

**METROPOLITAN DEVELOPMENT COMMISSION  
HEARING EXAMINER**

**PUBLIC ASSEMBLY ROOM  
2nd FLOOR CITY-COUNTY BUILDING  
1:00 P.M.**

**STAFF REPORTS FOR JANUARY 9, 2020**

**These reports do not in any way commit the Hearing Examiner  
to approve or disapprove any petition filed before it.**

Any decision of the Hearing Examiner may be appealed to the full Metropolitan Development Commission, subject to deadlines prescribed by the Metropolitan Development Commission's Rules of Procedure. Please contact the Current Planning staff, 317-327-5155, within the first or second day after the hearing, to determine the appropriate appeal procedures.

<b><u>PETITION NO.</u></b>	<b><u>PETITION ADDRESS AND LOCATION</u></b>	<b><u>PAGE NO.</u></b>
<b>CONTINUED PETITIONS:</b>		
2019-MOD-012	4160 MOLLER ROAD PIKE TOWNSHIP, CD #10	3
2019-ZON-053** / 2019-VAR-004**	4375 KENTUCKY AVENUE DECATUR TOWNSHIP, CD #22	22
2019-ZON-107	1405 SOUTH POST ROAD WARREN TOWNSHIP, CD #18	34
2019-ZON-108**	7320 EAST HANNA AVENUE FRANKLIN TOWNSHIP, CD #18	50
2019-ZON-114	8018 AND 8104 WEST WASHINGTON STREET WAYNE TOWNSHIP, CD #22	51
2019-ZON-115	1001 HOSBROOK STREET CENTER TOWNSHIP, CD #16	65
2019-CZN-824 / 2019-CVR-824	2502, 2506, 2520, 2522 AND 2525 EAST 56TH STREET WASHINGTON TOWNSHIP, CD #9	81
2019-CZN-839** / 2019-CVR-839** (AMENDED)	960, 1002, 1004 AND 1006 BATES STREET CENTER TOWNSHIP, CD #16	98

(CONTINUED)

2019-CZN-841** / 2019-CVR-841**	2455 NORTH CENTRAL AVENUE CENTER TOWNSHIP, CD #11	110
2019-CZN-844 / 2019-CVR-844 (AMENDED)	1847, 1906 AND 1910 WEST WASHINGTON STREET CENTER TOWNSHIP, CD #16	123
2019-CZN-848** / 2019-CVR-848**	227 WEST 42ND STREET WASHINGTON TOWNSHIP, CD #7	137
2019-CZN-849 / 2019-CVR-849	1630 NORTH MERIDIAN STREET (FRONTS ILLINOIS STREET) AND 1752 NORTH MERIDIAN STREET (FRONTS ILLINOIS STREET) CENTER TOWNSHIP, CD #11	138
<b>NEW PETITIONS:</b>		
2019-MOD-013	6675 EAST 75TH STREET LAWRENCE TOWNSHIP, CD #3	157
2019-ZON-117*	11815 BROOKVILLE ROAD WARREN TOWNSHIP, CD #1	173
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2019-ZON-121*	6720 EAST RAYMOND STREET WARREN TOWNSHIP, CD #18	181
2019-ZON-122*	6400, 6449, 6455, 6500, 6559, 6565, 6600 AND 6833 KENTUCKY AVENUE; 6700, 7700, 7924, 7944, 8002, 8032 AND 8210 CAMBY ROAD - DECATUR TOWNSHIP, CD #22	188
2019-CZN-852* / 2019-CVR-852*	6201-6215 NORTH COLLEGE AVENUE WASHINGTON TOWNSHIP, CD #2	191
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2019-CAP-855 / 2019-CVR-855	1426 AND 1500 BROAD RIPPLE AVENUE WASHINGTON TOWNSHIP, CD #2	211

\* AUTOMATIC CONTINUANCE

\*\* CONTINUANCE REQUESTED

\*\*\* WITHDRAWAL

## STAFF REPORT

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

**Case Number:** 2019-MOD-012  
**Address:** 4160 Moller Road (*approximate address*)  
**Location:** Pike Township, Council District #10  
**Zoning:** SU-1  
**Petitioner:** Deeper Life Bible Church Inc., by Adebayo E. Fatoki  
**Request:** Modification of Commitments related to 2003-ZON-142 to modify Commitment Three to provide for a revised site plan (requires development to be in accordance with the site plan file-dated October 28, 2003).

The Hearing Examiner acknowledged the automatic continuance filed by a registered neighborhood organization continuing this petition from the December 12, 2019 hearing, to the January 9, 2020 hearing.

### **RECOMMENDATIONS**

Staff **recommends approval** of the modification, 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. An amended site plan shall be submitted for Administrator's Approval prior to the issuance of an Improvement Location Permit (ILP). The site plan shall relocate the access drive out of the transitional yard to the north and provide for sidewalks along Moller Road and Moller Way.
2. A landscape plan shall be submitted for Administrator's Approval within 30 days of approval and prior to any further site disturbance that indicates significant landscaping to compensate for the trees that were removed without appropriate review and approval. Such compensation shall include, but not be limited to the installation of trees with a minimum three-inch caliper.

### **SUMMARY OF ISSUES**

The following issues were considered in formulating the recommendation:

#### **LAND USE ISSUES**

- ◇ This 2.38-acre site, zoned SU-1, is developed with religious uses. It is surrounded by multi- and single-family dwellings to the north, zoned D-6 and D-2, respectively; a single-family dwelling to the south, zoned D-2; undeveloped land to the east, across Moller Road, zoned SU-1; and single-family dwellings to the west, zoned D-4.
- ◇ Petition 2003-ZON-142 rezoned the site to the SU-1 District to provide for religious uses.

(Continued)

## **STAFF REPORT 2019-MOD-012 (Continued)**

### **MODIFICATION**

- ◇ This request would modify commitments related to 2003-ZON-142 to modify Commitment Three to provide for a revised site plan (requires development to be in accordance with the site plan file-dated October 28, 2003). See Exhibits A and B.
- ◇ The site plan, file-dated November 7, 2019, depicts a more fully developed site for religious uses, including a proposed 5,544-square foot building and future expansion, 89 parking spaces and a detention pond. The site plan does not indicate that the drive and parking would be paved. The Ordinance does not permit the use of gravel for drives or parking.
- ◇ Religious uses are generally considered compatible with residential development if they are designed and developed properly to address issues such as parking, hours of operation, outdoor activities, signs, setbacks, and landscaping. Expansion of the religious use at this location would be compatible with the surrounding development. However, the encroachment of the access drive into the transitional yard along the northern property boundary is not acceptable. Staff, therefore, believes that an amended site plan be submitted for Administrator's Approval that removes the access drive from the transitional yard and provides for sidewalks along Moller Road and Moller Way.
- ◇ During the site visit, staff observed that the site had been cleared. Aerials indicate that a substantial number of trees were present, but only a few trees along the western and northern boundary remain, which could possibly be on abutting properties. Commitment Number Five provided that "A landscape and tree preservation plan shall be subject to Administrator's approval," but staff was unable to find an approved landscape and tree preservation plan. Consequently, staff is deeply concerned with the disregard of the commitments and lack of preservation of the trees. See Exhibit B.
- ◇ Staff requests that a landscape plan be submitted for Administrator's Approval within thirty days of approval that would provide for the installation of larger caliper trees to compensate for the trees that were removed in violation of the commitments, as referenced in staff's recommendation.
- ◇ Staff also observed that the existing sign appears to be in the right-of-way of Moller Road and should be removed or relocated. Sign Permit SGN04-00246 provided for a sign to be installed 15 feet from the right-of-way of Moller Road. See Exhibit C.
- ◇ Staff would note that the site plan does not provide for signage. Because of the zoning district the Ordinance requires that any proposed sign(s) would require the filing of an Administrator's Approval if not included with and part of the current petition.

(Continued)

**STAFF REPORT 2019-MOD-012 (Continued)**

**GENERAL INFORMATION**

EXISTING ZONING AND LAND USE

SU-1 Religious uses

SURROUNDING ZONING AND LAND USE

North -	D-2 / D-6	Multi- / single-family dwellings
South -	D-2	Single-family dwelling
East -	SU-1	Undeveloped land
West -	D-4	Single-family dwellings.

COMPREHENSIVE LAND USE PLAN

The Comprehensive Land Use Plan for Indianapolis and Marion County (2018) recommends suburban neighborhood.

THOROUGHFARE PLAN

This portion of Moller is designated in the Marion County Thoroughfare Plan as a primary collector, with an existing 100-foot right-of-way and proposed 90-foot right-of-way.

CONTEXT AREA

This site is located within the metro context area.

SITE PLAN

File-dated November 7, 2019.

**ZONING HISTORY**

**2003-ZON-142; 4160 Moller Road**, requested rezoning of 2.36 acres, being in the D-2 District, to the SU-1 classification to provide for a church, parsonage, and food pantry, **approved**.

**VICINITY**

**2013-ZON-022; 4201 Moller Road (north of site)**; requested rezoning of 4.64 acres, being in the D-P District, to the SU-1 classification to provide for religious uses, **approved**.

**2006-DV2-010; 4100 Moller Road (north of site)**; requested a variance of development standards of the Dwelling Districts Zoning Ordinance to provide for the construction of a pole barn, resulting in excess accessory building and use square footage, **granted**.

**2005-UV1-033A; 3902 Moller Road (south of site)**, requested a variance of use of the Dwelling Districts Zoning Ordinance to provide for a horse stable with boarding facility and riding lessons (not permitted); **granted**.

**2005-UV1-033B; 3902 Moller Road (south of site)**, requested a variance of development standards of the Dwelling Districts Zoning Ordinance to legally establish a pole barn located in front of the established front building line of the primary dwelling and to legally establish barbed-wire fencing, **granted**.

(Continued)

**STAFF REPORT 2019-MOD-012 (Continued)**

**2005-UV1-033C; 3902 Moller Road (south of site)**, requested variance of development standards of the Dwelling Districts Zoning Ordinance to provide for an addition to the existing barn located in front of the established front building line of the primary dwelling resulting in excess accessory building and use square footage, and to provide for the expansion of barbed-wire fencing, **denied**.

**98-Z-237 / 98-DP-32; 4201 Moller road (north of site)**, requested rezoning of 4.8 acres from the C-3 District to the D-P classification to provide for construction of a senior apartment community, **approved**.

**97-Z-237 / 97-DP-15; 4401 Moller Road (north of site)**, requested rezoning of 17.26 acres from C-S (FF)(FW) to the DP (FF)(FW) classification to provide for a 65-lot single-family residential development, **approved**.

**97-Z-119; 4401 Moller Road (north of site)**, requested rezoning of 17.26 acres, being in the D-6 District, to the C-S classification to provide for storage of vehicles in relation to an automobile auction, **approved**.

**95-V2-52; 5309 Pike Plaza Road (east of site)**, requested a variance of development standards of the sign Regulations to provide for the placement of a second freestanding sign within 130 feet of another freestanding sign, **granted**.

**94-AP3-3; 5401 Pike Plaza Road (east of site)**, requested a modification of commitments related to petition 93-V3-62, to provide for the placement of a ground sign 8'7" in height and 99 square feet in surface area, instead of a pole sign as previously approved, **granted**.

**93-V3-62; 5401 Pike Plaza (east of site)**, requested a variance of development standards of the Sign Regulations to permit a ground sign to be 8'7" in height; an integrated center sign oriented to a street which is not a primary or secondary arterial; and gasoline pricing information on the integrated center sign, **approved**.

**92-Z-142; 3950 Moller Road (south of site)**, requested rezoning of 0.906 acre, being in the C-2 District, to the C-4 classification to provide for access to the C-4 real estate to the east, **approved**.

**86-Z-138; 3909, 3915, 3921, and 3925 Moller Road (south of site)**, requested rezoning of 3.67 acres, being in the SU-4 District, to the C-2 classification to provide for commercial development, **approved**.

**78-Z-169; 3835-53 Moller Road (south of site)**, requested rezoning of 1.73 acres, being in the SU-2 and D-6II Districts, to the C-2 and C-3 classifications, **approved**.

**77-Z-69; 4201 Moller Road (north of site)**, requested rezoning of 25.25 acres, being in the SU-2 and D-6II Districts, to the D-6II classification to provide for multifamily residential development, **approved**.

(Continued)

**STAFF REPORT 2019-MOD-012 (Continued)**

**77-Z-70; 4101 Moller Road (east of site)**, requested rezoning of 9.92 acres, being in the SU-2 and D-6II Districts, to the C-2 classification, **approved**.

**74-Z-198; various addresses on Moller Road**, requested rezoning of various properties, being in the A-2 and C-4 Districts, to the D-1, D-2, D-3, and D-4 classifications, **approved**.

**70-Z-182; 3802 Moller Road (south of site)**, requested rezoning of 57.88 acres, being in the

kb

\*\*\*\*\*



4160 Moller Road

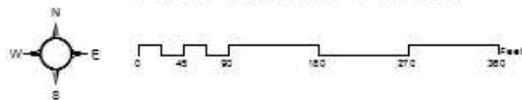






EXHIBIT B

RECEIVED FOR RECORD

2004 FEB 25 AM 9:42

WANDA MARTIN  
MARION COUNTY RECORDER

AMENDED COMMITMENTS

STATEMENT OF COMMITMENTS

2004-0045964  
2003-204-142

NOTE: The Rules of Procedure of the Metropolitan Development Commission require use of this form in recording commitments made with respect to zoning cases in accordance with I.C. 36-7-4-614 and approval cases in accordance with I.C. 36-7-4-613. Resolution #85-R-69, 1985 and the Rules of Procedure of the Metropolitan Development Commission requires the owner to make Commitment #1.

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

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

Legal Description: (insert here or attach)

See attached legal description

FILED  
OCT 28 2003  
DEPT METRO DEVELOPMENT  
BY \_\_\_\_\_

Statement of COMMITMENTS:

1. The owner agrees to abide by the Open Occupancy and Equal Employment Opportunity Commitments required by Metropolitan Development Commission Resolution No. 85-R-69, 1985, which commitments are attached hereto and incorporated herein by reference as Attachment "A".
2. The subject real estate can only be used for a church and related accessory uses.
3. The subject real estate shall be developed in accordance with the approved site plan on file with the Department of Metropolitan Development dated October 28, 2003.
4. The entrance sign shall be subject to Administrator's approval.
5. A landscape and tree preservation plan shall be subject to the Administrator's approval.

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

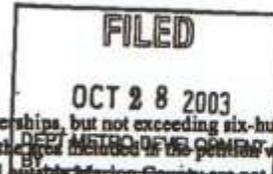
COMMITMENTS contained in this instrument shall be effective upon:

- (a) the adoption of rezoning petition # 2003-20W-142 by the City-County Council changing the zoning classification of the real estate from a D2 zoning classification to a SU-1 zoning classification; or
- (b) the adoption of approval petition # 2003-20W-142 by the Metropolitan Development Commission;

and shall continue in effect for as long as the above-described parcel of real estate remains zoned to the SU-1 zoning classification or until such other time as may be specified herein.

These COMMITMENTS may be enforced jointly or severally by:

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



The undersigned hereby authorizes the Division of Planning of the Department of Metropolitan Development to record this Commitment in the office of the Recorder of Marion County, Indiana, upon final approval of petition # 2003-20W-142

IN WITNESS WHEREOF, owner has executed this instrument this 10 day of February, 2004.

Signature: Harold E. Grose  
Printed: Harold E. Grose

Signature: Jonette M. Grose  
Printed: Jonette M. Grose

STATE OF INDIANA )  
                                  ) SS:  
COUNTY OF MARION )

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

Witness my hand and Notarial Seal this  
10 day of February, 20 04  
David Gilman  
Notary Public  
DAVID GILMAN  
Printed Name of Notary Public  
My Commission expires: 7-29-09  
My County of residence: NEWRICKS

FILED  
OCT 28 2003  
DEPT METRO DEVELOPMENT  
BY \_\_\_\_\_

This instrument was prepared by Department of Metropolitan Development

ATTACHMENT "A"

OPEN OCCUPANCY AND EQUAL EMPLOYMENT OPPORTUNITY COMMITMENT

- (a.) The owner commits that he shall not discriminate against any person on the basis of race, color, religion, ancestry, national origin, handicap or sex in the sale, rental, lease or sublease, including negotiations for the sale, rental, lease or sublease, of the real estate or any portion thereof, including, but not limited to:
- (1) any building, structure, apartment, single room or suite of rooms or other portion of a building, occupied as or designed or intended for occupancy as living quarters by one or more families or a single individual;
  - (2) any building, structure or portion thereof, or any improved or unimproved land utilized or designed or intended for utilization, for business, commercial, industrial or agricultural purposes;
  - (3) any vacant or unimproved land offered for sale or lease for any purpose whatsoever.
- (b.) The owner commits that in the development, sale, rental or other disposition of the real estate or any portion thereof, neither he nor any person engaged by him to develop, sell, rent or otherwise dispose of the real estate, or portion thereof shall discriminate against any employee or applicant for employment, employed or to be employed in the development, sale, rental or other disposition of the real estate, or portion thereof with respect to hire, tenure, conditions or privileges of employment because of race, color, religion, ancestry, national origin, handicap or sex.

EXEMPT PERSONS AND EXEMPT ACTIVITIES

An exempt person shall mean the following:

1. With respect to commitments (a) and (b) above:
  - (a) any not-for-profit corporation or association organized exclusively for fraternal or religious purposes;
  - (b) any school, educational, charitable or religious institution owned or conducted by, or affiliated with, a church or religious institution;
  - (c) any exclusively social club, corporation or association that is not organized for profit and is not in fact open to the general public;

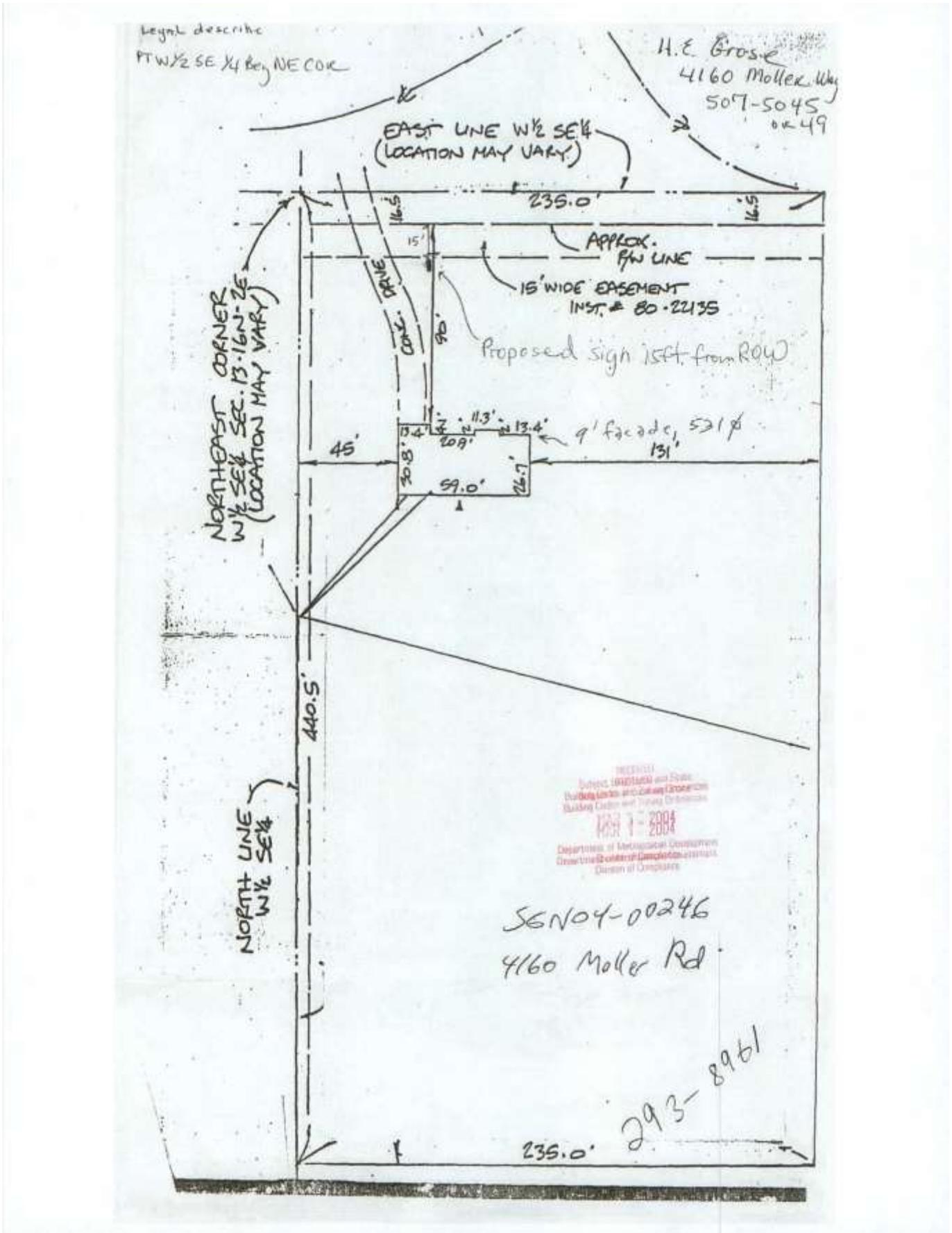
provided that no such entity shall be exempt with respect to a housing facility owned and operated by it if such a housing facility is open to the general public;

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

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



EXHIBIT C



RECEIVED  
Submit to all Local and State  
Building Codes and Zoning Ordinances

MAR 10 2004

Department of Metropolitan Development  
Division of Compliance

55N04-00246  
4160 Moller Rd

317-638-1939 FAX: 317-630-0009  
3006 E. MICHIGAN STREET  
INDIANAPOLIS, INDIANA 46201

**WALSH SIGN COMPANY**  
SINCE 1926

DESIGN • INSTALLATION • SERVICE  
METAL & PLASTIC LETTERS • GRAPHICS • TRUCK LETTERING • VINYL  
SANDBLASTED SIGNS • BILLBOARDS • POLE SIGNS • CHANNEL LETTERS

3'x4' double faced sign on 4'x4' posts installed  
\$300.00 (installed price).  
Red background with white lettering.

Questions call Mike @ 317-647-4080

Sign reads as follows:

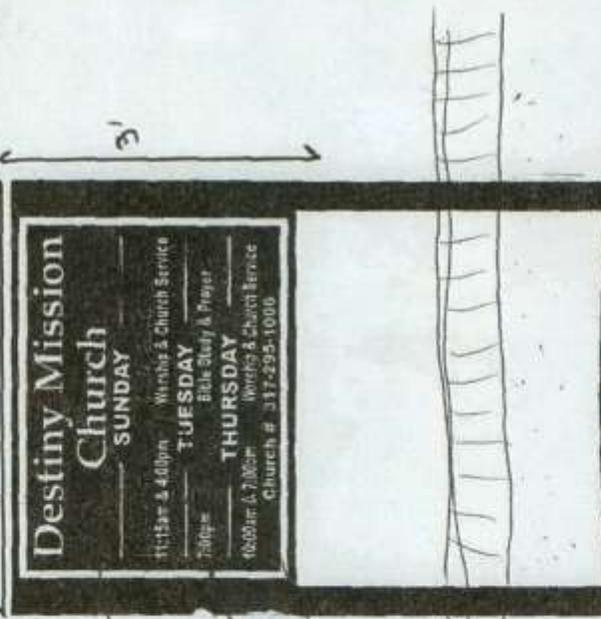
# Destiny Mission Church

<b>SUNDAY</b>	10:00am	11:15am & 4:00pm	7:00pm	10:00am & 7:00pm
	Sunday School	Worship & Church Service	Bible Study & Prayer	Worship & Church Service
<b>TUESDAY</b>				
<b>THURSDAY</b>				

Church # 317-295-1006

I accept this spec for drawing as correct and make it my choice for production by Walsh Bros. Sign Co. according to the terms of their proposal and/or contract. I fully understand that any change made after the acceptance constitutes a voluntary alteration of the terms in the original proposal and/or contract which may increase costs and extend production time beyond expected date.

**CLIENT APPROVAL**



CLIENT: Destiny Mission Church  
 ADDRESS: 4160 Moller Road  
 PHRAX: \_\_\_\_\_  
 SALES REP: Mike

DATE: 02-25-04  
 SCALE: \_\_\_\_\_  
 DRAWING # 02N04-1  
 DESIGNED BY: JPW

THIS DRAWING IS THE PROPERTY OF WALSH BROS. SIGN CO. AND IS NOT TO BE COPIED OR DUPLICATED IN ANY WAY WITHOUT WRITTEN PERMISSION FROM WALSH BROS. SIGN CO.



View of site looking south along Moller Road



View looking north along Moller Road



View of site looking northwest across Moller Road



View of site looking west across Moller Road



View from site looking northeast across Moller Road



View from site looking east towards Moller Road



View from site looking south



View from site looking northeast



View from site looking north

## STAFF REPORT

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

**Case Number:** 2019-ZON-053 / 2019-VAR-004  
**Address:** 4375 Kentucky Avenue (approximate addresses)  
**Location:** Decatur Township, Council District #22  
**Petitioner:** Five Star Oil Inc., by David Kingen and Justin Kingen  
**Request:** Rezoning of 0.82 acre from the C-S district to the C-S district to provide for a convenience store and gasoline station and C-3 uses.

**Variance of development standards of the Consolidated Zoning and Subdivision Ordinance to legally establish a zero-foot southwest side yard setback, an eleven-foot northeast transitional yard, a zero-foot southeast rear yard and a five-foot front yard (10-foot side and rear yard, 15-foot transitional side yard and 10-foot front setback required).**

#### **ADDENDUM FOR JANUARY 9, 2020**

The legal description filed with the variance request is the same legal description filed with the rezoning request. Consequently, development on the abutting property relating to the gasoline station that includes a fence, a dumpster and paving has encroached approximately 24 feet into the adjoining property. Staff has notified the property owner of this encroachment, but neither the owner or the petitioner's representative have provided a resolution to the situation.

Until this issue is resolved, this petition should not go forward because the variance requests may change, depending upon the outcome of any negotiations.

#### **ADDENDUM FOR DECEMBER 12, 2019, HEARING EXAMINER**

The Hearing Examiner continued the rezoning petition from the November 14, 2019 hearing, to the January 9, 2020 hearing, at the request of the petitioner's representative. Prior to the continuance request, the petitioner's presentative filed a variance of development standards on November 13, 2019, and sent out notice for the December 12, 2019 hearing. Therefore, both of these petitions should be **continued from the December 12, 2019 hearing, to the January 9, 2020 hearing.**

#### **November 14, 2019**

The Hearing Examiner acknowledged the automatic continuance filed by a registered neighborhood organization continuing this matter from the June 27, 2019 hearing, to the July 25, 2019 hearing, and granted a continuance from the July 25, 2019 hearing, to the August 15, 2019 hearing, at the joint request of the registered neighborhood organization and the petitioner's representative.

(Continued)

## **STAFF REPORT 2019-ZON-053 / 2019-VAR-004 (Continued)**

The Hearing Examiner continued this petition from the August 15, 2019 hearing, to the September 12, 2019 hearing and to the November 14, 2019 hearing, at staff's request to provide time for the petitioner's representative to reconcile the conflict between development of the site encroaching approximately 25 feet into the abutting property to the southeast and the legal description.

Because the issues related to the legal description and encroachment have not been resolved, this petition cannot go forward. Despite five continuances, no information has been filed that addresses or clarifies the situation and the need to continue this matter again.

### **RECOMMENDATIONS**

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

A landscape plan shall be submitted for Administrator's Approval within 30 days of final approval of the rezoning. Landscaping shall be installed by October 1, 2020, and maintained thereafter.

### **SUMMARY OF ISSUES**

The following issues were considered in formulating the recommendation:

#### **LAND USE**

- ◇ This 0.82-acre site, zoned C-S, is developed with a fueling station and convenience store. It is surrounded by industrial uses to the north, across Kentucky Avenue, zoned C-S; single-family dwellings to the south, zoned D-3; single-family dwellings to the east, zoned D-A; and a hotel (under construction) to the southwest, zoned C-S.
- ◇ Petition 2002-ZON-178 rezoned the site to the C-S District to provide for a gas station, convenience store, hotel and restaurant. The hotel is currently under construction, subsequent to the approval of the rezoning, site plan and commitment modification and variance petitions, 2018-CZN-850 / 2018-CVR-850. The 2018 petition also provided for retail uses on the other parcels within the C-S District.

(Continued)

## **STAFF REPORT 2019-ZON-053 / 2019-VAR-004 (Continued)**

### **REZONING**

- ◇ The request would rezone the site from the C-S District to the C-S classification to provide for a convenience store and gasoline station and C-3 uses. “The C-S District is designed to permit, within a single zoning district, multi-use commercial complexes or land use combinations of commercial and noncommercial uses, or single-use commercial projects. The primary objective of this district is to encourage development which achieves a high degree of excellence in planning, design or function, and can be intermixed, grouped or otherwise uniquely located with maximum cohesiveness and compatibility. The district provides flexibility and procedural economy by permitting the broadest range of land use choices within a single district, while maintaining adequate land use controls. The C-S District can include high-rise or low-rise developments, can be applied to large or small land areas appropriately located throughout the metropolitan area, and can be useful in areas of urban renewal or redevelopment.”
- ◇ The Comprehensive Plan recommends suburban neighborhood. “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.”
- ◇ This site is also located in the Residential Corridor Reserve overlay. “The Residential Corridor Reserve (RR) overlay is intended for areas where the residential nature of a corridor is at risk due to encroachment from other land uses. An example might be residential areas that are being overtaken by school, hospital, or corporate campuses.”
- ◇ As proposed, this request would maintain the existing development footprint and expand commercial uses to include C-3 uses within the existing building. The C-3 District provides for retail sales and personal, professional and business services required to meet the demands of a fully developed residential neighborhood. A number of the C-3 uses are also subject to use-specific standards, some of which would be eliminated due to the proximity of the protected district to the south and east.
- ◇ Because the existing building would not be expanded and the proximity of the I-465 ramp, staff believes neighborhood commercial uses would be appropriate on this site. Staff would, however, caution against further encroachment or expansion of commercial uses on this site due to the residential corridor reserve overlay recommendation and the need to protect the existing residential uses.
- ◇ During the site visit, staff observed that the site is devoid of landscaping, except for one tree and one shrub. The trees depicted on the site plan are, in fact, located on the abutting residential lots. Consequently, staff is requesting a commitment requiring submittal of a landscape plan for Administrator’s Approval and installation of the landscaping by October 2020.

(Continued)

**STAFF REPORT 2019-ZON-053 / 2019-VAR-004 (Continued)**

**C-S Statement**

- ◇ The C-S Statement, file-dated May 23, 2019, primarily describes existing conditions, buildings and uses, with only the addition of the C-3 uses.
- ◇ The C-S Statement makes reference to Attachment “E” that identifies prohibited uses, but this attachment has not been filed. Consequently, staff cannot provide comments.

**GENERAL INFORMATION**

**EXISTING ZONING AND LAND USE**

C-S Fueling station / convenience store

**SURROUNDING ZONING AND LAND USE**

North -	C-S	Industrial uses
South -	D-3	Single-family dwellings
East -	D-A	Single-family dwellings
West -	C-S	Commercial uses

COMPREHENSIVE PLAN	The Comprehensive Land Use Plan for Indianapolis and Marion County (2018) recommends suburban neighborhood.
THOROUGHFARE PLAN	This portion of Kentucky Avenue is designated in the Marion County Thoroughfare Plan as a primary arterial, with an existing 165-foot right-of-way and a proposed 112-foot right-of-way
CONTEXT AREA	This site is located within the metro context area.
OVERLAY	This site is located within a residential corridor reserve overlay.
SITE PLAN	File-dated May 28, 2019
C-S STATEMENT	File-dated May 23, 2019

**ZONING HISTORY**

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

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

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

(Continued)

**STAFF REPORT 2019-ZON-053 / 2019-VAR-004 (Continued)**

**VICINITY**

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

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

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

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

kb

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## EXHIBIT A

### ATTACHMENT "C"

#### Development Plan and Site Plan to allow:

##### Uses:

1. Convenience store/ gas station
2. All C-3 Uses except those identified in Attachment "E"

##### Buildings:

One (1) existing Four thousand and three hundred and fifty (4,350 square foot building with detach canopy with four gasoline pumps, per site plan on file.

##### Parking:

Twenty five on site parking spaces with two additional handicap parking spaces and eight spaces for service at the pumps.

##### Signs:

One (1) free standing pole sign, and three (3) wall signs on the building.

##### Screening and buffering:

Maintain six (6) foot privacy fence and existing landscaping on the northeast and southeast sides of the site, as depicted on the site plan on file.

##### Exterior finish:

Predominantly brick and metal panels

##### Security:

Monitored by security cameras

##### Lighting:

Retention of parking lot lighting and ornamental lighting and box lighting affixed to the building.

##### Trash Collection:

All dumpsters shall be behind the front building line of the existing building, completely enclosed per city code.

4/25/19

Metropolitan Development

MAY 23 2019

Division of Planning

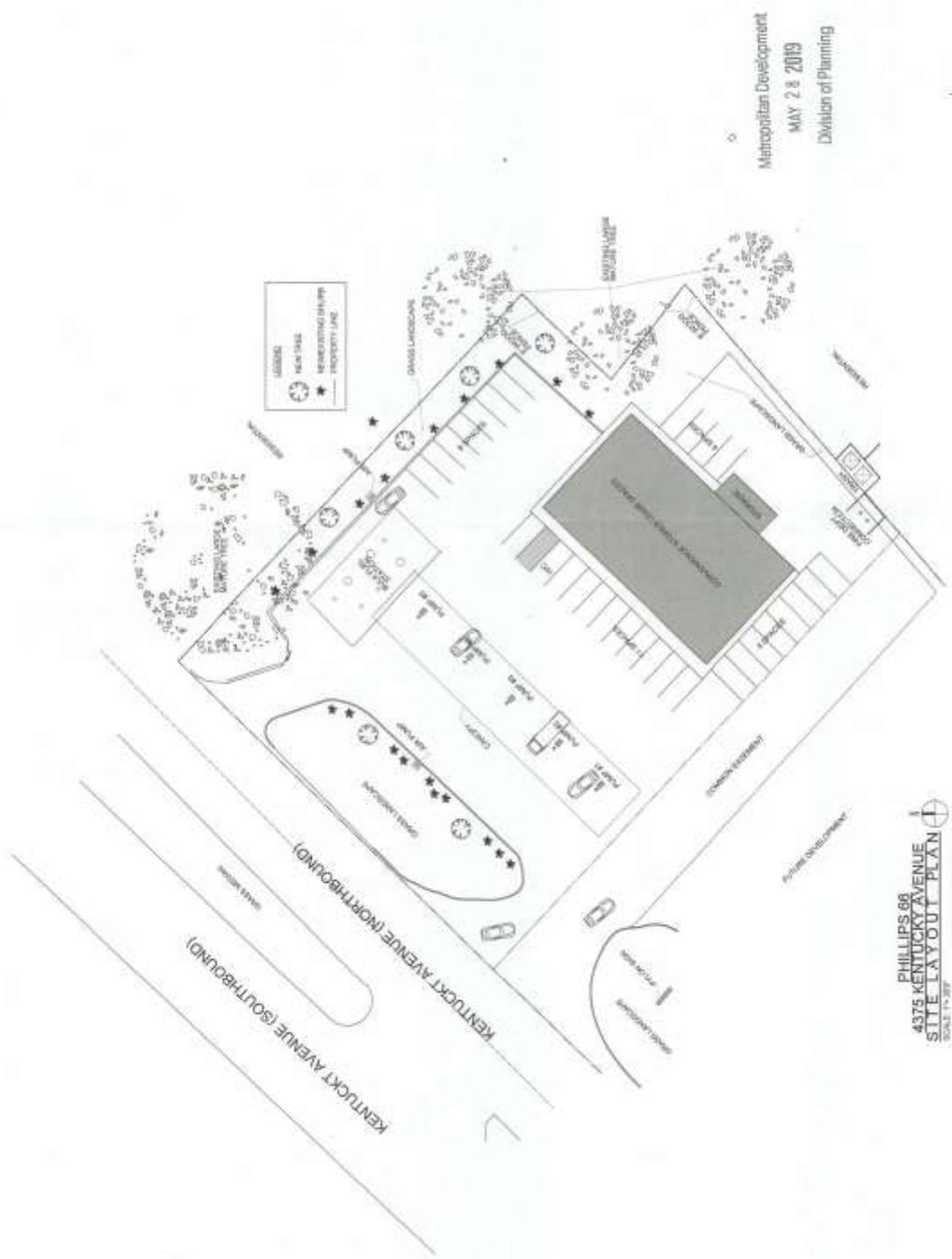


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PHILLIPS 66  
 4375 KENTUCKY AVENUE  
 SQUANNOCK, IN 46781

PROJECT NUMBER: 2019-201-053  
 DATE: MAY 13, 2019  
**C.1**  
 SITE LAYOUT PLAN



Metropolitan Development  
 MAY 28 2019  
 Division of Planning

2019-201-053

PHILLIPS 66  
 4375 KENTUCKY AVENUE  
 SITE LAYOUT PLAN  
 SCALE: 1/8\"/>





View looking south along Kentucky Avenue



View from rear of site looking west towards Kentucky Avenue



View from rear of site looking northwest at abutting residential uses



View from rear of site looking south



View of site looking east towards the residential uses



View from site looking south along Kentucky Avenue frontage

## STAFF REPORT

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

**Case Number:** 2019-ZON-107  
**Address:** 1405 South Post Road (*Approximate Address*)  
**Location:** Warren Township, Council District #18  
**Petitioner:** H7, LLC, by Timothy E. Ochs  
**Request:** Rezoning of 30.30 acres from the SU-16 (FF) district to the I-3 (FF) district.

The Hearing Examiner acknowledged the automatic continuance filed by the petitioner's representative continuing this petition from the November 21, 2019 hearing, to the December 26, 2019.

The Hearing Examiner continued this petition from the December 26, 2019 hearing, to the January 9, 2020 hearing, to provide additional time to investigate the need for a variance related to lot frontage. Staff has determined that the site would be considered an integrated center and the frontage along South Post Road would comply with the Ordinance

### **RECOMMENDATIONS**

Staff **recommends denial** of this request.

### **SUMMARY OF ISSUES**

The following issues were considered in formulating the recommendation:

### **LAND USE**

- ◇ This 30.30-acre site, zoned SU-16 (indoor and outdoor recreation and entertainment), is comprised of two parcels. It is undeveloped and surrounded by park to the north, zoned PK-1; industrial uses, undeveloped land and railroad right-of-way to the south, zoned I-3 and D-A, respectively; agricultural uses to the east, zoned D-A; and undeveloped land and industrial uses to the west, zoned I-3 and SU-34 (club rooms, fraternal rooms - fraternity and lodge, and ballroom-public).
- ◇ Petition 2018-ZON-095 requested rezoning of the site from the SU16-(FF) district to the I-3 (FF) classification. The petition was denied on November 19, 2018.

(Continued)

## **STAFF REPORT 2019-ZON-107 (Continued)**

- ◇ Petition 83-Z-60 rezoned the site from the I-3-S District to the SU-16 classification to provide for the development of a softball park and complex. Petition 2005-ZON-071 expanded the use of the site for a sports complex. Petitions 2007-APP-846 / 2007-ZON-846 requested modification of commitments related to 83-Z-60 to expand uses and a rezoning to provide for a family sports recreation and entertainment facility, but was withdrawn, pending a decision of 2005-ZON-071. Petition 2008-APP-009 requested modification of the commitments related to 83-Z-60 and 2005-ZON-071, but was withdrawn.
- ◇ Petition 2019-ZON-106 has been filed concurrently with this petition. It is requesting rezoning to the C-1 district on the adjoining land to the west. See Exhibit A. Staff, however, understands that this petition will be withdrawn.

## **REZONING**

- ◇ This request would rezone the site from the SU-16 (FF) District to the I-3 (FF) classification (medium industrial). “The I-3 district is an intermediate district for industries that present moderate risks to the general public. Wherever practical, this district should be away from protected districts and buffered by intervening lighter industrial districts. Where this district abuts protected districts, setbacks are large and enclosure of activities and storage is required.”
- ◇ The Comprehensive Plan recommends an approximately 100-foot wide large-scale park along the northern boundary. Large-scale park is generally over 10 acres in size, and a non-typology land use.
- ◇ The Comprehensive Plan recommends suburban neighborhood for most of the site. “The Suburban Neighborhood typology is predominantly made up of single-family housing, but is interspersed with attached and multi-family 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 and 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 one to five 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 recommends a broad variety of land uses including housing, commercial, schools, religious uses, small-scale parks and community farms / gardens for the suburban neighborhood typology.
- ◇ The approximately 7.6-acre parcel (Parcel Number 7035877) on the eastern edge of the site is recommended for rural or estate neighborhood. “The Rural or Estate Neighborhood typology applies to both rural or agricultural areas and historic, urban areas with estate-style homes on large lots. In both forms, this typology prioritizes the exceptional natural features – such as rolling hills, high quality woodlands, and wetlands – that make these areas unique. Development in this typology should work with the existing topography as much as possible. Typically, this typology has a residential density of less than one dwelling unit per acre unless housing is clustered to preserve open space.”

(Continued)

## **STAFF REPORT 2019-ZON-107 (Continued)**

- ◇ The Pattern Book recommends detached housing, working farms, group homes, bed and breakfast and wind / solar farms for the rural or estate neighborhood.
- ◇ This site has two environmentally sensitive overlays, specifically the 100-year floodway fringe of Sum Brook and a tributary of Sum Brook and Forest Alliance woodlands (high quality). “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 of 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.”
- ◇ Overlay modifications for the recommended land uses in the rural or estate neighborhood and the suburban neighborhood stress the importance of minimizing impact on the natural environment, including trees, wetlands, and exceptional topography, while preserving the tree canopy or naturalized areas.
- ◇ The previous Comprehensive Plan recommended residential development and the recent update of the Comprehensive Plan carries that same recommendation, clearly eliminating any industrial land use.
- ◇ It is staff’s opinion that the introduction of heavy industrial use on land recommended for park and residential development would set a precedent and encourage similar intrusions, allow expansion and encroachment of industrial uses in this area and disrupt the implementation of the Plan. If approved, the industrial use would eliminate any potential for viable residential development.
- ◇ Staff believes the I-3 District is wholly inappropriate for the site and contrary to the Comprehensive Plan. Once approved, uses such as processing / packaging of food and beverages; auctioneering / liquidating services; dry cleaning plant or industrial laundry; commercial / building contractors; heavy equipment sales, service or repair; artisan manufacturing; light / medium manufacturing; local power generating facility; substations / utility distribution nodes; automobile / vehicles storage or auction; fleet terminals; and waste or recycling transfer facility.
- ◇ These uses are not the entire list of permitted uses in the I-3 District, but is an indication of how the site could be developed and the impact on surrounding and future land uses.
- ◇ Staff would note that the Comprehensive Plan recommends park and residential uses to the north, east and south of the site, with light industrial and heavy commercial uses to the west. South Post Road serves as the boundary separating heavy commercial and industrial uses from recommended residential uses.

(Continued)

## **STAFF REPORT 2019-ZON-107 (Continued)**

### **Department of Public Works (DPW)**

- ◇ The DPW indicated that a Traffic Impact Study (TIS) may be required once the square footage of buildings are identified. Square footages would be used to determine the number of trips. If 100 more trips in the peak hours are generated a TIS would be required.

- ◇ If approved, staff would recommend the following commitment:

If the square footage of any building or combination thereof would generate 100 or more trips in the peak hours, a Traffic Impact Study shall be required. If deemed acceptable by the DPW, all traffic and road infrastructure improvements recommended by the TIS shall be approved by the DPW and constructed by the owner / developer when requested by the DPW.

- ◇ The Department of Public Works, Traffic Engineering Section, has requested the dedication and conveyance of a 51-foot half right-of-way along South Post Road.

- ◇ If approved, staff would recommend that 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 51-foot half right-of-way shall be dedicated along the frontage of South Post 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.

### **Tree Preservation**

- ◇ There are significant amounts of natural vegetation and trees located on the eastern portion of the subject site. Due to their inherent ecological, aesthetic, and buffering qualities, the maximum number of these existing trees should be preserved on the site or replaced at the required Ordinance ratio. As part of the Improvement Location Permit process, if any Heritage Trees would be proposed for removal, a tree assessment by a certified arborist would be required to be submitted for Administrator's Approval to determine the species, condition and risk assessment of all trees over 18 inches in diameter that would be impacted by development. 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. See Exhibit B.

(Continued)

## **STAFF REPORT 2019-ZON-107 (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 B, Table 744-503-3: Replacement Trees).
- ◇ If approved, staff would recommend the following commitment:

A tree assessment and preservation plan by a certified arborist shall be filed for Administrator’s Approval prior to any site preparation or disturbance of the site. Such assessment shall determine the species of trees, their condition and a risk assessment of all trees over 18 inches in diameter that would be impacted by development. In accordance with the Ordinance, if any of the trees are heritage trees that would be impacted, they would be preserved or removed and replaced.

### **Stream Protection Corridor**

- ◇ A stream protection corridor consists of a strip of land, extending along both sides of all streams. 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.
- ◇ Sum Brook and its tributary is designated as a Category Two stream requiring a 50-foot wide stream protection corridor and bisects the site beginning at the northwest corner and continuing to the eastern boundary.

### **Floodway Fringe**

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

(Continued)

**STAFF REPORT 2019-ZON-107 (Continued)**

- ◇ The designation of the FF District is to guide development in areas subject to potential flood damage, but outside the Floodway (FW) District. All uses permitted in the primary zoning district (I-3 in this request) are permitted, subject to certain development standards of the Flood Control Districts Zoning Ordinance.

**Indiana Fire Code**

- ◇ This site would also be subject to, but not limited 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:

1. For Group R-3 and Group U occupancies, the distance requirement shall be 600 feet (183m)
2. 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).

**GENERAL INFORMATION**

**EXISTING ZONING AND LAND USE**

SU-16                      Undeveloped

**SURROUNDING ZONING AND LAND USE**

North -	PK-1	Park
South -	I-3 / D-A	Industrial uses / undeveloped land
East -	D-A / SU-16	Undeveloped
West -	SU-16/ I-3	Undeveloped / industrial uses

**COMPREHENSIVE PLAN**

The Comprehensive Land Use Plan for Indianapolis and Marion County (2018) recommends suburban neighborhood, large-scale park and rural and estate neighborhood.

**THOROUGHFARE PLAN**

This portion of South Post Road is designated in the Marion County Thoroughfare Plan as a primary arterial, with an existing 50-foot right-of-way and a proposed 119-foot right-of-way.

(Continued)

## **STAFF REPORT 2019-ZON-107 (Continued)**

CONTEXT AREA	This site is located within the metro context area.
OVERLAY	This site is located within two environmentally sensitive overlays.
SITE PLAN (CONCEPTUAL)	File-dated November 12, 2019

### **ZONING HISTORY**

**2019-ZON-106; 1405 South Post Road**, requested rezoning of 15.45 acre from, the SU-16 district to the C-1 classification, **pending**.

**2018-ZON-095; 1405 South Post Road**, requested rezoning of 62.452 acres, from the SU-16 (FF) district to the I-3 (FF) classification, **denied**.

**2008-APP-009; 1405 South Post Road**, requested modification of commitments pertaining to outdoor event center, **withdrawn**.

**2007-APP-846 / 2007-ZON-846; 1405 South Post Road**, requested modification of commitments related to 83-Z-60 to expand uses and a rezoning of 30.52 acres from the SU-16 and I-3-S Districts to the SU-16 classification to provide for a family sports recreation and entertainment facility, **withdrawn**.

**2005-ZON-071; 1405 South Post Road**, requested rezoning of 31 acres from I-3-S (FF) to SU-16 (FF) to provide for a sports complex, **approved**.

**83-Z-60; 1405 South Post Road**, requested rezoning of 30 acres from I-3-S to SU-16 to provide for the development of a softball park and complex, **approved**.

### **VICINITY**

**2008-ZON-847 / 2008-VAR-847; 1509 South Post Road (south of site)**, requested rezoning of ten acres, from the D-A and I-3-S Districts, to the I-3-S classification to provide for medium industrial uses and a variance of Development Standards of the Industrial Zoning Ordinance to legally establish a lot with 60.90 feet of frontage on a public street, approved and granted.

**98-Z-50; 9039 Brookville Road (south of site)**, requested rezoning of 1.3 acres from D-A and C-4 to C-4, **approved**.

**96-Z-211; 1529 South Post Road (south of site)**, requested rezoning of 40.81 acres from SU-34 to PK-1 to provide for development of a public park, **approved**.

**94-V1-96; 1529 South Post Road (south of site)**, requested variance of use of the Industrial Zoning Ordinance to permit the construction of a 2,134 square foot single-family residence with 40 feet of street frontage along Post Road, **approved**.

(Continued)

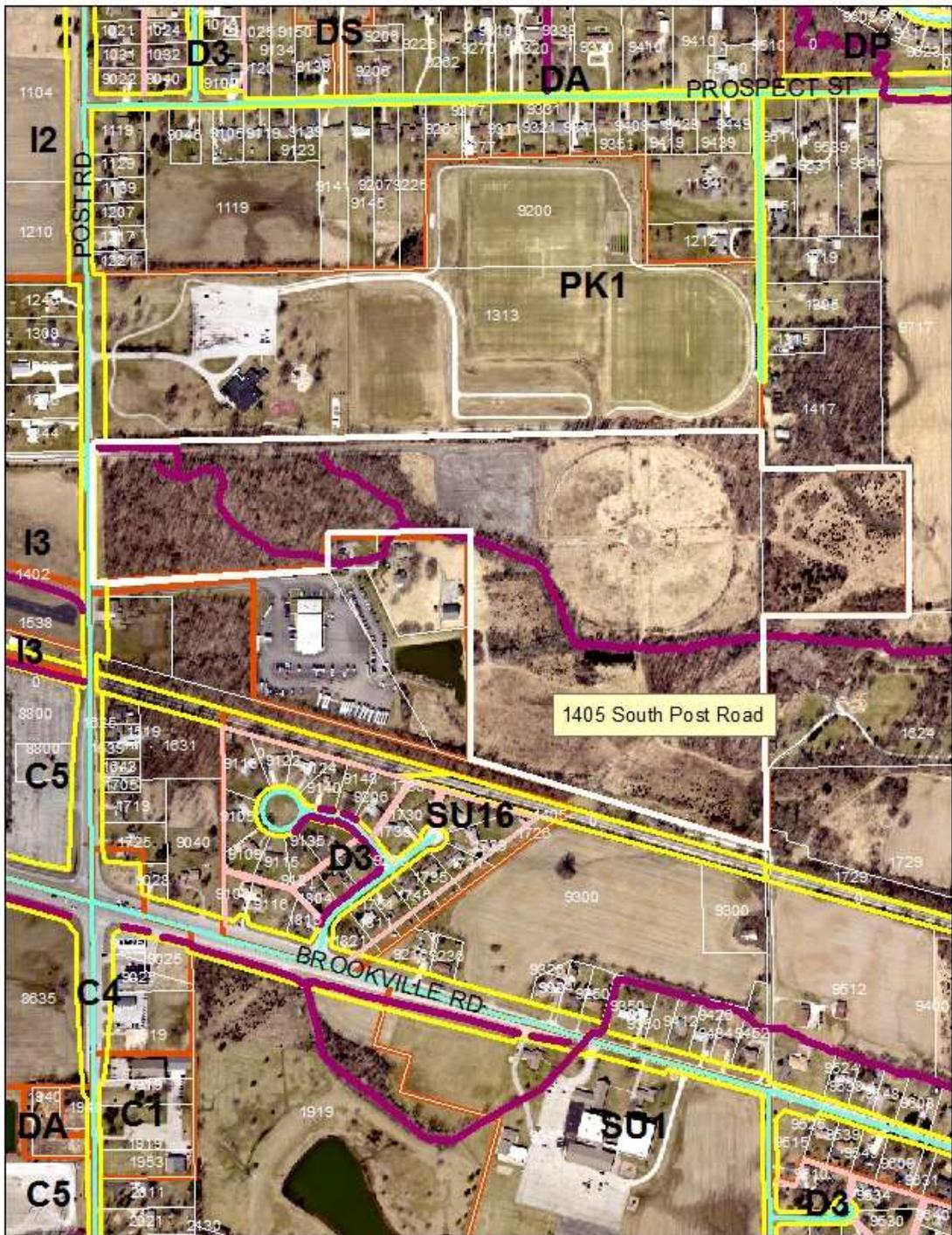
**STAFF REPORT 2019-ZON-107 (Continued)**

**70-Z-117; 1400 South Post Road (east of site),** requested rezoning of 81 acres from A-2 to I-3-S, **approved.**

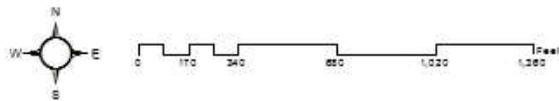
**70-Z-15; 1400 South Post Road (east of site),** requested rezoning of 81 acres from A-2 to D-11 to provide for a mobile home park, **denied.**

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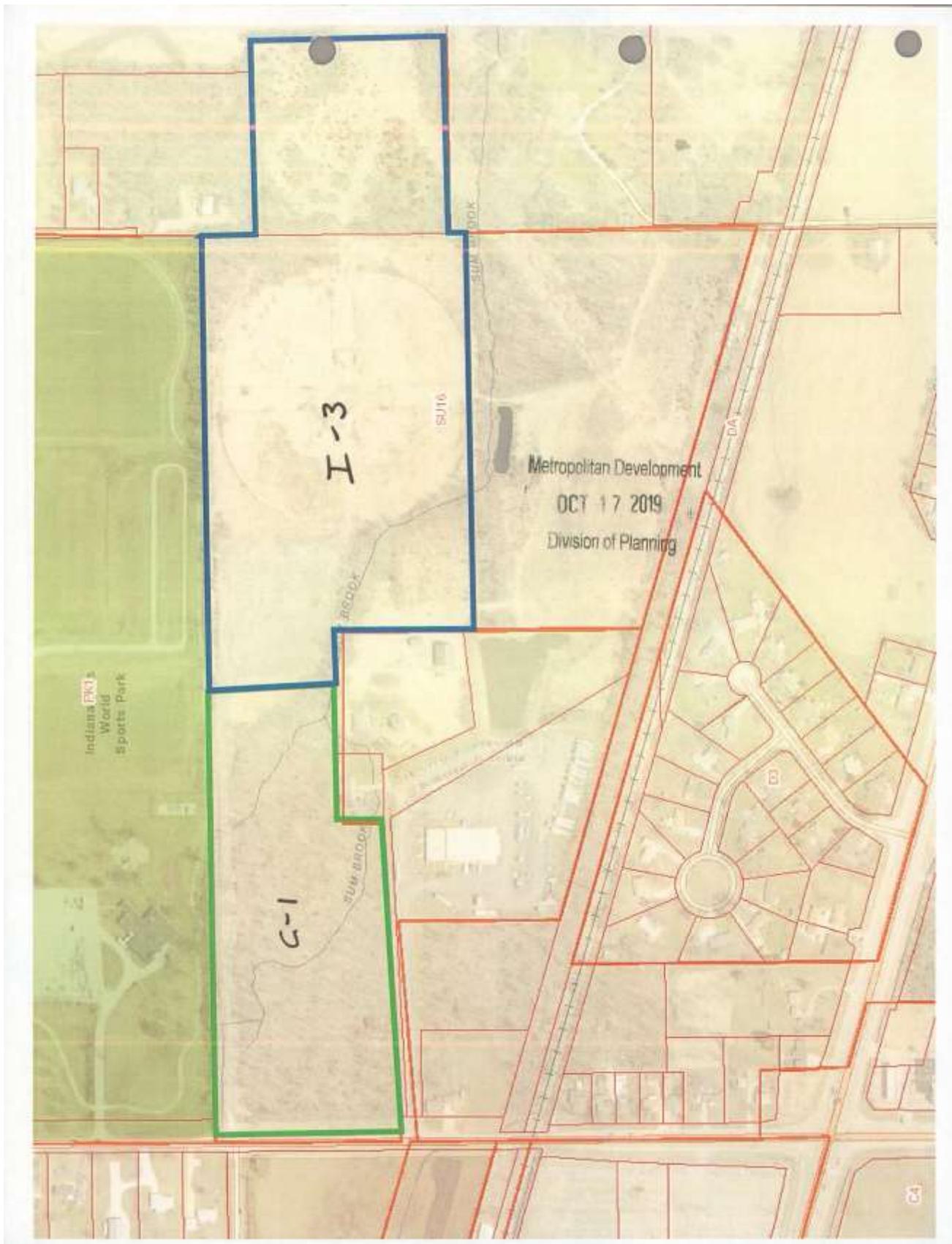
1405 South Post Road





<b>HAMILTON DESIGNS</b> A LIMITED LIABILITY COMPANY PROFESSIONAL SERVICE COMPANY 11888 Hayden-Crossing Drive, Suite 118 Houston, Texas 77055 P: (281) 293-9800 www.hamiltondesigns.com	Project Name: <b>POST ROAD - CONCEPT B</b>	Date: <b>11/02/2018</b>
	Project No: <b>2018-256</b>	Client No: <b>TCW</b>
Project Location: <b>1405 S POST ROAD</b>	Division: <b>TCW</b>	Scale: <b>1" = 200'</b>
Project Manager: <b>1405 S POST ROAD</b>	Metropolitan Development <b>MAY 12 2019</b> Division of Planning	Sheet No: <b>1</b>

EXHIBIT A



## EXHIBIT B

### 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.

<b>Size of tree removed or dead (inches)</b>	<b>Number of Trees to be planted to replace a Heritage Tree</b>	<b>Number of Trees to be planted to replace an existing tree</b>
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 looking north along South Post Road



View looking south along South Post Road



View of site looking east



View of site looking southeast



View of site looking east across South Post Road



View from site looking southwest across South Post Road



View from site looking west across South Post Road

## STAFF REPORT

Department of Metropolitan Development  
Division of Planning  
Current Planning Section

**Case Number:** 2019-ZON-108  
**Address:** 7320 East Hanna Avenue (*Approximate Address*)  
**Location:** Franklin Township, Council District #18  
**Petitioner:** Arbor Homes, by Christian Rector  
**Request:** Rezoning of 73.85 acres from the SU-43 and D-A districts to the D-4 district.

The Hearing Examiner continued this petition from the November 21, 2019 hearing, to the January 9, 2020 hearing, at the request of staff to provide time to conduct a Traffic Impact Study (TIS) and prepare and file a report for review by staff.

The TIS has not been filed. Staff, therefore, is requesting a **continuance from the January 9, 2020 hearing, to the February 13, 2020 hearing.**

kb

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## STAFF REPORT

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

**Case Number:** 2019-ZON-114  
**Address:** 8018 and 8104 West Washington Street (*Approximate Addresses*)  
**Location:** Wayne Township, Council District #22  
**Petitioner:** HJ Trans Inc., by Brian J. Tuohy  
**Request:** Rezoning of 13.41 acres from the D-A district to C-S district to provide for truck and trailer parking, with truck and trailer maintenance and repair.

The Hearing Examiner acknowledged the automatic continuance filed by a remonstrator, continuing this petition from the December 12, 2019 hearing, to the January 9, 2020 hearing. Staff understands that an abutting neighbor will be requesting a continuance.

### **RECOMMENDATIONS**

Staff **recommends denial** of this request.

### **SUMMARY OF ISSUES**

The following issues were considered in formulating the recommendation:

### **LAND USE**

- ◇ This 13.41-acre site, zoned D-A, is developed with various structures on the southern portion of the site and undeveloped on the northern portion. It is surrounded by undeveloped land to the north, zoned I-3; undeveloped land and commercial uses and to the south, across West Washington Street, zoned D-3 and SU-46 (airport), respectively; single-family dwellings and a motel to the east, zoned D-A and MU-1, respectively; and undeveloped land and commercial uses to the west, zoned C-S and C-4, respectively.

### **REZONING**

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

(Continued)

## **STAFF REPORT 2019-ZON-114 (Continued)**

- ◇ The Ordinance identifies the purposes of the C-S District:
  1. To encourage:
    - i. A more creative approach in land planning.
    - ii. Superior site and structural design and development.
    - iii. An efficient and desirable use of open space.
  2. To provide for a use of land with high functional value.
  3. To assure compatibility of land uses, both within the C-S district and with adjacent areas.
  4. To permit special consideration of property with outstanding features, including, but not limited to, historical, architectural or social significance, unusual topography, landscape amenities, and other special land characteristics.
  5. To provide maximum adaptability and flexibility in zoning and development controls to meet the changing and diverse needs of the metropolitan area.
  
- ◇ The Comprehensive Plan recommends suburban neighborhood for the site. “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.”
  
- ◇ This site is also located in an environmentally sensitive 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 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.” In this case there are two overlays. One overlay is Forest Alliance Woodlands, which are high quality woodlands located in the northern portion of the site. The second overlay is a wetland located within the northern portion of the site in proximity of Thompson Ditch.

(Continued)

## **STAFF REPORT 2019-ZON-114 (Continued)**

- ◇ As proposed this use would permit an industrial use, which is not a permitted in the suburban neighborhood typology. The proposed use would be permitted in the most intense commercial (C-7) and within the industrial districts. It would be wholly inappropriate and result in irreparable and detrimental impact on the surrounding land uses, particularly the abutting single-family dwellings to the east.
- ◇ Staff is also concerned with intense commercial and industrial uses on a site with two environmentally sensitive overlays and no information related to how future development would impact these areas and whether these areas would be preserved.
- ◇ Staff also believes that this site should serve as a buffer and transition from the permitted industrial and commercial uses abutting this site to the west, thereby minimizing and mitigating impact on the residential uses abutting this site to the east.

### **Site Plan**

- ◇ The site plan, file-dated November 6, 2019, depicts the removal of two manufactured trailers and demolition of two structures, leaving three office buildings, a maintenance shop and parking on the southern portion of the site. The regulatory floodway and flood hazard zone are identified on the northern portion of the site. A six-foot tall chain link fence is proposed along the east and west boundary, extending north for approximately 700 feet.
- ◇ Staff would note that no required setbacks or landscaping are shown on the site plan. Additionally, staff is concerned with the lack of detail and plans for the northern portion of the site, particularly given the condition of the site during the site visit.

### **CS-Statement**

- ◇ The C-S Statement, file-dated November 6, 2019, provides for truck and trailer parking, including minor maintenance and repair of such trucks. The maintenance and repair of trucks would occur indoors.
- ◇ The Statement also indicates that a six-foot tall chain link fence would be installed on a portion of the north and south property boundaries. This should be corrected to read east and west boundaries to be consistent with the site plan.

### **Violations**

- ◇ VIO19-003388; The parking or storage of a commercial vehicle in any zoning district, when the provisions of which do not specifically permit such a use; (semi-tractor trailers and reefer trailers). Aerials indicate that tractor trailers were parked beginning in the fall of 2018.
- ◇ Currently, a pre-trial conference is scheduled for January 29, 2020.

(Continued)

## **STAFF REPORT 2019-ZON-114 (Continued)**

### **Stream Protection Corridor**

- ◇ A stream protection corridor consists of a strip of land, extending along both sides of all streams. 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.
- ◇ Thompson Ditch runs along the width of the site and south of the northern boundary. It is designated as a Category Two stream requiring a 50-foot wide stream protection corridor. Staff would note that the site plan, file-dated November 6, 2019, does not depict any such corridor or protection thereof.

### **Tree Preservation**

- ◇ There are significant amounts of natural vegetation and tree located on the northern portion of the site identified in the Comprehensive Plan as Forest Alliance Woodlands. Due to their inherent ecological, aesthetic, and buffering qualities, the maximum number of these existing trees should be preserved on the site.
- ◇ A tree inventory and preservation plan prepared by a certified arborist shall be submitted for Administrator's Approval prior to preliminary plat approval and prior to any site preparation activity. This plan shall, at a minimum: a) delineate the location of the existing trees, b) characterize the size and species of such trees, c) indicate proposed development, and d) 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. All development shall be located in a manner which causes the least amount of disruption to the trees.
- ◇ This development would also be subject to the Heritage Tree Conservation provision of the Ordinance. The Ordinance 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.
- ◇ 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.).

(Continued)

## **STAFF REPORT 2019-ZON-114 (Continued)**

- ◇ If approved, staff would recommend that 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 tree assessment and preservation plan by a certified arborist shall be submitted for Administrator's Approval prior to any site preparation or disturbance of the site. Such assessment shall determine the species of trees, their condition and a risk assessment of all trees over 18 inches in diameter that would be impacted by development. In accordance with the Ordinance, if any of the trees are heritage trees that would be impacted, they would be preserved or removed and replaced.

### **Wetland Preservation**

- ◇ The aerial indicates a possible wetland located on the northern portion of the site. Historical aerials confirm this wetland has existed since 1937.
- ◇ The Environmental Protection Agency defines wetlands "as areas where water covers the soil or is present either at or near the surface of the soil all year or for varying periods of time during the year, including during the growing season. Water saturation (hydrology) largely determines how the soil develops and the types of plant and animal communities living in and on the soil. Wetlands may support both aquatic and terrestrial species. The prolonged presence of water creates conditions that favor the growth of specially adapted plants (hydrophytes) and promote the development of characteristic wetland (hydric) soils."
- ◇ The State of Indiana defines wetlands as "areas that are inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include: (1) swamps; (2) marshes; (3) bogs; and (4) similar areas."
- ◇ Staff believes that a technical assessment that would include a wetlands delineation would determine the type and quality of the wetland based on the presence or absence of wetlands characteristics, as determined with the *Wetlands Delineation Manual, Technical Report Y-81-1* of the United States Army Corps of Engineers.
- ◇ If approved, staff would recommend that 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 technical assessment shall be conducted prior to the issuance of an Improvement Location Permit to provide for a wetlands delineation to determine the type and quality and how the area could be preserved and integrated into the development as an amenity

(Continued)

## STAFF REPORT 2019-ZON-114 (Continued)

### GENERAL INFORMATION

#### EXISTING ZONING AND LAND USE

D-A Various structures (south) / undeveloped / wetland (north)

#### SURROUNDING ZONING AND LAND USE

North - I-3 Undeveloped land  
South - D-A / SU-46 Commercial uses / undeveloped land  
East - D-5 MU-1 Single-family dwellings / motel  
West - C-S / C-4 Undeveloped land/ commercial uses

COMPREHENSIVE PLAN The Comprehensive Land Use Plan for Indianapolis and Marion County (2018) recommends suburban neighborhood.

THOROUGHFARE PLAN This portion of West Washington Street is designated in the Marion County Thoroughfare Plan as a primary arterial, with an existing 118-foot right-of-way and a proposed 102-foot right-of-way.

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

OVERLAY This site is located within an environmentally sensitive overlay.

FLOODWAY / FLOODWAY FRINGE This site is located within the floodway and floodway fringe of Thompson Ditch

SITE PLAN File-dated November 6, 2019.

C-S STATEMENT File-dated November 6, 2019

### ZONING HISTORY

**2007-ZON-857 / 2007-APP-857; 8018, 8104 and 8218 West Washington Street**, requested rezoning of 35.58 acres, from the C-S (FF) and D-A (FF) Districts, to the C-S (FF) classification to provide for an automobile recycling facility, including retail sales and wholesaling of automobile parts, dismantling of automobiles and outdoor storage of operable and inoperable vehicles; and approval to modify commitments related to petition 89-Z-214 to terminate Commitment Two, which prohibits outdoor storage, **withdrawn**.

(Continued)

**STAFF REPORT 2019-ZON-114 (Continued)**

**VICINITY**

**99-Z-146; 8120 West Washington Street (west of site)**, requested rezoning of 1.813 acres from the D-5 District to the C-4 classification to provide for an existing motel, **approved.**

**93-Z-1; 8302 West Washington Street (west of site)**, requested rezoning of 6.5 acres being in the C-S District to the C-S classification to provide for a child care facility, **approved.**

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

kb

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**C-S Statement**

8018 & 8104 W. Washington St. (the "Site")

Petitioner respectfully requests to rezone the Site to the C-S zoning classification to provide for truck and trailer parking, including minor maintenance and repair of such trucks. All maintenance and repair of trucks shall take place indoors. Additionally, Petitioner proposes to install an approximately 6' tall chain link fence on a portion of the north and south borders of the Site. See the Proposed Site Plan filed herewith.

Metropolitan Development

NOV 06 2019

Division of Planning

## EXHIBIT A

### Heritage Tree Conservation

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

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

<b>Size of tree removed or dead (inches)</b>	<b>Number of Trees to be planted to replace a Heritage Tree</b>	<b>Number of Trees to be planted to replace an existing tree</b>
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 looking west along West Washington Street



View looking east along West Washington Street



View of site looking north across West Washington Street



View of site looking north across West Washington Street



View of site looking north across West Washington Street



View of site looking north across West Washington Street

## STAFF REPORT

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

**Case Number:** 2019-ZON-115  
**Address:** 1001 Hosbrook Street (approximate address)  
**Location:** Center Township, Council District #16  
**Petitioner:** 1335 Central Ave Holdings LLC (Matina Soutsos), by Brian Burtch  
**Request:** Rezoning of 0.244 acre from the C-S district to the MU-1 district to provide for a hostel.

### RECOMMENDATIONS

Staff **recommends approval** of this petition, subject to general adherence to the site plan file-dated November 7, 2019 and the elevation renderings file-dated, December 10, 2019, which retain the characteristics of the building's character, style and mass.

### SUMMARY OF ISSUES

The following information was considered in formulating the recommendation:

### HISTORY

- ◇ This 0.244-acre parcel is part of 0.38-acre site that was rezoned to the C-S district to provide for the retention of the existing 3,000-square foot church building and accessory paved parking area for a wide variety of uses as described below under "Zoning History." It is abutted to the south by a commercial structure, zoned C-5; to the east by a single-family dwelling, zoned C-S; to the north, across Hosbrook Street, by single-family dwellings, zoned D-8; and to the west, across Grove Avenue, by a single-family dwelling with an addition apparently historically used commercially, also zoned D-8.
- ◇ The request would be inconsistent with the Traditional Neighborhood typology as it would provide for a hostel along two local streets, which is not a use contemplated by this typology. This site is also within the area of the Redline Transit Oriented Development Strategic Plan (Redline Plan), placing this site within the District Center typology of the Virginia Avenue / Woodlawn Avenue Fountain Square station. The District Center typology is characterized as being:

"Located at the center of regionally significant districts with several blocks of retail or office at their core. Development opportunities include infill and redevelopment, dense residential, employment near transit stations, neighborhood retail and a focus on walkability and placemaking."
- ◇ The Redline Plan further anticipates that the District Center typology would have 15 units per acre or greater, with mixed-use and multi-family dwellings at the center, with commercial floor area ratios greater than 2.5, with three-plus story buildings near the core. This site is within ¼ mile walking distance of the Virginia Avenue / Woodlawn Avenue stations.

(Continued)

## **STAFF REPORT 2019-ZON-115 (Continued)**

- ◇ As with the 2013 rezoning, in Staff's opinion, the hostel re-use proposal, and retaining the existing building with modifications, would be appropriate and would recognize its historical and architectural value.

### **SITE ISSUES**

- ◇ The site plan file-dated November 7, 2019 and the elevation plans file-dated December 10, 2019 indicate that the building would be basically retained, with modifications to the windows being replaced or to accommodate new entrances. Additionally, a screened patio is proposed along Hosbrook Street and a covered deck is proposed on the south side of the building.
- ◇ The proposed deck would require the removal of approximately half of the existing parking spaces, with ten spaces remaining. The Consolidated Zoning and Subdivision Ordinance would require one parking space per guest room and allow a 30% reduction in the number of required spaces within one-quarter mile of a transit stop improved with a shelter and located along an Indygo Transit Emphasis Corridor. Additionally, the abutting streets provide space for a half-dozen on-street parking spaces abutting this site, which would increase their total parking provided to 16 parking spaces.
- ◇ A minimum of three bike parking spaces should be provided per the Ordinance.
- ◇ Staff would also note that the Redline Plan discourages off-street parking other than within parking garages, so the on-site reduction in parking would be consistent with this Plan.

### **GENERAL INFORMATION**

#### **EXISTING ZONING AND LAND USE**

C-S                      Mixed-use building

#### **SURROUNDING ZONING AND LAND USE**

North -	D-8	Single-family dwelling, multifamily dwelling
South -	C-5	Commercial uses
East -	D-8	Single-family dwellings
West -	D-8	Single-family dwellings

#### **COMPREHENSIVE PLAN**

The 2018 Comprehensive Plan recommends the traditional neighborhood typology.

#### **THOROUGHFARE PLAN**

Grove Avenue and Hosbrook Street are indicated on the Official Thoroughfare Plan as local streets with 60-foot rights-of-way existing and proposed.

#### **FLOODWAY/FLOODWAY FRINGE**

This site is not located in the floodway or floodway fringe.

(Continued)

**STAFF REPORT 2019-ZON-115 (Continued)**

**ZONING HISTORY**

**2013-ZON-015; 1001 Hosbrook Street**, requests rezoning of 0.38 acre from the D-8 District to the C-S classification to provide for an antique shop, bed and breakfast, art gallery, single-family, two-family and multi-family dwellings, chiropractor office, business office, event center, woodwind instrument distributor, dressmaking shop, fitness facility, gift shop, gymnastics instruction, interior decorator, live-work studios, music lessons, commercial / off-site parking lot, outdoor flea market, outside dining, personal trainer studio, photographic studio, professional office, tailor, yoga studio and outdoor mini-festival, with music and to provide for the construction of a shed and two-story, 2,304-square foot building with a first-floor garage and a second-floor apartment, **approved**.

LWC

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2019-ZON-115 Site Plan



**NEON**  
ARCHITECTURE

**GROVE HAUSTEL**  
1001 HOSBROOK STREET INDIANAPOLIS, IN  
46203

SITE PLAN  
**S103**

Date: 11/06/2019

Scale: 1" = 20'-0"

2019-ZON-115 ELEVATIONS





**Photograph One – Site from the northwest corner of the intersection of Hosbrook Street and Grove Avenue**



Photograph Two – Site from west side of Grove Avenue



**Photograph Three – Looking northwest towards the site on Grove Avenue.**



**Photograph Four – Existing parking lot (site of proposed covered deck)**



**Photograph Five – Looking southwest towards the site from the north side of Hosbrook Street.**



**RECEIVED**

APR 10 2013

ATTACHMENT "C":

Development Statement:

METROPOLITAN DEVELOPMENT

Petitioner seeks approval for Development Plan and Site Plan to allow:

Uses:

1. Antique shop
2. Art gallery
3. Bed and breakfast
4. Business office (not more than four employees)
5. Chiropractor office
6. Condominium (no more than three (3) units)
7. Event center including weddings, small parties, recitals and live entertainment on interior and enclosed patio.
8. Distributor of woodwind instruments and supplies)
9. Dressmaking shop
10. Fitness facility (no more than forty (40) clients at the same time)
11. Gift shop
12. Gymnastics instruction (no more than forty (40) clients at the same time)
13. Interior Decorator
14. Live/ work studios and dwelling units
15. Multi-family dwelling units (no more than three (3) units)
16. Music lessons (individual and group)
17. Off street parking lot to serve commercial uses along Virginia Avenue with need for overflow parking.
18. Outdoor flea market (no more than seven per year, once a month between 4/1 and 10/31; Saturdays only and from 8 am to 5 pm). Off street parking for such an event would be provided by commercially zoned parking lots along the Virginia Avenue corridor.
19. Outside dining for the personal use of the occupants of Grove Haus and for patrons (no carry out, no food preparation on site) on rear patio or front yard sitting area, per site plan on file (only between the hours of 11 am and 8 pm on Friday, Saturday or Sunday and holidays only).
20. Personal trainer studio (no more than forty (40) clients at the same time)
21. Professional office (not more than four employees)
22. Photographic studio
23. Single family dwelling unit
24. Tailor
25. Two family dwelling unit
26. Yoga studio (no more than forty (40) clients at the same time)
27. Mini festival in parking lot with music (three times annually between 5/1 and 9/30, on Saturday, Sundays or holidays only, only between the hours of 9 am and 8 pm only.). Off street parking for such an event would be provided by commercially zoned parking lots along the Virginia Avenue corridor.

2013-2013-015

**2013-ZON-013 AMENDED C-S STATEMENT PAGE 2/3  
(file-dated April 10, 2013)**

**RECEIVED**

APR 10 2013

**Buildings:**

Former church: (3,208 sq. ft. approx.)

**METROPOLITAN DEVELOPMENT**

Proposed detached accessory / garage with potential carriage house per site plan on file  
Retention and installation of detached sheds (2) per site plan on file (to be removed from  
the site within thirty (30) days of erection and use of detached accessory building.

**Parking:**

Nineteen (19) on site off street parking spaces (including one (1) as a handicapped  
space). Overflow parking provided by commercially zoned parking lots along the  
Virginia Avenue corridor.

**Signs:**

One internally lit ground sign (former church sign as shown on site plan) shall be  
permitted on the premises with not more than one non illuminated wall sign on the east  
and north façades. Signs may include ground, wall, canopy, or projecting signs.

**Screening and buffering:**

Retain privacy fence along north and west property line as shown on site plan. Erect  
ornamental metal fence per the site plan on file (with the issuance of encroachment  
license) along the Hosbrook Street frontage.

**Trash:**

Trash dumpster; if used on the site, will be enclosed with a dumpster enclosure and  
located per the site plan on file. Trash pick-up; if a commercial dumpster is used, shall  
occur between the hours of 8 am and 8 pm

**2013-ZON-013 AMENDED C-S STATEMENT PAGE 3/3  
(file-dated April 10, 2013)**

**RECEIVED**

APR 10 2013

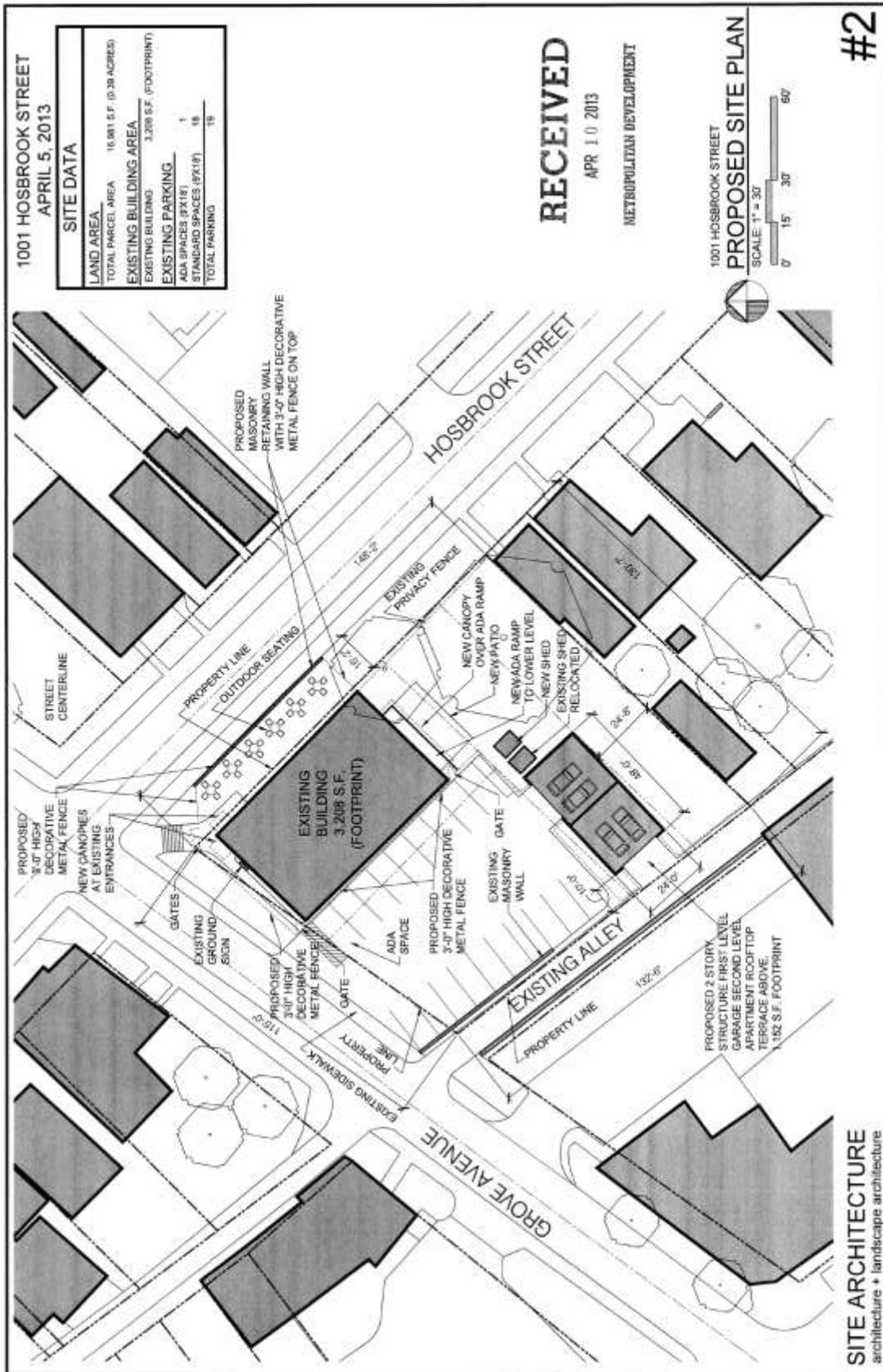
**METROPOLITAN DEVELOPMENT**

ATTACHMENT "D":

Petitioner agrees to the following commitments:

1. Hours of operation shall not exceed 9 am to 10 pm Monday thru Thursday; 9 am to 1 am Fridays/ Saturdays, and 10 am to 9 pm on Sundays for any non-residential use
2. No exterior lighting shall project light onto adjoining residential properties.
3. No outdoor storage or display shall be permitted on the premises
4. No new free standing signs shall be permitted on the premises
5. Shall file exterior elevations of proposed detached garage/ carriage house for Administrative Approval.

**2013-ZON-015 AMENDED SITE PLAN  
(file-dated April 10, 2013)**



# 2019-ZON-115



## STAFF REPORT

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

**Case Number:** 2019-CZN-824 / 2019-CVR-824  
**Address:** 2502, 2506, 2520, 2522 and 2525 East 56<sup>th</sup> Street (Approximate Address)  
**Location:** Washington Township, Council District #9  
**Zoning:** D-5 (W-5)  
**Petitioner:** GBV LLC II, by David Kingen and Justin Kingen  
**Request:** Rezoning of 1.81 acres from the D-5 (W-5), I-1 (W-5) and I-2 (W-5) districts to the C-S (W-5) district to provide for restoration, service, storage and sales by internet or appointment only of classic autos on the south property; C-1 uses, MU-1 uses and event center (Gathering place for car clubs, public viewing of classic autos with art viewing only).

Variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for a building addition (2525) with a six-foot west side setback and to legally establish the zero-foot west side setback and three-foot front setback for the on-site parking lot (10-foot setback required), and to provide for a three-story mixed-use building (2502-2520) taller than permitted along the north transitional yard (30-foot height permitted at proposed 15-foot transitional setback) and within the clear sight triangle of the abutting streets (not permitted).

The Hearing Examiner continued these petition from the August 29, 2019 hearing, to the September 26, 2019 hearing, to the November 14, 2019 hearing, and to the January 9, 2020 hearing, at the request of the petitioner's representative. The additional time was requested to modify the plans and submit additional information. No new information has been filed.

#### **August 29, 2019**

#### **RECOMMENDATIONS**

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

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

#### **SUMMARY OF ISSUES**

The following issues were considered in formulating the recommendation:

(Continued)

## **STAFF REPORT 2019-CZN-824 / 2019-CVR-824 (Continued)**

### **LAND USE**

- ◇ This 1.81-acre site, zoned D-5 (W-5), I-1 (W-5) and I-1 (W-5), is comprised of five parcels, four of which are located on the north side of East 56<sup>th</sup> Street and developed with a parking lot. The parcel on the south side of East 56<sup>th</sup> Street (addressed as 2525 East 56<sup>th</sup> Street is developed with an industrial building. It is surrounded by single-family dwellings to the north, zoned D-5 (W-5); industrial buildings to the south, zoned I-1 (W-5) and I-2 (W-5); single-family dwellings and industrial buildings to the east, zoned D-5 and I-2, respectively; and single-family dwellings and industrial uses to the west, zoned D-5 (W-5) and I-1 (W-5), respectively.
- ◇ Petition 2018-UV1-014, provided for automobile, motorcycle and light vehicle service / repair and indoor / outdoor recreation and entertainment. Petitions 70-V2-25, 72-UV2-69 and 74-UV1-57 provided for the parking lot with reduced setbacks.

### **REZONING**

- ◇ This request would rezone the site from the D-5 (W-5), I-1 (W-5) and I-2 (W-5) Districts to the C-S classification to provide for restoration / service / storage / sales of used automobiles; C-1 and MU-1 uses (some excluded uses, which have not been identified); and an event center. See Exhibit A.
- ◇ The Special Commercial district (C-S) is established for the following purposes:
  1. To encourage:
    - i. A more creative approach in land planning.
    - ii. Superior site and structural design and development.
    - iii. An efficient and desirable use of open space.
  2. To provide for a use of land with high functional value.
  3. To assure compatibility of land uses, both within the C-S district and with adjacent areas.
  4. To permit special consideration of property with outstanding features, including, but not limited to, historical, architectural or social significance, unusual topography, landscape amenities, and other special land characteristics.
  5. To provide maximum adaptability and flexibility in zoning and development controls to meet the changing and diverse needs of the metropolitan area.
- ◇ The C-S District is designed to permit, within a single zoning district, multi-use commercial complexes or land use combinations of commercial and noncommercial uses, or single-use commercial projects. The primary objective of this district is to encourage development which achieves a high degree of excellence in planning, design or function, and can be intermixed, grouped or otherwise uniquely located with maximum cohesiveness and compatibility. The district provides flexibility and procedural economy by permitting the broadest range of land use choices within a single district, while maintaining adequate land use controls. The C-S District can include high-rise or low-rise developments, can be applied to large or small land areas appropriately located throughout the metropolitan area, and can be useful in areas of urban renewal or redevelopment.

(Continued)

## **STAFF REPORT 2019-CZN-824 / 2019-CVR-824 (Continued)**

- ◇ The Comprehensive Plan recommends office commercial for the south side of East 56<sup>th</sup> Street. “The Office Commercial typology provides for single and multi-tenant office buildings. It is often a buffer between higher intensity land uses and lower intensity land uses. Office commercial development can range from a small freestanding office to a major employment center. This typology is intended to facilitate establishments such as medical and dental facilities, education services, insurance, real estate, financial institutions, design firms, legal services, and hair and body care salons.”
- ◇ The Comprehensive Plan recommends suburban neighborhood for the parcels along the north side of East 56<sup>th</sup> Street. “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 C-S Statement indicates that the addition to the existing building on the south side of East 56<sup>th</sup> Street would be 8,724 square feet for a total building size of 23,339 square feet. The proposed three-story building on the north side of East 56<sup>th</sup> Street would be 26,172 square feet.
- ◇ The proposed site plans depict two phases. Phase One would provide for site improvements to the parking lot located on the northern parcels that would include landscaping along the perimeter of the site, with a total of 92 parking spaces for the entire site. Phase Two would provide for the building addition on the parcel addressed as 2525 East 56<sup>th</sup> Street and construction of the mixed-use building on the northern parcels, with a total of 48 parking spaces.
- ◇ Staff is concerned with the parking reduction because of the proposed event center. No information has been provided related to the square footage of the event center from which the number of required parking spaces would be calculated. Furthermore, the number of proposed dwelling units has not been provided, so it is impossible to determine whether adequate on-site parking would be provided.
- ◇ Additionally, the requested reduced setbacks and taller building height results in a development that would not be compatible with and would have a negative impact on the surrounding land uses, particularly the residential neighborhood to the north.
- ◇ As proposed, staff cannot support this rezoning request because it would not be consistent with the Comprehensive Plan recommendation of suburban neighborhood and office commercial. Additionally, more details would be required in order to properly review the proposed mixed-use project.

(Continued)

## **STAFF REPORT 2019-CZN-824 / 2019-CVR-824 (Continued)**

- ◇ Furthermore, staff recommended denial of the recent 2018 variance of use petition that provided for automobile, motorcycle and light vehicle service and repair and indoor /outdoor recreation and entertainment. This request would be an expansion of this use that would be more impactful on the surrounding land uses and the Fall Creek wellfield.

### **C-S Statement**

- ◇ The C-S Statement, file-dated July 25, 2019, identifies uses that would include restoration, service, storage and sale by internet or appointment only of classic auto on the south property. Uses on the on the northern parcels would include C-1, MU-1 and an event center. The statement references “Attachment E” as identifying excluded uses, but no Attachment E has been filed. See Exhibit A.
- ◇ The C-S Statement also provides a brief description of the buildings (both proposed and existing), parking, signage and screening / buffering, exterior finishes, security, lighting and trash collection.

### **Wellfield Protection Secondary Zoning**

- ◇ A wellfield is an area where the surface water seeps into the ground to the aquifer and recharges the wells that are the source of our drinking water. This secondary zoning district places closer scrutiny on uses and activities that might contaminate the underground drinking water supply.
- ◇ There are two wellfield district designations. An area identified as W-1 is a one-year time-of-travel protection area. The W-5 is a five-year time-of-travel protection area. All development within these districts are subject to Commission approval. The filing of a site and development plan is required and subject to approval, on behalf of the Commission, by a Technically Qualified Person (TQP), unless exempted by the Ordinance.
- ◇ “Because of the risk that hazardous materials or objectionable substances pose to groundwater quality, it is recognized that the further regulation of the manufacturing of, handling, transfer, disposal, use or storage of hazardous materials or objectionable substances related to nonresidential use activities is essential in order to preserve public health and economic vitality with Marion County.”
- ◇ All uses permitted in the applicable primary zoning district shall be those uses permitted in the W-1 and W-5 zoning districts, unless otherwise prohibited by the Ordinance, and provided no other secondary zoning district prohibits the use.

(Continued)

## **STAFF REPORT 2019-CZN-824 / 2019-CVR-824 (Continued)**

- ◇ “No building, structure, premises or part thereof shall be altered, constructed, converted, erected, enlarged, extended, modified, or relocated except in conformity with this Section, and not until the proposed Site and Development Plan has been filed with and approved on behalf of the Commission by the Technically Qualified Person (TQP). Regulations found in Chapter 742, Article II, Section 4 shall apply to all land within the Wellfield Protection Zoning Districts. The entire site shall be subject to review by the TQP. These regulations shall be in addition to all other primary and secondary zoning district regulations applicable to such land, and in case of conflict, the more restrictive regulations shall apply.”
- ◇ The subject site is located in W-5 Fall Creek wellfield protection area and any use or development within a wellfield protection district would be subject to the Technically Qualified Person (TQP) review and approval, unless and until the property owner provides sufficient justification that the type of use, type of facility, and chemical quantity limits, independent of the land use would be exempt from the requirements for filing a development plan. Otherwise, a development plan would be required to be filed and approved on behalf of the Metropolitan Development Commission by the (TQP). Contaminants that would have an adverse effect would include chemicals that are used in the home, business, industry, and agriculture. Chemicals such as furniture strippers, lawn and garden chemicals, cleaning chemical and solvents, gasoline, oil, and road salt can all contaminate groundwater supplies if poured on the ground or improperly used or stored.
- ◇ Due to the impact of the expansion of auto-related uses on the site, staff would highly recommend that if this request would be approved that the petitioner contact and work closely with the TQP as this site is developed.

### **VARIANCE OF DEVELOPMENT STANDARDS**

- ◇ The request would provide for a building addition (addressed as 2525 East 56<sup>th</sup> Street) with a six-foot west side setback, when the Ordinance requires a 10-foot setback. Staff does not support this because the addition could be constructed in accordance with the Ordinance, without incurring a practical difficulty.
- ◇ The request would legally establish the zero-foot west side setback and three-foot front setback for the parking lot addressed as 2525 East 56<sup>th</sup> Street. Parking lots are treated as buildings that require a 10-foot setback. Because of the proposed addition and the likely removal of the paving of the southern portion of the parking lot, staff believes the removal of 10 feet of paving along the western boundary and the installation of the landscaping would minimize the impact on the abutting land uses and provide a much needed buffer.
- ◇ The request would provide for a three-story mixed-use building (addressed as 2502-2520) taller than the 30-foot permitted height at the proposed 15-foot transitional setback. Because this site abuts a residential district and the permitted 15-foot transitional setback, staff believes a three-story building with commercial uses would be inappropriate and result in commercial encroachment that would have a negative impact on the neighborhood.

(Continued)

**STAFF REPORT 2019-CZN-824 / 2019-CVR-824 (Continued)**

- ◇ The request would also provide for a building that would be within the clear-site triangle. Staff believes that the need for encroachment into the clear sight triangle is a strong indication that the site would be over developed and would compromise safety at the intersection of a primary collector and local street. Consequently, staff cannot support this request.

**GENERAL INFORMATION**

**EXISTING ZONING AND LAND USE**

D-5(W-5) / Parking lot / industrial uses  
I-1 (W-5) /  
I-2 (W-5)

**SURROUNDING ZONING AND LAND USE**

North - D-5 (W-5) Single-family dwellings  
South - I-1 (W-5) / Industrial uses  
I-2 (W-5)  
East - D-5 (W-5) / Single-family dwellings / industrial uses  
I-2 (W-5)  
West - D-5 (W-5) / Single-family dwellings / industrial uses  
I-1 (W-5)

COMPREHENSIVE PLAN	The Comprehensive Land Use Plan for Indianapolis and Marion County (2018) recommends suburban neighborhood for the parcels along the north side of East 56 <sup>th</sup> Street and office commercial for the parcel on the south side of East 56 <sup>th</sup> Street.
THOROUGHFARE PLAN	This portion of East 56 <sup>th</sup> Street is designated in the Marion County Thoroughfare Plan as a primary collector, with an existing and proposed 70-foot right-of-way.  This portion of Tacoma Avenue is designated in the Marion County Thoroughfare Plan as a local street, with an existing and a proposed 50 -foot right-of-way.
CONTEXT AREA	This site is located in the compact context area.
OVERLAY	This site is not located within an overlay.
WELLFIELD PROTECTION DISTRICT	This site is located in the Fall Creek W-5 Wellfield Protection District.
SITE PLANS	File-dated July 25, 2019
FINDINGS OF FACT	File-dated July 25, 2019
C-S STATEMENT	File-dated July 25, 2019

(Continued)

## **STAFF REPORT 2019-CZN-824 / 2019-cVR-824 (Continued)**

### **ZONING HISTORY**

**2018-UV1-014; 2525 East 56<sup>th</sup> Street**, requested a variance of use of the Consolidated Zoning and Subdivision Ordinance to provide for automobile, motorcycle and light vehicle service repair and indoor/outdoor recreation and entertainment, with respect to the storage and renovation of classic vehicles, with shows/displays of classic vehicles, **granted**.

**93-UV1-13; 2525 East 56<sup>th</sup> Street**, requested a variance of use and development standards of the Industrial Zoning Ordinance to provide for a church within an existing building located with a 25-foot front yard setback from 56<sup>th</sup> Street (50 feet required), a 13.8-foot side yard setback (30 feet required), and parking in the required side yard (not permitted); and requests a variance of the Sign Regulations of Marion County to permit a ground sign 10.75 feet in height (four-foot maximum permitted) to be located zero feet from the right-of-way of 56<sup>th</sup> Street (15 feet required); **granted**.

**87-UV2-103; 2525 East 56<sup>th</sup> Street**, requested a variance of use of the Industrial Zoning Ordinance for the use of an existing building as a church, and a variance of development standards of the Sign Regulations of Marion County for the erection of a four-foot tall freestanding sign; **granted for a temporary period of five years**.

**80-Z-158; 2525-2601 East 56<sup>th</sup> Street (includes neighboring property)**, requested rezoning 2.00 acres from I-1-U to I-2-U; **approved**.

**74-UV1-57; 2514-2516 East 56<sup>th</sup> Street**, requested a variance of use, setback and transitional yard requirements for existing parking lot to remain; **granted**.

**72-UV2-69; 2514-2516 East 56<sup>th</sup> Street**, requested a variance of use, setback, and transitional yard requirements for existing parking lot to remain, as per plans filed; **approved for two years**.

**70-V2-25; 2514-2516 East 56<sup>th</sup> Street**, requested a variance of use and setback requirements to permit off-street parking on the premises, adjoining nearby business, as per plans filed; **approved for two years**.

**66-V2-58; 2525 East 56<sup>th</sup> Street**, requested a variance of development standards of the Industrial Zoning Ordinance to permit the erection of an addition to the rear of an existing building with a 4.17-foot rear setback and a 15-foot side setback; **withdrawn**.

**61-V-227; 2525 East 56<sup>th</sup> Street**, requested a variance of use and development standards to provide for the construction of a storage building within 20 feet of the front property line; **granted**.

**59-V-573; 2525 East 56<sup>th</sup> Street**, requested a variance of use and front building line standards to permit erection of a one-story office building; **granted**.

(Continued)

**STAFF REPORT 2019-CZN-824 / 2019-cVR-824 (Continued)**

**ZONING HISTORY – VICINITY**

**98-V1-113; 2601 East 56<sup>th</sup> Street (east of site)**, requested a variance of development standards of the Industrial Zoning Ordinance to provide for the construction of an 8-by-30-foot equipment storage building with a one-foot rear setback (minimum 10 feet required); **granted**.

**98-V3-72 A/B; 2502 East 55<sup>th</sup> Place (southwest of site)**, requested variances of the development standards to provide for the construction of a building addition to an existing contractor's facility with a four-foot side-yard setback (minimum 10 feet required), a four-foot rear-yard setback (minimum 10 feet required), and outside storage areas exceeding 25% of the total gross floor area of all buildings (not permitted); **granted**.

**98-Z-144; 2449 East 56<sup>th</sup> Street (west of site)**, requested rezoning 0.188 acres from D-4 to C-4; **approved**.

**97-HOV-101; 2601 East 56<sup>th</sup> Street (east of site)**, requested a variance of development standards of the Industrial Zoning Ordinance to provide for an equipment storage building with a one-foot rear setback; **granted**

**95-Z-151; 2558 East 55<sup>th</sup> Place (south of site)**, requested rezoning 0.50 acres from I-1-U to I-2-U; **approved**.

**94-UV2-3; 2603 East 56<sup>th</sup> Street (east of site)**, requested a variance of use and development standards of the Industrial Zoning Ordinance to provide for the storage of materials as associated with a manufacturer's representative office and permit the construction of a 6,000 square foot building with a west side setback of 7 feet and east side setback of 4.34 feet (minimum 20 feet required each) and a rear yard setback of 6.34 feet (minimum 20 feet required); **granted**.

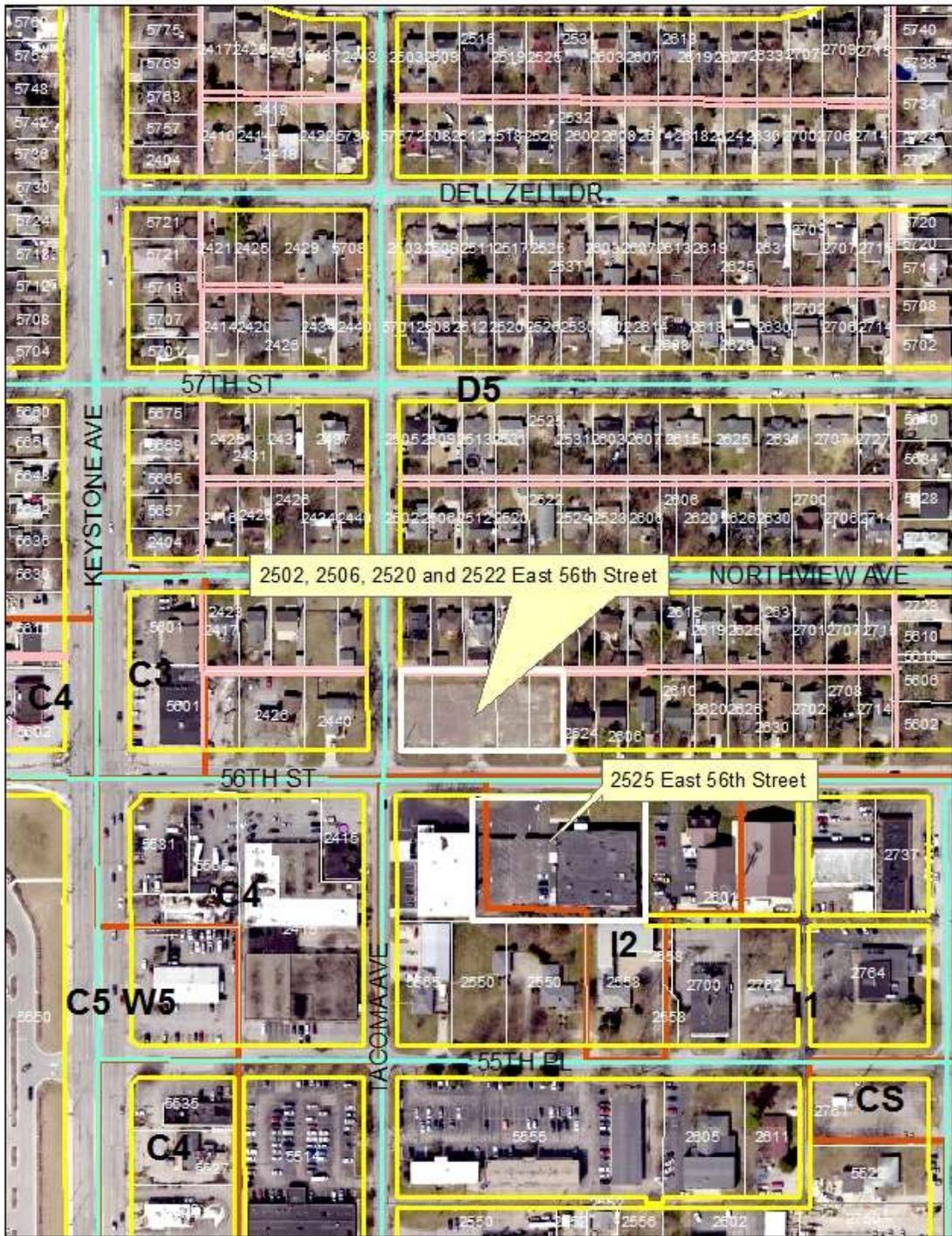
**85-Z-162; 2602 East 56<sup>th</sup> Street (north of site)**, requested rezoning 1.1 acres from C-1 to D-5; **approved**.

**81-UV1-129; 2502 East 55<sup>th</sup> Place (southwest of site)**, requested a variance of use and development standards to permit operation of Big 3 Concrete Finishing and Terrazzo Corp. in existing structure; **approved**.

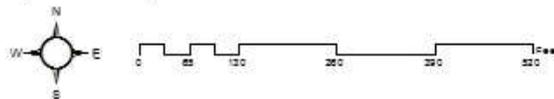
**65-V-354; 5555 North Tacoma Avenue (west of site)**, requested a variance of use to permit construction and operation of a professional office building, with off street parking and loading spaces provided; **granted**.

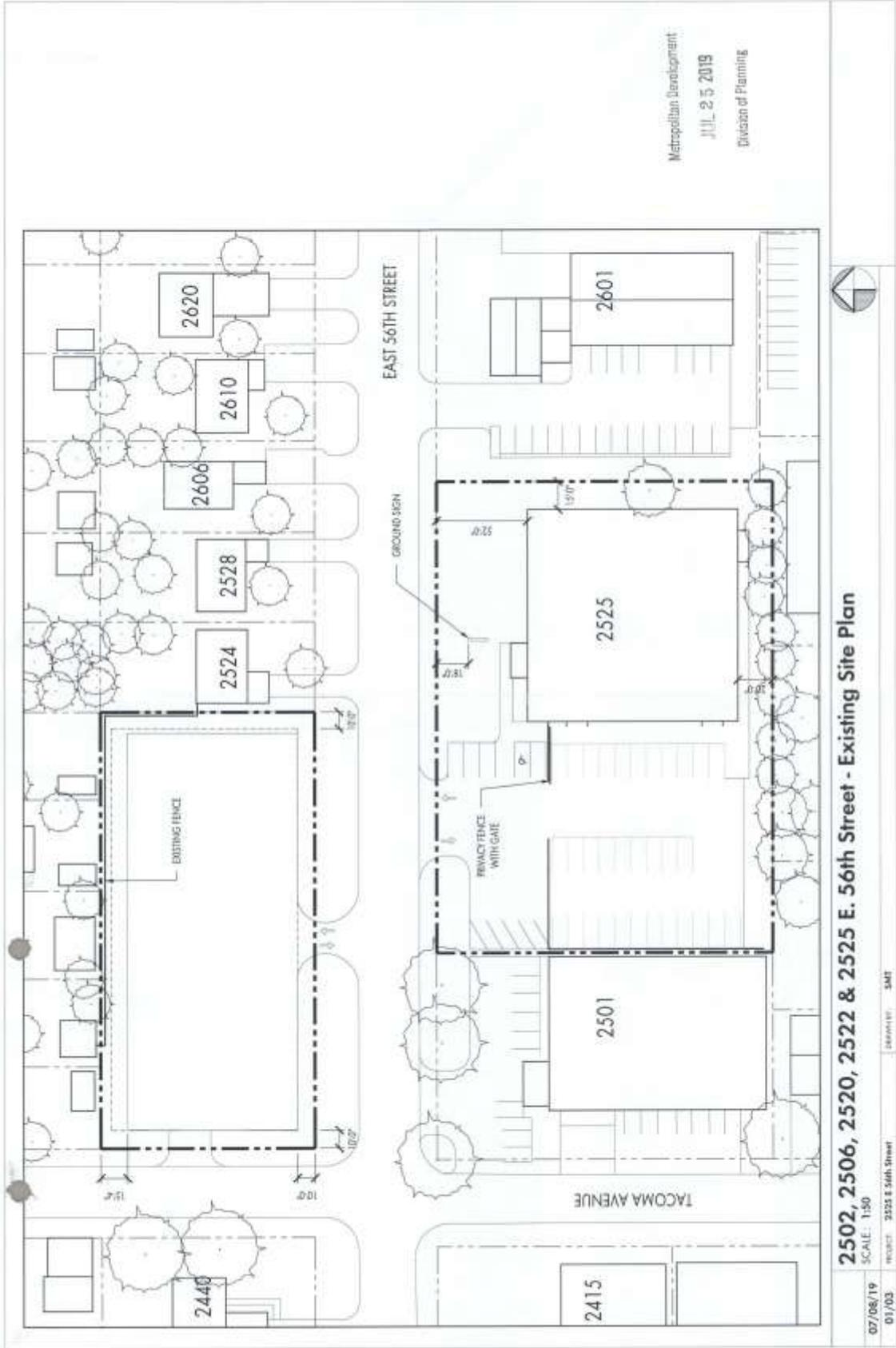
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2502, 2506, 2520, 2522 and 2525 East 56th Street





**SITE DATA**

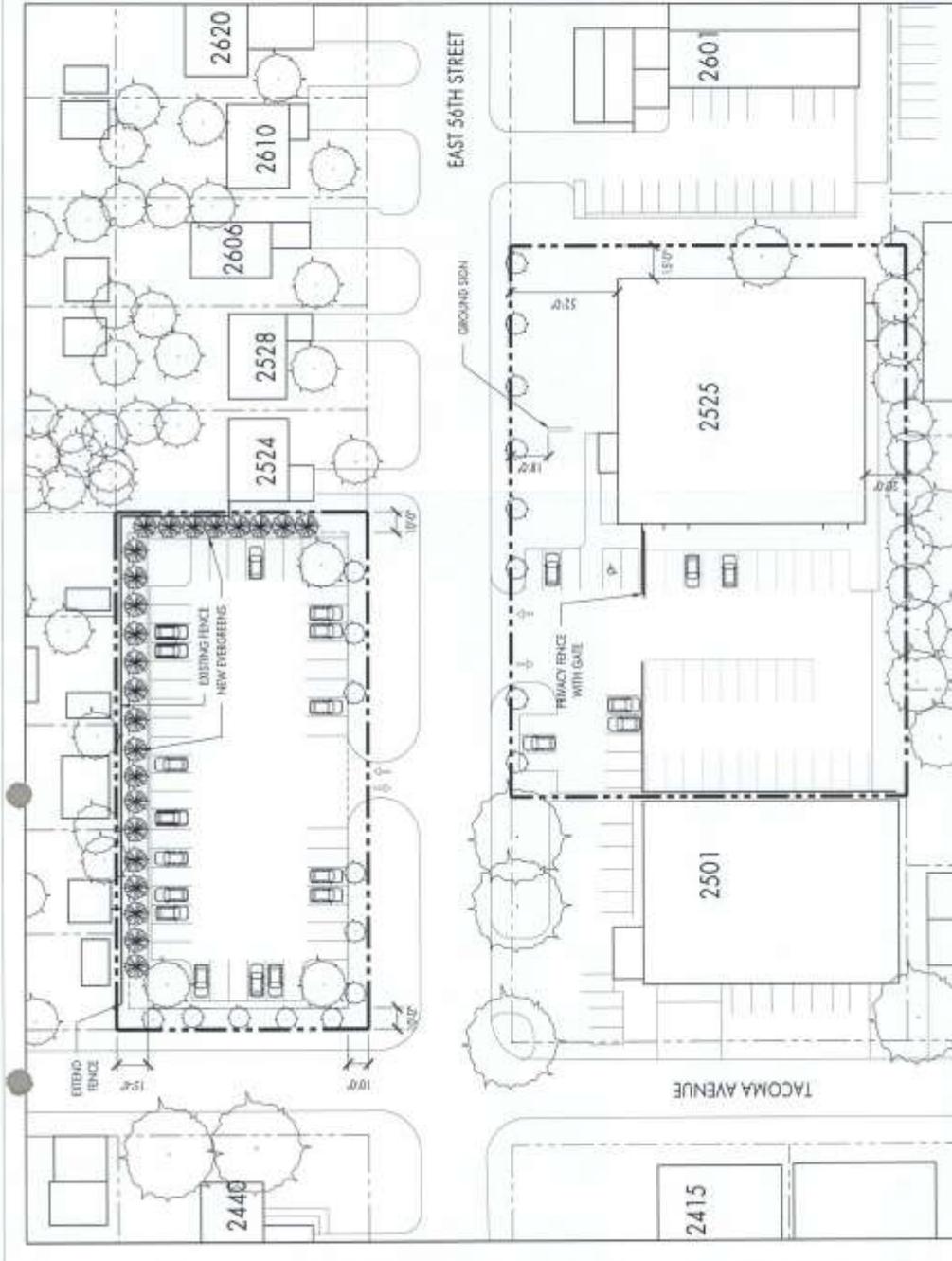
**SOUTH PROPERTY**  
Existing Building:  
Parking Spaces

14615sf  
45

**NORTH PROPERTY**  
North Building  
Parking Spaces

8724sf  
47

Metropolitan Development  
JUL 25 2019  
Division of Planning



**2502, 2506, 2520, 2522 & 2525 E. 56th Street - Proposed Site Plan Phase 1**

SCALE: 1/320

PROJECT: 2525 & 56th Street

DRAWN BY: SMT

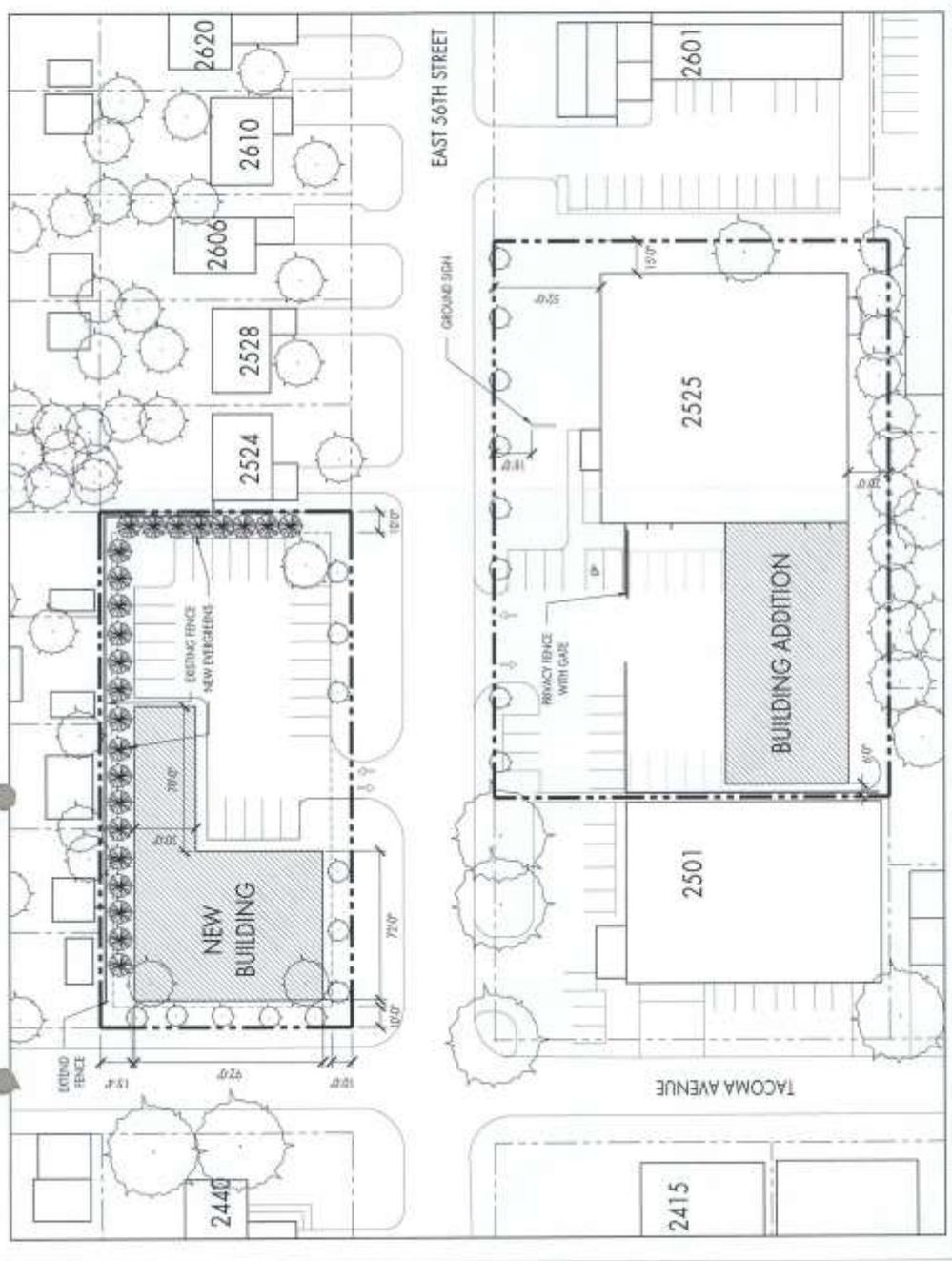
06/05/19  
02/03

**SITE DATA**

**SOUTH PROPERTY**  
 Existing Building: 14615sf  
 South Building Addition: 7560sf  
 Parking Spaces: 23

**NORTH PROPERTY**  
 North Building: 8724sf  
 Parking Spaces: 25

Metropolitan Development  
 JUL. 25 2019  
 Division of Planning



**2502, 2506, 2520, 2522 & 2525 E. 56th Street - Proposed Site Plan Phase 2**

SCALE: 1:50

06/05/19  
 03/03/20

PROJECT: 2525 E 56th Street  
 DRAWN BY: SMT



## EXHIBIT A

### ATTACHMENT "C"

Development Plan and Site Plan to allow:

#### Uses:

1. Restoration, service, storage & sales by internet or appointment only of classic autos on the south property.
2. C-1 uses (ground floor, ground floor only, multi-family residential second and or third floor), only, excluded uses in Attachment "E".
3. MU-1 uses (nonresidential ground floor only; multi-family residential second and or third floor only) excluding uses in Attachment "E".
4. Event center for gathering place for car clubs, public viewing of classic autos with art viewing, only.

#### Buildings:

One (1) existing fourteen thousand six hundred and fifteen (14,615) square feet, with proposed building addition of seven thousand five hundred and sixty (8,724) square feet, per site plan on file. Proposed new building on north side of the street is proposed at Twenty six thousand one hundred and seventy two (26,172) square feet.

#### Parking:

Southside: Twenty-five (25) on-site parking spaces inside fence; thirteen (13) on-site parking spaces outside the fence for customer parking

Northside: Forty-eight (48) on-site parking and display spaces, with no buildings; twenty-seven on-site parking spaces with proposed building

#### Signs:

One (1) free standing ground sign and no more than three (3) wall signs on the south side of East 56<sup>th</sup> Street. No signs; other than small permitted directional signs shall be erected on the north side of East 56<sup>th</sup> Street on the subject property

#### Screening and buffering:

Erect where none exists and maintain six (6) foot privacy fence along the north and east sides of the lots on the north side of East 56<sup>th</sup> Street. All landscaping proposed for the landscape strips along the west and south side of the lots on the north side of East 56<sup>th</sup> Street shall be installed and maintained within three (3) months of the commencement of the use of the lots on the north side of East 56<sup>th</sup> Street as depicted on the site plan on file. All existing trees, shrubs and foliage on the subject side on the south side of East 56<sup>th</sup> Street shall be maintained and replaced if needed.

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Exterior finish:

Any new structures built on the subject property shall be of like material as the existing building at 2525 East 56<sup>th</sup> Street

Security:

Monitored by security cameras

Lighting:

Retention of parking lot lighting and ornamental lighting and box lighting affixed to the building. All lighting erected on the north side of East 56<sup>th</sup> Street, shall be mounted on the building with shields so as to prohibit light spillage on the adjoining residences or ground lighting of the parking area.

Trash Collection:

All dumpsters shall be behind or at the side of any building, completely enclosed per city code; and only located on the lot on the south side of East 56<sup>th</sup> Street

7/10/19

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View looking east along east 56<sup>th</sup> Street



View looking west along East 56<sup>th</sup> Street



View of site (both north and south) looking east



View of north portion of site looking northeast across intersection of Tacoma Street / East 56<sup>th</sup> Street



View of north portion of site looking north across East 56<sup>th</sup> Street



View of north portion of site looking east across North Tacoma Street

## STAFF REPORT

Department of Metropolitan Development  
Division of Planning  
Current Planning Section

**Case Number:** 2019-CZN-839 / 2019-CVR-839 (Amended)  
**Address:** 960, 1002, 1006, 1010 and 1014 Bates Street and 1001 Georgia Street (approximate addresses)  
**Location:** Center Township, Council District #16  
**Petitioner:** GTR Financial LLC; Liberty Real Estate of Indiana Inc; and James Yanan by David Kingen and Justin Kingen  
**Request:** Rezoning of 0.64 acre from the I-4 district to the D-8 district.  
Variance of development standards of the Consolidated Zoning and Subdivision Ordinance to legally establish and provide for

- a) a single-family dwelling (1002) with a one-foot east side setback and four feet between dwellings and a detached garage with a three-foot west side setback (four-foot side setbacks and 10-foot separation required),
- b) a single-family dwelling (1006) with a three-foot west side setback and one-foot east side setback, three to four feet between dwellings and a detached garage with a two-foot east side setback (four-foot side setbacks and 10-foot separation required) and
- c) a single-family dwelling (1014) with a one-foot west side and a detached garage with a one-foot east side setback and one foot to four feet between dwellings (four-foot side setbacks and 10-foot separation required)

### ADDENDUM FOR JANUARY 9, 2020, HEARING EXAMINER

The Hearing Examiner continued these petitions from the October 24, 2019 hearing, to the December 12, 2019 hearing, at the request of petitioner's representative to provide additional time to amend the petition to include an additional parcel of land and provide new notice.

These petitions were continued from the December 12, 2019 hearing, to the January 9, 2020 hearing, because information had not been filed. Staff is requesting a **continuance from the January 9, 2020 hearing, to the January 23, 2020 hearing, to provide additional time to review the amended request.**

(Continued)

## **STAFF REPORT 2019-CZN-839 / 2019-CVR-839 (Continued)**

**October 24, 2019**

### **RECOMMENDATIONS**

Staff **recommends approval** of these requests, 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 variance grant to legally establish existing setbacks and dwelling separation shall be for the existing dwellings only. If either structure would be demolished or replaced, unless it involves reconstruction of the same structure with respect to the height and bulk, then that portion of the variance grant would no longer be valid.
2. An amended site plan shall be submitted for Administrator's Approval prior to the issuance of an Improvement Location Permit (ILP) that depicts the detached garage location in accordance with staff's comments.

### **SUMMARY OF ISSUES**

The following issues were considered in formulating the recommendation:

#### **LAND USE**

- ◇ This 0.17-acre site, zoned I-4, is comprised of two parcels developed with single-family dwellings. It is surrounded by undeveloped land to the north, zoned I-4; a railroad right-of-way to the south, across Bates Street; and a single-family dwelling to the east, zoned I-4; and undeveloped land to the west, zoned I-4.

#### **REZONING**

- ◇ This request would rezone the site from the I-4 District to the D-8 classification. "The D-8 district is a unique district designed for application in older developed urban areas. The district allows all forms of residential development except mobile dwellings. The district is designed to provide for the wide range and mixture of housing types found in older, inner-city neighborhoods, as well as along older residential/commercial thoroughfares. Due to the variety and intensity of development, clear delineation of public, semipublic and private areas must be ensured. Another important application of this district is in areas that are experiencing renewal either by public action or by natural process. Trees, as well as lot orientation, fulfill a critical cooling and drainage role for the lots in this district. A fine-grain of accessibility is provided and must be maintained. The D-8 district has a typical density range of 5 to 26 units per gross acre depending upon the type of development. This district fulfills the high density residential classification of the Comprehensive General Land Use Plan. Development plans should incorporate and promote environmental and aesthetic considerations, working within the constraints and advantages presented by existing conditions, including vegetation, topography, drainage and wildlife."

(Continued)

## **STAFF REPORT 2019-CZN-839 / 2019-CVR-839 (Continued)**

- ◇ The Comprehensive Plan recommends light industrial. “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.”
- ◇ This site is also located within an industrial reserve overlay and 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 Industrial Reserve (IR) overlay is intended for areas that are prime for industrial development due to factors such as large parcel size, proximity to compatible uses, and/or interstate access.” Staff would note that this site is comprised of two residential parcels that would not be suitable for industrial development.
- ◇ “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.” This site is located within both the Red Line and Blue Line transit-oriented overlays.
  - Red Line - This site is just beyond the ½-mile walkshed of the transit station located at the intersection of South Street and New Jersey Street, with the Central Business District typology with characteristics including high-rise buildings (minimum of five stories), mixed-use, active public spaces and 25-50 dwelling units per acre.
  - Blue Line – This site is located within the ½-mile walkshed of the proposed transit station at the intersection of Washington Street and Park Avenue, with the Central Business District typology, with characteristics of the most dense core with tall buildings (minimum of five stories), mixed-use and structured parking only with an active first floor.
- ◇ This site was part of the Middle Part of Out Lot 90 of the H. Bates Subdivision plat recorded on January 27, 1859. According to the records of the Assessor’s Office and historical aerials, the dwellings were constructed in 1900.
- ◇ Staff supports this request because the rezoning would be consistent with the historical residential use. The proposed rezoning would result in a district consistent with the original and ongoing use of the site. Furthermore, residential redevelopment is occurring in the area as part of ongoing renewal activities.

(Continued)

## **STAFF REPORT 2019-CZN-839 / 2019-CVR-839 (Continued)**

### **VARIANCES OF DEVELOPMENT STANDARDS**

- ◇ This request would legally establish the existing front and side setbacks for the existing single-family dwelling and the four-foot separation between dwellings when the Ordinance requires an 18-foot front setback or average, four-foot side setbacks and 10-foot separation between structures.
- ◇ Development standards of the Consolidated Zoning and Subdivision Ordinance, specifically those relating to setbacks, are intended to provide sufficient buffering to prevent the lateral expansion of fires, as well as the operation of emergency equipment in such situations.
- ◇ The front setback of the existing dwellings would be consistent with the front setbacks of the few existing single-family dwellings in the area. Therefore, Staff believes that the reduced front setback would have minimal impact on the streetscape or the surrounding property owners and would represent a minor deviation from the Ordinance.
- ◇ The side setbacks of the existing dwellings have not caused any community concern or any known negative impacts. Several properties in the area have similar reduced side setbacks. In staff's opinion, the request to legally establish an existing four-foot east side setback would be appropriate.
- ◇ The requested building separation reductions are largely a result of the small size of the lot and location of the dwellings, making it difficult to comply with the dwelling separation provisions and resulting in an undevelopable lot. The parcel addressed as 1002 Bates Street has a 34-foot lot width and the parcel addressed as 1006 Bates Street has a 24-foot lot width. Staff, therefore, supports this variance request.
- ◇ This variance, however, should only be applicable to the existing structure or replacement structure of similar bulk, as the impact of larger taller structure on these small lots would be more impactful. Staff is requesting a commitment that would prevent structures with greater bulk utilizing these diminished setbacks, from impacting adjacent properties.
- ◇ This request would provide for a detached garage with a zero-foot east side setback and a two-foot west side setback accessory to the dwelling addressed as 1002 Bates Street and a three-foot west side setback accessory to a single-family dwelling addressed as 1006 Bates Street. The Ordinance requires four-foot side yard setbacks.
- ◇ Staff believes that the three-foot west side setback for the detached garage (addressed as 1002 Bates Street) could comply with the Ordinance by moving it one foot to the east. This slight change would not impact the abutting property to the east because there would be a remaining six-foot eastside setback, thereby eliminating the need for a variance. Staff, therefore, does not support this variance.

(Continued)

**STAFF REPORT 2019-CZN-839 / 2019-CVR-839 (Continued)**

- ◇ Staff believes the proposed detached garage (addressed as 1006 Bates Street) should be shifted to the west, resulting in a one-foot west setback and a three-foot east setback. There is a practical difficulty because the 24-foot wide parcel and a reasonably-sized 20-foot wide detached garage would provide for a four-foot setback cumulatively for both the east and west boundaries. By moving the detached garage to the west, a three-foot eastside setback would be provided and with the one-foot westside setback, combined with the six-foot setback on the abutting property would provide a seven-foot building separation and would allow setbacks that are not ideal, but acceptable given the parcel configurations.
- ◇ With the aforementioned changes in the detached garages, staff would support the variance requests, as amended.

**Procedural Notes**

- ◇ Building Codes require one-hour fire-resistive rating with exposure from both sides when the fire separation distance is less than three feet. This measurement is taken from the parcel / property line. Detached garages within two feet of a lot line shall be permitted to have roof eave projections not exceeding four inches.
- ◇ Furthermore, openings shall not be permitted in the exterior wall of a dwelling or accessory building with a fire separation distance of less than three feet, but shall be permitted in walls that are perpendicular to the line used to determine the fire separation distance.

**GENERAL INFORMATION**

**EXISTING ZONING AND LAND USE**

I-4                      Single-family dwelling

**SURROUNDING ZONING AND LAND USE**

North -	I-4	Undeveloped land
South -	I-4	Railroad right-of-way
East -	I-4	Single-family dwellings
West -	I-4	Undeveloped land

<b>COMPREHENSIVE PLAN</b>	The Comprehensive Land Use Plan for Indianapolis and Marion County (2018) recommends light industrial.
<b>THOROUGHFARE PLAN</b>	This portion of Bates Street is designated in the Marion County Thoroughfare Plan as a local street, with an existing and a proposed 60-foot right-of-way.
<b>CONTEXT AREA</b>	This site is located within the compact context area.

(Continued)

## **STAFF REPORT 2019-CZN-839 / 2019-CVR-839 (Continued)**

### OVERLAY

This site is located within an industrial reserve and transit-oriented development overlays (Red Line Transit Oriented Development Strategic Plan and Blue Line Transit Oriented Development Strategic Plan).

### SITE PLAN

File-dated September 19, 2019

## **ZONING HISTORY**

**97-UV2-36, 1002 Bates Street**, requested a variance of use and development standards of the Industrial Zoning Ordinance to provide for construction of a 22 by 24-foot detached garage for an existing single-family dwelling, with reduced setbacks, **denied**.

### VICINITY

**2013-CZN-835 / 2013-CVR-835; 939, 943, 947, 954, 958 and 964 East Georgia Street (north of site)**, requested rezoning of 0.50 acre from the I-4U district to the D-8 classification to provide for single-family development and variances of development standards to legally establish reduced setbacks and open space and provide for detached garages with reduced setbacks, **approved and granted**.

**2008-SE2-004; 229 South Shelby Street (east of site)**, requests a Special Exception of the Industrial Zoning Ordinance to provide for the operation of a motor vehicle salvage operation, in I-4-U, **withdrawn**.

**2003-UV2-043; 1127 Bates Street (east of site)**, requests a Variance of Use and Development Standards of the Industrial Zoning Ordinance to provide for the continued operation of a motor vehicle salvage business, with a zero-foot west side setback, in I-4-U, **granted (later dismissed because conditions were not met)**.

**2006-UV2-018; 1007, 1011, and 1015 East Georgia Street (north of site)**, requests a variance of use of the Industrial Zoning Ordinance to provide for continued lawn mower sales and repair (not permitted), and used carpet sales (not permitted), as permitted temporarily by petition 2001-UV1-016 until May 1, 2006, **granted**.

**2001-UV1-016; 1007-1015 East Georgia Street (north of site)**, variance of use of the Industrial Zoning Ordinance to provide for lawn mower sales and repair, and carpet sales in I-4-U, as previously approved by 96-UV3-43, **granted (temporary for five years, exclusive to petitioner)**.

**99-Z-186; 1133 East Georgia Street (north of site)**, requests a rezoning of 1.597 acres from SU-9 to I-3-U to provide for medium intensity urban industrial development, **approved**.

(Continued)

**STAFF REPORT 2019-CZN-839 / 2019-CVR-839 (Continued)**

**99-UV1-48; 1101-1129 East Georgia Street (north of site)**, requests a variance of use and development standards of the Industrial Zoning Ordinance to provide for an alcohol and drug treatment and recovery center with a parking area within the required front yards of Georgia and Shelby Street, with off-street loading utilizing an adjacent alley for vehicle maneuvering and loading, **granted**.

**99-UV1-19; 1129-1225 East Georgia Street (north of site)**, requests a variance of use and development standards of the Industrial Zoning Ordinance to provide for an alcohol and drug treatment and recovery center, with parking within the required front yards along Georgia and Leota Streets, **granted**.

**96-UV3-43; 1007-1015 East Georgia Street (north of site)**, variance of use of the Industrial Zoning Ordinance to provide for lawn mower sales and repair, carpet sales, and light mechanical automobile repair in I-4-U, **granted (temporary for five years, exclusive to petitioner)**.

**95-UV3-78; 1135 East Bates Street (east of site)**, requests a variance to provide for an auto-salvage business, in I-4-U, **granted for two years**.

**94-Z-116; 1129-1225 East Georgia Street (north of site)**, requests a rezoning of 2.66 acres, being in the SU-9 District, to the I-3-U classification, **approved**.

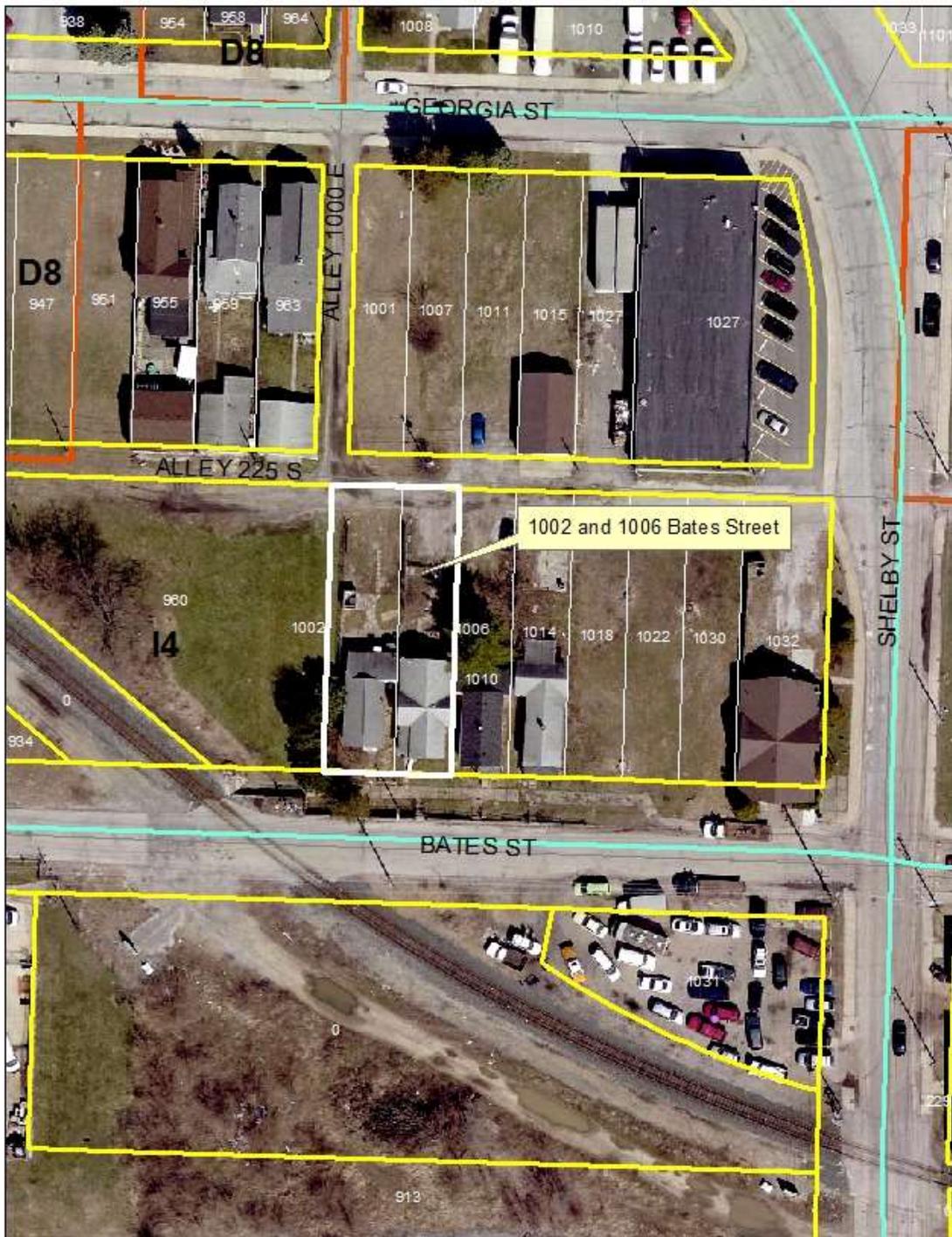
**94-VAC-25; 1101 East Georgia Street (north of site)**, requests a vacation of 11.45 feet in width from the south right-of-way line of Georgia Street, from Shelby to Leota Streets, a portion of the alley south of Georgia Street, and a portion of Olive Street, **approved**

**93-UV3-51; 1135 East Bates Street (east of site)**, requests a variance to provide for an auto-salvage business, in I-4-U, **granted for one year**.

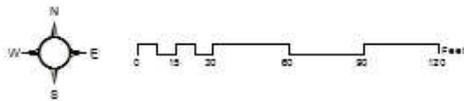
**90-Z-197; 1129-1225 East Georgia Street (north of site)**, requests a rezoning of 2.66 acres, being in the I-4-U District, to the SU-9 classification, **approved**.

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1002 and 1006 Bates Street



Metropolitan Development

SEP 19 2019

Division of Planning

Metropolitan Development

SEP 19 2019

Division of Planning





View looking east along Bates Street



View looking south (rail road right-of-way) across Bates Street



View of site looking north across Bates Street



View looking northeast at 1002 Bates Street



View across Bates Street looking northeast at 1006 Bates Street and adjacent dwelling

## STAFF REPORT

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

**Case Number:** 2019-CZN-841 / 2019-CVR-841  
**Address:** 2455 North Central Avenue (*Approximate Address*)  
**Location:** Center Township, Council District #11  
**Petitioner:** Adams French Property LLC, by Brian J. Tuohy  
**Request:** Rezoning of 0.79 acre from the C-7 district to the C-S district to provide for a self-storage facility and MU-2 uses with the following prohibited uses: check cashing and validation service; liquor store; drive-through; laundromat; plasma (blood center); substance abuse treatment facility; dry cleaning plant or industrial laundry; retail adult entertainment business; firearm sales; fireworks sales; pawn shop; and automobile fueling station.

Variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for an approximately 55-foot tall mixed-use self-storage facility within the clear sight triangles of the abutting streets and alley (not permitted), with a zero-foot north front transitional yard, a three-foot east side transitional yard and eight parking spaces with a zero-foot south yard, all without landscaping (maximum 38-foot height and 25-foot height along a transitional yard, minimum 10-foot front, side and side transitional yards with landscaping required, minimum one parking space per 30 units required).

#### **ADDENDUM FOR January 9, 2020**

This petition was continued from the November 21, 2019 hearing to the January 9, 2020 hearing at the request of the petitioner's representative to address questions raised by neighbors.

The petitioner's representative has indicated that they will be **asking for an additional continuance to the February 27, 2019** hearing. This will allow time to evaluate potential renovations and changes to address questions raised by neighbors. Staff will have no objection to this continuance request.

#### **ADDENDUM FOR NOVEMBER 21, 2019**

This petition was continued from the October 24, 2019 hearing to the November 21, 2019 hearing at the request of the petitioner's representative.

(Continued)

## **STAFF REPORT 2019-CZN/CVR-841 (Continued)**

### **October 24, 2019**

This petition was continued from the August 29, 2019 hearing, to the September 26, 2019 hearing at the request of a registered neighborhood organization, and from the September 26, 2019 hearing, to the October 24, 2019 hearing at the request of Staff.

### **RECOMMENDATIONS**

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

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

### **SUMMARY OF ISSUES**

#### **LAND USE**

- ◇ This 0.77-acre site is zoned C-7 and developed with a former moving company warehouse. This site contains a five-story building with two loading docks to the south, and a one-story building adjacent to the north.
- ◇ Adjacent properties include a religious use in the SU-1 District to the north, single-family dwellings in the D-8 Zoning District to the east, and a vacant commercial structure in the C-3 Zoning District to the south. The adjacent properties to the west are commercial uses in the MU-2 Zoning District.
- ◇ A previous zoning petition for a variance of development standards (2017-DV3-032), requested to replace the existing one-story building with a 65-foot tall, five-story building expansion to the existing 70-foot tall building for a self-storage facility with 2,800-square feet of retail space, with a zero-foot north side transitional setback and a three-foot east side transitional setback, and with six parking spaces. That petition was granted.

#### **REZONING**

- ◇ This request would rezone the site from the C-7 District to the C-S district to provide for a self-storage facility and MU-2 uses with several prohibited uses, as indicated in the proposed commitments, see Exhibit A.
- ◇ The self-storage facility is a permitted use in the C-7 district, but must meet certain development standards.

(Continued)

## **STAFF REPORT 2019-CZN/CVR-841 (Continued)**

- ◇ For the requested MU-2 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 minimalized, and building details and other similar amenities are scaled to the pedestrian.”
- ◇ This request would not be consistent with the current comprehensive plan recommendation of traditional neighborhood. Although the request would include 3,500 square feet of retail space, the majority of the use would be self-storage uses, including the upper floors. Staff would also note that the petitioner’s representative filed a list of excluded MU-2 District uses as a commitment (Exhibit A).
- ◇ Despite the existing C-7 zoning and the previous granted variance on the site, staff believes that the new construction of a self-storage facility introduces a commercial intensity that would not be appropriate for this site because of the protected districts to the north and east. As proposed, staff cannot support this request.
- ◇ Staff supported the previous petition because it was a reuse of an existing building with deficient setbacks, and was consistent with the Comprehensive plan recommendation of light industrial at the time. The Comprehensive plan has since been updated and now recommends traditional neighborhood.

## **VARIANCE OF DEVELOPMENT STANDARDS**

- ◇ The request would replace both of the existing buildings and loading docks, with a 55-foot tall, four-story newly constructed building, with 3,500-square feet of retail space, with a zero-foot north side transitional setback and a three-foot east side transitional setback, and eight parking spaces with a zero-foot south yard, all without landscaping.
- ◇ The Ordinance would limit building height along a transitional yard to 25 feet. The protected district to the north is a religious use and a parking lot, separated by a 50-foot East 25<sup>th</sup> Street right-of-way. The protected district to the east is a dwelling district, separated by a 20-foot alley right-of-way.
- ◇ The request would also allow for a zero-foot north side transitional setback and a three-foot east side transitional setback without landscaping. Although the requested setbacks are similar to the existing setbacks of the two existing buildings, the proposed use would be new construction, and should meet the development standard requirements of the ordinance

(Continued)

## **STAFF REPORT 2019-CZN/CVR-841 (Continued)**

- ◇ The request would also provide for eight onsite parking spaces, as indicated on the site plan. This would be an increase of two spaces from the previous granted variance on the site. A drive would be provided from Central Avenue through to the alley, along with replacing the loading dock area with parking. In addition, street parking is available along Central Avenue to the north and south.

### **GENERAL INFORMATION**

#### EXISTING ZONING AND LAND USE

C-7 Commercial uses

#### SURROUNDING ZONING AND LAND USE

North -	SU-1	Religious use
South -	C-3	Vacant commercial building
East -	D-8	Single-family dwellings
West -	MU-2	Commercial mixed uses

#### COMPREHENSIVE PLAN (2017)

The comprehensive plan recommends traditional neighborhood uses for the site.

#### THOROUGHFARE PLAN

This portion of Central Avenue is indicated as a primary arterial on the Official Thoroughfare Plan, with a 25-foot existing half right-of-way and a 39-foot proposed half right-of-way.

This portion of East 25<sup>th</sup> Street is indicated as a secondary arterial on the Official Thoroughfare Plan, with a 25-foot existing half right-of-way and a 28-foot proposed half right-of-way.

#### SITE PLAN

File-dated July 25, 2019

### **ZONING HISTORY**

**2017-DV3-032; 2455 North Central Avenue (subject site)**, requested a variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for a 65-foot tall, five-story building expansion to an existing 70-foot tall building, for a self-storage facility, with 2,800-square feet of retail space, with a zero-foot north side transitional setback and a three-foot east side transitional setback, and with six parking spaces, **granted**.

**2016-UV2-018; 2455 Central Avenue (subject site)**, requested a variance of use of the Consolidated Zoning and Subdivision Ordinance to provide for 48 multi-family dwellings, **withdrawn**.

(Continued)

## **STAFF REPORT 2019-CZN/CVR-841 (Continued)**

**2006-ZON-820/2006-VAR-820; 2442 North Central Avenue (west of site)**, requested a rezoning of 0.75 acre, from the C-3 District, to the C-3C classification to provide for corridor commercial uses, **approved**. Requested a variance of development standards of the Commercial Zoning Ordinance to provide for a 47-foot tall, four-story, 54,054 square foot condominium building and commercial building; encroaching into the clear-sight triangle area; with 30-foot front setbacks from the centerlines of Central Avenue and 25th Street; to provide for outdoor seating in the required front yard with a 25-foot front setback from the centerline of 25th Street; to provide for commercial development without a loading space; to provide for a lot without direct access to a public street; to provide for parking with a 9.2-foot west side setback; to provide for 24 parking spaces; without landscaping in the required front yards; and to provide for two canopy structures with externally illuminated signage located within 44 feet of a protected district, **approved**.

**2005-DV3-039, 2403-2415 North Park Avenue (south of subject site)**; requested a variance of development standards of the D-8 Dwelling District to provide for the construction of a seven-unit multi-family residential structure 41 feet in height (35 feet permitted), **granted**.

**2005-ZON-183; 2455 Central Avenue (subject site)**; requested a rezoning of .77 acre from the C-7 Commercial District to the D-10 Dwelling District, **withdrawn**.

**2005-ZON-140; 2449-2457 North Delaware Street (west of site)**, requested the rezoning of 0.64 acres, being in the D-8 and C-3 Districts, to the D-P classification to provide for the construction of two mixed-use buildings containing a total of nine mixed-use commercial/residential units with a density of 14.06 units per acre, **approved**.

**2004-DV1-033, 2422 North Park Avenue (south of subject site)**; requested a variance of development standards of the D-8 Dwelling District to provide for the construction of a single-family residence 39 feet in height (35 feet permitted), **granted**.

**2004-DV2-006, 2521-2531 Central Avenue and 2354-2362 Central Avenue (north and south of subject site)**; requested a variance of development standards of the D-8 Dwelling District to provide for the construction of six attached single-family residences with reduced front yard setbacks and five attached single-family residences with reduced front yard setbacks, respectively, **granted**.

**2003-ZON-074, 2365 North Central Avenue (south of subject site)**; requested a rezoning of 1.33 acres from the SU-1 Special Use District to the D-8 Dwelling District, **approved**.

**2003-ZON-073, 2402 North Central Avenue (multiple addresses) (south of subject site)**; requested the rezoning of 0.64 acre from the C-1 Commercial District to the D-8 Dwelling District, **approved**.

**97-UV2-20, 2427 North Central Avenue (south of subject site)**; requested a variance of use of the Commercial Districts Zoning Ordinance to provide for religious uses including a sanctuary, pastoral study and the conversion of a single-family residence into a fellowship hall, **granted**.

(Continued)

**STAFF REPORT 2019-CZN/CVR-841 (Continued)**

**96-UV2-1, 2427 North Central Avenue (south of subject site);** requested a variance of use of the Commercial Districts Zoning Ordinance to provide for a conversion of an existing residential structure to a church and to legally establish a variety store in an existing building, **granted.**

**96-UV2-10; 515 East 25<sup>th</sup> Street (part of subject site),** requested a variance of use and development standards of the Commercial Zoning Ordinance to provide for the operation of an automobile repair and storage facility with storage of unlicensed, inoperable vehicles on the premises; zero front yard setback along East 25th Street without landscaping; zero side yard setback along the south property line without landscaping; zero foot transitional yard along the alley without landscaping; and an 8 foot tall wall within the required front yard along 25th Street, **denied.**

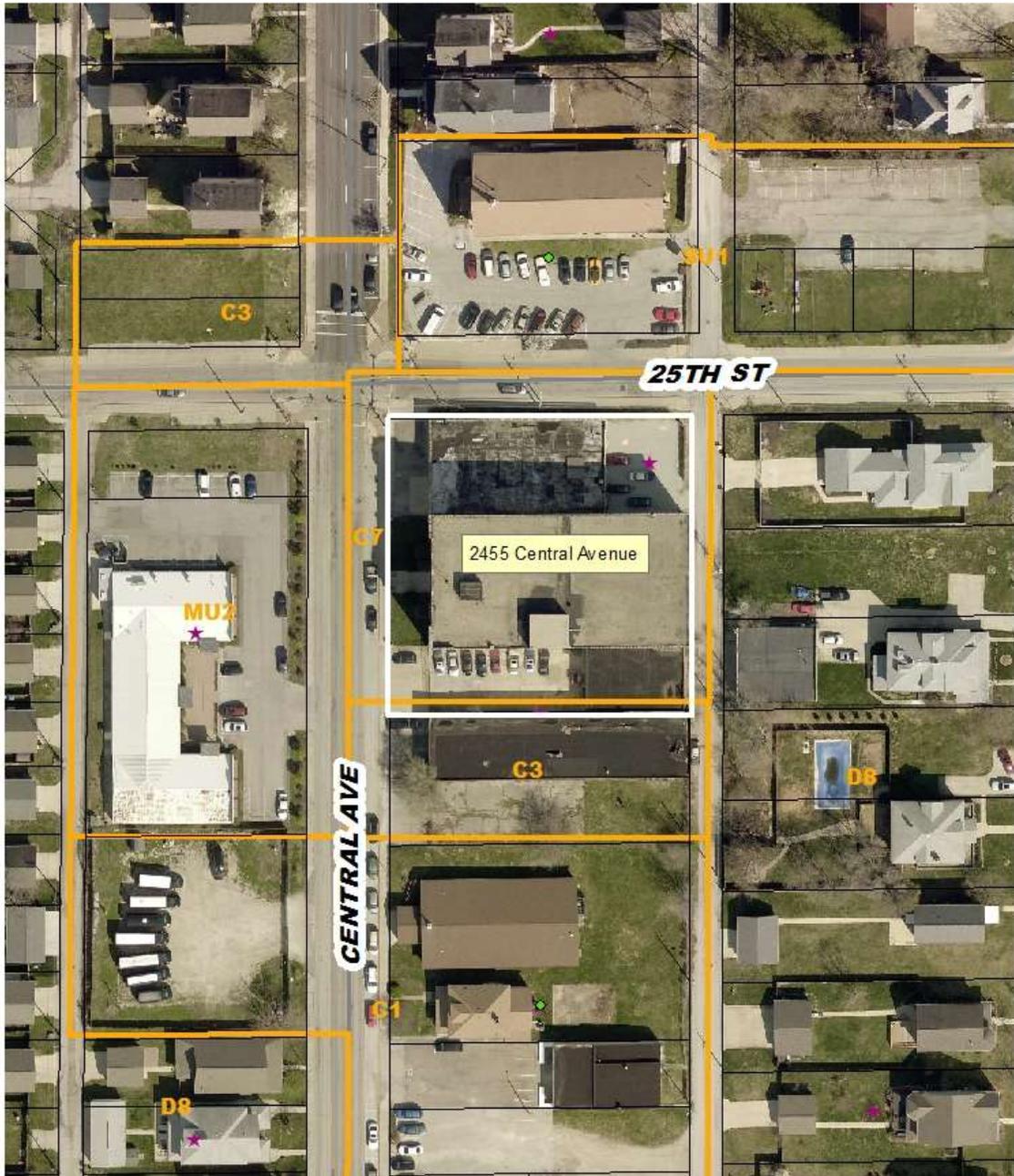
**95-Z-96, 2503 N. Central Avenue (north of subject site);** requested a rezoning 0.51 acre being in the C-3 district to the SU-1 classification to provide for a church, **approved.**

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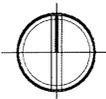
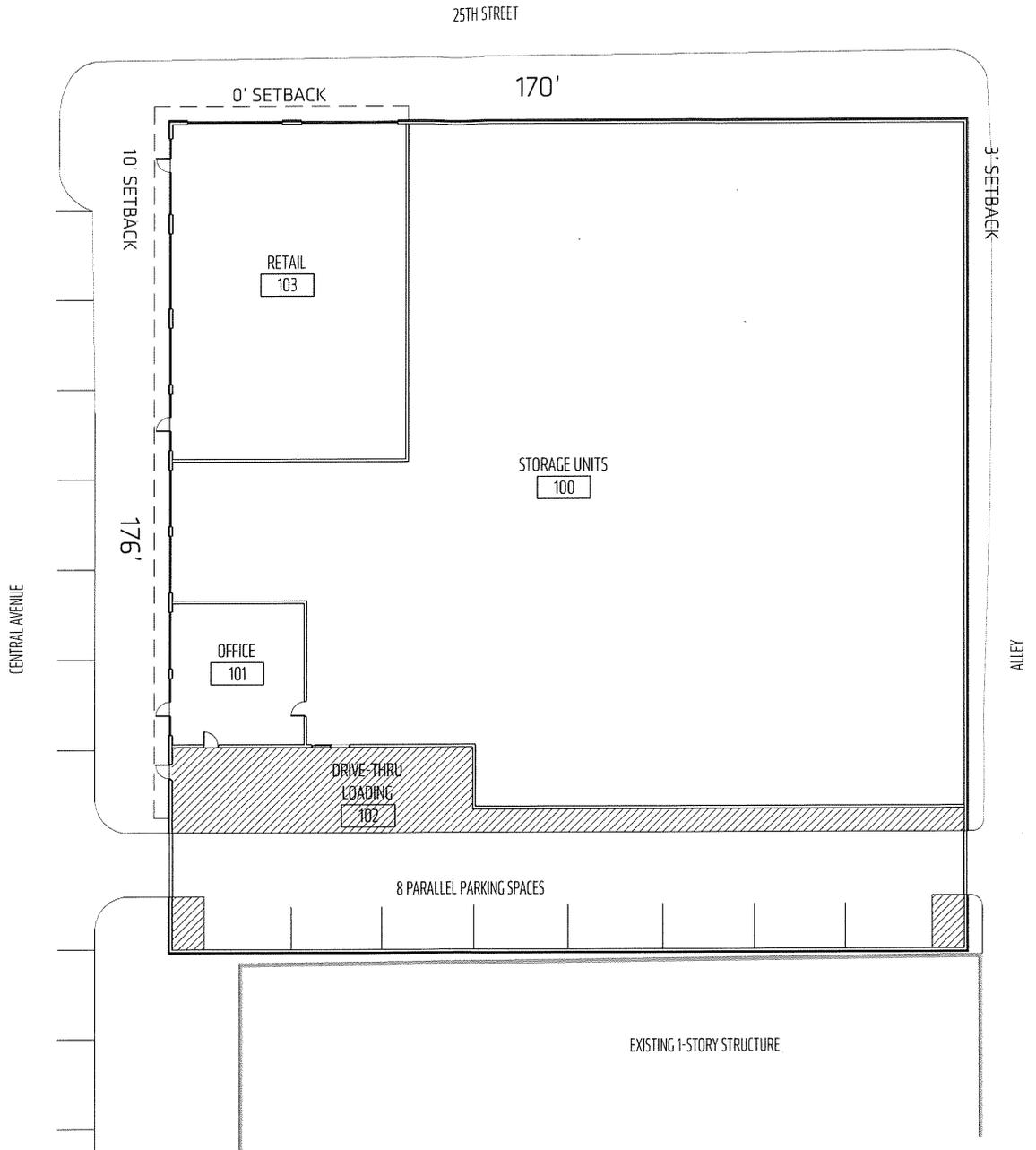
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**STAFF REPORT 2019-CZN/CVR-841 (Continued)**

**2019-CZN/CVR-841: Location Map**



**2019-CZN/CVR-841: Site Plan**



**Proposed Commitments**

Petitioner proposes the following commitments:

1. The following uses shall be permitted on the Site:
  - Self-storage facility;
  - MU-2 Uses, except the following MU-2 Uses shall not be permitted on the site:
    - Check Cashing or Validation Service;
    - Liquor store (provided, that for purposes of clarity, a grocery store, drug store and/or restaurant/bar/tavern shall be permitted to sell alcoholic beverages);
    - Drive-Through;
    - Laundromat.
2. The following uses shall be prohibited on the Site:
  - Plasma (Blood Center)
  - Substance Abuse Treatment Facility;
  - Dry Cleaning Plant or Industrial Laundry;
  - Adult Entertainment Business: Retail;
  - Firearm Sales;
  - Fireworks Sales;
  - Pawn Shop;
  - Automobile Fueling Station.
3. The following Commitments shall be recorded with this proposed rezoning:
  - A minimum of approximately 3,500 square feet of first floor space shall be reserved for retail / commercial uses(s) other than self-storage.
  - A landscape plan shall be submitted for Administrator's Approval prior to the issuance of an Improvement Location Permit.
  - Any dumpster on the site shall be enclosed, gated and gate kept closed at all times. The dumpster shall either be located within the building or stored within an enclosure. If stored in an enclosure, the enclosure shall be contextual in its materials (to match the New Building).
  - The trash from the dumpster shall only be picked up by the refuse company between the hours of 7 am and 9 pm, Monday through Saturday.
  - Hours of operation for any commercial use shall be between the hours of 6:00 am and 11:59 pm daily. The foregoing shall not apply to the commercial self-storage use, for which 24 hour access shall be permitted for customers requiring such access.
  - The hours of operation for a restaurant / bar / tavern tenant shall end by 10:00 pm on Sunday through Thursday and by 11:59 pm on Friday and Saturday.

**2019-CZN/CVR-841: Photographs**



View of subject site looking east



View of existing loading docks to be removed for parking area, looking east.



View of existing three-foot east side transitional setback, looking south



View of existing zero-foot north side transitional setback, looking west.



View of single-family dwelling to the east



View of religious use to the north



View of adjacent commercial use to the west

## STAFF REPORT

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

**Case Number:** 2019-CZN-844 / 2019-CVR-844 (Amended)  
**Address:** 1847, 1906 and 1910 West Washington Street (approximate address)  
**Location:** Center Township, Council District #16  
**Petitioner:** Los Nitidos LLC / RRD Properties LLC, by David Kingen and Justin Kingen  
**Request:** Rezoning of 0.52 acre from the D-5 district to the MU-2 district.  
  
**Variance of use and development standards of the Consolidated Zoning and Subdivision Ordinance to provide for single-family residential dwellings (not permitted) and to provide for a proposed mixed-use structure (1910), parking lot and trash container with a five-foot west side transitional setback and an existing mixed-use structure (1906) with a 25-foot front setback and a parking lot with a five-foot east side transitional yard, and a parking lot (1847) with a five-foot south transitional yard and zero-foot east transitional yard (maximum 20-foot front setback, 15-foot side and 10-foot rear transitional yard required).**

The Hearing Examiner continued these petitions from the November 14, 2019 hearing, to the December 12, 2019 hearing, and to the January 9, 2020 hearing, at the request of the petitioner's representative to provide time to amend the petition and provide new notice.

### **RECOMMENDATIONS**

Staff **recommends denial** of these requests.

### **SUMMARY OF ISSUES**

The following issues were considered in formulating the recommendation:

#### **LAND USE**

- ◇ This 0.52-acre site, zoned D-5, is comprised of three parcels. One undeveloped parcel is separate from the other two and located on the south side of West Washington Street. Two contiguous parcels on the north side of West Washington Street are developed with a single-family dwelling and accessory buildings. The site is surrounded by single-family dwellings to the north, zoned D-5; commercial uses and single-family dwellings to the south, across West Washington Street, zoned C-4 and D-5, respectively; single-family dwellings and a two-family dwelling to the east zoned D-5; and undeveloped land and commercial uses, across Elder Avenue, to the west zoned D-5 and C-4, respectively.

(Continued)

## **STAFF REPORT 2019-CZN-844 / 2019-CVR-844 (Continued)**

### **REZONING**

- ◇ This request would rezone the sites from the D-5 District to the MU-2 classification to provide for a mixed-use building, single-family dwelling and parking lot. “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 *Near West Neighborhood Land Use Plan* recommends residential uses at 15 units per acre. “This density is appropriate only within relatively intense urban areas where there is a full range of urban services and where those services have the capacity to accommodate the development. Development at this density is appropriate for all types of mass transit corridors.”
- ◇ These sites are also located in Critical Area Eight that emphasizes the importance of the physical form of development and its contribution to the functionality of the multi-modal travel route, particularly the pedestrian-scaled streetscape. See Exhibit A.
- ◇ The *Blue Line Transit-Oriented Development Strategic Plan* proposes a Community Center typology for the transit station at Belmont Avenue and Washington Street. This typology provides for “varying types of commercial developments, from large strip centers to shopping malls, along arterial corridors. Development opportunities vary from redevelopment into mixed-use, walkable patterns to multi-family residential infill development.”
- ◇ Characteristics of the Community Center transit station include:
  - Walkable Neighborhood
    - Mix of uses at station area and primarily residential beyond
    - Maximum of 3 stories throughout
    - No front or side setbacks at core; 0-15 ft. front setbacks and 0-20 ft. side setbacks at periphery
    - Mix of multi-family and single-family housing
    - Structured parking at the core and attractive surface parking at the periphery
- ◇ This request would provide for an existing one-story structure with eight parking spaces in the rear of the parcel addressed as 1906 West Washington Street; a two-story mixed use building with six parking spaces in the rear of the parcel addressed as 1910 West Washington Street; and a parking lot with nine parking spaces on the third parcel to the south, across West Washington Street, addressed as 1847 West Washington Street.

(Continued)

## **STAFF REPORT 2019-CZN-844 / 2019-CVR-844 (Continued)**

- ◇ As filed, the request would not comply with the Neighborhood Plan recommendation of residential development. It would provide for residential development, but the lack of detail on the number of units and other uses result in a development that would be inconsistent with the Plan and potentially lack adequate parking for any proposed use.
- ◇ Additionally, the Blue Line Plan recommends that mixed-use be located at the transit station area, with residential in surrounding areas. A more appropriate development that would be consistent with the Plans recommendations would be the historical use of three single-family dwellings (see Exhibit B) because the lot size and scale of single-family development would be less impactful, more characteristic of the surrounding land uses, and supportive of vibrant pedestrian activity.

### **VARIANCES OF USE / DEVELOPMENT STANDARDS**

- ◇ This request would provide for a variance of use and seven development standard variances. When a site is rezoned and a variance of use requested staff questions whether the proposed land use would be appropriate. In this case, the need for seven variances of development standards raises issues related to appropriateness of the proposed development, over development of the site and the burden imposed on surrounding land uses.
- ◇ The variance of use would provide for a single-family dwelling when the MU-2 District does not permit this use. Residential uses permitted in the MU-2 District would include a triplex, a fourplex, single-family attached dwellings, multi-family dwellings and live/work units. The request mentions single-family residential units, but does not clarify the number of single-family dwellings or the location. If the variance only pertains to the existing single-family dwelling, it would be unnecessary to permit its reconstruction because the Ordinance permits the reconstruction of legally non-conforming single-family dwellings in non-residential districts.
- ◇ The request would provide for a mixed-use structure, parking lot and trash container, (addressed as 1910 West Washington Street) all with a five-foot west side transitional setback, when the Ordinance requires a minimum of 15 feet. The lack of appropriate setbacks for a two-story structure, parking lot and trash container imposes a burden on the adjacent property and is representative of over-development.
- ◇ The request would provide for a 25-foot front setback for an existing single-family dwelling (addressed as 1906 West Washington Street and proposed for mixed-use) when the maximum permitted by the Ordinance is 20 feet. However, because the existing single-family dwelling would be a legally established non-conforming use after the site was rezoned to the MU-2 District, it would be permitted to be reconstructed by the exception in the Ordinance for single-family and two-family dwellings without a variance.
- ◇ This request would provide for a parking lot with a five-foot east side transitional yard (addressed as 1906 West Washington Street) when the Ordinance requires a 15-foot transitional setback. Supporting a 10-foot encroachment of a parking lot into the transitional yard negatively impacts the abutting residential uses and represents a site that would be over developed and out of character with the neighborhood.

(Continued)

**STAFF REPORT 2019-CZN-844 / 2019-CVR-844 (Continued)**

- ◇ This request would provide for an off-site parking lot (addressed as 1847 West Washington Street) with a five-foot south transitional yard and a zero-foot east transitional yard when the Ordinance requires a 10-foot rear transitional yard and a 15-foot side transitional yard. A parking lot would be a wholly inappropriate intrusion into the neighborhood with the associated dust, traffic, noise, lights and trash. Furthermore, the lack of required setbacks imposes a heavier burden and increases the negative impact on the adjacent residential uses. In this case, a privacy fence on the property line and landscaping does nothing to minimize the impact of a parking lot in this neighborhood.
- ◇ Additionally, those parking in this parking lot would be required to cross a four-lane primary arterial, with an 80-foot right-of-way and 50-foot wide pavement without the benefit of any safety measures such as a crosswalk, traffic signal or enhanced pedestrian-crossing features.

**GENERAL INFORMATION**

**EXISTING ZONING AND LAND USE**

D-5                      Single-family dwelling/ detached accessory buildings (two parcels) / undeveloped land (one parcel)

**SURROUNDING ZONING AND LAND USE**

North -	D-5	Single-family dwellings
South -	C-4 / D-5	Commercial uses / undeveloped land / single-family dwelling
East -	D-5	Single-family dwellings / two-family dwelling
West -	D-5 / C-4	Undeveloped land / commercial uses

**COMPREHENSIVE PLAN**

The Near West Neighborhood Land Use Plan (2014) recommends residential uses at 15 units per acre and village mixed-use for the southern parcel.

The site is also located within Critical Area Eight.

The Blue Line Transit-Oriented Strategic Plan (2018) identifies this site as being located within a ¼ mile walk of the proposed Belmont Avenue / US 41 transit station.

**THOROUGHFARE PLAN**

This portion of West Washington Street is designated in the Marion County Thoroughfare Plan as a primary arterial, with an existing 80-foot right-of-way and a proposed 78-foot right-of-way.

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

**CONTEXT AREA**

This site is located within the compact context area.

**SITE PLAN**

File-dated December 5, 2019

(Continued)

**STAFF REPORT 2019-CZN-844 / 2019-CVR-844 (Continued)**

**ZONING HISTORY**

**2012-ZON-087; 1821 West Washington Street (east of site)**, requested rezoning of 0.31 acre from the D-5 District to the D-8 classification to provide for multi-family uses, **approved**.

**2009-ZON-060; 38 Miley Avenue (east of site)**, requested rezoning of 1.166-acres from, the C-S District to the C-2 classification to provide for high-intensity office-apartment uses, **approved**.

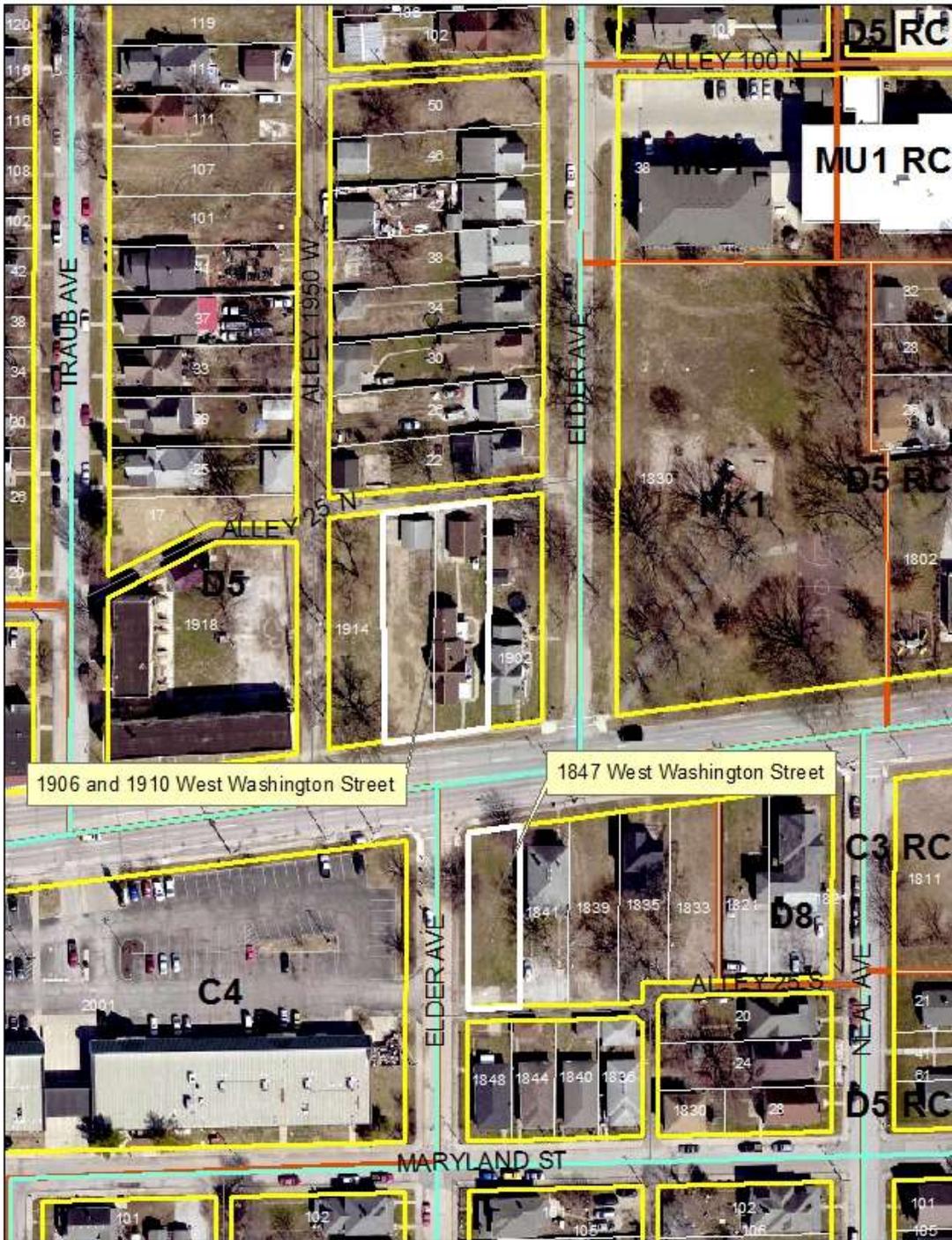
**2005-ZON-148; 38 Miley Avenue (east of site)**, requested rezoning of 1.17 acres from the C-1 District to the C-S classification to provide for all C-1 and C-2 uses, residential uses, artist galleries, recording studios and sports training, **approved**.

**90-UV2-87; 1821 West Washington Street, (east of site)**, requested a variance of the Dwelling Districts Zoning Ordinance to provide for use of an existing building as a six-unit apartment building, **granted**.

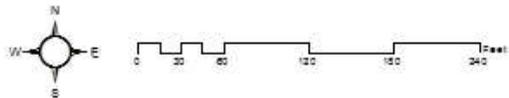
**89-Z-5 / 89-CV-2; 2001 West Washington Street, (south / west of site)**, requested rezoning of 2.14 acres, from the C-4 and C-5 Districts to the C-4 classification to provide for a retail center and a variance of development standards of the Commercial Zoning Ordinance to provide for a reduced setbacks and a loading area within the setback of Elder Street, **approved and granted**.

kb

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1847, 1906 and 1910 West Washington Street



## EXHIBIT A

### Critical Area #8

**Location:** Washington Street between North Tibbs Avenue and Neal Avenue

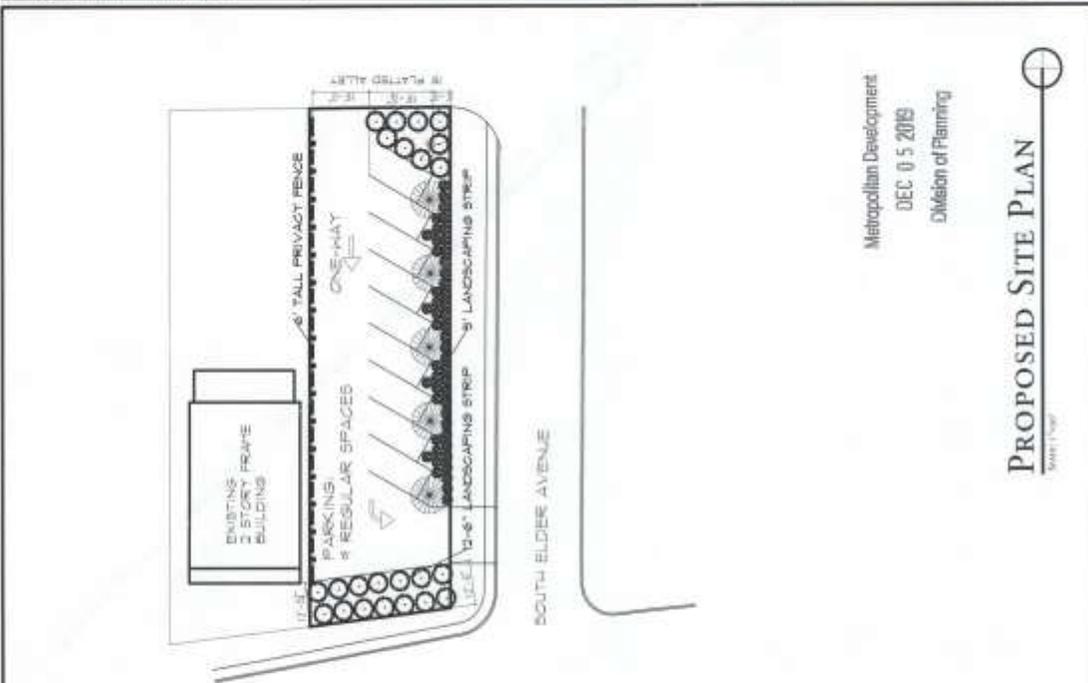
**Why Critical:** Washington Street is the historic Main Street of the west side of Indianapolis and, as such, displays a mixing of residential, commercial, institutional and industrial use and structures from a variety of eras. It is a significant vehicular, pedestrian and bus route, as well as a potential bus rapid transit route. It is critical that the physical form of the properties along Washington Street aid in the street's functionality as a multi-modal travel route and the future vibrancy and reinvestment in the corridor. The need for convenient automobile access must be balanced by the need for a safe, active, diverse, and pedestrian-scaled streetscape.

Recommendations:

- Neighborhood-serving uses are of primary importance along Washington Street; however, judiciously mixing businesses with a community or regional draw will bring customers into the area and contribute to its viability.
- Historically significant structure should be preserved and adaptively reused.
- Pedestrian amenities should be enhanced, such as consistent and general side-walk widths, pedestrian bump-outs, marked crosswalks, street trees, medians, upgraded bus stops, and landscaping.
- Outdoor, public social spaces are encouraged, Examples are benches, patios, and outdoor dining.
- The faces of the new buildings should be placed within a limited range of setbacks based on the existing setbacks of the blocks in the immediate vicinity. In no place should the setbacks be greater than 25 feet from the right-of-way line.
- Front yard parking is not recommended.
- Building entrances should face Washington Street.
- Signs should be designed creatively and artistically and be compatible with the architectural pattern, style and fenestration of the building. Signs on buildings are preferred to pole signs. Strobes, motion and other attention-getting devices should not be used. Signs in shop windows should not obscure more than a small percent of the window area.
- Off-premise advertising signs (billboards) are not appropriate in the mixed-use districts.
- Exterior lighting should be carefully designed and provided to direct people to their destinations highlight architectural and landscape features and create a safe and secure environment; however, exterior lighting on private properties should not overflow into the night sky, or onto adjacent rights-of-way or properties.

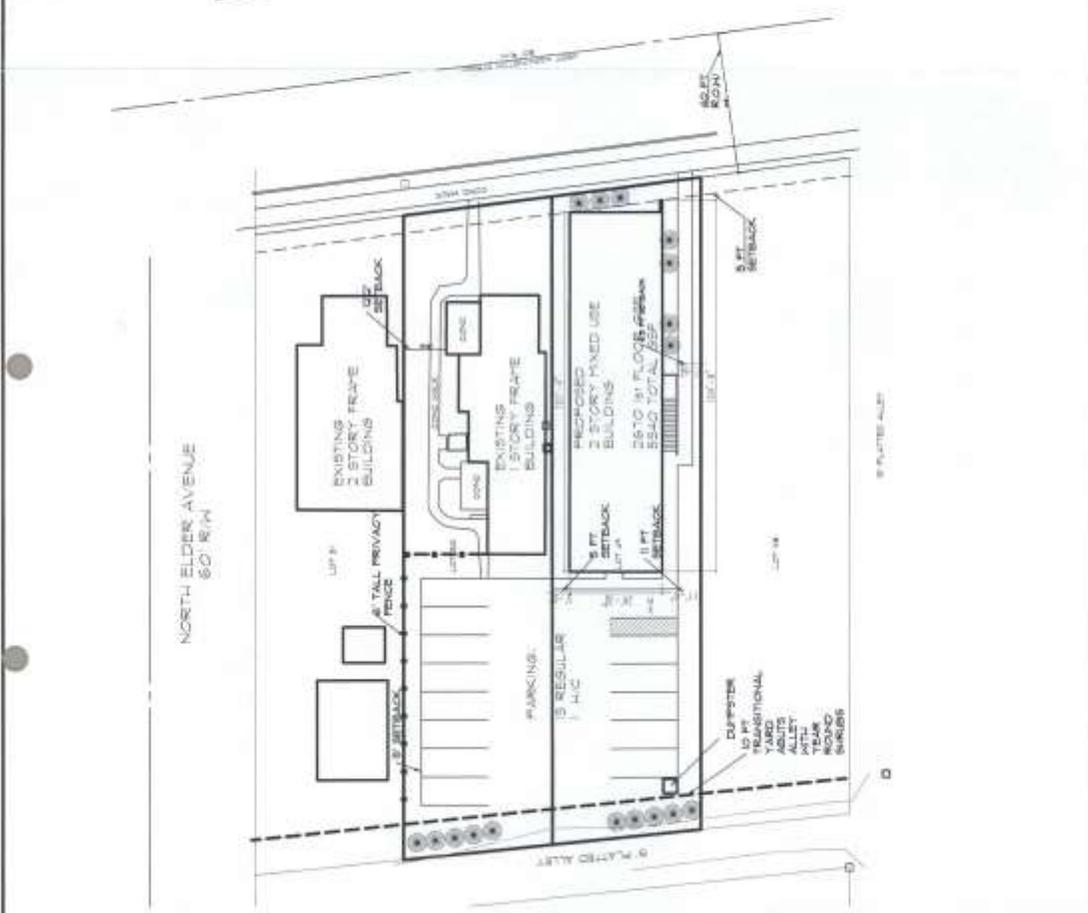
**EXHIBIT B**  
**1915 Sanborn Map**





Metropolitan Development  
 DEC 05 2019  
 Division of Planning

**PROPOSED SITE PLAN**  
 SHEET 1907





View looking west along West Washington Street



View looking east along West Washington Street



View of site looking north across West Washington Street



View of site looking northeast across West Washington Street



View of site looking south towards West Washington Street



View of site looking east



View of adjacent multi-family dwellings to the west of site



View of site (1847 West Washington Street) looking east across Elder Avenue



View of site (1847 West Washington Street) looking east across Elder Avenue



View of site (1847 West Washington Street) looking northeast across Elder Avenue

## STAFF REPORT

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

**Case Number:** 2019-CZN-848 / 2019-CVR-848  
**Address:** 227 West 42<sup>nd</sup> Street (*Approximate Address*)  
**Location:** Washington Township, Council District #7  
**Petitioner:** Circle City Property Management and Development LLC, by David Kingen and Justin Kingen  
**Request:** Rezoning of 0.105 acre from the D-5 district to the D-8 classification.  
**Variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for three dwelling units and to legally establish the existing front, side and rear yards and deficient primary dwelling separation, to legally establish encroachment into the clear sight triangle of the abutting streets and alleys, to legally establish zero parking spaces and to legally establish an open space of 32% (minimum 18-foot front setback or average, four-foot side setbacks, 15-foot rear setback, 10 feet between buildings, structures not permitted within the clear sight triangle, three parking spaces and 55% open space).**

The Hearing Examiner continued these petitions from the December 12, 2019 hearing, to the December 26, 2019 hearing and to the January 9, 2020 hearing, at the request of staff to provide time for the petitioner's representative to provide additional information related to the number of units and floor plans.

The petitioner's representative clarified that the number of proposed units have increased from three units to four units. Staff has requested an updated site plan that accurately identifies the site boundaries and adequate on-street parking for the four dwelling units and updated floor plans to clarify the layout of the four dwelling units. Staff also understands that the petitioner's representative would be requesting a continuance to provide additional time for continued discussions with the neighborhood organization. These petitions, therefore, should be **continued to the February 13, 2020 hearing.**

kb

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## STAFF REPORT

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

**Case Number:** 2019-CZN-849 / 2019-CVR-849  
**Address:** 1630 North Meridian Street (fronts Illinois Street) and 1752 North Meridian Street (fronts Illinois Street); (*Approximate Addresses*)  
**Location:** Center Township, Council District #11  
**Petitioner:** Arrow Street Development, by Andi M. Metzel  
**Request:** Rezoning of 1.71 acres from the C-4 and C-S districts to the MU-2 district to provide for multi-family development.

Variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for two, five-story, 69-foot tall, multi-family buildings, with zero-foot front setbacks along Illinois Street, with one building and landscaping being within the clear sight triangle of the abutting streets (maximum 35-foot height, five-foot front setback and structures and landscaping not permitted within the clear sight triangle).

#### **RECOMMENDATIONS**

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

#### **SUMMARY OF ISSUES**

The following issues were considered in formulating the recommendation:

#### **REZONING PETITION / REGIONAL CENTER PLAN 2020**

- ◇ The request would provide for the rezoning of 1.71 acres, located along the east side of Illinois Street, between 16<sup>nd</sup> Street and 18<sup>th</sup> Street. The site has Meridian Street addresses due to the primary ownership having office buildings on Meridian Street. The site provides accessory parking for those offices.
- ◇ The site contains two non-contiguous parcels separated by a small parking lot. This lot provides accessory parking for a bank and office building at 1712 North Meridian Street.
- ◇ The subject site is developed with a surface parking lot and a four-story parking garage on the southern parcel (1630). The northern parcel (1752) is a surface parking lot. East of the site is developed with office buildings and retail uses. To the north, across 18<sup>th</sup> Street is a parking garage. To the west, across Illinois Street are office uses and surface parking lots and to the south is a bank, along 16<sup>th</sup> Street.
- ◇ This request to rezone to MU-2 would comply with the Regional Center Plan 2020, which recommends the site for medium-density mixed-use development.

(Continued)

**STAFF REPORT 2019-CZN-849 / 2019-CVR-849 (Continued)**

**VARIANCES / REGIONAL CENTER APPROVAL**

- ◇ A site plan and building elevation plan were submitted with the variance petition. Two buildings would be proposed, with the southern building located directly north of the existing four-story parking garage, which would remain and provide for overflow parking for residents and guests. The second building would be located at the southeast corner of 18<sup>th</sup> Street and Illinois Street. The requested variances include reduction of front yard setbacks along Illinois Street for both buildings, a portion of the northern building and landscaping within the clear-sight triangle of the abutting streets and a maximum height of 69 feet for the proposed structures.
- ◇ The development plan indicates that the north building would include an approximately 5,000-square foot leasing / amenity space at the corner with 18<sup>nd</sup> Street, with interior bicycle parking located east of the leasing / amenity space. The rest of the first floor of this building and all of the first floor of the south building would provide parking for residents and guests.
- ◇ The site plan indicates that both structures would utilize nearly all of the parcels, with a 13-foot setback along 18<sup>th</sup> Street and side and rear yard setbacks ranging from 15 to 20 feet. The front yard setback along 18<sup>th</sup> Street would be appropriate since this street is along the RedLine transit corridor, with a station located at 18<sup>th</sup> Street and Meridian Street and a second station located at 18<sup>th</sup> Street and Capitol Avenue. These stations are ½-block and one-block, respectively, from this site. Additionally, vehicular access to the garages would be from the alley, which is the preferred access point in urban areas. The setbacks provided along the alley would be appropriate. The intersection of 18<sup>th</sup> Street and Illinois Street is large enough that minor building and landscape encroachment of the clear-sight triangle would not be harmful to the public health and safety. Finally, the front yard setback variance is not required as the Ordinance provides that buildings and structures be placed in accordance with Commission approval, or more specifically, through the Regional Center Approval process.
- ◇ Staff, including the City Architect, have previously reviewed the proposed building elevations with the petitioner. The proposed height of the two structures and the density of the development, overall, would be appropriate given the Plan's recommendation and the close proximity of transit. Medium- to high-density residential development, along with supportive commercial and employment development, would provide critical support to the increased availability of transit, according to the RedLine Transit-Oriented Development Plan.
- ◇ The site is within the Regional Center Overlay District, which includes Design Guidelines for developers, the public and staff for site and building development in the downtown. A Regional Center Approval petition has been filed and is scheduled for public hearing before the Regional Center Hearing Examiner on January 9, 2020.

**GENERAL INFORMATION**

**EXISTING ZONING AND LAND USE**

C-S and C-4 (RC)

Parking garage and surface parking lots

(Continued)

## **STAFF REPORT 2019-CZN-849 / 2019-CVR-849 (Continued)**

### SURROUNDING ZONING AND LAND USE

North -	C-4 (RC)	Parking garage
South -	C-4 (RC)	Bank
East -	C-S (RC)	Offices / retail uses
West -	HD-1 / HD-2 (RC)	Offices /surface parking lots

COMPREHENSIVE PLAN	The site is located within the boundaries of the Regional Center Plan 2020, which recommends medium-density mixed-use development.
THOROUGHFARE PLAN	The Official Thoroughfare Plan for Marion County indicates that Illinois Street is a primary arterial, with a 90-foot right-of-way existing and proposed. 18 <sup>nd</sup> Street is a local street with a 50-foot right-of-way existing and proposed.
URBAN DESIGN GUIDELINES DISTRICT TYPOLOGY	The site is located within the Village-mixed use District typology.
SITE PLAN	File-dated November 21, 2019
FINDINGS OF FACT	File-dated November 21, 2019

### **ZONING HISTORY**

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

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

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

**2011-CZN-810 / 2011-CVR-810; 102 West 16<sup>th</sup> Street; 1615, 1705, 1709 and 1715 Hall Place 1731 Capitol Avenue; 1720, 1726, 1744 North Illinois Street; 1520 and 2055 North Senate Avenue; 1633, 1919 and 2055 North Capitol Avenue; 120 West 15<sup>th</sup> Street and 227 West 14<sup>th</sup>**

(Continued)

**STAFF REPORT 2019-CZN-849 / 2019-CVR-849 (Continued)**

**Street**, requests a rezoning of 2.13 acres from the HD-2 (W-5) and C-4 (W-5) Districts to the HD-1 (W-5) classification to provide for hospital uses and 17 replacement signs and a variance of development standards of the Sign Regulations to provide for a sign program for Methodist Hospital, **approved**.

**2011-CZN-805 / 2011-CVR-805; 1355, 1421, 1515, 1801 and 2055 North Senate Avenue; 1515, 1919 and 2055 North Capitol Avenue, 227 West 14<sup>th</sup> Street, 102 East 16<sup>th</sup> Street, 269 West 16<sup>th</sup> Street, and 1615 and 1621 Hall Street**, requests a rezoning of 45.8 acres from the HD-1 (W-5), HD-2 (W-5), C-1 (W-5) and C-3 (W-5) Districts to the HD-1 (W-5) classification to provide for hospital uses and 33 replacement signs, with variances of development standards for height and setbacks, **approved**.

**2010-CZN-834 / 2010-CAP-834 / 2010-CVR-834; 1700 North Illinois Street**, requests Rezoning of 1.35 acres, from the C-1 and C-4 (RC) (W-5) Districts to the HD-2 (RC) (W-5) classification to provide for a mental health center with residential facilities, Hospital District Two Approval to provide for the renovation of an existing metal health center, and a variance of development standards of the Regional Center Zoning Ordinance and the Sign Regulations to provide for a nine-foot tall, 55.69-square foot, free-standing sign, with a four-foot front setback, **approved**.

**2010-REG-057; 1700 North Illinois Street**, requests Regional Center Approval for demolition of two structures, for the renovation of an existing metal health center, with residential facilities and to provide for a 7,935-square foot addition, parking lot reconfiguration, bike rack, two wall signs totaling approximately 8.38 square feet, window signs totaling approximately four square feet and a nine-foot tall, 55.69-square foot freestanding sign, **partially approved (demolition)**.

**2018-ZON-111; 2102 North Meridian Street**, requests a rezoning of 0.71 acre, from the C-4 (RC) (W-5) district to the MU-2 (RC) (W-5) classification, **approved**.

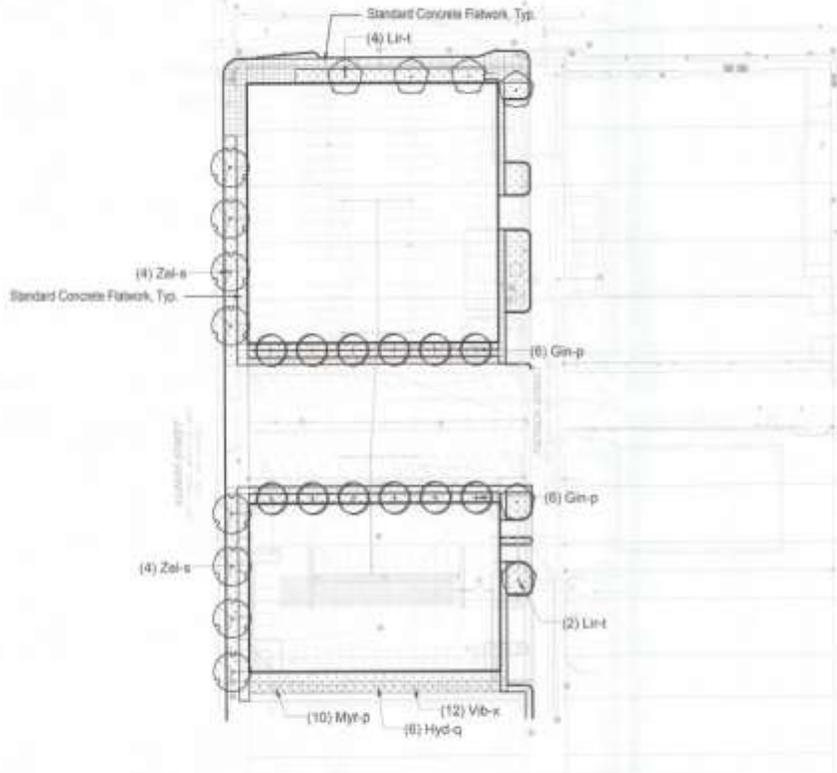
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Zoning map of the site



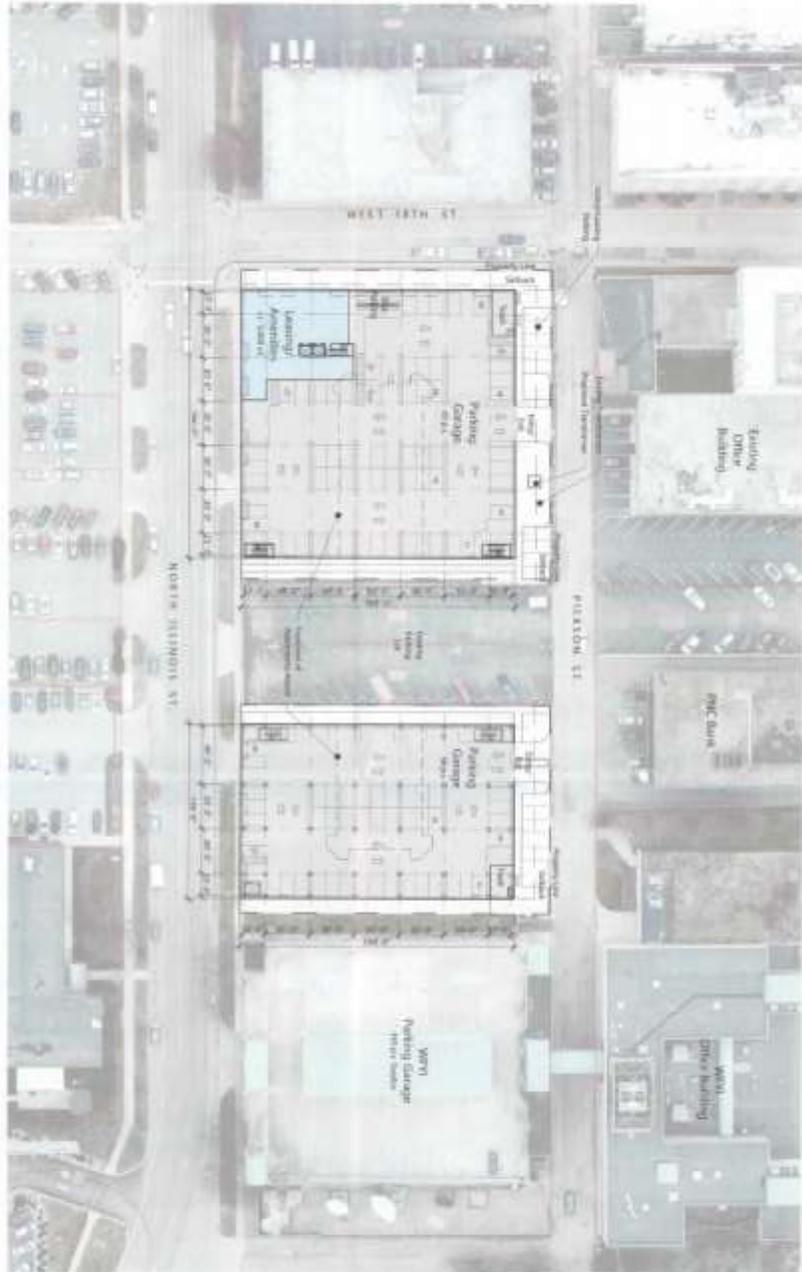


**PLANT SCHEDULE**

SYMBOL	DESCRIPTION	QUANTITY	UNIT	REMARKS
11-I	Reinforcing Steel	100	LBS	
11-s	Reinforcing Steel	100	LBS	
11-p	Reinforcing Steel	100	LBS	
11-x	Reinforcing Steel	100	LBS	
11-q	Reinforcing Steel	100	LBS	



Landscape Plan  
2019-CZN/CVR-849



**BUILDING DATA**

Area	Area (sq ft)						
North Building	200	10	4	2	2	2	2
South Building	200	10	4	2	2	2	2
East Building	200	10	4	2	2	2	2
West Building	200	10	4	2	2	2	2
North Parking	200	10	4	2	2	2	2
South Parking	200	10	4	2	2	2	2
East Parking	200	10	4	2	2	2	2
West Parking	200	10	4	2	2	2	2
North Office	200	10	4	2	2	2	2
South Office	200	10	4	2	2	2	2
East Office	200	10	4	2	2	2	2
West Office	200	10	4	2	2	2	2
North Garage	200	10	4	2	2	2	2
South Garage	200	10	4	2	2	2	2
East Garage	200	10	4	2	2	2	2
West Garage	200	10	4	2	2	2	2
North Total	200	10	4	2	2	2	2
South Total	200	10	4	2	2	2	2
East Total	200	10	4	2	2	2	2
West Total	200	10	4	2	2	2	2
North Office	200	10	4	2	2	2	2
South Office	200	10	4	2	2	2	2
East Office	200	10	4	2	2	2	2
West Office	200	10	4	2	2	2	2
North Garage	200	10	4	2	2	2	2
South Garage	200	10	4	2	2	2	2
East Garage	200	10	4	2	2	2	2
West Garage	200	10	4	2	2	2	2
North Total	200	10	4	2	2	2	2
South Total	200	10	4	2	2	2	2
East Total	200	10	4	2	2	2	2
West Total	200	10	4	2	2	2	2

**PARKING DATA**

Area	Area (sq ft)						
North Building	200	10	4	2	2	2	2
South Building	200	10	4	2	2	2	2
East Building	200	10	4	2	2	2	2
West Building	200	10	4	2	2	2	2
North Parking	200	10	4	2	2	2	2
South Parking	200	10	4	2	2	2	2
East Parking	200	10	4	2	2	2	2
West Parking	200	10	4	2	2	2	2
North Office	200	10	4	2	2	2	2
South Office	200	10	4	2	2	2	2
East Office	200	10	4	2	2	2	2
West Office	200	10	4	2	2	2	2
North Garage	200	10	4	2	2	2	2
South Garage	200	10	4	2	2	2	2
East Garage	200	10	4	2	2	2	2
West Garage	200	10	4	2	2	2	2
North Total	200	10	4	2	2	2	2
South Total	200	10	4	2	2	2	2
East Total	200	10	4	2	2	2	2
West Total	200	10	4	2	2	2	2



Wesley Place  
 Indianapolis, IN | 18 November 2019  
 18071

First floor plan – 2019-CZN/CVR-849



Rendering from 18th and Illinois

CSO

Wesley Place

Indianapolis, IN | 18 November 2019

NOV 14 2019  
2:00 PM

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Rendering view from 18<sup>th</sup> Street and Illinois Street looking southeast



Photo of development across 16<sup>th</sup> Street looking south



Photo of intersection of 16<sup>th</sup> Street and Illinois Street looking southwest



Photo of southern portion of subject site (parking garage included) looking north along Illinois Street



Photo of subject parking garage on southern parcel



Photo of north portion of subject parking garage and subject parking lot on south parcel



Photos of south parcel parking lot



Photo of parking lot site not included in petition

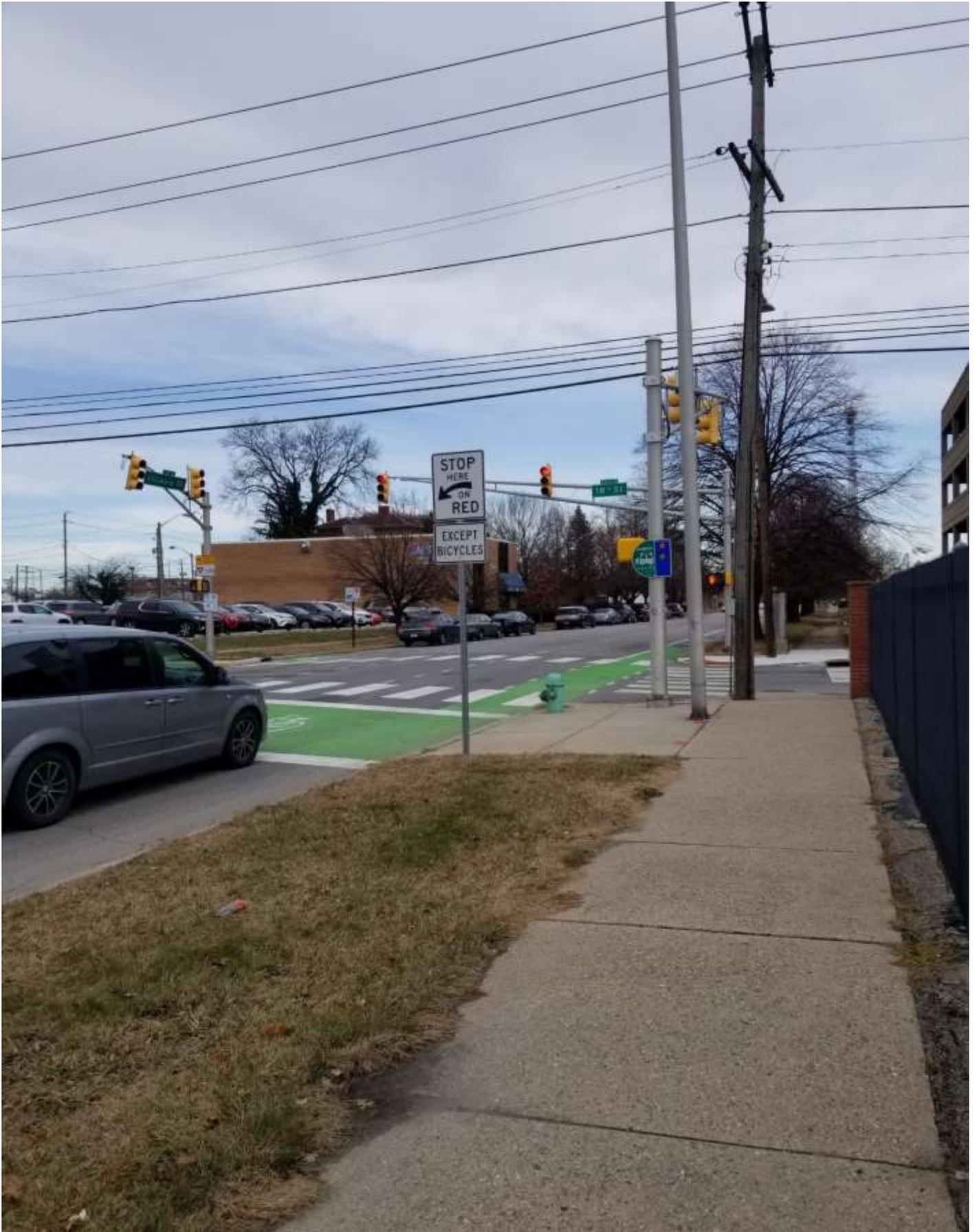


Photo of intersection of 18<sup>th</sup> Street and Illinois Street (subject north parcel is to the right)

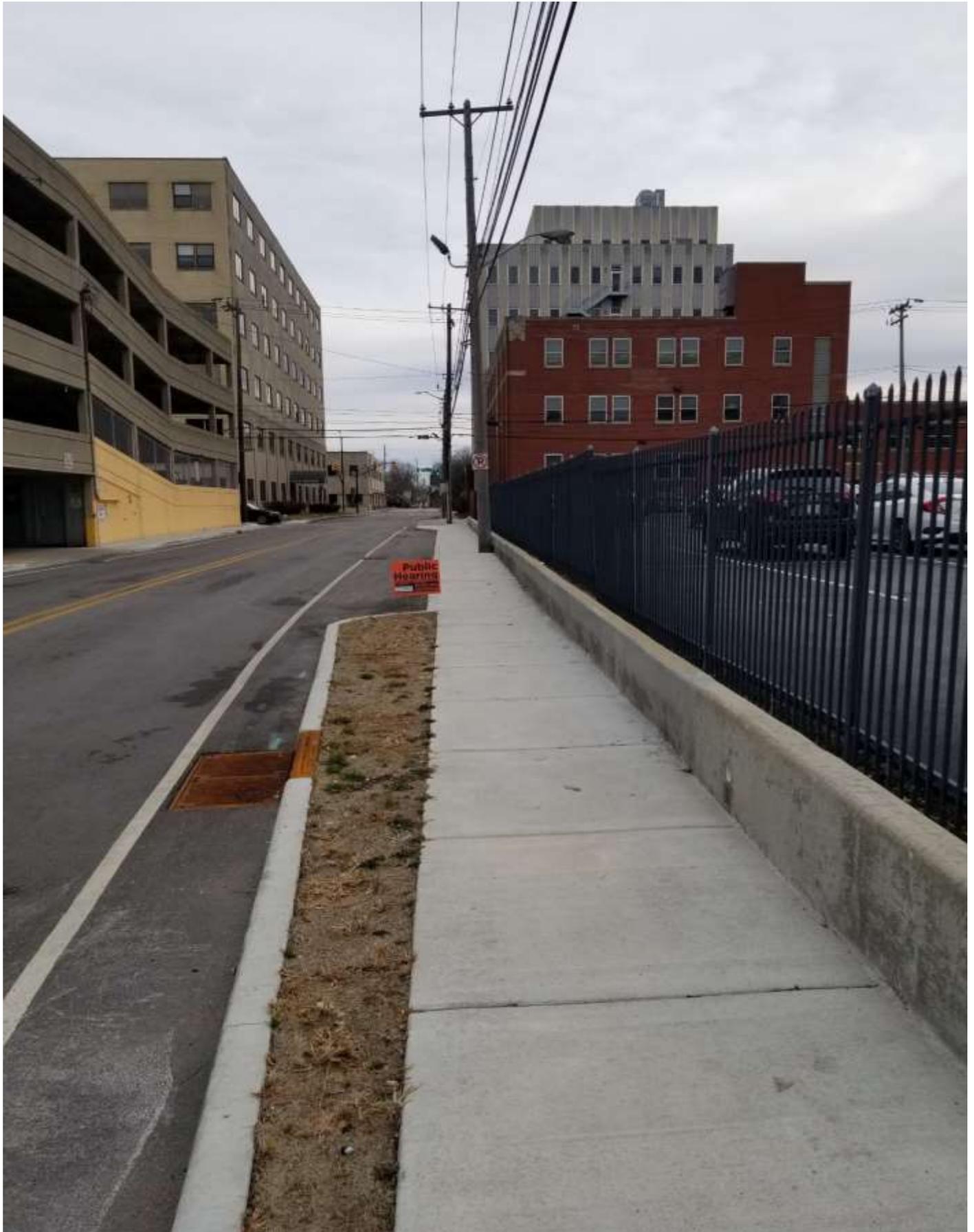


Photo of 18<sup>th</sup> Street looking east (subject north parcel is to the right)



Photo of alley from 18<sup>th</sup> Street looking south (subject north parcel is to the right)



Photo of subject south parcel from alley looking southwest

## STAFF REPORT

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

**Case Number:** 2019-MOD-013  
**Address:** 6675 East 75<sup>th</sup> Street (*Approximate Address*)  
**Location:** Lawrence Township, Council District #3  
**Zoning:** D-9  
**Petitioner:** SSLC I LLC, by Kevin G. Buchheit  
**Request:** Modification of the Commitments of 2018-ZON-031 to modify Commitment Eleven to eliminate the requirement for a six-foot fence along the west property line and to confirm that along the south side of the development, the fence will tie into the south walls of the parking garage (six-foot tall solid or semi-solid fence and/or earthen mound required along the east, west and south property lines).

### **RECOMMENDATIONS**

Staff **no recommendation** for this request.

### **SUMMARY OF ISSUES**

The following issues were considered in formulating the recommendation:

#### **LAND USE ISSUES**

- ◇ This 6.5-acre site, zoned D-9, is developed with multi-family dwellings (under construction). It is surrounded by multi-story commercial office buildings to the north, across East 75<sup>th</sup> Street, zoned MU-1; single-family dwellings and horse stables to the south, zoned D-2 and D-A; respectively; single-family dwellings to the east, zoned D-A; and a commercial office building and single-family dwellings to the west, zoned C-1 and D-A, respectively.
- ◇ Petition 2018-ZON-031 rezoned the site from the D-A district to the D-9 classification to provide for multi-family development.

#### **MODIFICATION**

- ◇ This request would modify Commitment Eleven of petition 2018-ZON-031 to eliminate the requirement for a six-foot tall fence along the west property line and to confirm that along the south side of the development, the fence would connect to the south walls of the parking garage. See Exhibit A.
- ◇ The modification would provide for a perimeter fence and the realignment pursuant to Exhibit B.

(Continued)

**STAFF REPORT 2019-MOD-013 (Continued)**

- ◇ The commitments related to this development were originally the result of negotiation between the petitioner and remonstrators during the 2018 rezoning process. Because staff played no role in the negotiation of these subject commitments, staff would ordinarily provide no recommendation under such circumstances. Staff would note, however, that the neighborhood organization(s) negotiated in good faith with the petitioner during the petition process, and their agreement was contingent upon all commitments being included with the rezoning petition.

**GENERAL INFORMATION**

EXISTING ZONING AND LAND USE

D-9 Multi-family dwellings (under construction)

SURROUNDING ZONING AND LAND USE

North -	MU-1	Multi-story commercial office
South -	D-2 / D-A	Single-family dwellings / horse stables
East -	D-A	Single-family dwellings
West -	C-1 / D-A	Commercial office / single-family dwellings

COMPREHENSIVE LAND USE PLAN

The Comprehensive Land Use Plan for Indianapolis and Marion County (2018) recommends traditional neighborhood.

THOROUGHFARE PLAN

This portion of East 75<sup>th</sup> Street is designated in the Marion County Thoroughfare Plan as a primary collector, with an existing 100-foot right-of-way and a proposed 106-foot right-of-way.

CONTEXT AREA

This site is located within the metro context area.

OVERLAY

This site is not located within an overlay.

SITE PLAN

File-dated December 2, 2019

**ZONING HISTORY**

**2018-ZON-031 / 2018-VAR-001; 6675, 6681 and 6685 East 75<sup>th</sup> Street; 7444 Johnson Road,** requested rezoning of 6.5 acres from the D-A district to the D-9 classification to provide for multi-family development and a variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for an existing 3.13-acre lot to be reduced by approximately ½ acre, **approved and granted.**

**93-V3-98 / 93-SE3-9; 6681 East 75<sup>th</sup> Street (east of site),** requested a variance of development standards of the Dwelling Districts Zoning Ordinance to permit an existing pole barn, consisting of 88% of the main floor area of the primary structure and a side yard setback of 9.5 feet, **granted;** and a Special Exception of the Dwelling Districts Zoning Ordinance to permit a manufactured home, **granted.**

(Continued)

## **STAFF REPORT 2019-MOD-013 (Continued)**

### **VICINITY**

**2017-MO2-001; 6697 East 75<sup>th</sup> Street (east of site)**, requested a modification of Commitment Three of 2014-UV1-007 to eliminate the three-year temporary restriction of the variance grant (expires April 8, 2017), **granted**,

**2014-UV1-007; 6697 East 75<sup>th</sup> Street (east of site)**, requested a variance of use and development standards of the Dwelling Districts Zoning Ordinance to provide for a bus storage facility, on a lot with 1.08 acres, zero feet of frontage and lot width, and with a zero-foot west side yard, **granted for three years**.

**2010-DV2-010; 6666 East 75<sup>th</sup> Street (north of site)**, requested a variance of development standards of the Commercial Zoning Ordinance to provide for a post-graduate school with 442 parking spaces provided (1,018 required), **granted**.

**2005-ZON-064, 6625 East 75<sup>th</sup> Street (west of site)**, requested rezoning of 1.07 acres from D-A to C-1 to provide for office uses, **approved**.

**2004-UV3-033, 6625 East 75<sup>th</sup> Street (west of site)**, requested a variance of use to provide for an administrative office in an existing single-family dwelling, and to provide for a commercial storage building, in C-1, **denied**.

**2004-UV3-024; 6625 East 75<sup>th</sup> Street (west of site)**, requested a variance of use of the Dwelling Districts Zoning Ordinance to provide for an administrative office in an existing single-family dwelling and a commercial storage building, **denied**.

**2001-ZON-149, 6410 and 6430 East 75<sup>th</sup> Street (north of site)**, requested rezoning of 5.193 acres from C-S to C-S to provide for uses permitted within the C-4 classification, **approved**.

**93-UV3-16; 6720 East 75<sup>th</sup> Street (north of site)**, requested a variance of use of the Commercial Zoning Ordinance and variance of development standards of the Sign Regulations to permit the placement of a 14-foot by 48-foot advertising sign near a dwelling district and exit ramp, **denied**.

**91-V1-118; 6725 East 75<sup>th</sup> Street (west of site)**, requested variance of use to legally establish a mechanical contracting and sprinkler installation business and a variance of development standards of the Sign Regulations to legally establish a wall sign, **granted**.

**88-HOV-96; 6430 East 75<sup>th</sup> Street (north of site)**, requested a variance of development standards of the sign Regulations to provide for a sign within 1500 feet of an intersection, **granted**.

**88-Z-225; 7465 North Kitley Avenue (west of site)**, requested rezoning of 1.55 acres from A-2 to C-1 to provide for business and professional offices, **approved**.

(Continued)

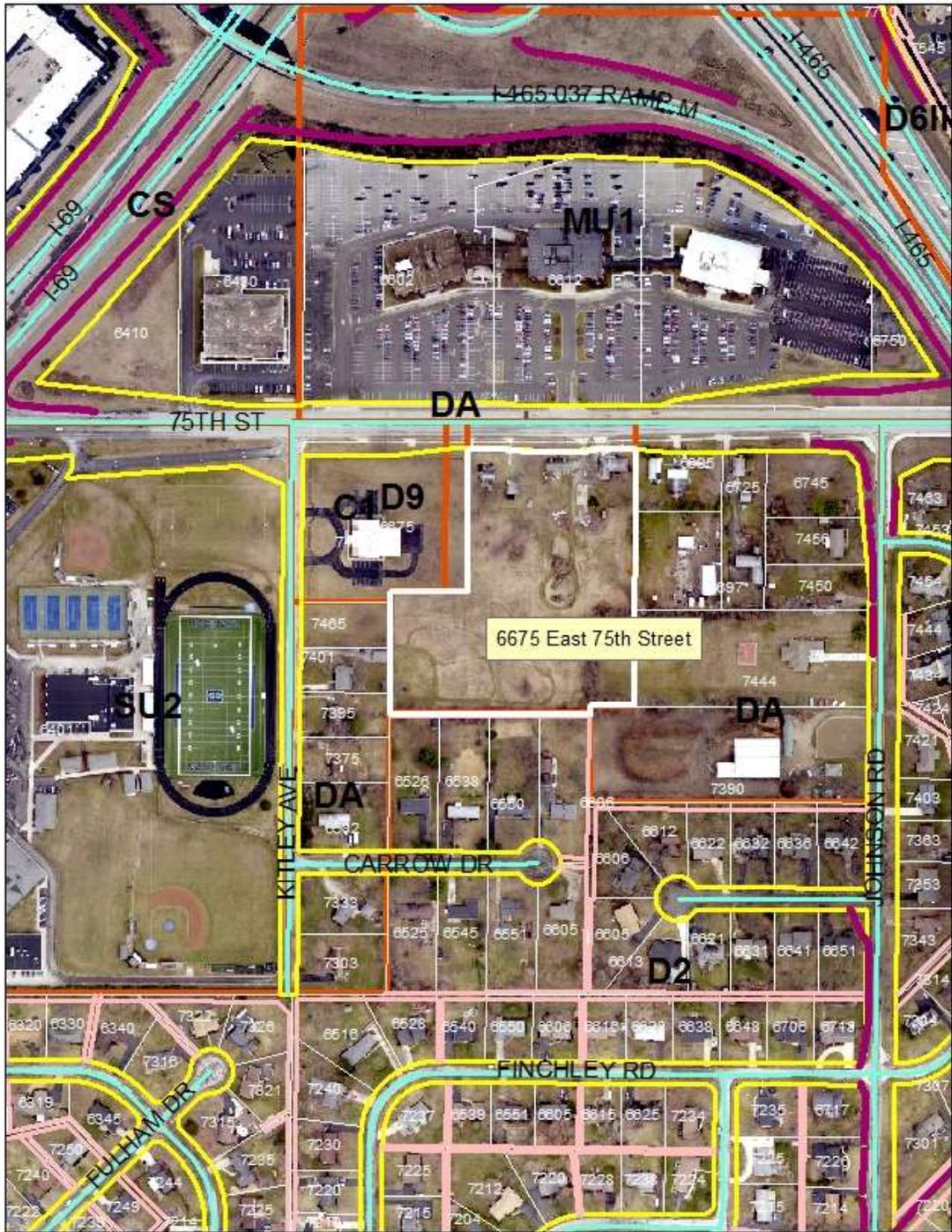
**STAFF REPORT 2019-MOD-013 (Continued)**

**88-UV1-76; 6725 East 75th Street (west of site)**, requested a variance of use to provide for a mechanical and sprinkler system contractor's office, **granted**.

**78-Z-58; 6602 East 75th Street (north of site)**, requested rezoning of 16.07 acres, being in the A-2 district, to the C-2 classification to provide for office-apartments, **approved**.

kb

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6675 East 75th Street

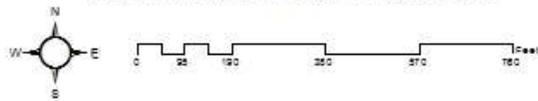


EXHIBIT A

*hs*

A201800106380

10/17/2018 03:33 PM  
KATHERINE SWEENEY BELL  
MARION COUNTY IN RECORDER  
FEE: \$ 35.00  
PAGES: 7  
Metropolitan Development



SEP 26 2018

Division of Planning

STATEMENT OF COMMITMENTS

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

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

**Legal Description:**

PART OF THE NORTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 27,  
TOWNSHIP 17 NORTH, RANGE 4 EAST, LAWRENCE TOWNSHIP, MARION COUNTY, INDIANA,  
DESCRIBED AS FOLLOWS:

COMMENCING AT A HARRISON MONUMENT AT THE NORTHWEST CORNER OF SAID SOUTHEAST QUARTER; THENCE NORTH 89 DEGREES 59 MINUTES 40 SECONDS EAST ALONG THE NORTH LINE OF SAID SOUTHEAST QUARTER A DISTANCE OF DISTANCE OF 1711.66; THENCE SOUTH 00 DEGREES 35 MINUTES 59 SECONDS WEST A DISTANCE OF 60.00 FEET TO THE SOUTH BOUNDARY OF 75TH STREET AND THE PLACE OF BEGINNING; THENCE ALONG SAID SOUTH BOUNDARY THE FOLLOWING SIX COURSES: 1) NORTH 89 DEGREES 59 MINUTES 40 SECONDS EAST A DISTANCE OF 71.74 FEET; 2) SOUTH 87 DEGREES 08 MINUTES 35 SECONDS EAST A DISTANCE OF 100.12 FEET; 3) NORTH 89 DEGREES 59 MINUTES 40 SECONDS EAST A DISTANCE OF 75.00 FEET; 4) NORTH 84 DEGREES 18 MINUTES 55 SECONDS EAST A DISTANCE OF 50.53 FEET; 5) NORTH 89 DEGREES 59 MINUTES 40 SECONDS EAST A DISTANCE OF 49.72 FEET; 6) SOUTH 85 DEGREES 14 MINUTES 31 SECONDS EAST A DISTANCE OF 38.37 FEET; THENCE SOUTH 00 DEGREES 38 MINUTES 24 SECONDS WEST PARALLEL TO THE EAST LINE OF THE NORTHEAST QUARTER OF SAID SOUTHEAST QUARTER A DISTANCE OF 593.25 FEET; THENCE NORTH 89 DEGREES 57 MINUTES 37 SECONDS WEST PARALLEL TO THE SOUTH LINE OF THE NORTHEAST QUARTER OF SAID SOUTHEAST QUARTER A DISTANCE OF 99.00 FEET TO THE EAST LINE OF THE WEST HALF OF THE NORTHEAST QUARTER OF SAID SOUTHEAST QUARTER; THENCE SOUTH 00 DEGREES 37 MINUTES 12 SECONDS WEST ALONG SAID EAST LINE A DISTANCE OF 14.64 FEET; THENCE SOUTH 89 DEGREES 59 MINUTES 40 SECONDS WEST PARALLEL TO THE SOUTH LINE OF THE NORTHEAST QUARTER OF SAID SOUTHEAST QUARTER A DISTANCE OF 457.59 FEET; THENCE

⑦

NORTH 00 DEGREES 35 MINUTES 59 SECONDS EAST PARALLEL TO THE WEST LINE OF THE NORTHEAST QUARTER OF SAID SOUTHEAST QUARTER A DISTANCE OF 281.50 FEET; THENCE NORTH 89 DEGREES 59 MINUTES 44 SECONDS EAST A DISTANCE OF 172.00 FEET; THENCE NORTH 00 DEGREES 35 MINUTES 59 SECONDS EAST PARALLEL TO THE WEST LINE OF THE NORTHEAST QUARTER OF SAID SOUTHEAST QUARTER A DISTANCE OF 329.50 FEET TO THE PLACE OF BEGINNING.

CONTAINING 6.457 ACRES, MORE OR LESS.

Metropolitan Development

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Division of Planning

**Statement of COMMITMENTS:**

1. The owner agrees to abide by the Open Occupancy and Equal Employment Opportunity Commitments required by Metropolitan Development Commission Resolution No. 85-R-69, 1985, which commitments are attached hereto and incorporated herein by reference as Attachment "A".
2. The Project to be developed will be an age restricted, market rate apartment community. No unit in the apartment community will be leased unless at least one tenant is an individual over 55 years of age. All units will be leased in accordance with Fair Housing and other applicable rules and regulations.
3. The maximum number of stories will be 4.
4. The maximum height of the building will be no greater than 56 feet as measured from finished floor elevation to the ridge line at the front (north) entry of the building. The finished grade for the site will not be increased above the current finished grade solely to increase the height of the building.
5. The maximum density will be 20.5 units/acre and the maximum number of dwelling units on the real estate described above will be 132 units.
6. The real estate described above will be generally developed in accordance with the conceptual site plan attached hereto as Attachment "B".
7. Existing landscape vegetation along the perimeter of the real estate described above will be preserved and protected to the extent practicable. New perimeter landscaping will be installed and maintained in accordance with the requirements of the City of Indianapolis. In addition, owner will submit a final, detailed landscaping plan to DMD for administrative approval, which plan will include either (i) a six (6) foot tall evergreen tree at planting, or (ii) a native deciduous tree with not less than a three (3) inch caliper measured thirty (30) inches above grade at planting, spaced not less than ten (10) feet on center along the western boundary of the real estate described above. Owner will maintain all landscaping, including the replacement of dead, dying or diseased landscaping.
8. No HUD Section 202 or 221(d)4 Project based Section 8, low income housing will be allowed on the real estate. The apartment community will be market rate housing that utilizes no federal, state or local rent subsidies, including housing developed using the Section 42 Low-Income Housing Credit Program, or its replacement.

9. Trash pick-up service times will be during the regular business day hours.
10. There will be no vehicular access to Johnson Road from the apartment community. Vehicular access will exclusively be to and from 75<sup>th</sup> Street only.
11. A minimum 6' tall solid or semi-solid fence and/or earthen mound will be installed on the western, southern and eastern property lines of the real estate.
12. Exterior lighting of any improvement or the above described real estate will be designed so that light is not directed off the site and the light source is shielded from direct offsite viewing. For any abutting real estate that contains a single-family dwelling, illumination levels caused by the lighting of the apartment community will not exceed 0.5 foot-candles at the property line, as reflected in a photometric plan submitted to and approved by the Administrator.

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

COMMITMENTS contained in this instrument will be effective upon:

- (a) the adoption of rezoning petition # 2018-ZON-031 by the City-County Council changing the zoning classification of the real estate from a D-A zoning classification to a D-9 zoning classification; or
- (b) the adoption of approval petition # \_\_\_\_\_ by the Metropolitan Development Commission;

and will continue in effect for as long as the above-described parcel of real estate remains zoned to the D-9 zoning classification or until such other time as may be specified herein.

Metropolitan Development

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Division of Planning

These COMMITMENTS may be enforced jointly or severally by:

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



**ATTACHMENT "A"**

**OPEN OCCUPANCY AND EQUAL EMPLOYMENT OPPORTUNITY COMMITMENT**

- (a.) The owner commits that he will not discriminate against any person on the basis of race, religion, color, disability, sex, sexual orientation, gender identity, familial status, national origin, ancestry, age United States military service veteran status in the sale, rental, lease or sublease, including negotiations for the sale, rental, lease or sublease, of the real estate or any portion thereof, including, but not limited to:
- (1) any building, structure, apartment, single room or suite of rooms or other portion of a building, occupied as or designed or intended for occupancy as living quarters by one or more families or a single individual;
  - (2) any building, structure or portion thereof, or any improved or unimproved land utilized or designed or intended for utilization, for business, commercial, industrial or agricultural purposes;
  - (3) any vacant or unimproved land offered for sale or lease for any purpose whatsoever.
- (b.) The owner commits that in the development, sale, rental or other disposition of the real estate or any portion thereof, neither he nor any person engaged by him to develop, sell, rent or otherwise dispose of the real estate, or portion thereof will discriminate against any employee or applicant for employment, employed or to be employed in the development, sale, rental or other disposition of the real estate, or portion thereof with respect to hire, tenure, conditions or privileges of employment because of race, religion, color, disability, sex, sexual orientation, gender identity, familial status, national origin, ancestry, age United States military service veteran status.

Metropolitan Development

**EXEMPT PERSONS AND EXEMPT ACTIVITIES**

SEP 26 2018

An exempt person will mean the following:

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1. With respect to commitments (a) and (b) above:
- (a) any not-for-profit corporation or association organized exclusively for fraternal or religious purposes;
  - (b) any school, educational, charitable or religious institution owned or conducted by, or affiliated with, a church or religious institution;
  - (c) any exclusively social club, corporation or association that is not organized for profit and is not in fact open to the general public;
- provided that no such entity will be exempt with respect to a housing facility owned and operated by it if such a housing facility is open to the general public;

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

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

Metropolitan Development  
SEP 26 2018  
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**ATTACHMENT "B"**

**SITE PLAN**

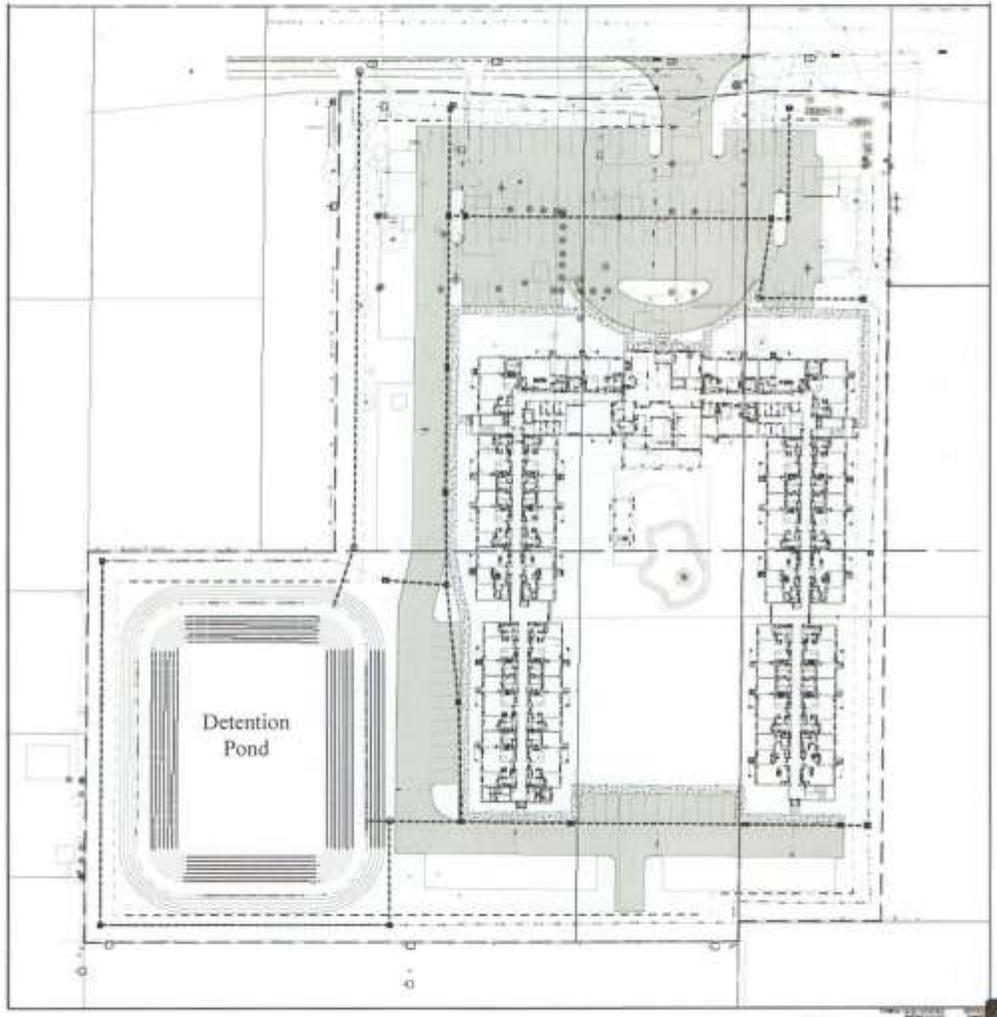
(Conceptual 8-15-18)

Metropolitan Development

SEP 26 2018

Division of Planning

75<sup>th</sup> Street



**EXHIBIT B**

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

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

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

**Legal Description:**

*SEE ATTACHED.*

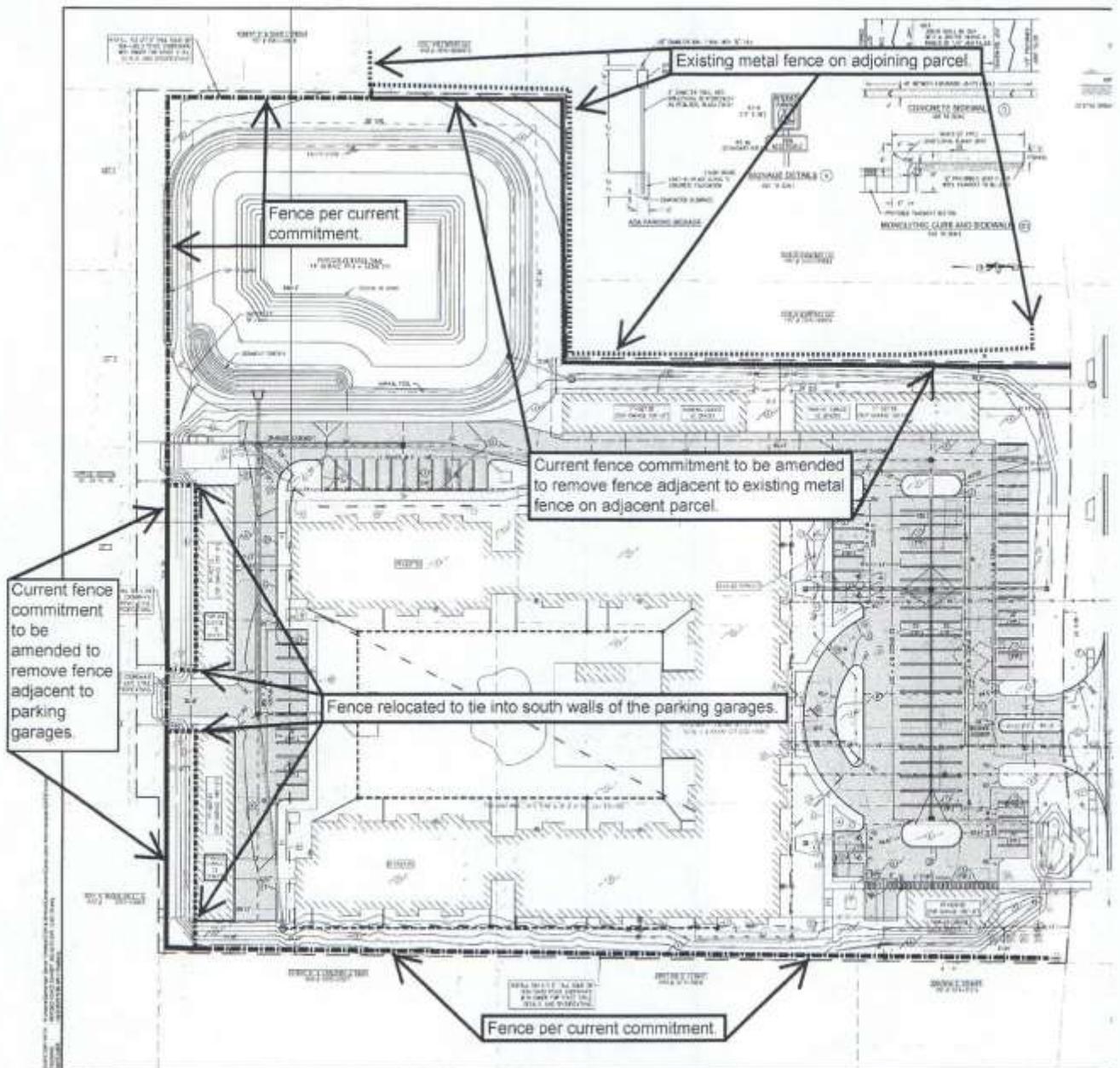
**Statement of MODIFICATION OR TERMINATION of Covenants or Commitments:**

1. *Commitment Number 11 to Petition 2018-ZON-031 (recorded in Instrument #A201800106380) is hereby modified to read as follows:  
A minimum 6' tall solid or semi-solid fence and/or earthen mound will be installed on or near the property lines of the real estate as follows and as shown on the attached exhibit filed with Petition 2019-\_\_\_\_-\_\_\_\_:*
  - A) a fence shall not be required along the western property line that is coincident with Parcels Numbered 4005327 and 4019569;*
  - B) the fence along the south property line will be located on or near the south property line except where the two parking garage structures are located. The fence will be tied into the south facades of the two parking garage structures on those segments of the south property line; and*
  - C) except for the tie in to the parking garage structure façade at the southeast corner of the real estate, the fence will extend the entire length of the eastern property line.*

2. \_\_\_\_\_

*MDC's Exhibit C - - page 1 of 4*

Metropolitan Development  
DEC 02 2019  
Division of Planning



Metropolitan Development  
 DEC 02 2019  
 Division of Planning



View of site looking south across East 75<sup>th</sup> Street



View of site looking southeast across East 75<sup>th</sup> Street



View of site looking east across Kitley Avenue (west of site)



View of site looking north from Carrow Drive (south of site)

## STAFF REPORT

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

**Case Number:** 2019-ZON-117  
**Address:** 11815 Brookville Road (*Approximate Addresses*)  
**Location:** Warren Township, Council District #1  
**Petitioner:** Henry C. Onochie  
**Request:** Rezoning of 4.22 acres from the SU-9 district to the C-3 district.

A timely automatic continuance was filed by a registered neighborhood organization **continuing this petition from the January 9, 2020 hearing, to the February 13, 2020 hearing.** This would require acknowledgement from the Hearing Examiner.

### **RECOMMENDATIONS**

Staff **recommends approval** of the request.

### **SUMMARY OF ISSUES**

The following issues were considered in formulating the recommendation:

#### **LAND USE ISSUES**

- ◇ This 4.22-acre site, zoned SU-9, is undeveloped. It is surrounded by park to the north, across Brookville Road, zoned PK-1; undeveloped land to the east, zoned SU-9; undeveloped land to the south, zoned D-A; and undeveloped land to the west, zoned SU-1.
- ◇ Petition 2018-ZON-052 requested rezoning of the site from the SU-9 District to the C-7 classification to provide for a third-party storage facility for personal items of evicted tenants (warehousing), with outdoor storage of company vehicles and a motor home, along with a retail component. The petition was denied.

(Continued)

## **STAFF REPORT 2019-ZON-117 (Continued)**

### **REZONING**

- ◇ This request would rezone the site from the SU-9 to the C-3 classification. “The C-3 District 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.”
- ◇ Staff recommends approval of the request because the proposed C-3 District would be consistent with the Comprehensive Plan recommendation of community commercial.

### **Development Issues**

- ◇ Public sewer is not available at this site. Commercial development at this site would require state approval for a septic system. At this point it has not been confirmed that the site would be suitable for a septic system.

### **Indiana Fire Code**

- ◇ This site would also be subject to, but not limited 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).

(Continued)

**STAFF REPORT 2019-ZON-117 (Continued)**

**GENERAL INFORMATION**

EXISTING ZONING AND LAND USE

SU-9 Undeveloped land

SURROUNDING ZONING AND LAND USE

North -	PK-1	Park
South -	D-A	Undeveloped land
East -	SU-9	Undeveloped land
West -	SU-1	Undeveloped land

COMPREHENSIVE LAND USE PLAN

The Comprehensive Land Use Plan for Indianapolis and Marion County (2018) recommends community commercial.

THOROUGHFARE PLAN

This portion of Brookville Road is designated in the Marion County Thoroughfare Plan as a primary arterial, with an existing 90-foot right-of-way and proposed 104-foot right-of-way.

CONTEXT AREA

This site is located within the metro context area.

OVERLAY

There is no overlay for this site.

**ZONING HISTORY**

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

**VICINITY**

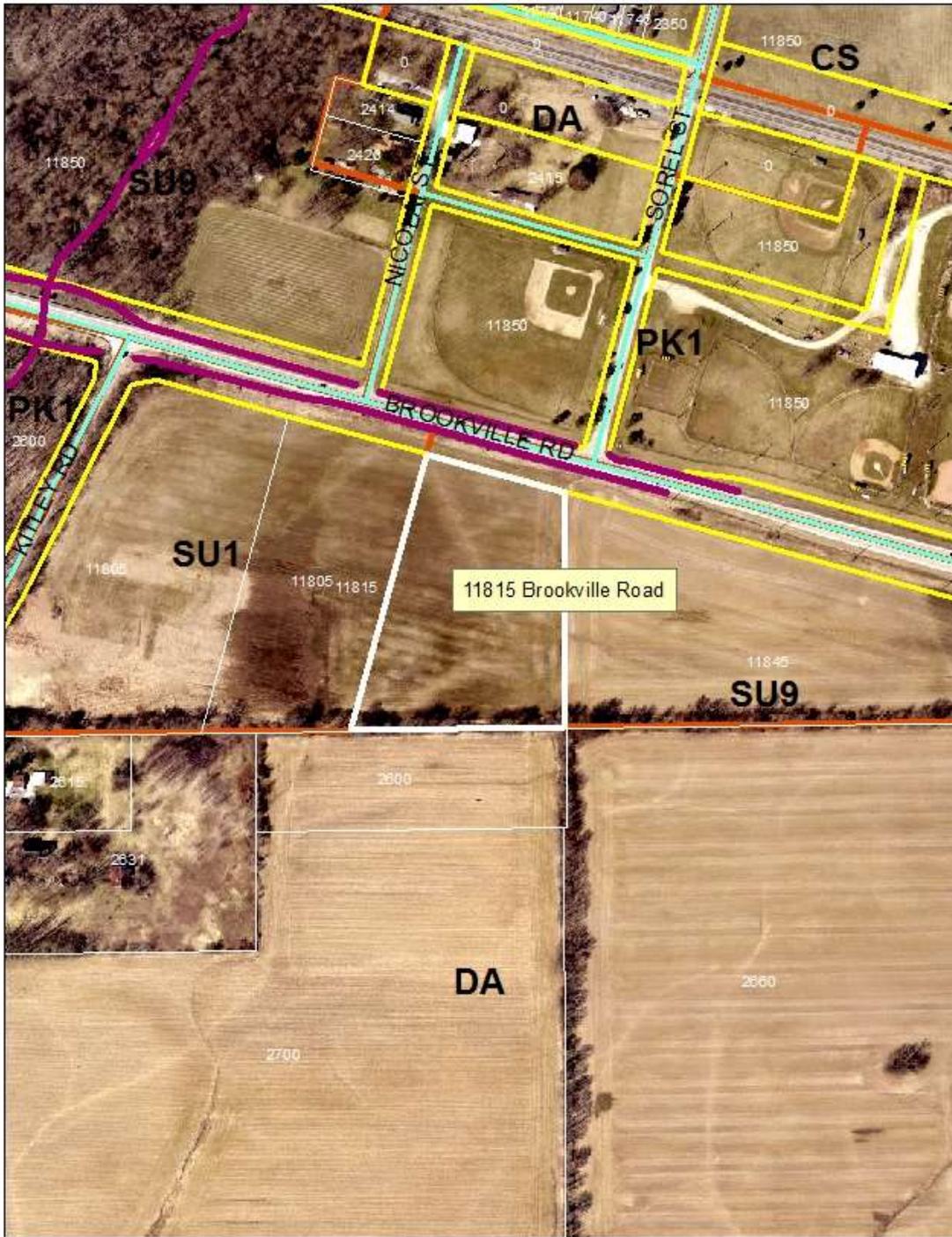
**2009-ZON-082; 11805 and 11815 Brookville Road (west of site)**, requested rezoning of 12 acres, being the SU-9 District to the SU-1 classification to provide for religious uses, **approved**.

**89-V1-125; 11850 Brookville Road**, requested a variance of development standards of the Sign Regulations to provide for a 30-square foot ground sign with a reduced setback from the right-of-way, **granted**

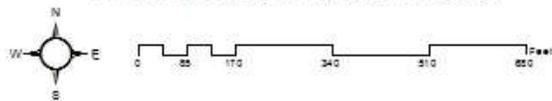
**87-Z-89; 11850 Brookville Road**, requested rezoning of 147 acres from the A-2 and C-1 Districts to the SU-9 classification, **approved**.

kb

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11815 Brookville Road





View looking northwest along Brookville Road



View looking southeast along Brookville Road



View of site looking southwest across Brookville Road



View of site looking southwest across Brookville Road



View of site looking south across Brookville Road

**STAFF REPORT**

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

**Case Number: 2019-ZON-120**  
**Address: 9500 East 16<sup>th</sup> Street (*Approximate Address*)**  
**Location: Warren Township, Council District #19**  
**Petitioner: Metropolitan School District of Warren Township, by Andrew Wert**  
**Request: Rezoning of 0.83 acre from the D-2 district to the SU-2 district.**

A timely automatic continuance was filed by a registered neighborhood organization **continuing this petition from the January 9, 2020 hearing, to the February 13, 2020 hearing**. This would require acknowledgement from the Hearing Examiner.

kb

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## STAFF REPORT

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

**Case Number:** 2019-ZON-121  
**Address:** 6720 East Raymond Street (*Approximate Address*)  
**Location:** Warren Township, Council District #18  
**Petitioner:** Metropolitan School District of Warren Township, by Andrew Wert  
**Request:** Rezoning of 0.83 acre from the D-2 district to the SU-2 district.

A timely automatic continuance was filed by a registered neighborhood organization **continuing this petition from the January 9, 2020 hearing, to the February 13, 2020 hearing**. This would require acknowledgement from the Hearing Examiner.

### **RECOMMENDATIONS**

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

A 59.5-foot half right-of-way shall be dedicated along the frontage of East Raymond Street, 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).

### **SUMMARY OF ISSUES**

The following issues were considered in formulating the recommendation:

#### **LAND USE ISSUES**

- ◇ This 0.83-acre site, zoned D-2, is developed with an elementary school campus. It is surrounded by a school campus to the north, east and west, all zoned SU-2 and undeveloped land to the south, across East Raymond Street, zoned C-S.

#### **REZONING**

- ◇ This request would rezone the site from the D-2 district to the SU-2 classification to provide for a school use.

(Continued)

## **STAFF REPORT 2019-ZON-121 (Continued)**

- ◇ The Comprehensive Plan recommends a rural or estate neighborhood typology. “The Rural or Estate Neighborhood typology applies to both rural or agricultural areas and historic, urban areas with estate-style homes on large lots. In both forms, this typology prioritizes the exceptional natural features – such as rolling hills, high quality woodlands, and wetlands – that make these areas unique. Development in this typology should work with the existing topography as much as possible. Typically, this typology has a residential density of less than one dwelling unit per acre unless housing is clustered to preserve open space.”
- ◇ Additionally, schools are not included in the recommended uses identified in the Pattern Book for rural or estate neighborhood typology.
- ◇ Although the request would not be consistent with the Comprehensive Plan recommendation of rural or estate neighborhood, staff supports this request because this site is located interior to an existing school campus and request would not represent an expansion of the school campus. Consequently, there would not be any negative impact on surrounding land uses.

### **Department of Public Works**

- ◇ The Department of Public Works, Traffic Engineering Section, has requested the dedication and conveyance of a 59.5-foot half right-of-way along East Raymond Street.

### **Indiana Fire Code**

- ◇ This site would also be subject to, but not limited 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:

5. For Group R-3 and Group U occupancies, the distance requirement shall be 600 feet (183m)
6. 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).

(Continued)

## STAFF REPORT 2019-ZON-121 (Continued)

### GENERAL INFORMATION

#### EXISTING ZONING AND LAND USE

D-2 Elementary school campus

#### SURROUNDING ZONING AND LAND USE

North -	SU-2	Elementary school campus
South -	C-S	Undeveloped land
East -	SU-2	Elementary school campus
West -	SU-2	Elementary school campus

#### COMPREHENSIVE LAND USE PLAN

The Comprehensive Land Use Plan for Indianapolis and Marion County (2018) recommends rural or estate neighborhood typology.

#### THOROUGHFARE PLAN

This portion of East Raymond Street is designated in the Marion County Thoroughfare Plan as a primary arterial, with an existing 50-foot right-of-way and proposed 119-foot right-of-way.

#### CONTEXT AREA

This site is located within the metro context area.

#### OVERLAY

This site is not located within an overlay.

### ZONING HISTORY

**2017-DV2-037; 6300 Southeastern Avenue, 6600 and 6621 Raymond Street and 2402 Hunter Road**, requested a variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for directional incidental and parking signs, up to approximately 7.2 feet tall and up to 9.32 feet square feet and to provide for 58, 12.25-square foot overhead door signs, **granted**.

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

**2013-ZON-002; 6312 Southeastern Avenue (south of site)**, requested the rezoning of 4.38 acres, from the D-A District, to the C-S classification to provide for office use and warehouse and distribution use, with subordinate retail, **approved**.

(Continued)

**STAFF REPORT 2019-ZON-121 (Continued)**

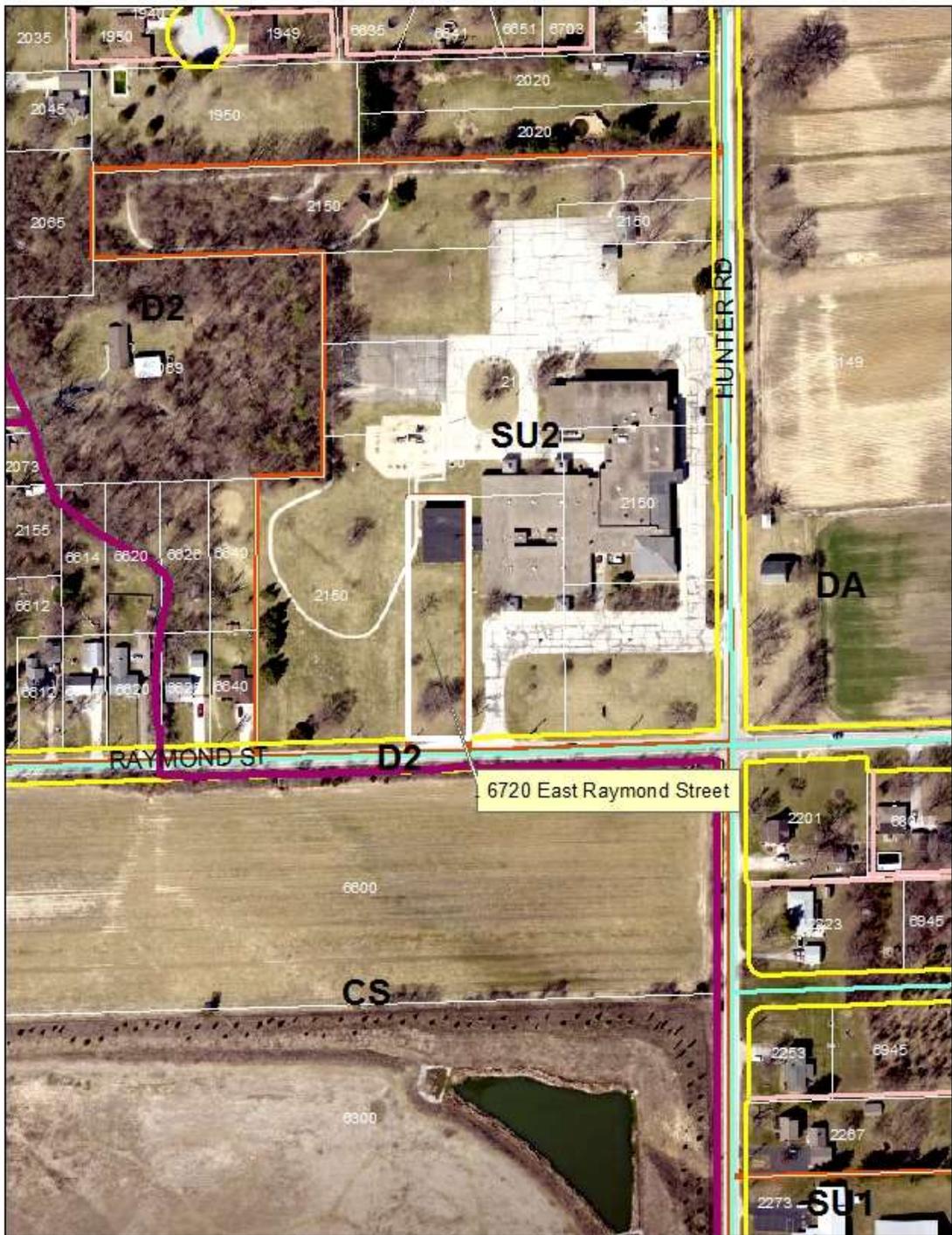
**2009-DV2-066; 2267 South Hunter Road (east of site)**, requested a variance of Development Standards of the Dwelling Districts Zoning Ordinance to provide for the construction of a 720-square foot detached accessory building, with a 15.7-foot south side setback, creating an aggregate side setback of 41.2 feet, and creating 1,236.25 square feet of accessory building area or 134.95% of the main floor area of the primary structure, **granted**.

**2003-UV3-007; 6312 Southeastern Ave. (south of site)**, requested a variance of use of the Dwelling Districts Zoning Ordinance to provide for general office and warehouse uses, **granted**.

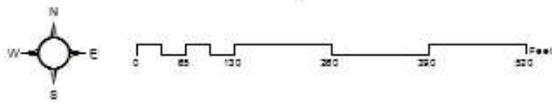
**96-Z-227; 6202 Southeastern Avenue (subject site)**, requested the rezoning of 146 acres from D-A and C-S to C-S to provide for multi-family residential development at approximately eight units per acre, an assisted living community, regional and highway-oriented commercial, and light industrial, **approved**.

kb

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6720 East Raymond Street





View looking west along East Raymond Street



View of looking east along East Raymond Street



View of site looking west



View of site looking northwest

## STAFF REPORT

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

**Case Number:** 2019-ZON-122  
**Address:** 6400, 6449, 6455, 6500, 6559, 6565, 6600 and 6833 Kentucky Avenue; 6700, 7700, 7924, 7944, 8002, 8032 and 8210 Camby Road (approximate address)  
**Location:** Decatur Township, Council District #22  
**Petitioner:** Hillwood Enterprises LLC, by J. Murray Clark  
**Request:** Rezoning of 172.94 acres from the D-A, D-3, D-6II, C-1, C-3 and C-5 districts to the I-2 district.

An automatic continuance has been filed by a registered neighborhood group, **continuing this request from the January 9, 2020 hearing to the February 13, 2020 hearing.**

### GENERAL INFORMATION

#### EXISTING ZONING, CONTEXT AREA, AND LAND USE

D-A	Metro	Agriculture, Single-family dwellings
D-3	Metro	Agriculture
D-6II	Metro	Agriculture, Undeveloped land
C-1	Metro	Undeveloped land
C-3	Metro	Office
C-3	Metro	Commercial

#### SURROUNDING ZONING AND LAND USE

North dwelling,	D-5, C-1, C-3, and C-5	Agriculture, Undeveloped land, Single-family Commercial
South	D-A and D-3	Single-family dwellings, Agriculture, Post office
East	D-A and D-3	Single-family dwellings, Undeveloped land
West	C-5, C-S, I-2 and SU-7	Undeveloped land, Industrial, Utility, Group living

#### COMPREHENSIVE LAND USE PLAN

The Decatur Township Comprehensive Plan (2018) recommends village mixed-use and suburban neighborhood. The site is also in Critical Area 004.

#### THOROUGHFARE PLAN

Kentucky Avenue is classified in the Official Thoroughfare Plan for Marion County, Indiana as primary arterial, with a 175-foot existing right-of-way and a 175-foot proposed right-of-way.

Camby Road is classified in the Official Thoroughfare Plan for Marion County, Indiana as primary arterial, with a 30-foot existing right-of-way and a 175-foot proposed right-of-way.

**STAFF REPORT 2019-ZON-122 (continued)**

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

Ameriplex Parkway is classified in the Official Thoroughfare Plan for Marion County, Indiana as a primary arterial, with no existing right-of-way and a 119-foot proposed right-of-way.

Trotter Road is classified in the Official Thoroughfare Plan for Marion County, Indiana as a primary collector, with a 50-foot existing right-of-way and a 91-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 December 5, 2019.

**ZONING HISTORY – SITE**

**2015-ZON-035; 6400, 6449, 6455, 6500, 6545 and 6565 Kentucky Avenue, 6700, 7700, 7924 and 8032 Camby Road and 6503 Mendenhall Road**, requested rezoning of 155.03 acres from the D-A, D-3, D-5, D-6II, C-1, C-3 and C-5 districts to the I-2-S classification, **withdrawn**.

**2015-PLT-015; 7700 Camby Road**, requested approval of a subdivision plat, dividing 44.93 acres into 141 lots, **approved**.

**2005-ZON-186; 6600 and 6833 Kentucky Avenue and 8032 and 8210 Camby Road**, requested rezoning of 43.5 acres from the D-A district to the C-5 classification, **approved**.

**2004-ZON-170; 8222 Camby Road**, requested rezoning of two acres from the D-A district to the C-1 classification, **approved**.

**2004-ZON-044; 7700 Camby Road**, requested rezoning of 20.579 acres from the D-A and D-3 districts to the D-6II classification, **approved**.

**2003-PLT-847; 7500, 7550 and 7700 Camby Road**, requested approval of a subdivision plat, dividing 74.745 acres into 269 lots with a waiver to not provide right-of-way for Ameriplex Parkway, **approved**.

(Continued)

**STAFF REPORT 2019-ZON-122 (Continued)**

**2004-VAR-847; 7500, 7550 and 7700 Camby Road**, requested a variance of development standards of the Dwelling Districts Zoning Ordinance to not provide right-of-way for Ameriplex Parkway, **withdrawn**.

**2004-ZON-044; 7700 Camby Road**, requested rezoning of 3.773 acres from the D-A district to the D-3 district, **approved**.

**2003-PLT-069; 7500, 7550 and 7700 Camby Road**, requested approval of a subdivision plat, dividing 74.74 acres into 269 lots, **withdrawn**.

**98-V2-101; 6545 and 6559 Kentucky Ave**, requested a variance of development standards of the Sign Regulations to allow a business identification sign in a dwelling district; **approved**.

**97-UV2-57; 6545 Kentucky Ave**, requested a variance of use of the Dwelling Districts Zoning Ordinance to provide for office use, **approved**.

**ZONING HISTORY – VICINITY**

**98-CP-33Z; 6702 and 8602 Kentucky Avenue, 5101 and 5212 Stanley Road, 8402 West Thompson Road, 8133-8211 and 8241 Milhouse Road and 6035-6103 Flynn Road**, requested rezoning of 152.8 acres from the C-S, D-A, and D-4 districts to the C-S classification to provide for a mixed use advanced technology and commerce park, **approved**.

**98-CP-33Z; 6702 and 8602 Kentucky Avenue, 5101 and 5212 Stanley Road, 8402 West Thompson Road, 8133-8211 and 8241 Milhouse Road and 6035-6103 Flynn Road**, requested a variance of development standards of the Commercial Zoning Ordinance to provide for alternative development standards, **approved**

**95-Z-149; 5950 Kentucky Avenue**, requested the rezoning of 1,217.24 acres from the D-A, D-3, I-2-S, I-3-s and I-4-S districts to the C-S classification to provide for a mixed use advanced technology and commerce park, **approved**.

klh

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**STAFF REPORT**

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

**Case Number:** 2019-CZN-852 / 2019-CVR-852  
**Address:** 6201-6215 North College Avenue (*Approximate Address*)  
**Location:** Washington Township, Council District #2  
**Petitioner:** Midtown Development Partners LLC, by Michael Rabinowitch  
**Request:** Rezoning of 0.66 acre from the D-5 (FF) district to MU-2 (FF) district.

**Variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for a 77-foot tall five-story and four-story mixed-use building, with a zero-foot south front setback from 62<sup>nd</sup> Street, a zero-foot north side transitional yard, within the clear sight triangle of the abutting streets and alley and 49 parking spaces (35-foot height, five-foot front setback, 12-foot front transitional setback, 15-foot side transitional setback, structures not permitted within the clear sight triangle, 153 parking spaces required).**

A timely automatic continuance was filed by the petitioner's representative **continuing this petition from the January 9, 2020 hearing, to the February 13, 2020 hearing.** This would require acknowledgement from the Hearing Examiner.

kb

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**STAFF REPORT**

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

**Case Number:** 2019-CAP-853 / 2019-CVR-853  
**Address:** 3173 Central Avenue (approximate address)  
**Location:** Center Township, Council District #9  
**Zoning:** D-8  
**Petitioner:** Pathway to Recovery Inc., by David Kingen and Justin Kingen  
**Request:** Modification of Commitments to terminate the commitments for 98-Z-45 (the present building setback of the apartment will be preserved from both North Central and East 32<sup>nd</sup> Street; any new construction on the vacant lots (3139-3147) N. Central will emulate/preserve the existing setbacks of existing structures on the east side of the 3100 block of N. Central and will allow for only single-family or two-family residences; the 22-space parking lot at 3169 N. Central will be maintained and any future development on vacant lots to the south will provide the required off-street parking; and all open space and floor standards will be maintained as existing).

Variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for the reuse of an existing 2.5-story multi-family building and the construction of a three-story multi-family building, with seven-foot front yards (two feet within the proposed right-of-way of Central Avenue) and within the clear sight triangle of the abutting streets and alleys, with a seven-foot north side yard, a zero-foot east side yard and a 10-foot south side yard and a 0.74 floor area ratio and a 0.52 livability space ratio (20-foot front setback, 30 feet from proposed 39-foot half right-of-way of Central Avenue, 26.33-foot side and rear setback from east and south side lot lines, 64.2-foot north side setback, structures not permitted in the clear sight triangle, 0.60 floor area ratio and 0.66 livability space ratio permitted).

An automatic continuance has been filed by a registered neighborhood organization, **continuing this request from the January 9, 2020 hearing to the February 13, 2020 hearing.**

**GENERAL INFORMATION**

**EXISTING ZONING AND LAND USE**

D-8 Multi-family dwelling

**SURROUNDING ZONING AND LAND USE**

North	C-3	Gas station and convenience store
South	D-8	Single-family residence
East	D-5	Single-family residences
West	D-8	Single-family residences

(Continued)

**STAFF REPORT 2019-CAP-853 / 2019-CVR-853 (Continued)**

COMPREHENSIVE LAND USE PLAN

The Mapleton Fall Creek Neighborhood Land Use Plan (2013) recommends 8 – 15 Residential Units per Acre.

The Red Line Transit Oriented Development Strategic Plan (2015) characterizes the site as a Walkable Neighborhood within proximity to the Meridian and 34<sup>th</sup> Station and as a District Center within proximity to the Meridian and 30<sup>th</sup> Station.

THOROUGHFARE PLAN

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

32<sup>nd</sup> Street is classified in the Official Thoroughfare Plan for Marion County, Indiana as a Local Street, with a 60-foot existing right-of-way and a 60-foot proposed right-of-way.

CONTEXT AREA

Compact

SITE PLAN

File-dated December 2, 2019.

FINDINGS OF FACT

File-dated December 2, 2019.

**ZONING HISTORY – SITE**

**98-Z-45; 501 E. 32<sup>nd</sup> Street**, Rezoning of 1.38 acres from the D-5 district to the D-8 classification, **approved**.

**ZONING HISTORY – VICINITY**

**2016-ZON-027, 3130 Central Avenue**, rezoning of 0.12 acre from the PK-1 district to the D-8 classification, **approved**.

**2015-AP1-001, 3207 Central Avenue**, Appeal of the Administrator’s Approval to issue an Improvement Locations Permit providing for a convenience store / gasoline station, **approved**.

**2014-DV1-033, 3207 Central Avenue**, Variance of Development Standards to provide for a reduction of setbacks for a convenience store / gasoline station, **withdrawn**.

**2013-ZON-008, 3019, 3022, 3023 and 3025 Ruckle Street; 3127 and 3131 New Jersey Street, 3130 Central Avenue; and 2925, 2929, 2931 and 3151 North Park Avenue**, rezoning of 1.91 acres from the D-5 and D-8 districts to the PK-1 classification, **approved**.

klh

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**2019-CAP-853 / 2019-CVR-853; Location Map**



## STAFF REPORT

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

**Case Number:** 2019-CZN-854 / 2019-CPL-854  
**Address:** 8401 East Washington Street (*Approximate Address*)  
**Location:** Warren Township, Council District #18  
**Petitioner:** LFC Properties LLC, by David Kingen and Justin Kingen  
**Request:** Rezoning of 10.71 acres from the C-4 district to the C-S district to provide for C-4 uses, with exclusions and production, assembly and warehousing permitted in the I-2 district with exclusions.  
  
Approval of a Subdivision Plat to be known as 8401 East Washington Street Subdivision, dividing 10.71 acres into five lots.

### RECOMMENDATIONS

Staff **recommends approval** of this rezoning request subject to the following amendments being made to the petition, prior to the Metropolitan Development Commission Hearing:

1. That "Attachment C" be amended to change the section regarding signs to allow for signs to be allowed per the C-4 standards.
2. That "Attachment D" be amended to eliminate Number 3. relating to sidewalks. Sidewalks shall be required per the platting requirements.
3. That "Attachment C" be amended to require landscaping on both street frontages, per Ordinance standards at the time the use adjacent to that frontage is established.

Staff recommends that the Hearing Examiner **approve** and find that the plat, file-dated December 3, 2019, complies with the standards of the Subdivision regulations, subject to the following conditions:

1. Subject to the Standards and Specifications of the Citizens Energy Group, 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.
9. That the plat restrictions and covenants, done in accordance with the rezoning commitments, be submitted, prior to recording the final plat.

(Continued)

## **STAFF REPORT 2019-CZN/CPL-854 (Continued)**

10. That all the standards related to secondary plat approval listed in Sections 741-207 and 741-208 of the Consolidated Zoning and Subdivision Ordinance are met, prior to the recording of the final plat.
11. Access easements shall be shown so that all lots continue to have access to the two existing access points, prior to final plat recording.
12. That a 40-foot half right-of-way dedication be shown along Fenton Avenue, prior to final plat recording.

### **SUMMARY OF ISSUES**

The following issues were considered in formulating the recommendation:

#### **LAND USE/REZONING**

- ◇ The request would rezone a 10.71-acre parcel from the C-4 district to the C-S classification to provide for C-4 uses and production, assembly and warehousing as permitted in the I-2 classification. The site is a currently a furniture store and warehouse.
- ◇ The request would be consistent with the Comprehensive Land Use Plan, which recommends Community Commercial uses for the northern portion of the site and light industrial uses for the southern portion of the site. The site is also on the future Blue Line corridor and is therefore governed by the Blue Line Transit Oriented Development Strategic Plan. As the proposed use would add industrial jobs to the site and provide for additional retail sites adjacent to the Washington Street frontage, the proposed reuse of the site would meet the goals of that plan.

#### **PLAT**

The following information was considered in formulating the recommendation:

#### **SITE PLAN AND DESIGN**

- ◇ The proposed development would provide for five lots, totaling 10.71 acres. Proposed Lots Two, Three and Four are at the northern end of the site and would be available for development under the C-4 classification. Lots One and Five contains the existing retail and warehouse buildings and would be available for development as C-4 uses or production, assembly and warehousing as permitted in the I-2 classification. The proposed lots would meet the standards of the subdivision regulations and the C-S classification.

(Continued)

## STAFF REPORT 2019-CZN/CPL-854 (Continued)

### TRAFFIC / STREETS

- ◇ The subject site currently utilizes two access points, one onto Washington Street and one onto Fenton Avenue. The lots would continue to utilize the existing access points. Therefore, access easements should be added to plat so that continued access to all of the lots is provided. No new streets are proposed.

### SIDEWALKS

- ◇ Sidewalks exist along Washington Street. The installation of sidewalks along Fenton Avenue is required with this plat.

### GENERAL INFORMATION

#### EXISTING ZONING AND LAND USE

C-4 Retail Commercial/Warehouse

#### SURROUNDING ZONING AND LAND USE

North -	C-4	Commercial
South -	I-2/D-2	Industrial/Residential
East -	C-4/D-5	Commercial/Residential
West -	C-4	Residential

#### COMPREHENSIVE PLAN

Recommends Community commercial for the northern portion and Light Industrial for the southern portion.

#### THOROUGHFARE PLAN

The Official Thoroughfare Plan indicates that Washington Street is a primary arterial with a 124-foot right-of-way existing and a 124-foot right-of-way proposed and that Fenton Avenue is a primary collector, with a 50-foot right-of-way existing and an 80-foot right-of-way proposed.

### ZONING HISTORY

**2013-UV2-025; 8340 East Washington Street (north of site)**, requests a Variance of Use to provide for a tattoo parlor within 500 feet of a D-3 zoned protected district, **granted**.

**2005-DV2-025; 8401 East Washington Street (subject site)**, requests a Variance of Development Standards of the Sign Regulations of Marion County to legally establish a 40.33-foot tall, 204.6-square foot pylon sign located seven feet from the existing right-of-way of East Washington, and to provide for the addition of a 36-square foot electronic variable message component to the existing sign, located 345 feet from a protected district, **granted**.

**2013-ZON-048; 8531 East Washington Street**, requests a rezoning of 0.732 acre from the D-5 to the C-5 classification to provide for automobile sales, **approved**.

(Continued)

**STAFF REPORT 2019-CZN/CPL-854 (Continued)**

**99-UV1-136, 8550 East Washington Street (east of site);** requests a variance of use and development standards of the Commercial Zoning Ordinance to provide for automobile sales and repair, with a front yard setback of six feet along North Gibson Street (minimum ten feet required), for display of automobiles within the required front yard setback of Washington Street and North Gibson Street (not permitted), **granted.**

**99-Z-132; 8601 East Washington Street (east of site),** requests rezoning of 8.103 acres from the D-5 district to the C-5 classification to provide for an automobile dealership, **approved.**

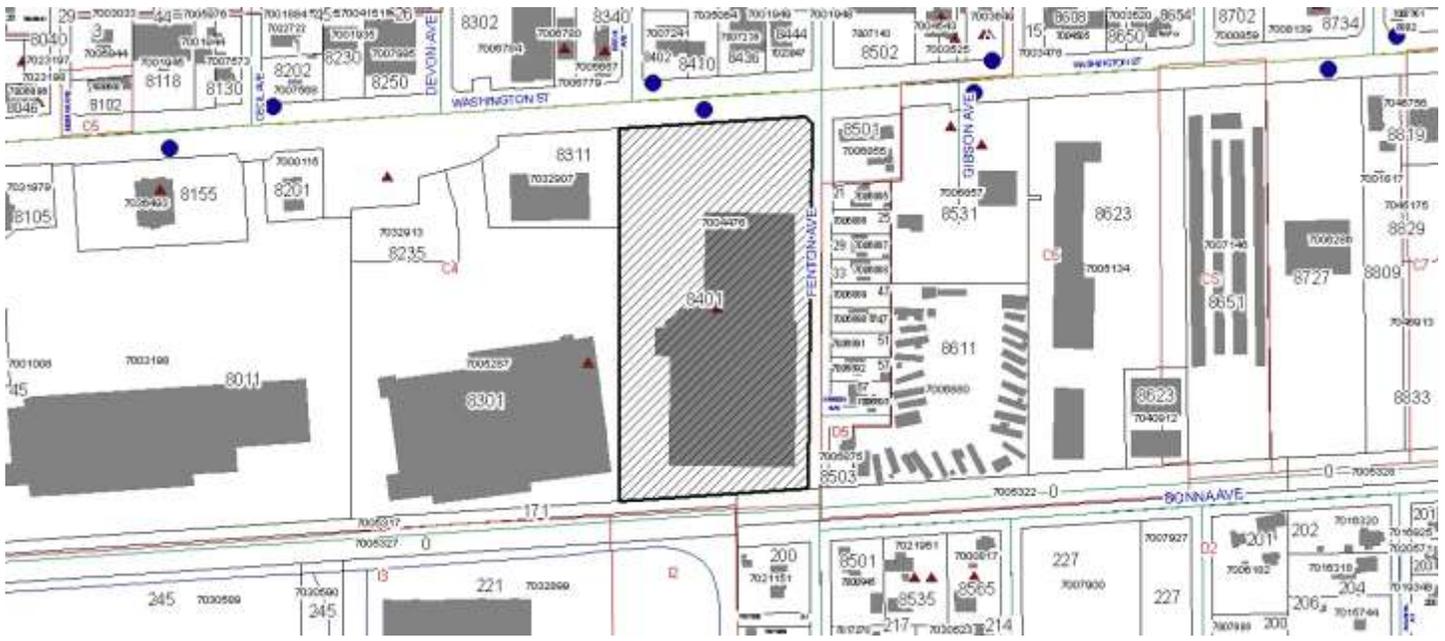
**89-UV2-57, 8530 East Washington Street (east of site);** requests a variance of use of the Commercial Zoning Ordinance to provide for the construction of a building for the retail sales and installation of automobile windshields and glass parts, **granted**

**85-UV3-73, 8601 East Washington Street (east of site),** requests a variance of use and development standards of the Dwelling Districts Zoning Ordinance to provide for the continued operation of a mobile home park and without the side and rear setbacks for some of the mobile homes, **granted.**

**83-UV3-73, 8601 East Washington Street (east of site),** requests a variance of use of the Dwelling Districts Zoning Ordinance to provide for a mobile home park, **granted.**

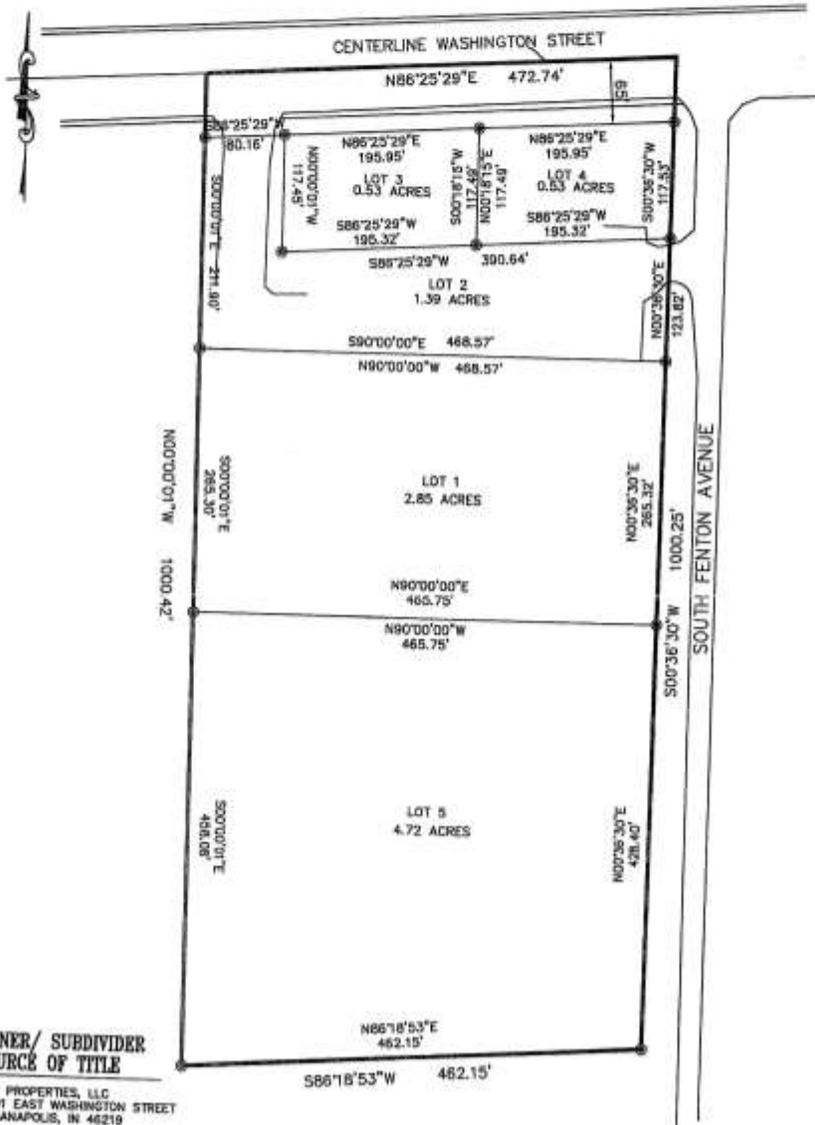
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LA



# SECONDARY PLAT

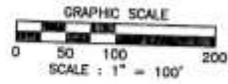
8401 EAST WASHINGTON STREET SUBDIVISION  
MARION COUNTY, INDIANA



**OWNER/ SUBDIVIDER  
SOURCE OF TITLE**  
LFC PROPERTIES, LLC  
8401 EAST WASHINGTON STREET  
INDIANAPOLIS, IN 46219  
INSTRUMENT No. A2007-0092234

**SURVEYOR**  
THIS INSTRUMENT PREPARED BY:  
K. NATHAN ALTHOUSE  
MILLER SURVEYING, INC.  
542 CONNER STREET  
NOBLESVILLE, IN, 48060  
Ph 773-2544 Fx 773-2594  
DATE: NOVEMBER 21, 2019  
Job No. B38817

- LEGEND**
- R/W RIGHT-OF-WAY
  - ⊙ 5/8" IRON ROD WITH YELLOW CAP STAMPED "MILLER 50063" SET
  - 1035 PROPERTY ADDRESS
  - CONC. CONCRETE





ATTACHMENT "C"

Development Plan and Site Plan to allow:

Uses:

1. All C-4 uses except those identified in Attachment "E"
2. Production, assembly and warehousing as permitted in the I2 Industrial District in the southern sixty (60) % of the property only; except those uses identified in Attachment "E"

Buildings:

One (1) existing One hundred and sixty-seven seven hundred and ninety eight square feet (167,798 square foot building, per site plan on file.

Parking:

Two hundred and twenty five (225) off street parking spaces provided.

Signs:

One free standing Pylon, monument or ground sign permitted per parcel after Plat Approval, two additional wall signs per use on the subject property.

Screening and buffering:

All existing trees and foliage within the south setback to be preserved in a "no touch zones" as shown on the site plan

Security:

Monitored by security cameras

Lighting:

Retention of parking lot lighting; ornamental lighting and box lighting affixed to the building.,

Trash Collection:

All dumpsters shall be behind any building, completely enclosed per city code.

10/10/19

Metropolitan Development

DEC 03 2019

Division of Planning

Attachment "D"

The petitioner commits to the following:

1. No Billboards or Cell Towers shall be permitted on property
2. Exterior lighting on buildings and within off-street parking areas shall be so designed and located to minimize objectionable light onto adjacent properties and streets. Exterior lighting equipment utilized shall be of appropriate type and shall be shielded and directed so that distribution of light is confined to the areas lighted.
3. Sidewalks shall be installed as a part of the construction of any building and related improvements upon the property.
4. Garbage Truck Trash Pick-up from the property shall not occur before 7 o'clock (7:00) a.m. or after six o'clock (6:00) p.m.
5. No Electronic Variable Message Signs (EVMS) or new pole signs
6. Landscaping shall be required and maintained at all times.
7. All parking lot areas shall be maintained and kept litter and weed free.
8. Trash Containers shall be enclosed on three sides and have gates.

Metropolitan Development

JAN 02 2023

Division of Planning

11/8/19

ATTACHMENT "E":

Petitioner commits to exclude the following uses:

1. Emergency Shelter, daily
2. Check cashing or validation service
3. Outdoor advertising off premise sign
4. Tattoo Parlor
5. Bar or tavern
6. Pawn shop
7. Wireless communication facility
8. Plasma (Blood) center
9. Vape shops
10. Bed and Breakfast facility
11. Laundry (coin)
12. Liquor sales
13. Methadone Clinic or treatment facility
14. Substance Abuse treatment facility
15. Garden as a primary use
16. Mortuary, Funeral home
17. Night Club or cabaret
18. Hotel, motel or hostel
19. Firearms sales
20. Fireworks sales
21. Automobile and light vehicle wash
22. Automobile, motorcycle and light vehicle repair

12/11/19

Metropolitan Development  
JAN 02 2020  
Division of Planning













## STAFF REPORT

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

**Case Number:** 2019-CAP-855 / 2019-CVR-855  
**Address:** 1426 and 1500 Broad Ripple Avenue (approximate addresses)  
**Location:** Washington Township, Council District #2  
**Zoning:** PK-1  
**Petitioner:** BR Health Holdings LLC , by Aaron Hurt  
**Request:** Park District-One Approval to provide for an approximately 40,000-square foot Family Center and associated parking, sidewalks, landscaping and signs.

Variance of use of the Consolidated Zoning and Subdivision Ordinance to provide for a healthcare center (not permitted) within the proposed Family Center.

### **RECOMMENDATIONS**

Staff **recommends approval** of these requests.

### **SUMMARY OF ISSUES**

The following issues were considered in formulating the recommendation:

#### **LAND USE**

- ◇ Broad Ripple Park has been a City park since 1946. Prior to that time, it was the White City Amusement Park, known for its ornate carousel, roller skating rink, zoo, and exceptionally large swimming pool. Upon acquiring the property, the city removed the remaining amusement rides. The park was developed with a small community center, playground, new pool and bathhouse, and a dog park.
- ◇ In 1986, the Broad Ripple Branch Library opened in the southwest portion of the park. At that time, the library site was rezoned from PK-1 to SU-37. SU-37 is an appropriate zoning district for libraries. The branch library continued in operation until 2003. The building was then repurposed as a family center. A recent land use petition, 2019-ZON-064, rezoned the library site back to PK-1 to reflect the site's ongoing use as a park.

#### **APPROVAL**

- ◇ The PK-1 approval request would provide for improvements to this portion of the park. The improvements include demolition of the existing family center, construction of an enlarged family center with a partner space, construction of associated parking, sidewalks and overlooks and retention of the existing boat dock.

## **STAFF REPORT 2019-CAP-855 / 2019-CVR-855 (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:
  - 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 prodded. Sidewalks along eligible public street 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 proposed development is consistent with the Broad Ripple Park Master Plan, a segment of the Comprehensive Plan that was adopted by the Metropolitan Development Commission in August 2018. The master plan shows the construction of a large community center with a partner space, boat launch, river overlook and associated parking and sidewalks. The Master Plan states,
  - “The engagement with the White River is the fundamental premise and inspiration for the proposed Family Recreation Center development. The building placement, views from the building, and the interaction of both indoor and outdoor spaces should revolve around engaging of the river. The building is envisioned to use extensive glass along the river’s edge to enhance the user experience. The proposed center includes a gymnasium, walking/jogging track, health and fitness areas, multi-purpose rooms, a café with a river’s edge terrace, adventure plan, support amenities, and the opportunity to collaborate in a Public/Private Partnership.”

(Continued)

## **STAFF REPORT 2019-CAP-855 / 2019-CVR-855 (continued)**

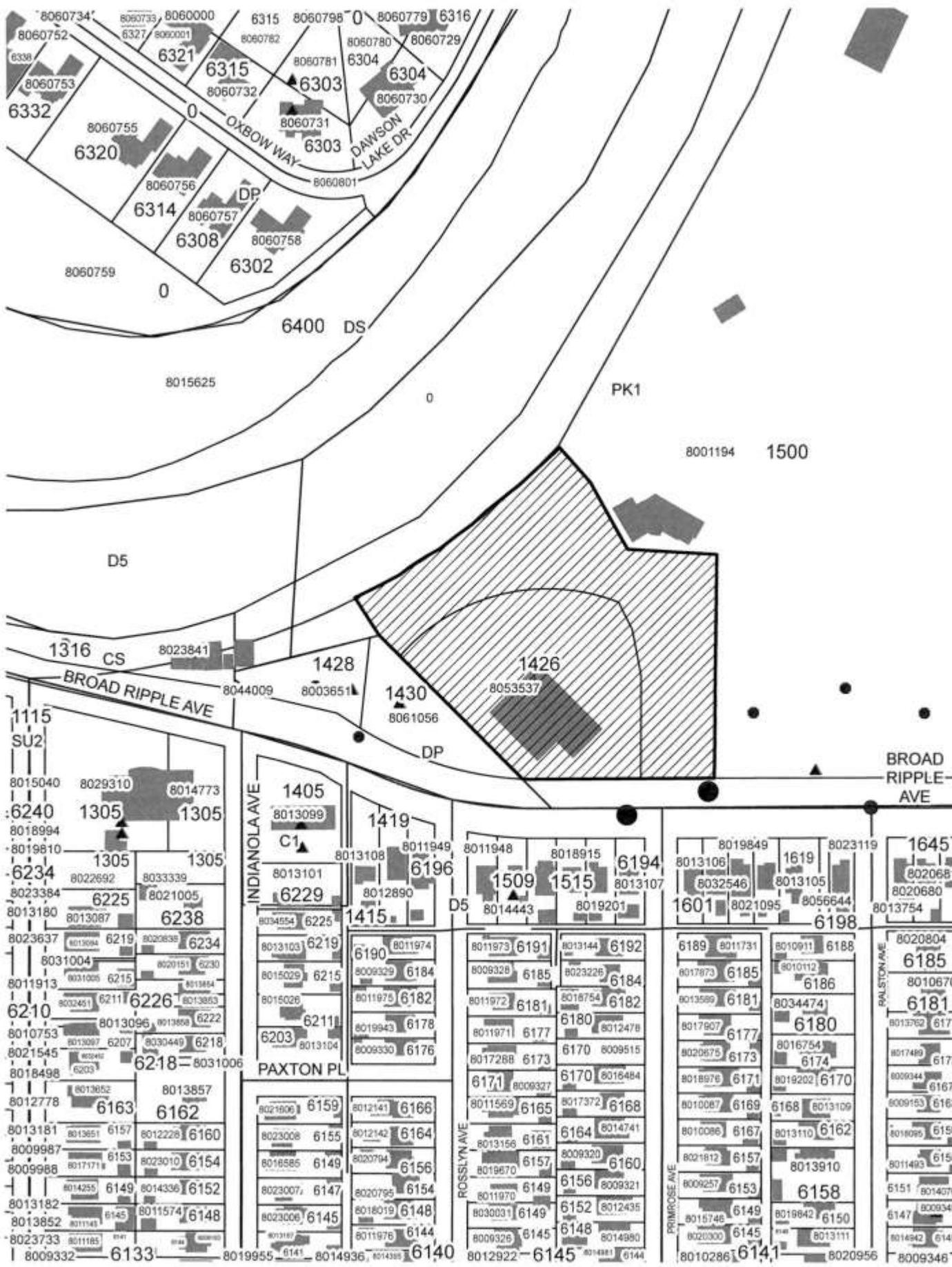
- ◇ The site plan shows pedestrian connections from the proposed developments to Broad Ripple Avenue, the existing 197-space parking lot, and the park's other amenities.
- ◇ Staff believes that the proposed development meets the standards of the development plan district and therefore supports approval of this request.

### **VARIANCE**

- ◇ The Indianapolis Consolidated Zoning / Subdivision Ordinance permits the following uses in the PK-1 district: Park, Playground or Greenway; and Wireless Communication Facility. The request would permit a healthcare center in a tenant space.
- ◇ Broad Ripple Park serves a wide swath of northern and central Indianapolis as a hub for active recreation. Two large nearby parks, Holliday Park and Marott Park are both primarily passive parks. The nearest large active parks are Sahm Park, (a 6.5-mile drive), Northwestway Park (8 miles), Riverside Park (8.5 miles) and Douglass Park (6 miles). Through a public planning process, the Department of Parks and Recreation determined that to adequately serve the active recreation needs of the population of such a large area, an expanded family recreation center was warranted.
- ◇ A healthcare facility is a reasonable tenant because of the similarity of the goals of parks and healthcare: the wellbeing of the population. In its Comprehensive Parks, Recreation and Open Space Plan (2018), Indy Parks states “Critical to the future vitality of Indianapolis is a parks system that can provide recreational opportunities, inclusive of all users, that promote physical and mental well-being, provide immaculate settings that create memorable experiences, and unite citizens in a positive, supportive, and fun environment.” Indianapolis-based Community Health Network is committed to “providing convenient access to exceptional healthcare services, where and when patients need them—in hospitals, health pavilions and doctor’s offices, as well as workplaces, schools and homes.”
- ◇ According to the proposed Plan of Operation, the healthcare facility would “provide primary care and other ambulatory related healthcare and wellness services out of its space at the Family Center to the community. The use of space will include patient examination and consultation areas, administrative offices and common area, conference rooms, multi-purpose rooms for educational and wellness programming as well as outpatient physical and speech therapy, and other ancillary medical uses customary in an outpatient location.”
- ◇ The Plan of Operation also states that emergency department care and ambulance service would not be offered at this location.
- ◇ The proposal healthcare facility would be 15,000 square feet. The healthcare facility and Indy Parks would share an additional 1500 square feet of program space. The square footage of the healthcare facility would make it secondary to the recreational component of the 40,000-square foot building.

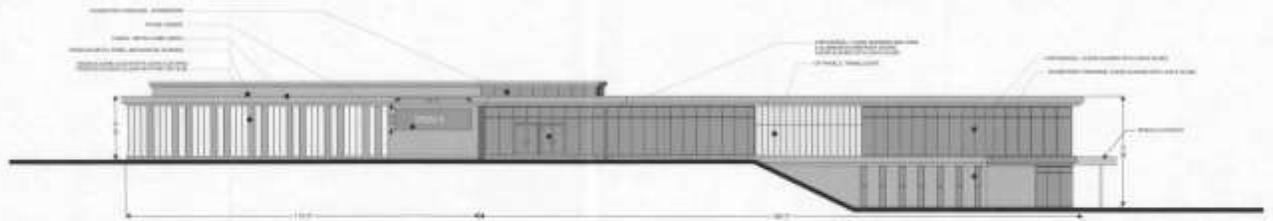
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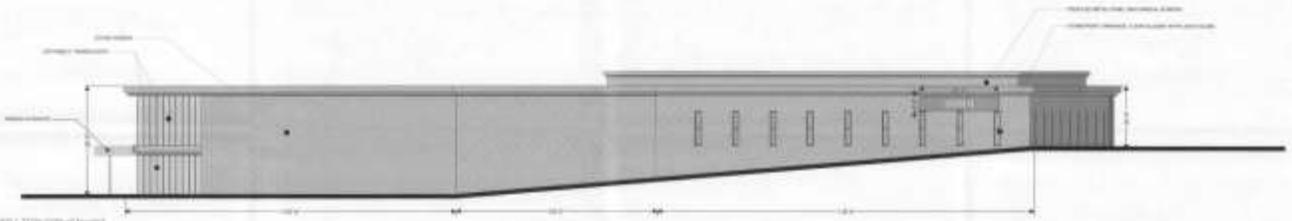




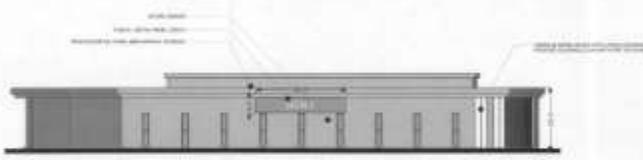
2019 Aerial Photo of Broad Ripple Park and its surroundings.



4  
WOOD SHAKE WALL (20% OF BOARD)  
EXTERIOR ELEVATION - EAST  
3/12" = 1'0"



3  
WOOD SHAKE WALL (20% OF BOARD)  
EXTERIOR ELEVATION - WEST  
3/12" = 1'0"



2  
WOOD SHAKE WALL (20% OF BOARD)  
EXTERIOR ELEVATION - SOUTH  
3/12" = 1'0"



1  
EXTERIOR ELEVATION - NORTH  
3/12" = 1'0"

PROJECT NUMBER  
001-11-000  
DATE: 07/2010

**EXTERIOR ELEVATIONS**

ARCHITECT: WILLIAMS & PARTNERS  
DATE: 07/2010







Current Broad Ripple Park Family Recreation Center, formerly the Broad Ripple Branch Library



Entry drive from Broad Ripple Avenue, subject site to the right, current aquatic center in the center.



Pedestrian entry from Broad Ripple Avenue.



Boat ramp into the White River.



View south across Broad Ripple Avenue to the neighboring properties.



View west across the Family Recreation Center's parking lot to the neighboring mixed-use building.