

**METROPOLITAN DEVELOPMENT COMMISSION  
HEARING EXAMINER**

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

**STAFF REPORTS for JANUARY 27, 2022**

**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 by sending an e-mail request to [PlannerOnCall@indy.gov](mailto:PlannerOnCall@indy.gov) 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><u>EXPEDITED PETITIONS:</u></b>		
2021-ZON-147	906 EAST BEECHER STREET CENTER TOWNSHIP, CD #21	3
2021-CZN-863 / 2021-CVC-863 / 2021-CVR-863 (AMENDED)	1715 HALL PLACE AND 1720-1744 NORTH ILLINOIS STREET CENTER TOWNSHIP, CD #11	9
2021-CZN-865 / 2021-CPL-865 / 2021-CVR-865	19 WEST KELLY STREET CENTER TOWNSHIP, CD #16	31
<b><u>CONTINUED PETITIONS:</u></b>		
2021-ZON-082*** (AMENDED)	11811 SOUTHEASTERN AVENUE FRANKLIN TOWNSHIP, CD #25	45
2021-ZON-109**	8250 SOUTHEASTERN AVENUE – FRONTS FRANKLIN ROAD FRANKLIN TOWNSHIP, CD #18	46
2021-ZON-115	722 FAIRFIELD AVENUE CENTER TOWNSHIP, CD #9	47

2021-ZON-125	4822 EAST EDGEWOOD AVENUE AND 5820 SOUTH EMERSON AVENUE PERRY TOWNSHIP, CD #24	55
2021-ZON-128***	8830 AND 8850 ROCKVILLE ROAD WAYNE TOWNSHIP, CD #15	73
2021-ZON-135*	900 SOUTH TIBBS AVENUE WAYNE TOWNSHIP, CD #16	83

**NEW PETITIONS:**

2021-ZON-145	3160, 3162, 3164, AND 3170 EAST MINNESOTA STREET CENTER TOWNSHIP, CD #21	90
2021-ZON-148 (AMENDED)	75 SOUTH KENYON STREET WARREN TOWNSHIP, CD #12	100
2021-ZON-150**	8150 BROOKVILLE ROAD WARREN TOWNSHIP, CD #18	112
2021-CZN-866 / 2021-CPL-866 / 2021-CVR-866	5260 CLAYBROOKE COMMONS DRIVE FRANKLIN TOWNSHIP, CD #25	113

**\*Automatic Continuance**

**\*\*Continuance Requested**

**\*\*\*Withdrawal or Dismissal**

## STAFF REPORT

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

**Case Number:** 2021-ZON-147  
**Address:** 906 East Beecher Street (*Approximate Address*)  
**Location:** Center Township, Council District #21  
**Petitioner:** Indiana Rehab Investments LLC, by Mark and Kim Crouch  
**Request:** Rezoning of 0.08 acres from the I-4 district to the D-5 district to provide for residential use.

### RECOMMENDATION

Staff recommends approval of this request.

### SUMMARY OF ISSUES

The following issues were considered in formulating the recommendation.

### LAND USE

- ◇ The subject site was platted in 1912. Historic aerial photography indicates that the subject site and its four adjacent lots were developed with single-family dwellings prior to 1937. By 1972, the subject site had been cleared. Also, by 1972, the area south of Beecher Street had been redeveloped as an industrial facility. The current structure on the site was constructed by 1979.
- ◇ The Comprehensive Land Use Plan recommends Traditional Neighborhood for the site. The Traditional Neighborhood typology envisions a full spectrum of housing types, ranging from single family homes to large-scale multi-family housing with a development pattern that is compact and well-connected.

### ZONING

- ◇ This petition requests a rezoning to the D-5 district. The D-5 district permits single-family and two-family dwellings. It is intended for urban areas where all urban public and community facilities and services are available.
- ◇ As the request is responsive to the Comprehensive Land Use Plan and is consistent with the zoning district of the lots to the north and west, staff recommends approval of this petition.

(Continued)

**STAFF REPORT 2021-ZON-147 (Continued)**

**GENERAL INFORMATION**

EXISTING ZONING, CONTEXT AREA, AND LAND USE

I-4	Compact	Single-family dwelling
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SURROUNDING ZONING AND LAND USE

North	D-5	Vacant lot
South	I-4	Industrial building
East	I-4	Single-family dwelling
West	D-5	Single-family dwelling

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

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

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

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

**ZONING HISTORY – SITE**

None

**ZONING HISTORY – VICINITY**

**2022-DV2-003; 1869 New Street (west of site)**, requested a variance of development standards to provide for deficient front and rear setbacks, encroachment in the right-of-way, and deficient clear sight triangle, **pending**.

**2021-DV3-051; 1867 New Street (north of site)**, requested a variance of development standards to provide for construction of a garage in the clear sight triangle, **approved**.

**2020-DV1-078; 1854 New Street (northwest of site)**, requested a variance of development standards to provide for deficient open space, **denied**.

**2017-ZON-016; 828 Beecher Street and 24 other nearby addresses (west and northwest of site)**, requested the rezoning of 1.95 acres from the C-1, C-3, C-5 and I-4 districts to the D-5 district, **approved**.

(Continued)

**STAFF REPORT 2021-ZON-147 (Continued)**

**2013-ZON-003; 1869 New Street (west of site),** requested the rezoning of 0.11 acre from the I-4-U district to the D-5 district, **approved.**

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**STAFF REPORT 2021-ZON-147, Location**



**STAFF REPORT 2021-ZON-147, Aerial photograph (2021)**



**STAFF REPORT 2021-ZON-147, Photographs**



Looking northeast at the subject site from Beecher Street.



Looking southeast at the subject site from the alley.



Looking west along Beecher Street.



Looking east along Beecher Street. The subject site is in the extreme left side of the photo.



## STAFF REPORT

Department of Metropolitan Development  
Division of Planning  
Current Planning Section

**Case Number:** 2021-CZN-863 / 2021-CVR-863 / 2021-CVC-863 (Amended)  
**Address:** 1715 Hall Place and 1720-1744 North Illinois Street (*Approximate Addresses*)  
**Location:** Center Township, Council District #11  
**Petitioner:** Arrow Street Development LLC, by Peter Cleveland  
**Request:** Rezoning of 1.97 acres from the HD-1 (RC) District to the MU-1 (RC) classification.

Variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for a mixed-use development, with a zero-foot front yard setback along 18<sup>th</sup> Street and Illinois Street (minimum 12-foot front yard setback required for the portion of the site outside of Regional Center), within the clear-sight triangle of the abutting streets (structures not permitted within the clear-sight triangle), a zero-foot rear transitional yard and rear yard (minimum 15-foot transitional yard and minimum 10-foot rear yard required),

Vacation of a 15-foot wide platted alley, being the first north-south alley east of Hall Place, from the south right-of-way line of West 18<sup>th</sup> Street, south 295.25 feet to a point 7.5 feet north of the southeast corner of the lot line of Lot 24 in the Hall Place subdivision, as recorded in Plat Book 8, Page 26 in the Office of the Recorder of Marion County, Indiana, with a waiver of the assessment of benefits.

### **ADDENDUM FOR JANUARY 27, 2022, HEARING EXAMINER**

This companion petition was continued from the December 9, 2021 hearing to the January 27, 2022 hearing, by request from the petitioner. On December 17, 2021, the petition was amended to request a rezoning to MU-1 (RC), add variance requests for front yard setback reductions along 18<sup>th</sup> Street and Illinois Street, for a proposed structure to be within the clear-sight triangles of the abutting streets and for reduced rear transitional yard and rear yard setbacks. Additionally, the vacation request to vacate a portion of the 15-foot wide north-south alley from West 18<sup>th</sup> Street was increased from 270 feet to 295.25 feet.

**Rezoning amendment** – The previous request was to rezone the site to MU-2 (RC). However, subsequent to filing the petition, the petitioner indicated that the proposed development would include a section of the development at 11 stories in height. Given that the MU-2 requires a maximum height of 35 feet, a variance for an 11-story structure would not be appropriate. The petitioner then amended the request to the MU-1 (RC) zoning classification, which has no maximum height limit and would accommodate the higher density development that is proposed.

(Continued)

## **STAFF REPORT 2021-CZN-863 / 2021-CVR-863 / 2021-CVC-863 (Continued)**

The staff considers this amended rezoning a significant step in providing for higher density housing, which would benefit mass transit in the City, given that the site is less than one block from an existing transit stop at 18<sup>th</sup> Street and Capitol Avenue and one block from another transit stop at 18<sup>th</sup> and Meridian Streets. Therefore, staff **recommends approval** of the rezoning request.

**Variance requests** – Along with the amended rezoning petition, a variance petition was submitted to provide for reduced front yard setbacks for the portion of the development outside of the Regional Center, for a structure within the clear-sight triangles of the abutting streets and reduced rear transitional yard and rear yard setbacks. These requests are very similar to the variance requests for the developing site across Illinois Street, which is for a mixed-use development, as well. The Regional Center Design Guidelines recommends that buildings be built to the property line as that provides for a more urban development. Additionally, the adjacent property values would not be negatively affected in a substantial manner if the variances would be granted. Therefore, staff **recommends approval** of the variance request. Staff would comment that the proposed site plan includes access points to the development from 18<sup>th</sup> Street and from Illinois Street. Staff would suggest that at least the access point from Illinois Street should be removed, since the site has direct access to Hall Place. Urban development should have as few curb cuts along primary arterials, as possible.

**Vacation amendment** – The vacation petition was amended to increase the amount of alley right-of-way sought to be vacated, from the south right-of-way line of 18<sup>th</sup> Street to a point 295.25 feet to the south. The previous request was to vacate 270 feet of this alley right-of-way. In addition, the petitioner has submitted a legal description that would provide for a proposed east-west right-of-way dedication from Hall Place to the proposed northern terminus of the existing alley right-of-way. This new right-of-way would include sufficient area for a sidewalk to Hall Place, as well. Given that the northern terminus of the existing alley would have a new alley right-of-way to exit the alley, and that a new sidewalk would be provided for pedestrians, staff **recommends approval** of the vacation request and the waiver of the assessment of benefits request, and provides the following motion:

**RECOMMENDED MOTION (Approval): That the Hearing Examiner find that the proposed vacation is in the public interest; that a hearing upon the assessment of benefits be waived; that the Hearing Examiner confirm and ratify the adoption of Declaratory Resolution 2021-CVC-863; and that the vacation be subject to the rights of public utilities under IC 36-7-3-16.**

### **DECEMBER 9, 2021, HEARING EXAMINER**

#### **RECOMMENDATIONS**

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

Staff **recommends denial** of the vacation request and provides the following motion:

(Continued)

## **STAFF REPORT 2021-CZN-863 / 2021-CVR-863 / 2021-CVC-863 (Continued)**

**RECOMMENDED MOTION (Denial):** That the Hearing Examiner find that the proposed vacation is not the public interest and that the Hearing Examiner deny Declaratory Resolution 2021-CVC-863.

Should the **Hearing Examiner recommend approval** of the vacation petition and would waive the assessment of benefits, staff provides the following motion:

**RECOMMENDED MOTION (Approval):** That the Hearing Examiner find that the proposed vacation is in the public interest; that a hearing upon the assessment of benefits be waived; that the Hearing Examiner confirm and ratify the adoption of Declaratory Resolution 2021-CVC-863; and that the vacation be subject to the rights of public utilities under IC 36-7-3-16.

### **SUMMARY OF ISSUES**

The following issues were considered in formulating the recommendation:

#### **LAND USE**

- ◇ This nearly two-acre site is zoned HD-1 and HD-1 (RC) and is comprised of a number of parcels divided by a north-south alley. 1715 Hall Place is four parcels and located west of this alley. These lots are currently used for surface parking. 1720, 1726 and 1744 North Illinois Street are four parcels and located east of this alley. These parcels are improved with surface parking and a vacant commercial building.
- ◇ The north-south alley is the west boundary of the Regional Center overlay zone, meaning that 1715 Hall Place is outside of the Regional Center, while 1720-1744 North Illinois Street is within the Regional Center overlay zone.
- ◇ The site is located one block west of an existing transit stop at 18<sup>th</sup> Street and Meridian Street, and less than one block east of a transit stop at 18<sup>th</sup> Street and Capitol Avenue. The site is within the Transit-Oriented Development overlay.

#### **REZONING**

- ◇ This request would rezone the site from the HD-1 and HD-1 (RC) districts to the MU-2 and MU-2 (RC) classifications to provide for a proposed mixed-use development.
- ◇ The Plan has two recommendations for the site. The Plan recommends Regional Special Use for 1715 Hall Place and medium density mixed-use development for 1720-1744 North Illinois Street. The request to rezone the site to MU-2 and MU-2 (RC) meets the Plan recommendation for 1720-1744 North Illinois Street. The Regional Special Use recommendation is to provide for land uses that would be compatible for a specific large-scale institutional purpose, such as Methodist Hospital, located one block to the west.

(Continued)

## **STAFF REPORT 2021-CZN-863 / 2021-CVR-863 / 2021-CVC-863 (Continued)**

- ◇ Methodist Hospital is planned to be replaced by a new medical campus to be located south of 16<sup>th</sup> Street and, generally, west of Capitol Avenue. Therefore, land east of the hospital can be used for private purposes. Given close proximity to two transit stops, the site being within the transit-oriented overlay zone and recent development in the area, the request to rezone the site for mixed-use development would be compatible with the Plan.

### **REGIONAL CENTER**

- ◇ As indicated above, 1720-1744 North Illinois Street is located within the Regional Center overlay district. Design of low impact new construction, including parking areas in the Regional Center overlay district, is subject to the approval of the Administrator of the Division of Planning. If development is considered to be a High Impact project, approval of the Regional Center Hearing Examiner and Metropolitan Development Commission are required.

### **VACATION SUMMARY**

- ◇ The vacation request would vacate a portion of an improved, north-south alley from 18<sup>th</sup> Street to a point 270 feet to the south. Currently, this alley provides access to the rear of properties between 16<sup>th</sup> Street and 18<sup>th</sup> Street. As proposed, the alley would terminate where a proposed building would be constructed, according to the preliminary site plan. No public access to the east or west at the terminus point is proposed. Thus, there would be no way that a driver could egress from this alley, heading northward, without trespassing on private property. Existing development to the south includes a four-story medical office building, a parking garage and a restaurant.
- ◇ Staff finds that the request to not be in the public interest. This right-of-way is used by vehicles in the manner for which it was intended, for public use. By removing this right-of-way, it could cause drivers difficulty in maneuvering to the rear of commercial uses and medical offices and out of those areas.
- ◇ The submitted Findings of Fact state, in part, “vacation of streets and alleys that are the subject of the petition will allow significant redevelopment of surrounding area”. When portions of alleys or streets are vacated, as opposed to an entire length of said alley or street, the request is rarely in the public interest in that it would create more issues due to a sudden terminus of a public right-of-way without appropriate means to egress. Finally, the preliminary site plan does not indicate that the site would be fully developed, in that there would be significant open space where the building could be built and out of the right-of-way.

### **Procedure**

- ◇ Neither the Division of Planning nor the Plat Committee, Hearing Examiner or Metropolitan Development Commission determine how vacated right-of-way is divided.

(Continued)

**STAFF REPORT 2021-CZN-863 / 2021-CVR-863 / 2021-CVC-863 (Continued)**

The approval of a vacation petition only eliminates the public right-of-way. The vacation approval does nothing more. A petitioner will not receive a deed or other document of conveyance after the approval of a vacation.

- ◇ The general rule under Indiana case law is that when a street or highway is vacated or abandoned the title to the land reverts to the abutting property owners. This rule exists by virtue of the fact that the abutting landowner owns to the center of the street or highway subject only to an easement for the public to the use of the street or highway. *Gorby v. McEndarfer* 135 Ind.App. 74, \*82, 191 N.E.2d 786, \*\*791 (Ind.App.1963). However, there are possible exceptions to this general rule.
- ◇ After a vacation of a public right-of-way the county assessor determines how the vacated right-of-way will be assessed for tax purposes.
- ◇ Petitioners and abutters of the vacated right-of-way should consult their own attorneys for advice regarding the ownership of the vacated right-of way.

**ASSESSMENT OF BENEFITS**

- ◇ The petitioner has requested a waiver of the Assessment of Benefits. The subject right-of-way is improved and there has been no evidence to indicate that the petitioner, or any other private entity, improved this alley right-of-way. Therefore, a waiver of the Assessment of Benefits would not be appropriate.

**GENERAL DESCRIPTION:**

**Vacation of a portion of a 15-foot wide platted alley, being the first north-south alley east of Hall Place, from the south right-of-way line of West 18<sup>th</sup> Street, south 270 feet to the southern lot line of Lot Six in the Hall Place subdivision, as recorded in Plat Book 8, Page 26 in the Office of the Recorder of Marion County, Indiana, with a waiver of the assessment of benefits.**

**UTILITIES AND AGENCY REPORT**

Telephone:	No answer, retain easement
CEG, Gas:	No answer, retain easement
CEG, Water:	No answer, retain easement
CEG, Wastewater	No answer, retain easement
Power:	No answer, retain easement
Cable:	No answer, retain easement
DPR:	No answer, retain easement
DPW, TS:	No answer, retain easement

(Continued)

**STAFF REPORT 2021-CZN-863 / 2021-CVR-863 / 2021-CVC-863 (Continued)**

**GENERAL INFORMATION**

EXISTING ZONING AND LAND USE

HD-1 / HD-1 (RC) Vacant commercial building and surface parking lots

SURROUNDING ZONING AND LAND USE

North - HD-1 / HD-1 (RC)  
South - HD-2 / HD-2 (RC) Medical office and surface parking  
East - MU-2 (RC) Developing mixed-use development  
West - HD-1 / HD-2 Methodist Hospital-related uses including surface and garage parking and medical offices

COMPREHENSIVE PLAN

The Comprehensive Land Use Plan for Indianapolis and Marion County (2018) recommends Regional Special Use and Medium density-mixed use development.

TRANSIT-ORIENTED DEVELOPMENT

This site is located within a Transit-Oriented Development overlay

THOROUGHFARE PLAN

This portion of 18<sup>th</sup> Street is designated in the Marion County Thoroughfare Plan as a local street, with an existing and proposed 50-foot right-of-way. This portion of Illinois Street is designated in the Marion County Thoroughfare Plan as a primary arterial, with an existing and proposed 78-foot right-of-way.

CONTEXT AREA

This site is located within the compact context area.

OVERLAY

1720, 1726 and 1744 North Illinois are located within the Regional Center overlay zone. 1715 Hall Place is not located within an overlay zone.

SITE PLAN

Preliminary site plan, file-dated November 4, 2021  
Amended plans, file-dated December 17, 2021

**ZONING HISTORY - SITE**

**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**.**

(Continued)

**STAFF REPORT 2021-CZN-863 / 2021-CVR-863 / 2021-CVC-863 (Continued)**

**ZONING HISTORY - VICINITY**

**2020-REG-074; 1627, 1717, 1719 and 1741 North Illinois Street**, requested Regional Center Approval for a multi-family residential development, consisting of one, five-story building with approximately 247 dwelling units, 5,000 square feet of retail space, resident amenities, and a small surface parking lot and parking garage, **approved**.

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

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

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

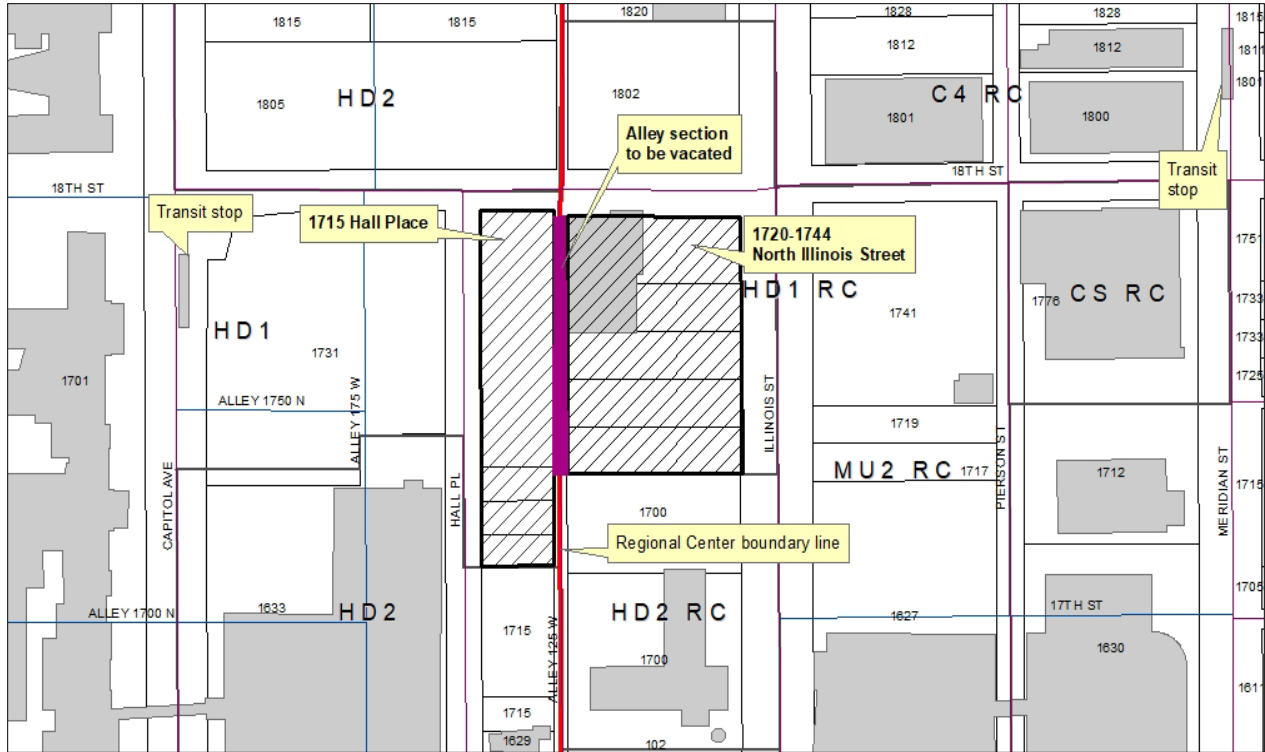
**2016-ZON-009; 130 West 16<sup>th</sup> Street, 1615 Hall Place, 1621 Hall Place and 1633 North Capitol Avenue (1625 Hall Place)**, requests a rezoning of 0.44-acre, from the HD-2 (W-5) district to the HD-1 (W-5) district, **approved**.

**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-sight triangle, **approved and granted**.

JY

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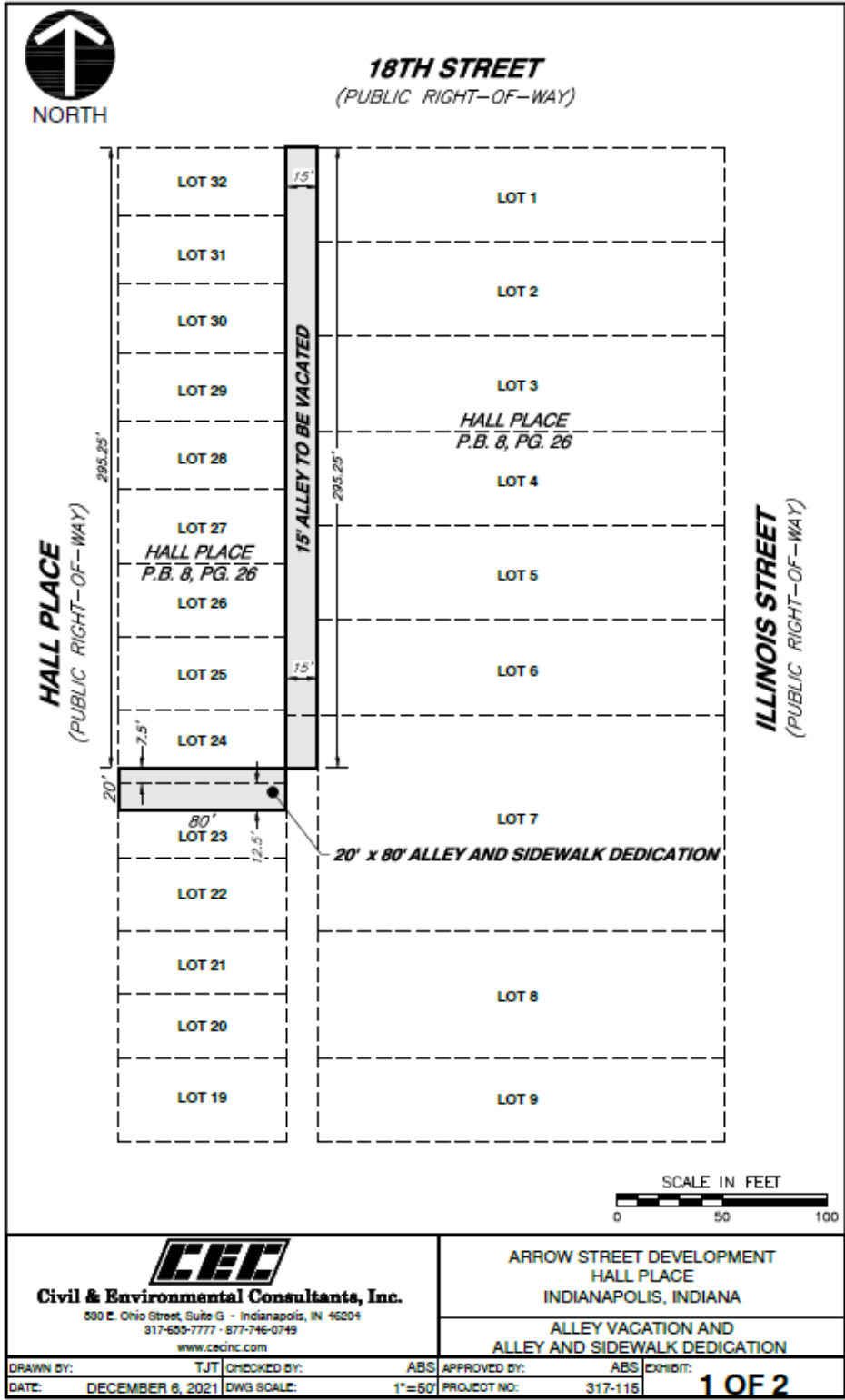


Previous requested area to be vacated (in purple)

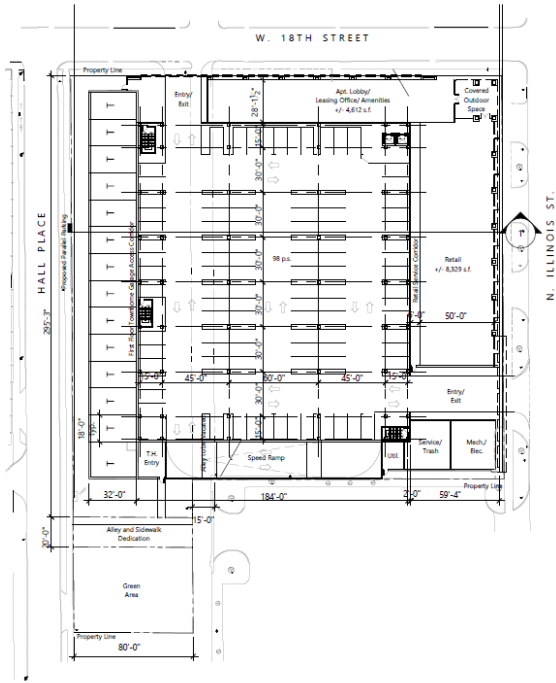


North-south area to be vacated (revised) and new dedication of east-west right-of-way - 2021-CZN-863 / 2021-CVR-863 / 2021-CVC-863





Revised vacation exhibit, including proposed dedication of east-west alley to Hall Place  
2021-CZN-863 / 2021-CVR-863 / 2021-CVC-863



**BUILDING DATA:**

**RETAIL @ GRADE:**  
 Retail +/- 8,329 s.f.  
 Apt. Lobby/Office +/- 4,612 s.f.  
 Balance of Space (Bicycle Storage, Mechanical/Trash, Service) +/- 115

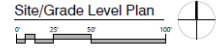
**TOWNHOMES @ WEST:**  
 9 Store Units +/- 115  
 Total +/- 115

**APARTMENTS:**

Unit	1	18	288	Total
3	7	9	4	30
4	9	23	7	39
5	10	34	7	41
6	10	24	7	41
7	10	16	6	32
8	10	16	7	33
9	10	16	7	33
10	10	16	7	33
11	10	16	7	33
<b>Total</b>	<b>88</b>	<b>139</b>	<b>59</b>	<b>386</b>
Percent	28%	52%	20%	

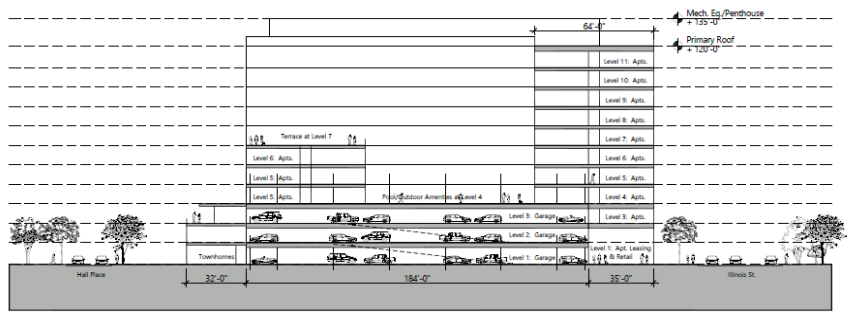
**PARKING PROVIDED:**

Parking Garage Level 1 +/- 88 p.s.  
 Parking Garage Level 2 +/- 101 p.s.  
 Parking Garage Level 3 +/- 37 p.s.  
 Total Parking Provided +/- 226 p.s.



Hall Place  
 Indianapolis, IN | 16 December 2021

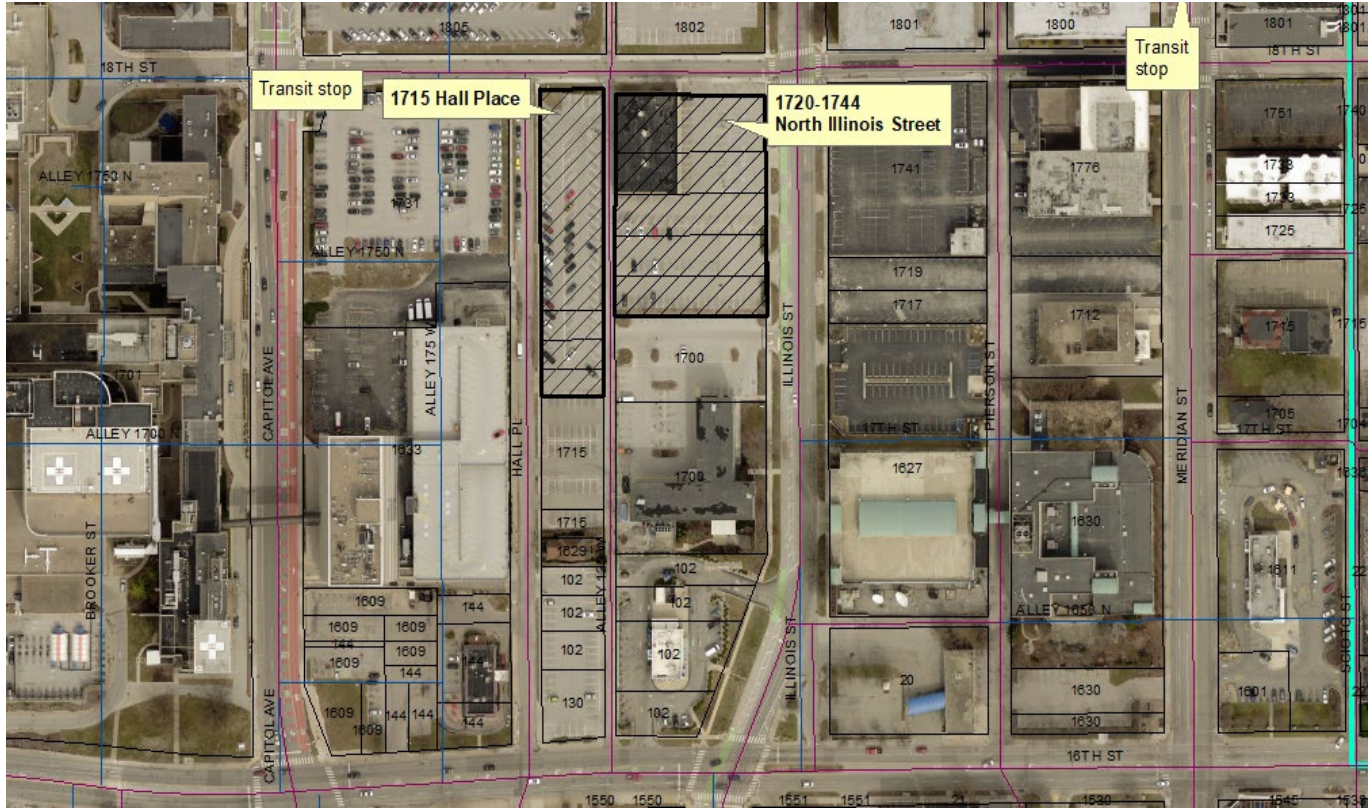
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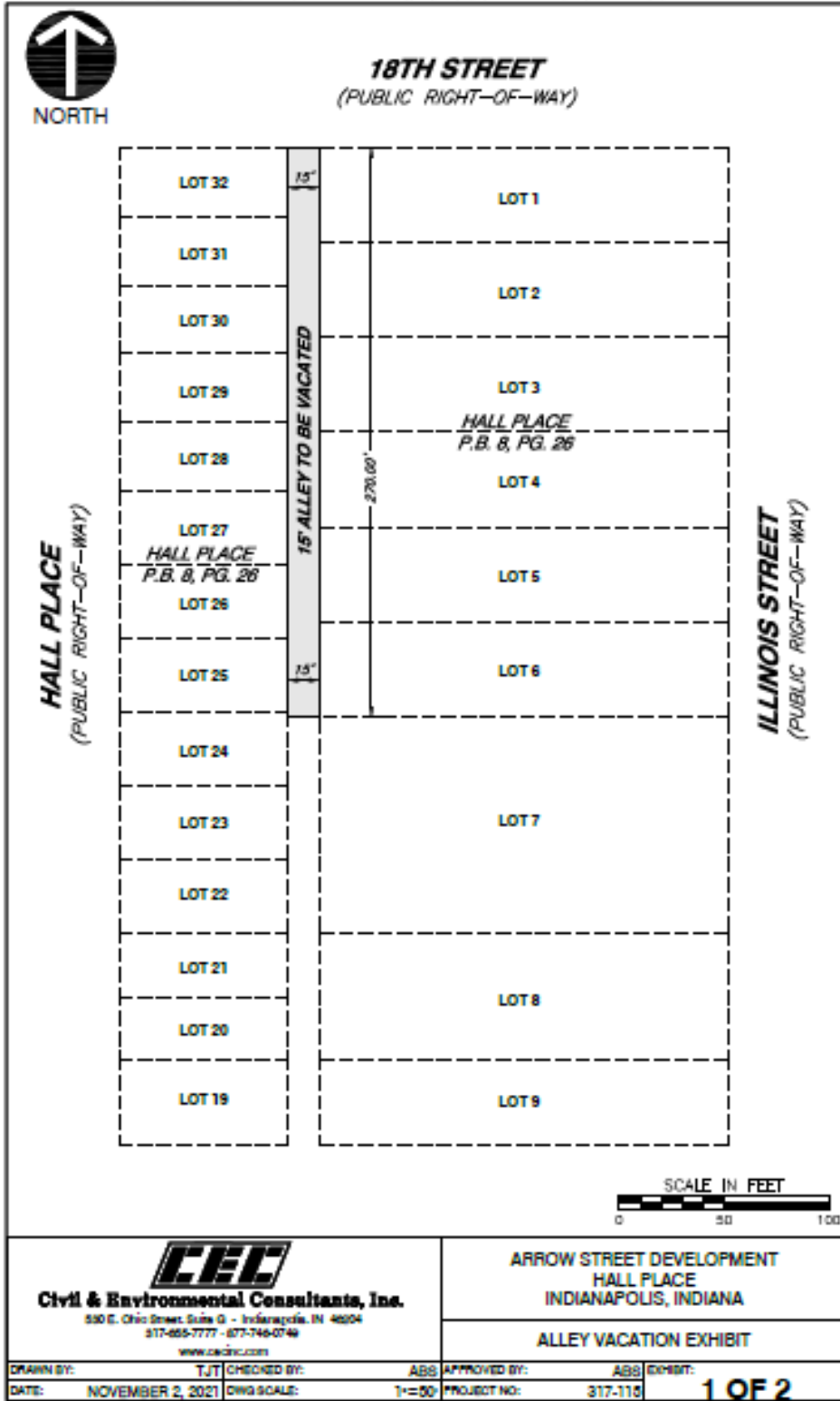
Hall Place  
 Indianapolis, IN | 16 December 2021

2021034

Preliminary site and schematic section plans - 2021-CZN-863 / 2021-CVR-863 / 2021-CVC-863



Aerial of alley in existing condition  
2021-CZN-863 / 2021-CVR-863 / 2021-CVC-863



Previous vacation exhibit – 2021-CZN-863 / 2021-CVR-863 / 2021-CVC-863

Alley location: ↓



**BUILDING DATA:**

**EXTERIORS:**

- Roof = 5,800 sq ft
- App. Lobby/Ctrl. = 1,400 sq ft
- Balance of space: Storage, Mechanical/Plant, Service

**TOTALS:**

- 2 story Park St. = 13
- Total = 15

**APARTMENTS:**

- Level 1 = 11 Units
- Level 2 = 11 Units
- Level 3 = 14 Units
- Level 4 (includes Amenities) = 40 Units
- Level 5 + 6 (Units on St.) = 80 Units
- Level 7 (Units on St.) = 100 Units
- Total = 256 Units

**PARKING DATA:**

**PARKING PROVIDED:**

- Parking Garage Level 1 = 95 p.c.
- Parking Garage Level 2 = 100 p.c.
- Surface Garage Level 2 = 300 p.c.
- Total Parking Provided = 500 p.c.



IU/Methodist Mixed-Use Development  
 Indianapolis, IN | 28 August 2020

170024

Alley location: ↑

Preliminary development plan (within boundary lines)  
 2021-CZN-863 / 2021-CVR-863 / 2021-CVC-863



View of 1720-1744 North Illinois site from Illinois Street (top); view of developing mixed-use development across Illinois Street – 2021-CZN-863 / 2021-CVR-863 / 2021-CVC-863



View of vacant commercial building at 1744 North Illinois Street  
2021-CZN-863 / 2021-CVR-863 / 2021-CVC-863



View along 18<sup>th</sup> Street from north end site, looking east  
2021-CZN-863 / 2021-CVR-863 / 2021-CVC-863





View along 18<sup>th</sup> Street from north end of site, looking west  
2021-CZN-863 / 2021-CVR-863 / 2021-CVC-863



View of alley access to 18<sup>th</sup> Street (proposed to be vacated)  
2021-CZN-863 / 2021-CVR-863 / 2021-CVC-863



View of alley from 18<sup>th</sup> Street, looking south (proposed to be vacated)  
2021-CZN-863 / 2021-CVR-863 / 2021-CVC-863



Views of 1715 Hall Place - 2021-CZN-863 / 2021-CVR-863 / 2021-CVC-863



View of existing alley, looking south from 1715 Hall Place  
2021-CZN-863 / 2021-CVR-863 / 2021-CVC-863



View of section of alley to be vacated, at the approximate terminus of vacation request, looking north - 2021-CZN-863 / 2021-CVR-863 / 2021-CVC-863

## STAFF REPORT

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

**Case Number:** 2021-CZN-865 / 2021-CPL-865 / 2021-CVR-865  
**Address:** 19 West Kelly Street and 2302 South Meridian Street (Approximate Addresses)  
**Location:** Center Township, Council District #16  
**Petitioner:** Ben and Bonnie Adams, by John Cross  
**Zoning:** SU-1 and SU-10  
**Request:** Rezoning of 0.57 acre from the SU-1 and SU-10 district to the D-5 classification.

**Approval of a Subdivision Plat to be known as Adams Addition, dividing 0.57 acre into two lots, with one containing a single-family dwelling, and the other containing a triplex.**

**Variance of use and development standards of the Consolidated Zoning and Subdivision Ordinance to legally establish an existing triplex with a one-foot front setback; and 16-foot and two-foot front setbacks associated with an existing single-family dwelling; and a concrete slab with a two-foot front setback and zero-foot side yard setback (not permitted in large lot row house typology, 20-foot front setback required, three-foot side setback required).**

### **RECOMMENDATIONS**

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

Staff recommends that the Hearing Examiner **approve** and find that the plat, file-dated December 15, 2021, complies with the standards of the Subdivision regulations, subject to the following conditions:

1. Subject to the Standards and Specifications of the Department of Public Works, Sanitation Section.
2. Subject to the Standards and Specifications of the Department of Public Works, Drainage Section.
3. Subject to the Standards and Specifications of the Department of Public Works, Transportation Section.
4. That addresses and street names, as approved by the Department of Metropolitan Development, be affixed to the final plat, prior to recording.

(Continued)

## **STAFF REPORT 2021-CZN-865 / 2021-CPL-865 / 2021-CVR-865 (Continued)**

5. That the Enforcement Covenant (Section 741-701, of the Consolidated Zoning and Subdivision Ordinance) be affixed to the final plat, prior to recording.
6. That the Site Distance Covenant (Section 741-702, of the Consolidated Zoning and Subdivision Ordinance) be affixed to the final plat, prior to recording.
7. That the Sanitary Sewer Covenant (Section 741-704, of the Consolidated Zoning and Subdivision Ordinance) be affixed to the final plat, prior to recording.
8. That the Storm Drainage Covenant (Section 741-703, of the Consolidated Zoning and Subdivision Ordinance) be affixed to the final plat, prior to recording.
9. That the plat restrictions and covenants, done in accordance with the rezoning commitments, be submitted, prior to recording the final plat.
10. That all the standards related to secondary plat approval listed in Sections 741-207 and 741-208 of the Consolidated Zoning and Subdivision Ordinance are met, prior to the recording of the final plat.

Staff recommends **approval of the variances of use and development standards**, with a commitment that the approval applies only to the existing structures.

### **SUMMARY OF ISSUES**

The following issues were considered in formulating the recommendation:

#### **LAND USE**

- ◇ The subject site consists of one lot, developed with two residential structures: a one-story single-family dwelling, and a two-story triplex dwelling. These structures have existed since at least 1956 as shown on historic Sanborn maps. No new improvements are proposed as part of this request. This petition would divide the property into two lots and rezone to the D-5 district for residential use. Additional variance requests would legally establish the existing structures' use and setbacks, and any deficiencies created by the requested plat.

#### **REZONING**

- ◇ This request would rezone the subject site to the D-5 classification for residential use. The subject site has historically been residential uses. The proposed D-5 classification would be consistent with the Traditional Neighborhood recommendation of the Comprehensive Plan.

(Continued)



## **STAFF REPORT 2021-CZN-865 / 2021-CPL-865 / 2021-CVR-865 (Continued)**

### **PLAT**

- ◇ The plat would divide the subject site into two lots. Lot One would contain the existing triplex and front on Meridian Street to the east and Kelly Street to the north. Lot Two would contain the existing single-family dwelling and front on Kelly Street to the north. These lots would generally meet the requirements for the D-5 district proposed. Variances of development standards are requested to legally establish the existing structures setbacks, and any deficiencies created by the division of land.

### **TRAFFIC / STREETS**

- ◇ Each proposed lot would have frontage on Kelly Street on the north side. Proposed Lot One is a corner lot, so it also has frontage on Meridian Street. These sites would be accessed from the existing curb cuts on Kelly Street. No new streets are proposed as part of this plat.

### **VARIANCE**

- ◇ The variance requests are to legally establish an existing single-family dwelling with a one-foot front setback (20-foot setback required), and to legally establish an existing triplex (not permitted) with 16-foot and two-foot front setbacks (20-foot setback required), and a concrete slab with a two-foot front setback and zero-foot side yard setback (three-foot setback required).
- ◇ The need for variances of development standards arise from the rezoning to the D-5 district, and the plat petition to have each structure on its own lot.
- ◇ The single-family dwelling has existed since at least 1956 as shown on the Sanborn maps. Historic aerial photos suggest that the dwelling has had the existing one-foot front setback since at least 1962, which could be considered a legally non-conforming structure per Section 740-600 had this site not applied for a plat petition. Staff would not be opposed to a variance to legally establish setbacks for an existing structure.
- ◇ The triplex dwelling structure has existed since at least 1915 as shown on the Sanborn maps. It is unknown if this structure was initially developed as a three-unit dwelling. The use of the structure as a three-unit dwelling has existed since the 1970s.

(Continued)

**STAFF REPORT 2021-CZN-865 / 2021-CPL-865 / 2021-CVR-865 (Continued)**

- ◇ Although this petition requests a rezoning to a residential district, the D-5 district would not permit a triplex dwelling. The D-5 district would, however, permit a multi-unit house (two to four units) on a small lot. The existing triplex structure is similar in size and character to a multi-unit house. Staff would not be opposed to a variance of use where comparable to a permitted use.
  
- ◇ Staff would request that the variances of use and development standards would apply only to the existing structures as a commitment of the approval.

**GENERAL INFORMATION**

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

SU-1 / SU-10            Compact            One and Three-family dwellings

**SURROUNDING ZONING AND LAND USE**

North	D-5 / C-3	Residential / Cemetery
South	SU-1	Religious Use
East	C-1 / C-3	Commercial / One and Two-family
West	SU-10	Cemetery

**COMPREHENSIVE LAND USE PLAN  
THOROUGHFARE PLAN**

Traditional Neighborhood  
Kelly Street is classified in the Official Thoroughfare Plan for Marion County, Indiana as a local street, with a 50-foot existing and proposed right-of-way.  
Meridian Street classified in the Official Thoroughfare Plan for Marion County, Indiana as a primary arterial, with a 59-foot existing and 78-foot proposed right-of-way.

**FLOODWAY / FLOODWAY FRINGE  
WELLFIELD PROTECTION DISTRICT  
SITE PLAN  
FINDINGS OF FACT**

Not Applicable  
Not Applicable  
File-dated December 17, 2021  
File-dated December 15, 2021

**ZONING HISTORY – SITE**

Not Applicable

**ZONING HISTORY – VICINITY**

**95-UV3-52, 2281 South Meridian Street**, variance to provide for a contractor operation with storage, **approved**.

(Continued)

**STAFF REPORT 2021-CZN-865 / 2021-CPL-865 / 2021-CVR-865 (Continued)**

**2010-LNU-019, 2280 South Meridian Street**, certificate of legally established non-conforming use for a tavern within 100 feet of a protected district, lack of marked parking spaces, lack of marked handicap spaces, and lack of hard-surfaced parking area, **approved**.

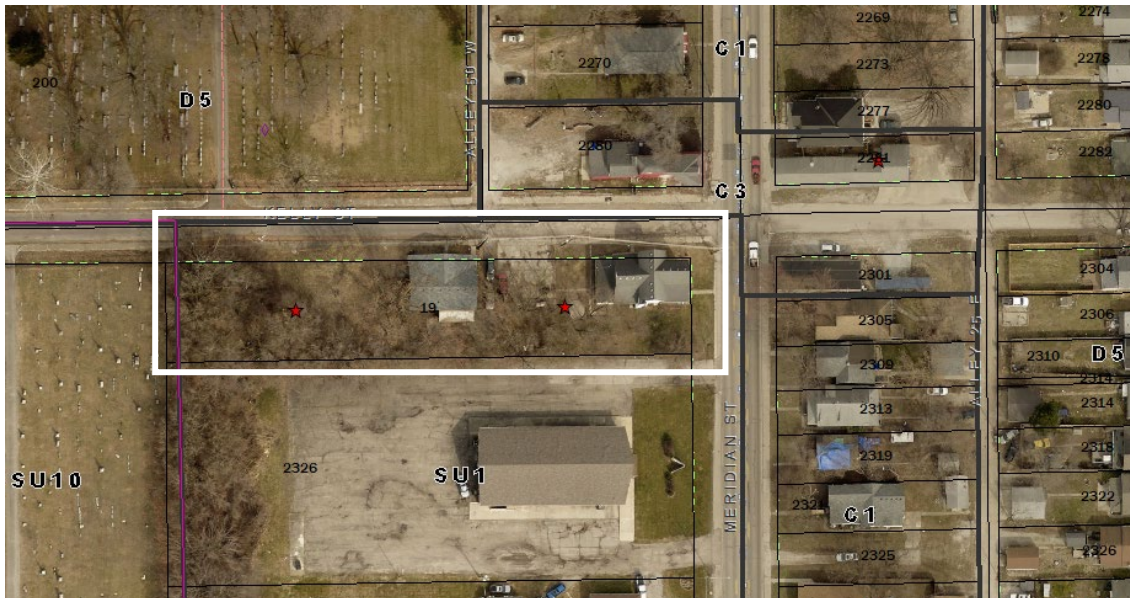
**2006-LNU-029, 2309 South Meridian Street**, certificate of legally established non-conforming use for a single-family residence in the C-1 district, **approved**.

**98-NC-41, 2331 South Meridian Street**, certificate of legally established non-conforming use for a single-family residence in the C-1 district, **approved**.

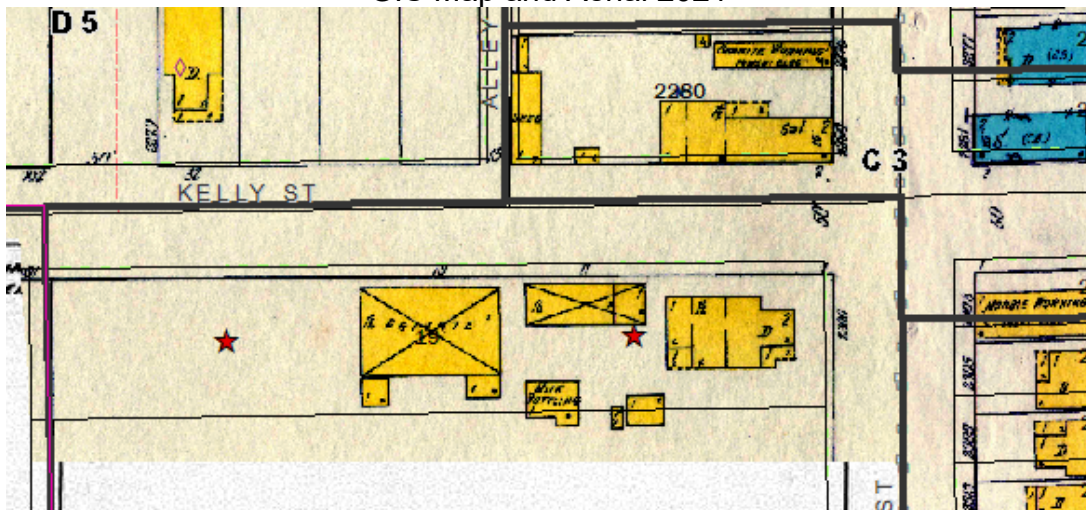
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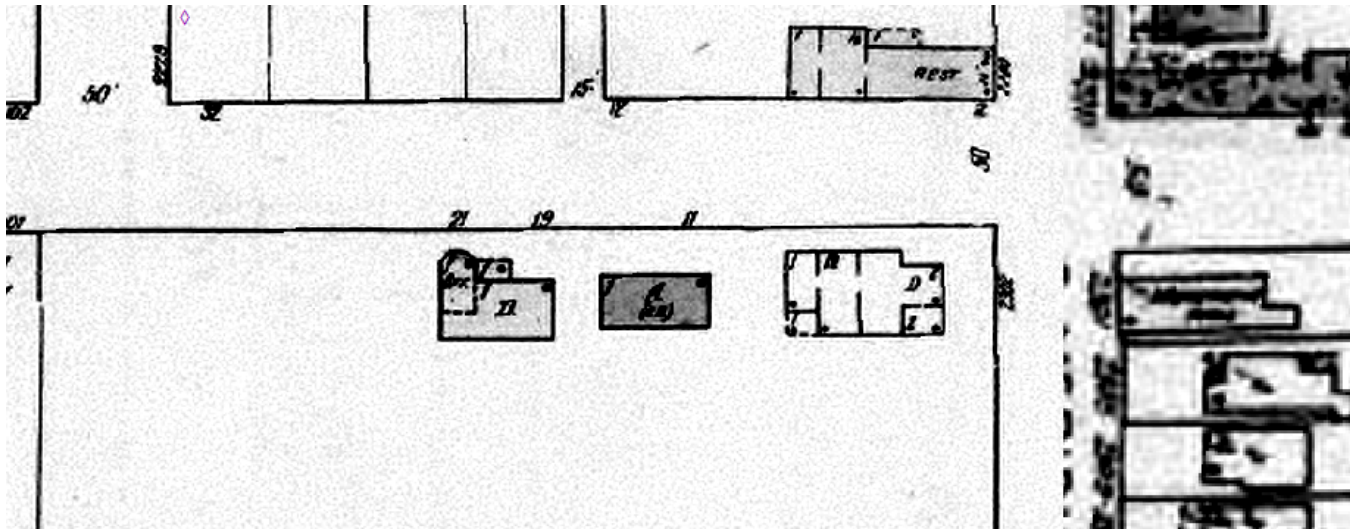
**2021-CZN-865 / 2021-CPL-865 / 2021-CVR-865 Area Map, Historic Maps & Photos**



GIS Map and Aerial 2021



Sanborn Map 1915



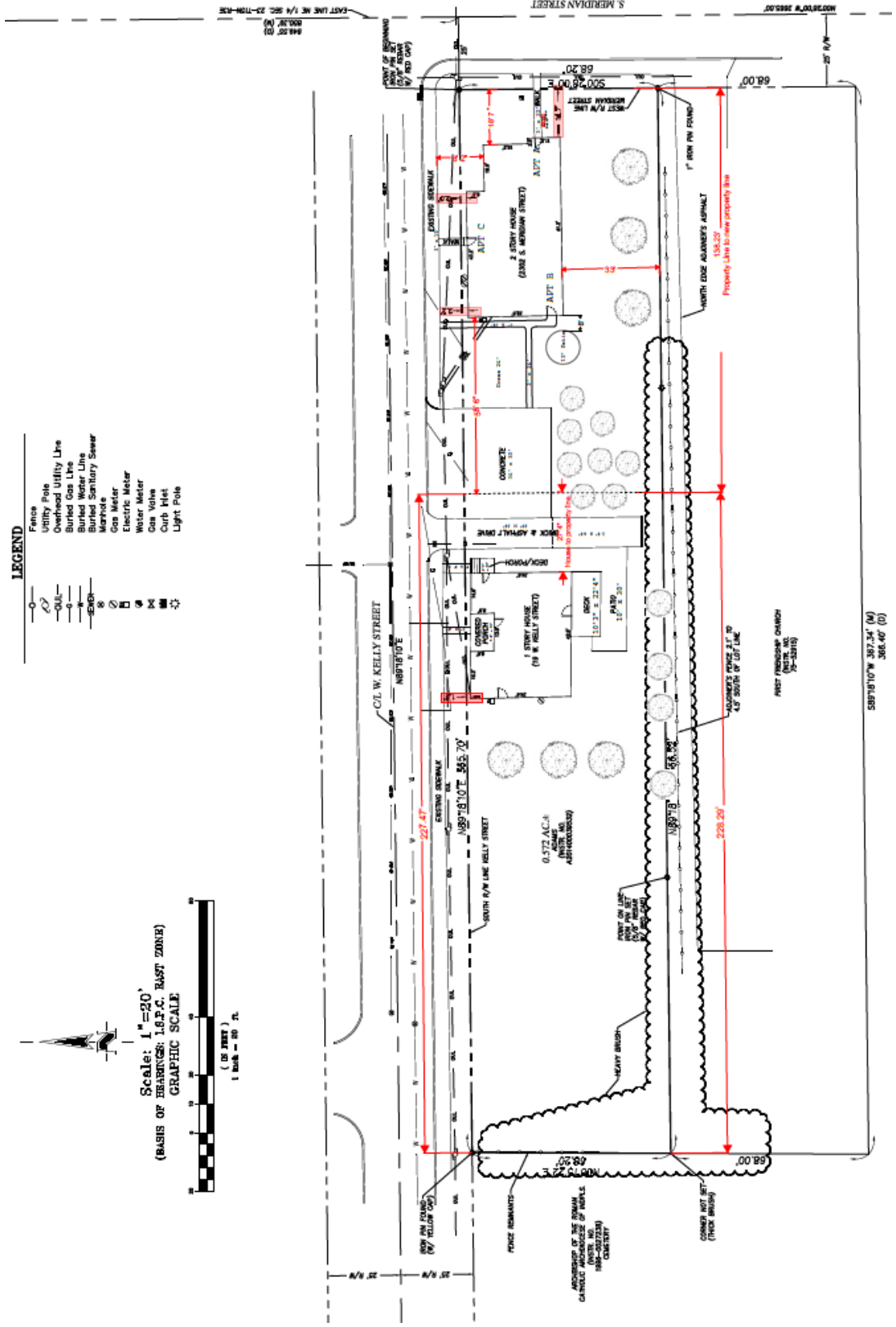
Sanborn Map 1956



Historic Aerial 1962



# 2021-CZN-865 / 2021-CPL-865 / 2021-CVR-865 Site Plan



**2021-CZN-865 / 2021-CPL-865 / 2021-CVR-865 Findings of Fact**

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

**PETITION FOR VARIANCE OF USE**

**FINDINGS OF FACT**

1. THE GRANT WILL NOT BE INJURIOUS TO THE PUBLIC HEALTH, SAFETY, MORALS, AND GENERAL WELFARE OF THE COMMUNITY BECAUSE  
it will permit the existing single-family dwelling and triplex be split on the new parcels. No variances are needed for additional improvements. This will provide a benefit as it permits each dwelling be sold separately. The triplex has existed in its current condition since the 1970s. It has unique entries for each unit and is structured to be a triplex. This is the properties best use in its condition which will benefit the area to be used for its best purpose as it has done.
2. THE USE AND VALUE OF THE AREA ADJACENT TO THE PROPERTY INCLUDED IN THE VARIANCE WILL NOT BE AFFECTED IN A SUBSTANTIALLY ADVERSE MANNER BECAUSE  
the two dwellings and improvements already exist in their current conditions and locations. Approval provides a benefit as it permits each dwelling be sold separately.
3. THE NEED FOR THE VARIANCE ARISES FROM SOME CONDITION PECULIAR TO THE PROPERTY INVOLVED BECAUSE  
the lots cannot be re-platted as proposed unless the variances are granted. The lot is zoned SU-1 but contains two separate dwellings that have existed in their current conditions and locations for a long time. In order to replat the lot for each to contain a structure the variances are necessary and can only be done if the variances are granted. No other variances are needed other than those required to bring the existing improvements into compliance once re-platted.
4. THE STRICT APPLICATION OF THE TERMS OF THE ZONING ORDINANCE CONSTITUTES AN UNUSUAL AND UNNECESSARY HARDSHIP IF APPLIED TO THE PROPERTY FOR WHICH THE VARIANCE IS SOUGHT BECAUSE  
the properties and improvements have existed in their current use and locations since at least the 1970s. D-5 does not permit the triplex which has existed at the property in its current condition and location for a long time. The structure is specifically modeled to be a triplex as it has 3 separate units with 3 separate entry points. While D-5 does not permit triplexes, the ordinance states the D-5 district may incorporate small-scale multi-family unit buildings which is similar to a lesser intense triplex structure.
5. THE GRANT DOES NOT INTERFERE SUBSTANTIALLY WITH THE COMPREHENSIVE PLAN BECAUSE  
While D-5 does not permit triplexes, the ordinance states the D-5 district may incorporate small-scale multi-family unit buildings which is similar to a lesser intense triplex structure. This grant permits each structure be sold individually in their long-existing uses and locations.

**METROPOLITAN DEVELOPMENT COMMISSION  
HEARING EXAMINER  
OF MARION COUNTY, INDIANA  
PETITION FOR VARIANCE OF DEVELOPMENT STANDARDS  
FINDINGS OF FACT**

1. THE GRANT WILL NOT BE INJURIOUS TO THE PUBLIC HEALTH, SAFETY, MORALS, AND GENERAL WELFARE OF THE COMMUNITY BECAUSE:  
approval legally establishes the existing setbacks of the two existing structures and will permit the existing structures be separated onto two new parcels. No variances are needed for additional improvements. This provides a benefit as it permits each home be sold separately.
  
2. THE USE OR VALUE OF THE AREA ADJACENT TO THE PROPERTY INCLUDED IN THE VARIANCE WILL NOT BE AFFECTED IN A SUBSTANTIALLY ADVERSE MANNER BECAUSE:  
approval will legally establish the existing setbacks of the two existing structures and improvements on the parcels. The structures have existed in their current condition and locations without harm. No improvements are being made that would require additional variances. The variances will not change the characteristic, use, or conditions of the properties. This benefits the area as the two residences can now be sold to different owners.
  
3. THE STRICT APPLICATION OF THE TERMS OF THE ZONING ORDINANCE WILL RESULT IN PRACTICAL DIFFICULTIES IN THE USE OF THE PROPERTY BECAUSE:  
the properties and improvements have existed in their current use and locations since at least the 1970s. No variances are needed for additional improvements so strict application of the ordinance would result in a hardship of having to relocate families and structures to make them compliant. No other variances are needed other than those required to bring the existing improvements into compliance once re-platted.



**2021-CZN-865 / 2021-CPL-865 / 2021-CVR-865 Photographs**









**STAFF REPORT**

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

**Case Number:** 2021-ZON-082  
**Address:** 11811 Southeastern Avenue (*Approximate Address*)  
**Location:** Franklin Township, Council District #25  
**Petitioner:** Aqua Indiana Inc., by Timothy E. Ochs  
**Request:** Rezoning of 4.2 acres from the D-A (FW) (FF) district to the SU-41 (FW) (FF) district to provide for a waste-water treatment plant.

The Hearing Examiner acknowledged the automatic continuances filed by the petitioner’s representative that continued this petition from August 12, 2021 hearing, to the September 9, 2021 hearing and the automatic continuance filed by a registered neighborhood organization that continued this petition from the September 9, 2021 hearing, to the October 14, 2021 hearing.

The Hearing Examiner continued this petition from the October 14, 2021 hearing, to the December 9, 2021 hearing, with notice, at the request of the remonstrators.

The Hearing Examiner continued this petition from the December 9, 2021 2021 hearing, to the January 27, 2022 hearing, at the request of the petitioner’s representative.

The petitioner’s representative submitted a letter, dated December 13, 2021, **withdrawing this request**. 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:** 2021-ZON-109  
**Address:** 8250 Southeastern Avenue – fronts Franklin Road (*Approximate Address*)  
**Location:** Franklin Township, Council District #18  
**Petitioner:** Kittle Property Group Inc., by Joseph D. Calderon  
**Request:** Rezoning of 24.426 acres from the C-4 district to the D-7 district.

The Hearing Examiner continued this petition from the December 9, 2021 hearing, to the January 27, 2022 hearing, at the request of the petitioner’s representative.

The petitioner’s representative is requesting a **continuance from the January 27, 2022 hearing, to the June 23, 2022 hearing**. Staff would not object to the continuance and understands that the neighborhood organization would not object.

kb

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## STAFF REPORT

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

**Case Number:** 2021-ZON-115  
**Address:** 722 Fairfield Avenue (*Approximate Address*)  
**Location:** Center Township, Council District #9  
**Petitioner:** JKW Development Group LLC, by John Cross  
**Request:** Rezoning of 0.2 acre from the D-5 district to the D-8 district.

#### **ADDENDUM FOR JANUARY 27, 2022, HEARING EXAMINER**

The Hearing Examiner continued this petition from the January 13, 2022 hearing, to the January 27, 2022 hearing, at the petitioner's request.

#### **ADDENDUM FOR JANUARY 13, 2022, HEARING EXAMINER**

The Hearing Examiner continued this petition from the December 9, 2021 hearing, to the January 13, 2022 hearing, at the request of the petitioner's representative to provide additional time for further discussions with the neighborhood organization.

#### **ADDENDUM FOR DECEMBER 9, 2021, HEARING EXAMINER**

The Hearing Examiner continued this petition from the November 4, 2021 hearing, to the December 9, 2021 hearing, at the request of the petitioner's representative to provide additional time for discussions with the neighborhood organization.

#### **November 4, 2021**

The Hearing Examiner acknowledged the timely automatic continuance filed by a registered neighborhood organization that continued this petition from the October 14, hearing, to the November 4, 2021 hearing.

#### **RECOMMENDATIONS**

Staff **recommends approval** of the request.

#### **SUMMARY OF ISSUES**

The following issues were considered in formulating the recommendation:

(Continued)

## **STAFF REPORT 2021-ZON-115 (Continued)**

### **LAND USE ISSUES**

- ◇ This 0.2-acre site, zoned D-5, is developed with a vacant multi-family building. It is surrounded by single-family dwellings to the north, commercial uses to the south, across Fairfield Avenue; single-family dwellings to the east; and a single-family dwelling, utility substation and parking lot to the west, all zoned D-5.

### **REZONING**

- ◇ This request would rezone the site from the D-5 District to the D-8 classification to provide for six to eight condominiums, which would result in a density of 30-40 units per acre.
- ◇ The Mapleton Fall Creek Neighborhood Land Use Plan recommends eight to 15 units per acre. “This density is typically the highest density serviceable in suburban areas. In suburban areas, it would typically be a multi-family (apartment or condominium) category. In urban areas, this is the highest density single-family residential category and a common multi-family category. Development at this density is appropriate for all types of mass transit corridors.”
- ◇ This site is also located within an overlay, specifically the Transit-Oriented Development (TOD). “Overlays are used in places where the land uses that are allowed in a typology need to be adjusted. They may be needed because an area is environmentally sensitive, near an airport, or because a certain type of development should be promoted. Overlays can add uses, remove uses, or modify the conditions that are applied to uses in a typology.”
- ◇ The Transit-Oriented 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.”
- ◇ The site lies within a ½ mile walk shed of the transit station located at 38<sup>th</sup> Street / Park Avenue and designated as a Walkable Neighborhood, which is a transit station “located within well-established, walkable, primarily residential neighborhoods, with a small amount of retail and office at the intersection nearest the station, or the potential for it. Development opportunities include projects that improve neighborhood stability and encourage transit use.”
- ◇ This site was previously developed with a 2.5 story multi-family structure that was demolished in 2020 (WRK20-00262) with a long history, dating back to 2010, of violations primarily related to high weeds / grass and unsafe building.
- ◇ Despite the proposed higher density than the Plan recommendation, staff believes the rezoning would be supportable because of the historical use and the proximity of multi-family buildings in this area. Furthermore, the rezoning would support and be consistent with the transit-oriented development overlay.

(Continued)



## STAFF REPORT 2021-ZON-115 (Continued)

- ◇ Generally, staff supports property redevelopment if the proposed use does not negatively impact adjoining residential areas by causing a nuisance to the surrounding neighborhood. Staff believes that this would be true for this rezoning request.

### GENERAL INFORMATION

#### EXISTING ZONING AND LAND USE

D-5 Undeveloped

#### SURROUNDING ZONING AND LAND USE

North - D-5 Single-family dwellings / accessory building  
South - D-5 Commercial uses  
East - D-5 Single-family dwellings  
West - D-5 Multi-family dwelling / utility substation / parking lot

#### COMPREHENSIVE LAND USE PLAN

The Mapleton Fall Creek Neighborhood Land Use Plan for Indianapolis and Marion County (2013) recommends residential development at eight to 15 units per acre. The Red Line Transit-Oriented Development Strategic Plan (2021) provides for transit station within a ½ mile walk shed.

#### THOROUGHFARE PLAN

This portion of Fairfield Avenue is designated in the Marion County Thoroughfare Plan as a primary collector with an existing 60-foot right-of-way and proposed 78-foot right-of-way.

#### CONTEXT AREA

This site is located within the compact context area.

#### OVERLAY

This site is located within the Transit-Oriented Development Overlay.

### ZONING HISTORY

**2019-UV1-006; 3527 North College Avenue (west of site)**, requested a variance of use of the Consolidated Zoning and Subdivision Ordinance to provide for a multi-family building with eight units, **granted**.

**2013-UV1-037; 3503 North College Avenue (west of site)**, requested a variance of use and development standards of the Commercial and Dwelling Districts Zoning Ordinances to provide for a parking lot, for a restaurant at 3469 North College Avenue, with zero-foot front and side yards, **granted**.

(Continued)

**STAFF REPORT 2021-ZON-115 (Continued)**

**88-UV3-102; 3549 North College Avenue (north of site)**, requested a variance of use of the Dwelling Districts Zoning Ordinance to provide for the continued operation of community services offices, educational center and educational research offices, and three ground signs, **granted**.

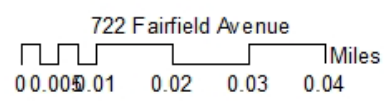
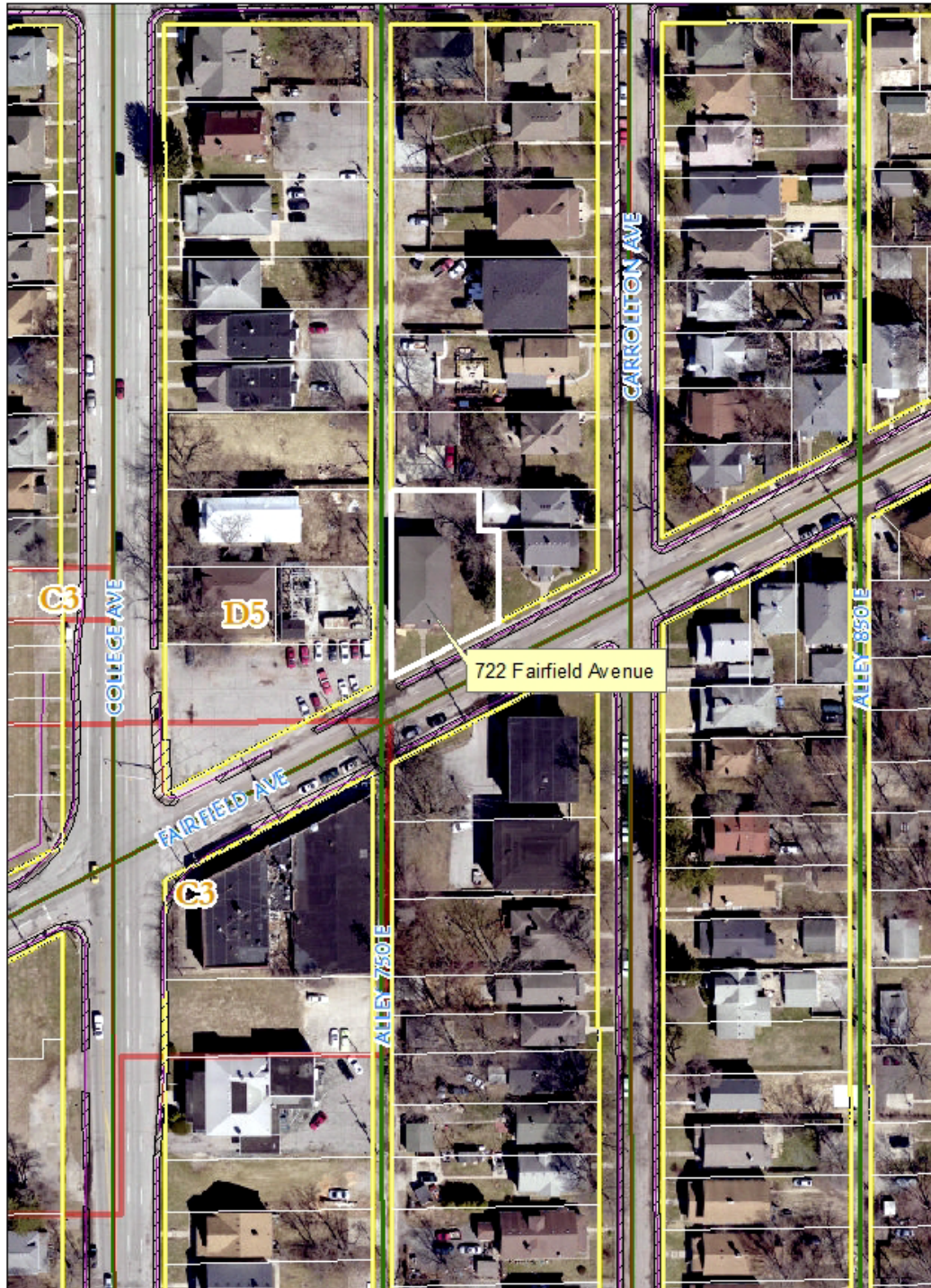
**2006-ZON-001, 3433 Central Avenue (west of site)**; requested a rezoning of 4.7 acres, being in the D-3 District, to the D-8 classification to legally establish, and to provide for additional improvement to an existing multi-family residential development, **approved**.

**2005-LNU-010, 3466 Carrollton Avenue and 727 Fairfield Avenue (southeast of site)**; requested a Certificate of Legal Non-Conforming Use for multi-family dwellings in a D-5 District, **issued**.

**28-V-112; 3527 North College Avenue (west of site)**, requested a variance to construct a seven-car garage, **granted**.

kb

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View looking northeast along Fairfield Avenue



View looking southwest along Fairfield Avenue



View of site an adjacent property to the northeast



View of site looking north



View from site looking south across Fairfield Avenue



View from site looking southeast across Fairfield Avenue

## STAFF REPORT

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

**Case Number:** 2021-ZON-125  
**Address:** 4822 East Edgewood Avenue and 5820 South Emerson Avenue  
(*Approximate Address*)  
**Location:** Perry Township, Council District #24  
**Petitioner:** IN Indianapolis Emerson, LLC, by Robert Wright  
**Request:** Rezoning of 19.82 acres from the D-A, C-1 and C-3 districts to the D-6 district to provide for multi-family residential development.

The Hearing Examiner continued this petition from the November 18, 2021 hearing, to the December 16, 2021 hearing, and to the January 27, 2022 hearing, at the request of staff to provide time for a Traffic Impact Study (TIS) to be conducted, submitted and reviewed by staff.

### **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:

1. Final site plan, landscape plan and elevations shall be submitted for Administrator Approval prior to the issuance of an Improvement Location Permit.
2. A minimum 43-foot half right-of-way shall be dedicated along the frontage of East Edgewood Avenue, including abutting the parcel to the west of the site, 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).
3. Additional DPW commitments:
  - A. Install a passing blister at the easternmost access drive along East Edgewood Avenue.
  - B. Sidewalks and ADA-compliant curb ramps shall be installed along both frontages, including extension of perpendicular ramps to the northwest corner of East Edgewood Avenue and South Emerson Avenue intersection to facilitate pedestrian crossing.
  - C. Install continental crosswalk markings to the north leg and west leg of East Edgewood Avenue and south Emerson Avenue.
  - D. Modify the existing curb ramps on the northeast corner and southwest corner of East Edgewood Avenue and South Emerson Avenue to receive the north and west leg crossings.

(Continued)

## **STAFF REPORT 2021-ZON-125 (Continued)**

- E. Install an ADA-compliant bus boarding pad along the South Emerson Avenue frontage. Such pad shall be paved and eight feet perpendicular to the curb by 5 feet parallel to the curb (may include sidewalk area).
  - F. Install pedestrian heads and push buttons at the northeast, northwest and southwest corners of the intersection to accommodate the north leg and west leg crossings. DPW's approved signal contractor shall be required. DPW will provide the timings.
  - G. Install 5-section head for the east bound and west bound to allow for protected / permitted phasing. DPW's approved signal contractor shall be required. DPW will provide timings.
  - H. Install a south bound right-turn lane on South Emerson Avenue at East Edgewood Avenue with a 300-foot long length, plus taper within the right-of-way and in accordance with DPW standards.
4. A tree inventory, tree assessment and preservation plan prepared by a certified arborist shall be submitted for Administrator Approval prior to preliminary plat approval and prior to any site preparation activity or disturbance of the site. This plan shall, at a minimum: a) indicate proposed development; b) delineate the location of the existing trees, c) characterize the size and species of such trees, d) indicate the wooded areas to be saved by shading or some other means of indicating tree areas to be preserved and e) identify the method of preservation (e.g. provision of snow fencing or staked straw bales at the individual tree's dripline during construction activity). All trees proposed for removal shall be indicated as such.

### **SUMMARY OF ISSUES**

The following issues were considered in formulating the recommendation:

#### **LAND USE ISSUES**

- ◇ This 19.82-acre site, zoned D-A, C-1 and C-3, is comprised of four parcels. It is undeveloped and surrounded by single-family dwellings, a retention pond and undeveloped land to the north, zoned D-3, D-A and C-1, respectively; single-family dwellings, to the south, across East Edgewood Avenue, zoned D-A; undeveloped land to the east, zoned C-3; and a single-family dwelling to the west, zoned D-A.
- ◇ Petitions 2006-ZON-133 and 2006-ZON-134 rezoned the central portion of the site to the C-1 District and the frontages along South Emerson Avenue and East Edgewood Avenue to the C-3 District.

(Continued)



## **STAFF REPORT 2021-ZON-125 (Continued)**

### **REZONING**

- ◇ This request would rezone the site to the D-6 classification to provide for multi-family development, consisting of 96 townhomes and 274 apartments at a density of 18.7 units per acre. “The D-6 district provides for medium intensity residential development of a variety of housing types: multifamily dwellings, triplex, fourplex, two-family and single-family attached dwellings. The district is intended for developments in suburban areas well served by major thoroughfares, sanitary sewers, and school and park facilities. In its application, the district need not be directly associated with more intense land uses such as commercial or industrial areas. The development pattern envisioned is one of trees lining curving drives with the ample open space provided for in the district affording a wide variety of on-site recreational facilities. The D-6 district has a typical density of 6 to 9 units per gross acre. This district fulfills the medium density residential recommendation 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 site conditions, including vegetation, topography, drainage and wildlife.”
- ◇ The Comprehensive Plan recommends Suburban Neighborhood for a majority of 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.”
- ◇ The Comprehensive Plan recommends Office Commercial for southeast corner of the site. “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 Pattern Book serves as a policy guide as development occurs. Below are the relevant policies related to this request:

(Continued)

## **STAFF REPORT 2021-ZON-125 (Continued)**

### *Conditions for All Land Use Types*

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

### *Conditions for All Housing*

- A mix of housing types is encouraged.
- Developments of more than 30 housing units must have access to at least one arterial street of three or more continuous travel lanes between the intersections of two intersecting arterial streets.
- Should be within a one-mile distance (using streets, sidewalks, and/or off-street paths) of a school, playground, library, public greenway, or similar publicly-accessible recreational or cultural amenity that is available at no cost to the user.
- Should be oriented towards the street with a pedestrian connection from the front door(s) to the sidewalk. Driveways/parking areas do not qualify as a pedestrian connection.
- Developments with densities higher than five dwelling units per acre should have design character compatible with adjacent properties. Density intensification should be incremental with higher density housing types located closer to frequent transit lines, greenways or parks.

### *Attached Housing*

- Duplexes should be located on corner lots, with entrances located on different sides of the lot or otherwise interspersed with detached housing.
- Duplexes should be located on corner lots, with entrances located on different sides of the lot or otherwise interspersed with detached housing
- Duplexes should be located on corner lots, with entrances located on different sides of the lot or otherwise interspersed with detached housing.
- Townhomes should be organized around intersections of neighborhood collector streets, greenways, parks or public squares, or neighborhood-serving retail.

### *Multifamily Housing*

- Should be located along arterial or collector streets, parks, or greenways.
- Individual building height, massing, and footprint should gradually transition from adjacent developments. Specifically, buildings located adjacent to existing residential developments should be no more than one and a half times the height and no more than twice the average footprint of the existing adjacent residential buildings.

(Continued)

## **STAFF REPORT 2021-ZON-125 (Continued)**

### **Traffic Impact Study (TIS)**

- ◇ The parameter used to evaluate traffic operation conditions is referred to as the level-of-service (LOS). There are six LOS (A through F) categories, which relate to driving conditions from best to worst, respectively. LOS directly relates to driver discomfort, frustration, fuel consumption and lost travel time. Traffic operating conditions at intersections are considered to be acceptable if found to operate at LOS D or better.
- ◇ Capacity analysis occurs for four different scenarios. Scenario One is based on existing conditions. Scenario Two is based on 2023 forecasted (full build-out). Scenario Three is based on 2033 no-build conditions, reflecting additional background growth. Scenario Four is based on the 2033 build conditions, with the proposed development.
- ◇ The study analyzed the portion of the site proposed for residential development and the four commercial out parcels (zoned C-3), which would generate a total of approximately 433 and 520 trips during the weekday morning and afternoon peak hours, respectively.
- ◇ Below are the recommended improvements surrounding the Edgewood Avenue and Emerson Avenue intersection related to the proposed development.
  - Install a southbound right-turn lane on Emerson Avenue
  - Add left-turn arrows and implement protected-plus-permitted phasing for the eastbound and westbound approaches
  - Adjust signal timings to account for the new phasing
- ◇ It was also recommended that the City plan for a future northbound right-turn lane on Emerson Avenue, perhaps in conjunction with the development of the southeast quadrant of the intersection.
- ◇ The study noted failing conditions during the P.M. peak period at the Edgewood Avenue and Shelbyville Road intersection located to the east of this site. It was recommended that the City consider the installation of traffic signals or a round-about, independent of the proposed development.

### **Department of Public Works**

- ◇ The Department of Public Works, Traffic Engineering Section, has requested the dedication and conveyance of a 43-foot half right-of-way along East Edgewood Avenue. This dedication would also be consistent with the Marion County Thoroughfare Plan.
- ◇ Staff would note that the right-of-way along this portion East Edgewood Avenue varies from 37 feet to 140 feet. Consequently, only those portions of the frontage where a 43-foot right-of-way does not exist would be required to be dedicated. Additionally, the right-of-way dedication should continue along the abutting property to the west for approximately 150 feet.

(Continued)

## **STAFF REPORT 2021-ZON-125 (Continued)**

- ◇ The DPW has requested the additional following traffic and pedestrian infrastructure improvements:
  1. Install a passing blister at the easternmost access drive along East Edgewood Avenue.
  2. Sidewalks and ADA-compliant curb ramps shall be installed along both frontages, including extension of perpendicular ramps to the northwest corner of East Edgewood Avenue and South Emerson Avenue intersection to facilitate pedestrian crossing. The sidewalk along the East Edgewood Avenue frontage shall connect to the sidewalk to the west of this site
  3. Install continental crosswalk markings to the north leg and west leg of East Edgewood Avenue and south Emerson Avenue.
  4. Modify the existing curb ramps on the northeast corner and southwest corner of East Edgewood Avenue and South Emerson Avenue to receive the north and west leg crossings.
  5. Install an ADA-compliant bus boarding pad along the South Emerson Avenue frontage. Such pad shall be paved eight feet perpendicular to the curb by 5 feet parallel to the curb (may include sidewalk area).
  6. Install pedestrian heads and push buttons at the northeast, northwest and southwest corners of the intersection to accommodate the north leg and west leg crossings. DPW's approved signal contractor shall be required. DPW will provide the timings.
  7. Install 5-section head for the east bound and west bound to allow for protected / permitted phasing. DPW's approved signal contractor shall be required. DPW will provide timings.
  8. Install a south bound right-turn lane on South Emerson Avenue at East Edgewood Avenue with a 300-foot long length, plus taper within the right-of-way and in accordance with DPW standards.

### **Tree Preservation / Heritage Tree Conservation**

- ◇ There are significant amounts of natural vegetation and trees located scattered throughout the site. Due to their inherent ecological, aesthetic, and buffering qualities, the maximum number of these existing trees should be preserved on the site.
- ◇ All development shall be in a manner that causes the least amount of disruption to the trees.

(Continued)

## **STAFF REPORT 2021-ZON-125 (Continued)**

- ◇ A tree inventory, tree assessment and preservation plan prepared by a certified arborist shall be submitted for Administrator Approval prior to preliminary plat approval and prior to any site preparation activity or disturbance of the site. This plan shall, at a minimum: a) indicate proposed development, b) delineate the location of the existing trees, c) characterize the size and species of such trees, d) indicate the wooded areas to be saved by shading or some other means of indicating tree areas to be preserved and e) identify the method of preservation (e.g. provision of snow fencing or staked straw bales at the individual tree's dripline during construction activity). All trees proposed for removal shall be indicated as such.
- ◇ If any of the trees are heritage trees that would be impacted, then the Ordinance requires that the Administrator, Urban Forester or Director of Public Works determine whether the tree(s) would be preserved or removed and replaced.
- ◇ The Ordinance defines “heritage tree” as a tree over 18 inches Diameter at Breast Height (DBH) and one of the Heritage tree species. Heritage tree species include: Sugar Maple (*Acer saccharum*), Shagbark Hickory (*Carya ovata*), Hackberry (*Celtis occidentalis*), Yellowwood (*Cladrastus kentukea*), American Beech (*Fagus grandifolia*), Kentucky Coffeetree (*Gymnocladus dioica*), Walnut or Butternut (*Juglans*), Tulip Poplar (*Liriodendron tulipifera*), Sweet Gum (*Liquidambar styraciflua*), Black Gum (*Nyssa sylvatica*), American Sycamore (*Platanus occidentalis*), Eastern Cottonwood (*Populus deltoides*), American Elm (*Ulmus americana*), Red Elm (*Ulmus rubra*) and any oak species (*Quercus*, all spp.)
- ◇ The Ordinance also provides for replacement of heritage trees if a heritage tree is removed or dies within three years of the Improvement Location issuance date. See Exhibit A, Table 744-503-3: Replacement Trees.

### **Site Plan (Conceptual)**

- ◇ The site plan, file-dated October 20, 2021, provides for 13 townhome buildings on the northern area of the site consisting of 104 dwelling units with 416 parking spaces and two multi-family buildings on the southern area of the site consisting of 310 dwelling units with 484 parking spaces. Access to the site would be gained by two access drives along South Emerson Avenue and two access drives along East Edgewood Avenue.
- ◇ The site plan provided in the TIS provides for 12 townhome buildings on the northern area of the site consisting of 96 dwelling units with 384 parking spaces and three multi-family buildings on the southern area of the site consisting of 274 dwelling units with 411 parking spaces. Two access drives along South Emerson Avenue and three access drives along East Edgewood Avenue are proposed. Staff would note that DPW requested that the middle access drive along East Edgewood Avenue be eliminated.
- ◇ In both conceptual site plans, garages and on-site parking are proposed along the East Edgewood Avenue frontage.

(Continued)

**STAFF REPORT 2021-ZON-125 (Continued)**

**Planning Analysis**

- ◇ As proposed this request would generally be consistent with the Comprehensive Plan recommendation of suburban neighborhood typology. The density would be between 18.7 and 20.9 units per acre, depending upon the conceptual site plans.
- ◇ Staff would note that this rezoning is part of a larger site that includes a C-3 district along the South Emerson Avenue frontage that would remain commercial and be developed at some future date.
- ◇ This density exceeds the recommended density for typology but the Pattern Book recommends a higher density if the development is within a quarter mile of a frequent transit line, greenway, or park. IndyGo Route 16 serves this site and the DPW is requesting a bus boarding pad along the South Emerson Avenue frontage. Consequently, staff believes the increased density would be acceptable.
- ◇ Staff is concerned with the garages and parking areas along East Edgewood Avenue and believes reconfiguration of the site should be provided to eliminate those features along a highly traveled and visible corridor. Consequently, staff is requesting that a site plan be submitted for Administrator Approval prior to the issuance of an Improvement Location Permit that minimizes the visual impact of garages and parking lots by relocating them to the interior of the site.
- ◇ Due to the visibility and the need to comply with the Green Factor, staff is requesting that a landscape plan and building elevations be submitted for Administrator Approval prior to the issuance of an Improvement Location.

**GENERAL INFORMATION**

**EXISTING ZONING AND LAND USE**

D-A / C-1 / C-3                      Undeveloped

**SURROUNDING ZONING AND LAND USE**

North -	D-3 / D-A / C-1	Single-family dwellings / retention pond / undeveloped
South -	D-A	Single-family dwellings
East -	C-3	Undeveloped
West -	D-A	Single-family dwelling

**COMPREHENSIVE LAND USE PLAN**

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

(Continued)

## **STAFF REPORT 2021-ZON-125 (Continued)**

THOROUGHFARE PLAN	This portion of East Edgewood Avenue is designated in the Marion County Thoroughfare Plan as a primary arterial with an existing right-of-way ranging from 37 feet to 140 feet and a proposed 80-foot right-of-way. This portion of South Emerson Avenue is designated in the Marion County Thoroughfare Plan as a primary arterial with an existing 140-foot right-of-way and a proposed 86-foot right-of-way.
CONTEXT AREA	This site is located within the metro context area.
OVERLAY	There is no overlay for this site
CONCEPTUAL SITE PLAN	File-dated October 20, 2021
TIS CONCEPTUAL SITE PLAN	File-dated December 30, 2021

### **ZONING HISTORY**

**2006-ZON-133; 5820 South Emerson Avenue;** requested rezoning of 11.027 acres from D-A to C-3 and C-1 to provide for neighborhood commercial uses and office uses, **approved.**

**2006-ZON-134; 5820 South Emerson Avenue,** rezoning of 4.698 acres from D-A to C-1 to provide for office uses, **approved.**

### **VICINITY**

**2004-ZON-049; 5800 South Emerson Avenue (north of site),** rezoning of 1.997 acres from D-A to C-1 to provide for office uses, **approved**

**2002-UV1-004; 5800 South Emerson Avenue (north of site),** variance of use to provide for the construction of a single-family dwelling, with an attached recording studio in D-A, **granted.**

**2002-ZON-012; 5935 South Emerson Avenue (east of site),** rezoning of 5.23 acres from D-A to C-S to provide for all C-1 uses and limited C-3 uses, **approved.**

**2005-APP-002; 5905-5935 South Emerson Avenue (east of site),** modification of commitments and site plan to provide for construction of a 12,600-square foot building that does not fit within the footprint indicated on the approved site plan from 2000-ZON-012, **approved.**

(Continued)

**STAFF REPORT 2021-ZON-125 (Continued)**

**2005-ZON-857/2005-APP-857/2005-VAR-857; 5901-5935 South Emerson Avenue (east of site)**, rezoning of 6.556 acres from D-A to C-S to provide for expansion of an office/commercial center with C-1 uses, limited C-3 uses, and a fitness center; a variance of development standards to provide for a second freestanding identification sign with inadequate street frontage and sign separation; a modification of commitments to provide for additional signage, **approved.**

**2005-ZON-215; 5640 South Emerson Avenue (north of site)**, rezoning of 2.087 acres from D-A to C-1 to provide for office uses, **approved.**

**2004-ZON-078; 5500 and 5640 South Emerson Avenue (north of site)**, rezoning of 25.539 acres from D-P and D-A to D-P to provide for the construction of townhouses and two-family dwellings with a total of 104 units, and a density of 4.10 units per acre, **approved.**

**95-Z-183; 5728 South Emerson Avenue (west of site)**, rezoning of 0.407 acre from D-A to D-3 to provide for single-family residential development, **approved.**

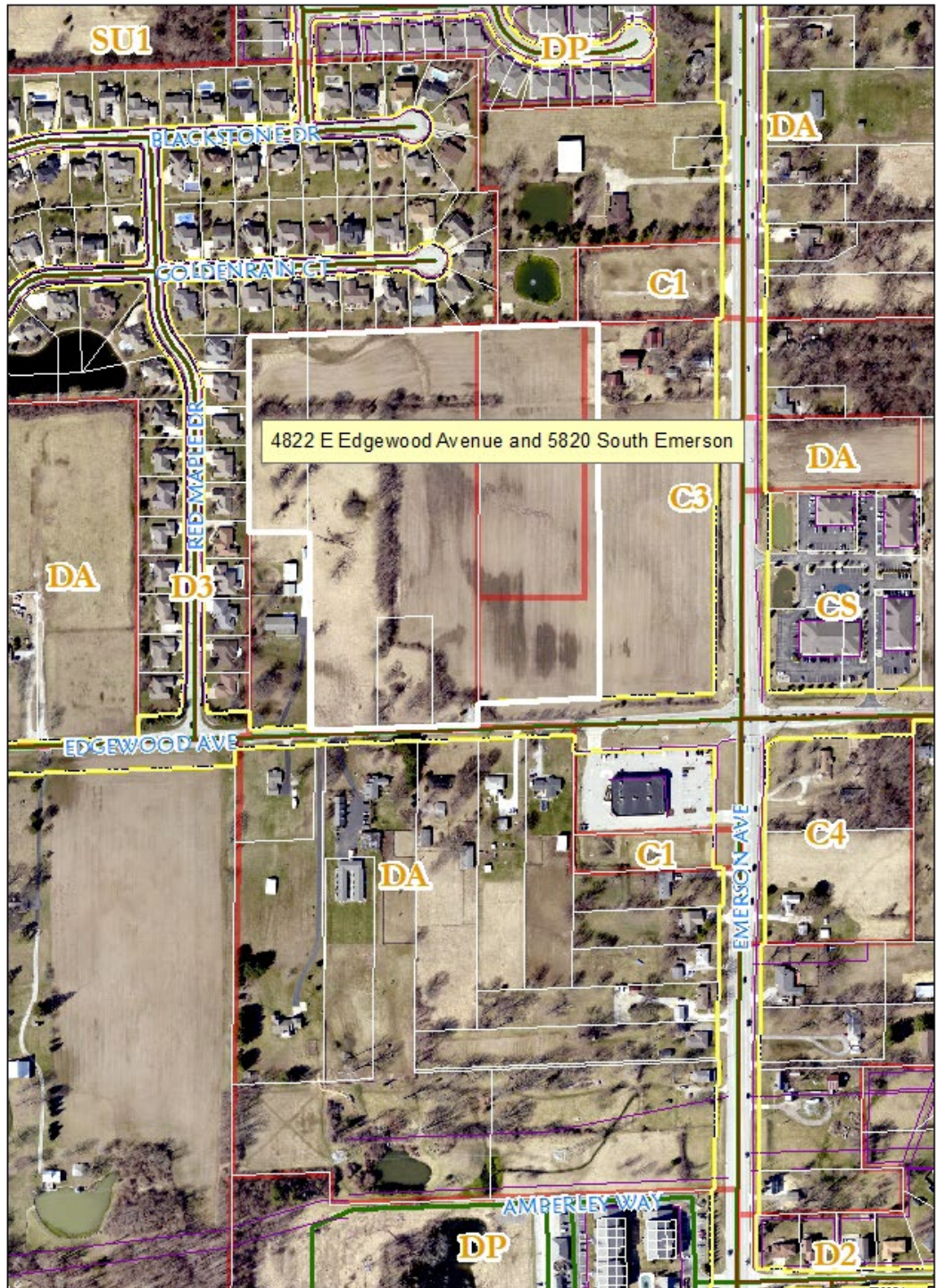
**95-Z-73; 4684 East Edgewood Avenue (west of site)**, rezoning of 11.38 acres from D-A to D-3 to provide for single-family residential development, **approved.**

**95-Z-35; 4784 East Edgewood Avenue (west of site)**, rezoning of 19.99 acres from D-A to D-3 to provide for single-family residential development, **approved.**

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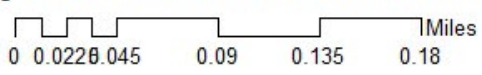
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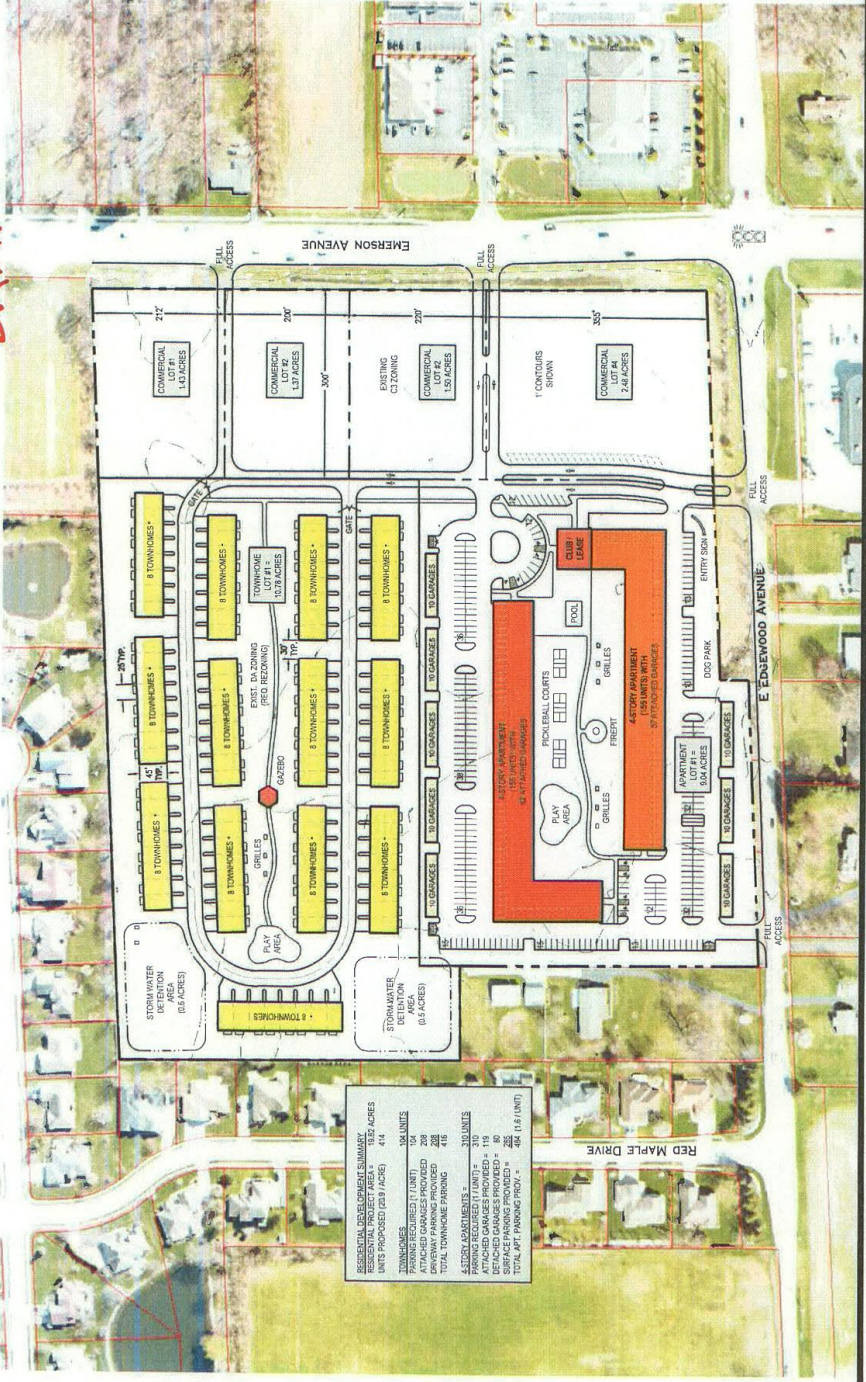
4822 E Edgewood Avenue and 5820 South Emerson

4822 East Edgewood Avenue and 5820 South Emerson Avenue



# Conceptual Site Plan

DRAFT



**RESIDENTIAL DEVELOPMENT SUMMARY**

RESIDENTIAL PROJECT AREA *	152.0 ACRES
UNITS PROPOSED (2021 ACES)	474
TOWNHOMES	154 UNITS
ATTACHED GARAGES PROVIDED	208
TOTAL TOWNHOME PARKING	208
APARTMENTS	118 UNITS
ATTACHED GARAGES PROVIDED *	118
TOTAL APARTMENT PARKING PROVIDED *	118
TOTAL APT. PARKING PROVIDED *	326
TOTAL PARKING PROVIDED *	534

**simonson**  
SIMONSON & ASSOCIATES ARCHITECTS LLC  
10000 EAST 10TH AVENUE, SUITE 100  
DENVER, CO 80231



**Indianapolis Edgewood Residential**  
CSP-4  
Indianapolis, Indiana  
October 20, 2021

DRAFT

**REALTY LINK**  
LLC

This drawing has been prepared for the architect. It is not to be used for construction. The architect is responsible for the design and construction of the project. The developer is responsible for the financing and marketing of the project. The contractor is responsible for the construction of the project. The owner is responsible for the overall management of the project.

Conceptual Site Plan - TIS



Edgewood Development  
December 30, 2021  
Page 3

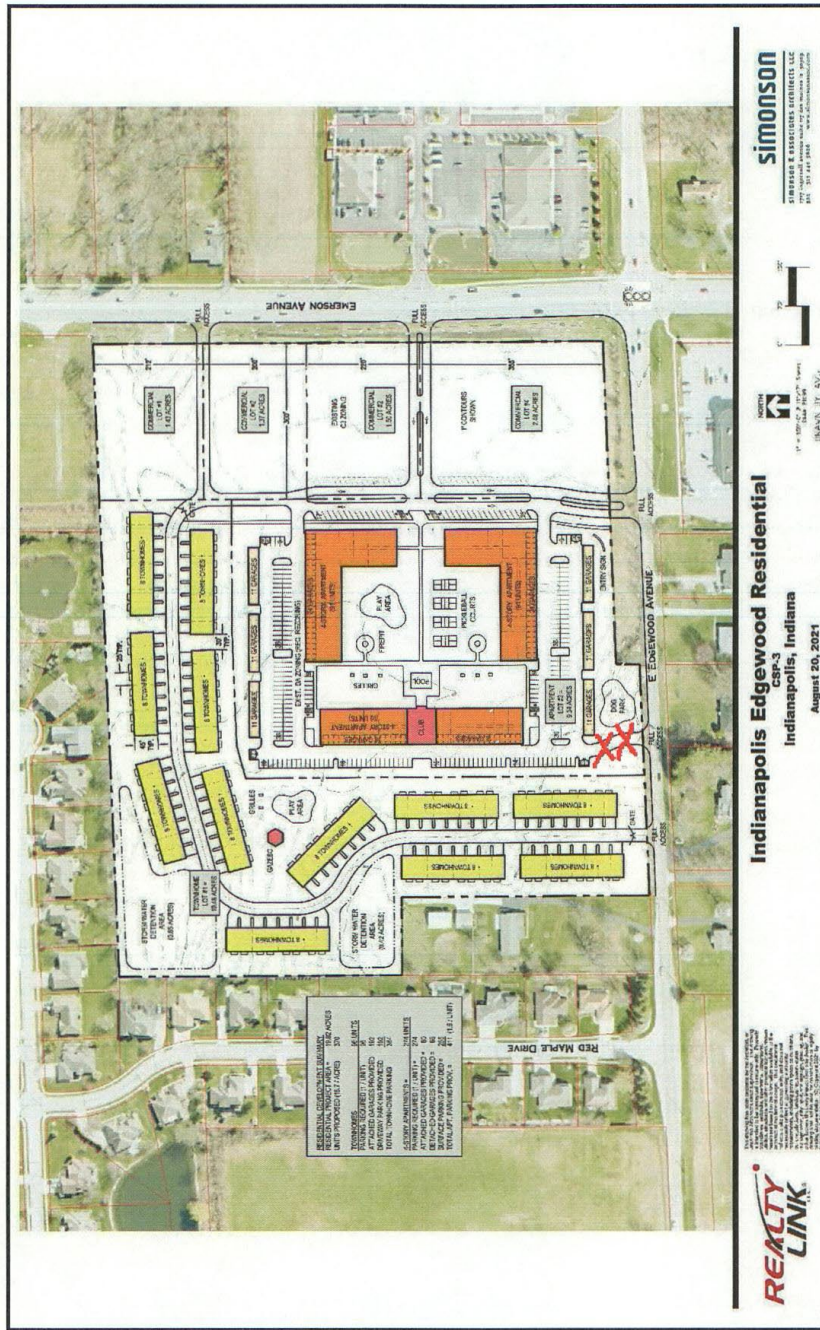


Figure 2. Preliminary Site Plan (Provided by Others)

## 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 east along East Edgewood Avenue



View looking north at intersection of South Emerson Avenue and East Edgewood Avenue



View of site looking north across East Edgewood Avenue



View of site looking northwest across East Edgewood Avenue



View of site looking north across East Edgewood Avenue



View of site looking north across East Edgewood Avenue



View of site looking west across South Emerson Avenue



View of site looking northwest across South Emerson Avenue



## STAFF REPORT

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

**Case Number:** 2021-ZON-128  
**Address:** 8830 and 8850 Rockville Road (*Approximate Address*)  
**Location:** Wayne Township, Council District #15  
**Petitioner:** HZK, LLC, by Pat Rooney  
**Request:** Rezoning of 1.53 acres from the D-A and D-3 districts to the C-4 district to provide for a car wash facility.

#### **ADDENDUM FOR JANUARY 27, 2022, HEARING EXAMINER:**

The petitioner requested and was granted a continuance from the November 18, 2021 hearing to the January 27, 2022. The petitioner has subsequently notified staff that the **petition is being withdrawn**.

**November 18, 2021**

#### **RECOMMENDATION**

Staff **recommends denial** of this request.

#### **SUMMARY OF ISSUES**

The following issues were considered in formulating the recommendation.

#### **LAND USE**

- ◇ Historic aerial photography indicates that in 1941 the subject site agricultural land. Much agricultural land remained in the area, but single-family development was occurring in the vicinity. By 1956, the dwelling and outbuilding at 8850 Rockville had been constructed and by 1962 the dwelling at 8830 Rockville Road had been built. In 1972, the neighborhood to the north was under construction and by 1978 the day care and office building to the west had been built. By 2010, a food store had been built at the corner of Rockville and Bridgeport roads and a large commercial center at the northeast corner of Rockville and Raceway roads.
- ◇ The 2018 Comprehensive Land Use Plan recommends Suburban Neighborhood for the site. This land use typology is generally intended for single-family residential development.

(Continued)

## **STAFF REPORT 2021-ZON-128 (Continued)**

- ◇ Small-scale offices, retailing and services may be considered appropriate in the Suburban Neighborhood typology if they meet certain criteria. These criteria include pedestrian infrastructure, location at the intersection of arterial streets, size limitation of 3.5 acres of commercial use at that intersection with no corner having more than 1.5 acres of commercial use, adequate space to provide screening and buffering, and no outdoor display of merchandise. Perhaps most significantly for this petition, automotive uses are excluded from the typology.

## **ZONING**

- ◇ The site has long history of land use petitions. The western parcel has been the subject of six previous petitions spanning the period from 1983 to 2006. In 1983, variance petitions were approved for a detached a garage and for use of a garage for a gift shop. Other variances have been granted for the site's use as an office. Petitions for lawnmower sales and service and for a rezoning to the C-1 district were withdrawn.
- ◇ This petition would rezone the subject site from D-A and D-3 to C-4. The C-4 district is intended for major business groups, regional-sized shopping centers, and heavy traffic generators. Some typical C-4 land uses that are not permitted in less intense district are motels, heavy general retailing, liquor stores, and vehicle-related uses such as car washes, gas stations, and auto repair.
- ◇ The petition submittals indicate that a car wash is the intended use, however the petition would not restrict the site's use to a car wash. Any C-4 use that met the development standards of the Ordinance would be permitted on the site.
- ◇ The site plan submitted with the application would not meet the development standards of the Ordinance. The rear drive lane is within the north transitional yard. This indicates that the site is too small for the proposed use.
- ◇ In staff's opinion, this is not an appropriate site for the C-4 district in general and a car wash specifically. The petition does not meet the criteria of the Comprehensive Land Use, the use is too intense for a mid-block site that abuts a day care and single-family dwellings, and the site is too small for the use and the district,

## **GENERAL INFORMATION**

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

D-A, D-3	Metro	Single-family dwellings
----------	-------	-------------------------

(Continued)

## **STAFF REPORT 2021-ZON-128 (Continued)**

**SURROUNDING ZONING AND LAND USE**

North	D-3	Single-family dwellings
South	D-2, C-S	Dentist office, grocery store
East	D-A, D-3	Single-family dwelling
West	C-1	Daycare center

**COMPREHENSIVE LAND USE PLAN** The Wayne Township Comprehensive Plan (2018) recommends Suburban Neighborhood.

**THOROUGHFARE PLAN** Rockville Road is classified in the Official Thoroughfare Plan for Marion County, Indiana as a Primary Arterial, with an existing right-of-way ranging in width from 135 to 150 feet and a 102-foot proposed right-of-way.

**FLOODWAY / FLOODWAY FRINGE** This southern edge of the site is located within a floodway and floodway fringe of Pleasant Run.

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

**ZONING HISTORY – SITE**

**2006-UV1-051; 8850 Rockville Road**, requested a variance of use to provide for an office in a dwelling district, **approved**.

**2006-ZON-091; 8850 Rockville Road**, requested a rezoning of 0.8 acre from the D-A and D-3 districts to the C-1 district, **withdrawn**.

**87-UV1-143; 8850 Rockville Road**, requested a variance of use for a dentist office and a variance of development standards to provide for a pylon sign, **approved**.

**86-UV2-105; 8850 Rockville Road**, requested a variance of use to provide for the sale and service of lawnmowers, **withdrawn**.

**83-V1-156; 8850 Rockville Road**, requested a variance of use to provide for a detached garage, **approved**.

**83-UV3-38; 8850 Rockville Road**, requested a variance of use to provide for a gift shop in a garage, **approved**.

(Continued)

**STAFF REPORT 2021-ZON-128 (Continued)**

**ZONING HISTORY – VICINITY**

**2005-ZON-015; 8801-8835 Rockville Road (south of site)**, requested the rezoning of 2.9 acres from the D-2 district to the C-1 district, **approved**.

**98-UV2-97; 8853 Rockville Road (southeast of site)**, requested a variance of use to provide for a dentist office and a variance of development standards to provide for a pylon sign, **approved**.

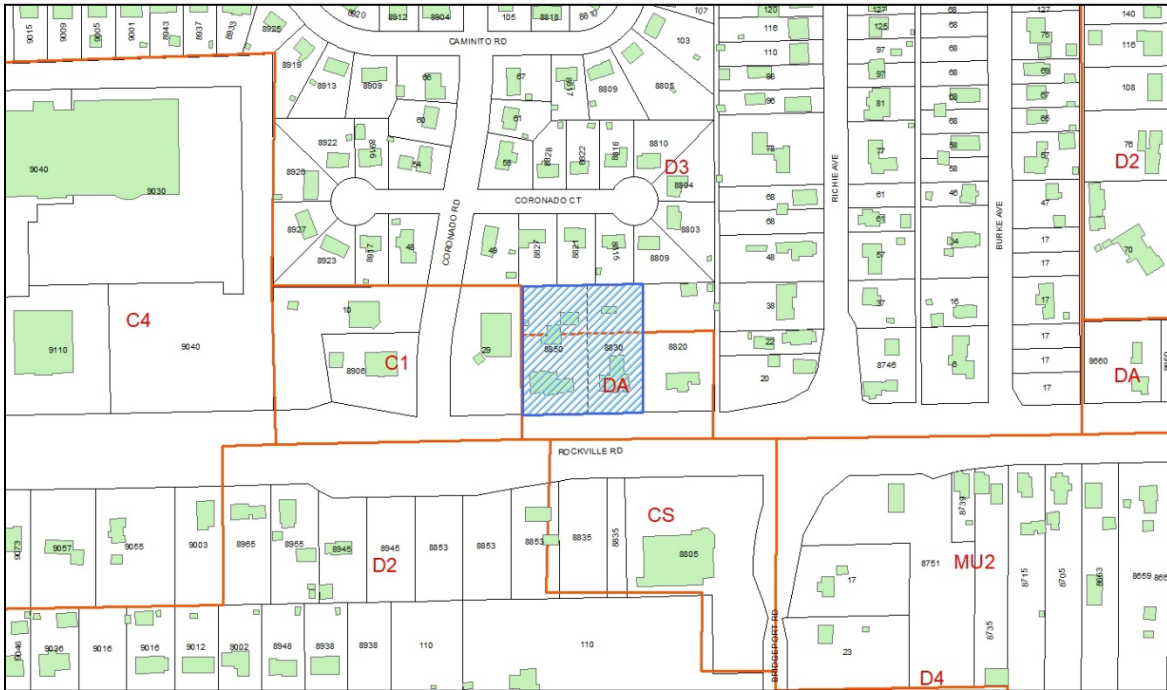
**95-UV1-59; 8853 Rockville Road (south of site)**, requested a variance of use to provide for an office in a D-2 district and a variance of development standards to provide for a pylon sign, **approved**.

**87-Z-7; 8801 Rockville Road (southeast of site)**, requested the rezoning of 1.1 acre from the D-2 district to the C-4 district, **withdrawn**.

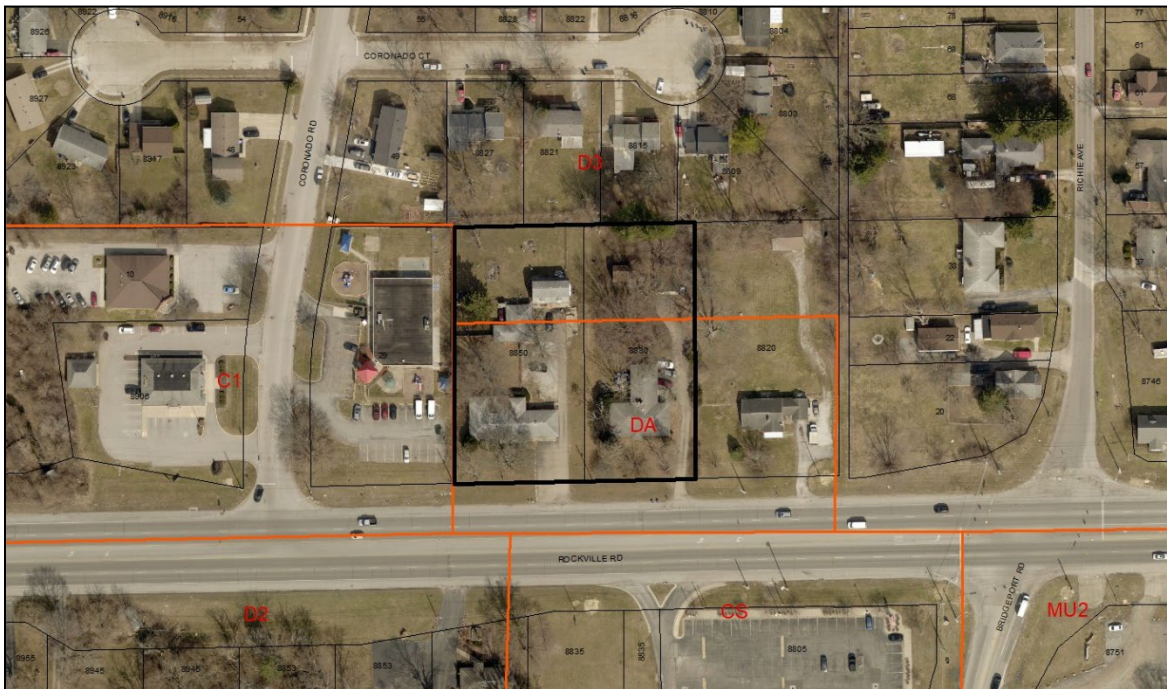
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**STAFF REPORT 2021-ZON-128, Location**



**STAFF REPORT 2021-ZON-128, Aerial photograph (2021)**



**STAFF REPORT 2021-ZON-128, Photographs**



Subject site, 8850 Rockville Road.



Subject site, 8850 Rockville Road.



Subject site, 8830 Rockville Road.



Neighbor to the east.



Looking east from the subject site.



Looking south across Rockville Road from the subject site at a dwelling converted to a dentist office.





Looking east on Rockville Road.



Looking north from Rockville Road at the neighbor to the west of the subject site.



Looking northwest at two office buildings on the west corner of Rockville and Coronado roads.



Looking north on Coronado Road.

## STAFF REPORT

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

**Case Number:** 2021-ZON-135  
**Address:** 900 South Tibbs Avenue (*Approximate Address*)  
**Location:** Wayne Township, Council District #16  
**Petitioner:** Ben Davis Conservancy District, by Thomas M. Schubert  
**Request:** Rezoning of 7.25 acres from the I-4 district to the SU-41 classification to provide for a wastewater treatment facility.

An Automatic Continuance has been filed by a registered neighborhood organization **continuing this petition from the January 27, 2022 hearing to the February 24, 2022 hearing.**

This petition was continued from the December 9, 2021 hearing to the January 27, 2022 hearing to provide for proper notice.

### **RECOMMENDATION**

Staff **recommends approval** of this request.

### **SUMMARY OF ISSUES**

The following issues were considered in formulating the recommendation.

#### **LAND USE**

- ◇ Historic aerial photography indicates that the site has been used for parking and industrial uses since the early 1970s.
- ◇ Although on a secondary arterial street, the site is isolated between an elevated portion of Interstate 70 and elevated railroad tracks. The neighbors to the east and west are building contractors. The nearest stream, Neeld Ditch, is on the other side of the 25-foot high elevated rail line.
- ◇ The Comprehensive Land Use Plan for this area is the West Indianapolis Neighborhood Land Use Plan. It recommends General Industrial for the site. The General Industrial typology consists of intensive industrial uses that are characterized by outdoor operations, outdoor storage, and/or emissions of light, odor, noise and vibration. The plan notes that the site to the north is a natural woodland, but the subject is not wooded.

(Continued)

**STAFF REPORT 2021-ZON-135 (Continued)**

**ZONING**

- ◇ This petition requests a rezoning to SU-41 district. The SU-41 district permits sewage disposal plants, and garbage feeding and disposal. The Ordinance provides for the use of the I-4 district development standards as the development standards for the SU-41 district.
- ◇ Given the site’s industrial history, isolated location and land use plan recommendation, staff recommends approval of this petition.

**GENERAL INFORMATION**

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

I-4	Compact	Outdoor storage
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**SURROUNDING ZONING AND LAND USE**

North	I-4	Woodland
South	I-4	Interstate 70
East	C-7	HVAC contractor
West	I-3	Railroad right-of-way, paving contractor

**COMPREHENSIVE LAND USE PLAN** The West Indianapolis Neighborhood Land Use Plan (2011) recommends General Industrial.

**THOROUGHFARE PLAN** Tibbs Avenue is classified in the Official Thoroughfare Plan for Marion County, Indiana as a Secondary Arterial, with a 75-foot existing right-of-way and a 78-foot proposed right-of-way.

Interstate 70 is classified in the Official Thoroughfare Plan for Marion County, Indiana as a Freeway. The plan does not propose a right-of-way for I-70.

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

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

**ZONING HISTORY – SITE**

**2000-DV1-060; 1100 South Tibbs Avenue**, requested a variance of development standards to provide for three signs with excess height and area and one sign with deficient pole height, **approved.**

(Continued)

**STAFF REPORT 2021-ZON-135 (Continued)**

**ZONING HISTORY – VICINITY**

**2008-UV3-023; 1101 South Tibbs Avenue (southeast of site)**, requested a variance of use to provide for a truck action and a variance of development standards to provide for excess outdoor storage, **approved**.

**96-CP-14Z; 1102 South Tibbs Avenue (southeast of site)**, requested the rezoning of 6.7 acres from the SU-13 district to the I-4-U district, **approved**.

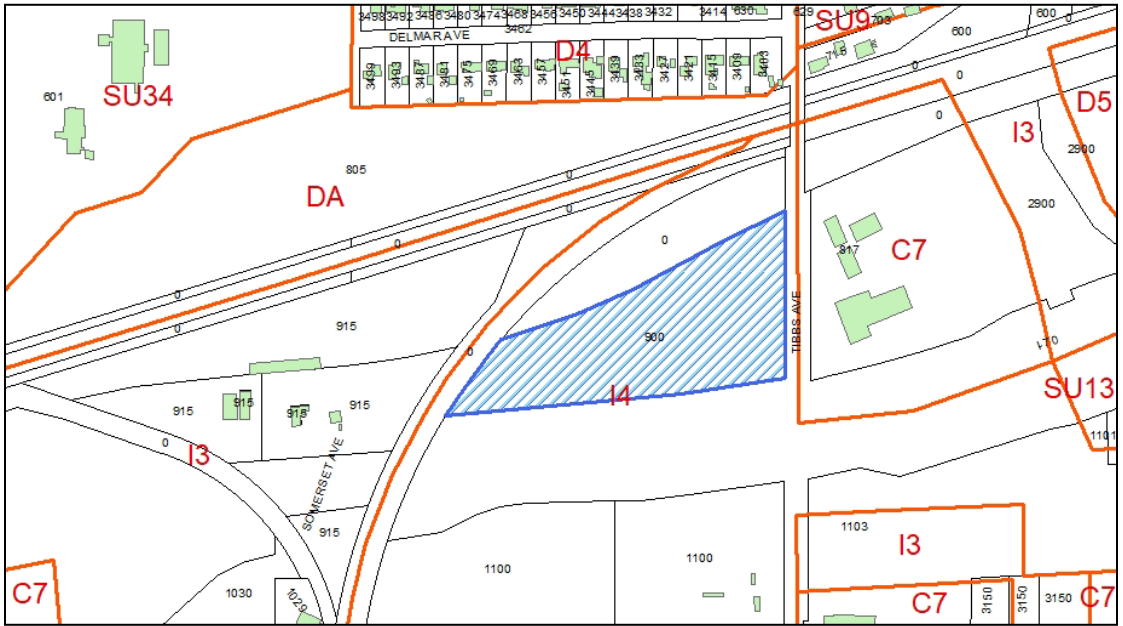
**77-Z-36; 817 South Tibbs Avenue (east of site)**, requested the rezoning of eight acres from the I-3-S district to the C-7 district, **approved**.

**73-Z-70; 3023 West Morris Street (southeast of site)**, requested the rezoning of 24 acres from the I-3-S district to the SU-13 district to provide for a sanitary landfill, **approved**.

klh

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**STAFF REPORT 2021-ZON-135, Location**

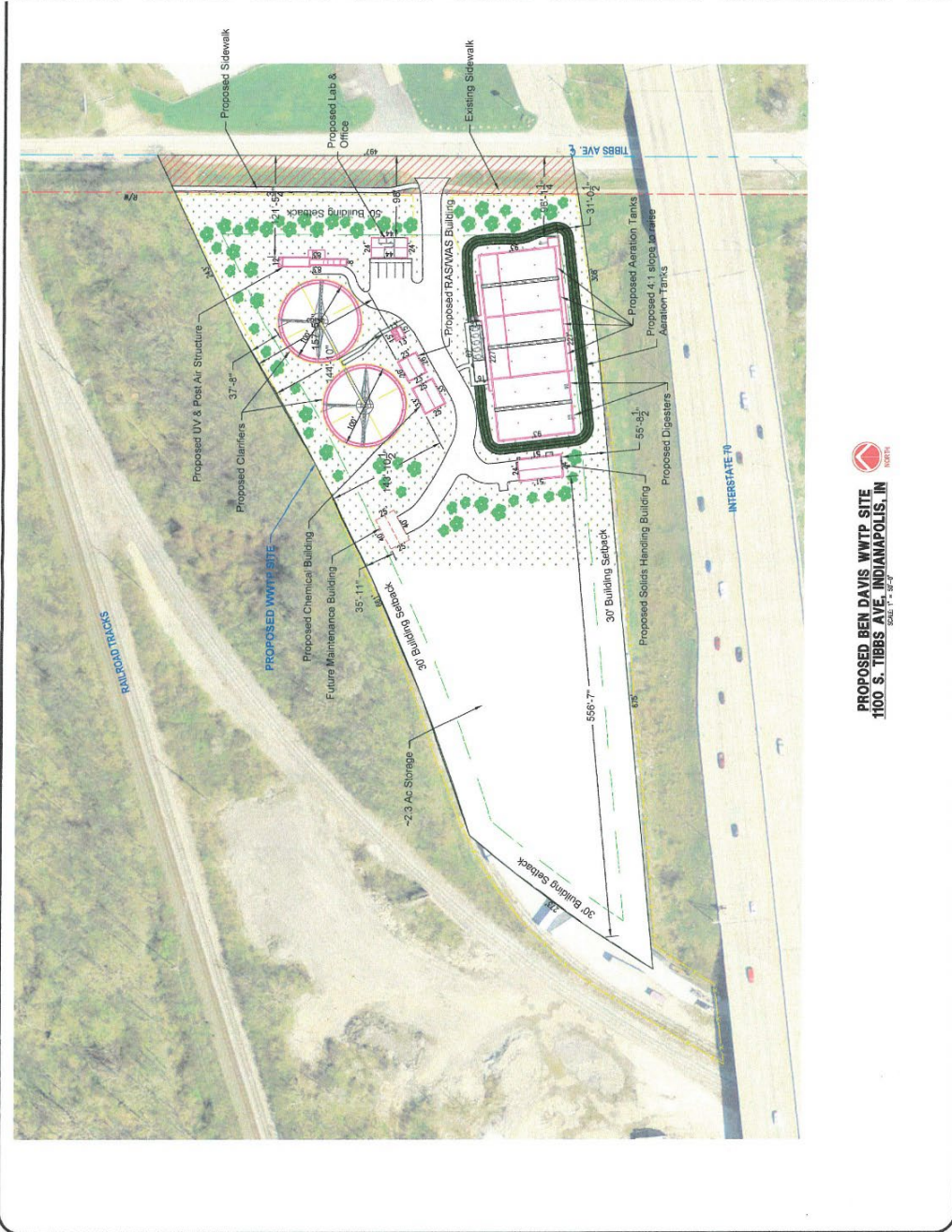


**STAFF REPORT 2021-ZON-135, Aerial photograph (2021)**



# STAFF REPORT 2021-ZON-135, Site Plan

<p><b>CONSULET:</b></p>	<p><b>RESPONSIBLE:</b></p> <table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <th>DATE</th> <th>DESCRIPTION</th> <th>BY</th> </tr> <tr> <td> </td> <td> </td> <td> </td> </tr> <tr> <td> </td> <td> </td> <td> </td> </tr> <tr> <td> </td> <td> </td> <td> </td> </tr> </table>	DATE	DESCRIPTION	BY										<p><b>DESIGNED BY:</b></p> <p><b>BEN DAVIS</b> CONSULTING ENGINEER MARCH COUNTY, INDIANA</p> <p><b>SHEET TITLE:</b></p> <p>PROPOSED WASTEWATER TREATMENT PLANT ZONING MAP</p> <p><b>JOB NUMBER:</b> 202008</p> <p><b>SCALE AS SHOWN:</b> UNIFORM</p> <p><b>DATE AS NOTED:</b> DATED BY: JLT DATE: 07/20/20</p> <p><b>DATE AS SHOWN:</b> DATE: 07/20/20</p> <p><b>EXPIRES ON:</b> Auto. Renewal</p> <p><b>ISSUED BY:</b> BDD/BJD</p> <p><b>ISSUED DATE:</b> 07/20/20</p> <p><b>PROJECT NO.:</b> 202008</p> <p><b>SHEET NO.:</b> 1</p>	<p><b>THIS DRAWING HAS BEEN PREPARED BY THE ARCHITECT AND ENGINEER AND CONCEPTS CONTAINED HEREIN ARE THE EXCLUSIVE INTELLECTUAL PROPERTY OF TRIAD ASSOCIATES, INC. NO PART OF THIS DRAWING IS TO BE REPRODUCED OR TRANSMITTED IN ANY FORM OR BY ANY MEANS, ELECTRONIC OR MECHANICAL, WITHOUT THE WRITTEN PERMISSION OF TRIAD ASSOCIATES, INC.</b></p>	 <p><b>TRIAD ASSOCIATES INC.</b> 100 S. TIBBS AVE., SUITE 100 INDIANAPOLIS, INDIANA 46218 PHONE: 317.574.8379 FAX: 317.574.8441</p>
DATE	DESCRIPTION	BY														



**STAFF REPORT 2021-ZON-135, Photographs**



Looking west at the subject site from Tibbs Avenue.



Looking north along Tibbs Avenue. The subject site is to the left.





Looking south on Tibbs Avenue toward I-70. The subject site is to the right.



Looking east across Tibbs Avenue to the eastern neighbor.

## STAFF REPORT

Department of Metropolitan Development  
Division of Planning  
Current Planning Section

**Case Number:** 2021-ZON-145  
**Address:** 3160, 3162, 3164, and 3170 East Minnesota Street (*Approximate Address*)  
**Location:** Center Township, Council District #21  
**Petitioner:** Hanh Builee  
**Request:** Rezoning of 0.53 acres from the C-1 district to the D-5 district for residential use.

### **RECOMMENDATIONS**

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

The existing trees along the northern and eastern boundary shall be preserved.

### **SUMMARY OF ISSUES**

The following issues were considered in formulating the recommendation:

#### **LAND USE ISSUES**

- ◇ This 0.53-acre site, zoned C-1, is comprised of five parcels developed with a single-family dwelling. It is surrounded by undeveloped land to the north and east, zoned I-4; single-family dwellings to the south, across East Minnesota Street, zoned D-5 and C-1; a single-family dwelling to the west, zoned C-1.

(Continued)

## **STAFF REPORT 2021-ZON-145 (Continued)**

### **REZONING**

- ◇ This request would rezone the site from C-1 District to the D-5 classification to provide for residential uses. “The D-5 district is intended for medium intensity residential development and is not intended for suburban use. The application of this district will be found within urban, built-up areas of the community, and where all urban public and community facilities, and services are available. A rectilinear development pattern is envisioned to achieve the fine-grain of accessibility requisite for all modes of travel. Due to its strong reliance upon complete urban facilities, D-5 district location should be applied judiciously. Trees fulfill critical cooling and drainage role for the individual lots in this district. Two-family dwellings are permitted on any lot in this district. The D-5 district has a typical density of 4.5 units per gross acre. This district fulfills the low and medium density residential classification of the Comprehensive General Land Use Plan. All public utilities and facilities must be present. Development plans should incorporate and promote environmental and aesthetic considerations, working within the constraints and advantages presented by existing site conditions, including vegetation, topography, drainage and wildlife.”
- ◇ The Comprehensive Plan recommends Suburban Neighborhood typology. “The Suburban Neighborhood typology is predominantly made up of single-family housing, but is interspersed with attached and multifamily housing where appropriate. This typology should be supported by a variety of neighborhood-serving businesses, institutions, and amenities. Natural Corridors and natural features such as stream corridors, wetlands, and woodlands should be treated as focal points or organizing systems for development. Streets should be well-connected and amenities should be treated as landmarks that enhance navigability of the development. This typology generally has a residential density of 1 to 5 dwelling units per acre, but a higher density is recommended if the development is within a quarter mile of a frequent transit line, greenway, or park.”
- ◇ The Pattern Book serves as a policy guide as development occurs. Below are the relevant policies related to this request:

#### *Conditions for All Land Use Types*

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

(Continued)

## **STAFF REPORT 2021-ZON-145 (Continued)**

### *Conditions for All Housing*

- A mix of housing types is encouraged.
- Developments of more than 30 housing units must have access to at least one arterial street of three or more continuous travel lanes between the intersections of two intersecting arterial streets.
- Should be within a one-mile distance (using streets, sidewalks, and/or off-street paths) of a school, playground, library, public greenway, or similar publicly-accessible recreational or cultural amenity that is available at no cost to the user.
- Should be oriented towards the street with a pedestrian connection from the front door(s) to the sidewalk. Driveways/parking areas do not qualify as a pedestrian connection.
- Developments with densities higher than five dwelling units per acre should have design character compatible with adjacent properties. Density intensification should be incremental with higher density housing types located closer to frequent transit lines, greenways or parks.

### *Detached Housing*

- The house should extend beyond the front of the garage.
- Lots should be no more than 1.5 times the size (larger or smaller) of adjacent/surrounding lots, except in cases where lots abut existing residential lots of one acre or more in size. In those cases, lots should be no smaller than 10,000 square feet and no larger than 1.5 times the size of the abutting lot

### **Overlays**

- ◇ This site is also located within an overlay, specifically the Environmentally Sensitive Areas (ES). “Overlays are used in places where the land uses that are allowed in a typology need to be adjusted. They may be needed because an area is environmentally sensitive, near an airport, or because a certain type of development should be promoted. Overlays can add uses, remove uses, or modify the conditions that are applied to uses in a typology.”
- ◇ The Environmentally Sensitive Areas (ES) Overlay is intended for areas containing high quality woodlands, wetlands, or other natural resources that should be protected. The purpose of this overlay is to prevent or mitigate potential damage to these resources caused by development. This overlay is also appropriate for areas that present an opportunity to create a new environmental asset. This overlay is not intended for the preservation of open space.

(Continued)

**STAFF REPORT 2021-ZON-145 (Continued)**

**Planning Analysis**

- ◇ During the site visit, staff observed a six-foot tall fence along the East Minnesota Street frontage, which is in violation of the Zoning Ordinance that limits the fence height to 3.5 feet in the front yard. The fence should either be removed, lowered to 3.5 feet or obtain approval of a variance of development standards to allow for the tall fence.
- ◇ The site lies within an environmentally sensitive overlay of Forest Alliance Woodlands. These high-quality woodlands are located along the northern and eastern boundaries of the site and should be preserved. Staff is, therefore, requesting a commitment that these woodlands be preserved.
- ◇ Records from the Assessor’s Office indicate that the dwelling was constructed in 1910. As proposed the rezoning would be consistent with the Comprehensive Plan and support the historical use of the site as residential use.

**GENERAL INFORMATION**

EXISTING ZONING AND LAND USE

C-1

Undeveloped

SURROUNDING ZONING AND LAND USE

North - I-4

Undeveloped land

South - D-5 / C-1

Single-family dwellings

East - I-4

Undeveloped land

West - C-1

Single-family dwelling

COMPREHENSIVE LAND USE PLAN

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

THOROUGHFARE PLAN

This portion of East Minnesota Street is designated in the Marion County Thoroughfare Plan as a secondary arterial 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.

OVERLAY

This site is located within an environmentally sensitive area overlay (Forest Alliance Woodlands)

(Continued)

**STAFF REPORT 2021-ZON-145 (Continued)**

**ZONING HISTORY**

**2018-ZON-083; 3163 and 3165 East Minnesota Street (south of site), requested rezoning of 0.3 acre, from the C-1 District, to the D-5 classification to provide for residential use. approved.**

kb

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3160-3170 East Minnesota Street

ALLEY 1550 S

C1

MINNESOTA ST

ALLEY 1725 S

LASALLE ST

D3

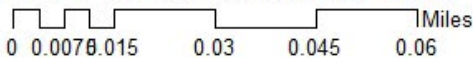
IOWA ST

D5

LASALLE ST



3160-3170 East Minnesota Street





View looking east along East Minnesota Street



View looking west along East Minnesota Street





View of site looking northeast across East Minnesota Street



View of site looking north across East Minnesota Street



View of site looking north across East Minnesota Street



View of adjacent property to the west looking north across East Minnesota Street



View from site looking south across East Minnesota Street

## STAFF REPORT

Department of Metropolitan Development  
Division of Planning  
Current Planning Section

**Case Number:** 2021-ZON-148 (Amended)  
**Address:** 75 South Kenyon Street (*Approximate Address*)  
**Location:** Warren Township, Council District #12  
**Petitioner:** Southern Equity and Asset Trust, by Christopher J. McElwee  
**Request:** Rezoning of 1.03 acres from the D-5 (TOD) and C-3 (TOD) districts to the I-2 (TOD) district to provide for a commercial bakery.

### 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:

1. A site plan shall be submitted for Administrator Approval prior to any site changes that would include, but not limited to, new construction, demolition of structures, parking reconfiguration, or building additions.
2. The privacy fence along the eastern boundary shall be properly maintained to provide a solid buffer for the residential neighborhood to the east.

### SUMMARY OF ISSUES

The following issues were considered in formulating the recommendation:

#### **LAND USE ISSUES**

- ◇ This 1.03-acre site, zoned D-5 (TOD) and C-3 (TOD), is comprised of three parcels developed with a one-story residential style building. It is surrounded by commercial uses to the north, zoned C-3 (TOD); a two-family dwelling to the south, zoned D-5 (TOD); commercial uses and a single-family dwelling to the east, zoned C-4 (TOD) and D-5 (TOD), respectively, and commercial uses to the west, across South Kenyon Street, zoned C-3 (TOD).

(Continued)

## **STAFF REPORT 2021-ZON-145 (Continued)**

### **REZONING**

- ◇ This request would rezone the site from D-5 (TOD) and C-3 (TOD) Districts to the I-2 (TOD) classification to provide for a commercial bakery. “The I-2 district is for those industries that present minimal risk and typically do not create objectionable characteristics (such as dirt, noise, glare, heat, odor, etc.) that extend beyond the lot lines. Outdoor operations and storage are completely screened if adjacent to protected districts, and are limited throughout the district to a percentage of the total operation. Wherever possible, this district is located between a protected district and a heavier industrial area to serve as a buffer. For application to the older industrial districts within the central city, standards specifically accommodate the use of shallow industrial lots.”
- ◇ The Comprehensive Plan recommends Light Industrial typology. “The Light Industrial typology provides for industrial, production, distribution, and repair uses conducted within enclosed structures and unlikely to create emissions of light, odor, noise, or vibrations. This typology is characterized by freestanding buildings or groups of buildings, often within industrial parks. Typical uses include warehousing, self-storage, assembly of parts, laboratories, wholesaling, and printing. Industrial or truck traffic should be separated from local/residential traffic
- ◇ The Pattern Book serves as a policy guide as development occurs. Below are the relevant policies related to this request:

#### *Light Industrial Uses*

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

### **Overlays**

- ◇ This site is also located within an overlay, specifically the Transit-Oriented Development (TOD). “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.”

(Continued)

## **STAFF REPORT 2021-ZON-148 (Continued)**

- ◇ 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 lies within a ½ mile walk of a proposed transit stop at the intersection of Arlington Avenue / U.S. 40 and designated as a Community Center Station defined as having 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.
- ◇ The Community Center typology has the following characteristics:
  - A dense mixed-use neighborhood center
  - Minimum of 2 stories at core
  - No front or side setbacks at core; 0-10 ft. front setbacks and 0-10 ft. side setbacks at the periphery
  - Multi-family housing with a minimum of 3 units
  - Structured parking at the core and attractive surface parking at the periphery.

### **Planning Analysis**

- ◇ As proposed, this request would be consistent with the Comprehensive Plan recommendation of light industrial and would, therefore, be supportable.
- ◇ Staff is, however, concerned with how the site would function and whether there would be any outdoor storage, which would not be permitted because of the abutting residential (protected) district to the south and east of the site. The Ordinance requires a 500-foot separation from a protected district.
- ◇ Consequently, staff is requesting Administrator Approval of any changes to the site and the impact those change might have upon the recently adopted TOD overlay.
- ◇ Additionally, staff would request that the existing privacy fence along the eastern boundary be properly maintained to provide a solid buffer for the abutting neighborhood to the east.

(Continued)

## STAFF REPORT 2021-ZON-148 (Continued)

### GENERAL INFORMATION

#### EXISTING ZONING AND LAND USE

D-5 (TOD) / C-3 (TOD) One-story structure / parking

#### SURROUNDING ZONING AND LAND USE

North -	C-3 (TOD)	Commercial uses
South -	D-5 (TOD)	Two-family dwelling
East -	C-4 (TOD) / D-5 (TOD)	Commercial uses / single-family dwelling
West -	C-3 (TOD)	Commercial uses

#### COMPREHENSIVE LAND USE PLAN

The Comprehensive Land Use Plan for Indianapolis and Marion County (2018) recommends light industrial typology. The Blue Line Transit Oriented Development Strategic Plan (2018).

#### THOROUGHFARE PLAN

This portion of South Kenyon Street is designated in the Marion County Thoroughfare Plan as a secondary arterial with an existing 42-foot right-of-way and a proposed 48-foot right-of-way.

#### CONTEXT AREA

This site is located within the compact context area.

#### OVERLAY

This site is located within a Transit-Oriented Development (TOD) overlay.

#### SITE PLAN

File-dated December 16, 2021

### ZONING HISTORY

**2021-ZON-010- 75 South Kenyon Street**, requested rezoning of 0.75 acre, being in the D-5 District, to the D-7 classification to provide for multi-family residential uses, **denied**.

**58-V-54; 75 South Kenyon Street**, requested a variance of development standards to provide for erection of a neon sign on the roof of a car wash facility, **approved**.

**57-V-316; 75 South Kenyon Street (subject site)**, requested a variance of use to provide for construction of a car wash facility, **granted**.

(Continued)

**STAFF REPORT 2021-ZON-148 (Continued)**

**VICINITY**

**94-Z-112; 6501 East Washington Street (north of site)**, requested rezoning of 1.295 acres, being in the D-5 District, to the C-3 classification to provide for commercial development, **approved**.

**90-UV3-2; 6525 East Washington Street (northeast of site)**, requested a variance of use to permit a portion of an existing building in C-4 to be used as a rental storage facility, **granted**.

**87-Z-52; 6501 East Washington Street (north of site)** requested rezoning of 1.24 acres, being in the D-4 District, to the C-4 classification to provide for commercial development, **withdrawn**.

**85-UV2-90; 6501 East Washington Street (north of site)**, requested a variance of use to provide for use of an existing building in D-5 for government offices, **granted**.

**78-UV3-29; 6525 East Washington Street (northeast of site)**, requested a variance of use and development standards to permit operation of a truck and trailer leasing center, with service and repair of rental equipment, open storage and signs in C-4, **granted**.

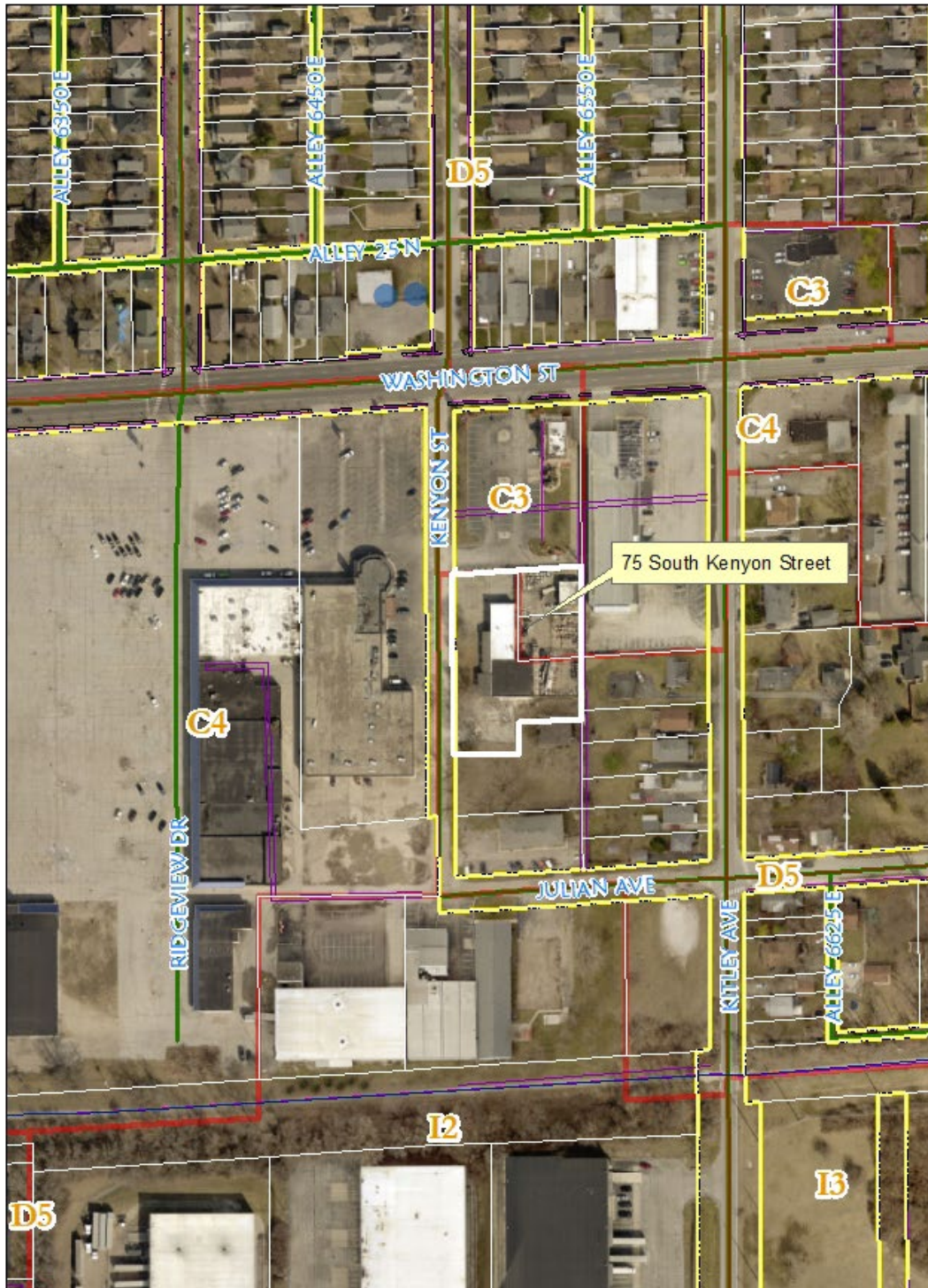
**73-UV1-36; 6501 East Washington Street (north of site)**, requested a variance of use to permit a restaurant, **granted**.

**65-V-339; 6502 Julian Avenue (south of site)**, requested a variance of use and lot area requirements to provide for construction of a 14-unit multi-family dwelling, **granted**.

kb

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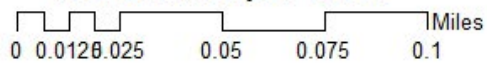


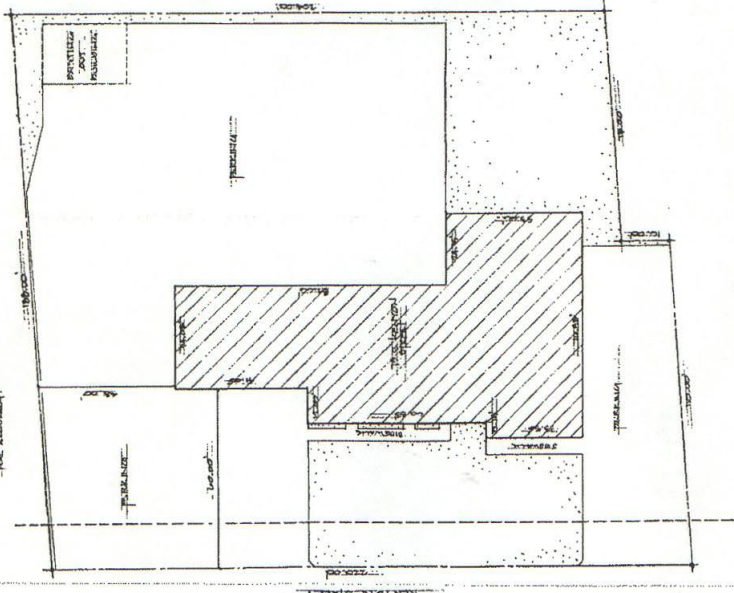
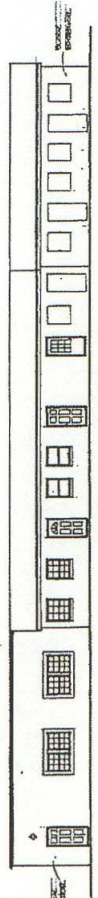
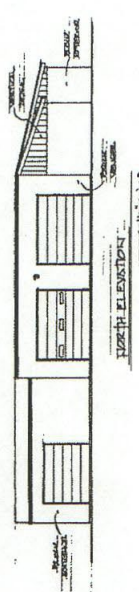
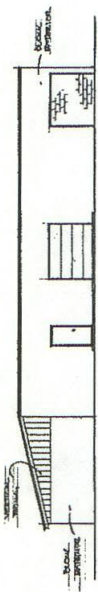


75 South Kenyon Street



75 South Kenyon Street





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Metropolitan Development  
 Dec 16 2021  
 Division of Planning

PROJECT NO.	1
DATE	12/16/2021
PROJECT NAME	1750 S. HUNTERS ST.
SCALE	AS SHOWN



View looking north along South Kenyon Street



View looking south along South Kenyon Street



View of site looking east across South Kenyon Street



View of site and abutting residential to the south looking east across South Kenyon Street



View of site looking north



View of site looking south



View of adjacent commercial uses to the north looking northeast across South Kenyon Street



View of site and adjacent dwellings to the south looking east across South Kenyon Street



View from site looking west across South Kenyon Street



View from site looking northwest across South Kenyon Street

## STAFF REPORT

Department of Metropolitan Development  
Division of Planning  
Current Planning Section

**Case Number:** 2021-ZON-150  
**Address:** 8150 Brookville Road (*Approximate Address*)  
**Location:** Warren Township, Council District #18  
**Petitioner:** Advanced Recovery Systems LLC, by Timothy E. Ochs  
**Request:** Rezoning of 5.311 acres from the C-3 district to the C-4 district to provide for a substance abuse treatment facility.

The petitioner's representative is requesting a **continuance from the January 27, 2022 hearing, to the February 10, 2022 hearing.** Staff would not object to the continuance.

kb

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

**Case Number:** 2021-CZN-866 / 2021-CPL-866 / 2021-CVR-866  
**Address:** 5260 Claybrooke Commons Drive (Approximate Addresses)  
**Location:** Franklin Township, Council District #25  
**Petitioner:** Dunphy Development LLC, by Russell L. Brown  
**Zoning:** C-4  
**Request:** Rezoning of 4.73 acre from the C-4 to the C-5 district to allow for a vehicle sales, maintenance, and repair facility.

**Approval of a Subdivision Plat to be known as Claybrooke Commons East, Lot 3, dividing 18.44 acres into one lot and one block.**

**Variance of development standards of the Consolidated Zoning and Subdivision Ordinance to permit a 20-foot monument sign (maximum ten-foot permitted.)**

**RECOMMENDATIONS**

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

Staff recommends **denial or withdraw of the variance of development standards.**

Staff recommends that the Hearing Examiner **approve** and find that the plat, file-dated January 11, 2022, complies with the standards of the Subdivision regulations, subject to the following conditions:

11. Subject to the Standards and Specifications of the Department of Public Works, Sanitation Section.
12. Subject to the Standards and Specifications of the Department of Public Works, Drainage Section.
13. Subject to the Standards and Specifications of the Department of Public Works, Transportation Section.
14. That addresses and street names, as approved by the Department of Metropolitan Development, be affixed to the final plat, prior to recording.
15. That the Enforcement Covenant (Section 741-701, of the Consolidated Zoning and Subdivision Ordinance) be affixed to the final plat, prior to recording.
16. That the Site Distance Covenant (Section 741-702, of the Consolidated Zoning and Subdivision Ordinance) be affixed to the final plat, prior to recording.
17. That the Sanitary Sewer Covenant (Section 741-704, of the Consolidated Zoning and Subdivision Ordinance) be affixed to the final plat, prior to recording.

(Continued)

## **STAFF REPORT 2021-CZN-866 / 2021-CPL-866 / 2021-CVR-866 (Continued)**

18. That the Storm Drainage Covenant (Section 741-703, of the Consolidated Zoning and Subdivision Ordinance) be affixed to the final plat, prior to recording.
19. That the plat restrictions and covenants, done in accordance with the rezoning commitments, be submitted, prior to recording the final plat.
20. That all the standards related to secondary plat approval listed in Sections 741-207 and 741-208 of the Consolidated Zoning and Subdivision Ordinance are met, prior to the recording of the final plat.

### **SUMMARY OF ISSUES**

The following issues were considered in formulating the recommendation:

#### **LAND USE**

- ◇ The subject site consists of 18.44 acres of undeveloped land, currently zoned C-4. This site is located near the Interstate-65 off-ramp on County Line Road. The comprehensive plan recommends Interchange Mixed Use.
- ◇ This petition would divide the property into two lots—one lot and one block—and rezone to the C-5 district for use by a vehicle sales, maintenance, and repair facility. An additional variance request would permit a 20-foot monument sign.
- ◇ This area is within the I-65/County Line Road Strategic Plan. The plan states that this area “is the most heavily traveled entry point into Indianapolis/Marion County from the south. This location has tremendous potential as a gateway to Indianapolis.”
- ◇ The adopted strategic plan recommends that the area become a gateway district, meaning that it is “intended to be an area with high development and design standards that will make a good first impression to travelers going by on the interstate and to those travelers who leave the interstate at this point and have their first contact with the city.”
- ◇ Development in the Interchange Area Mixed-Use category should have a high intensity of use, meaning uses in this area should be either employee-dense, customer-dense, or both. Intensity of use should be greater the closer it is located to the interchange.
- ◇ The Plan includes recommendations for appropriate and inappropriate land uses in an Interchange Area Mixed-Use area. *The Plan specifically calls out new and used vehicle sales as an inappropriate use.* Appropriate uses include hospitals, hotels, and conference centers, which support high intensity of use.

(Continued)

## **STAFF REPORT 2021-CZN-866 / 2021-CPL-866 / 2021-CVR-866 (Continued)**

### **REZONING**

- ◇ This request would rezone the subject site to the C-5 classification for use by a vehicle sales, maintenance, and repair facility.
- ◇ The existing zoning at this site is C-4, which permits most commercial uses. Rezoning to the C-5 district would permit the automobile sales proposed, which is specifically listed as an inappropriate use by the adopted I-65/County Line Road Strategic Plan.
- ◇ The Plan recommendation for high intensity of use should be employee-dense, customer-dense, or both—automobile sales use is neither. Staff would not recommend approval for a district or use that contradicts the comprehensive plan.

### **PLAT**

- ◇ The plat would divide the subject site into one lot and one block.
- ◇ Approval of a plat is subject to technical ordinance standards. These lots would generally meet the requirements for the existing C-4 district, or the C-5 district proposed; therefore, the recommendation for the companion petitions would not affect the proposed plat.
- ◇ The subdivision of land would be consistent with the existing integrated center development on the neighboring properties.

### **TRAFFIC / STREETS**

- ◇ The proposed lots would have access to Emerson Drive via easement through the adjacent development, Claybrooke Commons North. The eastern property frontage is on the right-of-way for Interstate-65, but there is no access to the interstate.

### **VARIANCE**

- ◇ The variance request is for a 20-foot tall monument sign. The sign ordinance limits monument signs' height to 10-feet.
- ◇ The sign proposed would meet the definition of a pylon sign, which are permitted in all commercial districts. Pylon signs must have a base width of at least 20% of the sign face extending from grade to the sign face, and are permitted to have a maximum height of 20 feet. Since the proposed sign could be permitted as a compliant pylon sign, this request is unnecessary and may be withdrawn.

(Continued)

**STAFF REPORT 2021-CZN-866 / 2021-CPL-866 / 2021-CVR-866 (Continued)**

**GENERAL INFORMATION**

EXISTING ZONING, CONTEXT AREA, AND LAND USE

C-4 Metro Undeveloped land

SURROUNDING ZONING AND LAND USE

North HD-1 Hospital  
South Johnson County Commercial  
East C-S Interstate 65, Undeveloped land  
West C-4, C-S Undeveloped land, Commercial Integrated Center

COMPREHENSIVE LAND USE PLAN Interchange Area Mixed-Use.

THOROUGHFARE PLAN Claybrooke Commons Drive is a private street

FLOODWAY / FLOODWAY FRINGE Not Applicable

WELLFIELD PROTECTION DISTRICT Not Applicable

SITE PLAN File-dated January 11, 2022

FINDINGS OF FACT File-dated December 21, 2021

**ZONING HISTORY – SITE**

**2002-DV3-043; 5250 East County Line Road**, requested a variance of development standards for provide for two advertising signs, **denied**

**96-Z-232; 8821 South Emerson Avenue**, requested the rezoning of 29.8 acres from the D-A district to the C-4 classification, **approved**.

**ZONING HISTORY – VICINITY**

**2020-CZN-814 & 2020-CPL-814, 5310 Claybrooke Commons Drive**, rezoning from the C-4 district to the C-5 district, a plat dividing 27.1 acres into two lots, **approved**.

**2020-CVR-814, 5310 Claybrooke Commons Drive**, variance to provide for deficient green factor, **withdrawn**.

**2019-ZON-153; 8516, 8600, 8814, and 8816 South Arlington Avenue, 5624 and 5740 East County Line Road (east of site)** requested the rezoning of 137 acres from the C-4 and D-A districts to the C-S classification, **approved**.

**2019-DV1-009; 8825 South Emerson Avenue (southwest of site)**, requested a variance of development standards to provide for a drive-through window along a front façade, **approved**.

**2015-HOV-023; 8825 South Emerson Avenue (southwest of site)**, requested a variance to provide for a pick-up area for online shopping and reduced number of parking spaces, **approved**.

(Continued)

**STAFF REPORT 2021-CZN-866 / 2021-CPL-866 / 2021-CVR-866 (Continued)**

**2006-ZON-123; 8051 South Emerson Avenue (north of site),** requested the rezoning of 31 acres from the HD-2 district to the HD-1 classification, **approved.**

**2005-ZON-169; 8601, 8651 and 8921 South Emerson Avenue (west of site),** requested the rezoning of 58 acres from the D-A district to the C-S classification to provide for C-4, HD-1 and D-7 uses, **approved.**

**2003-ZON-153; 8111 South Emerson Avenue (west of site),** requested the rezoning of 56.5 acres from the D-A district to the C-4 classification, **withdrawn.**

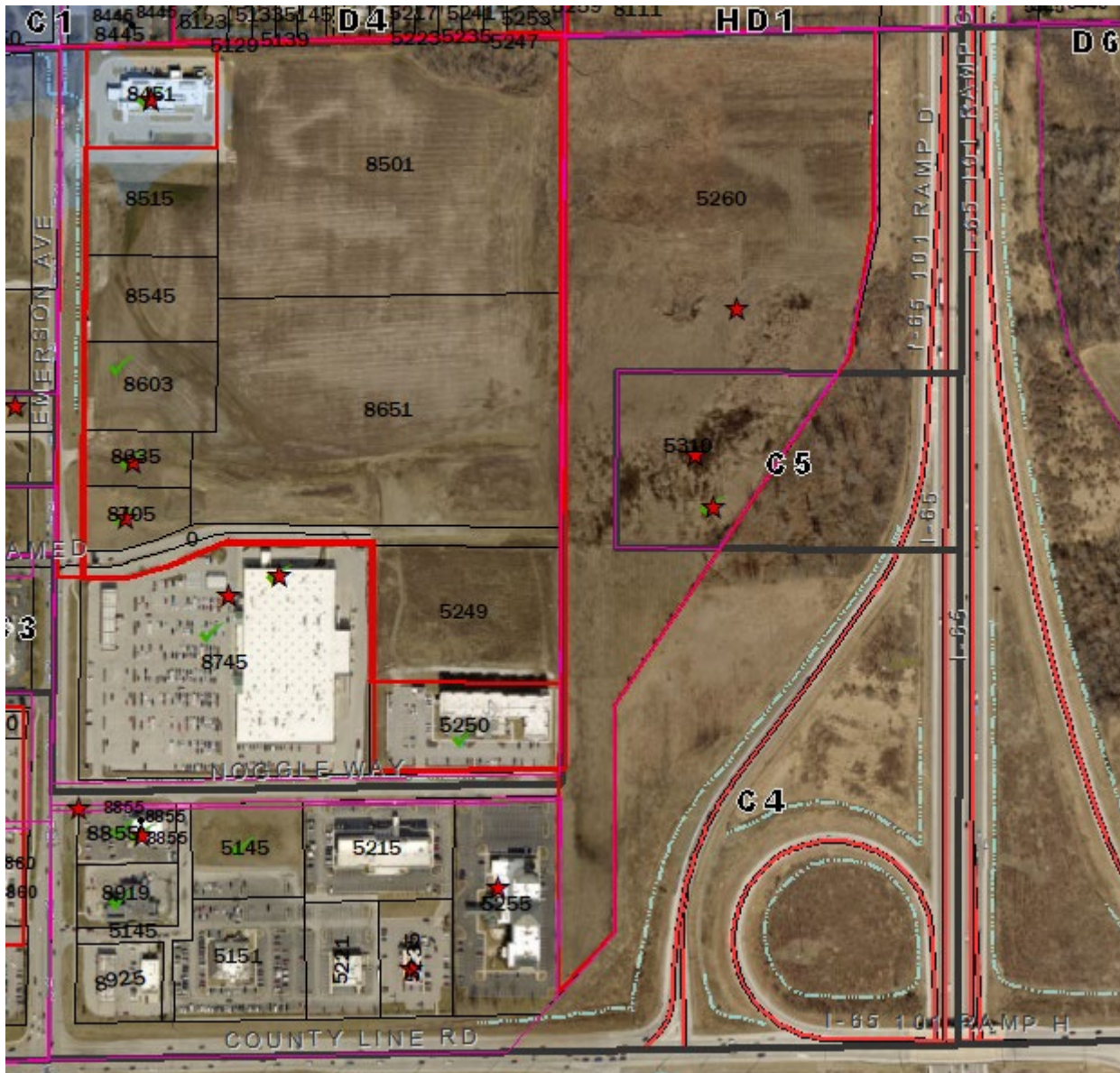
**2007-DV3-012; 8921 South Emerson Avenue (southwest of site),** requested a variance of development standards to provide for a 77-foot tall hotel, **approved.**

**99-ZON133; 8921 South Emerson Avenue (southwest of site),** requested the rezoning of 17 acres from the D-A district to the C-4 classification, **approved.**

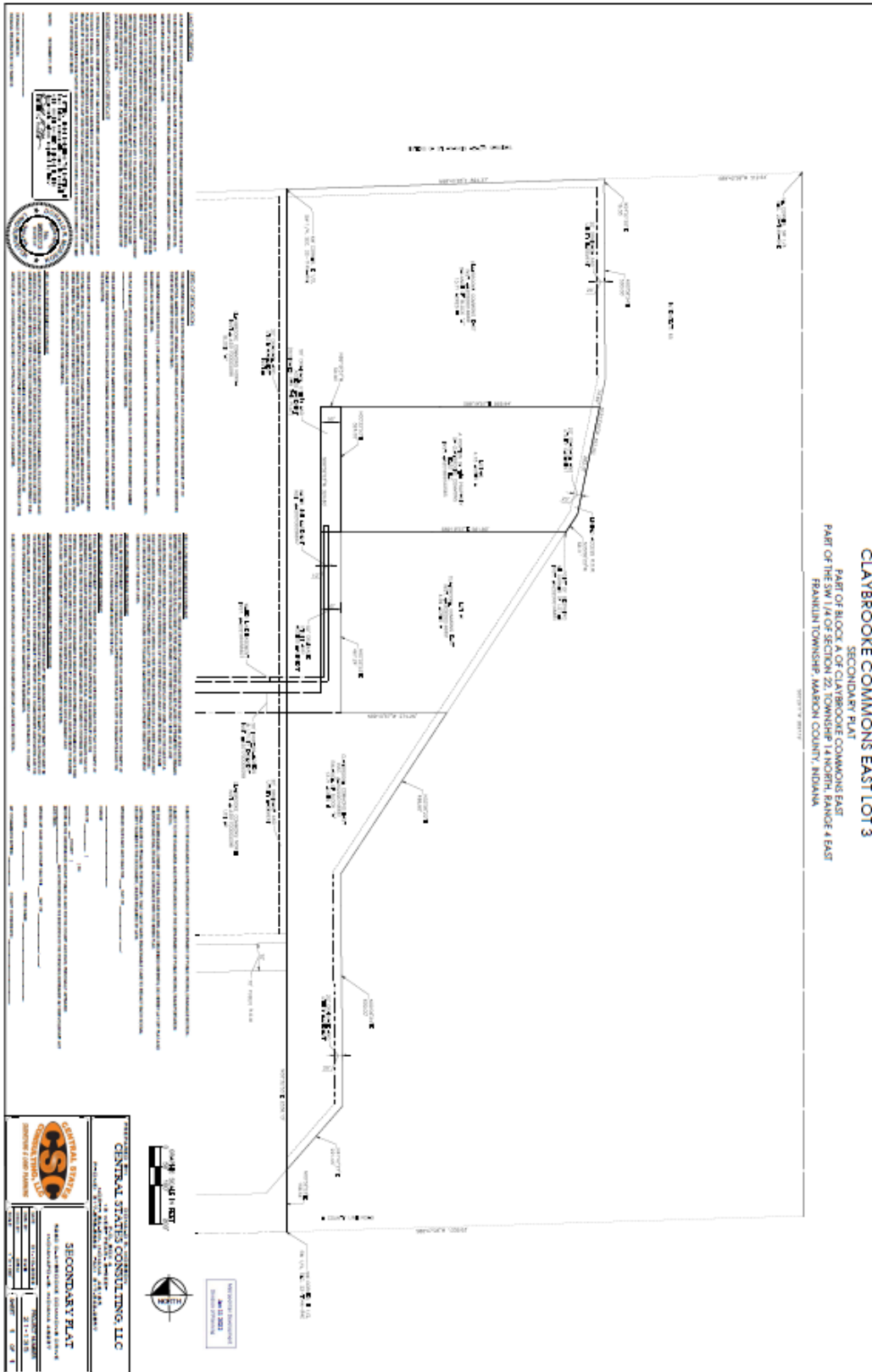
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**2021-CZN-866 / 2021-CPL-866 / 2021-CVR-866 Area Map**



**2021-CZN-866 / 2021-CPL-866 / 2021-CVR-866 Plat Plan**

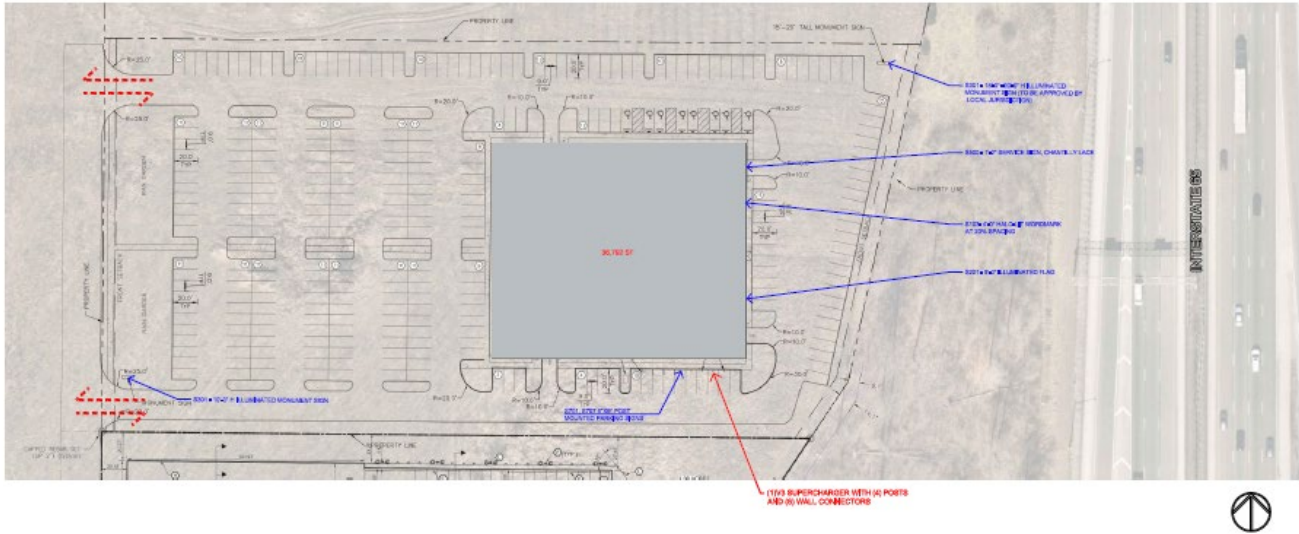


# 2021-CZN-866 / 2021-CPL-866 / 2021-CVR-866 Site Plan

INDIANAPOLIS - I65 - TESLA CENTER - COLD / WARM CLIMATE  
 SITE PLAN  
 TRT ID - 18098  
 PARKING SPACES: 292

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 CONFIDENTIAL

- SPECIAL CONDITIONS:**
- ALL STALLS TO BE NUMBERED BY LL
  - FENCE AROUND PROPERTY BY TESLA



NOT TO SCALE  
**TESLA** December 10, 2021



NA I 5260 NOGGLE WAY, INDIANAPOLIS, IN 46237 I US  
 \*PLEASE NOTE ANY SUBSEQUENT REVISION TO AN APPROVED CONCEPT WILL CAUSE DELAY AND IMPACT COST

# 2021-CZN-866 / 2021-CPL-866 / 2021-CVR-866 Landscape Plan



**Kimley»Horn**

CLAYBROOK COMMONS

LANDSCAPE EXHIBIT  
 DECEMBER 14, 2021

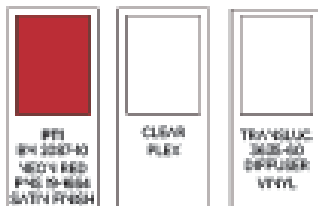
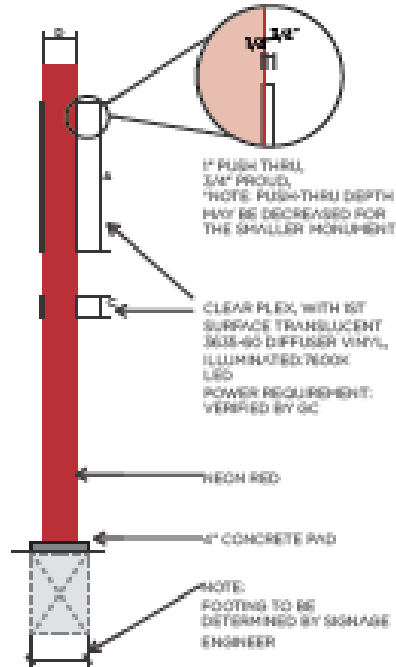
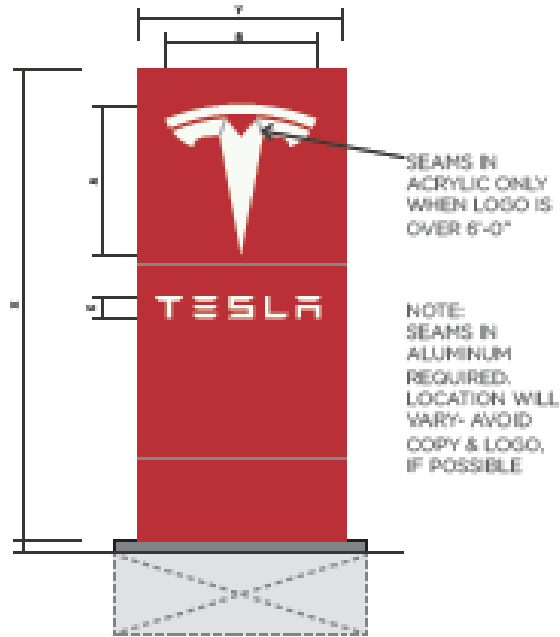




**2021-CZN-866 / 2021-CPL-866 / 2021-CVR-866 Sign Elevation**

**S301**

EXTERIOR MONUMENT: SALES, SERVICE, DELIVERY



MONUMENT						
X	Y	A	B	C	D	SQ. FT.
6'-0"	2'-7 1/8"	1'-10 3/8"	1'-10 3/8"	3 1/8"	7'-0"	16.43
7'-0"	2'-0 1/2"	2'-2 5/8"	2'-2 3/8"	3 3/8"	7'-0"	21.29
8'-0"	2'-6 5/8"	2'-6 3/8"	2'-6 1/2"	4 1/8"	7'-0"	27.75
9'-0"	2'-10 3/8"	2'-10 1/8"	2'-10 3/8"	6"	7'-2"	36.16
10'-0"	4'-0"	3'-2"	3'-2"	6 1/2"	7'-2"	48.33
12'-0"	6'-2 1/2"	3'-8 5/8"	3'-8 3/8"	6 1/2"	7'-6"	61.60
15'-0"	6'-6"	4'-0"	4'-0 1/8"	8 1/4"	7'-6"	97.50
20'-0"	8'-0"	6'-4"	6'-4 3/8"	11"	2'-0"	173.33

\*TO BE VERIFIED WITH ENGINEERING

- 00 | INDEX
- 01 | POINTS / COLUPS
- 02 | MONUMENT + CABINET
- 03 | WORKSHOP + CABINET
- 04 | PLAT CUT
- 05 | ROOM PLACES
- 06 | SITE WORKING
- 07 | DOOR WINDOWS
- 08 | MONUMENT

**INDIANAPOLIS - I65 - TESLA CENTER - COLD / WARM CLIMATE**

SITE PHOTOS  
TRT ID - 18098

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**2021-CZN-866 / 2021-CPL-866 / 2021-CVR-866 Findings of Fact**

METROPOLITAN DEVELOPMENT COMMISSION

HEARING EXAMINER

OF MARION COUNTY, INDIANA

PETITION FOR VARIANCE OF DEVELOPMENT STANDARDS

**1. THE GRANT WILL NOT BE INJURIOUS TO THE PUBLIC HEALTH, SAFETY, MORALS, AND GENERAL WELFARE OF THE COMMUNITY BECAUSE:**

The increased sign height will allow for the use and purpose of the proposed development to be more apparent to all travelers on the adjacent interstate highway. The ordinance provides for only a 10' tall monument sign, which would be difficult to see from northbound traffic lanes. The overall height of the sign is within what is permitted for other sign types and will be located in such a way to not impair the view from any nearby right of way.

**2. THE USE OR VALUE OF THE AREA ADJACENT TO THE PROPERTY INCLUDED IN THE VARIANCE WILL NOT BE AFFECTED IN A SUBSTANTIALLY ADVERSE MANNER BECAUSE:**

The sign height would be permitted if a different sign style were chosen, and therefore the impact on surrounding properties is no different than if one of those sign types were utilized. The copy area will be no greater than would be permitted, even on a sign with lower height, so no sign clutter will be created by the extra height. The property use to the south will be improved with a large integrated center sign which is of similar height, but larger scale. The adjacent interstate traveler will benefit from the larger sign to identify this new use to the area.

**3. THE STRICT APPLICATION OF THE TERMS OF THE ZONING ORDINANCE WILL RESULT IN PRACTICAL DIFFICULTIES IN THE USE OF THE PROPERTY BECAUSE:**

The petitioner's desire to utilize a more aesthetically pleasing and consistent sign design leads to a lower permitted sign height. The copy area will be consistent with the sign regulations. The sign ordinance treats all right of way the same and does not contemplate the significantly larger right of way present adjacent to an interstate right of way with seven through lanes of traffic. The deviation is reasonable and consistent with nearby existing or planned signs which are similar (or larger) in proposed or actual height.

**2021-CZN-866 / 2021-CPL-866 / 2021-CVR-866 Photographs**



Subject site viewed from Interstate-65



Subject site viewed from Claybrooke Commons Drive  
Images Source: Google Earth