



Metropolitan Development Commission Hearing Examiner (November 16, 2023) Meeting Agenda

Meeting Details

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

Date: Thursday, November 16, 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-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.

****Petition has been withdrawn**

- 2. 2023-ZON-100 | 4509 and 4585 Allisonville Road and 2828 E 45th Street**
Washington Township, Council District #9
Sheetmetal Workers Local No. 20 Apprenticeship and Training Trust, by Russell L. Brown

Rezoning of 7.40 acres from the MU-1 (FF) district to the C-S (FF) district to provide for the following permitted uses: Vocational, Technical or Industrial School or Training Facility; Office: Business, Professional or Government; Financial & Insurance Services; and Club or Lodge.

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

- 3. 2023-ZON-102 | 117 (119) North Sherman Drive**
Center Township, Council District #12
Verma Properties, Inc., by Sharmin Frye

Rezoning of 0.11 acre from the D-5 (TOD) district to the C-3 (TOD) district.

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

Petitions for Public Hearing

PETITIONS TO BE EXPEDITED:

- 4. 2023-ZON-068 (Amended) | 510 and 555 Fairfield Avenue**
Center Township, Council District #9
GDR Equity, LLC / Arnold Meyere Group, LLC, by David Kingen

Rezoning of 1.338 acres from the D-5 district to the C-3 district to provide for neighborhood commercial uses.

****Special request for a waiver of written Notice to be made**

5. 2023-ZON-101 | 3905 East Raymond Street and 3820 and 3912 Bethel Avenue

Center Township, Council District #2

Malwa Truck & Tire Repair Shop, LLC, by David Gilman

Rezoning of 17.25 acres from the D-3 (FW) (FF), C-7 (FF) and I-3 districts to the C-7 (FW) (FF) district to provide for heavy commercial uses.

6. 2023-ZON-103 | 1647 Cornell Avenue

Center Township, Council District #11

Megan & Christopher McCarty

Rezoning of 0.11 acre from the I-3 district to the D-8 district.

PETITIONS FOR PUBLIC HEARING (Continued Petitions):

7. 2023-ZON-095 | 2936 North Mitthoefer Road

Warren Township, Council District #14

KC Brothers, Inc., Joseph D. Calderon

Rezoning of 0.855 acres from the C-3 district to the C-4 district to legally establish an automobile fueling station.

8. 2023-CZN-803 / 2023-CVR-803 (Amended) | 3601 North Kitley Avenue and 6535 Massachusetts Avenue

Warren Township, Council District #13

Diego Diaz Huijon, by Joseph D. Calderon

Rezoning of 7.9 acres from the D-3 district to the C-S district to legally establish a commercial building contractor with outside storage, accessory uses related to the building contractor and two single-family dwellings with residential accessory uses.

Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to legally establish a front building setback of 338 feet from Massachusetts Avenue (65-foot maximum permitted) and outside storage with a zero-foot setback from the east and west property lines (10-foot transitional yard/side yard required).

9. 2023-CZN-844 / 2023-CPL-844 | 11805 Brookville Road

Warren Township, Council District #19

DGOGIndianapolisin05032023, LLC, by Alex Intermill and Tyler Ochs

Rezoning of 1.55 acres from the SU-1 district to the C-3 district to provide for retail development.

Approval of a Subdivision Plat to be known as RSBR Brookville Road, subdividing 4.30 acres into two lots.

10. 2023-CVR-854 / 2023-CPL-854 (Amended) | 7805 West 96th Street

Pike Township, Council District #1

D-A (FW) (FF)

Marilyn B. and Paul J. Knapp, by Pat Rooney

Variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for a five-acre lot with zero-feet of public street frontage (125 feet required) and 226.33-foot lot width (250 feet required).

Approval of a Subdivision Plat to be known as Knapp Acres, dividing 50.45 acres into two lots.

11. 2023-CZN-858 / 2023-CVR-858 | 7338 Five Points Road

Franklin Township, Council District #25

Narinder Sodhi, by Joseph D. Calderon

Rezoning of 5.45 acres from the D-A district to the D-2 district to provide for six single-family detached dwellings.

Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for a 30-foot setback from Shelbyville Road and a 25-foot setback from Five Points Road (40-foot setback from

proposed right-of-way required along Shelbyville Road and 30-foot setback from Five Points Road required) and to provide for two lots with frontage on a private street (public street frontage required).

PETITIONS FOR PUBLIC HEARING (New Petitions):

12. 2023-MOD-019 | 5320 & 5340 East Southport Road

Franklin Township, Council District #25

C-S

Greenwood IH Hotel, by Russell L. Brown

Modification of commitments related to 2001-ZON-070, to modify Commitment #19, to provide for a 38-foot-tall hotel (current commitment limits the building height to 35 feet).

13. 2023-MOD-020 | 1855 North Shadeland Avenue

Warren Township, Council District #19

C-4

MG Oil, Inc., by Pat Rooney

Modification of Commitments related to 2021-ZON-105 to modify Commitment #5, to have development compliant with the site plan filed with this petition (current commitment requires compliance with a site plan dated July 17, 2021) and to modify Commitment #6 to provide for a pedestrian signal and crosswalk running north/south across Pleasant Run Parkway, South Drive (current commitment requires the crosswalk running across Shadeland Avenue).

14. 2023-ZON-099 | 1339 Madison Avenue and 217 Orange Street

Center Township, Council District #16

1339 Madison, LLC, by Ed Williams

Rezoning of 0.34 acre from the I-4 and D-5 districts to the MU-2 district to provide for mixed-use development.

Additional Business:

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

STAFF REPORT

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

Case Number: 2023-ZON-042
Address: 3002 South Arlington Avenue (*Approximate Address*)
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 submitted a request to **withdraw** this petition.

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STAFF REPORT

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

Case Number: 2023-ZON-100
Address: 4509 and 4585 Allisonville Road and 2828 E 45th Street (*Approximate Address*)
Location: Washington Township, Council District #9
Petitioner: Sheetmetal Workers Local No. 20 Apprenticeship and Training Trust, by Russell L. Brown
Request: Rezoning of 7.40 acres from the MU-1 (FF) district to the C-S (FF) district to provide for the following permitted uses: Vocational, Technical or Industrial School or Training Facility; Office: Business, Professional or Government; Financial & Insurance Services; and Club or Lodge.

The petitioner will be **requesting a continuance for cause from the November 16, 2023 hearing to the December 14, 2023 hearing** to allow additional time for the petitioner to file a revised site plan and plan of operation that address staff's concerns. A staff report will be available prior to that hearing

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STAFF REPORT

Item 3.

Department of Metropolitan Development
Division of Planning
Current Planning Section

Case Number: 2023-ZON-102
Address: 117 (119) North Sherman Drive (Approximate Addresses)
Location: Center Township, Council District #12
Petitioner: Verma Properties, Inc., by Sharmin Frye
Request: Rezoning of 0.11 acre from the D-5 (TOD) district to the C-3 (TOD) district.

The petitioner will be requesting a **continuance for cause from the November 16, 2023 hearing to the December 14, 2023 hearing** to allow additional time for the mailing of the notice requirement to be fulfilled.

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STAFF REPORT

Department of Metropolitan Development Division of Planning Current Planning Section

Case Number: 2023-ZON-068 (Amended)
Address: 510 and 555 Fairfield Avenue (*Approximate Address*)
Location: Center Township, Council District #9
Petitioner: GDR Equity, LLC / Arnold Meyere Group, LLC, by David Kingen
Request: Rezoning of 1.388 acres from the D-5 district to the C-3 district to provide for neighborhood commercial uses.

ADDENDUM FOR NOVEMBER 16, 2023, HEARING EXAMINER

This petition was amended to add increased acreage on October 25, 2023. This petition was continued, with notice, from the October 26, 2023, hearing to the November 16, 2023, to provide for an amended Legal Notice. However, a waiver of notice will be needed as notice was not provided 23 days prior to the November 16, 2023, hearing. As of this writing, an amended affidavit of notice has not been submitted to the file to indicate the number of days necessary for the waiver.

OCTOBER 26, 2023, HEARING EXAMINER

This petition was continued from the September 28, 2023, hearing to the October 26, 2023, hearing by request of the petitioner. Staff requested and was granted a continuance from the August 10, 2023, hearing to the September 28, 2023, hearing to allow time for the petitioner to submit requested information and to allow the petitioner and the neighborhood organization additional time to discuss the request.

RECOMMENDATION

Staff **recommends approval** of this request.

SUMMARY OF ISSUES

The following issues were considered in formulating the recommendation.

LAND USE

- ◇ Historic aerial photography and mapping indicate that the subject site was originally developed in the 1940s or early 1950s with a grocery store. That building appears to be the one that still sits on the site today. The site is currently occupied by a company that restores damaged fabrics.

(Continued)

STAFF REPORT 2023-ZON-068 (Continued)

- ◇ The Mapleton Fall Creek Neighborhood Land Use Plan, a segment of the Comprehensive Plan, recommends Special Use for 510 Fairfield Avenue and Community Commercial for 555 Fairfield Avenue.
- ◇ The Special Use category is intended for a variety of public, semi-public and private land uses that either serve specific public purposes such as schools churches, libraries, neighborhood centers and public safety facilities, or are unique uses exhibiting significant impacts on adjacent property such as a university or the State Fairgrounds. At the time of the plan, 510 was used as parking for the Special Use across 34th Street to the south.
- ◇ The Community Commercial category is intended for low-intensity commercial and office uses. The uses in this category would fulfill a broad range of personal, professional and business services and neighborhood-serving retailing.
- ◇ The site is currently under investigation by the Department of Business and Neighborhood Services for operation of a land use that is not permitted by the site's zoning district.

ZONING

- ◇ This petition requests a rezoning from the D-5 district to the C-3 district. The D-5 district provides for a variety of housing types, but not commercial uses. The D-5 district is a mismatch to the current and historic uses of the site. The C-3 district is designed for professional and personal services and neighborhood-servicing retailing. It is not intended for uses that are heavy traffic generators.
- ◇ The current use of the site is not permitted in the C-3 district. The existing use could continue to operate as a legally non-conforming use if it was legally conforming at the time of its establishment, however there is no indication that this is the situation. As staff understands the use, the current use would fall into the "Dry Cleaning Plant or Industrial Laundry" land use category. This use is permitted in the C-7 district and the industrial districts, which are districts that are much more intense than those envisioned by the Land Use Plan.
- ◇ The petitioner has stated that the non-conforming use will be moved from the site to a compliant location and that the operations remaining in the building will conform to the C-3 District.
- ◇ The C-3 district is appropriate as it is responsive to the Community Commercial recommendation of the Comprehensive Land Use Plan for the eastern portion of the site. As such, staff recommends approval of this petition. However, staff notes that the grant of this request doesn't constitute approval of a use that isn't compliant in the C-3 district.

(Continued)

STAFF REPORT 2023-ZON-068 (Continued)

GENERAL INFORMATION

EXISTING ZONING, CONTEXT AREA, AND LAND USE
D-5 Compact Restoration service

SURROUNDING ZONING AND LAND USE
North D-3, D-8 Multi-family dwelling complex, single-family dwelling
South D-5, SU-1 Single-family dwellings, vacant religious structure
East SU-1 Religious use
West D-5 Barber shop

COMPREHENSIVE LAND USE PLAN The Mapleton Fall Creek Neighborhood Land Use Plan (2013) recommends Special Use for 510 and Community Commercial for 555 Fairfield Avenue.

THOROUGHFARE PLAN Fairfield Avenue is classified in the Official Thoroughfare Plan for Marion County, Indiana as a Primary Collector, with a 60-foot existing right-of-way and a 78-foot proposed right-of-way.

Park 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.

34th Street is classified in the Official Thoroughfare Plan for Marion County, Indiana as a Primary Collector, with a 60-foot existing right-of-way and a 56-foot proposed right-of-way.

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

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

ZONING HISTORY – SITE

2017-UV2-026; 510 Fairfield Avenue, requested a variance of use to provide for a wireless communications facility and variances of development standards for deficient landscaping and with barbed wire fencing, **denied**.

(Continued)

STAFF REPORT 2023-ZON-068 (Continued)

ZONING HISTORY – VICINITY

2006-ZON-001; 3433 Central Avenue (north of site), requested the rezoning of 4.7 acres from the D-3 district to the D-8 district, **approved.**

2003-UV1-039; 3433 Central Avenue (north of site), requested a variance of use to legally establish four multi-family residential structures, **approved.**

2002-UV3-018; 3421 North Park Avenue (east of site), requested a variance of use to provide for a food pantry and related offices, **approved.**

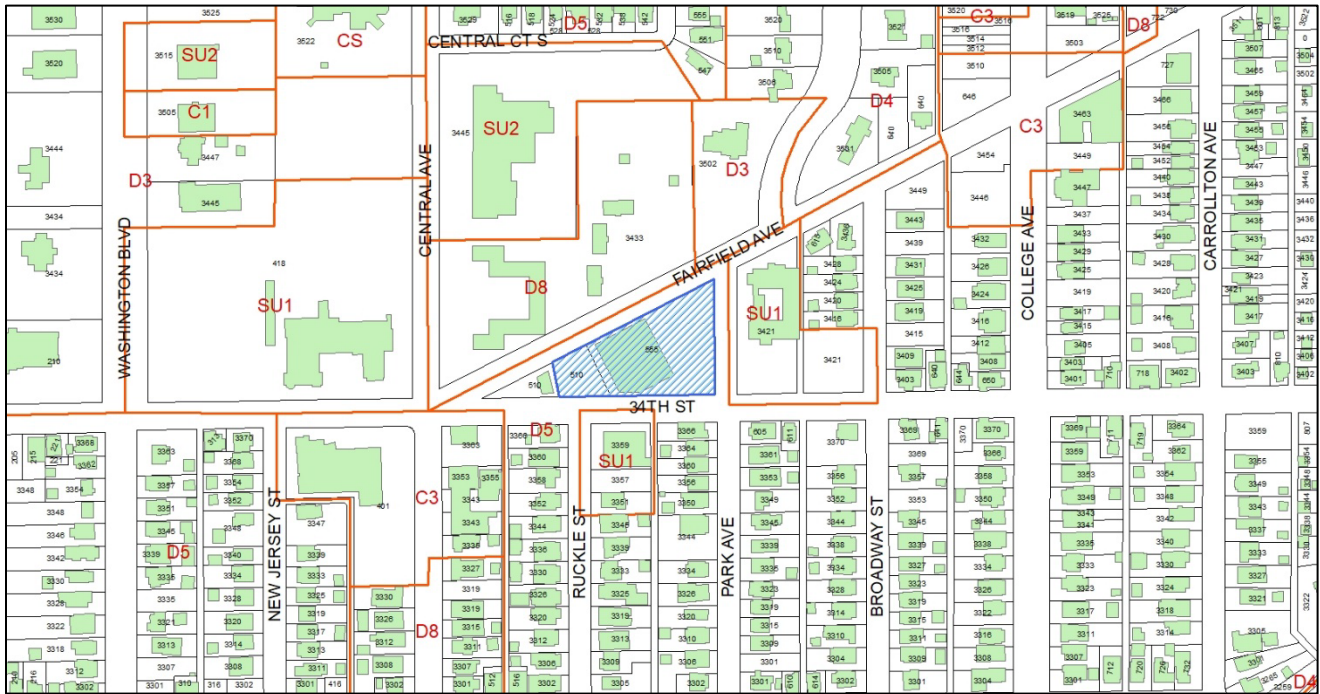
98-Z-185; 3421 North Park Avenue (east of site), requested the rezoning of 1.35 acre from the D-5 district to the SU-1 district, **approved.**

90-Z-137; 3502 Watson Road (north of site), requested the rezoning of 1.3 acre from the D-3 district to the D-8 district, **approved.**

81-Z-152; 3359 North Ruckle Street (south of site), requested the rezoning of 0.75 acre from the D-5 district to the SU-1 district, **approved.**

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STAFF REPORT 2023-ZON-068, Location



STAFF REPORT 2023-ZON-068, Aerial photograph (2022)



STAFF REPORT 2023-ZON-068, Photographs



Looking southeast along Fairfield Avenue and the east end of the subject site.



Looking southeast across Fairfield Avenue at the site.



Looking south across the west end of the site and the neighbor to the south.



Looking north across 34th Street at the west end of the site and the multi-family complex to the north.



Looking north across 34th Street the site.



Looking north across 34th Street at the east end of the site.



Looking north across Fairfield Avenue at the neighbors to the north.



Looking southwest along Fairfield Avenue at the neighbors to the west.



Looking south at the neighbor to the west.



Looking south on Ruckle Street.



Looking southwest across 34th Street at the neighbors to the south.



Looking east across Park Avenue at the neighbor to the east.

STAFF REPORT

Item 5.

Department of Metropolitan Development Division of Planning Current Planning Section

Case Number: 2023-ZON-101
Address: 3905 East Raymond Street and 3820 and 3912 Bethel Avenue
(Approximate Address)
Location: Center Township, Council District #21
Petitioner: Malwa Truck & Tire Repair Shop, LLC, by David Gilman
Request: Rezoning of 17.25 acres from the D-3 (FW) (FF), C-7 (FF) and I-3 districts to the C-7 (FW) (FF) district to provide for heavy commercial uses.

RECOMMENDATIONS

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. All commitments associated with petition 2018-ZON-100 shall be replaced by the following six commitments.
2. A tree inventory, tree assessment and preservation plan prepared by a certified arborist shall be submitted for Administrator Approval prior to preliminary plat approval and prior to any site preparation activity or disturbance of the site. This plan shall, at a minimum: a) indicate proposed development; b) delineate the location of the existing trees, c) characterize the size and species of such trees, d) indicate the wooded areas to be saved by shading or some other means of indicating tree areas to be preserved and e) identify the method of preservation (e.g. provision of snow fencing or staked straw bales at the individual tree's dripline during construction activity). All trees proposed for removal shall be indicated as such.
3. A 40-foot half right-of-way shall be dedicated along the frontage of Bethel 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).
4. The following C-7 uses would be permitted: Agricultural machinery and equipment sales; rental or repair; heavy equipment sales, service or repair; fleet terminals; truck or heavy vehicle sales, rental or repair; mini warehouses /self-storage facility; and commercial parking lot (requires the grant of a Special Exception). All other permitted C-7 uses would be prohibited.

(Continued)

5. A site and landscape plan shall be submitted for Administrator Approval prior to any further disturbance of the site. The site plan shall consider the tree preservation plan, floodplain, stream protection corridor, and right-of-way dedication. The landscape plan shall provide for any necessary tree removal mitigation and enhanced year around landscaping along Bethel Avenue.
6. The entire site shall be brought into compliance with the Ordinance within 180 days from final approval of the rezoning.
7. The site and improved areas within the site shall be maintained in a reasonably neat and orderly manner during and after development of the site with appropriate areas and containers / receptables provided for the proper disposal of trash and other waste.

SUMMARY OF ISSUES

The following issues were considered in formulating the recommendation:

LAND USE

- ◇ This 17.25-acre site, zoned D-3 (FW) (FF), C-7 (FF) and I-3, is bisected by Bean Creek and developed with a semi-truck and tire repair business on the northern portion of the site and single-family dwellings and truck / trailer parking on the southern portion of the site. It is surrounded by industrial uses to the north, zoned I-4; single-family dwellings to the south, across Bethel Avenue, zoned D-3; commercial uses to the east, zoned C-7; and undeveloped land to the west, zoned D-3 (FW) (FF).
- ◇ Petition 2018-ZON-018 rezoned the northern portion along East Raymond Street and three parcels south of Bean Creek to the C-7 (FF)(FW) district to provide for truck repair. Petition 2003-ZON-083 rezoned the northern two parcels to the C-S (FF)(FW) District to provide for a contractor's business.

REZONING

- ◇ This request would rezone the site from the D-3 (FW) (FF), C-7 (FF) Districts to the C-7 classification. "The C-7 District is designed to provide specific areas for commercial uses which have unusually incompatible features relative to other commercial uses, such as major outdoor storage or display of sizeable merchandise and the outdoor parking and storage of trucks, materials or equipment essential to the operation of these uses. Many of these uses generally are not visited by customers, but rather involve service operations from headquarters with some on-site fabrication of parts. The nature of operation or appearance are more compatible with industrial than retail commercial activities. Because of the character and intensity of these uses, this district should be appropriately located on major commercial arterial thoroughfares and near interstate freeways, but not in close association with those commercial activities involving shopping goods, professional services, restaurants, food merchandising, and the like. Due to the intensity of uses, location of this district should never be adjacent to protected districts."

(Continued)

- ◇ The Comprehensive Plan recommends light industrial typology north of Bean Creek. “The Light Industrial typology provides for industrial, production, distribution, and repair uses conducted within enclosed structures and unlikely to create emissions of light, odor, noise, or vibrations. This typology is characterized by freestanding buildings or groups of buildings, often within industrial parks. Typical uses include warehousing, self-storage, assembly of parts, laboratories, wholesaling, and printing. Industrial or truck traffic should be separated from local/residential traffic.”
- ◇ The Comprehensive Plan recommends suburban neighborhood for the site south of Bean Creek. “The Suburban Neighborhood typology is predominantly made up of single-family housing but is interspersed with attached and multifamily housing where appropriate. This typology should be supported by a variety of neighborhood-serving businesses, institutions, and amenities. Natural Corridors and natural features such as stream corridors, wetlands, and woodlands should be treated as focal points or organizing systems for development. Streets should be well-connected, and amenities should be treated as landmarks that enhance navigability of the development. This typology generally has a residential density of 1 to 5 dwelling units per acre, but a higher density is recommended if the development is within a quarter mile of a frequent transit line, greenway, or park.”
- ◇ 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:

Light Industrial Uses

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

Conditions for All Land Use Types (Suburban Neighborhood)

- All land use types except small-scale parks and community farms/gardens in this typology must have adequate municipal water and sanitary sewer.
- All development should include sidewalks along the street frontage.
- Hydrological patterns should be preserved wherever possible.
- Curvilinear streets should be used with discretion and should maintain the same general direction.
- In master-planned developments, block lengths of less than 500 feet, or pedestrian cut-throughs for longer blocks, are encouraged

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Overlays

- ◇ This site is also located within the Environmental Sensitive Areas (ES) overlay, specifically Forest Alliance Woodlands and a 100-year floodplain. “Overlays are used in places where the land uses that are allowed in a typology need to be adjusted. They may be needed because an area is environmentally sensitive, near an airport, or because a certain type of development should be promoted. Overlays can add uses, remove uses, or modify the conditions that are applied to uses in a typology.”
- ◇ “The Environmentally Sensitive Areas (ES) Overlay is intended for areas containing high quality woodlands, wetlands, or other natural resources that should be protected. The purpose of this overlay is to prevent or mitigate potential damage to these resources caused by development. This overlay is also appropriate for areas that present an opportunity to create a new environmental asset. This overlay is not intended for the preservation of open space.”
- ◇ As previously noted, Bean Creek bisects this site and enters the site at the northeast corner of the site along East Raymond Street, runs southwesterly and exits the site at the southwest corner. The northern and western portion of this site is covered by high quality woodlands, specifically identified as Forest Alliance Woodlands and generally follows the path of Bean Creek.

Tree Preservation / Heritage Tree Conservation

- ◇ There are significant amounts of natural vegetation and trees located on the northern and western portion of the site. Due to their inherent ecological, aesthetic, and buffering qualities, the maximum number of these existing trees should be preserved on the site.
- ◇ All development shall be in a manner that causes the least amount of disruption to the trees.
- ◇ A tree inventory, tree assessment and preservation plan prepared by a certified arborist shall be submitted for Administrator Approval prior to preliminary plat approval and prior to any site preparation activity or disturbance of the site. This plan shall, at a minimum: a) indicate proposed development, b) delineate the location of the existing trees, c) characterize the size and species of such trees, d) indicate the wooded areas to be saved by shading or some other means of indicating tree areas to be preserved and e) identify the method of preservation (e.g. provision of snow fencing or staked straw bales at the individual tree's dripline during construction activity). All trees proposed for removal shall be indicated as such.
- ◇ If any of the trees are heritage trees that would be impacted, then the Ordinance requires that the Administrator, Urban Forester or Director of Public Works determine whether the tree(s) would be preserved or removed and replaced.

(Continued)

- ◇ The Ordinance defines “heritage tree” as a tree over 18 inches Diameter at Breast Height (DBH) and one of the Heritage tree species. Heritage tree species include: Sugar Maple (*Acer saccharum*), Shagbark Hickory (*Carya ovata*), Hackberry (*Celtis occidentalis*), Yellowwood (*Cladrastus kentukea*), American Beech (*Fagus grandifolia*), Kentucky Coffeetree (*Gymnocladus dioica*), Walnut or Butternut (*Juglans*), Tulip Poplar (*Liriodendron tulipifera*), Sweet Gum (*Liquidambar styraciflua*), Black Gum (*Nyssa sylvatica*), American Sycamore (*Platanus occidentalis*), Eastern Cottonwood (*Populus deltoides*), American Elm (*Ulmus americana*), Red Elm (*Ulmus rubra*) and any oak species (*Quercus*, all spp.)
- ◇ The Ordinance also provides for replacement of heritage trees if a heritage tree is removed or dies within three years of the Improvement Location issuance date. See Exhibit A, Table 744-503-3: Replacement Trees.

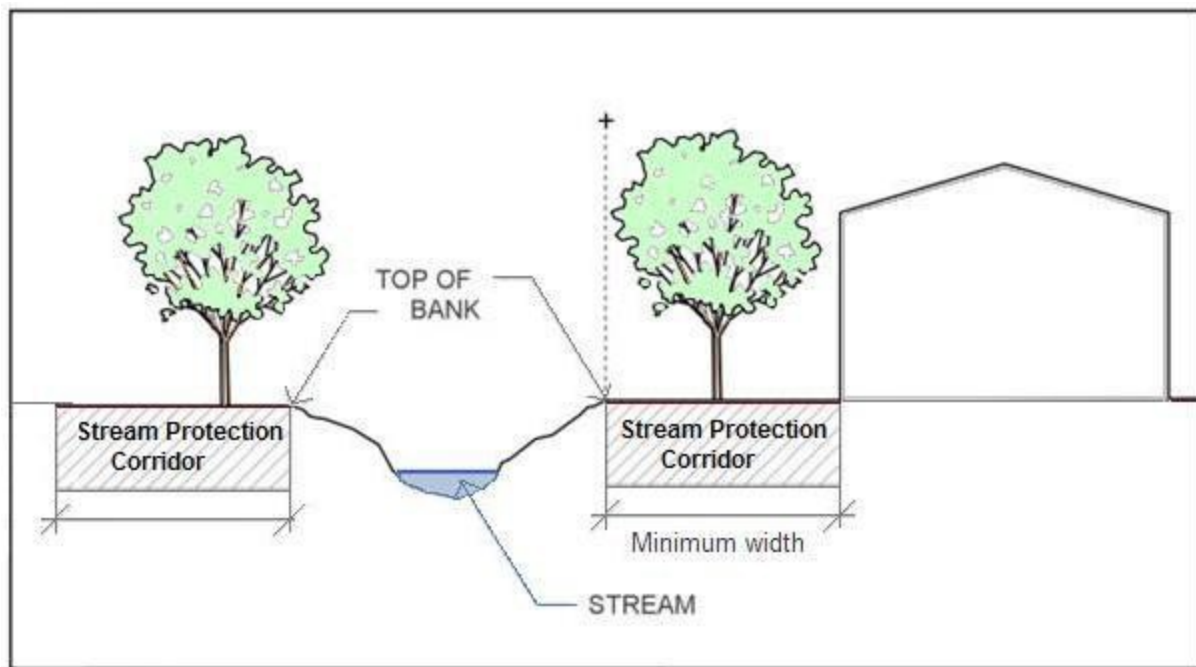
Stream Protection Corridor

- ◇ A stream protection corridor consists of a strip of land, extending along both sides of all streams, with measurements taken from the top of the bank on either side. The width of the corridor is based upon whether the stream is designated as a Category One or Category Two. Category One streams have a corridor width of 60 feet in the compact context area and 100 feet in the metro context area. Category Two streams have a corridor width of 25 feet in the compact context area and 50 feet in the metro context area.
- ◇ The vegetative target for the Stream Protection Corridor is a variety of mature, native riparian tree and shrub species that can provide shade, leaf litter, woody debris, and erosion protection to the stream, along with appropriate plantings necessary for effective stream bank stabilization.
- ◇ The Stream Protection Corridor is defined as:

“A vegetated area, including trees, shrubs, and herbaceous vegetation, that exists or is established to protect a stream system, lake, or reservoir, and where alteration is strictly limited. Functionally, stream protection corridors provide erosion control, improve water quality (lower sedimentation and contaminant removal) offer flood water storage, provide habitat, and improve aesthetic value.”
- ◇ Stream is defined as “a surface watercourse with a well-defined bed and bank, either natural or artificial that confines and conducts continuous or periodic flowing water.”
- ◇ Stream Bank is defined as “the sloping land that contains the stream channel and the normal flows of the stream.”
- ◇ Stream Channel is defined as “part of a watercourse that contains an intermittent or perennial base flow of groundwater origin.”

(Continued)

- ◇ There are two types of categories of Streams: Category One Streams and Category Two Streams. Bean Creek is listed as a Category One Stream, which is defined as: “A perennial stream that flows in a well-defined channel throughout most of the year under normal climatic conditions. Some may dry up during drought periods or due to excessive upstream uses. Aquatic organism such as some fish are normally present and easily found in these streams. The Category One Streams are listed in Table 744-205-2: Category One Streams.”
- ◇ Category Two Stream is defined as: “An intermittent stream that flows in a well-defined channel during wet seasons of the year but not necessarily for the entire year. These streams generally exhibit signs of water velocity sufficient to move soil, material, litter, and fine debris. Aquatic organisms, such as fish, are often difficult to find or not present at all in these streams. These streams are identified on the United States Geological Survey (USGS) topographic maps and on the Department of Natural Resources Conservation Service (NRCS) soils maps.”
- ◇ There are 32 Category One streams listed in the Ordinance. The stream protection corridor is a strip of land on both sides of the stream whose width varies according to whether it is within the Compact or Metro Context Area and whether it is a Category One or Category Two Stream.
- ◇ Bean Creek bisects the site, is designated as a Category One Stream within the Metro Context Area and is required to have a 100-foot stream protection corridor on both sides of the stream, as measured parallel from the top of the bank. Top of the bank is not defined by the Ordinance, other than by Diagram UU, Stream Protection Corridor Cross-section, as shown below.



Stream Protection Corridor

(Continued)

Floodway Fringe

- ◇ Portions of this site has a secondary zoning classification of a Floodway Fringe (FF), which is the portion of the regulatory floodplain that is not required to convey the 100-year frequency flood peak discharge and lies outside of the floodway.
- ◇ The designation of the FF District is to guide development in areas subject to potential flood damage, but outside the Floodway (FW) District. Unless otherwise prohibited, all uses permitted in the primary zoning district (C-7 in this request) are permitted, subject to certain development standards of the Flood Control Secondary Zoning Districts Ordinance.
- ◇ Staff would note that certain uses are **prohibited in the floodplain, including “truck, train, or bus terminal, storage or maintenance facility,”** which is the proposed use with this rezoning. Consequently, those areas of the site that lie within the floodplain could not be developed as proposed.

Department of Public Works

- ◇ The Department of Public Works, Traffic Engineering Section, has requested the dedication and conveyance of a 40-foot half right-of-way along Bethel Avenue. This dedication would also be consistent with the Marion County Thoroughfare Plan.
- ◇ The right-of-way along Bethel Avenue varies from 70 feet to 90 feet. The dedication requested would occur between the western property boundary and the existing 90-foot right-of-way along Bethel Avenue frontage, which would be approximately 775 feet to the southeast.

Environmental Public Nuisances

- ◇ The purpose of the Revised Code of the Consolidated City and County, Sec.575 (Environmental Public Nuisances) is to protect public safety, health and welfare and enhance the environment for the people of the city by making it unlawful for property owners and occupants to allow an environmental public nuisance to exist.
- ◇ All owners, occupants, or other persons in control of any private property within the city shall be required to keep the private property free from environmental nuisances.
- ◇ Environmental public nuisance means:
 1. Vegetation on private or governmental property that is abandoned, neglected, disregarded or not cut, mown, or otherwise removed and that has attained a height of twelve (12) inches or more;
 2. Vegetation, trees or woody growth on private property that, due to its proximity to any governmental property, right-of-way or easement, interferes with the public safety or lawful use of the governmental property, right-of-way or easement or that has been allowed to become a health or safety hazard;

(Continued)

3. A drainage or stormwater management facility as defined in Chapter 561 of this Code on private or governmental property, which facility has not been maintained as required by that chapter; or
 4. Property that has accumulated litter or waste products, unless specifically authorized under existing laws and regulations, or that has otherwise been allowed to become a health or safety hazard.
- ◇ Staff would request a commitment that emphasizes the importance of maintaining the site in a neat and orderly manner at all times and provide containers and receptacles for proper disposal of trash and other waste.

Planning Analysis

- ◇ As proposed, the portion of the site south of Bean Creek would not be consistent with the Comprehensive Plan recommendation of suburban neighborhood typology. However, it would be unlikely that this area would be residentially developed given the proximity of industrial and heavy commercial uses to the east. Furthermore, petition 2018-ZON-100 rezoned 11.2 acres of this site to the C-7 district. The additional six acres included in this request would be an acceptable deviation from the Plan recommended land use, with certain mitigation requirements.
- ◇ Staff also believes the impact of the C-7 district on the adjacent residential uses to the south, across Bethel Avenue, would be minimized by excluding most of the permitted uses. The petitioner has agreed to limit use of the site to the following uses: Agricultural machinery and equipment sales; rental or repair; heavy equipment sales, service or repair; fleet terminals; truck or heavy vehicle sales, rental or repair; mini warehouses /self-storage facility; and commercial park lot (requires the grant of a Special Exception). All other permitted C-7 uses would be prohibited.
- ◇ Additionally, staff would request a 40-foot transitional setback along Bethel Avenue from the proposed right-of-way. The Ordinance requires a 20-foot transitional setback, but staff would request a wider, heavily landscaped year around setback to provide undeveloped space that would result in a substantial buffer for the residential uses to the south, across Bethel Avenue.
- ◇ On the site visit, staff observed the installation of a 10-foot-tall chain link fence and removal of trees along Bethel Avenue. Previous aerials also indicate that the existing drive on Bethel Avenue has been widened and the interior drive alignment has changed. Staff, however, was unable to find any permits related to the access drive.
- ◇ Permits are not required for fence installation, but the Ordinance limits the fence height to six feet. Additionally petition 2018-ZON-100 required “a tree assessment by a certified arborist shall be filed for Administrator’s Approval prior to any site preparation or disturbance of the site as a commitment,” which has not been submitted.
- ◇ Staff was also unable to locate a sign permit for the sign along Raymond Street that does not comply with the Sign Regulations.

(Continued)

◇ Consequently, staff requests that the entire site be brought into compliance with the Ordinance and the commitments associated with the previous petition, within 180 days from the final approval date of the rezoning. This would also include required paving of driveways and areas where vehicles / trailers / equipment are stored.

GENERAL INFORMATION

EXISTING ZONING AND LAND USE

D-3 (FW) Commercial uses / residential
(FF), C-7
(FF) / I-3

SURROUNDING ZONING AND LAND USE

North - I-4 Industrial uses
South - D-3 Single-family dwellings
East - C-7 Commercial uses
West - D-3 (FW) Undeveloped land
(FF)

COMPREHENSIVE PLAN

The Comprehensive Land Use Plan for Indianapolis and Marion County (2018) recommends light industrial typology for the northern portion and suburban neighborhood typology for the southern portion.

Marion County Land Use Pattern Book (2019).

THOROUGHFARE PLAN

This portion of East Raymond Street is designated in the Marion County Thoroughfare Plan as a primary arterial, with an existing 230-foot right-of-way and a proposed 102-foot right-of-way.

This portion of Bethel Avenue is designated in the Marion County thoroughfare Plan as a primary collector with a variable 70-foot to 90-foot right-of-way and a proposed 80-foot right-of-way

CONTEXT AREA

This site is located within the metro context area.

OVERLAY

This site is located within the environmentally sensitive areas

ZONING HISTORY

2018-ZON-100; 3905 East Raymond Street, requested rezoning requested rezoning of 11.2 acres from the C-S (FF)(FW) and D-3 districts to the C-7 (FF)(FW) classification, **approved**.

(Continued)

VICINITY

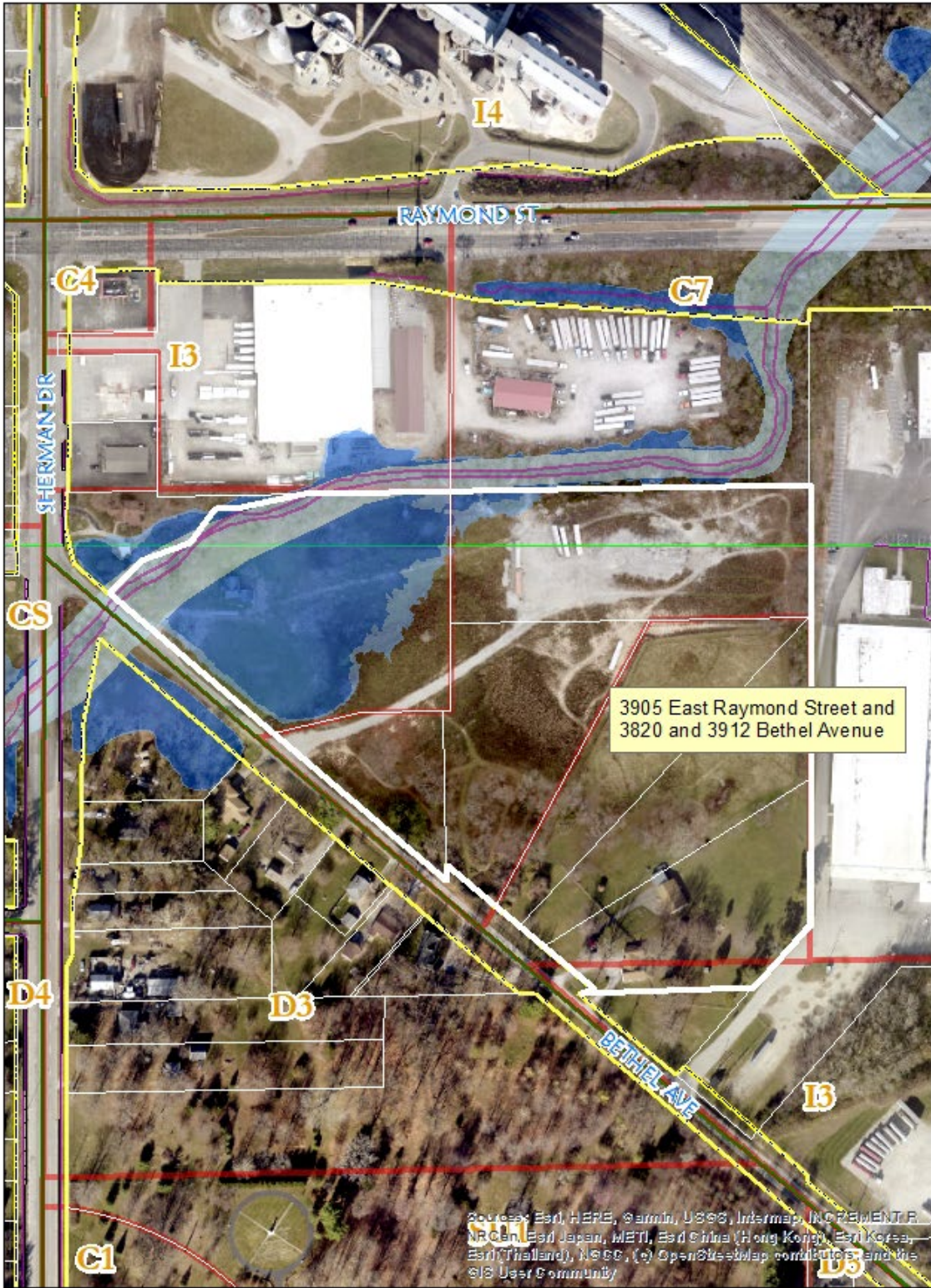
2011-ZON-038; 2319 South Sherman Drive (south of site), requested rezoning from the D-3 and C-4 Districts to the C-4 classification to provide commercial uses, **approved**.

2003-ZON-083; 3853 East Raymond Street (west of site), requested rezoning of 16.77 acres, being in the D-3 (FF)(FW) District to the C-S (FF)(FW) classification to provide for a contractor's business, **approved**

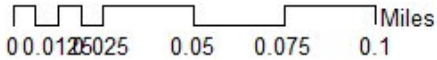
2000-ZON-014; 2221 South Sherman Drive (west of site), requested rezoning of 1.082 acres, from the D-3 district to the C-4 classification to provide for a tavern, **approved**.

96-Z-255; 3829 East Raymond Street, (west of site), requested rezoning of 4.33 acres from the D-3 (FF)(FW) District to the I-3-U (FF)(FW) classification, **approved**.

kb



3905 East Raymond Street / 3820 and 3912 Bethel Avenue



Heritage Tree Conservation

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

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

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



View of northern entrance to site looking east along Raymond Street



View of site looking east



View of site looking east



View from site looking north towards Raymond Street



View from site looking northwest at adjacent property.



View looking east along Bethel Avenue



View looking west along Bethel Avenue



View of site looking north across Bethel Avenue



View of site looking north across Bethel Avenue



View of site looking north across Bethel Avenue



View of site looking north across Bethel Avenue



View of site looking north across Bethel Avenue



View of site looking northwest from adjacent drive to the east



View of site looking west from adjacent drive to the east

STAFF REPORT

Department of Metropolitan Development Division of Planning Current Planning Section

Case Number: 2023-ZON-103
Address: 1647 Cornell Avenue (*Approximate Addresses*)
Location: Center Township, Council District #11
Petitioner: Megan & Christopher McCarty
Request: Rezoning of 0.11 acre from the I-3 district to the D-8 district

RECOMMENDATIONS

Staff recommends approval of this request.

SUMMARY OF ISSUES

LAND USE

- ◇ The 0.11-acre subject site is located in the Near Northside neighborhood and is developed with a single-family dwelling and a storage shed.
- ◇ The property is bordered to the north with a single-family dwelling, zoned I-3, to the west across Cornell Avenue with a single-family dwelling, zoned D-8, to the south with a two-family dwelling, zoned I-3, and to the east by the Monon Trail across the alley.

REZONING

- ◇ The request would rezone the property from the I-3 district to the D-8 district to allow the continued use of the site for residential use, which is not permitted in the I-3 district.
- ◇ The I-3 district is an intermediate district for industries that present moderate risks to the public. Wherever practical, this district should be away from protected districts and buffered by intervening lighter industrial districts. Where this district abuts protected districts, setbacks are large, and enclosure of activities and storage is required.
- ◇ The D-8 district is intended for a variety of housing formats, with a mix of small-scale multi-unit building types. This district can be used as a part of new mixed-use areas, or for infill situations in established urban areas, including medium and high-density residential recommendations of the Comprehensive Plan, and the Traditional Neighborhood, City Neighborhood, and Village or Urban Mixed-Use Typologies of the Land Use Pattern Book.

(Continued)

◇ The Comprehensive Plan recommends village mixed-use development for this site. The Village Mixed-Use typology creates neighborhood gathering places with a wide range of small businesses, housing types, and public facilities. This typology is intended to strengthen existing, historically small town centers as well as to promote new neighborhood centers. Businesses found in this typology serve adjacent neighborhoods, rather than the wider community. This typology is compact and walkable, with parking at the rear of buildings. Buildings are one to four stories in height and have entrances and large windows facing the street. Pedestrian-scale amenities such as lighting, landscaping, and sidewalk furniture also contributes to a walkable environment in this typology. Uses may be mixed vertically in the same building or horizontally along a corridor. Public spaces in this typology are small and intimate, such as pocket parks and sidewalk cafes. This typology has a residential density of 6 to 25 dwelling units per acre.

Staff Analysis

- ◇ As proposed, rezoning to the D-8 district would be appropriate since it would align with the Comprehensive Plan recommendation of the village mixed-use development that includes a wide range of housing types.
- ◇ The subject site was originally built with a two-family dwelling that was then converted to the existing single-family dwelling. This site has historically been used residentially since 1915, per a 1915 Sanborn Map provided in the staff report. Therefore, the continued use of the site for residential purposes is supportable.
- ◇ The property owner is aware that the proposed garage noted on the site plan would need to meet the D-8 development standards, which they have agreed to meet.

GENERAL INFORMATION

EXISTING ZONING AND LAND USE

I-3	Compact	Residential (Single-family dwelling)
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SURROUNDING ZONING AND LAND USE

North	I-3	Residential (Single-family dwelling)
South	I-3	Residential (Two-family dwelling)
East	I-3	Monon Trail
West	D-8	Residential (Single-family dwelling)

COMPREHENSIVE PLAN	The Comprehensive Plan for Indianapolis and Marion County (2018) recommends village mixed-use development.
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THOROUGHFARE PLAN	Cornell 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.
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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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(Continued)

STAFF REPORT 2023-ZON-103 (Continued)

SITE PLAN File-dated October 10, 2023.
ELEVATION File-dated October 10, 2023.
FOUNDATION PLAN File-dated October 10, 2023.

ZONING HISTORY – SITE

EXISTING VIOLATIONS

None.

PREVIOUS CASES

None.

ZONING HISTORY – VICINITY

2022-ZON-100; 1635 Cornell Avenue (south of site), Rezoning of 0.13 acre from the I-3 district to the D-8 district, **approved**

2021-ZON-132; 1644 Cornell Avenue (west of site), Rezoning of 0.33 acre from the I-3 district to the D-8 district to provide for a single-family dwelling, **approved**.

2020-UV3-001; 1651 Cornell Avenue (north of site), Variance of use and development standards of the Consolidated Zoning and Subdivision Ordinance to provide for an addition to a single-family dwelling (not permitted) with a six-foot front setback and a two-foot north side setback and a detached garage with a three-foot north side setback and five-foot rear setback (30-foot front setback, 10-foot side and rear setbacks), **granted**.

2019-ZON-103; 1661 Cornell Avenue (north of site), Rezoning of 0.12 acre from the I-3 district to the D-8 district., **approved**.

2018-UV1-009; 1648 Cornell Avenue (west of site), Variance of use and development standards of the Consolidated Zoning and Subdivision Ordinance to provide for the construction of a single-family dwelling (not permitted), with a 14-foot front setback and a four-foot south side yard and eight-foot north side yard (30-foot front yard and 10-foot side yards required), and 720-square foot secondary dwelling (not permitted), with a three-foot north side yard, a four-foot south side yard and a 15-foot rear transitional yard (10-foot side yard and 40-foot rear transitional yard required), **granted**.

2017-UV3-003; 1622 Cornell Avenue (southwest of site), Variance of use and development standards of the Consolidated Zoning and Subdivision Ordinance to provide for single-family dwelling (not permitted), with a 20-foot front setback, **granted**.

2017-UV3-011; 1622 Cornell Avenue (southwest of site), Variance of use and development standards of the Consolidated Zoning and Subdivision Ordinance to provide for two, single-family dwellings and detached garages, (not permitted), with 20-foot front setbacks, five-foot side setbacks, and 15-foot rear setbacks (30-foot front setback, 10-foot side setback and 40-foot transitional rear setback required), **granted**.

(Continued)

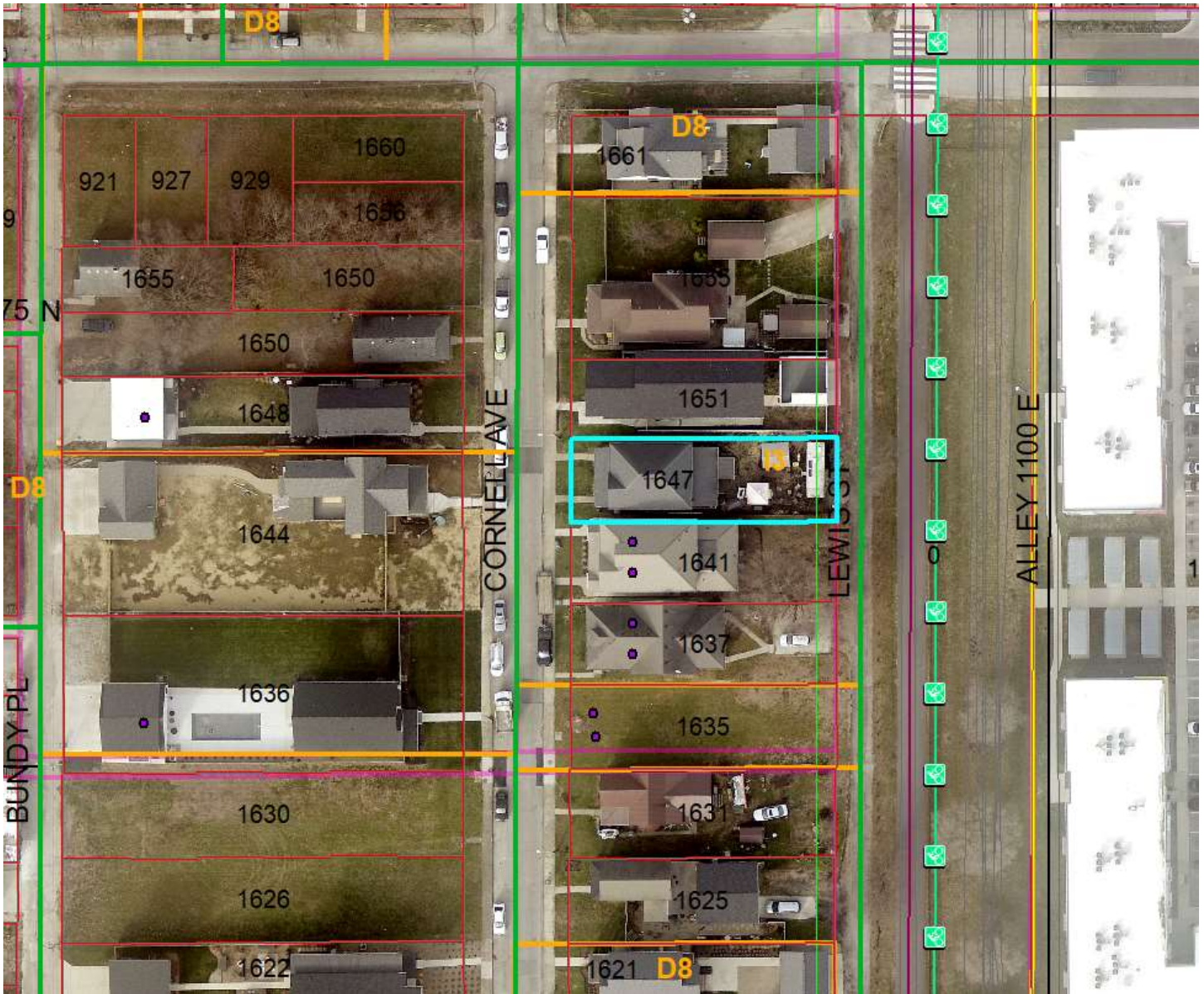
STAFF REPORT 2023-ZON-103 (Continued)

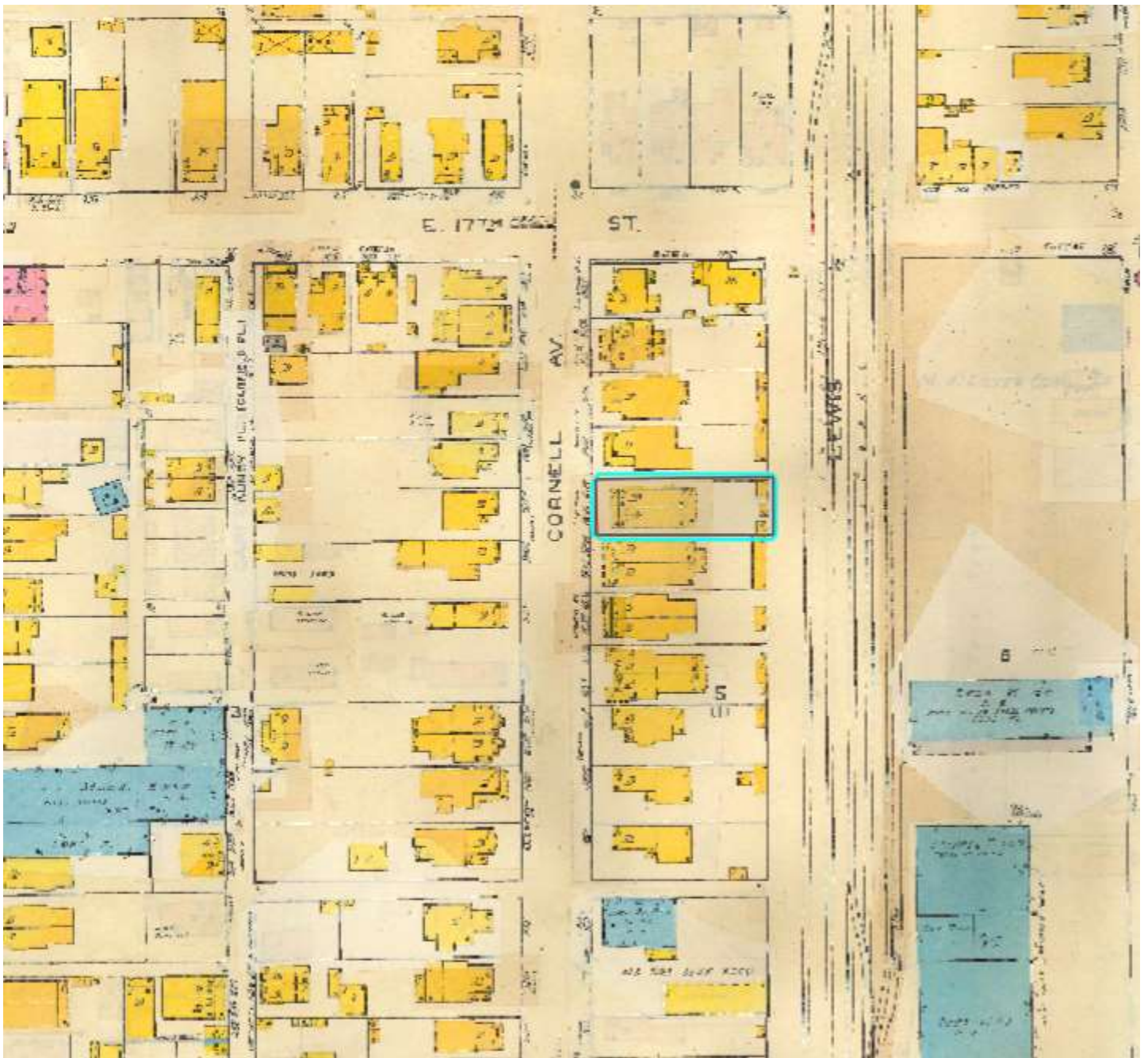
2017-ZON-043; 1621 Cornell Avenue (south of site), Rezoning of 0.12 acre from the I-3 district to the D-8 classification, **approved.**

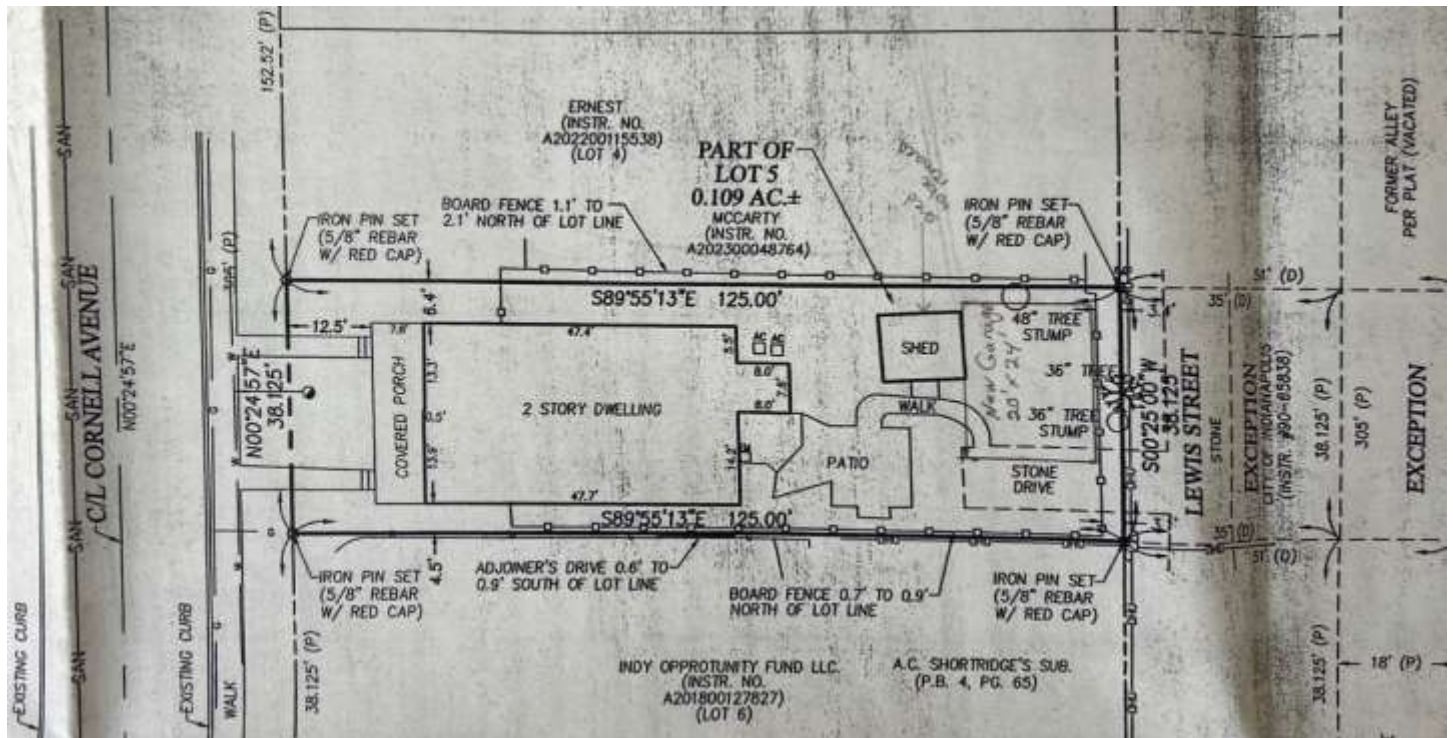
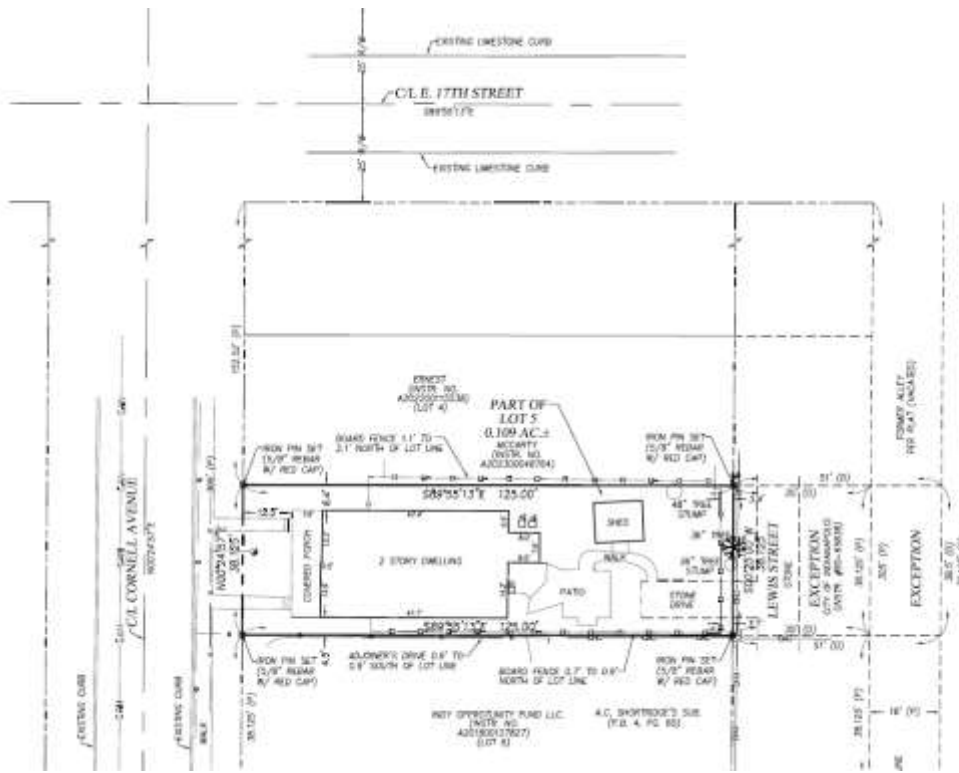
2006-ZON-027; 1636 Cornell Avenue (southwest of site), Rezoning of 0.306 acre from the I-3-U District to the D-8 classification to provide for residential development, **approved.**

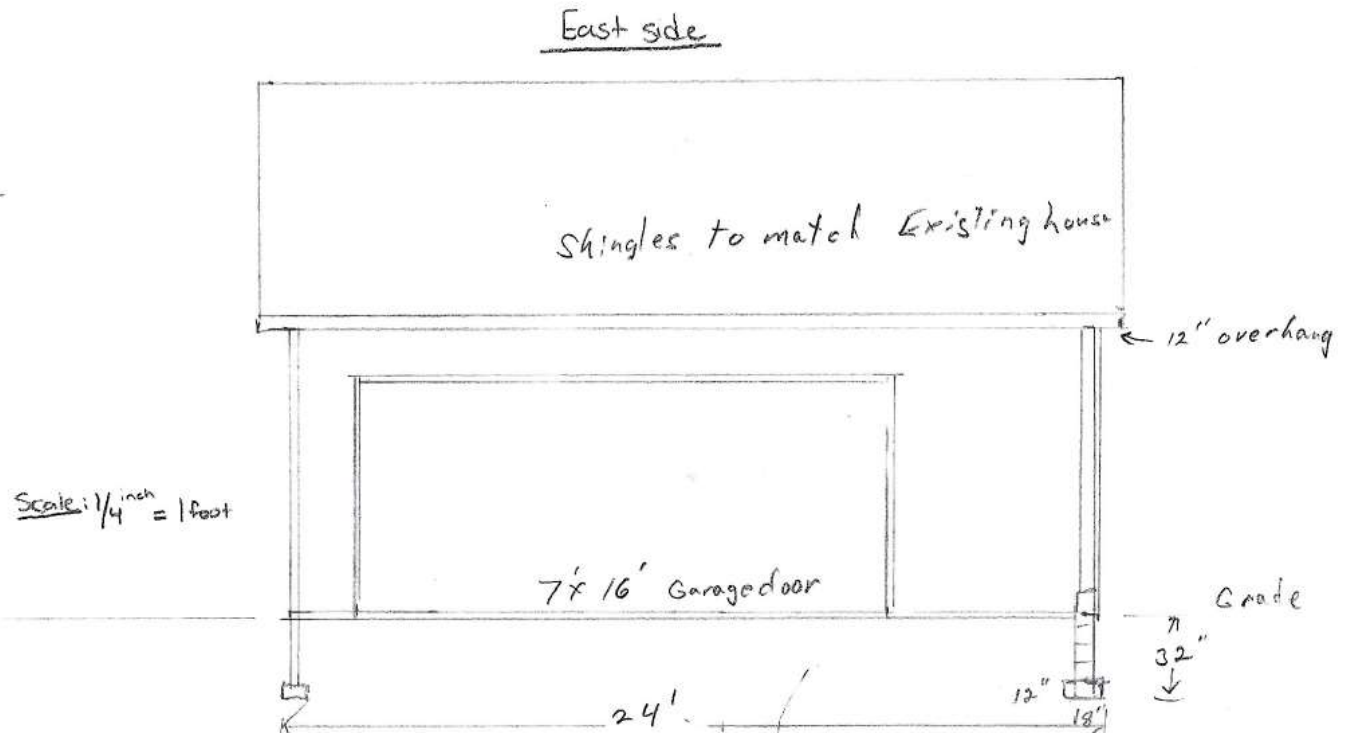
2003-HOV-023; 1621 Cornell Avenue (south of site) Variance of use to legally establish an existing single-family dwelling, and to provide for construction of a room and garage addition, in I-3-U, **granted.**

MI









2023-ZON-103; Foundation Plan

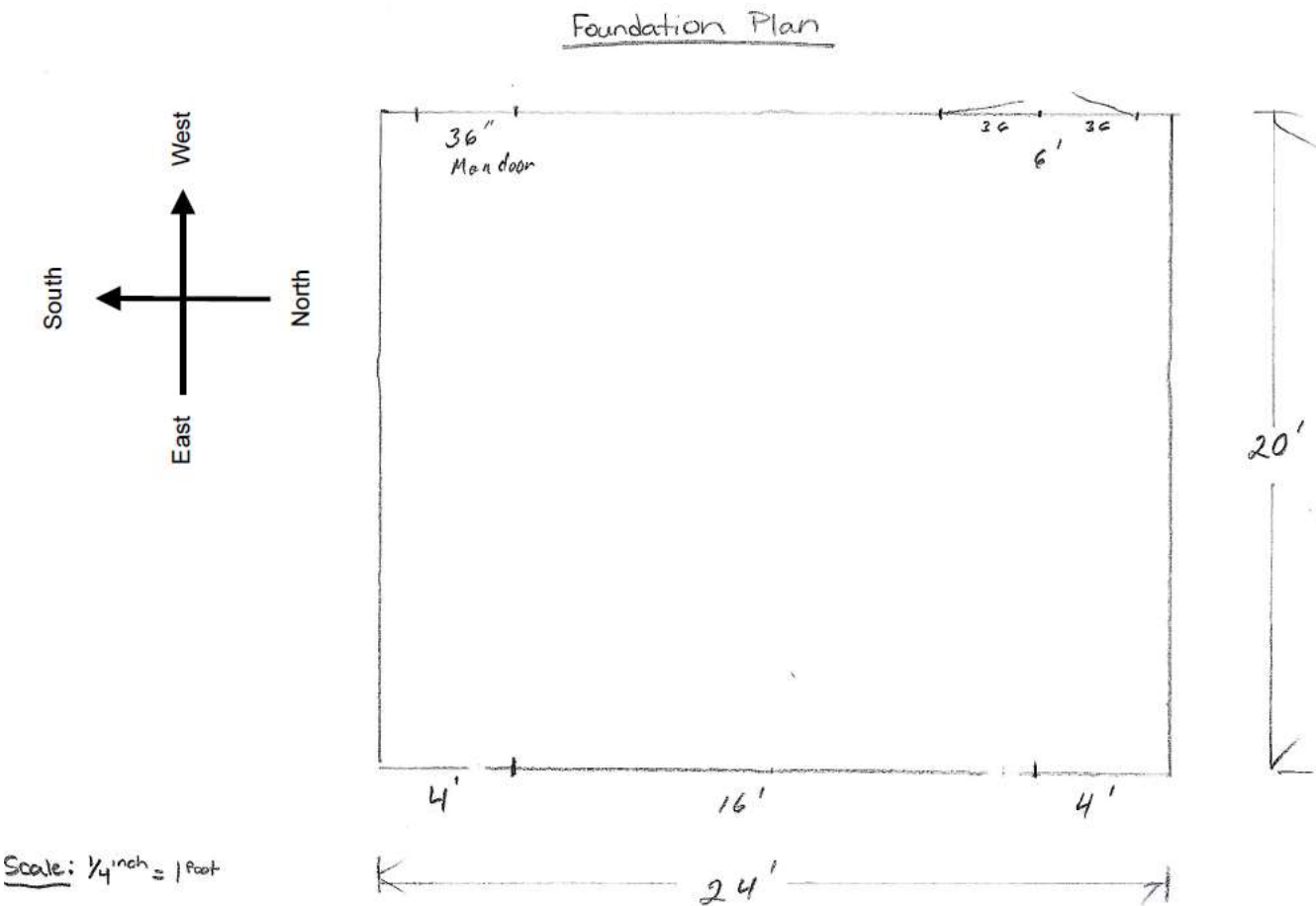




Photo of the Subject Property: 1647 Cornell Avenue



Photo of the rear property boundary west of the monon trail.



Photo of the northern property boundary.



Photo of the existing shed to be removed and the proposed location of the garage.



Photo of the southern property boundary.



Photo of the alley east of the subject site looking south.



Photo of the Monon trail and apartments east of the site.

STAFF REPORT

Department of Metropolitan Development Division of Planning Current Planning Section

Case Number: 2023-ZON-095
Address: 2936 North Mitthoefer Road (*Approximate Address*)
Location: Warren Township, Council District #14
Petitioner: KC Brothers, Inc., Joseph D. Calderon
Request: Rezoning of 0.855 acres from the C-3 district to the C-4 district to legally establish an automobile fueling station.

This petition was automatically continued from the October 26, 2023 hearing, to the November 16, 2023 hearing at the request of a registered neighborhood organization.

RECOMMENDATIONS

Staff **recommends approval** of the rezoning.

SUMMARY OF ISSUES

LAND USE

- ◇ The 0.855-acre subject site is developed with an automobile fueling station and convenience store that was constructed between 2012 and 2013 per historical aerial images. At the time, the use was permitted in the C-3 district but was later removed from the list of permitted uses in 2016 with the adoption of Indianapolis-Marion County Consolidated Zoning and Subdivision Ordinance.
- ◇ The site is bordered to the west and south by a self-storage facility, zoned C-S, to the north by a wholesale florist, split zoned I-3 and C-3, and to the east by a gas station, zoned C-4.

REZONING

- ◇ The request would rezone the property from the C-3 district to the C-4 district to legally establish an automobile fueling station.
- ◇ The site is zoned C-3, which is for the development of an extensive range of retail sales and personal, professional, and business services required to meet the demands of a fully developed residential neighborhood, regardless of its size. Examples of such types of uses include neighborhood shopping centers, sales of retail convenience or durable goods, shopping establishments, retail, and personal and professional service establishments. At this neighborhood scale of retail, a fine-grain of accessibility requisite for all modes of travel must be provided and maintained. It does not make provision, however, for those businesses that draw customers in significant numbers from well beyond a neighborhood boundary and are, therefore, unusually heavy traffic generators, such as theaters. It does not allow those businesses that require the outdoor display, sale or storage of merchandise; or require outdoor operations. In general, to achieve maximum flexibility of permitted land use, the C-3 District makes possible a highly varied grouping of indoor retail and business functions.

(Continued)

- ◇ The C-4 District is designed to provide for the development of major business groupings and regional-size shopping centers to serve a population ranging from a community or neighborhoods to a major segment of the total metropolitan area. These centers may feature a number of large traffic generators such as home improvement stores, department stores, and theatres. Even the smallest of such freestanding uses in this district, as well as commercial centers, require excellent access from major thoroughfares. While these centers are usually characterized by indoor operations, certain permitted uses may have limited outdoor activities, as specified.
- ◇ The Comprehensive Plan recommends community commercial development for the southern portion of the site. The Community Commercial typology provides for low intensity commercial, and office uses that serve nearby neighborhoods. These uses are usually in freestanding buildings or small, integrated centers. Examples include small-scale shops, personal services, professional and business services, grocery stores, drug stores, restaurants, and public gathering spaces.
- ◇ The site has historically been used as an automobile fueling station since at least 1990 according to historic aerial images.

Staff Analysis

- ◇ The rezoning request would allow for the continued operation of an automobile fueling station on a correctly zoned C-4 district since it was constructed and operated in the C-3 district when it was permitted prior to the 2016 adopted Zoning Ordinance changes.
- ◇ Because the C-4 district would not negatively affect the surrounding industrial and commercial properties, would align with the community commercial recommendation of the Comprehensive Plan, staff is supportive of the request.

GENERAL INFORMATION

EXISTING ZONING AND LAND USE

C-3	Metro	Commercial (Fuel station)
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SURROUNDING ZONING AND LAND USE

North	C-3 / I-2	Industrial (Wholesale florist)
South	C-S	Self-storage facility
East	C-4 /C-3	Commercial (Fuel station) / Undeveloped
West	C-S	Self-storage facility

COMPREHENSIVE PLAN

The Comprehensive Plan recommends community commercial development.

THOROUGHFARE PLAN

Mitthoefer Road is classified in the Official Thoroughfare Plan for Marion County, Indiana as a secondary arterial street, with a 95-foot existing right-of-way and an 80-foot proposed right-of-way.

(Continued)

THOROUGHFARE PLAN 30th Street is classified in the Official Thoroughfare Plan for Marion County, Indiana as a secondary arterial street, with a 110-foot existing right-of-way and an 80-foot proposed right-of-way.

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

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

ZONING HISTORY – SITE

EXISTING VIOLATIONS

None.

PREVIOUS CASES

84-Z-16; 9905 East 30th Street (subject site), Rezoning of 0.918 acre, being in the C-3 and D-6II Districts to the C-3 classification to correct a map error, **approved**.

ZONING HISTORY – VICINITY

2019-CZN-851; 9920 East 30th Street (north of site), Rezoning of 6.8 acres from the C-3 district to the I-2 district, **approved**.

2003-ZON-834; 9920 East 30th Street (north of site), Rezoning of 7.34 acres, being in the I-3-S District, to the C-3 classification to provide for a supermarket and pharmacy, **approved**.

97-Z-188; 2950 North Mitthoefer Road (south of site), Rezoning of 2.2 acres, being in the C-S District, to the C-S classification to provide for light retail commercial uses or light industrial uses, **approved**.

92-Z-28; 9903 East 30th Street (south of site), Rezoning of 11.54 acres, being in the C-3 district, to the C-S classification to provide for a mixed-use complex, including retail, service, or light industrial uses, **approved**.

72-Z-147; 2935 North Mitthoefer Road (east of site), Rezoning of 0.92 acre, being in the D-3 district, to the C-4 classification to provide for a gasoline service station, **approved**.

MI

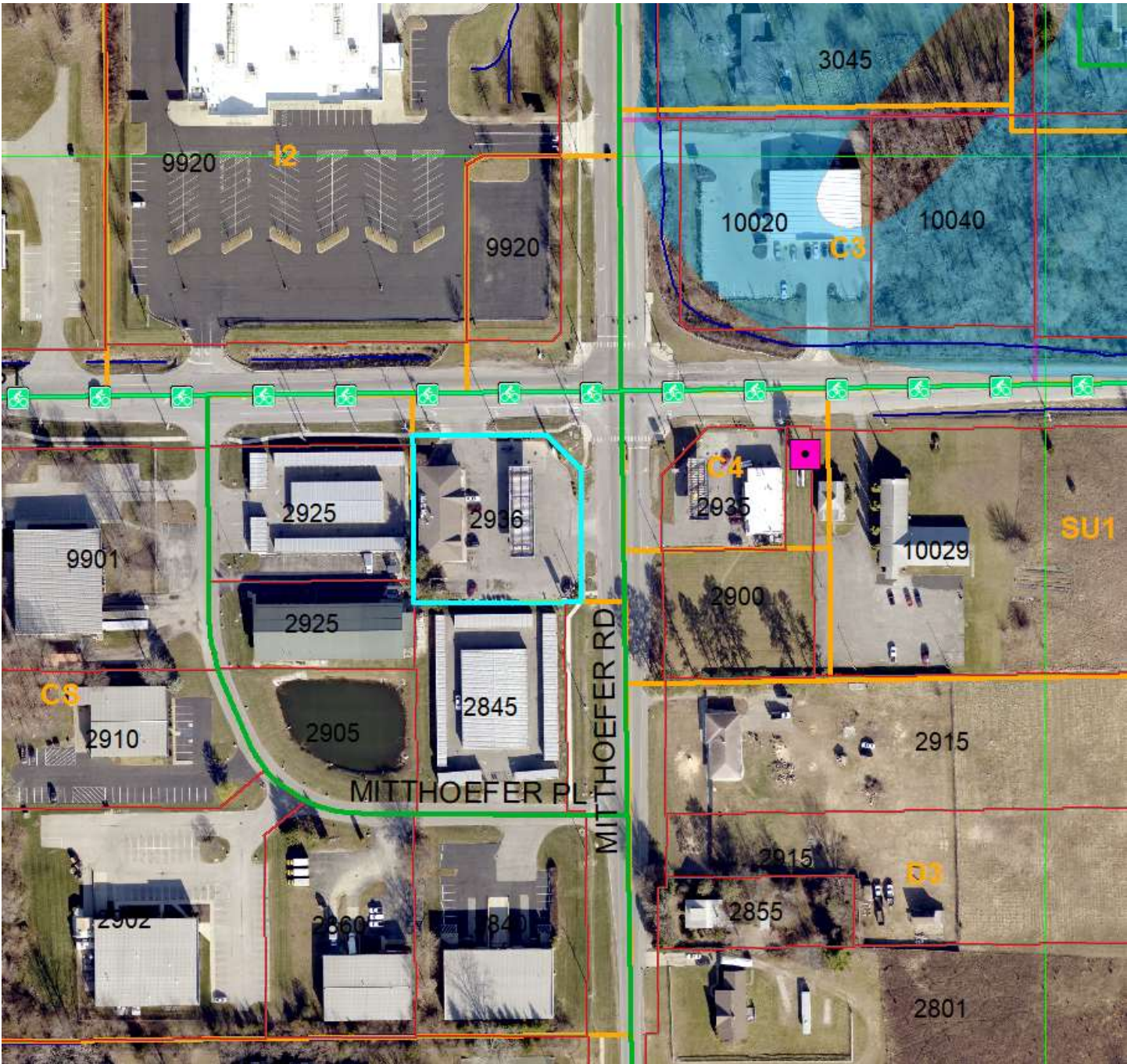




Photo of the Subject Property: 2936 North Mitthoefer Road



Photo of the Subject Property: 2936 North Mitthoefer Road



Photo of the self-storage facility west of the site.

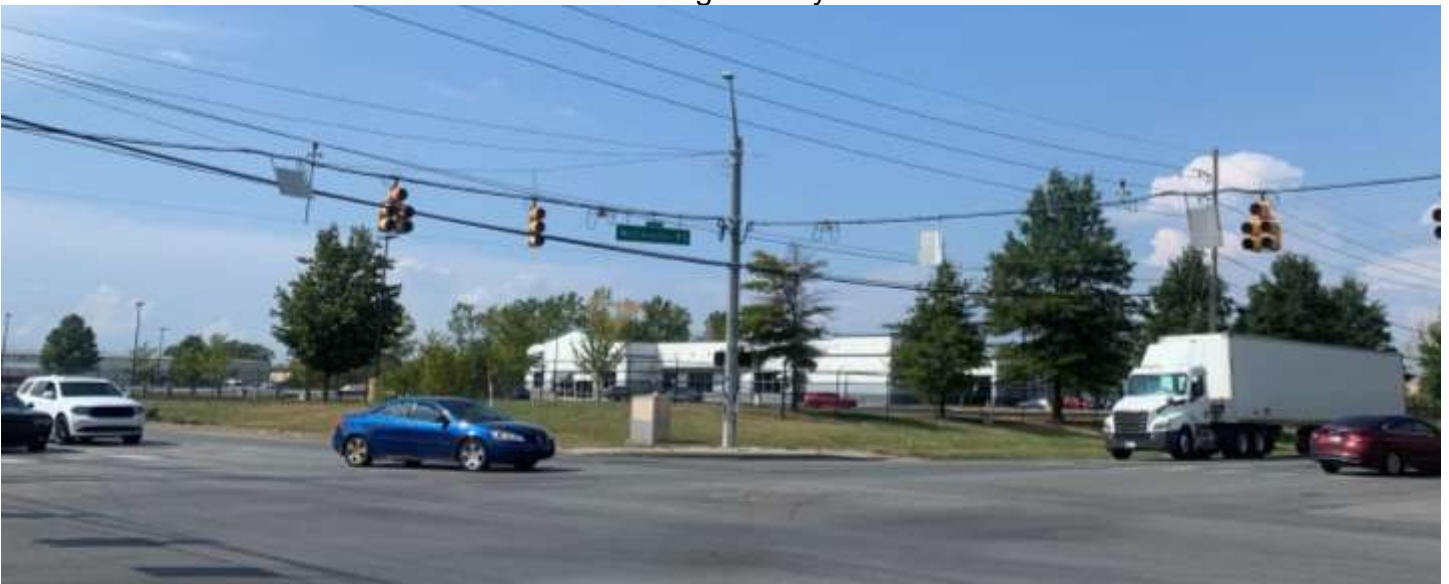


Photo of the wholesale florist north of the site.

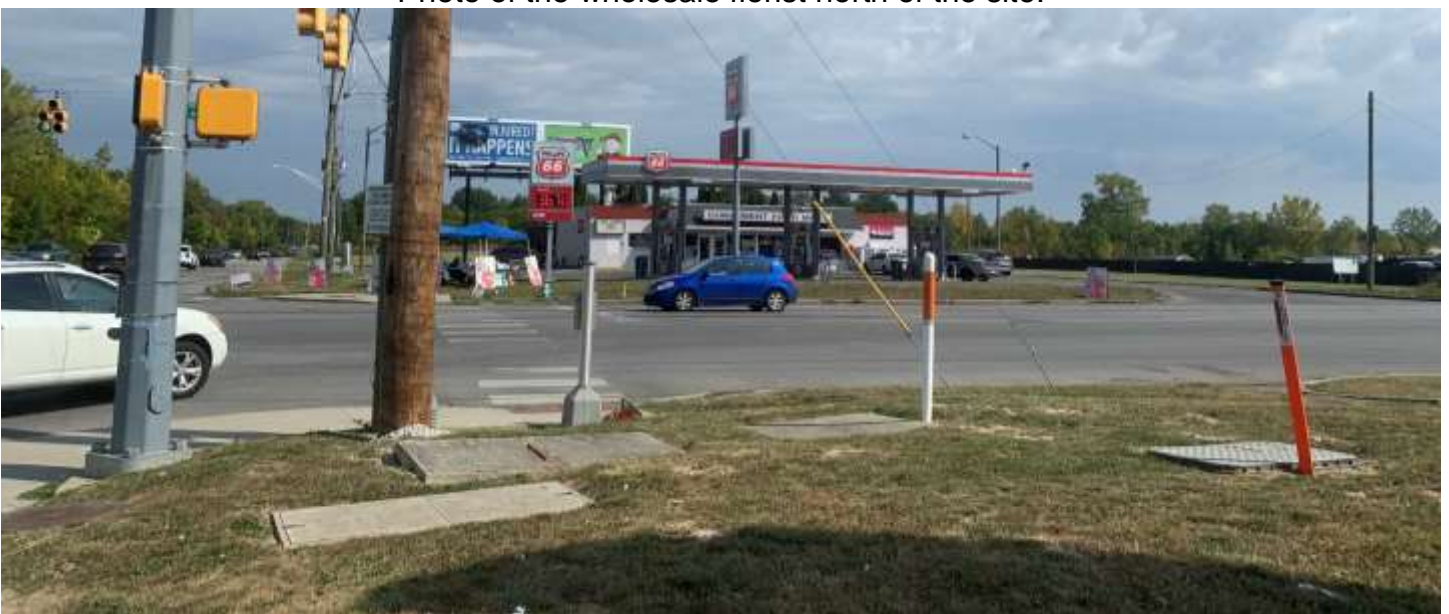


Photo of the gas station east of the subject site.

STAFF REPORT

Department of Metropolitan Development Division of Planning Current Planning Section

Case Number: 2023-CZN-803 / 2023-CVR-803 (Amended)
Address: 3601 North Kitley Avenue and 6535 Massachusetts Avenue
(Approximate Addresses)
Location: Warren Township, Council Districts #13
Petitioner: Diego Diaz Huijon, by Joseph D. Calderon
Request: Rezoning of 7.9 acres from the D-3 district to the C-S district to legally establish a commercial building contractor with outside storage, accessory uses related to the building contractor and two single-family dwellings with residential accessory uses.

Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to legally establish a front building setback of 338 feet from Massachusetts Avenue (65-foot maximum permitted) and outside storage with a zero-foot setback from the east and west property lines (10-foot transitional yard/side yard 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. A tree preservation plan shall be submitted for Administrator's Approval, prior to the issuance of any Improvement Location Permit for this site. The plan shall include an inventory of existing trees and show how they relate to any proposed development. Any new development on the site shall preserve trees to the extent possible.
2. A site and development plan shall be required to obtain Administrator's Approval for use of 6535 Massachusetts Avenue, prior to the issuance of any Improvement Location Permit.

SUMMARY OF ISSUES

The following issues were considered in formulating the recommendation:

(Continued)

STAFF REPORT 2023-CZN-803 / 2023-CVR-803 (Continued)

LAND USE

- ◇ The site is four abutting parcels. The north parcel is undeveloped. The middle and south parcels are developed with two single-family dwellings, other structures, and a large storage yard for a contracting business. The dwellings date to the 1940s or early 1950s. The storage yard was established in 2017 in apparent violation of the Ordinance. The west parcel, which is the largest parcel at 4.9 acres, is used as a parking area. The requested uses, two, single-family dwellings and a fence contractor, are currently located only on the middle and south parcels.
- ◇ The Comprehensive Land Use Plan for Warren Township recommends the site for Suburban Neighborhood, which primarily provides for single-family residential development.
- ◇ This portion of Kitley Avenue is not a public right-of-way. It is unpaved and serves the subject site and five other parcels.

ZONING

- ◇ The site is currently zoned D-3, which is a zoning district that primarily provides for single-family dwellings.
- ◇ The request is for rezoning to the C-S district to provide for I-1 uses, two single-family dwellings and a fence contractor, with use of the large property to the west that would be subject to the review of a site and development plan through Administrator's Approval. This district provides for flexibility in land uses while maintaining adequate development controls. Petitioners submit a customized list of permitted uses but must also submit a site plan.
- ◇ The request would not comply with the Comprehensive Land Use Plan. However, surrounding zoning districts, and uses include a wide mix of intensity, including single-family dwellings to outdoor storage of building materials. By requiring a review process for site and development plans, controls are placed on expansion of more intensive uses, therefore, staff recommends approval of this petition.

VARIANCE OF DEVELOPMENT STANDARDS

- ◇ Variances of development standards are requested to provide for:
 - A front setback of the building of 338 feet from Massachusetts Avenue where a maximum of 65 feet is permitted
 - Outside storage with no setbacks from the east and west property lines where ten-foot transitional yards/side yards are required.

(Continued)

STAFF REPORT 2023-CZN-803 / 2023-CVR-803 (Continued)

- ◇ Among other reasons, front setbacks are limited in order to create a lively and inviting streetscape and pedestrian experience. Because the developed parcels (middle and south parcels) are located 150 feet from a public street, the buildings on the middle and south parcels have a physical difficulty in meeting the requirement of the Ordinance.
- ◇ Transitional yards are buffer areas between uses of different intensities. They are located on the more-intense land use.
- ◇ In the case of this petition, a commercial zoning district would be sandwiched between dwelling districts to the east and west. The site plan indicates that the storage area would extend up to the property line to the east and the access road will run along the property line to the west. The site to the east, zoned residentially, is used for a commercial purpose, although in apparent violation of the Ordinance. The parcels to the west are zoned SU-1 and D-3, and used as a religious use, a single-family dwelling, and a Union Hall. North of the site is zoned D-3 and used residentially and south of the site is zoned I-2 and used for light industrial uses.

GENERAL INFORMATION

EXISTING ZONING, CONTEXT AREA, AND LAND USE

D-3	Compact	Single-family dwelling / fence contractor / parking area
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SURROUNDING ZONING AND LAND USE

North	D-3	Single-family dwelling / 4-bay garage / undeveloped land
South	I-2 / SU-1	Religious use / Light industrial
East	D-3	Paving and excavating contractor
West	D-3	Union Hall / Single-family dwelling / undeveloped land

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

THOROUGHFARE PLAN This portion of Kitley Avenue is a private street. As such, it is not classified in the Official Thoroughfare Plan for Marion County, Indiana.

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

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

STAFF REPORT 2023-CZN-803 / 2023-CVR-803 (Continued)

STREAM PROTECTION CORRIDOR This site is not located within a stream protection corridor.

SITE PLANS File-dated October 10, 2023

FINDINGS OF FACT File-dated October 10, 2023

ZONING HISTORY – SITE

None

ZONING HISTORY - VICINITY

2022-CZN-857B; 3766 North Kitley Avenue and 6490, 6520 & 6522 Massachusetts Avenue (northwest of site), requested the rezoning of 8.3 acres from the I-2 (TOD) and D-3 (TOD) districts to the I-2 (TOD) district, **approved.**

2022-CZN-857A / 2022-CVR-857; 3766 North Kitley Avenue (northwest of site), requested the rezoning of 6.6 acres from the I-2 (TOD) district to the I-4 (TOD) district and a variance of use to provide for a cement batching plant within 500 feet of a protected district, **approved.**

2019-ZON-002; 3525 North Kitley Avenue (south of site), requested the rezoning of 4.9 acres from the D-3 district to the I-2 district, **approved.**

2018-UV1-041; 3525 North Kitley Avenue (south of site), requested a variance of use to provide for outdoor storage, outdoor storage of commercial vehicles and an accessory building larger and taller than the primary structure, **withdrawn.**

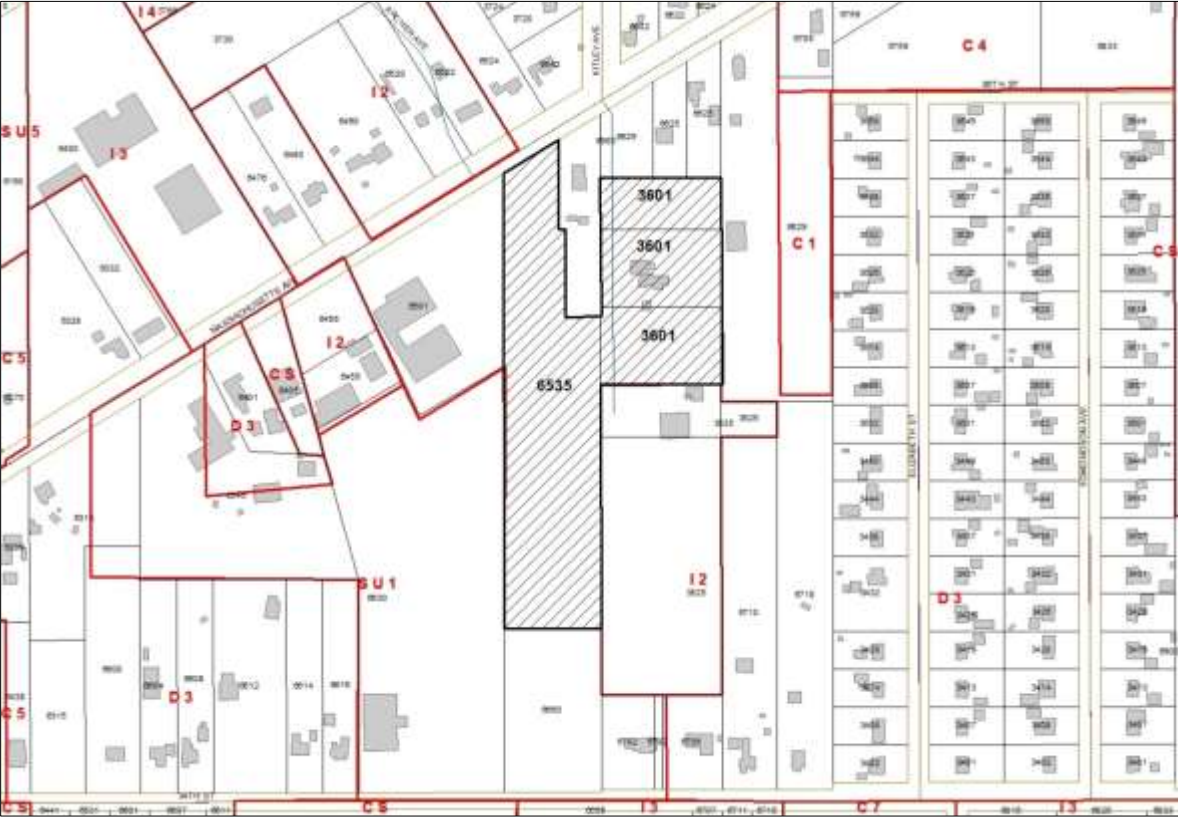
2018-UV1-038; 6629 Massachusetts Avenue (east of site), requested a variance of use to provide for outdoor storage and outdoor storage of commercial vehicles, **denied.**

93-UV2-109; 6629 Massachusetts Avenue (north of site), requested a variance of use to provide of a welding business in a dwelling district, **denied.**

83-V2-21; 6580 Massachusetts Avenue (northwest of site), requested a variance of development standards to provide for an accessory structure larger than the primary structure, **denied.**

klh

STAFF REPORT 2023-CZN-803 / 2023-CVR-803, Location map



Aerial Photography (2022)



STAFF REPORT 2023-CZN-803 / 2023-CVR-803, Development Statement

C-S Development Statement

Introduction: Petitioner and Owner, Diego Diaz Huijon, seek to rezone approximately 3 acres of property commonly known as 3601 North Kitley Avenue and approximately 5.01 acres of property commonly known as 6535 Massachusetts Avenue (collectively, the “Subject Property”), as shown on the Concept Plan in order to legally establish the existing use of the Subject Property as both a residence and a contractor’s operation, whereby Petitioner may continue operating his company, Timber Ridge Fence Company. For purposes of providing clarity to this rezoning proposal, the fence company operates solely on 3601 North Kitley Avenue, and 6535 Massachusetts Avenue is only used as an accessory parking area. Expansion of the contracting operation onto the 6535 Massachusetts Avenue property may only occur following submittal of a new site plan for Administrator’s Approval as described below in “Phasing of Development”.

Zoning: The Subject Property is currently zoned D-3, as more particularly set forth in the City of Indianapolis Consolidated Zoning and Subdivision Ordinance (“Zoning Ordinance”).

Permitted Uses. Proposed Permitted Primary Uses of the Subject Property as described and defined in Chapter 743, Art II, Table 743-1 in the Zoning Ordinance shall be as follows:

- 1) Commercial/Building Contractor, including fence company
- 2) Two (2) single family residences

Permitted Accessory Uses of the Subject Property shall include all accessory uses permitted in the I-1 zoning district, for the existing Contractor’s use of the Subject Property; and all accessory uses permitted in the D-3 zoning district, for the existing residential use of the Subject Property.

Development Standards: Petitioner hereby incorporates the Lot and Building Dimensions for properties in the C-S zoning district set forth in Chapter 744; Art. II, Section 01.C, Table 744-201-3 of the Zoning Ordinance. Petitioner is filing a variance of development standards seeking relief from the maximum setback requirements from Kitley Avenue as well as a variance from the limitations on the amount of outside storage.

Landscaping plans are not yet fully developed as the site has not been fully engineered or site planned; however, the landscaping plans for each building or project phase shall be consistent with the Concept Plan tendered for Administrative Approval prior to obtaining an Improvement Location Permit.

Signs: The following sign types shall be permitted on the Subject Property:

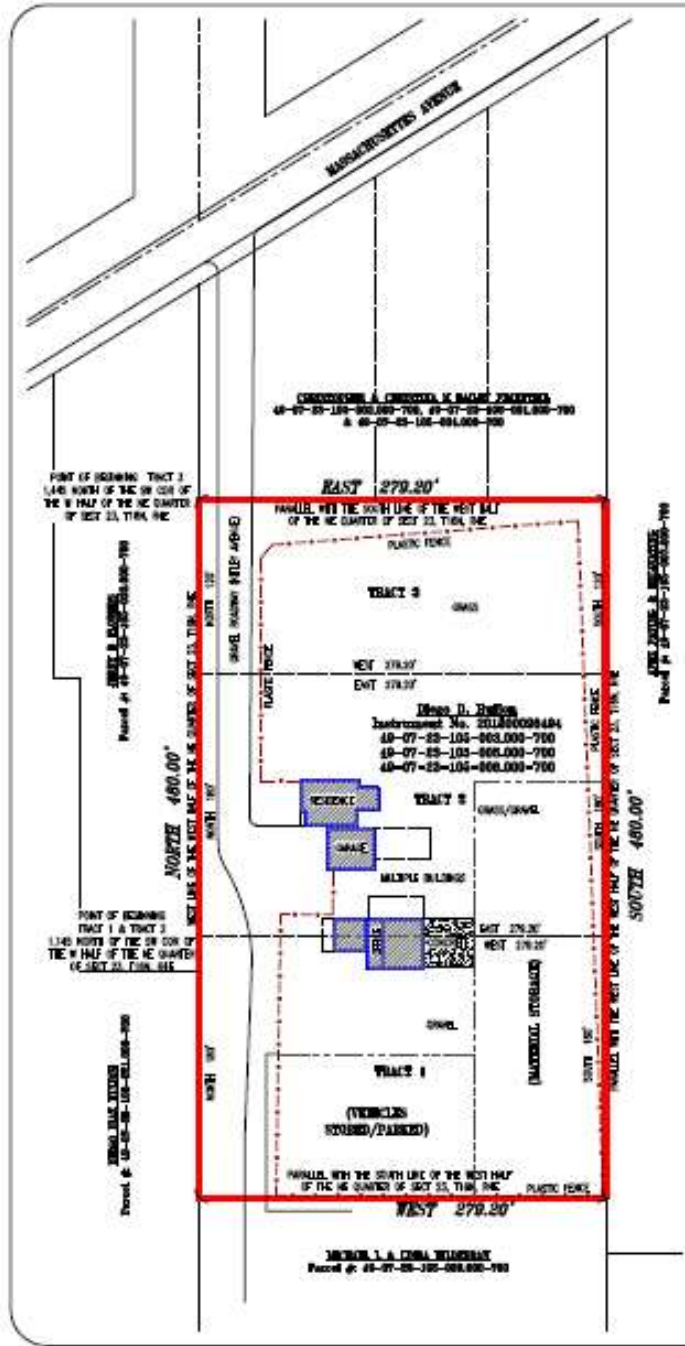
- 1) One (1) Ground Sign, not to exceed 32 square feet and non-illuminated at the entrance to the Subject Property
- 2) Incidental, Temporary, and Other Signs as would otherwise be permitted in a industrial zoning district

All signs shall meet the requirements for signs otherwise located in an Industrial zoning district.

Phasing of Development:

The Subject Property may be used as generally shown on the site plan submitted with the C-S Rezoning Petition and this C-S Development Statement (the “Existing Plan”); provided, however, prior to applying for an Improvement Location Permit required in conjunction with any new development or redevelopment of the Subject Property, a final site and development plan, consistent with the standards contained in this C-S Statement, shall be tendered for Administrator’s Approval.

STAFF REPORT 2023-CZN-803 / 2023-CVR-803, Site Plan



SITE EXHIBIT

DRAWING NO: 2-75065	LEGEND: 303P736
DRAWN BY: R. STOHLER	
CHECKED BY: D. SCOTTEN	
ISSUE DATE: 06-23-2023	

SCALE 1" = 100'

ASSUMED NORTH

Dawn M. Scotten

STAFF REPORT 2023-CZN-803 / 2023-CVR-803, 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 operation is a small scale family business located on property which is secluded and adjacent to other commercial/industrial uses, is self-contained, and is not a high traffic generator.

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

there is industrial existing use to the immediate south of the existing operation, another industrial use adjoining to the east, and significant separation of the proposed use from any residential use.

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

the C-5 zoning district, as a planned district, also has certain strict development standards, which are incorporated with the notion that a C-5 designation may have industrial use including outside storage of materials. None of the parcels, which have been previously developed and used, have street frontage on Riley Avenue or are within 85 feet of Massachusetts Avenue.

DECISION

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

Adopted this _____ day of _____, 20 ____

STAFF REPORT 2023-CZN-802 / 2023-CVR-803, Photographs



Looking south across the subject site.



Looking northwest across the site. I-65 is in the background.



Looking northeast across the subject site.



Looking north across site and Minnesota Street to the neighbor to the north.



Looking northeast across the subject site.



Looking north across site and Minnesota Street to the neighbor to the north.



Looking northeast across the subject site.



Looking north across site and Minnesota Street to the neighbor to the north.

STAFF REPORT

Department of Metropolitan Development Division of Planning Current Planning Section

Case Number: 2023-CZN-844 / 2023-CPL-844
Address: 11805 Brookville Road (*Approximate Address*)
Location: Warren Township, Council District #19
Petitioner: DGOGIndianapolisIN05032023, LLC, by Alex Intermill and Tyler Ochs
Requests: Rezoning of 1.55 acres from the SU-1 district to the C-3 district to provide for retail development.

Approval of a Subdivision Plat to be known as RSBR Brookville Road, subdividing 4.30 acres into two lots.

November 16, 2023

This petition was continued from the October 26, 2023 hearing to the November 16, 2023 hearing at the request of the petitioner. No new information has been received as of the writing of this report.

October 26, 2023

This petition was continued from the September 14, 2023 hearing to the October 26, 2023 hearing at the request of remonstrators. No new information has been received as of the writing of this report.

September 14, 2023

RECOMMENDATIONS

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

Staff recommends that the Hearing Examiner **approve** and find that the plat, file-dated September 6, 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.

(Continued)

2023-CZN-844 / 2023-CPL-844 STAFF REPORT (Continued)

7. That the Site Distance Covenant (Section 741-702, of the Consolidated Zoning and Subdivision Ordinance) be affixed to the final plat, prior to recording.
8. That the Sanitary Sewer Covenant (Section 741-704, of the Consolidated Zoning and Subdivision Ordinance) be affixed to the final plat, prior to recording.
9. That the Storm Drainage Covenant (Section 741-703, of the Consolidated Zoning and Subdivision Ordinance) be affixed to the final plat, prior to recording.
10. That the plat restrictions and covenants, done in accordance with the rezoning commitments, be submitted, prior to recording the final plat.
11. That all the standards related to secondary plat approval listed in Sections 741-207 and 741-208 of the Consolidated Zoning and Subdivision Ordinance 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 4.30-acre lot, zoned SU-1, and is undeveloped.
- ◇ This petition would subdivide the property into two lots and rezone one of the lots to the C-3 district to permit a commercial retail development.

REZONING

- ◇ This petition would rezone 1.55 acres of this site from SU-1 district to the C-3 classification.
- ◇ The comprehensive plan recommends community commercial uses, which are typically in freestanding buildings or small shopping centers. Uses may include small-scale shops, grocery stores, drug stores, etcetera. The proposed use would be a general store, which is supported by the comprehensive plan.
- ◇ Potential issues for this site are use of a septic system and fire hydrant access.
- ◇ Public sewer is not available at this site, so a commercial development would require state approval for a septic system. It has not been determined if the site is suitable for a septic system.

(Continued)

2023-CZN-844 / 2023-CPL-844 STAFF REPORT (Continued)

◇ This site would be subject to the following Indiana Fire Code provisions:

Indiana Fire Code 2014

Section 507.5 - Fire Hydrant Systems

Section 507.5.1 - Where Required

Where a portion of the facility or building hereafter constructed or moved into or within the jurisdiction is more than 400 feet (122m) from a hydrant on a fire apparatus access road, as measured by an approved route around the exterior of the facility or building, on-site fire hydrants and mains shall be provided.

Exceptions:

3. For Group R-3 and Group U occupancies, the distance requirement shall be 600 feet (183m)

4. For buildings equipped throughout with an approved automatic sprinkler system installed in accordance with Section 903.3.1.1 or 903.3.1.2, the distance requirement shall be 600 feet (183m).

PLAT

◇ The plat would subdivide the subject site into two lots—Lot One being 1.55 acres and Lot Two being 2.45 acres. The proposed plat meets the standards of the C-3 zoning classifications as proposed in the companion rezoning.

TRAFFIC / STREETS

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

SIDEWALKS

◇ Sidewalks are required along Brookville Road.

GENERAL INFORMATION

EXISTING ZONING, CONTEXT AREA, AND LAND USE

SU-1	Metro	Undeveloped
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SURROUNDING ZONING AND LAND USE

North	SU-9 / PK-1	Undeveloped / Baseball Fields
South	D-A	Agriculture / Undeveloped
East	C-3	Undeveloped
West	SU-1	Undeveloped

COMPREHENSIVE LAND USE PLAN Community Commercial

THOROUGHFARE PLAN Brookville Road is classified in the Official Thoroughfare Plan for Marion County, Indiana as a Primary Arterial, with a 95-foot existing and proposed right-of-way.

PRELIMINARY PLAT File-dated September 6, 2023

SITE PLAN File-dated August 4, 2023

(Continued)

2023-CZN-844 / 2023-CPL-844 STAFF REPORT (Continued)

ZONING HISTORY – SITE

2009-ZON-082, rezoning of twelve acres from the SU-9 district to the SU-1 district, **approved**.

87-Z-89, rezoning of 147 acres from the A-2 district to the SU-9 district, **approved**.

ZONING HISTORY – VICINITY

2020-ZON-053, 11815 Brookville Road, rezoning of 4.62 acres from the C-3 district to the C-7 district, **withdrawn**.

2019-ZON-117, 11815 Brookville Road, rezoning of 4.22 acres from the SU-9 district to the C-3 district, **approved**.

2018-ZON-052, 11815 Brookville Road, rezoning of 4.22 acres from the SU-9 district to the C-7 district, **denied**.

2010-ZON-059, 2600 Kitley Road and other locations, rezoning of 173.70 acres (in various locations) to the PK-1 district for park use, **approved**.

2010-ZON-027, 11850 Brookville Road and other locations, rezoning of 355.42 acres to the PK-1 district for park use, **approved**.

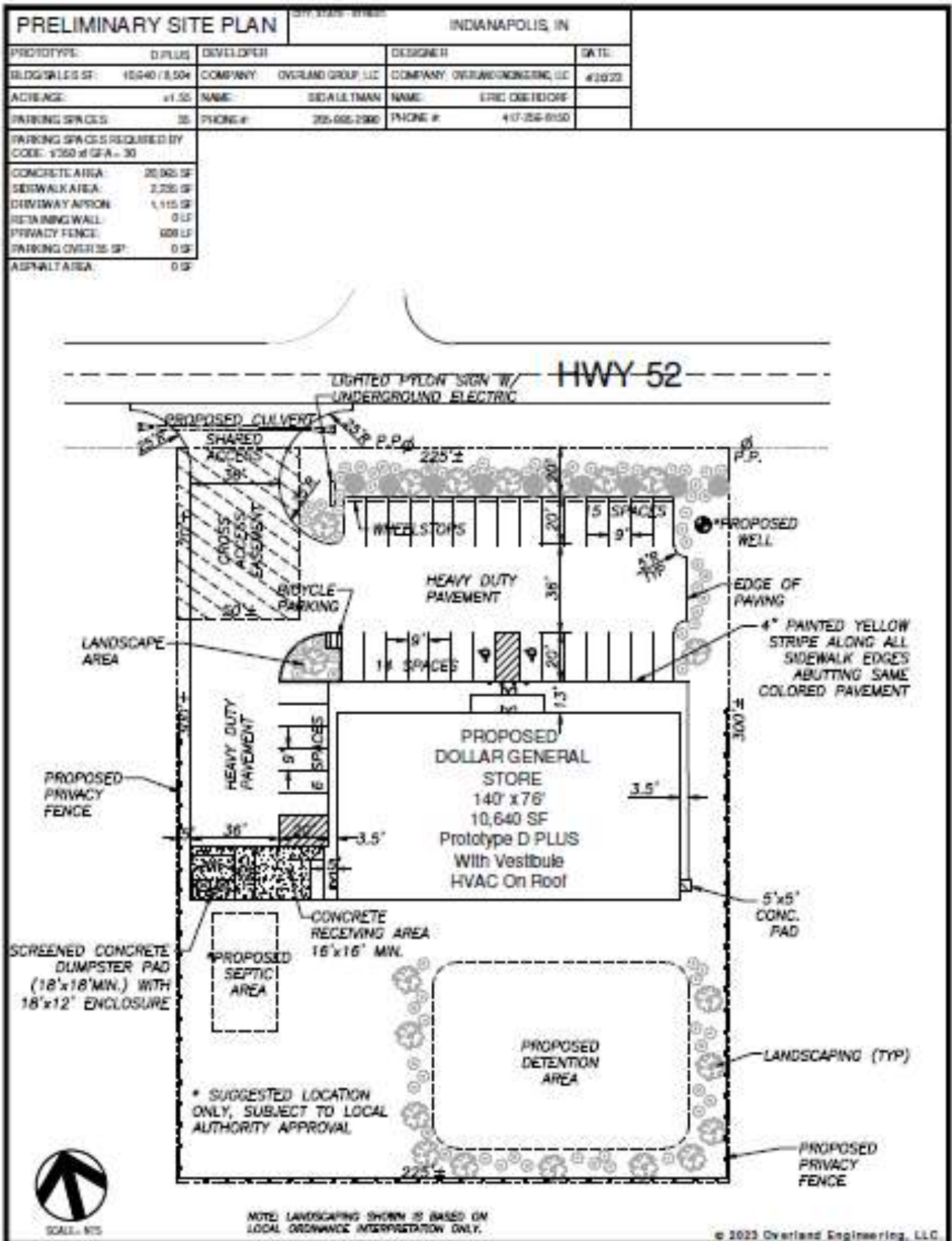
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2023-CZN-844 / 2023-CPL-844 Aerial Map



2023-CZN-844 / 2023-CPL-844 Preliminary Site Plan*

*Not reviewed for compliance



2023-CZN-844 / 2023-CPL-844 Site Photos



Subject site viewed from intersection of Brookville Road and Sorrel Street, looking south



East of site, looking south



North of site- baseball fields and community center

STAFF REPORT

Department of Metropolitan Development Division of Planning Current Planning Section

Case Number: 2023-CVR-854 / 2023-CPL-854 (Amended)
Address: 7805 West 96th Street (Approximate Address)
Location: Pike Township, Council District #1
Petitioner: Marilyn B. and Paul J. Knapp, by Pat Rooney
Zoning: D-A (FW) (FF)
Requests: Variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for a five-acre lot with zero-feet of public street frontage (125 feet required) and 226.33-foot lot width (250 feet required).

Approval of a Subdivision Plat to be known as Knapp Acres, dividing 50.45 acres into two lots.

This petition was continued from the October 12, 2023 hearing to the November 16, 2023 hearing at the request of a remonstrator and to amend the request and provide amended mailed notices.

RECOMMENDATIONS

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

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

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

(Continued)

STAFF REPORT 2023-CVR-854 / 2023-CPL-854 (Continued)

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.

SUMMARY OF ISSUES

The following issues were considered in formulating the recommendation:

LAND USE

- ◇ The subject site is zoned D-A and is developed with a single-family dwelling and associated accessory structures including a garage, solar panels, and a barn to be demolished where the proposed five-acre lot will be located.
- ◇ The initial request noted a 50.15-acre site, but the acreage was corrected to 50.45.
- ◇ This petition would provide for a Subdivision Plat to be known as Knapp Acres subdividing 50.45 acres into two lots with Lot One containing 45.45 acres and Lot Two containing 5 acres. Lot Two would be developed with a single-family detached dwelling.

VARIANCE OF DEVELOPMENT STANDARDS

- ◇ The grant of the request would allow Lot Two to have zero feet of public street frontage where 125 feet is required and would measure 226.33 feet in lot width where 250 feet is required.
- ◇ Variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for a five-acre lot with zero-feet of public street frontage (125 feet required) and 226.33-foot lot width (250 feet required).

PLAT

- ◇ The plat would subdivide the subject site into two lots. The proposed plat meets the standards of the D-A zoning classification except for the required street frontage and lot width deviations as requested with the companion variance of development standards.

TRAFFIC / STREETS

- ◇ The proposed lots would front on 96th Street and will share the existing driveway to a point where two driveways will separate at a 25-foot-wide ingress / egress access easement for Lot 2.

(Continued)

STAFF REPORT 2023-CVR-854 / 2023-CPL-854 (Continued)**SIDEWALKS**

◇ Sidewalks do not exist along 96th Street.

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

D-A	Metro	Residential (Single-family dwelling)
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SURROUNDING ZONING AND LAND USE

North	N/A	Undeveloped / Boone County
South	D-A	Residential (Single-family dwellings)
East	D-A	Residential (Single-family dwelling)
West	D-A /D-S	Residential (Single-family dwelling)

COMPREHENSIVE PLAN

The Comprehensive Plan recommends Rural or Estate Neighborhood development.

FLOODWAY/FLOODWAY FRINGE

The site is located in the 100 and 500-year floodplains of Paddle Creek.

OVERLAY

This site is located within an environmentally sensitive overlay, specifically woodlands and the Forest Alliance Woodlands.

THOROUGHFARE PLAN

96th Street is classified in the Official Thoroughfare Plan for Marion County, Indiana as a secondary arterial street, with a 21-foot existing half right-of-way and a 63-foot proposed half right-of-way.

PRELIMINARY PLAT

File-dated August 6, 2023.

FINDINGS OF FACT

File-dated August 6, 2023.

ZONING HISTORY – SITE**EXISTING VIOLATIONS**

None.

(Continued)

STAFF REPORT 2023-CVR-854 / 2023-CPL-854 (Continued)

PREVIOUS CASES

2013-UV1-006; 7805 West 96th Street (subject site), Variance of development standards of the Dwelling Districts Zoning Ordinance to provide for the construction of a single-family dwelling and to permit the eventual replacement of the existing single-family dwelling with guest house (two single-family dwellings not permitted), **granted**.

ZONING HISTORY – VICINITY

2019-DV3-013; 7645 West 96th Street (east of site), Variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for a 25.7-foot tall, 48-foot by 71-foot pole barn, located in the front of yard of the primary dwelling (maximum 24-foot tall, accessory building cannot be larger than the primary building and cannot be located within the front yard), **granted**.

2017-CZN-804 / 2017-CVR-804; 7926 West 88th Street (south of site), Rezoning of 15.466 acre from the D-1 district to the D-A classification to provide for a hobby farm and Variance of development standards of the Consolidated Zoning and Subdivision Ordinance to legally establish a lot with 51 feet of street frontage and lot width (minimum 250 lot width and 125 feet of street frontage required), **approved and granted**.

2017-HOV-081; 8927 Cooper Road (southwest of site), Variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for a 16-foot-tall storage barn (accessory buildings cannot be taller than the primary dwelling), **granted**.

2007-UV2-022; 8130 West 88th Street (southwest of site), Variance of Use of the Dwelling Districts Zoning Ordinance to legally establish the seasonal retail display and sale of produce not grown on the property (not permitted), utilizing two, 32-square foot, covered tables from May 1st to October 31st, **granted**.

2003-UV2-029; 7791 West 96th Street (east of site), Variance of use and development standards of the Dwelling Districts Zoning Ordinance to legally establish two dwellings on one lot (one dwelling per parcel permitted), and to provide for a 230.48 square foot addition to the existing 984 square foot dwelling, being the second dwelling on the lot (not permitted), **granted**.

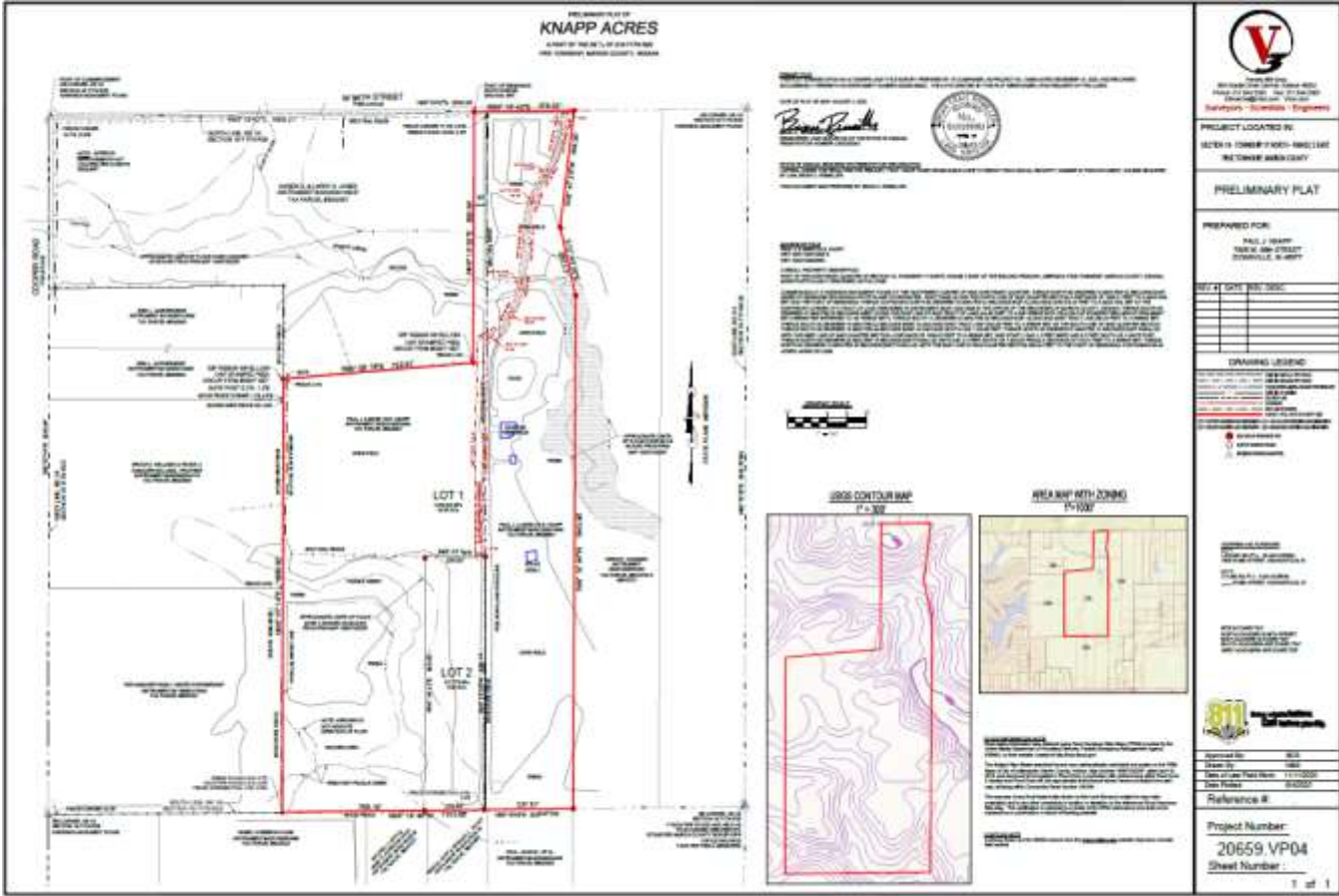
95-V2-115; 8180 West 88th Street (south of site), development standards of the Dwelling Districts Zoning Ordinance to permit the construction of a 12-lot residential subdivision with private street, **withdrawn**.

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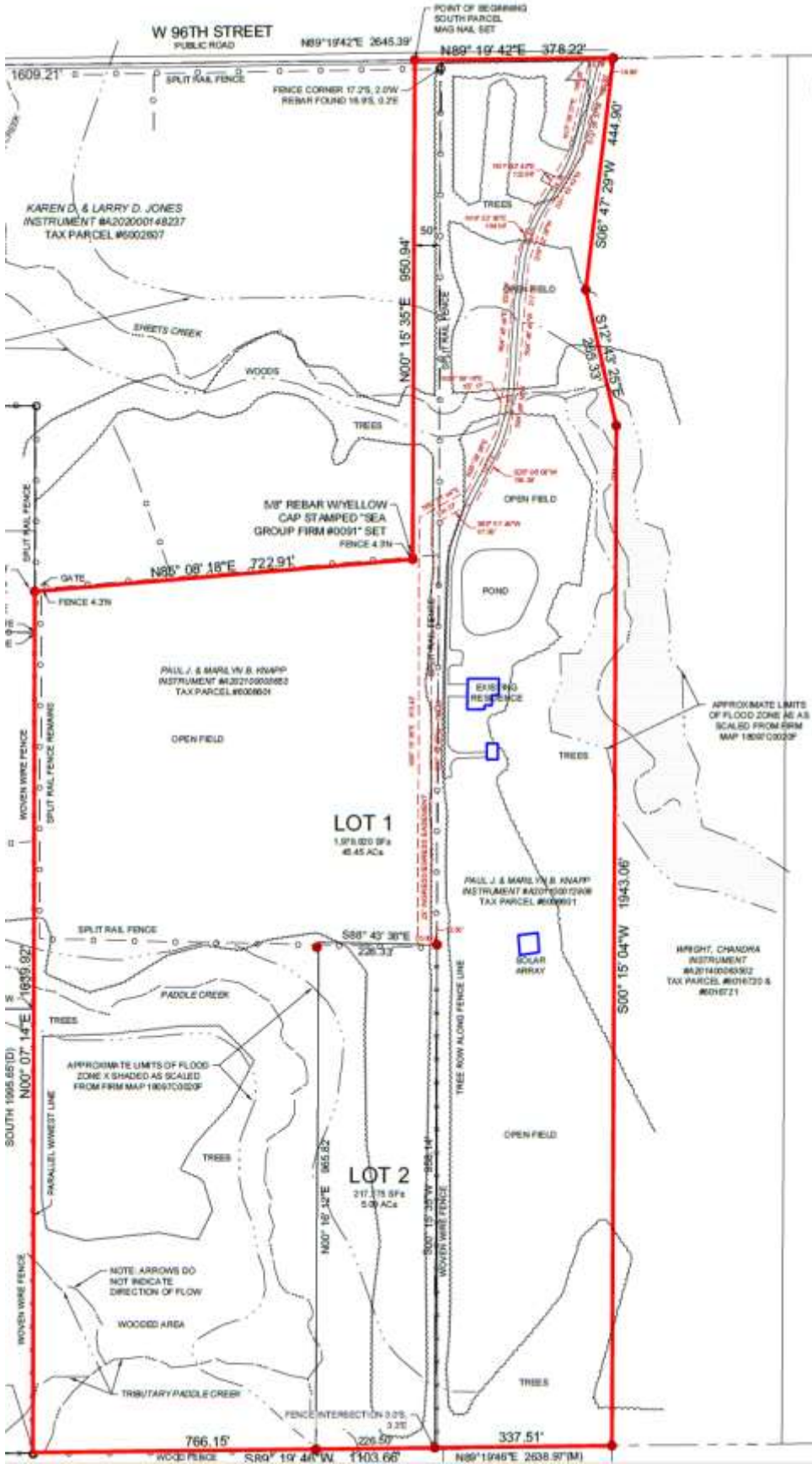
2023-CVR-854 / 2023-CPL-854 Aerial Map



2023-CVR-854 / 2023-CPL-854; Preliminary Plat



2023-CVR-854 / 2023-CPL-854; Preliminary Plat (Close-up)



2023-CVR-854 / 2023-CPL-854; Finding 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:

Petitioner is subdividing the parent tract which is over fifty acres to have a second five acre lot for his daughter and son-in-law to build a home on. Given the size of the parent tract and the new lot and the addition of only one more family using the property and the driveway, there will be no negative impact on 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:

this will increase the property value of the subject property and adjacent properties by allowing for the construction of a new modern home on the previously undeveloped land, which will improve the general aesthetic of the area.

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

Due to the location of the existing home and existing driveway on the parent tract, the new lot will not have any street frontage. However, as shown in the plat, the new parcel will use the existing driveway and then extend said driveway to the rear of the parent tract where the new home will be built.

2023-CVR-854 / 2023-CPL-854; Site Photos



Photo of the Subject Property: 7805 West 96th Street



Photo of the existing single-family dwelling on Lot 1.



Photo of the proposed five-acre lot (Lot 2) beyond the fence.



Photo of the location of the eastern proposed property boundary for Lot 2.



Photo of an existing shed to be demolished on Lot 2 where the single-family dwelling will be.



Photo of the proposed location of the septic system south of the existing fence.



Photo of Lot 2 looking north towards the proposed front property boundary at the fence.



Photo of the existing garage on Lot 1.



Photo of the back of the single-family dwelling on Lot 1.



Photo of the proposed shared driveway.



Photo of the proposed access easement to the right.



Photo of the proposed access easement location.

STAFF REPORT

Department of Metropolitan Development Division of Planning Current Planning Section

Case Number: 2023-CZN-858 / 2023-CVR-858
Address: 7338 Five Points Road (Approximate Address)
Location: Franklin Township, Council District #25
Petitioner: Narinder Sodhi, by Joseph D. Calderon
Request: Rezoning of 5.45 acres from the D-A district to the D-2 district to provide for six single-family detached dwellings.

Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for a 30-foot setback from Shelbyville Road and a 25-foot setback from Five Points Road (40-foot setback from proposed right-of-way required along Shelbyville Road and 30-foot setback from Five Points Road required) and to provide for two lots with frontage on a private street (public street frontage required).

ADDENDUM FOR THE NOVEMBER 16, 2023, HEARING EXAMINER

This petition was continued from the October 26, 2023 hearing, to the November 16, 2023 hearing at the request of the petitioner's representative. No additional information has been provided to the case file.

October 26, 2023

RECOMMENDATIONS

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

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

If the rezoning is approved, staff would recommend approval be subject to the following commitment being reduced to writing on the Commission's Exhibit "B" forms at least three days prior to the MDC hearing:

A 40-foot half right-of-way along Five Points Road and a 45-foot half right-of-way along Shelbyville Road, as per the request of the Department of Public Works (DPW), Engineering Division. Additional easements shall not be granted to third parties within the area to be dedicated as public right-of-way prior to the acceptance of all grants of right-of-way by the DPW. The right-of-way shall be granted within 60 days of approval and prior to the issuance of an Improvement Location Permit (ILP).

(Continued)

SUMMARY OF ISSUES

LAND USE

- ◇ The 5.45 -acre subject site is currently developed with a single-family dwelling and accessory structures along the southern portion of the site and the northern portion is undeveloped. The site is surrounded by single-family dwellings.
- ◇ In 2021, the site received a variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for two lots measuring 114,686 square feet and 95,669 square feet with one lot having 215 feet of lot width, with minimum side setbacks of 25 feet, aggregate side setbacks of 40 feet and rear setbacks of 40 feet and 80% open space. The site was subsequently granted a subdivision plat approval for two lots.

REZONING

- ◇ The grant of the request would rezone the property from the D-A district to the D-2 district to allow for six single-family detached dwellings.
- ◇ The D-A district holds the agricultural lands of Marion County and provides for a variety of agricultural uses. It is intended to provide for animal and poultry husbandry, farming, cultivation of crops, dairying, pasturage, floriculture, horticulture, viticulture, apiaries, aquaculture, hydroponics, together with necessary, accompanying accessory uses, buildings, or structures for housing, packing, treating, or storing said products; or lands devoted to a soil conservation or forestry management program. A single-family dwelling is intended to be permitted as a part of such agricultural uses. A secondary provision of this district is large estate development of single-family dwellings. This district fulfills the very low-density residential classification of the Comprehensive General Land Use Plan.
- ◇ The D-2 district is intended for use in suburban areas. Ample yards, trees and passive open spaces easily serving each individual lot are envisioned for this district. The D-2 district has a typical density of 1.9 units per gross acre. Two- family dwellings are permitted on corner lots in this district. This district fulfills the lowest density recommendation of the Comprehensive General Land Use Plan. Public water and sewer facilities must be present. Development plans, which may include the use of clustering, should incorporate, and promote environmental and aesthetic considerations, working within the constraints and advantages presented by existing site conditions, including vegetation, topography, drainage, and wildlife.
- ◇ The Comprehensive Plan recommends rural or estate development. The Rural or Estate Neighborhood typology applies to both rural or agricultural areas and historic, urban areas with estate-style homes on large lots. In both forms, this typology prioritizes the exceptional natural features – such as rolling hills, high quality woodlands, and wetlands – that make these areas unique. Development in this typology should work with the existing topography as much as possible. This typology typically has a residential density of less than one dwelling unit per acre unless housing is clustered to preserve open space.

(Continued)

VARIANCE OF DEVELOPMENT STANDARDS

- ◇ The grant of the request would allow for the development of six lots with deficient front setbacks and two lots without street frontage on a public street. Instead, frontage on a private street would be proposed.
- ◇ Per Table 744-201-1: Dimensional Standards for Districts D-A through D-5II, the proposed D-2 district requires a 40-foot front setback from the proposed right-of-way of Shelbyville Road where a 30-foot setback would be proposed and a 30-foot front setback from Five Points Road would be required and a 25-foot setback would be proposed.
- ◇ The public street frontage requirement is in place to provide direct access from a public road to a dwelling in case of an emergency, thus making it easier and quicker for emergency services to find the address in question.

Department of Public Works

- ◇ The Department of Public Works, Traffic Engineering Section, typically requests the dedication and conveyance of the proposed right-of-way consistent with the Marion County Thoroughfare Plan. The dedication would include a 40-foot half right-of-way along Five Points Road and a 45-foot half right-of-way along Shelbyville Road.
- ◇ The Department of Public Works (DPW) stated that there are plans to build a roundabout at this intersection to enhance traffic flow and reduce accidents at this location.
- ◇ Per the requested variance of development standards for reduced setbacks, it is understood that the petitioner would not have this right-of-way dedication proposed.

Staff Analysis

- ◇ Staff determined that the strict application of the terms of the Zoning Ordinance would not result in practical difficulties in the use of the property because the site could continue to be used for one single-family dwelling. Furthermore, the site could be developed as previously approved with variance petition 2021-DV1-028 and plat petition 2022-PLT-043, which subdivided the property into two lots with associated development standard variances.
- ◇ Staff has concerns with the proximity of the driveway to the Five Points Road and Shelbyville Road intersection which generates a high volume of vehicular traffic. The additional traffic from the proposed dwellings could be injurious to the public safety of the community since cars would have to make a quick left turn to avoid oncoming traffic from either direction during peak commute hours. Staff would recommend the driveway be located at the furthest southern point along Five Points Road.
- ◇ Staff would not support the variance for private street frontage for two of the proposed lots. It is often difficult for private infrastructure to be maintained by the surrounding property owners, which is why staff would recommend the street be built to the standards of the Department of Public Works and having it be dedicated as a public street.

(Continued)

- ◇ Furthermore, if the site were platted as proposed, the corner lot (Lot #1) would not be allowed to have triple street frontages and sidewalks would need to be installed along Five Points Road and Shelbyville Road. This would include the installation of a pedestrian bridge to cross over the drainage ditch located on the northern section of the site.
- ◇ Due to the desire to not meet the required front setback standards, thus preventing the right-of-way dedication as typically requested by DPW, staff is not supportive of the reduced front setback variances.
- ◇ If the necessary right-of-way were dedicated ensuring future infrastructure improvements would be possible and if the required D-2 setbacks were proposed, then staff could discuss the possibility to potentially support the number of lots that would meet the D-2 development standards.

GENERAL INFORMATION

EXISTING ZONING AND LAND USE

D-A	Metro	Residential (Single-family dwelling)
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SURROUNDING ZONING AND LAND USE

North	D-A	Residential (Single-family dwelling)
South	D-3	Residential (Single-family dwellings)
East	D-P / D-A	Residential (Single-family dwellings)
West	D-A	Residential (Single-family dwelling)

COMPREHENSIVE PLAN

The Comprehensive Plan recommends rural or estate neighborhood development.

THOROUGHFARE PLAN

Five Points Road is classified in the Official Thoroughfare Plan for Marion County, Indiana as a primary collector street, with a 40-foot existing right-of-way and an 80-foot proposed right-of-way.

THOROUGHFARE PLAN

Shelbyville Road is classified in the Official Thoroughfare Plan for Marion County, Indiana as a secondary arterial street, with a 60-foot existing right-of-way and a 90-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.

SITE PLAN

File-dated September 21, 2023.

FINDINGS OF FACT

File-dated September 21, 2023.

ZONING HISTORY – SITE

EXISTING VIOLATIONS

None.

PREVIOUS CASES

2021-DV1-028 (Amended); 7338 Five Points Road (subject site), Variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for two lots measuring 114,686 square feet and 95,669 square feet with one lot having 215 feet of lot width, with minimum side setbacks of 25 feet, aggregate side setbacks of 40 feet and rear setbacks of 40 feet and 80% open space (three acre lots, 125-foot frontage on public street, 250-foot lot width, 30-foot side setback, 75-foot aggregate side setback, 75-foot rear setback and 85% open space required), **granted.**

2022-PLT-043; 7338 Five Points Road (subject site), Approval of a Subdivision Plat, to be known as Clover Subdivision, dividing 5.187 acres into two lots, **granted.**

ZONING HISTORY – VICINITY

2018-MOD-015; 7120-7338 Wooden Grange Drive (east of site), Modification of the Development Statement of 2016-ZON-068 to permit a 12-foot aggregate setback in the Villas section (13 feet required) and to replace approved Exhibit “D” under Miscellaneous, Character Exhibits with the Elevation Exhibits filed with this petition, **approved.**

2017-PLT-033; 7008 Shelbyville Road (east of site), Approval of a Subdivision Plat, to be known as Birchwood Park, Section One, dividing 32.3 acres, into 49 lots, **approved.**

2016-ZON-068; 7008 Shelbyville Road (east of site), Rezoning of 64.25 acres from the D-A district to the D-P classification to provide for a variety of single-family and two-family dwellings, **approved.**

2004-PLT-011; 6519 Wolverine Way (west of site), Approval of a Subdivision Plat to be known as A REPLAT OF WESTBROOK SUBDIVISION, SECTION TWO, dividing 28.39 acres into 65 lots, **approved.**

99-CP-32P; 7201 Combs Road (west of site), Approval of a Cluster Subdivision Plat to be known as Westbrook Subdivision, dividing 50.646 acres into 115 lots, **approved.**

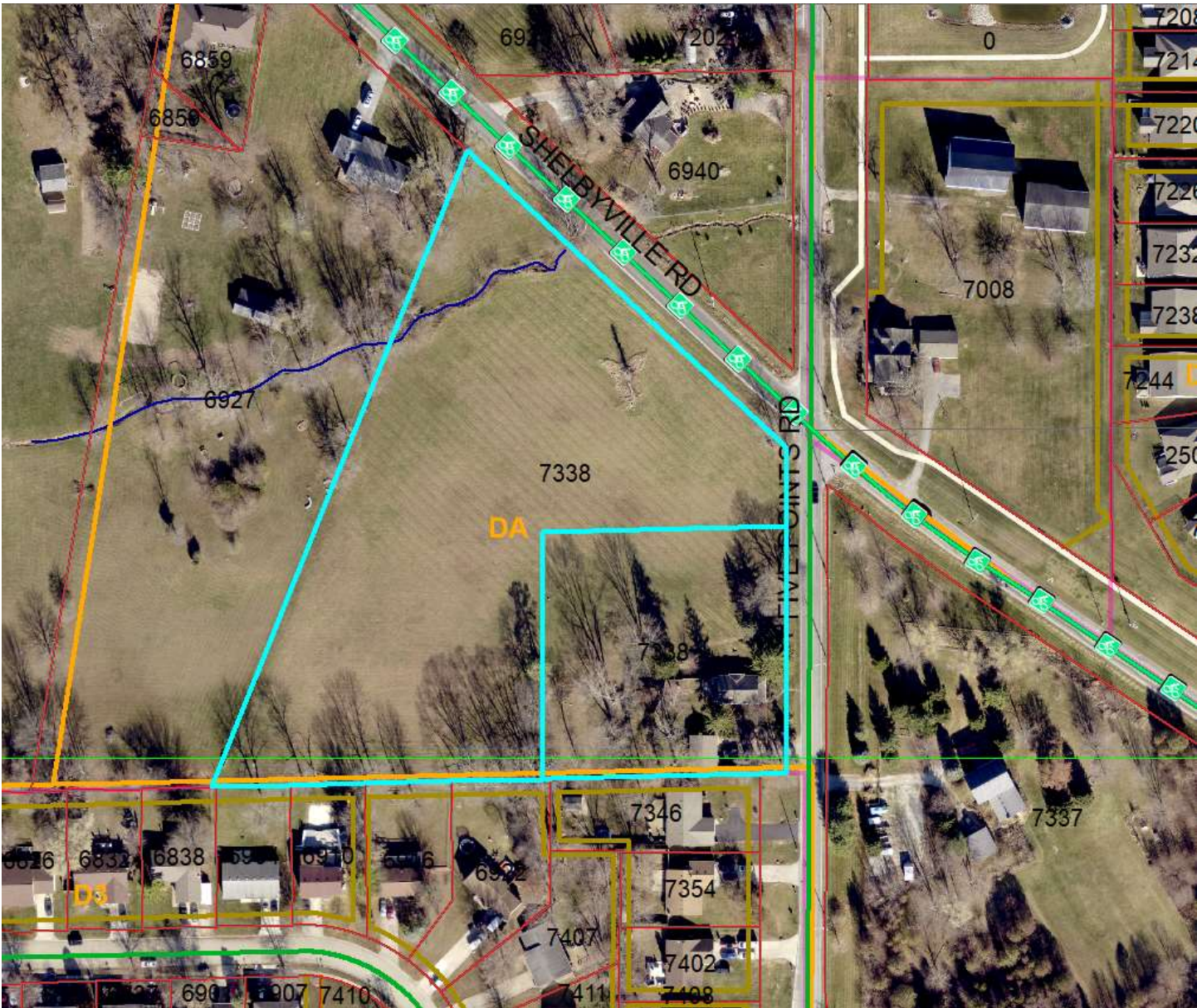
97-V3-99; 6835 Shelbyville Road (northwest of site), Variance of development standards of the Sign Regulations to provide for the placement of an illuminated five by 10-foot pole sign being 14 feet in height, located 50 feet from a dwelling district, **granted.**

76-P-06; 6814 Troon Way (southwest of site), Approval of a preliminary plan of a subdivision plat to be known as MUIR FIELD SUBDIVISION, SECTION I, dividing 43.00 acres into 127 lots, being in the D-3 district, **approved.**

76-P-26; 7346 Five Points Road (south of site), **Approval of a preliminary plan of a subdivision plat to be known as MUIR FIELD SUBDIVISION (Section 4)**, dividing 38.73 acres into 121 lots, being in the D-3 district, **approved.**

72-Z-269; 6835 Shelbyville Road (northwest of site), Rezoning of 10.04 acres from A-2 to SU-1, **approved.**

MI





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 development will be extremely low density and the rear of the homes will face Shelbyville Road with a high likelihood that setback requirements will be met along Shelbyville Road. None of the improvements encroaching into the required front setback will interfere with visibility from the adjoining public streets.

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 variances sought will still result in a very low density development and will not impact access of visibility to or from any adjacent property.

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

the ordinance applies front yard standards to "double front yards", leading to excessive setbacks for what otherwise is a secondary front, which would otherwise be a side or rear yard.

DECISION

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

Adopted this _____ day of _____, 20 ____



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



Photo of the eastern street frontage along Five Points Road looking north.



Photo of the eastern street frontage along Five Points Road looking south.



Photo of the subject site at the intersection.



Photo of the subject site northern street frontage along Shelbyville Road looking west.



Photo of the subject site northern street frontage along Shelbyville Road looking east.



Photo of the Shelbyville Road and Five Points Road intersection.



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

STAFF REPORT

Item 12.

Department of Metropolitan Development Division of Planning Current Planning Section

Case Number: 2023-MOD-019
Address: 5320 & 5340 East Southport Road (*Approximate Address*)
Location: Franklin Township, Council District #25
Zoning: C-S
Petitioner: Greenwood IH Hotel, by Russell L. Brown
Request: Modification of commitments related to 2001-ZON-070, to modify Commitment #19, to provide for a 38-foot tall hotel (current commitment limits the building height to 35 feet).

RECOMMENDATIONS

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

SUMMARY OF ISSUES

The following issues were considered in formulating the recommendation:

LAND USE

- ◇ This 3.18-acre site, zoned C-S, is comprised of two undeveloped parcels. It is surrounded by multi-family dwellings to the north, commercial uses to the south, undeveloped land to the east and west, all zoned C-S.
- ◇ Petition 2001-ZON-070 rezoned the site from a D-A district to the C-S classification to provide for multi-family dwellings and a commercial / retail center with C-1, C-2, C-3 and C-4 uses.

MODIFICATION

- ◇ This request would modify Commitment #19 related to 2002-ZON-070 to provide for a 38-foot tall hotel when the commitments limited building height to 35 feet.
- ◇ The Comprehensive Plan recommends community commercial typology. “The Community Commercial typology provides for low-intensity commercial, and office uses that serve nearby neighborhoods. These uses are usually in freestanding buildings or small, integrated centers. Examples include small-scale shops, personal services, professional and business services, grocery stores, drug stores, restaurants, and public gathering spaces.”
- ◇ 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.

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

- Should be located along an arterial street.
- Outdoor display of merchandise should be limited.
- If adjacent to residential uses or a Living Typology, outdoor display of merchandise is not recommended.
- If proposed within one-half mile along an adjoining street of an existing or approved residential development, then connecting, continuous pedestrian infrastructure between the proposed site and the residential development (sidewalk, greenway, or off-street path) should be in place or provided.
- Should be no larger than 25 acres with 125,000 square feet of floor space and no more than three out lots.

Planning Analysis

- ◇ The request would be consistent with the Comprehensive Plan recommendation of community commercial typology as a large-scale commercial development.
- ◇ The development would provide for a 38-foot tall, 121-room hotel with 124 parking spaces. Site access would be from a private street that is located north of and parallel to East Southport Road that intersects Valley Ridge Road to the west of the site.
- ◇ The Pattern Book defines large-scale development with building heights that exceed 35 feet. The proposed 38-foot tall building would be a three-foot increase from the permitted height allowed in the 2001 commitments but would be consistent with the Pattern Book recommendations.
- ◇ Staff supports this request for a taller building because it would be a small height increase and compatible with the surrounding land uses with minimal impact on those uses.

GENERAL INFORMATION

EXISTING ZONING AND LAND USE

C-S Undeveloped land

SURROUNDING ZONING AND LAND USE

North -	C-S	Multi-family dwelling
South -	C-S	Commercial uses
East -	C-S	Undeveloped land
West -	C-S	Undeveloped land

(Continued)

COMPREHENSIVE PLAN	The Comprehensive Land Use Plan for Indianapolis and Marion County (2018) recommends community commercial typology. Marion County Land Use Pattern Book (2019).
THOROUGHFARE PLAN	This portion of East Southport Road is designated in the Marion County Thoroughfare Plan as a primary arterial with an existing 142-foot right-of-way and a proposed 102-foot right-of-way.
CONTEXT AREA	This site is located within the metro context area.
OVERLAY	There is no overlay for this site.
SITE PLAN	File-dated October 10, 2023
ELEVATIONS	File-dated October 10, 2023

ZONING HISTORY

2021-MOD-007; 5310 East Southport Road, requested modification of commitments related to 2001-ZON-070, as modified by 2011-MOD-003, to provide for light general retail uses including a retail paint store on Lot Five in the BG Valley Ridge Commercial Subdivision, recorded as Instrument # A202100063572 (limited to C-1 buffer uses in the eastern 125 feet of the commercial area), **approved**.

2021-PLT-007; 5310 East Southport Road, requested Approval of a Subdivision Plat to be known as BG Valley Ridge Commercial Subdivision, dividing 6.277 acres into 5 lots, **approved**.

2011-MOD-003; 6810 Valley Ridge Drive, requested modification of commitments related to Petition 2001-ZON-070 to modify: a. Commitment Twelve, to provide for certain C-3 uses in the C-1 Buffer area (the easternmost 125 of this site located south of the multifamily section), including personal services uses, rental or leasing uses, retail uses, accessory uses and temporary structures, to provide for drive-through lanes on the east side of any building, between the building and the landscape yard, and to require that any buildings substantially conform to elevations submitted with this petition (C-3 uses not permitted in the C-1 buffer area, no parking or maneuvering area permitted east of the C-1 buildings), and b. Commitment Five, to allow for direct access from the parcel abutting to the east (direct access from the east-abutting parcel prohibited), **approved**.

2001-ZON-070; 5330 East Southport Road, requested rezoning of 45 acres from D-A (FF)(FW) to C-S (FF)(FW) to provide for a mixed-use development with multifamily residential, commercial and industrial uses, **approved**.

(Continued)

VICINITY

2019-ZON-042; 5325 East Southport Road (south of site), requested rezoning of 0.81 acre from the C-S district to the C-S classification to provide for a stand-alone outdoor freezer, **approved.** -

2018-ZON-084; 5219 East Southport Road (south of site), requested rezoning of 1.74 acres from the C-S district to the C-S classification to provide for an automotive service business in addition to the previously permitted uses, **approved.**

2010-CZN-820, 2010-CAP-820 and 2010-CVR-820; 5325 East Southport Road (south of site), requested rezoning of 0.811 acre from the C-S District to the C-S classification to provide for C-3 and C-1 uses; a variance of development standards to provide for an outdoor seating area and to provide for two drive-through lanes, with both lanes having only one stacking space at the exit of the drive-through, and with one drive-through lane having seven stacking spaces before the drive-through unit; and a modification of the Commitments and Site Plan related to 91-Z-41 to provide for the site plan submitted with this file and to terminate Commitment Seven, which prohibited additional outlots, **approved and granted.**

2004-ZON / APP-824; 5325 East Southport Road (south of site), requested rezoning of 1.17 acres from C-S to C-S to provide for a 16,000-square foot commercial building with C-3 uses, **approved**, and modification of commitments related to 91-Z-41 to terminate Commitment Seven to provide for an out lot, **approved.**

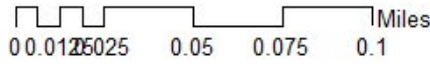
91-Z-41; 5301 East Southport Road (south of site), requested rezoning of 34 acres from I-2-S to C-S to provide for commercial development, **approved.**

91-Z-41, 5301 East Southport Road (south of site), requested rezoning of 36.99 acres to provide for retail commercial development, **approved.**

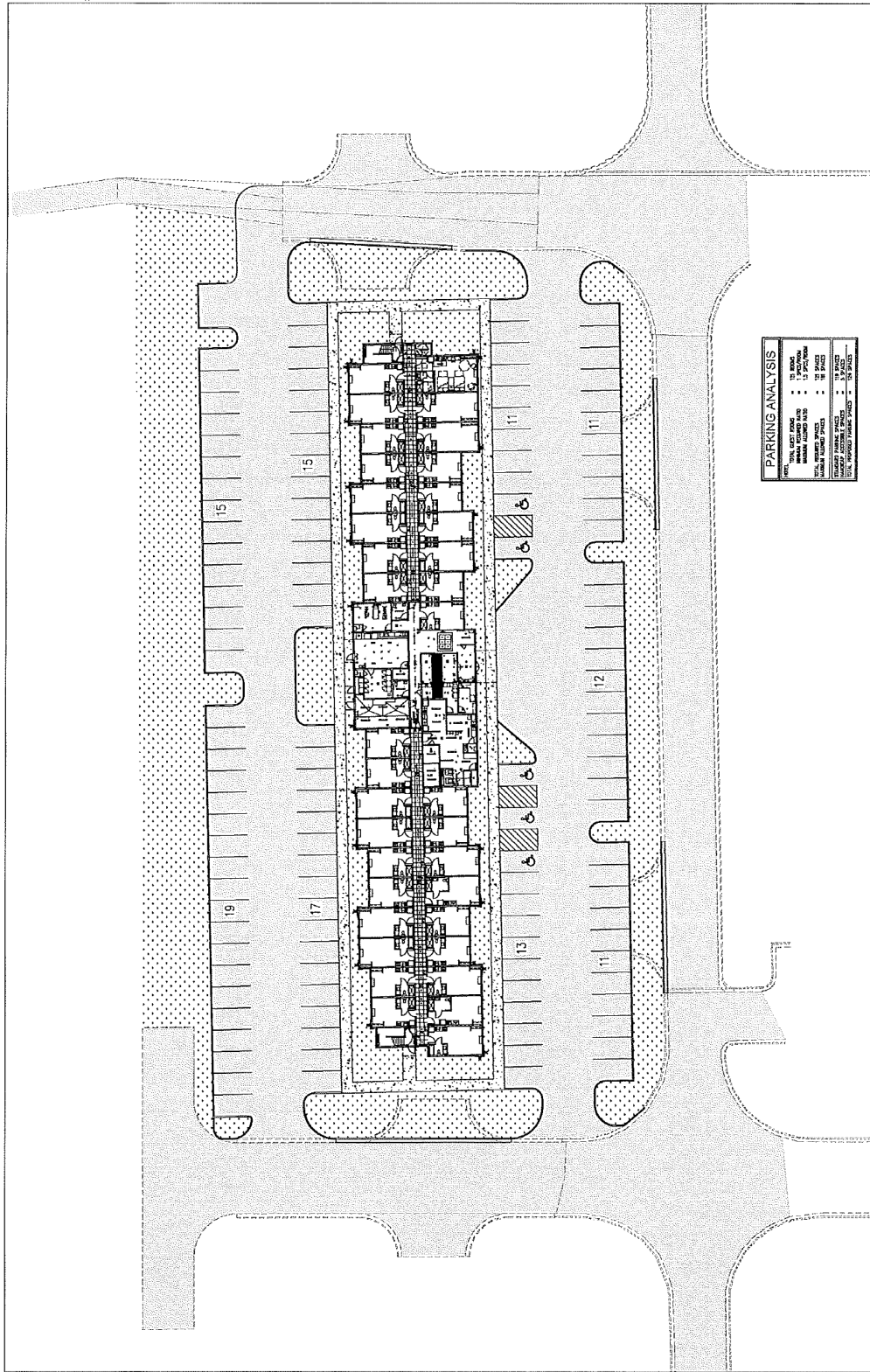
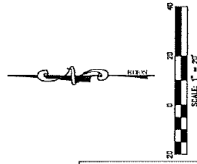
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5320 and 5340 East Southport Road



PRELIMINARY SITE LAYOUT BG VALLEY LOTS 2 & 3 EXTENDED STAY AMERICA: INDIANAPOLIS

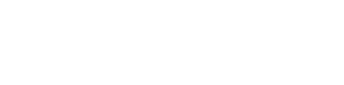
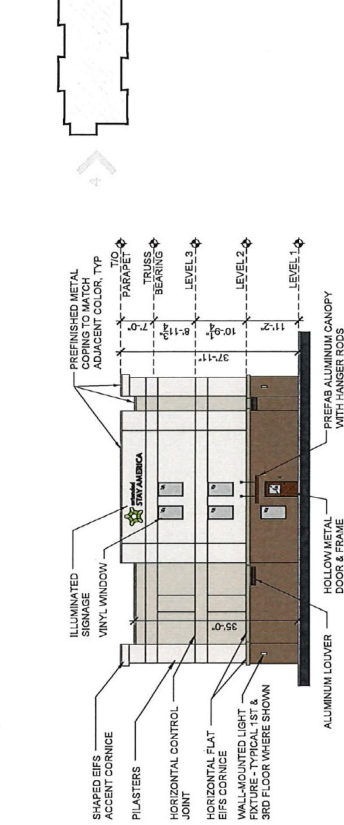
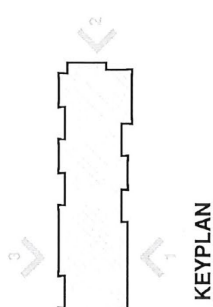


PARKING ANALYSIS	
TOTAL	15 SPACES
STANDARD PARKING	11 SPACES
MINIMUM REQUIRED PARKING	12 SPACES
ADDITIONAL PARKING	3 SPACES
TOTAL REQUIRED PARKING	15 SPACES
ADDITIONAL PARKING PROVIDED	0 SPACES
TOTAL PARKING PROVIDED	11 SPACES
DEFICIT	4 SPACES

PREPARED BY:



Transportation &
Development Consultants
144 West Madison Ave. #1100
OCTOBER 3, 2023



2 SIDE ELEVATION
Scale: 3/32" = 1'-0"
35'-0" = 33%
37'-11" = 67%

1 FRONT ELEVATION
Scale: 3/32" = 1'-0"
35'-0" = 62%
37'-11" = 38%

- COLOR / MATERIAL LEGEND**
- EIFS: PPG 1021-6 "CURLLEW"
 - EIFS: PPG 1025-1 "COMMERCIAL WHITE"
 - EIFS: PPG 1025-3 "WHISKERS"
 - EIFS: PPG 1025-4 "SHARKSKIN"
 - EXTERIOR TRIM: OP410 "BRONZETONE"
 - KINGSIZE DOVE GRAY BRICK BY ACME BRICK

COLOR / MATERIAL LEGEND

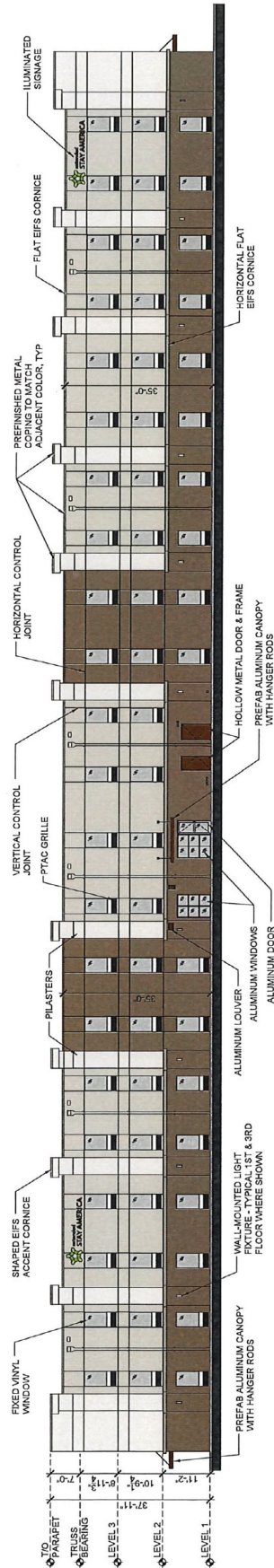
- EIFS: PPG 1021-6 "CURLIEW"
- EIFS: PPG 1025-1 "COMMERCIAL WHITE"
- EIFS: PPG 1025-3 "WHISKERS"
- EIFS: PPG 1025-4 "SHARKSKIN"
- EXTERIOR TRIM: CP410 "BRONZETONE"
- KINGSIZE DOVE GRAY BRICK BY ACME BRICK



4 SIDE ELEVATION

Scale: 3/32" = 1'-0"

35'-0" = 42%
37'-11" = 58%



3 REAR ELEVATION

Scale: 3/32" = 1'-0"

35'-0" = 79%
37'-11" = 21%

BASK
DEVELOPMENT & MANAGEMENT

INDIANAPOLIS
EXTENDED STAY AMERICA

Alameda
ARCHITECTURE

October 16, 2023



View looking east along private east / west street - site on left



View looking west along private east / west street – site on right



View of site looking north across private street



View of site looking north across private street



View of site looking north



View looking north at street connection to the north (along the eastern boundary)



View looking northwest of commercial to the west of site.



View looking north across road and undeveloped land to the west of site

STAFF REPORT

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

Case Number: 2023-MOD-020
Address: 1855 North Shadeland Avenue (*Approximate Address*)
Location: Warren Township, Council District #19
Zoning: C-4
Petitioner: MG Oil, Inc., by Pat Rooney
Request: Modification of Commitments related to 2021-ZON-105 to modify Commitment #5, to have development compliant with the site plan filed with this petition (current commitment requires compliance with a site plan dated July 17, 2021) and to modify Commitment #6 to provide for a pedestrian signal and crosswalk running north/south across Pleasant Run Parkway, South Drive (current commitment requires the crosswalk running across Shadeland Avenue).

RECOMMENDATIONS

Staff recommends denial of this request.

SUMMARY OF ISSUES

The following issues were considered in formulating the recommendation:

LAND USE

EXISTING ZONING AND LAND USE

C-4 Compact Gas Station

SURROUNDING ZONING AND LAND USE

North D-4 Pleasant Run
South D-4 Residential (Single-family dwelling)
East D-4 Residential (Single-family dwelling)
West C-5 Automobile Dealership

COMPREHENSIVE PLAN

The Comprehensive Plan recommends community commercial development on most of the site and office commercial along the southern property boundary.

- ◇ The 0.39-acre subject site is developed with a gas station and pole sign. The site abuts a single-family dwelling to the east, southeast, and south with a commercial use to the west.

(Continued)

STAFF REPORT 2023-MOD-020 (Continued)**MODIFICATION OF COMMITMENTS**

- ◇ The grant of the request would allow for the Modification of Commitments related to 2021-ZON-105 to modify Commitment #5, to have development compliant with the site plan filed with this petition, Exhibit B, and to modify Commitment #6 to provide for a pedestrian signal and crosswalk running north/south across Pleasant Run Parkway South Drive, Exhibit C.
- ◇ Commitment #5 related to 2021-ZON-105 notes that “Construction, including, the installation of landscaping and privacy fence, shall all be done pursuant to the Site Plan prepared by Hamilton Designs last revised January 17, 2021.
- ◇ Commitment #6 related to 2021-ZON-105 notes that “A pedestrian safety island and a pedestrian-activated crossing signal shall be installed on Shadeland Avenue at the intersection of Shadeland Avenue and Pleasant Run Parkway, South Drive. The installation shall be to the standards and specifications of the Department of Public Works.”

Staff Analysis

- ◇ It is staff’s understanding that the petitioner and their representative were not clearly understanding the wording of Commitment #6 and now wish to no longer follow through with the commitment that was agreed upon and recorded for the rezone petition, 2021-ZON-105.
- ◇ When 2021-ZON-105 went through the rezoning process, the petitioner agreed to the written commitment language in the staff report.
- ◇ Because Shadeland Avenue is a six-lane road with a middle turn lane, there should be safety measures put in place. The installation of a pedestrian safety island and pedestrian-activated crossing signal on Shadeland Avenue would ensure safe pedestrian crossings could occur at this intersection.
- ◇ While it is true that no sidewalks exist at the dealership west of the subject site, that is simply due to public sidewalks being installed when new development on sites trigger the sidewalk requirement of the Zoning Ordinance. There is a section of sidewalk along the pedestrian bridge just north of Pleasant Run Parkway South Drive on the west side of Shadeland Avenue that future sidewalk installations would tie into, see Staff Exhibit 1. There are also sections of sidewalks installed on the west side of Shadeland Avenue when traveling further south toward 17th Street and north towards 21st Street.
- ◇ The Department of Public Works stated the following:

“In 2021-ZON-105, DPW requested that staff include Commitment #6 to provide for a pedestrian-activated crosswalk signal across Shadeland Ave. The purpose of this request is to mitigate the impacts of increased traffic due to the intensification of the commercial use upon rezoning from C-3 to C-4. Specifically, the anticipated increase in pedestrian traffic is concerning, due to the lack of safe pedestrian infrastructure at this location and history of pedestrian crashes nearby.

(Continued)

STAFF REPORT 2023-MOD-020 (Continued)

The existing convenience store measures 416 square feet, according to tax records. The proposed building is 1012 square feet, while the gas pumps stay the same. The increase in store size is expected to increase both vehicle and pedestrian traffic to the store. The existing conditions on Shadeland Avenue from 10th St to 21st St include continuous sidewalk on the east side of the street. The west side has intermittent sidewalks plus an informal network of interconnected parking lots. IndyGo Route 30 traverses Shadeland in this area with stops at 17th St and 21st St. There are signalized crosswalks at 10th St, 16th St, and 21st St, but no marked crosswalks in between. Shadeland Ave is 7 lanes wide at the Pleasant Run Parkway intersection.

Crash history: A pedestrian crash occurred at Shadeland Ave and Pleasant Run Parkway on 2/1/23, resulting in incapacitating injury. According to the police report, the pedestrian attempted to cross Shadeland from the east side to the west side and was struck by a northbound vehicle. This is the type of crash we are concerned will increase with the expansion of the convenience store.

The table below summarizes pedestrian and bicycle crashes in the vicinity of the subject convenience store within the last 10 years, as reported to the ARIES crash database.

Intersection	Pedestrian Crashes	Bicycle Crashes
21st St & Shadeland Ave	10	1
21st St & Rama Pl	1	0
Shadeland Ave & Rama Dr	4	0
Shadeland Ave & Pleasant Run Pkwy	1	0
Shadeland Ave & 16th St	1	0
Shadeland Ave & 10th St	4	2

The commitment includes a refuge island and pedestrian activated high intensity signal (HAWK), which stops traffic and allows the pedestrian to have the right of way while crossing. These are also known as Pedestrian Hybrid Beacons. The crosswalk would provide connectivity between the subject convenience store and numerous west side businesses through the network of interconnected parking lots and a striped shoulder across the Pleasant Run Bridge. A HAWK or pedestrian hybrid beacon has been shown to reduce pedestrian crashes by 69% according to [a] study [by the Federal Highway Administration].”

- ◇ In conclusion, staff is not supportive of the modification of commitments request since it would be in the public's best interest to have the pedestrian-activated crossing signal installed across Shadeland Avenue.

(Continued)

STAFF REPORT 2023-MOD-020 (Continued)**GENERAL INFORMATION**

THOROUGHFARE PLAN	Shadeland Avenue is classified in the Official Thoroughfare Plan for Marion County, Indiana as a primary arterial street, with a 149-foot existing right-of-way and a 104-foot proposed right-of-way.
THOROUGHFARE PLAN	Pleasant Run Parkway South Drive is classified in the Official Thoroughfare Plan for Marion County, Indiana as a local street, with a 70-foot existing right-of-way and a 48-foot proposed right-of-way.
SITE PLAN	File-dated October 11, 2023.
STATEMENT OF MODIFICATION	File-dated October 11, 2023.

ZONING HISTORY – SITE**EXISTING VIOLATIONS**

None.

PREVIOUS CASES

2023-DV3-011; 1855 North Shadeland Avenue (subject site), Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for a 21-foot-tall pole sign (maximum height of 20 feet permitted), **granted**.

2021-ZON-105; 1855 North Shadeland Avenue (subject site), Rezoning of 0.415 acre from the C-3 district to the C-4 district, **approved**.

97-V3-92; 1855 North Shadeland Avenue (subject site), Variance of Development Standards of the Commercial Zoning Ordinance to provide for the placement of an illuminated canopy, measuring 24 by 71 feet, with a front setback of 1 foot along Shadeland Avenue (minimum 10 feet from the proposed right-of-way required), **granted**.

93-V3-41; 1855 North Shadeland Avenue (subject site), Variance of development standards of the Sign Regulations of Marion County to permit the placement of a pole sign with gasoline pricing panels (not permitted) located 4 feet from the right-of-way of Shadeland Avenue, **denied**.

92-V3-62; 1855 North Shadeland Avenue (subject site), Variance of development standards of the Sign Regulations of Marion County to permit the placement of a pole identification sign 3 feet from the right-of-way of North Shadeland Avenue (15 feet required) with pricing panels (not permitted), **granted with the condition that the pole sign be located 15 feet from North Shadeland Avenue right-of-way**.

70-Z-204; 1855 North Shadeland Avenue (subject site), rezoning of 0.45 acre from the D-4 district to the C-3 district, **approved**.

(Continued)

STAFF REPORT 2023-MOD-020 (Continued)

70-V2-80; 1855 North Shadeland Avenue (subject site), Variance of use and setback requirements to permit construction of a gasoline station with identification and display signs, **withdrawn**.

ZONING HISTORY – VICINITY

2023-DV3-003; 1739 and 1795 North Shadeland Avenue (south of site), Variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for the location of an enclosed dumpster within the front yard of 18th Street (not permitted); a drive-through within 18 feet of a protected district without the required transitional yard landscaping and screening of service units (25-foot separation required, landscaping required), a stacking space within the front yard of 18th Street (not permitted) and zero-stacking spaces provided at the exit of the service unit (two stacking spaces required); a building with a 28-foot front setback from 18th street, a 12.8% front building line along 18th Street (maximum 25-foot front setback and 60% front building line required along Connector Frontage,), and a 23.9-foot front building line along Shadeland Avenue (40% front building line required along Buffer/Suburban Frontages); on a lot with deficient landscaping, **withdrawn**.

2012-HOV-015; 1752 North Shadeland Avenue (southwest of site), Variance of Development Standards of the Sign Regulations to replace the cabinet of an existing freestanding sign (original approved by 97-HOV-12), with a 10-foot front setback along Shadeland Avenue, being within 80 feet of a freestanding sign to the north and 105 feet of a freestanding sign to the south, being the seventh sign along an approximately 750-foot long integrated frontage (300 feet of separation required, 300 feet of frontage required per sign), **granted**.

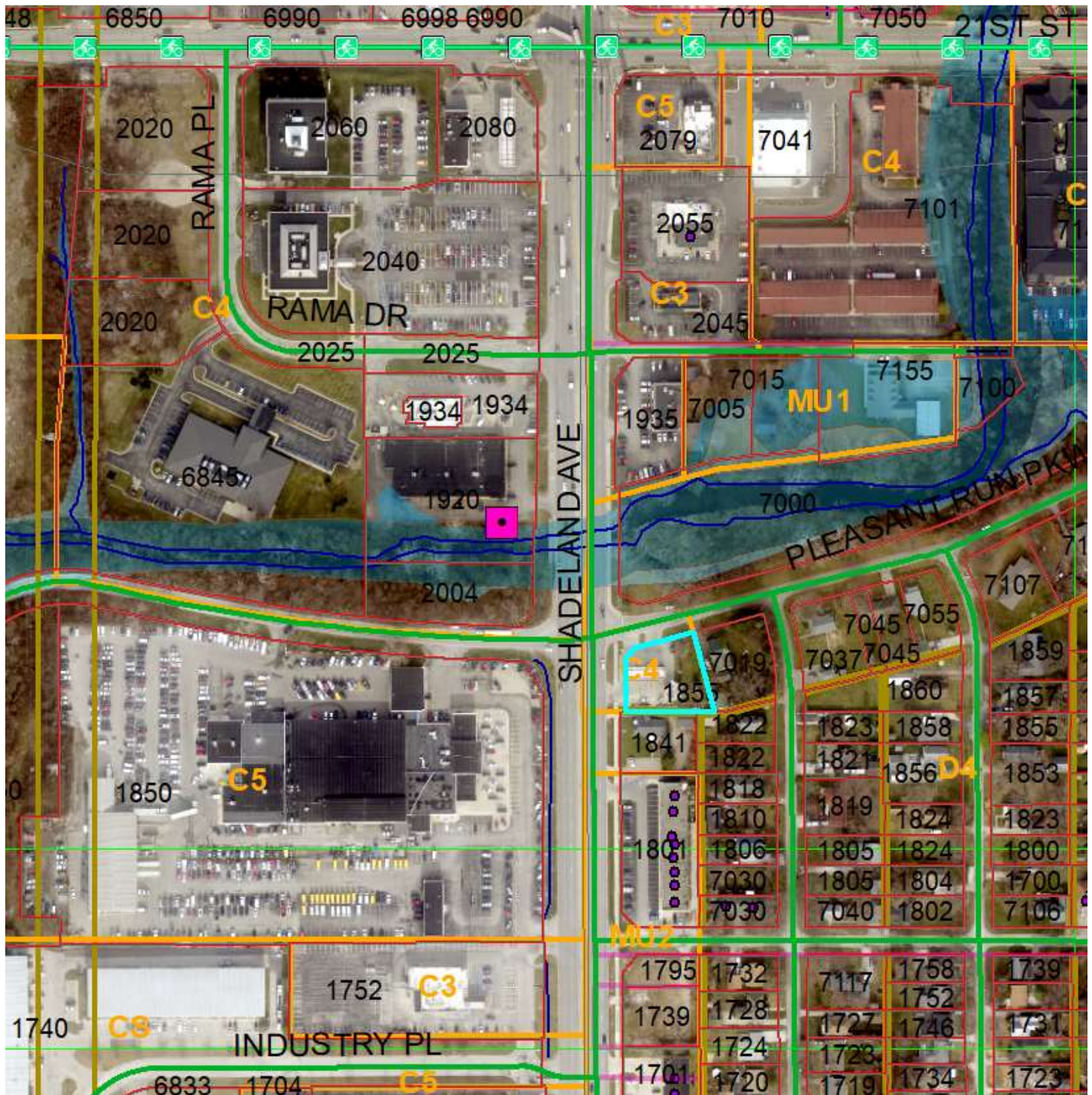
2009-DV1-031; 6830 Industry Place and 6926 East 16th Street (southwest of site), Variance of Development Standards of the Sign Regulations to provide for a 26.02-foot tall, 80-square foot Pole Sign with a ten-foot front setback from the existing right-of-way of Shadeland Avenue (minimum fifteen-foot front setback required), within 105 feet of a pole sign to the north within the same integrated center (minimum 300-foot separation between signs required), **granted**.

2004-DV1-035; 1739 North Shadeland Avenue (south of site), Variance of Development Standards of the Dwelling Districts Zoning Ordinance to provide for the temporary location of the required handicapped parking space in an existing asphalt driveway (not permitted) until the construction of the proposed parking area is completed, **dismissed**.

97-HOV-12; 1752 North Shadeland Avenue (southwest of site), Variance of Development Standards of the Sign Regulations to provide for a 9.5 by 21-foot sign, 40 feet in height, being located 10 feet from the right-of-way of Shadeland Avenue, in C-3, **granted**.

72-UV3-76; 1811 to 1815 North Shadeland Avenue (south of site), Variance of use to provide for a restaurant and retail sales in a D-4 district and a variance of development standards to provide for deficient setbacks and transitional yard, **granted**.

MI



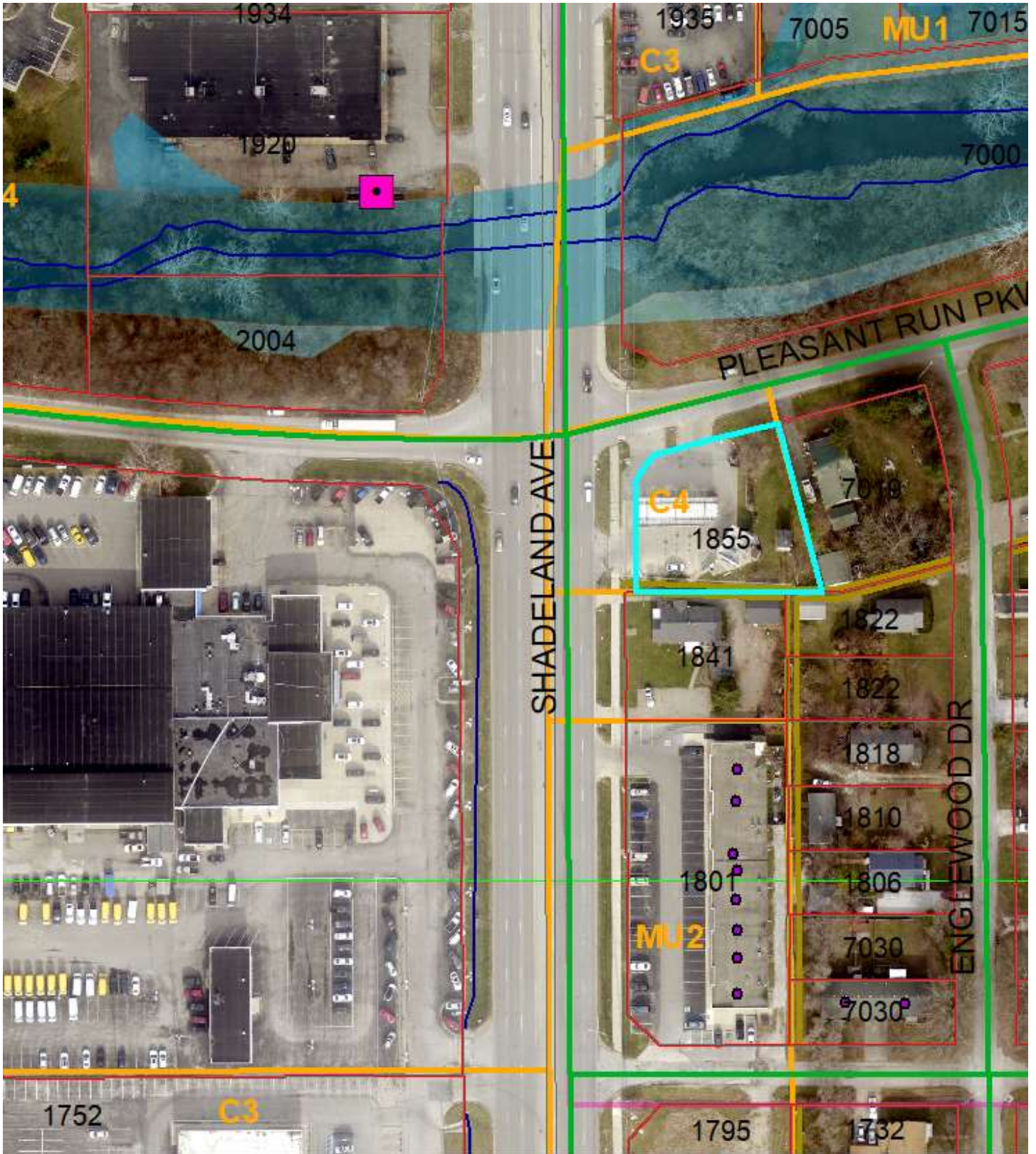
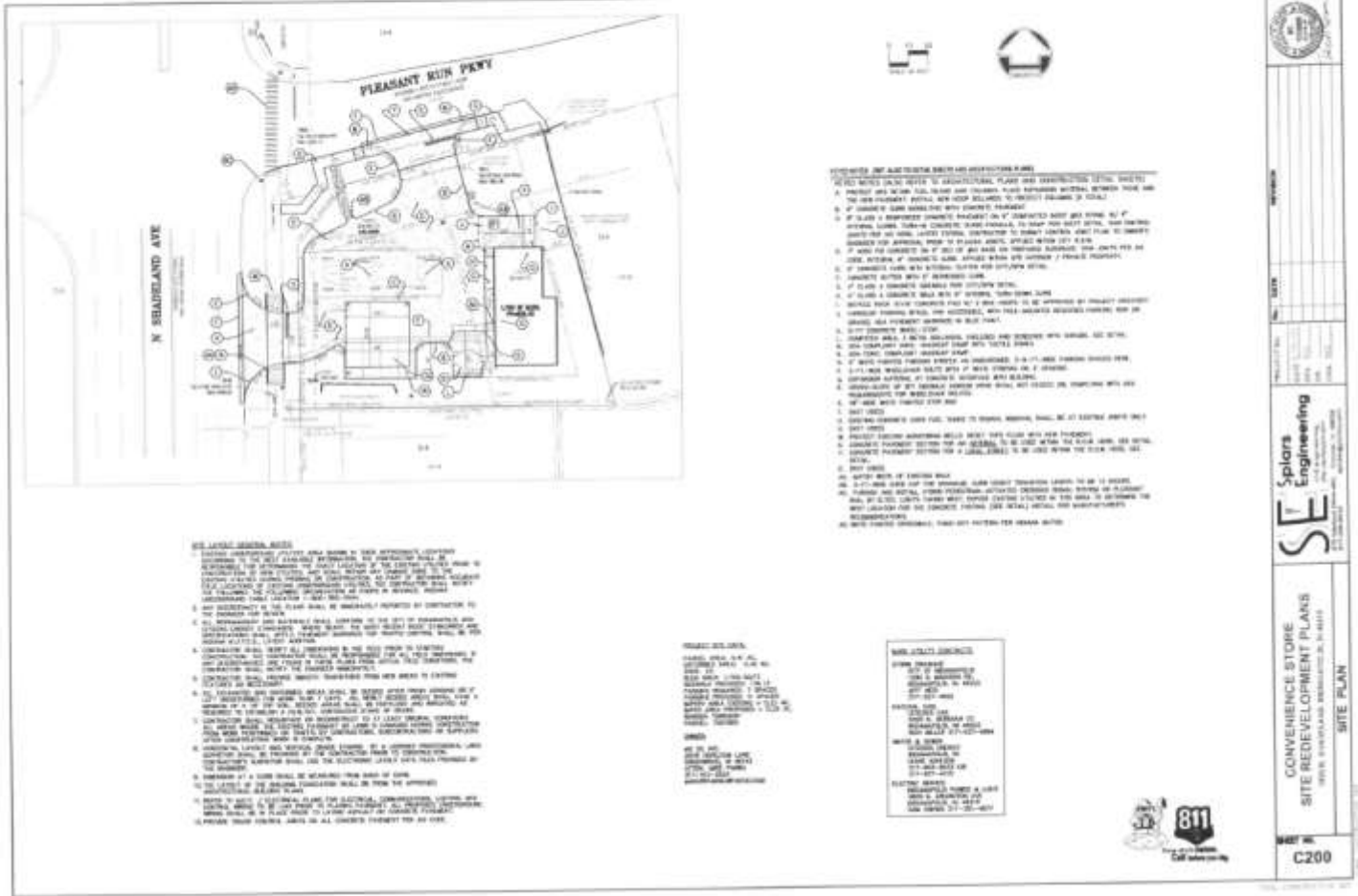


Exhibit B



- SEE EXHIBIT A FOR NOTES**
1. ALL CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE CITY OF CHICAGO ORDINANCES AND THE ILLINOIS CONSTRUCTION CODE.
 2. ALL CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE CITY OF CHICAGO ORDINANCES AND THE ILLINOIS CONSTRUCTION CODE.
 3. ALL CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE CITY OF CHICAGO ORDINANCES AND THE ILLINOIS CONSTRUCTION CODE.
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- GENERAL NOTES**
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PROJECT DATA

PROJECT NO. 2023-MOD-020
 DATE: 08/15/2023
 DRAWN BY: [Name]
 CHECKED BY: [Name]
 SCALE: AS SHOWN
 SHEET NO. 1 OF 1

CLIENT INFORMATION

CLIENT: [Name]
 ADDRESS: [Address]
 PHONE: [Phone]
 EMAIL: [Email]
 PROJECT: [Project Name]

SE Engineering

CONVENIENCE STORE
 SITE REDEVELOPMENT PLANS
 1000 N SHORELAND AVE, CHICAGO, IL 60642

SITE PLAN

DATE: 08/15/2023
 DRAWN BY: [Name]
 CHECKED BY: [Name]
 SCALE: AS SHOWN
 SHEET NO. 1 OF 1

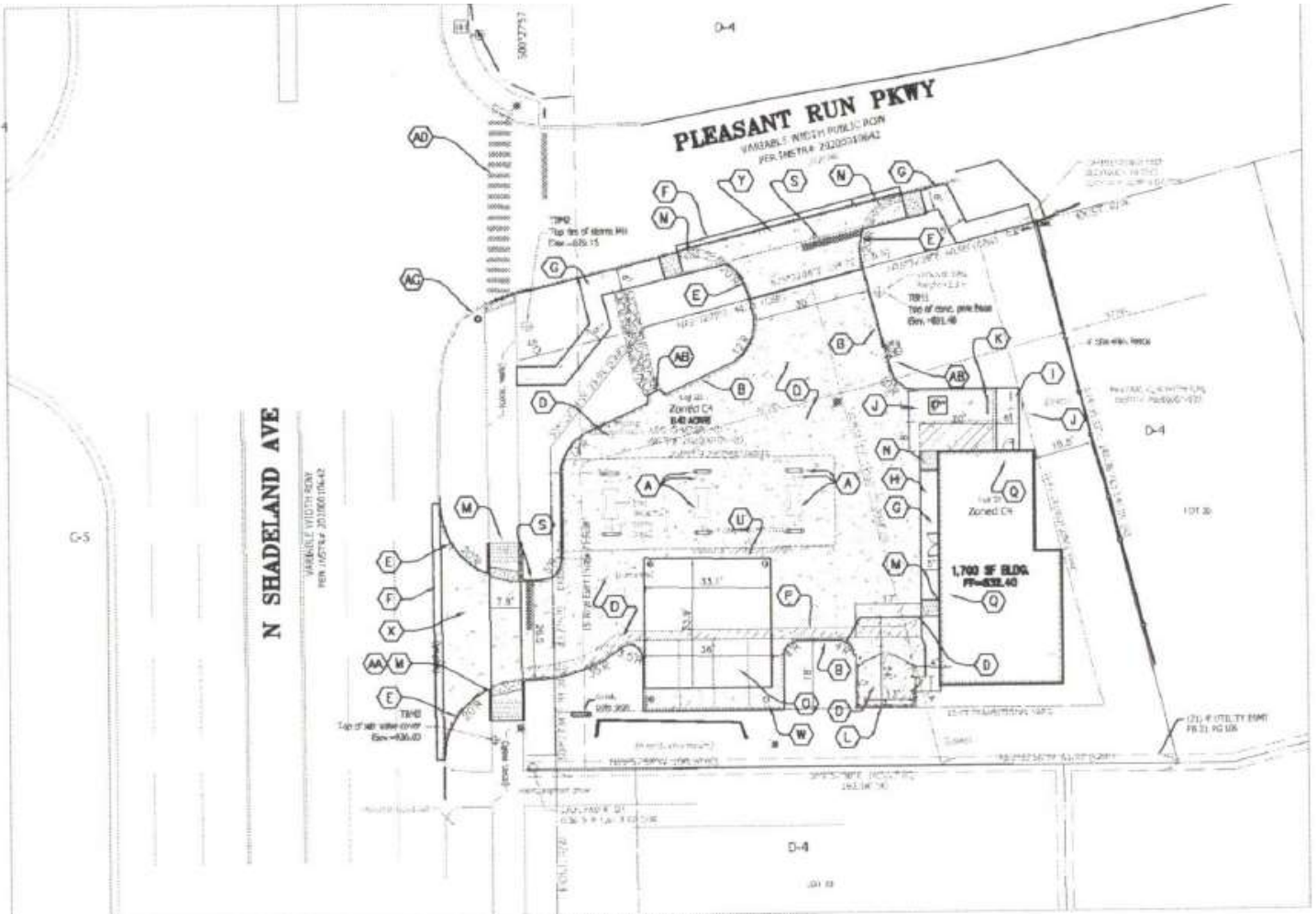


Exhibit C

PIPE BOLLARD

HANDICAPPED PARKING STALLS

ADA RESERVED PARKING SIGN

UNDERDRAIN CLEANOUT

CURB GAP TURNOUT/FLUME DETAIL

CRACK CONTROL JOINT

8" REINFORCED CONCRETE PAVEMENT

STRAIGHT CURB

TURNDOWN SIDEWALK AT PAVED/DIRT

PERFORATED PIPE SUBSURFACE DRAIN (UNDERDRAIN)

RIPRAP FLUME

7" REINFORCED CONCRETE PAVEMENT

8" CONCRETE CURB & GUTTER - 'A'

REINFORCED CONCRETE PIPE (RCP) BEDDING DETAIL

PEDESTRIAN-ACTIVATED CROSSING SIGNAL BY ELTEC / ELECTROTECHNICS CORPORATION

HEAVY DUTY ASPHALT PAVEMENT SECTION

EXPANSION JOINT AT BLDG

CONCRETE WALK SECTION (PRIVATE)

DUMPSTER AREA ENCLOSURE

TRAFFIC BEACON POLE FOUNDATION

SE Splars Engineering

CONVENIENCE STORE SITE REDEVELOPMENT PLANS

CONSTRUCTION DETAILS

C500

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03 / 11 / 2022 02:55 PM

**KATHERINE SWEENEY BELL
MARION COUNTY IN RECORDER**

FEE: \$ 35.00

PAGES: 5

By: KS

KLH

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 commonly known as 1855 N. Shadeland Ave, Indianapolis, Indiana, being more particularly described as follows:

Legal Description: See attached Exhibit A.

Statement of COMMITMENTS:

1. The owner agrees to abide by the Open Occupancy and Equal Employment Opportunity Commitments required by Metropolitan Development Commission Resolution No. 85-R-69, 1985, which commitments are attached hereto and incorporated herein by reference as Attachment "A".
2. Hours of operation for the Property shall be from 5 am to midnight Monday through Saturday, and 6 am to 11 pm on Sundays.
3. As part of the construction, LED lighting shall be added with lenses or covers that provide downward lighting designed to reduce light dispersion and/or glares.
4. The Owner agrees that the property will not be used for any other use except for the retail gas station and convenience store unless a formal amendment to these Commitments is approved by MDC.
5. Construction, including, the installation of landscaping and privacy fence, shall all be done pursuant to the Site Plan prepared by Hamilton Designs last revised January 17, 2021.
6. A pedestrian safety island and a pedestrian-activated crossing signal shall be installed on Shadeland Avenue at the intersection of Shadeland Avenue and Pleasant Run Parkway, South Drive. The installation shall be to the standards and specifications of the Department of Public Works

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

MDC's Exhibit B -- page 1 of 5



5

2023-MOD-020; Proposed Modified Commitments

**COMMITMENTS MODIFYING OR TERMINATING EXISTING COMMITMENTS
CONCERNING THE USE OR DEVELOPMENT OF REAL ESTATE MADE IN
CONNECTION WITH VARIANCE OR SPECIAL EXCEPTION GRANT.**

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 modification(s) or termination(s) of commitment(s) concerning the use and development of the parcel of real estate:

Legal Description: See attached Exhibit A.

Statement of Modification or Termination of COMMITMENTS:

5. Redevelopment and construction of the subject property will be completed pursuant to the site plan submitted with the Petition and prepared by Spiars Engineering, dated August 8, 2023, referred to as sheet C-200, and labelled as Exhibit B.

6. A crosswalk will be installed running north/south across Pleasant Run Parkway pursuant to the Site Plan prepared by Spiars Engineering, dated August 8, 2023, referred to as sheet C-200, and labelled as Exhibit B with the pedestrian traffic signal being further detailed in the construction sheet C-500 prepared by Spiars Engineering, dated July 6, 2023, and labelled as Exhibit C.

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

Modified COMMITMENTS contained in this instrument shall be effective upon the adoption of modification or termination approved by the Metropolitan Board of Zoning Appeals in petition #_____.

These COMMITMENTS may be enforced jointly and severally by:

1. The Metropolitan Development Commission; and
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. 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

BZA's Exhibit B - - page 1 of 3

2023-MOD-020; Staff Exhibit 1



Google Streetview image of pedestrians walking on the (right) west side of Shadeland. Subject convenience store is on the (left) east side.

2023-MOD-020; Staff Exhibit 2



Photo example of a HAWK signal, aka Pedestrian Hybrid Beacon.



Photo of the Subject Property: 1855 North Shadeland Avenue



Location where a pedestrian safety island and pedestrian-activated crossing signal was proposed.



View of Pleasant Run Parkway South Drive looking east on the subject site's northern boundary.



View of Shadeland Avenue looking south.



View looking west towards Pleasant Run Parkway South Drive and vacant lot.



View of Shadeland Avenue looking north.

STAFF REPORT

Department of Metropolitan Development Division of Planning Current Planning Section

Case Number: 2023-ZON-099
Address: 1339 Madison Avenue and 217 Orange Street (*Approximate Address*)
Location: Center Township, Council District #16
Petitioner: 1339 Madison, LLC, by Ed Williams
Request: Rezoning of 0.34 acre from the I-4 and D-5 districts to the MU-2 district to provide for mixed-use development.

RECOMMENDATIONS

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. The site and improved areas within the site shall be maintained in a reasonably neat and orderly manner during and after development of the site with appropriate areas and containers / receptables provided for the proper disposal of trash and other waste.
2. Landscaping along the Madison Avenue frontage shall be installed in compliance with the Ordinance by May 31, 2024.
3. The parking lot (addressed as 217 Orange Street) shall be striped and landscaping installed in compliance with the Ordinance, by May 31, 2024.

SUMMARY OF ISSUES

The following issues were considered in formulating the recommendation:

LAND USE

- ◇ This 0.34-acre site, zoned I-3 and D-5, is comprised of two lots separated by a north / south alley. It is developed with a one-story commercial building and associated parking lots. It is surrounded by commercial uses and single-family dwellings to the north, zoned I-3 and D-5, respectively; a commercial office building to the south, zoned MU-2; single-family dwellings to the east, zoned D-5; and the Madison Avenue right-of-way to the west, zoned I-3.

(Continued)

REZONING

- ◇ This request would rezone the site from I-3 and D-5 Districts to the MU-2 classification to provide for commercial office uses. “The MU-2 District is intended to accommodate a mix of residential uses, offices, personal services, retail, and eating & drinking businesses that typically do not draw customers from beyond their neighborhood boundaries and do not generate substantial vehicle traffic. The corridor development pattern of the MU-2 district is neighborhood-focused; supportive of safe, vibrant pedestrian activity; and offers additional housing options. Application of the MU-2 district is for use in older urban commercial areas that are located adjacent to established residential neighborhoods extending along segments of primary and secondary thoroughfares. It can also be used in newer areas to replicate those building patterns found in older parts of the city. In order to perform its neighborhood focus, floor areas are restricted, auto-related uses minimized, and building details and other similar amenities are scaled to the pedestrian.”
- ◇ The Comprehensive Plan recommends Village Mixed-Use typology. “The Village Mixed-Use typology creates neighborhood gathering places with a wide range of small businesses, housing types, and public facilities. This typology is intended to strengthen existing, historically small-town centers as well as to promote new neighborhood centers. Businesses found in this typology serve adjacent neighborhoods, rather than the wider community. This typology is compact and walkable, with parking at the rear of buildings. Buildings are one to four stories in height and have entrances and large windows facing the street. Pedestrian-scale amenities such as lighting, landscaping, and sidewalk furniture also contributes to a walkable environment in this typology. Uses may be mixed vertically in the same building or horizontally along a corridor. Public spaces in this typology are small and intimate, such as pocket parks and sidewalk cafes. This typology has a residential density of 6 to 25 dwelling units per acre.”
- ◇ The Comprehensive Plan consists of two components that include the Pattern Book and the land use map. The Pattern Book provides a land use classification system that guides the orderly development of the county and protects the character of neighborhoods while also being flexible and adaptable to allow neighborhoods to grow and change over time.
- ◇ The Pattern Book serves as a policy guide as development occurs. Below are the relevant policies related to this request:

Conditions for All Land Use Types

- All land use types except small-scale parks and community farms/gardens in this typology must have adequate municipal water and sanitary sewer.
- All development should include sidewalks along the street frontage.
- In master-planned developments, block lengths of less than 500 feet, or pedestrian cut-throughs for longer blocks, are encouraged.
- Where possible, contributing historic buildings should be preserved or incorporated into new development.

(Continued)

- ◇ The Pattern Book lays out a land use classification system that guides the orderly development of the county, protects the character of neighborhoods and serves as a policy guide for development or redevelopment of a site.
- ◇ The following elements of the Pattern Book apply to this site:

Conditions for All Land Use Types

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

Small-Scale Offices, Retailing and Personal or Professional Services

- Mixed-Use structures are preferred.
- Automotive uses (such as gas stations and auto repair) and uses with drive-through lanes are excluded.
- Should not include outdoor display of merchandise

Environmental Public Nuisances

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

(Continued)

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

Violations

- ◇ On May 4, 2023, the property owners were issued a violation (VIO23-003057) that identified zoning violations including failure to obtain a sign permit of the existing freestanding sign, failure comply with use specific standards and development standards of the I-4 district, failure to stripe parking lot addressed as 1339 Madison Avenue and failure to provide an ADA parking space.
- ◇ During the site visit, staff observed that the parking lot directly east of the building (addressed as 1339 Madison Avenue) had been striped to provide for four parking spaces, including an ADA parking space.
- ◇ Staff would note that the violation does not include the parcel addressed as 217 Orange Street that is a paved parking lot associated with the commercial use and included in this rezoning request. This parking lot is not stripped or landscaped in accordance with the Ordinance.
- ◇ Staff would also note that the site is devoid of landscaping along the Madison Avenue frontage. Staff believes landscaping should be installed in compliance with the Ordinance.

Planning Analysis

- ◇ As proposed, this request would be consistent with the Comprehensive Plan recommendation of village mixed-use and result in a more appropriate zoning consistent with current and historical use of the site as a dental office.
- ◇ The site was originally developed residentially but the records of the Assessor’s Office indicate that the existing commercial office structure was constructed in 1956.
- ◇ The current dental office use would be conducted within the existing on-site structure, with parking to the east of the structure and the parking lot to the east, across the north / south alley that abuts the site. As previously noted, only the parking lot adjacent to the existing building has been striped. The parking lot east of the alley is also required to be striped and landscaped along the Orange Street frontage and along the transitional yard to the east. Consequently, staff would request that the parking lot, addressed as 217 Orange Street, be striped, and landscaping installed in compliance with the Ordinance by May 31, 2024.

GENERAL INFORMATION

EXISTING ZONING AND LAND USE

I-3 / D-5 Commercial office uses / parking lots

(Continued)

SURROUNDING ZONING AND LAND USE

North -	I-3 / D-5	Commercial uses / single-family dwellings
South -	MU-2	Commercial office building
East -	D-5	Single-family dwelling
West -	I-3	Madison Avenue right-of-way

COMPREHENSIVE PLAN The Comprehensive Land Use Plan for Indianapolis and Marion County (2018) recommends village mixed-use typology. Marion County Land Use Pattern Book (2019).

THOROUGHFARE PLAN This portion of Madison Avenue is designated in the Marion County Thoroughfare Plan as an expressway with an existing 112-foot right-of-way.

This portion of Orange Street is designated in the Marion County Thoroughfare Plan as a local street with an existing 50-foot right-of-way and a 48-foot proposed right-of-way.

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

OVERLAY There is no overlay for this site.

SITE PLAN File-dated October 11, 2023

ZONING HISTORY

84-UV3-127; 215 – 217 East Orange Street (north of site), requested a variance of use of the Dwelling Districts Zoning Ordinance to provide for a parking lot for use by an existing dental office, **granted**.

VICINITY

2022-ZON-121; 1347 and 1361 Madison Avenue and 215 Parkway Avenue (south of site), requested rezoning of 0.85 acre from the I-4 and D-5 districts to the MU-2 district, **approved**.

2009-ZON-034; 1313 Madison Avenue (north of site), requested rezoning of 3.01 acres, from the I-4 and D-5 districts to the PK-1 classification, **approved**.

98-Z-137; 1340 Madison Avenue (west of site), requested rezoning of 3.02 acres from the I-4 district to the C-7 classification, **approved**.

94-UV2-40; 1340 Madison Avenue (west of site), requested a variance of use of the Industrial Zoning Ordinance to provide for the relocation of a fuel pump island for an existing truck rental and leasing facility, **granted**.

(Continued)

92-UV2-86; 1361 Madison Avenue (south of site), requested a variance of use and development standards of the Dwelling Districts and Industrial Zoning Ordinances to provide for the expansion of offices, equipment and supply storage, wholesale and retail distribution associated with a janitorial supply and service establishment with a reduced front and side setbacks and a variance of development standards of the Sign Regulations to provide for signage in excess of one-square foot, **granted**.

90-UV1-119; 1343-1347 Madison Avenue (south of site), requested a variance of use of the Industrial Zoning Ordinance to permit an existing building to be used as a church office, reading room and lending library, **granted**.

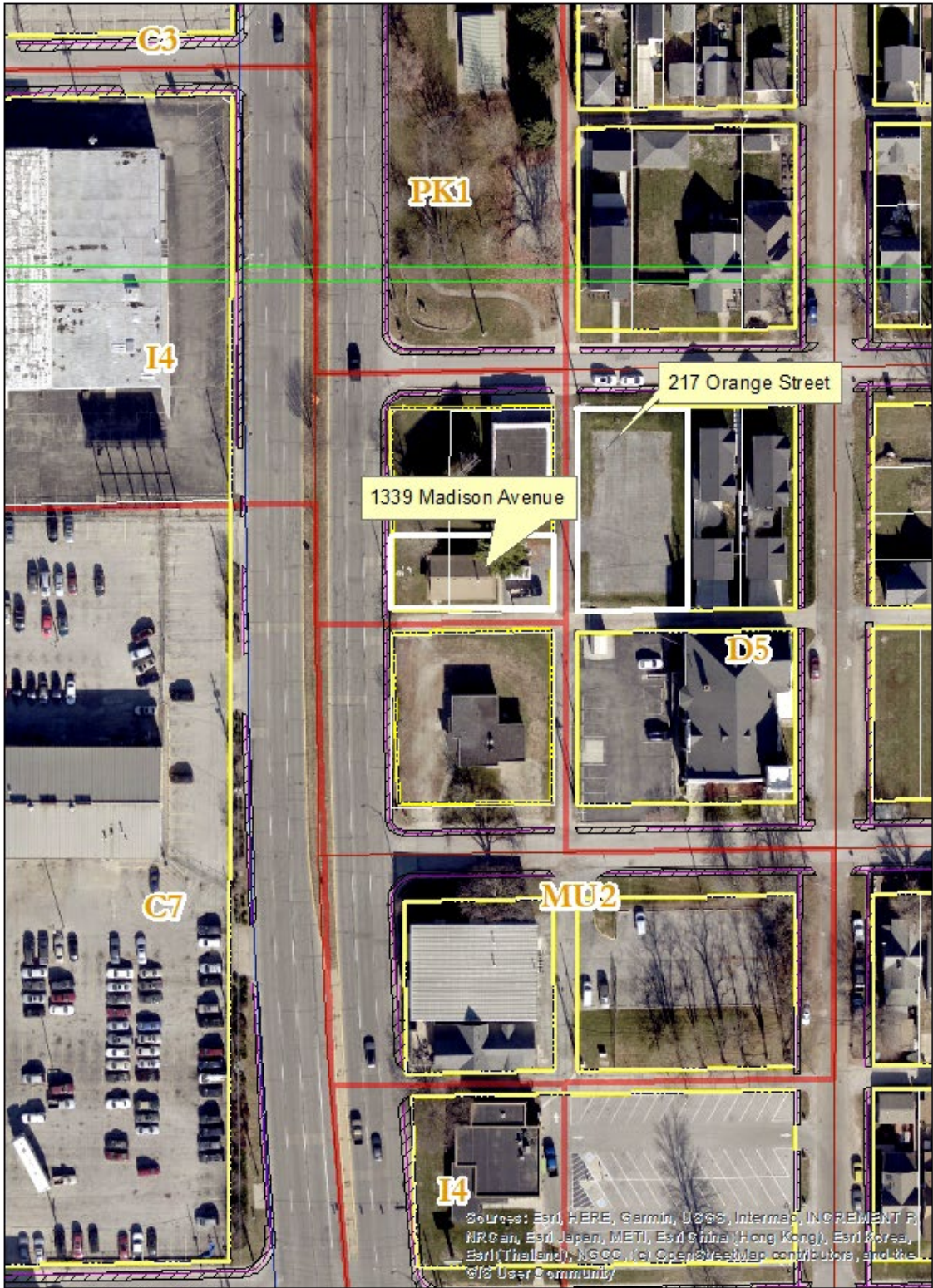
84-UV3-127; 215 – 217 East Orange Street (north of site), requested a variance of use of the Dwelling Districts Zoning Ordinance to provide for a parking lot for use by an existing dental office, **granted**.

74-UV2-136; 218 East Orange Street (north of site), requested a variance of use to permit construction and operation of a machine shop, **granted**.

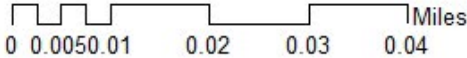
66-V1-55; 1353-57 Madison Avenue (south of site), requested a variance of use to permit construction and operation of a dental office, **granted**.

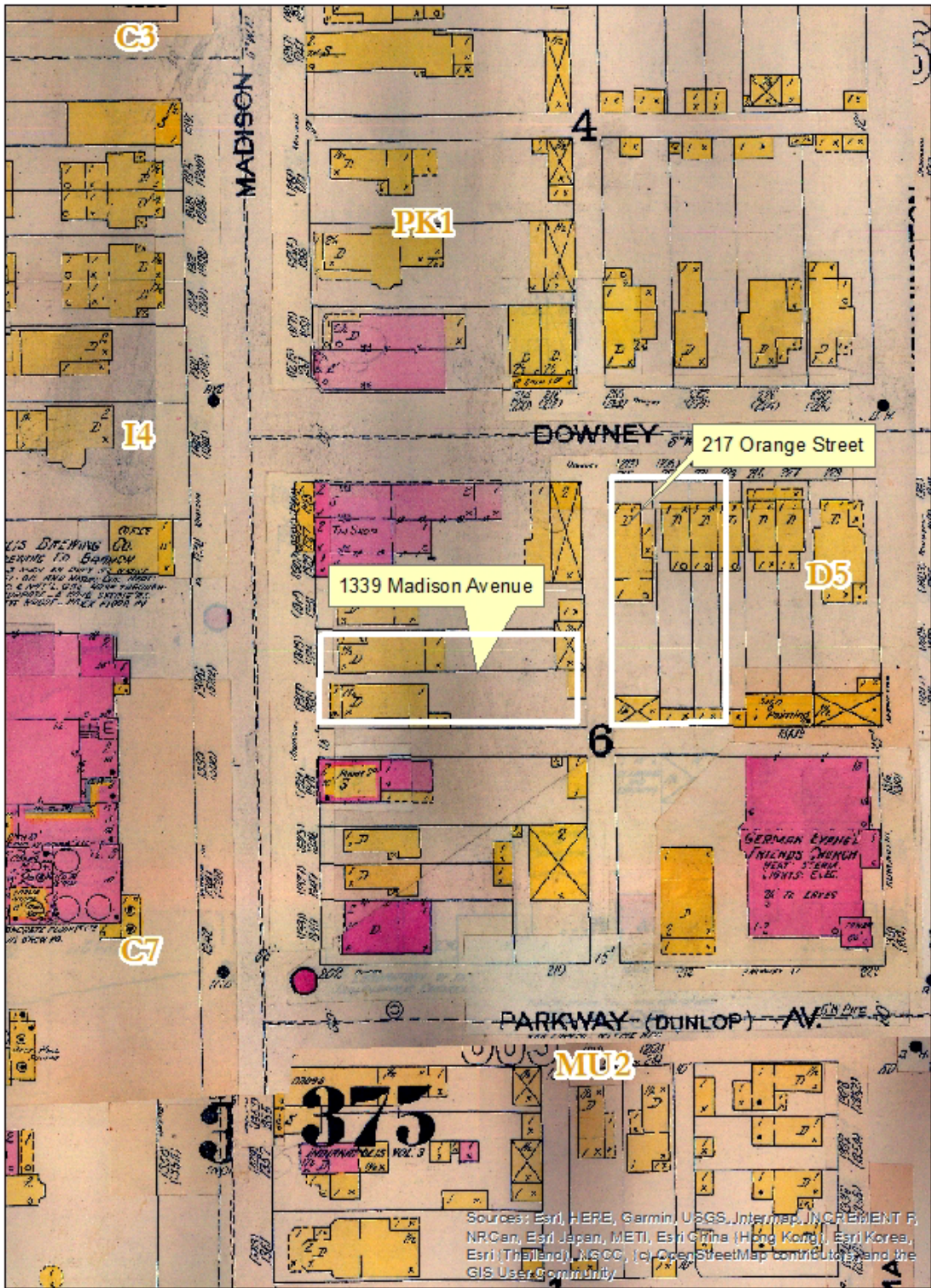
64-V-233; 215 East Orange Street (north of site), requested a variance of use to permit construction and operation of an auto repair business, **denied**.

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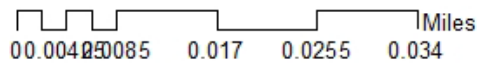


1339 Madison Avenue and 217 Orange Street





1339 Madison Avenue and 217 Orange Street





View looking south along Madison Avenue (site in the background underneath the billboard)



View looking south along Madison Avenue (south of site)



View looking north along Madison Avenue



View looking east along Orange Street



View of site looking northwest



View of site looking west along the abutting east / west alley



View of rear of site looking west



View of parking lot (addressed as 217 Orange Street) looking south



View from site looking southeast at intersection of the alleys abutting the site to the east and south



View from site looking south across east / west alley