all signs with the Park shall not take place prior to:

1. Obtaining written approval from S.M.T. Realty, Ltd.. All submissions to S.M.T. for signs shall indicate sign location(s), and shall include detailed scaled drawings listing all pertinent information, including dimensions, materials and finishes.
2. Upon approval of S.M.T. Realty, Ltd., obtaining a sign permit from the City of Indianapolis.





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

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

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

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

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

Statement of MODIFICATION OR TERMINATION of Covenants or Commitments:

1. Section 1 of the proposed sign criteria, with respect to Business Park identification signs are hereby amended to add new subsection I.c. as set forth on Exhibit "B" attached hereto and incorporated by reference.

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 _____.

These COMMITMENTS may be enforced jointly or severally by:

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



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

Exhibit "B"

**Amended Proposed Sign Criteria
Business Park
I-465 & Allisonville Road**

General.

All signs erected within the Business Park shall be in compliance with these controls, and the Sign Regulations of Marion County, Indiana, except as relieved by the Metropolitan Board of Zoning Appeals and the Development Advisory Board of the Allison Pointe Owners Association (the "Association"), which Association, pursuant to Section 5.01(b) and Section 18.01 of the Declaration of Development Standards, Covenants, and Restrictions for Allison Pointe, recorded September 9, 1987 in the Office of the Recorder of Marion County, Indiana, as Instrument No. 87-105148 (as amended to date, the "Declaration"), was vested with all rights, power and authority to govern the Business Park upon the execution and recording of the Notice of Termination of Developer Rights under Declaration of Development Standards, Covenants and Restrictions for Allison Pointe, executed by New Boston Allison Limited Partnership, a Delaware limited partnership, a successor in interest to Allison Pointe Realty L.P. f/k/a SMT Realty Ltd. (the original Developer of the Business Park) and recorded in the Office of the Recorder of Marion County, Indiana, as Instrument No. 2006-00015792 on February 6, 2006, which terminated the status and all rights, power and authority of the "Developer" under the Declaration. These Amended Proposed Sign Criteria shall not apply to any existing or future sign installed in the Park if, at the time of installation, such existing or contemplated future sign complied or will comply with Chapter 744, Article IX of the 2015 City of Indianapolis Consolidated Zoning/Subdivision Ordinance (the "Ordinance"), as amended, or any predecessor or successor to the Ordinance, or any variance obtained therefrom, which was or is in effect at the time of installation of such sign.

Permitted Signs.

1. Business Park identification signs.
 - a. To identify entrance to Park.
 - b. General Park identification sign adjacent to I-465.
 - c. An additional Park and building/tenant identification sign adjacent to I-465 and not less than three hundred (300) feet from the General Park identification sign, with the name of the Park at the top of the sign and panels below the Park name for the purpose of identifying tenants or occupants of the Park, which tenant/occupant identification panels shall be interchangeable and replaceable to allow for changes from time to time.
2. Business ground signs.
 - a. To identify specific buildings and tenants.
 - 1) One (1) sign per building shall be allowed.
3. Incidental ground signs.
 - a. To identify building entrances/exits, parking, loading areas, etc.
 - 1) One (1) sign at each entrance/exit driveway shall be allowed.

4. Temporary Signs
 - a. To identify individual buildings under construction, as well as available for lease.
 - 1) One (1) temporary sign per building shall be allowed.

Sign Sizes & Heights.

1. Business Park identification signs shall be of size and height as required to effectively identify the locations of Park Entrances along 82nd Street corridor and identify the Park and, where applicable, tenants or occupants shown thereon, from I-465. Identification signs shall not exceed thirty (30) feet in height.
2. Business ground signs shall not exceed six (6) feet in height, twelve (12) feet in width, and two (2) feet in depth. Sign bases shall be concrete and shall not exceed the aforementioned width and depth limitations.
3. Incidental signs shall not exceed four (4) feet in height, two (2) feet in width, and six (6) inches in depth.
4. Temporary signs shall not exceed twenty (20) feet in height and (30) feet in width.

Sign Locations.

All signs shall be set back a minimum of five (5) feet from internal street right-of-ways, and fifteen (15) feet from external street right-of-ways.

Sign Construction.

1. Business Park identification signs shall be constructed of quality materials in keeping with the scope of the Park.
2. With the exception of temporary signs, all other signs shall be fabricated aluminum frame construction with aluminum cabinet facing.
 - a. Graphics shall be either aluminum cutouts applied to sign face, or stencil cut with diffusers for internal back lighting.
3. Temporary signs shall be constructed of painted, weatherproof plywood, or its equivalent.



Department of Metropolitan Development
Division of Planning
Current Planning

Approval.

Erection of all signs with the Park shall not take place prior to:

1. Obtaining written approval from the Association. All submissions to the Association for signs shall indicate sign location(s), and shall include detailed scaled drawings listing all pertinent information, including dimensions, materials and finishes.
2. Upon approval of the Association, obtaining a sign permit from the City of Indianapolis.



Photo of the identification sign.



Photo of the identification sign looking south from I-465.



Photo of the existing identification sign in red and the approximate location of the new sign in orange.



METROPOLITAN DEVELOPMENT COMMISSION **June 13, 2024**
HEARING EXAMINER

Case Number: 2024-MOD-008

Property Address: 1060 North Capitol Avenue

Location: Center Township, Council District #12

Petitioner: MTP – Stutz Propco, LLC, by Joseph D. Calderon

Current Zoning: CBD-S (RC) (TOD)

Request: Modification of the development statement for 97-Z-48, to include uses as defined in Research and Development, Other, in the Consolidated Zoning and Subdivision Ordinance, including a research laboratory.

Current Land Use: Mixed-Use development

Staff Recommendations: Approval

Staff Reviewer: Jeffrey York, Principal Planner

PETITION HISTORY

This is the first hearing for this petition.

STAFF RECOMMENDATION

Staff recommends approval.

PETITION OVERVIEW

This request would provide for a modification of development statement for 97-Z-48, to include uses as defined in Research and Development, Other in the Ordinance. This site, named The Stutz, is a mixed-use development that has recently undergone substantial renovations. Originally constructed in 1911 as a car manufacturing facility, the site has over 400,000 square feet of mixed-uses, including offices, retail, a car museum, artist studios, event space and restaurants.

The 1997 rezoning allows a wide range of uses, including I-3 and CBD-2 uses. However, at the time, research laboratories were not specifically noted as permitted uses in either I-3 or CBD-2 districts. The current ordinance would permit research laboratories under Research and Development, Other. This petition would clarify that this proposed use would be permitted.

The Plan of Operation, submitted with the filing, details the proposed use. It would utilize 6,000 square feet of space on the first floor on the west portion of the overall site. Up to seven employees are anticipated at full employee capacity. Liquid materials would be stored within the laboratory, with waste handled monthly in 55-gallon drums.



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

Since the original CBD-S rezoning allowed for medium-intensity industrial uses (I-3) and that this use is a permitted use in the current I-3 zone, this request would be supportable. Staff, therefore, recommends approval of the request.

GENERAL INFORMATION

| | | |
|-----------------------------------|---|--|
| Existing Zoning | CBD-S (RC) (TOD) | |
| Existing Land Use | Mixed-Use development | |
| Comprehensive Plan | Core Mixed-Use | |
| Surrounding Context | Zoning | Land Use |
| North: | CBD-S (RC) (TOD) | Surface parking / I-65 |
| South: | CBD-2 (RC) (TOD) | Warehousing / office |
| East: | CBD-2 (RC) (TOD) | Surface parking |
| West: | CBD-S (RC) (TOD) | Surface parking |
| Thoroughfare Plan | | |
| 10 th Street | Primary arterial | 78-foot existing and proposed right-of-way |
| 11 th Street | Primary arterial | 78-foot existing and proposed right-of-way |
| Capitol Avenue | Primary arterial | 78-foot existing and proposed right-of-way |
| Senate Avenue | Primary arterial | 78-foot existing and proposed right-of-way |
| Context Area | Compact | |
| Floodway / Floodway Fringe | No | |
| Overlay | Yes, Regional Center and Transit-Oriented Development | |
| Wellfield Protection Area | No | |
| Site Plan | Filed, May 9, 2024 | |
| Site Plan (Amended) | N/A | |
| Elevations | N/A | |
| Elevations (Amended) | N/A | |
| Landscape Plan | N/A | |
| Findings of Fact | Filed, May 9, 2024 | |
| Findings of Fact (Amended) | N/A | |
| C-S/D-P Statement | Filed, May 9, 2024 | |

COMPREHENSIVE PLAN ANALYSIS

Comprehensive Plan

- The Comprehensive Plan recommends core mixed-use.

Pattern Book / Land Use Plan

The Core Mixed-Use typology is intended for the core of the City's Central Business District and along logical extensions from the core (such as the North Meridian Street corridor). It is characterized by dense, compact, and tall building patterns and a substantial degree of activity. Businesses, services, and institutions in this typology serve the entire region as well as residents and tourists. There is a wide range of public spaces, with some designed to accommodate events and festivals. Buildings are at least six stories in height and all off-street parking should be in garages. While buildings in this typology are larger than in other mixed-use typologies, they should still be designed with the pedestrian in mind, with entrances and large windows facing the street. Ideally, this typology has a tight street grid with frequent intersections and small blocks. In areas where small blocks are not practical due to existing development, public pedestrian paths should be provided as cut throughs. This typology has a residential density in excess of 50 units per acre.

- The following elements of the Pattern Book apply to this site:
 - *Large-Scale Multifamily Housing*
 - Should have either retail uses or externalized residential doors at-grade
 - Parking should be in structures or behind or interior to the development
 - *Large-Scale Offices, Retailing, and Personal or Professional Services*
 - The primary entrance should be served by an arterial street
 - Should not include outdoor display or merchandise
 - *Small-Scale Offices, Retailing, and Personal or Professional Services*
 - Automotive uses and uses with drive-through lanes are excluded
 - Should not include outdoor display or merchandise
 - *Offices*
 - Recommended without additional conditions.

The Pattern Book also provides guidance related to overlays and whether an overlay adds, modifies, or removes the recommended land uses within the base typology

This site is also located within two overlays, specifically the Regional Center overlay and 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."



Red Line / Blue Line / Purple Line TOD Strategic Plan

- The site is within the Red Line Transit Oriented-Development (TOD) overlay, however, due to the zoning (CBD-S), TOD restrictions do not apply to this 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

2023-CZN-837/ 2023-CVR-837 / 2023-CVC-823, 217 West 10th Street and 916, 918 and 922 North Capitol Avenue, requested a rezoning of 1.17 acres from the I-3 (RC) district to the CBD-2 (RC) district, a variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for two, mixed-use buildings, each with one 11' by 27' loading space, to allow for buildings with frontages along 10th Street to meet the Sky Exposure Plane Three requirements and a vacation of Roanoke Street, being 30 feet in width, from the south right-of-way line of 10th Street, south 253.10 feet, **approved**.

2023-REG-063; 217 West 10th Street and 916, 918 & 922 North Capitol Avenue, requests Regional Center Approval to provide for a mixed-use development, **approved**.

2023-DV1-002; 902, 916, 918 and 922 North Capitol Avenue, requested a Variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for the construction of a 243,000 square foot mixed-use building with one 24-foot by 28.5-foot loading space (two loading spaces with dimensions of 30-foot by 12-foot and 55-feet by 12-feet required), **granted**.

2022-REG-077; 902, 916, 918 and 922 North Capitol Avenue, requested Regional Center Approval to provide for the demolition of existing buildings and construction of a five-story, mixed-use development, with approximately 270 units, 13,840 square feet of office and retail space, a parking garage with approximately 398 spaces, and resident amenities, including an outdoor courtyard, **withdrawn**.

2022-VAC-008; 918 North Capitol Avenue; requested a vacation of the first east-west alley south of 10th Street, being 15 feet wide, beginning at the west right-of-way line of Capitol Avenue, west 194.79 feet, to the east right-of-way line of Roanoke Street, **approved**.

EXHIBITS





Permitted uses from 97-Z-48:

EXHIBIT B

A mixed use commercial/ industrial business center, including the following uses:

1. All uses permitted in the I-3-U Zoning District.
2. All uses permitted in the CBD-2 Zoning District.
3. Without limiting the foregoing, (a) all existing uses of the subject property as of the date of filing of the petition to rezone to the CBD-S zoning classification, including light manufacturing, offices, retail uses, studios, warehousing and distribution and delicatessens.
4. Eating places, any type or restaurant, including those providing alcoholic beverages.
5. Uses accessory and incidental to the foregoing, including, but not limited to accessory parking and loading.



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Requested modification:

Amended Exhibit “B”

MTP - Stutz Propco, LLC
1060 North Capitol Avenue

Petitioner, MTP - Stutz Propco, LLC is the owner of the Stutz property. The existing CBD-S zoning allows for a variety of uses, including, but not limited to, “All uses permitted in the I-3-U Zoning District”, as set forth on Exhibit “B” to the Rezoning Petition filed and approved as Case No. 97-Z-48. Petitioner desires to lease space to Calumet Specialty Products for use as a research laboratory.

The Petitioner’s request, therefore, is to amend Exhibit “B” to allow “Research and Development, Other” uses as an additional permitted use as defined in the City of Indianapolis Consolidated Zoning / Subdivision Ordinance effective as of May 8, 2023.



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CALUMET SPECIALTY PRODUCTS

RESEARCH LABORATORY PLAN OF OPERATION Stutz Building 1060 North Capitol Ave, Indianapolis, IN

THE BUSINESS

Calumet Specialty Products has signed a lease agreement to use space within the Stutz building located at 1060 North Capitol Ave for office activities as their corporate headquarters beginning the later part of 2024. Calumet proposes to lease an additional approximately 6,000 square feet on the first floor of the Stutz building to use as a research laboratory. This space is currently vacant. Calumet currently operates ten laboratories in the US, but none in the Indianapolis area. A floor plan layout for the proposed laboratory is included in Appendix A.

LABORATORY OPERATIONS

This lab will be used to perform small scale wet chemistry experiments to decide better formulations to improve existing products, develop brand new products, and perform routine testing on existing products. This is done by experimenting with different hydrocarbon fractions, raw materials, and formulated chemistry. This is accomplished by carrying out reactionary synthesis and/or blending chemistry and testing their combined properties in the lab using various lab instruments. The end Calumet products discovered in this lab will be used in many consumer applications such as cosmetics, candles, and lubricants so therefore will be made using very safe raw materials.

The purpose of the lab is to learn information which will be implemented at Calumet manufacturing sites in other parts of the country. For example, we will discover what formulations meet the customer requirements and differentiate our products from competitors. Then we will instruct our manufacturing sites (not in Indianapolis) on what is needed for the new and/or improved formulations for them to make in commercial scale. The Indianapolis lab proposed at the Stutz building will not be used to manufacture products for the intent of sale.

Calumet will not be conducting any experimentation or work with any explosives, radioactive materials, nor animals/biologicals/living organisms. We will conduct small scale reactions in test tube (5 mL) to gallon size glassware. A few years into the lease, Calumet may purchase a 100-gallon mixer to scale up environmentally friendly, consumer lubricants & oils such as marine & automotive engine oils and household consumer products. Any medium scale materials (55-gallon drum quantities) would be a blending/mixing process of our formulations and are safe for consumer use – non-hazardous. This medium scale is for learning about the blending process and providing more samples to send out to customers for their evaluation. This is not large enough for Calumet to make product for sale so this will continue to be done at dedicated manufacturing sites.

Materials used in the lab will be class 1, 2, and 3 flammable, combustible, and non-combustible solvents. In addition, corrosive liquids such as acids and bases of various concentrations will be used. Class 1 thru 3 type liquids will include plant-based liquids and solids (examples: vegetable oils, coconut, and soy wax) and petroleum-based liquids and solids (examples: mineral spirits, base oils, and micro-waxes) to

formulate products that are safe for eventual consumer contact and uses. Also used in small quantities to clean glassware and prepare samples for testing, some of the following chemical liquids will be used in the lab: class 1, 2, and 3 flammable, combustible, and non-combustible solvents (such as acetone, methanol, and hexane), in addition to aqueous solutions containing acids and bases of various concentrations. A storage area with proper ventilation is shown in Appendix A for reserve quantities of solid and liquid materials. Proper cabinets will hold corrosive acids & bases and flammable solvents. Ventilated hoods with external exhaust will be used for all general experimentation with materials that are volatile (evaporate into the air). Example pictures are shown in Appendix B.

Equipment located in the lab: Approximately 20 instruments (examples: weighing scales, viscosity testing equipment, chromatography for chemical identification) will be on top of research grade lab benches. These are all commercially available pieces of equipment approved for safety by OSHA standards. We will have gas cylinders to supply helium, nitrogen, and hydrogen to these instruments as shown in Appendix B. All gas cylinders will have safety attachments to secure them in place.

SAFETY: An adequate number of sinks, showers, and eyewash stations will be situated in the lab for quick access to rinsing off any accidental spills as shown in Appendix A. In addition, appropriate fire suppression will be installed including overhead sprinklers, and chemical suppression for the sample storage area and fire extinguishers throughout the lab. All necessary permits will be identified and acquired with the assistance of qualified engineering firms. Training in fire suppression will also be mandatory. Any accidental spills or release would be contained to within the laboratory room, mitigated with the proper safety precautions.

NOISE: The loudest pieces of equipment are the fume hoods which can be up to 70db. Fume hoods not in use, are operational but with the front door pulled down, the noise is minimal. The combined noise from 5 fume hoods (one possibly added in the future) is 77db given the logarithmic decibel scale.

ZONING

This section will be completed by Somera Road.

HOURS OF OPERATION

Typical hours of operation will be Monday through Friday approximately 8 am to 5 pm. There will not be any scheduled evening or weekend shifts.

NUMBER OF EMPLOYEES

At startup, there will be two (2) employees in the lab. This will gradually increase to seven (7) employees over multiple years. These will be fully trained scientists under the direction of a qualified laboratory supervisor. For example, Lydia Dobler has been proposed as leading the laboratory who has a Ph.D. in Analytical Chemistry and has directed an R&D chemistry laboratory in the past.

EXPECTED TRAFFIC

Besides employee traffic, we will receive small shipments of supplies via the loading dock including samples of approximately 1 quart to one gallon. Occasionally there may be larger sizes from 5 gal pails to 55-gal drum of material. Approximately one time per month, a disposal company will remove waste from the laboratory using a 55-gal drum.

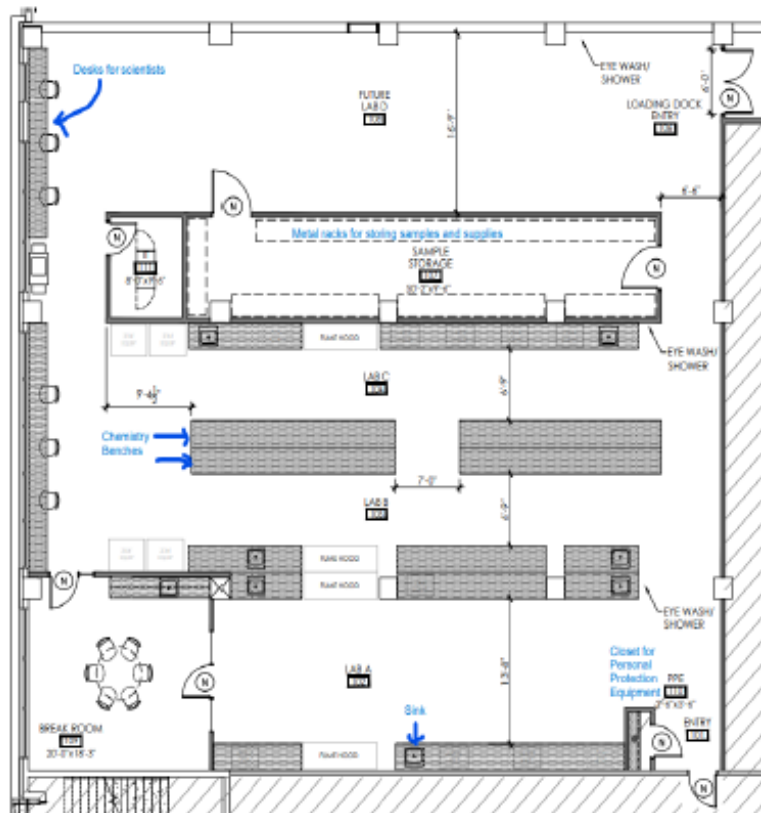
MISCELLANEOUS

Ventilation through the adjacent room via existing ductwork and up through the ceiling is planned.

OUTSIDE STORAGE

All materials will be stored inside the laboratory with no additional space needed outside of the building.

APPENDIX A: Calumet Floorplan



Example of current Calumet lab



Example of laboratory instrumentation in current Calumet lab



Examples of sample storage





West elevation of subject site – proposed laboratory would be in the first-floor space



Public entrance on the west façade, along Senate Avenue



Proposed laboratory space



Proposed laboratory space



METROPOLITAN DEVELOPMENT COMMISSION **June 13, 2024**
HEARING EXAMINER

Case Number: 2024-ZON-061
Property Address: 2013 Yandes Street (Approximate Address)
Location: Center Township, Council District #13
Petitioner: Jason Blankenship, by Mark and Kim Crouch
Current Zoning: I-3
Request: Rezoning of 0.13-acre from the I-3 district to the D-8 district to provide for residential uses.
Current Land Use: Undeveloped
Staff Recommendations: Approval
Staff Reviewer: Marleny Iraheta, Senior Planner

PETITION HISTORY

This is the first public hearing for this petition.

STAFF RECOMMENDATION

Staff **recommends approval** of the request.

PETITION OVERVIEW

LAND USE

The 0.13-acre subject site is an undeveloped industrial lot located in the Martindale- Brightwood Neighborhood and is part of the S A Fletcher Jr. North East subdivision. It is surrounded by a single-family dwelling north, zoned D-8, an undeveloped residential lot west, zoned D-8, a church and associated parking lot south, zoned I-3, and an undeveloped lot east, zoned I-3.

REZONING

This petition would rezone this site from the I-3 district to the D-8 district for a two-unit townhouse and detached garage.

The I-3 district is an intermediate district for industries that present moderate risks to the general public. Wherever practical, this district should be away from protected districts and buffered by intervening lighter industrial districts. Where this district abuts protected districts, setbacks are large, and enclosure of activities and storage is required.



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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.

STAFF ANALYSIS

Staff is supportive of the rezoning to the D-8 district because it would allow for residential development to occur in line with the context of the surrounding area and historical residential use of the site per an 1898 Sanborn Map. The dwelling district would also align with the traditional neighborhood recommendation of the Comprehensive Plan.

GENERAL INFORMATION

| | | |
|-----------------------------------|--------------------------|--|
| Existing Zoning | I-3 | |
| Existing Land Use | Undeveloped | |
| Comprehensive Plan | Traditional Neighborhood | |
| Surrounding Context | Zoning | Land Use |
| | North: | D-8 Residential (Single-family dwelling) |
| | South: | I-3 Church Parking Lot |
| | East: | I-3 Residential (Single-family dwelling) |
| | West: | D-8 Undeveloped |
| Thoroughfare Plan | | |
| Yandes Street | Local Street | 60-foot existing right-of-way and 48-foot proposed right-of-way. |
| Context Area | Compact | |
| Floodway / Floodway Fringe | No | |
| Overlay | No | |
| Wellfield Protection Area | No | |
| Site Plan | May 8, 2024. | |
| 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)

Pattern Book / Land Use Plan

- The Marion County Land Use Plan Pattern Book (2019) recommends traditional neighborhood development for the subject site.
- The Comprehensive Plan recommends traditional neighborhood development, which 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.
- **Conditions for All Housing**
 - A mix of housing types is encouraged.
 - Should be within a one-mile distance (using streets, sidewalks, and/or off-street paths) of a school, playground, library, public greenway, or similar publicly accessible recreational or cultural amenity that is available at no cost to the user.
 - Primary structures should be no more than one and a half times the height of other adjacent primary structures.
 - Should be oriented towards the street with a pedestrian connection from the front door(s) to the sidewalk. Driveways/parking areas do not qualify as a pedestrian connection.
 - Developments with densities higher than 15 dwelling units per acre should have design character compatible with adjacent properties. Density intensification should be incremental with higher density housing types located closer to frequent transit lines, greenways or parks.
- **Detached Housing**
 - The house should extend beyond the front of the garage. Garages should be loaded from an alley or side street when possible and should be detached if located on the side of the house.
 - Secondary units are encouraged.
 - Lots should be no larger than one and a half times the adjacent lots.
- **Attached Housing**
 - Duplexes should be located on corner lots, with entrances located on different sides of the lot.
 - It is preferred that townhomes should be organized around intersections of neighborhood collector streets, greenways, parks or public squares, or neighborhood-serving retail.



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- If the above conditions are not met, individual buildings of attached housing (not part of a complex) may be interspersed with single-family homes but should not make up more than 25% of the primary residential structures on a block.

Red Line / Blue Line / Purple Line TOD Strategic Plan

- Not Applicable to the Site.

Neighborhood / Area Specific Plan

- Not Applicable to the Site.

Infill Housing Guidelines

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



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

Indy Moves

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

- Not Applicable to the Site.



ZONING HISTORY

ZONING HISTORY – VICINITY

2024-CZN-803; 2051 Columbia Avenue (southeast of site), Rezoning of 0.26 acres from the I-3 district to the D-8 district to provide for two, two-unit row homes, **approved**.

2024-CVR-803; 2051 Columbia Avenue (northeast of site), Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for three-foot side setbacks (five feet required), **denied**.

2024-ZON-015; 2053 Yandes Street (north of site), Rezoning of 0.13 acres from the I-3 district to the D-8 district to provide for residential uses, **approved**.

2023-CZN-848 / 2023-CPL-848; 2069 Yandes Street (north of site), Rezoning of 0.42 acre from the I-3 district to the D-8 district and Approval of a Subdivision Plat to be known as Starks Minor Subdivision, dividing 0.42 acre into four lots, **approved**.

2022-CZN-835; 2069 Yandes Street (southeast of site), Rezoning of 0.42 acre from the I-3 district to the D-8 district, **withdrawn**.

2024-ZON-013; 2018 Yandes Street (northwest of site), Rezoning of 0.13 acres from the I-3 district to the D-8 district to provide for residential uses. **approved**.

2022-ZON-005; 2024 Columbia Avenue (northeast of site), Rezoning of 0.129 acre from the I-3 district to the D-8 district to allow for the construction of a single-family house, **approved**.

2021-CZN-819 / 2021-CVR-819; 2008 Yandes Street (southwest of site), Rezoning of 0.6 acre from the I-3 district to the D-8 district and variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for a single-family dwelling with an eight-foot front setback and to provide for 54% open space (18-foot front setback and 55% open space required), **approved**.

2021-CZN-816 / 2021-CVR-816; 2035, 2039, 2043 and 2047 Columbia Avenue (northeast of site), Rezoning of 0.47 acre from the I-3 district to the D-8 district and a variance of development standards to provide for a deficient front setback, **approved**.

2021-ZON-104; 2060 Yandes Street (northwest of site) Rezoning of 3.6 acres from the I-3 district to the D-P district to provide for 54 total units consisting of 50 single-family attached dwellings and four single-family detached dwellings for a density of 15 units per acre, **approved**.

2021-ZON-063; 2057 Yandes Street (north of site), Rezoning of 0.13 acre from the I-3 district to the D-8 district, **approved**.

2021-ZON-059; 2020 Columbia Avenue (northeast of site), Rezoning of 0.13 acre from the I-3 district to the D-8 district, **approved**.



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2021-ZON-028; 2018, 2024 and 2032 Yandes Street (northwest of site), Rezoning of 0.39 acre from the I-3 district to the D-8 district, **approved.**

2020-CZN-835 / 2020-CVR-835; 2005 and 2011 Columbia Avenue; 1314 East 20th Street (southeast of site), Rezoning of 0.29 acre from the I-3 district to the D-8 classification and Variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for the construction of three single-family dwellings, with one single-family dwelling within the clear sight triangle of the abutting streets, with three-foot side setbacks and 47% open space (four-foot side setback and 55% open space), **approved and granted.**

2020-CZN-829 / 2020-CVR-829: 2030 Yandes Street (northwest of site), Rezoning of 0.13 acre from the I-3 district to the D-8 district and a variance of development standards to provide for deficient space between dwellings and deficient open space, **approved.**

2020-ZON-076; 2019 and 2023 Yandes Street (north of site), Rezoning of 0.26 acre from the I-3 district to the D-8 district, **approved.**

2020-ZON-055; 2038 Yandes Street (northwest of site), Rezoning of 0.13 acre from the I-3 district to the D-8 district, **approved.**

2020-ZON-038; 2028 Columbia Avenue (northeast of site), Rezoning of 0.1 acre from the I-3 district to the D-8 classification, **approved.**

2019-HOV-020; 2015 Columbia Avenue (east of site), Variance of use to provide for a single-family dwelling in an industrial district, and variances of development standards to provide for deficient setbacks, **approved.**

2019-ZON-030; 2010 Yandes Street (southwest of site), Rezoning of 0.13 acre from the I-3 District to the D-8 classification, **approved.**

2019-ZON-029; 2007 Columbia Avenue (southeast of site), Rezoning of 0.1 acre from the I-3 district to the D-8 district, **approved.**

2019-ZON-028; 2032, 2038, and 2042 Columbia Avenue (northeast of site), Rezoning of 0.39 acre from the I-3 district to the D-8 classification, **approved.**

2018-UV1-030; 2018 Yandes Street (northwest of site), Variance of use and development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for primary and accessory residential uses, including a single-family dwelling and detached garage, with deficient front and rear transitional setbacks and north side setback (30-foot front and rear transitional setbacks and 10-foot side setback required), **granted.**

2017-ZON-030; 2001-2044 Alvord Street (west of site), Rezoning of 2.57 acres, from the I-3 district to the D-8 classification, **approved.**



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2001-LNU-024; 2016 Columbia Avenue (east of site), Certificate of Legal Non-Conforming Use of a single-family dwelling in the I-3-U district, **approved**.

97-UV3-34; 2002 Alvord Street (southwest of site), Variance of use of the Industrial Zoning Ordinance to provide for the repair of passenger automobiles and trucks, **denied**.

95-UV3-1; 2002 Alvord Street (southwest of site), Variance of use of the Industrial Zoning Ordinance to provide for an automobile and truck repair operation (not permitted), **granted for one year**.

93-UV3-31; 2016 Columbia Avenue (east of site), Variance of use to provide for an addition to a single-family dwelling in an industrial district, **approved**.

92-Z-133; 2001 Yades Street (south of site), Rezoning of 2.640 acres from I-3-U District to the SU-1 classification to provide for a church, **approved**.

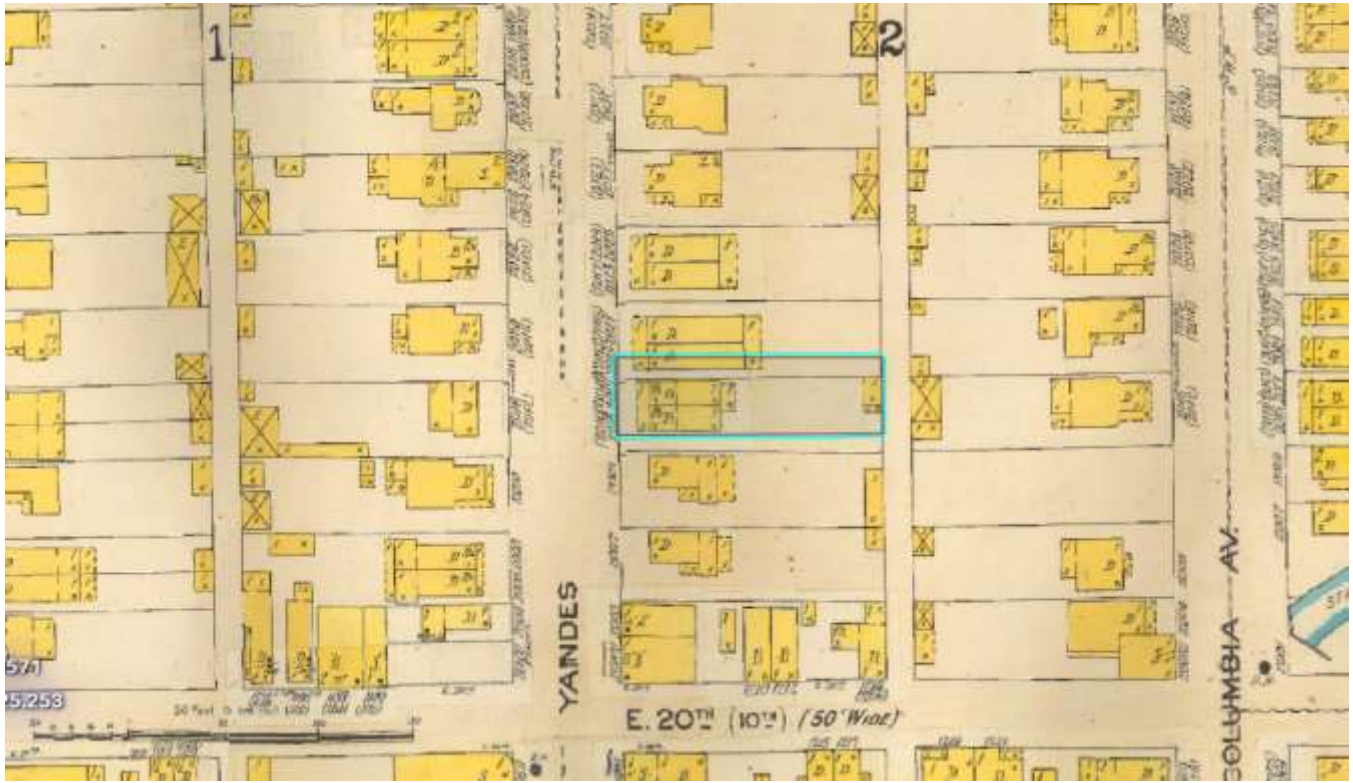
85-UV3-14; 2022 Columbia Avenue (northeast of site), Variance of use to provide for a single-family dwelling in an industrial district and a variance of development standards to provide for deficient setbacks, **approved**.

82-V3-13; 2002-2012 Alvord Street (southwest of site), Variance of development standards to permit the outside storage of a trash container at the northwest corner of the subject property, **granted**.

58-V-429; 2017-2019 Alvord Street (west of site) Variance of use to permit erection of a church, **approved**.

EXHIBITS





1898 Sanborn Map



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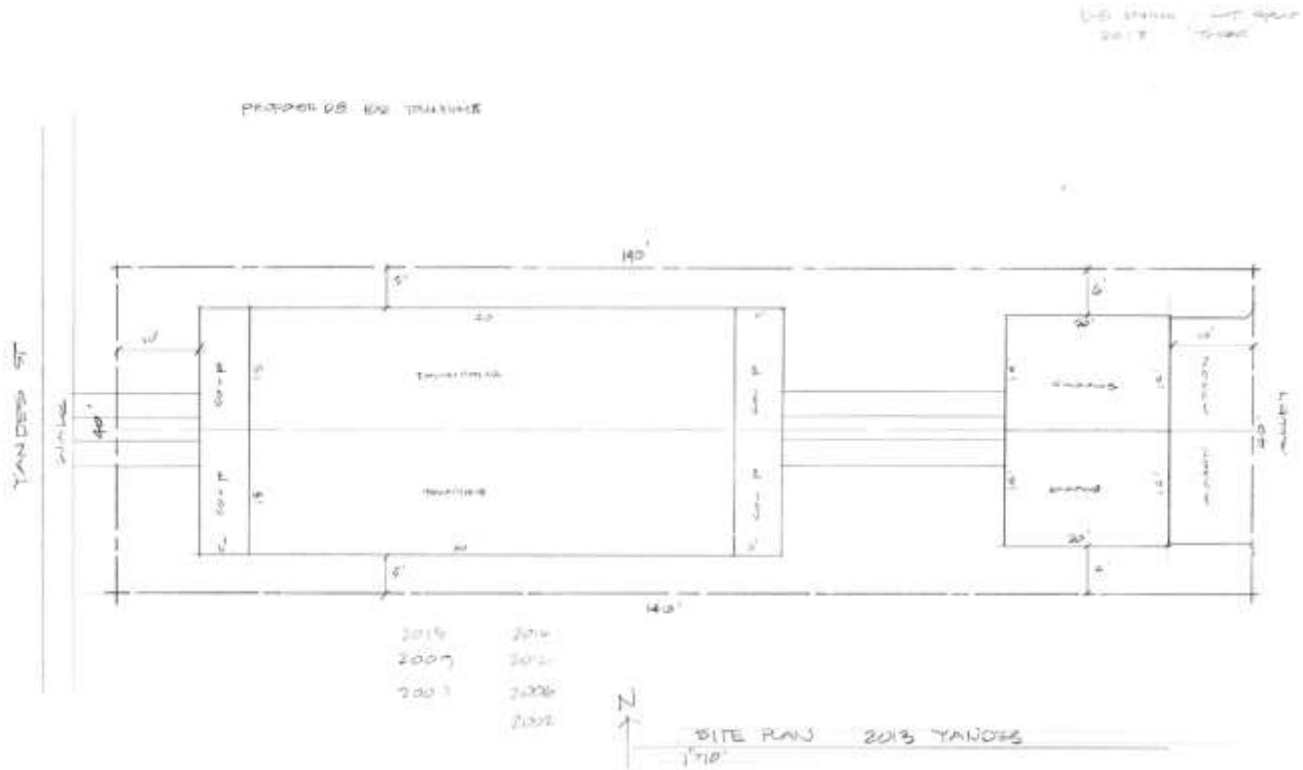




Photo of the subject site looking east.



Photo of the subject site looking west.



Condition of the sidewalk along the street frontage.



Photo of the alley east of the site.



Photo of single-family dwellings north of the site.



Photo of the church and associated parking lot south of the site.



Photo of the undeveloped lots west of the site with one being under construction.



METROPOLITAN DEVELOPMENT COMMISSION **June 13, 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

This is the first public hearing on this petition.

STAFF RECOMMENDATION

Approval of the rezoning.

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.
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



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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 | Zoning | Land Use | |
| | 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

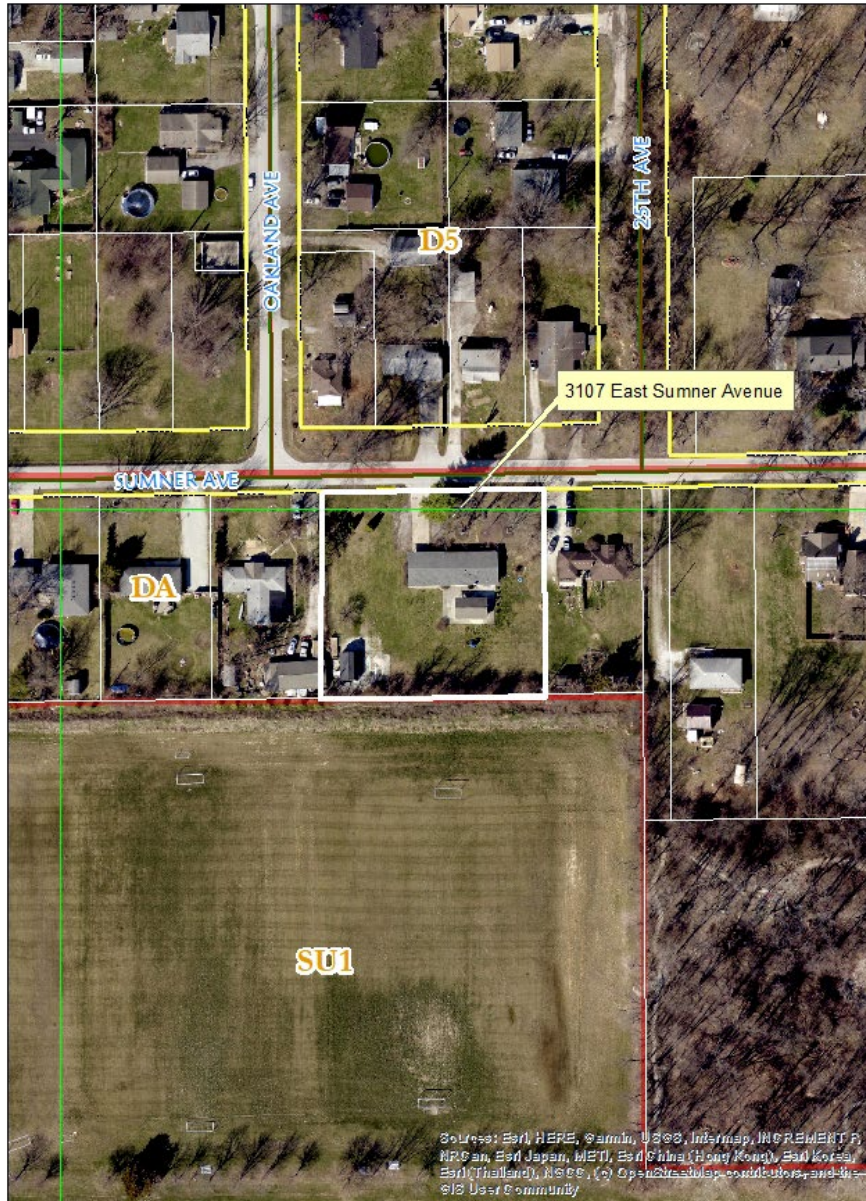


ZONING HISTORY

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

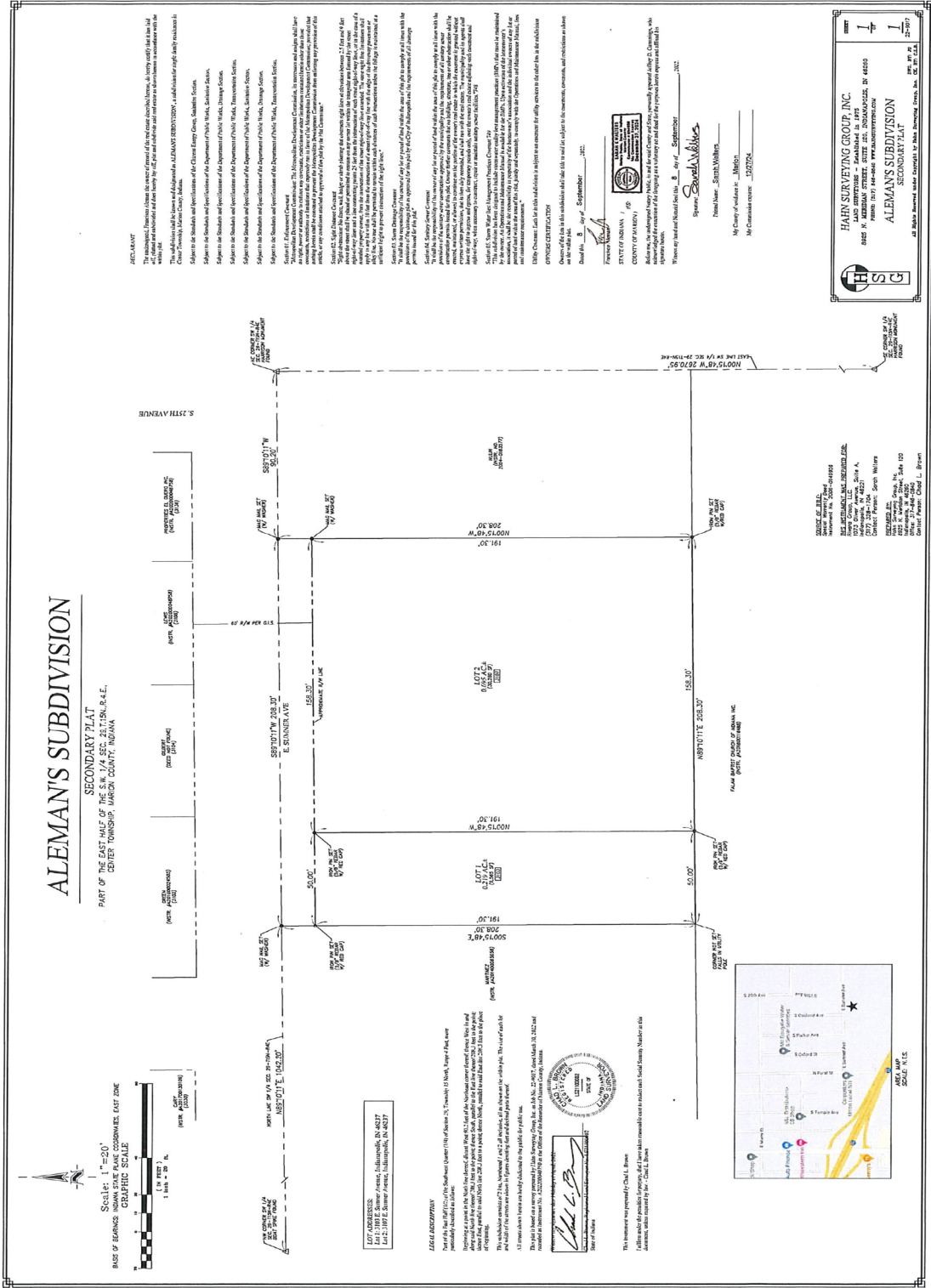


Source: Esri, HERE, Garmin, USGS, Intermap, INCREMENT P, NRCan, Esri Japan, METI, Esri China (Hong Kong), Swis Korea, Esri (Thailand), NOAA, (c) OpenStreetMap contributors, and the GIS User Community

3107 East Sumner Avenue



00.006.01 0.02 0.03 0.04 Miles





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



Department of Metropolitan Development
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**METROPOLITAN DEVELOPMENT COMMISSION
HEARING EXAMINER**

June 13, 2024

| | |
|-------------------------------|--|
| Case Number: | 2023-ZON-106 (Amended) / 2024-VAR-004 (Amended) |
| Property Address: | 2620 and 2710 Wicker Road |
| Location: | Perry Township, Council District #20 |
| Petitioner: | Reid Litwack, by Joseph D. Calderon |
| Current Zoning: | D-A (W-1) Rezoning of 6.30 acres from the D-A (W-1) district to the I-1 (W-1) district to provide for an industrial business park. |
| Request: | Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for outdoor storage without the required separation from a protected district (500 feet of separation required.) |
| Current Land Use: | Single-family dwelling / agricultural uses |
| Staff Recommendations: | Denial. |
| Staff Reviewer: | Kathleen Blackham, Senior Planner |

PETITION HISTORY

The Hearing Examiner continued this petition from the December 14, 2023 hearing, to the January 25, 2024 hearing, at the request of staff to provide time for further discussions with the petitioner and possibly provide new notice.

The Hearing Examiner continued the petition from the January 25, 2024, hearing, to the February 29, 2024 hearing, to provide time for the petitioner's representative to submit an amended petition and send new notice.

The Hearing Examiner continued these petitions from the February 29, 2024 hearing, to the April 25, 2024 hearing, at the request of the petitioner's representative to provide additional time to reconsider the request and send new notice.

The Hearing Examiner continued these petitions from the April 25, 2024 hearing, to the June 13, 2024 hearing, with notice, at the request of staff to provide additional time to amend the request and send new notice.

This request has been amended, with the last amendment requesting a "Special Exception of the Consolidated Zoning and Subdivision Ordinance to provide for a commercial parking lot in the C-4 district." This request will need to be **withdrawn**.



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 / receptacles provided for the proper disposal of trash and other waste.

PETITION OVERVIEW

Rezoning

This 6.39-acre site, zoned D-A (W-1), is comprised of three parcels. It is developed with a single-family dwelling and surrounded by undeveloped land to the north, zoned D-A (W-1); undeveloped land to the south, across Wicker Road, zoned D-A (W-1); Interstate 69 right-of-way to the east, zoned D-A (W-1); and a single-family dwelling to the west, zoned D-2 (W-1).

The request would rezone all the parcels to the I-1 (Light Industrial) District typology. "The Light Industrial typology provides for industrial, production, distribution, and repair uses conducted within enclosed structures and unlikely to create emissions of light, odor, noise, or vibrations. This typology is characterized by freestanding buildings or groups of buildings, often within industrial parks. Typical uses include warehousing, self-storage, assembly of parts, laboratories, wholesaling, and printing. Industrial or truck traffic should be separated from local/residential traffic."

The Comprehensive Plan recommends suburban neighborhood typology for this site.

Even though the construction of I-69 has impacted those adjacent land uses along the route, staff believes the Comprehensive Plan recommendation of suburban neighborhood typology is supportable. This site does not have direct access to I-69 and the surrounding area is generally residential.

As proposed this request would rezone the site to provide for light industrial uses consisting of two buildings (33,000 square feet and 20,000 square feet), outdoor storage and parking lots.

The proposed use would not be consistent with the Plan recommendation of suburban neighborhood. Furthermore, the Pattern Book recommends removal of industrial uses when it is adjacent to a living typology and the Ordinance states that activities occur within enclosed structures.

Additionally, staff is also concerned with the introduction of industrial uses into a wellfield.



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Wellfield Protection Secondary Zoning

A wellfield is an area where the surface water seeps into the ground to the aquifer and recharges the wells that are the source of our drinking water. This secondary zoning district places closer scrutiny on uses and activities that might contaminate the underground drinking water supply.

There are two wellfield district designations. An area identified as W-1 is a one-year time-of-travel protection area. The W-5 is a five-year time-of-travel protection area. All development within these districts is subject to Commission approval. The filing of a site and development plan is required and subject to approval, on behalf of the Commission, by a Technically Qualified Person (TQP), unless exempted by the Ordinance.

“Because of the risk that hazardous materials or objectionable substances pose to groundwater quality, it is recognized that the further regulation of the manufacturing of, handling, transfer, disposal, use or storage of hazardous materials or objectionable substances related to nonresidential use activities is essential in order to preserve public health and economic vitality with Marion County.”

All uses permitted in the applicable primary zoning district shall be those uses permitted in the W-1 and W-5 zoning districts, unless otherwise prohibited by the Ordinance, and provided no other secondary zoning district prohibits the use.

“No building, structure, premises or part thereof shall be altered, constructed, converted, erected, enlarged, extended, modified, or relocated except in conformity with this Section, and not until the proposed Site and Development Plan has been filed with and approved on behalf of the Commission by the Technically Qualified Person (TQP). Regulations found in Chapter 742, Article II, Section 4 shall apply to all land within the Wellfield Protection Zoning Districts. The entire site shall be subject to review by the TQP. These regulations shall be in addition to all other primary and secondary zoning district regulations applicable to such land, and in case of conflict, the more restrictive regulations shall apply.”

The subject site is located in W-1 South wellfield protection area and any use or development within a wellfield protection district would be subject to the Technically Qualified Person (TQP) review and approval, unless and until the property owner provides sufficient justification that the type of use, type of facility, and chemical quantity limits, independent of the land use would be exempt from the requirements for filing a development plan. Otherwise, a development plan would be required to be filed and approved on behalf of the Metropolitan Development Commission by the (TQP). Contaminants that would have an adverse effect would include chemicals that are used in the home, business, industry, and agriculture. Chemicals such as furniture strippers, lawn and garden chemicals, cleaning chemical and solvents, gasoline, oil, and road salt can all contaminate groundwater supplies if poured on the ground or improperly used or stored.

Staff would note the following uses are prohibited in the floodplain:

- a. Jails;
- b. Hospitals;
- c. Assisted living facilities;



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- d. Nursing homes;
- e. Laboratories;
- f. Elementary, Middle or High Schools;
- g. Daycare facilities;
- h. Fire stations;
- i. Emergency operation centers;
- j. Police facilities;
- k. Truck, train, or bus terminal, storage or maintenance facility;
- l. Wrecking or salvage facility;
- m. Gas, oil or propane storage facility;
- n. Industrial laundry;
- o. Hazardous waste handling or storage facility; and
- p. Other public equipment storage facilities.

Environmental Public Nuisances

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

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

Environmental public nuisance means:

1. Vegetation on private or governmental property that is abandoned, neglected, disregarded or not cut, mown, or otherwise removed and that has attained a height of twelve (12) inches or more;
2. Vegetation, trees or woody growth on private property that, due to its proximity to any governmental property, right-of-way or easement, interferes with the public safety or lawful use of the governmental property, right-of-way or easement or that has been allowed to become a health or safety hazard;
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 outdoor storage without the required 500-foot separation from protected districts.

The Ordinance prohibits outside operations in the I-1 district and does not permit outdoor storage within 500 feet of a protected district. The Ordinance also limits the amount of outdoor storage to 25% of the total gross floor area of enclosed buildings.

If approved and based on the site plan, file-dated May 16, 2024, the total square footage of the outdoor storage would be 13,250 square feet and located at the northern and central areas of the site.

The purpose of the separation is to minimize the adverse impact on and provide a buffer between more intense uses and residential neighborhoods and living typologies.

The amended site plan provides for a 50-foot side and rear transitional yard and a 100-foot front transitional yard in accordance with the Ordinance. However, the reduction of the required 500-foot separation between outdoor storage and protected districts would not be appropriate or acceptable. It would not provide the protection contemplated by the Ordinance.

GENERAL INFORMATION

| | | |
|-----------------------------------|--|--|
| Existing Zoning | D-A (W-1) | |
| Existing Land Use | Single-family dwelling / agricultural uses | |
| Comprehensive Plan | Suburban Neighborhood | |
| Surrounding Context | Zoning | Land Use |
| North: | D-A (W-1) | Agricultural uses |
| South: | D-A (W-1) | Vacant land |
| East: | D-A (W-1) | Interstate 69 right-of-way |
| West: | D-2(W-1) | Single-family dwelling |
| Thoroughfare Plan | | |
| Wicker Road | Primary Collector | existing 100-foot right-of-way and a proposed 90-foot right-of-way |
| Context Area | Metro | |
| Floodway / Floodway Fringe | No | |
| Overlay | No | |
| Wellfield Protection Area | Yes | |
| Site Plan | November 11, 2023 | |
| Site Plan (Amended) | May 16, 2024 | |
| Elevations | N/A | |
| Elevations (Amended) | N/A | |
| Landscape Plan | N/A | |



| | |
|-----------------------------------|------------------|
| Findings of Fact | February 1, 2024 |
| Findings of Fact (Amended) | May 16, 2024 |
| C-S/D-P Statement | N/A |

COMPREHENSIVE PLAN ANALYSIS

Comprehensive Plan

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

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:

Light Industrial Uses (described as industrial uses that create minimal emissions of light, odor, noise, or vibrations. Examples include warehousing and logistics facilities. These land uses do not use, store, produce, emit, or transport hazardous materials.)

- Industrial truck traffic should not utilize local, residential streets.
- Streets internal to industrial development must feed onto an arterial street.
- Removed as a recommended land use where they would be adjacent to a living or mixed-use typology.

Recommended land uses in the suburban neighborhood typology include, detached housing, attached housing, multi-family housing, assisted living facility / nursing homes, group homes, bed/breakfast, small-scale office / retailing / personal or professional services, small-scale schools, / places of worship / neighborhood-serving institutions or infrastructure / other places of assembly, large-scale schools, / places of worship / neighborhood-serving institutions or infrastructure / other places of assembly, small-scale parks, and community farms / gardens.



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

2007-UV2-002; 2605 Wicker Road (south of site), requested a variance of use and development standards of the Commercial Zoning Ordinance to provide for a day care center with outdoor play area encroaching into the transitional yards; parking spaces within the transitional yard; and trash container located in the front yard, **withdrawn**.

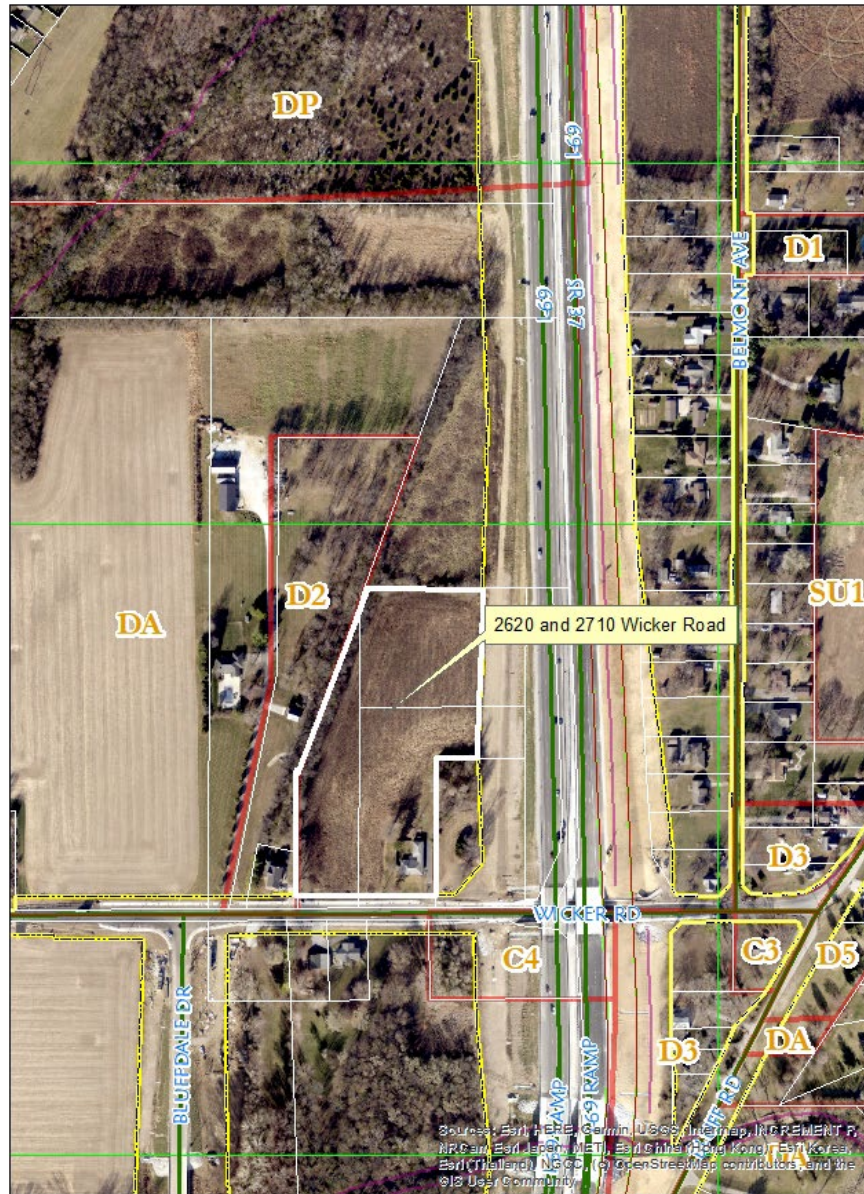
99-V1-74; 2602 Wicker Road (east of site), requested a variance of development standards of the Dwelling districts Zoning Ordinance to provide for the construction of a detached garage exceeding the permitted size of the main floor area of the primary residence and total accessory uses, **granted**.

98-UV3-45; 2550 Wicker Road (east of site), requested a variance of use of the Dwelling Districts Zoning Ordinance to provide for a telecommunications facility, with a 150-foot tall monopole, **denied**.

88-Z-102; 2780 Wicker Road (west of site), requested rezoning of 5.50 acres, being in the A-2 district to the D-2 classification, to provide for single-family residential development, **approved**.

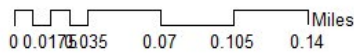
71-Z-7; 2605 Wicker Road (south of site), requested rezoning of 1.76 acres, being in the A-2 district to the C-4 classification to provide for a gasoline service station, **approved**.

EXHIBITS



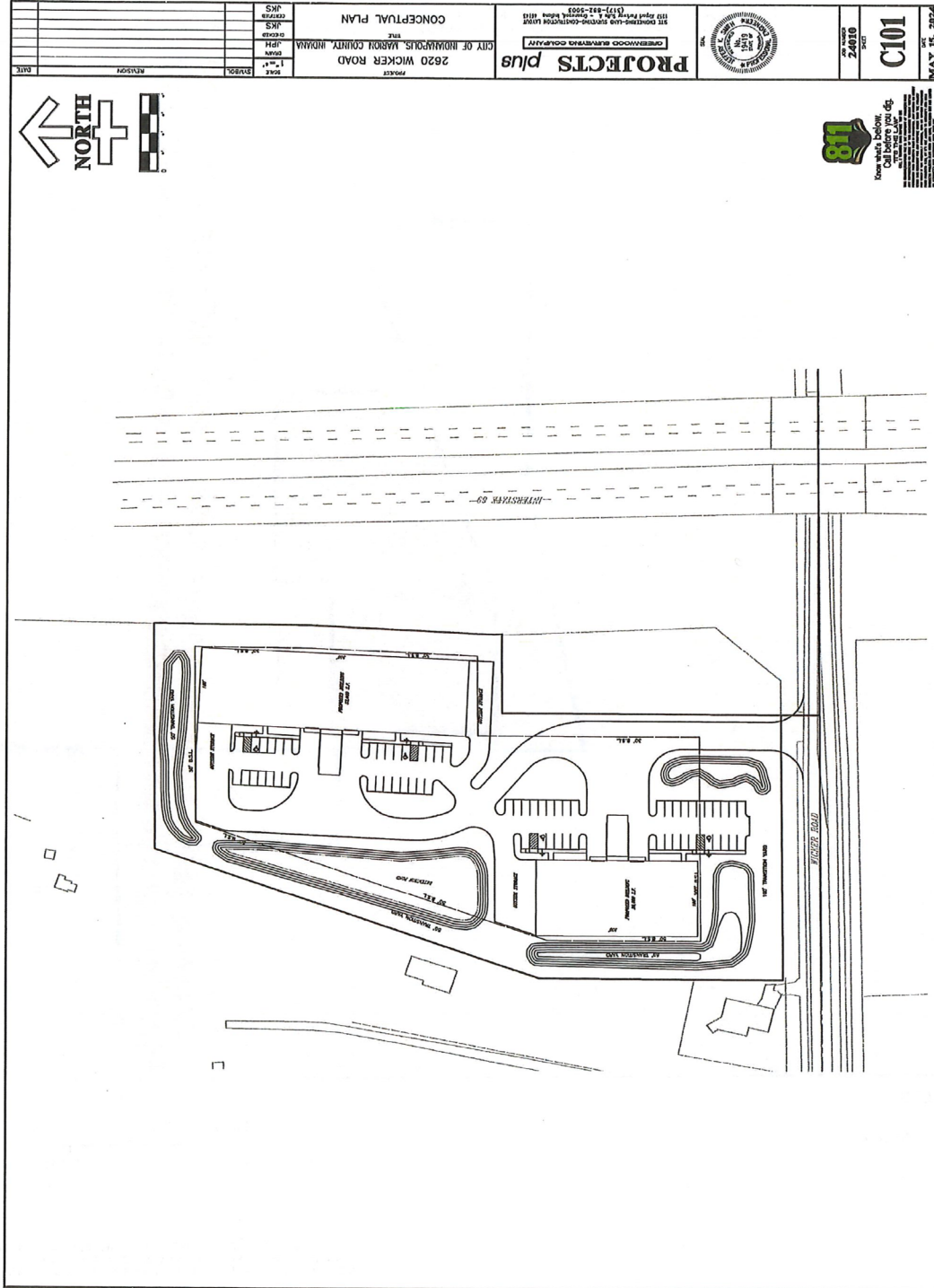
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2620 and 2710 Wicker Road





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|--|--|---|---|---|---|
| | | PROJECTS plus <small>1115 West Park Ave. • Greenwood, Indiana 46143 (317) 842-5503</small> | CONCEPTUAL PLAN <small>TITLE</small> CITY OF INDIANAPOLIS, MARION COUNTY, INDIANA | <small>DATE</small> <small>SCALE</small> <small>PROJECT</small> 2620 WICKER ROAD <small>NO. 1</small> <small>DATE</small> | <small>DATE</small> <small>SCALE</small> <small>PROJECT</small> 2620 WICKER ROAD <small>NO. 1</small> <small>DATE</small> |
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Department of Metropolitan Development
Division of Planning
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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 outside storage will be fully screened with a fence and landscaping, will be located out of the clear site triangle and will thus not be injurious to the public health, safety or general welfare.

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

there will be adequate transitional yard buffering for the west and north adjoiners, and the outside storage will be completely screened with a fence and landscaping. The outside storage will not interfere with access or visibility to or from any adjoining property.

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

the subject property does not have sufficient width due to I-69 right-of-way to meet the 500 foot outside storage separation requirement.

DECISION

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

Adopted this _____ day of _____, 20 ____



View looking west along Wicker Road



View looking east along Wicker Road



View of site looking east along Wicker Road



View of site looking northeast across Wicker Road



View of site looking north across Wicker Road



View of adjacent property to the west looking northwest across Wicker Road



METROPOLITAN DEVELOPMENT COMMISSION **June 13, 2024**
HEARING EXAMINER

Case Number: 2024-MOD-004
Property Address: 5514, 5532, and 5550 Victory Drive (approximate addresses)
Location: Franklin Township, Council District #24
Petitioner: Patch Development LLC, by Brian J Tuohy
Current Zoning: C-S

Request: Modification of Commitments related to 2000-ZON-090 to terminate Commitment #6, which related to fence installation on Lots 385 through 393 of the Far Hill Downs Subdivision, terminate Commitment #7, which required the developer to pay \$600.00 for landscape allowance to each of the lot owners of Lots 385 through 393 of the Far Hill Downs Subdivision, terminate Commitment #8, which required building materials, color scheme and general appearance of the building to be substantially similar to buildings west of the site, terminate Commitment #15, which required water main extension and sanitary sewer connection, and to modify Commitment 4 (D) to provide that no docks and drive in doors will be located on the front of the building facing south, to modify Commitment #5 to delete and replace with acceleration / deceleration tapers shall be provided at the entrance to the site on Victory Drive, and modify Commitment #9 to provide that the maximum building height above the final grade shall be limited to thirty-six (36) feet.

Current Land Use: Undeveloped
Staff Recommendations: Approval with commitments.
Staff Reviewer: Marleny Iraheta, Senior Planner

PETITION HISTORY

This petition was continued from the May 23, 2024 hearing to the June 13, 2024 hearing at the request of the petitioner.

STAFF RECOMMENDATION

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

1. A 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



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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.

2. A 25-foot half right-of-way shall be dedicated along the frontage of Victory 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 acceptance of all grants of right-of-way by the DPW. The right-of-way shall be granted within 60 days of approval and prior to the issuance of an Improvement Location Permit (ILP).
3. The petitioner shall work with DPW to determine a turnaround point on site along the street frontage so that trucks or vehicles can turn around in the event the entrance drive is missed. A final site plan shall be submitted for Administrative Approval showing the turnaround point approved by the Program Manager – Multi-Modal for the Department of Public Works – Engineering.

PETITION OVERVIEW

LAND USE

The subject site is comprised of three undeveloped heavily wooded commercial lots that include parcels 3002965, 3003809, and 3003335.

It is surrounded by single-family dwellings to the east, zoned D-A, single-family dwellings south, zoned D-3, heating contractor business and undeveloped land west, zoned C-S, and industrial property north across I-465, zoned I-2 and I-3.

MODIFICATION

The request would modify commitments related to 2000-ZON-090 as follows:

1. Terminate Commitment #6, which related to fence installation on Lots 385 through 393 of the Far Hill Downs Subdivision,
2. Terminate Commitment #7, which required the developer to pay \$600.00 for landscape allowance to each of the lot owners of Lots 385 through 393 of the Far Hill Downs Subdivision,
3. Terminate Commitment #8, which required building materials, color scheme and general appearance of the building to be substantially similar to buildings west of the site,
4. Terminate Commitment #15, which required water main extension and sanitary sewer connection,
5. Modify Commitment 4 (D) to provide that no docks and drive in doors will be located on the front of the building facing south to,
6. Modify Commitment #5 to delete and replace with acceleration / deceleration tapers shall be provided at the entrance to the site on Victory Drive, and
7. Modify Commitment #9 to provide that the maximum height of the building be limited to 36 feet and the site shall be improved with only one building.

DEPARTMENT OF PUBLIC WORKS

The Department of Public Works, Traffic Engineering Section, has requested the dedication and conveyance of a 25-foot half right-of-way along Victory Drive. This dedication would also be consistent with the Marion County Thoroughfare Plan.



OVERLAYS

The site consists of an environmentally sensitive overlay, specifically the Forest Woodlands Alliance.

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

TREE PRESERVATION / HERITAGE TREE CONSERVATION

There are significant amounts of natural vegetation and trees located throughout the entirety of the site. Due to their inherent ecological, aesthetic, and buffering qualities, the maximum number of these existing trees should be preserved on the site.

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

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

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

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

The Ordinance also provides for replacement of heritage trees if a heritage tree is removed or dies within three years of the Improvement Location issuance date. See Staff Exhibit 1 for Table 744-503-3: Replacement Trees.



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Staff Analysis

Staff will be recommending approval of the request subject to a commitment for tree preservation and mitigation of any heritage trees to be removed since the site is heavily wooded. Administrative Approval would be required for the tree preservation plan to ensure a significant portion of the dense wooded area remains so the existing ecosystem can continue to thrive.

The Department of Public Works will be requesting right-of-way dedication and a way for vehicles to turn around on site since the road ends further east and trucks and vehicles that miss the entrance drive to the subject site would not have a way to turn around. A final site plan shall be submitted for Administrative Approval showing the turnaround point approved by the Program Manager – Multi-Modal for the Department of Public Works – Engineering.

The commitments to be modified and/or terminated were not imposed by staff, therefore staff did not find there would be issues with the changes proposed since the proposed development would still need to be submitted for Administrative Approval to ensure that all other remaining commitments would be met in addition to meeting the development standards of the Ordinance.

GENERAL INFORMATION

| | | |
|-----------------------------------|----------------------|---|
| Existing Zoning | C-S | |
| Existing Land Use | Undeveloped | |
| Comprehensive Plan | Office Commercial | |
| Surrounding Context | <u>Zoning</u> | <u>Land Use</u> |
| North: | I-2 / I-3 | Industrial |
| South: | D-3 | Residential (Single-family dwellings) |
| East: | D-A | Residential (Single-family dwellings) |
| West: | C-S | Commercial / Undeveloped |
| Thoroughfare Plan | | |
| Victory Drive | Local Street | 46 to 47-foot existing right-of-way range with 50-foot proposed right-of-way. |
| I-465 | Freeway | 202-foot existing right-of-way with no proposed right-of-way. |
| Context Area | Metro | |
| Floodway / Floodway Fringe | No | |
| Overlay | Yes | |
| Wellfield Protection Area | No | |
| Site Plan | April 19, 2024. | |
| Site Plan (Amended) | May 9, 2024. | |
| 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).

Pattern Book / Land Use Plan

- The Comprehensive Plan recommends office commercial development for this site.
- The Office Commercial typology provides for single and multi-tenant office buildings. It is often a buffer between higher intensity land uses and lower intensity land uses. Office commercial development can range from a small freestanding office to a major employment center. This typology is intended to facilitate establishments such as medical and dental facilities, education services, insurance, real estate, financial institutions, design firms, legal services, and hair and body care salons.

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

2000-ZON-090; 5550 Victory Drive (subject site), Rezoning of 2.5 acres from D-A to C-3, **approved**.

99-Z-93; 5550 Victory Drive (subject site), Rezone 2.5 acres from the D-A to C-3, **denied**.

Zoning History – Vicinity

2022-ZON-035; 5457 Elmwood Avenue (northwest of site), Rezoning of 4.09 acres from the I-2 district to the I-3 district, **denied**.

2019-ZON-074; 4741 South Emerson Avenue (southwest of site), Rezoning of 39.3 acres from the C-S district to the I-2 district to provide for a distribution and delivery facility, **approved**.

2008-ZON-068; 5425 Victory Drive (southwest of site), Rezoning of 5.27 acres, from the C-S District to the C-S classification to provide for all C-1 uses and a veterinary clinic, **approved**.

2006-ZON-031; 5425 Victory Drive (southwest of site), Rezoning of 5.27 acres from C-S to C-S to provide for office uses and a veterinary clinic, **approved**.

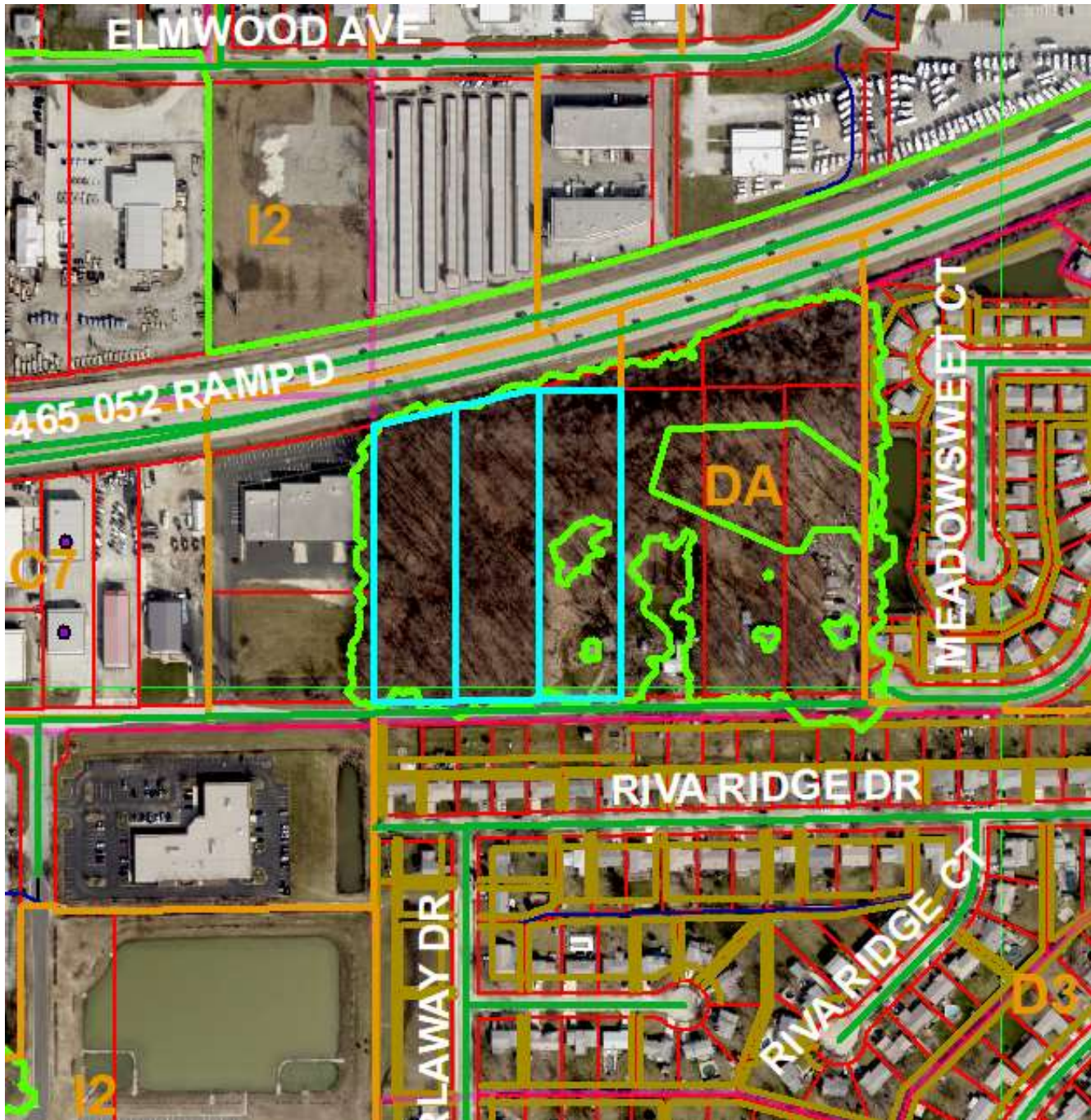
90-Z-178; 5450 Victory Drive (west of site), Rezoning of 4.33 acres, being in the D-4 District, to the C-S classification to provide for office uses, as well as uses permitted in the C-4, I-1-S, and I-2-S Districts, **approved**.

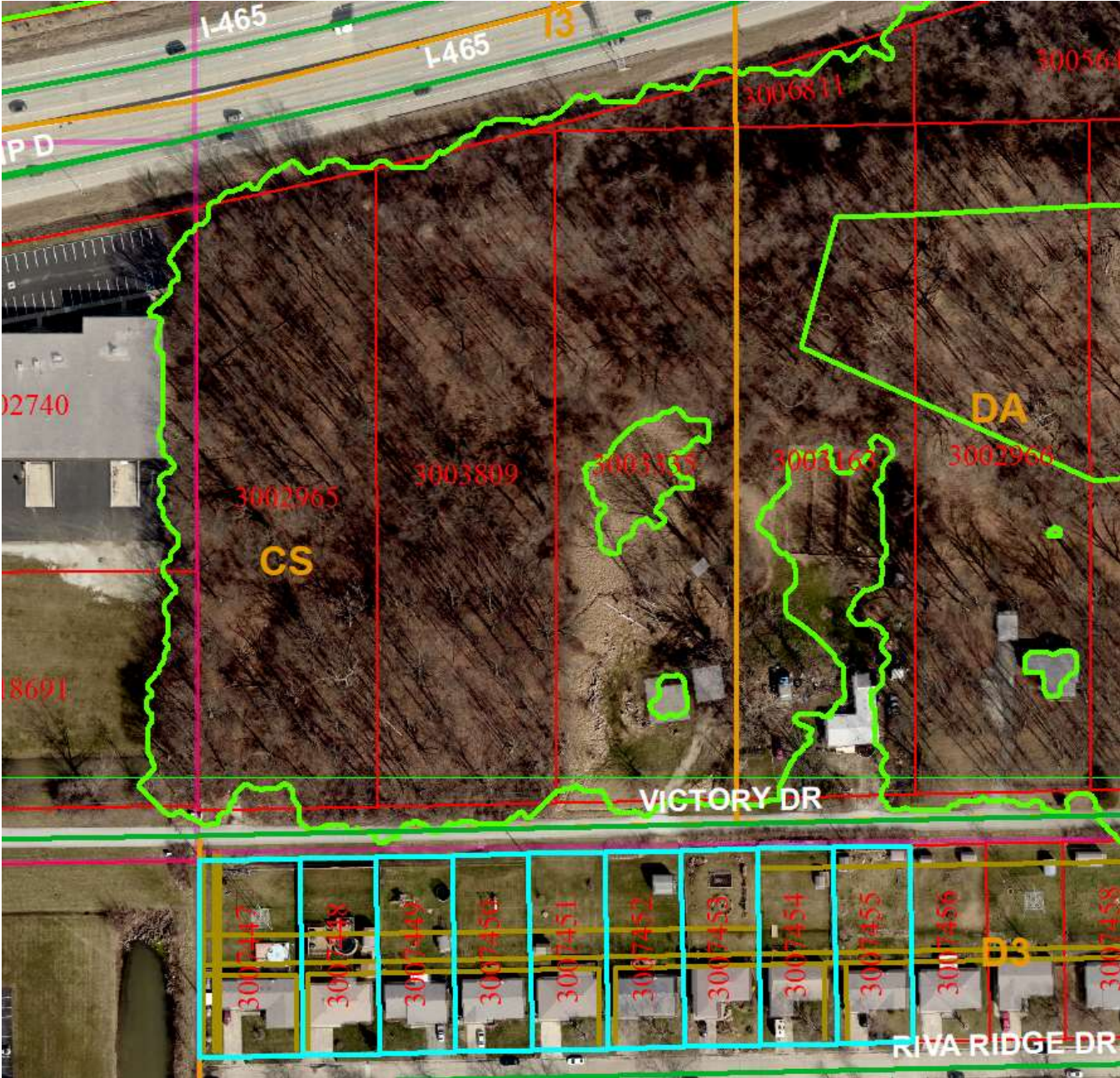
86-Z-177; 5422 – 5440 Victory Drive (west of site), Rezoning of 2.0 acres, being in the D-4 District, to the C-7 classification to provide for the retail sales and services of recreational vehicles, **approved**.

85-Z-17; 5457 Elmwood Avenue (northwest of site), Rezoning of 4.09 acres, being in the D-3 district, to the I-2-S classification, to provide for development for permitted uses, **approved**

80-Z-183; 5505 Elmwood Avenue (north of site), Rezoning of 3.6 acres, being in the A-2 district, to the I-2-S classification, to provide for the construction of self-service warehouse, **approved**.

EXHIBITS

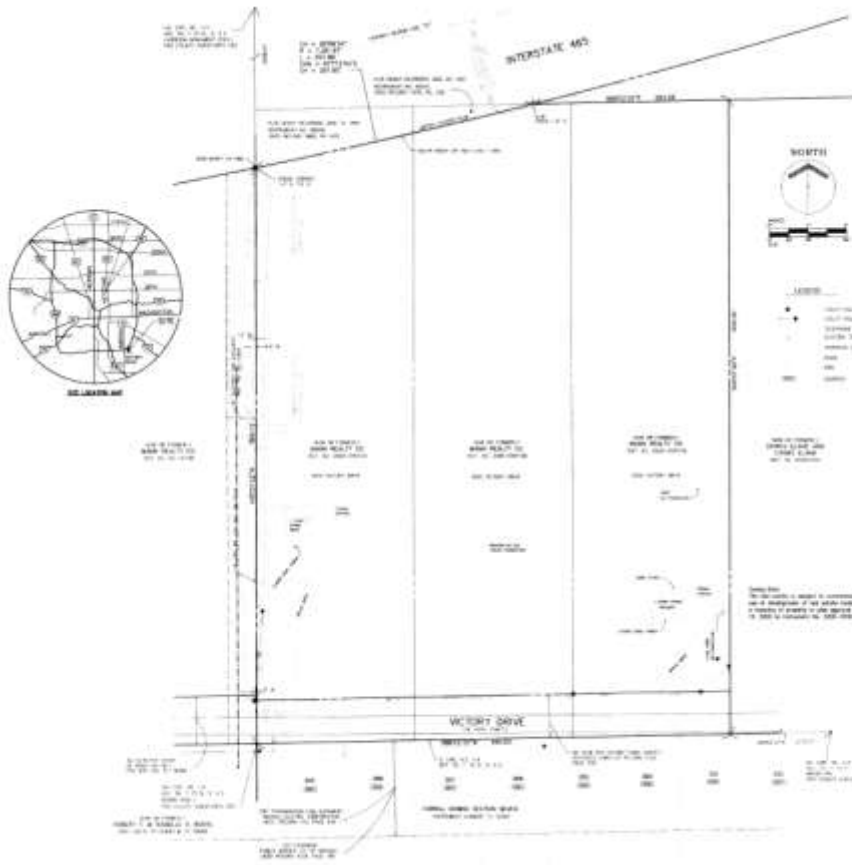




Lots 385 through 393 of the Far Hill Downs Subdivision,



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ALTA/ACSM LAND TITLE SURVEY
 VICTORY PARK BUSINESS CENTER PHASE TWO
 BEVA, INC. AND AFFILIATES
 INDIANAPOLIS, INDIANA

MPA

1 of 1

THESE RECORDS ARE THE PROPERTY OF THE SURVEYOR AND ARE NOT TO BE REPRODUCED OR TRANSMITTED IN ANY FORM OR BY ANY MEANS, ELECTRONIC OR MECHANICAL, INCLUDING PHOTOCOPYING, RECORDING, OR BY ANY INFORMATION STORAGE AND RETRIEVAL SYSTEM, WITHOUT THE WRITTEN PERMISSION OF THE SURVEYOR.





Amended Site Plan



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Amended
Proposal Description
5514, 5532 and 5550 Victory Drive (the “Site”)

The approximately 7.291 acre Site was part of approximately 7.7 acres rezoned to C-S in 2000, under Petition No. 2000-ZON-090 (the “2000 Rezoning”). Commitments were recorded in connection with the 2000 Rezoning as Instrument No. 2000-0181950 (the “2000 Commitments”).

Petitioner proposes to develop and improve the Site as approximately depicted on the conceptual site exhibit filed herewith. In connection with such development, Petitioner respectfully requests to terminate Commitment Numbers 6, 7, 8 and 15 of the 2000 Commitments. Additionally, Petitioner respectfully requests the 2000 Commitments be modified as follows:

- Commitment No. 4 (D) shall be modified to read as follows:

“(D) That no docks and drive in doors will be located on the front of the building facing south.”

- Commitment No. 5 shall be deleted in its entirety and replaced with the following language:

“5. Acceleration/deceleration tapers shall be provided at the entrance to the site on Victory Drive.”

- Commitment No. 9 shall be modified to read as follows:

“9. The maximum building height above the final grade shall be limited to thirty-six (36) feet.”

**AMENDED 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: *See attached Exhibit A.*

Statement of MODIFICATION OR TERMINATION of Covenants or Commitments:

1. Commitment Numbers 6, 7, 8 and 15 of the Commitments recorded as Instrument No. 2000-0181950 and made in connection with Petition No. 2000-ZON-090 (the "2000 Commitments") shall be terminated.
2. Commitment No. 4 (D) of the 2000 Commitments shall be modified to state as follows:

“(D) That no docks or drive in doors will be located on the front of the building facing south.”
3. Commitment No. 5 of the 2000 Commitments shall be deleted in its entirety and replaced with the following:

“5. Acceleration/deceleration tapers shall be provided at the entrance to the site on Victory Drive.”
4. Commitment No. 9 of the 2000 Commitments shall be modified to state as follows:

“9. The maximum building height above the final grade shall be limited to thirty-six (36) feet.”



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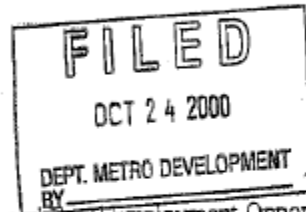
2000-ZON-090 COMMITMENTS

STATEMENT OF COMMITMENTS

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

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

Legal Description: (insert here or attach)
See Legal Description attached hereto as Attachment "B" and incorporated herein by this reference.



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. See Commitments attached hereto as Attachment "C" and incorporated herein by this reference.
3. n/a
4. n/a
5. n/a

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



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Attachment "C"
ZONING COMMITMENTS
2000-ZON-090
5546 Victory Drive (Approx. Address)

1. That the approved uses for the Real Estate (or limited portions thereof as hereinafter set forth) shall include those uses in the C-1 and C-3 Zoning Districts of the Commercial Zoning Ordinance, and the I-1-S, I-2-S, and I-3-S Zoning Districts of the Industrial Zoning Ordinance, with the exception of the following prohibited uses:
 - (A) C-1 uses:
 1. Blood Donor Station
 2. Convalescent or Nursing Home
 3. Intermediate Care Facility
 4. Nursing Care (Skilled) Facility
 - (B) C-3 uses:
 1. Automobile Oil Change or Lubrication Shop
 2. Check Cashing or Validation Service
 3. Drinking Place
 4. Eating Place
 5. Emergency Shelter
 6. Gasoline Service Station
 7. Outdoor Advertising Signs
 8. Tattoo Parlor
 9. Bait & Tackle Shop
 10. Department Store
 11. Liquor Store(Package)
 12. Pawn Shop
 13. Pet Obedience School
 14. Temporary Seasonal Retail Sales Use (as Primary use)
 - (C) I-1-S uses:
 1. Heliports, Landing Pads and Stations for Helicopters (Helistop)
 2. Outdoor Advertising Signs
 3. Railroad or Other Mass Transportation Rights of Way and Trackage.
 - (D) I-2-S uses:
 1. Antennae or Support Structures For: Private or Commercial Mobile Radio Communications, Broadcast Radio or Television; and Associated Equipment, Buildings, Broadcasting Studios, or Radio or Television Business Offices, if such structures are located within 250 feet of the North R/O/W line of Victory Drive
 2. Bottling of Alcoholic or Non-Alcoholic Beverages
 3. Food Products(except catering services)
 4. Manufacture, Assembly or Repair of the following:
 - (a) Biological Products(not to include high-tech medical products facilities)
 - (b) Bottled Gas (equipment/storage)

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- (E) I-3-S uses:
1. Any I-2-S uses which are prohibited hereinabove,
 2. Electrical Transmission and Distribution
 3. Granaries, Grain Processing, Milling
 4. Manufacture Assembly or Repair of the following:
 - (a) Boats
 - (b) Colors, Dyes, Lacquers, Paints, Varnishes, and other Coating
 - (c) Construction Equipment and Machinery (not to include small tools or parts which are not otherwise prohibited)
 - (d) Malt Products, Brewing and Distillation of Liquor and Spirits
 - (e) Natural Gas Transmission and Distribution
 - (f) Oleomargarine
 - (g) Paper
 - (h) Screw Machine Products, Bolts, Nuts, Rivets and Washers
 - (i) Starch
 - (j) Tobacco Products
 5. Motor Truck Terminals
 6. Power Plant (Electric, Steam, Thermal)
 7. Propane Gas Storage (as Primary Use)
 8. Recycling Facility
 9. Rolling or Extruding of Metal
 10. Stamping and Fabricating Metal Shops Using Press, Brakes and Rolls
 11. Storage of Heavy equipment(as Primary Use)
 12. Transmission Reconditioning
 13. Vehicle Storage (as Primary Use)
 14. Any I-4 use which would otherwise be allowed as an accessory use pursuant to Section 2.01(C)23.
- (2) All operations, servicing or processing (except off street loading), shall be conducted within completely enclosed buildings.
- (3) All storage of materials or equipment shall be within completely enclosed buildings.
- (4) The final Site Plan will be subject to the Administrator's Approval. The Petitioner shall not be specifically bound to the preliminary or conceptual Site Plan. However, the Administrator's review shall insure compliance with the following specifications.
- (A) That the total square footage of the buildings on the site shall not exceed 89,500 square feet.
 - (B) That the building(s) constructed along the Victory Drive frontage shall be constructed with the front of said buildings primarily facing Victory Drive; and shall also be constructed substantially parallel with Victory Drive.
 - (C) That the entrance into the project from Victory Drive shall be entirely contained within the West fifty (50) feet of the project frontage on Victory Drive.



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- (D) That any docks will be located only on the back of the buildings, or on the side facing the interior court of the project, as applicable.
- (E) That the minimum building setback line from the North edge of the existing 50 foot total Right-of-Way of Victory Drive shall be 110 feet.
- (F) There shall be no side yard requirement, transitional yard requirement, side building setback line, or similar requirement along the entire West border of the Real Estate, which would prevent the proposed development from directly connecting to the existing development to the West.
5. That as a part of the development of the site, Victory Drive will be widened at the developer's expense along the entire South line of the site, to match the currently existing pavement width of Victory Drive at the West line of the site. This widening will be done to DCAM standards. Additional Right of Way as necessary to match the existing Right of Way at the West edge of the Real Estate will be dedicated to DCAM upon request. The South edge of the widened Victory Drive shall not be further South than the South edge of the existing Victory Drive prior to widening, unless DCAM requires otherwise.
6. Prior to commencing any clearing and/or excavation on the site, and subject to each Lot owner granting access to their Lot as required, the developer will construct at its expense, a "dog eared" stockade style or similar continuous solid "board on board" wooden fence, located approximately 1 to 12 inches (unless the developer and the Lot Owner agree otherwise) South of the entire North property lines of each of Lots 385 through 393 of the Far Hill Downs Subdivision; and continuing South from the Northwest corner of Lot 385 along the West line of Lot 385, to a point even with the Northwest corner of the home located on Lot 385. The fence shall be six (6) feet in height; and shall be constructed of #2 grade treated lumber or better, with the posts having nominal dimensions of no less than 4" X 4", the stringers having nominal dimensions of no less than 2" X 4", and the vertical planks having a nominal thickness of no less than 1". The posts shall be anchored into the ground with concrete at a depth of no less than 2 ft.; and except as required for the one required 16' wide gate on Lot 385, shall be installed approximately 8 feet apart along the entire distance of the fence. The exposed stringers and posts shall be on the side of the fence facing Victory Drive. The fence shall contain an approximately sixteen (16) ft. wide gate/access point along the rear of Lot 385 as required by PSI in order to provide PSI adequate access to their existing electrical improvements South of the proposed fence. In addition, an approximately 8 ft. wide matching wood gate shall be constructed in the fence, upon each of the remaining eight (8) lots, unless on or before construction commences, the developer is notified in writing by any Lot Owner(s) (other than Lot 385) that they do not want such a gate. The portion of the fence which is located on each lot shall, subject to the terms of the PSI easement, become the property of each respective Lot Owner upon completion of the entire fence. The developer shall warrant the material and workmanship of the fence for one year from the date of completion of the fence. In addition, the developer shall warrant the fence from damage resulting from construction activity and/or construction traffic reasonably related to the development of the Real Estate, for one year from the date of completion of the fence. With the exception of these warranties, all responsibility for maintaining, repairing, removing, or replacing said fence shall be the Lot Owner(s), from the date of completion of the fence.



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7. No later than thirty (30) days after the fence described in Commitment No. 6 above is completed, the developer shall pay a landscape allowance in the amount of Six Hundred and No/100 Dollars (\$600.00) to the Lot Owner(s) of each of the nine lots identified in Commitment No. 6 above.
8. The building materials, color scheme, and general appearance of the buildings constructed in the project will be substantially similar to the building(s) constructed on the petitioner's C-S Zoned Parcel immediately to the West of the site.
9. The maximum building height above the final grade, shall be limited to thirty (30) feet. However, the first row of buildings North of Victory Drive shall have a maximum building height above the final grade, of twenty-four (24) feet.
10. On site surface water shall be collected and routed to the West along Victory Drive, and shall not be outletted into the storm drainage system of Far Hill Downs Subdivision, or the rear yards of the homes on the South side of Victory Drive.
11. A copy of the final Site Plan, Final Drainage Plan, and Landscaping Plan shall be provided as a courtesy to the Land Use Committee of the Franklin Township Civic League, prior to or at the same time each is submitted for the approval of the Administrator and/or is submitted for permits, whichever is earlier; and the developer shall notify said Committee of the actual date work is to commence on the development of the site, once such date is determined.
12. Garbage trucks shall only empty the dumpster(s) between the hours of 6:00 A.M. and 10:00 P.M.
13. All exterior lighting shall be designed and installed to direct light downward; with no more than 1 foot candle of light generated by such lighting measurable at the property line.
14. Those businesses located in the first row of buildings North of Victory Drive shall not be open to serve the public between the hours of 11:00 P.M. and 7:00 A.M.
15. The IWC water main will be extended by the developer along the entire South line of the Real Estate; and all buildings on the Real Estate will be serviced by Sanitary Sewers as approved by DCAM. The developer will cooperate reasonably with the owner of the residence immediately East of the Real Estate, if, prior to the completion of the construction plans for the development, such owner requests a temporary easement for so long as said residence exists, for purposes of attaching a lateral to each such utility to service said residence. However, all expenses related to installing and/or removing such lateral, the related hook-up itself, and all related fees, etc, shall be the responsibility of said neighboring property owner to the East.
16. Although unlikely given the currently anticipated development plan, if the actual development of the site results in areas other than the East transitional yard area remaining substantially undisturbed, the developer will make a reasonable effort to incorporate the existing trees within such areas into the project's landscaping. The 20 foot wide transitional yard along the East line of the site will be preserved in compliance with and without seeking a variance of, the tree preservation provisions of Sections 2.13(G)(1)(k) and (l) of the Commercial Zoning Ordinance. In addition, the developer acknowledges the significance of a certain large Oak



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tree within such transitional yard, near or possibly even on the East property line; and agrees to exhaust all reasonable alternatives to avoid the removal of this tree for reasons other than disease or natural causes.

17. The development of the site shall not result in the final grade of the site, as measured at the front building setback line (i.e. 110 feet North of the existing north R/O/W line of Victory Drive) being raised more than 4 ft. above the pre-construction grade.
18. No lighted business signs attached to the exterior fronts of the first row of building(s) located North of Victory Drive shall extend more than 14 ft. above the floor of the building.
19. No lighted business signs attached to the exterior fronts of the first row of building(s) located North of Victory Drive shall be illuminated with neon.
20. The utilization of exterior lighted "band" style continuous signage (such as installed around the top of many new gasoline service stations) is not permitted.



Photo of the western property boundary of 5514 Victory Drive.



5514 Victory Drive.



5532 Victory Drive.



5550 Victory Drive



Single-family dwelling east of the site at 5516 Victory Drive.



Photo of single-family dwellings to the south.



Photo of Victory Drive looking west.



Photo of existing trees and shrubs along the south of Victory Drive.



Photo of the subject site looking northwest along Victory Drive.



Photo of single-family dwellings south of the subject site.



Photo of single-family dwellings south of the subject site.



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



Photo of the commercial business west of the site.



Photo of Victory Drive looking east toward the site to the left.



METROPOLITAN DEVELOPMENT COMMISSION **June 13, 2024**
HEARING EXAMINER

Case Number: 2024-CZN-819 / 2024-CVR-819 (Amended)

Property Address: 8215 West Washington Street

Location: Wayne Township, Council District #17

Petitioner: Site 3 West, LLC, by Joseph D. Calderon

Current Zoning: SU-46

Rezoning of 2.0 Acres from the SU-46 district to the I-1 district for light industrial uses.

Request: Variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for 25,730 square feet of outdoor storage (maximum of 8,805 square feet or 25% of gross floor area of all enclosed buildings), approximately 140 feet from a protected district to the west and 400 feet from a protected district to the east (minimum separation of 500 feet required from a protected district) and a 10-foot side yard setback (30-foot side yard setback required).

Current Land Use: Vacant land

Staff Recommendations: Denial

Staff Reviewer: Kathleen Blackham, Senior Planner

PETITION HISTORY

The Hearing Examiner continued these petitions from the May 23, 2024 hearing, to the June 13, 2024 hearing, with notice, at the request of staff, to provide time for an amendment to the request for a variance of development standards.

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 / receptacles provided for the proper disposal of trash and other waste.
3. Thirty-foot wide recorded transportation easement shall be provided prior to the issuance of an Improvement Location Permit (ILP).



PETITION OVERVIEW

This 0.68-acre site, zoned SU-46 (Airport), is vacant and surrounded by undeveloped land to the north, across West Washington Street, zoned C-S; undeveloped land to the south, across North Perimeter Road (private street), zoned SU-46; assisted living facility to the east, zoned MU-1; and heavy commercial uses to the west, zoned C-7.

Petition 95-Z-169 rezoned the site to the C-7 district to provide for a commercial building and mini-warehousing

Petition 2021-ZON-068 requested rezoning of this site from the SU-46 district to the I-1 district but was withdrawn.

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

The Comprehensive Plan recommends office/industrial mixed-use typology.

As proposed, this request would not be consistent with the Plan recommendation. Based on the information that has been submitted, including the variances, the outdoor storage and operations would cause this use to be considered an I-3 or I-4 use, not a light industrial use. Furthermore, the lack of appropriate buffer would negatively impact the adjacent use (assisted living facility) to the east.

Staff also questions whether the amended site plan, file-dated May 13, 2024, would be able to meet the required Green Factor. Landscape is limited to a row of evergreen shrubs along the southern boundary.

Staff would also note that the site plan identifies a large portion of fencing as chain link when the Ordinance requires a maximum 10-foot-tall solid screening of outside storage and operations. This screening should include slats and evergreen landscaping.



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Vandalia Trail

The Vandalia Trail is part of the National Road Heritage Trail that follows former rail corridors. This trail is planned as a multi-use trail that would connect 30 communities between Terre Haute and Richmond. The proposed alignment would run along the southern boundary of this site. Consequently, staff is requesting that a 30-foot wide recorded transportation easement be provided for future development of this amenity prior to the issuance of an Improvement Location Permit.

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.



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Variance of Development Standards

The variances request include three variances of development standards, all of which would not be supportable because of the impact of surrounding land uses, particularly the assisted living facility to the east.

The first variance would provide for 25,730 square feet of outdoor storage when the Ordinance limits outdoor storage to 25% of the gross floor area of all enclosed buildings. In this case the maximum amount of outdoor storage would be 8,805 square feet.

The purpose of development standards is to minimize the adverse impact on adjacent land uses. This request would allow around three times the amount permitted by the Ordinance.

For industrial uses, the Ordinance requires a minimum separation of 500 feet from a protected district. The second variance request would allow approximately 140 feet from a protected district to the west and 400 feet from a protected district to the east. Even though the protected district to the west has an existing heavy commercial use and the protected district to the east is an approximately 40-foot by 332-foot area abutting North Perimeter Road, staff believes the assisted living facility would be heavily impacted by the proposed use and the lack of appropriate separation and buffer.

The third variance request would allow an approximately 60% reduction in the required side setback. The Ordinance requires a 30-foot side setback, and this request is for a 10-foot setback. Staff believes a reduction of this magnitude would be inappropriate and unacceptable.

Rezoning to the I-1 district might be supportable if all development standards would be met but the I-1 district combined with these three variance requests would push this use into a heavy industrial use, over develop this site and would be wholly inappropriate on this site. Almost the entire the site would be covered with pavement and buildings.

Additionally, no effort has been made to provide relief from this intense industrial use from the surrounding land uses, particularly the assisted living facility abutting this property to the east.

GENERAL INFORMATION

| | | |
|-----------------------------------|--------------------------------|--|
| Existing Zoning | SU-46 | |
| Existing Land Use | Vacant | |
| Comprehensive Plan | Office / Industrial Mixed Used | |
| Surrounding Context | <u>Zoning</u> | <u>Land Use</u> |
| | North: | C-S Undeveloped land |
| | South: | SU-46 Undeveloped land |
| | East: | MU-1 Assisted living facility |
| | West: | C-7 Commercial uses |
| Thoroughfare Plan | | |
| West Washington Street | Primary Arterial | Existing 115-foot right-of-way and proposed 120-foot right-of-way. |
| Context Area | Metro | |
| Floodway / Floodway Fringe | No | |
| Overlay | No | |
| Wellfield Protection Area | No | |
| Site Plan | May 13, 2024 | |
| Site Plan (Amended) | N/A | |
| Elevations | N/A | |
| Elevations (Amended) | N/A | |
| Landscape Plan | N/A | |
| Findings of Fact | May 13, 2024 | |
| Findings of Fact (Amended) | N/A | |
| C-S/D-P Statement | N/A | |

COMPREHENSIVE PLAN ANALYSIS

Comprehensive Plan

- The Comprehensive Plan recommends Office / Industrial Mixed-Use typology (Business Park). The Office/Industrial Mixed-Use (Business Park) typology is intended to provide for light industrial, distribution, and office uses conducted within enclosed structures and unlikely to create emissions of light, odor, noise, or vibrations. The typology is characterized by groups of buildings within office/warehouse parks. Examples of typical uses include warehousing, wholesaling, research, and development facilities, testing and evaluation facilities, offices, education resource centers, assembly of high technology products, and conference centers. Industrial or truck traffic should be separated from local/ residential traffic in this typology



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*
 - Master-planned developments in excess of 2 acres should include pedestrian amenities for passive and active recreation internal to the development.
 - *Light Industrial Uses (defined as industrial uses that create minimal emissions of light, odor, noise, or vibrations. Examples include warehousing and logistics facilities. These land uses do not use, store, produce, emit, or transport hazardous materials.)*
 - Industrial truck traffic should not utilize local, residential streets.
 - Streets internal to industrial development must feed onto an arterial street.
 - Removed as a recommended land use where they would be adjacent to a living or mixed-use typology.

Recommended land uses in the office / industrial mixed-use typology include light industrial uses, research / production of high-technology or biotechnology related goods, offices, small-scale retailing and personal / professional services, and hotels / motels / hostels.

Red Line / Blue Line / Purple Line TOD Strategic Plan

- Not Applicable to the Site.

Neighborhood / Area Specific Plan

- Not Applicable to the Site.

Infill Housing Guidelines

- Not Applicable to the Site.



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Indy Moves

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

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



ZONING HISTORY

2021-ZON-068; 8215 West Washington Street, requested rezoning of 2.625 acres from the SU-46 district to the I-1 district, **withdrawn**.

95-Z-169; 8215 West Washing Street, requested rezoning of 3.8 acres, being in the D-3 district to the C-7 classification to provide for the placement of a commercial building and mini-warehousing, **approved**.
Vicinity

93-Z-1; 8302 West Washington Street (north of site), requested rezoning of .5 acres, being in the C-S district, to the C-S classification to provide for C-1 uses, **approved**.

89-Z-214; 8302 West Washington Street (north of site), requested rezoning of 47.5 acres, being in the A-2, C-3 and C-2 districts, to the C-S classification to provide for commercial and industrial development **approved**.

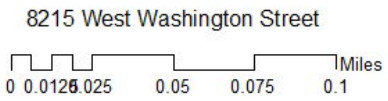
80-Z-87; 8305 West Washington Street (west of site), requested rezoning of 2.4 acres, being in the D-3 district, to the C-7 classification to provide for the construction and operation of a lumber yard with storage and sale of construction material and supplies, **withdrawn**.

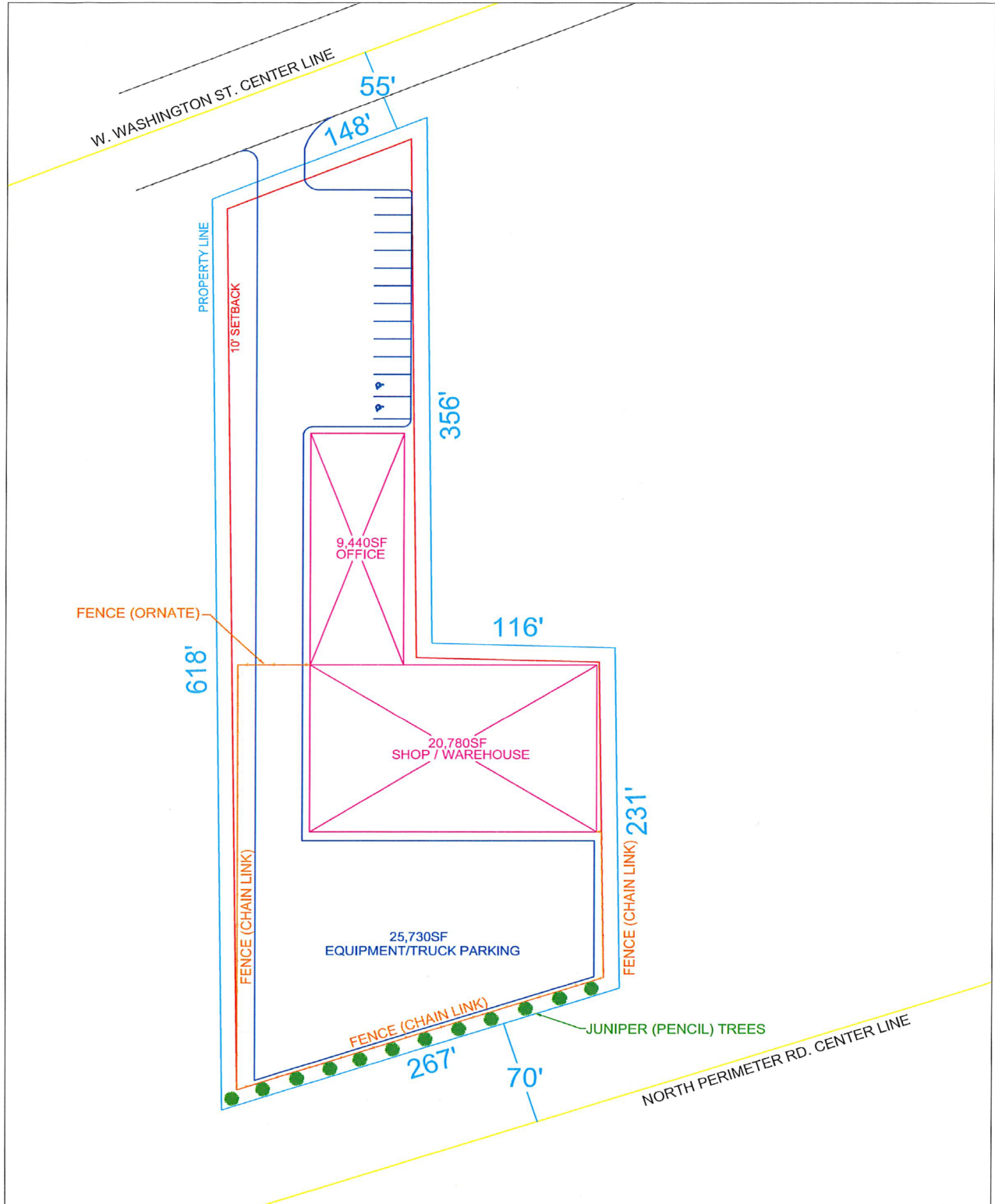
70-Z-197; 8300 block of West Washington Street (west of site), requested rezoning of 3.18 acres, being in the D-3 district, to the C-7 classification to provide for the display, sales, and service of travel trailers, **approved**.

EXHIBITS



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







Department of Metropolitan Development
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Current Planning

Petition Number _____

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

PETITION FOR VARIANCE OF DEVELOPMENT STANDARDS

FINDINGS OF FACT

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

the outside storage will be effectively screened and oriented to the rear of the property, and not be steadily visible from West Washington Street. The outside storage will not be located in any clear sight triangle.

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 outside storage will be located to the rear of the property and will not interfere with access to or visibility of any adjoining property.

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

the shape of the property limits the side of the building, and the amount of outside storage limited to 25% of the gross floor area of the building is impractical for a general contractor, which is a permitted use in I-1, and is the proposed use.

DECISION

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

Adopted this _____ day of _____, 20 ____



View looking east along West Washington Street



View looking west along West Washington Street



View of site looking north across PNorth Perimeter Road



View of site looking northwest across North Perimeter Road



View of site looking southeast across West Washington Street



View of site looking southeast across West Washington Street



View of site looking southwest from adjacent property to the east (assisted living facility)

Enter any photographs or site plans



METROPOLITAN DEVELOPMENT COMMISSION **June 13, 2024**
HEARING EXAMINER

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-5
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

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.

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.



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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 | Zoning | Land Use |
| | 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

- 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**



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- 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
- 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

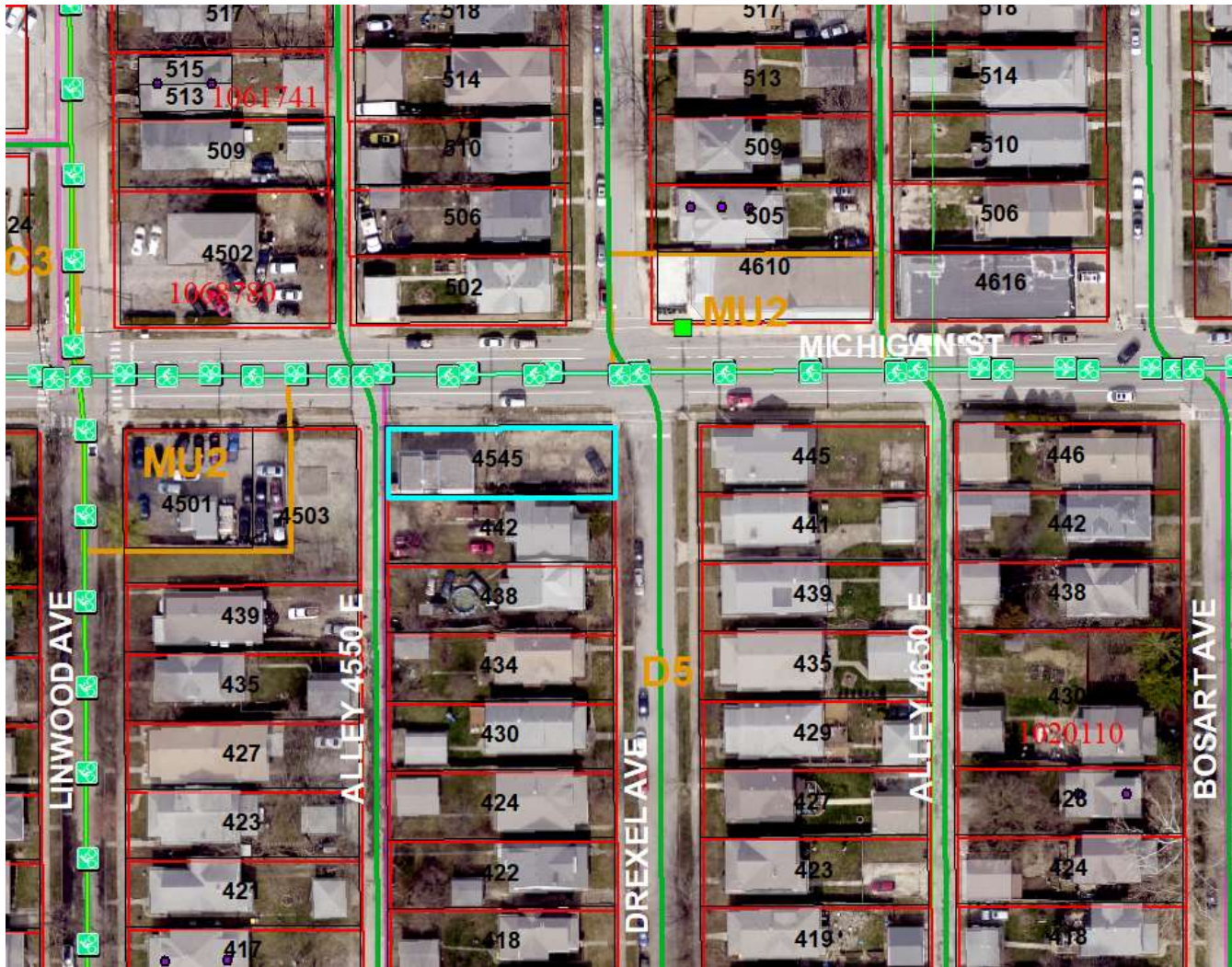




Photo of the eastern portion of the site looking south.



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.



METROPOLITAN DEVELOPMENT COMMISSION **June 13, 2024**
HEARING EXAMINER

Case Number: 2024-ZON-058

Property Address: 2701 Hunter Road (Approximate Address)

Location: Warren Township, Council District #20

Petitioner: Midland Investments, LLC., by David Gilman

Current Zoning: D-A

Request: Rezoning of 4.59 acres from the D-A district to the I-1 district to provide for restricted industrial uses.

Current Land Use: Undeveloped

Staff Recommendations: Approval.

Staff Reviewer: Marleny Iraheta, Senior Planner

PETITION HISTORY

This is the first public hearing for this petition.

STAFF RECOMMENDATION

Staff **recommends approval** of the request.

PETITION OVERVIEW

LAND USE

The 4.59-acre subject site, zoned D-A, is partially developed with a gravel parking lot. It is surrounded by an electric substation, zoned SU-9, and a retention pond, zoned D-A, to the south; the I-74 and Shadeland Avenue interstate interchange to the north and east, zoned D-A; and single-family dwellings to the west, zoned D-A.

REZONING

This request would rezone the site from the D-A district to the I-1 classification for restricted industrial 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



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

STAFF ANALYSIS

Although the request would not be consistent with the Comprehensive Plan recommendation of suburban neighborhood development, staff determined the proposed rezoning would be supportable considering the existing electrical substation to the south and the interstate bordering the property to the north and east make the site less attractive for residential development.

The anticipated business uses such as a contractors’ office, warehouse businesses and the like would have limited employees per tenant space according to the proposed plan of operation noting one to two employees per tenant space. A maximum of 16 tenants would be proposed.

The I-1 district requires full indoor operation of businesses and requires any loading and unloading to be completely enclosed or shielded with screening. These requirements allow for this district to be located adjacent to protected districts such as the D-A and SU-1 districts west of the site.

Staff understands that the site plan is conceptual and would note that the landscape requirements of the Ordinance would need to be met. This includes the transitional yard and green factor score standards.

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

GENERAL INFORMATION

| | | |
|----------------------------|-----------------------|---------------------------------------|
| Existing Zoning | D-A | |
| Existing Land Use | Undeveloped | |
| Comprehensive Plan | Suburban Neighborhood | |
| Surrounding Context | Zoning | Land Use |
| North: | D-A | Undeveloped / Single-family dwelling |
| South: | D-A | Electric substation / Retention Pond |
| East: | D-A | Interstate interchange |
| West: | D-A / SU-1 | Residential (Single-family dwellings) |

| Thoroughfare Plan | | |
|-----------------------------------|--------------------------|---|
| Hunter Road | Primary Collector Street | 111-foot to 212-foot existing right-of-way range and 80-foot proposed right-of-way. |
| I-74 | Freeway | 251-foot existing right-of-way with no proposed right-of-way. |
| I-465 Ramp | Freeway | 917-foot existing right-of-way with no proposed right-of-way. |
| Context Area | Metro | |
| Floodway / Floodway Fringe | No | |
| Overlay | No | |
| Wellfield Protection Area | No | |
| Site Plan | April 25, 2024. | |
| Site Plan (Amended) | June 5, 2024. | |
| Elevations | April 25, 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 | N/A | |

COMPREHENSIVE PLAN ANALYSIS

Comprehensive Plan

- Marion County Land Use Plan Pattern Book (2019)

Pattern Book / Land Use Plan

- The Comprehensive Plan recommends suburban neighborhood development.
- 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



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recommended if the development is within a quarter mile of a frequent transit line, greenway, or park.

- **Small-Scale Offices, Retailing, and Personal or Professional Services**
 - If proposed within one-half mile along an adjoining street of an existing or approved residential development, then connecting, continuous pedestrian infrastructure between the proposed site and the residential development (sidewalk, greenway, or off-street path) should be in place or provided.
 - Should be located at the intersections of arterial streets, and should be no closer than one mile to another commercial node with one acre or more of commercial uses except as reuse of a historic building.
 - Should be limited to an aggregate of 3.5 acres per intersection, with no one corner having more than 1.5 acres.
 - Should be limited to areas and parcels with adequate space for required screening and buffering.
 - Automotive uses (such as gas stations and auto repair) and uses requiring 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.

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

2019-ZON-087; 2701 South Hunter Road (subject site), Rezoning of 4.581 acres from the D-A district to the C-S district to provide for a self-storage facility, **denial**.

87-Z-161; 2701 South Hunter Road (subject site), Rezoning of 5.0 acres, being in the A-2 district, to the C-1 classification, to provide for commercial uses, **withdrawn**.

84-Z-117; 2551 South Hunter Road (subject site), Rezoning of 5.0 acres, being in the A-2 district, to the SU-9 classification, to provide for maintenance, repair and salt storage facility for the DOT, **withdrawn**.

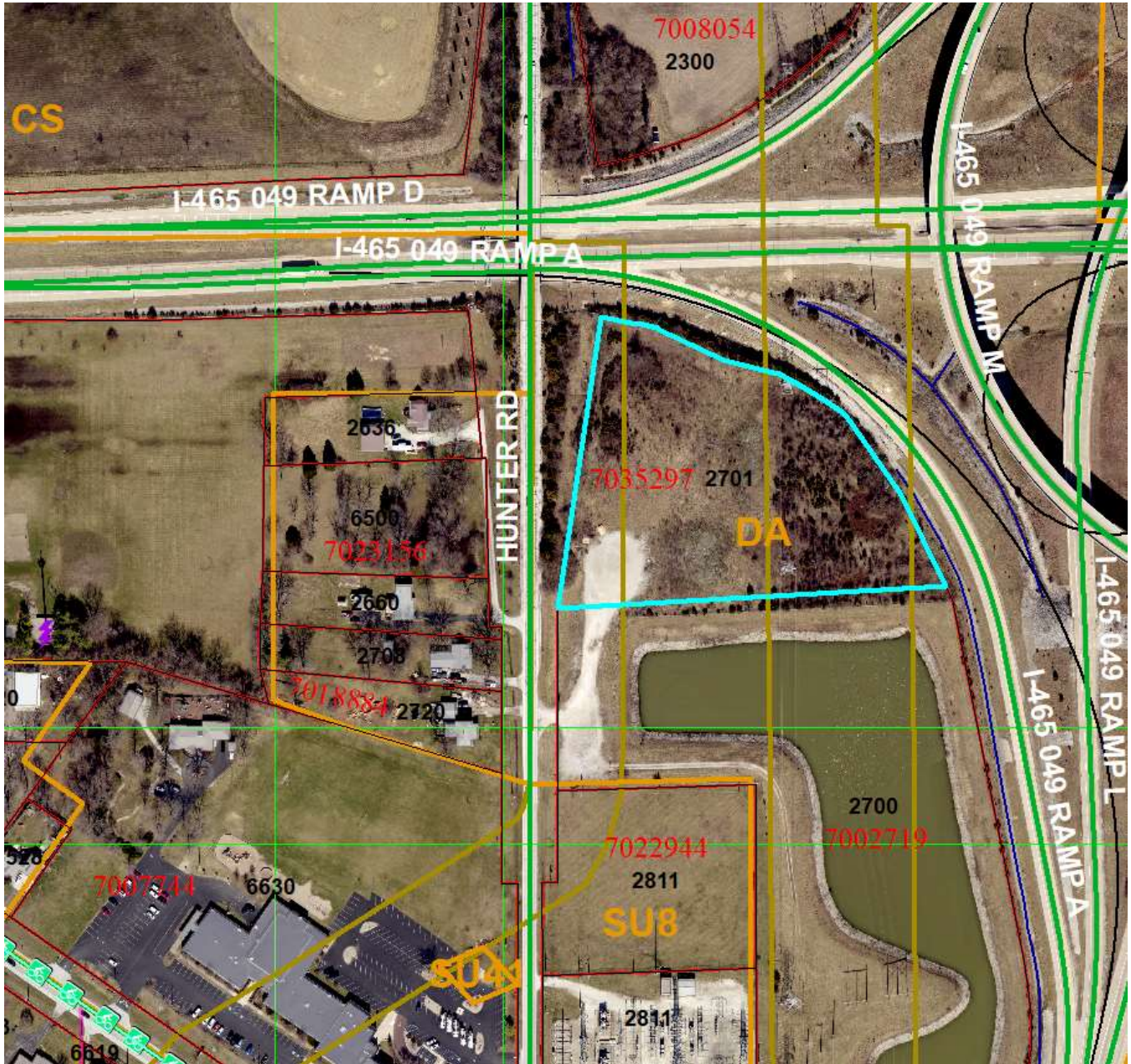
79-Z-90; 2701 South Hunter Road (subject site), Rezoning of 5.0 acres, being in the A-2 district, to the SU-9 classification, to provide for Department of Transportation district maintenance facility, **withdrawn**.

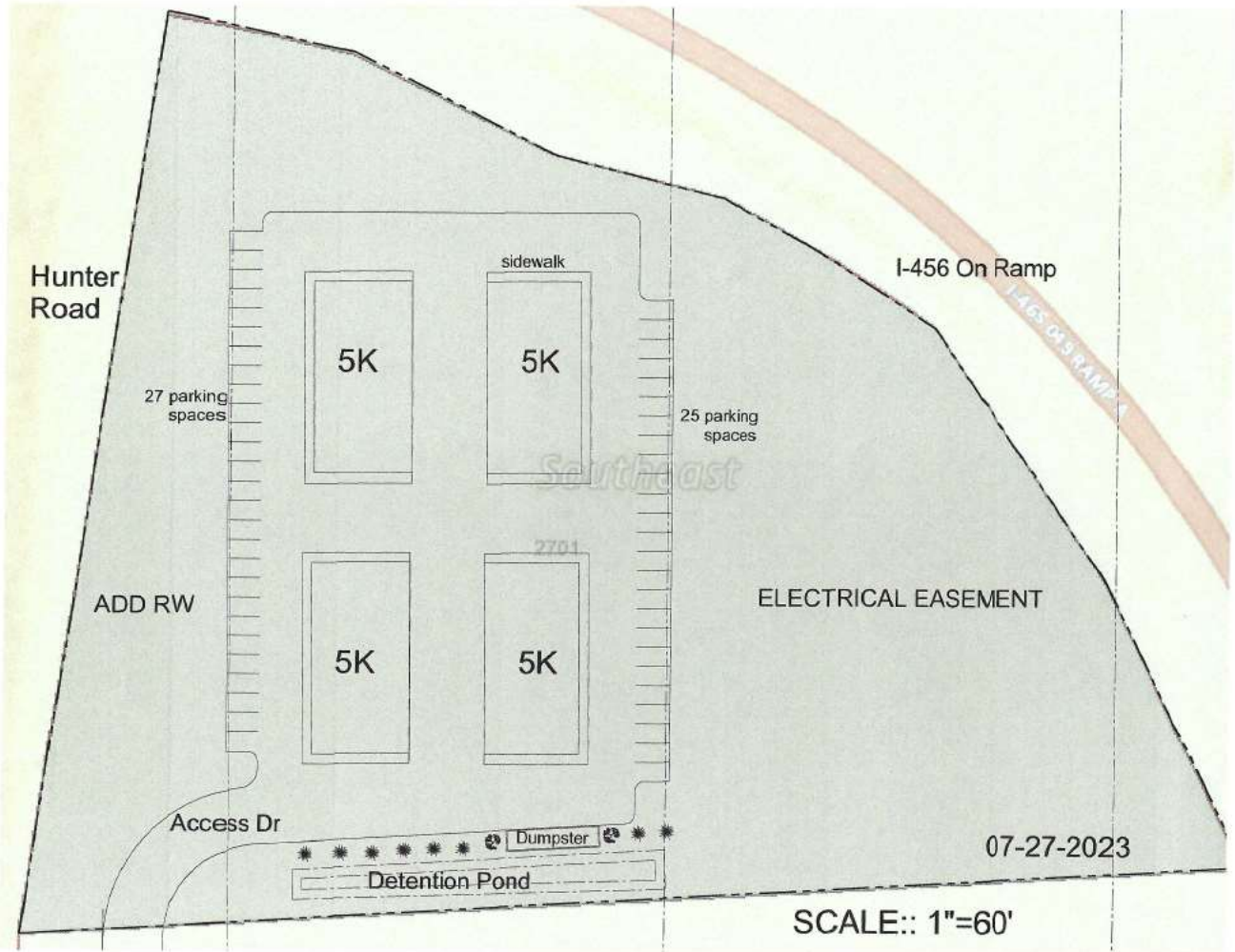
Zoning History – Vicinity

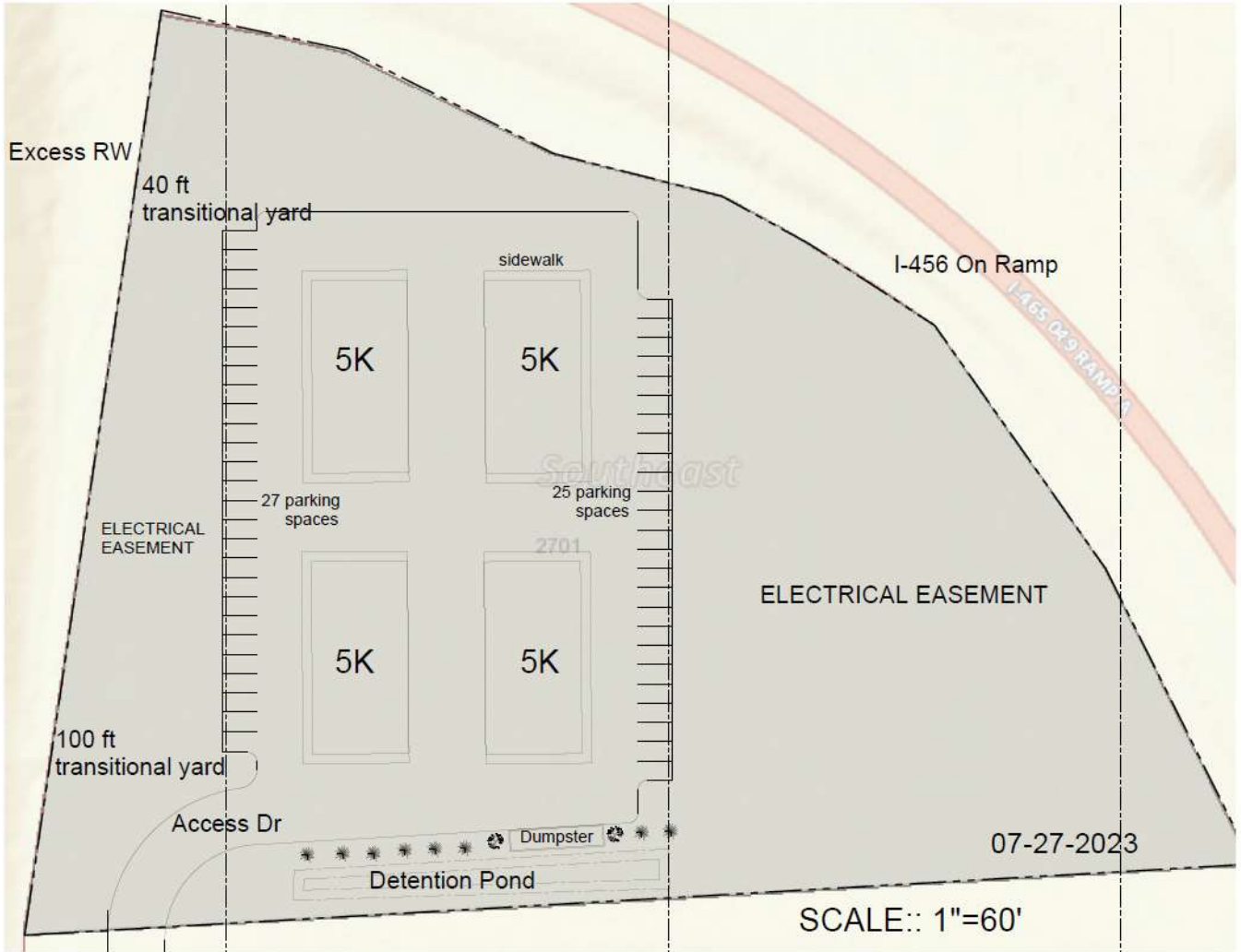
2014-ZON-022; 6300 Southeastern Avenue, 2402 Hunter Road and 6221 East Raymond Street (northwest of site), Rezoning of 133.5 acres, being in the D-A and C-S district, to the C-S classification to provide for an industrial use, including corporate offices, light and heavy vehicle and equipment sales and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

96-Z-227; 6202 Southeastern Avenue (northwest of site), Rezoning of 146 acres from D-A and C-S to C-S to provide for multi-family residential development at approximately eight units per acre, an assisted living community, regional and highway-oriented commercial, and light industrial development, **approved**.

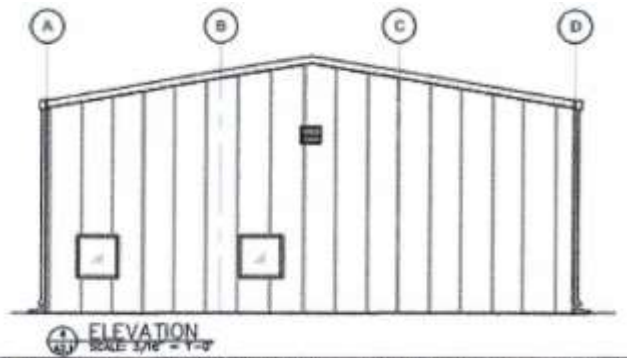
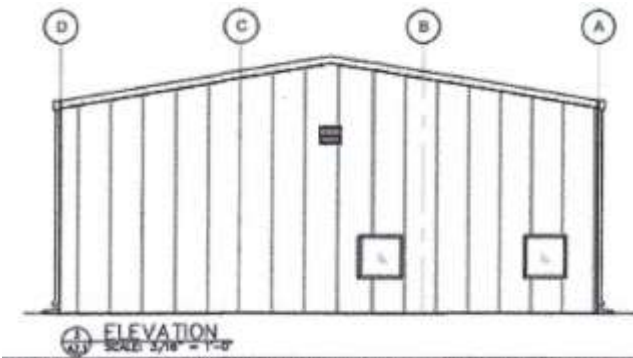
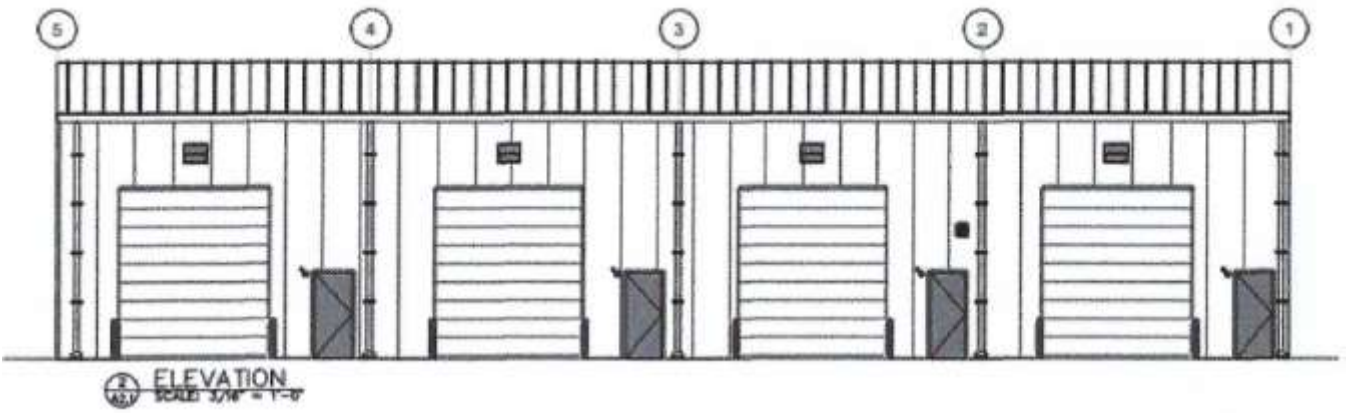
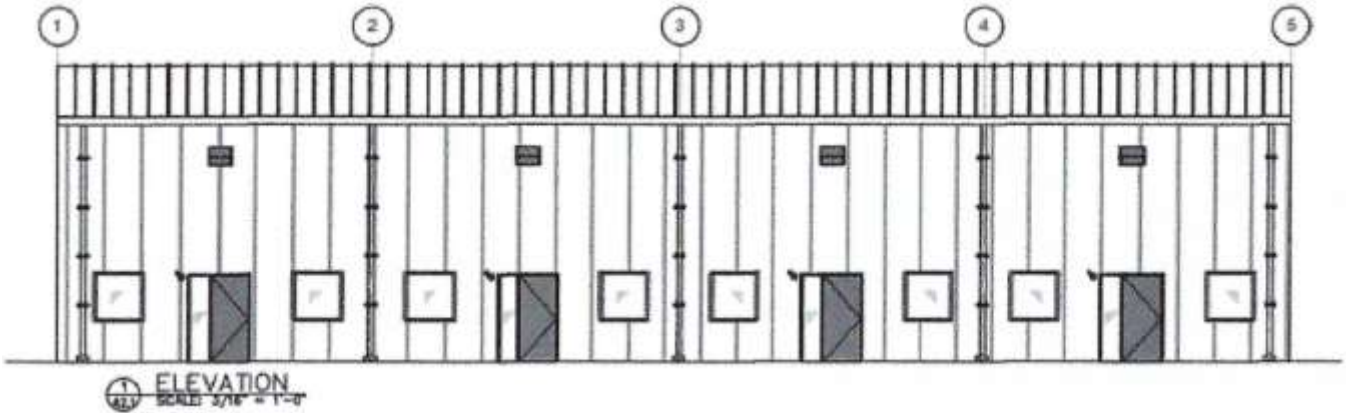
EXHIBITS

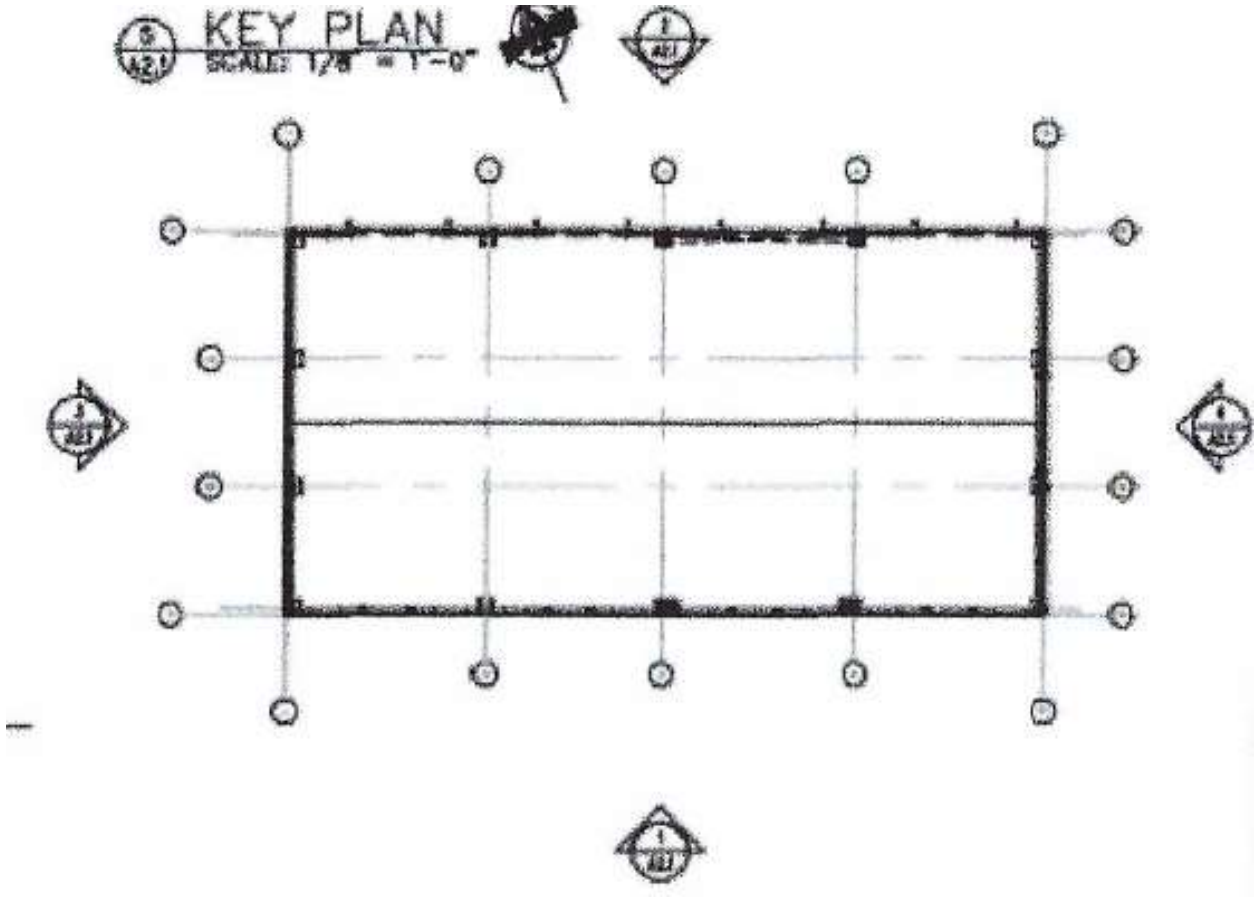






Amended Site Plan







Department of Metropolitan Development
Division of Planning
Current Planning

Plan of Operation
2701 Hunter Road
4/23/2024

BACKGROUND

The subject site is a 4.58-acre pie shaped parcel located at 2701 Hunter Road. The site gains access to Hunter Road through an ingress/egress easement from the Indiana Department of Transportation (INDOT). There is an electrical transmission line easement and a wide right of way along Hunter Road, thus limiting the site's buildable area to 2.3 acres.

Business Use

The new owners are seeking a rezoning to I-1, to allow for contractor's office/warehouse businesses. The site is well maintained and most suitable for the proposed use since this will not be considered a destination place for the public or customers. The site plan will consist of four (4) 5,000 sqft buildings with office space in front and warehouse storage at the rear of each building.

Workforce

The proposed use will have 1-2 employees per tenant space. There are up to 4 tenant spaces per building for a maximum of 16 tenants. There will be employees that arrive in the morning and leave their personal vehicle and return in the early evening.

Hours of Operation

Typical business hours will be from 6am to 8pm Monday Through Friday; 8am to 8pm on Saturday and closed on Sundays. All business activity on the site will end at 10pm daily.

Off-Street Parking

There is a total of fifty-two (52) parking spaces proposed, including four (4) van accessible handicap spaces.

Signage

The proposed development will have business wall signs and a large address monument sign at the entrance.

Clients and Customers

The businesses will have mostly appointment customers and clients only.

Business Activity/Security Measures

The buildings will have security lighting and the parking area will have a dusk to dawn light.



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Current Planning

Shipping and Receiving

The business will receive materials from UPS, a FedEx type of delivery service. There will be no semi-trailer deliveries to the site. All shipping and receiving will be within normal business time frames.

Waste

All waste would be picked up by utilizing a private or City waste disposal service.

Self-Imposed Conditions

The petitioner would agree to the following self-imposed conditions:

1. All development shall be in compliance with, and subject to, the site plan and building elevations file dated July 7, 2023.
2. The use of the property shall be in substantial compliance with, and subject to, the Plan of Operation, file dated April 23, 2024.
3. That the Variance



Photo of the subject site looking southeast from Hunter Road.



:Photo of the subject site looking north from the access drive.



Photo of the site looking north from the southern property boundary fence.



Photo of the subject stie looking northeast from the southern property boundary fence.



Photo of single-family dwellings west of the site.



Photo of the southern property boundary fence looking east.



Photo of the retention pond south of the site.



Photo of the IPL substation south of the site.



Photo of single-family dwellings southwest of the site across Hunter Road.



METROPOLITAN DEVELOPMENT COMMISSION **June 13, 2024**
HEARING EXAMINER

Case Number: 2024-CAP-822 / 2024-CVR-822
Property Address: 1351 Roosevelt Avenue
Location: Center Township, Council District #13
Petitioner: Penn Electric Partners LLC, by Brent Roberts

Current Zoning: C-S (FF)

Request: Modification of the Commitments for 2022-ZON-115 to Modify Commitment #3 to provide for the addition of building signage, roof sign, and architectural canopies, which shall be submitted for Administrator’s Approval prior to the issuance of Class 1 Structural Permit, which approval shall not be unreasonably withheld.

Variance of Use of the Consolidated Zoning and Subdivision Ordinance to provide for a 26-foot long, 8.5-foot-tall roof sign. Said roof sign would be supported by a 23.2-foot long, 15.9-foot-tall scaffold structure (not permitted).

Current Land Use: Mixed-Use

Staff Recommendations: Denial.

Staff Reviewer: Kathleen Blackham, Senior Planner

PETITION HISTORY

This is the first public hearing on this petition.

STAFF RECOMMENDATION

Denial. If approved, staff requests 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, including signage and canopies, 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

Modification

Petition 2022-ZON-115 rezoned this 2.26-acre site to the C-S district to provide for a mixed-use development with retail, office, and restaurant / outdoor seating uses. This request would modify commitments related to this rezoning request to modify Commitment #3 to provide for the addition of building signage, roof sign and architectural canopies. See Exhibit A.

The proposed commitment would read: "The existing building located at 1351 Roosevelt Avenue shall be preserved, to the extent possible, and shall not be demolished. Addition of building signage, roof sign, and architectural canopies shall be submitted for Administrator Approval prior to issuance of Class 1 Structural Permit, which approval shall not be unreasonably withheld."

The agreed upon commitment associated with the 2022 rezoning was requested by staff because of the historical architecture and significance of this building. Staff believed that preserving this historical building would complement the adjacent historically preserved building to the east and maintain the historical integrity of this industrial / commercial corridor currently undergoing redevelopment.

As proposed, the sign and scaffold structure extending 16.5 feet above the existing one-story historical building would be out of scale and visually dominate the historical architecture.

Furthermore, allowing a roof sign at this location would establish a precedent that could result in a level of light pollution that would interrupt an equitable opportunity for effective communication within this corridor.

The proposed canopies would further compromise the historical architecture of the existing building. The combination of the roof sign and canopies would result in the loss of the historical integrity of the existing building and would be incompatible with the surrounding land uses, particularly the adjacent building to the east that has been redeveloped to maintain the historical architecture.

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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Division of Planning
Current Planning**

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 Use

The request would provide for a 26-foot long, 8.5-foot-tall roof sign, supported by a 23.2-foot long, 15.9-foot-tall scaffold structure. The Sign Regulations are “intended to facilitate an easy and agreeable communication between people and to balance the interests and objectives of the sign owner and the community audience.”

Staff understands that signs serve an important function and believes that reasonable and adequate display is permitted under the Sign Regulations. The Ordinance also defines the purpose of the Sign Regulations by providing a list of attributes, most of which would be compromised and diluted by the proposed roof sign.

Staff believes that the proposed roof sign would potentially increase hazards to motorists and pedestrians, limit an equitable opportunity for effective communication, cause excessive and confusing sign display, and dominate the scale of the one-story historic structure and surrounding land uses.

Staff is concerned that approval of the roof sign would also increase the possibility of future requests for roof signs in this area, as well as throughout the City, which would conflict with the purpose of the Sign Regulations related to excessive signage and negatively impact long-term vitality and overall quality of life in the City.



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Furthermore, the Comprehensive Plan recommendation of village mixed-use typology encourages “neighborhood gathering places” that are small, intimate, and walkable. The Findings of Fact indicate that visibility of the site / business is limited, and the proposed sign is necessary to attract customers from a larger area and outside of the immediate area, which would defeat the Plan recommendation.

Staff believes the current Sign Regulations would provide appropriate visibility and would not result in an unusual and unnecessary hardship for this site.

GENERAL INFORMATION

| | | |
|-----------------------------------|----------------------------|--|
| Existing Zoning | C-S | |
| Existing Land Use | Mixed-Use | |
| Comprehensive Plan | Village Mixed-Use | |
| Surrounding Context | Zoning | Land Use |
| | North: | C-S Vacant land |
| | South: | C-S Industrial uses |
| | East: | C-S Commercial uses |
| | West: | I-4 Industrial uses |
| Thoroughfare Plan | | |
| Roosevelt Avenue | Local Street | Existing 62-foot right-of-way and a proposed 40-foot right-of-way. |
| Context Area | Compact | |
| Floodway / Floodway Fringe | Yes – 500-year unregulated | |
| Overlay | No | |
| Wellfield Protection Area | No | |
| Site Plan | May 10, 2024 | |
| Site Plan (Amended) | N/A | |
| Elevations | February 23, 2024 | |
| Elevations (Amended) | N/A | |
| Landscape Plan | N/A | |
| Findings of Fact | May 10, 2024 | |
| Findings of Fact (Amended) | N/A | |
| C-S/D-P Statement | N/A | |

COMPREHENSIVE PLAN ANALYSIS

Comprehensive Plan

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

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

2022-ZON-115; 1255 and 1351 Roosevelt Avenue, requested rezoning of 2.26 acres from the I-4 district to the C-S district to provide for a mixed-use development with retail, office, and restaurant uses (including outdoor seating), **approved**.

VICINITY

2023-ZON-082; 1102-1138 Roosevelt Avenue (west of site), requested Rezoning of 6.60 acres from the I-4 district to the C-S district to provide for a mixed-use development including multi-family dwellings, neighborhood retail uses and a parking garage, **approved**.

2019-CZN-859 / 2019-CVR-859 / 2019-CVC-859 (east of site); 1328, 1336, 1340, 1402, 1406, 1409, 1411, 1430, 1436, 1443 and 1446 Roosevelt Avenue; 1402, 1406, 1410, 1414, 1420, 1422, 1423, 1427, 1431 and 1435 Dr. A J Brown Avenue; 1406 and 1410 Arsenal Avenue; 1420 Newman Avenue, requested rezoning of six acres from the D-8, C-3 and C-S district to the C-S district to provide for a mixed-use development with retail, office, indoor recreation, restaurant and/or industrial uses permitted by the I-1 and I-2 districts; variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for 254 parking spaces (including 54, eight by 16-foot small car spaces); and vacation of a portion of Dr. A J Brown Avenue, being 60 feet wide, from the southeast corner of Lot 36 of Ingram Fletchers Addition, being the north right-of-way line of Roosevelt Avenue, 247.37 feet to the northeast corner of Lot 30 of said Addition being the south right-of-way line of Interstate 70, and a vacation of a portion of a north-south alley, being 15 feet wide, from the southeast corner of Lot 39 of said Addition, being the north right-of-way line of Roosevelt Avenue, to a point 170.42 at the northeast corner of Lot 43, being the south right-of-way line of Interstate 70, both with a waiver of the assessment of benefits **approved, granted and approved**.

2018-CZN-802 / 2018-CVR-802; 1302 and 1320 Columbia Avenue (west of site), requested rezoning of 0.81 acre from the D-8 and C-3 districts to the I-4 classification and variances of development standards of the Consolidated Zoning and Subdivision Ordinance to legally establish the existing building and provide for a proposed building, parking and outdoor storage, with zero-foot front and side transitional yards without landscaping and front and side yards without landscaping, **approved and granted**.

2017-CZN-843 / 2017-CVC-843; 1402, 1406, 1409, 1411, 1430, 1436, 1443 and 1446 Roosevelt Avenue 1423 and 1427 Dr. A.J. Brown Avenue and 1420 Newman Street (east of site), requested rezoning of 4.14 acres from the I-4 and C-3 Districts to the C-S classification to provide for a mixed-use development, including office, light industrial, restaurant, charter school and/or recreational uses; and vacation of Vacation of first alley south of Roosevelt Avenue, being 15 feet wide, from the west right-of-way line of Newman Street, to a point 360 feet to the southwest at the east right-of-way line of Dr. A.J. Brown Avenue and Vacation of Dr. AJ Brown Avenue, being 60 feet wide, from the south right-of-way line of Roosevelt Avenue, to a point 178.6 feet south to the northwest, **approved**.



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2016-VAC-004; 1211 Roosevelt Avenue (west of site), requested vacation of a 16-foot wide alley, beginning at the northwest corner of Lot One of Ingram Fletcher's Subdivision of Block 3 in E.T. and S.K. Fletcher's Addition to the City of Indianapolis, as recorded in Plat Book 3, Page 115 in the Office of the Recorder of Marion County, Indiana, also being at the south right-of-way line of Roosevelt Avenue; thence 140 feet to the southwest corner of said Lot One, also being at the north right-of-way line of the CCC and St. Louis Railroad, with a waiver of the assessment of benefits, **approved**.

2012-SE3-001; 1256 Roosevelt Avenue (north of site), requested a special exception of the Industrial Zoning Ordinance to provide for a wrecker service / impound lot, with the storage of inoperable vehicles and a variance of development standards of the Industrial Zoning Ordinance to legally establish a 12-foot-tall concrete block wall in the required front yard, **granted**.

2002-ZON-109; 1317 Columbia Avenue (south of site), requested rezoning of 0.15 acre from D-8 to the C-3 to provide for commercial development, **approved**.

98-SE1-3; 1102 Roosevelt Avenue (west of site), requested a special exception of the Industrial Zoning Ordinance to provide for 36,000 square feet of an existing 151,945 square foot building to be utilized for commercial office use, **granted**.

96-HOV-45; 1203 Roosevelt Avenue (west of site), requested a variance of development standards of the Industrial Zoning Ordinance to provide for an armored car facility with zero feet of public street frontage and a zero-foot side yard setback along the north and south property line, **granted**.

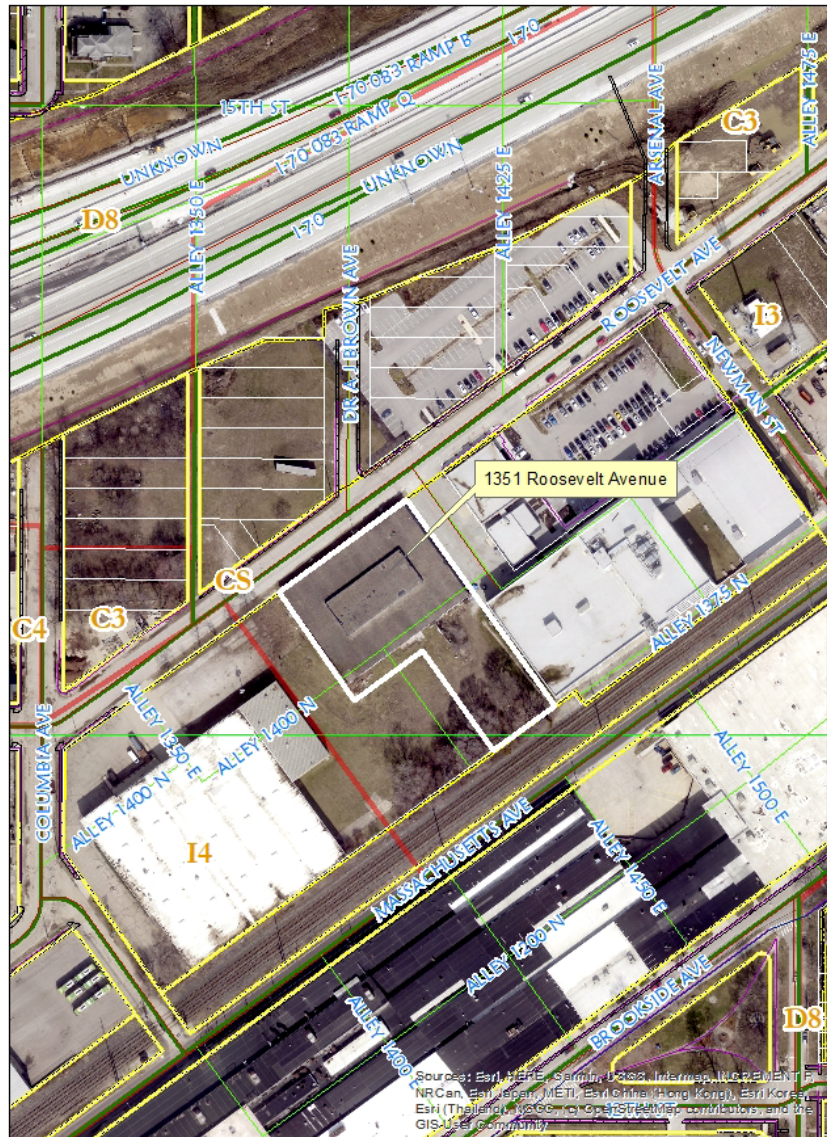
89-HOV-97; 1125 Brookside Avenue (south of site), requested a variance of development standards of the Industrial Zoning Ordinance to permit the addition of a new loading dock area to an existing factory / warehouse within the required front yard, without the required maneuvering area and with a 100 feet wide drive, **granted**.

89-UV3-51; 969 Dorman Street (south of site), requested a variance of use of the Industrial Zoning Ordinance to permit outdoor storage and incidental maintenance of school buses, **granted**.

81-VAC-5, Vacation of parts of Roosevelt Avenue and Yandes Street, **approved**.

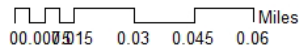
84-VAC-18, Vacation of parts of Lewis Street, **approved**.

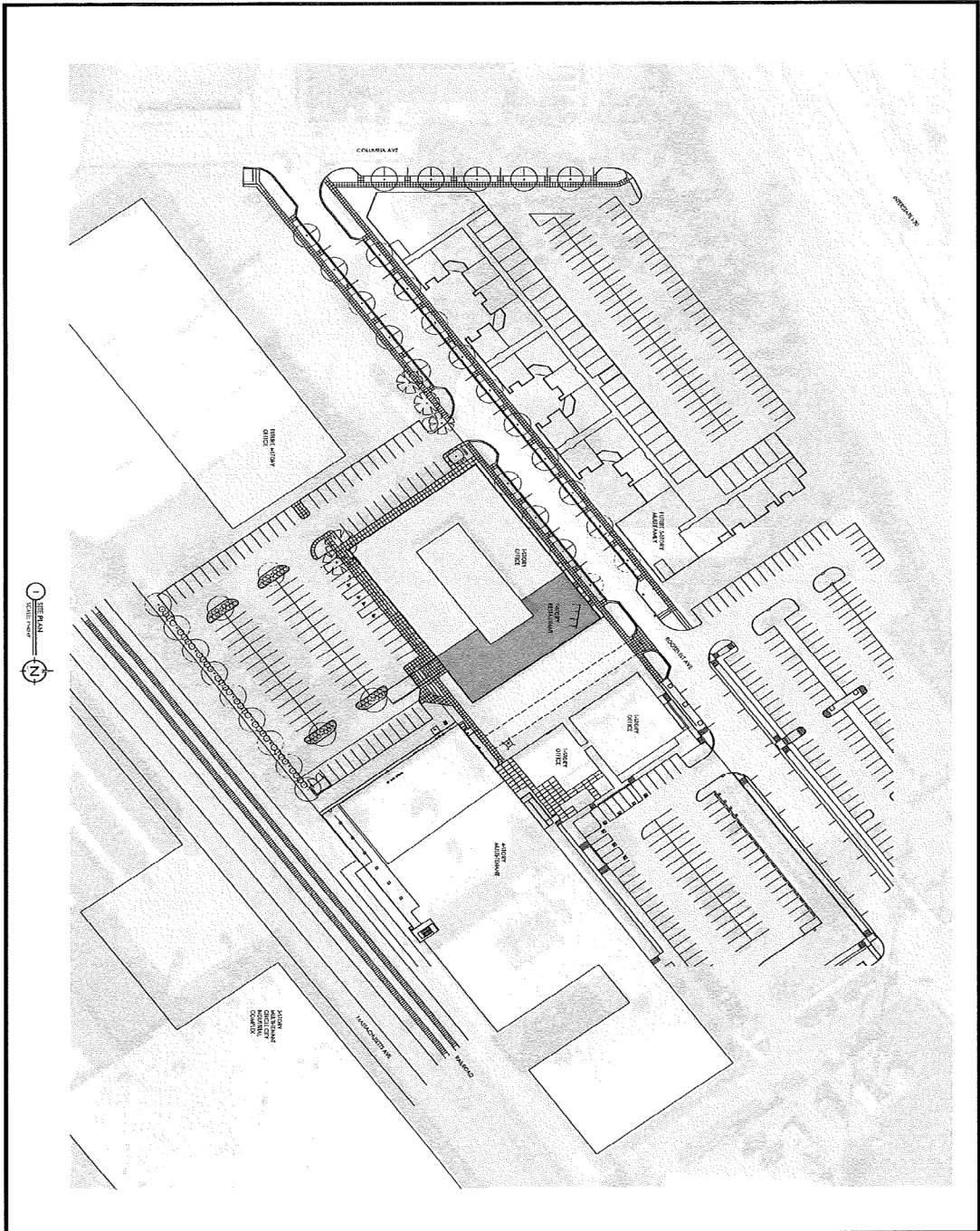
EXHIBITS



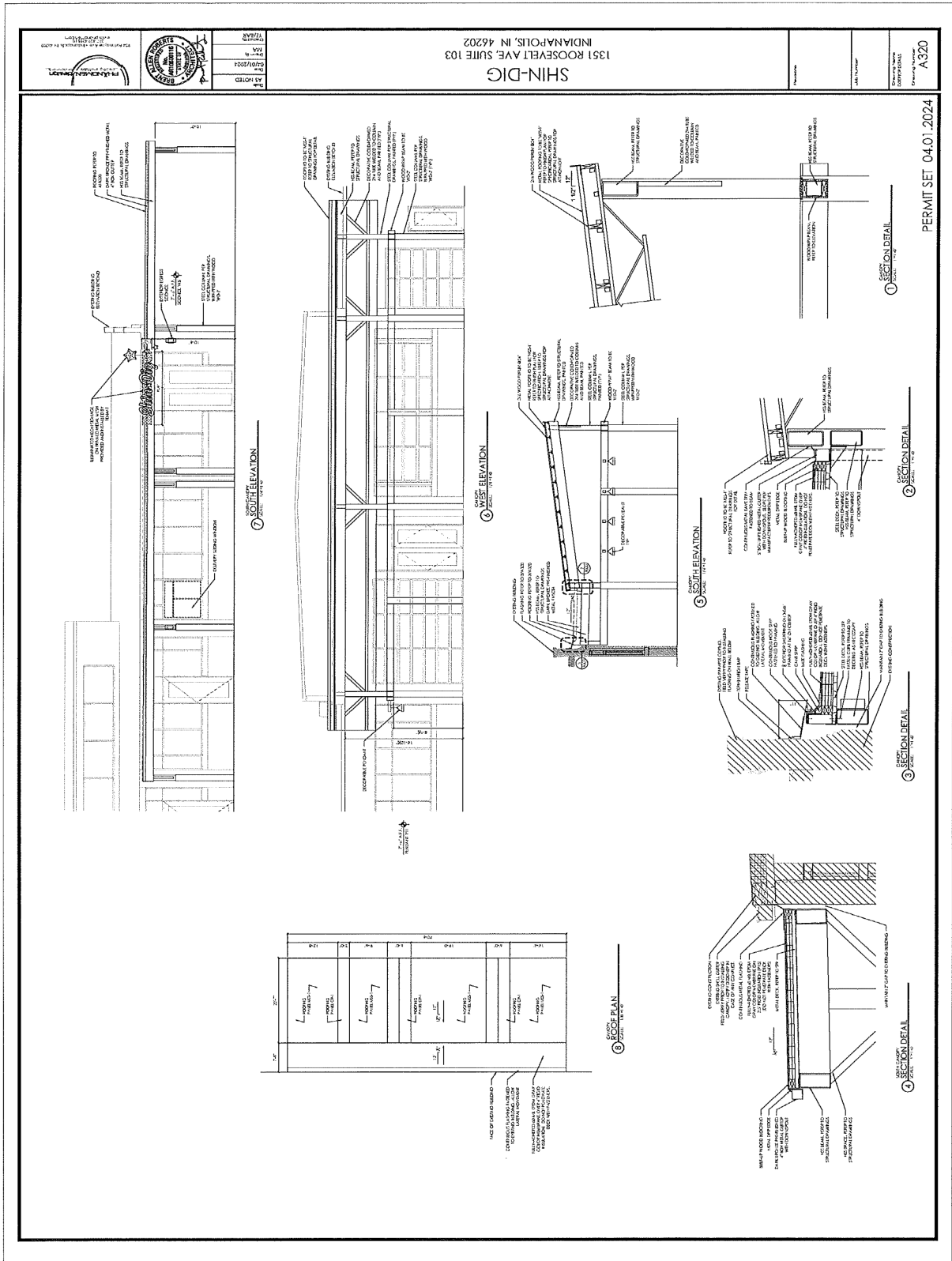
Sources: Esri, HERE, DeLorme, Intermap, INCREMENT P, NRCan, Esri Japan, METI, Esri China (Hong Kong), Esri Korea, Esri (Thailand), Swisstopo, OpenStreetMap contributors, and the GIS User Community

1351 Roosevelt Avenue

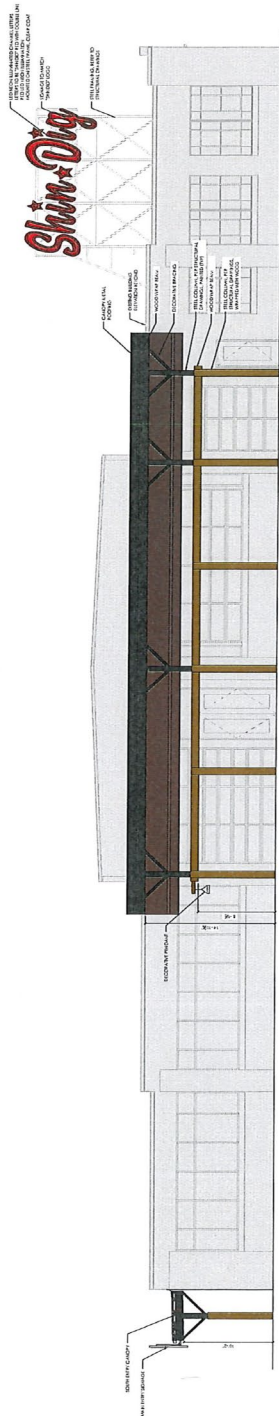




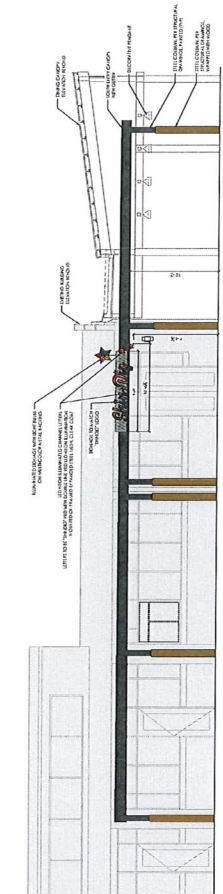
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| | | | | | |



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EAST ELEVATION

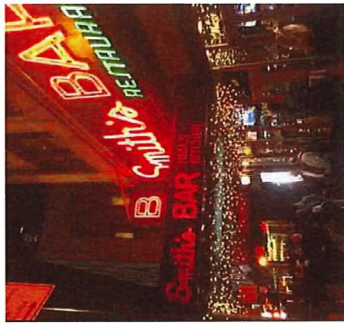


WEST ELEVATION

SHINDIG, INDIANAPOLIS, IN
 EAST ELEVATION
 06/24/2022



INSPIRATION IMAGES

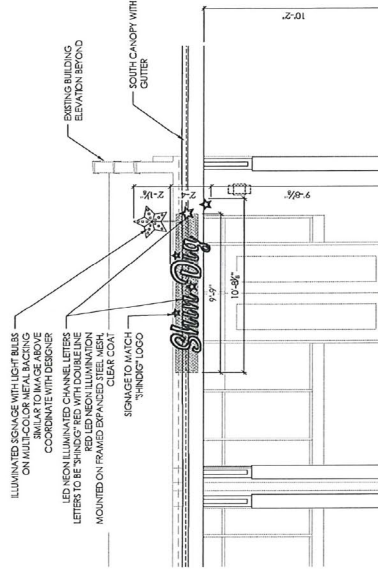


DOUBLE LINE LED NEON CHANNEL LETTER

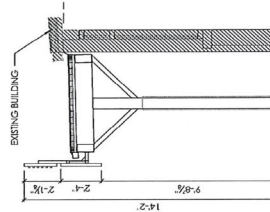
LED NEON WITH CHANNEL LETTER SIGNAGE

LIGHT BULB STAR

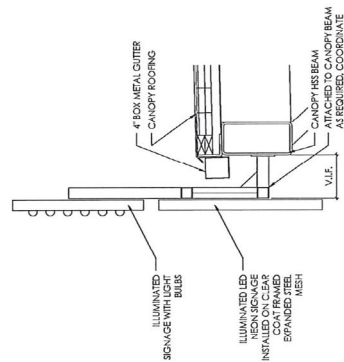
LIGHT BULB STAR



1 MAIN ENTRY SIGNAGE ELEVATION
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2 MAIN ENTRY SIGNAGE SECTION
SCALE: 1/4"=1'-0"

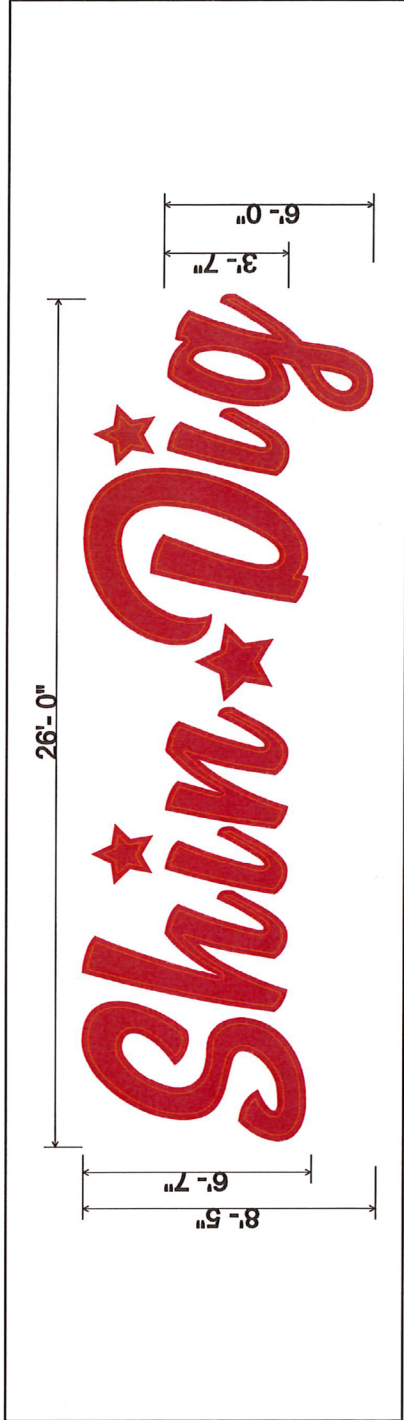


3 MAIN ENTRY SIGNAGE DETAIL SECTION
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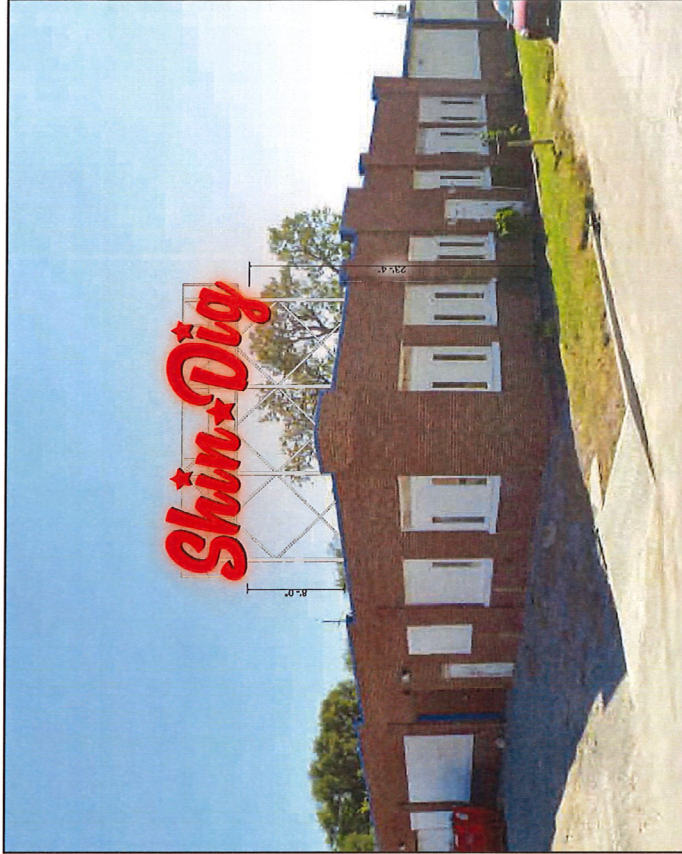
SHIN-DIG, INDIANAPOLIS, IN
MAIN ENTRY SIGNAGE
4/9/2024



934 Fort Wayne Ave. - Indianapolis, IN 46202
317.439.4335 (t)
www.phanomeni.com



- SPECIFICATIONS:**
1. FABRICATE AND INSTALL ONE SET OF ROOF MOUNTED ILLUMINATING CHANNEL LETTERS.
 2. LETTERS TO BE RED WITH RED FAUX NEON ILLUMINATION.



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A SIGN BY DESIGN WILL CONNECT TO ELECTRICAL IF IT IS LOCATED WITHIN 5' OF THE INSTALLED SIGNAGE.

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| FILE NAME SHINDIG-BLDLET10.PDF | DRAWN BY AA |
| DATE 11/16/2023 | FILE LOCATION NOV-2022 |
| LOCATION INDIANAPOLIS, IN. | ART <input checked="" type="checkbox"/> |

DATE _____

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Department of Metropolitan Development
Division of Planning
Current Planning

EXHIBIT A

DocId:20110604
Tx:42028017

A202200134328

12/21/2022 11:00 AM
KATHERINE SWEENEY BELL
MARION COUNTY IN RECORDER
FEE: \$ 35.00
PAGES: 9
By: DG

STATEMENT OF COMMITMENTS

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

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

Legal Description: See attached Exhibit 1.

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. Building elevations shall be submitted for Administrator Approval prior to the issuance of an Improvement Location Permit (ILP), which approval shall not be unreasonably withheld.
3. The existing building located at 1351 Roosevelt Avenue shall be preserved, to the extent possible, and shall not be demolished.
4. _____
5. _____

These COMMITMENTS shall be binding on the owner, subsequent owners of the real estate and other persons acquiring an interest therein; provided that Commitment #1 (Open Occupancy and Equal Opportunity Commitments) shall not be binding on an owner, subsequent owners or other person acquiring an interest therein if such persons are exempt persons or are engaged in an exempt activity as defined on Attachment "A" which is attached hereto and incorporated herein by reference. These COMMITMENTS

MDC's Exhibit B -- page 1 of 9

9



Department of Metropolitan Development
 Division of Planning
 Current Planning

may be modified or terminated by a decision of the Metropolitan Development Commission made at a public hearing after proper notice has been given.

COMMITMENTS contained in this instrument shall be effective upon:

- (a) the adoption of rezoning petition # 2022-ZON-115 by the City-County Council changing the zoning classification of the real estate from a I-4 zoning classification to a C-S zoning classification; or
- (b) the adoption of approval petition # _____ by the Metropolitan Development Commission;

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

These COMMITMENTS may be enforced jointly or severally by:

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

The undersigned hereby authorizes the Division of Planning of the Department of Metropolitan Development to record this Commitment in the office of the Recorder of Marion County, Indiana, upon final approval of petition #2022-ZON-115.



Department of Metropolitan Development
Division of Planning
Current Planning

Petition Number _____

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

PETITION FOR VARIANCE OF USE

FINDINGS OF FACT

- 1. THE GRANT WILL NOT BE INJURIOUS TO THE PUBLIC HEALTH, SAFETY, MORALS, AND GENERAL WELFARE OF THE COMMUNITY BECAUSE
2. THE USE AND VALUE OF THE AREA ADJACENT TO THE PROPERTY INCLUDED IN THE VARIANCE WILL NOT BE AFFECTED IN A SUBSTANTIALLY ADVERSE MANNER BECAUSE
3. THE NEED FOR THE VARIANCE ARISES FROM SOME CONDITION PECULIAR TO THE PROPERTY INVOLVED BECAUSE
4. THE STRICT APPLICATION OF THE TERMS OF THE ZONING ORDINANCE CONSTITUTES AN UNUSUAL AND UNNECESSARY HARDSHIP IF APPLIED TO THE PROPERTY FOR WHICH THE VARIANCE IS SOUGHT BECAUSE
5. THE GRANT DOES NOT INTERFERE SUBSTANTIALLY WITH THE COMPREHENSIVE PLAN BECAUSE

DECISION

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

Adopted this _____ day of _____, 20 ____



View looking west along Roosevelt Avenue



View looking east along Roosevelt Avenue



View of eastern portion of site looking south across Roosevelt Avenue



View of site looking south across Roosevelt Avenue



View of site looking southeast across Roosevelt Avenue



View of site looking southwest across Roosevelt Avenue



View of site looking southeast across Roosevelt Avenue



View from site looking northwest towards Interstate 70



View from site looking north toward Interstate 70



View of western portion of site looking south across Roosevelt Avenue



View of the rear of site looking north



View of the rear of site looking northeast



View of the rear of the site looking east