



Metropolitan Development Commission Hearing Examiner (August 24, 2024) Meeting Agenda

Meeting Details

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

Date: Thursday, August 24, 2023

Time: 1:00 PM

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

Business:

Special Requests

PETITIONS REQUESTING TO BE CONTINUED:

- 1. 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 September 28, 2023**

- 2. 2023-ZON-042 | 3002 South Arlington Avenue**
Franklin Township, Council District #18
Vishavdeep Singh Cheema, by David Gilman

Rezoning of 5.52 acres from the D-A district to the I-2 district to provide for light industrial uses.

****Petitioner request for a continuance to September 28, 2023**

- 3. 2023-ZON-072 | 2143 and 2145 South Emerson Avenue**
Warren Township, Council District #18
Tropical Island, LLC, by David Kingen

Rezoning of 0.94 acre from the D-3 and SU-18 districts to the D-4 district to provide for residential uses.

****Petitioner request for a continuance to September 14, 2023**

- 4. 2023-ZON-073 | 8300 Camby Road**
Decatur Township, Council District #20
Second Circle Investments, LLC, by Andrew Rossell

Rezoning of 2.67 acres from the C-1 district to the C-3 district to provide for neighborhood commercial uses.

****Automatic Continuance filed by Registered Neighborhood Organization to September 28, 2023**

- 5. 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).

****Petitioner request for a continuance to October 26, 2023**

6. 2023-CVR-832 / 2023-CPL-832 | 2144 East 12th Street

Center Township, Council District #17

D-5

Bybee Holdings LLC, by Jynell D. Berkshire

Variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for the subdivision of a 5,700 square foot lot into two lots, with:

a) Lot One containing an area of 2,742 square feet (minimum 5,000 square feet of lot area required);

b) Lot Two containing an area of 2,968 square feet and a lot width of 27.82 feet (40-foot lot width required);

And the construction of a single-family dwelling on each lot, with:

c) The dwelling on Lot One having a 1.8-foot front yard setback from Jefferson Avenue and a five-foot rear yard setback (minimum 10-foot front setback, 20-foot rear yard setback required); and

d) The dwelling on Lot Two having a 5.1-foot rear yard setback.

Approval of a Subdivision Plat to be known as Bybee's 12th Street Addition, a replat of Lot 18 in Joseph A. Moore's Addition, subdividing 0.14 acre into two lots.

****Staff request for a continuance to September 28, 2023**

PETITIONS TO BE EXPEDITED:

7. 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.

8. 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.

9. 2023-APP-023 | 310 West 42nd Street (Amended)

Washington Township, Council District #7

PK-1

Indy Parks, by Ben Jackson

Park District One Approval to provide a new spray ground.

10. 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).

11. 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

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

12. 2023-CVR-841 / 2023-CPL-841 | 420 East 49th Street

Washington Township, Council District #7

Sami Abu-Rumman and Lamese Hasan, by Jynell D. Berkshire

D-4

Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for a 35-foot wide, 5,265-square foot lot and a 45-foot wide, 6,770-square foot lot (minimum 60-foot wide, 7,200-square foot lot required).

Approval of a Subdivision Plat, to be known as Awakenings at 49th Street (a replat of Lot 16 in Arthur V. Brown's East Meridian Heights Addition), subdividing 0.28 acre into two lots.

13. 2023-CZN-842 / 2023-CVR-842 | 2601 East New York Street and 239 North Temple Avenue

Center Township, Council District #17

Englewood Community Development Corporation, by Joseph D. Calderon

Rezoning of 0.76 acre from the MU-1 district to the D-8 district.

Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for rowhouses with 16-foot lot widths (20 feet required).

Petitions for Public Hearing

PETITIONS FOR PUBLIC HEARING (Continued Petitions):

14. 2022-CZN-867 (Amended) | 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.

15. 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).

16. 2023-CZN-834 / 2023-CVR-834 / 2023-CPL-834 | 4202 East 10th Street and 1009 Gladstone Avenue

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.

17. 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

Item 1.

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 petitioner has filed an approval petition, which will be docketed for the September 28, 2023 hearing, which impacts development of this site. Staff, therefore, is requesting a **continuance of this rezoning request to the September 28, 2023 hearing**, so that both petitions can be heard together.

The Hearing Examiner continued this petition from the from the June 29, 2023 hearing, to the July 27, 2023 hearing, and from the July 27, 2023 hearing, to the August 24, 2023 hearing, to provide time for the petitioner to submit an approval petition modifying commitments related to 89-Z-158.

The Hearing Examiner 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 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 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.

kb

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

Case Number: 2023-ZON-042
Address: 3002 South Arlington Avenue (*Approximate Addresses*)
Location: Franklin Township, Council District #18
Petitioner: Vishavdeep Singh Cheema, by David Gilman
Request: Rezoning of 5.52 acres from the D-A district to the I-2 district to provide for light industrial uses.

The petitioner has requested a **continuance from the August 24, 2023 hearing to the September 28, 2023 hearing** to allow further time for the petitioner to potentially amend the petition.

The petitioner requested and was granted a continuance from the July 13, 2023 hearing to the August 24, 2023 hearing to allow time for the petitioner to potentially amend the petition.

This petition was continued from the June 15, 2023 hearing to the July 13, 2023 hearing at the request of the petitioner to allow time for the petitioner to work with nearby interested parties.

klh

STAFF REPORT

Department of Metropolitan Development
Division of Planning
Current Planning Section

Case Number: 2023-ZON-072
Address: 2143 & 2145 South Emerson Avenue (*Approximate Address*)
Location: Warren Township, Council District #18
Petitioner: Tropical Island, LLC, by David Kingen
Request: Rezoning of 0.94 acre from the D-3 and SU-18 districts to the D-4 district to provide for residential uses.

The petitioner has requested a **continuance from the August 24, 2023 hearing to the September 14, 2023 hearing** to accommodate a scheduling conflict.

klh

STAFF REPORT

Item 4.

Department of Metropolitan Development
Division of Planning
Current Planning Section

Case Number: 2023-ZON-073
Address: 8300 Camby Road (*Approximate Addresses*)
Location: Decatur Township, Council District #20
Petitioner: Second Circle Investments, LLC, by Andrew Rossell
Request: Rezoning of 2.67 acres from the C-1 district to the C-3 district to provide for neighborhood commercial uses.

A registered neighborhood organization filed an automatic continuance that would **continue this petition from the August 24, 2023 hearing, to the September 28, 2023 hearing**. This would require acknowledgement from the Hearing Examiner.

kb

STAFF REPORT

Item 5.

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 petitioner's representative has requested a **continuance from the August 24, 2023 hearing, to the October 26, 2023 hearing**, to provide time for completion of the TOA and continued discussions with the neighborhood organization. Staff would have no objection to the continuance.

The Hearing Examiner continued these petitions from the July 27, 2023 hearing, to the August 24, 2023 hearing, at the request of staff to provide additional time for a Traffic Operations Analysis (TOA) to be conducted and submitted for review.

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

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.

kb

STAFF REPORT

Department of Metropolitan Development Division of Planning Current Planning Section

Case Number: 2023-CVR-832 / 2023-CPL-832 (Amended)
Address: 2144 East 12th Street (Approximate Addresses)
Location: Center Township, Council District #17
Zoning: D-5
Petitioner: Bybee Holdings LLC, by Jynell D. Berkshire
Request: Variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for the subdivision of a 5,700 square foot lot into two lots, with:

- a) Lot One containing an area of 2,742 square feet (minimum 5,000 square feet of lot area required);
- b) Lot Two containing an area of 2,968 square feet;

And the construction of a single-family dwelling on each lot, with:

- c) The dwelling on Lot One having a 1.8-foot front yard setback from Jefferson Avenue and a five-foot rear yard setback (minimum 10-foot front setback, 20-foot rear yard setback required); and
- d) The dwelling on Lot Two having a 5.1-foot rear yard setback.

Approval of a Subdivision Plat to be known as Bybee's 12th Street Addition, a replat of Lot 18 in Joseph A. Moore's Addition, subdividing 0.14 acre in to two lots.

August 24, 2023

Staff is requesting a continuance for cause **from the August 24, 2023 hearing to the September 28, 2023 hearing** for an amendment for a special exception to permit a manufactured home.

August 10, 2023

The petitioner has requested a continuance for cause **from the August 10, 2023 hearing to the August 24, 2023 hearing** to allow more time for revisions to the site plan per staff suggestion.

July 13, 2023

This petition was continued **from the July 13, 2023 to the August 10, 2023 hearing** to allow more time for revisions to the site plan.

AR

STAFF REPORT

Item 7.

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.

The Hearing Examiner acknowledged the automatic continuance filed by a registered neighborhood organization that continued this petition from the July 27, 2023 hearing to the August 24, 2023 hearing.

RECOMMENDATIONS

Staff **recommends approval** of the request, subject to compliance with the site plan and sign elevations both file-dated June 13, 2023.

SUMMARY OF ISSUES

The following issues were considered in formulating the recommendation:

LAND USE ISSUES

- ◇ This 0.67-acre site, zoned HD-2, is developed with a medical office building and surrounded by a medical office buildings to the north and east, zoned HD-2; a parking lot to the south, across Dugan Drive, zoned HD-1; and multi-family dwellings to the west, zoned HD-2.

HOSPITAL DISTRICT ONE APPROVAL

- ◇ The Ordinance classifies Hospital District One and Two as Development Plan Districts. "No use, building or structure shall hereafter be established, constructed or used on any land in a Development Plan district for any purpose, until a Site and Development Plan for such land, including the proposed use or uses, has been filed with and approved by the Commission in accordance with this zoning ordinance."
- ◇ "The Commission may consider and act upon any such proposed use and Site and Development Plan, approve the same in whole or in part, and impose additional development standards, requirements, conditions, or commitments thereon at any public hearing of the Commission."

(Continued)

- ◇ Land in the development plan districts is subject to the following site and development requirements. In review of the proposed Site and Development Plan, the Commission must assess whether the Site and Development Plan, proposed use, buildings and structures must:
 - a. Be so designed as to create a superior land development plan, in conformity with the Comprehensive Plan;
 - b. Create and maintain a desirable, efficient and economical use of land with high functional and aesthetic value, attractiveness and compatibility of land uses, within the development plan district and with adjacent uses;
 - c. Provide sufficient and adequate multi-modal access, such as parking and loading areas, transit provisions, and bicycle facilities;
 - d. Integrate a multi-modal transportation network using active and passive traffic control with the existing and planned public streets and interior roads;
 - e. Provide adequately for sanitation, drainage and public utilities in a sustainable, low-impact manner;
 - f. Allocate adequate sites for all uses proposed - the design, character, grade, location and orientation thereof to be appropriate for the uses proposed, logically related to existing and proposed topographical and other conditions, and consistent with the Comprehensive Plan; and
 - g. Provide pedestrian accessibility and connectivity, which may be paths, trails, sidewalks, or combination thereof. Pedestrian accessibility to available public transit must be provided. Sidewalks along eligible public streets consisting of the walkway and any curb ramps or blended transitions must be provided. If sidewalks are required to be installed, the Administrator or the Commission must be guided by the provisions of Section 744-304 for the installation of sidewalks.
- ◇ The Site and Development Plan must include layout and elevation plans for all proposed buildings and structures, and must indicate:
 - a. Proposed uses, buildings and structures.
 - b. All existing uses, buildings and structures, in addition to any proposed to be demolished.
 - c. Proposed buildings and structures and the use of each.
 - d. Elevations of all sides of each building.
 - e. Zoning and existing land uses of adjacent properties.
 - f. Off-street vehicle and bicycle parking layouts with summary table of the number of required off-street parking, loading, and stacking spaces.
- ◇ This request would provide for Hospital District Two approval to provide for a building wall sign.
- ◇ As proposed, sign would be 20.25 feet by 4.25 feet (approximately 90 square feet) consisting of face lit channel letters mounted on the south façade of the existing building.
- ◇ The sign would replace a wall sign on the south building facade. The sign would have minimal impact on adjacent uses, as it would be approximately 283 feet north of Dugan Road with a intervening parking lot and not visible from the residential development further west on Dugan Road.

(Continued)

- ◇ Because the design of the proposed sign would successfully complement the site's existing architecture and signage; because the scale and placement of the proposed sign would be proportionate to that of the building; and because the sign would meet the requirements of the Sign Regulations, staff recommends approval of this request.
- ◇ Staff also believes the sign would be consistent and compatible with the existing signage throughout the hospital campus and surrounding areas, be unobtrusive and provide appropriate way finding identification of this medical office.

GENERAL INFORMATION**EXISTING ZONING AND LAND USE**

HD-2

Medical office building / parking lot

SURROUNDING ZONING AND LAND USE

North - HD-2

Medical offices

South - HD-1

Parking lot

East - HD-2

Medical offices

West - HD-2

Multi-family dwellings

**COMPREHENSIVE LAND USE
PLAN**

The Comprehensive Plan for Washington Township (2005) recommends institution-oriented mixed-use.

THOROUGHFARE PLAN

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

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

CONTEXT AREA

This site is located within the metro context area.

OVERLAY

There is no overlay for this site.

SITE PLANS

File-dated June 13, 2023

SIGN ELEVATIONS

File-dated June 13, 2023

FINDINGS OF FACT

File-dated June 13, 2023

(Continued)

ZONING HISTORY

2015-APP-006; 8220, 8240 and 8260 Naab Road, requested Hospital District-Two Approval to provide for an 11-foot tall, 56-square foot pylon sign, **approved**.

96-AP-108; 8260 Naab Road, requested hospital district approval to provide for the construction of a 23,000 square-foot medical surgery center, **approved**.

VICINITY

2013-APP-008; 8326 Naab Road, requested hospital district approval to provide an approximately 35,400-square foot medical office building, with a medical clinic, **approved**.

2011-APP-009; 8220 Naab Road, requests hospital district approval to provide 120.79-square foot wall sign, **approved**.

2005-APP-054, 8414 Naab Road; requested Hospital District Two approval to provide for the construction of a two-story, 88,809-square foot medical pavilion building with 445 parking spaces and a four-foot tall, 40-square foot ground sign, **approved**.

94-AP-104; 8333 Naab Road, requested hospital district approval to provide for three wall signs to be placed on an existing medical office building, **approved**.

91-AP-65; 8220 & 8240 Naab Road, requested hospital district approval to provide for two wall signs to be placed on each side of the building, **approved**.

90-AP-24; 8240 Naab Road, requested hospital district approval to provide for the remodeling of an existing three-story office building and the construction of two new office buildings with two ground signs and wall signs, **approved**.

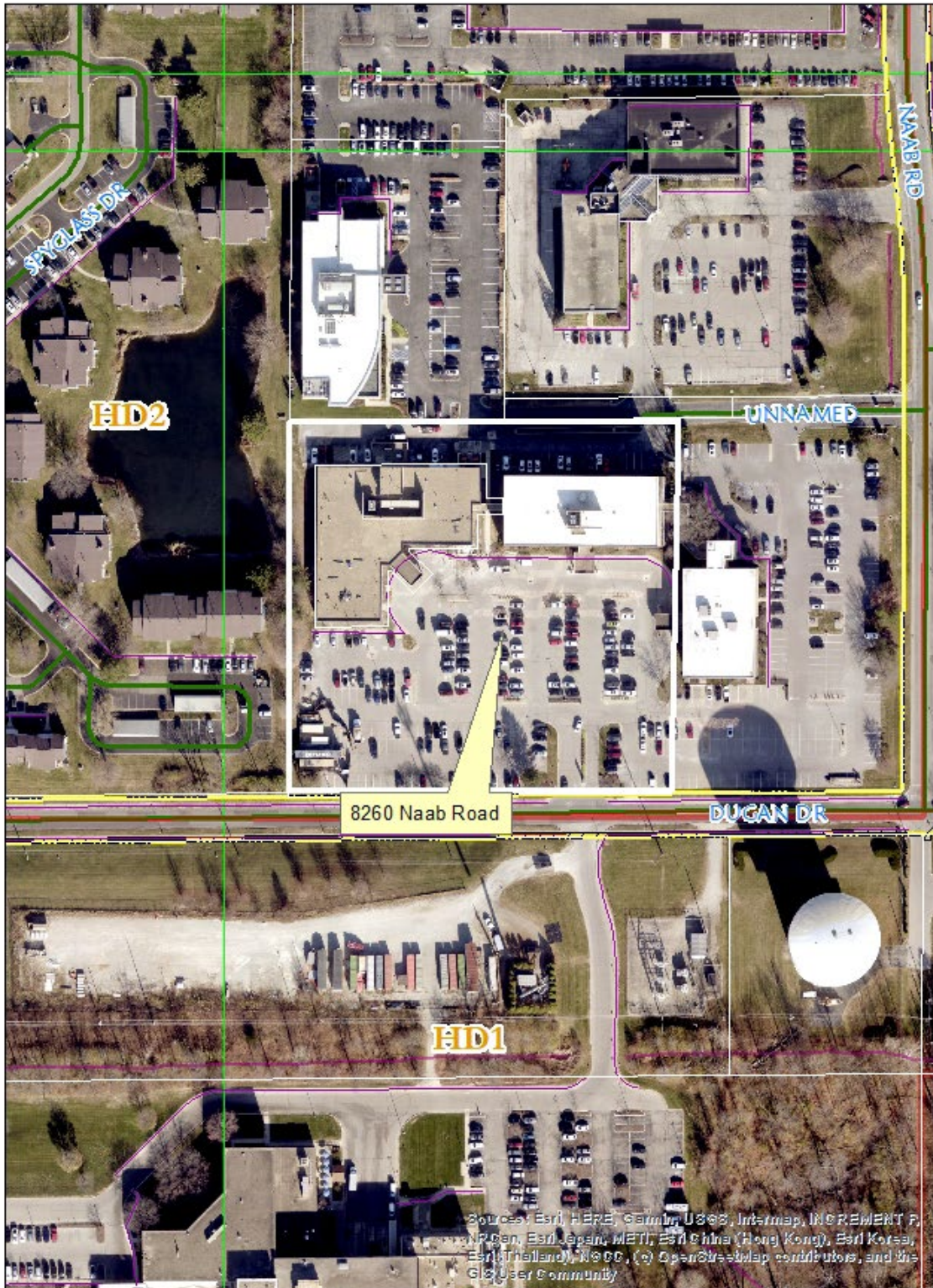
87-AP-243; 8414 Naab Road, requested hospital district approval to provide for an addition to be used for a barber and beauty shop for the nursing home residents, **approved**.

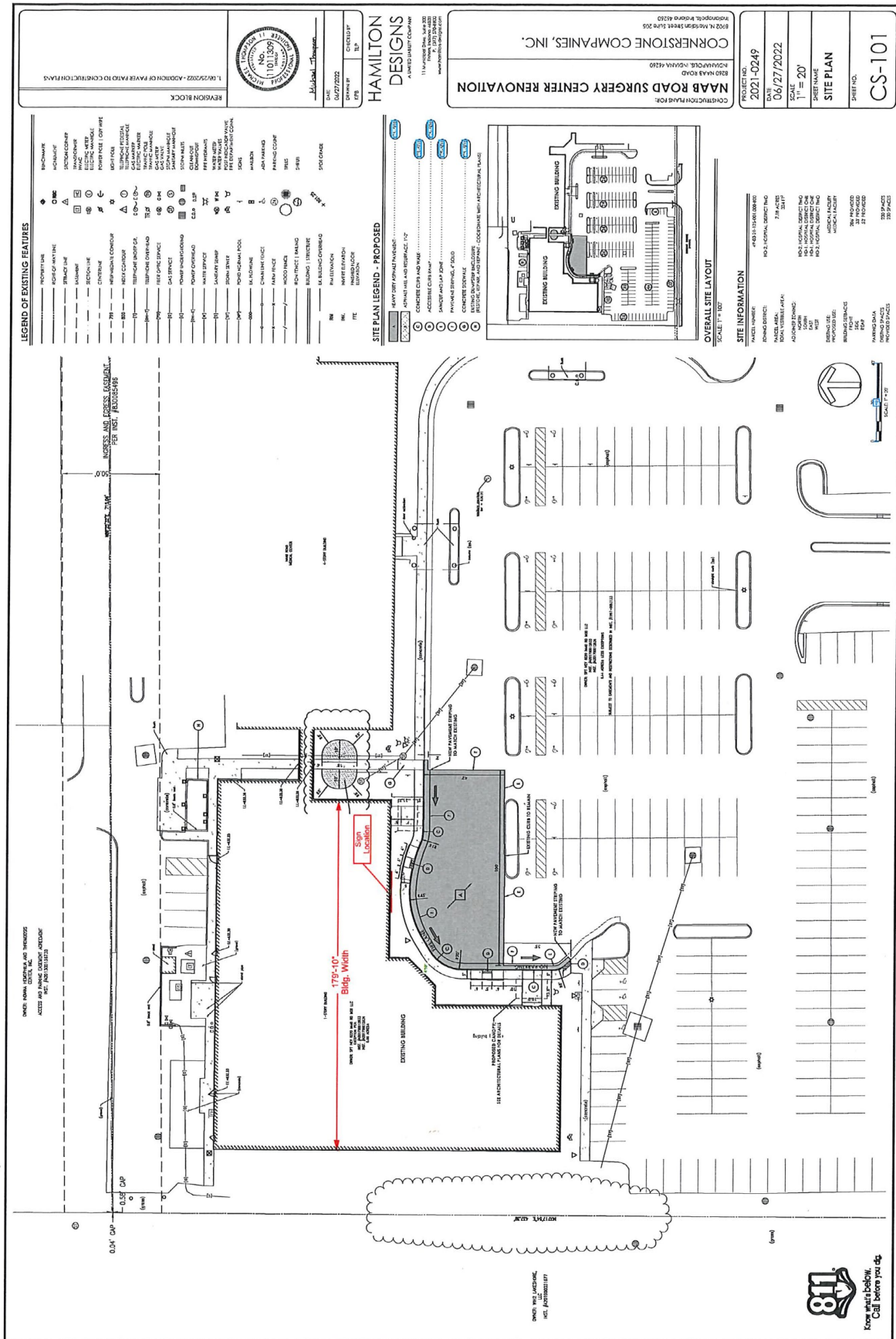
85-AP-184; 8330 Naab Road, requested hospital district approval to provide for the remodeling of a 30,000 square-foot medical office building and the construction of a 25,000 square-foot medical office building, **approved**.

84-AP-201; 8124 Naab Road, requested hospital district approval to provide for the construction of the third phase of the Heather Glen Medical Facility, **approved**.

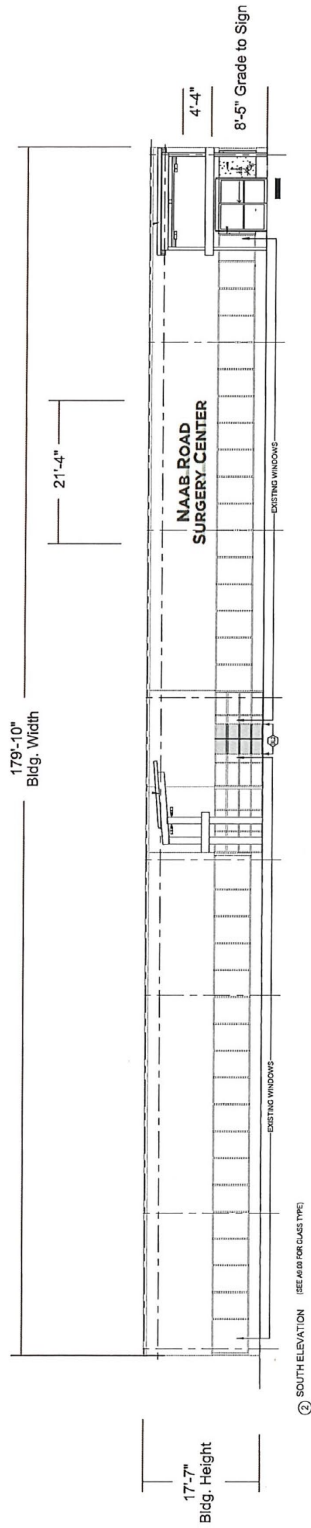
77-AP-96; 8220 Naab Road, requested hospital district approval to provide for a three-story medical office building, **approved**.


kb





South Elevation





STALEY SIGNS
SINCE 1908
PO. Box 513 Indianapolis, Indiana 46206
Tel: 317.637.4567 • Fax: 317.221.0123
<http://www.staleysigns.com/>

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Customer: **Naab Road Surgery Center**

Project: **Wall Sign and Address**

Date: **06-06-2023** By: **D. Staley Jr.**

Notes:

- Orders placed are representative only, and are not intended for purposes of exact matching.

Page
1 of 3

Options:

Scale: **1/16" = 1'-0"**

South Elevation

21'-4"



NAAB ROAD
SURGERY CENTER

4'-4"

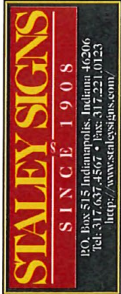
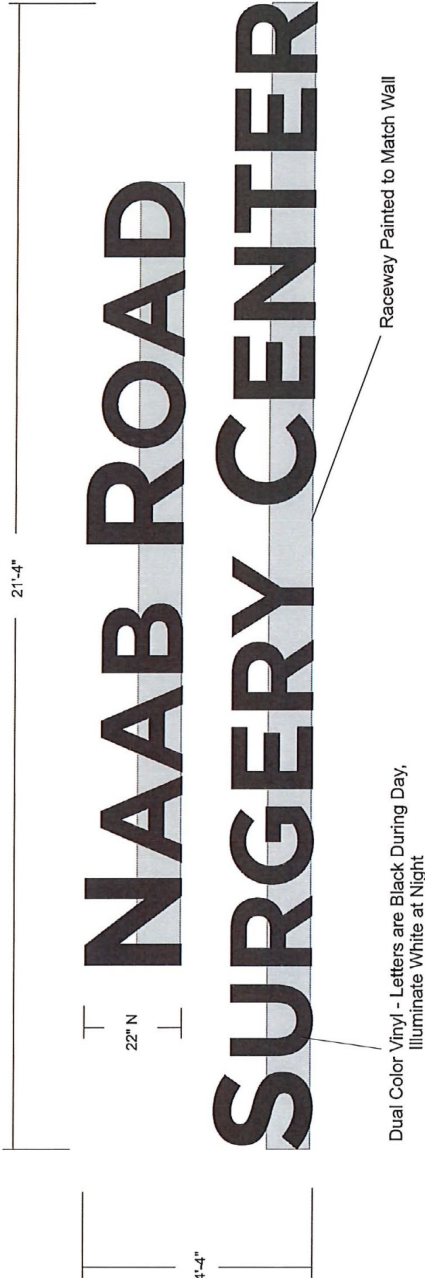
STALEY SIGNS
SINCE 1908
P.O. Box 515 Indianapolis, Indiana 46206
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Customer:	Naab Road Surgery Center	Notes:	Page
Project:	Wall Sign and Address	• Colors shown are representative only and are not intended for purposes of exact matching.	2 of 3
Date:	06-06-2023	By: D. Staley Jr.	Option:
			Scale: 1/8" = 1'-0"

South Elevation

Illuminated Channel Letters - Face-Lit



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Customer: Naab Road Surgery Center	Notice: All drawings are representative only and are not intended for purposes of exact rendering.	Page 3 of 3
Project: Wall Sign and Address	Options:	
Date: 06-06-2023	By: D. Staley Jr.	Scale: 1/2" = 1'-0"

Petition Number _____

**METROPOLITAN DEVELOPMENT COMMISSION
OF MARION COUNTY, INDIANA
PETITION FOR UNIVERSITY QUARTER ONE/TWO APPROVAL
PETITION FOR PARK DISTRICT ONE/TWO APPROVAL
PETITION FOR HOSPITAL DISTRICT ONE/TWO APPROVAL**

FINDINGS OF FACT

The Metropolitan Development Commission finds that the site and development plan file-dated _____, 20____

A. Has been designed to create a superior land development plan, in conformity with the Comprehensive Plan because:

This petition is for a wall sign on an approved Surgery Center use in a Hospital District.

B. Creates and maintains a desirable, efficient and economical use of land with high functional and aesthetic value, attractiveness and compatibility of land uses, within the development plan district and with adjacent uses because:

The proposed wall sign complies with sign regulations and consists of high quality individual, channel letters. The proposed sign specifications, colors, and position compliment the architecture of the building.

C. Provides sufficient and adequate multi-modal access, such as parking and loading areas, transit provisions, and bicycle facilities because:

Not applicable because this petition is for a wall sign on an approved Surgery Center use in a Hospital District.

D. Integrates a multi-modal transportation network using active and passive traffic control with the existing and planned public streets and interior roads because:

Not applicable because this petition is for a wall sign on an approved Surgery Center use in a Hospital District.

E. Provides adequately for sanitation, drainage, and public utilities in a sustainable, low-impact manner because:

Not applicable because this petition is for a wall sign on an approved Surgery Center use in a Hospital District.

F. Allocates 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, because:

Not applicable because this petition is for a wall sign on an approved Surgery Center use in a Hospital District.

G. Provides pedestrian accessibility and connectivity, which may be paths, trails, sidewalks (If sidewalks are required to be installed, the Administrator or the Commission must be guided by provisions of Section 744-304 for the installation of sidewalks), or combination thereof; provides pedestrian accessibility to available public transit; and provides sidewalks along eligible public streets consisting of the walkway and any curb ramps or blended transitions because:

Not applicable because this petition is for a wall sign on an approved Surgery Center use in a Hospital District.

DECISION

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

Adopted this _____ day of _____, 20 ____

Commission President/ Secretary



View of site looking north across parking lot



View of building façade where wall sign would be installed



View site looking north at adjacent medical office building to the east



View from site parking lot looking northeast at adjacent medical office building



View from site parking lot looking southeast



View from site parking lot looking south



View of pylon sign looking east across site access drive

STAFF REPORT

Item 8.

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.

The Hearing Examiner acknowledged the automatic continuance filed by a registered neighborhood organization that continued this petition from the July 27, 2023 hearing, to the August 24, 2023 hearing.

RECOMMENDATIONS

Staff **recommends approval** of the request, subject to compliance with the site plan and sign elevations both file-dated June 21, 2023.

SUMMARY OF ISSUES

The following issues were considered in formulating the recommendation:

LAND USE ISSUES

◇ This 0.67-acre site, zoned HD-1 and HD-2, is developed with medical office building. It is surrounded by a hospital to the north, zoned HD-1; a hospital campus to the south and east, zoned HD-2; and an assisted living complex to the west, across Township Line Road, zoned HD-2.

◇ HOSPITAL DISTRICT ONE / TWO APPROVAL

◇ The Ordinance classifies Hospital District One and Two as Development Plan Districts. "No use, building or structure shall hereafter be established, constructed or used on any land in a Development Plan district for any purpose, until a Site and Development Plan for such land, including the proposed use or uses, has been filed with and approved by the Commission in accordance with this zoning ordinance."

◇ "The Commission may consider and act upon any such proposed use and Site and Development Plan, approve the same in whole or in part, and impose additional development standards, requirements, conditions, or commitments thereon at any public hearing of the Commission."

(Continued)

- ◇ Land in the development plan districts is subject to the following site and development requirements. In review of the proposed Site and Development Plan, the Commission must assess whether the Site and Development Plan, proposed use, buildings and structures must:
 - a. Be so designed as to create a superior land development plan, in conformity with the Comprehensive Plan;
 - b. Create and maintain a desirable, efficient and economical use of land with high functional and aesthetic value, attractiveness and compatibility of land uses, within the development plan district and with adjacent uses;
 - c. Provide sufficient and adequate multi-modal access, such as parking and loading areas, transit provisions, and bicycle facilities;
 - d. Integrate a multi-modal transportation network using active and passive traffic control with the existing and planned public streets and interior roads;
 - e. Provide adequately for sanitation, drainage and public utilities in a sustainable, low-impact manner;
 - f. Allocate adequate sites for all uses proposed - the design, character, grade, location and orientation thereof to be appropriate for the uses proposed, logically related to existing and proposed topographical and other conditions, and consistent with the Comprehensive Plan; and
 - g. Provide pedestrian accessibility and connectivity, which may be paths, trails, sidewalks, or combination thereof. Pedestrian accessibility to available public transit must be provided. Sidewalks along eligible public streets consisting of the walkway and any curb ramps or blended transitions must be provided. If sidewalks are required to be installed, the Administrator or the Commission must be guided by the provisions of Section 744-304 for the installation of sidewalks.
- ◇ The Site and Development Plan must include layout and elevation plans for all proposed buildings and structures, and must indicate:
 - a. Proposed uses, buildings and structures.
 - b. All existing uses, buildings and structures, in addition to any proposed to be demolished.
 - c. Proposed buildings and structures and the use of each.
 - d. Elevations of all sides of each building.
 - e. Zoning and existing land uses of adjacent properties.
 - f. Off-street vehicle and bicycle parking layouts with summary table of the number of required off-street parking, loading, and stacking spaces.
- ◇ This request would provide for Hospital District One and Two approval to provide for a building wall sign.
- ◇ As proposed, sign would be 16.25 feet by 2.75 feet (approximately 44.68 square feet) consisting of face lit channel letters mounted on the west façade of the existing building. The proposed sign would replace an existing sign and offer a different type of medical service.

(Continued)

- ◇ Because the design of the proposed sign would successfully complement the site's existing architecture and signage; because the scale and placement of the proposed sign would be proportionate to that of the building; and because the sign would meet the requirements of the Sign Regulations, staff recommends approval of this request.
- ◇ Staff also believes the sign would be consistent and compatible with the existing signage throughout the hospital campus and surrounding areas, be unobtrusive and provide appropriate way finding identification of this medical office.

GENERAL INFORMATION

EXISTING ZONING AND LAND USE

HD-1 / HD-2	Medical office building / parking lot
-------------	---------------------------------------

SURROUNDING ZONING AND LAND USE

North -	HD-1	Hospital
South -	HD-2	Hospital campus
East -	HD-2	Hospital campus
West -	HD-2	Assisted living complex

COMPREHENSIVE LAND USE PLAN	The Comprehensive Plan for Washington Township (2005) recommends regional special use typology.
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THOROUGHFARE PLAN	This portion of Township Line Road is designated in the Marion County Thoroughfare Plan as a primary arterial, with an existing 112-foot right-of-way and a proposed 90-foot right-of-way.
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CONTEXT AREA	This site is located within the metro context area.
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OVERLAY	There is no overlay for this site.
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SITE PLANS	File-dated June 21, 2023
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SIGN ELEVATIONS	File-dated June 21, 2023
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FINDINGS OF FACT	File-dated August 14, 2023
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(Continued)

2015-ZON-011; 8091 Township Line Road, requested Hospital District One Approval to provide for an internally illuminated wall sign on the west elevation, **approved**

VICINITY

2003-APP-1654; 8111 Township Line Road (north of site), requested HD-1 approval for the construction of a 2,850-square foot central mechanical plant addition, a 1,500-square foot hospital lobby addition and a 35,195-square foot hospital addition, with 89 additional parking spaces, **approved**.

2000-APP-104; 8111 Township Line Road (north of site), requested HD-1 approval of a 20,156-square foot addition to an existing hospital, **approved**.

2000-APP-073, 8140 Township Line Road (west of site), requested Hospital District Two approval to provide for the construction of a 38,000-square foot addition to an existing health care facility, a parking lot expansion, a pedestrian trail, two gazebos, a pool, a viewing deck, two cottages, and two detached carports; **approved**.

2000-ZON-805 / 2006-APP-805; 8000 and 8080 Township Line Road (west of site), requested rezoning of 10.78 acres, being in the HD-2 District, top the HD-1 classification to provide for a long-term acute care hospital and HD-1 approval to provide for the construction of a 64,750-square foot, tow-story hospital building with 153 parking spaces, with an eight-foot tall, 56-square foot pylon sign and a four-foot tall, six-square foot directional sign, **approved**.

96-CP-33AP, 8111 Township Line Road (north of site), requested Hospital District One approval to provide for the replacement of an existing wall sign and three directional signs with (a) a 16-foot by 25-foot wall sign; (b) a six-foot by ten-foot pylon sign; and (c) two six-foot by 11.3-foot pylon signs; **approved**.

93-V2-59, 8111 Township Line Road (north of site), requested variances of development standards of the Sign Regulations of Marion County to permit the replacement and expansion of 3 double-faced (single-face only permitted), primary identification signs along Township Line Road (one identification sign permitted per street frontage); **withdrawn**.

90-AP-170, 8111 Township Line Road (north of site), requested Hospital District One approval to provide for the construction of a medical office building and additional parking; **approved**.

90-AP-168, 8071 Township Line Road (south of site), requested Hospital District Two approval to provide for the expansion of an existing medical office building; **approved**.

83-HOV-67; 8111 Township Line Road (north of site), requested a variance of development standards of the sign Regulations to allow a number of business and incidental signs, **granted**.

81-AP-76, 8130 Township Line Road (west of site), requested Hospital District Two approval to provide for forty condominium units; **approved**.

81-AP-19, 8020 Township Line Road (west of site), requested Hospital District Two approval to provide for a single-story, four-plex condominium units; **approved**.

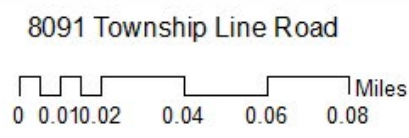
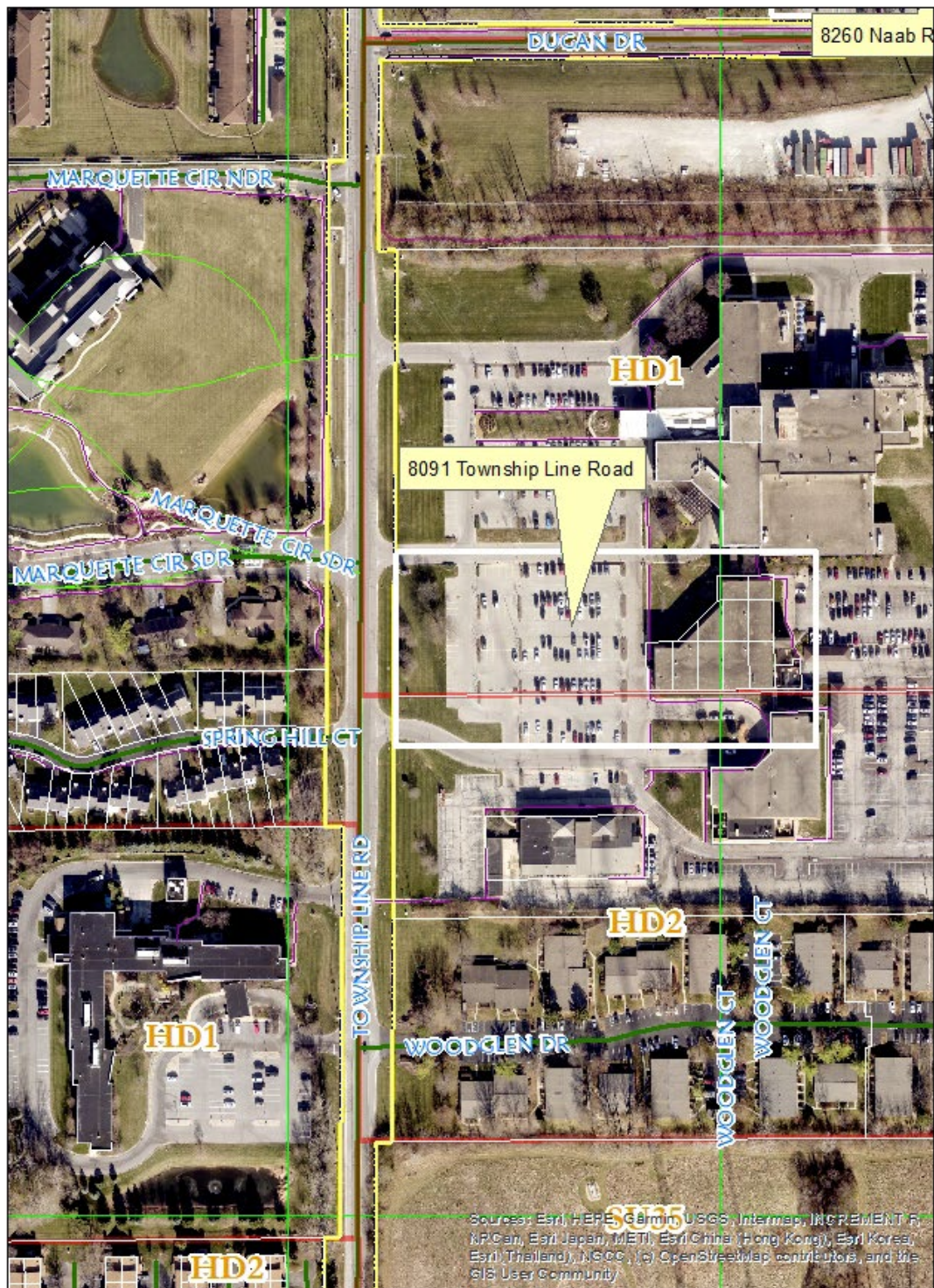
81-Z-137, 8111 Township Line Road (north of site), requested rezoning of 20.0 acres, being the HD-II district to the HD-I classification to provide for a hospital; **approved**.

79-ZAP-73; 8301 Township Line Road (north of site), requested HD-2 approval to provide for townhouse apartment units, **approved.**

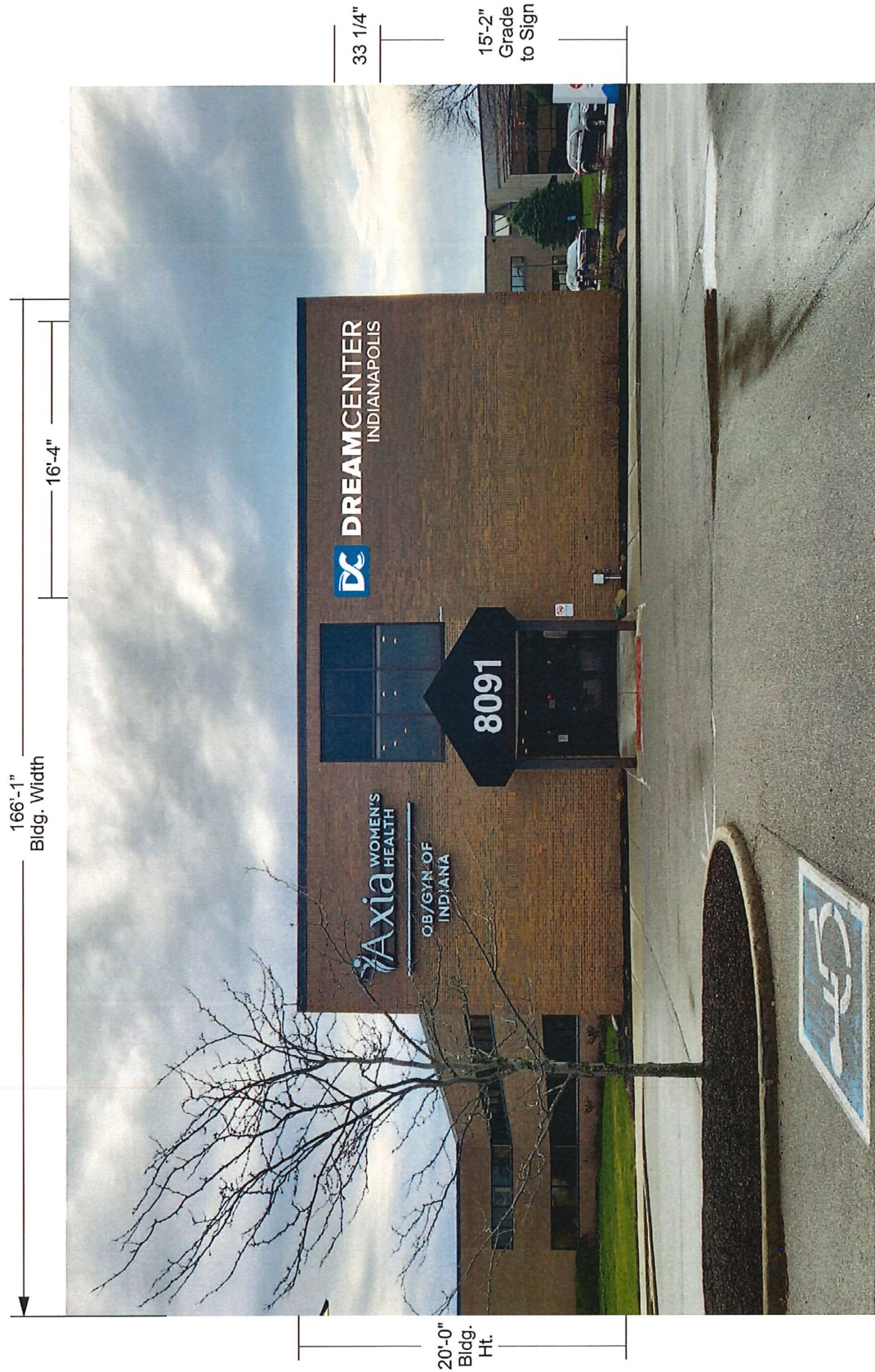
Item 8.

78-Z-14, 8140 Township Line Road (west of site), requested rezoning of 46.0 acres, being the HD-2 and A-2 districts, to the HD-2 classification to provide for retirement apartments, and a nursing and medical facility; **approved.**

kb



[illegible]



STALEY SIGNS
SINCE 1908
P.O. Box 515 Indianapolis, Indiana 46206
Tel: 317.637.4567 • Fax: 317.221.0123
<http://www.staleysigns.com/>

This rendering is © Staley Signs, Inc., submitted for use in connection with the stated project. Display, Distribution or Duplication without prior written consent is strictly prohibited.		Notes: • Colors shown are representative only, and are not intended for purposes of exact matching.	
Customer:	Dream Center	Option: A-2 Scale: 1/8" = 1'-0"	
Project:	Exterior Wall Sign		
Date:	06-06-2023		
Rep: D. Staley Jr.		Page 1 of 2	

Petition Number _____

**METROPOLITAN DEVELOPMENT COMMISSION
OF MARION COUNTY, INDIANA
PETITION FOR UNIVERSITY QUARTER ONE/TWO APPROVAL
PETITION FOR PARK DISTRICT ONE/TWO APPROVAL
PETITION FOR HOSPITAL DISTRICT ONE/TWO APPROVAL**

FINDINGS OF FACT

The Metropolitan Development Commission finds that the site and development plan file-dated _____, 20____

A. Has been designed to create a superior land development plan, in conformity with the Comprehensive Plan because:

This petition is for a wall sign on an existing office building in a Hospital District.

B. Creates and maintains a desirable, efficient and economical use of land with high functional and aesthetic value, attractiveness and compatibility of land uses, within the development plan district and with adjacent uses because:

The proposed wall sign complies with sign regulations and consists of high quality individual, channel letters. The proposed sign specifications, colors, and position compliment the architecture of the building and existing signage.

C. Provides sufficient and adequate multi-modal access, such as parking and loading areas, transit provisions, and bicycle facilities because:

Not applicable because this petition is for a wall sign on an existing office building in a Hospital District.

D. Integrates a multi-modal transportation network using active and passive traffic control with the existing and planned public streets and interior roads because:

Not applicable because this petition is for a wall sign on an existing office building in a hospital District.

E. Provides adequately for sanitation, drainage, and public utilities in a sustainable, low-impact manner because:

Not applicable because this petition is for a wall sign on an existing office building in a Hospital District.

F. Allocates 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, because:

Not applicable because this petition is for a wall sign on an existing office building in a Hospital District.

G. Provides pedestrian accessibility and connectivity, which may be paths, trails, sidewalks (If sidewalks are required to be installed, the Administrator or the Commission must be guided by provisions of Section 744-304 for the installation of sidewalks), or combination thereof; provides pedestrian accessibility to available public transit; and provides sidewalks along eligible public streets consisting of the walkway and any curb ramps or blended transitions because:

Not applicable because this petition is for a wall sign on an existing office building in a Hospital District.

DECISION

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

Adopted this _____ day of _____, 20 ____

Commission President/ Secretary



View of site looking east across parking lot



View of site looking northeast at adjacent building



View from site parking lot looking southeast at adjacent office uses



View from site looking west towards Township Line Road



View of pylon sign at access drive looking south

STAFF REPORT

Item 9.

Department of Metropolitan Development Division of Planning Current Planning Section

Case Number: 2023-APP-023 (Amended)
Address: 310 West 42nd Street (approximate address)
Location: Washington Township, Council District #7
Zoning: PK-1
Petitioner: Indy Parks, by Ben Jackson
Request: Park District One Approval to provide a new spray ground.

RECOMMENDATIONS

Staff **recommends approval** of this request.

SUMMARY OF ISSUES

The following issues were considered in formulating the recommendation:

PARK DISTRICT-ONE APPROVAL

- ◇ This petition would provide for replacement of the spray ground at an existing park within the Indy Parks and Recreation System: Andrew Ramsey Park.
- ◇ The park is zoned PK-1; however, no use, building or structure is permitted for any purpose until a site and development plan for such land, including the proposed use, has been filed with and approved by the Commission in accordance with the Zoning Ordinance.
- ◇ Land in the development plan districts is subject to the following site and development requirements. In review of the proposed Site and Development Plan, the Commission must assess whether the Site and Development Plan, proposed use, buildings, and structures must:
 - a. Be so designed as to create a superior land development plan, in conformity with the Comprehensive Plan;
 - b. Create and maintain a desirable, efficient and economical use of land with high functional and aesthetic value, attractiveness and compatibility of land uses, within the development plan district and with adjacent uses;
 - c. Provide sufficient and adequate multi-modal access, such as parking and loading areas, transit provisions, and bicycle facilities;
 - d. Integrate a multi-modal transportation network using active and passive traffic control with the existing and planned public streets and interior roads;

(Continued)

- e. Provide adequately for sanitation, drainage and public utilities in a sustainable, low-impact manner;
 - f. Allocate adequate sites for all uses proposed - the design, character, grade, location and orientation thereof to be appropriate for the uses proposed, logically related to existing and proposed topographical and other conditions, and consistent with the Comprehensive Plan; and
 - g. Provide pedestrian accessibility and connectivity, which may be paths, trails, sidewalks, or combination thereof. Pedestrian accessibility to available public transit must be provided. Sidewalks along eligible public streets consisting of the walkway and any curb ramps or blended transitions must be provided. If sidewalks are required to be installed, the Administrator or the Commission must be guided by the provisions of Section 744-304 for the installation of sidewalks.
- ◇ The Comprehensive Plan recommends traditional neighborhood for the site. “The Traditional Neighborhood typology includes a full spectrum of housing types, ranging from single family homes to large-scale multifamily housing. The development pattern of this typology should be compact and well-connected, with access to individual parcels by an alley when practical. Building form should promote the social connectivity of the neighborhood, with clearly defined public, semi-public, and private spaces. Infill development should continue the existing visual pattern, rhythm, or orientation of surrounding buildings when possible. A wide range of neighborhood-serving businesses, institutions, and amenities should be present. Ideally, most daily needs are within walking distance. This typology usually has a residential density of 5 to 15 dwelling units per acre, but a higher density is recommended if the development is within a quarter mile of a frequent transit line, greenway, or park.”
- ◇ The site plan indicates the proposed improvements would be within the park boundaries. Staff supports this request.

GENERAL INFORMATION

EXISTING ZONING AND LAND USE

PK-1

Park

SURROUNDING ZONING AND LAND USE

North - D-5

Single-family dwellings

South - D-5 / C-3

Single-family dwellings / Neighborhood Commercial
/ Vacant lot

East - D-5 / SU-7

Single-family dwellings / Food Pantry

West - D-5

Single-family dwellings

(Continued)

COMPREHENSIVE LAND USE PLAN	The Comprehensive Land Use Plan for Indianapolis and Marion County (2018) recommends traditional neighborhood development
THOROUGHFARE PLAN	42 nd Street is designated in the Marion County Thoroughfare Plan as a primary collector street with an existing 70-foot right-of-way and a proposed 56-foot right-of-way.
CONTEXT AREA	This site is located within the compact context area.
OVERLAY	There are no overlays for this site.

ZONING HISTORY

SITE

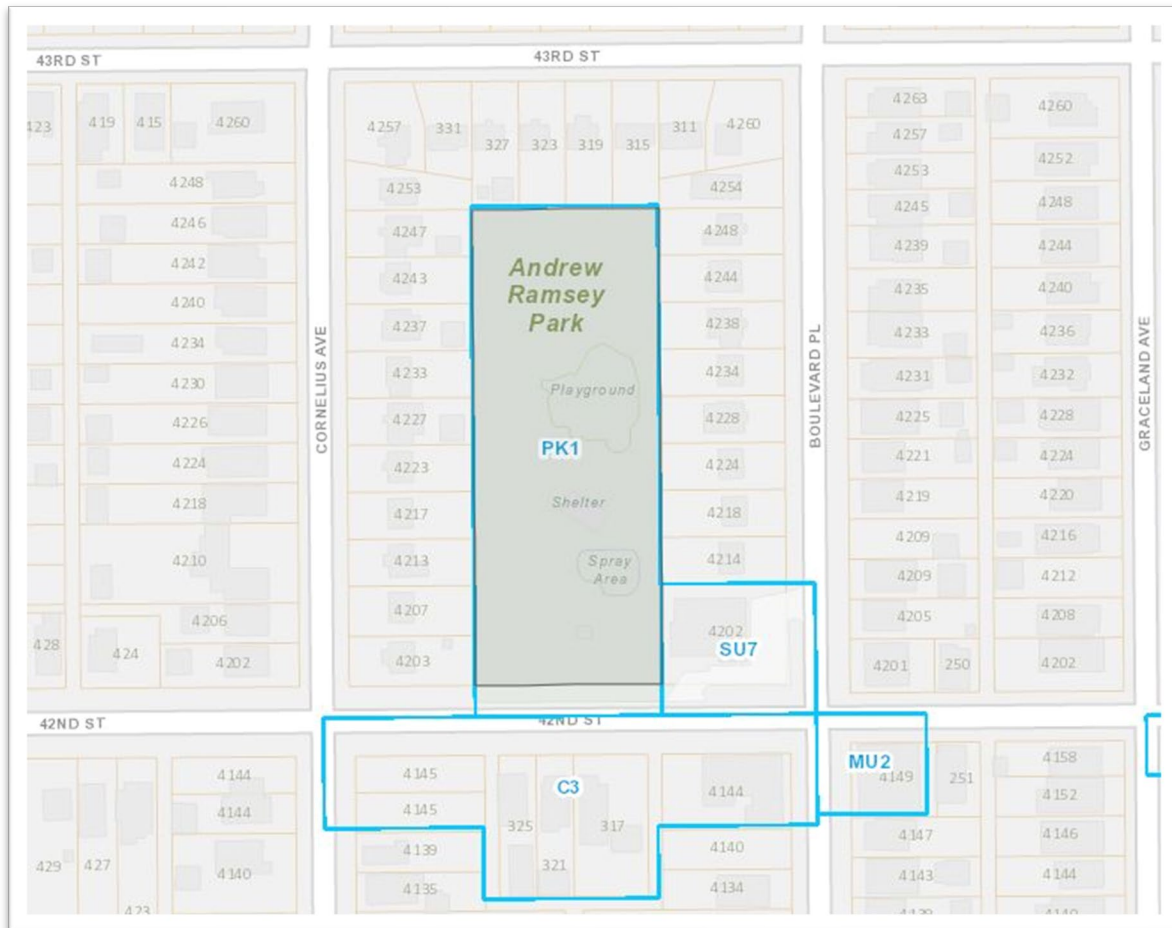
None.

VICINITY

2012-ZON-004, 4202 Boulevard Place, rezoning of .29 acres from D-5 to SU-7 to provide for a food pantry, **granted**.

2007-HOV-021, 325 West 42nd Street, variance of use to legally establish a single-family dwelling in a C-3 zoning district, **granted**.

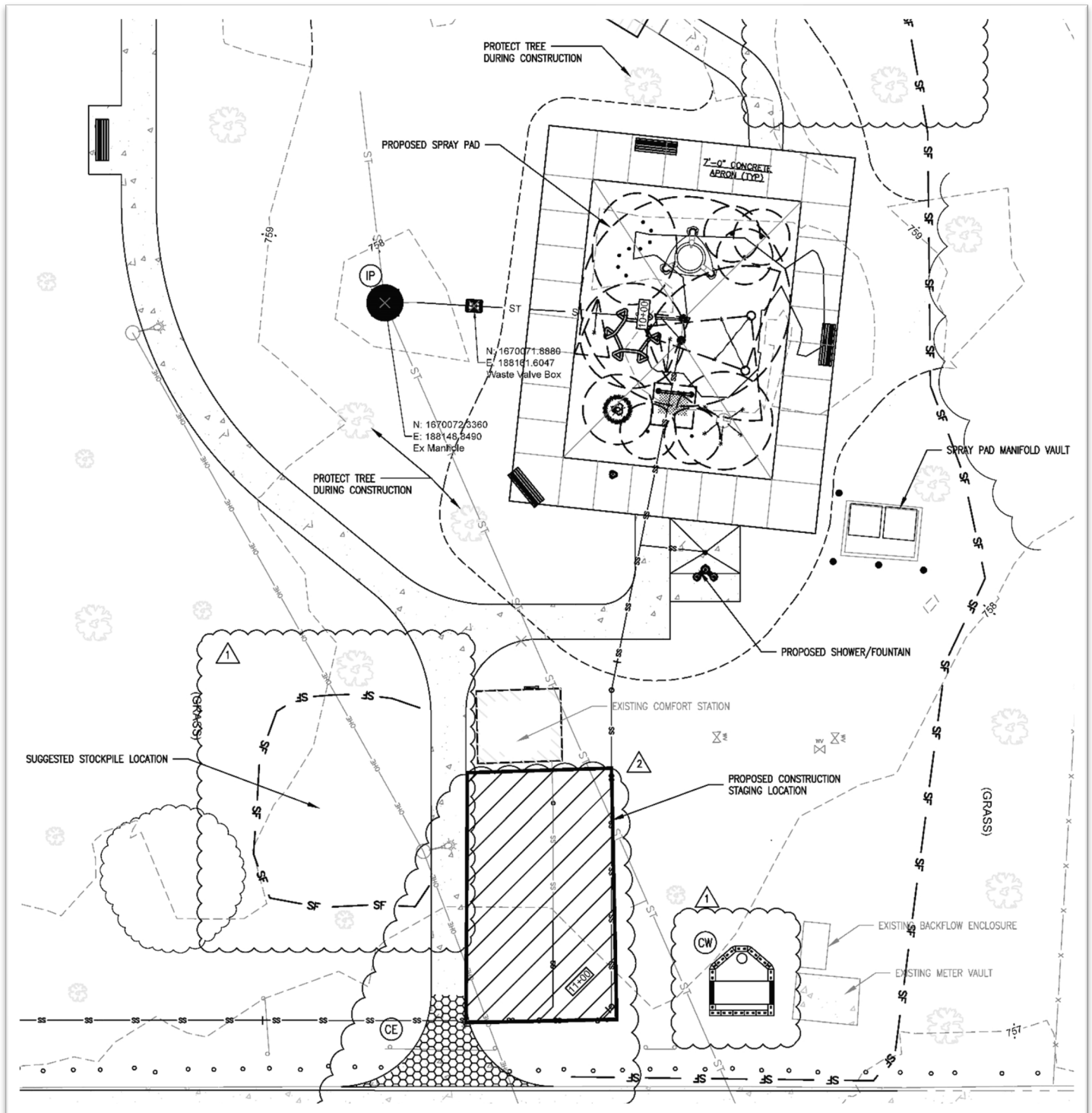
BB



Location Map, Andrew Ramsey Park



Aerial view, Andrew Ramsey Park



Site Plan, Andrew Ramsey Park



Site photo (from south), Andrew Ramsey Park



Site photo (from north), Andrew Ramsey Park

STAFF REPORT

Item 10.

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 July 27, 2023 hearing, to the August 24, 2023 hearing, at the request of the petitioner's representative to provide time to amend the petition and send new notice. The amended petition has not been submitted at this time.

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.

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.

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.

(Continued)

- ◇ 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.

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

(Continued)

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.

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.

(Continued)

CONTEXT AREA	This site is located within the metro context area.
OVERLAY	This site is located within the residential corridor reserve.
SITE PLAN	File-dated May 1, 2023

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**.

(Continued)

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**.

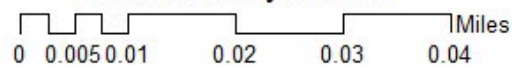
87-UV1-73; 4209 Kentucky Avenue, requested a variance of use of the Dwelling Districts Zoning Ordinance and a variance of development standards of the Sign Regulations for commercial archery, with a ground sign and wall sign, **denied**.

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



4375 Kentucky Avenue



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:

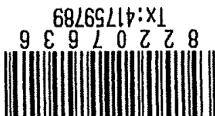
1. The owner agrees to abide by the Open Occupancy and Equal Employment Opportunity Commitments required by Metropolitan Development Commission Resolution No. 85-R-69, 1985, which commitments are attached hereto and incorporated herein by reference as Attachment "A".
2. All commitments related to petition 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;

MDC's Exhibit B - - page 1 of 8



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: <u>[Signature]</u>	Signature: _____
Printed: <u>MAKHAM BADESHA</u>	Printed: _____
Title / <u>MANAGER</u>	Title / _____
Organization	Organization
Name: <u>FIVE STAR OIL INC</u>	Name: _____

STATE OF INDIANA)

) SS:

COUNTY OF MARION)

Before me, a Notary Public in and for said County and State, personally appeared MAKHAM 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, 2020

Douglas W. Shoemaker

Notary Public

Douglas W. Shoemaker

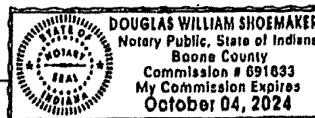
Printed Name of Notary Public

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 corner 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:

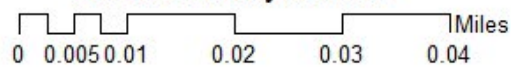
MDC's Exhibit B -- page 5 of 8

- 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.



4375 Kentucky Avenue





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-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.

ADDENDUM FOR HEARING EXAMINER, AUGUST 24, 2023

At the July 27, 2023, Hearing Examiner, 2023-CZN-837 was recommended for approval and was heard and approved by the Metropolitan Development Commission at their hearing on August 16, 2023. The City-County Council will hear this matter in September, 2023. Also, on July 27, 2023, the Hearing Examiner approved 2023-CVR-837. However, due to Legal Notice issues by the petitioner to send adequate notice to utility agencies, the vacation petition, 2023-CVC-837, was continued, with notice, to the August 24, 2023, Hearing Examiner. As of this writing, staff has not received additional information regarding 2023-CVC-837, therefore, an updated motion is provided below:

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 September 14, 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.

RECOMMENDATIONS

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

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

(Continued)

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

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 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

(Continued)

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

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.
- ◇ 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.

(Continued)

STAFF REPORT 2023-CZN-837 / 2023-CVR-837 / 2023-CVC-837 (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-063 and is scheduled for public hearing on July 27, 2023.

GENERAL INFORMATION

EXISTING ZONING, CONTEXT AREA, AND LAND USE

I-3 (RC)	Compact	Light Industrial
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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
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TRANSIT-ORIENTED DEVELOPMENT	A portion of the site lies within the Transit-Oriented Development Overlay
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(Continued)

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

THOROUGHFARE PLAN	10 th 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.**

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.**

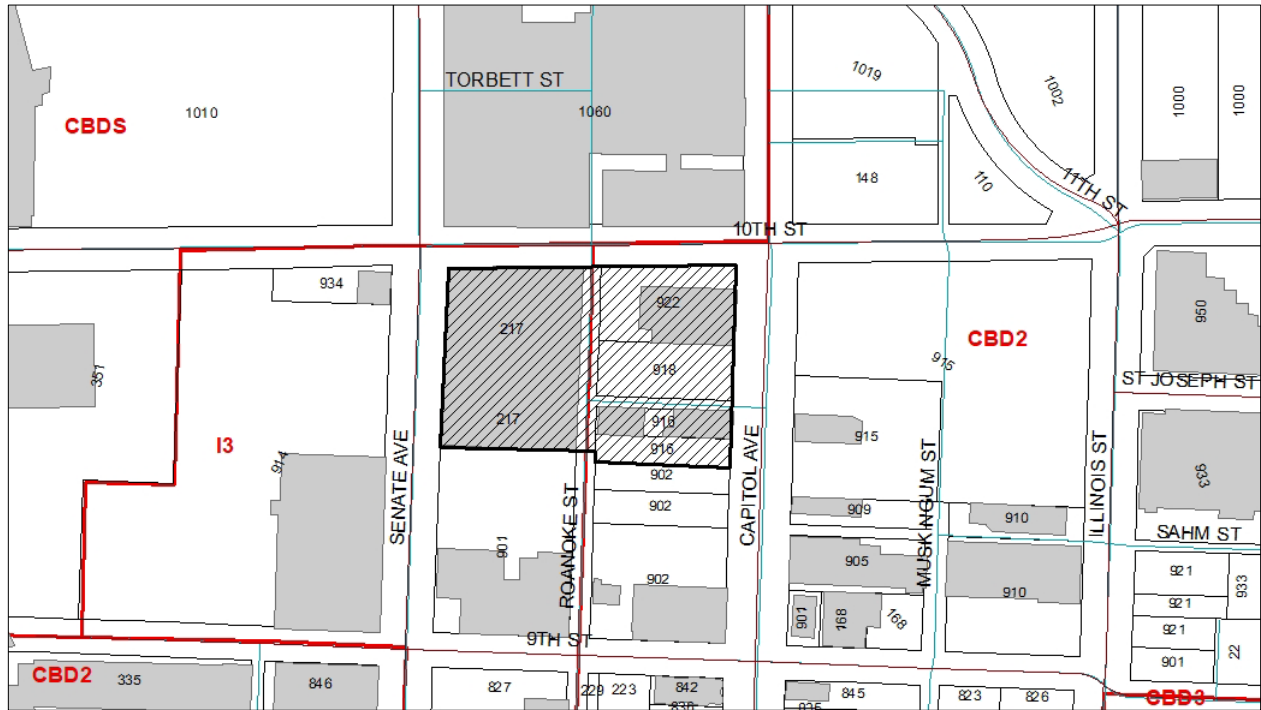
ZONING HISTORY – VICINITY

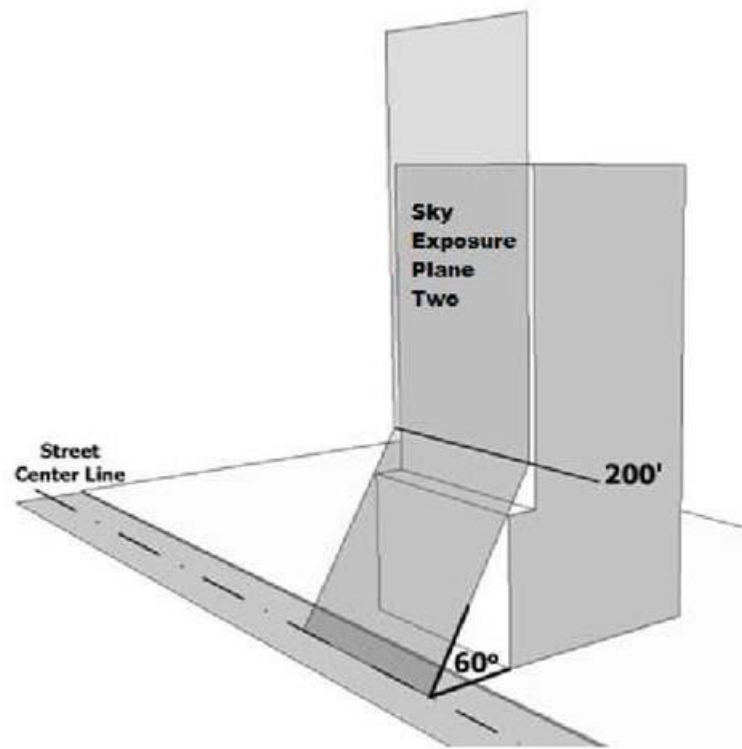
None.

JY

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

Exhibits

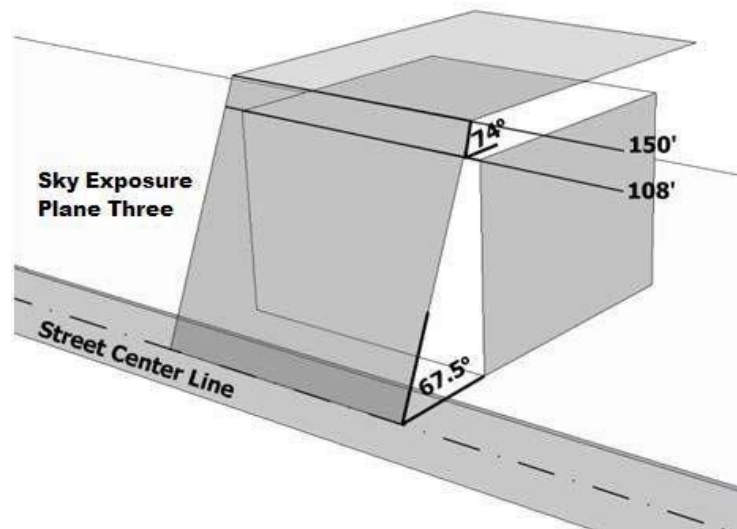




Sky Exposure Plane Two diagram



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

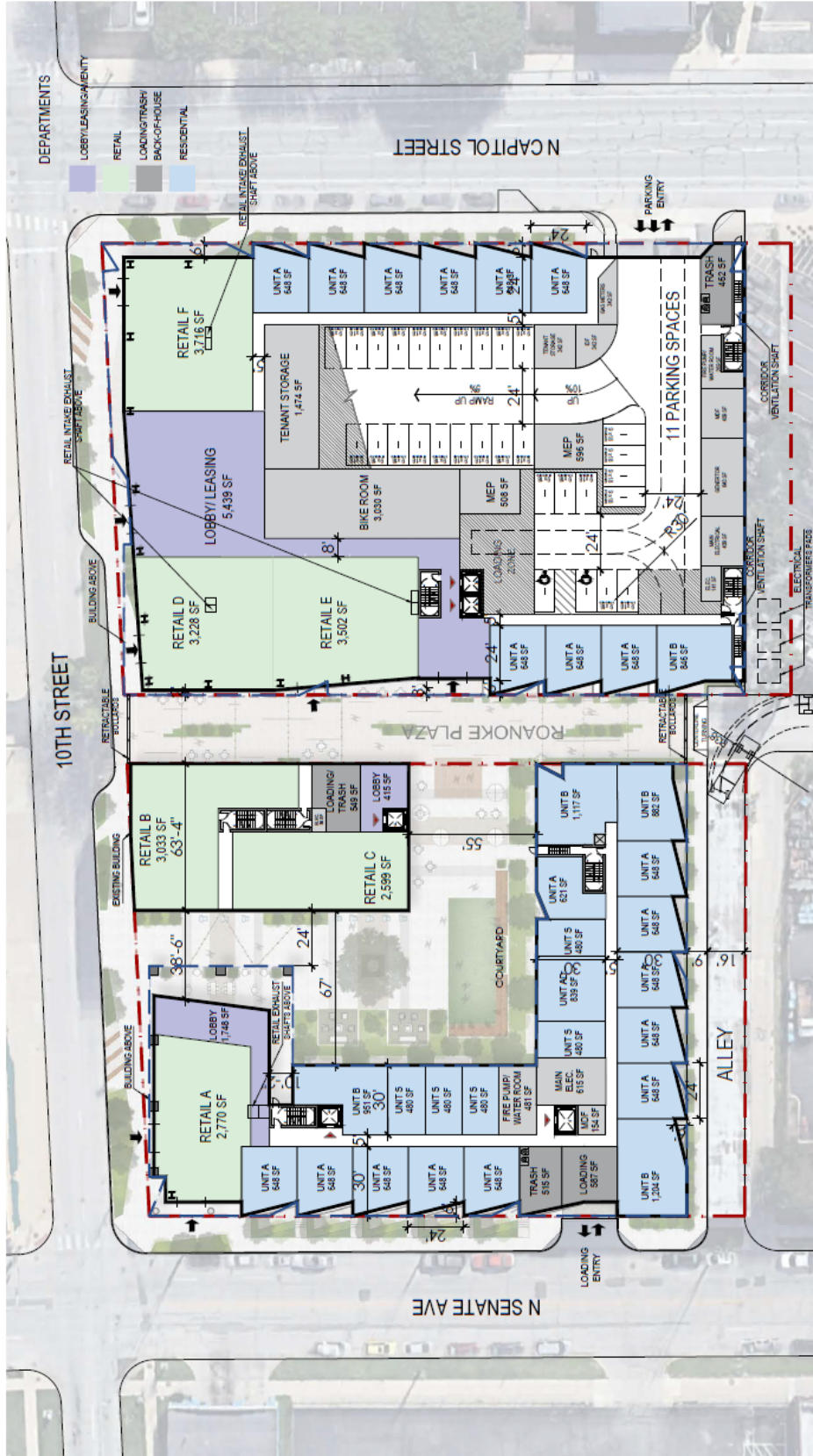


Sky Exposure Plane Three diagram



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

FLOOR PLANS | GROUND LEVEL



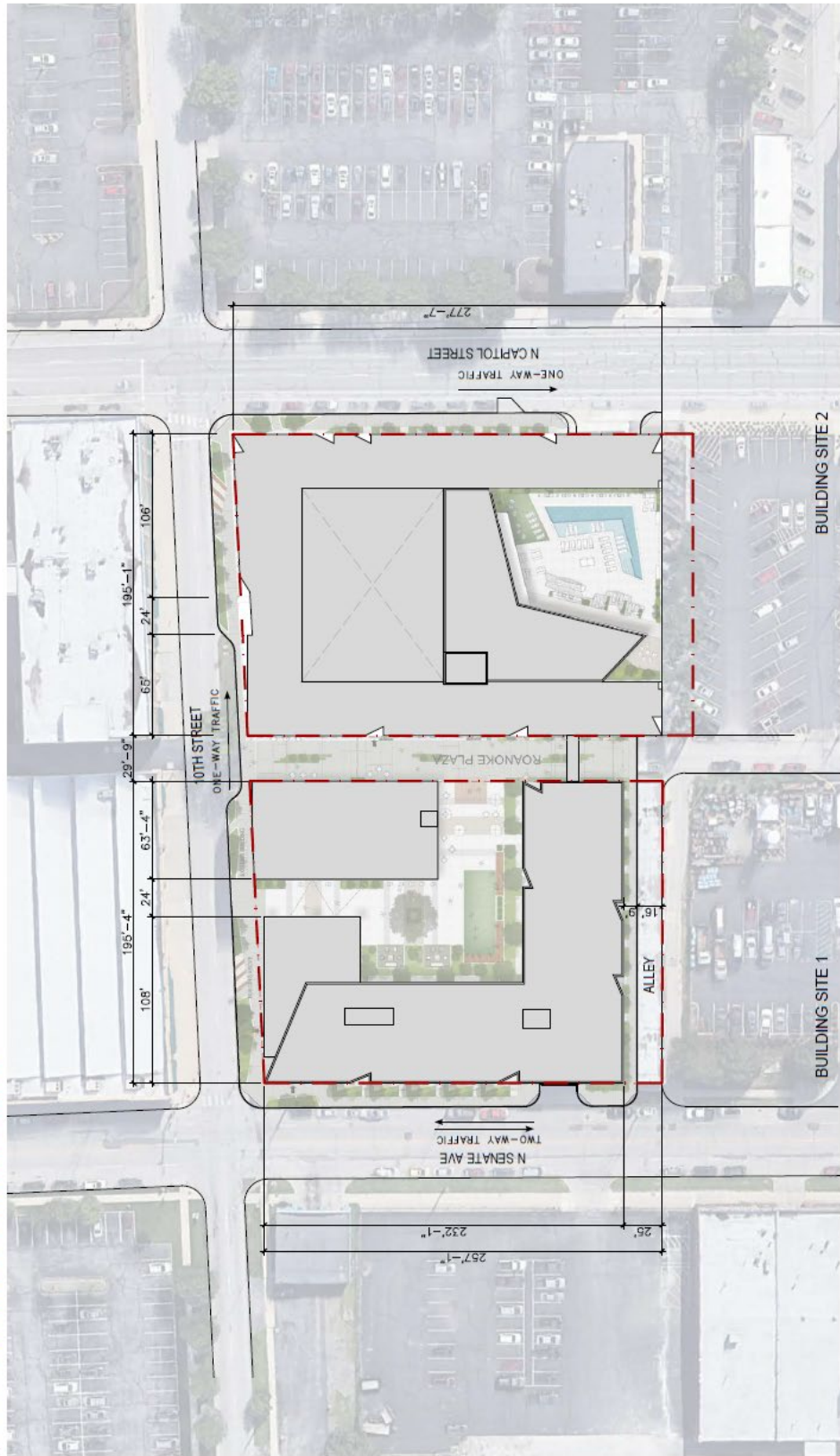
SomeraRoad

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



BKV
GROUP

SITE | ARCHITECTURAL SITE PLAN



SomeraRoad

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



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



SomeraRoad

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

BKV
GROUP

PERSPECTIVES | 10TH & ROANOKE EAST

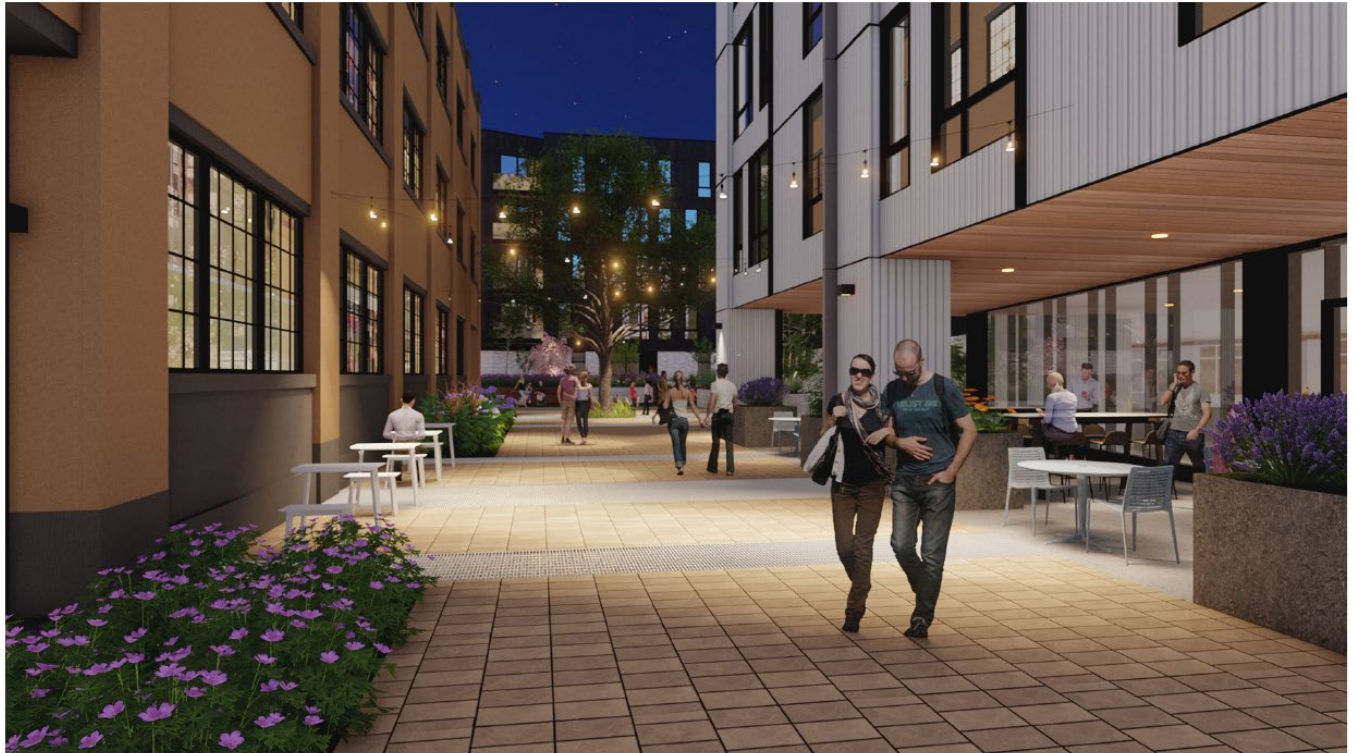


SomeraRoad

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

BKV
GROUP

PERSPECTIVES | AMENITYCOURTYARD



SomeraRoad

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

BKV
GROUP

NW PERSPECTIVE | 10TH & SENATE



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

PERSPECTIVES | ROANOKE PLAZA

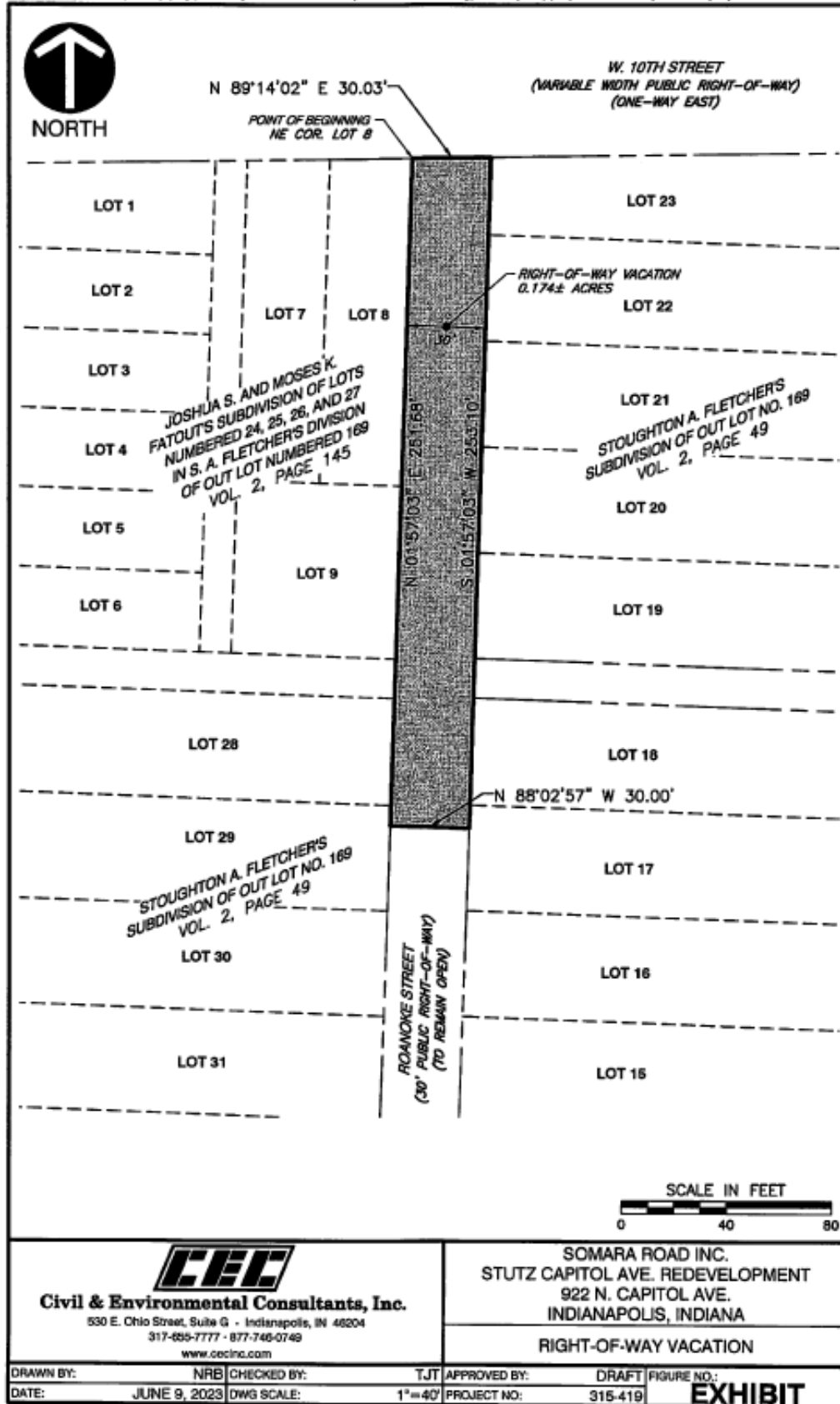


SomeraRoad

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

BKV
GROUP

P:\J10-000\J15-419-Survey\Draw\5105 A1ty Vacation-Dedication\J15419-5105-DN.dwg(RAC170N) LS:6/18/2023 - nbahe) - LP: 6/18/2023 10:57 AM



Petition Number _____

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

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

FINDINGS OF FACT

1. THE PROPOSED VACATION IS IN THE PUBLIC INTEREST because:

It will allow a development which meets the goals of the comprehensive plan to be integrated on either side of the vacated public street, and used in a manner that will serve the general public by providing street activated amenity/public space.

DECISION

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

Adopted this _____ day of _____, 20 ____

STAFF REPORT 2023-CZN-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: 2023-CVR-841 / 2023-CPL-841
Address: 420 East 49th Street (*Approximate Address*)
Location: Washington Township, Council District #7
Petitioner: Sami Abu-Rumman and Lamese Hasan, by Jynell D. Berkshire
Zoning: D-4
Request: Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for a 35-foot wide, 5,265-square foot lot and a 45-foot wide, 6,770-square foot lot (minimum 60-foot wide, 7,200-square foot lot required).

 Approval of a Subdivision Plat, to be known as Awakenings at 49th Street (a replat of Lot 16 in Arthur V. Brown's East Meridian Heights Addition), subdividing 0.28 acre into two lots.

RECOMMENDATIONS

Staff recommends **approval of variance** petition.

Staff recommends that the Hearing Examiner **approve** and find that the plat, file-dated July 11, 2023, complies with the standards of the Subdivision regulations, subject to the following conditions:

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

(Continued)

2023-CVR-841 / 2023-CPL-841 STAFF REPORT (Continued)

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

SUMMARY OF ISSUES

The following issues were considered in formulating the recommendation:

LAND USE

- ◇ The subject site is a 12,035-square foot lot, zoned D-4, and developed with a single-family dwelling and detached garage.
- ◇ This petition would subdivide the property into two lots, and provide for a 35-foot wide, 5,265-square foot lot, and a 45-foot wide, 6,770-square foot lot.

VARIANCE OF DEVELOPMENT STANDARDS

- ◇ This petition would provide for the subdivision of the existing lot. Proposed Lot One would be 45-feet wide and 6,770 square feet. Proposed Lot Two would be 35-feet wide and 5,265 square feet. The minimum lot width and area for the D-4 district is 60-feet wide and 7,200-square feet.
- ◇ The historic development patterns of this neighborhood frequently subdivided the originally platted 80-foot by 150-foot lots in half for development of one and two-family dwellings. Historic Sanborn Map is shown below. Staff believes the proposed lot sizes are consistent with the historic development, and therefore is not opposed to the reduced lot width and area.
- ◇ Staff would note that future development of proposed Lot Two would be required to meet all D-4 development standards.

PLAT

- ◇ The plat would subdivide the subject site into two lots. The proposed plat would meet the standards proposed in the companion variance of development standards.

TRAFFIC / STREETS

- ◇ The proposed lots would front on East 49th Street, with alley access to the north. No new streets are proposed as part of this petition.

SIDEWALKS

- ◇ Sidewalks are existing on 49th Street.

(Continued)

2023-CVR-841 / 2023-CPL-841 STAFF REPORT (Continued)**GENERAL INFORMATION****EXISTING ZONING, CONTEXT AREA, AND LAND USE**

D-4	Compact	Residential
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SURROUNDING ZONING AND LAND USE

North	D-4	Residential
South	D-4	Residential
East	D-4	Residential
West	D-4	Residential

COMPREHENSIVE LAND USE PLAN Traditional Neighborhood
THOROUGHFARE PLAN East 49th Street is classified in the Official Thoroughfare Plan for Marion County, Indiana as a Primary Collector, with a 52-foot existing and a 56-foot proposed right-of-way.

SITE PLAN EXISTING File-dated July 11, 2023

PRELIMINARY PLAT File-dated July 11, 2023

FINDINGS OF FACT File-dated July 11, 2023

ZONING HISTORY – SITE

None

ZONING HISTORY – VICINITY

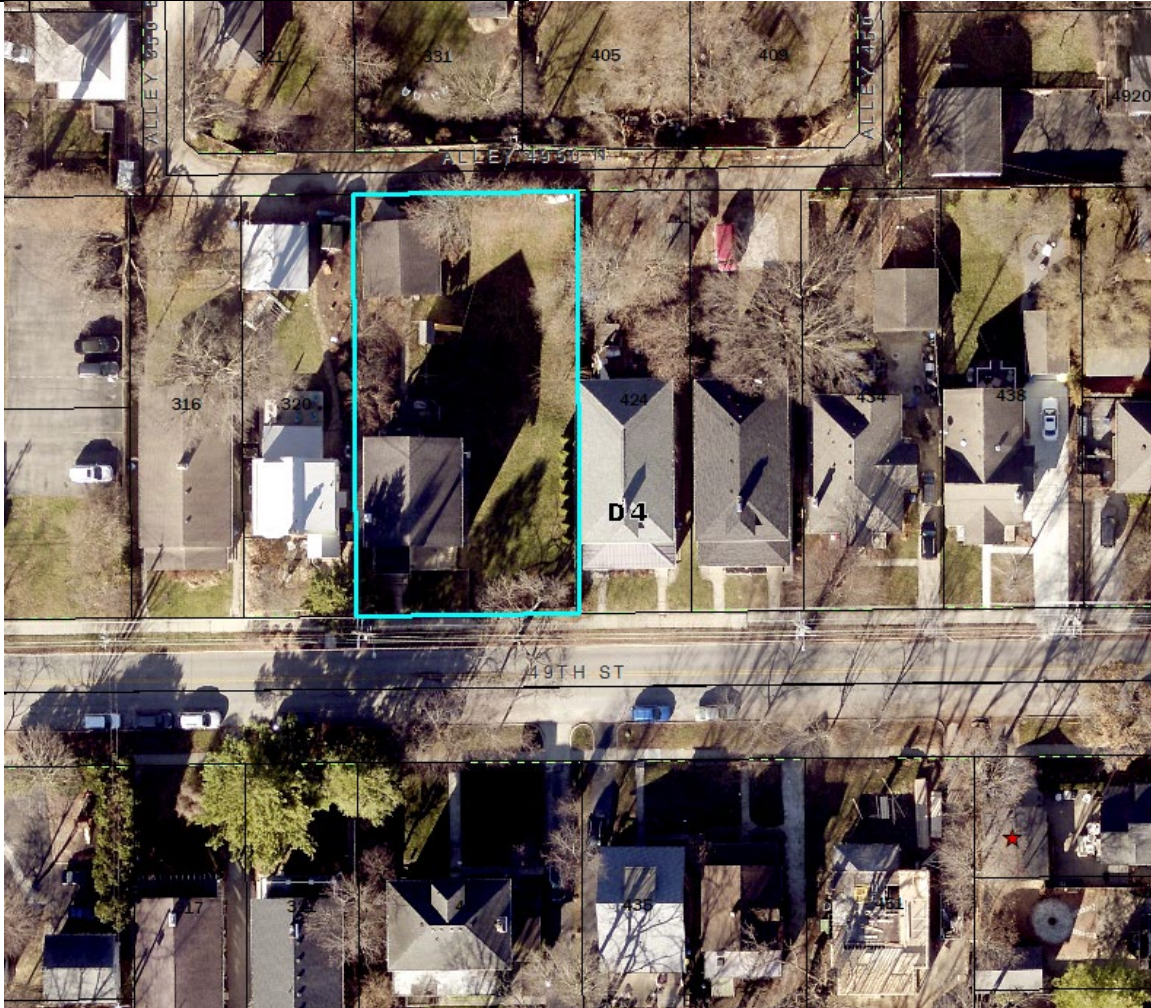
2020-DV3-040, 4472 Pennsylvania Street and other addresses, variance to provide for 47-foot-tall wood and metal poles for small cell wireless communications facilities, with associated equipment and antennas within the right-of-way, **withdrawn**.

2015-HOV-039, 4850 Central Avenue, variance to provide for a detached garage, with a 10-foot aggregate side setback, **approved**.

97-V3-15, 4910 Washington Boulevard, variance to provide for an eight-foot-tall fence along a side yard, **approved**.

AR

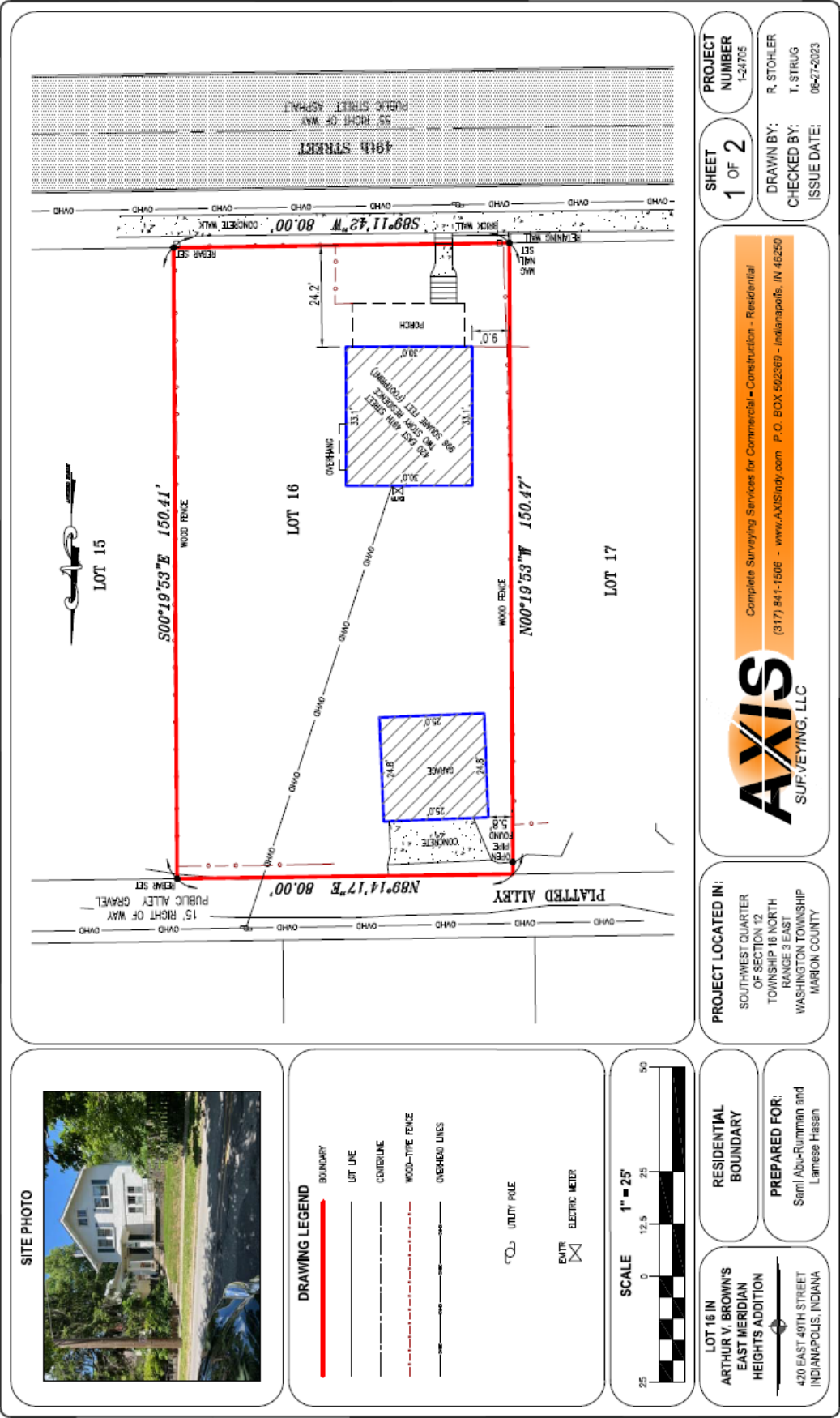
2023-CVR-841 / 2023-CPL-841 Aerial Map



1915 Sanborn Map



2023-CVR-841 / 2023-CPL-841 Site Plan Existing



2023-CVR-841 / 2023-CPL-841 Findings of Fact

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:

lots of similar and lesser width are common throughout the same zone or vicinity possessed without causing injury. The variance will not result in an increase in public expenditure nor unduly increase traffic congestion in the public streets and highways. The variance will not substantially increase the hazard from fire or other dangers to the subject property.

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 reduced lot size and width is a minimum variation that will make possible the reasonable use of land. The variance is necessary for the preservation of a property right of the Applicant which is substantially the same as owners of other property in the same or vicinity possessed. As a result, the variance will not diminish or impair property values within the neighborhood nor will it create a nuisance.

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

without the variance, the permitted use of the property will result in practical difficulties in the use and proposed use of the property in compliance with the zoning ordinance.

2023-CVR-841 / 2023-CPL-841 Site Photos



Subject site existing dwelling



Subject site east side yard. Proposed Lot One shown left. Proposed Lot Two shown right



Subject site viewed from adjacent site to the east



Subject site viewed from the alley. Proposed Lot Two shown left.



Site viewed from alley. Proposed Lot One shown right. Proposed Lot Two shown right.



Existing garage on proposed Lot One.

STAFF REPORT

Department of Metropolitan Development Division of Planning Current Planning Section

Case Number: 2023-CZN-842 / 2023-CVR-842
Address: 2601 East New York Street and 239 North Temple Avenue
(Approximate Address)
Location: Center Township, Council District #17
Petitioner: Englewood Community Development Corporation, by Joseph D. Calderon
Request: Rezoning of 0.76 acre from the MU-1 district to the D-8 district.
 Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for rowhouses with 16-foot lot widths (20 feet required).

RECOMMENDATION

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

1. Prior to the issuance of an Improvement Location Permit for any building on this site, building elevations shall be submitted for Administrator's Approval.
2. Development of the northern portion of the site shall be in substantial compliance with the site plan date August 11, 2023.

SUMMARY OF ISSUES

The following issues were considered in formulating the recommendation.

LAND USE

- ◇ The subject site was platted as residential lots as part of the A. M. Ogle et al East Park Addition in 1889. It was originally developed with a church and a two-family dwelling on the northern portion of the site and with four single-family dwellings on the southern portion of the site. By 2005 all of the dwellings on the site had been cleared. The church was demolished in 2011/2012. The site has remained vacant since that time.

(Continued)

STAFF REPORT 2023-CZN-842 / 2023-CVR-842 (Continued)

- ◇ The Comprehensive Land Use Plan (2018), a segment of the Indianapolis/Marion County Comprehensive 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. The site is located on IndyGo Route 3.
- ◇ The site and a site across Temple Avenue were the subject of a 2019 companion petition that rezoned the sites to the MU-1 district. That petition provided for a mixed-use building on each side of the street. The building on the subject site of this petition was proposed for 26 units of multi family dwelling and 980 square feet of community space. The proposed building was three stories in height. The 2019 petition was approved. Its provisions currently control development on the site.

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.
- ◇ A site plan has been submitted for the northern third of the site. The plan depicts seven townhouses, Five on New York Street and two on Temple Avenue. Vehicular access is from the north-south alley along the eastern edge of the site. It's staff's opinion that the site lay-out is important to creating an appropriate, urban character to the site. As such, staff is requesting that the approval of the petition be in substantial compliance with the submitted site plan.
- ◇ As depicted on the site plan, there would be building side walls facing both New York Street and Temple Avenue. It is staff's opinion that it's important to the streetscapes that the materials and fenestration of the side walls be up to the standards of the front facades. As such, staff is requesting Administrator's Approval of the building elevations.

VARIANCES

- ◇ This petition includes a variance of development standards to provide for rowhouses with 16-foot-wide lots. Townhouse lots larger than 2000 square feet are required to be at least 20-feet wide. Townhouse lots between 1200 and 2000 square feet may be reduced to 16 feet in width.

(Continued)

STAFF REPORT 2023-CZN-842 / 2023-CVR-842 (Continued)

- ◇ The site plan submitted with the petition doesn't indicate the intended lot sizes. However, with seven units planned on 10,381 square feet, the average lot size would be 1483 square feet. Because the lots are arrayed around a corner, not all the lots are likely to be the same size. The variance will allow for some of the lots to be over 2000 square feet without increasing the width of the lot.

GENERAL INFORMATION

EXISTING ZONING, CONTEXT AREA, AND LAND USE

MU-1	Compact	Vacant lots
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SURROUNDING ZONING AND LAND USE

North	D-8	Single-family dwelling
South	D-5	Single-family dwelling
East	D-5, D-8	Single-family dwellings, two-family dwelling
West	D-5, MU-1	Single-family dwellings, vacant lots

COMPREHENSIVE LAND USE PLAN	The Center Township Comprehensive Land Use Plan (2018) recommends Traditional Neighborhood.
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THOROUGHFARE PLAN	<p>New York Street is classified in the Official Thoroughfare Plan for Marion County, Indiana as a Primary Arterial, with a 60-foot existing right-of-way and a 78-foot proposed right-of-way.</p> <p>Temple 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.</p>
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FLOODWAY / FLOODWAY FRINGE	This site is not located within a floodway or floodway fringe.
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WELLFIELD PROTECTION DISTRICT	This site is not located within a wellfield protection district.
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STREAM PROTECTION CORRIDOR	This site is not located within a Stream Protection Corridor.
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(Continued)

STAFF REPORT 2023-CZN-842 / 2023-CVR-842 (Continued)**ZONING HISTORY – SITE**

2019-CZN-816 / 2019-CZN-816; 239 & 244-260 North Temple Avenue and 2601 East New York Street, requested the rezoning of one acre from the SU-1, D-8 and D-5 districts to the MU-1 district and variances of development standards to provide for deficient setbacks, landscape and size of parking spaces, **approved**.

98-Z-92; 2601 East New York Street, requested the rezoning of 0.6 acre from the D-8 and D-5 districts to the SU-1 district, **approved**.

ZONING HISTORY – VICINITY

91-UV2-12; 313-315 North Tacoma Avenue (northwest of site), requested variances of use and development standards to provide for a repair shop and scaffold storage in a dwelling district, **withdrawn**.

klh

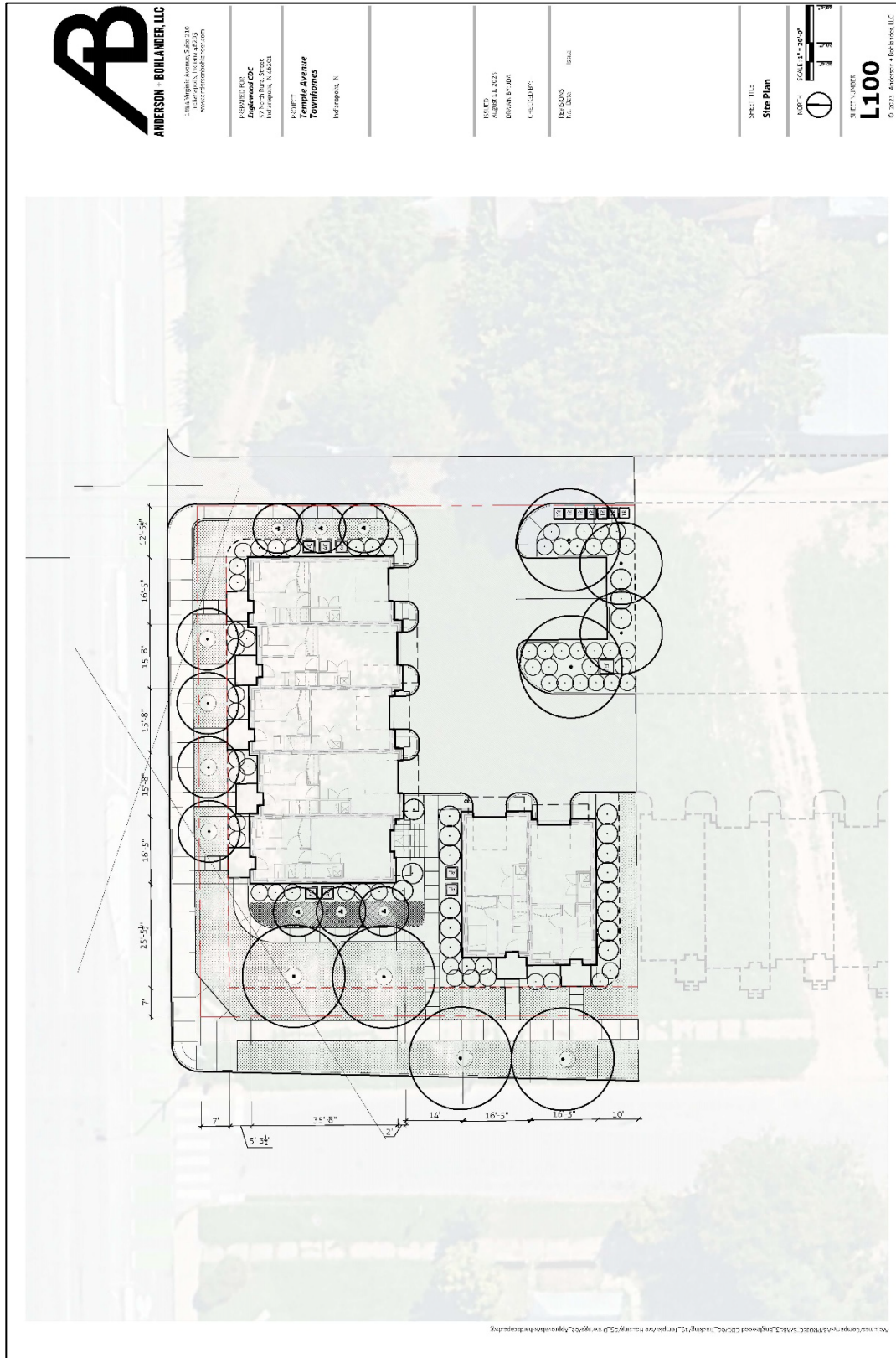
STAFF REPORT 2023-CZN-842 / 2023-CVR-842, Location



STAFF REPORT 2023-CZN-842 / 2023-CVR-842, Aerial photograph (2022)



STAFF REPORT 2023-CZN-842 / 2023-CVR-842, Site Plan



STAFF REPORT 2023-CZN-842 / 2023-CVR-842, Elevations



STAFF REPORT 2023-CZN-842 / 2023-CVR-842, Findings of Fact

Petition Number _____

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

PETITION FOR VARIANCE OF DEVELOPMENT STANDARDS**FINDINGS OF FACT**

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

the variances sought do not impact any clear sight triangle, thus preserving safe visibility at street level, and the variances will allow for a redevelopment that will positively impact the community.

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

none of the variances reduce any standard applicable to any adjoining property, and the development pattern of the proposed project will be consistent with or complementary to adjoining properties.

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

the proposed project is actually located on a compilation of smaller lots, which, if not aggregated, would allow the proposed lot width. There is one building which meets the front building line requirements along Temple Avenue, but not New York Street (which is actually a side facade), thus triggering the other variance due to a double front lot.

DECISION

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

Adopted this _____ day of _____, 20 ____

STAFF REPORT 2023-CZN-842 / 2023-CVR-842, Photographs



Looking south across the subject site from New York Street.



Looking northeast across the site from the southwest corner.



Looking east across the southern end of the subject site.



Looking south along Temple Avenue from the site.



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



Looking west along New York Street. The site is in the left foreground.



Looking west across Temple Avenue from the site.

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 August 24, 2023 hearing.

The request was changed from the D-7 district to the D-8 district in time for the July 27, 2023 hearing. A remonstrator requested and was granted a continuance from the July 27, 2023 hearing to the August 24, 2023 hearing.

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
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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.
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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.
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(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)

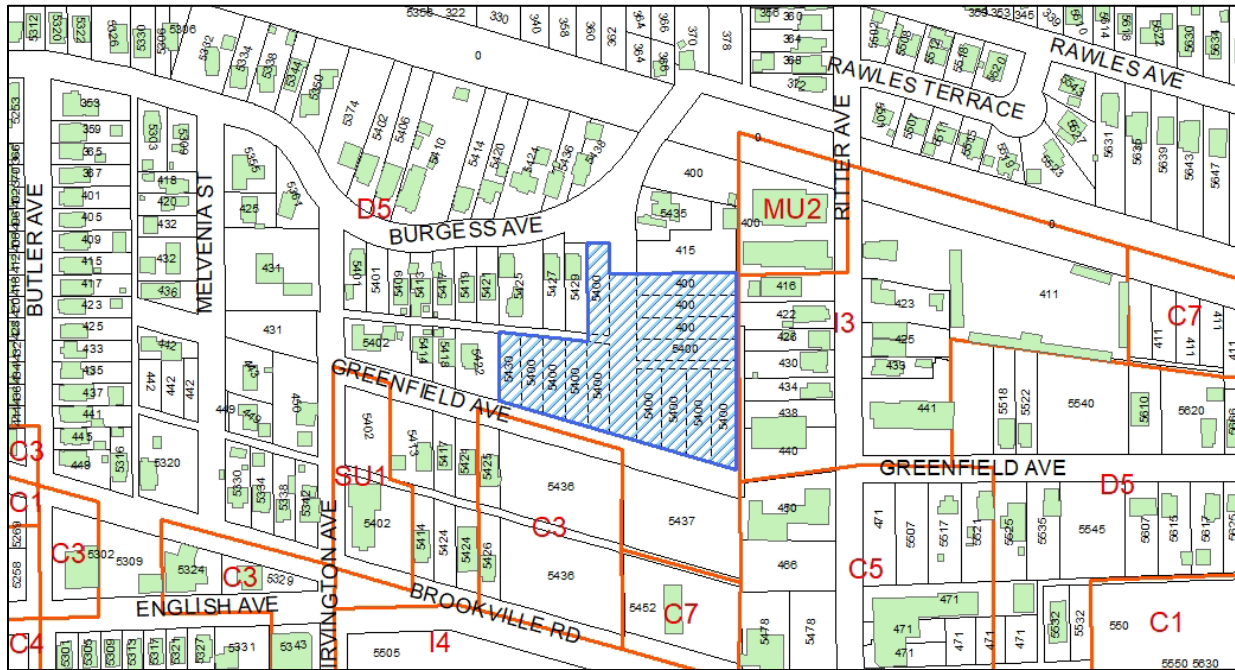
STAFF REPORT 2022-CZN-867 (Amended) (Continued)

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**.

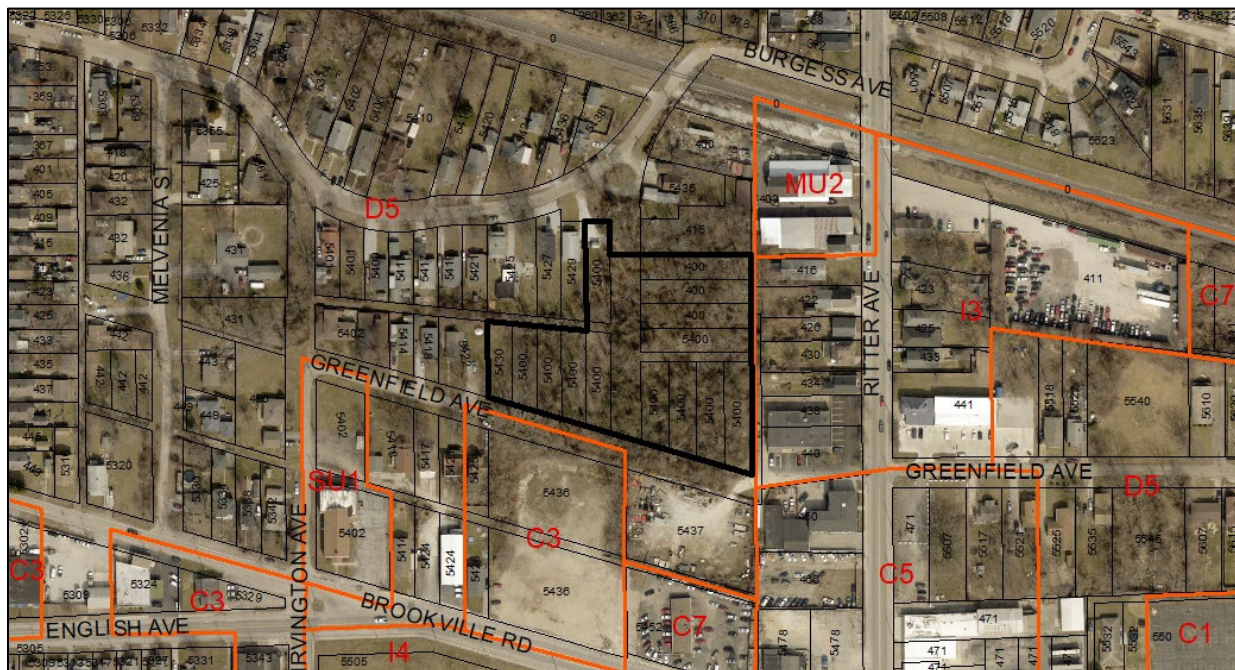
87-V1-29; 5436 Brookville Road (south of site), requested a variance of development standards to provide for a deficient front setback for a canopy, **approved**.

klh

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-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.

RECOMMENDATION

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

SUMMARY OF ISSUES

The following issues were considered in formulating the recommendation:

LAND USE

- ◇ This subject site is part of the Copeland Mills Estates neighborhood that was developed in the late 1990s/early 2000s.
- ◇ The 2018 Comprehensive Land Use Plan recommends Suburban Neighborhood for the site. This typology is primarily intended for single-family dwellings.

MODIFICATION OF COMMITMENTS

- ◇ This site was part of a petition that was approved in 1997 (97-Z-30) that rezoned 69 acres from the D-A district to the D-3 district for provide for single-family residential development.

(Continued)

STAFF REPORT 2023-MOD-014 (Continued)

- ◇ The 1997 petition was approved with an extensive list of commitments. Some of the commitments were requested by Staff, but the majority were negotiated between the petitioner and the community. Among these community-requested commitments were restrictions on fencing greater than what was required by the Ordinance. Fences were not permitted unless used in conjunction with a porch, patio, deck, terrace or in-ground swimming pool, and then only within 15 feet of that feature and not within any required building setback.
- ◇ This petition would modify the fencing restrictions to state that privacy fencing with 100% opacity shall be permitted along the side and rear property lines. The fifteen-foot requirement and the prohibition of fencing within the building setbacks would be removed.
- ◇ This modification would apply only to 6011 Copeland Mills Drive. The commitments for the remainder of the subdivision are not affected by this petition. A similar modification of commitments was recently filed and approved by the Hearing Examiner for a nearby parcel at 6107 Timberland Way.
- ◇ There is no indication in the record that the 1997 commitment being modified was the result of a negotiation between the petitioner and staff. Instead, it was a product of negotiations between the petitioner and the neighborhood organization without staff's involvement. As such, staff has no recommendation on the commitment's modification. However, staff would note that the neighborhood's recommendation in the original petition was based on all the commitments that were submitted and on the reasonable assumption that the site would be developed and operated in accordance with those commitments.

GENERAL INFORMATION

EXISTING ZONING, CONTEXT AREA, AND LAND USE

D-3	Metro	Single-family dwelling
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SURROUNDING ZONING AND LAND USE

North	D-3	Single-family dwelling
South	D-3	Single-family dwelling
East	D-3	Single-family dwelling
West	D-3	Single-family dwelling

COMPREHENSIVE LAND USE PLAN	The Decatur Township Comprehensive Land Use Plan (2018) recommends Suburban Neighborhood for the site.
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(Continued)

STAFF REPORT 2023-MOD-014 (Continued)

THOROUGHFARE PLAN	Copeland Mills 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 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

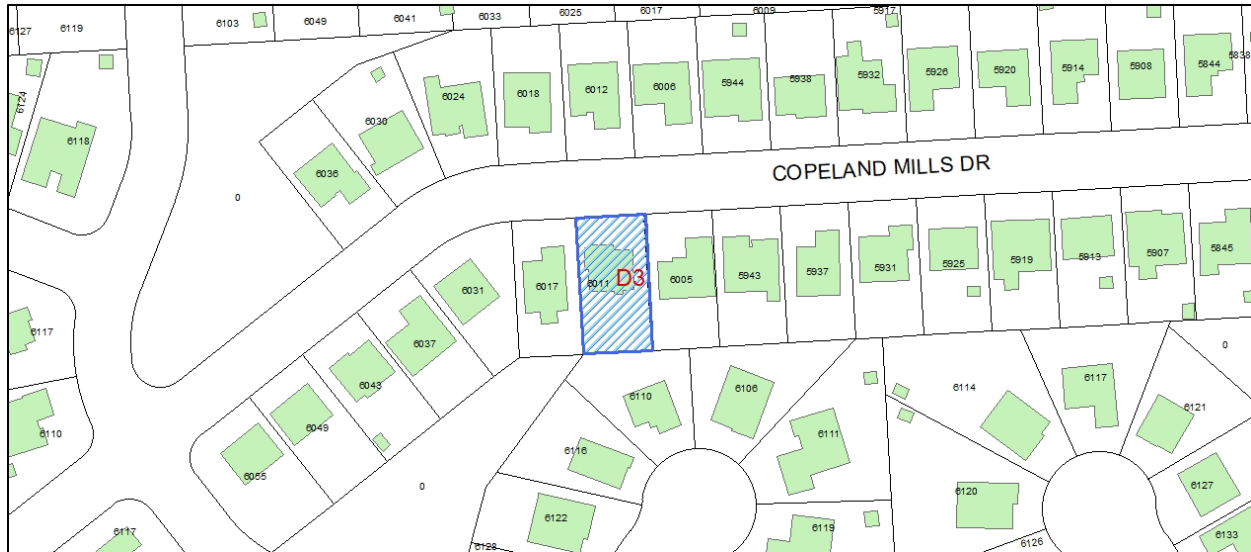
97-Z-30; 600-6251 South High School Road, requested the rezoning of 69 acres from the D-A district to the D-3 district, **approved**.

ZONING HISTORY – VICINITY

None

klh

STAFF REPORT 2023-MOD-014, Location



STAFF REPORT 2023-MOD-014, Aerial photograph (2022)



STAFF REPORT 2023-MOD-014, Proposed commitment**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 78 in Copeland Mills, Section , as recorded as Instrument Number 2000-105962 in the Office of the Recorder of Marion County, Indiana.

Statement of MODIFICATION OR TERMINATION of Covenants or Commitments:

1. Commitment #20 is modified for Lot 78 in Copeland Mills, Section 1 to allow for a six-foot tall privacy fence with 100% opacity located along the side and rear property lines.

2. _____

3. _____

4. _____

5. _____

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

STAFF REPORT 2023-MOD-014, Photographs



Looking south at the subject site.



Looking east along Copeland Mills Road from the site.



Looking south at the east side of the subject site.



Looking south at the west side of the subject site.

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.

August 24, 2023

This petition was continued from the July 27, 2023 hearing to the August 24, 2023 hearing for posted public hearing signs.

July 27, 2023

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.

(Continued)

2023-CZN-834 / 2023-CVR-834 / 2023-CPL-834 STAFF REPORT (Continued)

4. That addresses and street names, as approved by the Department of Metropolitan Development, be affixed to the final plat, prior to recording.
5. That the Enforcement Covenant (Section 741-701, of the Consolidated Zoning and Subdivision Ordinance) be affixed to the final plat, prior to recording.
6. That the Site Distance Covenant (Section 741-702, of the Consolidated Zoning and Subdivision Ordinance) be affixed to the final plat, prior to recording.
7. That the Sanitary Sewer Covenant (Section 741-704, of the Consolidated Zoning and Subdivision Ordinance) be affixed to the final plat, prior to recording.
8. That the Storm Drainage Covenant (Section 741-703, of the Consolidated Zoning and Subdivision Ordinance) be affixed to the final plat, prior to recording.
9. That the plat restrictions and covenants, done in accordance with the rezoning commitments, be submitted, prior to recording the final plat.
10. That all the standards related to secondary plat approval listed in Sections 741-207 and 741-208 of the Consolidated Zoning and Subdivision Ordinance 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 DEVELOPMENT 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
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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 10 th 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.
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SITE PLAN	File-dated June 14, 2023
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PRELIMINARY PLAT	File-dated June 14, 2023
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FINDINGS OF FACT	File-dated June 14, 2023
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(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**.

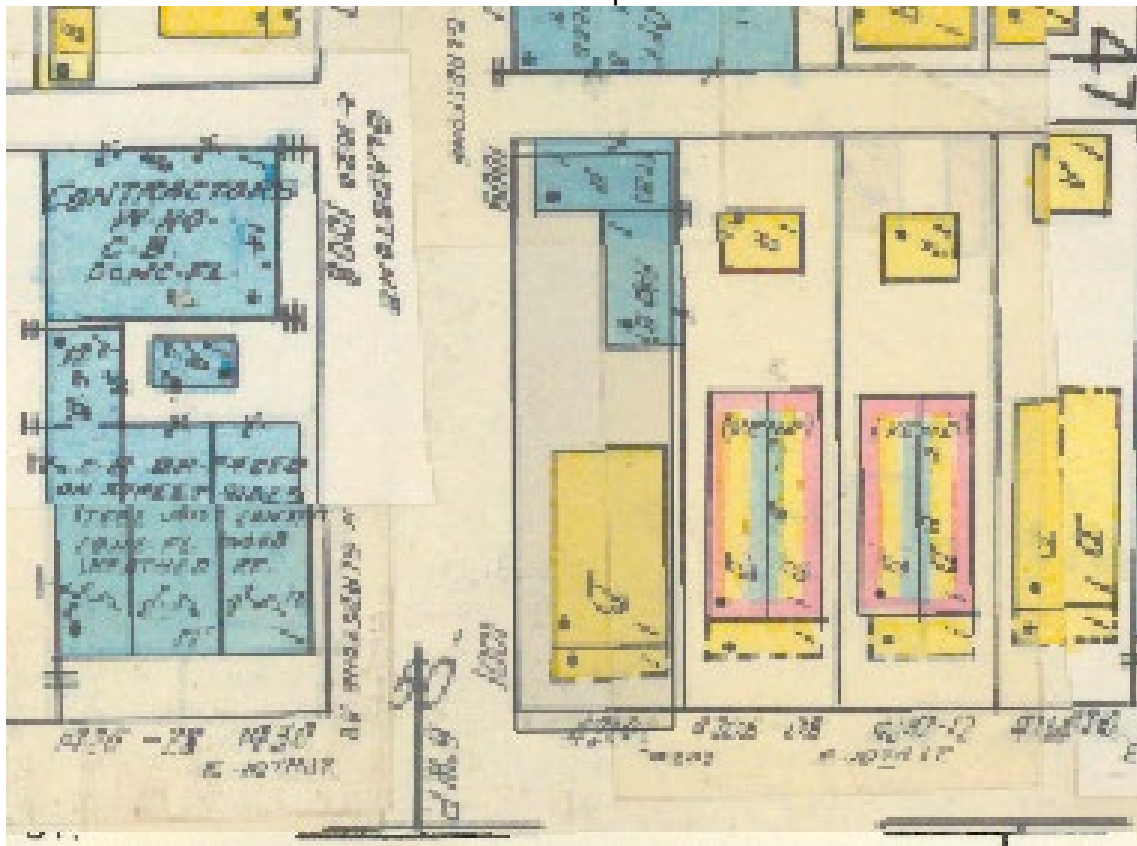
38-V-203, 4101 East 10th Street, variance to provide for a retail storeroom building, **approved**.

AR

2023-CZN-834 / 2023-CVR-834 / 2023-CPL-834 Aerial Map



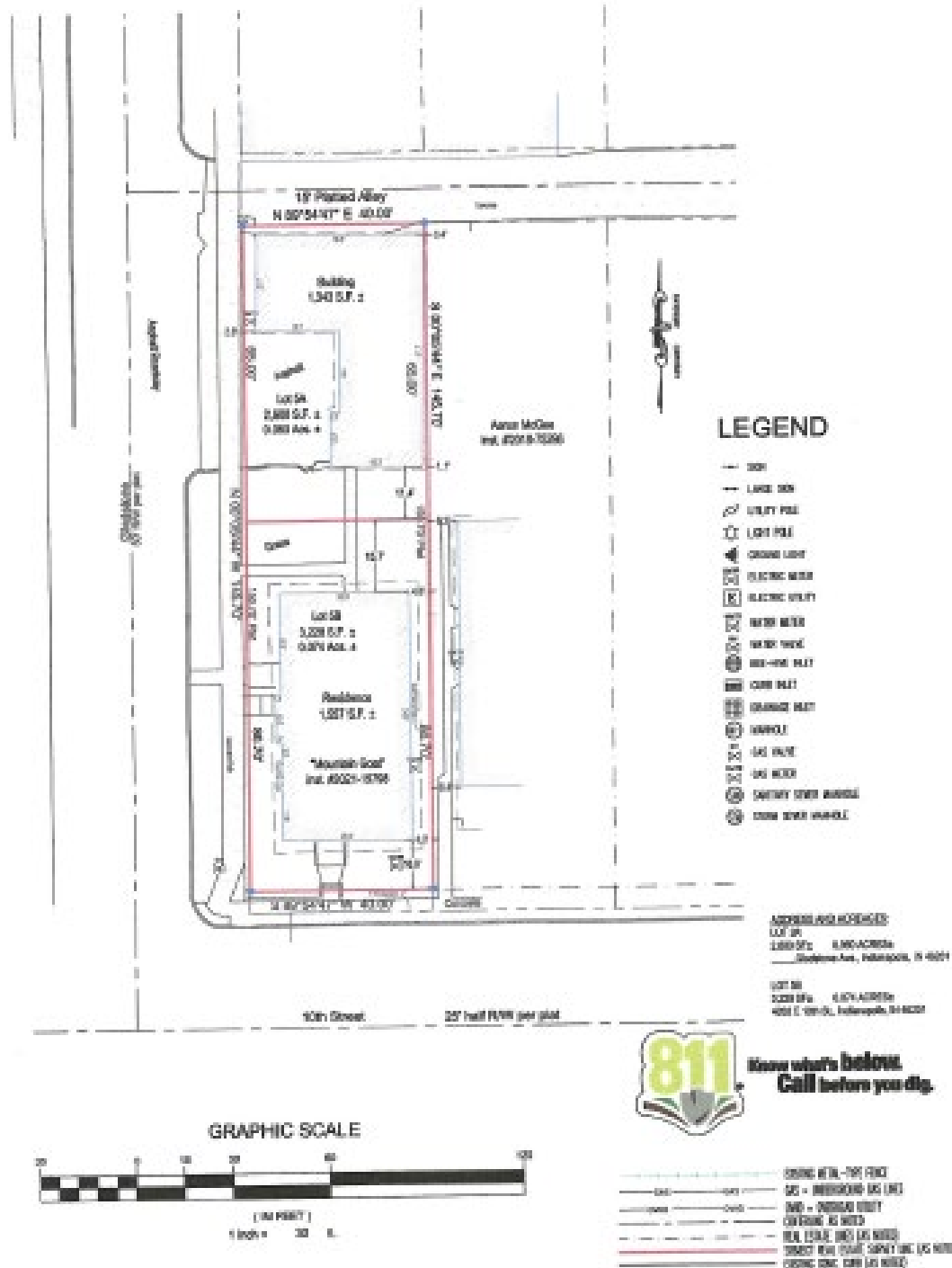
Sanborn Map 1915



2023-CZN-834 / 2023-CVR-834 / 2023-CPL-834 Site Plan and Plat

Primary Plat

Replat of Part Lot Numbered Five (5) in Charles E. and William H. Johnson's East 10th Street Addition to the City of Indianapolis Center Township, Marion County, Indiana



Prepared/Survey	Date Completed	Date Plotted	Drawn/Checked
	4/1/2023		REB/CR
Common Address: 4000 E 10th Street, Indianapolis, Indiana 46204			
Client: Mountain Goat Properties			
10- Job No.:	2023MT-0001	Page 1 of 2	Scale: 1" = 30'
 Engineer Schmidt 11111 11111 Ave 11111 11111 Ave			

Deed/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 65 in the Office of the Recorder of Marion County, Indiana.
 EXCEPT five feet by parallel lines off the entire South-east 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, 16400 Kilmer Ct., Westfield, IN 46074

Instrument #2023-15708
 Marion County, Center Township, Indiana
 State Parcel ID #49-07-00-179-012.000-001 Local Parcel #1827508

2023-CZN-834 / 2023-CVR-834 / 2023-CPL-834 Findings of FactPetition Number 2023__CVR__834

**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 subject property has been used for years as two residences, and this grant will merely allow owner to subdivide the parcel into two parcels and keep the existing structures in their current locations.

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 granting of this variance will allow the Owner to sell subject property to prospective purchasers whose only issue is the lack of separate tax parcels. Thereafter, the value of the subject property and of all adjacent properties shall increase.

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

the garage on the subject property was previously converted to a residence based upon the owner's assumption that the owner could do so without violating any zoning ordinances and the owner has later discovered that is necessary to plat the property into two separate parcels and the necessity of this variance with respect to development standards due to setback issues created by the plat.

2023-CZN-834 / 2023-CVR-834 / 2023-CPL-834 Site Photos



Proposed Lot 5A Gladstone Avenue frontage, looking east



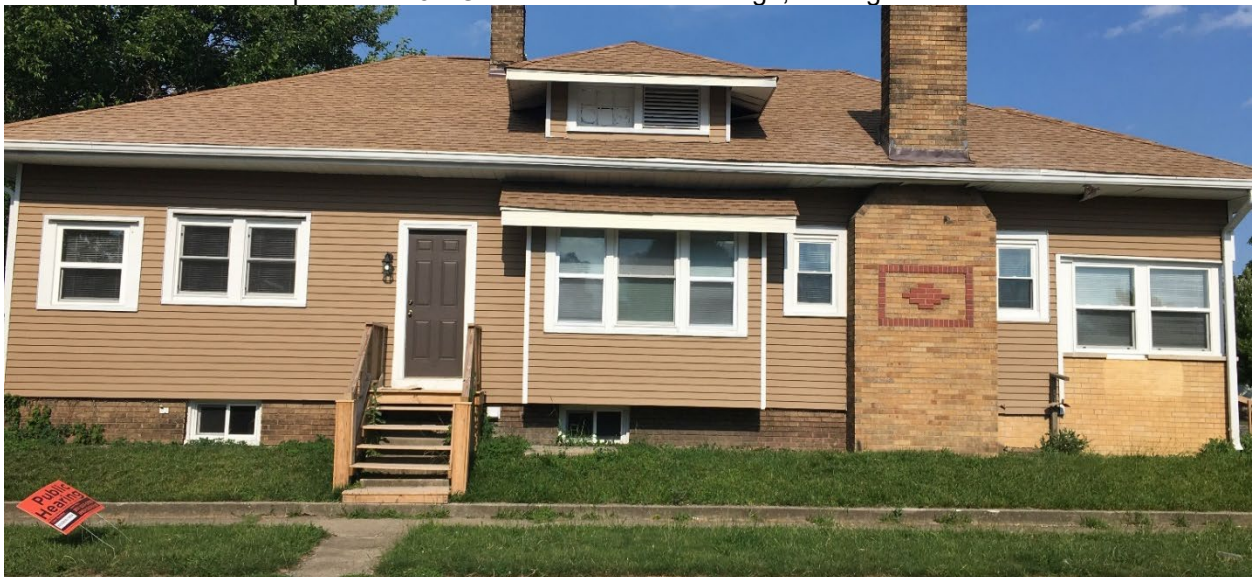
Proposed Lot 5A viewed from the alley, looking south



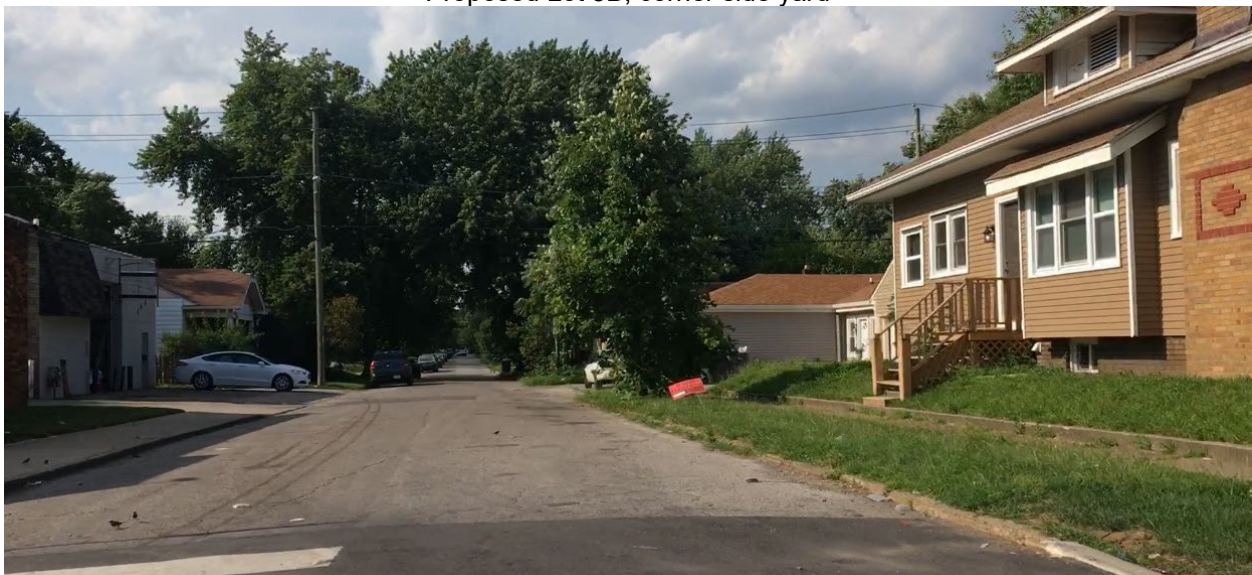
Proposed Lot 5A viewed from alley, looking west



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

Item 17.

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.

ADDENDUM FOR AUGUST 24, 2023, HEARING EXAMINER

The Hearing Examiner continued these petitions from the July 27, 2023 hearing, to the August 24, 2023 hearing, at the request of the petitioner to provide additional time for discussions with the neighborhood organization.

The petitioner submitted an amended site plan on August 15, 2023, that decreased the proposed three-story, single-family dwellings to 2.5 stories and relocated the proposed dwellings (addressed as 1100 and 1106 English Avenue) to the south, which removed 1106 English Avenue out of the clear sight triangle and decreased the amount of encroachment of 1100 English Avenue into the clear sight triangle. Staff, therefore, **recommends approval** of the amended variance requests and continues to **recommend approval** of the rezoning request, subject to the three requested commitments.

August 10, 2023

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).

(Continued)

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:

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.

(Continued)

- ◇ 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.

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

(Continued)

Additional Topics

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

- ◇ “As established neighborhoods experience new development, infill residential construction will provide housing options for new and existing residents. Increased population contributes positively to the local tax base, economic development, lively neighborhoods, and an interesting city. As infill construction occurs, it is important to guide development in a way that complements current neighborhoods. Each home in a neighborhood not only contributes to the existing context of adjoining houses and the block, but to the sense of place of the entire neighborhood.”
- ◇ Because no elevations 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;
 4. A drainage or stormwater management facility as defined in Chapter 561 of this Code on private or governmental property, which facility has not been maintained as required by that chapter; or

(Continued)

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

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

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 utmost 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

AMENDED SITE PLAN File-dated August 15, 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



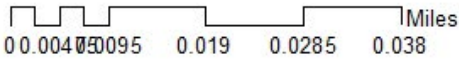
1100-1122 English Avenue

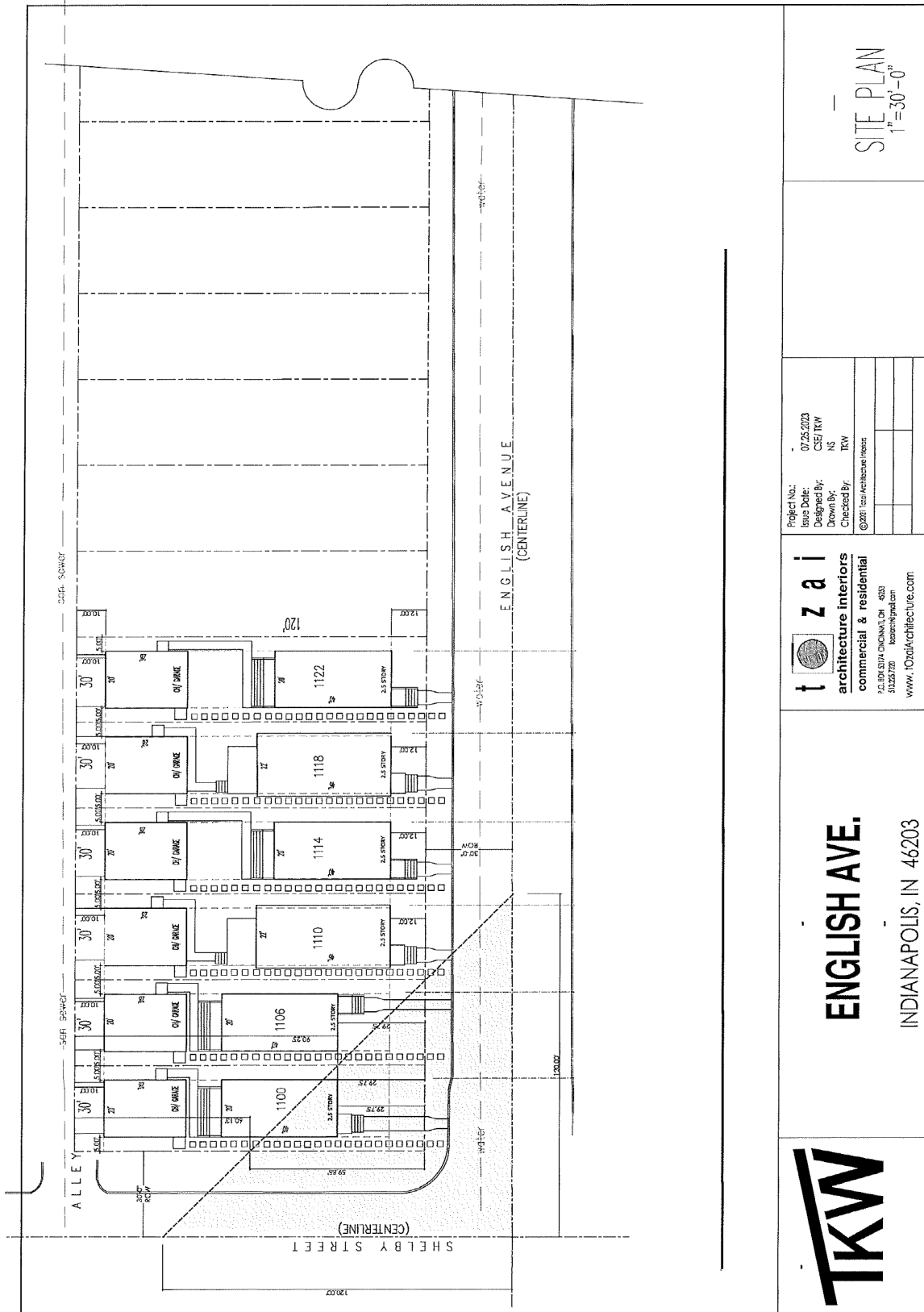


00.004 0.0095 0.019 0.0285 0.038 Miles



1100-1122 English Avenue



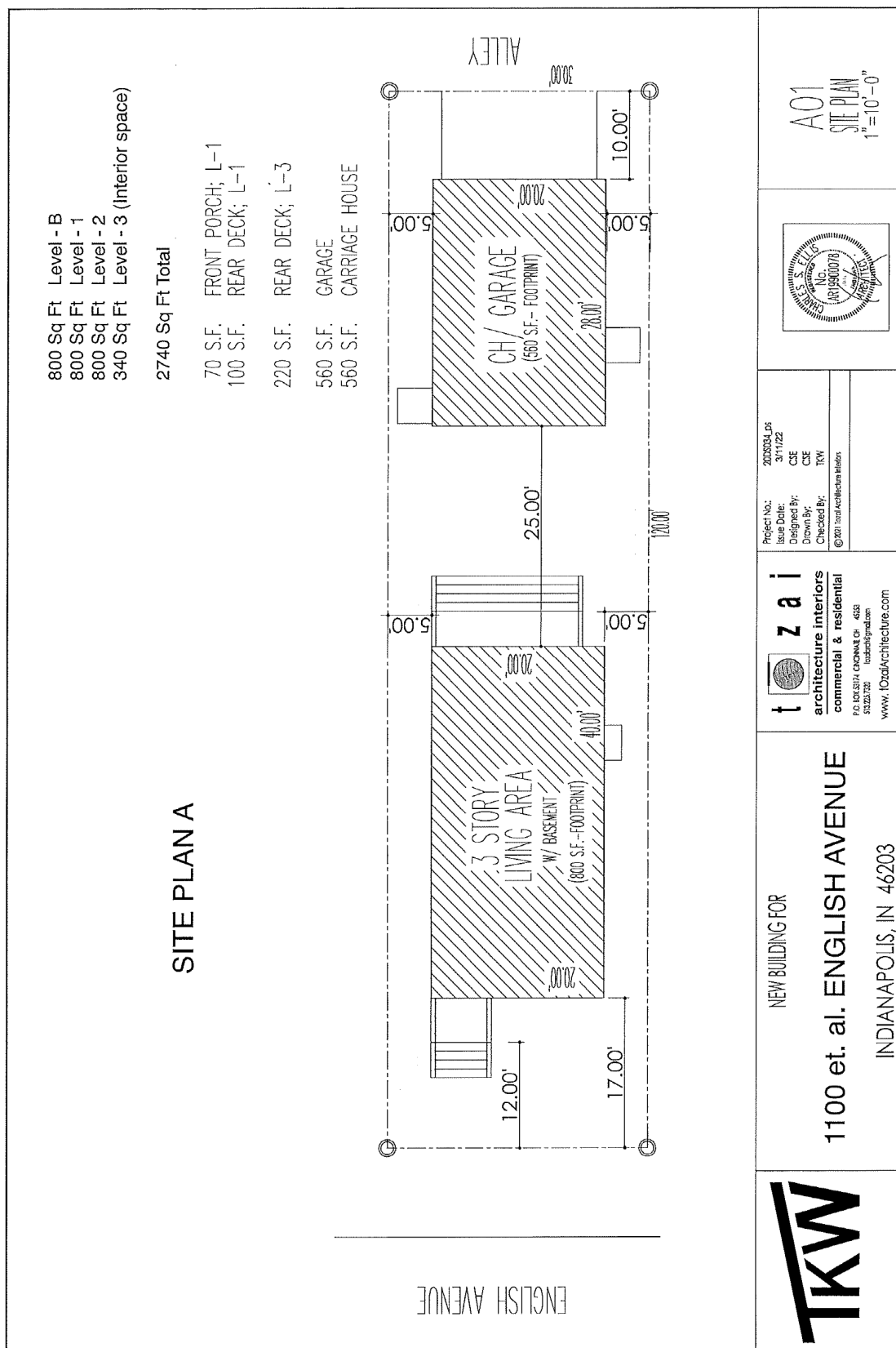


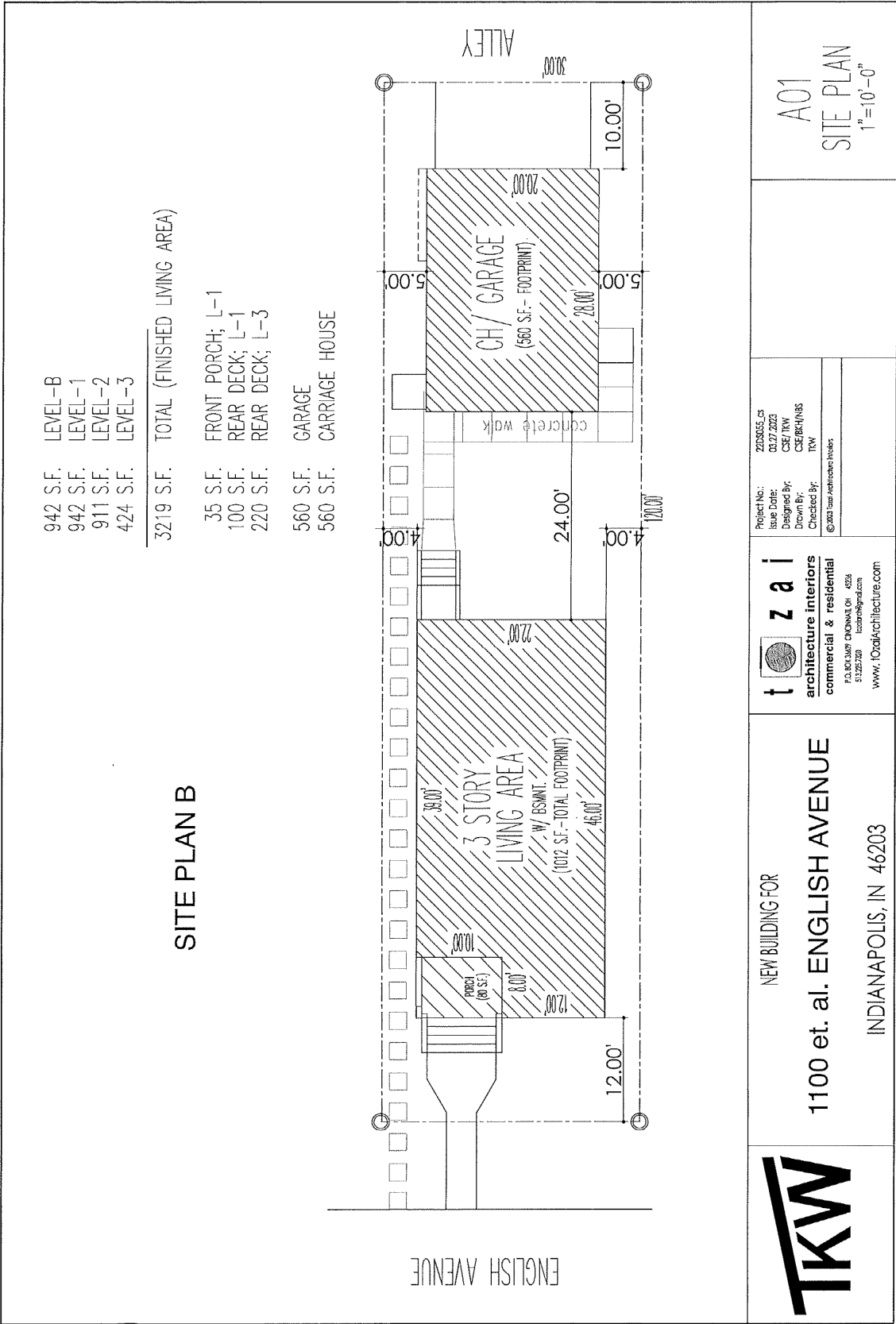
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Project No.: 07.25.2023
Issue Date: CSE/TKW
Designed By: NS
Drawn By: TKW
Checked By: TKW
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SITE PLAN
1" = 30'-0"





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 because 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