

METROPOLITAN DEVELOPMENT COMMISSION

**Public Assembly Room
2nd Floor City-County Building
1:00 p.m.**

January 2, 2020

PETITIONS FOR PUBLIC HEARING

| PETITION NO. | PETITION ADDRESS AND LOCATION | PAGE |
|--------------------------------|---|-------------|
| 2019-APP-017 / 2019-VAR-005 | 1400 EAST 46TH STREET WASHINGTON TOWNSHIP, CD #9 | 3 |
| 2019-ZON-102 | 6738, 6742 AND 6750 EAST WASHINGTON STREET AND 10 NORTH EDMONSON AVENUE WARREN TOWNSHIP, CD #19 | 17 |
| 2019-CVR-828 | 2900 AND 2950 PROSPECT STREET CENTER TOWNSHIP, CD #11 | 29 |

PETITIONS OF NO APPEALS

Petitions Recommended for Approval

| | | |
|--------------|--|----|
| 2019-ZON-104 | 7503 ROCKVILLE ROAD WAYNE TOWNSHIP, CD #15 | 72 |
| 2019-ZON-109 | 3157-3159 EAST WASHINGTON STREET CENTER TOWNSHIP, CD #12 | 72 |
| 2019-ZON-112 | 7102 LAKEVIEW PARKWAY WEST DRIVE PIKE TOWNSHIP, CD #1 | 72 |
| 2019-ZON-116 | 351 WEST 10TH STREET CENTER TOWNSHIP, CD #11 | 72 |
| 2019-CZN-840 | 8150 ROCKVILLE ROAD WAYNE TOWNSHIP, CD #15 | 73 |
| 2019-CZN-846 | 7731 EAST EDGEWOOD AVENUE AND 6430 SOUTH FRANKLIN ROAD FRANKLIN TOWNSHIP, CD #25 | 73 |

*** Automatic Continuance**

**** Continuance Requested**

***** Withdrawal**

PART I

COMPANION APPROVAL PETITION RECOMMENDED FOR APPROVAL BY THE HEARING EXAMINER, APPEAL FILED BY A REMONSTRATOR AND COMPANION VARIANCE PETITION FOR INITIAL HEARING:

2019-APP-017 / 1400 EAST 46TH STREET (*APPROXIMATE ADDRESS*)
2019-VAR-005 WASHINGTON TOWNSHIP, CD #9

PK-1

INDY PARKS AND RECREATION, by Andre Denman

Park District-One Approval to provide for replace splash park and provide for shade structures, benches, paved walking paths, drinking fountains, recirculating chemical building, additional parking spaces maneuvering within Indianola Avenue, and other miscellaneous site improvements.

Variance of development standards of the Consolidated Zoning and Subdivision Ordinance to not provide off-street parking (adequate off-street parking required) and to provide for and legally establish perpendicular parking spaces along Indianola and Haverford Avenues, partially on-site and partially off-site, creating a zero-foot front setback (25-foot front setback required).

STAFF REPORT

Department of Metropolitan Development Division of Planning Current Planning Section

Case Number: 2019-APP-017 / 2019-VAR-005
Address: 1400 East 46th Street (approximate address)
Location: Washington Township, Council District #9
Zoning: PK-1 (W-1)
Petitioner: Indy Parks and Recreation, by Andre Denman
Request: Park District-One Approval to provide for replace splash park and provide for shade structures, benches, paved walking paths, drinking fountains, recirculating chemical building, additional parking spaces maneuvering within Indianola Avenue, and other miscellaneous site improvements.

Variance of development standards of the Consolidated Zoning and Subdivision Ordinance to not provide off-street parking (adequate off-street parking required) and to provide for and legally establish perpendicular parking spaces along Indianola and Haverford Avenues, partially on-site and partially off-site, creating a zero-foot front setback (25-foot front setback required).

ADDENDUM FOR JANUARY 2, 2020, METROPOLITAN DEVELOPMENT COMMISSION

This petition was heard by the Hearing Examiner on December 12, 2019. After a full hearing the Hearing Examiner recommended approval of the approval request. Subsequently, the remonstrator filed an appeal of the Hearing Examiner's decision. A memorandum of her recommendation is attached.

VARIANCE OF DEVELOPMENT STANDARDS

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

Following the hearing, it was discovered that development standard variances would be required for the proposed development.

The variance request would not provide off-street parking when the Ordinance requires adequate off-street parking. Historical maps identify the site as a park in 1915, which pre-dates any Zoning Ordinance. This park has been developed as and continues to function as neighborhood park serving nearby residents with features that include tennis courts, a basketball court, playground, spray pool, and community gardens.

(Continued)

STAFF REPORT 2019-APP-017 (Continued)

Staff believes this request is supportable because development of the park in the intervening years has included approximately 20 existing parking spaces along Haverford Avenue and Indianola Avenue. The proposed development would include 10 additional parking spaces along Indianola Avenue. Staff believes the available parking would be appropriate and adequate because it is likely that many of the park users would either walk or bicycle to the park.

The request would also provide for and legally establish perpendicular parking spaces along Indianola and Haverford Avenues, partially on-site and partially off-site, creating a zero-foot front setback when the Ordinance requires a 25-foot setback.

The existing and proposed parking spaces are partially located within the rights-of-way of Indianola and Haverford Avenues (both local streets). This creates a zero-foot front setback and results in maneuvering within the rights-of-way. The location of the existing parking spaces has been in place without any apparent negative impact on the adjoining residences and has minimized encroachment into the park itself. Staff, therefore, supports this variance.

December 12, 2019

RECOMMENDATIONS

Staff **recommends approval** of this request, subject to an amended site plan that provides for reconfiguring the parking along Indianola Avenue that allows handicap parking spaces to be connected to and access the paved path to the spray ground.

SUMMARY OF ISSUES

The following issues were considered in formulating the recommendation:

LAND USE ISSUES

- ◇ This 11.64-acre site, zoned PK-1 is developed with a park. It is surrounded by single-family dwellings to the north, across East 49th Street, zoned D-5; single- and multi-family dwellings to the south, across East 46th Street, zoned D-5 and D-7, respectively; single-family dwellings to the east, across Indianola Avenue, zoned D-5; and single-family dwellings to the west, across Haverford Avenue, zoned D-5.

APPROVAL

- ◇ This PK-1 approval request would replace a splash park and provide for shade structures, benches, paved walking paths, drinking fountains, recirculating chemical building, additional parking spaces maneuvering within Indianola Avenue, and other miscellaneous site improvements.

(Continued)

STAFF REPORT 2019-APP-017 (Continued)

- ◇ The PK-1 District is a development plan district. No use, building or structure can be constructed or used on any land in a development plan district until a site and development plan for such land, including the proposed use or uses, has been filed with and approved by the Commission in accordance with the Ordinance.
- ◇ Land in the development plan districts is subject to the following site and development requirements. In review of the proposed Site and Development Plan, the Commission must assess whether the Site and Development Plan, proposed use, buildings and structures must:
 - a. Be so designed as to create a superior land development plan, in conformity with the Comprehensive Plan;
 - b. Create and maintain a desirable, efficient and economical use of land with high functional and aesthetic value, attractiveness and compatibility of land uses, within the development plan district and with adjacent uses;
 - c. Provide sufficient and adequate multi-modal access, such as parking and loading areas, transit provisions, and bicycle facilities;
 - d. Integrate a multi-modal transportation network using active and passive traffic control with the existing and planned public streets and interior roads;
 - e. Provide adequately for sanitation, drainage and public utilities in a sustainable, low-impact manner;
 - f. Allocate adequate sites for all uses proposed - the design, character, grade, location and orientation thereof to be appropriate for the uses proposed, logically related to existing and proposed topographical and other conditions, and consistent with the Comprehensive Plan; and
 - g. Provide pedestrian accessibility and connectivity, which may be paths, trails, sidewalks, or combination thereof. Pedestrian accessibility to available public transit must be provided. Sidewalks along eligible public streets consisting of the walkway and any curb ramps or blended transitions must be provided. If sidewalks are required to be installed, the Administrator or the Commission must be guided by the provisions of Section 744-304 for the installation of sidewalks.
- ◇ The existing splash pad (constructed in 1935) would be removed and a new splash park would be installed with an additional 19 parking spaces along Indianola Avenue and south of the existing parking lot. The plans also provide for three new trees west of the proposed parking.
- ◇ A portion of the site is also located within the transit-oriented overlay. “Overlays are used in places where the land uses that are allowed in a typology need to be adjusted. They may be needed because an area is environmentally sensitive, near an airport, or because a certain type of development should be promoted. Overlays can add uses, remove uses, or modify the conditions that are applied to uses in a typology.”
- ◇ The transit-oriented overlay. “The Transit-Oriented Development (TOD) overlay is intended for areas within walking distance of a transit station. The purpose of this overlay is to promote pedestrian connectivity and a higher density than the surrounding area.”

(Continued)

STAFF REPORT 2019-APP-017 (Continued)

- ◇ The site is located on the Red Line Route and is within a ½ mile walkshed of a transit station classified with a walkable neighborhood typology. This typology is characterized by “a mix of uses at the station with stabilized residential beyond; a mix of office, retail, entertainment, and residential with higher density at the center; off-street parking is discouraged and should be limited to garages; and aspire to a minimum of eight dwelling units per acre at the core of the station area; and aspire to two- / three-story buildings or higher if the neighborhood is amenable.”
- ◇ The Comprehensive Plan recommends a large-scale park, which is defined as a park generally over 10 acres in size. The Arsenal Park Master Plan proposes a playground and spray pool for this area of the park.
- ◇ Existing park facilities also include two tennis courts, a basketball court and a community garden, all generally located on the southern portion of the park.
- ◇ Staff believes renovating and updating the existing splash pad would be consistent with both the Comprehensive Plan and Park Master Plan, while improving and expanding park facilities for the neighborhood. Furthermore, the project would enhance the park experience and have a positive impact on this residential area.

GENERAL INFORMATION

EXISTING ZONING AND LAND USE

PK-1

Park

SURROUNDING ZONING AND LAND USE

North - D-5

Single-family dwellings

South - D-5

Single-/ multi-family dwellings

East - D-5

Single-family dwellings

West - D-5 / D-7

Single-family dwellings

COMPREHENSIVE LAND USE PLAN

The Comprehensive Land Use Plan for Indianapolis and Marion County (2018) recommends large-scale park.

The Arsenal Park Master Plan (1988) (88-CPS-R-8).

(Continued)

STAFF REPORT 2019-APP-017 (Continued)

THOROUGHFARE PLAN

This portion of East 46th Street is designated in the Marion County Thoroughfare Plan as a primary arterial, with an existing 50-foot right-of-way and proposed 56-foot right-of-way.

This portion of East 49th Street is designated in the Marion County Thoroughfare Plan as a local street, with an existing 50-foot right-of-way and proposed 48-foot right-of-way.

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

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

CONTEXT AREA

This site is located within the compact context area.

OVERLAY

A portion of this site is located within the transit-oriented development overlay.

SITE PLAN

File-dated October 31, 2019

ZONING HISTORY

None.

kb

MEMORANDUM OF EXAMINER'S DECISION

2019-APP-017

1400 East 46th Street

The petition requests Park District-One approval to replace the splash park and add amenities including shade structures, benches, paved walking paths, drinking fountains, recirculating chemical building, and additional parking spaces.

Your Hearing Examiner visited the site prior to the hearing and noted that it is primarily surrounded with single-family development. The park takes up about three city blocks.

The petitioner's representative explained that the existing splash park was installed decades ago. While the Arsenal Park Master Plan was updated about 30 years ago, funding recently became available to upgrade the park. He stressed that Indy Parks and Recreation allocates its funds to benefit the most users of its parks.

One remonstrator spoke about the need for sidewalks along 49th Street, Haverford Avenue, and Indianola Avenue, and suggested that money would be better spent on sidewalks rather than on additional parking.

Staff stated that the site plan had been revised, as requested, to allow the connection between handicapped spaces and the paved path to the splash park.

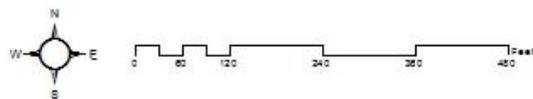
While your Hearing Examiner supports safe pedestrian access, it seems unreasonable to require the installation of sidewalks as part of this upgrade. Approval of this petition was recommended.

For Metropolitan Development Commission Hearing on January 2, 2020.

Metropolitan Development
DEC 20 2019
Division of Planning



1400 East 46th Street





353 N. Illinois Street
Suite 2
Indianapolis, IN 46204
Tel: 317.536.9161
hitchcockdesigngroup.com

PREPARED FOR
**City of Indianapolis
Public Works**
200 E. Washington St.
Indianapolis, IN 46204

PROJECT
**Renovation
of Arsenal
Park Splash
Pad**
1400 E 46th St
Indianapolis, IN 46205

CONSULTANTS
CMB
Civil Engineer
Indianapolis, IN, USA
T 317.977.4244
Structural / Plumbing Engineer
KBSO Consulting
Indianapolis, IN, USA
T 317.248.8044



| No. | Date | Issue |
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CHECKED BY: MU
DRAWN BY: CS

SHEET TITLE
**Layout and
Materials Plan**

SCALE IN FEET
1" = 30'

0' 5' 10' 30'

NORTH

L2.1

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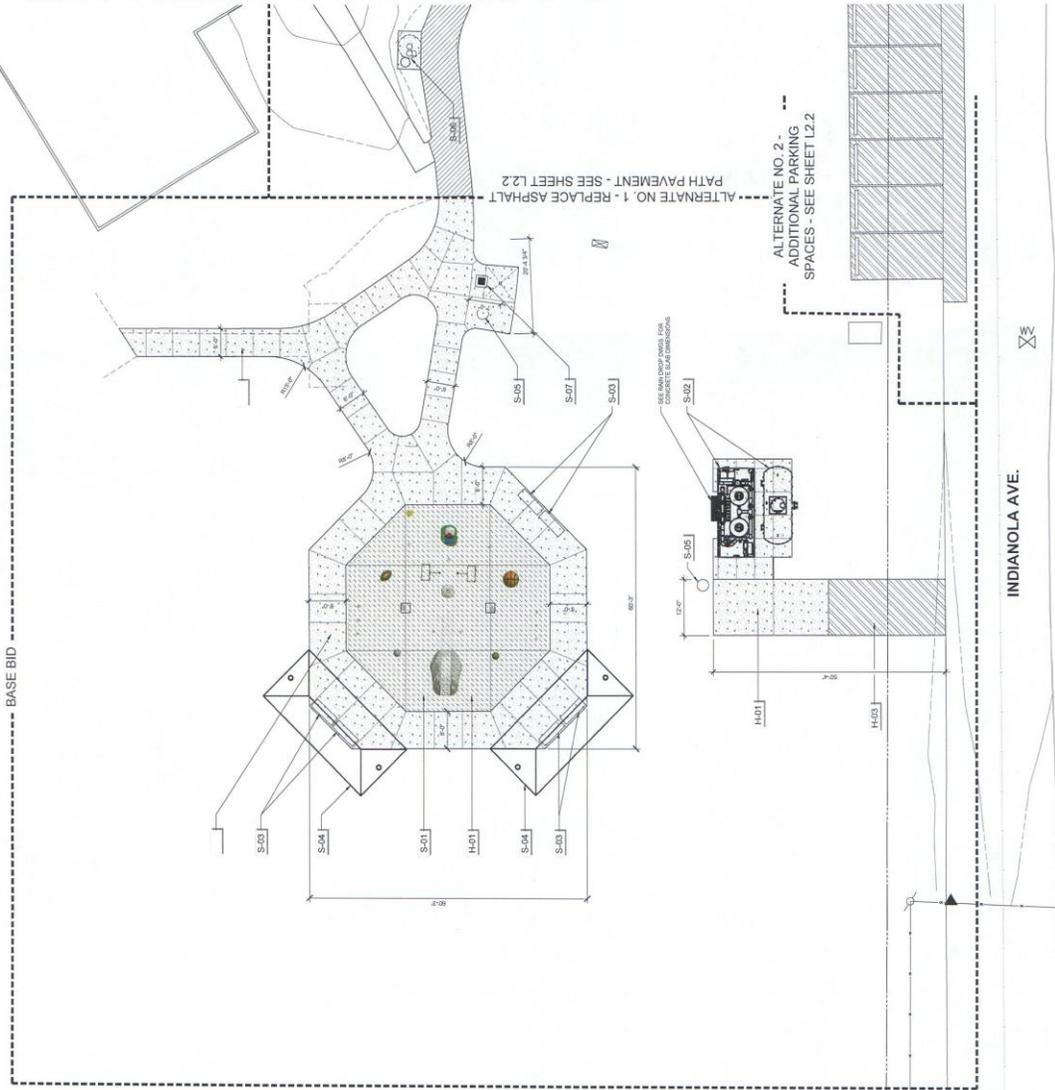
HARDSCAPE SCHEDULE

| SYMBOL | DESCRIPTION |
|--------|--|
| H-01 | SPASHPAD PAVEMENT, 4" CONC. SLAB DETAIL - SEE C&G |
| H-02 | ASPHALT PATH PAVEMENT, LIGHT DUTY - SEE C&G |
| H-03 | ASPHALT VEHICLE PAVEMENT, MEDIUM DUTY - SEE C&G |
| H-04 | PRECAST CAR STOPS |
| H-05 | 4" THERMOPLASTIC PARKING STRIP |
| H-06 | VAN ACCESSIBLE PARKING SPACES, PARKING |
| H-07 | ASPHALT VEHICLE PAVEMENT, MEDIUM DUTY - SEE C&G |

SITE FURNISHING SCHEDULE

| SYMBOL | DESCRIPTION | DETAIL |
|--------|--|--------|
| S-01 | SPASHPAD EQUIPMENT CONTRACTOR INSTALLED, SEE SPASHPAD DRAWINGS | S-01 |
| S-02 | SPASHPAD EQUIPMENT VAULT & RESEVOR CONTRACTOR INSTALLED, SEE SPASHPAD DRAWINGS | S-02 |
| S-03 | SHAKE STRUCTURE CONTRACTOR INSTALLED, OWNER PROVIDED | S-03 |
| S-04 | TRASH RECEPTACLE CONTRACTOR INSTALLED, OWNER PROVIDED | S-04 |
| S-05 | DRINKING FOUNTAIN CONTRACTOR INSTALLED, OWNER PROVIDED | S-05 |
| S-06 | SHAKE STRUCTURE CONTRACTOR INSTALLED, OWNER PROVIDED | S-06 |
| S-07 | DRINKING FOUNTAIN CONTRACTOR INSTALLED, OWNER PROVIDED | S-07 |

- NOTES:**
- SEE CALL FOR CONCRETE SURFACE ELEVATIONS
 - REINFORCE WITH ALL METAL STRUCTURAL REINFORCING WITHIN 10' OF ALL SPASHPAD FEATURES ACCORDING TO ELECTRICAL CODE
 - COORDINATE LOCATION OF SPASHPAD FEATURES WITH ALL EXISTING UTILITIES TO ENSURE FEATURES DO NOT FALL ON UTILITIES
 - COORDINATE LOCATION OF DRINKING FOUNTAIN AND TRASH RECEPTACLE WITH ALL EXISTING UTILITIES OF CONCRETE PAD TO PROVIDE 5' OF ADA CLEAR ACCESS AROUND THE DRINKING FOUNTAIN



Metropolitan Development
OCT 31 2019
Division of Planning

PLANTING NOTES

1. VERIFY ALL UTILITIES AND PERFORMANCE RECORDS TO BE MAINTAINED AND RECORDS TO BE MAINTAINED FOR THE LIFE OF THE PROJECT.
2. ALL RELOCATED UTILITIES SHALL BE RELOCATED TO THE DESIGNATED CONSTRUCTION AREA.
3. DO NOT LOCATE PLANTS WITHIN 10' OF UTILITY LOCATIONS UNLESS SPECIFICALLY NOTED OTHERWISE BY THE ARCHITECT OR LANDSCAPE ARCHITECT. REFER TO SPECIFICATIONS FOR ADDITIONAL CONDITIONS AND NOTES.
4. REFER TO SPECIFICATIONS FOR ADDITIONAL CONDITIONS AND NOTES.



303 N. Illinois Street
Suite 2
Indianapolis, IN 46204
Tel: 317.538.9381
hitchcockdesigngroup.com

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CMB
Indianapolis, IN 46204
Tel: 317.917.4244
Electrical / Plumbing Engineer
KBSO Consulting
Indianapolis, IN 46204
Tel: 317.244.8044



REVISIONS
June 3, 2019

| No | Date | Issue |
|----|------|-------|
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CHECKED BY
MU

DRAWN BY
CS

SHEET TITLE
Planting Plan

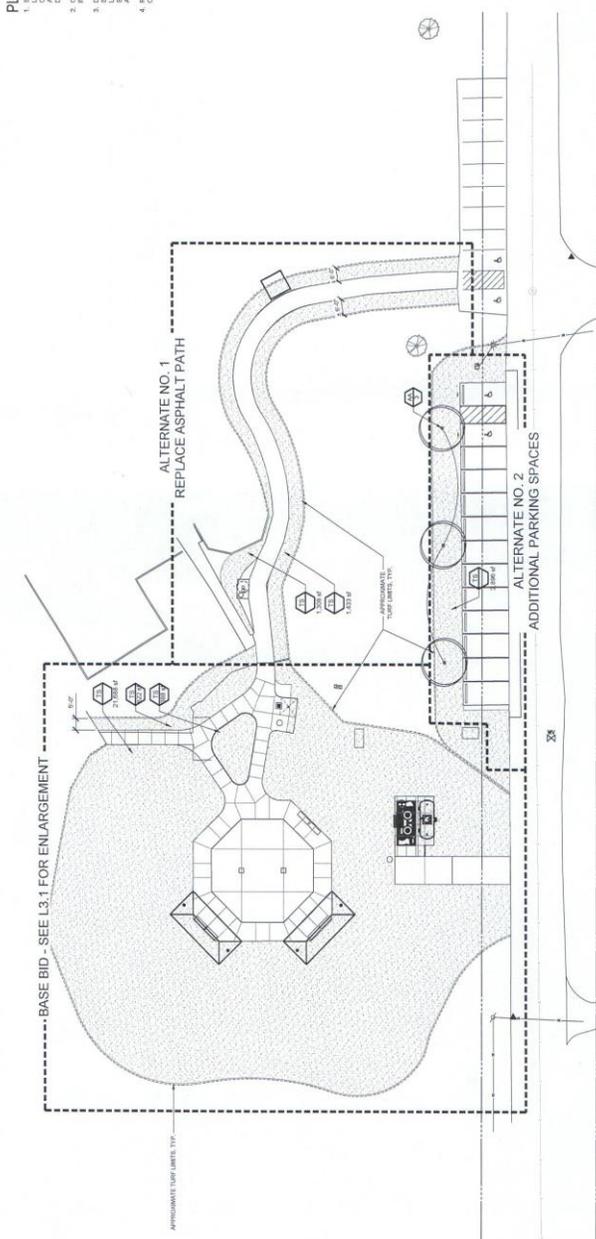
SCALE IN FEET
1" = 20'

0' 10' 20'

NORTH

SHEET NUMBER
L4.0

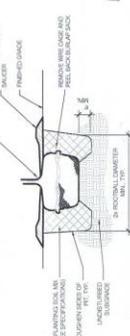
DATE
OCT 31 2019



ALTERNATE NO. 1 - REPLACE ASPHALT PATH CAUSED BY CONSTRUCTION ACTIVITIES TO REPLACE THE ASPHALT PATH.

ALTERNATE NO. 2 - ADDITIONAL PARKING SPACES CAUSED BY CONSTRUCTION ACTIVITIES TO REPLACE THE ASPHALT PATH.

GENERAL NOTES:
1. VERIFY ALL UTILITIES AND PERFORMANCE RECORDS TO BE MAINTAINED AND RECORDS TO BE MAINTAINED FOR THE LIFE OF THE PROJECT.
2. ALL RELOCATED UTILITIES SHALL BE RELOCATED TO THE DESIGNATED CONSTRUCTION AREA.
3. DO NOT LOCATE PLANTS WITHIN 10' OF UTILITY LOCATIONS UNLESS SPECIFICALLY NOTED OTHERWISE BY THE ARCHITECT OR LANDSCAPE ARCHITECT. REFER TO SPECIFICATIONS FOR ADDITIONAL CONDITIONS AND NOTES.



PLANTING PROCEDURE
1. EXCAVATE FOOTING AT 18" BELOW FINISHED GRADE.
2. PLACE 6" SAND FILL UNDER FOOTING.
3. PLACE 6" SAND FILL UNDER FOOTING.
4. PLACE 6" SAND FILL UNDER FOOTING.
5. PLACE 6" SAND FILL UNDER FOOTING.
6. PLACE 6" SAND FILL UNDER FOOTING.

PLANT SCHEDULE

| TREES | QTY | BOTANICAL NAME | COMMON NAME | CONT | GAL |
|-------|-----------|----------------|--------------|-------|--------|
| 1 | 3 | ACER RUBRUM | AUTUMN BLAZE | 8 B B | 25 GAL |
| 2 | 28,035 SF | TURF SEED | ANTHONY'S | SEED | |

Metropolitan Development
OCT 31 2019
Division of Planning

1 TREE ROOTBALL TYPICAL



303 N. Illinois Street
 Suite 2
 Indianapolis, IN 46204
 T 317.526.8104
 hickcockdesigngroup.com

PREPARED FOR
**City of Indianapolis
 Public Works**
 200 E Washington St
 Indianapolis, IN 46204

**Renovation
 of Arsenal
 Park Splash
 Pad**
 1400 E 46th St
 Indianapolis, IN 46205

CONSULTANTS
**CS
 CIVIL ENGINEER**
 Indianapolis, IN 46204
 T 317.917.4244
**CS
 ELECTRICAL/PLUMBING ENGINEER**
 Indianapolis, IN 46204
 T 317.344.8044



ISSUED
 June 3, 2019

| No. | Date | Issue |
|-----|------|-------|
| | | |
| | | |
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CHECKED BY
 CS

DRAWN BY
 CS

SHEET TITLE
**Layout and
 Materials Plan**

SCALE(S)
 1" = 10'

SHEET NUMBER
L2.2



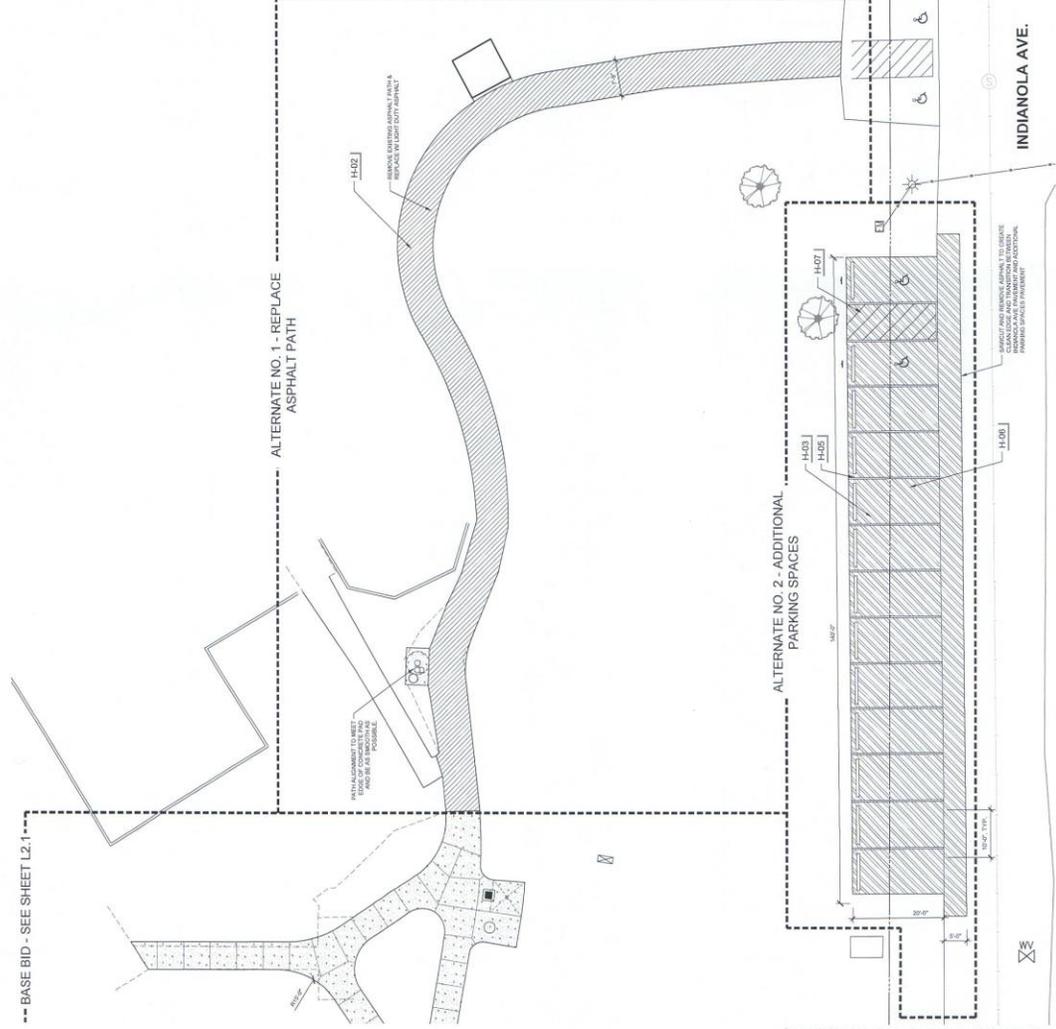
HARDSCAPE SCHEDULE

| SYMBOL | DESCRIPTION |
|--------|--|
| H401 | ASPHALT PAVEMENT, 2" CONC. SUB DETAIL - SEE C&G |
| H402 | ASPHALT PATH PAVEMENT, LIGHT DUTY - SEE C&G |
| H403 | ASPHALT VEHICLE PAVEMENT, MEDIUM DUTY - SEE C&G |
| H404 | PRECAST CAR STOPS |
| H405 | 4" THERMOPLASTIC PARKING STRIP |
| H407 | VAN ACCESSIBLE PARKING SPACES, PARKING STRIPSES - SEE C&G |

SITE FURNISHING SCHEDULE

| SYMBOL | DESCRIPTION | DETAIL |
|--------|--|--------|
| S401 | SP/ASHPAD EQUIPMENT CONTRACTOR INSTALLED, SEE S402 | 34.3.6 |
| S402 | SP/ASHPAD EQUIPMENT VAULT & RESERVOIR - OWNER PROVIDED, CONTRACTOR INSTALLED, SEE S401 | 10.3.1 |
| S403 | SHADE STRUCTURE - OWNER PROVIDED, CONTRACTOR INSTALLED | 24.3.9 |
| S404 | TRASH RECIPIFACE - OWNER PROVIDED, CONTRACTOR INSTALLED | 4.3.2 |
| S405 | DRINKING FOUNTAIN - CONTRACTOR PROVIDED AND INSTALLED | |
| S407 | CONTRACTOR PROVIDED AND INSTALLED | |

NOTE: SEE C&G FOR ASPHALT SURFACE ELEVATIONS



Metropolitan Development
 OCT 31 2019
 Division of Planning

INDIANOLA AVE.

--- BASE BID - SEE SHEET L2.1 ---



View of park looking east along East 46th Street



View of spray existing pool and playground looking north across East 46th Street



View of park looking north across West 46th Street and along Indianola Avenue



View of existing spray pool and playground looking west



View looking west at existing parking and path along Indianola Avenue



View looking west at existing parking along Indianola Avenue

PART II

**REZONING PETITION RECOMMENDED FOR APPROVAL BY THE HEARING EXAMINER,
APPEAL FILED BY A REMONSTRATOR:**

2019-ZON-102 6738, 6742 AND 6750 EAST WASHINGTON STREET AND 10 NORTH
EDMONSON AVENUE (*APPROXIMATE ADDRESSES*)
WARREN TOWNSHIP, CD #19
JOHN SCHNARR
Rezoning of 0.82 acre from the D-5 district to the C-3 classification.

STAFF REPORT

Department of Metropolitan Development Division of Planning Current Planning Section

Case Number: 2019-ZON-102
Address: 6738, 6742 and 6750 East Washington Street and 10 North Edmondson Avenue (approximate address)
Location: Warren Township, CD #19
Petitioner: John Schnarr
Request: Rezoning of 0.82 acre from the D-5 district to the C-3 district.

ADDENDUM FOR JANUARY 2, 2020 METROPOLITAN DEVELOPMENT COMMISSION

This petition was automatically continued from the December 4, 2019 hearing to the January 2, 2020 hearing.

ADDENDUM FOR DECEMBER 4, 2019 METROPOLITAN DEVELOPMENT COMMISSION

This petition was recommended for approval by the Hearing Examiner at the November 14, 2019 hearing. Prior to the hearing, a remonstrator submitted proposed commitments file-dated November 12, 2019. The petitioner's representative and property owners were not willing to agree to the commitments (except possibly some of the proposed excluded uses). The remonstrator was not present at the hearing and the Hearing Examiner chose not to include the proposed commitments in the approval recommendation for the reasons outlined in her memorandum file-dated November 21, 2019. Subsequent to the hearing, the remonstrator filed an appeal of the decision because the commitments had not been included in the approval recommendation.

November 14, 2019

RECOMMENDATIONS

Staff **recommends approval** of this petition.

SUMMARY OF ISSUES

LAND USE

- ◇ This site includes several commercial structures and uses, with the western most structure being a veterinarian, a use permitted in the C-3 district. This proposal would allow the continued use of the existing uses and permit future C-3 uses, subject to the use-specific standards and development standards of the Consolidated Zoning and Subdivision Ordinance.

(Continued)

STAFF REPORT 2019-ZON-102 (Continued)

- ◇ This site is within the Community Commercial typology, which supports small-scale offices, retailing, and personal or professional services, defined as:

“Commercial uses with minimal outdoor operations, storage, or display on lots of less than 1.5 acres and a height of less than 35 feet.”

- ◇ The site would fall under that category as it contains 0.82 acre and has no outdoor operations, storage or display.
- ◇ The Plan also recommends that this use be located along arterial or collector streets and that continuous sidewalks connect the site to residential development. Although one developed parcel fronts on Elizabeth Street, the subject site, in general fronts on Washington Street, a primary arterial, which includes sidewalks from just east of the site westward to the adjoining residential neighborhood. However, no sidewalks exist along Elizabeth Street or Edmondson Avenue.

GENERAL INFORMATION

EXISTING ZONING AND LAND USE

D-5 Commercial

SURROUNDING ZONING AND LAND USE

| | | |
|---------|-----|---------------------------------|
| North - | D-5 | Single-family residential |
| South - | C-4 | Gas station / convenience store |
| East - | D-3 | Single-family residential |
| West - | D-5 | Single-family residential |

COMPREHENSIVE PLAN

The 2018 Warren Township Plan recommends community commercial. This site is also within the area covered by the Blue Line Transit Oriented Development Strategic Plan. This site would be within a one-half mile walk of the proposed Ridgeview Drive District Center Station at Irvington Plaza.

(Continued)

STAFF REPORT 2019-ZON-102 (Continued)

THOROUGHFARE PLAN

This portion of Washington Street is classified as a primary arterial on the Official Thoroughfare Plan with an 80-foot right-of-way existing and proposed. Elizabeth Street is a local street, with a 60-foot right-of-way existing and proposed. Edmondson Avenue is a local street with a 50-foot right-of-way existing and proposed.

ZONING HISTORY - SITE

83-UV1-116, 6754 East Washington Street, Variance of use of the Dwelling Districts Zoning Ordinance to provide for the retail sale of groceries, fruits, and vegetables with outdoor display of said items and pole sign, **withdrawn**.

84-UV2-74, 6750 East Washington Street, Variance of use of the Dwelling Districts Zoning Ordinance to provide for the use of an existing building for a construction sales office, to erect a 20x20 foot garage as a display unit and to erect a pole sign, **withdrawn**.

ZONING HISTORY – VICINITY

2015-UV1-036; 6750 East Washington Street, requests variance of use and development standards of the Dwelling Districts Zoning Ordinance to provide for general office and permitted C-3 retail uses (not permitted), per plans filed, **granted**.

92-UV3-105, 6742 – 6746 East Washington Street, request Variance of use of the Dwelling Districts Zoning Ordinance, to provide for a model train store and office uses, **granted**.

95-Z-126, 6743 East Washington Street, requests rezoning of 1.08 acres from D-5 to C-4 to provide for a convenience market and gasoline station, **approved**.

98-UV1-33, 10 North Edmondson Avenue, Variance of use of the Dwelling Districts Zoning Ordinance to provide for a commercial glass and glazing company (not permitted), **approved**.

LWC

MEMORANDUM OF EXAMINER'S DECISION

2019-ZON-102

6738, 6742, 6750 E. Washington St., 10 N. Edmondson Ave.

The petition requests the rezoning of 0.82 acre from the D-5 district to the C-3 classification to allowed for the continued use of the site commercially.

Your Hearing Examiner visited the site prior to the hearing and noted the commercial buildings on it, and commercial uses south of Washington Street. Residential use still abuts the site on the north, and is east and west of the site.

The petitioner expressed a desire to maintain commercial use of the site.

Although an interested party submitted requested commitments prior to the hearing, he did not attend the hearing, nor did he send anyone on his behalf.

Staff recommended approval of the petition.

Your Hearing Examiner did review the extensive list of requested commitments; however, because the interested party was not available to explain the rationale for these commitments, they were not made a part of the approval. Approval of this petition was recommended.

For Metropolitan Development Commission Hearing on December 4, 2019.

Metropolitan Development
NOV 21 2019
Division of Planning

Proposed Commitments by Remonstrator

Metropolitan Development

NOV 12 2010

Division of Planning

ATTACHMENT "A"

RESTRICTIONS OF USE COMMITMENTS

1. Reverse channel lights or wall signs lit by goose neck lighting shall be permitted, no internally lit signs on the site.
2. Hours of operation shall not exceed 8 am to 8 pm daily.
3. No signs shall be erected on the rear (north) of any of the buildings.
4. No alcohol shall be sold at the premises.
5. No banners, streamers or temporary signs shall be permitted on the premises.
6. All new lighting shall be fully shielded.
7. No bath salts or drug paraphernalia, including but not limited to rolling papers, blunt wraps, pipes, screens, steel cylinders or cartridges, filled with nitrous oxide, crackers, clips or small spoons shall be permitted or sold on the premises.
8. No exterior pay phones shall be located on the premises.
9. No vending machines, including ice and movie rental shall be permitted on the exterior of the building.
10. Any new permanent building constructed on the property shall have a complete exterior façade consisting of brick, masonry or a combination thereof, excepting awnings, canopies, windows, doors, eaves, cornice overhangs and trim.
11. Any commercial trash dumpster shall be enclosed on three sides and consist of the same kind of material as the commercial building it services. The dumpster shall be gated on the fourth side and the gates shall be opaque and consist of wood. Chain link fencing with slats is not allowed as a component of the trash enclosure. If only residential trash pick-up is required, no enclosure shall be required.
12. If any commercial trash truck pick-up is required in the future, trash pick-up shall not occur before 6 am or after 10 pm, Monday through Saturdays, and no collection shall occur on Sundays or federal holidays.
13. No outdoor storage or display of any kind shall be permitted on the premises, including but not limited to: firewood, salt pellets, windshield fluid, propane sales, any video to go rental sales (i.e. Redbox or similar), ice sales, etc.
14. No wireless communication facility tower shall be allowed on the site.
15. Any new exterior lighting installed in the future on the buildings shall be designed to be shielded and directed so that distribution of light is confined to the areas lighted, and no light shall be directed onto adjacent properties and streets.
16. There shall be no window outline lighting at any time.
17. All display, aesthetic, parking and sign lighting shall be turned off during non- business hours.

MDC's Exhibit B - - page 9 of 10

18. All signage shall comply with all sign ordinances requirements.
19. No signage exceeding ordinance requirements shall be allowed without the grant of a variance.
20. No outdoor advertising off premise signs/billboards shall be permitted on the site.
21. No digital/electronic variable message signs will be allowed on any site.
22. No bus benches with advertising not owned or maintained by IndyGo shall be permitted on the site.

EXCLUDED USES FOR PARCELS

- | | |
|---|-------------------------------|
| 1. Adult bookstore | 21. Funeral Home |
| 2. Adult theatre | 22. Gold buying or sales |
| 3. Alignment, wheel | 23. Go Cart Raceway |
| 4. Amusement arcade | 24. Gun Sales |
| 5. Any adult entertainment business | 25. Hotel, Motel, Lodging |
| 6. Auto detailing or trim shop | 26. Liquor store |
| 7. Automobile Exhaust System muffler repair or installation | 27. Mortuary |
| 8. Automobile oil change, lubrication shop | 28. Night Club |
| 9. Automobile rustproofing | 29. Pawn Shop |
| 10. Bath house | 30. Plasma (blood) center |
| 11. Cabaret/ adult entertainment | 31. Rifle Range |
| 12. Check Cashing | 32. Boarding house |
| 13. Dance Hall | 33. Rustproofing |
| 14. Disco | 34. Shooting gallery or range |
| 15. Emergency Shelter | 35. Slot car racetracks |
| 16. Fast food or drive through restaurants | 36. Swimming pool sales |
| 17. Firearms sales | 37. Tattoo parlor |
| 18. Fireworks Store | 38. Tobacco store |
| 19. Firing range | 39. Wrecker service |
| 20. Flea Market (indoors) | 40. Gas station |

Metropolitan Development
 NOV 12 2010
 Division of Planning

Photograph One – Site from southside of Washington Street looking east.



Photograph Two – Site from the south side of Washington Street looking west.



Photograph Three – Looking north along Elizabeth Street along the west side of the property.



Photograph Four – Looking north along Edmonson Avenue and the east side of the subject site.



PART III

COMPANION VARIANCE PETITION DENIED BY THE HEARING EXAMINER, APPEAL FILED BY THE ADMINISTRATOR:

2019-CVR-828 2900 AND 2950 PROSPECT STREET (*APPROXIMATE ADDRESSES*)
CENTER TOWNSHIP, CD #11
C-1 (FW) (PENDING), SU-9 (FW) (FF) AND I-4 (FW) (FF)
CITY OF INDIANAPOLIS, by Andrew B. Buroker

Variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for a maximum building height of 100 feet for office buildings and a parking garage (maximum 38-foot height permitted) and to permit the reduction of the stream protection corridor to 20 feet (minimum 60 feet permitted).

STAFF REPORT

Department of Metropolitan Development
Division of Planning
Current Planning Section

Case Number: 2019-CPL-828 / 2019-CVR-828
Address: 2900 and 2950 Prospect Street (approximate address)
Location: Center Township, CD #12
Petitioner: The Department of Public Utilities of the City of Indianapolis, by Andrew B. Buroker and Mark R. Leach
Request: Approval of a Subdivision Plat to be known as Community Justice Campus, dividing 87.873 acres into seven lots and one block.

Variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for a maximum building height of 100 feet for office buildings and a parking garage (maximum 38-foot height permitted) and to permit the reduction of the stream protection corridor to 20 feet (minimum 60 feet permitted).

ADDENDUM FOR JANUARY 2, 2020 METROPOLITAN DEVELOPMENT COMMISSION

After hearing these petitions on December 12, 2019, the Hearing Examiner approved the plat petition and denied the variance petition. Subsequently, the Administrator of Current Planning appealed the Hearing Examiner's decision to deny the variance petition. The Hearing Examiner's memorandum is included below.

December 12, 2019

The petitioner's representative has requested a fee reduction from \$5,234.00 to \$100.00, which the Administrator of Planning supports.

An automatic continuance was filed by a registered neighborhood group, continuing these petitions from the September 12, 2019 hearing to the October 10, 2019 hearing, requiring the acknowledgement of the Hearing Examiner.

Subsequently, an automatic continuance was filed by the petitioner's representative, continuing these petitions from the October 10, 2019 hearing to the November 14, 2019 hearing, requiring the acknowledgement of the Hearing Examiner.

The petitioner's representative was granted an additional continuance from the November 14, 2019 hearing to the December 12, 2019 hearing to provide additional information and possibly revise the site plan and request. Amended plans were submitted on November 26, 2019 and December 3, 2019.

(Continued)

STAFF REPORT 2019-CPL-828 / 2019-CVR-828 (Continued)

RECOMMENDATIONS

Staff **recommends approval** of the variance petition, subject to Administrator's Approval of the revised planting plans consistent with Staff's Exhibit "A" prior to the issuance of an Improvement Location Permit.

Staff recommends that the Hearing Examiner **approve** and find that the plat, file-dated August 8, 2019, 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 Storm Drainage Covenant (Section 741-703, 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 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 be provided on the final plat, prior to recording.
11. That Block "A" and Out-lot "A" be defined on the final plat, prior to recording.
12. That addresses and internal street names be provided prior to recording.
13. That a traffic control plan be provided prior to recording.
14. That access easements / cross access easements be provided along the interior lot line between Lots One and Three in order to limit access to the arterial street, prior to recording the final plat.
15. That monuments be provided on the final plat prior to recording.
16. That the Base Flood Elevation (BFE) topographic line be provided on the final plat prior to recording.
17. That all other required notations (ownership, right-of-way dedication, etc.) be provided on the final plat, prior to recording.
18. That the correct zoning and land use petition information be provided on the final plat prior to recording.
19. That the proper front building setback lines be provided on the final plat for the C-1 and I-4 zoned parcels prior to recording.

(Continued)

STAFF REPORT 2019-CPL-828 / 2019-CVR-828 (Continued)

SUMMARY OF ISSUES

LAND USE

- ◇ The site, zoned C-1, which is largely unimproved, has been undergoing various forms of environmental remediation and is located on the west side of Pleasant Run. The site was rezoned in 2019 to provide for office uses and first-floor retail. An accessory parking garage would also be constructed on this site west of Pleasant Run. The bulk of the site is zoned SU-9, except for the 17.922 acres within the proposed block "A", which is zoned I-4.
- ◇ Two 2018 rezoning petitions would provide for a proposed criminal justice complex, which would house courts, a penal institution, and other related public uses as well as an assessment intervention center, with services including, but not limited to, primary care and case coordination, short-term stays, and ambulance bay, clinical services and medication dispensation.
- ◇ The Criminal Justice Center, including courts, adult detention center and sheriff's office, is located within the SU-9 district, which permits plans to be reviewed administratively. Those plans, including encroachments into the stream protection corridor, were submitted for review and approved via Petitions 2019-ADM-075 and 2019-ADM-085.

PLAT

- ◇ The proposed plat would subdivide this 87.83-acre property into six lots, Out-lot "A" and Block "A". Lot One, at the northwest corner of the site, would front on Southeastern Avenue and Pleasant Run Parkway, North Drive. Lot Two would front on Pleasant Run Parkway, North Drive while Lot Three would front on Southeastern Avenue. Lot Four, at over 42 acres, would be the largest proposed lot and would front on Prospect Street and be located south and east of Lots, One, Two, Three, Five and Six. Lots Five and Six would front on Pleasant Run Parkway, North Drive, and be split by a proposed dedicated right-of-way, ranging from 80 feet wide at Prospect Street to approximately 160 feet wide at Pleasant Run Parkway, North Drive. Block "A" would be located in the southwest portion of the site and Out-lot "A" would be generally located between Lot Four and Block "A." While Staff would presume that Block "A" has been designated as an area that may be subdivided in the future into additional lots, the purpose of Out-lot "A" is less clear. The final plat should clarify their purpose. Also, the preliminary plat is lacking necessary notations for ownership, internal right-of-way dedication as well as lacking street names, addresses, monuments correct zoning information, zoning petition information, base flood elevation notations, etc., as indicated elsewhere in this report.

(Continued)

STAFF REPORT 2019-CPL-828 / 2019-CVR-828 (Continued)

VARIANCE FOR BUILDING HEIGHT

- ◇ This request proposes to have a building height of approximately 100 feet tall in a district that limits height to 38 feet in the Compact Context Area. Height is limited to 50 feet within the Metro Context Area. This site is designated for the urban-mixed use typology which is suited for the MU-1 district, and which, like the C-1 district, also permits office uses with accessory retail. However, one significant difference between the C-1 district and the MU-1 district is that the MU-1 district has a minimum height of 25 feet, approximately 1/3 less than the maximum height permitted in the C-1 district, and an unlimited maximum height. Additionally, the C-1 district is intended partly to serve as a transitional buffer district and so it is anticipated that this district would be adjacent to protected districts and other less intense uses. However, this site fronts on an arterial street that is primarily developed with commercial uses and would be the front door of the Criminal Justice Complex, which would include buildings ranging from 105 feet tall to over 210 feet tall.

VARIANCE FOR STREAM PROTECTION CORRIDOR REDUCTION

- ◇ The variance petition would provide for the reduction of the stream protection corridor to 20 feet. The most recent amended plans, file-dated December 3, 2019, provide for a relocation of the southernmost drive for the site west and north of Pleasant Run to be outside the stream protection corridor. No changes have been proposed for the area east and south of Pleasant Run.
- ◇ The Stream Protection Corridor is defined as:

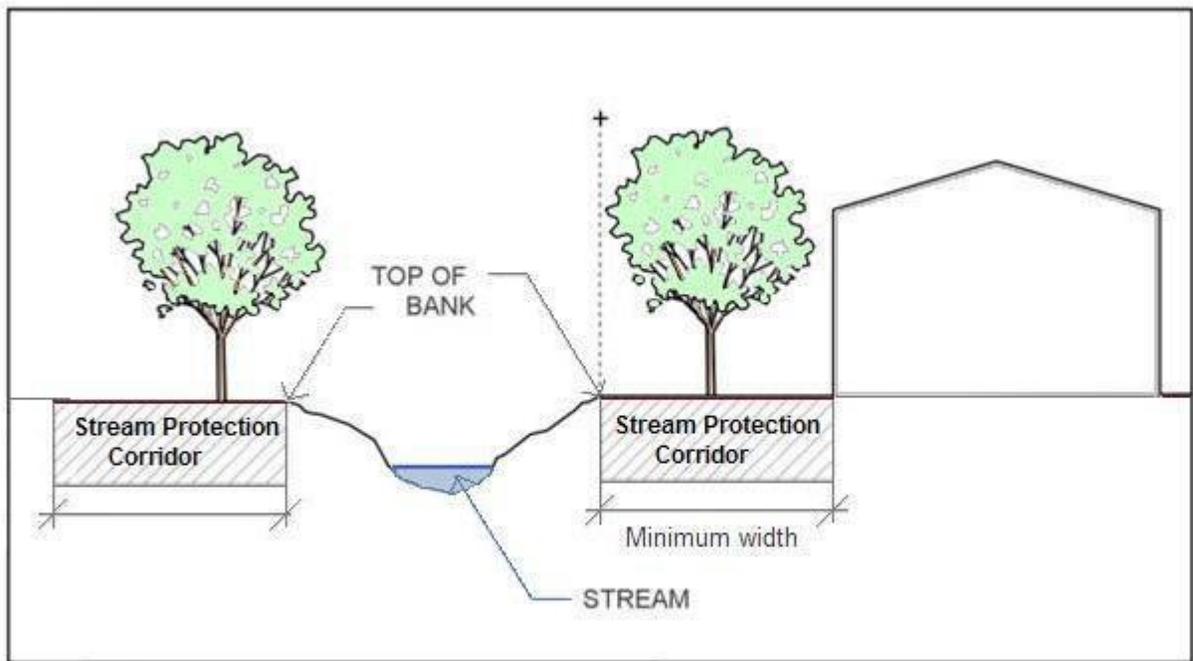
“A vegetated area, including trees, shrubs, and herbaceous vegetation, that exists or is established to protect a stream system, lake, or reservoir, and where alteration is strictly limited. Functionally, stream protection corridors provide erosion control, improve water quality (lower sedimentation 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.”
- ◇ There are two types of categories of Streams: Category One Streams and Category Two Streams. Pleasant Run is listed as a Category One Stream, which is defined as:

(Continued)

STAFF REPORT 2019-CPL-828 / 2019-CVR-828 (Continued)

“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.”

- ◇ 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.
- ◇ As a Category One Stream within the Compact Context Area, Pleasant Run is required to have a 60-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

- ◇ This petition initially provided for a reduction of the Stream Protection Corridor to 20 feet; however, there is concern that the top of the bank depicted in the general cross-section (see below) provided with this petition is not accurate. It generally shows the top of the bank to be somewhere along the stream bank at an elevation of approximately 750 feet. While in some sections of the Pleasant Run corridor, the 100-year floodplain elevation is above that elevation, as demonstrated by the Cross-section diagram below Cross-Section Three through Six, all north of the proposed main access road from Pleasant Run Parkway North Drive, all have flood elevations from 751 to 752, while Cross-section Two, which is generally located coterminous with the main access road has a flood elevation of 749 feet.

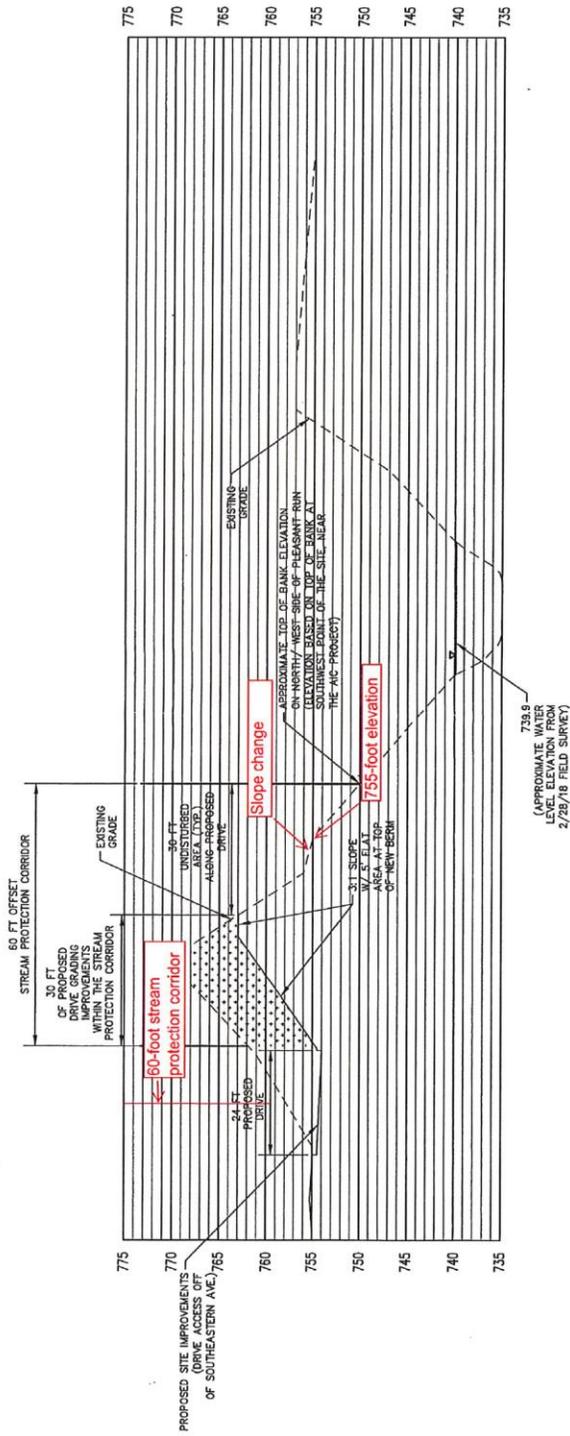
(Continued)

STAFF REPORT 2019-CPL-828 / 2019-CVR-828 (Continued)

- ◇ In Staff's opinion, it appears that the short shelf where the slope changes between elevations 755 to 756 feet on the west bank of Pleasant Run could be viewed as top of the bank (See Staff Exhibit "A"), since it is both at or above the water level and the 100-year flood elevation. Further considering the specific cross-sections Three through Six, Staff would note that all of the cross-sections but Cross-section Four have possible top of the bank elevations at 755 feet or above. Cross-section Four tops out at about 753 feet. So, it seems reasonable to Staff that top of the bank should at least be a generalized elevation of 753 feet, which would also be above the 100-year flood elevation for all six cross-sections.
- ◇ In reviewing definitions of "top of the bank" from a few jurisdictions, some of the main aspects of the definitions include land with a change in slope that is flatter than 3:1, that is vegetated and / or is at or above the 100-year flood elevation.
- ◇ Considering the issues at this site and the slope change on the generalized cross-section, Staff would propose that along the north/west side of Pleasant Run, the top of bank should be at an elevation of 755 feet, as indicated on Staff's Exhibit "A." At that elevation, the proposed drive would extend approximately 13 feet into the stream protection corridor. Also, an area of 30 feet would be disturbed within the stream protection corridor, but that area would be restored and revegetated.
- ◇ Presently, the area to be disturbed (not including the drive area) contains approximately 10,000 square feet. The Ordinance requires that within disturbed areas of the stream protection corridor, tree replacement should be at a rate of one shade tree and four large shrubs per 1,000 square feet of disturbed area. The proposed planting plan, file-dated December 3, 2019 provides for 10 shade trees and 40 large shrubs, which would be adequate for a 10,000-square foot area of disturbance. The driveway area if included within the stream protection corridor would increase the disturbance area by 50% or so according to Staff's rough estimates, requiring 15 shade trees and 60 large shrubs. If Staff's top of the bank estimate is adopted, an amended planting plan and disturbance area plan should be submitted for Administrator's Approval prior to the issuance of an Improvement Location Permit.

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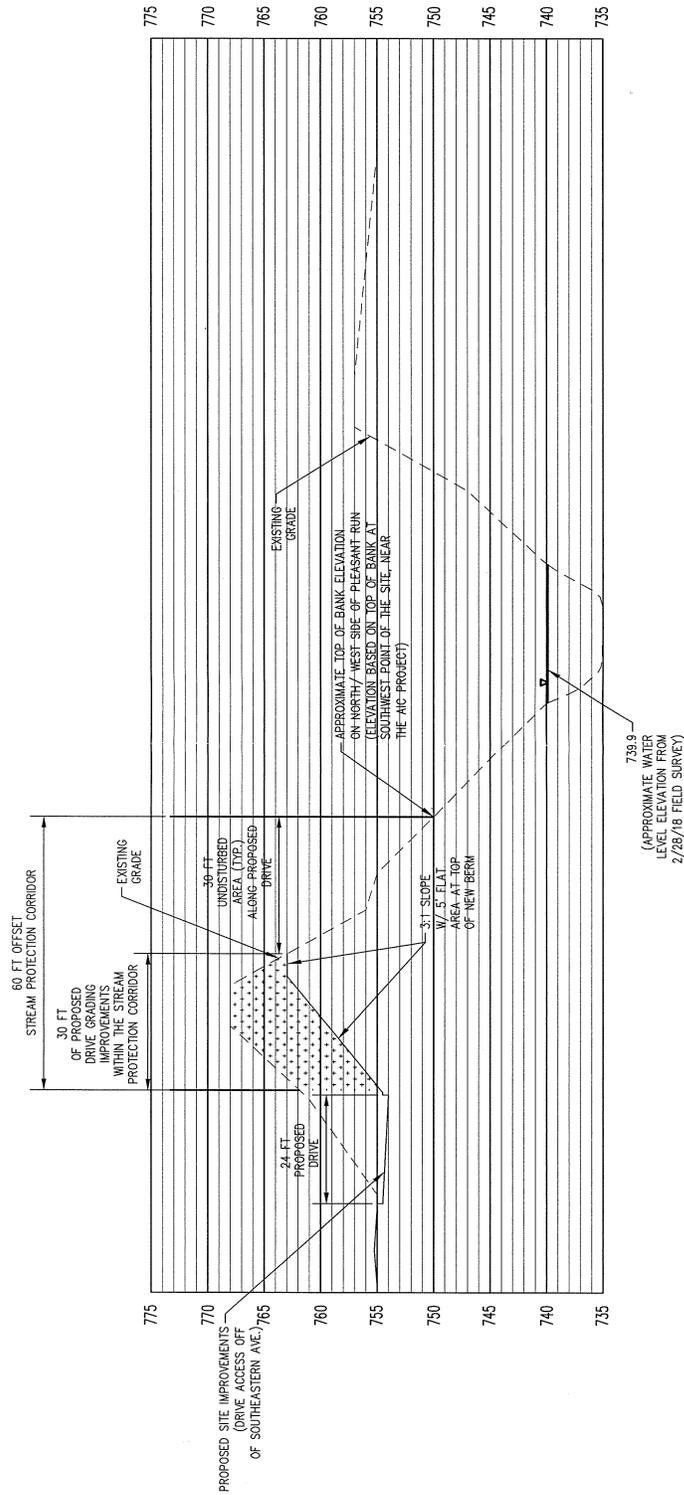
Staff Exhibit "A"



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STAFF REPORT 2019-CPL-828 / 2019-CVR-828 (Continued)

Generalized Cross-section

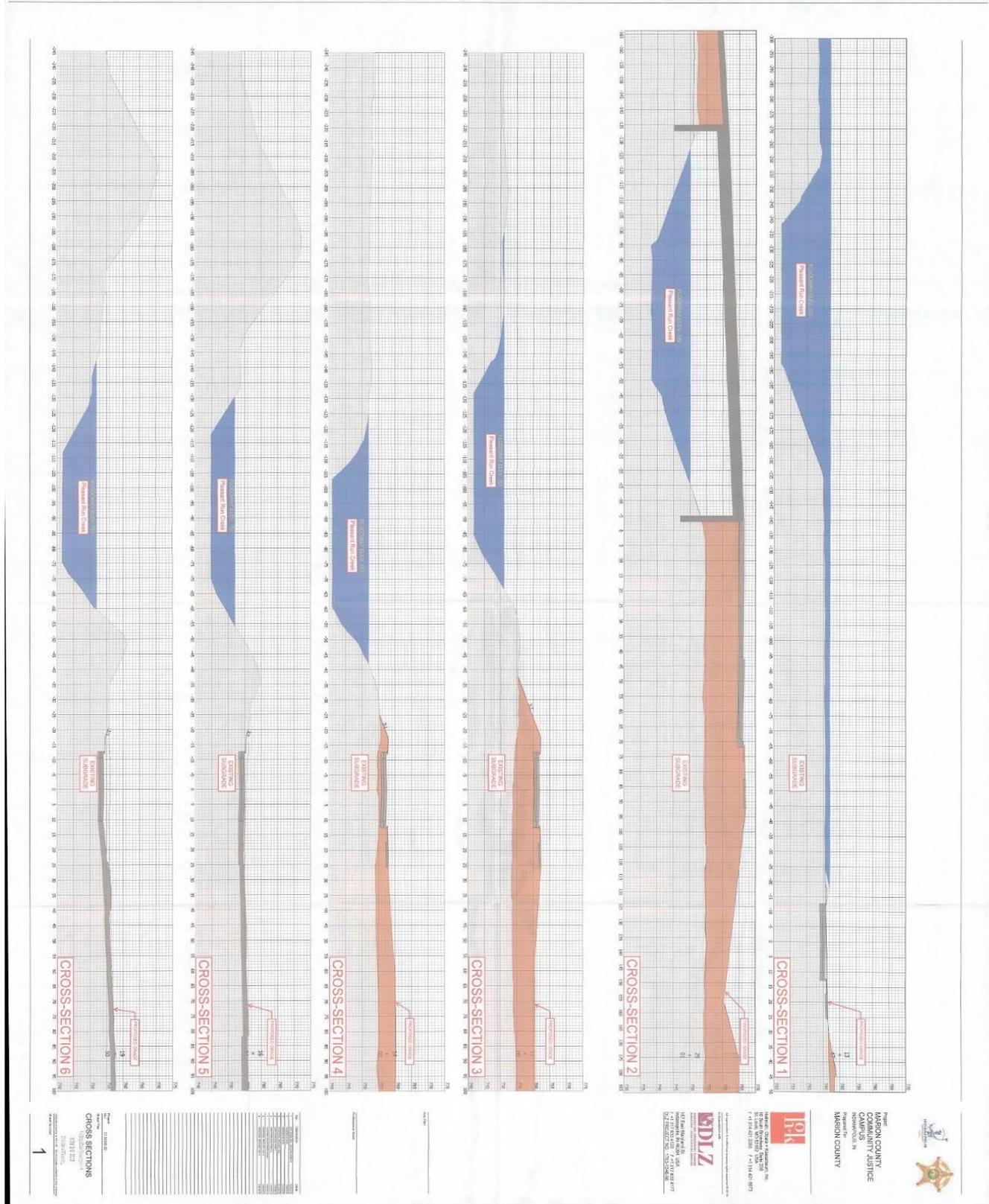


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STAFF REPORT 2019-CPL-828 / 2019-CVR-828 (Continued)

Cross-sections / One through Six



(Continued)

Cross-section Location Map



(Continued)

STAFF REPORT 2019-CPL-828 / 2019-CVR-828 (Continued)

Site Plan



(Continued)

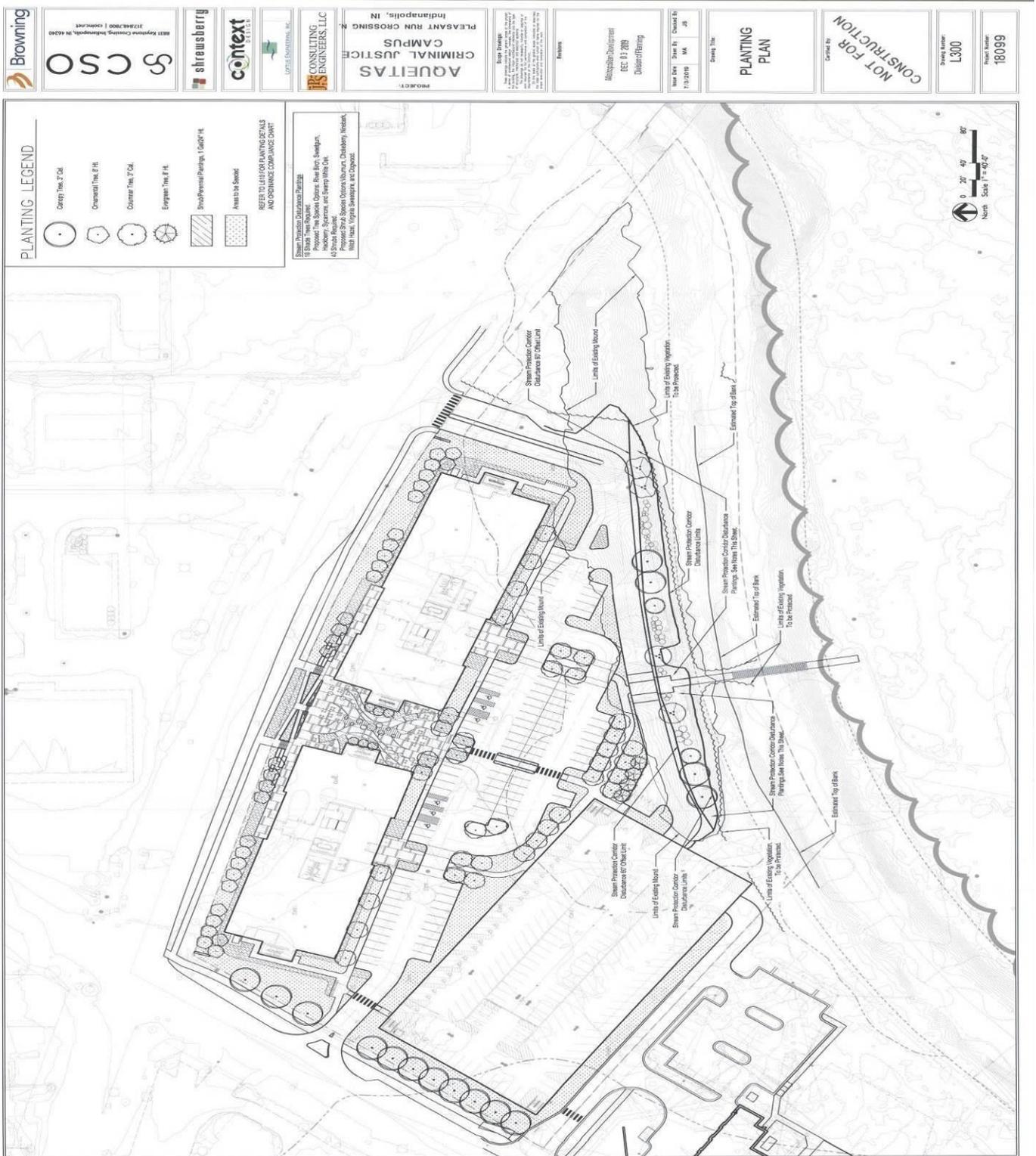
STAFF REPORT 2019-CPL-828 / 2019-CVR-828 (Continued)

Preserved Trees



STAFF REPORT 2019-CPL-828 / 2019-CVR-828 (Continued)

Planting Plan



(Continued)

STAFF REPORT 2019-CPL-828 / 2019-CVR-828 (Continued)

GENERAL INFORMATION

EXISTING ZONING AND LAND USE

C-1 Former industrial gas utility site

SURROUNDING ZONING AND LAND USE

| | | |
|---------|-------------|-----------------------|
| North - | C-3/C-4/C-5 | Commercial |
| South - | SU-9 | Future Justice Center |
| East - | SU-9 | Future Justice Center |
| West - | C-4 | Commercial |

COMPREHENSIVE PLAN The 2018 Center Township Plan recommends the urban mixed-use typology.

THOROUGHFARE PLAN This portion of Pleasant Run Parkway, North Drive is indicated as a primary collector on the Official Thoroughfare Plan, with a 105-foot right-of-way existing and proposed. Southeastern Avenue is a secondary arterial, with a 100-foot right-of-way existing and proposed.

SUBDIVISION PLAT REGULATIONS

741-203
Required
Documents for
Approval

EVALUATION

| | |
|---|---|
| <p>741.203.A-C – Primary Plat Requirements:</p> <ul style="list-style-type: none"> • Plat name, Legal Description, Surveyor Seal, Scale. • Boundary Lines, Existing Street Names and dimensions. • Layout of Proposed Streets – names, widths, classifications. • Street traverse. • Layout of all easements and purpose thereof. • Layout of lots with numbering and dimensions. • Floodway/Floodplain Delineation. • Required Covenants. • Zoning and Land use petitions. • Common Areas. • Access Easements. • Topographic Map. • Area Map. | <p>Correct Zoning (site is not zoned I-4) and Land Use Petitions need to be added. Access easements for Lot One and Three need to be provided. Proposed street names not provided.</p> <p>Blocks and Out-lots need to be defined.</p> |
| <p>741-203.D – Traffic Control Plan</p> <ul style="list-style-type: none"> • Traffic control street signs and devices. • Traffic calming devices. • Bicycle facilities. • Sidewalks and pedestrian facilities. • Transit facilities, such as bus stops pads or shelter. • Street lighting. | <p>Not provided.</p> |
| <p>741-203.E– Natural infrastructure plan (major plats containing more than 20 lots)</p> <ul style="list-style-type: none"> • Placement of all proposed drainage facilities for the subdivision, indicating type of facility and if the facility is to be designed to be wet or dry • Location of Open Space Areas of the open space common area, indicating size and general improvements • Location of any Stream Protection Corridors in accordance with Section 744-205 (Stream Protection Corridors) | <p>Not provided.</p> |

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| <p>741-205 – Waivers</p> <ul style="list-style-type: none"> • <i>The granting of the waiver or modification will not be detrimental to the public health, safety, or welfare or injurious to other property</i> • <i>The conditions upon which the request is based are individual to the property for which the relief is sought and are not applicable generally to other property;</i> • <i>Because of the particular physical surroundings, shape, or topographical conditions of the specific property involved, a particular hardship would result, as distinguished from a mere inconvenience, if the strict letter of these regulations is carried out;</i> • <i>The resulting subdivision fulfills the purpose and intent of these regulations at an equal or higher standard than what would have been possible without the deviation; and</i> • <i>The relief sought shall not in any manner vary from the provisions of the Zoning Ordinance, or official zoning base maps, except as those documents may be amended in the manner prescribed by law.</i> | <p>Not Applicable.</p> |
| <p>741-300 Design and Installation Standards</p> <p><i>All proposed plats submitted for Committee approval under the provisions of these regulations shall meet these standards to the satisfaction of the Committee unless waived by the Committee.</i></p> <p style="text-align: right;">EVALUATION</p> | |
| <p>741-302.A – Lots:</p> <ul style="list-style-type: none"> • <i>Comply with zoning district and any cluster approval or variance grant.</i> • <i>Lots must have positive drainage away from buildings.</i> • <i>No more than 25% of lot area may be under water.</i> • <i>Side lots lines at right angles to streets or radial to curving street line.</i> • <i>Layout of lots with numbering and dimensions.</i> | <p>Setbacks for the C-1 and I-4 zoned lots has not been provided.</p> |
| <p>741-302.B – Frontage and Access:</p> <ul style="list-style-type: none"> • <i>Through lots should be avoided except where necessary for primary arterial separation and topography challenges.</i> • <i>Triple frontage lots are prohibited.</i> • <i>Lots abutting alleys must have vehicular access exclusively from alley.</i> • <i>Lots shall not have direct access to arterial streets.</i> • <i>Non-residential plats shall provide cross-access easements to limits points of access to existing street network to no more than one per 500 feet.</i> | <p>Not Satisfied – Access cross-easements should be provided for Lots One and Three to use the same access point on Southeastern Avenue.</p> |

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| <p>741-302.C – <i>Blocks:</i></p> <ul style="list-style-type: none"> • <i>Shall not exceed maximum block lengths per Table 741-302.1</i> • <i>If exceeded, it must be demonstrated that:</i> <ul style="list-style-type: none"> ○ <i>There are improved pedestrian easements at intervals of 400 feet or less.</i> ○ <i>Adequate traffic calming provisions are made.</i> ○ <i>The block length must be exceeded because of physical conditions of the land.</i> | <p>Satisfied.</p> | |
| <p>741-303 Streets and Connectivity</p> | <p>All proposed plats shall allocate adequate areas for streets in conformity with the Comprehensive Plan and Official Thoroughfare Plan for Marion County, Indiana, and these regulations.</p> | <p>EVALUATION</p> |
| <p>741-303.A – <i>General:</i></p> <ul style="list-style-type: none"> • Subdivisions shall provide a logical street layout in relation to topographical conditions, public convenience, safety, multi-modal use and the proposed use of the land to be served by such streets. <i>Triple frontage lots are prohibited.</i> • Streets shall intersect as nearly as possible at right angles. No street shall intersect another at an angle of less than 75 degrees. • Not more than two streets shall intersect at any one point. • Bicycle lanes meeting the Indiana Manual on Uniform Traffic Control Devices (IMUTCD) for location, width, and marking shall be provided along collector streets. • All streets shall be dedicated to the public. Alleys may be private. • Turn lanes or other improvements recommended by the Department of Public Works shall be added to the existing street system to minimize the impact of the connection upon the existing street system. | <p>Right-of-way dedication statement not provided.</p> | |
| <p>741-303.B – <i>Through Connectivity (Compact Context Area):</i></p> <ul style="list-style-type: none"> • The existing street grid shall be continued through each development to the degree practicable unless the Administrator determines that extension of the street grid is not practicable. • Emergency vehicles must not have to use more than two different local streets (any street other than a primary arterial, a secondary arterial or a collector street) to reach their destination. • Permanently dead-ended streets and alleys, except for cul-de-sac streets, are prohibited. • All existing or platted streets that terminate at the property boundary line of a proposed subdivision shall be continued into the proposed subdivision to provide street connections to adjoining lands and streets within the proposed subdivision. • Streets entering opposite sides of another street shall be laid out either directly opposite one another or with a minimum offset of 125 ft. between their centerlines. • Whenever cul-de-sac streets are created, a 15-foot wide pedestrian access/public utility easement shall be provided between the cul-de-sac head or street. | <p>Satisfied.</p> | |
| <p>741-303.D – <i>Cul-de-sacs (Compact Context Area):</i></p> <ul style="list-style-type: none"> • In the Compact Context Area, cul-de-sac lengths shall not exceed 300 feet or serve more than 20 dwelling units. | <p>Not Applicable.</p> | |

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| <p>741-303.E – Alleys (Compact Context Area):</p> <ul style="list-style-type: none"> Alleys in Dwelling and Mixed-Use districts must be installed or retained if alleys exist on any block adjacent to the proposed plat. Alleys may intersect; however, the intersecting alleys may not result in a hammer head ("T") or an ell ("L") shaped intersection. | <p>Not Applicable.</p> |
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| <p>741-304-316 Additional Development Items</p> | <p>EVALUATION</p> |
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| <p>741.304.A-C – Traffic Control Devices:</p> <ul style="list-style-type: none"> Street name signs, traffic control signs, bike route signs. Traffic control devices for streets exceeding 900 feet in length. Bicycle Facilities for subdivisions with a collector street serving more than 100 dwelling units. | <p>None satisfied.</p> |
| <p>741.305 – Numbering and naming:</p> <ul style="list-style-type: none"> Street numbering per adopted addressing guidelines. Streets that are extensions or continuations of existing or approved streets must bear the name of such existing street. | <p>Addresses not provided.</p> |
| <p>741.306 – Sidewalks:</p> <ul style="list-style-type: none"> Sidewalks shall be provided along all internal and external streets. | <p>Satisfied.</p> |
| <p>741.307-309 – Easements, Utilities, Stream Protection Corridors:</p> <ul style="list-style-type: none"> Utility easements shall be located along lot lines and shall be a minimum of 10 feet. All BMPs and drainage facilities must be located within an easement. The easement must accommodate adequate access for maintenance. Generally, pedestrian easements shall be 15 feet in width and be considered open to the public unless specifically declared otherwise. All utilities shall be located underground. All subdivisions must be designed in accordance with the Stream Protection Corridor requirements of Section 744-205. | <p>Satisfied.</p> |
| <p>741.310 – Common Areas, Open Space and Public Sites (Compact Context Area):</p> <ul style="list-style-type: none"> Required for subdivisions with more than 20 dwelling units. Access easements shall be provided to connect all common areas to a public street right-of-way. The minimum width of such access must be at least 15 feet. Basic Open Space Requirements: Multi-purpose path, natural landscaping area, entrance landscaping. Additional Open Space Requirements: Community garden, dog park, game court, picnic area, playground, pool, etc. Additional component required for every 30 additional dwelling units overall. Reservation of land for public/semi-public purpose. | <p>Satisfied.</p> |

| | |
|--|--|
| <p>741-312 – Monuments</p> <ul style="list-style-type: none"> • <i>Permanent reference monuments shall be placed in the subdivision by a Professional Surveyor. Where no existing permanent monuments are found, monuments must be installed no more than 600 feet apart in any straight line and in accordance with the schedule in Table 741-312-1.</i> | <p>Not Satisfied.</p> |
| <p>741.313 – Flood Control:</p> <ul style="list-style-type: none"> • <i>All development shall comply with all provisions of Section 742-203 (Flood Control Zoning District).</i> • <i>Floodway and Floodway Fringe zones shall be delineated and labeled on the primary plat and the plat to be recorded.</i> • <i>For Zone AE areas, the plat must show the BFE topographic line.</i> • <i>For Zone A areas, the plat must show the delineation study with the floodway and floodway fringe lines shown on the FIRM maps.</i> | <p>BFE topographic line needs to be provided.</p> |
| <p>741.316 – Street Lighting:</p> <ul style="list-style-type: none"> • <i>All subdivisions must be designed and constructed in accordance with the Street Lighting requirements of Section 744-600 (Street and Exterior Lighting).</i> | <p>Satisfied.</p> |

(Continued)

STAFF REPORT 2019-CPL-828 / 2019-CVR-828 (Continued)

ZONING HISTORY

2019-ZON-075; 2950 Prospect Street, rezoning of 8.686 acres from the D-5 district to the C-1 district to provide for a mixed-use retail/office project, **approved**.

2019-ADM-085; 2950 Prospect Street, administrative approval of Adult Detention Center and Sherriff's Office, **approved**.

2019-ADM-075; 2950 Prospect Street, administrative approval of Criminal Justice Center building, **approved**.

2018-ZON-069; 2950 Prospect Street, rezoning of 7.603 acres from the I-4 and D-5 districts to the SU-9 classification to provide for an assessment intervention center, with services including, but not limited to, primary care and case coordination, short-term stays, and ambulance bay, clinical services and medication dispensation, **approved**.

2018-ZON-047; 2900 and 2950 Prospect Street, rezoning of 53.661 acres from the D-5 (FW) and I-4 (FW) (FF) districts to the SU-9 (FW) (FF) classification to provide for a criminal justice complex, **approved**.

2018-UV1-013; 3300 Prospect Street, variance of use and development standards of the Consolidated Zoning and Subdivision Ordinance to legally establish automobile salvage in the D-5 district and to permit existing office trailers, with side setbacks ranging from two feet to 12 feet and a front setback of 20 feet, **denied**.

2000-SE1-007; 3306 East Prospect Street, requested a special exception of the Industrial Zoning Ordinance to provide for an automobile and truck recycling operation, **granted**.

2005-ZON-053; 3444 Prospect Street, requested the rezoning of 0.29 acre, being in the C-4 District, to the D-5 classification to legally establish residential uses, **approved**.

99-Z-60; 3412-3420 East Prospect Avenue & 1031 Vandeman Street, requested the rezoning of 0.6 acre from C-4 and D-5 to SU-1 to legally establish an existing church, **approved**.

89-V3-98; 3464 Prospect Street, requested a variance of use of the Commercial Zoning Ordinance to legalize an existing building used for the storage and warehousing of manufactures goods, **granted**.

88-V3-61; 2900 East Prospect Street, requests a variance to provide for a truck scales building with a 92-foot front setback, **granted**.

LWC

MEMORANDUM OF EXAMINER'S DECISION

2019-CPL-828/2019-CVR-828

2900 and 2950 Prospect Street

The companion petitions involve the Community Justice Campus. The plat would divide the 87.87 acre site into seven lots and one block, while the variance petition would allow a building height of 100 feet (maximum 38 feet permitted) and a stream protection corridor of 20 feet (minimum 60 feet required).

Your Hearing Examiner visited the site prior to the hearing and noted that it is primarily surrounded with commercial and industrial uses, although there is some residential development in the area. The majority of the site is being developed for the criminal justice complex, while a small portion, zoned C-1, is planned for office use.

The petitioner's representative described efforts made to get input from interested parties, including sending certified notice of public hearing and attending multiple meetings with them. He described the ongoing efforts to remediate the over 100 year use of this site for the storage and hauling of coal. He shared plans for developing two office buildings and a parking garage on the C-1 portion of the site, and explained plan revisions to decrease the encroachment into the Stream Protection Corridor. Three people attended the hearing as interested parties.

About 12 remonstrators attended the hearing, and several of them spoke. They stressed that they support the Community Justice Campus project, but, have remaining concerns with the Stream Protection Corridor variance. Concerns include insufficient time to review new information submitted the day of the hearing, erosion control, tree preservation, flooding, importance of green space, aesthetics of waterways, and lack of commitments.

Staff reiterated its overall support of the Community Justice Campus. The outstanding issue involves the Stream Protection Corridor variance and the location of the top of the bank. Because revised cross sections were submitted the day of the hearing, there was inadequate time for review.

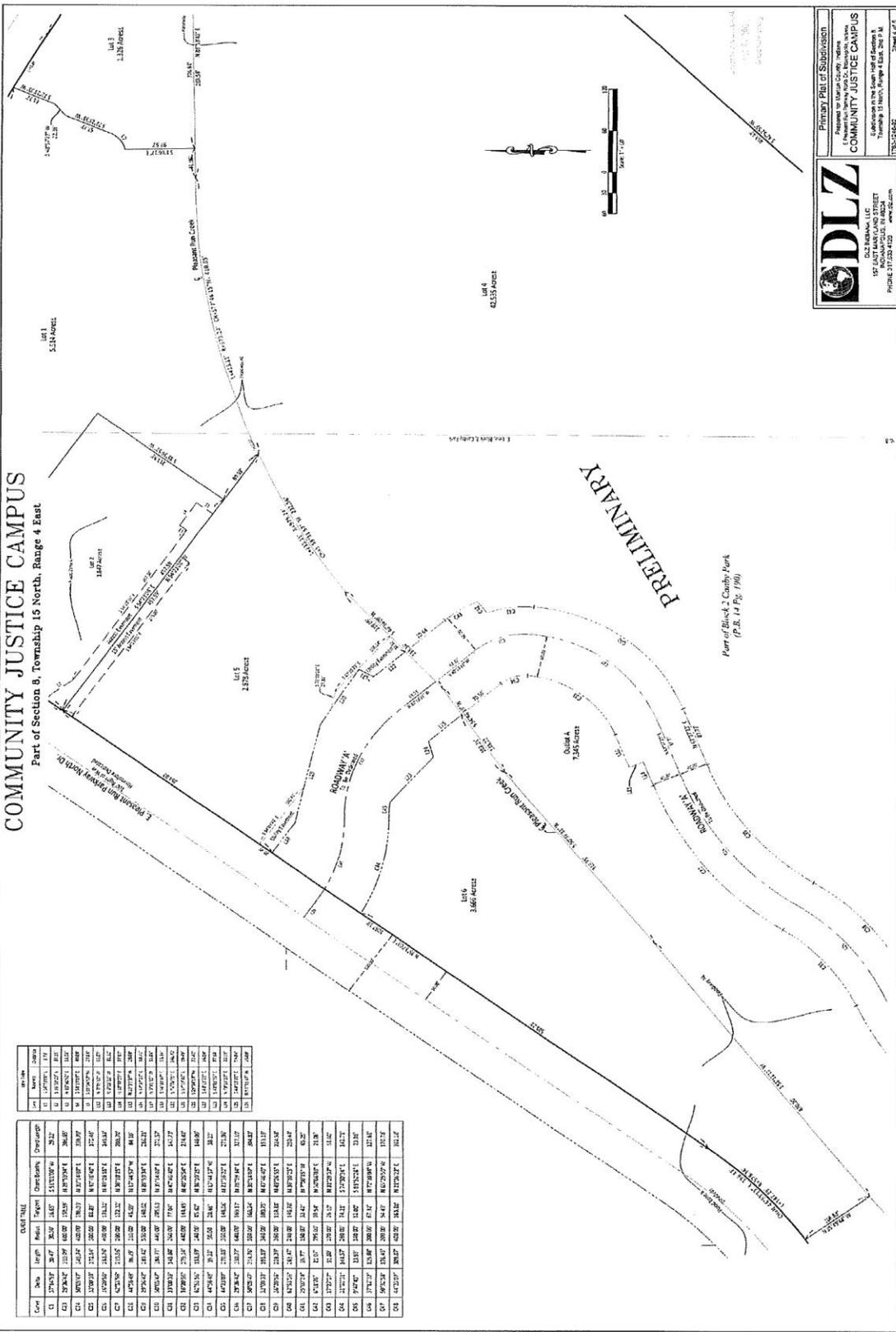
Your Hearing Examiner also understands the significance and importance of the Community Justice Campus to this neighborhood and to the community. Approval was recommended of the plat and the height variance. In your Hearing Examiner's opinion, however, there was insufficient time to review the information submitted by the petitioner the day of the hearing. The petitioner and remonstrators were urged to keep working towards a resolution. Denial of the Stream Protection Corridor was recommended.

For Metropolitan Development Commission Hearing on January 2, 2020.

Metropolitan Development

DEC 19 2019

Division of Planning



DLZ
DLZ LAND MANAGEMENT, LLC
197 EAST MAINLAND STREET
MILWAUKEE, WI 53212
PHONE: 312.224.4122
WWW.DLZ.COM

Primary Plat of Subdivision
Proposed to Municipal Code, Ordinance
In Pursuit of Public Use, Public Works, or Other
COMMUNITY JUSTICE CAMPUS
Subdivision in the South Half of Section 8,
Township 15 North, Range 4 East, 2nd 1/2
P.B. 14 PG. 198

| Lot | Area | Area | Area |
|-----|--------|--------|--------|
| 1 | 5.534 | 5.534 | 5.534 |
| 2 | 1.847 | 1.847 | 1.847 |
| 3 | 1.129 | 1.129 | 1.129 |
| 4 | 42.535 | 42.535 | 42.535 |
| 5 | 1.879 | 1.879 | 1.879 |
| 6 | 3.684 | 3.684 | 3.684 |
| 7 | 2.655 | 2.655 | 2.655 |

| Curve | Chord | Length | Radius | Apex | Chord/Bearing | Offset/Grade |
|-------|----------|--------|--------|--------|---------------|--------------|
| C1 | 279.4517 | 34.97 | 36.47 | 145.7 | S113°20'04" | 29.22 |
| C2 | 129.8642 | 102.39 | 102.39 | 102.39 | S87°30'04" | 36.80 |
| C3 | 100.9317 | 142.24 | 142.24 | 142.24 | S87°30'04" | 38.97 |
| C4 | 129.8642 | 102.39 | 102.39 | 102.39 | S87°30'04" | 36.80 |
| C5 | 129.8642 | 102.39 | 102.39 | 102.39 | S87°30'04" | 36.80 |
| C6 | 129.8642 | 102.39 | 102.39 | 102.39 | S87°30'04" | 36.80 |
| C7 | 129.8642 | 102.39 | 102.39 | 102.39 | S87°30'04" | 36.80 |
| C8 | 129.8642 | 102.39 | 102.39 | 102.39 | S87°30'04" | 36.80 |
| C9 | 129.8642 | 102.39 | 102.39 | 102.39 | S87°30'04" | 36.80 |
| C10 | 129.8642 | 102.39 | 102.39 | 102.39 | S87°30'04" | 36.80 |
| C11 | 129.8642 | 102.39 | 102.39 | 102.39 | S87°30'04" | 36.80 |
| C12 | 129.8642 | 102.39 | 102.39 | 102.39 | S87°30'04" | 36.80 |
| C13 | 129.8642 | 102.39 | 102.39 | 102.39 | S87°30'04" | 36.80 |
| C14 | 129.8642 | 102.39 | 102.39 | 102.39 | S87°30'04" | 36.80 |
| C15 | 129.8642 | 102.39 | 102.39 | 102.39 | S87°30'04" | 36.80 |
| C16 | 129.8642 | 102.39 | 102.39 | 102.39 | S87°30'04" | 36.80 |
| C17 | 129.8642 | 102.39 | 102.39 | 102.39 | S87°30'04" | 36.80 |
| C18 | 129.8642 | 102.39 | 102.39 | 102.39 | S87°30'04" | 36.80 |
| C19 | 129.8642 | 102.39 | 102.39 | 102.39 | S87°30'04" | 36.80 |
| C20 | 129.8642 | 102.39 | 102.39 | 102.39 | S87°30'04" | 36.80 |
| C21 | 129.8642 | 102.39 | 102.39 | 102.39 | S87°30'04" | 36.80 |
| C22 | 129.8642 | 102.39 | 102.39 | 102.39 | S87°30'04" | 36.80 |
| C23 | 129.8642 | 102.39 | 102.39 | 102.39 | S87°30'04" | 36.80 |
| C24 | 129.8642 | 102.39 | 102.39 | 102.39 | S87°30'04" | 36.80 |
| C25 | 129.8642 | 102.39 | 102.39 | 102.39 | S87°30'04" | 36.80 |
| C26 | 129.8642 | 102.39 | 102.39 | 102.39 | S87°30'04" | 36.80 |
| C27 | 129.8642 | 102.39 | 102.39 | 102.39 | S87°30'04" | 36.80 |
| C28 | 129.8642 | 102.39 | 102.39 | 102.39 | S87°30'04" | 36.80 |
| C29 | 129.8642 | 102.39 | 102.39 | 102.39 | S87°30'04" | 36.80 |
| C30 | 129.8642 | 102.39 | 102.39 | 102.39 | S87°30'04" | 36.80 |
| C31 | 129.8642 | 102.39 | 102.39 | 102.39 | S87°30'04" | 36.80 |
| C32 | 129.8642 | 102.39 | 102.39 | 102.39 | S87°30'04" | 36.80 |
| C33 | 129.8642 | 102.39 | 102.39 | 102.39 | S87°30'04" | 36.80 |
| C34 | 129.8642 | 102.39 | 102.39 | 102.39 | S87°30'04" | 36.80 |
| C35 | 129.8642 | 102.39 | 102.39 | 102.39 | S87°30'04" | 36.80 |
| C36 | 129.8642 | 102.39 | 102.39 | 102.39 | S87°30'04" | 36.80 |
| C37 | 129.8642 | 102.39 | 102.39 | 102.39 | S87°30'04" | 36.80 |
| C38 | 129.8642 | 102.39 | 102.39 | 102.39 | S87°30'04" | 36.80 |
| C39 | 129.8642 | 102.39 | 102.39 | 102.39 | S87°30'04" | 36.80 |
| C40 | 129.8642 | 102.39 | 102.39 | 102.39 | S87°30'04" | 36.80 |
| C41 | 129.8642 | 102.39 | 102.39 | 102.39 | S87°30'04" | 36.80 |
| C42 | 129.8642 | 102.39 | 102.39 | 102.39 | S87°30'04" | 36.80 |
| C43 | 129.8642 | 102.39 | 102.39 | 102.39 | S87°30'04" | 36.80 |
| C44 | 129.8642 | 102.39 | 102.39 | 102.39 | S87°30'04" | 36.80 |
| C45 | 129.8642 | 102.39 | 102.39 | 102.39 | S87°30'04" | 36.80 |
| C46 | 129.8642 | 102.39 | 102.39 | 102.39 | S87°30'04" | 36.80 |
| C47 | 129.8642 | 102.39 | 102.39 | 102.39 | S87°30'04" | 36.80 |
| C48 | 129.8642 | 102.39 | 102.39 | 102.39 | S87°30'04" | 36.80 |
| C49 | 129.8642 | 102.39 | 102.39 | 102.39 | S87°30'04" | 36.80 |
| C50 | 129.8642 | 102.39 | 102.39 | 102.39 | S87°30'04" | 36.80 |

Photographs One, Two, Three, Four, Five and Six – Looking at site from north side of Southeastern Avenue from Pleasant Run Parkway moving northwest to southeast.













Photographs Seven, Eight, Nine, Ten, Eleven and Twelve – On the east side of Pleasant Run Parkway, moving south to north to intersection with Southeastern Avenue.



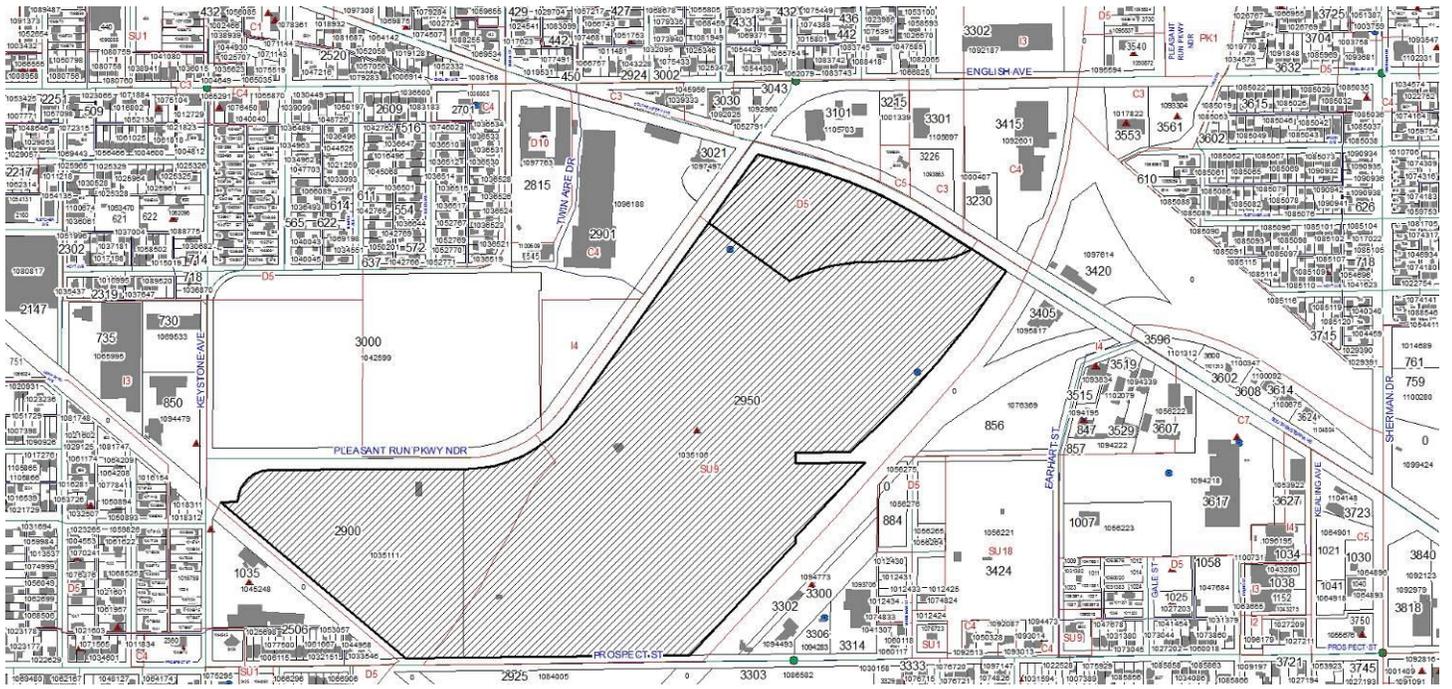




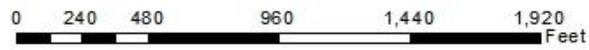
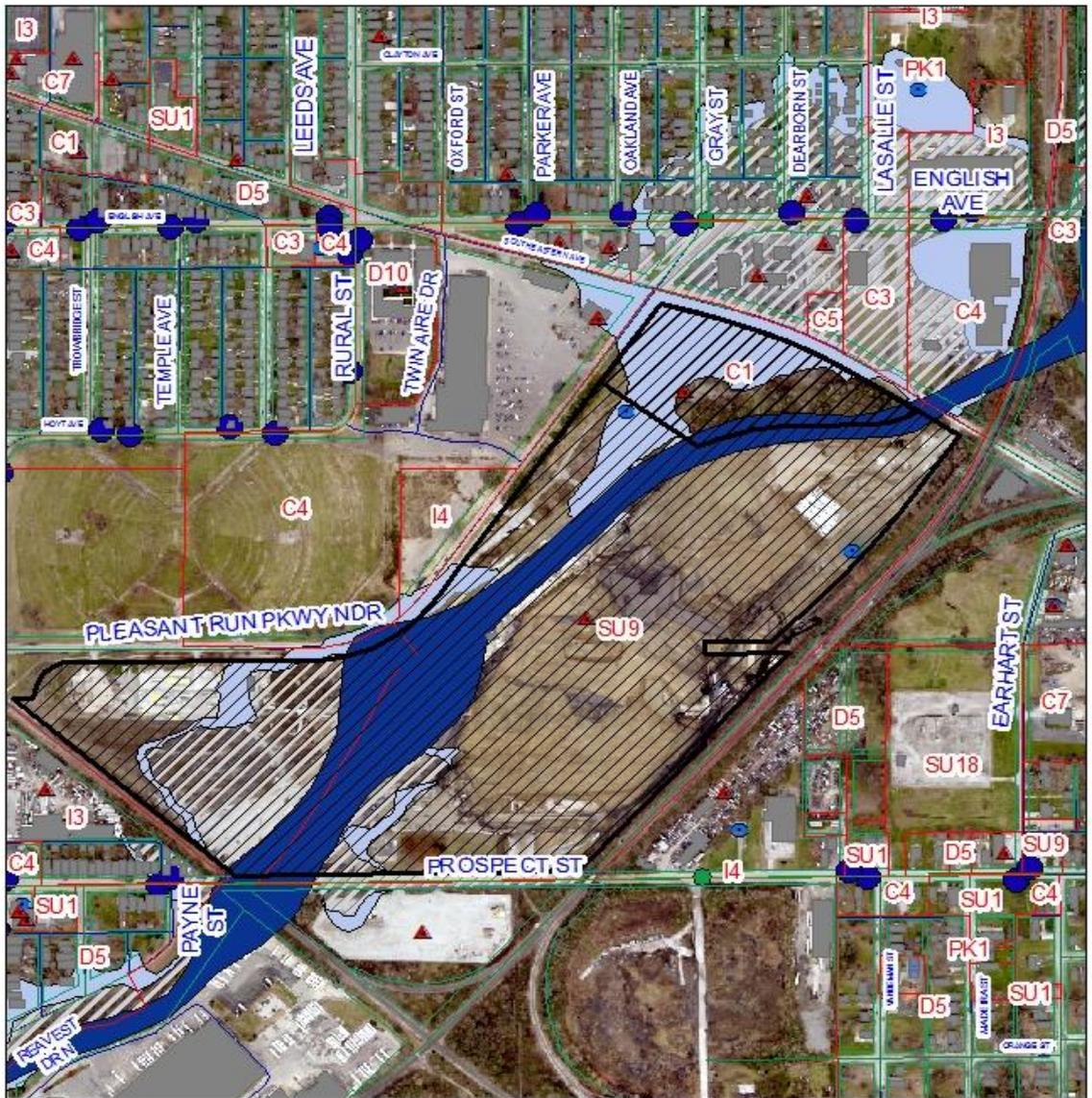








2019-CPL-828 / 2019-CVR-828



PART IV

REZONING PETITIONS RECOMMENDED FOR APPROVAL BY THE HEARING EXAMINER, NO APPEAL FILED:

- 2019-ZON-104 7503 ROCKVILLE ROAD (*APPROXIMATE ADDRESS*)
WAYNE TOWNSHIP, CD #15
RAHVY R. MURRAY INSURANCE AGENCY INC., by David Gilman
Rezoning of 0.185 acre from the D-5 district to the C-1 district.
- 2019-ZON-109 3157-3159 EAST WASHINGTON STREET (*APPROXIMATE ADDRESS*)
CENTER TOWNSHIP, CD #12
ANDRES GAMA
Rezoning of 0.12 acre from the I-3 district to the D-5 district.
- 2019-ZON-112 7102 LAKEVIEW PARKWAY WEST DRIVE (*APPROXIMATE ADDRESS*)
PIKE TOWNSHIP, CD #1
TURNING POINT ACADEMY OF DANCE, by Michael Rabinowitch and James
Carter
Rezoning of 7.91 acres from the C-S district to the C-S district to provide for a
dance studio in addition to the uses approved by 87-Z-247A.
- 2019-ZON-116 351 WEST 10TH STREET (*APPROXIMATE ADDRESS*)
CENTER TOWNSHIP, CD #11
INDIANA UNIVERSITY FOUNDATION, by Timothy E. Ochs
Rezoning of 3.5 acres from the CBD-S (RC) (W-5) district to the CBD-S (RC)
(W-5) classification to provide for above-ground liquid nitrogen storage tanks
associated with a high-density specimen storage facility for medical research, in
addition to the existing permitted uses.

PART V

**COMPANION PETITIONS RECOMMENDED FOR APPROVAL BY THE HEARING EXAMINER,
NO APPEAL FILED:**

- 2019-CZN-840 8150 ROCKVILLE ROAD (*APPROXIMATE ADDRESS*)
WAYNE TOWNSHIP, CD #15
GREGORY J. ILKO
Rezoning of 8.86 acres from the C-3 district to the C-4 district.
- 2019-CZN-846 7731 EAST EDGEWOOD AVENUE AND 6430 SOUTH FRANKLIN ROAD
(*APPROXIMATE ADDRESSES*)
FRANKLIN TOWNSHIP, CD #25
THESSALONICA INC., by David A. Retherford
Rezoning of 19.13 acres from the D-P and D-A districts to the D-3 district.