Metropolitan Development Commission
Hearing Examiner (July 27, 2023)
Meeting Agenda

Meeting Details

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

Date: Thursday, July 27, 2023 **Time:** 1:00 PM

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

Business:

Special Requests

Petitions for Public Hearing

PETITIONS REQUESTING TO BE CONTINUED:

1. **2023-APP-020 | 8260 Naab Road**
Washington Township, Council District #1
HD-2
SPT Ivey 8260 Naab MOB, by Doug Staley

Hospital District - Two Approval to provide for one wall sign.

****Automatic Continuance filed by Registered Neighborhood Organization to August 24, 2023**

2. **2023-APP-021 | 8091 Township Line Road**
Washington Township, Council District #1
HD-1/HD-2
Paragon Dream I, LLC, by Doug Staley

Hospital District-One and Two Approval to provide for one wall sign.

****Automatic Continuance filed by Registered Neighborhood Organization to August 24, 2023**

3. **2023-MOD-014 | 6011 Copeland Mills Drive**
Decatur Township, Council District #20
D-3
Jesse Cook

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

****Automatic Continuance filed by Registered Neighborhood Organization to August 24, 2023**

4. **2023-ZON-004 | 5680 Eden Village Drive**
Pike Township, Council District #8
Olanrewaju Ahmeed Azeez

Rezoning of 1.55 acres from the C-S district to the D-6 district to allow for a single-family attached residential development.

****Staff request for a continuance to August 24, 2023**

5. **2023-ZON-063 (Amended) | 3855 & 3955 North Emerson Avenue and 5035 East 39th Street**
Lawrence and Washington Townships, Council Districts #9 and #13
Harmony Park Apartments / Emerson Park Apartments, LLC, by David Kingen

Rezoning of 5.81 acres from the D-3 (TOD), D-4 (TOD) and C-3 (TOD) districts to the D-8 (TOD) district to provide for a multi-family development.

****Petitioner request for a continuance to August 10, 2023**

6. **2023-CZN-828 / 2023-CVR-828 (Amended) | 3416, 3420 and 3520 South Post Road**
Franklin Township, Council District #18
Quicktrip Corporation, by J. Murray Clark

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

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

****Staff Request for a Continuance to August 24, 2023, to allow time for completion of Traffic Operations Analysis**

PETITIONS TO BE EXPEDITED:

7. **2023-MOD-013 | 3951 East Brunswick Avenue**
Perry Township, Council District #24
D-4
Gary Hinks

Modification of the Commitments related to petition 90-Z-115 to modify Commitment 6.d, to allow for an above-ground pool (previous commitments prohibited above-ground pools).

8. **2023-ZON-054 | 1554 Ringgold Avenue**
Center Township, Council District #21
Jason Blankenship, by Mark and Kim Crouch

Rezoning of 0.14 acres from the D-5 (TOD) district to the D-5II (TOD) district.

9. **2023-ZON-058 | 1446 East Washington Street**
Center Township, Council District #17
Damien Center, Inc., by David Kingen

Rezoning of 0.06 acre from the MU-1 (TOD) district to the MU-2 (TOD) district.

10. **2023-ZON-059 | 4640 Lafayette Road**
Pike Township, Council District #10
Hoosier Investments, LLC, by Timothy H. Button

Rezoning of 8.72 acres from the C-7 and C-5 districts to the C-7 district.

11. **2023-ZON-060 | 1715 North Meridian Street**
Center Township, Council District #11
Heron High School, Inc., by David Kingen

Rezoning of 0.625 acre from the C-4 (RC) (TOD) district to the SU-2 (RC) (TOD) district to provide for educational uses.

12. **2023-ZON-062 | 5318, 5326 & 5330 East 30th Street, 3015 North Downey Avenue and 3040 North Irvington Avenue**
Warren Township, Council District #13
Phyllis and Donald Collins, by Russell L. Brown

Rezoning of 1.17 acres from the C-3 district to the I-2 district.

13. **2023-ZON-066 | 8711 River Crossing Boulevard**
Washington Township, Council District #3
8711 River Crossing, Inc., by Kevin Buchheit

Rezoning of 2.964 acres from the C-S (FF) district to the C-S (FF) district to add financial and insurance services as a permitted use.

14. **2023-ZON-067 | 8095 East 30th Street**
Warren Township, Council District #13
Akakia Holdings 8095, LLC, by Kevin Buchheit

Rezoning of 0.60 acre from the I-3 district to the C-3 district to provide for a daycare.

15. **2023-CZN-837 / 2023-CVR-837 / 2023-CVC-837 | 217 West 10th Street and 916, 918 & 922 North Capitol Avenue**
Center Township, Council District #11
MTP – 922 North Capitol Ave, LLC, by Joseph D. Calderon

Rezoning of 1.17 acres (217 West 10th Street) from the I-3 (RC) district to the CBD-2 (RC) district.

Variance of Development Standard of the Consolidated Zoning and Subdivision Ordinance to provide for two, mixed-use buildings, each with one 11' by 27' loading space (two loading spaces per building required, dimensions of 30' by 12' and 55' by 12' required), and to allow for buildings with frontages along 10th Street to meet the Sky Exposure Plane Three requirements (Sky Exposure Two standards required).

Vacation of Roanoke Street, being 30 feet in width, from the south right-of-way line of 10th Street, south 253.10 feet.

PETITIONS FOR PUBLIC HEARING (Continued Petitions):

16. **2022-CZN-867 (Amended) / 2022-CVC-867 | 5400 and 5430 Greenfield Avenue and 400 Burgess Avenue**
Warren Township, Council District #12
Baldeep Baidwan by David Kingen and Emily Duncan

Rezoning of 2.71 acres from the D-5 district to the D-8 district to provide for residential development.

****Petitioner has withdrawn 2022-CVC-867 (vacation petition).**

17. **2023-MOD-008 | 10832 Portside Court**
Lawrence Township, Council District #5
D-P (FF)
Raymond and Kimberly Peck, by Russell L. Brown

Modification of the development statement for 79-Z-107 (79-DP-3) for Lot 160 of Feather Cove, Section Five, to legally establish a paver patio (with table, stairs, railing and fire pit), with zero-foot side setbacks (eight-foot side and 22-foot aggregate side setback required).

18. **2023-MOD-009 | 4375 Kentucky Avenue**
Decatur Township, Council District #22
C-S
Five Star Oil, Inc., by Garrett E. Lawton

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

19. **2023-ZON-024 / 2023-VAR-001 | 2802 South Holt Road**
Wayne Township, Council District #16
Maninder Singh

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

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

20. **2023-CZN-814 / 2023-CVR-814 | 6419 West 86th Street, 6302, 6360 and 6424 West 79th Street**
Pike Township, Council District #1
Cornerstone Companies, Inc. and GCG Investments, LLC, by J. Murray Clark

Rezoning of 200 acres from the D-A, D-1 and D-2 districts to the C-S classification to provide for a mixed-use development consisting of C-3 permitted uses, limited C-4 permitted uses, Artisan Manufacturing, Light Manufacturing, Research and Development uses, Live-Work units, multi-family dwellings and single-family attached dwellings, two-family dwellings and Triplex or Fourplex uses.

Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for 90-foot tall buildings on the eastern portion of the development (maximum 45-foot tall buildings permitted).

PETITIONS FOR PUBLIC HEARING (New Petitions):

21. **2023-ZON-064 | 40 West 40th Street**
Washington Township, Council District #7
Martin Luther King Multi-Service Center, by David Kingen

Rezoning of 2.37 acres from the D-2 (MSPC) district to the SU-7 (MSPC) district to legally establish a community center.

22. **2023-ZON-065 | 3309 East St Clair Street and 601 & 603 North LaSalle Street**
Center Township, Council District #12
Englewood Community Development Corporation, by Joseph D. Calderon

Rezoning of 1.75 acres from the C-S and D-5 districts to the D-8 district to provide for a 43-unit, townhome-style residential development.

23. **2023-CZN-824 / 2023-CVC-824 | 1341 & 1401 Dr Martin Luther King Jr. Street and 453 West 14th Street**
Center Township, Council District #11
KTKF Holdings, LLC, by Jamilah Mintze

Rezoning of 0.696 acre from the SU-1 (RC) and D-8 (RC) districts to the D-9 (RC) district.

Vacation of West 14th Street, being 50 feet in width, from the east right-of-way line of Dr Martin Luther King Jr. Street, east 120.02 feet to the west right-of-way line of the first north-south alley east of Dr Martin Luther King Jr Street, with a waiver of the assessment of benefits.

Vacation of the first north-south alley east of Dr Martin Luther King Jr Street, being of variable width, from the north right-of-way line of West 14th Street, south 200.60 feet, with a waiver of the assessment of benefits.

24. **2023-CZN-834 / 2023-CVR-834 / 2023-CPL-834 | 4202 East 10th Street and 1009 Gladstone**
Center Township, Council District #12
Mountain Goat Properties, LLC, by Pat Rooney

Rezoning of 0.134 acre from the C-4 district to the D-5II district.

Variance of Development Standard of the Consolidated Zoning and Subdivision Ordinance to provide for a 2.8-foot front yard setback (10-19.9-foot required), a two-foot side setback (three-foot required) and a 0.4-foot rear setback (fifteen feet required) for proposed Lot 5A.

Variance of Development Standard of the Consolidated Zoning and Subdivision Ordinance to provide for a five-foot corner side setback (eight feet required) for proposed Lot 5B.
Approval of a Subdivision Plat, to be known as 10th St and Gladstone Ave Addition, dividing 0.134 acre into two lots.

25. 2023-CZN-835 / 2023-CVR-835 | 1100, 1106, 1110, 1114, 1118 and 1122 English Avenue
Center Township, Council District #12
Lexington Place, LLC / LP 2, LLC, by Luke Burrow

Rezoning of 0.54 acre from the C-1 and C-5 districts to the D-8 district.

Variance of Development Standard of the Consolidated Zoning and Subdivision Ordinance to provide for six, three-story, single-family dwellings (maximum 2.5-story dwellings permitted), a five-foot corner west side setback for 1100 English Avenue (eight feet required), and to provide for encroachment into the clear-sight triangle for 1100 and 1106 English Avenue.

Additional Business:

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

STAFF REPORT

Department of Metropolitan Development
Division of Planning
Current Planning Section

Case Number:	**2023-APP-020**
Address:	**8260 Naab Road (approximate address)**
Location:	**Washington Township, Council District #1**
Zoning:	**HD-2**
Petitioner:	**SPT Ivey 8260 Naab MOB, by Doug Staley**
Request:	**Hospital District - Two Approval to provide for one wall sign.**

A timely automatic continuance was filed by a registered neighborhood organization that would **continue this petition from the July 27, 2023 hearing, to the August 24, 2023 hearing**. This would require acknowledgment from the Hearing Examiner.

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STAFF REPORT

Department of Metropolitan Development
Division of Planning
Current Planning Section

Case Number:	**2023-APP-021**
Address:	**8091 Township Line Road (approximate address)**
Location:	**Washington Township, Council District #1**
Zoning:	**HD-1/HD-2**
Petitioner:	**Paragon Dream I, LLC, by Doug Staley**
Request:	**Hospital District-One and Two Approval to provide for one wall sign.**

A timely automatic continuance was filed by a registered neighborhood organization that would **continue this petition from the July 27, 2023 hearing, to the August 24, 2023 hearing**. This would require acknowledgment from the Hearing Examiner.

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STAFF REPORT

Department of Metropolitan Development
Division of Planning
Current Planning Section

Case Number:	**2023-MOD-014**
Address:	**6011 Copeland Mills Drive (*Approximate Address*)**
Location:	**Decatur Township, Council District #20**
Zoning:	**D-3**
Petitioner:	**Jesse Cook**
Request:	**Modification of the Commitments related to petition 97-Z-30 to modify Commitment #20 to allow for a privacy fence along the property boundary (current commitment limits privacy fencing to being used in conjunction with a porch, patio, deck, terrace or pool, it must be located within fifteen feet of said structure and shall not encroach into the required building setbacks).**

A valid Automatic Continuance was received from a registered neighborhood organization, the Decatur Township Civic Council, **continuing this petition from the July 27, 2023 hearing to the August 24, 2023 hearing.**

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STAFF REPORT

Department of Metropolitan Development
Division of Planning
Current Planning Section

Case Number:	**2023-ZON-004**
Address:	**5680 Eden Village Drive (*Approximate Addresses*)**
Location:	**Pike Township, Council District #8**
Petitioner:	**Olanrewaju Ahmeed Azeez**
Request:	**Rezoning of 1.55 acres from the C-S district to the D-6 district to allow for a single-family attached residential development.**

The Hearing Examiner continued this petition from the February 23, 2023 hearing, to the March 23, 2023 hearing, at the request of the petitioner's representative to explore other rezoning options, which may require new notice.

The Hearing Examiner continued this petition from the March 23, 2023 hearing, to the April 27, 2023 hearing, and to the May 25, 2023 hearing, at the request of staff to provide time to review and discuss revisions to the request.

The Hearing Examined acknowledged the automatic continuance filed by a registered neighborhood organization that continued this petition from the May 25, 2023 hearing, to the, June 29, 2023 hearing.

The Hearing Examiner continued this petition from the from the June 29, 2023 hearing, to the July 27, 2023 hearing, to provide time to provide required notice for the modification. Staff is requesting a **continuance from the July 27, 2023 hearing to the August 24, 2023 hearing,** with notice, to prepare an updated legal notice for the petitioner and their representative to provide required notice.

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STAFF REPORT

Department of Metropolitan Development
Division of Planning
Current Planning Section

Case Number:	**2023-ZON-063 (Amended)**
Address:	**3855 & 3955 North Emerson Avenue and 5035 East 39th Street (*Approximate Addresses*)**
Location:	**Lawrence and Washington Townships, Council Districts #9 and #13**
Petitioner:	**Harmony Park Apartments / Emerson Park Apartments, LLC, by David Kingen**
Request:	**Rezoning of 5.81 acres from the D-3 (TOD), D-4 (TOD) and C-3 (TOD) districts to the D-8 (TOD) district to provide for a multi-family development.**

This petition will need to be **continued from the July 27, 2023 hearing, to the August 10, 2023 hearing,** to provide additional time for required notice to be provided for the amended request.

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STAFF REPORT

Department of Metropolitan Development
Division of Planning
Current Planning Section

Case Number:	**2023-CZN-828 / 2023-CVR-828 (Amended)**
Address:	**3416, 3420 and 3520 South Post Road (approximate address)**
Location:	**Franklin Township, Council District #18**
Petitioner:	**Quicktrip Corporation, by J. Murray Clark**
Request:	**Rezoning of 12.269 acres from the C-S and C-7 districts to the C-7 district to provide for a truck stop.** **Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for no street trees along the northern portion of the Post Road frontage (street trees required), no planting beds/shrubs along the entire Post Road frontage (landscaping required), three parking lot trees (17 required), to provide for a 50-foot tall, 391-square-foot pole sign (maximum 20-foot tall, 300 square foot pole sign permitted), to provide for a 23-foot tall, 109-square-foot freestanding incidental sign (maximum eight-foot tall, 32 square feet permitted) and to provide for a truck stop located within 425 feet of a protected district (500-foot separation required).**

The Hearing Examiner continued these petitions from the from the June 15, 2023 hearing, to the June 29, 2023 hearing to provide additional time to amend the variance request and provide required notice.

The Hearing Examiner acknowledged the timely automatic continuance filed by a registered neighborhood organization that continued petitions from the June 29, 2023 hearing, to the July 27, 2023 hearing.

Staff is requesting a **continuance from the July 27, 2023 hearing, to the august 24, 2023 hearing,** to provide additional time for a Traffic Operations Analysis (TOA) to be conducted and submitted for review.

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STAFF REPORT

Department of Metropolitan Development
Division of Planning
Current Planning Section

Case Number:	**2023-MOD-013**
Address:	**3951 East Brunswick Avenue (*Approximate Address*)**
Location:	**Perry Township, Council District #24**
Zoning:	**D-4**
Petitioner:	**Gary Hinks**
Request:	**Modification of the Commitments related to petition 90-Z-115 to modify Commitment 6.d, to allow for an above ground pool (previous commitments prohibited above ground pools).**

RECOMMENDATIONS

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

SUMMARY OF ISSUES

The following issues were considered in formulating the recommendation:

LAND USE

◊ This 0.19-acre site, zoned D-4, is developed with a single-family dwelling. It is surrounded to the south, east and west by a single-family dwelling and a single-family dwelling to the north, across East Brunswick Avenue, all zoned. D-4.

MODIFICATION

◊ This request would modify commitments related to petition 90-Z-115 to allow for an above-ground pool when the commitments prohibited above-ground pools.

◊ Petitions 90-Z-115 and 92-P-87rezoned this site from the D-A District to the D-4 classification and platted the area for single-family dwellings

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

(Continued)

◊ The Pattern Book lays out a land use classification system that guides the orderly development of the county, protects the character of neighborhoods and serves as a policy guide for development or redevelopment of a site.

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

Conditions for All Land Use Types

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

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.

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.

Planning Analysis

◊ This request would modify commitments for the Rezoning Petition 90-Z-115 (See Exhibit A, 6. (d)). The commitments prohibiting above-ground pools were originally the result of negotiation between the petitioner and remonstrators during the 1990 rezoning process. Because staff played no role in the negotiation of these subject commitments, staff would ordinarily provide no recommendation under such circumstances. Staff would note, however, that the neighborhood organization(s) negotiated in good faith with the petitioner during the petition process, and their agreement was contingent upon all commitments being included with the rezoning petition.

◊ Documents associated with ILP20-01254 (May 26, 2020) indicate an application and site plan were submitted but the file does not include issuance of an Improvement Location Permit. It was noted that above-ground pools were not permitted but a site plan for a compliant in-ground pool could be submitted for review.

(Continued)

◊ Upon investigation (INV23-05925) it was determined that construction of the pool occurred without the proper permits or development standards. Subsequently, on April 21, 2023, VIO23-002762 was issued that identified four violations of the Zoning Ordinance. This modification petition was filed on June 22, 2023.

GENERAL INFORMATION

EXISTING ZONING AND LAND USE

	D-4	Single-family dwelling

SURROUNDING ZONING AND LAND USE

North -	D-4	Single-family dwelling
South -	D-4	Single-family dwelling
East -	D-4	Single-family dwelling
West -	D-4	Undeveloped land

COMPREHENSIVE PLAN	The Comprehensive Land Use Plan for Indianapolis and Marion County (2018) recommends suburban neighborhood typology. Marion County Land Use Pattern Book (2019).
THOROUGHFARE PLAN	This portion of East Brunswick Avenue is designated in the Marion County Thoroughfare Plan as a local street, with an existing and proposed 50-foot right-of-way.
CONTEXT AREA	This site in located within the metro context area.
OVERLAY	There is no overlay for this site.
SITE PLAN	File-dated June 22, 2023

ZONING HISTORY

90-Z-115, 5850 South Gray Road, requested rezoning of 32.383 acres, being in the D-A District, to the D-4 classification to provide for single-family development**, approved.**

92-P-87; 5850 Gray Road, requested a subdivision plat to known as Maple Glen, Section II, dividing 7.19 aces into 26 lots, **approved.**

90-Z-116; 5705 South Gray Road (north of site), requested rezoning of 11.038 acres, being in the D-A District, to the D-3 classification to provide for single-family residential development by platting, **approved.**

90-Z-4; 5530 South Gray Road (north of site), requested rezoning of 34.97 acres, being in the A-2 District, to the D-3 classification to provide for single-family development by platting, **approved.**

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3951 East Brunswick Avenue

N

0 0.00475 0.0095 0.019 0.0285 0.038 Miles

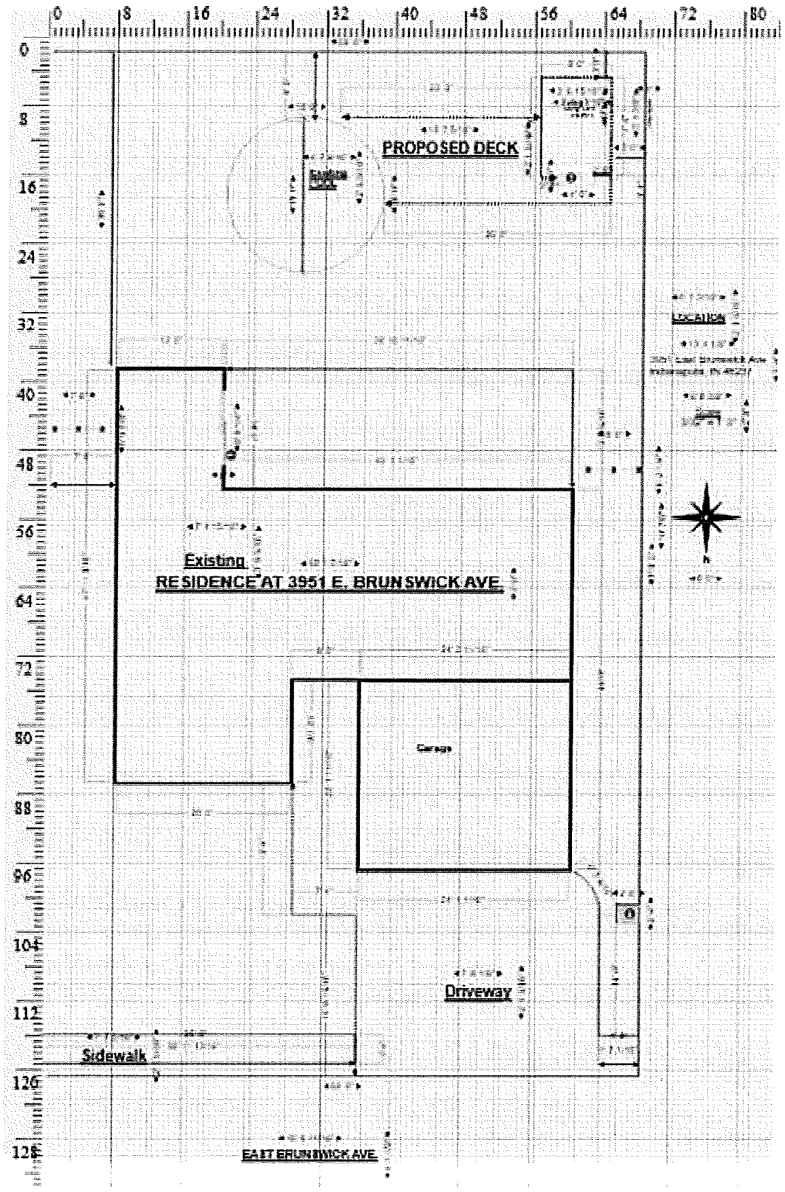
PROPOSED DECK
Existing
RESIDENCE AT 3951 E. BRUNSWICK AVE.
Garage
Driveway
Sidewalk
EAST BRUNSWICK AVE.

Exhibit A

90-Z-115
116

900089986 [redacted]

1800
(7) #300

NOTE: Article VI, Section 3(b) of the rules of the Metropolitan Development Commission requires use of this form in recording commitments made with respect to zoning and approval cases in accordance with I.C. 36-7-4-607. Resolution No. 85-R-69, 1985 of the Metropolitan Development Commission requires the owner to make Commitment #1.

90 AUG 30 PM 12:55

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

In accordance with I.C. 36-7-4-607, the owner of the real estate located in Marion County, Indiana, which is described below, makes the following COMMITMENTS concerning the use and development of that parcel of real estate:

Legal Description:

A part of the West half of the Southwest quarter of Section 4 and a part of the East half of the Southeast quarter of Section 5, Township 14 North, Range 4 East of the Second Principal Meridian located in Perry Township, Marion County, Indiana, and more particularly described in Exhibits "A" and "B" attached hereto 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. The real estate described herein shall be developed for single family use in substantial accordance with the preliminary and final plats as filed with and approved by the Plat Committee of the Indianapolis, Marion County Department of Metropolitan Development in Docket No. 90-P-55 and subsequent plat applications for approval of the additional sections of the development. In no event shall the maximum number of lots developed upon the 43.876 acres described herein exceed the total lots as shown upon the preliminary plat filed in connection with the Section 1 Plat Application referenced above.

3. All residences constructed upon any lot developed within the property shall have a minimum of twelve hundred square feet (1,200) of living space, exclusive of garages, carports, and open porches. Residences constructed upon any lot which has its rear yard adjacent to the Gray Road right-of-way shall contain a minimum of fifteen hundred square feet (1,500) of living space, exclusive of garages, carports, and open porches.

*** CONTINUED ON ATTACHED PAGE -

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

METROPOLITAN
DEVELOPMENT COMMISSION
PETITIONER'S EXHIBIT
NO. 3
CAUSE NO. 90-Z-115 & 116 Yes
SECRETARY
DATE 7-26-90

CONTINUED - Exhibit "B" - Commitments

Petitioner: LaRosa Family Partnership, by Michael J. Kiss

Docket Nos. 90-Z-115 and 90-Z-116

4. The living space of all residences constructed upon any lot within the property shall be constructed upon a crawl space or basement, or upon a combination thereof.

5. Petitioner shall provide landscaping along all rear yard property lines which are immediately adjacent to Cray Road, consistent with the esthetics and appearance established by the entries to this development. The landscaping shall consist of evergreen plantings or grass mounds, or a combination thereof.

6. Covenants of the plat for all sections of the single family development on the property shall contain the following restrictions, among others, to-wit:

(a) No two-family residences shall be constructed upon any lot in the development;

(b) All garages shall be attached to the residence structure and all driveways shall be hardsurfaced;

(c) No satellite receivers shall be permitted on any lot in the development and all accessory structures must be approved by the Architectural Control Committee for the development;

(d) No above-ground swimming pools shall be permitted upon any lot in the development; and

(e) A Not-For-Profit Homeowners Association shall exist to own and maintain all common areas within the property.

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COMMITMENTS contained in this instrument shall be effective upon:

(a) the adoption of rezoning petition # 90-Z-115 and 90-Z-116 by the City-County Council changing the zoning classification of the real estate from a D-A zoning classification to a D-3 and D-4 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 D-3 and D-4 zoning classification or until such other time as may be specified herein.

These COMMITMENTS may be enforced jointly or severally by:

1. The Metropolitan Development Commission;

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

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

**

The undersigned hereby authorizes the Division of Development Services of the Department of Metropolitan Development to record this Commitment in the office of the Recorder of Marion County, Indiana, upon final approval of petition # 90-Z-115 and 90-Z-116.

IN WITNESS WHEREOF, owner has executed this instrument this 26th day of July, 1990.

Signature LaRowa Family Partnership (Seal) Signature (Seal)

Printed By: John M. LaRowa Pres. Printed

STATE OF INDIANA)
) SS:
COUNTY OF MARION)

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

90009986

Witness my hand and Notarial Seal this 26th day of July, 1990.

Signature

Printed Michael J. Kiss

County of Residence Johnson

My Commission expires:

7-14-91

This instrument was prepared by Michael J. Kiss, Esq.
STEWART & IRWIN
Two Market Square Center
Suite #1100
251 East Ohio Street
Indianapolis, IN 46204
Phone: (317) 639-5454

90 -7- 115

5271A/jh

 90008998G

ATTACHMENT "A"

OPEN OCCUPANCY AND EQUAL EMPLOYMENT OPPORTUNITY COMMITMENT

(a.) The owner commits that he shall not discriminate against any person on the basis of race, color, religion, ancestry, national origin, handicap or sex in the sale, rental, lease or sublease, including negotiations for the sale, rental, lease or sublease, of the real estate or any portion thereof, including, but not limited to:

(1) any building, structure, apartment, single room or suite of rooms or other portion of a building, occupied as or designed or intended for occupancy as living quarters by one or more families or a single individual;

(2) any building, structure or portion thereof, or any improved or unimproved land utilized or designed or intended for utilization, for business, commercial, industrial or agricultural purposes;

(3) any vacant or unimproved land offered for sale or lease for any purpose whatsoever.

(b.) The owner commits that in the development, sale, rental or other disposition of the real estate or any portion thereof, neither he nor any person engaged by him to develop, sell, rent or otherwise dispose of the real estate, or portion thereof shall discriminate against any employee or applicant for employment employed or to be employed in the development, sale, rental or other disposition of the real estate, or portion thereof with respect to hire, tenure, conditions or privileges of employment because of race, color, religion, ancestry, national origin, handicap or sex.

EXEMPT PERSONS AND EXEMPT ACTIVITIES

An exempt person shall mean the following:

1. With respect to commitments (a) and (b) above:

(a) any not-for-profit corporation or association organized exclusively for fraternal or religious purposes;

(b) any school, educational, charitable or religious institution owned or conducted by, or affiliated with, a church or religious institution;

(c) any exclusively social club, corporation or association that is not organized for profit and is not in fact open to the general public;

provided that no such entity shall be exempt with respect to a housing facility owned and operated by it if such a housing facility is open to the general public;

2. With respect to commitment b, a person who employs fewer than six (6) employees within Marion County.

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

5271/jh

900089986

View looking east along East Brunswick Avenue

View looking west along East Brunswick Avenue

View of site looking southwest

View of site looking southeast

The following photos were taken during investigation of complaint

VIO23-002762, 3951 E BRUNSWICK AVE, 4/21/2023 @ 2:45 PM -- RH

VIO23-002762, 3951 E BRUNSWICK AVE, 4/21/2023 @ 2:45 PM -- RH

STAFF REPORT

Department of Metropolitan Development
Division of Planning
Current Planning Section

Case Number: **2023-ZON-054**
Address: **1554 Ringgold Avenue (*Approximate Address*)**
Location: **Center Township, Council District #21**
Petitioner: **Jason Blankenship, by Mark and Kim Crouch**
Request: **Rezoning of 0.14 acres from the D-5 (TOD) district to the D-5II (TOD) district.**

This petition was continued from the July 13, 2023 hearing to the July 27, 2023 hearing to allow time for proper notice.

RECOMMENDATION

Staff **recommends approval** of this request.

SUMMARY OF ISSUES

The following issues were considered in formulating the recommendation.

LAND USE

◊ The subject site was platted in 1887. Historic mapping and aerial photography indicate that a single-family dwelling stood on the site from 1915 until 2010/2011 when the structure was demolished.

◊ The 2018 Comprehensive Land Use Plan recommends Traditional Neighborhood for the subject site. This typology envisions a full spectrum of housing types, ranging from single family homes to large-scale multi-family housing with a development pattern that is compact and well-connected. This typology usually has a residential density of five to fifteen dwelling units per acre, but a higher density in proximity of a transit line, greenway, or park.

ZONING

◊ This petition requests a rezoning from the D-5 district to the D-5II district. The D-5II district permits single-family and two-family dwellings, multi-unit houses and rowhouses.

(Continued)

STAFF REPORT 2023-ZON-054 (Continued)

◊ The site plan submitted with the petition indicates a desire on the part of the petitioner to build a structure with two residential units. A duplex would not be permitted on this 40-foot-wide site because the Ordinance requires a minimum 60-foot-wide lot for a duplex. However, the Ordinance does permit a two-unit multi-unit house on a 40-foot-wide lot. A notable distinction between a duplex and a multi-unit house is that a duplex may be divided onto two parcels. A multi-unit house must remain on one parcel.

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

GENERAL INFORMATION

EXISTING ZONING, CONTEXT AREA, AND LAND USE

D-5	Compact	Vacant lot

SURROUNDING ZONING AND LAND USE

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

COMPREHENSIVE LAND USE PLAN	The Center Township Comprehensive Plan (2018) recommends Traditional Neighborhood.
THOROUGHFARE PLAN	Ringgold Avenue is classified in the Official Thoroughfare Plan for Marion County, Indiana as a Local Street, with a 60-foot existing right-of-way and a 48-foot proposed right-of-way.
FLOODWAY / FLOODWAY FRINGE	This site is not located within a floodway or floodway fringe.
WELLFIELD PROTECTION DISTRICT	This site is not located within a wellfield protection district.

ZONING HISTORY – SITE

None.

(Continued)

STAFF REPORT 2023-ZON-054 (Continued)

ZONING HISTORY – VICINITY

2021-ZON-083; 1001 Palmer Street (southeast of site), requested the rezoning of 1.6 acre from the SU-1 district to the D-P district to provide for 157 multi-family residential units, **pending.**

2021-DV1-046; 1540 Ringgold Avenue (north of site), requested a variance of development standards to provide for deficient setbacks, building separation and open space, **approved.**

2006-UV2-036; 1601 Leonard Street (southwest of site), requested the legal establishment of a three-unit dwelling in a D-5 district with deficient setbacks and a garage in the front yard, **approved.**

98-Z-213; 1001 Palmer Street (southeast of site), requested the rezoning of two acres from the D-5 district to the SU-1 district, **approved.**

klh

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STAFF REPORT 2023-ZON-054, Location

STAFF REPORT 2023-ZON-054, Aerial photograph (2022)

STAFF REPORT 2023-ZON-054, Photographs

Looking west from Ringgold Avenue at the subject site.

Looking northwest at the neighbors to the north.

Looking southwest at the neighbors to the south. The subject site is to the right.

Looking east from the site across Ringgold Avenue.

STAFF REPORT

Department of Metropolitan Development
Division of Planning
Current Planning Section

Case Number:	**2023-ZON-58**
Address:	**1446 East Washington Street (*Approximate Address*)**
Location:	**Center Township, Council District #17**
Petitioner:	**Damien Center Inc., by David Kingen**
Request:	**Rezoning of 0.66 acre from the MU-1 (TOD) district to the MU-2 (TOD) district.**

RECOMMENDATION

Staff **recommends approval** of this request.

SUMMARY OF ISSUES

The following issues were considered in formulating the recommendation.

LAND USE

◊ The two-story building on the subject site dates to 1891 and essentially covers the entire site. It has been used for many years as a tavern, a use that was legally established by petition 2013-UV3-031.

◊ The 2018 Comprehensive Land Use Plan recommends Urban Mixed-Use for the subject site. This typology envisions dense, pedestrian-oriented development with a wide range of businesses, services, and institutions that serve both adjacent neighborhoods and the broader community. Buildings are intended to be four to eight stories in height with entrances and large windows facing the street. Sidewalks and other pedestrian spaces should be activated as places to gather. Off-street parking should be behind buildings or in garages. Residential density of 25 to 75 units per acre is anticipated.

(Continued)

STAFF REPORT 2023-ZON-058(Continued)

ZONING

◊ This petition requests a rezoning from the MU-1 district to the MU-2 district. The MU-1 district is intended for a mix of office buildings and apartment towers. The MU-2 districts provides for small-scale retail and office uses, institutions, and a range of dwelling types. It can be used to create walkable neighborhood centers and include small social spaces and neighborhood gathering places.

◊ The rezoning to MU-2 will bring the zoning of the site into alignment with its long-term use. The request is also responsive to the Comprehensive Land Use Plan recommendation for the site. For these reasons staff recommends approval of the petition.

GENERAL INFORMATION

EXISTING ZONING, CONTEXT AREA, AND LAND USE

MU-1	Compact	Commercial building

SURROUNDING ZONING AND LAND USE

North	MU-1	Vacant multi-family building
South	MU-1	Office building
East	MU-1	Credit union
West	MU-1	Vacant multi-family building

COMPREHENSIVE LAND USE PLAN	The Center Township Comprehensive Plan (2018) recommends Urban Mixed-Use.
THOROUGHFARE PLAN	Washington Street is classified in the Official Thoroughfare Plan for Marion County, Indiana as a Primary Arterial, with an 80-foot existing right-of-way and a 78-foot proposed right-of-way. Arsenal Avenue is classified in the Official Thoroughfare Plan for Marion County, Indiana as a Local Street, with a 64-foot existing right-of-way and a 48-foot proposed right-of-way.
FLOODWAY / FLOODWAY FRINGE	This site is not located within a floodway or floodway fringe.
WELLFIELD PROTECTION DISTRICT	This site is not located within a wellfield protection district.

(Continued)

STAFF REPORT 2023-ZON-058(Continued)

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

ZONING HISTORY – SITE

2013-UV3-031; 1438 &1446 East Washington Street, requested the legal establishment of a tavern with live entertainment and variances of development standards to provide for outdoor seating, obstruction of the clear sight triangle, deficient setbacks and parking and a sign projecting into the right-of-way, **approved.**

97-UV3-71; 1446 East Washington Street, requested variances of use and development standards to provide for a tavern with live entertainment and deficient parking, **withdrawn.**

ZONING HISTORY – VICINITY

2022-CZN-808 / 2022-CVR-808 / 2022-CVC-808; 1402, 1416, 1432 & 1438 East Washington Street and 15, 17, & 26 North Arsenal Avenue (west, north and northeast of site), requested the rezoning of 2.33 acres from the MU-1, MU-2 and C-1 districts to the MU-2 district and variances of development standards to provide for obstruction of the clear sight triangle, deficient north transitional yard, deficient number of parking spaces, access drives with excessive width, surface parking within 50 feet of street frontages, a front building line of 60% along Oriental Street, with a deficient number of primary entry features, deficient transparency, and to legally establish a parking lot with a deficient transitional yard, and to legally establish a west transitional yard, **approved.**

2005-ZON-813 / 2005-VAR-813; 15, 17 & 26 North Arsenal Avenue (west, north and northeast of site), requested the rezoning of 0.84 acre from the D-8 district to the C-1 district and a variance of development standards to provide for a deficient number of parking spaces and for off-site parking, **approved.**

95-V3-67; 1502 East Washington Street (east of site), requested a variance of development standards to provide for a drive-through unit with deficient separation from a dwelling district and a deficient number of parking spaces, **approved.**

90-Z-79; 26 North Arsenal Avenue (north of site), requested the rezoning of 0.7 acre from the D-8 district to the C-2 district, **withdrawn.**

91-V1-72; 1435 East Washington Street (south of site), requested a variance of development standards to provide for a sign with pricing panels and a deficient setback, an excess number of canopy signs, deficient setbacks, dumpster in the front yard and outdoor storage, **approved.**

(Continued)

STAFF REPORT 2023-ZON-058(Continued)

89-UV2-61; 1502 East Washington Street (east of site), requested a variance of use to provide for a cosmetology school and a variance of development standards to provide for a deficient number of parking spaces, **approved.**

88-UV2-115; 1439 East Washington Street (south of site), requested a variance of use to provide for electronic wholesaling and variances of development standards to provide for deficient setbacks, landscaping, loading facilities and maneuvering, **approved.**

87-Z-4; 1523 East Washington Street (southeast of site), requested the rezoning of 2.1 acres from the C-2 district to the I-2-U district, **approved.**

klh

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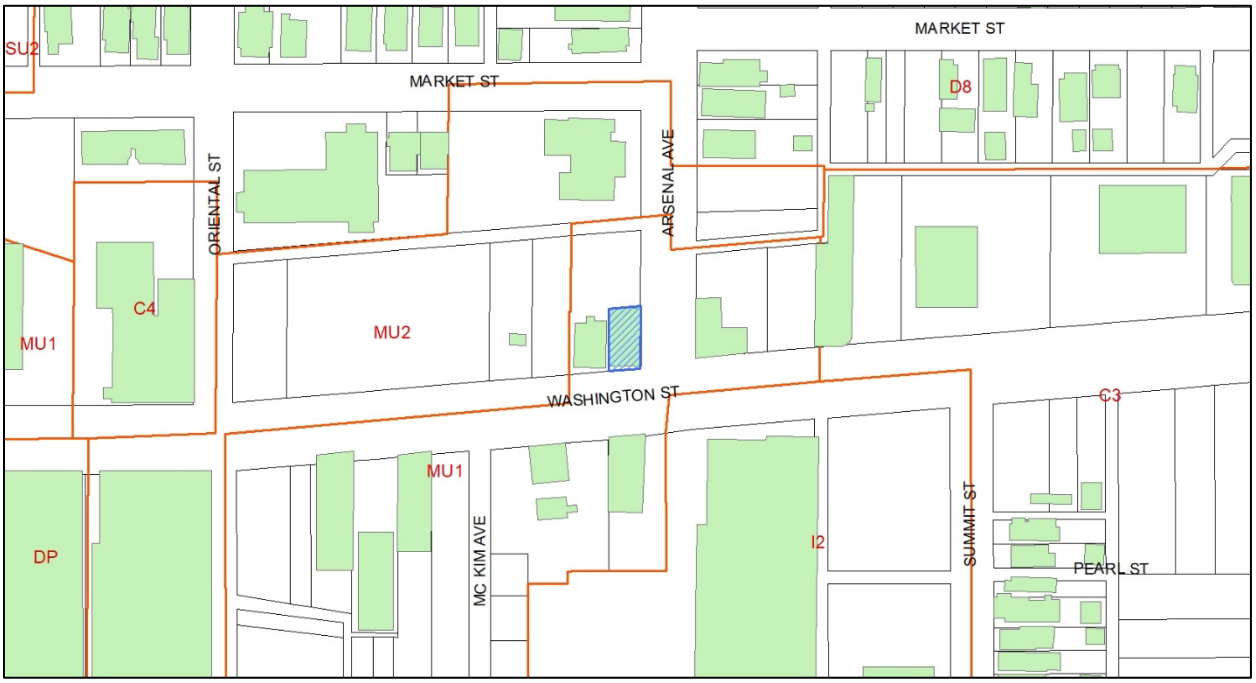
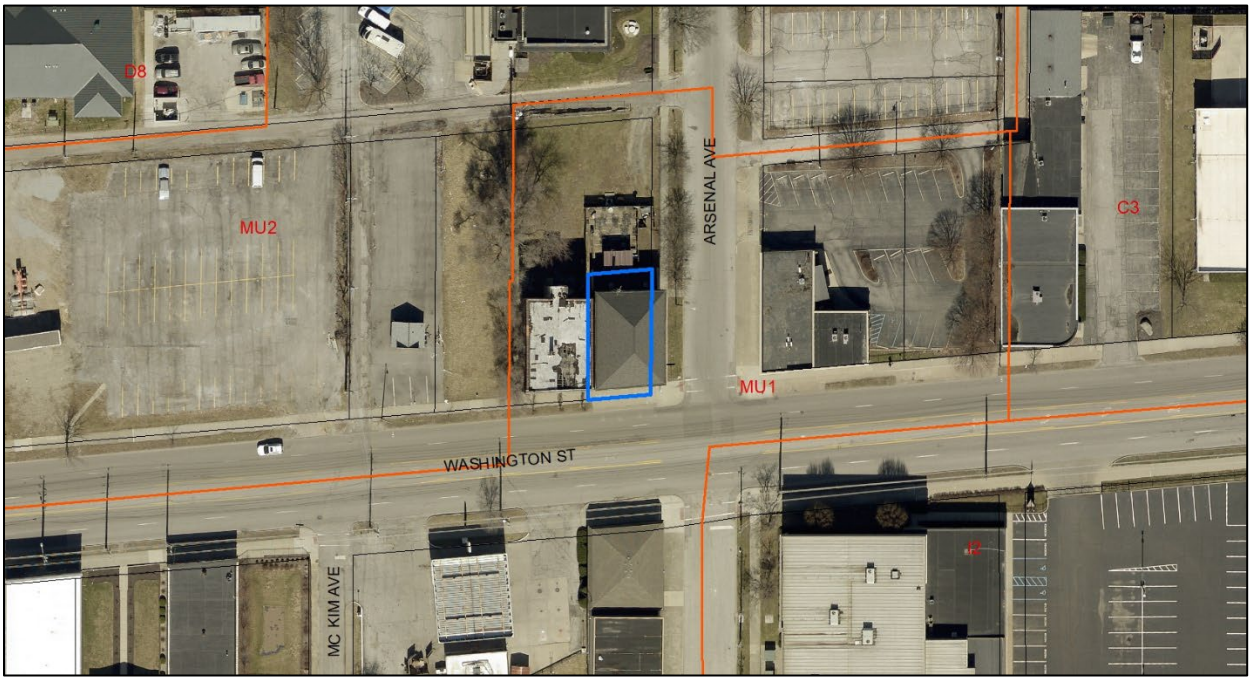
STAFF REPORT 2023-ZON-058, Location



STAFF REPORT 2023-ZON-058, Aerial photograph (2022)



STAFF REPORT 2023-ZON-058, Photographs

Looking north across Washington Street at the site and the neighbor to the west.

Looking west across Arsenal Avenue at the site.

Looking south at the subject site across the neighboring property to the north.

Looking south across Washington Street at the neighbors to the south and southwest.

Looking southeast at the neighbors to the east and southeast.

STAFF REPORT

Department of Metropolitan Development
Division of Planning
Current Planning Section

Case Number:	**2023-ZON-059**
Address:	**4640 Lafayette Road (*Approximate Address*)**
Location:	**Pike Township, Council District #10**
Petitioner:	**Hoosier Investments, LLC, by Timothy H. Button**
Request:	**Rezoning of 8.72 acres from the C-7 and C-5 districts to the C-7 district.**

RECOMMENDATIONS

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

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

SUMMARY OF ISSUES

The following issues were considered in formulating the recommendation:

LAND USE

◊ This 8.72-acre site, zoned C-7 and C-5, is developed with a commercial building and associated parking lot. It is surrounded by Interstate 65 right-of-way to the north, zoned C-7; a hotel and commercial uses to the south, zoned C-5; commercial uses (vacant) to the east, across Lafayette Road, zoned C-5; and a lodge to the west, zoned SU-34 (club rooms, fraternal rooms – fraternity and lodge, and public ballroom).

REZONING

◊ This request would rezone the site from the C-5 and C-7 Districts to the C-7 classification. “The C-7 District is designed to provide specific areas for commercial uses which have unusually incompatible features relative to other commercial uses, such as major outdoor storage or display of sizeable merchandise and the outdoor parking and storage of trucks, materials or equipment essential to the operation of these uses. Many of these uses generally are not visited by customers, but rather involve service operations from headquarters with some on-site fabrication of parts. The nature of operation or appearance are more compatible with industrial than retail commercial activities. Because of the character and intensity of these uses, this district should be appropriately located on major commercial arterial thoroughfares and near interstate freeways, but not in close association with those commercial activities involving shopping goods, professional services, restaurants, food merchandising, and the like. Due to the intensity of uses, location of this district should never be adjacent to protected districts.

(Continued)

◊ The Lafayette Square Area Plan recommends mixed-use development. "Mixed-use development is to be introduced to the International Market Place along Gemco Lane. Typically, mixed-use development features retail, commercial, or office uses on the first floor of a building and residential or office uses on upper floors. This type of development and intensity creates a "main street" or "town center" feel in a community. This land use designation provides flexibility, allows for fluctuation in the market, and creates a livable, walkable atmosphere. Lower intensity commercial uses are recommended in mixed-use areas and could include copy services, paper supply, small independently owned retail, restaurants, coffee shops, dry cleaners, etc. Big box retail, auto-related uses, and hotels are not appropriate uses in the proposed mixed-use area."

◊ The Area Plan also recommends a multi-use path along the frontage of Lafayette Road within the planning area boundary.

◊ The Area Plan identifies the intersection of the southern ramp and Lafayette Road as a "Key Gateway Treatment." This feature is defined as ". . . .a landmark, feature, or streetscape that a resident or visitor first sees or experiences upon entering a particular area. The two most significant entryways into the International Market Place are located at the 38th Street and Lafayette Road exits of Interstate 65. As the main entry points into the community, these exits and thoroughfares carry a significant amount of vehicular traffic. Key gateways should be functionally and aesthetically enhanced in order to create a sense of welcome and place. Solutions should include installing attractive and inviting signage, lighting, and landscaping. Additionally, these spaces may be ideal for the installation of public art to draw visual interest to the area and to communicate to passers-by that they are entering a special place."

Environmental Public Nuisances

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

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

◊ Environmental public nuisance means:

1. Vegetation on private or governmental property that is abandoned, neglected, disregarded or not cut, mown, or otherwise removed and that has attained a height of twelve (12) inches or more;

2. Vegetation, trees or woody growth on private property that, due to its proximity to any governmental property, right-of-way or easement, interferes with the public safety or lawful use of the governmental property, right-of-way or easement or that has been allowed to become a health or safety hazard;

(Continued)

3. A drainage or stormwater management facility as defined in Chapter 561 of this Code on private or governmental property, which facility has not been maintained as required by that chapter; or

4. Property that has accumulated litter or waste products, unless specifically authorized under existing laws and regulations, or that has otherwise been allowed to become a health or safety hazard.

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

Planning Analysis

◊ The request would generally not be consistent with the Area Plan recommendation of mixed-use development. However, the site was developed around 1979 and has continued with a viable commercial use in the intervening years, without negative impact on the surrounding land uses. Furthermore, this request would eliminate the split zoning and result in the site with one zoning classification that would be developed in accordance with the development standards of the Ordinance, including setbacks, sidewalks for connectivity and landscaping.

◊ For these reasons, staff recommends approval of this rezoning request.

GENERAL INFORMATION

EXISTING ZONING AND LAND USE

	C-5 / C-7	Commercial uses

SURROUNDING ZONING AND LAND USE

North -	C-7	Interstate 65 ramp right-of-way
South -	C-5	Hotel / commercial uses
East -	C-5	Commercial uses (vacant)
West -	SU-34	Lodge

COMPREHENSIVE PLAN	The Lafayette Square Land Use Plan (An International Market Place) (2010) recommends mixed-use development.
THOROUGHFARE PLAN	This portion of Lafayette Road is designated in the Marion County Thoroughfare Plan as a primary arterial, with an existing 148-foot right-of-way and a proposed 124-foot right-of-way.
CONTEXT AREA	This site in located within the metro context area.
OVERLAY	There is no overlay for this site.
SITE PLAN	File-dated June 15, 2023

(Continued)

ZONING HISTORY

2014-DV1-014; 4640 Lafayette Road, requested a variance of development standards of the Sign Regulations to increase the height of an existing pole sign to 48 feet, and to legally establish the sign, with an approximate seven-foot front setback from Lafayette Road, within approximately 220 feet of an existing freestanding sign on a lot with approximately 550 feet of frontage**, granted.**

2003-DV1-050; 4640 Lafayette Road, requested a variance of development standards of the Sign Regulations to provide for four banners, with one banner being six by 48 feet, and the remaining three being 2.75 feet by 13.5 feet and located within the right-of-way**, withdrawn.**

78-Z-145, 4616 Lafayette Road; Rezoning of 7.17 acres from the C-4 district to the C-7 district to permit the construction of a building supply sales center, **approved.**

74-Z-57, 5420 West 46th Street; Rezoning 11.23 acres from the A-2 district to the C-4 district to permit commercial development, **approved.**

VICINITY

2016-ZON-022; 5201 West 46th Street (south of site), requested rezoning of 1.56 acres from the C-7 district to the C-3 classification**, withdrawn.**

96-Z-141; 5340 West 46th Street (west of site), requested rezoning of 0.26 acre, being in the SU-34 District, to the SU-15 classification to provide for the placement of a telecommunication facility including a 150-foot-tall monopole tower, **withdrawn.**

91-Z-26; 5370 West 46th Street (west of site), requested rezoning of 4.3 acres, being in the C-1 District, to the SU-34 classification to provide for the construction of a Masonic Lodge**, approved.**

89-UV1-150; 5333 West 46th Street (south of site), requested a variance of use of the Commercial Zoning Ordinance to permit use of the site for an off-street customer parking area for an auto auction located on the adjacent property**, denied.**

84-Z-170, 4630 Lafayette Road (south of site); requested rezoning of 2.42 acres from the C-4 to the C-5 district to provide for a motel, **approved.**

78-UV1-38, 4624 Lafayette Road (south of site); Variance of use, height and development standards to refurbish an abandoned service station and erect a 63.5-foot tall pole sign, **granted.**

kb

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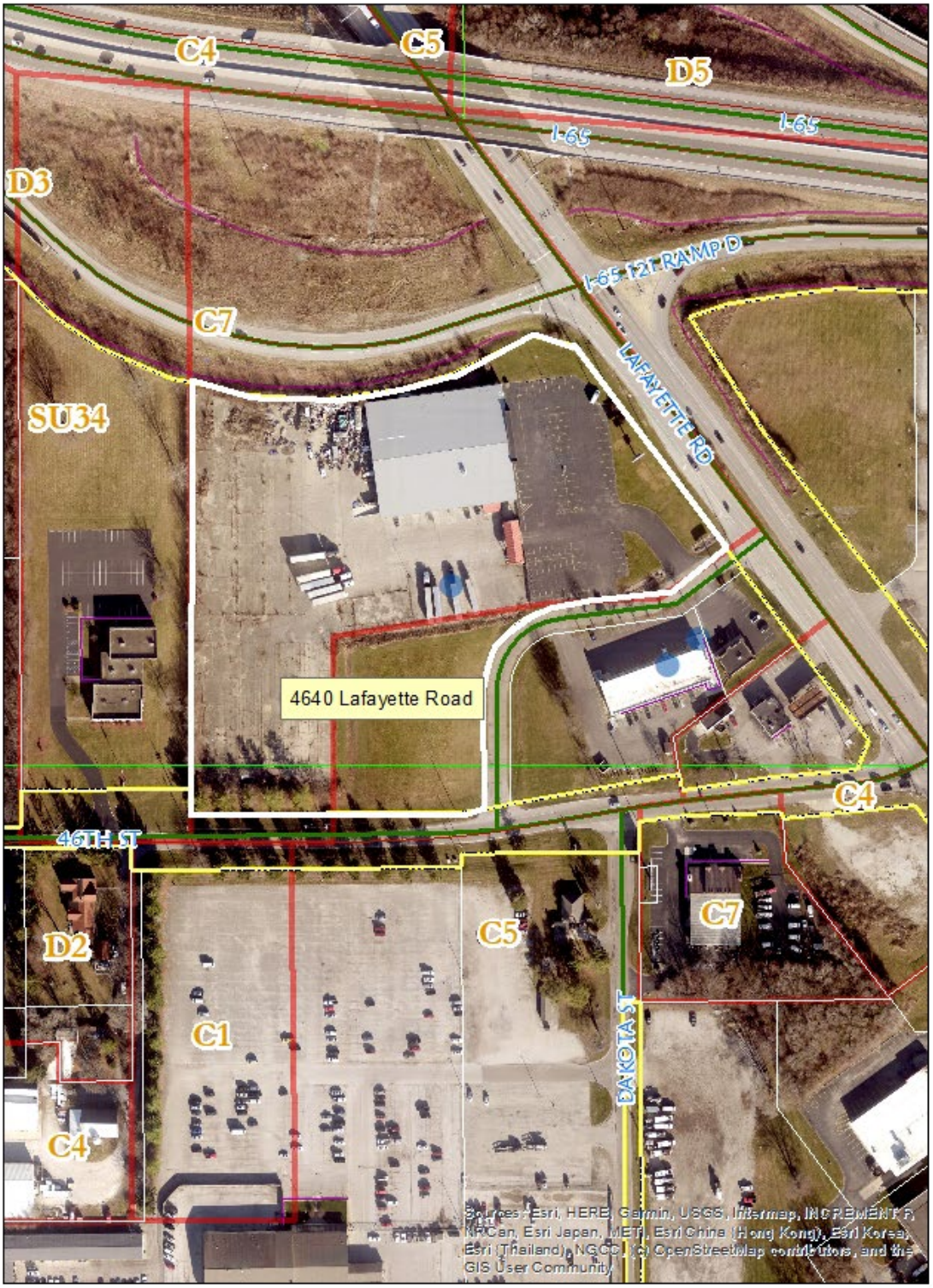


4640 Lafayette Road

N

0 0.010.02 0.04 0.06 0.08 Miles

Certify to: M & D Development, LLC, an Indiana limited liability company
Hoosier Investments, LLC;
Fidelity National Title Insurance Company;

I, the undersigned, hereby certify that to the best of my professional knowledge and belief the within plat accurately represents a survey update performed under my supervision during November and December, 2020 of the real estate described herein, and that said survey was performed in accordance with Title 865, Article 1, Rule 12 of the Administrative Code establishing minimum standards for the practice of Land Surveying in Indiana.

Record Description (from Instrument Number 2002-0087185)

PARCEL I:

Part of the East Half of the Southwest Quarter of Section 12, Township 16 North, Range 2 East and part of the Southwest Quarter of Section 7, Township 16 North, Range 3 East in Marion County, Indiana more particularly described as follows:

Beginning at the Southwest corner of said Section 12; thence along the South line of said East Half Quarter Section South 89 degrees 33 minutes 15 seconds West 187.40 feet; thence North 00 degrees 00 minutes 00 seconds West 230.78 feet; thence North 82 degrees 31 minutes 30 seconds East 331.56 feet to a point on a curve having a radius of 125.00 feet, the radius point of which bears South 07 degrees 28 minutes 30 seconds East, said point lies on the Westerly line of a 40.00 feet wide Grant of Easement recorded as instrument No. 78-72716, in the Office of the Recorder of Marion County, Indiana (the next two courses are along said Easement); thence Southwesterly along said curve 188.04 feet to a point which bears North 30 degrees 00 minutes 00 seconds West from said radius point; thence South 60 degrees 00 minutes 00 seconds East 193.35 feet; thence South 80 degrees 51 minutes 33 seconds West 32.52 feet to the Southwest corner of said Southwest Quarter Section; thence South 00 degrees 33 minutes 06 seconds West 9.52 feet to the place of beginning.

PARCEL II:

Part of the East Half of the Southwest Quarter of Section 12, Township 16 North, Range 2 East and part of the Southwest Quarter of Section 7, Township 16 North, Range 3 East in Marion County, Indiana more particularly described as follows:

Beginning at a point on the South line of the said East Half Quarter Section, North 89 degrees 33 minutes 15 seconds East 925.61 feet from the Southwest Corner thereof; thence North 89 degrees 33 minutes 15 seconds East along the South line of the said East Half Quarter Section 210.01 feet; thence North 00 degrees 00 minutes 00 seconds 250.70 feet; thence North 82 degrees 31 minutes 30 seconds East 457.30 feet; thence North 53 degrees 27 minutes 15 seconds East 102.06 feet to the beginning of L.A. right-of-way for Interstate Highway 65 (the next seven courses are along said L.A. right-of-way line); thence North 36 degrees 32 minutes 45 seconds West 275.00 feet; thence North 77 degrees 30 minutes 51 seconds West 60.08 feet; thence South 84 degrees 33 minutes 48 seconds West 129.61 feet; thence South 73 degrees 27 minutes 21 seconds West 79.99 feet; thence South 83 degrees 54 minutes 45 seconds West 111.75 feet; thence North 85 degrees 54 minutes 04 seconds West 112.62 feet; thence North 78 degrees 32 minutes 54 seconds West 87.47 feet to a point which bears North 00 degrees 00 minutes 00 seconds from the Place of Beginning; thence South 00 degrees 00 minutes 00 seconds 655.40 feet to the PLACE OF BEGINNING.

PARCEL III: (INGRESS/EGRESS)

A non-exclusive easement for ingress and egress as set out in Grant of Easement dated November 18, 1983 and recorded November 21, 1983 as instrument No. 83-85383 in the Office of the Recorder of Marion County, Indiana.

SURVEYOR'S REPORT

In accordance with Title 865, Article 1, Rule 12, of the Indiana Administrative Code, establishing minimum standards for the practice of land surveying in Indiana, effective August 16, 1991, the following observations and opinions are submitted regarding the relative uncertainties in the location of the lines and corners established on this survey as a result of:

a) Variances in the reference monuments;
b) Clarity or ambiguity of the record description and relationships to adjoiners;
c) Inconsistencies in lines of occupation;
d) The relative positional accuracy of the measurements;

This survey is based on, in part, a survey performed by Cripe on April 9, 2002 and recorded as Instrument Number 2002-0125558 in the Office of the Recorder of Marion County, Indiana.

The attached plat represents a survey update for the described Parcels 1, 2 and 3, previously surveyed by Paul E. Cripe, Inc., in 1978, and updated in 1983, 1989, 1994, and 2002. Several of the boundary monuments set or found on said previous surveys were recovered as indicated. Their locations were generally consistent with the boundary description and with the section corners as referenced in and the Marion County Surveyor's Office.

A Harrison monument which IS Hamilton County Surveyor's references was found and accepted as marking the Southwest corner of the Southwest Quarter of Section 12, Township 16 North, Range 2 East. On said previous Cripe survey this was noted and to be a Railroad Spike. The theoretical uncertainty of this monument is, in my opinion, negligible.

A Harrison monument which IS Hamilton County Surveyor's references was found and accepted as marking the Southwest corner of the Southwest Quarter of Section 7, Township 16 North, Range 3 East. On said previous Cripe survey this was noted and to be a PK nail. The theoretical uncertainty of this monument is, in my opinion, negligible.

No monument was found marking the location of the Southwest corner of the East Half of the Southwest Quarter of said Section 12. The published coordinates per Hamilton County Surveyor references were held for alignment of the section line. The theoretical uncertainty of this corner is, in my opinion, plus or minus 1 foot.

No discrepancies were noted in the record description of the surveyed parcels versus the adjoining record descriptions.

The lines of occupation associated with the boundaries of the surveyed real estate are as shown on the within survey.

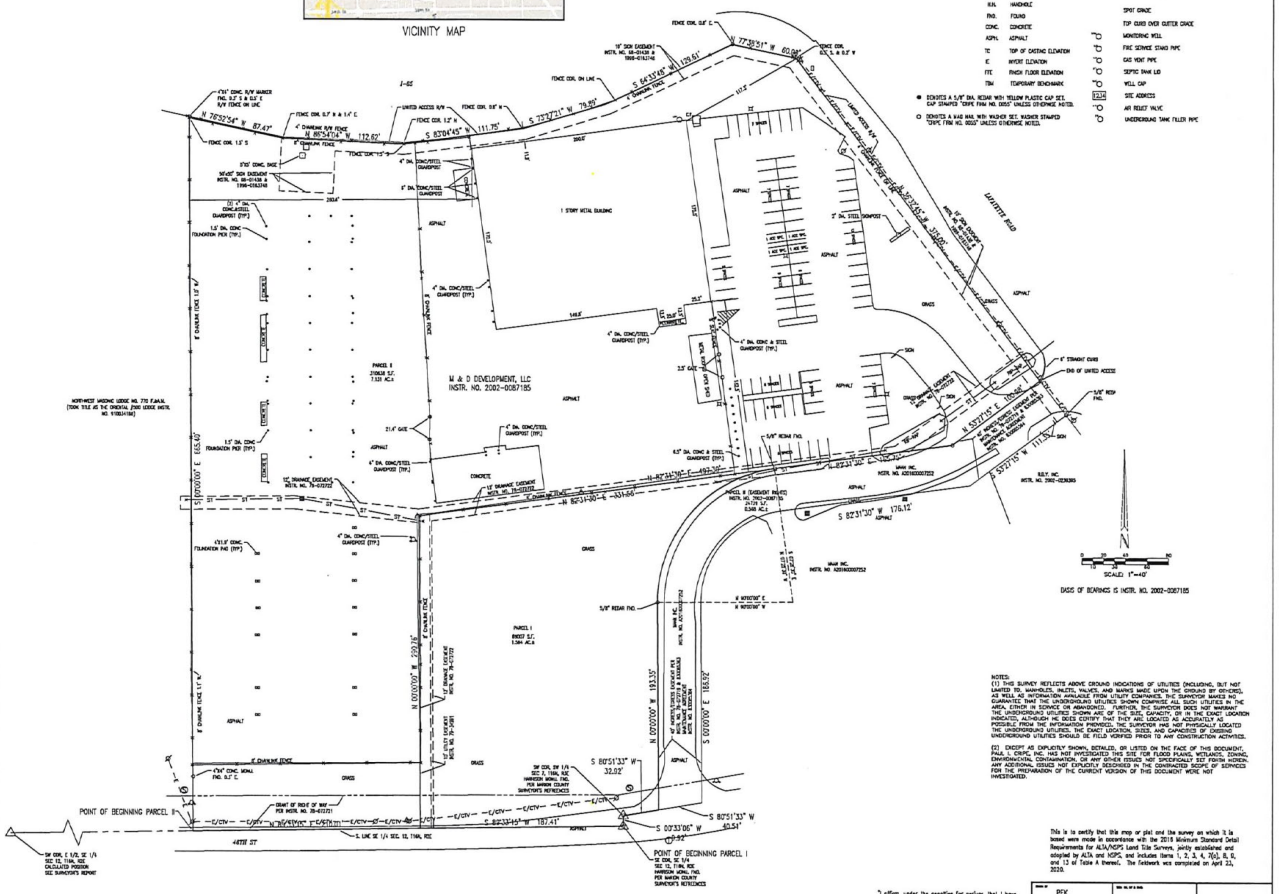
The relative Positional Accuracy (due to random errors in measurement) of this survey is within that allowable for an Urban Survey (0.07 feet plus 50 ppm) as defined in IAC 865.

The surveyed parcel lies within the Unmapped Zone X (areas determined to be outside the 0.2% annual chance floodplain) as scaled on Flood Insurance Rate Map, Community Panel Number 180159 0109 F, City of Indianapolis, Marion County, Indiana, effective date April 18, 2016. The accuracy of any flood hazard data shown on this report is subject to map scale uncertainty and to any other uncertainty in location or elevation on the referenced flood insurance rate map (FIRM).

This within survey was prepared based on information contained in Fidelity National Title Insurance Company Commitment No. 1015000822, effective date October 12, 2020 at 8:00 AM. This surveyor performed no search of public records other than section corner ties and subject and adjoining deeds relative to easements and restrictions of record.

ITEM	EXCUMBRANCES PER SCHEDULE B – PART II OF FIDELITY NATIONAL TITLE INSURANCE COMPANY COMMITMENT NO. 1015000822 EFFECTIVE DATE OCTOBER 12, 2020 AT 8:00 AM
13	EXCLUSIVE RIGHT TO CONSTRUCT AND MAINTAIN A SIGN GRANTED TO SHELL OIL COMPANY, A DELAWARE CORPORATION, RECORDED AS INSTR. NO. 1990-0183248. PLOTTED ON THE WITHIN SURVEY.
14	MEMORANDUM OF LEASE AGREEMENT GRANTED TO JCNCLL OUTDOOR ADVERTISING, INC. OR RIOT OUTDOOR ADVERTISING, INC. RECORDED AS INSTR. NO. 2001-0137647. APPEARS TO BE BLANKET IN NATURE OVER PARCELS I AND II AND IS NOT PLOTTED ON THE WITHIN SURVEY.
15	RIGHTS OF MOBIL OIL CORPORATION, A NEW YORK CORPORATION, TO CONSTRUCT AND MAINTAIN A SIGN AS DESCRIBED IN THE LEASE AMENDMENT RECORDED AS INSTR. NO. 88-1436. PLOTTED ON THE WITHIN SURVEY.
17	GRANT OF EASEMENT TO PAYLESS CASHWAYS, INC., AN IOWA CORPORATION, RECORDED AS INSTR. NO. 78-072718. PLOTTED ON THE WITHIN SURVEY.
18	GRANT OF RIGHT OF WAY TO THE CITY OF INDIANAPOLIS, DEPARTMENT OF TRANSPORTATION RECORDED AS INSTR. NO. 78-072721. PLOTTED ON THE WITHIN SURVEY.
19	DRAINAGE EASEMENT GRANTED TO PAYLESS CASHWAYS, INC., AN IOWA CORPORATION RECORDED AS INSTR. NO. 78-072722. PLOTTED ON THE WITHIN SURVEY.
20	UTILITY EASEMENT GRANTED TO INDIANA BELL TELEPHONE COMPANY, INCORPORATED RECORDED AS INSTR. NO. 79-24991. PLOTTED ON THE WITHIN SURVEY.
21	GRANT OF EASEMENT TO PAYLESS CASHWAYS, INC., AN IOWA CORPORATION RECORDED AS INSTR. NO. 83008383. PLOTTED ON THE WITHIN SURVEY.
22	MAINTENANCE AGREEMENT BY ADH REALTY CO., INC., AN INDIANA CORPORATION AND PAYLESS CASHWAYS, INC., AN IOWA CORPORATION, AS INSTR. NO. 83008384. PLOTTED ON THE WITHIN SURVEY.
23	RIGHTS OF BRAN MANN & SON, INC. ALSO KNOWN BY THE ASSUMED BUSINESS NAME, FLOORS TO YOUR HOME AS TENANT IN AN UNRECORDED LEASE AS EVIDENCED BY THE SUBORDINATION OF LEASE AGREEMENT RECORDED AS INSTR. NO. A201100021181. DESCRIBES PARCELS I, II, AND III AND IS NOT PLOTTED ON THE WITHIN SURVEY.

VICINITY MAP



EXISTING FEATURES LEGEND

SANITARY SEWER & MANHOLE	POWER POLE
STORM SEWER, CBG SECTION, INLET & M.H.	GUY WIRE
GAS LINE	UTILITY BOXES: TELE, ELEC, & CTV
WATER LINE	ELECTRIC TRANSFORMER
ELECTRIC LINE (AERIAL)	AIR CONDITIONER UNIT
TELEPHONE LINE (AERIAL)	STREET LIGHT
CABLE TELEVISION (AERIAL)	LIGHT POLE
BURIED TELE. CABLE	FLOOD LIGHT
BURIED ELEC. CABLE	TRAFFIC MANHOLE AND SIGNAL POLE
FENCE LINE (TYP.)	FIRE HYDRANT
BURIED CABLE TV	VALVE, GAS & WATER
CLEARWAL	STREET SIGN
RIGHT OF WAY LINE (R/W)	WATER, TELE, AND ELEC. MANHOLE
EASEMENT LINE	SEWER CLEANOUT
CENTER LINE	ELECTRIC, GAS AND WATER METER
SWALE LINE	PIPELINE MARKER POST
D. DEED DIMENSION	MAILBOX
M. MEASURED DIMENSION	GUARD POST
P. PLAT DIMENSION	
R. RADIUS	SPRINKLER HEAD
L. ARC LENGTH	IRRIGATION CONTROL BOX
H.H. HANDHOLE	
FND. FOUND	SPOT GRADE
CONC. CONCRETE	TOP CURB OVER GUTTER GRADE
ASPH. ASPHALT	MONITORING WELL
TC TOP OF CASTING ELEVATION	FIRE SERVICE STAND PIPE
IE INVERT ELEVATION	GAS VENT PIPE
FFE FINISH FLOOR ELEVATION	SEPTIC TANK LID
TBM TEMPORARY BENCHMARK	WELL CAP
● DENOTES A 5/8" DIA. REBAR WITH YELLOW PLASTIC CAP SET. CAP STAMPED "CRIPE FIRM NO. 0055" UNLESS OTHERWISE NOTED.	SITE ADDRESS
	AIR RELIEF VALVE
○ DENOTES A NAIL AND, WITH WASHER SET. WASHER STAMPED "CRIPE FIRM NO. 0055" UNLESS OTHERWISE NOTED.	UNDERGROUND TANK FILLER PIPE

NOTES:
(1) THIS SURVEY REFLECTS ABOVE GROUND INDICATIONS OF UTILITIES (INCLUDING, BUT NOT LIMITED TO: MANHOLES, INLETS, VALVES, AND MARKS MADE UPON THE GROUND BY OTHERS) AS WELL AS INFORMATION AVAILABLE FROM UTILITY COMPANIES. THE SURVEYOR MAKES NO GUARANTEE THAT THE UNDERGROUND UTILITIES SHOWN COMPRISE ALL SUCH UTILITIES IN THE AREA, EITHER IN SERVICE OR ABANDONED. FURTHER, THE SURVEYOR DOES NOT WARRANT THE UNDERGROUND UTILITIES SHOWN ARE OF THE SIZE, CAPACITY, OR IN THE EXACT LOCATION INDICATED, ALTHOUGH HE DOES CERTIFY THAT THEY ARE LOCATED AS ACCURATELY AS PRESENTLY DETERMINABLE FROM THE INFORMATION AVAILABLE. THE EXACT LOCATION OF UNDERGROUND UTILITIES, THE EXACT LOCATION, SIZES, AND CAPACITIES OF EXISTING UNDERGROUND UTILITIES SHOULD BE FIELD VERIFIED PRIOR TO ANY CONSTRUCTION ACTIVITIES.

(2) EXCEPT AS EXPLICITLY SHOWN, DETAILED, OR LISTED ON THE FACE OF THIS DOCUMENT, THE SURVEYOR MAKES NO REPRESENTATION OF THE PRESENCE OF FUNERAL, WETLANDS, ZONING, ENVIRONMENTAL CONDITIONS, OR ANY OTHER ISSUES NOT SPECIFICALLY SHOWN HEREON. ANY ADDITIONAL ISSUES NOT EXPLICITLY DESCRIBED IN THE CONTRACTED SCOPE OF SERVICES FOR THE PREPARATION OF THE CURRENT VERSION OF THIS DOCUMENT WERE NOT INVESTIGATED.

This is to certify that this map or plat and the survey on which it is based were made in accordance with the 2016 Minimum Standard Detail Requirements for ALTA/NSPS Land Title Surveys, jointly established and adopted by ALTA and NSPS, and includes items 1, 2, 3, 4, 7(a), 8, 9, and 13 of Table A thereof. The fieldwork was completed on April 23, 2020.

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

Name: Paul E. Klodzen

THIS INSTRUMENT PREPARED BY: "PAUL E. KLODZEN, P.S. #20400015" 12/7/2020

PEK

PRELIMINARY SURVEY

Cripe
3737 Priority Way South Drive, Suite 200
Indianapolis, Indiana 46240
(317) 844-0777
E-MAIL@CRIPEINC.COM

ALTA/NSPS LAND TITLE SURVEY
4640 Lafayette Road
Hoosier Investments, LLC
13338 W.A. Lotz
Carmel, IN 46074

Sec. 12 & 7	Twp. 16-N	Rge. 2 & 3-E	County: MARION COUNTY, INDIANA
Drawn by: M & D DEVELOPMENT, LLC			
Scale: 1" = 40'			
Sheet No. 1 of 1			
Project Number: 020347-30100			

View looking north along Lafayette Road

View looking south along Lafayette Road

View looking west along West 46th Street

View looking east along West 46th Street

View of site looking west

View of site looking northwest

View of site looking north across southern site boundary

View of site looking north across southern site boundary

View of site looking west

View of site looking west

View of site looking west

View from site looking north

View from site looking east

View from site looking south

View from site looking west

STAFF REPORT

Department of Metropolitan Development
Division of Planning
Current Planning Section

Case Number:	**2023-ZON-060**
Address:	**1715 North Meridian Avenue (approximate address)**
Location:	**Center Township, Council District #11**
Petitioner:	**Herron High School, Inc., by David Kingen**
Request:	**Rezoning of 0.625-acre from the C-4 (RC) (TOD) district to the SU-2 (RC) (TOD) district to provide for educational uses.**

RECOMMENDATIONS

Staff **recommends approval** of the petition.

SUMMARY OF ISSUES

The following issues were considered in formulating the recommendation:

LAND USE

◊ This 0.625-acre parcel contains a two-story office building, originally constructed in 1910 as a single-family dwelling. Two further expansions were added in 1950 and 1960, respectively. Information provided to the file indicates that the structure was converted to office use approximately 1960

◊ This request would provide for the rezoning of the parcel to provide for administrative offices and classrooms for Heron High School. Off-street parking would be provided on an existing parking lot to the north of the structure and on another lot to the east, across the alley. The lot across the alley is located within Herron-Morton Place, a locally designated historic district under the jurisdiction of the Indianapolis Historic Preservation Commission.

◊ The proposed use would not fully comply with the Comprehensive Plan recommendation of urban mixed-use, as small-scale schools are preferred to be within mixed-use structures. However, a re-use of an existing and historic structure for educational uses, would be a minor deviation of the Plan's recommendation. Therefore, staff would recommend approval for this request.

TRANSIT ORIENTED DEVELOPMENT OVERLAY

◊ Transit-oriented development (TOD) overlay is a new section of the Ordinance, adopted in November 2021, that provides permitted uses and development standards on sites within 1,000 feet from centerline of a Bus Rapid Transit Line. "The intent of the TOD is to coordinate more compact, walkable, and urban development patterns with public investment in the transit system. These development patterns ensure that walking and biking are viable options for short trips and transit is a priority for longer trips. Development patterns and site designs that prioritize automobile travel undermine these public and private investments."

(Continued)

REGIONAL CENTER

◊ The site is located within the Regional Center overlay district. Design of all new construction, including parking areas in the Regional Center overlay district, is subject to the approval of the Administrator of the Division of Planning. Minor exterior work is proposed, according to the Project Description (below).

GENERAL INFORMATION

EXISTING ZONING AND LAND USE

C-4 (RC)	Office building

SURROUNDING ZONING AND LAND USE

North	-	C-4 (RC)	Surface parking lot / Office / multi-family dwellings
South	-	C-4 (RC)	Office
East	-	D-8 (HMP)	Surface parking lot
West	-	C-4 (RC)	Office

COMPREHENSIVE PLAN	The Comprehensive Plan of Marion County recommends Medium-density mixed-use development for the site.
THOROUGHFARE PLAN	The Official Thoroughfare Plan for Marion County indicates that Meridian Street is a primary arterial, with a 78-foot right-of-way existing and proposed.
CONTEXT AREA	This site is located in the Compact Context area
TRANSIT-ORIENTED DEVELOPMENT	This site is located within the Transit-Oriented Development Overlay.
URBAN DESIGN GUIDELINES	The site is located within the Urban Mixed-Use District Typology.

ZONING HISTORY - SITE

None.

ZONING HISTORY - VICINITY

2023-REG-001; 1720 – 1744 North Illinois Street, requested Regional Center Approval to provide for updated plans for a mixed-use development, previously approved through 2022-REG-006, consisting of a seven-story structure with approximately 273 units, 10,349 square feet of office space and 1,434 square feet of retail, two levels of structured parking, with 159 spaces, an open-air courtyard, and an outdoor game court, **approved.**

2022-REG-006; 1720 – 1744 North Illinois Street and 1715 Hall Place, requested Regional Center Approval to provide for demolition of an existing retail building and construction of a mixed-use development, consisting of an eleven-story structure with approximately 308 units, 13,000 square feet of retail and commercial space, three levels of structured parking, an open-air courtyard, a pocket park and thirteen, three-story townhomes, **approved.**

(Continued)

2022-DV2-021; 1720 – 1744 North Illinois Street and 1715 Hall Place, requested a variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for driveways to Illinois Street and 18th Street that are 22.5 feet and 24 feet wide, **granted.**

2021-CZN-863 / 2021-CVR-863 / 2021-CVC-863; 1715 Hall Place and 1720-1744 North Illinois Street, requested a rezoning of 1.97 acres from the HD-1 and HD-1 (RC) districts district to the MU-1 and MU-1 (RC) district and a variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for a zero-foot front setback along 18th Street and Illinois Street, within the clear-sight triangle of the abutting streets, and a zero-foot rear transitional yard, and a vacation of a portion of a 15-foot wide north-south alley, beginning at the south right-of-way line of 18th Street, to a point 295.25 feet to the south, **approved.**

2020-CZN-839 / 2020-CVR-839; 1627, 1717, 1719 and 1741 North Illinois Street, requested a rezoning of 2.081 acres from the C-S (RC) and C-4 (RC) district to the MU-2 (RC) district and a variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for 69-foot-tall building with a zero-foot front setback within the clear sight triangle of the abutting streets, **approved.**

2019-REG-099; 1630 North Meridian Street (fronts Illinois Street) and 1752 North Meridian Street (fronts Illinois Street), requested Regional Center Approval for a multi-family residential development, consisting of two, five-story buildings with approximately 195 dwelling units, resident amenities, and 126 ground floor garage parking spaces, **withdrawn.**

2019-CZN-849 / 2019-CVR-849; 1630 North Meridian Street (fronts Illinois Street) and 1752 North Meridian Street (fronts Illinois Street), requested a rezoning of 1.71 acres, from the C-4 (RC) and C-S (RC) districts to the MU-2 (RC) districts and a variance of development standards for height, zero-foot landscaping setbacks and clear-sight triangle encroachment of two abutting streets, **withdrawn.**

2016-ZON-009; 130 West 16th Street, 1615 Hall Place, 1621 Hall Place and 1633 North Capitol Avenue (1625 Hall Place), requests a rezoning of 0.44-acre, from the HD-2 (W-5) district to the HD-1 (W-5) district, **approved.**

2015-APP-025; 102 West 16th Street (1611 Hall Place); 1615, 1621, 1625, 1705, 1709 and 1715 Hall Place; 1633 (1625 and 1645 Hall Place) and 1731 North Capitol Avenue (1719 Hall Place); and 1801 North Senate Avenue (1925, 2001, 2005 and 2009 Boulevard Place and 2002 North Capitol Avenue), requested HD-1 approval to Hospital District-One and Hospital District-Two Approval to provide for paved parking lots, **granted.**

2014-CAP-831 / 2014-CVR-831; 1700 North Illinois Street, requested Hospital District-Two Approval to provide for a freestanding sign and modify the condition of 2010-CAP-834 and 2010 DVR-834, requiring the freestanding sign to be no taller than six feet and no larger than 36 square feet, and a variance of development standards of the Sign Regulations and Regional Center Zoning Ordinance to provide for a freestanding sign with a zero-foot front setback and located within the clear-sigh triangle, **approved and granted.**

JY

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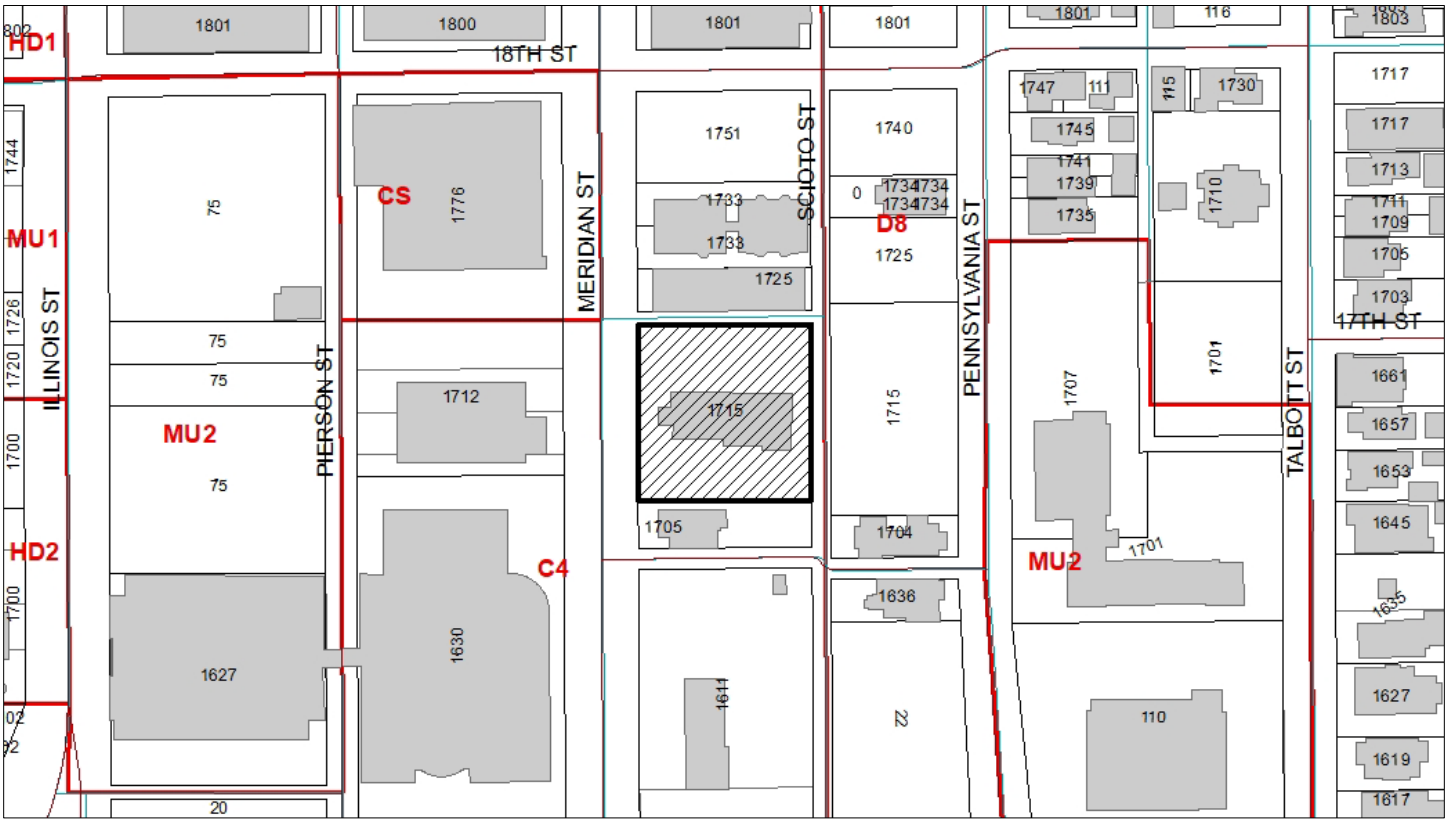

PROJECT DESCRIPTION

This two-story primary existing structure was built in three phases, The historic house was built around 1910, the center two story office space was built around 1950 and the easternmost one-story office expansion was added around 1960.

The Herron Classical Schools proposes to use the structure for administrative offices and classrooms, along with accessible restrooms.

Exterior renovation may include window restoration, repairs and painting of wood elements, masonry repointing, repair to the roof and gutters, repair or replacement of the metal fire stair, parking lot resurfacing and restriping. In addition, there will be construction of a new accessible ramp located off the north elevations to a new service entry. Existing signs and fencing on the 1715 No Meridian property may be replaced or reused.

6/16/23

STAFF REPORT 2023-ZON-060 (Continued)
Photos

View of site from Meridian Street

View of building from Meridian Street

View of front entrance to the building

View of south elevation of the building

STAFF REPORT

Department of Metropolitan Development
Division of Planning
Current Planning Section

Case Number:	**2023-ZON-062**
Address:	**5318, 5326 & 5330 East 30th Street, 3015 North Downey Avenue and 3040 North Irvington Avenue (*Approximate Address*)**
Location:	**Warren Township, Council District #13**
Petitioner:	**Phyllis and Donald Collins, by Russell L. Brown**
Request:	**Rezoning of 1.17 acres from the C-3 district to the I-2 district.**

RECOMMENDATION

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

> Prior to the issuance of any Improvement Location Permit for this site, a landscape plan shall be submitted for Administrator's Approval. The landscaping shall be sufficient to buffer the dwelling to the west if it being used as a residence.

SUMMARY OF ISSUES

The following issues were considered in formulating the recommendation.

LAND USE

◊ Although zoned for commercial uses, the subject site has been used residentially since at least the 1930s.

◊ The 2018 Comprehensive Land Use Plan recommends Light Industrial for the subject site and the adjacent sites to the east, north and west. This typology provides for industrial production, distribution and repair uses conducted within enclosed structures and unlikely to create emissions of light, odor, noise or vibrations.

◊ The subject site's vicinity exhibits a wide array of land uses from residential and institutional uses to medium industrial and heavy commercial uses. The site is flanked by a pair of single-family dwellings, both in the C-3 (Neighborhood Commercial) district. The dwelling to the east appears to be vacant and possibly abandoned. The dwelling to the west appears to be occupied.

(Continued)

STAFF REPORT 2023-ZON-062 (Continued)

◊ Five single-family dwellings are situated on the subject site along with a variety of garages, sheds, and storage buildings. At least one of the dwellings has been used as an office.

ZONING

◊ This petition requests a rezoning to the I-2 district. This district provides for those industries that do not create objectionable characteristics such as dust, noise, glare, heat or odor beyond its lot lines. Common I-2 district uses include warehousing, wholesaling, distribution, contractors, and light and medium manufacturing.

◊ The I-2 district is appropriate as it is responsive to the Light Industrial recommendation of the Comprehensive Land Use Plan.

GENERAL INFORMATION

EXISTING ZONING, CONTEXT AREA, AND LAND USE

C-3	Compact	Single-family dwellings, drywall & supply company

SURROUNDING ZONING AND LAND USE

North	I-3	Waste hauling fleet terminal
South	SU-1	Parking lot for a religious use
East	C-3, SU-18	Single family dwelling, commercial building, utility substation
West	C-3, I-3	Single-family dwelling, waste hauling fleet terminal

COMPREHENSIVE LAND USE PLAN — The Warren Township Comprehensive Plan (2018) recommends Light Industrial.

THOROUGHFARE PLAN — 30th Street is classified in the Official Thoroughfare Plan for Marion County, Indiana as a Primary Arterial, with a 110-foot existing right-of-way and an 88-foot proposed right-of-way.

Downey Avenue is classified in the Official Thoroughfare Plan for Marion County, Indiana as a Local Street, with a 50-foot existing right-of-way and a 48-foot proposed right-of-way.

(Continued)

STAFF REPORT 2023-ZON-062 (Continued)

	Irvington Avenue is classified in the Official Thoroughfare Plan for Marion County, Indiana as a Local Street, with a 45-foot existing right-of-way and a 48-foot proposed right-of-way.
FLOODWAY / FLOODWAY FRINGE	This site is not located within a floodway or floodway fringe.
WELLFIELD PROTECTION DISTRICT	This site is not located within a wellfield protection district.

ZONING HISTORY – SITE

96-V2-3; 3015 North Downey Avenue, requested a variance of use to provide for a garage for a single-family dwelling in a commercial district, **approved.**

ZONING HISTORY – VICINITY

2007-VAR-820; 5300 E 30th Street (northeast of site), requested a variance of use to provide for the outdoor storage of inoperable vehicles, **approved.**

92-Z-85; 5325 East 30th Street (south of site), requested the rezoning of 6.5 acres from the D-A district to the SU-1 district, **approved.**

88-Z-169; 5301 – 5451 East 30th Street (south of site), requested the rezoning of 5.3 acres from the A-2 district to the C-ID district to provide for an office/warehouse for a contractor, **denied.**

klh

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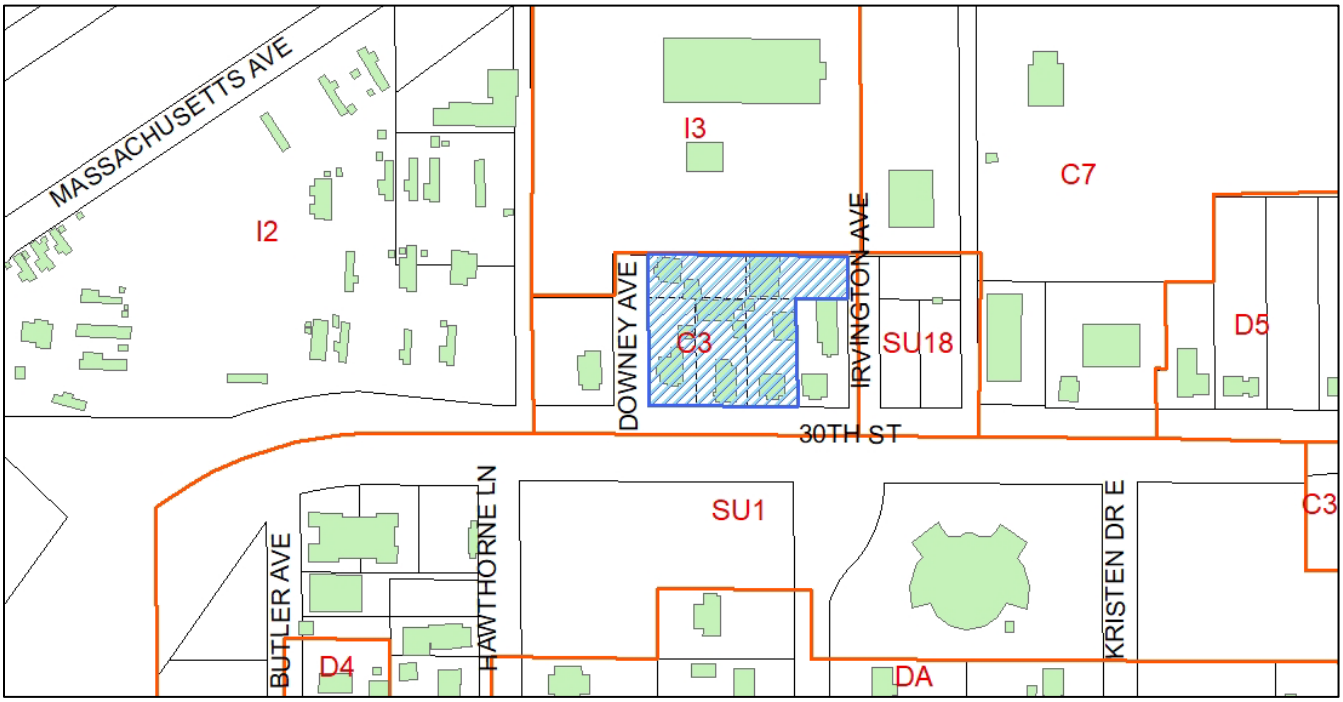
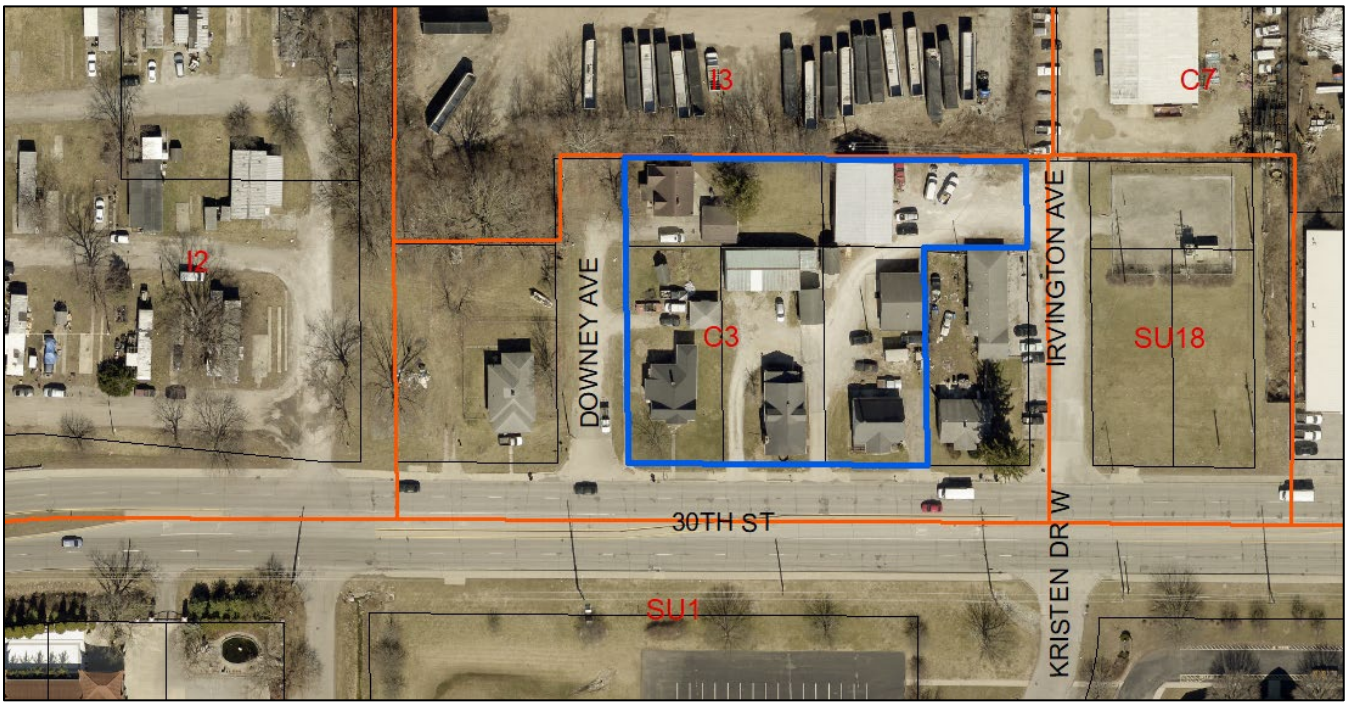
STAFF REPORT 2023-ZON-062, Location



STAFF REPORT 2023-ZON-062, Aerial photograph (2022)



STAFF REPORT 2023-ZON-062, Photographs

Looking north at the dead-end of Downey Avenue and the northwest corner of the subject site.

Looking east from Downey Avenue at the site.

Looking north from 30th Street at the southwest corner of the site.

Looking north from 30th Shelby Street at a portion of the site.

Looking north from 30th Street at a portion of the site.

Looking northeast from 30th Street at the site.

Looking north from 30th Street at the subject site and the neighbor to the east at 5340 East 30th Street.

Looking west across Irvington Avenue at the northeast portion of the site. The neighbor at 5340 East 30th Street is the left in the photo.

Looking north at the dead-end of Irvington Avenue and the neighbor to the northeast.

Looking east from Irving Avenue at the neighbor to the east.

Looking south across 30th Street at the neighbor to the south.

Looking west along 30th Street at the neighbor to the west.

STAFF REPORT

Department of Metropolitan Development
Division of Planning
Current Planning Section

Case Number:	**2023-ZON-066**
Address:	**8711 River Crossing Boulevard (approximate address)**
Location:	**Washington Township, Council District #3**
Petitioner:	**8711 River Crossing, Inc., by Kevin Buchheit**
Request:	**Rezoning of 2.964 acres from the C-S (FF) district to the C-S (FF) district to add financial and insurance services as a permitted use.**

The Hearing Examiner acknowledged a timely automatic continuance that continued this petition from the June 15, 2023 hearing, to the July 13, 2023 hearing.

RECOMMENDATIONS

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

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

SUMMARY OF ISSUES

The following issues were considered in formulating the recommendation:

LAND USE

◊ This 2.964-acre site, zoned C-S (FF), is developed with a multi-story commercial office building and associated parking lot to the south. It is surrounded by commercial office uses to the north and south, zoned C-S (FF); a retention pond to the east, zoned C-S (FF); and a shopping center to the west, across River Crossing Boulevard, zoned C-4.

REZONING

◊ This request would rezone the site from the C-S District to the C-S classification from the C-S (FF) district to the C-S (FF) district to add financial and insurance services as a permitted use. “The C-S District is designed to permit, within a single zoning district, multi-use commercial complexes or land use combinations of commercial and noncommercial uses, or single-use commercial projects. The primary objective of this district is to encourage development which achieves a high degree of excellence in planning, design or function, and can be intermixed, grouped or otherwise uniquely located with maximum cohesiveness and compatibility. The district provides flexibility and procedural economy by permitting the broadest range of land use choices within a single district, while maintaining adequate land use controls. The C-S District can include high-rise or low-rise developments, can be applied to large or small land areas appropriately located throughout the metropolitan area, and can be useful in areas of urban renewal or redevelopment.

(Continued)

◊ The Comprehensive Plan recommends regional commercial typology. "The Regional Commercial typology provides for general commercial and office uses that serve a significant portion of the county rather than just the surrounding neighborhoods. Uses are usually in large freestanding buildings or integrated centers. Typical examples include shopping malls, strip shopping centers, department stores, and home improvement centers."

◊ The Pattern Book lays out a land use classification system that guides the orderly development of the county, protects the character of neighborhoods and serves as a policy guide for development or redevelopment of a site.

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

Conditions for All Land Use Types

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

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

• Should be located along an arterial street.
• Outdoor display of merchandise should be limited.
• If adjacent to residential uses or a Living Typology, outdoor display of merchandise is not recommended.
• Pedestrian connections between buildings should be provided.

Overlays

◊ This site is located within an overlay, specifically the Environmentally Sensitive overlay (ES). "Overlays are used in places where the land uses that are allowed in a typology need to be adjusted. They may be needed because an area is environmentally sensitive, near an airport, or because a certain type of development should be promoted. Overlays can add uses, remove uses, or modify the conditions that are applied to uses in a typology."

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

◊ The eastern portion of this site is located within the 100-year floodplain of White River

(Continued)

Floodway Fringe

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

◊ The designation of the FF District is to guide development in areas subject to potential flood damage, but outside the Floodway (FW) District. Unless otherwise prohibited, all uses permitted in the primary zoning district (C-4 in this request) are permitted, subject to certain development standards of the Flood Control Secondary Zoning Districts Ordinance.

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 receptables for proper disposal of trash and other waste.

(Continued)

Planning Analysis

◊ The request would be consistent with the Comprehensive Plan recommendation of regional commercial typology and compatible with the surrounding commercial uses within the immediate area. Consequently, staff recommends approval of the rezoning request.

GENERAL INFORMATION

EXISTING ZONING AND LAND USE

	C-S (FF)	Commercial office uses

SURROUNDING ZONING AND LAND USE

North -	C-S (FF)	Commercial office uses
South -	C-S	Commercial office uses
East -	C-S (FF)	Retention Pond
West -	C-4	Shopping Center

COMPREHENSIVE PLAN	The Comprehensive Land Use Plan for Indianapolis and Marion County (2018) recommends regional commercial typology. Marion County Land Use Pattern Book (2019).
THOROUGHFARE PLAN	This portion of River Crossing Boulevard is designated in the Marion County Thoroughfare Plan as a local street, with an existing 75-foot right-of-way and a proposed 48-foot right-of-way.
CONTEXT AREA	This site in located within the metro context area.
OVERLAY	This site is located within an environmentally sensitive overlay
SITE PLAN	File-dated June 23, 2023

ZONING HISTORY

2014-CZN 802 / 2014-CVR-802; 8711 and 8805 River Crossing Boulevard and 3520 Commerce Crossing, requested rezoning of 14.6 acres from the C-4 and C-S districts to the C-S district to provide for a mixed-use development of residential, office and hotel uses, with first-floor retail, fitness center and restaurant uses and free-standing retail and restaurant uses, with outdoor seating and dining areas and a variance of development standards of the Commercial Zoning Ordinance up to a 30 percent reduction in the amount of parking and a maximum height of 65 feet at the setback line, with a three-foot height increase for each additional foot of setback to a maximum setback of 30 feet, with a maximum height of 150 feet beyond a 30-foot setback at 3520 Commerce Crossing and with an unlimited height beyond a 30-foot setback at 8711/8805 River Crossing Boulevard**, approved and granted.**

(Continued)

2018-DV3-040; 8711 River Crossing Boulevard, requested a variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for 210 small vehicle parking spaces, **granted.**

VICINITY

2013-UV1-023: 8701 and 8702 Keystone Crossing (west of site), requested a variance of use of the Commercial Zoning Ordinance to provide for indoor automobile sales and display and electric automobile charging stations within the parking garage (not permitted); **granted**.

2013-DV3-021: 8631 River Crossing Boulevard (south of site), requested a variance of development standards of the Commercial Zoning Ordinance to provide for a drive-through lane, with two stacking spaces before the pick-up window and one stacking space after the pick-up window (six stacking spaces required before the pick-up window and two after the pick-up window), and to provide for a trash enclosure in front of the established building line along River Crossing Boulevard (not permitted); **granted**.

2012-CVR-818 / 2012-CAP-818: 8631 River Crossing Boulevard (south of site), requested a variance of development standards of the Commercial Zoning Ordinance to provide for outdoor seating/dining for all types of restaurants (outdoor seating permitted for family restaurants only); and requested modification of the C-S statement and commitments related to 93-Z-151; **granted and approved**.

2011-ZON-005: 8787 Keystone Crossing (west of site), requested rezoning of 6.87 acres, from the C-S District, to the C-S classification to provide for multi-family residential uses; **approved**.

2004-UV3-005; 3520 Commerce Crossing (west of site); requested a variance of development standards of the Commercial Zoning Ordinance to provide for a fourteen-story, 258-foot tall, 240,000-square foot office building, **granted.**

93-Z-151: 8701 River Road (includes site), requested the rezoning of 85 acres, being in the D-A and SU-23 (GSB) District, to the C-S classification to provide for a mixed-use development to consist of an integrated retail commercial center, offices, a hotel, a free-standing restaurant and 675 residential apartments, **approved**.

93-CV-14: 8701 River Road (includes site), requested a Variance of Development Standards of the Commercial Zoning Ordinance to permit the development of residential apartment buildings with a setback of 20 feet from the existing right-of-way of River Road (minimum 70 feet from the centerline or 10 feet from the proposed right-of-way required); **granted**.

73-Z-41: 8750 North River Road (includes site), requested rezoning of 147 acres, being in the D-A District, to the SU-23 classification to provide for a sand and gravel operation; **approved**.

kb

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ALTA / NSPS LAND TITLE SURVEY
8711 RIVER CROSSING BLVD, INDIANAPOLIS 46240
2.963 ACRES±

Certificate of Land Survey
This Land Survey, prepared by V3 Companies, is hereby certified to the following

To: First American Title Insurance Company National Commercial Services (NCS-1174222-CHI).
This is to certify that this map or plat and the survey on which it is based were made in accordance with the 2021 Minimum Standard Detail Requirements for ALTA/NSPS Land Title Surveys, jointly established and adopted by ALTA and NSPS, and includes Items 1, 2, 3, 4, 7(a), 7(b)(1), 8, 9, 11 and 13 of Table A thereof. The fieldwork was completed on 4/28/2023.
Date of Plat or Map: May 5, 2023

Brian C. Rismiller
Registered Land Surveyor of the State of Indiana
Registration Number LS20200083

Land Description
TRACT 1: PART OF THE SOUTHWEST QUARTER OF SECTION 17, TOWNSHIP 17 NORTH, RANGE 4 EAST IN MARION COUNTY, INDIANA, MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AT THE SOUTHWEST CORNER OF SAID SOUTHWEST QUARTER SECTION; THENCE ALONG THE SOUTH LINE THEREOF, SOUTH 89 DEGREES 40 MINUTES 29 SECONDS EAST (ASSUMED BEARING) 392.90 FEET; THENCE PARALLEL WITH THE WEST LINE OF SAID SOUTHWEST QUARTER SECTION AND ALONG THE EAST LINE OF RIVER CROSSING BOULEVARD, NORTH 00 DEGREES 12 MINUTES 30 SECONDS EAST 697.24 FEET TO THE POINT OF BEGINNING; THENCE CONTINUE ALONG THE EAST LINE OF SAID RIVER CROSSING BOULEVARD AND PARALLEL WITH THE WEST LINE OF SAID SOUTHWEST QUARTER SECTION, NORTH 00 DEGREES 12 MINUTES 30 SECONDS EAST 275.00 FEET; THENCE NORTH 90 DEGREES 00 MINUTES 00 SECONDS EAST 264.65 FEET TO THE SHORELINE OF AN EXISTING LAKE (THE FOLLOWING 12 COURSES ARE ALONG THE APPROXIMATE SHORELINE OF SAID LAKE AS ESTABLISHED ON SEPTEMBER 10, 1994): (1) SOUTH 05 DEGREES 20 MINUTES 52 SECONDS EAST 0.86 FEET; (2) THENCE SOUTH 10 DEGREES 55 MINUTES 26 SECONDS EAST 28.23 FEET; (3) THENCE SOUTH 27 DEGREES 13 MINUTES 05 SECONDS EAST 21.03 FEET; (4) THENCE SOUTH 75 DEGREES 04 MINUTES 08 SECONDS EAST 25.06 FEET; (5) THENCE NORTH 53 DEGREES 22 MINUTES 22 SECONDS EAST 34.41 FEET; (6) THENCE NORTH 37 DEGREES 46 MINUTES 45 SECONDS EAST 46.82 FEET; (7) THENCE NORTH 75 DEGREES 43 MINUTES 18 SECONDS EAST 17.67 FEET; (8) THENCE SOUTH 62 DEGREES 36 MINUTES 12 SECONDS EAST 15.19 FEET; (9) THENCE SOUTH 42 DEGREES 44 MINUTES 28 SECONDS EAST 56.51 FEET; (10) THENCE SOUTH 29 DEGREES 18 MINUTES 10 SECONDS EAST 25.24 FEET; (11) THENCE SOUTH 10 DEGREES 06 MINUTES 27 SECONDS EAST 79.85 FEET; (12) THENCE SOUTH 60 DEGREES 27 MINUTES 04 SECONDS EAST 47.95 FEET; THENCE LEAVING SAID SHORELINE, SOUTH 00 DEGREES 00 MINUTES 00 SECONDS WEST 109.40 FEET; THENCE SOUTH 90 DEGREES 00 MINUTES 00 SECONDS WEST 498.69 FEET TO THE POINT OF BEGINNING, CONTAINING 2.858 ACRES, MORE OR LESS. AND ALSO PART OF THE SOUTHWEST QUARTER OF SECTION 17, TOWNSHIP 17 NORTH, RANGE 4 EAST IN MARION COUNTY, INDIANA, MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AT THE SOUTHWEST CORNER OF SAID SOUTHWEST QUARTER SECTION; THENCE ALONG THE SOUTH LINE THEREOF, SOUTH 89 DEGREES 40 MINUTES 29 SECONDS EAST (ASSUMED BEARING) 392.90 FEET; THENCE PARALLEL WITH THE WEST LINE OF SAID SOUTHWEST QUARTER SECTION, NORTH 00 DEGREES 12 MINUTES 30 SECONDS EAST 697.24 FEET, THENCE NORTH 90 DEGREES 00 MINUTES 00 SECONDS EAST 498.69 FEET, THENCE NORTH 00 DEGREES 00 MINUTES 00 SECONDS EAST 109.40 FEET TO THE APPROXIMATE SHORELINE OF AN EXISTING LAKE AS DESCRIBED IN EXHIBIT "B" OF INSTRUMENT 94-154871 IN THE OFFICE OF THE RECORDER OF MARION COUNTY, INDIANA (THE FOLLOWING TWO COURSES ARE ALONG THE APPROXIMATE SHORELINE OF SAID LAKE AS ESTABLISHED ON SEPTEMBER 10, 1994): (1) THENCE NORTH 60 DEGREES 27 MINUTES 04 SECONDS WEST 47.95 FEET; (2) THENCE NORTH 10 DEGREES 06 MINUTES 27 SECONDS WEST 44.00 FEET TO THE POINT OF BEGINNING (THE NEXT 11 COURSES ARE ALONG THE PREVIOUS SHORELINE OF SAID LAKE AS ESTABLISHED ON SEPTEMBER 10, 1994 AND DESCRIBED IN SAID INSTRUMENT 94-154871, BUT NOW OBLITERATED BY FILL): (1) THENCE NORTH 10 DEGREES 06 MINUTES 27 SECONDS WEST 35.85 FEET; (2) THENCE NORTH 29 DEGREES 18 MINUTES 10 SECONDS WEST 25.24 FEET; (3) THENCE NORTH 42 DEGREES 44 MINUTES 28 SECONDS WEST 56.51 FEET; (4) THENCE NORTH 62 DEGREES 36 MINUTES 12 SECONDS WEST 15.19 FEET; (5) THENCE SOUTH 75 DEGREES 43 MINUTES 18 SECONDS WEST 17.67 FEET; (6) THENCE SOUTH 37 DEGREES 46 MINUTES 45 SECONDS WEST 46.82 FEET; (7) THENCE SOUTH 53 DEGREES 22 MINUTE 22 SECONDS WEST 34.41 FEET; (8) THENCE NORTH 75 DEGREES 04 MINUTES 08 SECONDS WEST 25.06 FEET; (9) THENCE NORTH 27 DEGREES 13 MINUTES 05 SECONDS WEST 21.93 FEET; (10) THENCE NORTH 10 DEGREES 55 MINUTES 26 SECONDS WEST 28.23 FEET; (11) THENCE NORTH 05 DEGREES 20 MINUTES 52 SECONDS WEST 0.86 FEET TO THE NORTH LINE OF A 2.984 ACRE TRACT DESCRIBED AS TRACT TWO IN INSTRUMENT 95-6053 IN SAID RECORDER'S OFFICE; THENCE ALONG THE PROLONGATION OF SAID NORTH LINE, NORTH 90 DEGREES 00 MINUTES 00 SECONDS EAST 79.94 FEET; THENCE NORTH 66 DEGREES 05 MINUTES 33 SECONDS EAST 57.38 FEET TO THE APPROXIMATE RELOCATED SHORELINE OF SAID LAKE (DUE TO ADDED FILL) AS ESTABLISHED ON OCTOBER 7, 1995 (THE NEXT SIX COURSES ARE ALONG SAID RELOCATED SHORELINE): (1) THENCE SOUTH 15 DEGREES 58 MINUTES 22 SECONDS EAST 28.63 FEET; (2) THENCE SOUTH 37 DEGREES 24 MINUTES 44 SECONDS EAST 17.01 FEET; (3) THENCE SOUTH 49 DEGREES 23 MINUTES 15 SECONDS EAST 24.69 FEET; (4) THENCE SOUTH 35 DEGREES 14 MINUTES 50 SECONDS EAST 16.38 FEET; (5) THENCE SOUTH 15 DEGREES 13 MINUTES 16 SECONDS EAST 17.75 FEET; (6) THENCE SOUTH 00 DEGREES 20 MINUTES 47 SECONDS EAST 34.26 FEET TO THE POINT OF BEGINNING, CONTAINING 0.106 ACRES (4617 SQUARE FEET), MORE OR LESS. TRACT 2: NON-EXCLUSIVE ACCESS EASEMENT FOR THE PURPOSE OF INGRESS, EGRESS, AND PASSAGE FOR VEHICLES AND PEDESTRIANS AS CREATED, LIMITED, AND DEFINED IN THE ACCESS EASEMENT AGREEMENT MADE BY AND BETWEEN PK RIVER SHOPS NORTH, LLC, AN INDIANA LIMITED LIABILITY COMPANY, AND RIVER NORTH I, LLC, AN INDIANA LIMITED LIABILITY COMPANY, RECORDED DECEMBER 27, 2016, AS DOCUMENT NO. A201600141971. TRACT 3: NON-EXCLUSIVE ACCESS EASEMENT FOR THE PURPOSE OF INGRESS, EGRESS, PASSAGE AND PARKING FOR VEHICLES AND PEDESTRIANS AS CREATED, LIMITED, AND DEFINED IN THE ACCESS AND PARKING EASEMENT AGREEMENT MADE BY AND BETWEEN PK RIVER SHOPS NORTH, LLC, AN INDIANA LIMITED LIABILITY COMPANY, AND RIVER SHOPS, LLC, AN INDIANA LIMITED LIABILITY COMPANY, RECORDED JUNE 27, 2018, AS DOCUMENT NO. A201800063525. TRACT 4: NON-EXCLUSIVE BENEFICIAL EASEMENT RIGHTS AS CREATED, LIMITED, AND DEFINED IN COVENANTS, CONDITIONS, RESTRICTIONS, EASEMENTS AND ASSESSMENTS CONTAINED IN A CERTAIN DECLARATION AND GRANTS OF EASEMENTS MADE BY PK PARTNERS, LP ON OCTOBER 12, 1994 AND RECORDED OCTOBER 14, 1994 AS INSTRUMENT NO. 1994-0154871, SUBJECT TO THE TERMS AND PROVISIONS CONTAINED THEREIN. AS AFFECTED BY FIRST AMENDMENT TO DECLARATION AND GRANTS OF EASEMENTS FOR RIVER CROSSING RECORDED JULY 15, 2005 AS INSTRUMENT NO. 2005-0111875

Land Surveyor's Report
In direct accordance with the laws governing the State of Indiana, of the United States of America, and following Title 865 State Board of Registration for Land Surveyors, Article 1, General Provisions, Rule 12, Land Surveying; Competent Practice, of the Indiana Administrative Code (IAC), the following beliefs, opinions, observations, conclusions, and information are hereby submitted for record. The degree of precision and accuracy necessary for a survey shall be based upon the intended use of the real estate. If the client does not provide information regarding the intended use, the classification of the survey shall be based on the current use of the real estate. The surveyed premises shown hereon are classified as an Urban Survey, having an acceptable relative positional accuracy of 0.07 feet plus 50 parts per million.

The purpose of this project was to perform and prepare a Retracement Survey on the real estate that has been described hereon, under direction and instructions from the client.

Relative positional accuracy (RPA) means the value expressed in feet or meters that represents the uncertainty due to random errors in measurements in the location of any point on a survey relative to any other point on the same survey at the ninety-five percent (95%) confidence level. There may be unwritten rights associated with these uncertainties. The amount of uncertainty created by any discrepancies in the lines of occupation is equal to that discrepancy itself and in situations where that uncertainty is less than that of the appropriate RPA, it may have been considered negligible and gone unnoted. Unless otherwise noted or shown on the within survey plat, there is no evidence of occupation along the perimeter lines of the subject real estate.

This plat of survey accurately shows the location of all visible improvements, unless noted otherwise, on the premises as of the date of last field work for this project. Also shown are all lines of occupation and their relationship to the established lines of the subject real estate. A more accurate explanation of these relationships and how they were determined is described within this report. Unless otherwise illustrated hereon, there is no evidence of occupation along the exterior perimeter of the subject real estate.

This plat of survey accurately shows the position of easements, highways, rights of way, restrictions, covenants or other encumbrances of which the Surveyor was informed of. Land Surveyor's within the State of Indiana are not qualified to perform the extensive searches needed to acquire all of those documents or agreements, and they rely upon a Title Company, the client, the client's attorney, or the land owner to provide such information. Observable evidence of these burdens are shown hereon as utility lines or associated improvements, drains, swales, roadways, driveways, paths, etcetera.

Land Survey Markers, or monuments, were either set or found at all corners of the subject real estate, as shown and noted hereon. In situations where the corner is inaccessible or it would not be reasonable to set a monument at a corner, due to terrain or other hindrances, offset monuments may have been set instead, and those have been annotated hereon as well.

There may be differences of deed (D) dimensions versus measured (M) dimensions along the established lines of the subject real estate and likewise, there may be found survey markers near, but not precisely at, some established corners. In cases where the extent of these differences are less than the stated RPA, and less than the uncertainty recognized with regard to any reference monuments used for this project, those differences may be considered insignificant and have been shown only for the purposes of mathematical closure. Conversely, any differences that may exceed the stated RPA and other uncertainties are considered significant and have been discussed further below.

The Theory of Location applied for this project is as follows.
The basis of bearings for this project is the West line of the Southwest Quarter of S17-T17N-R4E as noted in the vesting deed of record, said bearing being North 00 degrees 12 minutes 30 seconds East.

It is this Land Surveyor's professional opinion that the cause and the amount of uncertainty in these lines and corners is due to the following:

(A) Availability and condition of reference monuments
- The Southwest, Northwest, and Northeast corners of the Southwest quarter were found per the Marion County Surveyor Ties.
- Additional monuments were found at or near the established corners for the subject real estate and its adjoiners and any variances have been annotated hereon.
- The amount of uncertainty created by the controlling monuments and any other monuments shown hereon is equal to 0.2 feet.

(B) Occupation or possession lines
- Parking spaces and/or islands exist on or near parcel lines but are allowed per easement agreements. No fences or other lines of possession were found along the subject property lines.
- The amount of uncertainty created by these discrepancies is equal to N/A.

(C) Clarity or ambiguity of the record description used and of adjoiner's descriptions and the relationship of the lines of the subject tract with adjoiner's lines
- The south adjoiner's deed included the subject parcel without an existing exception.
- The amount of uncertainty created by the record descriptions for the premises is none.
- No gaps or overlaps in title or deed lines were discovered during this survey.

(D) The relative positional accuracy of the measurements
- This survey meets or exceeds the requirements set forth by the State of Indiana.

Land Surveyor's Notes
Any underground utilities depicted on the attached plat of survey have been located per visual observations or utility markings on the ground. No warranty, either expressed or implied, is made as to the accuracy and/or completeness of information presented on underground utilities, or as to its fitness for any particular purpose or use. In no event will V3, its employees, agents, and/or assigns, be held liable for any damages arising out of the furnishing and/or use of such information. The path of the utility lines shown on said plat of survey should be considered approximate until they are either relocated, by calling the Indiana Underground Plant Protection Agency at 1-800-382-5544 or until they are excavated to verify the location and path of the utility lines.

No warranty, either expressed or implied, is made as to the accuracy and/or completeness of information provided by governmental authorities and/or third parties, or as to its fitness for any particular purpose or use, including but not limited to information presented on zoning, setback requirements, flood hazard zones and wetlands area(s). In no event will SEA Group, its employees, agents, and/or assigns, be liable for any damages arising out of the furnishing and/or use of such information.

Any depiction of possible intrusion, trespass, invasion, and/or possible encroachment into the possessions or rights of another is not a matter of survey. An attorney and/or title company should be consulted in all matters with respect to any rights of possession(s) and matters of title.

Along any line where a deed gap or overlap or inconsistency in line of occupation occurs, unwritten rights may be available to the subject and/or the adjoining real estates.

Flood Information Note
Flood status information was obtained using Flood Insurance Rate Maps (FIRM) provided by the United States Department of Homeland Security, Federal Emergency Management Agency (FEMA), on their website, located at http://msc.fema.gov/.

The Subject Real Estate described hereon was mathematically calculated and scaled on the FIRM Maps of Marion County, Indiana, Map Number 18097C0061F, dated April 19, 2016, and was found to be located in Flood Zone X, Flood Zone X-Shaded, and Flood Zone AE, being within Community Panel Number 180159.

The accuracy of any flood hazard data shown on this Land Survey is subject to map scale uncertainty and to any other uncertainty in location or elevation on the referenced Flood Insurance Rate Map. This certification is restricted to a review of the FIRM noted above and shall not be construed as a confirmation or denial of flooding potential.

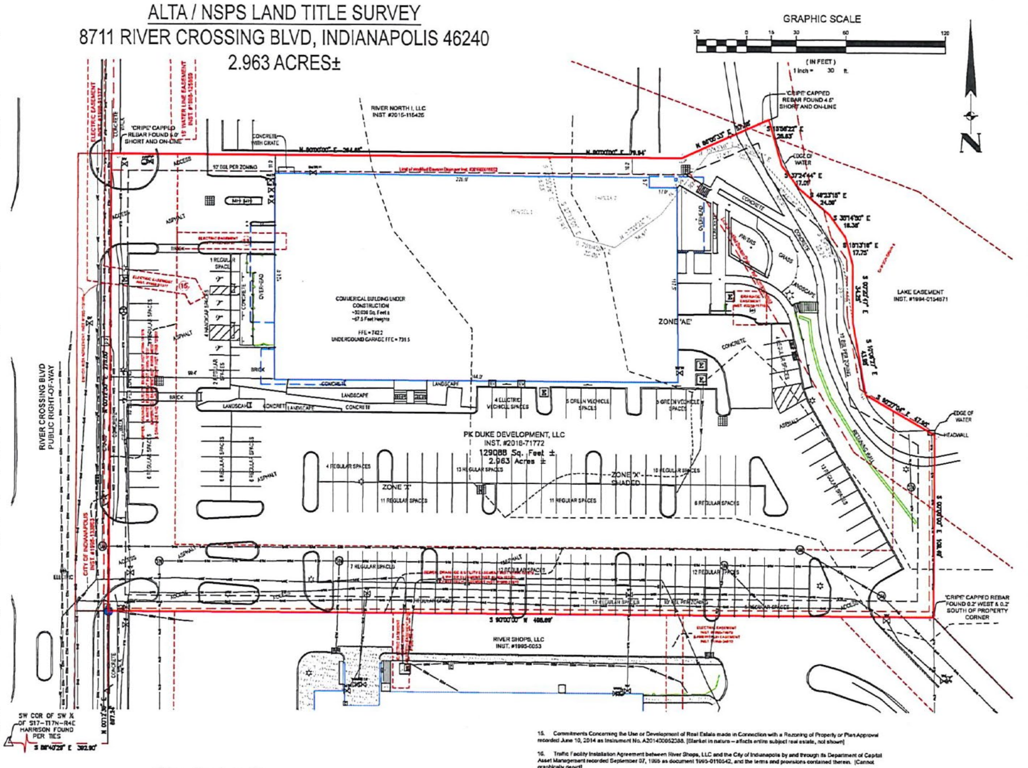
Additional Table A Items:
6(b). Site is zoned "CS" per CDS Zoning report #19-12-0202, dated January 8, 2020.
16. Site Not under construction at time of survey.
17. No proposed changes in street right of way lines either completed or proposed, and available from the controlling jurisdiction. No observable evidence of any recent street or sidewalk construction or repairs.
18. No observable evidence of a wetlands delineated on the site as conducted by a qualified specialist hired by the client.

Current ownership for the Subject and Adjoining real estates are shown per County Assessor records, and any documents listed hereon can be obtained from the County Recorder's Office.

State Of Indiana Required Statements For Recordation
I affirm, under the penalties for perjury, that I have taken reasonable care to redact each Social Security Number in this document, unless required by law, Brian C. Rismiller.

This document was prepared by Brian C. Rismiller.

Note: The Storm, Water, Sanitary, Gas, Communications, and Underground electric lines and improvements along the South and West property lines are from the previous surveys C19-4812 and C18-3875 by SEA Group



Title Insurance Company Commitment Note
Evidence of source of title for the subject tract was provided by First American Title Insurance Company, having a Title Commitment Number of NCS-1174222-CHI2 and is dated effective April 04, 2023 at 7:30 AM. Survey-related exceptions that were disclosed within Schedule B of said title commitment have been depicted on the survey, each being identified by their recording data.

Notes on those survey related exceptions with regard to the Subject Real Estate.

3. Covenants, conditions, restrictions, easements and assessments contained in a certain Declaration and Grants of Easements made by PK Partners, LP on October 12, 1994 and recorded October 14, 1994 as Instrument No. 1994-0154871, subject to the terms and provisions contained therein, the lake easement location. First Amendment to Declaration and Grants of Easements for River Crossing recorded July 15, 2005 as Instrument No. 2005-0111875. [Shown hereon]

4. Agreement and Grant of Easements between PK Partners, L.P. and Summit Properties Partnership, L.P., recorded October 14, 1994 as document 1994-0154872, and the terms and provisions contained therein. [No described easement - cannot graphically depict]

5. Grant of Perpetual Easement (Sewer) by and between P.K. Partners, L.P., and the City of Indianapolis, Indiana, by its Department of Public Works, dated December 23, 1994 as Instrument No. 1994-0187875, and the terms and provisions contained therein. [Plotted hereon]

6. Electric Line Easement in favor of Indianapolis Power & Light Company, recorded June 27, 1995 as document 1995-0074979, and the terms and provisions contained therein. [Falls on South Adjoining property – may affect surveyed property]

7. Electric Line Easement in favor of Indianapolis Power & Light Company, recorded July 19, 1995 as document 1995-0085716, and the terms and provisions contained therein. [Plotted hereon]

8. Grant of Easement and Indemnity Agreement in favor of Indianapolis Water Company, recorded August 17, 1995 as document 1995-0101231. [Plotted hereon]

9. Declaration of Maintenance Obligation by River Shops, LLC, recorded September 29, 1995 as document 1995-0122674, and the terms and provisions contained therein. [Blanket in nature – cannot graphically depict]

10. Ameritech Non-Exclusive Easement in favor of Indiana Bell Telephone Company, a.k.a. Ameritech Indiana, recorded March 04, 1998 as document 1998-0034810, and the terms and provisions contained therein. [Plotted hereon]

11. Electric Line Easement in favor of Indianapolis Power & Light Company, recorded June 02, 1998 as document 1998-0091377, and the terms and provisions contained therein. [Plotted hereon]

12. Grant of Perpetual Drainage Easement and Right-Of-Way in favor of the City of Indianapolis, Indiana by its Department of Capital Asset Management, recorded July 22, 1998 as document 1998-0125867, and the terms and provisions contained therein. [Plotted hereon]

13. Access Easement Agreement between P.K. River Shops North, LLC and River North I, LLC, recorded December 27, 2016 as document A201600141971, and the terms and provisions contained therein. [Blanket in nature – cannot graphically depict]

14. Sewer Service Agreement made with the City of Indianapolis, Department of Public Works, recorded September 20, 1995 as document 1995-0117360, and the terms and provisions contained therein. [Cannot graphically depict]

15. Commitments Concerning the Use or Development of Real Estate made in Connection with a Rezoning of Property or Plan Approval recorded June 10, 2014 as Instrument No. A201400052388. [Blanket in nature – affects entire subject real estate, not shown]

16. Traffic Facility Installation Agreement between River Shops, LLC and the City of Indianapolis by and through its Department of Capital Asset Management recorded September 07, 1995 as document 1995-0110542, and the terms and provisions contained therein. [Cannot graphically depict]

17. Environmental Risk Allocation Agreement between River Shops, Inc. and The City of Indianapolis Through its Department of Capital Asset Management, recorded September 12, 1995 as document 1995-0113140, and the terms and provisions contained therein. [Exhibit A pages 11 & 12 do not affect the subject real estate but shown hereon, "Exhibit B, Tract Two," page 13, blankets the entire subject real estate and is not shown]

18. Commitments Concerning the Use or Development of Real Estate made in Connection with a Rezoning of Property or Plan Approval executed November 10, 1993 and recorded November 30, 1993 as Instrument No. 1993-0180508, subject to the terms and provisions contained therein. [Blanket in nature – affects entire subject real estate, not shown]

19. Provisions regulating sewer use and barring the right to object to annexation to the City of Indianapolis set out in a Sewer Construction Agreement recorded February 6, 1995 as Instrument 95-13507. [Cannot graphically depict]

20. Right of entry; setback and use restrictions; possible assessments for maintenance and/or reconstruction, and all rights of others entitled to the continued uninterrupted flow of water through the Dawson Drain, a legal drain established in accordance with I.C. 36-9-27-33. As affected by the terms, conditions and provisions of Resolution No. 2018-E-017 entitled Confirmatory Resolution of the Metropolitan Development Commission of Marion County, Indiana, related to the 96th Street/Castleton Economic Development Area recorded June 08, 2018 as document A201800056744. As further affected by the terms, conditions and provisions of Resolution No. 56, 2018 entitled A Resolution Granting a Petition for Encroachment of the Right-of-Way of the Ambrose Dawson Legal Drain recorded February 26, 2019 as document no. A201900016653. [Drain limits shown hereon]

21. Access and Parking Easement Agreement by and between PK River Shops North, LLC, an Indiana limited liability company, and River Shops, LLC, an Indiana limited liability company, dated June 27, 2018, and recorded June 27, 2018, as document A201800063525, and the terms and provisions contained therein. (Affects Tracts 1 and 3) [Blanket in nature – cannot graphically depict]

22. Sewer Service Agreement by and between P.K. Partners, LLC and the City of Indianapolis, Department of Public Works, dated November 13, 1997 and recorded March 5, 1998 as Instrument No. 1998-0035771, subject to the terms and provisions contained therein. [No easement to graphically depict]

23. Terms, provisions and conditions contained in Grant of Perpetual Drainage Easement and Right-of Way, dated September 26, 2018, by and between PK-Duke Development, LLC and City of Indianapolis, Department of Public Works recorded November 16, 2018 as document no. A201800117185. [Plotted hereon]

24. Terms, conditions and provisions of Resolution No. 55, 2018 entitled A Resolution Granting a Petition for Modification of the Right-of-Way of the Ambrose Dawson Legal Drain recorded February 26, 2019 as document no. A201900016652, the drain limits. [Drain limits shown hereon

25. Terms, conditions and provisions of Resolution No. 56, 2018 entitled A Resolution Granting a Petition for Encroachment of the Right-of-Way of the Ambrose Dawson Legal Drain recorded February 26, 2019 as document no. A201900016653, the drain limits. [Drain limits shown hereon]

formerly SEA Group
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Phone: 317.844.3333 Fax: 317.844.3383
infocarmel@v3co.com V3co.com
Surveyors - Scientists - Engineers

PROJECT LOCATED IN:
SECTION 17 - TOWNSHIP 17 NORTH - RANGE 4 EAST
WASHINGTON TOWNSHIP, MARION COUNTY

ALTA/NSPS
LAND TITLE SURVEY

PREPARED FOR:
:

REV. #	DATE	REV. DESC.
.	..	...

DRAWING LEGEND

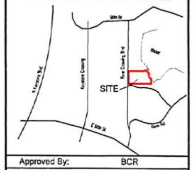
GAS	GAS = UNDERGROUND GAS LINES
COM	COM = COMMUNICATION LINES
WTR	WTR = UNDERGROUND WATER LINES
STM	STM = UNDERGROUND STORM SEWER
SAN	SAN = UNDERGROUND SANITARY SEWER
UGE	UGE = UNDERGROUND ELECTRIC
— — —	SECTION LINE (AS NOTED)
— - - —	R.O.W. = RIGHT OF WAY (AS NOTED)
— - —	CENTERLINE AS NOTED
- - - -	B.S.L. = BUILDING SETBACK LINE
- - - -	EASEMENT (AS NOTED)
— — —	REAL ESTATE LINES (AS NOTED)
━━━	SUBJECT REAL ESTATE SURVEY LINE (AS NOTED)
━━━	EXISTING CONC. CURB (AS NOTED)

SEA GROUP MONUMENT SET
SECTION CORNER (AS NOTED)
SURVEY MARKER FOUND
SIGN
LIGHT POLE
ELECTRIC UTILITY
ELECTRIC METER
CURB INLET
DRAINAGE INLET
ELECTRIC VEHICLE CHARGING STATION
EXCEPTION NUMBER PER TITLE

FIRE MAIN
FIRE HYDRANT
WATER METER
WATER VALVE
STORM SEWER MANHOLE
COMMUNICATIONS UTILITY
SANITARY SEWER MANHOLE
CLEAN OUT
MANHOLE
GAS VALVE
GAS METER

811 Know what's below. Call before you dig.

VICINITY MAP - NOT TO SCALE



Approved By:	BCR
Drawn By:	HMS/Br
Date of Last Field Work:	4/24/2023
Date Plotted:	5/10/2023

Reference #: 19609.VP01

Project Number:
230429.VP01
Sheet Number :
1 of 1

View of site looking southeast across River Crossing Boulevard

View of site looking north across River Crossing Boulevard

View of site looking north across adjacent parking lot to the south

View from site looking northeast

View from site looking east

View from site looking south

View from site looking southwest across River Crossing Boulevard

STAFF REPORT

Department of Metropolitan Development
Division of Planning
Current Planning Section

Case Number:	**2023-ZON-067**
Address:	**8095 East 30th Street (*Approximate Address*)**
Location:	**Warren Township, Council District #13**
Petitioner:	**Akakia Holdings 8095, LLC, by Kevin Buchheit**
Request:	**Rezoning of 0.60 acre from the I-3 district to the C-3 district to provide for a daycare.**

RECOMMENDATION

Staff **recommends approval** of this request.

SUMMARY OF ISSUES

The following issues were considered in formulating the recommendation.

LAND USE

◊ Historic aerial photography indicates that the dwelling on the site has been in place since at least 1956. By the mid-1960s, industrial development had occurred both to the north and south of the subject site and a commercial use had been opened on the property to the west.

◊ The 2018 Comprehensive Land Use Plan for Warren Township recommends Heavy Commercial for the subject site. The Heavy Commercial typology provides for commercial enterprises that exhibit characteristics that are not compatible with less intense land uses. They often feature outdoor operations and display.

◊ The site was the subject of a 1987 variance petition. The existing structure was to be used by a wholesaler of medical supplies. The variances were approved and provided for the loading of materials from the front yard of the structure and for a smaller number of loading docks than required by the I-3 district.

(Continued)

STAFF REPORT 2023-ZON-067 (Continued)

ZONING

◊ This petition requests a rezoning from the I-3 district to the C-3 district. The I-3 district provides for medium-intensity industrial uses. The small size of the subject site would make it undesirable for many industrial uses.

◊ The C-3 district provides for retailing, personal services and other commercial uses that would serve surrounding neighborhoods. Larger or more intense uses and traffic-oriented uses are typically not permitted in the C-3 district.

◊ The C-3 district would be less intense than some of the zoning districts anticipated in the Heavy Commercial typology, but would be appropriate here because of the abutting dwelling to the east and C-3 commercial uses to the west.

GENERAL INFORMATION

EXISTING ZONING, CONTEXT AREA, AND LAND USE

I-3	Metro	Single-family dwelling

SURROUNDING ZONING AND LAND USE

North	I-3	Industrial building
South	I-3	Railroad, office/warehouse building
East	I-3	Single-family dwelling
West	C-3	Garden center

COMPREHENSIVE LAND USE PLAN	The Comprehensive Land Use Plan (2018) recommends Heavy Commercial.
THOROUGHFARE PLAN	30th Street is classified in the Official Thoroughfare Plan for Marion County, Indiana as a Primary Arterial, with a 45-foot existing half right-of-way and an 40-foot proposed half right-of-way.
FLOODWAY / FLOODWAY FRINGE	This site is not located within a floodway or floodway fringe.
WELLFIELD PROTECTION DISTRICT	This site is not located within a wellfield protection district.

(Continued)

STAFF REPORT 2023-ZON-067 (Continued)

ZONING HISTORY – SITE

87-V1-128; 8095 East 30th Street, requested a variance of development standards to provide for deficient loading area and loading in the front yard for a medical supplies wholesaler, **approved.**

ZONING HISTORY – VICINITY

2011-ZON-008; 3011 North Franklin Road (north of site), requested the rezoning of 9.4 acres from the I-2-S district to the I-3-S district, **approved.**

2004-UV1-007; 8135 East 30th Street (east of site), requested a variance of use to provide for pet-grooming in an industrial district, **approved.**

2002-UV1-033; 8135 East 30th Street (east of site), requested a variance of use to provide for automobile sales in an industrial district, **withdrawn.**

95-UV1-25; 8005 East 30th Street (west of site), requested a variance of use for the expansion of a garden center, **approved.**

93-V2-31; 3155 East 30th Street (east of site), requested a variance of development standards to provide for a deficient setback, **approved.**

86- UV1-124; 8005 East 30th Street (west of site), requested a variance of use for a greenhouse, **approved.**

83-UV1-46A; 8005 East 30th Street (west of site), requested a variance of use for a garden center, approved.

71-Z-212; 7941 East 30th Street (west of site), requested the rezoning of 1.5 acre from the I-3-S district to the C-3 district, **approved.**

klh

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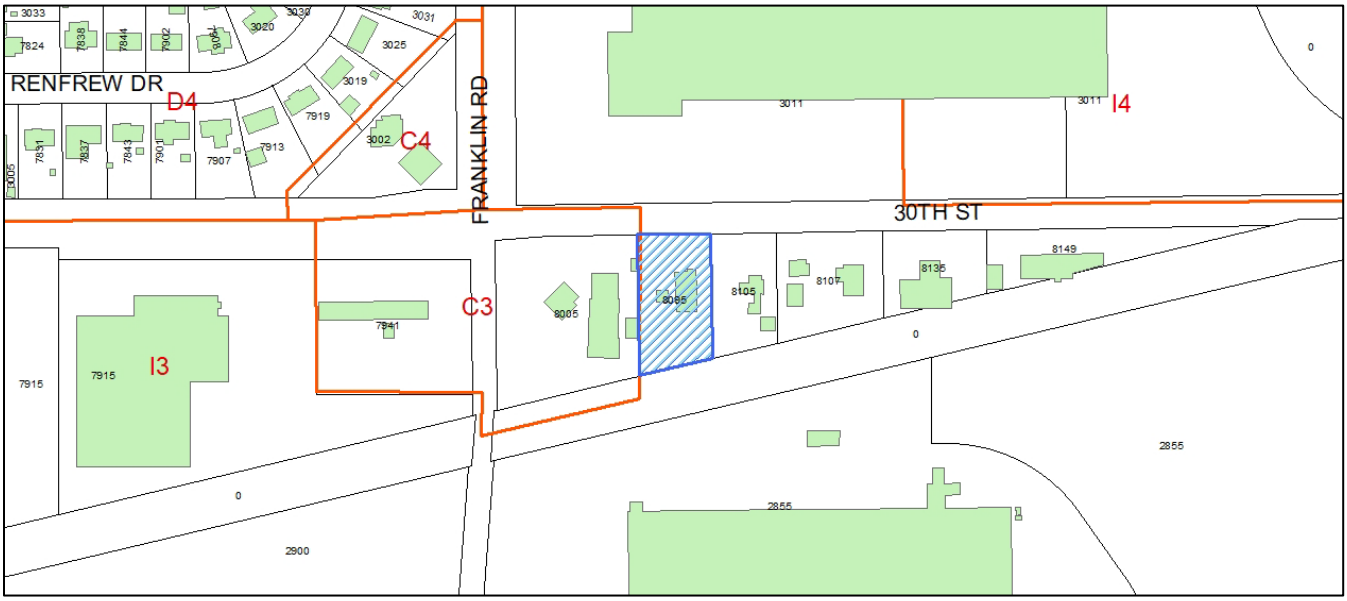
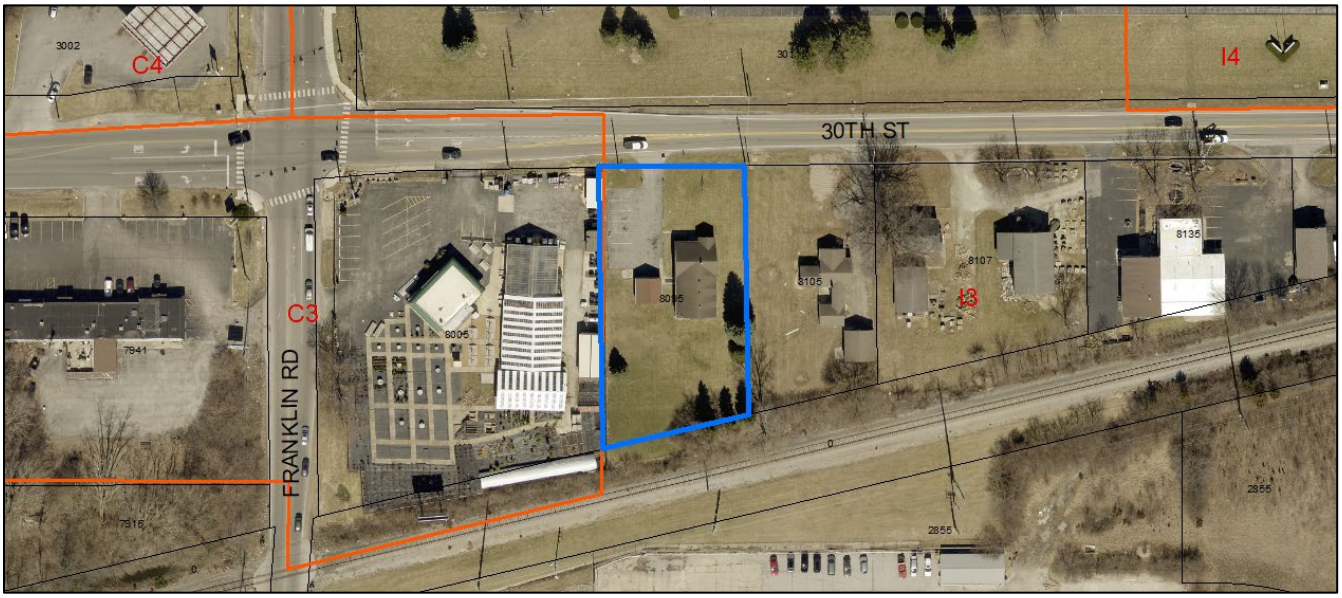
STAFF REPORT 2023-ZON-067, Location



STAFF REPORT 2023-ZON-067, Aerial photograph (2022)



STAFF REPORT 2023-ZON-067, Photographs

Looking south from 30th Street at the subject site.

Looking east along 30th Street frontage at the neighbors to the east.

Looking west at the neighbor to the west.

Looking north across 30th Street to the neighbor to the north.

STAFF REPORT

Department of Metropolitan Development
Division of Planning
Current Planning Section

Case Number:	**2023-CZN-837 / 2023-CVR-837 / 2023-CVC-837**
Address:	**217 West 10th Street and 916, 918 & 922 North Capitol Avenue (Approximate Addresses)**
Location:	**Center Township, Council District #11**
Petitioner:	**MTP – 922 North Capitol Ave., LLC, by Joseph D. Calderon**
Request:	**Rezoning of 1.17 acres (217 West 10th Street) from the I-3 (RC) district to the CBD-2 (RC) district.**
	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 (two loading spaces per building required, dimensions of 30' by 12' and 55' by 12' required), and to allow for buildings with frontages along 10th Street to meet the Sky Exposure Plane Three requirements (Sky Exposure Plane Two standards required).
	Vacation of Roanoke Street, being 30 feet in width, from the south right-of-way line of 10th Street, south 253.10 feet.

RECOMMENDATIONS

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

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

RECOMMENDED MOTION (approval): That the Hearing Examiner find that the proposed vacation is in the public interest; that a hearing upon the assessment of benefits be held on August 24, 2023; that the Hearing Examiner confirm and ratify the adoption of Declaratory Resolution 2023-CVC-837; and that the vacation be subject to the rights of public utilities under IC 36-7-3-16.

SUMMARY OF ISSUES

The following issues were considered in formulating the recommendation:

HISTORY

◊ In late 2022, 2022-VAC-008 was filed and approved, to vacate an east-west alley between 916 and 918 North Capitol Avenue, The Plat Committee approved this vacation on December 14, 2022. Also in late 2022, 2022-REG-077 was filed for design review of a mixed-use development, with 270 dwelling units, over 13,000 square feet of commercial office and retail space, a parking

(Continued)

STAFF REPORT 2023-CZN-837 / 2023-CVR-837 / 2023-CVC-837 (Continued)

garage with 398 spaces and resident amenities, for the eastern portion of the subject site, plus a large portion of 902 North Capitol Avenue. That petition was withdrawn at a hearing on March 1, 2023. In early 2023, 2023-DV1-002 was granted that provided for one smaller loading space than required. That petition was granted on February 7, 2023.

LAND USE

◊ The request would provide for a redevelopment of the site, with demolition of most structures, except for the historic Stutz II building. The proposed development would comprise of a five-story building and a six-story building, for a mixed-use development with approximately 278 dwelling units, 26,571 square feet of leased office and retail space, 7,505 square feet of amenity space, a parking garage with approximately 358 spaces, and an outdoor courtyard. Stutz II would be renovated into dwelling units. The five-story building would be on the eastern portion of the site at 916, 918 and 922 North Capitol Avenue, with the six-story building on the eastern portion of the site at 217 West 10th Street. The request would also provide for the vacation of the northern portion of Roanoke Street for a proposed plaza area that would be used for events for residents and visitors and a variance of the Sky Exposure Plane Two requirements.

REZONING

◊ The rezoning request would rezone the western portion of the site, 217 West 10th Street, from I-3 (RC) to CBD-2 (RC).

◊ The Land Use Plan recommends City Neighborhood development. “The City Neighborhood typology consists largely of multifamily housing and is stepped down to other living typologies with attached housing. This typology is dense and walkable with a full range of city services and public amenities. Ideally, block lengths are shorter than 500 feet and publicly accessible pedestrian connections are provided through large developments. Access to individual parcels is generally by an alley or internal parking structures. Public spaces are typically of a smaller and more intimate scale in the form of smaller parks, streetscapes, and interior courtyards or rooftop spaces. Residential development activates the sidewalk with externalized doors and public or semi-public spaces. The City Neighborhood typology typically has a residential density in excess of 15 dwelling units per acre”. The request would comply with the Plan.

VARIANCE

◊ This petition seeks to reduce the number of loading spaces to one per building and for each loading area to be 11’ by 27’, and for the building to encroach into the Sky Exposure Plane Two development standard for this proposed mixed-use development. The Ordinance would require a minimum of two loading spaces for each building and for the loading space to be 30-foot by 12-foot in size and the second loading space to be a minimum of 55-foot by 12-foot in size.

(Continued)

STAFF REPORT 2023-CZN-837 / 2023-CVR-837 / 2023-CVC-837 (Continued)

◊ The loading area for the east building would be located off of Senate Avenue and the loading area for the west building would be within the structure, with trucks entering and exiting from Capitol Avenue. The reduction of the number of loading spaces and reduced area would be an acceptable deviate of the Ordinance standards as the majority of the floor space of the development would be for residential use, which typically use less loading space area than large all-commercial or industrial developments.

◊ A variance to provide for encroachment into the Sky Exposure Plane Two development standard would permit the structure to meet the standard typically met on sites abutting Monument Circle. The Sky Exposure Plane development standard is intended to provide a mechanism to control height of structures near the street to allow sunlight to sidewalks. Specifically, the standard for Sky Exposure Plane Two is that, from the centerline of the street, an incline of 60 degrees from the ground to a vertical elevation of 200 feet, then continue vertically at an angle of 90 degrees. Sky Exposure Plane Three requires an incline of 67.5 degrees from the ground to a vertical elevation of 108 feet, then continue at an incline of 74 degrees for another 150 feet, then at an angle of zero degrees, or, essentially, a cap of the building height at this measurement. For reference, see the staff exhibits below. The encroachment would be slight and, therefore, supportable.

VACATION

◊ This request would provide for the vacation of the northern portion of a named alley, Roanoke Street, for a proposed pedestrian outdoor amenity space. As a means to provide for vehicle access to the rear of properties to the south, a proposed 16-foot wide, east-west alley, would be begin at the terminus of the vacated right-of-way, west to Senate Street. The proposed width of the proposed new alley would provide for adequate maneuvering of vehicles. Staff would consider this proposal to meet the Finding of the request to be in the public interest, therefore, staff recommends approval of the proposed vacation.

PROCEDURE

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

The general rule under Indiana case law is that when a street or highway is vacated or abandoned the title to the land reverts to the abutting property owners. This rule exists by virtue of the fact that the abutting landowner owns to the center of the street or highway subject only to an easement for the public to the use of the street or highway. Gorby v. McEndarfer 135 Ind.App. 74, *82, 191 N.E.2d 786, **791 (Ind.App.1963). However, there are possible exceptions to this general rule.

(Continued)

STAFF REPORT 2023-CZN-837 / 2023-CVR-837 / 2023-CVC-837 (Continued)

After a vacation of public right-of-way, the county assessor determines how the vacated right-of-way will be assessed for tax purposes.

Petitioners and abutters of the vacated right-of-way should consult their own attorneys for advice regarding the ownership of the vacated right-of way.

REGIONAL CENTER OVERLAY DISTRICT

◊ The site lies within the Regional Center overlay district. In this designated area, design of all new construction, sidewalk cafes, and signage in the Regional Center overlay district is subject to the approval of the Administrator of the Division of Planning. A Regional Center Approval petition has been filed, through 2023-REG-063 and is scheduled for public hearing on July 27, 2023.

GENERAL INFORMATION

EXISTING ZONING, CONTEXT AREA, AND LAND USE

I-3 (RC) / CBD-2 (RC)	Compact	Light Industrial

SURROUNDING ZONING AND LAND USE

North	CBD-S (RC)	Mixed-use (Stutz)
South	I-3 (RC)	Office
East	CBD-2 (RC)	Commercial retail / office
West	I-3 (RC)	Surface parking / commercial

COMPREHENSIVE LAND USE PLAN	The Center Township Land Use Plan recommends City Neighborhood development
TRANSIT-ORIENTED DEVELOPMENT	A portion of the site lies within the Transit-Oriented Development Overlay
THOROUGHFARE PLAN	10th Street, Senate Avenue and Capitol Avenue are all classified in the Official Thoroughfare Plan for Marion County, Indiana as primary arterials, with 78-foot existing and proposed rights-of-way.
DEVELOPMENT PLAN	File-dated June 22, 2023
FINDINGS OF FACT	File-dated June 22, 2023
SITE PLAN	File-dated June 22, 2023
VACATION SURVEY	File-dated June 22, 2023

ZONING HISTORY – SITE

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, **pending.**

(Continued)

STAFF REPORT 2023-CZN-837 / 2023-CVR-837 / 2023-CVC-837 (Continued)

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.**

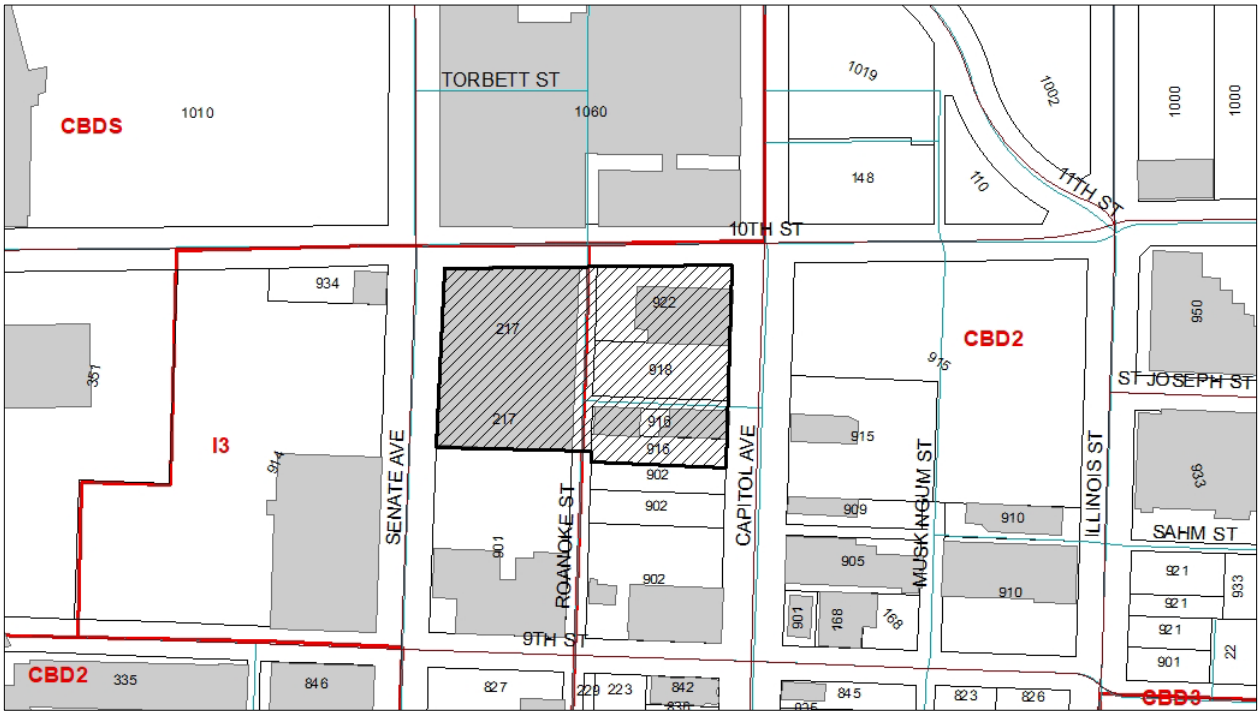
ZONING HISTORY – VICINITY

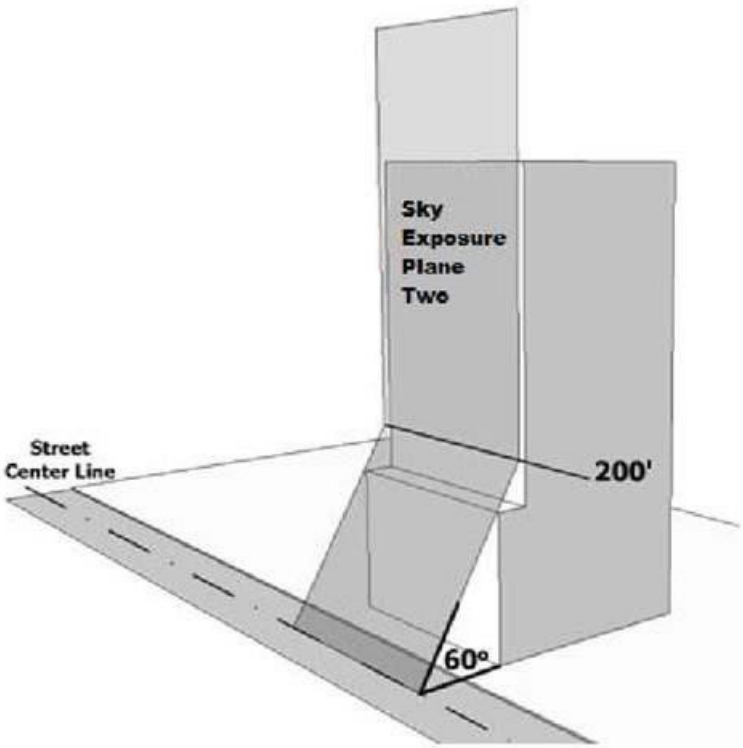
None.

JY ******

STAFF REPORT 2023-CZN-837 / 2023-CVR-837 / 2023-CVC-837 (Continued)

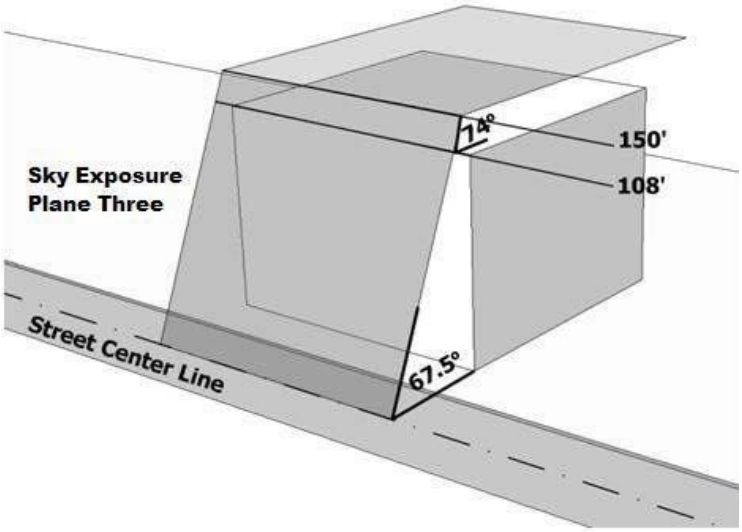
Exhibits





Sky Exposure Plane Two diagram

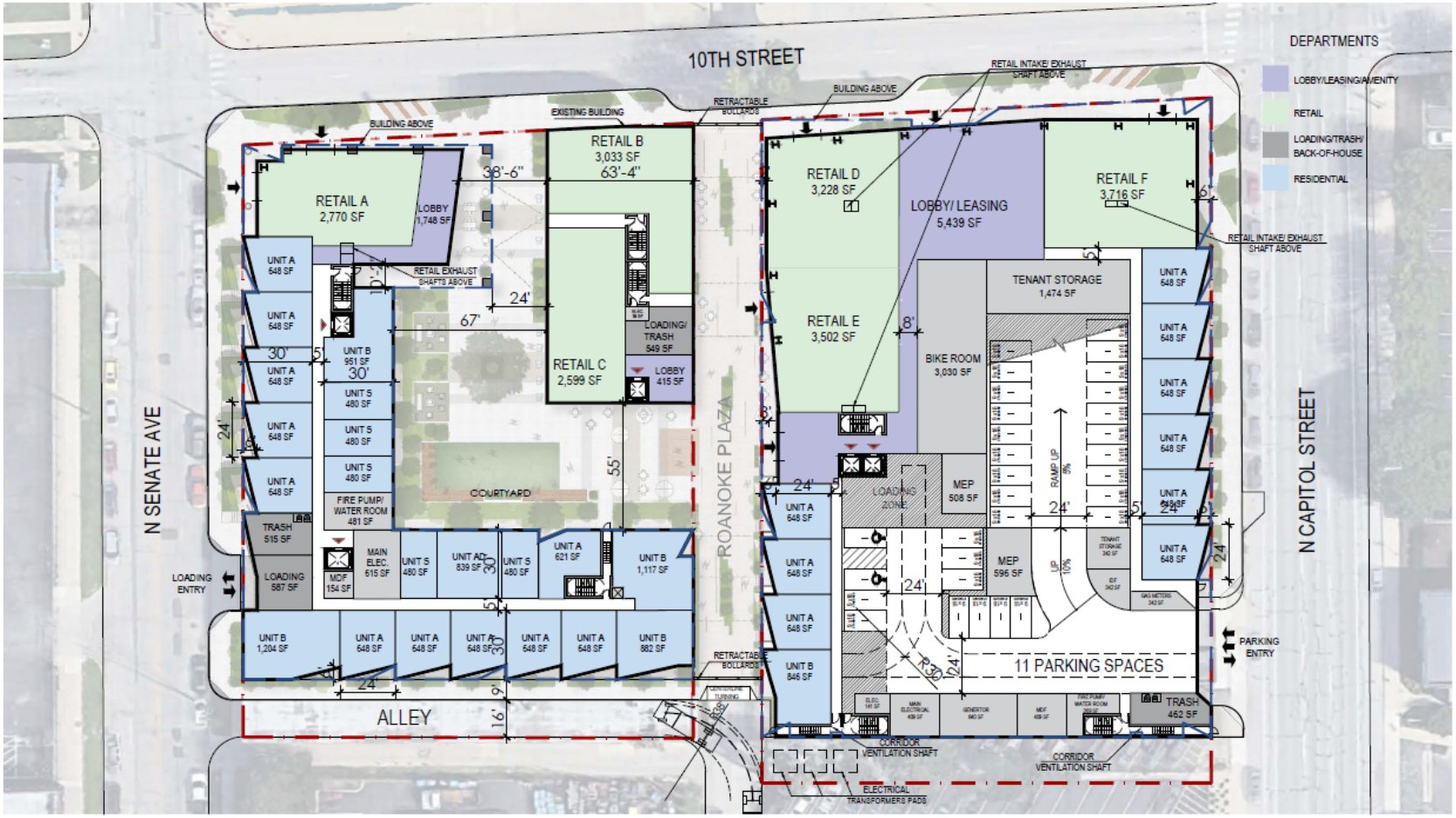
Proposed structure portion that would encroach upon Sky Exposure Plane Two standard



Sky Exposure Plane Three diagram

Proposed rendering indicating that the structure would not encroach into the Sky Exposure Plane Three standard

FLOOR PLANS | GROUND LEVEL



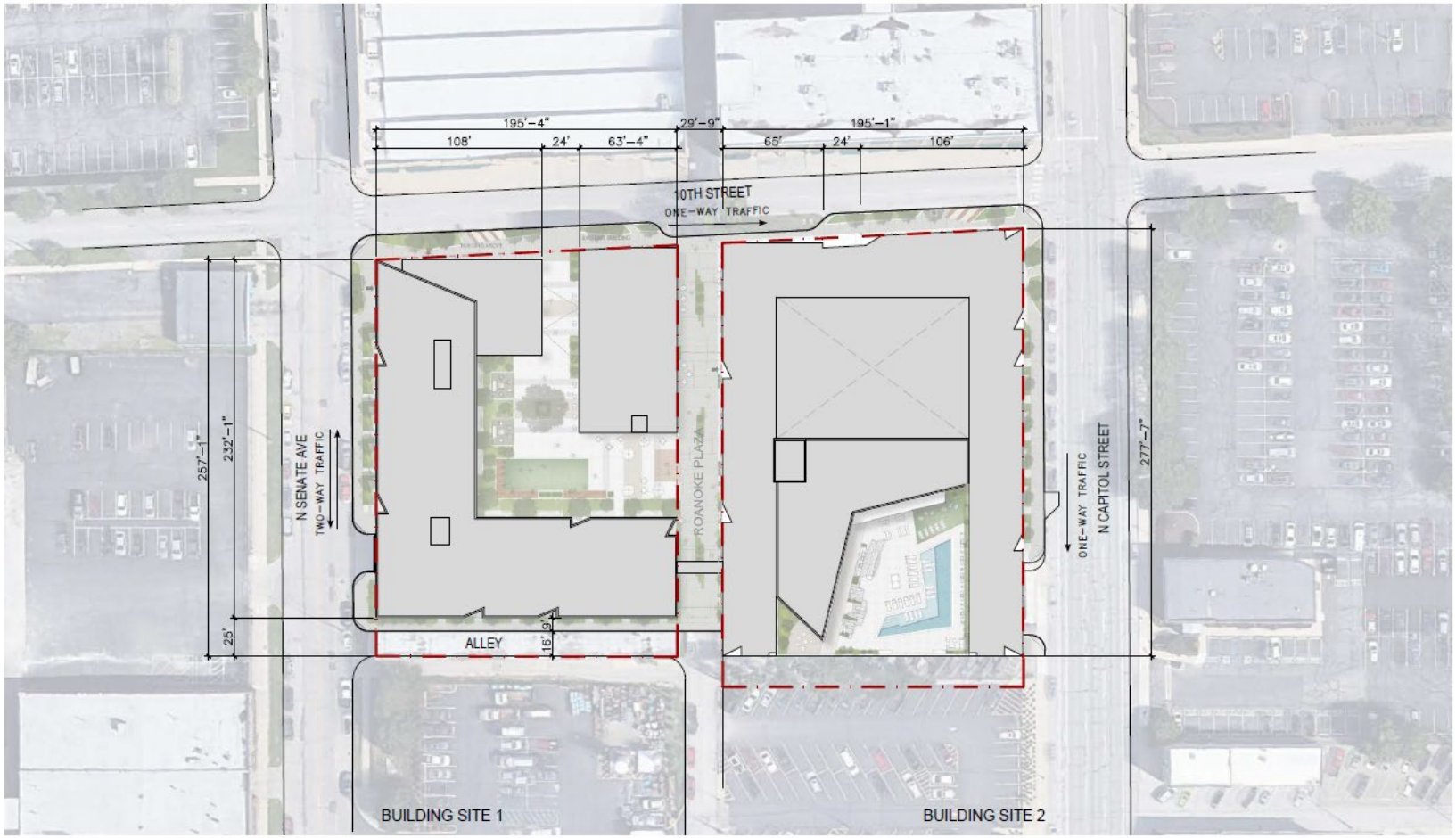
SomeraRoad

Somera Road - Indianapolis, Indiana | 2479.04 | Thursday, June 22nd, 2023

0 10' 20' 40' 80'

BKV GROUP

SITE | ARCHITECTURAL SITE PLAN



SomeraRoad

SOMERA ROAD - INDIANAPOLIS, INDIANA | 2479.04 | THURSDAY, JUNE 22ND, 2023

0 15' 30' 60' 120'

N

BKV GROUP

PERSPECTIVES | AERIAL

SomeraRoad

SOMERA ROAD - INDIANAPOLIS, INDIANA | 2479.04 | THURSDAY, JUNE 22ND, 2023

BKV GROUP

PERSPECTIVES | NORTHEAST CORNER

SomeraRoad

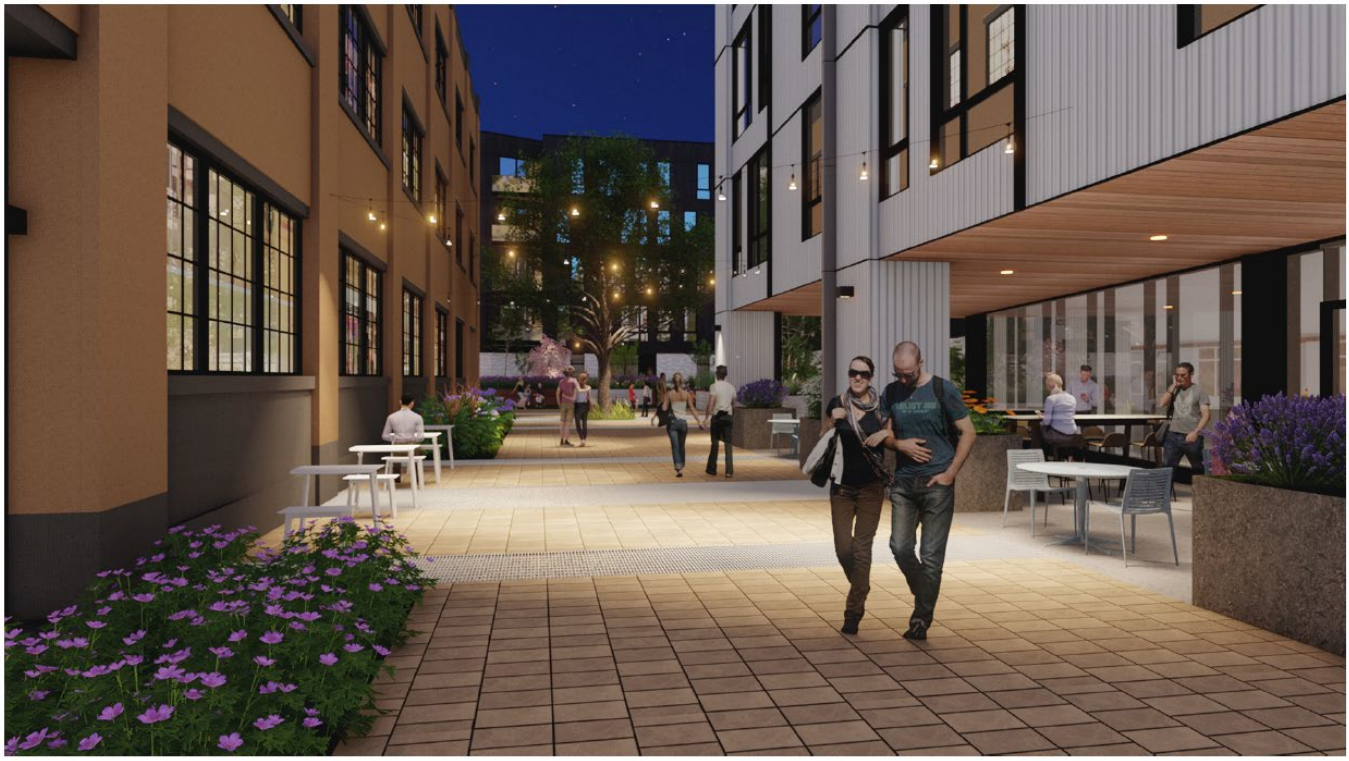
SOMERA ROAD - INDIANAPOLIS, INDIANA | 2479.04 | THURSDAY, JUNE 22ND, 2023

BKV GROUP

NE PERSPECTIVE | 10TH & ROANOKE WEST

PERSPECTIVES | 10TH & ROANOKE EAST

PERSPECTIVES | AMENITYCOURTYARD



NW PERSPECTIVE | 10TH & SENATE

PERSPECTIVES | ROANOKE PLAZA

SomeraRoad

SOMERA ROAD - INDIANAPOLIS, INDIANA | 2479.04 | THURSDAY, JUNE 22ND, 2023

BKV GROUP

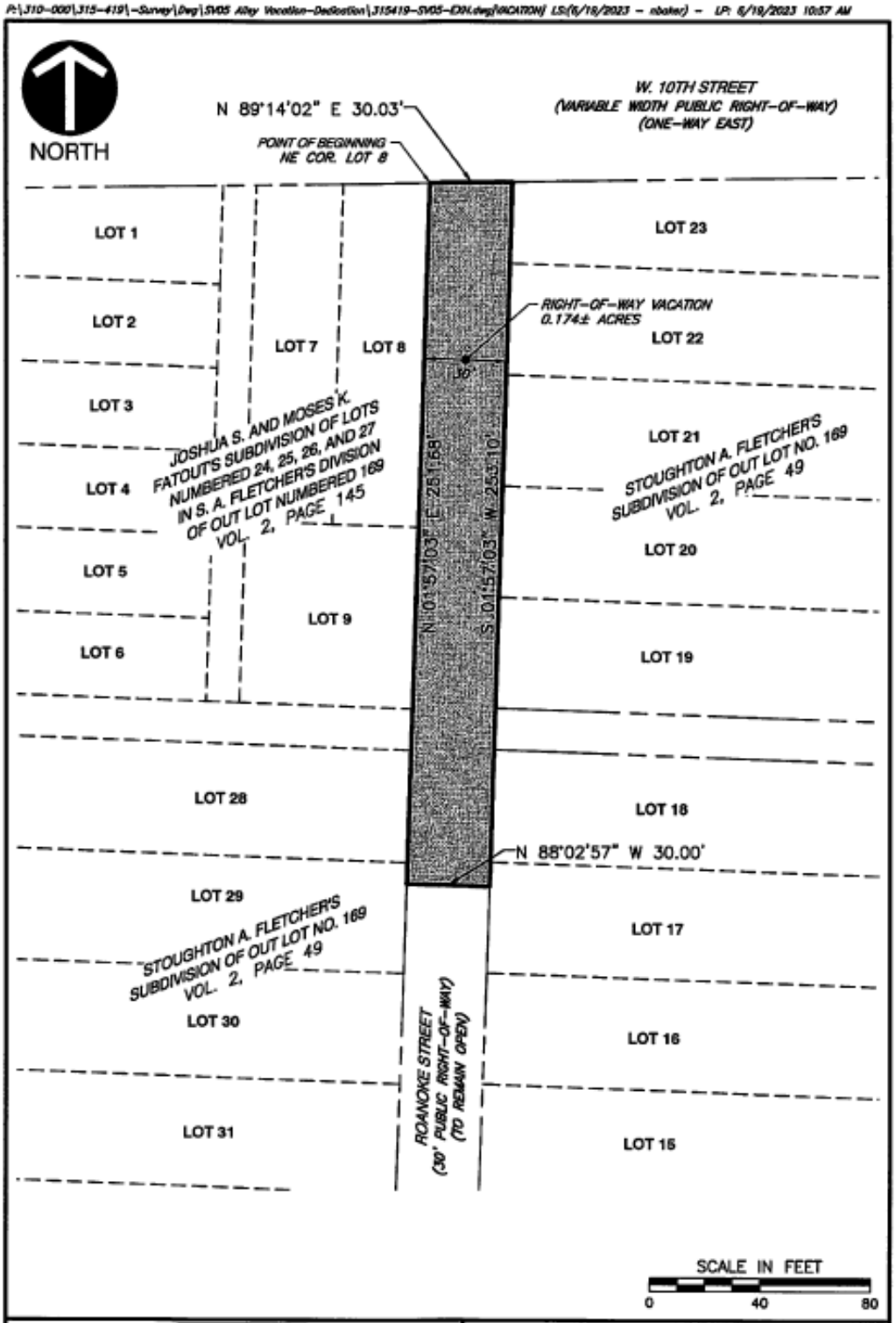
PERSPECTIVES | ROANOKE PLAZA

SomeraRoad

SOMERA ROAD - INDIANAPOLIS, INDIANA | 2479.04 | THURSDAY, JUNE 22ND, 2023

BKV GROUP

P:\310-000\315-419\-Survey\Dwg\SV05 Alley Vacation-Dedication\315419-SV05-EXH.dwg[VACATION] LS:(6/18/2023 - nbaker) - LP: 6/19/2023 10:57 AM



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SOMARA ROAD INC.
STUTZ CAPITOL AVE. REDEVELOPMENT
922 N. CAPITOL AVE.
INDIANAPOLIS, INDIANA

RIGHT-OF-WAY VACATION

DRAWN BY:	NRB	CHECKED BY:	TJT	APPROVED BY:	DRAFT	FIGURE NO.:	EXHIBIT
DATE:	JUNE 9, 2023	DWG SCALE:	1"=40'	PROJECT NO:	315-419		

STAFF REPORT 2023-CZN-837 / 2023-CVR-837 / 2023-CVC-837 (Continued)

Photos

Views of the north end of the site from Capitol Avenue and 10th Street intersection

View of site along Capitol Avenue, looking south

Stutz II building, at the southwest corner of 10th Street and Roanoke Street

Roanoke Street, from 10th Street looking south

View of one-story warehouse at the southeast corner of Senate Avenue and 10th Street (proposed to be demolished)

View of southwest portion of the site looking east from Senate Avenue (where the proposed new alley would be constructed)

View of Roanoke Street, from the approximate location of the south terminus of the proposed vacation area, looking north

View of the proposed new alley location, from Roanoke Street, looking west

STAFF REPORT

Department of Metropolitan Development
Division of Planning
Current Planning Section

Case Number:	**2022-CZN-867 (Amended)**
Address:	**5400 and 5430 Greenfield Avenue and 400 Burgess Avenue (*Approximate Address*)**
Location:	**Warren Township, Council District #12**
Petitioner:	**Baldeep Baidwan by David Kingen and Emily Duncan and Adam Hoffer**
Request:	**Rezoning of 2.71 acres from the D-5 district to the D-8 district to provide for multi-family development.**

The vacation petitions have been **withdrawn**. The **withdrawal should be acknowledged** by the Hearing Examiner at the July 27, 2023 hearing. The request has been changed from the D-7 district to the D-8 district.

The petitioner's representative requested and was granted a continuance from the April 13, 2023 hearing to the July 27, 2023 hearing.

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

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

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

RECOMMENDATION

Staff **recommends approval of this request.**

SUMMARY OF ISSUES

The following issues were considered in formulating the recommendation.

(Continued)

STAFF REPORT 2022-CZN-867 (Amended) (Continued)

LAND USE

◊ The subject site was platted as residential lots as part of Witz and Spannuth's Addition in 1911. However, historic aerial photography indicates that only one lot within the subject site, located in the southeast corner of the plat, was ever developed with a single-family dwelling. This dwelling appears in the 1937 aerial photography, but is no longer seen after the 1986 photograph. In the 1990s the southeast corner of the site appears to have been used for outdoor storage of trailers. For the last 22 years, the site appears to have been unused and became a woodland. The woods were destroyed in 2022.

◊ The residential neighborhood to the north along Burgess Avenue predates the 1937 aerial photography, as does a row of dwellings along the eastern edge of the site. The neighborhood to the west was under construction in the early 1960s. Commercial uses to the south and southeast begin to appear in the 1956 aerial photograph.

◊ The 1911 plat provided for two streets to serve the subject site. Greenfield Avenue ran roughly east/west, connecting Irvington Avenue to Ritter Avenue and then continuing east to Arlington Avenue. Whittier Place, also known as Elm Avenue, was to run north/south from Burgess Avenue to Greenfield Avenue. This site was also to be served by two east/west alleys in the interior of the site and a north/south alley along the eastern edge of the site.

◊ The Irvington Neighborhood Plan (2008), a segment of the Indianapolis/Marion County Comprehensive Plan, recommends Light Industrial for the subject site. This typology provides for industrial production, distribution and repair uses conducted that are within enclosed structures and are unlikely to create emissions of light, odor, noise, or vibrations. Typical uses include warehousing, self-storage, assembly of parts, laboratories, wholesaling, and printing.

◊ The Irvington Neighborhood Plan noted that existing industrial uses made up about 6% of the neighborhood's area and that industrial businesses "were very important to the neighborhood providing higher paying jobs for some residents of Irvington." The plan recommended some expansion of industrial uses in the neighborhood, but that this expansion should take place "along high volume roads or accessible to nearby interstates and railroad."

(Continued)

STAFF REPORT 2022-CZN-867 (Amended) (Continued)

ZONING

◊ This petition requests a rezoning to the D-8 district. This district provides for range of housing types including single-family dwellings, duplexes, multi-unit houses, rowhouses, and small apartment buildings.

◊ No site plan has been submitted with the request for the D-8 district. Development in this district would be required to follow the standards for the D-8 district, which, like the D-5 district that abuts its, is a part of the Ordinance's Walkable Neighborhood Dwelling Districts.

◊ The requested zoning district is not responsive to the Irvington Neighborhood Plan's recommendation of Light Industrial for the site. The Current Planning staff takes the recommendations of Comprehensive Plan segments very seriously. However, in this instance, staff finds a deviation to the plan to be acceptable. The site was historically platted for residential development and is abutted on two sides by single-family residences. The site is not located on an arterial or collector street, but it is tied into local residential streets.

GENERAL INFORMATION

EXISTING ZONING, CONTEXT AREA, AND LAND USE

D-5	Compact	Wooded undeveloped lots, cleared undeveloped parcels

SURROUNDING ZONING AND LAND USE

North	D-5	Single-family dwellings
South	D-5, I-4	General contractor, warehouse
East	C-7, D-5, I-3	Single-family dwellings, contractors, automobile sales, retail space
West	D-5	Single-family dwellings

COMPREHENSIVE LAND USE PLAN	The Irvington Neighborhood Plan (2008) recommends Light Industrial.
THOROUGHFARE PLAN	Burgess Avenue is classified in the Official Thoroughfare Plan for Marion County, Indiana as a Local Street, with an existing right-of-way ranging from 98 to 130 feet and a 48-foot proposed right-of-way.

(Continued)

STAFF REPORT 2022-CZN-867 (Amended) (Continued)

	Elm Avenue (Whittier Place) is classified in the Official Thoroughfare Plan for Marion County, Indiana as a Local Street, with a 50-foot existing right-of-way and a 48-foot proposed right-of-way. Greenfield Avenue is classified in the Official Thoroughfare Plan for Marion County, Indiana as a Local Street, with a 50-foot existing right-of-way and a 48-foot proposed right-of-way.
FLOODWAY / FLOODWAY FRINGE	This site is not located within a floodway or floodway fringe.
WELLFIELD PROTECTION DISTRICT	This site is not located within a wellfield protection district.
STREAM PROTECTION CORRIDOR	This site is not located within a Stream Protection Corridor.

ZONING HISTORY – SITE

None.

ZONING HISTORY – VICINITY

2022-CZN-840 / 2022-CVR-840 / 2022-CVC-840; 5436 Brookville Road (south of site); requested the rezoning of 1.6 acre from the C-3 district to the C-S district to provide for truck retail and repair and limited C-4 uses, a variance of development standards to provide for a deficient number of parking spaces and a vacation of an alley, **withdrawn.**

2021-DV2-042; 5550 & 5565 Brookville Road (south of site); requested a variance of development standards to provide for double-loaded parking in a front yard and for a loading area in a front yard, **approved.**

2007-ZON-023; 400 South Ritter Avenue (northeast of site), requested the rezoning of 0.74 acre from the I-3-U district to the C-3C district, **approved.**

94-UV3-38; 422 South Ritter Avenue (east of site), requested a variance of use to provide for bicycle sales and service in an industrial district, **approved.**

(Continued)

STAFF REPORT 2022-CZN-867 (Amended) (Continued)

88-UV1-79; 450 South Ritter Avenue (southeast of site), requested a variance of use and development standards to provide for an office for a construction contractor, **approved.**

87-V1-29; 5436 Brookville Road (south of site), requested a variance of development standards to provide for a deficient front setback for a canopy, **approved.**

klh

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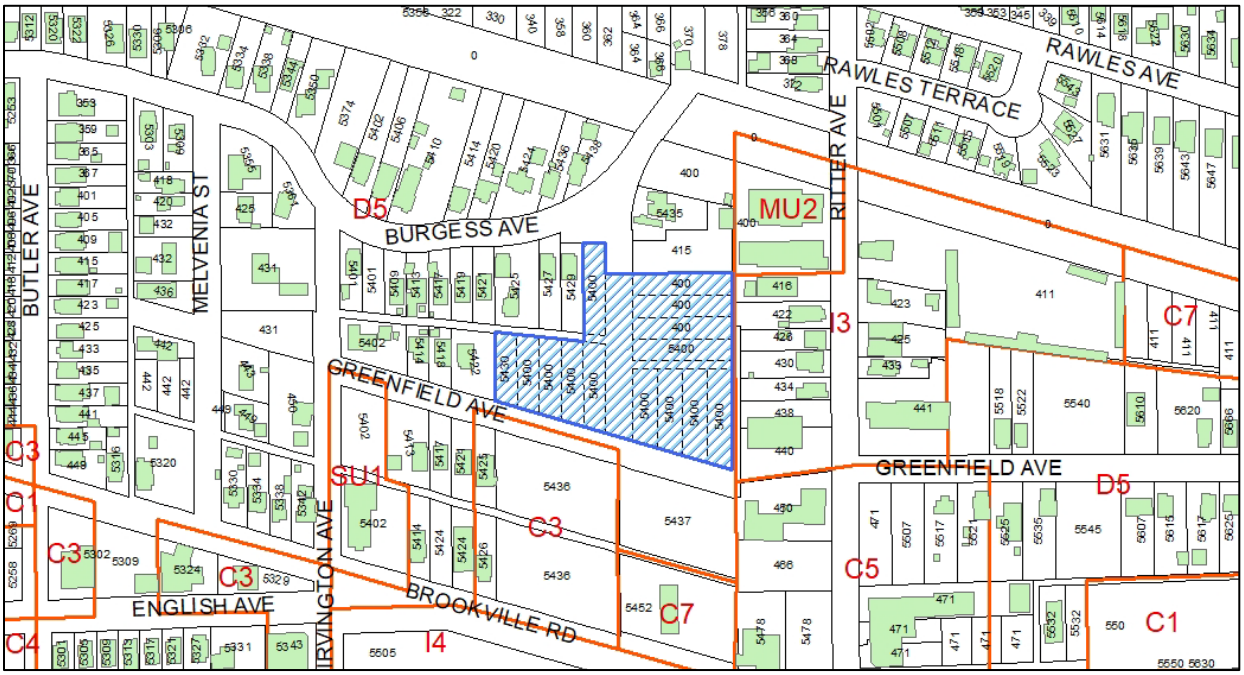
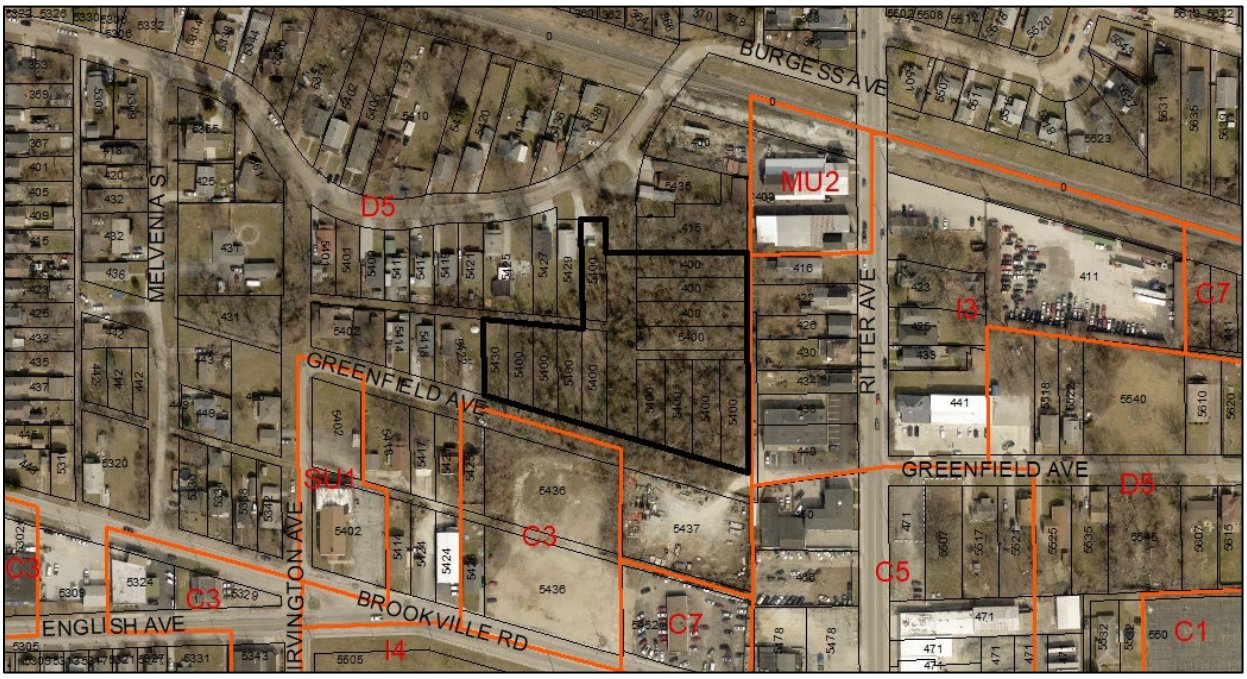
STAFF REPORT 2022-CZN-867 (Amended), Location



STAFF REPORT 2022-CZN-867 (Amended), Aerial photograph (2021)



STAFF REPORT 2022-CZN-867 (Amended), Photographs

Looking east across the subject site from the end of Greenfield Avenue along the unbuilt portion of Greenfield Avenue.

Looking west on Greenfield Avenue from the site to the neighbors to the west.

Looking north across the subject site.

Looking east at the neighbor to the east.

Looking north at the existing north-south alley along the east side of the subject site.

Looking northeast at the neighbors to the east.

Looking south at the subject site along the Whittier Place (Elm Avenue) right of way.

Looking east at the neighbor to the north.

Looking west along Burgess Street.

Looking north along Burgess Street.

STAFF REPORT

Department of Metropolitan Development
Division of Planning
Current Planning Section

Case Number:	**2023-MOD-008**
Address:	**10832 Portside Court (*Approximate Address*)**
Location:	**Lawrence Township, Council District #5**
Zoning:	**D-P (FF)**
Petitioner:	**Raymond and Kimberly Peck, by Russell L. Brown**
Request:	**Modification of the development statement for 79-Z-107 (79-DP-3) for Lot 160 of Feather Cove, Section Five, to legally establish a paver patio (with table, stairs, railing and fire pit), with zero-foot side setbacks (eight-foot side and 22-foot aggregate side setback required).**

This petition was continued from the June 29, 2023 hearing to the July 27 hearing at the request of the petitioner.

A valid Automatic Continuance was received from a remonstrator that continued this petition from the May 25, 2023 hearing to the June 29, 2023 hearing.

RECOMMENDATIONS

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

1. Modification of Section 5(D) of Covenants and Restrictions included in 79-Z-017 to legally establish an above ground structure with side yard setback of variable width from 1’ to 0’ on 25’ of waterfront lot frontage where 22’ total setback with minimum 8’ minimum is required for side yards. Any portion of the structure which is located on the southern boundary which is more than 18 inches above grade shall be set back two (2) feet from the southern property boundary.
2. The structure shall be constructed in substantial conformance with the exhibit attached hereto as Exhibit “A.”

Without these commitments, staff would recommend denial of this petition.

SUMMARY OF ISSUES

The following issues were considered in formulating the recommendation:

(Continued)

STAFF REPORT 2023-MOD-008 (Continued)

LAND USE ISSUES

◊ This 0.50-acre site is developed with a single-family dwelling. It is located on the corner of Portside Court and Skipjack Drive with a 25-foot wide, approximately 126-foot long "panhandle" extending to the shore of Geist Reservoir. The parcel is surrounded by single-family dwellings.

◊ Fall Creek was dammed in 1941 to create Geist Reservoir. Residential development around the lake began in early 1980s. The dwelling on the subject site was built in the late 1980s.

◊ The 2018 Comprehensive Land Use Plan recommends Suburban Neighborhood for the site. This typology is primarily intended for single-family dwellings.

MODIFICATION

◊ This site was part of a petition that was approved in 1979 (79-ZON-107, DP-3) that rezoned 516 acres from a Special Use district to the D-P district. The D-P zoning district was established to encourage a more creative approach in land and building site planning and to accommodate site treatments not contemplated in other kinds of districts. Petition 79-Z-107 (79-DP-3) provided for approximately 500 acres of residential development and approximately 15 acres of retail development.

◊ Petitions for the D-P district must include a development statement and a preliminary site plan that identifies the locations and types of land uses and proposed layout of streets, open space, parking and other basic elements of the plan.

◊ The development statement for 79-Z-107 (79-DP-3) provides for minimum side setbacks to ensure that there are ample yards. The development statement requires side yard setback lines to be no less than an aggregate of 22 feet, provided, however, no side yard may be less than eight feet. Put another way, the widths of the two side yards must total at least 22 feet, but no individual side yard may be less than eight feet in width. If one side yard is eight feet, the other must be at least 14 feet in order to total 22 feet.

◊ This request would modify the development statement for 79-Z-107 (79-DP-3) for Lot 160 of Feather Cove, Section Five, to eliminate the requirement for a side setback on the north side and reduce the side yard setback on the south side to two feet. This petition would modify the development statement for just this one lot in the development. The standards of the 1979 petition would remain in effect for the rest of the lots. An existing structure within the south side yard would be rebuilt to meet the new commitment.

(Continued)

STAFF REPORT 2023-MOD-008 (Continued)

◊ A request to eliminate all set yard setbacks was made for this site in September 2017 in petition 2017-MOD-015. The petition was filed following enforcement action by the Department of Business & Neighborhood Services for construction of the existing paver patio with table, stairs, railing and fire pit without a drainage permit, Improvement Location Permit, electrical permit or structural permit, for placing the structure in the required side yards, and for continuing work after the issuance of a Stop Work order.

◊ Staff recommended denial of 2017-MOD-015. On March 7, 2018 the petition was withdrawn.

◊ Structural, drainage and the Improvement Location permits were eventually applied for and issued.

◊ Materials submitted with this petition indicate that the "panhandle" of the subject property is 25 in width and that the existing patio area is 25 feet wide.

◊ Staff understands the desire to provide an area near the water for outdoor entertaining and enjoyment.

◊ The 25-foot width of the panhandle coupled with the required 22-foot aggregate side yards leave a three-foot wide buildable area. This makes utilization of the panhandle area difficult. Staff believes it would be reasonable to support a reduction in the setbacks that would provide an area near the water for leisure activities.

◊ However, a structure with zero setbacks is generally not appropriate. Setbacks provide the vital space that is necessary to construct and maintain any structure. Eliminating that space creates the need to inappropriately trespass onto abutting properties and increases the probability of damaging neighbors' structures and landscaping. By establishing a two-foot south side yard setback, space for maintenance without trespass onto the neighboring property would be provided. The petitioner has not offered to provide for a north side yard setback nor has the neighbor to the north been in contact with staff.

GENERAL INFORMATION

EXISTING ZONING, CONTEXT AREA, AND LAND USE

D-P	Metro	Single-family dwelling

(Continued)

STAFF REPORT 2023-MOD-008 (Continued)

SURROUNDING ZONING AND LAND USE

North	D-P	Single-family dwelling
South	D-P	Single-family dwelling
East	D-P	Single-family dwelling
West	D-P	Single-family dwelling

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

THOROUGHFARE PLAN — This portion of Portside Court is private street, with a 36-foot wide right-of-way.

Skipjack Drive is classified in the Official Thoroughfare Plan for Marion County, Indiana as a Local Street with a 50-foot existing right of way and a 50-foot proposed right-of-way.

FLOODWAY / FLOODWAY FRINGE — A portion of the site is located in the floodway fringe of Geist Reservoir.

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

ZONING HISTORY - Site

2017-MOD-015; 10832 Portside Court, requested a Modification of the development statement for 79-Z-107 (79-DP-3) for Lot 160 of Feather Cove, Section Five, to legally establish a paver deck, with zero-foot side setbacks, **withdrawn.**

79-Z-107 (79-DP-3) 8302 Oaklandon Road, requested rezoning of 515.9 acres from the S-U Districts to the D-P classification to provide for residential development, **approved.**

klh

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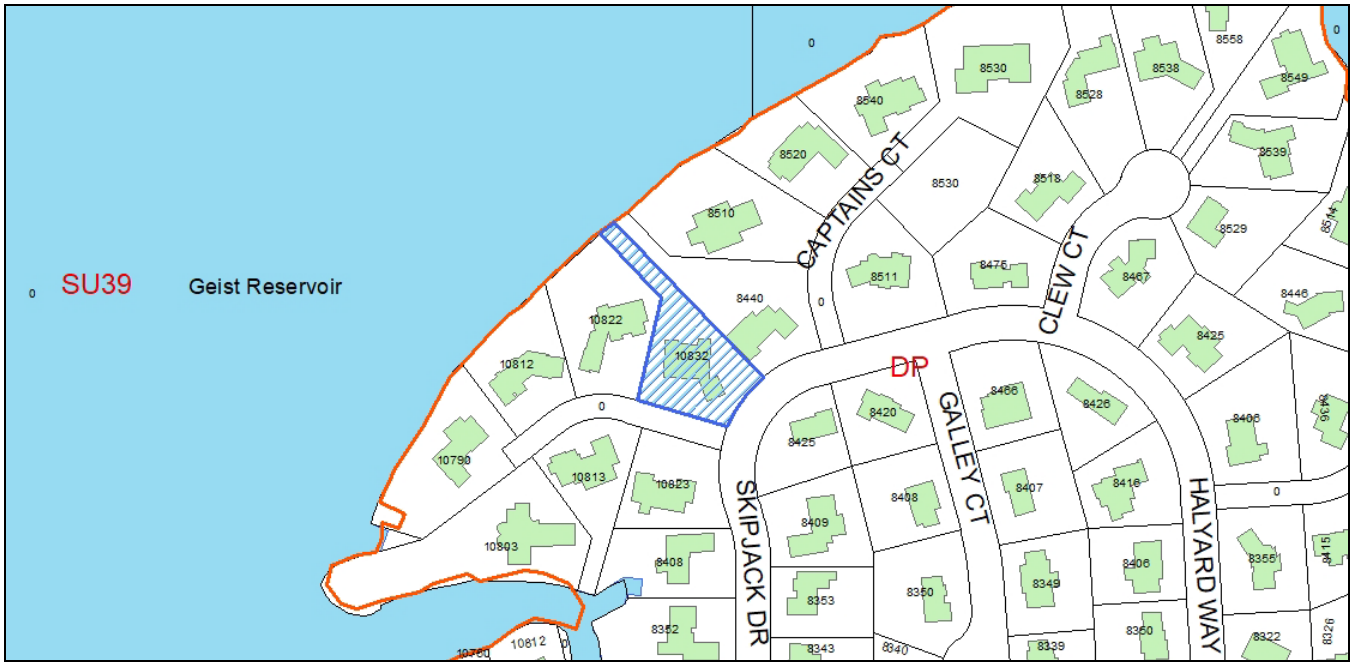
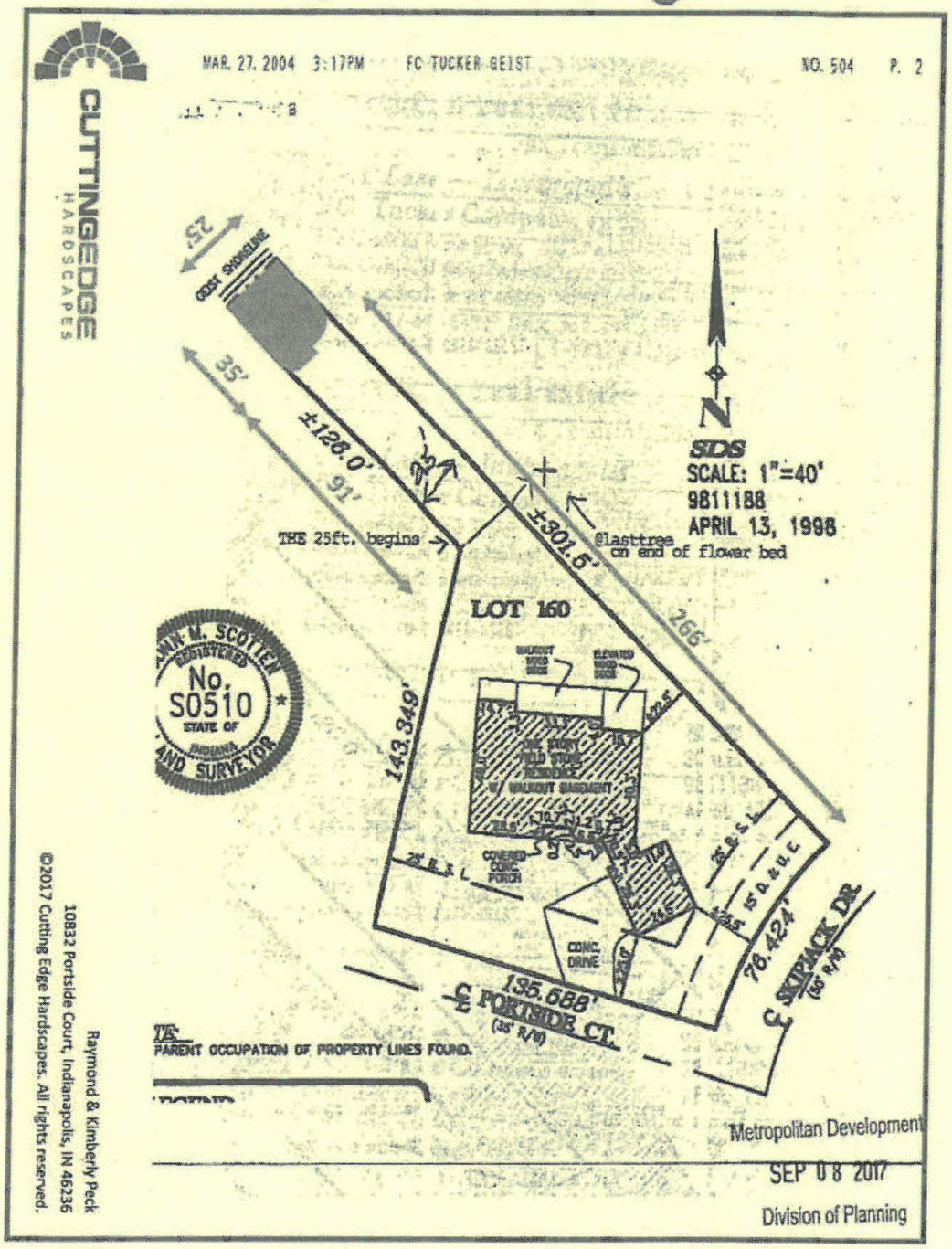
STAFF REPORT 2023-MOD-008, Location

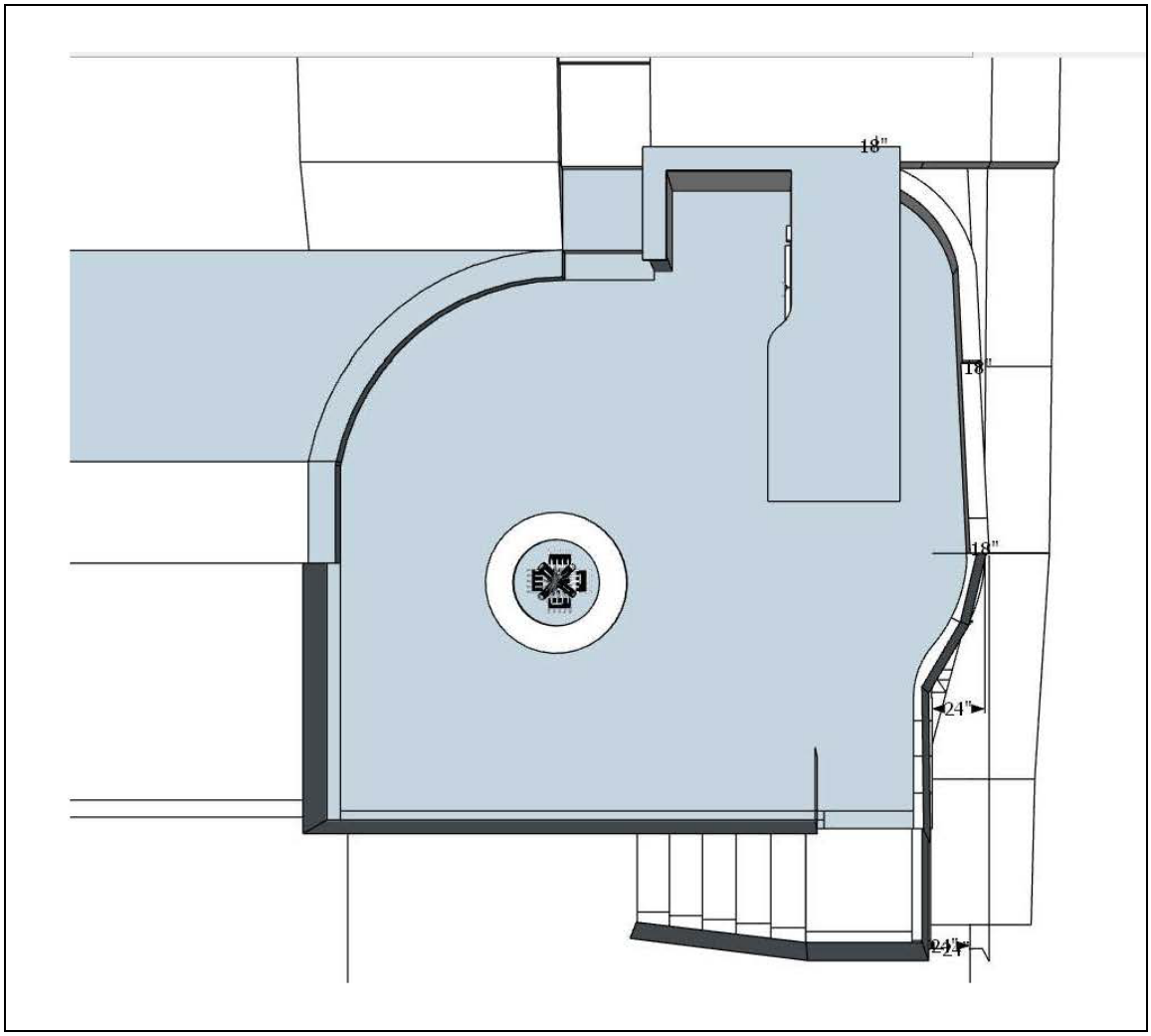


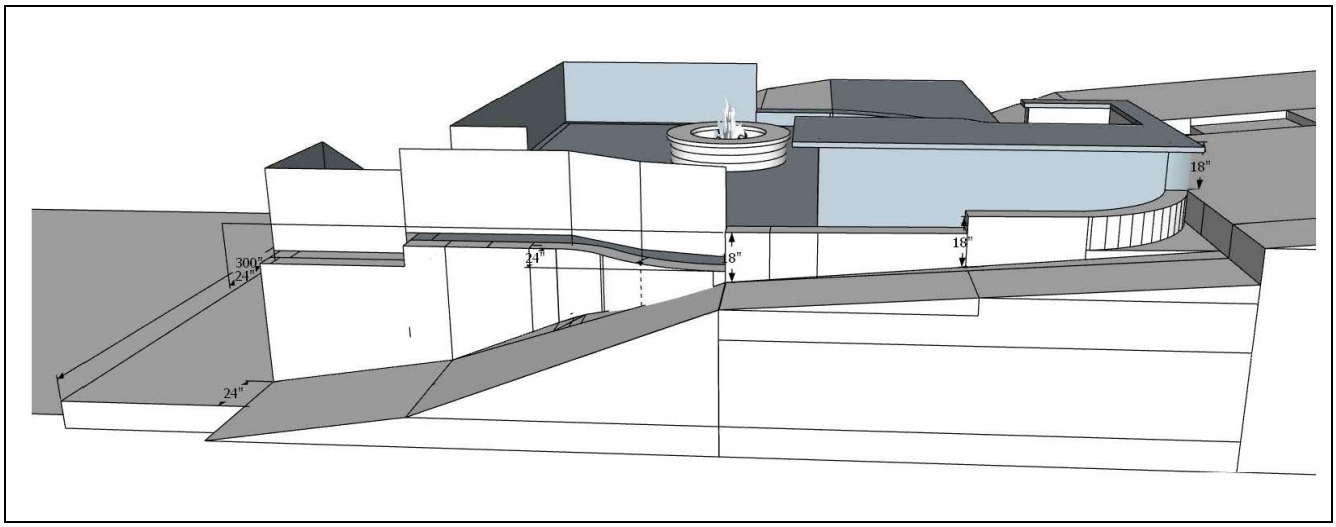
STAFF REPORT 2023-MOD-008, Aerial photograph (2022)

STAFF REPORT 2023-MOD-008, Plan of existing development



STAFF REPORT 2023-MOD-008, Patio Site Plan and Elevation





STAFF REPORT 2023-MOD-008, Proposed Commitments

STATEMENT OF MODIFICATION OR TERMINATION OF COVENANTS OR COMMITMENTS

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

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

Legal Description: LOT 160 IN SECTION 5 OF FEATHER COVE, A SUBDIVISION RECORDED AS INSTRUMENT 8493368 IN THE MARION COUNTY RECORDER'S OFFICE.

Statement of MODIFICATION OR TERMINATION of Covenants or Commitments:

1. *Modification of Section 5(D) of Covenants and Restrictions included in 79Z017 to legally establish an above ground structure with side yard setback of variable width (from 1' to 0') on 25' of waterfront lot frontage where 22' total setback with minimum 8' minimum is require for side yard. Any portion of the structure which is located on the southern boundary which is more than 18 inches above grade shall be set back two(2) feet from the southern property boundary.*
2. *The structure shall be constructed in substantial conformance with the exhibit attached hereto as Exhibit "A">*
3.
4.
5.

STAFF REPORT 2023-MOD-008, Photos

View of site looking north.

View looking northwest from rear porch.

View of patio looking northwest.

View of patio looking northwest.

View of patio fixtures looking southwest.

View from patio looking southeast.

View of patio looking northeast.

View of patio looking southwest.

View of patio from boat dock

View of patio from boat dock

View of abutting property to the northeast

View of abutting property from on-site patio

STAFF REPORT

Department of Metropolitan Development
Division of Planning
Current Planning Section

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

The Hearing Examiner continued this petition from the June 15, 2023 hearing, to the June 29, 2023 hearing, at the request of the petitioner's representative.

The Hearing Examiner continued this petition from the June 29, 2023 hearing, to the July 27, 2023 hearing, at the request of staff and the petitioner's representative to provide additional time for discussions with the Prosecutor's Office related to on-going violations.

RECOMMENDATIONS

Staff **recommends approval** of this request.

SUMMARY OF ISSUES

The following issues were considered in formulating the recommendation:

LAND USE

◊ This 0.82-acre site, zoned C-S, is developed with a fueling station and convenience store with additional tenant spaces. It is surrounded by industrial uses to the west, across Kentucky Avenue, zoned C-S; single-family dwellings to the north and east zoned D-A; and a hotel and commercial uses to the southwest, zoned C-S.

◊ Petitions 2019-ZON-053 / 2020-VAR-004 requested rezoning the site from the C-S District to the C-S classification to provide for a convenience store / gasoline station and C-3 uses; modification of commitments related to 2002-ZON-178; and variances to legally establish reduced setbacks. a zero-foot southwest side yard setback, an eleven-foot northeast transitional yard, a zero-foot southeast rear yard and a five-foot front yard.

◊ Petition 2002-ZON-178 rezoned the site to the C-S District to provide for a gas station, convenience store, hotel and restaurant. Petition 2018-PLT-072 platted the site that separated the gasoline station / convenience store from the hotel and commercial uses. Petitions 2018-CZN-850 / 2018-CVR-850 provided for a hotel and other commercial uses adjacent to the south of this site.

(Continued)

MODIFICATION

◊ This request would modify commitments related to 2019-ZON-053 to extend the deadline for the completion of all commitments to September 30, 2023, when the previous commitments required completion by several dates in 2020.

◊ The Comprehensive Plan recommends office industrial mixed-use typology. "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."

◊ The Pattern Book lays out a land use classification system that guides the orderly development of the county, protects the character of neighborhoods and serves as a policy guide for development or redevelopment of a site.

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

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.

Small-Scale Retailing, and Personal or Professional Services

• Should be subordinate to and serving the primary uses of production, warehousing, and offices.

• Should be adjacent to interstate interchanges if present. If no interchange is present, should be located along arterial streets at the edge of the business park.

• Should be located and served in such a way that the use will not interfere with industrial traffic or loading

Overlays

◊ This site is located within an overlay, specifically the Residential Corridor Reserve (RR) overlay. "Overlays are used in places where the land uses that are allowed in a typology need to be adjusted. They may be needed because an area is environmentally sensitive, near an airport, or because a certain type of development should be promoted. Overlays can add uses, remove uses, or modify the conditions that are applied to uses in a typology."

◊ The Residential Corridor Reserve (RR) overlay is intended for areas where the residential nature of a corridor is at risk due to encroachment from other land uses. An example might be residential areas that are being overtaken by school, hospital, or corporate campuses.

(Continued)

Planning Analysis

◊ As previously noted, this request amends the completion date of many of the commitments agreed upon during the 2019-ZON-053 / 2020-VAR-004 rezoning and variance process.

◊ An Agreed Judgement and Order (Cause Number 49D04-2206-OV-21933, file-dated November 16, 2022) enumerated those commitments that have not been satisfied and / or completed. The defendant (Five Start Oil Inc.) admitted to the allegations and agreed to comply with the commitments related to the 2019 rezoning.

◊ Staff would note that further extensions of the completion date will not be supported because final approval by the City-County Council was on November 16, 2020. Staff believes there has been adequate time within which to complete and comply with the required and agreed upon commitments associated with 2019-ZON-053 / 2020-VAR-004.

GENERAL INFORMATION

EXISTING ZONING AND LAND USE		
	C-S	Fueling station / convenience store / commercial uses
SURROUNDING ZONING AND LAND USE		
North -	D-A	Single-family dwelling
South -	C-S	Commercial use / hotel
East -	D-A	Single-family dwelling
West -	C-S	Industrial uses
COMPREHENSIVE PLAN		The Comprehensive Land Use Plan for Indianapolis and Marion County (2018) recommends office industrial mixed-use typology.
		Marion County Land Use Pattern Book (2019).
THOROUGHFARE PLAN		This portion of Kentucky Avenue is designated in the Marion County Thoroughfare Plan as a primary arterial, with an existing 162-foot right-of-way and a proposed 112-foot right-of-way.
CONTEXT AREA		This site in located within the metro context area.
OVERLAY		This site is located within the residential corridor reserve.
SITE PLAN		File-dated May 1, 2023

(Continued)

ZONING HISTORY

2019-ZON-053 / 2020-VAR-004; 4375 Kentucky Avenue, requested rezoning of 0.82 acre from the C-S district to the C-S district to provide for a convenience store and gasoline station and C-3 uses and to modify Commitments Three, Six and Seven of petition 2002-ZON-178; and a variance of development standards to legally establish reduced setbacks along the southwest side yard northeast transitional yard, southeast rear yard and a five-foot front yard, **approved and granted.**

2013-ZON-080 / 2014-VAR-001; 4375 Kentucky Avenue, requested rezoning of 4.79 acres from the C-S District to the C-S classification and a modification of Commitment #3 of 2002-ZON-178 to provide for a liquor store, in addition to the uses previously permitted; and a variance of development standards of the Commercial Zoning Ordinance to provide for a liquor store within 20 feet of a D-3 zoned protected district, **withdrawn.**

2002-ZON-178; 4375 Kentucky Avenue, requested rezone 4.79 acres from the D-A and D-3 Districts, to the C-S classification to provide for a gas station, convenience store, hotel and restaurant, **approved.**

2000-ZON-180; 4375 Kentucky Avenue, requested a rezoning of 4.92 acres from D-A and D-3 to C-6, to provide for commercial uses, **denied.**

VICINITY

2018-CZN-850 /, 2019-CVR-850; 4545 Kentucky Avenue; 4251 Meadowlark Lane and 5500, 5560, 5570 and 5590 Varna Drive, requested rezoning of 3.97 acres from C-S to C-S to provide for retail uses in addition to the uses approved by 2002-ZON-178, and to Modify Commitment Six to modify the site plan of May 2, 2003 and a variance of development standards to provide for a 46.5-foot tall hotel, with a 109-foot front setback and 20% transparency, **approved and granted.**

2018-PLT-072; 4100 Kentucky Avenue (south of site), requested approval of a Subdivision Plat, to be known as Woodspring Suites, subdividing 5.376 acres into four lots, **approved.**

2000-ZON-112; 4701 Kentucky Avenue, requested a rezoning of 7.35 acres, being in the D-3 District, to the C-S classification, to provide for an integrated center with a hotel, restaurants, and C-1 uses, **approved.**

97-UV2-101; 4245 Kentucky Avenue, requested a variance of use of the Dwelling Districts Zoning Ordinance to legally establish an administrative office use within an existing single-family residence (not permitted) and the placement of a pylon sign being 4 by 7.66 feet and 5.08 feet in height (pylon sign not permitted), **denied.**

87-UV1-73; 4209 Kentucky Avenue, requested a variance of use of the Dwelling Districts Zoning Ordinance and a variance of development standards of the Sign Regulations for commercial archery, with a ground sign and wall sign, **denied.**

81-Z-21; 4353 Kentucky Avenue, requested a rezoning of 3.8 acres from A-2 to C-3 to provide for a florist shop, **withdrawn.**

kb

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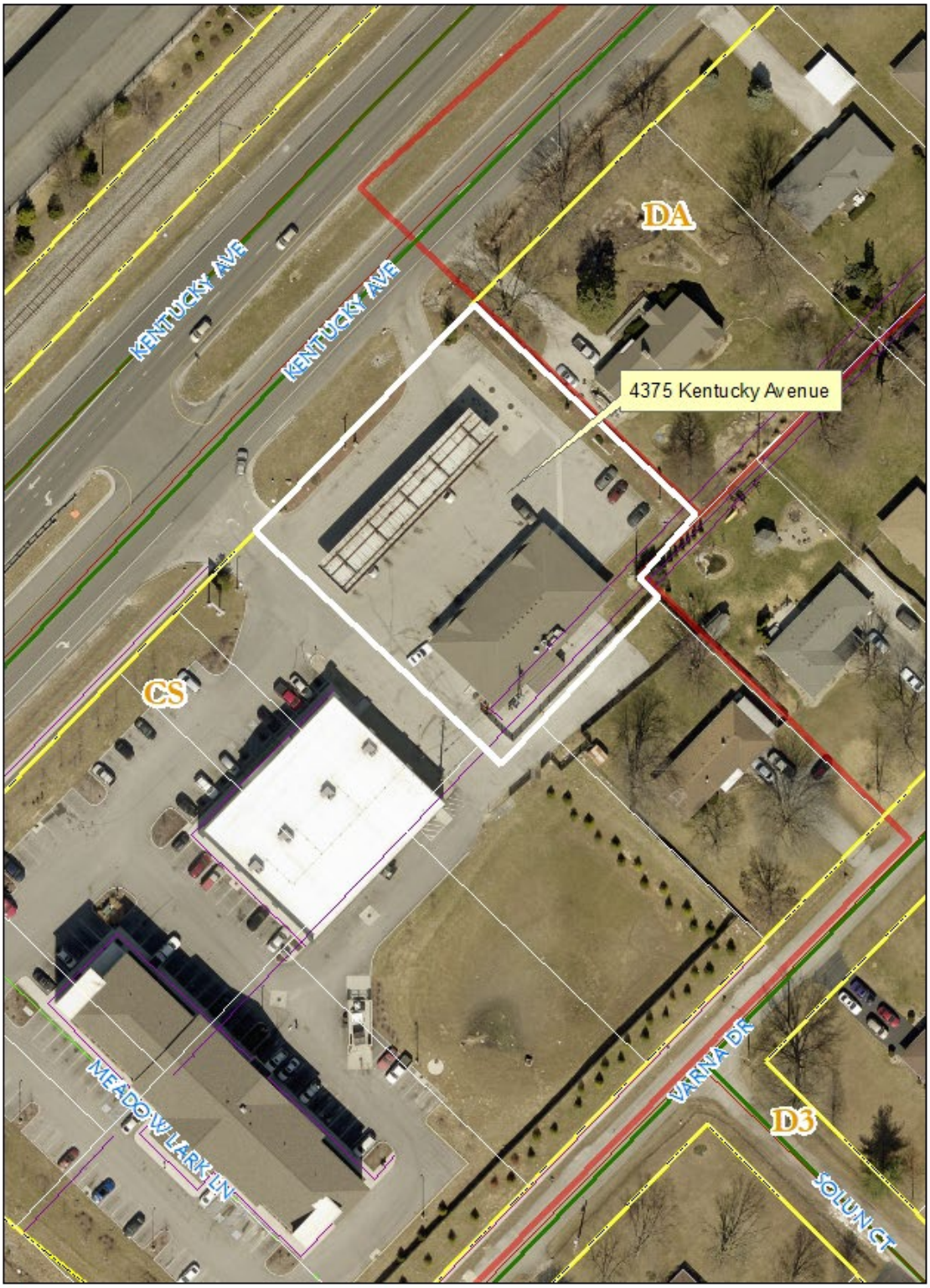


N

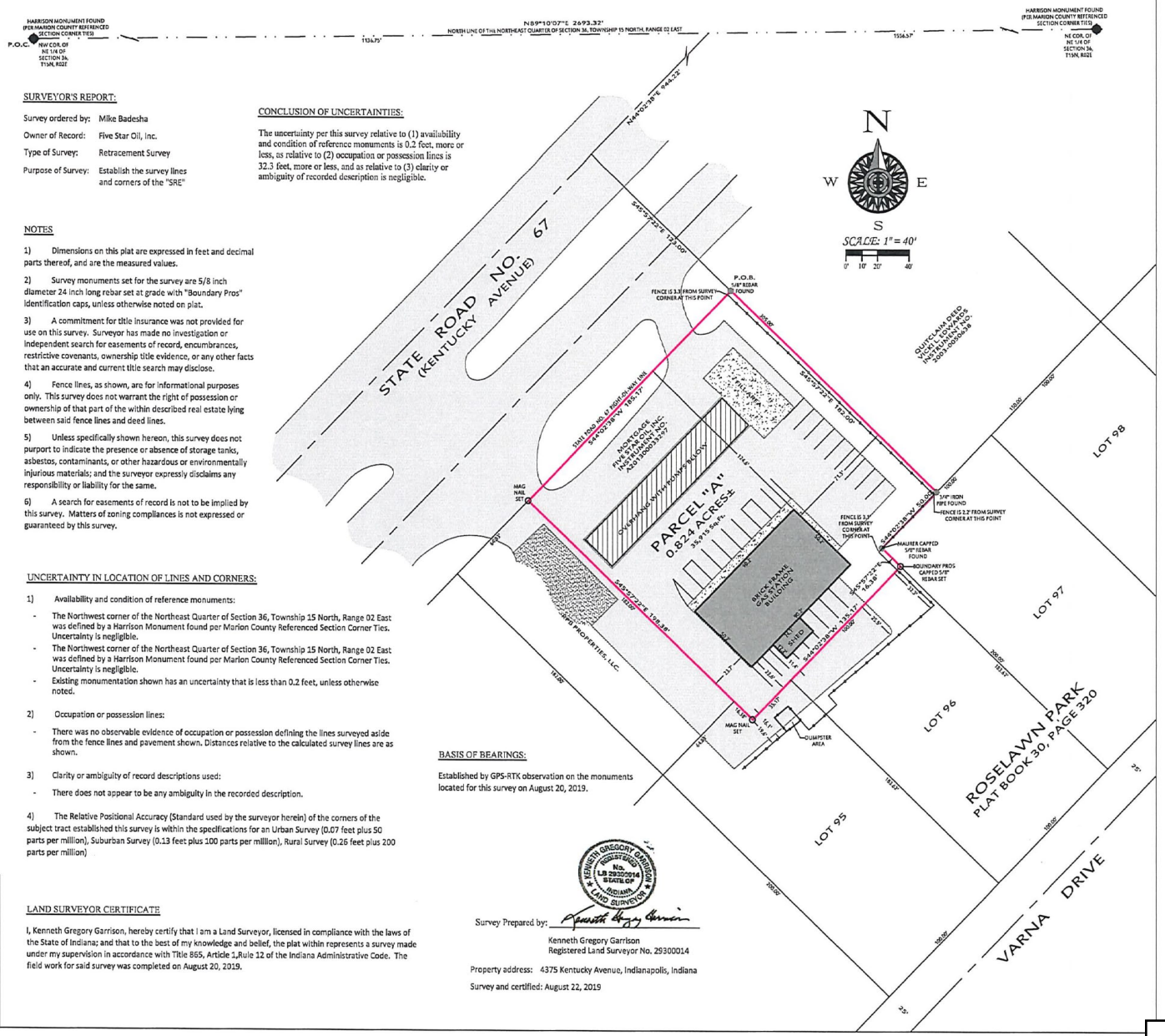
4375 Kentucky Avenue

0 0.005 0.01 0.02 0.03 0.04 Miles

BOUNDARY RETRACEMENT SURVEY

LEGEND

- SURVEY MARKER SET (5/8" IRON REBAR) WITH BOUNDARY PROS CAP (SEE BELOW)
- SURVEY MARKER FOUND AS NOTED ON PLAT
- SECTION CORNER
- (M) MEASURED
- (C) CALCULATED
- (D) DEED
- (P) PLAT
- (R) RECORD
- BUILDING
- ASPHALT
- CONCRETE
- STONE



SURVEYOR'S REPORT:

Survey ordered by: Mike Badesha

Owner of Record: Five Star Oil, Inc.

Type of Survey: Retracement Survey

Purpose of Survey: Establish the survey lines and corners of the "SRE"

NOTES

1) Dimensions on this plat are expressed in feet and decimal parts thereof, and are the measured values.

2) Survey monuments set for the survey are 5/8 inch diameter 24 inch long rebar set at grade with "Boundary Pros" identification caps, unless otherwise noted on plat.

3) A commitment for title insurance was not provided for use on this survey. Surveyor has made no investigation or independent search for easements of record, encumbrances, restrictive covenants, ownership title evidence, or any other facts that an accurate and current title search may disclose.

4) Fence lines, as shown, are for informational purposes only. This survey does not warrant the right of possession or ownership of that part of the within described real estate lying between said fence lines and deed lines.

5) Unless specifically shown hereon, this survey does not purport to indicate the presence or absence of storage tanks, asbestos, contaminants, or other hazardous or environmentally injurious materials; and the surveyor expressly disclaims any responsibility or liability for the same.

6) A search for easements of record is not to be implied by this survey. Matters of zoning compliances is not expressed or guaranteed by this survey.

CONCLUSION OF UNCERTAINTIES:

The uncertainty per this survey relative to (1) availability and condition of reference monuments is 0.2 feet, more or less, as relative to (2) occupation or possession lines is 32.3 feet, more or less, and as relative to (3) clarity or ambiguity of recorded description is negligible.

LEGAL DESCRIPTION - INSTRUMENT NO. A201300033297

A part of the West Half of the Northeast Quarter of Section 36, Township 15 North, Range 2 East of the Second Principle Meridian located in Marion County, Indiana, described as follows:

Commencing at a Harrison Monument at the Northwest corner of said Northeast Quarter; thence North 89 degrees 10 minutes 07 seconds East (bearings based upon Indiana State Plane Coordinates, East Zone NAD 1983) along the North line of said Quarter Section 1136.75 feet; thence South 44 degrees.02 minutes 38 seconds West 944.22 feet to the Northwesterly corner of the land of Thomas G. and Patricia R. Kiritsis and Thomas G. Kiritsis II (Instrument Number 2000-0113940, Office of the Marion County Recorder); thence South 45 degrees 57 minutes 22 seconds East 123.00 feet to an iron pin on the Southeasterly right-of-way of State Road 67 and the point of beginning of the herein described parcel; thence continuing South 45 degrees 57 minutes 22 seconds East 182.00 feet to an iron pin on the Northwesterly line of Roselawn Park (Plat Book 30, pages 320-321, Office of the Recorder of Marion County); thence South 44 degrees 02 minutes 38 seconds West along said Northwesterly line 50.00 feet to a 5/8-inch rebar with red cap marked Maurer #880006 (hereinafter all rebar will be of this type) at the Northern most corner of Lot #96 in said Roselawn Park; thence South 45 degrees 57 minutes 22 seconds East along the Northeasterly line of said Lot #96 a distance of 16.38 feet to a 5/8-inch rebar; thence South 44 degrees 02 minutes 38 seconds West 135.17 feet to a 5/8-inch rebar; thence North 45 degrees 57 minutes 22 seconds West 198.38 feet to the said Southeasterly right-of-way; thence North 44 degrees 02 minutes 38 seconds East along said Southeasterly right-of-way 185.17 feet to the point of beginning, containing 0.824 acre, more or less, and subject to all highways, rights-of-way and easements.

THEORY OF LOCATION:

The Northwest corner of the Northeast Quarter of Section 36, Township 15 North, Range 02 East was defined by a Harrison Monument found per Marion County Referenced Section Corner Ties. The Northwest corner of the Northeast Quarter of Section 36, Township 15 North, Range 02 East was defined by a Harrison Monument found per Marion County Referenced Section Corner Ties. These corners were utilized in the establishment of the North line of the Northeast Quarter of Section 36, Township 15 North, Range 02 East. Once this line was recreated, deeded distances and angles provided by Instrument No. A201300033297 were utilized and the lines and corners of the "SRE" were recreated. When this method of establishment was utilized, several monuments fell within 0.2 feet of the calculated and accepted survey corners.

UNCERTAINTY IN LOCATION OF LINES AND CORNERS:

1) Availability and condition of reference monuments:

- The Northwest corner of the Northeast Quarter of Section 36, Township 15 North, Range 02 East was defined by a Harrison Monument found per Marion County Referenced Section Corner Ties. Uncertainty is negligible.
- The Northwest corner of the Northeast Quarter of Section 36, Township 15 North, Range 02 East was defined by a Harrison Monument found per Marion County Referenced Section Corner Ties. Uncertainty is negligible.
- Existing monumentation shown has an uncertainty that is less than 0.2 feet, unless otherwise noted.

2) Occupation or possession lines:

- There was no observable evidence of occupation or possession defining the lines surveyed aside from the fence lines and pavement shown. Distances relative to the calculated survey lines are as shown.

3) Clarity or ambiguity of record descriptions used:

- There does not appear to be any ambiguity in the recorded description.

4) The Relative Positional Accuracy (Standard used by the surveyor herein) of the corners of the subject tract established this survey is within the specifications for an Urban Survey (0.07 feet plus 50 parts per million), Suburban Survey (0.13 feet plus 100 parts per million), Rural Survey (0.26 feet plus 200 parts per million)

BASIS OF BEARINGS:

Established by GPS-RTK observation on the monuments located for this survey on August 20, 2019.

LAND SURVEYOR CERTIFICATE

I, Kenneth Gregory Garrison, hereby certify that I am a Land Surveyor, licensed in compliance with the laws of the State of Indiana; and that to the best of my knowledge and belief, the plat within represents a survey made under my supervision in accordance with Title 865, Article 1,Rule 12 of the Indiana Administrative Code. The field work for said survey was completed on August 20, 2019.

KENNETH GREGORY GARRISON REGISTERED LAND SURVEYOR No. LS 29300014 STATE OF INDIANA

Survey Prepared by: Kenneth Gregory Garrison

Kenneth Gregory Garrison
Registered Land Surveyor No. 29300014

Property address: 4375 Kentucky Avenue, Indianapolis, Indiana

Survey and certified: August 22, 2019

BOUNDARY PROS

KENNETH GREGORY GARRISON
PROFESSIONAL LAND SURVEYOR

LOT & FARM SURVEYS • ELEVATION LATCHS • MORTGAGE SURVEYS
P.O. BOX 418 BOWLEYSVILLE, INDIANA 46060 (317-442-0862)

BOUNDARY RETRACEMENT SURVEY

SCALE: 1" = 40'	REVISIONS	JOB NO. 080119-19221	SHEET 1 OF ONE
DATE: AUGUST 22, 2019			
DRAWN BY: NBS			
CHECKED BY: KGG			

A202000138937

11/24/2020 03:10 PM
KATHERINE SWEENEY BELL
MARION COUNTY IN RECORDER
FEE: $ 35.00
PAGES: 8
By: GW

STATEMENT OF COMMITMENTS

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

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

Legal Description: Attached

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. All commitments related to petition 2002-ZON-178 (Instrument Number 2003-0175791) are hereby terminated and replaced by the following commitments in Exhibit A.
3.
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 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 # 2019-ZON-053 by the City-County Council changing the zoning classification of the real estate from a C-S zoning classification to a C-S zoning classification; or

(b) the adoption of approval petition # _____ by the Metropolitan Development Commission;

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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 # 2019-ZON-053.

IN WITNESS WHEREOF, owner has executed this instrument this 5th day of October, 2020.

Signature:	[signature]	Signature:	
Printed:	MAKHAN BADESHA	Printed:	
Title / Organization Name:	MANAGER / FIVE STAR OIL inc	Title / Organization Name:	

STATE OF INDIANA)
) SS:
COUNTY OF MARION)

Before me, a Notary Public in and for said County and State, personally appeared MAKHAN BADESHA *owner(s) (title / organization name) of the real estate who acknowledged the execution of the foregoing*

instrument and who, having been duly sworn, stated that any representations therein contained are true.

Witness my hand and Notarial Seal this
5th *day of* October, 20 20

DOUGLAS WILLIAM SHOEMAKER
Notary Public, State of Indiana
Boone County
Commission # 691633
My Commission Expires
October 04, 2024

Notary Public

Douglas W. Shoemaker
Printed Name of Notary Public
My Commission expires: 10/4/24
My County of residence: Boone

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

This instrument was prepared by DAVID KINGEN

ATTACHMENT "A"

OPEN OCCUPANCY AND EQUAL EMPLOYMENT OPPORTUNITY COMMITMENT

(a.) The owner commits that he shall not discriminate against any person on the basis of race, religion, color, disability, sex, sexual orientation, gender identity, familial status, national origin, ancestry, age United States military service veteran status in the sale, rental, lease or sublease, including negotiations for the sale, rental, lease or sublease, of the real estate or any portion thereof, including, but not limited to:

(1) any building, structure, apartment, single room or suite of rooms or other portion of a building, occupied as or designed or intended for occupancy as living quarters by one or more families or a single individual;

(2) any building, structure or portion thereof, or any improved or unimproved land utilized or designed or intended for utilization, for business, commercial, industrial or agricultural purposes;

(3) any vacant or unimproved land offered for sale or lease for any purpose whatsoever.

(b.) The owner commits that in the development, sale, rental or other disposition of the real estate or any portion thereof, neither he nor any person engaged by him to develop, sell, rent or otherwise dispose of the real estate, or portion thereof shall discriminate against any employee or applicant for employment, employed or to be employed in the development, sale, rental or other disposition of the

real estate, or portion thereof with respect to hire, tenure, conditions or privileges of employment because of race, religion, color, disability, sex, sexual orientation, gender identity, familial status, national origin, ancestry, age United States military service veteran status.

EXEMPT PERSONS AND EXEMPT ACTIVITIES

An exempt person shall mean the following:

1. With respect to commitments (a) and (b) above:

   (a) any not-for-profit corporation or association organized exclusively for fraternal or religious purposes;

   (b) any school, educational, charitable or religious institution owned or conducted by, or affiliated with, a church or religious institution;

   (c) any exclusively social club, corporation or association that is not organized for profit and is not in fact open to the general public;

   provided that no such entity shall be exempt with respect to a housing facility owned and operated by it if such a housing facility is open to the general public;

2. With respect to commitment b, a person who employs fewer than six (6) employees within Marion County.

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

EXHIBIT A

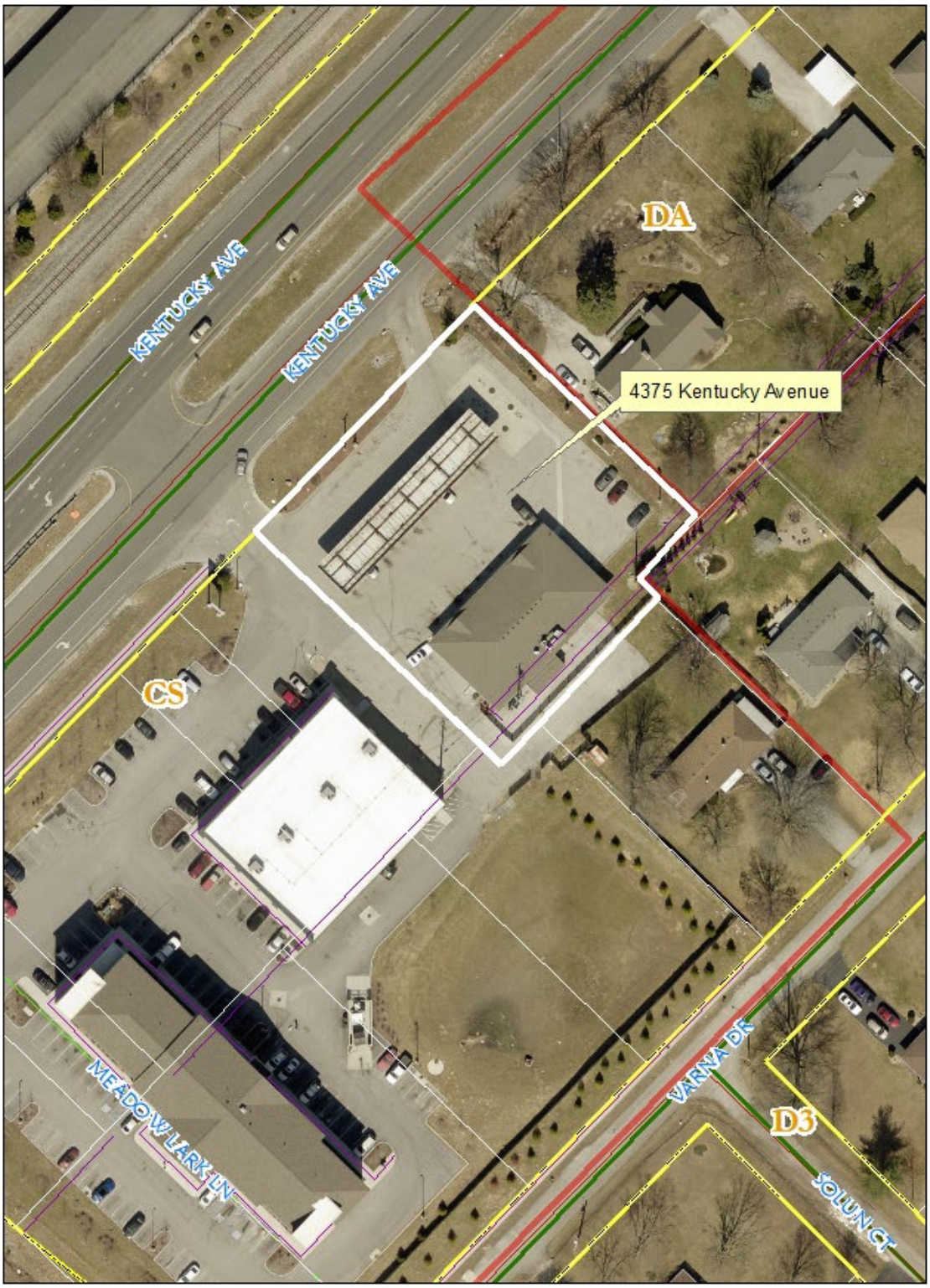
THE PETITIONER COMMITS TO THE FOLLOWING:

1. With the exception of the location of vent equipment/tubes, air pump equipment, and landscaping within the transitional yards, development of the site otherwise shall be subject to the site plan on file-dated February 19, 2020.
2. An amended site plan shall be simultaneously submitted for Administrator Approval and review by the Decatur Township Civic Council, showing the relocation of the venting equipment/ tubes for the underground gasoline storage tanks from the northeast transitional yard that extends from Kentucky Avenue, to the north comer of the convenience store. Relocation of this equipment shall be completed by November 1, 2020.
3. An amended site plan, which may be the same document as just mentioned, shall be simultaneously submitted for Administrator Approval and review by the Decatur Township Civic Council, that shows the removal of the air pump equipment out of the northeast transitional yard within 30 days of final approval of the rezoning request. Relocation of this equipment shall not be to any other transitional yard and shall be completed by November 1, 2020.
4. An amended site plan, which may be the same document as just mentioned, shall be simultaneously submitted for Administrator Approval and review by the Decatur Township Civic Council, that shows the landscaping along the two transitional yards that abut 4365 Kentucky Avenue and 5540 Varna Drive, respectively. This plan shall be submitted within 30 days of final approval of this zoning. The depth of the transitional yard abutting 4365 Kentucky Avenue shall be 16 feet 5 7/8 Inch, while the depth of the transitional yard abutting 5540 Varna Drive shall be 20 feet. Both landscaping plans shall Include a continuous 3 feet tall mound topped with a 6 foot tall privacy fence and a double row of evergreen trees along the residents' side of the mounding. The evergreens shall be spaced far enough apart for healthy growth and close enough on center so that at maturity they will form a visual screen of the subject parcel. The fence shall have a 24 Inch screen affixed along the bottom (on the side facing the subject parcel) designed to keep trash and debris from the neighbors' yards. The landscaping shall be fully Installed by November 1, 2020. The landscaping shall be maintained with healthy plants at all times. Diseased and dead plants shall be removed and replaced with live plants of the same species.
5. The petitioner shall obtain an Improvement Location Permit for the rear building addition within 60 days of final approval of the rezoning.
6. The water main shall be extended to the property line shared with 4365 Kentucky Avenue and sized to eventually provide water to unserved residences along Kentucky Avenue from this site to Hanna Avenue. This extension shall be completed by November 30, 2020.
7. The petitioner shall relocate the light pole or reconfigure the access drive to eliminate the existing traffic hazard by December 31, 2020.
8. There shall be no more than three (3) tenant bays in the small retailcenter.
9. Except for the gas station, only C-3 uses will be allowed on the site with the following uses excluded:

A. Emergency Shelter, daily
B. Check cashing or validation service
C. Outdoor advertising off premise sign
D. Tattoo Parlor
E. Bar or tavern
F. Pawnshop
G. Wireless communication facility
H. Plasma (Blood) center
I. Vape shops
J. Bed and Breakfast facility
K. Laundry (coin)
L. Liquor sales
M. Garden as a primary use
N. Mortuary, Funeral home

10. The two additional proposed tenants shall have rights to place smaller signs under the pricing signs, on the free-standing pole sign that is off site; but is the subject of an easement granting sign rights to the petitioner.
11. Any modifications to the exterior of the building on this site shall be designed with materials to be compatible with the hotel exterior.
12. There shall be no outdoor storage on the subject site.
13. No automobile repair shall occur on the premises.
14. No trailer or tent shall be located on the property.
15. No noxious or offensive trade, odor or activity shall occur on the subject property.
16. No bio-hazardous materials shall be located on the site.
17. No parking of house trailer, RV, trailer, or semi-truck or trailer shall be located on the premises; except for delivery or pick up purposes and shall not be parked on the site overnight.
18. No vehicles shall be stored or parked on the site overnight.
19. The hours of operation shall not exceed 7 am to 9 pm daily; except the 24-hour operation of the convenience store & gas station.
20. All free-standing lights shall be of "shoebox" design and shall be shielded so as to prohibit any light from being projected into any protected district. The lighting Intensity shall be subject to IMPD's recommended brightness for the site.
21. All lights mounted on the building and within the canopy, shall be shielded so as to prohibit any light from being projected onto any protected district. The lighting Intensity shall be subject to IMPD's recommended brightness for the site.
22. No accessory uses shall be permitted on the property.
23. At least two perimeter surveillance cameras with at least ten (10) mB upload speeds connected to IMPD's B-link system shall be Installed on the subject property,
24. At least once each season (spring, summer and fall) of each year, all walkways and driveways shall be cleaned by power washing those surfaces.

25. The development shall gain all vehicular access from only Kentucky Avenue. There shall be no vehicular access to Varna Drive.
26. Tower mounted wireless communication facilities shall be prohibited.
27. Off-site advertising sign (billboards) shall be prohibited.
28. All construction traffic shall utilize only Kentucky Avenue to access the site and have no construction traffic on Varna Drive.



N

4375 Kentucky Avenue

0 0.005 0.01 0.02 0.03 0.04 Miles

View looking north along Kentucky Avenue

View looking south along Kentucky Avenue

View of site looking southeast

View from site looking northwest at adjacent dwelling

View of site south along eastern boundary

View of site looking southwest

View of site looking south at adjacent land uses

View of site looking north along eastern boundary

View from rear of site looking northwest

View from site looking north along southern boundary

View from site looking south

View of shoebox lighting fixture

View looking north along northern boundary

STAFF REPORT

Department of Metropolitan Development
Division of Planning
Current Planning Section

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

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

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

JULY 27, 2023

At the June 29, 2023 hearing, the petitioner requested a for cause continuance to July 27, 2023, hearing in order to provide a more descriptive site plan for review. At the time of publication, an amended site plan has not been provided. Subsequently, Staff continues to **recommend approval** of the rezoning and **denial** of the filed variances.

JUNE 29, 2023

At the May 25, 2023, hearing, the petitioner requested a for cause continuance to the June 29, 2023, hearing, in order to provide a more descriptive site plan for review. At the time of publication, an amended site plan has not been provided. The petitioner has indicated they intended to request an additional continuance in order to produce one. Subsequently, Staff continues to **recommend approval** of the rezoning and **denial** of the filed variances.

(Continued

RECOMMENDATIONS

Staff **recommends approval** of the rezoning but **recommends denial** of the variances.

LAND USE ISSUES

◊ This 0.36-acre site is split zoned C-4 (FF) and D-5 (FF). The site is improved with a gravel parking area, a portable storage structure and six-foot tall chain-link perimeter fence topped with barbed wire. North of the subject site is a commercial structure housing a tobacco shop and a barber shop, within the C-4 District. West of the subject site are single-family dwellings within both the C-4 and D-5 Districts. To the south is a recreational playground and religious use facility within the D-5 District. East of the site is an automobile fueling station within the I-3 District.

◊ This site is recommended for Community Commercial development by the Comprehensive Plan and is located within its Environmentally Sensitive overlay.

◊ According to aerial images and Google Maps Street View, the site was previously improved with a small commercial walk-up eating establishment, including a carport structure for the associated parking. This structure was demolished around 2017.

REZONING

◊ The request would uniformly zone the property C-4. Currently, only a portion of the northernmost tract is zoned C-4, with the remainder of the property zoned D-5.

◊ The C-4 District is the Community-Regional Commercial District under the Ordinance and provides for medium-intense commercial uses intended to serve the broader community rather than a specific neighborhood. Uses permitted within this district typical generate substantial traffic and rely on access to major thoroughfares and are typically characterized by indoor operations with limited outdoor activities.

◊ The comprehensive plan's Community Commercial recommendation is generally reflective of the C-4 District. Specifically, it is intended to provide for low-intensity commercial and office uses that serve nearby neighborhoods through freestanding buildings or small integrated centers.

◊ This site is also within the Environmentally Sensitive overlay of the comprehensive plan. This overlay is intended to preserve high quality woodlands, wetlands or other natural resources and mitigate damage to such resources by development. This overlay specifically indicates which land uses may not be appropriate within it. The proposed use, on a site of this size, is not excluded from the recommendation. Therefore, the rezoning request would align with the Comprehensive Plan recommendation.

◊ As filed, the request would provide for the operation of an automobile body repair shop, which is permitted within the C-4 District. This use requires that all servicing, motor repair, or body repair be conducted within an enclosed building. Within the C-4 District, vehicles awaiting repair may not be stored outdoors for longer than 24 hours, as outdoor storage and operations begin to be permitted within the C-5 District.

(Continued)

VARIANCES

◊ As proposed, the site would utilize the existing portable storage structure for the storage of tools associated with automobile repair, and the construction of a shed for the storage of automobile parts and other accessories related to the business. Such structures are not permitted in order to promote an orderly aesthetic. Repairs would be conducted outdoors until a permanent structure can be constructed.

◊ There is currently a six-foot tall chain link perimeter fence, including gated access to Farnsworth Street and Holt Road, with barbed wire on the site. Given the lack of a building on the site, a six-foot tall fence would not be permitted on the site. Barbed wire fences are prohibited by the zoning ordinance except for facilities associated with public safety or prisons and jails. The vehicle gates are also within the access drive clear sight triangles.

◊ Fence height limitations are intended to promote an orderly aesthetic and uniform streetscape as fences of such heigh can appear industrial in nature. The clear sight triangle is intended to preserve visibility and promote safety by reducing the risk for vehicular-pedestrian collisions.

◊ The request also would allow for the use of a gravel parking area. All commercial districts require hardscaped surfaces for parking areas, in order to avoid the circulation of dust particulate and ensure predictable drainage.

◊ Staff believes that the proper, orderly development of the site, including construction of a freestanding building is not only appropriate in the context of the district, but would eliminate any practical difficulty. In Staff's opinion, any practical difficulty associated with the site is self-imposed due to the reluctance to develop this vacant site in compliance with minimum expectations associated with the C-4 District.

(Continued)

GENERAL INFORMATION

EXISTING ZONING AND LAND USE

	C-4, D-5	Commercial structure, vacant

SURROUNDING ZONING AND LAND USE

North -	C-4	Tobacco Shop and Barber Shop
South -	D-5	Playground
East -	I-3	Automobile Fueling Station
West -	C-4, D-5	Single-family dwellings

COMPREHENSIVE LAND USE PLAN	The Land Use Pattern Book (2019) recommends Community Commercial development.
THOROUGHFARE PLAN	This portion of Farnsworth Street is classified as a Local Street with an existing and proposed 58-foot right-of-way. This portion of Holt Road is classified as a Primary Arterial with an existing and proposed 95-foot right-of-way.
CONTEXT AREA	This site is located within the Compact Context Area.
SITE PLAN	File-dated April 28, 2023.

ZONING HISTORY

None.

EDH

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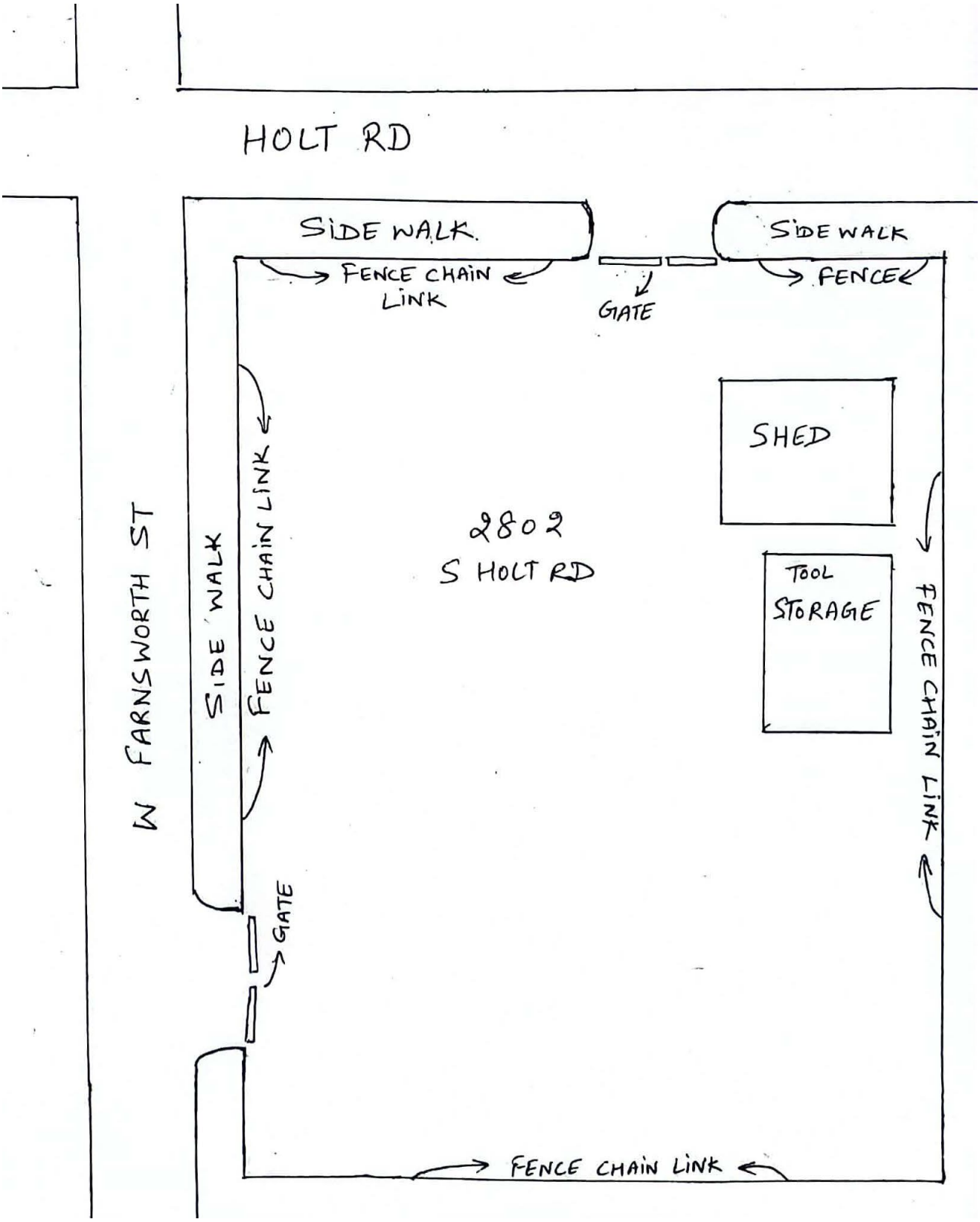
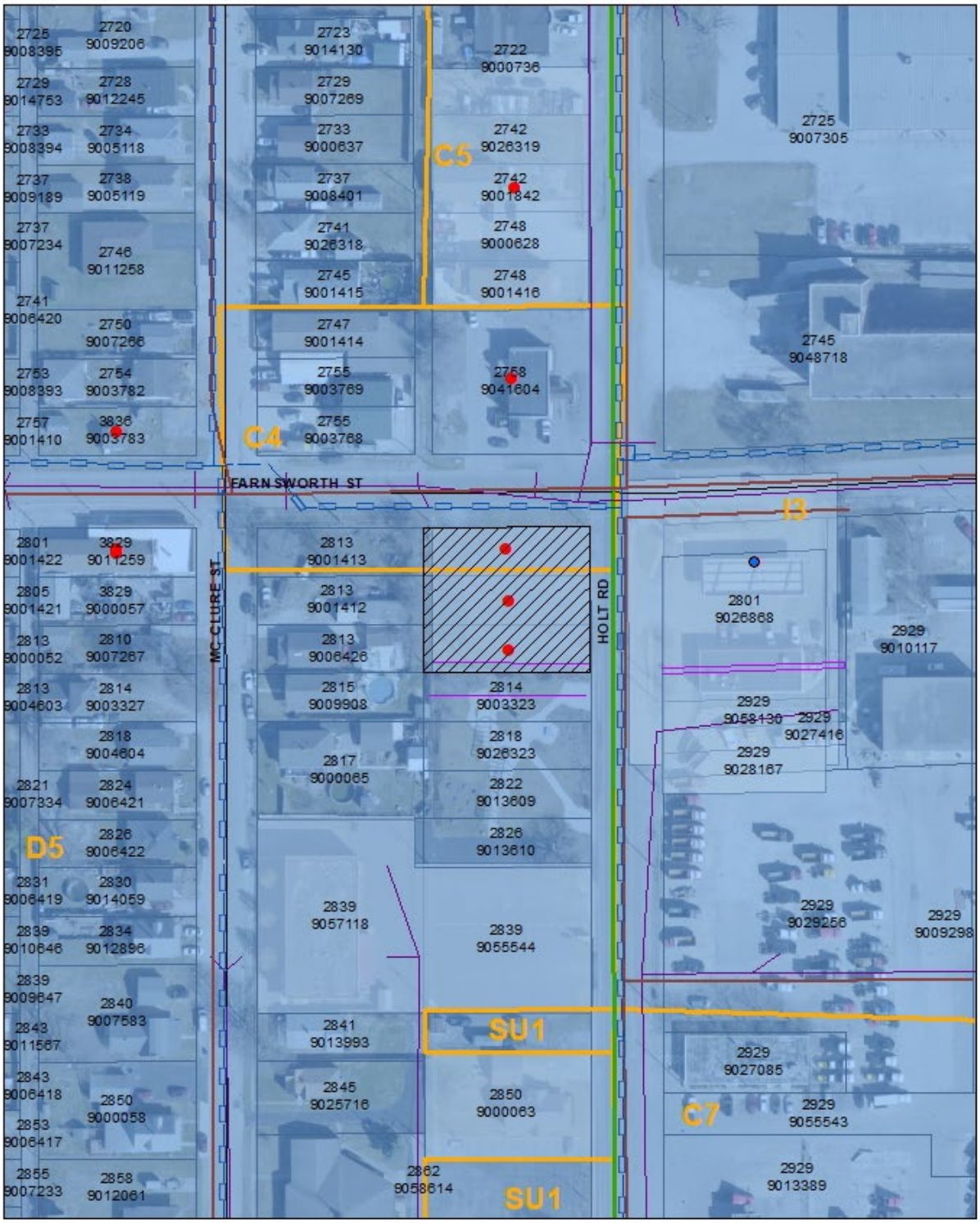
Site Plan (April 28, 2023):



Vicinity Map:



0 0.005 0.01 0.02 0.03 0.04 Miles

Photographs:

Photo One: Facing North along Holt Road.

Photo Two: Facing West South along Holt Road. Automobile fueling station on left.

Photo Three: Facing West along Farnsworth Street, subject site on left.

Photo Four: Facing West across Holt Road towards subject site.

Photo Five: Facing South along Holt Road. Subject site on right.

Photo Six: Vehicle Gate along Farnsworth Street, with barbed wire.

Photo Seven: Southern lot along abutting playground.

Photo Eight: Western lot line, adjacent to single-family dwellings.

STAFF REPORT

Department of Metropolitan Development
Division of Planning
Current Planning Section

Case Number:	**2023-CZN-814 / 2023-CVR-814**
Address:	**6419 West 86th Street, 6302, 6360 and 6424 West 79th Street** ***(Approximate Address)***
Location:	**Pike Township, Council District #1**
Petitioner:	**Cornerstone Companies, Inc. and GCG Investments, LLC, by J. Murray Clark**
Requests:	**Rezoning of 200 acres from the D-A, D-1 and D-2 districts to the C-S classification to provide for a mixed-use development consisting of C-3 permitted uses, limited C-4 permitted uses, Artisan Manufacturing, Light Manufacturing, Research and Development uses, Live-Work units, multi-family dwellings and single-family attached dwellings, two-family dwellings and Triplex or Fourplex uses.** **Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for a 90-foot tall buildings on the eastern portion of the development (maximum 45-foot tall buildings permitted).**

The Hearing Examiner continued these petitions from the April 13, 2023 hearing, to the May 11, 2023 hearing, to the May 25, 2023 hearing, and to the June 29, 2023 hearing, at the request of staff to provide additional time for the requested Traffic Impact Study (TIS) to be conducted and submitted for review, amendments and finalized.

The Hearing Examiner acknowledged a timely automatic continuance that continued this petition from the June 29, 2023 hearing, to the July 27, 2023 hearing.

RECOMMENDATIONS

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

1. 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.

(Continued)

2. A technical assessment shall be conducted prior to the issuance of an Improvement Location Permit to provide for a wetlands delineation to determine the type and quality and how the area could be preserved and integrated into the development as an amenity.
3. All site plans, landscaping plans, and building elevations shall be submitted for Administrator's Approval prior to the issuance of an Improvement Location Permit
4. The site and improved areas within the site shall be maintained in a reasonably neat and orderly manner during and after development of the site with appropriate areas and containers / receptables provided for the proper disposal of trash and other waste.

SUMMARY OF ISSUES

The following issues were considered in formulating the recommendation:

LAND USE

◊ This 200-acre site, zoned D-A, D-1, and D-2 is comprised of 12 undeveloped parcels, except for an accessory structure located on the southern portion of the site. It is surrounded by Interstate-465, to the east, zoned D-A, D-1 and D-2; single-family dwellings to the west, zoned D-1; single-family dwellings to the north, across West 86th Street, zoned D-4 and D-6II; and religious uses to the south, across West 79th Street, zoned SU-1.

REZONING

◊ This request would rezone the site from the D-A, D-1 and D-2 Districts to the C-S classification to provide for mixed-use. "The C-S District is designed to permit, within a single zoning district, multi-use commercial complexes or land use combinations of commercial and noncommercial uses, or single-use commercial projects. The primary objective of this district is to encourage development which achieves a high degree of excellence in planning, design or function, and can be intermixed, grouped or otherwise uniquely located with maximum cohesiveness and compatibility. The district provides flexibility and procedural economy by permitting the broadest range of land use choices within a single district, while maintaining adequate land use controls. The C-S District can include high-rise or low-rise developments, can be applied to large or small land areas appropriately located throughout the metropolitan area, and can be useful in areas of urban renewal or redevelopment."

◊ The Comprehensive Plan recommends rural or estate neighborhood typology. "The Rural or Estate Neighborhood typology applies to both rural or agricultural areas and historic, urban areas with estate-style homes on large lots. In both forms, this typology prioritizes the exceptional natural features – such as rolling hills, high quality woodlands, and wetlands – that make these areas unique. Development in this typology should work with the existing topography as much as possible. Typically, this typology has a residential density of less than one dwelling unit per acre unless housing is clustered to preserve open space."

◊ The Pattern Book lays out a land use classification system that guides the orderly development of the county, protects the character of neighborhoods and serves as a policy guide for development or redevelopment of a site.

(Continued)

◊ Recommended land uses for this typology include detached housing, working farms, group homes, bed / breakfast and wind or solar farms.

Overlays

◊ This site is located within an overlay, specifically the Environmentally Sensitive overlay (ES). "Overlays are used in places where the land uses that are allowed in a typology need to be adjusted. They may be needed because an area is environmentally sensitive, near an airport, or because a certain type of development should be promoted. Overlays can add uses, remove uses, or modify the conditions that are applied to uses in a typology."

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

◊ Forest Alliance Woodlands, which are high quality woodlands, are located throughout the site, along with wetland areas.

Tree Preservation / Heritage Tree Conservation

◊ There are significant amounts of natural vegetation and trees located throughout 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.

(Continued)

◊ 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 diocia), Walnut or Butternut (Juglans), Tulip Poplar (Liriodendron tulipifera), Sweet Gum (Liquidambar styraciflua), Black Gum (Nyssa sylvatica), American Sycamore (Platanus occidentalis), Eastern Cottonwood (Populus deltoides), American Elm (Ulmus americana), Red Elm (Ulmus rubra) and any oak species (Quercus, all spp.)

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

Wetland Preservation

◊ The aerial indicates two wetland areas located within the wooded areas.

◊ The Environmental Protection Agency defines wetlands "as areas where water covers the soil or is present either at or near the surface of the soil all year or for varying periods of time during the year, including during the growing season. Water saturation (hydrology) largely determines how the soil develops and the types of plant and animal communities living in and on the soil. Wetlands may support both aquatic and terrestrial species. The prolonged presence of water creates conditions that favor the growth of specially adapted plants (hydrophytes) and promote the development of characteristic wetland (hydric) soils."

◊ The State of Indiana defines wetlands as "areas that are inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include: (1) swamps; (2) marshes; (3) bogs; and (4) similar areas."

◊ Staff believes that a technical assessment that would include a wetlands delineation would determine the type and quality of the wetland based on the presence or absence of wetlands characteristics, as determined with the *Wetlands Delineation Manual, Technical Report Y-81-1* of the United States Army Corps of Engineers.

Environmental Public Nuisances

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

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

(Continued)

◊ Environmental public nuisance means:

1. Vegetation on private or governmental property that is abandoned, neglected, disregarded or not cut, mown, or otherwise removed and that has attained a height of twelve (12) inches or more;

2. Vegetation, trees or woody growth on private property that, due to its proximity to any governmental property, right-of-way or easement, interferes with the public safety or lawful use of the governmental property, right-of-way or easement or that has been allowed to become a health or safety hazard;

3. A drainage or stormwater management facility as defined in Chapter 561 of this Code on private or governmental property, which facility has not been maintained as required by that chapter; or

4. Property that has accumulated litter or waste products, unless specifically authorized under existing laws and regulations, or that has otherwise been allowed to become a health or safety hazard.

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

Conceptual Site Plan (See Exhibit B)

◊ The conceptual plan, file-dated March 13, 2023, provides for access drives along West 86th Street and West 79th Street, with a proposed dedicated public street bisecting the northern portion of the site and running along the western boundary of the southern portion of the site.

◊ The northern portion of the site would have mixed-use consisting of commercial uses fronting on West 86th Street, with a hotel and medical healthcare uses on the eastern portion of the site fronting on Interstate 465 and east of the proposed public street. Residential development would be located within the northern portion of the site and west of the proposed public street.

◊ The eastern and southern portion of the site would provide for commercial uses and life science uses along Interstate 465.

C-S Statement (See Exhibit C)

◊ The C-S Statement, file-dated March 9, 2023, provides details and features of the development, including permitted uses and accessory / temporary uses throughout the development.

◊ The C-S Statement also provides an approximate square footage of the proposed uses.

(Continued)

Traffic Impact Study (TIS)

◊ A draft copy of the TIS, dated April 5, 2023, was submitted for review and comments. A final TIS, dated June 9, 2023, was submitted that responded to comments from the Department of Public Works and the State of Indiana, Department of Transportation (INDOT).

◊ See Exhibit D for the Executive summary including findings and recommendations

VARIANCE OF DEVELOPMENT STANDARDS

◊ This request would provide for 90-foot-tall buildings on the eastern portion of the development when the Ordinance limits buildings to a maximum of 45 feet.

◊ Staff believes that the 90-foot-tall buildings should be limited to those buildings in proximity of the interstate and that any building in proximity of the residential development to the west should be sensitive and step down (even from the permitted 45-foot height) when located near existing residential uses to the west.

Planning Analysis

◊ The request would not be consistent with the Comprehensive Plan recommendation of rural or estate neighborhood typology. However, it should be noted that the land use boundaries "recommended" in the Comprehensive Plan are intended to be flexible (rather than along parcel lines) to allow for development that responds to changes in the community's daily life and their current needs.

◊ Staff would also note that development through the years along this western corridor of Interstate 465 has resulted mixed-use on both the eastern and western sides of the interstate. Both north and south of this site, development on either side of the interstate corridor includes commercial, industrial and residential uses, similar to what is proposed with this request. The conceptual site plan provided would be consistent with this type of development adjacent to the interstate and transition into established neighborhoods.

◊ As with any C-S zoned district, Administrator Approval will be required for any development within this district, including, site plans, landscaping plans, building elevations, and lighting plans.

◊ For these reasons, staff is recommending approval of the rezoning and variance requests with recommended commitments particularly relating to honoring the environmental overlay.

(Continued)

GENERAL INFORMATION

EXISTING ZONING AND LAND USE

	D-A / D-1 /	Undeveloped / accessory building

SURROUNDING ZONING AND LAND USE

North -	D-4 / D-6II	Single-family dwellings
South -	SU-1	Religious Uses
East -	D-A / D-1 D-2	Interstate 465 right-of-way
West -	D-1	Single-family dwellings

COMPREHENSIVE PLAN	The Comprehensive Land Use Plan for Indianapolis and Marion County (2018) recommends rural or estate neighborhood typology. Marion County Land Use Pattern Book (2019).
THOROUGHFARE PLAN	This portion of West 86th Street is designated in the Marion County Thoroughfare Plan as a primary arterial, with an existing 160-foot right-of-way and under the jurisdiction of Indiana State Department of Transportation (INDOT) This portion of West 79th Street is designated in the Marion County Thoroughfare Plan as a primary arterial, with a variable existing 80-178-foot right-of-way and a proposed 90-foot right-of-way.
CONTEXT AREA	This site is located within the metro context area.
OVERLAY	This site is located within an environmentally sensitive overlay
SITE PLAN	File-dated March 13, 2023
C-S STATEMENT	File-dated March 13, 2023
TRAFFIC IMPACT STUDY (TIS)	File-dated June 9, 2023

ZONING HISTORY

2020-ZON-005; 7802 Marsh Road (south of site), requested rezoning of 15.052 acres from the D-1 district to the D-A district**, approved.**

99-UV1-133; 6424 West 79th Street, requested a variance of use and development standards of the Dwelling Districts Zoning Ordinance to legally establish a historic vehicle museum, having eight detached accessory use structure, creating 21,112 square fee of detached accessory structure or 706% of the main floor area of the primary residence, with total accessory uses being 21,112 square feet, or 204% of the size of the total floor area of the primary resident, **granted.**

(Continued)

97-Z-149 / 97-CV-12; 6302 West 79th Street, requested rezoning of 14.438 acres, being in the D-A district, to the I-1-S classification to provide for restricted industrial suburban uses, and a variance of development standards of the Sign Regulation to provide for the placement of two advertising sign being within 1,500 feet of the intersection of the main travelled way of a freeway and an exit roadway resulting in three sign with one-mile distance and with sign dimension of 14 fee by 48 square feet, **withdrawn**

VICINITY

2017-UV2-001; 7802 Marsh Road (south of site), requested a variance of use to provide for a farmer's market and the temporary use of a mobile construction trailer, **approved.**

97-CP-32Z / 97-CP-32V; 7802 Marsh Road (south of site), requested the rezoning of 49.73 acres from the D-1 (GSB) district to the SU-1 classification, and a variance of use to provide for accessory uses prior to the construction of the primary use, **denied.**

91-Z-81; 6250 West 79th Street (east of site), requested rezoning of 14.324 acres, being in the D-A district, to the SI-7 classification to provide for the construction of an office building for the Lions of Indiana**, withdrawn.**

75-Z-73; 6400 to 7250 West 79th Street (south of site), requested the rezoning of 349 acres from the PK-1 and A-2 districts to the D-1 classification, **approved.**

2001-ZON-088, 7853 Marsh Road (south of site), requested the rezoning of 12.5 acres from the D-A district to the SU-1 classification, **approved.**

89-Z-169; 7523 Marsh Road (south of site), requested the rezoning of 81.5 acres from the A-2 district to the D-P classification, **approved.**

kb *******

N

6419 West 86th Street; 6302, 6360 and 6424 West 79th Street

0 0.05 0.1 0.2 0.3 0.4 Miles

Exhibit A

Heritage Tree Conservation

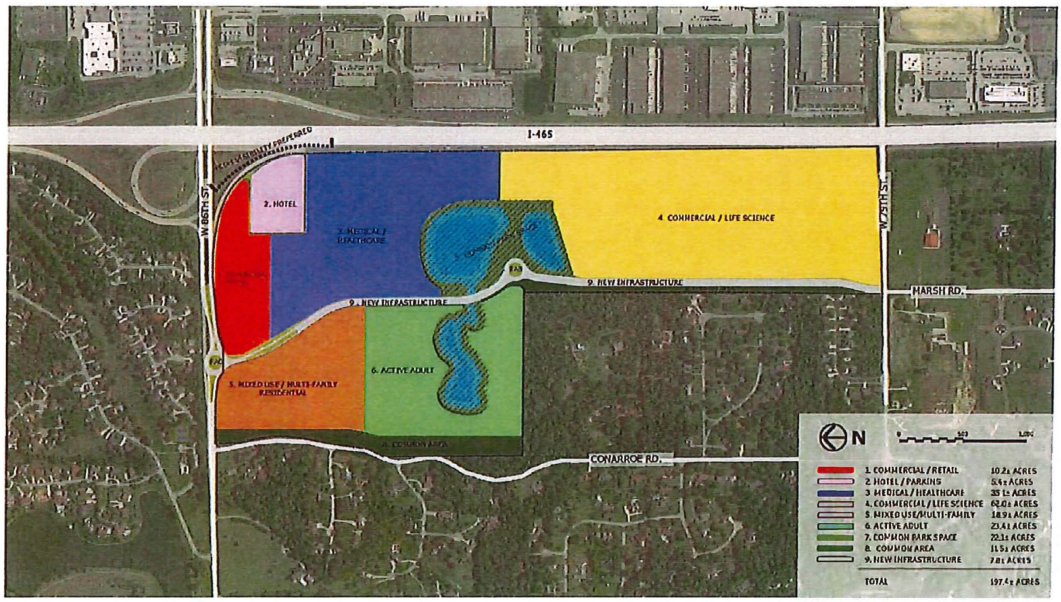
Removal of any Heritage Tree is prohibited unless any of the following determinations are made before removal:

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

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

Exhibit B

Conceptual Site Plan



CORNERSTONE GCG STRUCTUREPOINT

Site Plan | 86th St and I-465 Masterplan
Indianapolis, IN
2022-05-10

DETAILED DESCRIPTION OF REQUEST
C-S DEVELOPMENT PLAN STATEMENT

The Crossing at Traders Point
Cornerstone Companies, Inc. and GCG Investments, LLC
6419 W. 86th Street, et al.

Filed March 9, 2023

Request

Cornerstone Companies, Inc. and GCG Investments, LLC respectfully submit their request to rezone approximately 200 +/- acres of real estate located at the southwest quadrant of W. 86th Street and I-465 in Indianapolis, Indiana from the D-A, D-1, and D-2 zoning classifications to the C-S zoning district for a mixed-use and life science campus development to be known as The Crossing at Traders Point ("The Crossing"). The legal description of said real estate is set forth in **Exhibit A** attached hereto and incorporated herein (the "Real Estate").

Vision Statement and Community Benefits

This is an introduction to a new high-end real estate park development where modern new infrastructure meets green spaces and sophisticated design. This unique project will cover approximately 200 +/- acres of land, combining commercial, hotel, retail, and housing spaces in one extraordinary location. The Crossing will open up the unrealized potential of a valuable real property previously bypassed from consideration by highly desired users due to the lack of access and infrastructure. The development will provide a live/work/play element to an area of Marion County that is currently in demand for commercial, hotel, retail and housing uses. The direct access and visibility from I-465 coupled with its exceptional location and easy ingress/egress capabilities will attract quality investment and users to the site. The Crossing development team (the "Development Team") has worked closely with the Department of Metropolitan Development (the "DMD") to ensure a quality development that will provide new location opportunities not currently available on the northwest side of Marion County. The design is also sensitive to existing residential areas with buffering and ample common areas, park space, and trails throughout the development that provide workers, residents, and visitors with ideal space to relax and unwind with nature.

The concept character of The Crossing will feature:

- High-end retail and restaurant uses that will bring desirable brands and amenities to the site;
- State-of-the-art specialty healthcare facilities, both inpatient and outpatient, to serve the greater community;
- New commercial, research and development, and life science uses that are on the cutting edge of their respective industries;
- A unique hotel brand(s) that will provide an experience and accommodations that are not currently found in the northwest corridor of Marion County;
- Quality housing that will attract local talent who desire to live near attractive amenities as well as the growing job opportunities within The Crossing and within this corner of the Indianapolis metropolitan area;
- Substantial greenspace and trails for the park and local community;

- New and updated road infrastructure required for the park and benefiting the current traffic patterns; and
- Substantial new investments, jobs and tax revenue for this large parcel previously used as an old military equipment depository, much of which has been dormant for many years. Total construction investment alone is estimated to exceed $700 million with real estate taxes well in excess of $4 million per year.

The Site / Background

The Real Estate is currently undeveloped and consists of approximately 200 acres zoned D-A, D-1, and D-2, as shown in **Exhibit B** (the "Current Zoning"). To the north of the Real Estate, across W. 86th Street, and to the west of the Real Estate are residential neighborhoods. I-465 and the Park 100 industrial commercial center are to the east of the Real Estate, and a church is located south of the Real Estate, across W. 79th Street. Additionally, the INTECH technology park, one of the largest office parks in the region, also abuts I-465 on the west side thereof and is located approximately a mile south of the Real Estate. INTECH Park contains well over one million square feet of office, research and development, and technology space, and like The Crossing sits on approximately 200 +/- acres. The Development Team has been working on this project for approximately a year and a half. The investigation, study and analysis of the project has involved many meetings with appropriate agencies and public officials. This has included meetings with various city administration officials, the DMD, the Indiana Economic Development Corporation, and the Indiana Department of Transportation ("INDOT") to name a few. American Structurepoint, Inc. has been retained to provide and review a variety of planning options, engineering details, and requirements.

Development: Overview

The Crossing is proposed to contain commercial/retail, hotel, medical/healthcare (inpatient and outpatient), office/life science, light business, mixed-use/multi-family residential, and active adult residential uses, as generally shown in **Exhibit C** (the "Conceptual Site Plan"). The Crossing will have approximately 22.1 +/- acres of common park space and approximately 11.5 +/- acres of other common area. Additionally, approximately 7.8 +/- acres of new public infrastructure would be constructed connecting W. 79th Street and W. 86th Street.

The approximate breakdown of The Crossing (subject to change) is as follows:

Use Block	Acreage	SF / Units
Commercial / Retail	10.2	200,000 sf
Hotel	5.4	100,000 sf / 125 rooms
Medical / Healthcare (Inpatient)	7.0	70,000 sf
Medical / Healthcare (Outpatient)	28.1	200,000 sf
Office / Life Science	32.0	400,000 sf
Light Business	30.0	600,000 sf
Mixed-Use / Multi-Family	18.9	350,000 sf / 350 units
Active Adult	23.4	200,000 sf / 200 units

Development: Connectivity and Plan of Operation

Construction of The Crossing is expected to begin in the third quarter of 2024. The new collector street that extends Marsh Road from W. 79th Street to W. 86th Street will be constructed immediately with the first phase of the project. The Development Team has been working with INDOT on the design of this public infrastructure, and a detailed traffic study is currently underway with a scope of work as agreed upon by INDOT officials. The final infrastructure design and improvements will include new interchanges at W. 79th Street and W. 86th Street with adjacent pathways, improved local traffic flow, increased connectivity, and stormwater management and water and sewer extensions. Initial project development will begin primarily on the north portion of the Real Estate, and the projected timeline for the entire development is five to eight years. Upon completion of the first phase of the development, an owner's association will be established to fund and provide professional management of the common and park areas.

Development: Permitted Uses

This C-S zoning district is designed in a fashion that permits and facilitates development of The Crossing. The zoning district's Permitted Uses offers the flexibility needed for this state-of-the-art mixed-use and life science campus. The following uses are permitted uses for the Real Estate in the proposed C-S rezoning, as generally shown on the Conceptual Site Plan:

Primary Uses by Area:

Area 1 - Any Use permitted in the Neighborhood Commercial District (C-3); Hotel; Multifamily Dwellings (five or more units); Live/Work Units; Single-Family Attached Dwellings (a/k/a Townhouses or Rowhouses)

Area 2 - Any Use permitted in the Neighborhood Commercial District (C-3); Hotel; Automobile and Light Vehicle Wash; Automobile Fueling Station; Electric Vehicle Charging Station; Multifamily Dwellings (five or more units); Live/Work Units; Single-Family Attached Dwellings (a/k/a Townhouses or Rowhouses)

Area 3 - Any Use permitted in the Neighborhood Commercial District (C-3); Hospital; Medical or Dental Offices, Centers, or Clinics; Medical or Dental Laboratories; Hotel; Multifamily Dwellings (five or more units); Live/Work Units; Single-Family Attached Dwellings (a/k/a Townhouses or Rowhouses)

Area 4 - Any Use permitted in the Neighborhood Commercial District (C-3), including Office: Business, Professional or Government; Any Use in the Research and Development Land Use Category section; Artisan Manufacturing; Manufacturing, Light; Hotel; Multifamily Dwellings (five or more units); Live/Work Units; Single-Family Attached Dwellings (a/k/a Townhouses or Rowhouses)

Area 5 - Single-Family Attached Dwellings (a/k/a Townhouses or Rowhouses); Multifamily Dwellings (five or more units); Any Use permitted in the Neighborhood Commercial District (C-3) - within 500' of the W. 86th Street right-of-way.

Area 6 - Two-Family Dwelling; Triplex or Fourplex; Single-Family Attached Dwellings (a/k/a Townhouses or Rowhouses); Multifamily Dwellings (five or more units)

Area 7 - common park space and associated uses, including park benches, picnic tables, trails, etc. Extent of location subject to final drainage design and other site development considerations.

Area 8 - natural common area / buffer

Area 9 - public infrastructure and associated uses

Accessory and Temporary Uses by Area:

Any Accessory and Temporary Uses permitted in the Neighborhood Commercial District (C-3) shall be permitted in *Area 1*, *Area 2*, *Area 3*, and *Area 4*.

Any Accessory and Temporary Uses permitted in Dwelling Districts shall be permitted in *Area 5* and *Area 6*.

Electric Vehicle Charging Stations shall be permitted as Accessory Uses in *Area 1* thru *Area 6*.

Site Development

The Crossing is intended to be developed according to the following subsections.

Conceptual Site Plan Masterplan:
The Conceptual Site Plan shall serve as the Preliminary Plan of this C-S Development Plan. The intent of this Preliminary Plan is to demonstrate conceptually how The Crossing is anticipated to be developed.

Streets and Connectivity: Generally, Streets and Connectivity shall be provided in accordance with Sec. 741-303 of the Indianapolis-Marion County Consolidated Zoning and Subdivision Ordinance (the "Ordinance"). Access to the site will primarily be from W. 86th Street, with secondary access from W. 79th Street. (See earlier sections for more details.)

Easements and Utilities: Generally, Easements and Utilities shall be provided in accordance with Sec. 741-307 and Sec. 741-308 of the Ordinance.

Development Standards General Requirements: Generally, Development Standards Requirements shall be provided in accordance with Sec. 744-100 of the Ordinance.

Lot and Building Dimensions: Generally, Lot and Building Dimensions shall be provided in accordance with Sec. 744-200 of the Ordinance, with the exception of a maximum buildings and structures height variance filed as a companion petition hereto.

Access and Connectivity: Generally, Access and Connectivity shall be provided in accordance with Sec. 744-300 of the Ordinance.

Parking and Loading: Generally, Parking and Loading shall be provided in accordance with Sec. 744-400 of the Ordinance.

Landscaping and Screening: Generally, Landscaping and Screening shall be provided in accordance with Sec. 744-500 of the Ordinance.

Street and Exterior Lighting: Generally, Street and Exterior Lighting shall be provided in accordance with Sec. 744-600 of the Ordinance.

Design Standards: Generally, Designs Standards shall be provided in accordance with Sec. 744-700 of the Ordinance.

Underground Utilities: Generally, Underground Utilities shall be provided in accordance with Sec. 744-800 of the Ordinance.

Sign Regulations: Generally, Signs shall be provided in accordance with Sec. 744-900 of the Ordinance.

Future Plan Approvals

A Preliminary Plan has been prepared and submitted as part of this rezoning. Final site and development plans may be submitted in total or in phases. Such final site and development plans shall be approved by the Administrator of Current Planning at DMD upon the Administrator's findings that the final site and development plans are consistent and in substantial conformity with the Preliminary Plan as approved by the Metropolitan Development Commission.

Exhibit A
Real Estate Legal Description

Part of the Southwest and Northwest Quarters of Section 23, Township 17 North, Range 2 East of the Second Principal Meridian, Marion County, Indiana, more particularly described as follows:

Commencing at the southeast corner of said Southwest Quarter; thence South 88 degrees 50 minutes 14 seconds West 1,325.22 feet along the south line of said Southwest Quarter to the southwest corner of the East Half of said Southwest Quarter; thence North 00 degrees 12 minutes 40 seconds East 35.01 feet along the west line of said East Half to the north right-of-way line of 79th Street as defined in Instrument Number 67-33585 in the Office of the Recorder of Marion County, Indiana, which is the POINT OF BEGINNING; thence continue North 00 degrees 12 minutes 40 seconds East 2,595.01 feet along said west line to the southeast corner of the Southwest Quarter of said Northwest Quarter; thence South 88 degrees 46 minutes 13 seconds West 1,323.38 feet along the south line of the Southwest Quarter of said Northwest Quarter to the southwest corner of said Northwest Quarter; thence North 00 degrees 07 minutes 20 seconds East 1,264.98 feet along the west line of said Northwest Quarter to a point on the east line of Thoroughbred Estates, per plat thereof, recorded as Instrument Number 84-68303 in the Office of said Recorder, the following four (4) courses are along said east line; 1)thence Northerly 18.05 feet along a non-tangent curve to the right having a radius of 325.00 feet and subtended by a long chord having a bearing of North 15 degrees 16 minutes 33 seconds East and a length of 18.05 feet; 2)thence North 16 degrees 53 minutes 13 seconds East 34.56 feet; 3)thence North 16 degrees 52 minutes 01 second East 78.07 feet; 4)thence South 73 degrees 52 minutes 01 second West 0.15 feet to the Southeast corner of Falcon Ridge, per plat thereof, recorded as Instrument Number 1979-39199 in the Office of said Recorder, the following nine (9) courses are along the east line thereof; 1)thence North 17 degrees 00 minutes 01 second East 114.18 feet; 2)thence North 09 degrees 24 minutes 01 second East 100.00 feet; 3)thence North 04 degrees 41 minutes 01 second East 234.00 feet; 4)thence North 08 degrees 39 minutes 01 second East 101.00 feet; 5)thence North 12 degrees 23 minutes 01 second East 100.00 feet; 6)thence North 07 degrees 49 minutes 01 second East 100.00 feet; 7)thence North 03 degrees 16 minutes 42 seconds West 57.00 feet; 8)thence North 11 degrees 59 minutes 18 seconds West 98.28 feet; 9)thence North 11 degrees 49 minutes 30 seconds West 315.41 feet; thence North 87 degrees 20 minutes 12 seconds East 160.42 feet so the south right-of-way line of 86th Street per Indiana Highway Commission Right-of-Way Plan, Project No. F-619(21), the following four (4) calls are along said south right-of-way line; 1)thence continue North 87 degrees 20 minutes 12 seconds East 325.10 feet; 2)thence South 88 degrees 57 minutes 45 seconds East 200.16 feet; 3)thence North 86 degrees 35 minutes 57 seconds East 400.28 feet; 4)thence North 88 degrees 44 minutes 49 seconds East 400.00 feet to the western right-of-way line of I-465 and the northwesterly corner of the State of Indiana parcel described in Instrument No. 68-5935 on file in the Office of said Recorder, the following fifteen (15) courses are along the westerly right-of-way line of I-465 and the north right-of-way line of 79th Street as described in said Instrument Number 68-5935 and Instrument Numbers 1993-0191717, 67-33585 and 66-62379, on file in the Office of said Recorder; 1)thence South 79 degrees 56 minutes 35 seconds East 101.98 feet; 2)thence North 88 degrees 44 minutes 49 seconds East 105.00 feet; 3)thence South 68 degrees 42 minutes 35 seconds East 286.92 feet; 4)thence South 26 degrees 37 minutes 04 seconds East 267.41 feet; 5)thence South 19 degrees 04 minutes 10 seconds East 588.91 feet; 6)thence South 07 degrees 56 minutes 16 seconds East 360.62 feet to the south line of the Northeast

Quarter of said Northwest Quarter; 7)thence South 01 degree 44 minutes 51 seconds East 300.64 feet; 8)thence South 00 degrees 10 minutes 36 seconds West 900.00 feet; 9)thence South 02 degrees 05 minutes 09 seconds West 116.76 feet; 10)thence South 02 degrees 08 minutes 44 seconds West 177.33 feet; 11)thence South 02 degrees 37 minutes 34 seconds East 200.25 feet; 12)thence South 00 degrees 14 minutes 11 seconds West 1,690.15 feet; 13)thence Southerly 436.83 feet along a non-tangent curve to the left having a radius of 28,777.89 feet and subtended by a long chord having a bearing of South 00 degrees 13 minutes 07 seconds East and a length of 436.83 feet; 14)thence South 46 degrees 34 minutes 35 seconds West 62.10 feet; 15)thence South 86 degrees 00 minutes 50 seconds West 203.02 feet to the east line of the parcel conveyed to West 79th Street Associates in Instrument Number 2004-0163796, on file in the Office of said Recorder; thence North 00 degrees 10 minutes 12 seconds East 34.95 feet along said east line to the north right-of-way line of 79th Street described in Cause No. S466 1082 on file in the Office of said Recorder, the following five (5) courses are along the north right-of-way line of 79th Street as defined in said Instrument Number 67-33585; 1)thence South 86 degrees 34 minutes 02 seconds West 198.79 feet; 2)thence South 86 degrees 30 minutes 26 seconds West 173.88 feet; 3)thence South 01 degree 09 minutes 46 seconds East 45.00 feet; 4)thence South 88 degrees 50 minutes 14 seconds West 291.00 feet; 5)thence South 83 degrees 41 minutes 43 seconds West 167.42 feet to the POINT OF BEGINNING. Containing 197.368 acres, more or less.

Exhibit B
Current Zoning

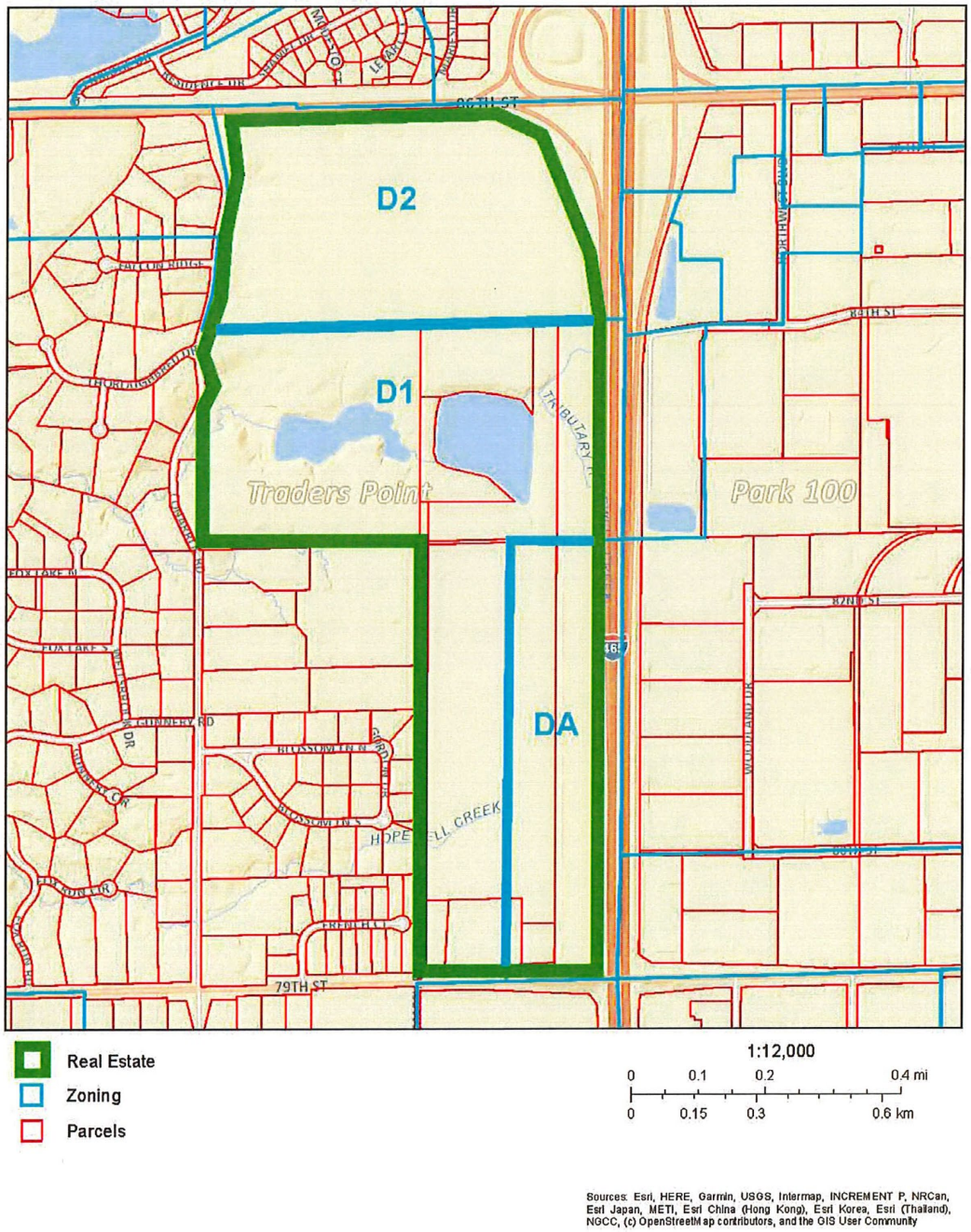
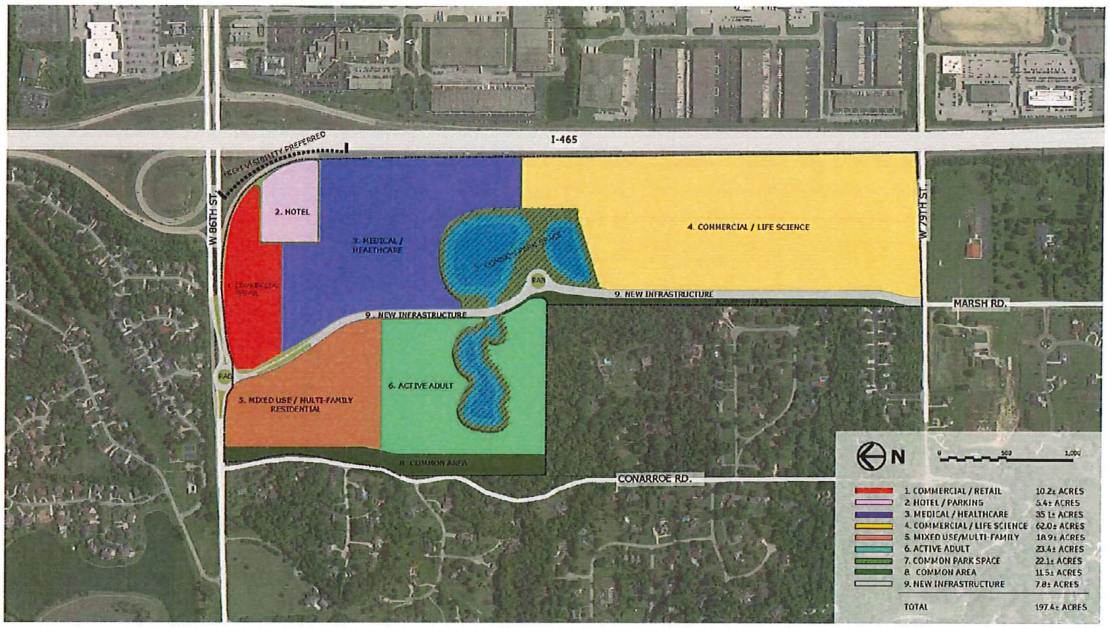


Exhibit C
Conceptual Site Plan



CORNERSTONE GCG INVESTMENTS STRUCTUREPOINT

Site Plan | 86th St and I-465 Masterplan
Indianapolis, IN
2022.02410

AMERICAN STRUCTUREPOINT INC.

Executive Summary

Study Purpose and Scope

The purpose of this Traffic Impact Study (TIS) is to determine the operational impacts of The Crossing at Traders Point mixed-use site (proposed development) on the surrounding roadway network in Indianapolis, Indiana. This study will assess the adequacy of the existing roadway network under opening year and horizon year no-build and build traffic conditions, and determine necessary roadway and intersection improvements to accommodate the generated traffic volumes.

Background Information

The proposed development is to be located at the southwest quadrant of 86th Street & I-465 interchange in northwest Indianapolis. This site is anticipated to consist of commercial/retail, office, hotel, medical/health care, multi-family residential, active adult and common park space totaling approximately 200 acres.

The various land-use parcels within this site will be developed according to the 86th Street and I-465 Master Plan and are expected to be constructed in phases. The first phase consists of approximately 30-acre medical facility which is scheduled to open by the year 2025 (opening year). The remaining parcels, including approximately a 15-acre commercial/retail facility, a 6-acre hotel/parking facility, a 59-acre commercial/life science facility, a 20-acre active adult facility, a 23-acre common park space and an 18-acre common area, are anticipated to be completed in the next 10 years. For the purposes of traffic analysis, the horizon year for this study is considered to be 2045 (20 years from opening).

Vehicular access to the proposed development will be provided via 86th Street (just east of existing Conarroe Road) and 79th Street at the existing Marsh Road intersection. Additionally, a new frontage road parallel to I-465 will be constructed to connect the two ingress/egress points of the site.

Traffic Forecast

Traffic projections have been forecasted by determining the base year traffic volumes using turning movement traffic counts collected by American Structurepoint in January 2023, then applying an annual compound background traffic growth rate of 0.7% to produce opening year (2025) and horizon year (2045) background traffic volumes. Finally, the site trips attributed to the proposed development under phase 1 and full-build were added to obtain the opening year (2025) and horizon year (2045) total traffic volumes, respectively.

Turn Lane Warrant Analysis

A turn lane warrant analysis was performed at the two (2) proposed site access points using horizon year (2045) total traffic volumes per the guidelines published in the *Indiana Design Manual (IDM)*. Based on the warrants, an eastbound left turn lane and a westbound right turn lane is warranted at the intersection of 79th Street & Marsh Road. Additionally, an eastbound right turn lane and dual westbound left turn lanes are warranted at the intersection of 86th Street & Proposed Frontage Road.

Capacity Analysis

A capacity analysis has been performed at all study intersections based on the scenarios listed in the following table. The capacity analysis of signalized and unsignalized intersections was performed using Synchro (Version 11.1). All analyses were reported using the methodology outlined in the *Highway Capacity Manual (HCM)* 6th Edition except where not supported, in which case, HCM 2000 was used. The capacity

analysis of roundabout control intersections was performed using Sidra Intersection (Version 9.1) using the Sidra standard capacity method and Highway Capacity Manual. The operating conditions of intersections were considered to be acceptable if found to operate at LOS D or better for the overall intersection, and with no approach or movement operating worse than LOS E. Capacity improvements were identified for the locations not meeting the criteria.

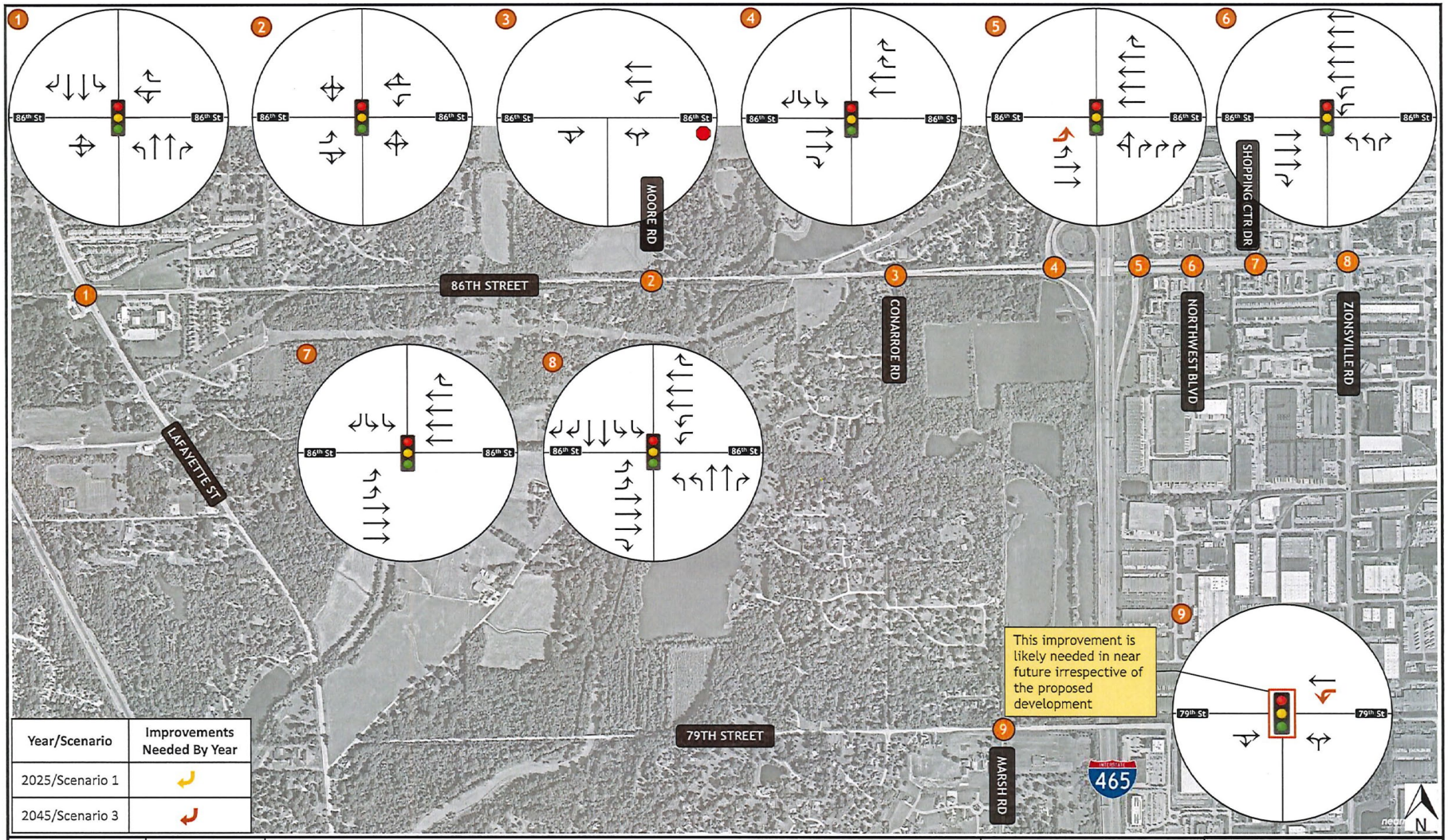
Scenario	Analysis Year	Description
1	2025	Opening Year No-Build Conditions
2	2025	Opening Year (Phase 1 Build) Conditions
3	2045	Horizon Year (No-Build) Conditions
4	2045	Horizon Year (Full-Build) Conditions
4A	2045	Horizon Year (Full-Build) Conditions – 86th Street access from Conarroe Road*

**Note: This access is not feasible and was only evaluated in this TIS at the request of INDOT for comparison purposes.*

Findings and Recommendations

The findings and recommendations were based on field review, turn lane warrant analysis and capacity analysis conducted for the proposed site. **Table 6.1** and summarizes the intersection improvements recommended at the study intersections in opening year (2025) and horizon year (2045). The proposed improvements are graphically illustrated in **Figure E.1** for the no-build scenarios for the opening year (2025) and the horizon year (2045) as well as in **Figure E.2** for the build scenarios for the opening year (2025) and the horizon year (2045).

A review meeting was held on May 16, 2023 with Indiana Department of Transportation (INDOT), City of Indianapolis Department of Public Works (DPW), Department of Metropolitan Development (DMD), and the developer client to discuss the comments and questions received from INDOT and DPW on the Draft TIS Report. Final meeting minutes and comment-response log are provided in **Appendix F**.



Year/Scenario	Improvements Needed By Year
2025/Scenario 1	
2045/Scenario 3	

AMERICAN STRUCTUREPOINT INC

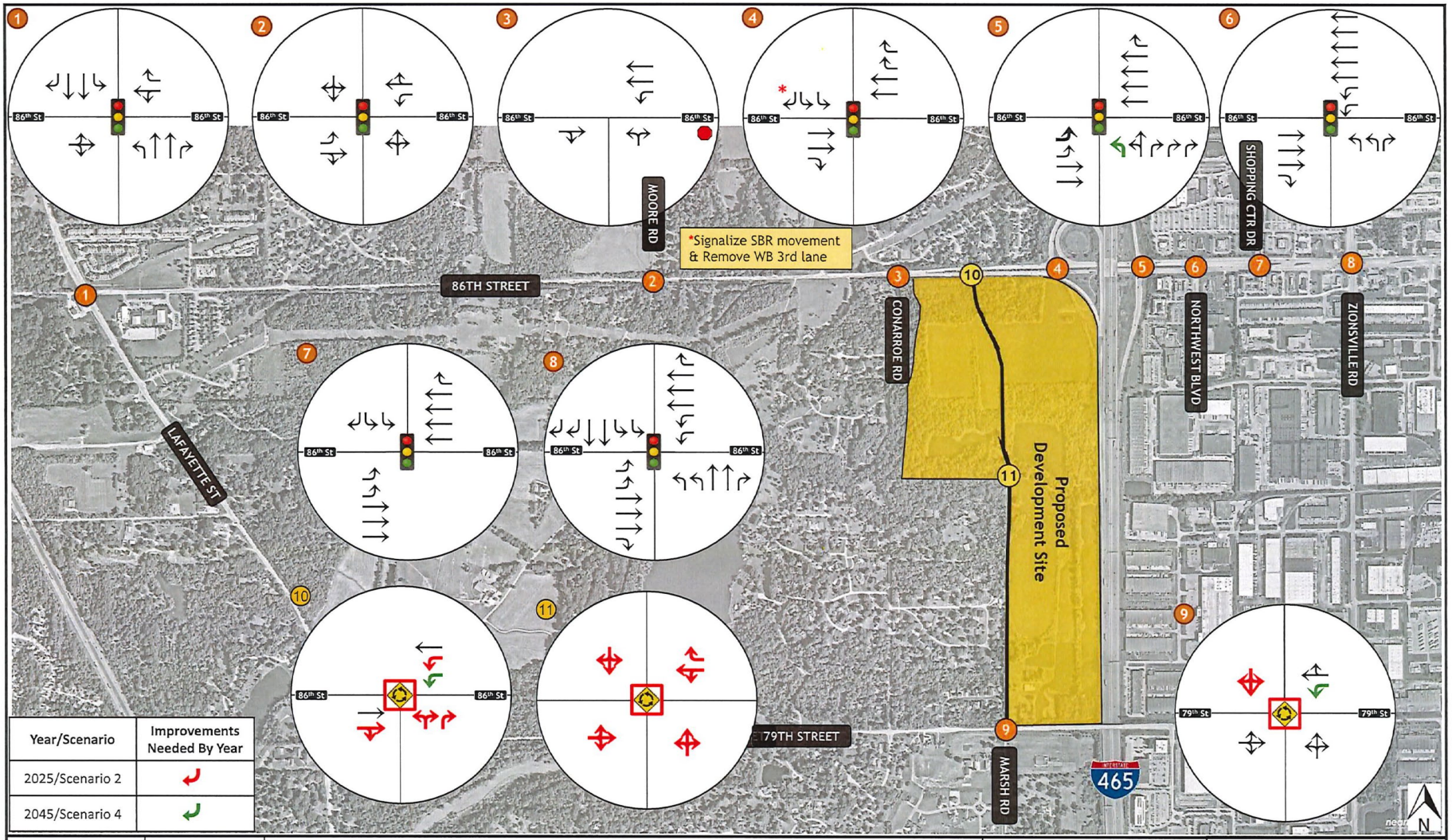
CORNERSTONE

Legend

- Existing Intersection
- Proposed Site Access Points
- Existing Signalized Intersection
- Stop Controlled Approach
- Signalized Intersection in 2045 (due to background traffic)

Traffic Impact Study
The Crossing at Traders Point
Indianapolis, Indiana

Figure E.1
No-Build Scenario Recommended
Traffic Control & Lane Configurations



Year/Scenario	Improvements Needed By Year
2025/Scenario 2	
2045/Scenario 4	

AMERICAN STRUCTUREPOINT INC.

CORNERSTONE

Legend

- Existing Intersection
- Proposed Site Access Points
- Existing Signalized Intersection
- Stop Controlled Movement
- Roundabout Intersection in 2025

Traffic Impact Study
The Crossing at Traders Point
Indianapolis, Indiana

Figure E.2
Build Scenario Recommended Traffic Control & Lane Configurations

Petition Number _____

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

PETITION FOR VARIANCE OF DEVELOPMENT STANDARDS

FINDINGS OF FACT

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

The variance of development standards to provide for maximum 90 foot Buildings and Structures Height will allow the property to develop as a mixed-use and life science campus which will be a benefit to the community. The 90 foot height will be limited to areas closest to the adjacent Interstate highway where taller height Buildings and Structures would fit well.

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

The variance would be limited to the east side of the property closest to the adjacent interstate highway. Any Buildings and Structures built on the west side of the property, closest to the existing residential, would still be required to meet the maximum Height as permitted by the Indianapolis-Marion County Consolidated Zoning and Subdivision Ordinance.

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

The property would not be able to develop in its highest and best use as a mixed-use and life science campus that would benefit the community by providing a live/work/play element to an area of Marion County that is currently in demand for commercial, hotel, retail, and housing uses without the grant of the requested variance.

DECISION

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

Adopted this _____ day of _____ , 20 ___

_____ _____

_____ _____

_____

View looking west along West 86th Street

View looking east along West 86th Street

View of site looking east across Conarroe Road

View of site looking east across Conarroe Road

View of site looking east across Conarroe Road

View looking east across Conarroe Road of adjacent property to the west of site

View looking east across Conarroe Road of adjacent property to the west of site

View looking southeast at intersection of West 79th Street and Conarroe Road

View looking east along West 79th Street

View looking west along West 79th Street

View of site looking north across West 79th Street

View of site looking north across West 79th Street

View of site looking north across West 79th Street

View of site looking north across West 79th Streetp

STAFF REPORT

Department of Metropolitan Development
Division of Planning
Current Planning Section

Case Number:	**2023-ZON-064**
Address:	**40 West 40th Street (*Approximate Address*)**
Location:	**Washington Township, Council District #7**
Petitioner:	**Martin Luther King Multi-Service Center, by David Kingen**
Request:	**Rezoning of 2.37 acres from the D-2 (MSPC) district to the SU-7 (MSPC) district to legally establish a community center.**

RECOMMENDATION

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

> Prior to the issuance of any Improvement Location Permit for this site, a tree inventory and preservation plan shall be submitted for Administrator's Approval. The size species, location and condition of any Heritage Tree shall be provided. Any new development on the site shall avoid disturbance of Heritage Trees to the extent possible.

SUMMARY OF ISSUES

The following issues were considered in formulating the recommendation.

LAND USE

◊ Historic aerial photography indicates that the structure on the site was built in the late 1950s or early 1960s. The site is currently the home of a multi-service center.

◊ The 2018 Comprehensive Land Use Plan recommends City Neighborhood for the subject site. This typology consists largely of multi-family housing and other forms of attached dwellings. It is intended to be dense and walkable with a full range of city services and public amenities.

◊ The subject site is within the jurisdictional area of the Meridian Street Preservation Commission. This State agency has the authority for prior approval of zoning petitions within its jurisdiction. If the MSPC gives prior approval to a rezoning, the petition may proceed through the City's land use petition process. However, the MSPC's prior approval

(Continued)

STAFF REPORT 2023-ZON-064 (Continued)

does not obligate the Hearing Examiner or the Metropolitan Development Commission to approve a petition.

◊ This request was heard by the MSPC on May 16, 2023 and given prior approval subject to two commitments:
- Improvements shall be carried out in accordance with the submitted documentation presented at the May 16, 2023 Commission hearing and filed with the MSPC,
- The applicant shall work with residents and neighborhood organizations on the proposed plans for the expansion.

◊ As is evident from the photographs below, the site has a number of large, mature trees. These trees exhibit the intrinsic benefits of large trees in general, but also help blend this large institutional use into the context of the neighborhood where large trees on single-family lots and in Tarkington Park are the norm.

ZONING

◊ This petition requests a rezoning to the SU-7 district. This Special Use district that provides for charitable, philanthropic and not-for-profit institutions.

◊ Land in any SU District is subject to the following site and development requirements, which are evaluated at the time of an application for an Improvement Location Permit. The site and development plan, proposed uses, buildings and structures must:
- Be so designed as to create a superior land development plan, in conformity with the Comprehensive Plan;
- Create and maintain a desirable, efficient and economical use of land with high functional and aesthetic value, attractiveness and compatibility of land uses, within the Special Use District and with adjacent uses;
- Provide sufficient and adequate access, parking and loading areas;
- Provide traffic control and street plan integration with existing and planned public streets and interior access roads;
- Provide adequately for sanitation, drainage and public utilities; and
- Allocate adequate sites for all uses proposed - the design, character, grade, location and orientation thereof to be appropriate for the uses proposed, logically related to existing and proposed topographical and other conditions, and consistent with the Comprehensive Plan;
- Provide sidewalks along eligible public streets and pedestrian accessibility to available public transit.

(Continued)

STAFF REPORT 2023-ZON-064 (Continued)

◊ Development in a Special Use district requires approval by the Administrator. In addition to the points above, in the SU-7 district the Administrator would use MU-1 development standards in his or her review, but would have the authority to modify them as appropriate to the use and context. Among the MU-1 development standards are a minimum front transitional yard of twenty feet and a minimum rear transitional yard of 15 feet. The site plan submitted with this petition does not meet those standards and ideally should be redesigned to do so. Redesign might also help with tree preservation on the site.

◊ Approval of this zoning petition does not approve the submitted site plan.

◊ In staff's opinion, the SU-7 district is appropriate as it is responsive to the City Neighborhood recommendation of the Comprehensive Land Use Plan and would conform the zoning of the site to its long-term and appropriate use.

GENERAL INFORMATION

EXISTING ZONING, CONTEXT AREA, AND LAND USE

D-2	Compact	Multi-service center

SURROUNDING ZONING AND LAND USE

North	D-2	Single-family dwelling
South	PK-1	Tarkington Park
East	D-2, D-9	Multi-family residential complex
West	D-5, SU-2	Single-family dwellings, elementary school

COMPREHENSIVE LAND USE PLAN	The Washington Township Comprehensive Plan (2018) recommends City Neighborhood.
THOROUGHFARE PLAN	40th Street is classified in the Official Thoroughfare Plan for Marion County, Indiana as a Local Street, with a 50-foot existing right-of-way and a 48-foot proposed right-of-way. Illinois Street is classified in the Official Thoroughfare Plan for Marion County, Indiana as a Primary Collector, with a 60-foot existing right-of-way and a 56-foot proposed right-of-way.
FLOODWAY / FLOODWAY FRINGE	This site is not located within a floodway or floodway fringe.

(Continued)

STAFF REPORT 2023-ZON-064 (Continued)

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

ZONING HISTORY – SITE

97-UV3-66; 40 West 40th Street, requested a variance of use for a community center in a dwelling district and variances of development standards for a ground sign with deficient setbacks, **approved.**

ZONING HISTORY – VICINITY

2018-DV1-021; 4030 North Illinois Street (west of site), requested a variance of development standards to provide for an over-height fence, **approved.**

97-UV3-19; 4002 North Meridian Street (east of site), requested a variance of use to provide for a rooftop telecommunications facility, **withdrawn.**

klh

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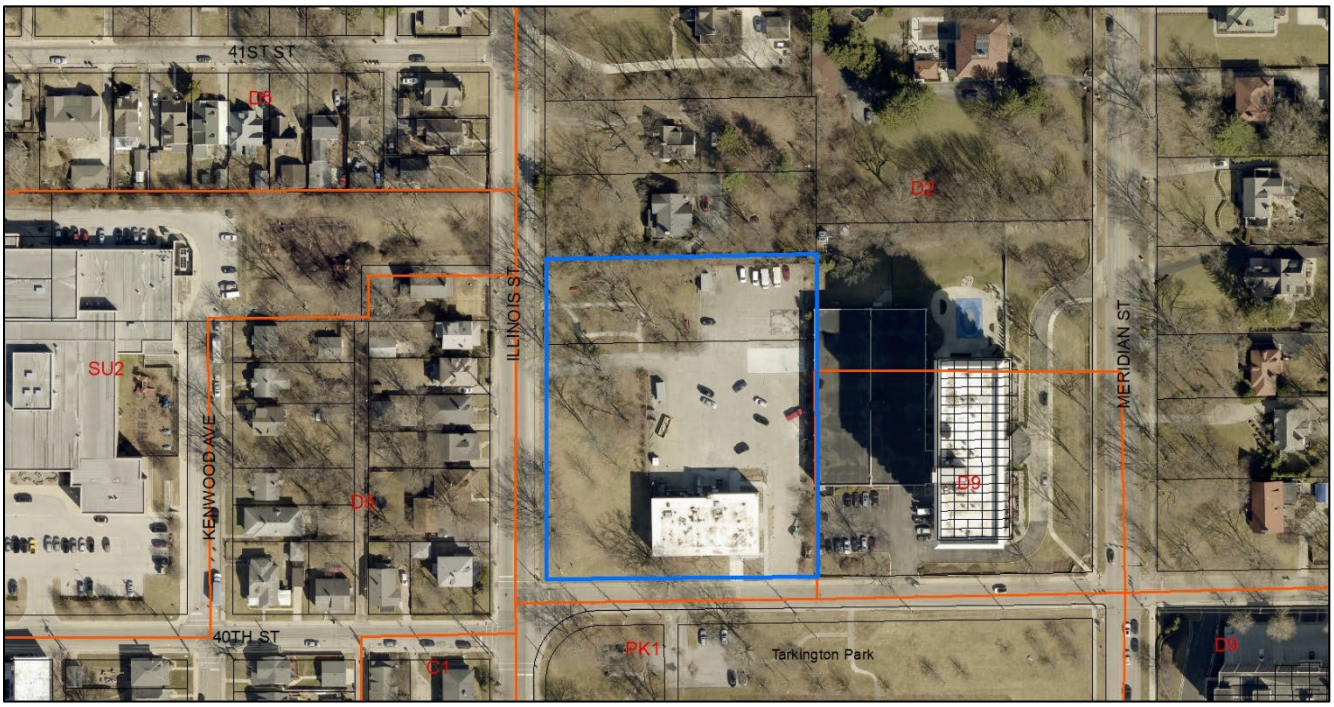
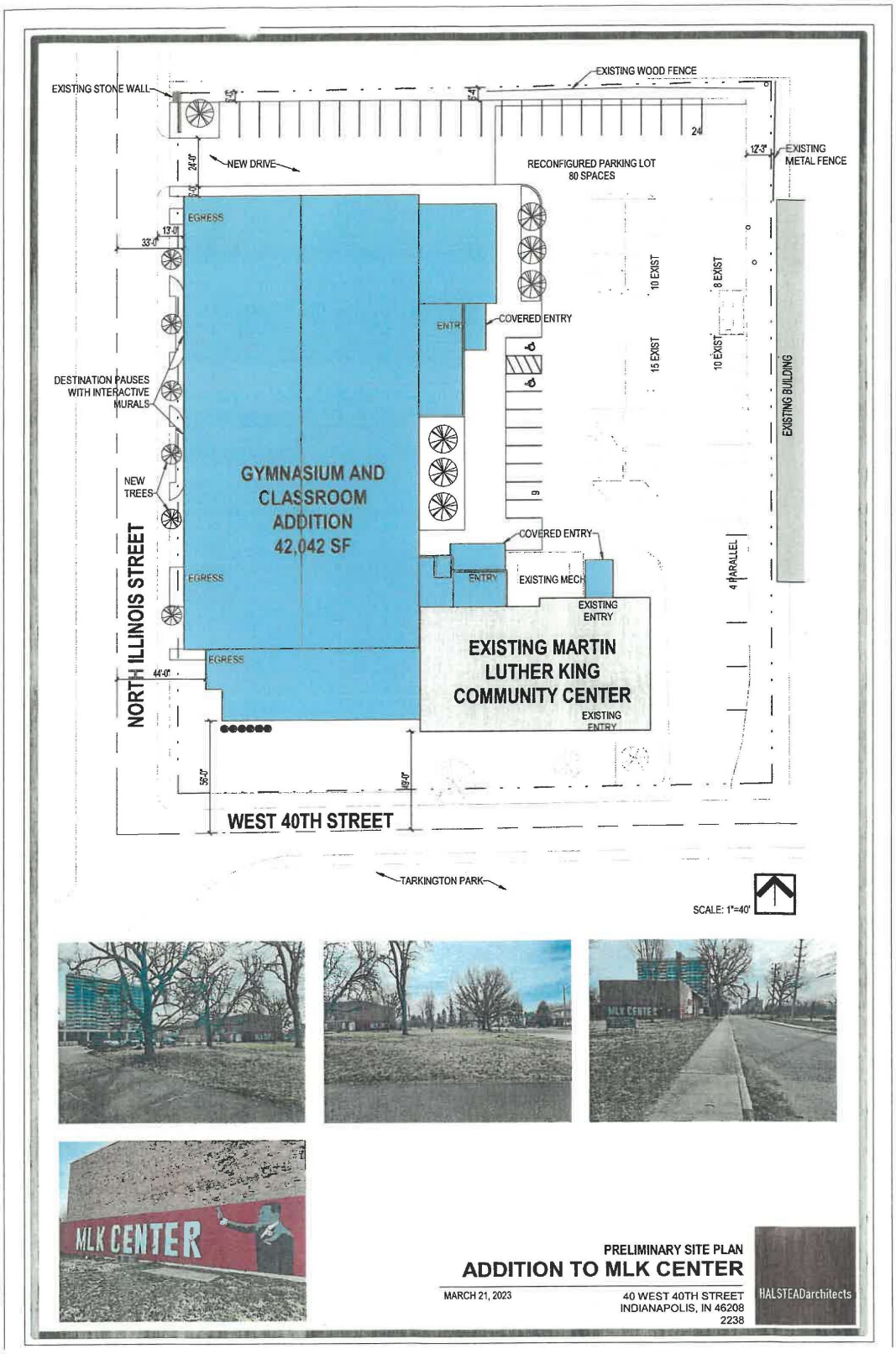
STAFF REPORT 2023-ZON-064, Location

STAFF REPORT 2023-ZON-064, Aerial photograph (2022)



STAFF REPORT 2023-ZON-064, Site Plan



STAFF REPORT 2023-ZON-064, Photographs

Looking north across 40th Street at the subject site.

Looking east from Illinois Street at the site.

Looking south along the Illinois Street frontage of the site.

Looking north from Illinois Street. The subject site is to the right.

Looking east from Illinois Street at the neighbor to the north.

Looking south across 40th Street at Tarkington Park.

Looking northeast from 40th Street at the neighbor to the east.

STAFF REPORT

Department of Metropolitan Development
Division of Planning
Current Planning Section

Case Number:	**2023-ZON-065**
Address:	**3309 East St Clair Street and 601 & 603 North LaSalle Street (*Approximate Address*)**
Location:	**Center Township, Council District #12**
Petitioner:	**Englewood Community Development Corporation, by Joseph D. Calderon**
Request:	**Rezoning of 1.75 acres from the C-S and D-5 districts to the D-8 district to provide for a 43-unit, townhome-style residential development.**

RECOMMENDATION

Staff **recommends approval** of this request.

SUMMARY OF ISSUES

The following issues were considered in formulating the recommendation.

LAND USE

◊ Historic mapping and aerial photography indicate that the subject site was originally developed with single-family, two-family and three-family dwellings. In the late 1960s or early 1970s, demolitions began to occur on the site to make way for parking for nearby industries. A single dwelling remains on the site today.

◊ The 2018 Comprehensive Land Use Plan recommends Traditional Neighborhood for the subject site. The Traditional Neighborhood typology provides for a spectrum of housing types with a typical residential density of five to 15 units per acre. It also provides for some commercial development under certain criteria.

ZONING

◊ This petition requests a rezoning to the D-8 district. This district provides for range of housing types including single-family dwellings, duplexes, multi-unit houses, rowhouses, and small apartment buildings.

(Continued)

STAFF REPORT 2023-ZON-065 (Continued)

◊ The site plan submitted with this petition shows 43 townhouse units and a community room. On 1.75 acres this calculates to 24.6 residential units per acre. This compares to approximately 11.8 units per acre for the block facing the subject site across LaSalle Street.

Site Plan

◊ The site plan submitted with this petition is likely to require variances to be built as shown. Variances concerning the amount and location of the parking, number of units per lot, and distance between buildings are potential areas of concern.

◊ Twenty-eight parking spaces accessed from the alley are proposed. Nine on-street parking spaces are proposed on St Clair Street and North Street on the development's side of the street. Twenty-one parking spaces are shown on LaSalle Street, but on the opposite side of the street. These twenty-one spaces would not count towards the parking space requirement for the site. The City's parking regulations (Sec 621-117) do not permit parking in front of someone else's house for more than six hours at a time.

◊ Staff finds that the D-8 district is appropriate as it is responsive to the Traditional Neighborhood recommendation of the Comprehensive Land Use Plan.

GENERAL INFORMATION

EXISTING ZONING, CONTEXT AREA, AND LAND USE

C-S, D-5	Compact	Vacant land, single-family dwelling

SURROUNDING ZONING AND LAND USE

North	D-5	Single-family dwellings
South	C-S	Vacant land
East	C-S	Vacant land
West	D-5	Single-family and two-family dwellings
Inholding	D-5	Single-family dwelling, vacant lot

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

THOROUGHFARE PLAN — St Clair Street is classified in the Official Thoroughfare Plan for Marion County, Indiana as a Local Street, with a 50-foot existing right-of-way and a 48-foot proposed right-of-way.

(Continued)

STAFF REPORT 2023-ZON-065 (Continued)

	LaSalle Street is classified in the Official Thoroughfare Plan for Marion County, Indiana as a Primary Collector, with a 60-foot existing right-of-way and a 56-foot proposed right-of-way. North Street is classified in the Official Thoroughfare Plan for Marion County, Indiana as a Local Street, with a 50-foot existing right-of-way and a 48-foot proposed right-of-way.
FLOODWAY / FLOODWAY FRINGE	This site is not located within a floodway or floodway fringe.
WELLFIELD PROTECTION DISTRICT	This site is not located within a wellfield protection district.

ZONING HISTORY – SITE

2000-ZON-839 / 2000-VAC-839; 600-800 Sherman Drive, requested the rezoning of 49 acres from the D-5, C-1, C-3 and I-4-U districts to the C-S district to provide for commercial and industrial uses, and vacation of nine rights-of-way, **three right-of-way vacations withdrawn, the remainder of the petitions were approved.**

ZONING HISTORY – VICINITY

94-V1-125; 640 North LaSalle Street (west of site), requested a variance of development standards to provide for an over-height fence, **approved.**

klh

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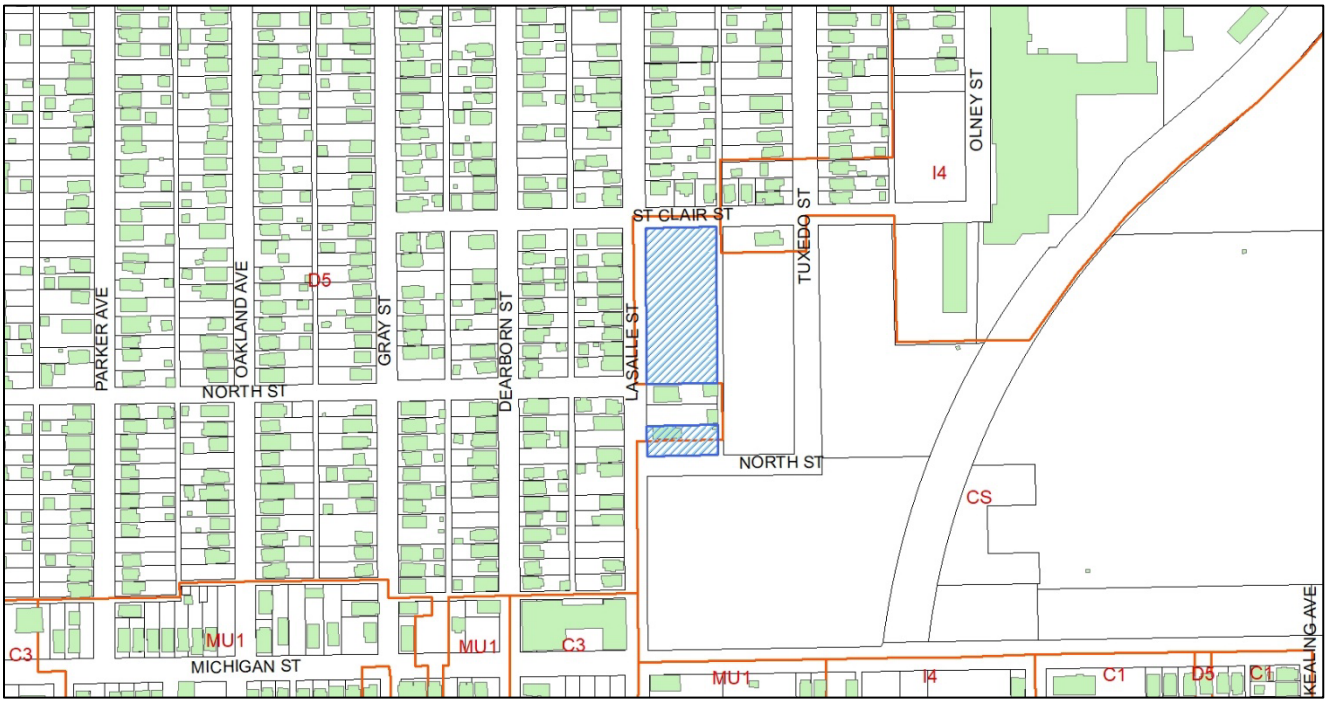
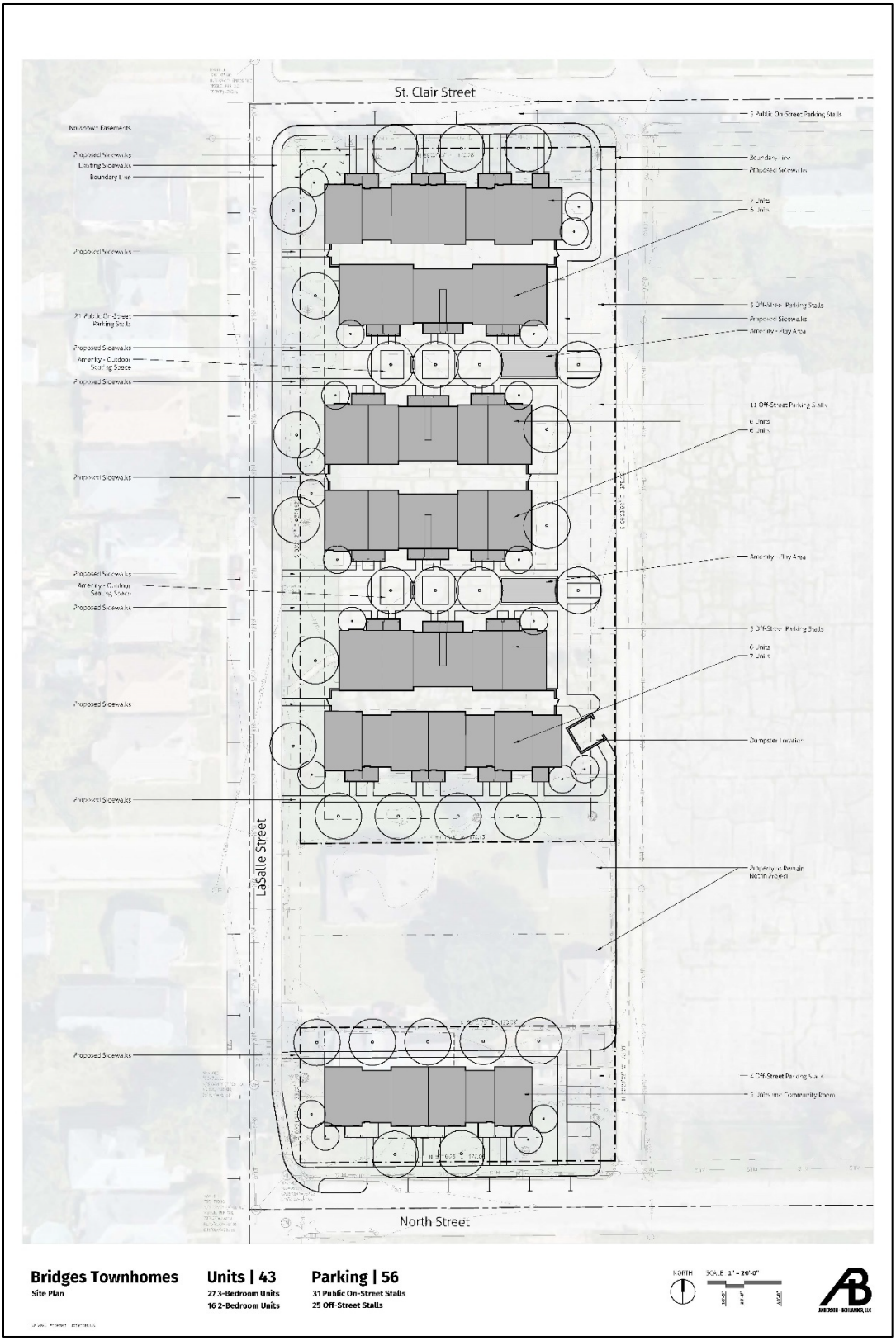
STAFF REPORT 2023-ZON-065, Location



STAFF REPORT 2023-ZON-065, Aerial photograph (2022)

STAFF REPORT 2023-ZON-065, Site Plan



STAFF REPORT 2023-ZON-065, Photographs

Looking south at the subject site from St Clair Street.

Looking south on the alley to the east of the site.

Looking east along St, Clair Street. The site is to the right.

Looking south along LaSalle Street from its intersection with St. Clair Street. The site is to the left..

Looking west from LaSalle Street at the southern portion of the site. The dwelling would be demolished.

Looking west along North Street at the neighbors to the west. The site is to the right.

Looking south across North Street at the neighbor to the south.

Looking north on LaSalle Street from the corner of North and LaSalle streets. The dwelling on the right is an inholding to the subject site.

STAFF REPORT

Department of Metropolitan Development
Division of Planning
Current Planning Section

Case Number:	**2023-CZN-824 / 2023-CVC-824**
Address:	**1341 & 1401 Dr Martin Luther King Jr. Street and 453 West 14th Street (Approximate Addresses)**
Location:	**Center Township, Council District #11**
Petitioner:	**KTKF Holdings, LLC, by Jamilah Mintze**
Request:	**Rezoning of 0.696-acre from the SU-1 (RC) and D-8 (RC) districts to the D-9 (RC) district.**
	Vacation of West 14th Street, being 50 feet in width, from the east right-of-way line of Dr Martin Luther King Jr. Street, east 120.02 feet to the west right-of-way line of the first north-south alley east of Dr Martin Luther King Jr Street, with a waiver of the assessment of benefits.
	Vacation of the first north-south alley east of Dr Martin Luther King Jr Street, being of variable width, from the north right-of-way line of West 14th Street, south 200.60 feet, with a waiver of the assessment of benefits

RECOMMENDATIONS

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

RECOMMENDED MOTION (approval): That the Hearing Examiner find that the proposed vacation is in the public interest; that a hearing upon the assessment of benefits be waived; that the Hearing Examiner confirm and ratify the adoption of Declaratory Resolution 2023-CVC-824; and that the vacation be subject to the rights of public utilities under IC 36-7-3-16, and the following commitment:

That an access easement shall be provided to gain access to the Indianapolis Central Canal and to the existing dwelling to the north.

SUMMARY OF ISSUES

The following issues were considered in formulating the recommendation:

LAND USE

◊ The request would provide for a demolition of a vacant church and undeveloped land for construction of a 36-unit multi-family residential development. The site is adjacent to the underground portion of the Indianapolis Central canal. East of the canal is Interstate 65.

(Continued)

STAFF REPORT 2023-CZN-824 / 2023-CVC-824 (Continued)

◊ The site is across the street from an historic residential area named Flanner House Homes, which is mostly zoned D-8. This neighborhood is significant in that it is named on the *National Register of Historic Places* as a neighborhood that was developed by African Americans in the 1950s, with many of the current residents being the direct descendants of those who built their own homes.

REZONING

◊ The rezoning request would rezone the site, from SU-1(RC) and D-8 (RC) to D-9 (RC).

◊ The Land Use Plan recommends City Neighborhood development. "The City Neighborhood typology consists largely of multifamily housing and is stepped down to other living typologies with attached housing. This typology is dense and walkable with a full range of city services and public amenities. Ideally, block lengths are shorter than 500 feet and publicly accessible pedestrian connections are provided through large developments. Access to individual parcels is generally by an alley or internal parking structures. Public spaces are typically of a smaller and more intimate scale in the form of smaller parks, streetscapes, and interior courtyards or rooftop spaces. Residential development activates the sidewalk with externalized doors and public or semi-public spaces. The City Neighborhood typology typically has a residential density in excess of 15 dwelling units per acre". The request would comply with the Plan.

VACATION

◊ This request would provide for the vacation of an unimproved portion of 14th Street, east of Dr. Martin Luther King, Jr. Street, and an unimproved north-south alley, internal to the site.

◊ The 14th Street right-of-way currently provides an access means from Dr. Martin Luther King, Jr. Street to the underground portion of the Indianapolis Central Canal. Additionally, a dwelling to the north of the site gains access to the rear of that property via this right-of-way. To remedy these two issues, the petitioner has submitted an access easement survey, which is included below. Staff requests that this easement be formalized via a commitment.

◊ The unimproved alley does not provide access to other property.

◊ The requested vacations would be in the public interest, as long as an access easement is provided to access private and public property to the east and north.

ASSESSMENT OF BENEFITS

◊ Given these rights-of-way are unimproved, staff would support the requested waiver of the assessment of benefits.

(Continued)

STAFF REPORT 2023-CZN-824 / 2023-CVC-824 (Continued)

PROCEDURE

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

The general rule under Indiana case law is that when a street or highway is vacated or abandoned the title to the land reverts to the abutting property owners. This rule exists by virtue of the fact that the abutting landowner owns to the center of the street or highway subject only to an easement for the public to the use of the street or highway. Gorby v. McEndarfer 135 Ind.App. 74, *82, 191 N.E.2d 786, **791 (Ind.App.1963). However, there are possible exceptions to this general rule.

After a vacation of public right-of-way, the county assessor determines how the vacated right-of-way will be assessed for tax purposes.

Petitioners and abutters of the vacated right-of-way should consult their own attorneys for advice regarding the ownership of the vacated right-of way.

REGIONAL CENTER OVERLAY DISTRICT

◊ The site lies within the Regional Center overlay district. In this designated area, design of all new construction, sidewalk cafes, and signage in the Regional Center overlay district is subject to the approval of the Administrator of the Division of Planning. A Regional Center Approval petition has been filed, through 2023-REG-055 and is scheduled for public hearing on July 27, 2023.

GENERAL INFORMATION

EXISTING ZONING, CONTEXT AREA, AND LAND USE

SU-1 / D-8 (RC)	Compact	Vacant church / undeveloped

SURROUNDING ZONING AND LAND USE

North	SU-1(RC)/D-8(RC)	Single-family dwelling
South	D-8 (RC)	Multi-family dwellings
East	CBD-S (RC)	Interstate 65
West	D-8 (RC)	Single-family and multi-family dwellings

COMPREHENSIVE LAND USE PLAN	The Center Township Land Use Plan recommends City Neighborhood development
TRANSIT-ORIENTED DEVELOPMENT	The site is not within a Transit-Oriented Development Overlay

(Continued)

STAFF REPORT 2023-CZN-824 / 2023-CVC-824 (Continued)

THOROUGHFARE PLAN	Dr. Martin Luther King, Jr. Street is classified in the Official Thoroughfare Plan for Marion County, Indiana as primary arterials, with an 88-foot existing and proposed right-of-way.
DEVELOPMENT PLAN	File-dated, June 1, 2023
Revised	File-dated, July 12, 2023
FINDINGS OF FACT	File-dated, April 10, 2023
SITE PLAN	File-dated, June 22, 2023
Revised	File-dated, July 12, 2023
VACATION SURVEY	File-dated, June 10, 2023
Revised	File-dated, July 3, 2023

ZONING HISTORY – SITE

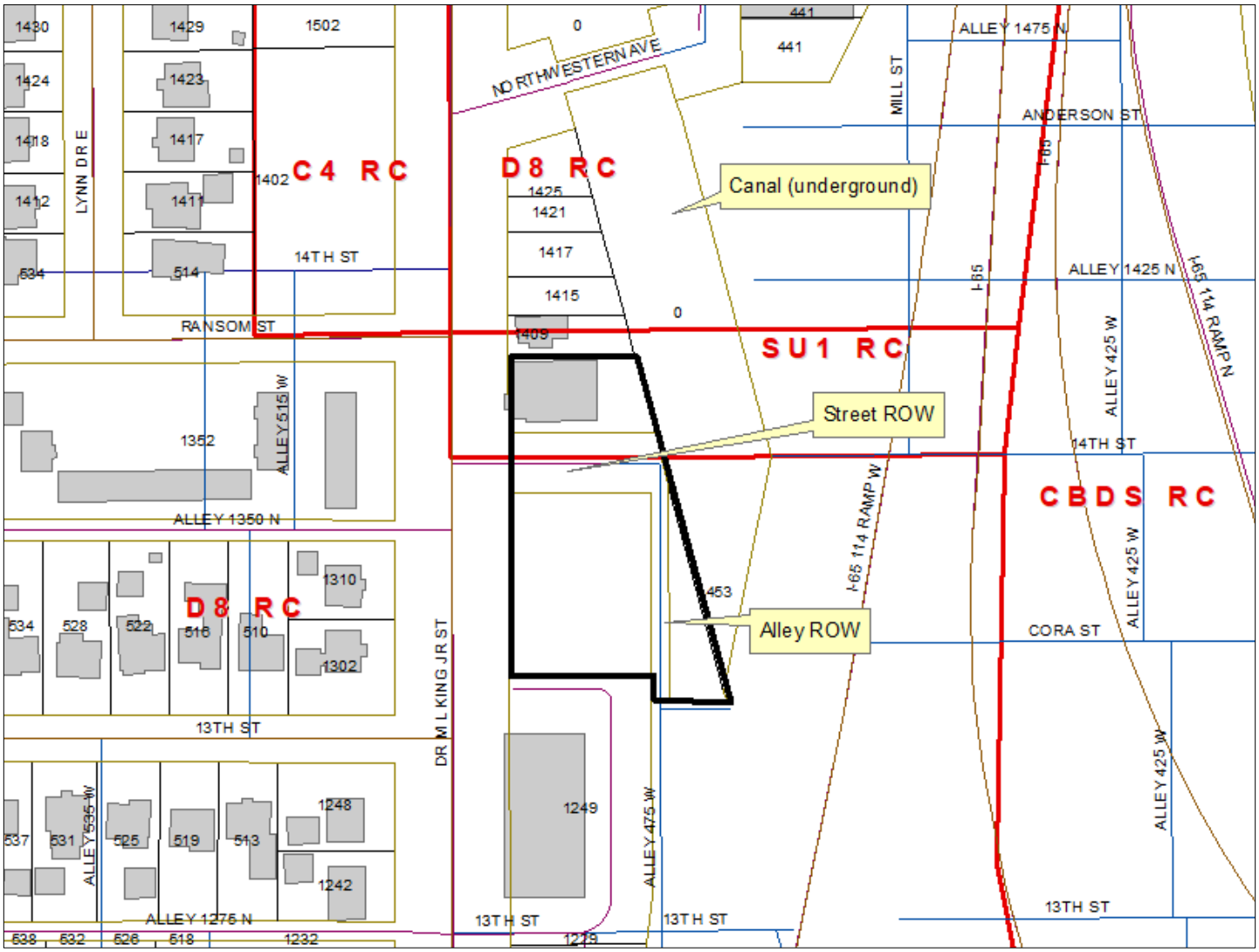
None

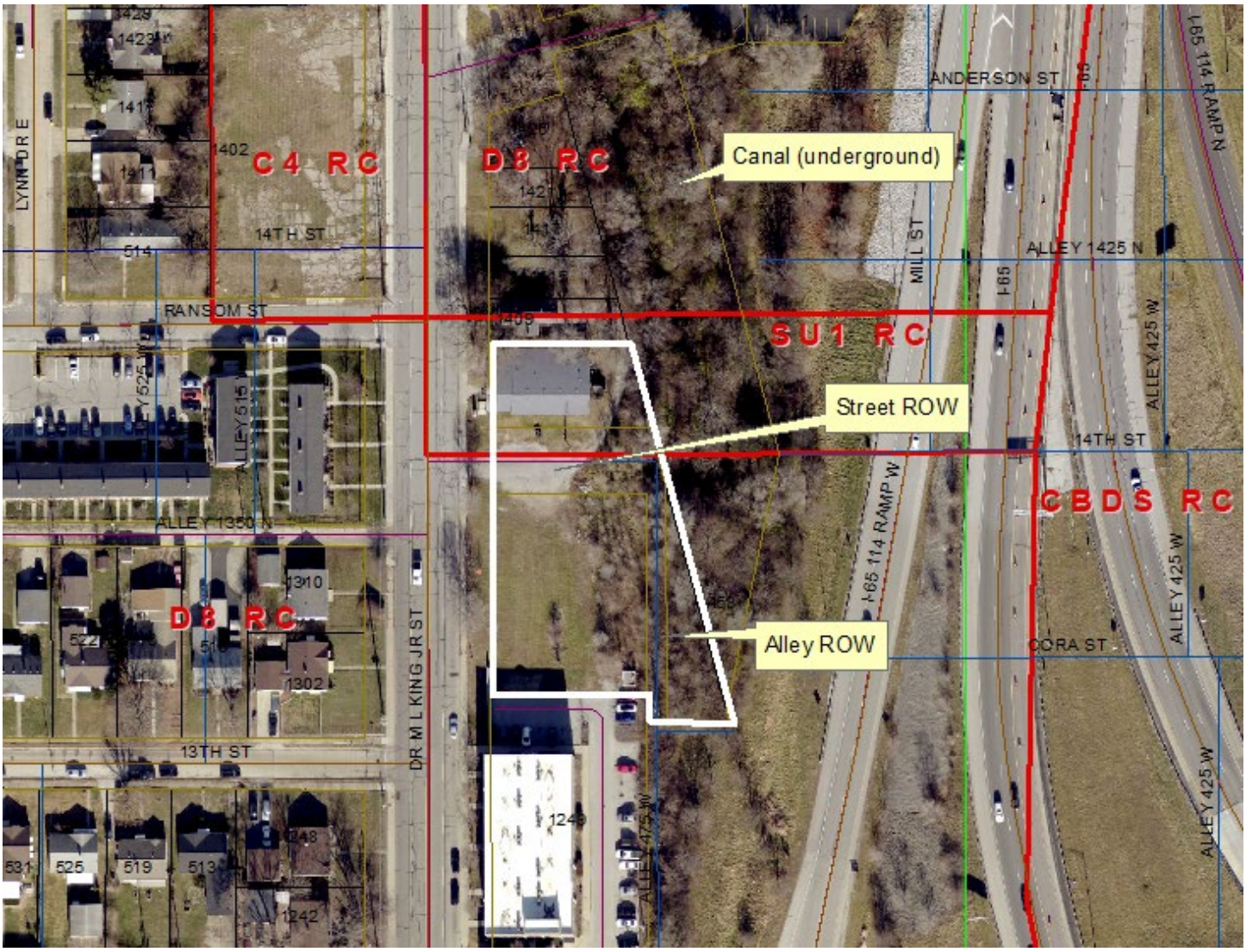
ZONING HISTORY – VICINITY

None.

JY ******

STAFF REPORT 2023-CZN-824 / 2023-CVC-824 - Exhibits




C4 RC
D8 RC
Canal (underground)
SU1 RC
Street ROW
CBDS RC
Alley ROW
D8 RC
ANDERSON ST
ALLEY 1425 N
14TH ST
RANSOM ST
ALLEY 1350 N
13TH ST
CORA ST
MILL ST
I-65
I-65 114 RAMP N
I-65 114 RAMP W
ALLEY 425 W
DR M L KING JR ST
LYNN DR E
1402
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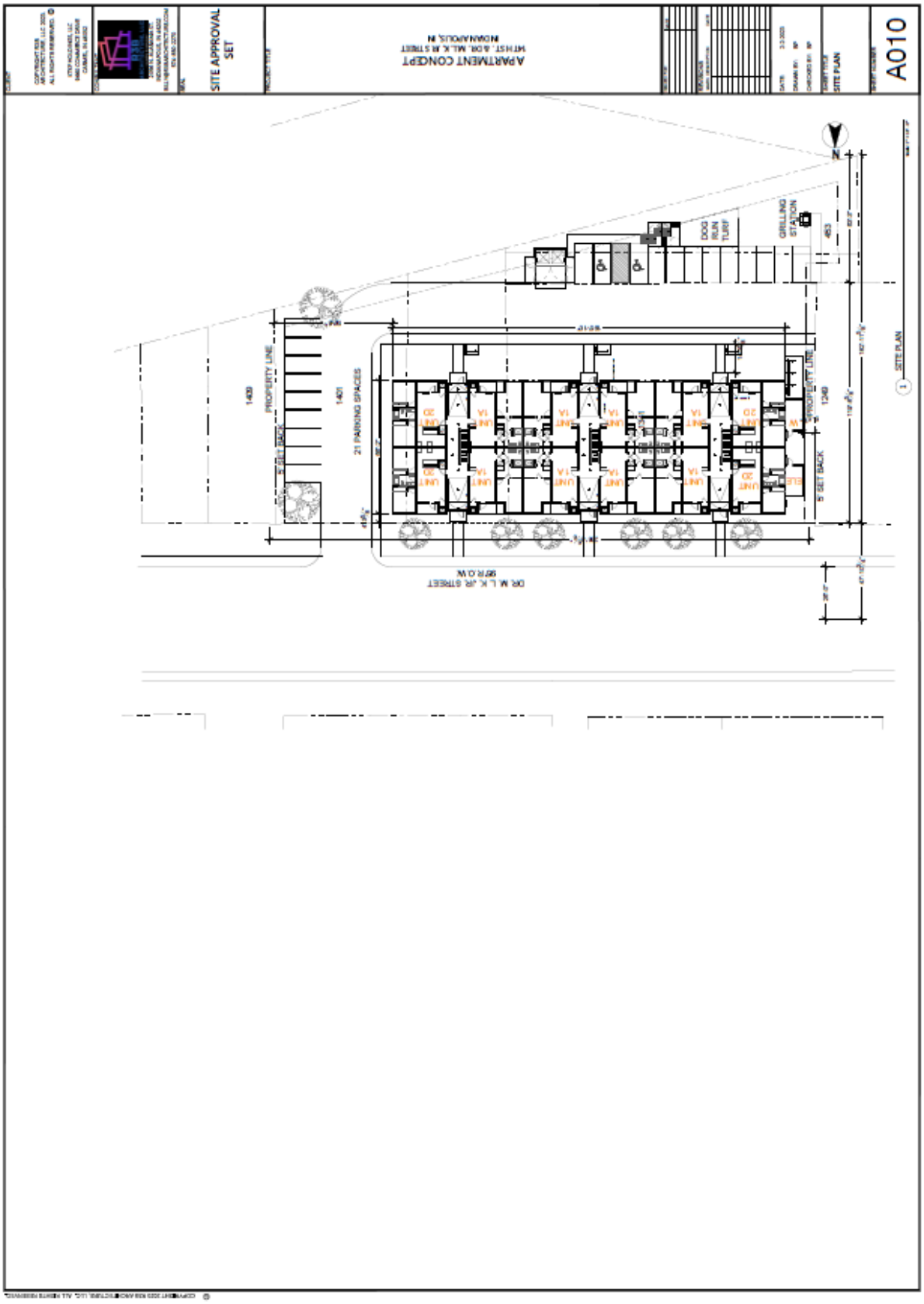
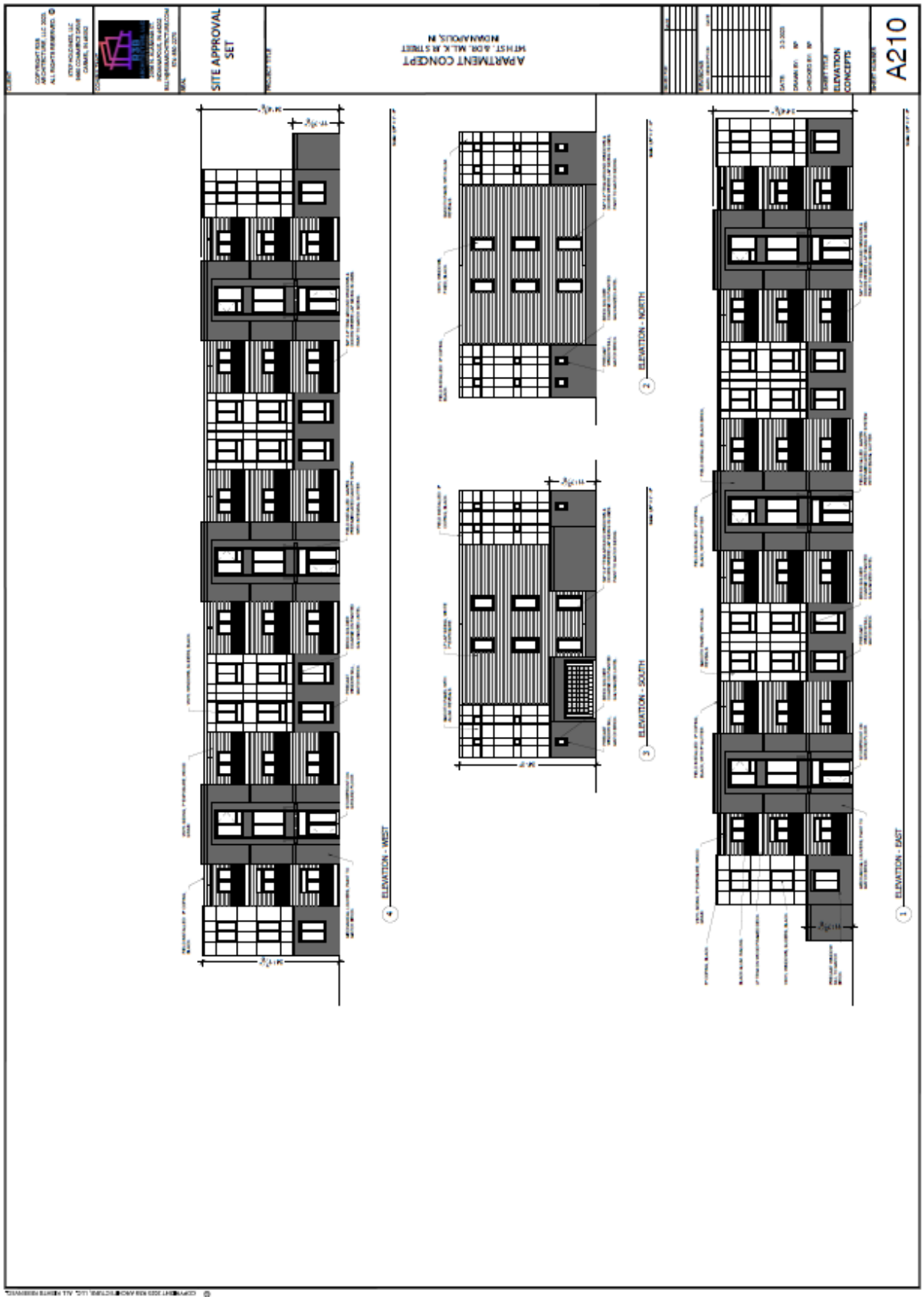
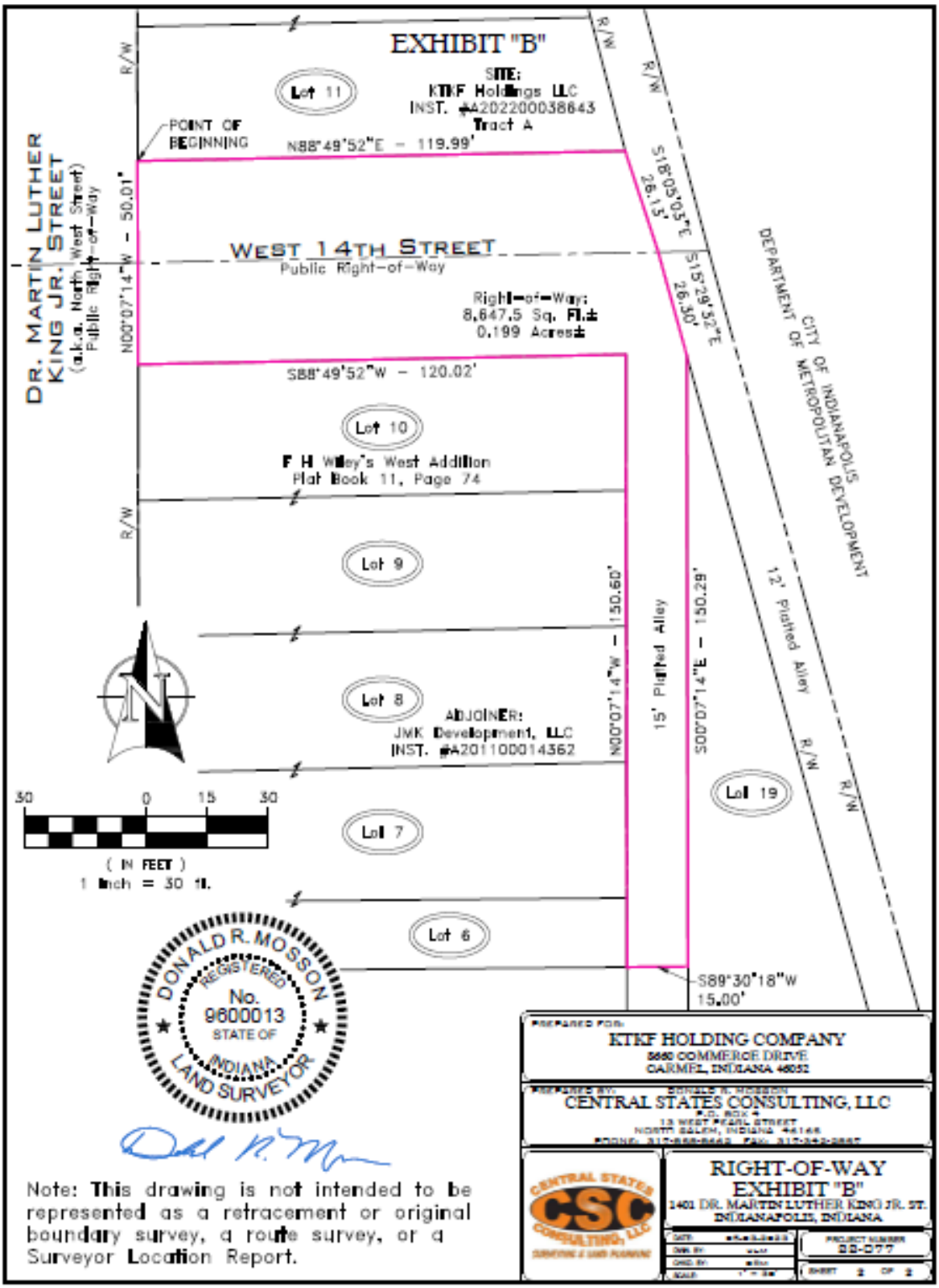

A010
SITE PLAN
SITE APPROVAL SET
APARTMENT CONCEPT
MT HST, & DR. MLK JR STREET
INDIANAPOLIS, IN
DR M L K JR STREET
90' R.O.W.
PROPERTY LINE
5' SET BACK
21 PARKING SPACES
UNIT 1A
UNIT 2D
DOG RUN TURF
GRILLING STATION
SITE PLAN


A210
ELEVATION CONCEPTS
SITE APPROVAL SET
APARTMENT CONCEPT
ELEVATION - EAST
ELEVATION - NORTH
ELEVATION - SOUTH
ELEVATION - WEST



Note: This drawing is not intended to be represented as a retracement or original boundary survey, a route survey, or a Surveyor Location Report.

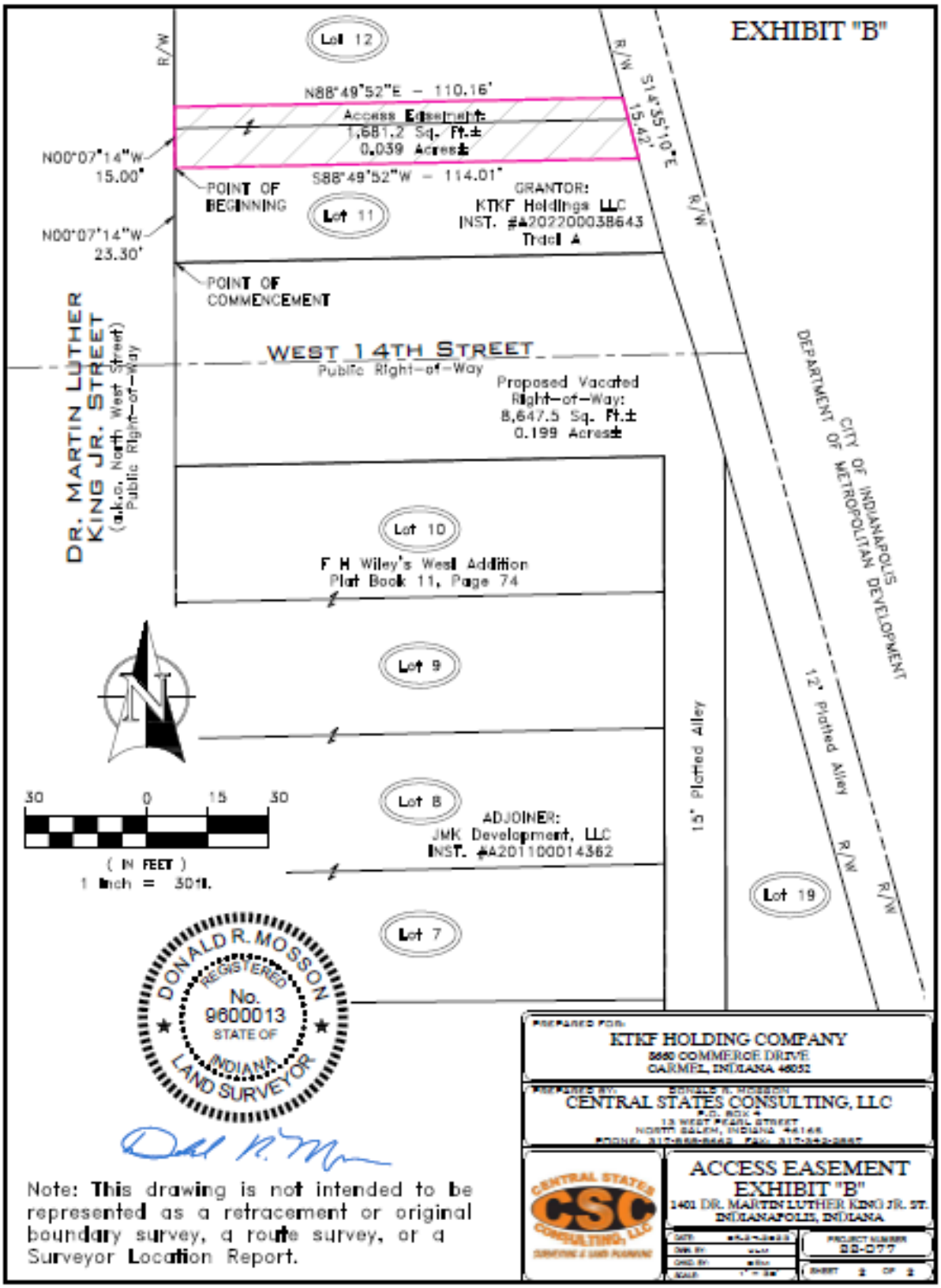
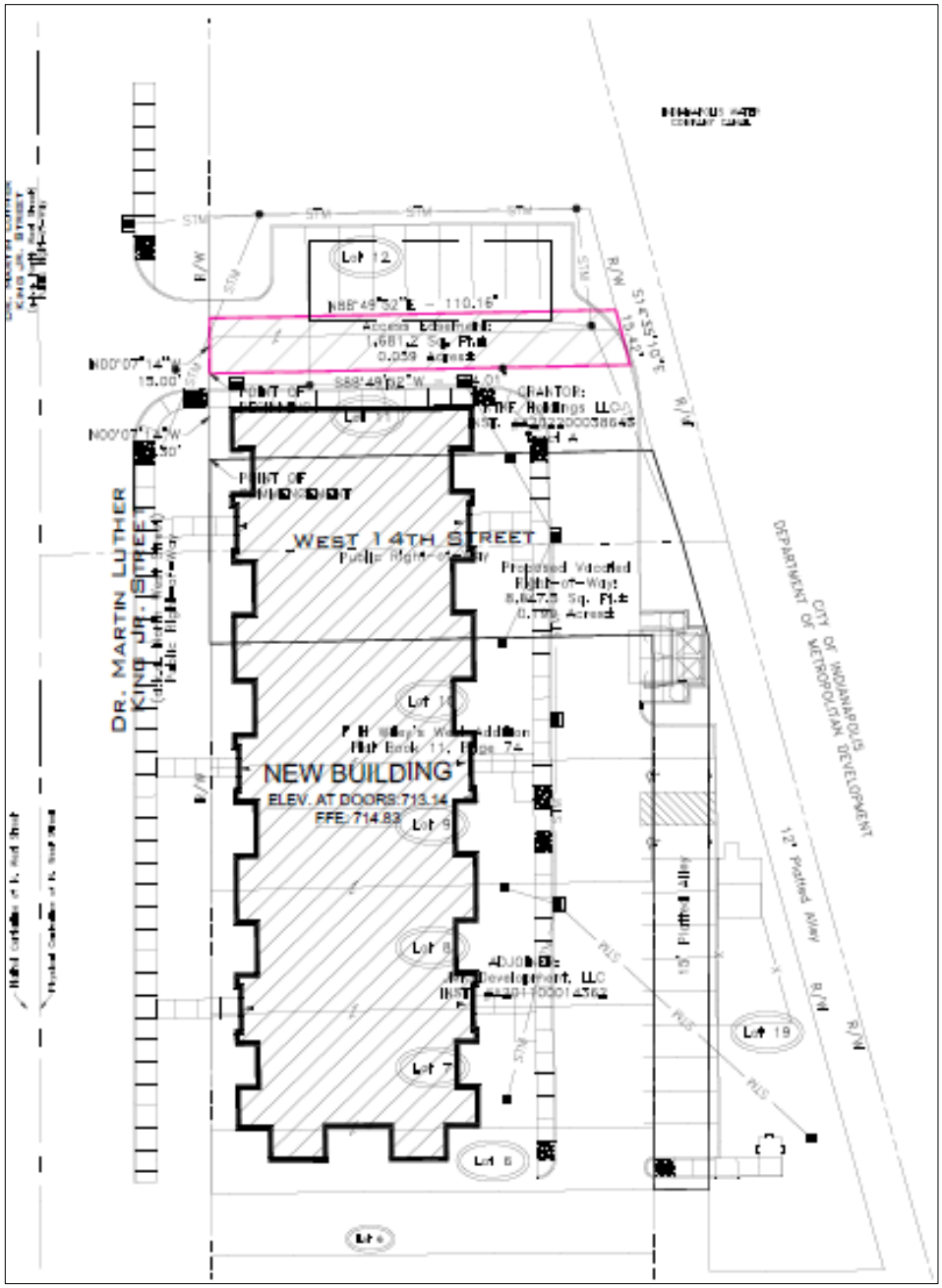


EXHIBIT "B"
Lot 12
R/W
N88°49'52"E – 110.16'
Access Easement
1,681.2 Sq. Ft.±
0.039 Acres±
S14°55'10"E
15.42'
N00°07'14"W
15.00'
POINT OF BEGINNING
S88°49'52"W – 114.01'
Lot 11
GRANTOR:
KTKF Holdings LLC
INST. #A202200038643
Tract A
N00°07'14"W
23.30'
POINT OF COMMENCEMENT
DR. MARTIN LUTHER KING JR. STREET
(a.k.a. North West Street)
Public Right-of-Way
WEST 14TH STREET
Public Right-of-Way
Proposed Vacated Right-of-Way:
8,647.5 Sq. Ft.±
0.199 Acres±
CITY OF INDIANAPOLIS
DEPARTMENT OF METROPOLITAN DEVELOPMENT
Lot 10
F H Wiley's West Addition
Plat Book 11, Page 74
Lot 9
15' Platted Alley
12' Platted Alley
30 0 15 30
(IN FEET)
1 inch = 30ft.
Lot 8
ADJOINER:
JMK Development, LLC
INST. #A2011000143 62
Lot 19
Lot 7
DONALD R. MOSSON
REGISTERED
No. 9600013
STATE OF INDIANA
LAND SURVEYOR
PREPARED FOR:
KTKF HOLDING COMPANY
5660 COMMERCE DRIVE
CARMEL, INDIANA 46032
PREPARED BY:
CENTRAL STATES CONSULTING, LLC
CSC
ACCESS EASEMENT
EXHIBIT "B"
1401 DR. MARTIN LUTHER KING JR. ST.
INDIANAPOLIS, INDIANA
PROJECT NUMBER
22-077
Note: This drawing is not intended to be represented as a retracement or original boundary survey, a route survey, or a Surveyor Location Report.



Proposed access easement location

STAFF REPORT 2023-CZN-824 / 2023-CVC-824 - Photos

Views of the site along Dr. Martin Luther King, Jr. Street looking south (top); interior to the site

Views of the existing church

View of portion of 14th Street to be vacated (top), Interior to the site

View of unimproved alley to be vacated

Existing drive to rear of property to the north

STAFF REPORT

Department of Metropolitan Development
Division of Planning
Current Planning Section

Case Number: **2023-CZN-834 / 2023-CVR-834 / 2023-CPL-834**
Address: **4202 East 10th Street and 1009 Gladstone Avenue (*Approximate Address)***
Location: **Center Township, Council District #12**
Petitioner: **Mountain Goat Properties, LLC, by Pat Rooney**
Request: **Rezoning of 0.134 acre from the C-4 district to the D-5II district.**

Variance of Development Standard of the Consolidated Zoning and Subdivision Ordinance to provide for a 2.8-foot front yard setback (10-19.9-foot required), a two-foot side setback (three-foot required) and a 0.4-foot rear setback (fifteen feet required) for proposed Lot 5A.

Variance of Development Standard of the Consolidated Zoning and Subdivision Ordinance to provide for a five-foot corner side setback (eight feet required) for proposed Lot 5B.

Approval of a Subdivision Plat, to be known as 10th St and Gladstone Ave Addition, dividing 0.134 acre into two lots.

RECOMMENDATIONS

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

The variances of development standards shall only apply to the existing structures.

Staff recommends that the Hearing Examiner **approve** and find that the plat, file-dated June 14, 2023, complies with the standards of the Subdivision regulations, subject to the following conditions:

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

(Continued)

2023-CZN-834 / 2023-CVR-834 / 2023-CPL-834 STAFF REPORT (Continued)

7. That the Sanitary Sewer Covenant (Section 741-704, of the Consolidated Zoning and Subdivision Ordinance) be affixed to the final plat, prior to recording.
8. That the Storm Drainage Covenant (Section 741-703, of the Consolidated Zoning and Subdivision Ordinance) be affixed to the final plat, prior to recording.
9. That the plat restrictions and covenants, done in accordance with the rezoning commitments, be submitted, prior to recording the final plat.
10. That all the standards related to secondary plat approval listed in Sections 741-207 and 741-208 of the Consolidated Zoning and Subdivision Ordinance are met, prior to the recording of the final plat.
11. That no new driveway curb cut shall be permitted for proposed Lot 5B.

SUMMARY OF ISSUES

The following issues were considered in formulating the recommendation:

LAND USE

◊ The subject site is zoned C-4 and developed with two dwellings; the original single-family dwelling to the south and a garage that has been converted into a single-family dwelling to the north.

◊ This petition would rezone the property to the D-5II district, subdivide the property into two lots, and legally establish the existing non-conforming setbacks as described in the body of this report.

REZONING

◊ This petition would rezone this site from the C-4 district to the D-5II district. This site has been used residentially since at least the 1920's. The rezoning would permit continued residential use of this site.

◊ The comprehensive plan recommends village mixed-use, which would support a variety of dwelling types, including detached housing. The D-5II district would permit single-family detached dwellings, and has a minimum lot area of 2,500 square feet.

VARIANCE OF DELOPMENT STANDARDS

◊ This petition would provide for a 2.8-foot front yard setback where a minimum of ten feet is required, a two-foot side setback where a minimum of three feet is required, and a 0.4-foot rear setback where a minimum of fifteen feet is required for proposed Lot 5A. These reduced setback requests are to legally establish the setbacks for an existing building, the garage that was converted into a dwelling. The structure has existed since at least the 1920's as shown on the historic Sanborn Map. Staff would not be opposed to a variance to legally establish a historic non-compliant structure.

(Continued)

2023-CZN-834 / 2023-CVR-834 / 2023-CPL-834 STAFF REPORT (Continued)

◊ This petition would provide for a five-foot corner side yard setback where eight feet is required for proposed Lot 5B. This request would legally establish the setbacks for the existing single-family dwelling. The structure has existed since at least the 1920's as shown on the historic Sanborn Map. Staff would not be opposed to a variance to legally establish a historic non-compliant structure

PLAT

◊ The plat would subdivide the subject site into two lots—Lots 5A and 5B. Lot 5A would be 2,600 square feet, and would contain the existing garage that was remodeled into a dwelling on the north. Lot 5B would be 3,228 square feet, and contain the existing dwelling on the south. The proposed plat meets the standards of the D-5II zoning classifications as proposed in the companion rezoning and variances.

TRAFFIC / STREETS

◊ Lot 5A would front on Gladstone Avenue to the west and have alley access on the north side yard. This site has an existing driveway to Gladstone Avenue. Lot 5B would front on East 10th Street to the south; it would also have corner side frontage on Gladstone Avenue. No new streets are proposed for this petition.

SIDEWALKS

◊ Sidewalks are existing on East 10th Street and Gladstone Avenue.

GENERAL INFORMATION

EXISTING ZONING, CONTEXT AREA, AND LAND USE

C-4	Compact	Residential

SURROUNDING ZONING AND LAND USE

North	D-5	Residential
South	C-4	Commercial
East	C-4	Residential
West	C-4	Commercial

COMPREHENSIVE LAND USE PLAN	Village Mixed-Use
THOROUGHFARE PLAN	East 10th Street is classified in the Official Thoroughfare Plan for Marion County, Indiana as a Primary Arterial, with a 55-foot existing and a 78-foot proposed right-of-way. Gladstone Avenue is classified in the Official Thoroughfare Plan for Marion County, Indiana as a Local Street, with a 50-foot existing and proposed right-of-way.
SITE PLAN	File-dated June 14, 2023
PRELIMINARY PLAT	File-dated June 14, 2023
FINDINGS OF FACT	File-dated June 14, 2023

(Continued)

2023-CZN-834 / 2023-CVR-834 / 2023-CPL-834 STAFF REPORT (Continued)

ZONING HISTORY – SITE

None

ZONING HISTORY – VICINITY

91-V2-45, 4226 East 10th Street, variance to legally establish an existing pole sign with less than the required fifteen-foot setback from the right-of-way of 10th Street, and an existing wall sign in excess of the 25 percent of the building façade, **approved.**

87-HOV-33, 4120 East 10th Street, variance to provide for a parking lot with parking spaces and an access drive located within the required transitional yard, **approved.**

84-V2-99, 4207 East 10th Street, variance to provide for the use of an existing building as an ice cream store without off-street parking**, approved.**

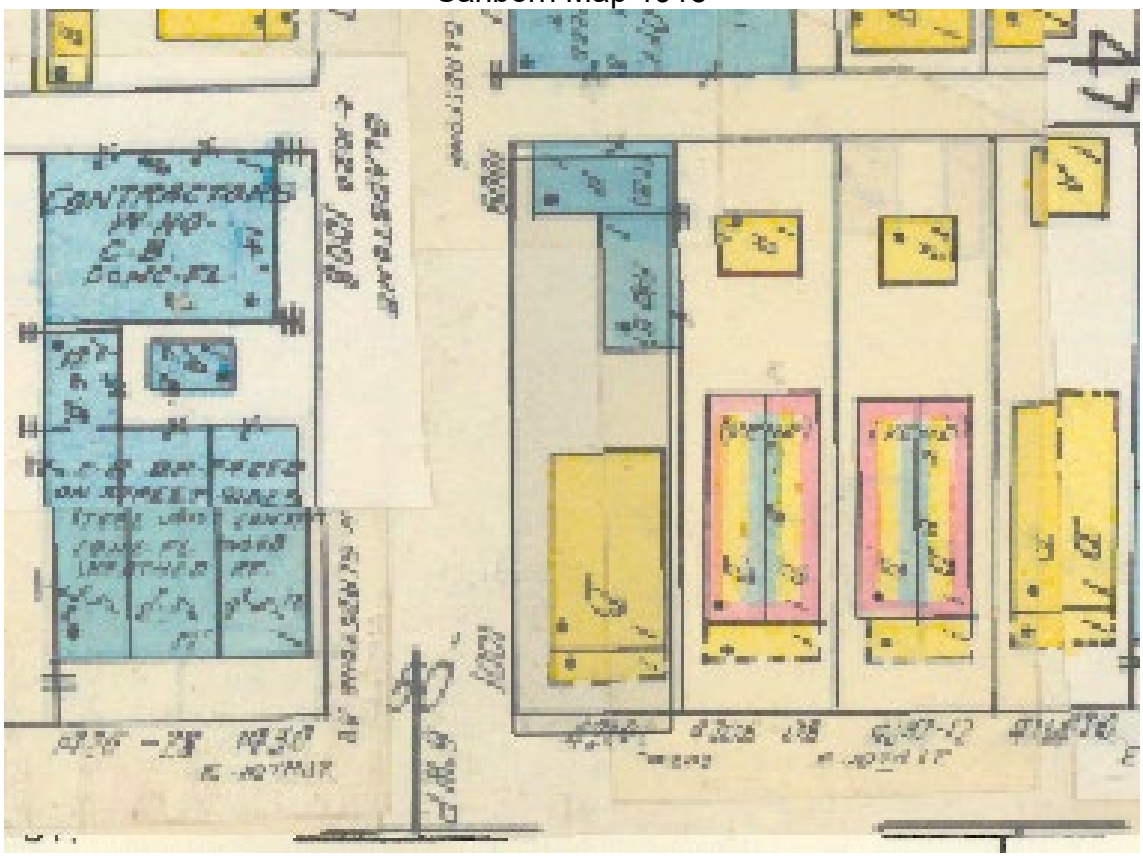
84-HOV-85, 4126, 4128, & 4130 East 10th Street, variance to provide for the use of an existing building for offices without the required off-street parking**, approved.**

38-V-203, 4101 East 10th Street, variance to provide for a retail storeroom building, **approved.**

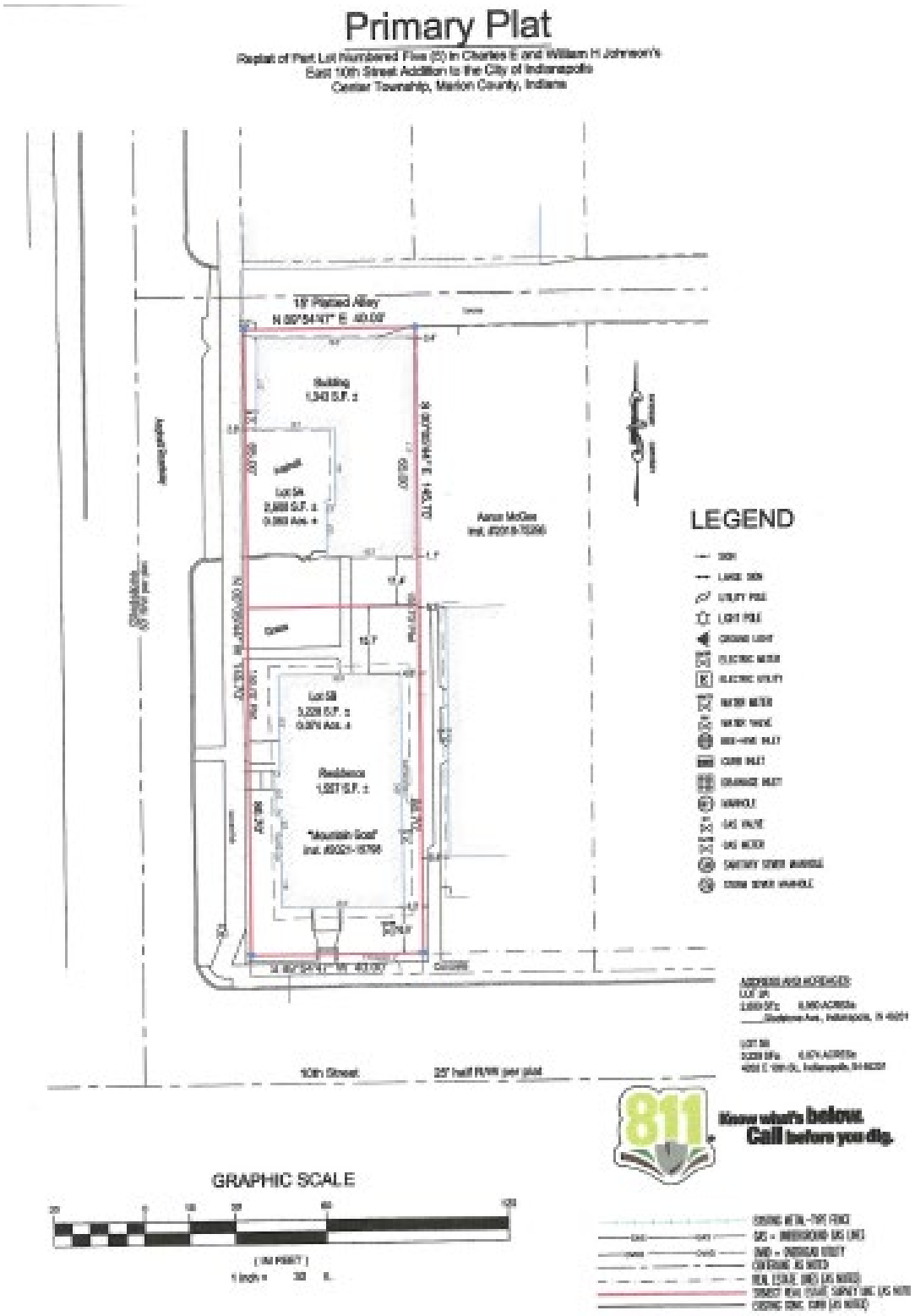
AR ****

2023-CZN-834 / 2023-CVR-834 / 2023-CPL-834 Aerial Map

Sanborn Map 1915



2023-CZN-834 / 2023-CVR-834 / 2023-CPL-834 Site Plan and Plat



Retracement Survey	Date Completed	Date Revised	Drawn/Checked
	4/13/2023		BMCK

Common Address: 4202 E 10th Street, Indianapolis, Indiana 46201

Client: Mountain Goat Properties

V3 Job No.: 200347 MP01 | Page 1 of 2 | Scale: 1" = 30'

Engineers Scientists

Overall Land Description
Lot Numbered Five (5) in Charles E. and William H Johnson's East 10th Street Addition to the City of Indianapolis as a plat thereof recorded in Plat Book 15, page 63 in the Office of the Recorder of Marion County, Indiana.
EXCEPT five feet by parallel lines off the entire South end of said lot, taken for the opening and widening of 10th Street.

Source of Title, Prepared for and Owned by:
Mountain Goat Properties, Jeremy Miller, 15434 Killeen Ct., Westfield, IN 46074

Instrument: 2023-15798
Marion County, Center Township, Indiana
State Parcel ID 840-87-09-119-212.000-101 Local Parcel #1037508

2023-CZN-834 / 2023-CVR-834 / 2023-CPL-834 Site Photos

Proposed Lot 5A Gladstone Avenue frontage, looking east

Proposed Lot 5A viewed from the alley, looking south

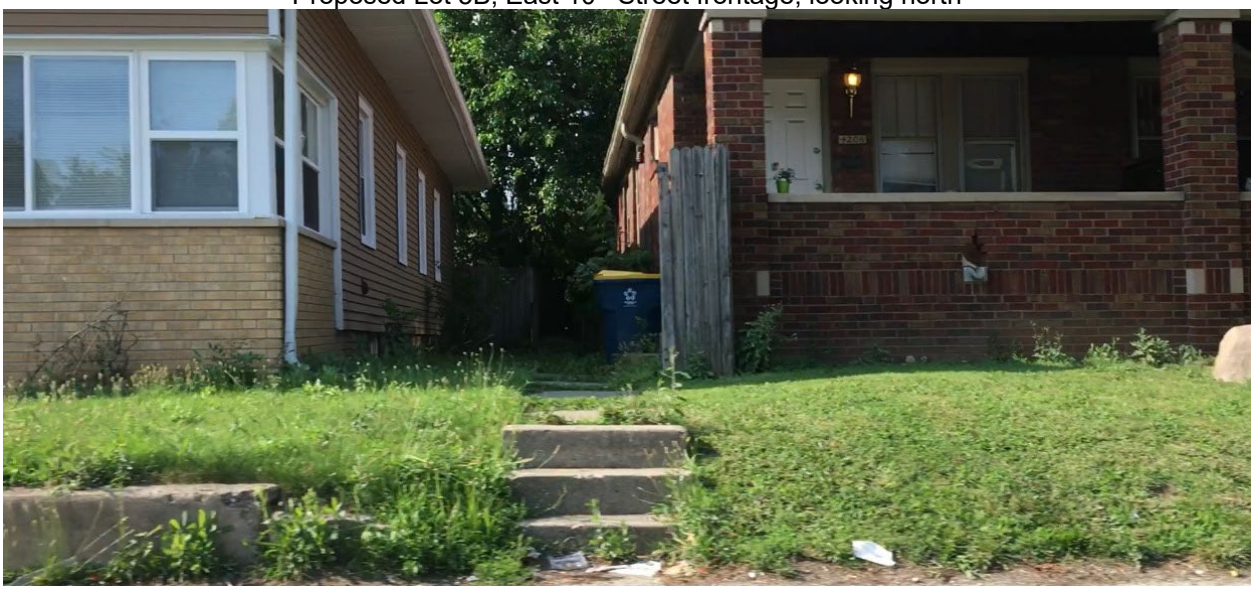
Proposed Lot 5A viewed from alley, looking west

Proposed Lot 5B Gladstone Avenue frontage, looking southeast

Proposed Lot 5B, corner side yard

View of Gladstone Avenue, looking north

Proposed Lot 5B, East 10th Street frontage, looking north



East side yard and east of site

East 10th Street frontage, looking northwest

STAFF REPORT

Department of Metropolitan Development
Division of Planning
Current Planning Section

Case Number:	**2023-CZN-835 / 2023-CVR-835**
Address:	**1100, 1106, 1110, 1114, 1118 and 1122 English Avenue (*Approximate Address)***
Location:	**Center Township, Council District #12**
Petitioner:	**Lexington Place, LLC / LP 2, LLC, by Luke Burrow**
Request:	**Rezoning of 0.54 acre from the C-1 and C-5 districts to the D-8 district.**
	Variance of Development Standard of the Consolidated Zoning and Subdivision Ordinance to provide for six, three-story, single-family dwellings (maximum 2.5-story dwellings permitted), a five-foot corner west side setback for 1100 English Avenue (eight feet required), and to provide for encroachment into the clear-sight triangle for 1100 and 1106 English Avenue.

RECOMMENDATIONS

Staff **recommends approval** of the rezoning 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 39-foot half right-of-way shall be dedicated along the frontage of English Avenue, as per the request of the Department of Public Works (DPW), Engineering Division. Additional easements shall not be granted to third parties within the area to be dedicated as public right-of-way prior to the acceptance of all grants of right-of-way by the DPW. The right-of-way shall be granted within 60 days of approval and prior to the issuance of an Improvement Location Permit (ILP).
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.
3. The site plan and elevations for each of the six dwellings shall be submitted for Administrator Approval prior to the issuance of an Improvement Location Permit (ILP).

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

SUMMARY OF ISSUES

The following issues were considered in formulating the recommendation:

(Continued)

LAND USE

◊ This 0.54-acre site, zoned C-1 and C-5, is comprised of six undeveloped parcels, It is surrounded by industrial uses to the north, zoned I-2; commercial uses, single-family dwellings and religious uses to the south across English Avenue, zoned C-5, D-8 and SU-1, respectively; a single-family dwelling to the east, zoned C-1; and a single-family dwelling to the west, across Shelby Street.

REZONING

◊ This request would rezone the site from the C-1 and C-5 Districts to the D-8 classification. "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."

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

◊ The Pattern Book lays out a land use classification system that guides the orderly development of the county, protects the character of neighborhoods and serves as a policy guide for development or redevelopment of a site.

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

Conditions for All Land Use Types

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

(Continued)

Conditions for All Housing

- A mix of housing types is encouraged.
- Should be within a one-mile distance (using streets, sidewalks, and/or off-street paths) of a school, playground, library, public greenway, or similar publicly-accessible recreational or cultural amenity that is available at no cost to the user.
- Primary structures should be no more than one and a half times the height of other adjacent primary structures.
- Should be oriented towards the street with a pedestrian connection from the front door(s) to the sidewalk. Driveways/parking areas do not qualify as a pedestrian connection.

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.

Infill Housing Guidelines

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

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

Site Configuration

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

Aesthetic Considerations

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

Additional Topics

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

(Continued)

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

◊ Because no elevations for the proposed single-family dwellings were submitted for review, staff would request that elevations for all the structures be submitted for Administrator Approval prior to the issuance of an Improvement Location Permit (ILP) to confirm that the proposed dwellings would be architecturally compatible and harmonious with the surrounding land uses and neighborhood character.

Department of Public Works

◊ The Department of Public Works, Traffic Engineering Section, has requested the dedication and conveyance of a 39-foot half right-of-way along English Avenue. This dedication would also be consistent with the Marion County Thoroughfare Plan.

Environmental Public Nuisances

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

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

◊ Environmental public nuisance means:

1. Vegetation on private or governmental property that is abandoned, neglected, disregarded or not cut, mown, or otherwise removed and that has attained a height of twelve (12) inches or more;

2. Vegetation, trees or woody growth on private property that, due to its proximity to any governmental property, right-of-way or easement, interferes with the public safety or lawful use of the governmental property, right-of-way or easement or that has been allowed to become a health or safety hazard;

3. A drainage or stormwater management facility as defined in Chapter 561 of this Code on private or governmental property, which facility has not been maintained as required by that chapter; or

(Continued)

4. Property that has accumulated litter or waste products, unless specifically authorized under existing laws and regulations, or that has otherwise been allowed to become a health or safety hazard.

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

VARIANCES OF DEVELOPMENT STANDARDS

◊ This request would provide for six, three-story, single-family dwellings when the maximum permitted height is 2.5 stories. The mass created by six three-story, dwellings would be totally incompatible and out of scale with the surrounding neighborhood. Staff, therefore, recommends denial of this variance request.

◊ This request would allow a five-foot corner west side setback for 1100 English Avenue. The Ordinance requires an eight-foot corner setback in order to provide appropriate visibility. Allowing encroachment into this corner setback would compromise the visibility and result in safety concerns for both pedestrians and vehicles. Consequently, staff recommends denial of this request.

◊ Closely related to the previous variance request is the request for encroachment into the clear-sight triangle for proposed dwellings addressed as 1100 and 1106 English Avenue**.** The clear sight triangle provides the visibility necessary at the intersection of streets for pedestrian and vehicular safety.

◊ For arterial streets, 120 feet from the intersection of streets is required to determine the encroachment of the triangle into this site. No site plan depicting the clear sight triangle was submitted. The staff report includes an approximate encroachment of this feature.

◊ This site is located at the northeast corner of two primary arterials (English Avenue and Shelby Street). Providing clear visibility at this intersection is of upmost necessity to ensure the safety of pedestrians and vehicles. Staff, therefore, strongly recommends denial of this variance.

Planning Analysis

◊ The request would be consistent with the Comprehensive Plan recommendation of traditional neighborhood typology and compatible with residential redevelopment occurring in the immediate area. Consequently, staff recommends approval of the rezoning request.

◊ Staff would note that historical maps indicate that the site was initially developed with single-family dwellings but through the intervening years, the structures have been removed. The 2016 aerial indicates that the site was cleared and has remained undeveloped since then.

◊ Staff, however, has strong concerns with the variance requests that would clearly compromise pedestrian and vehicular safety at this intersection.

(Continued)

◊ Furthermore, staff does not believe that the mass of six three-story dwellings would be compatible with the neighborhood and inconsistent with the Infill Housing Guidelines.

◊ Staff believes that the site could be developed in accordance with the Ordinance and provide appropriate pedestrian and vehicular safety, but the requested variances would result in over development of the site and compromise safety.

◊ As development on these sites occur, recommendations of the Pattern Book should be considered, as well as compliance with the Ordinance to mitigate negative impacts on surrounding residential development. In other words, development standards variances should be minimal and based on practical difficulty in the use of the property, rather than desires of the developer.

GENERAL INFORMATION

EXISTING ZONING AND LAND USE

	C-1 / C-5	Undeveloped

SURROUNDING ZONING AND LAND USE

North -	I-2	Industrial uses
South -	C-5 / d-8 / SU-1	Commercial uses, single-family dwelling, religious uses
East -	C-1	Single-family dwelling
West -	D-8	Single-family dwelling

COMPREHENSIVE PLAN	The Comprehensive Land Use Plan for Indianapolis and Marion County (2018) recommends traditional neighborhood typology. Marion County Land Use Pattern Book (2019). Infill Housing Guidelines (2021)
THOROUGHFARE PLAN	This portion of English Avenue is designated in the Marion County Thoroughfare Plan as a primary arterial, with an existing 60-foot right-of-way and a proposed 78-foot right-of-way. This portion of Shelby Street is designated in the Marion County Thoroughfare Plan as a primary arterial, with an existing 60-foot right-of-way and a proposed 56-foot right-of-way
CONTEXT AREA	This site in located within the compact context area.
OVERLAY	There is no overlay for this site.
SITE PLAN	File-dated June 21, 2023
FINDINGS OF FACT	File-dated June 21, 2023

(Continued)

ZONING HISTORY

2020-UV1-016; 1206, 1210 and 1222 English Avenue, requested a variance of use to provide for three single-family dwellings in a Commercial district, **withdrawn.**

2021-ZON-004; 1130, 1134, 1142, 1146, 1150, 1158, 1162, 1206, 1210, and 1222 English Avenue (east of site), requested rezoning of 0.99 acre from C-1 district to D-8 district, **approved.**

2018-CZN / CVR-868; 1236 English Avenue (east of site), requested rezoning of 0.25 acre from the C-1 district to the D-8 district and a variance of development standards for provide for deficient lot width, lot frontage, main floor area, open space, front and side setbacks and space between dwellings, **approved.**

2018-DV1-026; 1236 English Avenue (east of site), requested a variance of use for provide for single-family dwellings and a secondary dwelling in a Commercial district and a variance of development standards to provide for a deficient front transitional yard setback, **approved.**

2005-DV2-101; 1222, 1237 and 1247 Deloss Street (northeast of site), requested a variance of development standards to provide for parking and outdoor storage without hard surfacing, **approved.**

97-Z-86; 510 Laurel Street (south of site), requested rezoning of 9.96 acres from the C-1 and D-5 districts to the SU-2 district, **approved.**

83-V1-119; 1149 and 1201 Deloss Street (northeast of site), requested a variance of development standards to provide for loading in a front yard, **approved.**

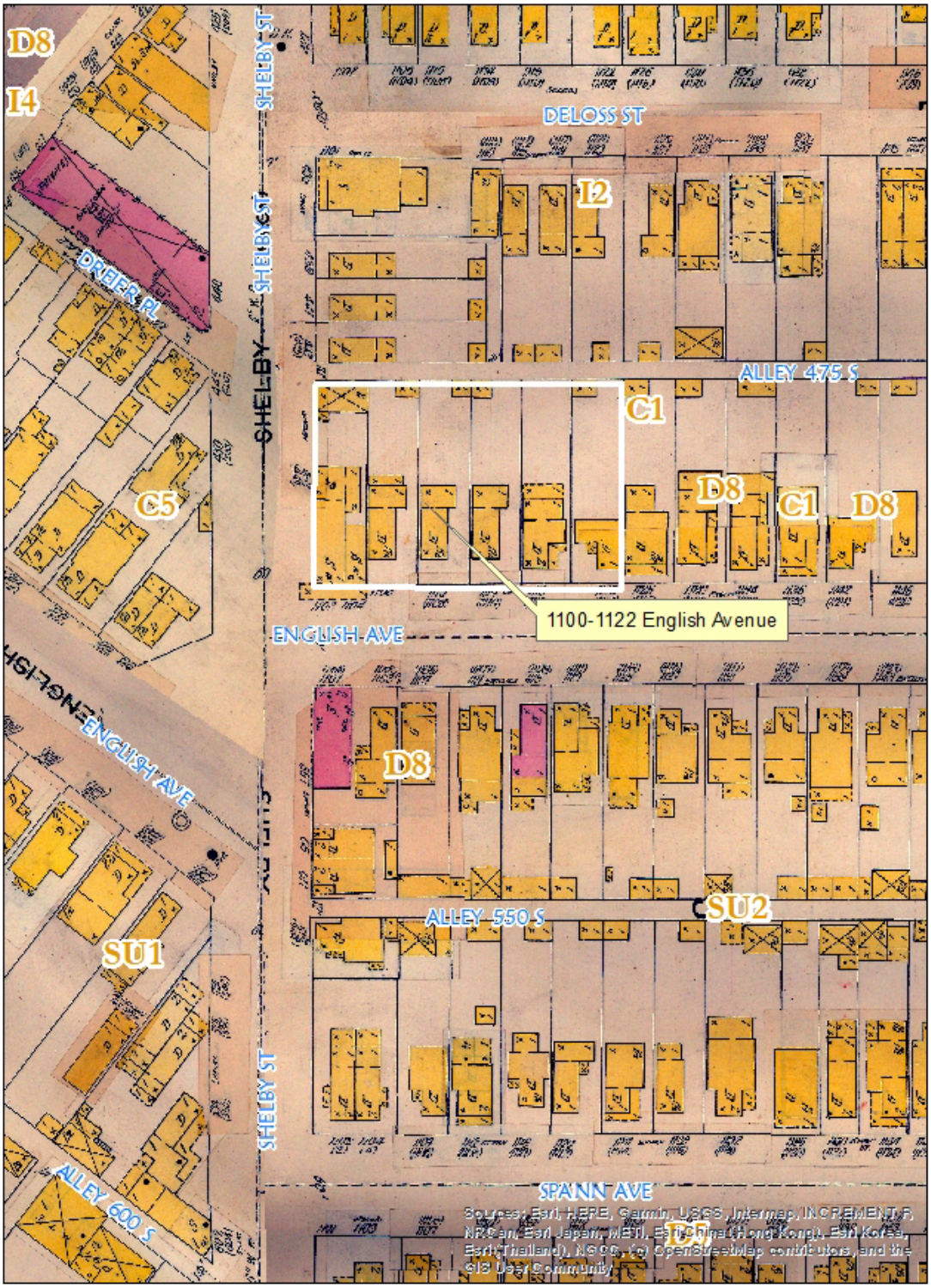
kb *******

1100-1122 English Avenue

N

0 0.0047 0.0095 0.019 0.0285 0.038 Miles

1898 Sanborn Map

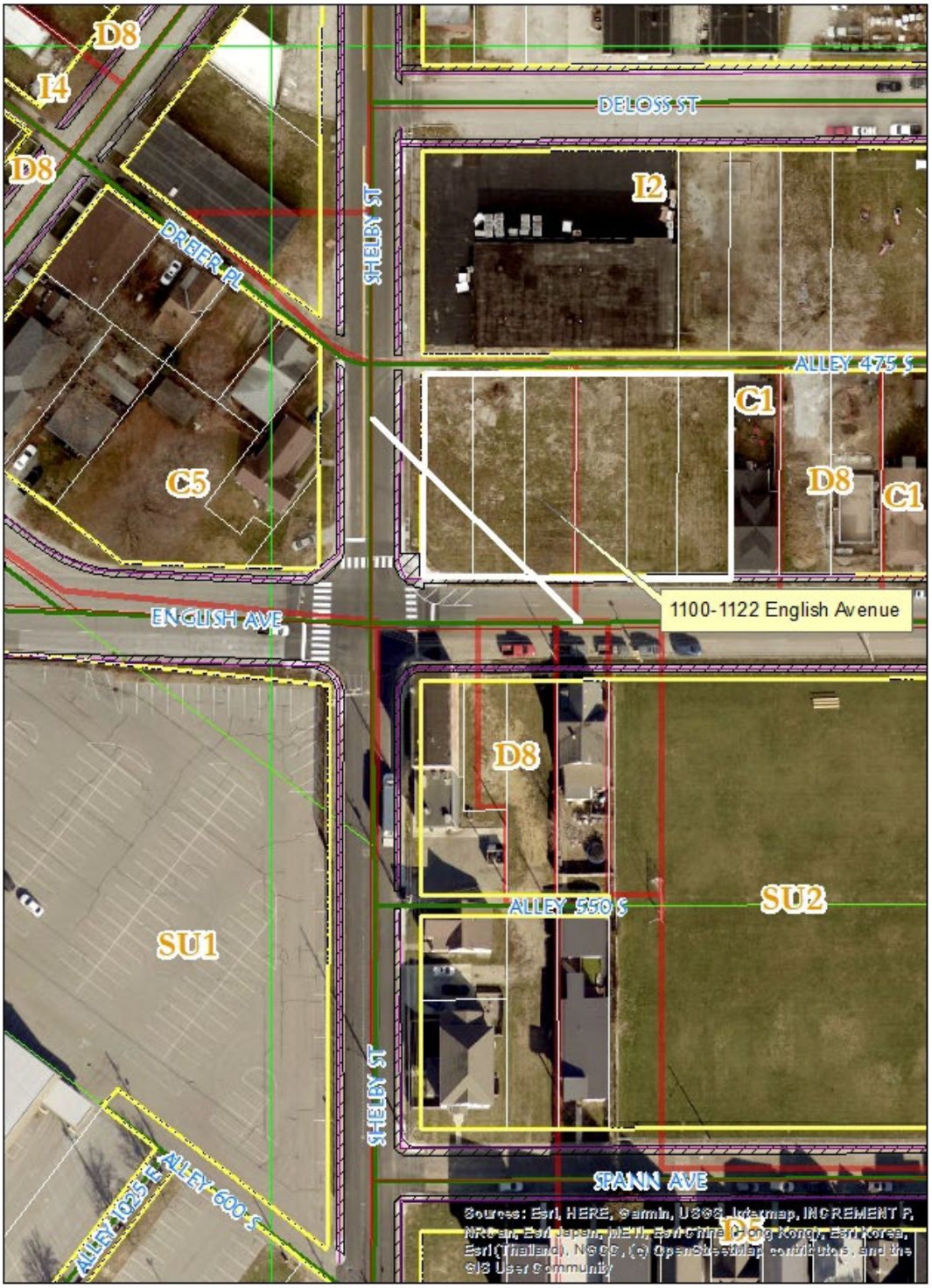


1100-1122 English Avenue

N

0 0.0047 0.0095 0.019 0.0285 0.038 Miles

Clear Sight Triangle



1100-1122 English Avenue

N

0 0.0047 0.0095 0.019 0.0285 0.038 Miles

800 Sq Ft Level - B
800 Sq Ft Level - 1
800 Sq Ft Level - 2
340 Sq Ft Level - 3 (Interior space)

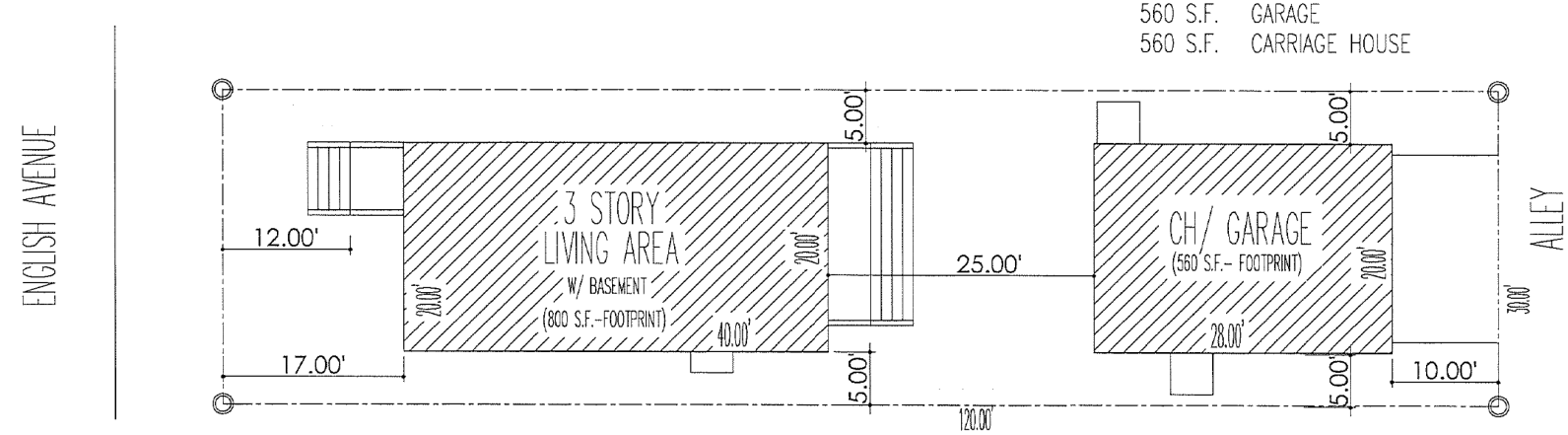
2740 Sq Ft Total

70 S.F. FRONT PORCH; L-1
100 S.F. REAR DECK; L-1

220 S.F. REAR DECK; L-3

560 S.F. GARAGE
560 S.F. CARRIAGE HOUSE

SITE PLAN A



TKW

NEW BUILDING FOR

1100 et. al. ENGLISH AVENUE

INDIANAPOLIS, IN 46203

t zai
architecture interiors
commercial & residential
P.O. BOX 53174 CINCINNATI, OH 45253
513.225.7320 tozaiarch@gmail.com
www.tOzaiArchitecture.com

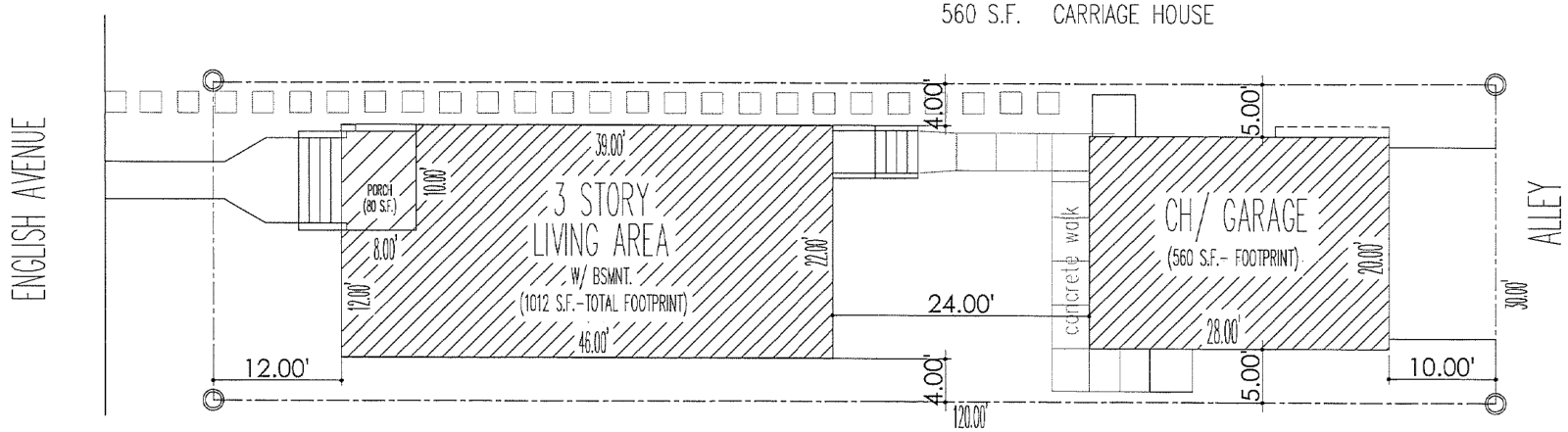
Project No.: 20DS034_ps
Issue Date: 3/11/22
Designed By: CSE
Drawn By: CSE
Checked By: TKW

CHARLES S. ELLIS
REGISTERED
No. AR19900078
ARCHITECT

A01
SITE PLAN
1"=10'-0"

SITE PLAN B

942 S.F.	LEVEL-B
942 S.F.	LEVEL-1
911 S.F.	LEVEL-2
424 S.F.	LEVEL-3
3219 S.F.	TOTAL (FINISHED LIVING AREA)
35 S.F.	FRONT PORCH; L-1
100 S.F.	REAR DECK; L-1
220 S.F.	REAR DECK; L-3
560 S.F.	GARAGE
560 S.F.	CARRIAGE HOUSE



TKW

NEW BUILDING FOR

1100 et. al. ENGLISH AVENUE

INDIANAPOLIS, IN 46203

tozai architecture interiors
commercial & residential
P.O. BOX 36659 CINCINNATI, OH 45236
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Project No.:	22DS055_cs
Issue Date:	03.27.2023
Designed By:	CSE/ TKW
Drawn By:	CSE/BKH/NBS
Checked By:	TKW

A01
SITE PLAN
1"=10'-0"

Petition Number _____

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

PETITION FOR VARIANCE OF DEVELOPMENT STANDARDS

FINDINGS OF FACT

1. The grant will not be injurious to the public health, safety, morals, and general welfare of the community because:
a new construction home will increase the general welfare of the community by adding new residents of and allow for continued growth of the surrounding neighborhood

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 value of the adjacent properties will ultimately increase becasue of the new construction by way of sales prices.

3. The strict application of the terms of the zoning ordinance will result in practical difficulties in the use of the property because:
Strict application would provide difficulty to maintain a consistent rythme and pattern of the block face as homes on this block face are 3 stories and maintain a home width of 20-22'. Furthermore, strict applicati site triangle would place the homes at 1100 and 1106 English too far back to be within the allowable fro

DECISION

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

Adopted this _____ day of _____ , 20 ____

_____ _____

_____ _____

_____

View looking east along Shelby Street

View looking south along Shelby Street – site on the left

View of site looking north across English Avenue

View of site looking northeast across English Avenue

View of site looking southeast from the east /west alley

View from site looking northeast across Shelby Street