

**METROPOLITAN DEVELOPMENT COMMISSION
HEARING EXAMINER**

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

STAFF REPORTS for MARCH 24, 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 within the first or second day after the hearing, to determine the appropriate appeal procedures.

<u>PETITION NO.</u>	<u>PETITION ADDRESS AND LOCATION</u>	<u>PAGE NO.</u>
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EXPEDITED PETITIONS:

2022-APP-001	6840 EAGLE HIGHLANDS WAY PIKE TOWNSHIP, CD #10	4
2022-ZON-023	63 SOUTH DEARBORN STREET CENTER TOWNSHIP, CD #12	13

CONTINUED PETITIONS:

2021-ZON-125 / 2022-VAR-001 (AMENDED)	4822 EAST EDGEWOOD AVENUE AND 5820 SOUTH EMERSON AVENUE PERRY TOWNSHIP, CD #24	18
2022-ZON-004	5530 AND 5540 SOUTH EAST STREET PERRY TOWNSHIP, CD #23	42
2022-ZON-012	4903 AND 4907 WINTHROP AVENUE WASHINGTON TOWNSHIP, CD #9	55
2022-ZON-014	8604 AND 8610 SHELBY STREET PERRY TOWNSHIP, CD #23	70

2021-CZN-858** / 2021-CAP-858** / 2021-CVR-858**	5380 AND 5390 ROCKVILLE ROAD WAYNE TOWNSHIP, CD #15	83
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2022-CZN-802 / 2022-CVR-802	8515 AND 8535 WEST 21ST STREET AND 1931 LAKE OF THE PINES DRIVE WAYNE TOWNSHIP, CD #6	102
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2022-CPL-805 / 2022-CVR-805	3919 MOLLER ROAD PIKE TOWNSHIP, CD #10	126
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NEW PETITIONS:

2022-MOD-004**	2930 WATERFRONT PARKWAY WEST DRIVE WAYNE TOWNSHIP, CD #6	137
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2022-ZON-022	1301 EAST 11TH STREET AND 1235 AND 1239 BROOKSIDE AVENUE CENTER TOWNSHIP, CD #17	138
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2022-ZON-025	2345 SOUTH ARLINGTON AVENUE WARREN TOWNSHIP, CD #18	145
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2022-ZON-026	4825 EAST 82ND STREET WASHINGTON TOWNSHIP, CD #3	161
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2022-ZON-027 (AMENDED)	7250 NORTH KEYSTONE AVENUE WASHINGTON TOWNSHIP, CD #2	170
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2022-ZON-028**	4020 EAST 21ST STREET CENTER TOWNSHIP, CD #17	184
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2022-ZON-030**	11700 AND 11850 EAST 38TH STREET AND 4002 NORTH CARROLL ROAD LAWRENCE TOWNSHIP, CD #14	185
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(CONTINUED)

2022-CZN-807 /	5540 SOUTH BELMONT AVENUE	186
2022-CAP-807 /	PERRY TOWNSHIP, CD #20	
2022-CVR-807		

2022-CZN-809 /	2214 WEST MICHIGAN STREET	211
2022-CVR-809	WAYNE TOWNSHIP, CD #11	

***Automatic Continuance **Continuance Request ***Withdrawal or Dismissal**

STAFF REPORT

Department of Metropolitan Development Division of Planning Current Planning Section

Case Number: 2022-APP-001
Address 6840 Eagle Highlands Way (approximate addresses)
Location: Pike Township, Council District #10
Zoning: PK-2
Petitioner: ELEMAR LLC, by Ken Woods
Request: Park District-Two Approval for the installation of a non-illuminated wall sign.

This petition was continued from the March 10, 2022 hearing to the March 24, 2022 hearing to allow for the submission of the affidavit of notice.

RECOMMENDATION

Staff **recommends approval** of the Park-District Two Approval.

SUMMARY OF ISSUES

The following issues were considered in formulating the recommendation:

LAND USE

- ◇ Aerial photography indicates that the existing building on the subject site was built in 2000/2001.
- ◇ The Comprehensive Land Use Plan recommends the Village Mixed-use typology for the site. This typology envisions a wide range of small businesses, housing types and public facilities. It is intended to strengthen historic small-town centers and to promote new neighborhood centers.

PARK DISTRICT-TWO APPROVAL

- ◇ A large area within Interstate 70, Interstate 465, the county line, and Eagle Creek Park is zoned PK-2. The purpose of this zoning is to provide for flexible, but excellent development that complements the park.

(Continued)

STAFF REPORT 2022-APP-001 (Continued)

- ◇ The Indianapolis Consolidated Zoning and Subdivision Ordinance classifies Park District Two as a Development Plan District. “No use, building or structure shall hereafter be established, constructed or used on any land in a Development Plan district for any purpose, . . . until a Site and Development Plan for such land, including the proposed use or uses, has been filed with and approved by the Commission in accordance with this zoning ordinance.”
- ◇ “The Commission may consider and act upon any such proposed use and Site and Development Plan, approve the same in whole or in part, and impose additional development standards, requirements, conditions, or commitments thereon at any public hearing of the Commission.”
- ◇ Land in the development plan districts is subject to the following site and development requirements. In review of the proposed Site and Development Plan, the Commission must assess whether the Site and Development Plan, proposed use, buildings and structures must:
 - a. Be so designed as to create a superior land development plan, in conformity with the Comprehensive Plan;
 - b. Create and maintain a desirable, efficient and economical use of land with high functional and aesthetic value, attractiveness and compatibility of land uses, within the development plan district and with adjacent uses;
 - c. Provide sufficient and adequate multi-modal access, such as parking and loading areas, transit provisions, and bicycle facilities;
 - d. Integrate a multi-modal transportation network using active and passive traffic control with the existing and planned public streets and interior roads;
 - e. Provide adequately for sanitation, drainage and public utilities in a sustainable, low-impact manner;
 - f. Allocate adequate sites for all uses proposed - the design, character, grade, location and orientation thereof to be appropriate for the uses proposed, logically related to existing and proposed topographical and other conditions, and consistent with the Comprehensive Plan; and
 - g. Provide pedestrian accessibility and connectivity, which may be paths, trails, sidewalks, or combination thereof. Pedestrian accessibility to available public transit must be provided. Sidewalks along eligible public streets consisting of the walkway and any curb ramps or blended transitions must be provided. If sidewalks are required to be installed, the Administrator or the Commission must be guided by the provisions of Section 744-304 for the installation of sidewalks.

(Continued)

STAFF REPORT 2022-APP-001 (Continued)

- ◇ This petition would provide for Park District-Two approval for a non-illuminated sign on the south wall of an existing building. Currently, the only permanent sign on the site is a brick monument sign in the southwest corner that bears the address number. The proposed sign is modestly-sized.
- ◇ Staff finds that the proposed sign meets the requirements of the Sign Ordinance and that it has the “high functional and aesthetic value” required in the PK-2 district. Staff recommends approval of the proposed wall sign.

GENERAL INFORMATION

EXISTING ZONING, CONTEXT AREA, AND LAND USE

PK-2	Metro	Office building
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SURROUNDING ZONING AND LAND USE

North	PK-2	Medical office building
South	PK-2	Medical office building
East	PK-2	Residential healthcare facility
West	PK-2	Retail center

COMPREHENSIVE LAND USE PLAN	The Pike Township Comprehensive Plan (2018) recommends Village Mixed-Use.
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THOROUGHFARE PLAN	Eagle Highlands Way is a private street and is not classified in the Official Thoroughfare Plan for Marion County, Indiana.
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FLOODWAY / FLOODWAY FRINGE	This site is not located within a floodway or floodway fringe.
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WELLFIELD PROTECTION DISTRICT	This site is not located within a wellfield protection district.
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ZONING HISTORY – SITE

2000-APP-019; 4001 Eagle Creek Parkway, requested PK-2 approval for an office building with an associated parking lot and ground sign **approved**.

(Continued)

STAFF REPORT 2022-APP-001 (Continued)

88-AP-214; 4001 Eagle Creek Parkway, requested approval of a 50-acre business park for office, office/warehouse and neighborhood commercial uses, **approved**.

ZONING HISTORY - VICINITY

2002-APP-034; 6920 Eagle Highlands Way (west of site), requested PK-2 approval to legally establish an amusement arcade within a restaurant/tavern, **approved**.

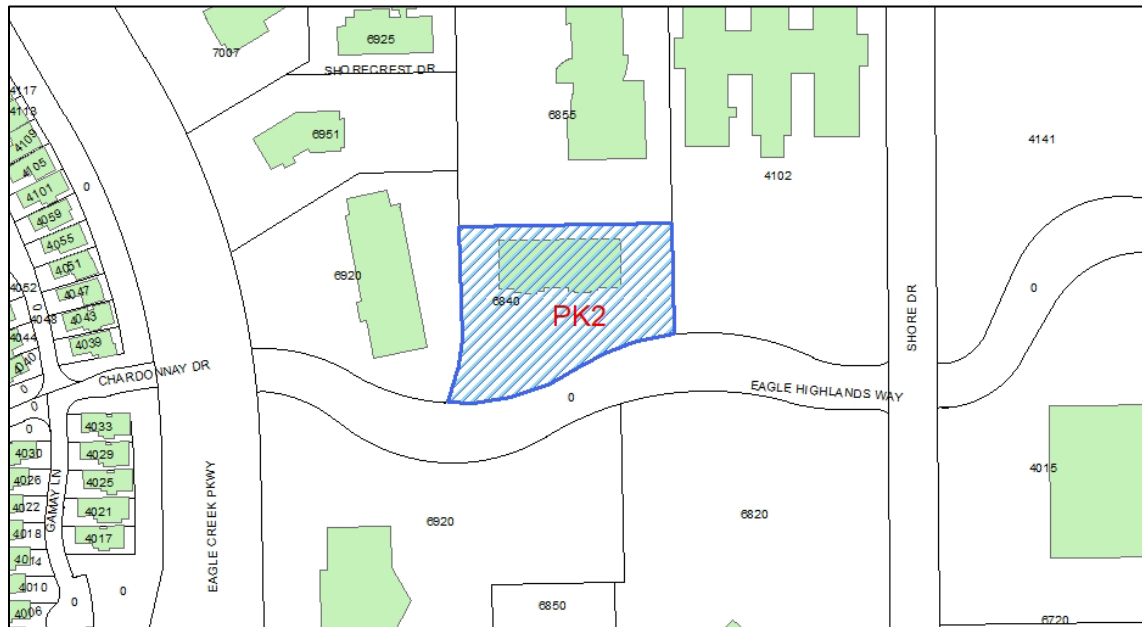
97-AP-25; 4035 Eagle Creek Parkway (west of site), requested PK-2 approval for a retail center with C-3 uses, **approved**.

97-HOV-15; 4035 Eagle Creek Parkway (west of site), requested an amendment to the sign program for increased sign area for two wall signs and illumination of an awning sign, **approved**.

95-AP-128A; 4064 Eagle Creek Parkway (west of site), requested PK-2 approval for a pizza restaurant, **approved**.

klh

STAFF REPORT 2022-APP-001, Location map



STAFF REPORT 2022-APP-001, Aerial Photography (2021)



STAFF REPORT 2022-APP-001, site plan



STAFF REPORT 2022-APP-001, sign elevations

Scale: 1 1/2" = 1'

60"

30"

S2 • Alternate Design
Fabricate and install qty (1) exterior non-lit sign

3mm White ACM
- digitally printed / UV treated
- adhesion promoter applied

Gemini pad mount to brick fascia

Color	Quantity
Blue	1
White	1
Gray	1

6 7/8"

Flora Legal Group
Chris Young
Indianapolis, IN
11-10-2021
Flor_5-4583_v4

APPROVED BY

DATE

Field survey required prior to fabrication.

All electrical is configured to 120V unless otherwise specified.

ISFSIGNS
DESIGN • FABRICATION
INSTALLATION • SERVICE
317.251.1219
isfsigns.com
6468 Rucker Road
Indianapolis, IN 46220

Please do not make any alterations to the sign without the written approval of ISFSIGNS. Any alterations made without the written approval of ISFSIGNS will void the warranty. The sign is the property of ISFSIGNS and will remain the property of ISFSIGNS. No reproduction or use of the sign is permitted without the written approval of ISFSIGNS.

PAGE 2
DESIGNED BY: CA
REVISED LAST BY: CA

Scale: 3/8" = 1'

STAFF REPORT 2022-APP-001, Photographs



Looking northeast at the building on site.



Looking north at the site.



Closer view of the subject building. The sign would be installed between the two windows to the left.



Neighbor to the north.

STAFF REPORT

Department of Metropolitan Development
Division of Planning
Current Planning Section

Case Number: 2022-ZON-023
Address: 63 South Dearborn Street (*Approximate Address*)
Location: Center Township, Council District #12
Petitioner: ICJ Homes, LLC
Request: Rezoning of 0.23 acre from the I-3 district to the D-5 district.

RECOMMENDATION

Staff **recommends approval** of this request.

SUMMARY OF ISSUES

The following issues were considered in formulating the recommendation.

LAND USE

- ◇ This site was platted as two lots as a part of Englewood in 1892 and a dwelling was built on each lot. By 1972, the northern dwelling had been demolished. The southern dwelling has burned and the garage has been demolished.
- ◇ Although platted and developed as a single-family neighborhood, the vicinity has been industrially zoned for decades. This facilitated industrial development along Washington Street to the north and adjacent to the railroad to the south.
- ◇ The 2018 Comprehensive Land Use Plan recommends Traditional Neighborhood for the subject site. This typology envisions a full spectrum of housing types, ranging from single family homes to large-scale multi-family housing with a development pattern that is compact and well-connected. This typology usually has a residential density of five to fifteen dwelling units per acre, but a higher density in proximity of a transit line, greenway, or park. Two dwellings on this site would equal 8.7 units per acre.

ZONING

- ◇ This petition requests a rezoning to the D-5 district. The D-5 district is a residential district intended to create walkable, compact neighborhoods.

(Continued)

STAFF REPORT 2022-ZON-023 (Continued)

- ◇ Seven lots in the immediate vicinity have recently been rezoned to the D-5 district.
- ◇ The D-5 district is appropriate as it is responsive to the Traditional Neighborhood recommendation of the Comprehensive Land Use Plan and is the same district as other recent, nearby residential rezonings.

GENERAL INFORMATION

EXISTING ZONING, CONTEXT AREA, AND LAND USE

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

North	I-3	Single-family dwelling
South	I-3	Vacant lot
East	I-3	Single-family dwellings
West	I-3, D-5	Single-family dwellings, vacant lot

COMPREHENSIVE LAND USE PLAN	The Center Township Comprehensive Plan (2018) recommends Traditional Neighborhood.
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THOROUGHFARE PLAN	Dearborn 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.
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FLOODWAY / FLOODWAY FRINGE	This site is not located within a floodway or floodway fringe.
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WELLFIELD PROTECTION DISTRICT	This site is not located within a wellfield protection district.
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ZONING HISTORY – SITE

98-HOV-7; 63 South Dearborn Street, requested a variance of use to provide for a residential garage in an industrial districts and variances of development standards to provide for deficient side and rear setbacks, **approved**.

ZONING HISTORY – VICINITY

2018-ZON-113; 60 South Dearborn Street and eleven other nearby addresses (north, east and west of site), requested the rezoning of 1.26 acres from the C-3, MU-1 and I-3 districts to the D-5 district, **approved**.

klh

STAFF REPORT 2022-ZON-023, Location



STAFF REPORT 2022-ZON-023, Aerial photograph (2021)



STAFF REPORT 2022-ZON-023, Photographs



Looking northeast to the subject site from Dearborn Street.



Looking east across the subject site from Dearborn Street.



Looking north on Dearborn Street.



Looking south from Dearborn Street, across Moore Avenue to a former industrial site.

STAFF REPORT

Department of Metropolitan Development
Division of Planning
Current Planning Section

Case Number: 2021-ZON-125 and 2022-VAR-001 (Amended)
Address: 4822 East Edgewood Avenue and 5820 South Emerson Avenue
(Approximate Address)
Location: Perry Township, Council District #24
Petitioner: IN Indianapolis Emerson, LLC, by Joseph D. Calderon
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. Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for multi-family development with a building height of 56 feet (maximum 45-foot building height permitted) and a Minimum Livability Ratio of 0.51 (Minimum Livability Ratio of 1.80 required).

ADDENDUM FOR MARCH 24, 2022, HEARING EXAMINER

The Hearing Examiner continued this petition from the February 24, 2022 hearing, to the March 24, 2022 hearing, to provide time for a variance to be submitted and notice provided.

Based upon the most recent submittals by the petitioner's representative staff makes the following recommendation. Staff, however understands that revised documents will be submitted. If the documents are received in time for staff's review prior to the hearing, staff will provide updated comments

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

Staff **recommends approval** of the rezoning request, subject to the four previously identified commitments.

(Continued)

STAFF REPORT 2021-ZON-125 / 2022-VAR-001 (Continued)

VARIANCE OF DEVELOPMENT STANDARDS

This request would provide for a multi-family development building height of 56 feet when the Ordinance limits the building height to 45 feet in the D-6II District. Staff is concerned with an 11-foot increase in building height and the impact on the surrounding residential land uses and architectural character of the adjacent dwellings and land uses.

Staff is also concerned with the overall mass of the multi-family building, which would not be compatible with the surrounding land uses that are generally comprised of single-family dwellings, community commercial uses and office uses.

This request would also allow for a minimum livability ratio of 0.51 when the Ordinance requires a ratio of 1.80. The basic intent of the land use intensity ratios for multi-family development is to establish the intensity that would be consistent with the characteristics of the site and the location within the community.

Land use intensity means the overall structural mass and open space relationship in a developed property. It correlates the amount of floor area, open space, livability space, recreation space and car storage space of a property with the size of the site.

Furthermore, the site is undeveloped land with minimal constraints. Consequently, staff believes the site could be developed without the need for development standards variances. In other words, staff does not believe there is a practical difficulty related to development of the site.

ADDENDUM FOR FEBRUARY 24, 2022, HEARING EXAMINER

The Hearing Examiner continued this petition from the January 27, 2022 hearing, to the February 24, 2022 hearing, to provide additional time to amend the request to include a variance of development standards.

The petition will need to be **continued from the February 24, 2022 hearing to the March 10, 2022 hearing**, to provide time for required notice of amended petition in accordance with the Rules of Procedure.

(Continued)

STAFF REPORT 2021-ZON-125 / 2022-VAR-001 (Continued)

January 27, 2022

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.
 - 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).

(Continued)

STAFF REPORT 2021-ZON-125 / 2022-VAR-001 (Continued)

- 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 / 2022-VAR-001 (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.”

(Continued)

STAFF REPORT 2021-ZON-125 / 2022-VAR-001 (Continued)

- ◇ 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.

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.

(Continued)

STAFF REPORT 2021-ZON-125 / 2022-VAR-001 (Continued)

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.

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.

(Continued)

STAFF REPORT 2021-ZON-125 / 2022-VAR-001 (Continued)

- ◇ 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.
- ◇ 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.

(Continued)

STAFF REPORT 2021-ZON-125 / 2022-VAR-001 (Continued)

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 / 2022-VAR-001 (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.

(Continued)

STAFF REPORT 2021-ZON-125 / 2022-VAR-001 (Continued)

- ◇ 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.

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.

(Continued)

STAFF REPORT 2021-ZON-125 / 2022-VAR-001 (Continued)

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.

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

SITE PLAN (AMENDED)

File-dated February 1, 2022

FINDINGS OF FACT

File-dated February 1, 2022

(Continued)

STAFF REPORT 2021-ZON-125 / 2022-VAR-001 (Continued)

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.**

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.**

(Continued)

STAFF REPORT 2021-ZON-125 / 2022-VAR-001 (Continued)

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**.

kb



4822 East Edgewood Avenue and 5820 South Emerson Avenue

N

0 0.0226.045 0.09 0.135 0.18 Miles

Petition Number _____

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

PETITION FOR VARIANCE OF DEVELOPMENT STANDARDS

FINDINGS OF FACT

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

the buildings exceeding the maximum height requirement are located in the middle of the Subject Property, in between commercial outlots and townhomes providing for an appropriate transition, and the overall development will feature meaningful open / recreation space for the multi-family and townhome components of the development.

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

there will be a transition in both intensity and building height as it relates to the single family development to the north and west as well as adequate setbacks and buffer yard space.

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

the livability space ratio is used on certain assumptions regarding density and open space, which should not be a one-size-fits-all approach given the property being located along a highly traveled corridor served by public transportation, which is contemplated to have higher density pursuant to the Comprehensive Plan.

DECISION

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

Adopted this _____ day of _____, 20 ____

FOF-Variance DevStd

Metropolitan Development
Feb 01 2022
Division of Planning

21875982.1

01/12/06 T2

[illegible]

[illegible]

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.

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



View 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: 2022-ZON-004
Address: 5530 and 5540 South East Street (*Approximate Addresses*)
Location: Perry Township, Council District #23
Petitioner: Epler Parke, LLC by Robert T. Wildman
Request: Rezoning of 2.38 acres from the C-3 and C-S districts to the C-4 district to allow for the development of a multi-tenant office building with an inpatient substance abuse treatment and recovery center as the primary tenant.

ADDENDUM FOR MARCH 24, 2022, HEARING EXAMINER

The Hearing Examiner continued this petition from the February 24, 2022 hearing, to the March 24, 2022 hearing, at the request of a neighborhood organization.

February 24, 2022

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. Pedestrian connections shall be provided to the existing buildings to the north and west within this integrated center that would include sidewalks and / or striped pedestrian crossings across access and internal drives.
2. A 67-foot half right-of-way shall be dedicated along the frontage of South East Street, as per the request of the Department of Public Works (DPW), Engineering Division. Additional easements shall not be granted to third parties within the area to be dedicated as public right-of-way prior to the acceptance of all grants of right-of-way by the DPW. The right-of-way shall be granted within 60 days of approval and prior to the issuance of an Improvement Location Permit (ILP).

SUMMARY OF ISSUES

The following issues were considered in formulating the recommendation:
(Continued)

STAFF REPORT 2022-ZON-004 (Continued)

LAND USE ISSUES

- ◇ This 2.38-acre site, zoned C-3 and C-S, is comprised of two undeveloped parcels. It is surrounded by commercial uses to the north, zoned C-S; commercial offices to the south, zoned C-1; single-family dwellings to the east, across South East Street, zoned D-1; and commercial offices to the west, zoned C-S.
- ◇ Petitions 2013-CZN-838 / 2013-CVR-838 provided for a fast-food drive through restaurant but that proposed development has not been constructed.

REZONING

- ◇ This request would rezone the site from C-3 and C-S Districts to the C-4 classification to provide for a 22,000 square-foot building consisting of commercial uses and an inpatient substance abuse treatment and recovery center. “The C-4 District is designed to provide for the development of major business groupings and regional-size shopping centers to serve a population ranging from a community or neighborhoods to a major segment of the total metropolitan area. These centers may feature a number of large traffic generators such as home improvement stores, department stores, and theatres. Even the smallest of such freestanding uses in this district, as well as commercial centers, require excellent access from major thoroughfares. While these centers are usually characterized by indoor operations, certain permitted uses may have limited outdoor activities, as specified.”
- ◇ The Comprehensive Plan recommends office commercial typology. “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.”

(Continued)

STAFF REPORT 2022-ZON-004 (Continued)

- ◇ 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.
- Master-planned developments in excess of 2 acres should include pedestrian amenities for passive and active recreation internal to the development.

Large-scale offices, retailing, and personal or professional services (defined as commercial uses with minimal outdoor operations, storage, or display on lots of more than 1.5 acres and a height of more than 35 feet).

- Pedestrian connections between buildings should be provided.
- Street connections to perimeter roads should be provided.

Department of Public Works

- ◇ The Department of Public Works, Traffic Engineering Section, has requested the dedication and conveyance of a 67-foot half right-of-way along South East Street. This dedication would also be consistent with the Marion County Thoroughfare Plan.

Planning Analysis

- ◇ As proposed, this request would be consistent with the Comprehensive Plan recommendation of office commercial. The primary tenant would be an inpatient substance abuse treatment and recovery center, which would be considered a medical facility that would not negatively impact surrounding land uses.
- ◇ Staff would note that the Pattern Book recommends pedestrian connections between buildings, which should be incorporated into the final plans with connections to all the existing buildings located within this integrated center to the north and west that would include sidewalks and / or striped pedestrian crossings, depending upon the location. Sidewalks would also be required along the South East Street frontage.

(Continued)

STAFF REPORT 2022-ZON-004 (Continued)

GENERAL INFORMATION

EXISTING ZONING AND LAND USE

C- / C-S

Undeveloped

SURROUNDING ZONING AND LAND USE

North - C-S

Commercial uses

South - C-1

Office commercial uses

East - D-1

Single-family dwellings

West - C-S

Office commercial uses

COMPREHENSIVE LAND USE PLAN

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

THOROUGHFARE PLAN

This portion of South East Street is designated in the Marion County Thoroughfare Plan as a primary arterial with an existing 126-foot right-of-way and a proposed 134-foot right-of-way.

CONTEXT AREA

This site is located within the metro context area.

OVERLAY

This site is not located within an overlay.

ZONING HISTORY

2013-CZN-838 / 2013-CVR-838; 5540 South East Street, requested rezoning of 0.77 acre from the C-S district to the C-3 classification to provide for a drive-through fast-food restaurant and a variance of development standards of the Commercial Zoning Ordinance to provide for outdoor seating and dining, **approved and granted**.

99-Z-11; 5678 South East Street (subject site); requested rezoning of 10.216 acres from the D-A classification to the C-S district to provide for office and retail commercial uses, **approved**.

(Continued)

STAFF REPORT 2022-ZON-004 (Continued)

VICINITY

2009-ZON-072; 5460 South East Street (north of site); requested rezoning of 0.56-acre from the D-A District to the C-3C classification, **approved.**

2008-ZON-023; 5470 South East Street (formerly 456 East Epler Avenue (north of site), requested rezoning of 0.37 acre from D-3 to C-3, **approved.**

2002-ZON-079; 450 East Epler Avenue (north of site), requested rezoning of 0.5 acre from D-A to C-1, **approved.**

kb





1. STANDARD BRICK, COLOR TIED
2. HAIRY TEXTURED PANEL, BOMB-SMOOTH SAND, COLOR TIED
3. 4" HAIRY PLANK LAY-BOMB, COLOR TIED
4. 4" CONCRETE
5. PREPARED ALUMINUM STONEWORK, REFER TO A3E.
6. CLOTH KINGS
7. CANOPY
8. PREPARED CORING



08.31.2021

PROJECT INFORMATION

ALLEN COMMERCIAL
GROUP RETAIL

[illegible]210195
EXTERIOR ELEVATIONS

A201





View looking north along East South Street



View looking south along South East Street



View of site looking south



View of site looking east



View of site looking east



View of site looking east



View of site looking north



View from site looking west



View from site looking north

STAFF REPORT

Department of Metropolitan Development Division of Planning Current Planning Section

Case Number: 2022-ZON-012
Address: 4903 & 4907 Winthrop Avenue (*Approximate Address*)
Location: Washington Township, Council District #9
Petitioner: Overdose-Lifeline, Inc. by Michael Rabinowitch
Request: Rezoning of 0.33 acre from the C-S (W-1) district to the C-S (W-1) district to permit a residential facility for women in recovery.

The Hearing Examiner acknowledged the automatic continuance that was filed by a remonstrator that continued this petition from the February 24, 2022 hearing, to the March 24, 2022 hearing.

RECOMMENDATIONS

Staff **recommends approval** of the request.

SUMMARY OF ISSUES

The following issues were considered in formulating the recommendation:

LAND USE ISSUES

- ◇ This 0.33-acre site, zoned C-S (W-1), is comprised of two parcels, each developed with a converted single-family dwelling. It is surrounded by a single-family to the north, zoned D-5; a single-family dwelling to the south, across East 49th Street, zoned D-5; commercial uses to the east, zoned C-7; and single-family dwellings to the west, across Winthrop Avenue, zoned D-5.
- ◇ Petition 2013-ZON-074 rezoned the site from the D-5 (W-1) district to the C-S (W-1) classification to provide for mixed use, including a hostel.

REZONING

- ◇ This request would rezone the site from C-S (W-1) District to the C-S (W-1) classification to provide for a residential facility for women in recovery, along with their children.

(Continued)

STAFF REPORT 2022-ZON-012 (Continued)

- ◇ The Special Commercial district (C-S) is established for the following purposes:
 - 1. To encourage:
 - i. A more creative approach in land planning.
 - ii. Superior site and structural design and development.
 - iii. An efficient and desirable use of open space.
 - 2. To provide for a use of land with high functional value.
 - 3. To assure compatibility of land uses, both within the C-S district and with adjacent areas.
 - 4. To permit special consideration of property with outstanding features, including, but not limited to, historical, architectural or social significance, unusual topography, landscape amenities, and other special land characteristics.
 - 5. To provide maximum adaptability and flexibility in zoning and development controls to meet the changing and diverse needs of the metropolitan area.

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

- ◇ The Comprehensive Plan recommends Traditional Neighborhood typology. “The Traditional Neighborhood typology includes a full spectrum of housing types, ranging from single family homes to large-scale multifamily housing. The development pattern of this typology should be compact and well-connected, with access to individual parcels by an alley when practical. Building form should promote the social connectivity of the neighborhood, with clearly defined public, semi-public, and private spaces. Infill development should continue the existing visual pattern, rhythm, or orientation of surrounding buildings when possible. A wide range of neighborhood-serving businesses, institutions, and amenities should be present. Ideally, most daily needs are within walking distance. This typology usually has a residential density of 5 to 15 dwelling units per acre, but a higher density is recommended if the development is within a quarter mile of a frequent transit line, greenway, or park.”

(Continued)

STAFF REPORT 2022-ZON-012 (Continued)

- ◇ The Comprehensive Plan consists of two components that include the Pattern Book and the land use map. The Pattern Book provides a land use classification system that guides the orderly development of the county and protects the character of neighborhoods while also being flexible and adaptable to allow neighborhoods to grow and change over time.
- ◇ The Pattern Book serves as a policy guide as development occurs. Below are the relevant policies related to this request:

Conditions for All Land Use Types

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

Conditions for All Housing

- A mix of housing types is encouraged.
- Should be within a one-mile distance (using streets, sidewalks, and/or off-street paths) of a school, playground, library, public greenway, or similar publicly-accessible recreational or cultural amenity that is available at no cost to the user.
- Primary structures should be no more than one and a half times the height of other adjacent primary structures.
- Should be oriented towards the street with a pedestrian connection from the front door(s) to the sidewalk. Driveways/parking areas do not qualify as a pedestrian connection.
- Developments with densities higher than 15 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. Garages should be loaded from an alley or side street when possible, and should be detached if located on the side of the house.
- Secondary units are encouraged.
- Lots should be no larger than one and a half times the adjacent lots.

(Continued)

STAFF REPORT 2022-ZON-012 (Continued)

Wellfield Protection Secondary Zoning

- ◇ A wellfield is an area where the surface water seeps into the ground to the aquifer and recharges the wells that are the source of our drinking water. This secondary zoning district places closer scrutiny on uses and activities that might contaminate the underground drinking water supply.
- ◇ There are two wellfield district designations. An area identified as W-1 is a one-year time-of-travel protection area. The W-5 is a five-year time-of-travel protection area. All development within these districts are subject to Commission approval. The filing of a site and development plan is required and subject to approval, on behalf of the Commission, by a Technically Qualified Person (TQP), unless exempted by the Ordinance.
- ◇ “Because of the risk that hazardous materials or objectionable substances pose to groundwater quality, it is recognized that the further regulation of the manufacturing of, handling, transfer, disposal, use or storage of hazardous materials or objectionable substances related to nonresidential use activities is essential in order to preserve public health and economic vitality with Marion County.”
- ◇ All uses permitted in the applicable primary zoning district shall be those uses permitted in the W-1 and W-5 zoning districts, unless otherwise prohibited by the Ordinance, and provided no other secondary zoning district prohibits the use.
- ◇ “No building, structure, premises or part thereof shall be altered, constructed, converted, erected, enlarged, extended, modified, or relocated except in conformity with this Section, and not until the proposed Site and Development Plan has been filed with and approved on behalf of the Commission by the Technically Qualified Person (TQP). Regulations found in Chapter 742, Article II, Section 4 shall apply to all land within the Wellfield Protection Zoning Districts. The entire site shall be subject to review by the TQP. These regulations shall be in addition to all other primary and secondary zoning district regulations applicable to such land, and in case of conflict, the more restrictive regulations shall apply.”

(Continued)

STAFF REPORT 2022-ZON-012 (Continued)

- ◇ The subject site is located within the W-1 Fall Creek wellfield protection area and any use or development within a wellfield protection district would be subject to the Technically Qualified Person (TQP) review and approval, unless and until the property owner provides sufficient justification that the type of use, type of facility, and chemical quantity limits, independent of the land use would be exempt from the requirements for filing a development plan. Otherwise, a development plan would be required to be filed and approved on behalf of the Metropolitan Development Commission by the (TQP). Contaminants that would have an adverse effect would include chemicals that are used in the home, business, industry, and agriculture. Chemicals such as furniture strippers, lawn and garden chemicals, cleaning chemical and solvents, gasoline, oil, and road salt can all contaminate groundwater supplies if poured on the ground or improperly used or stored.

C-S Development Statement

- ◇ The C-S Development Statement, file-dated January 20, 2022, states that the existing residential structures include nine bedrooms and seven bathrooms that would serve between 18 and 20 women undergoing recovery from substance abuse, along with their children. See Exhibit A.
- ◇ Treatment providers would include a licensed therapist, care coordinators and case managers. An employee apartment would be located within an addition to the detached garage (approved by petition 2012-ZON-074).
- ◇ Four on-site parking spaces would be available, with on-street parking along Winthrop Avenue.

Planning Analysis

- ◇ Staff supports this rezoning request because it would be consistent with the Comprehensive Plan recommendation of traditional neighborhood. Furthermore, the proposed use would be a reduction in and less intense than the previously approved uses as well as being similar to the hostel use that was previously included as a permitted use on this site.
- ◇ It is anticipated that parking needs of the residents would be less impactful than parking needs of the previously approved uses. Additionally, public transportation would be available via the Red Line within walking distance to the west to North College Avenue.

(Continued)

STAFF REPORT 2022-ZON-012 (Continued)

GENERAL INFORMATION

EXISTING ZONING AND LAND USE

C-S (W-1)

Single-family dwellings (converted)

SURROUNDING ZONING AND LAND USE

North - D-5

Single-family dwelling

South - D-5

Single-family dwelling

East - C-7

Commercial uses

West - D-5

Single-family dwellings

COMPREHENSIVE LAND USE PLAN

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

THOROUGHFARE PLAN

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

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

CONTEXT AREA

This site is located within the compact context area.

OVERLAY

This site is not located within an overlay.

WELLFIELD PROTECTION DISTRICT SITE PLAN

This site is located within the Fall Creek (W-1) Wellfield Protection Secondary district.
January 20, 2022

DEVELOPMENT STATEMENT

January 20, 2022

(Continued)

STAFF REPORT 2022-ZON-012 (Continued)

ZONING HISTORY

2013-ZON-074; 4903 and 4907 Winthrop Avenue, requested rezoning of 0.33 acre from the D-5 (W-1) district to the C-S (W-1) classification to provide for a hostel, a yoga fitness facility and studio, an employee apartment, an indoor/outdoor event center for weddings, small parties, festivals, concerts, recitals with live entertainment, outdoor flea market, outside cooking and dining for hostel occupants and guests, single-family dwelling units, neighborhood crime watch meetings, and with a detached garage expansion, with a second floor dwelling unit, **approved**.

2003-UV2-032; 4903 Winthrop Avenue; requested a variance of use and development standards to allow a hostel in a D-5 district, **granted**.

kb



SURVEYOR LOCATION REPORT

I hereby certify to the parties named above that the real estate described herein was inspected under my supervision on the date indicated and that to the best of my knowledge, this report conforms with the requirements contained in Sections 27 through 29 of 865 IAC 1-1-12 for a SURVEYOR LOCATION REPORT. Unless otherwise noted there is no visible evidence of possession lines found.

NOTE: FENCE LOCATIONS SHOWN ARE APPROXIMATE. AN ACCURATE BOUNDARY SURVEY IS REQUIRED TO DETERMINE EXACT LOCATIONS.

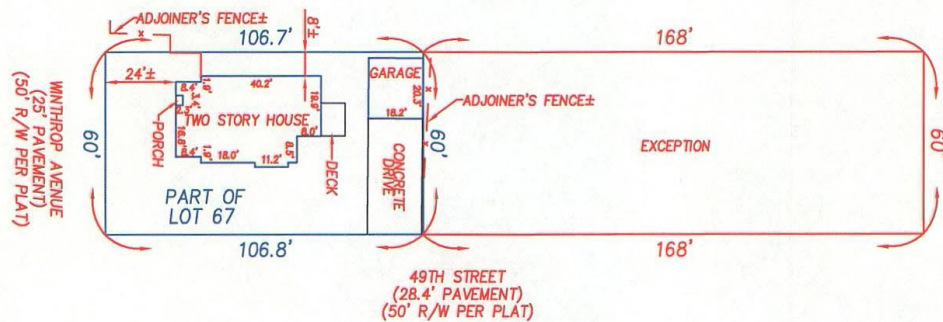
NOTE: DUE TO THE LACK OF QUALIFIED MONUMENTATION FOUND, THE ACCURACY OF THIS REPORT IS LIMITED TO 3'±.

LEGEND

R/W	RIGHT-OF-WAY
— x —	FENCE±



Scale: 1"=50'



HAHN SURVEYING GROUP, INC.
 Land Surveyors
 8925 N. Meridian Street, Suite 120
 Indianapolis, IN 46260
 PHONE: (317) 846-0840 / (317) 846-4119
 FAX: (317) 846-4298 / (317) 582-0662
 EMAIL: orders@hahnsurveying.com
www.hahnsurveying.com



CERTIFIED: 12/16/2021

Chad L. Brown
 Chad L. Brown
 Registered Land Surveyor,
 Indiana #21100002
 Drawn By: EWD
 Job No.: S21-7739
 Sheet 2 of 2

SURVEYOR LOCATION REPORT

I hereby certify to the parties named above that the real estate described herein was inspected under my supervision on the date indicated and that to the best of my knowledge, this report conforms with the requirements contained in Sections 27 through 29 of 865 IAC 1-1-12 for a SURVEYOR LOCATION REPORT. Unless otherwise noted there is no visible evidence of possession lines found.

NOTE: FENCE LOCATIONS SHOWN ARE APPROXIMATE. AN ACCURATE BOUNDARY SURVEY IS REQUIRED TO DETERMINE EXACT LOCATIONS.

NOTE: DUE TO THE LACK OF QUALIFIED MONUMENTATION FOUND, THE ACCURACY OF THIS REPORT IS LIMITED TO 3'±.

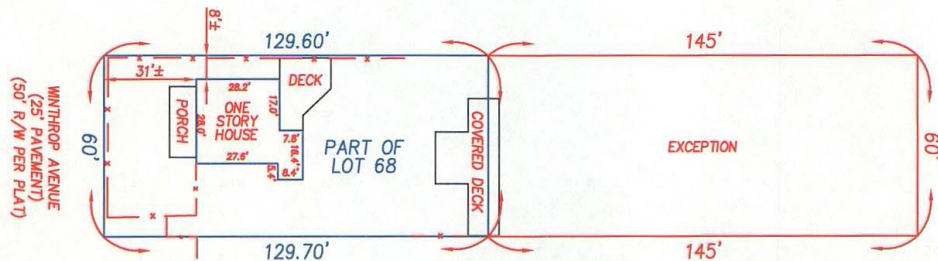
NOTE: COVERED DECK 3'± PAST EAST LINE.



Scale: 1"=50'

LEGEND

R/W	RIGHT-OF-WAY
x	FENCE±



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CERTIFIED: 12/16/2021

Chad L. Brown
Chad L. Brown
Registered Land Surveyor,
Indiana #21100002
Drawn By: EWD
Job No.: S21-7738
Sheet 2 of 2

EXHIBIT A

Overdose Lifeline Women's Recovery Residence DEVELOPMENT STATEMENT

I. Background and Description

The Overdose Lifeline (ODL) Holistic Women's Recovery Residence Program is designed to help women, women who are pregnant and parenting women suffering from substance use disorder. The mission of the program is to provide pregnant and parenting women struggling with substance misuse and addiction a holistic range of supports to reduce dependence on social services, improve health and wellness, reduce housing instability, and enable movement to social and economic self-sufficiency.

The need for a safe and immediate place for women and their children to go to for recovery is great. The center will provide housing with a mandatory 30-day still period upon admission. Residents will participate in daily programming to include individual and group therapy, 12 step meetings, life skills training, career building and mindfulness activities and work to build positive support systems in an environment that is stigma-free, emphasizing safety. Each resident will receive a care coordinator who will help them to develop a personalized treatment plan and meet on a regular basis to ensure goals are met. The care coordinator will assist in identifying resources, necessary referrals and preparing the resident for successful self-efficacy.

The program is initially being supported by two pending grants. One grant provided by the City of Indianapolis is to support program operations in the amount of approximately \$700,000. The second grant is for the purposes of purchasing the properties through a Community Development Block Grant awarded in early January.

The Women's Recovery Residence will be governed by a set of standards created by the National Alliance for Recovery Residences (<https://narronline.org/affiliate-services/standards-and-certification-program/>) and certified through the Indiana NARR affiliate administered through the Indiana Department of Mental Health and Addiction (DMHA), a part of the State of Indiana (FSSA) Families and Social Services Administration.

NARR certification opens the door to state funding through a program called Recovery Works which supports the ongoing recovery of these women through clinical mental health services and life skills as well as other addiction recovery programs. We will likely partner with another organization to provide some of these services.

II. Existing Structures and Permitted Uses

The existing residential structures include 9 bedrooms and 7 bathrooms. Currently being operated as a Hostel which allows for 38-42 guests. ODL's proposed use is anticipated to allow less residents. NARR standards require 50 SF per bed and no more than 6 residents per full bath. Using the NARR standards, we anticipate housing no more than 18 to 20 women at any given time.

The Women's Recovery Residence will have a trained staff person on site 24/7 and at least 2 staff members will be present during business hours. There will also be treatment providers (licensed therapist, care coordinators and case managers) at the residence to assist the women and children.

There are 2 fully functioning kitchens that will be available only to the residents and their children.

Uses ancillary to ODL's primary use may include group recovery meetings, outside cooking and dining for residents much like any family would use their backyard, single-family dwelling units, an employee apartment, and with an addition to the current detached garage, a second story that could be used for office space or living space. The addition to the detached garage was approved by 2013-ZON-074, but has not yet been constructed.

III. Parking

There are four (4) on-site parking spaces, which include two garage spaces and room for two cars in the driveway. On street parking is available along Winthrop Ave. Parking needs for ODL's facility are anticipated to be much less than the existing hostel use because there will be 50% less residents and most residents do not own cars. In addition, the property is located less than a half mile away from the IndyGo red line.

IV. Signage

ODL plans to install a small sign at the entrance to each property to identify the name of the House and to communicate safe space. Any proposed signage shall be subject to Administrator's Approval prior to issuance of a sign permit.



View looking west along East 49th Street



View looking east along East 49th Street



View looking south along Winthrop Avenue



View of site looking northwest across East 49th Street



View of dwelling addressed as 4903 Winthrop Avenue



View of dwelling addressed ad 4907 Winthrop Avenue

STAFF REPORT

Department of Metropolitan Development Division of Planning Current Planning Section

Case Number: 2022-ZON-014
Address: 8604 and 8610 Shelby Street (*Approximate Address*)
Location: Perry Township, Council District #23
Petitioner: Hoosier Innovation Center Holdings Inc. by David Gilman
Request: Rezoning of 9.67 acres from the D-A (FF) district to the C-S (FF) district to allow for an office building and self-storage facility.

This petition was continued from the February 24, 2022 hearing to the March 24, 2022 hearing to allow time for the petitioner to amend the site plan. As of the publication of this report, an amended site plan has not been submitted.

RECOMMENDATION

Staff **recommends denial** of this request. Should the Hearing Examiner recommend approval of this petition, staff recommends that the approval be subject to the following commitment:

A Heritage Tree study shall be conducted prior to any Improvement Location Permits being issued for the site. The final plan for the site shall be designed in such a manner as to save as many Heritage Trees as reasonably possible.

SUMMARY OF ISSUES

The following issues were considered in formulating the recommendation.

LAND USE

- ◇ This petition encompasses two parcels. Historic aerial photography indicates that a dwelling has existed on each parcel since at least 1937, with the north dwelling being demolished within the last five years.
- ◇ The 2018 Comprehensive Land Use Plan recommends Suburban Neighborhood for the site. This land use typology is primarily intended for single-family residential development. However, some forms of multi-family and congregate housing are envisioned provided certain criteria is met. Small-scale office, retailing and personal

(Continued)

STAFF REPORT 2022-ZON-014 (Continued)

and professional services are also envisioned, but under certain criteria. Heavy commercial and light industrial uses such as self-storage facilities are not envisioned by the Land Use Plan.

- ◇ An office building and a self-storage facility are proposed for the site. The Suburban Neighborhood criteria for offices are connection to a local sidewalk system, location at the intersection of arterial streets, being part of commercial node no larger than 1.5 acres, and being a site large enough to provide for adequate screening and buffering.
- ◇ The subject site does not meet all of these criteria. The subject site and the sites to the north and south do not have sidewalks. The assisted living facility across Shelby Street does have a sidewalk. A sidewalk along the Shelby Street frontage of the site would be required by the Ordinance if new construction were to take place.
- ◇ The site is in a mid-block location on a collector site, so the site would not meet the criteria of being at the corner of two arterial streets. The purposes of this criteria are to discourage the random placement of new commercial areas and to keep them in locations where there is appropriate access.
- ◇ It is not part of a commercial node, being located between two churches and across the street from an assisted living facility.
- ◇ The site does meet the remaining criteria of being large enough to accommodate appropriate screening and buffering.

ZONING

- ◇ This petition would rezone the subject site from D-A to C-S. The requested district, C-S, is intended to allow flexibility in the mix of land uses, but also expects creativity, superior site design and consideration of the environment.
- ◇ This petition would permit an office building to the front of the site with the remainder of the site being used for self-storage.
- ◇ Self-storage is permitted in the C-7 Heavy Commercial district and the industrial districts. This indicates that this use is not compatible with uses that are much less intense such as dwellings, assisted living facilities, or religious uses.

(Continued)

STAFF REPORT 2022-ZON-014 (Continued)

- ◇ The western three-quarters of the site is wooded. Most of the woodland has grown up since agricultural operations ceased on the northern site in early 1990s and on the southern site in early 2000s. Older, larger trees that originally grew up around the houses and along fence rows can be found on the site and are likely large enough to be Heritage Trees. A Heritage Tree study should be done on the site prior to any clearing of the site. Design of the site should take the Heritage Trees into consideration. Relocation of some of the proposed buildings would likely be needed.
- ◇ As the proposed development would not be responsive to the Comprehensive Land Use Plan and is not compatible with the neighboring land uses, staff recommends denial of this petition.

GENERAL INFORMATION

EXISTING ZONING, CONTEXT AREA, AND LAND USE

D-A	Metro	Single-family dwelling
-----	-------	------------------------

SURROUNDING ZONING AND LAND USE

North	SU-1	Religious use
South	SU-1	Religious use
East	C-1, HD-2	Assisted living facility, undeveloped land
West	D-P	Multi-family dwellings, triplexes

COMPREHENSIVE LAND USE PLAN	The Perry Township Comprehensive Plan (2018) recommends Suburban Neighborhood.
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THOROUGHFARE PLAN	Shelby Street is classified in the Official Thoroughfare Plan for Marion County, Indiana as a Primary Collector, with an existing 90-foot right-of-way and a 90-foot proposed right-of-way.
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FLOODWAY / FLOODWAY FRINGE	The southeastern corner of the site is located within the floodway fringe of Buffalo Creek.
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STREAM PROTECTION CORRIDOR	The southeastern corner of the site is located within the stream protection corridor of Buffalo Creek, a category two stream with a 50-foot corridor.
----------------------------	---

(Continued)

STAFF REPORT 2022-ZON-014 (Continued)

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

ZONING HISTORY – SITE

None.

ZONING HISTORY – VICINITY

2015-ZON-103; 8607 Shelby Street (east of site), requested the rezoning of one acre from the D-A district to the HD-2 district, **approved**.

2015-ZON-015I 8601 Shelby Street (east of site), requested the rezoning of four acres from the D-A district to the HD-2 district, **approved**.

97-Z-123 / 97-AP-70; 8649 to 8707 Shelby Street (east of site), requested the rezoning of 19.5 acres from the D-A district to the HD-2 district, **approved**.

92-Z-113; 8505 Shelby Street (east of site), requested the rezoning of 1.56 acre from the D-A district to the C-1 district, **approved**.

89-Z-106, DP-9; 660 East County Line Road (west and north of site), requested the rezoning of 35 acres from the A-2 district to the D-P district to provide for multi-family and single-family dwellings, **approved**.

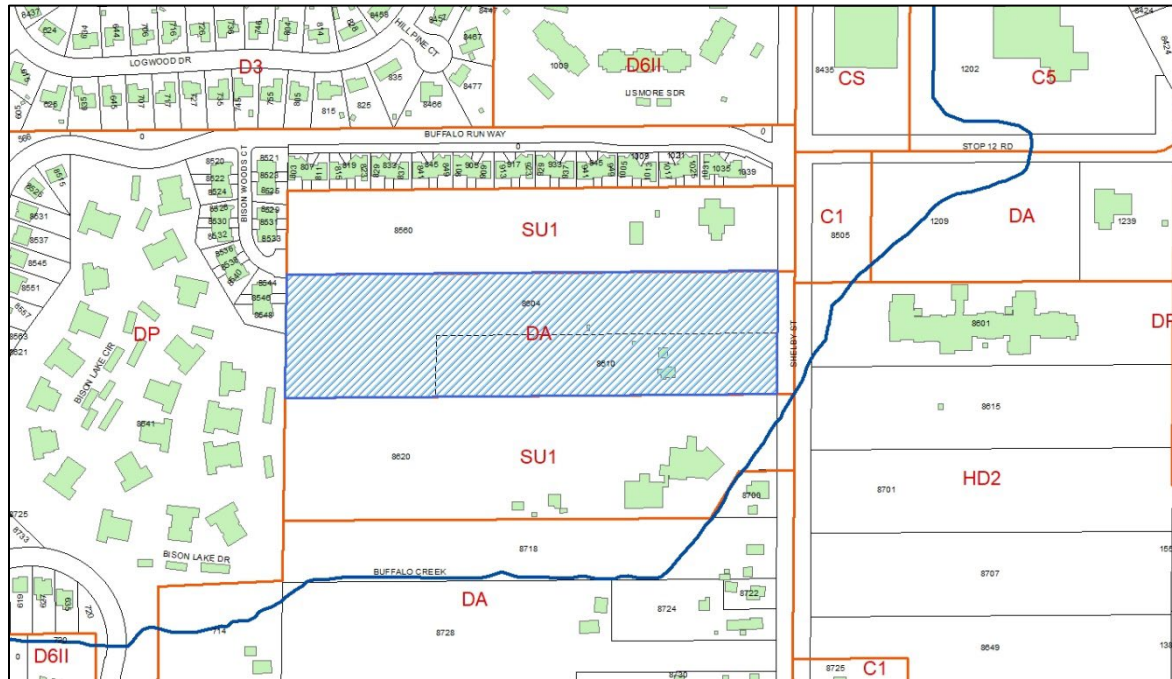
88-Z-201; 8651 Shelby Street (east of site), requested the rezoning of 20 acres from the A-2 district to the D-6II district, **denied**.

86-Z-244; 8560 Shelby Street (north of site), requested the rezoning of five acres from the A-2 district to the SU-1 district, **approved**.

74-Z-162; 8620 Shelby Street (south) of site), requested the rezoning of 9.45 acres from the A-2 district to the SU-1 district, **approved**.

klh

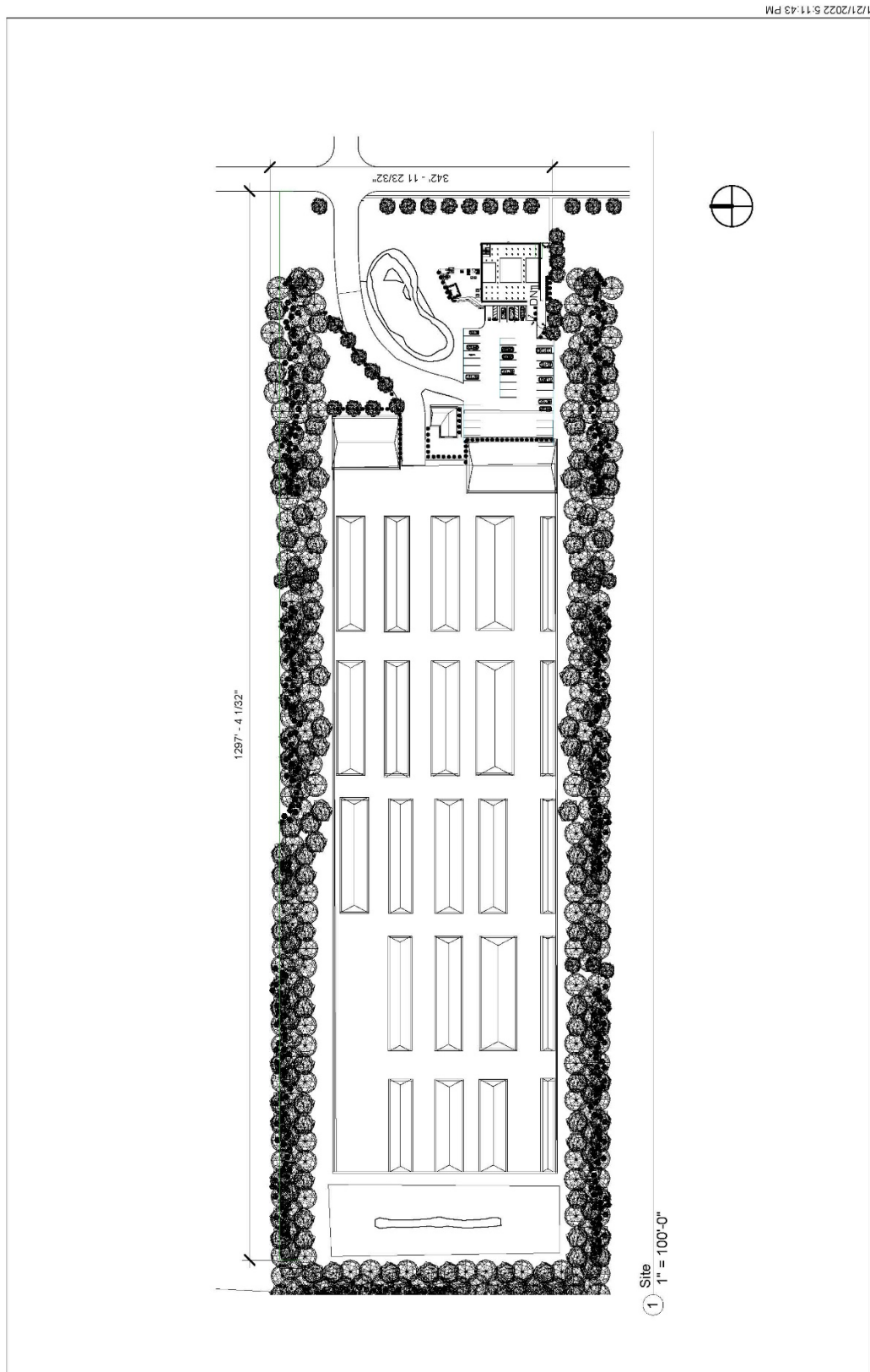
STAFF REPORT 2022-ZON-014, Location



STAFF REPORT 2022-ZON-014, Aerial photograph (2021)



STAFF REPORT 2022-ZON-014, Site Plan



STAFF REPORT 2022-ZON-014, Plan of Operation

Plan of Operation 8606-8610 Shelby Street 1/5/22

BACKGROUND

The subject 10-acre property consist of 2 parcels with a vacant single-family residence. The site is mostly woodland and has mature perimeter screening to the north, south and west. The adjacent properties are developed with religious uses to the north and south and an apartment community to the west. Across Shelby Street to the east is a senior living facility. The site offers an infill development opportunity that will service the needs of the area neighborhood and business community.

Business Use

The petition proposes a contemporary 12,000 sqft. office headquarters and a state-of-the-art self-storage facility. The office building will have several medium to large office tenants, including the petitioners' businesses. The petitioner will own and operate the self-storage business as a long-term investment. Details of the building elevations, perimeter tree preservation, enhanced landscaped and gathering areas have all been included with the file to demonstrate the highest consideration given to the developed area, quality architecture and superior site planning.

Workforce

The proposed office use will have approximately 50 employees. The self-storage will operate with kiosk and secured gated access for its customers. There will be a daytime employee operating the leasing and small retail shop located at the main entrance to the storage facility.

Hours of Operation

Business hours would be from 7am to 7pm Monday Through Friday and 8am to 4 pm on Saturday. Most of the businesses will be closed on Sundays.

Off-Street Parking

There is a total of thirty-five (35) parking spaces proposed, including van accessible handicap spaces. Additional parking areas are available to accommodate future growth.

Signage

The proposed development will have one (1) 4 X 8 ground sign off Shelby Street.

Clients and Customers

The office uses will have mostly appointment customers and clients. The self-storage business will have 100% leased customers and will be monitored through the kiosk access.

Business Activity/Security Measures

The office building will have security lighting around the building and at every entrance. The parking lot will have fully shielded streetlamps. The self-storage facility will have a secured gated entrance, kiosk access only and LED lighting on every building.

The self-storage business will be surrounded with a 6-foot, vinyl coated, chain linked fence.

Shipping and Receiving

The office headquarters will receive materials from UPS or a FedEx type of delivery service. There would be no semi-trailer deliveries to the site. All shipping and receiving will be within normal postal time frames.

The self-storage will have moving vans, trailers, and passenger vehicles only.

Waste

All waste would be picked up by utilizing a private or City waste disposal service. The owners do to participate in a recycling program for any paper, box, or plastic waste.

Self-Imposed Conditions

The petitioner would agree to the following self-imposed conditions:

1. All development shall be in compliance with, and subject to, the site plan file dated 10/21/21.
2. The use of the property shall be in substantial compliance with, and subject to, the Plan of Operation, file 1/5/22.

STAFF REPORT 2022-ZON-014, Renderings



STAFF REPORT 2022-ZON-014, Photographs



Looking west at 8604 Shelby Street, the northern parcel of the subject site.



Looking west at 8610 Shelby Street, the southern parcel of the subject site.



Neighbor to the north.



Looking north on Shelby Street. The subject site is to the left.



Looking east across Shelby Street at the neighbor to the east.



Neighbor to the south.



Looking south along the western edge of the site and the neighbors to the west.



Looking north at the west edge of the site and the neighbors to the west.

STAFF REPORT

Department of Metropolitan Development Division of Planning Current Planning Section

Case Number: 2021-CZN-858 / 2021-CAP-858 / 2021-CVR-858
Address: 5380 and 5390 Rockville Road (approximate address)
Location: Wayne Township, Council District #15
Petitioner: Extra Space Properties Two, LLC, by Joseph D. Calderon
Request: Rezoning of 5.89 acres from the C-S (FF) district to the C-S (FF) district to provide for outdoor storage of vehicles, recreational vehicles and boats.
Modification of Commitments related to 98-Z-181 and 2015-MOD-020 to terminate all existing commitments, except for Commitment #1 related to open occupancy, and replace with commitments submitted with this petition.
Variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for a six-foot tall fence in the front yard along Rockville Road (maximum 3.5-foot tall fence permitted).

ADDENDUM FOR MARCH 24, 2022, HEARING EXAMINER

The Hearing Examiner continued these petitions from the December 16, 2021 hearing, to the March 24, 2022 hearing, at the request of the petitioner's representative.

The petitioner's representative is requesting a **continuance from the March 24, 2022 hearing, to the April 28, 2022 hearing**. Staff would have no objection to the continuance request.

ADDENDUM FOR DECEMBER 16, 2021, HEARING EXAMINER

The Hearing Examiner continued these petitions from the November 18, 2021 hearing to the December 16, 2021 hearing, at the request of the petitioner's representative.

The petitioner's representative submitted a landscape plan (See Exhibit A) for staff's review and consideration. Staff believes this would be an improvement but is more concerned with the visibility of the outdoor storage, the inappropriate expansion of the use and increase of intensity of this use along a highly traveled commercial corridor. Consequently, staff **continues to recommend denial** of all the requests.

(Continued)

STAFF REPORT 2021-CZN-858 / 2021-CAP-858 / 2021-CVR-858 (Continued)

November 18, 2021

RECOMMENDATIONS

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

SUMMARY OF ISSUES

The following issues were considered in formulating the recommendation:

LAND USE ISSUES

- ◇ This 5.78-acre site, zoned C-S, is developed with a self-storage facility. It is surrounded by undeveloped land to the north, zoned C-S; commercial uses to the south, across Rockville Road, zoned C-4; a fraternal organization to the east, zoned SU-34 (club rooms / fraternity and lodge / public ballroom); and single-family dwellings to the west, zoned D-3.-
- ◇ Petition 98-Z-181 rezoned the site to the C-S District to provide for a self-storage facility and one outlot for C-4 uses. Petition 2015-MOD-020 modified the site plan and commitments related to the previous rezoning that included the outlot, permitted uses, chain restaurants, parking behind buildings and architectural review.

REZONING

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

(Continued)

STAFF REPORT 2021-CZN-858 / 2021-CAP-858 / 2021-CVR-858 (Continued)

- ◇ The Comprehensive Plan recommends community commercial. “The Community Commercial typology provides for low-intensity commercial and office uses that serve nearby neighborhoods. These uses are usually in freestanding buildings or small, integrated centers. Examples include small-scale shops, personal services, professional and business services, grocery stores, drug stores, restaurants, and public gathering spaces.”
- ◇ The Comprehensive Plan consists of two components that include the Pattern Book and the land use map. The Pattern Book provides a land use classification system that guides the orderly development of the county and protects the character of neighborhoods while also being flexible and adaptable to allow neighborhoods to grow and change over time.
- ◇ The Pattern Book serves as a policy guide as development occurs. Below are the relevant policies related to this request:

Conditions for All Land Use Types

- All land use types except small-scale parks and community farms/gardens in this typology must have adequate municipal water and sanitary sewer.
 - All development should include sidewalks along the street frontage.
- ◇ This site is also located within an overlay, specifically the Environmentally Sensitive Area (EA). “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.”
- ◇ The overlay relates to the 100-year floodplain and the secondary zoning classification of a Floodway Fringe (FF), which is the portion of the regulatory floodplain that is not required to convey the 100-year frequency flood peak discharge and lies outside of the floodway.

(Continued)

STAFF REPORT 2021-CZN-858 / 2021-CAP-858 / 2021-CVR-858 (Continued)

- ◇ The designation of the FF District is to guide development in areas subject to potential flood damage, but outside the Floodway (FW) District. Unless otherwise prohibited, all uses permitted in the primary zoning district C-S in this request) are permitted, subject to certain development standards of the Flood Control Secondary Zoning Districts Ordinance.
- ◇ Staff believes the proposed outdoor storage would introduce a land use element that would be incongruous with the surrounding land uses, particularly the nearby residential uses to the west. Outdoor storage is typically found in industrial areas or highly intense commercial areas. The surrounding land uses in the immediate area are characterized by low intense commercial and office uses. Staff believes that any expansion of the storage should be within enclosed buildings to minimize impact on the surrounding land uses.

MODIFICATION

- ◇ This request would modify commitments related to 98-Z-181 and 2015-MOD-020 to terminate all existing commitments, except for Commitment #1 related to open occupancy, and replace with commitments submitted with this petition. See Exhibit A.
- ◇ Because staff believes the expansion of outdoor storage is not appropriate and not supportable, staff would not support the requested modification that would allow for this use.
- ◇ The more appropriate expansion of the storage would be additional enclosed units, not outdoor storage.

VARIANCE OF DEVELOPMENT STANDARDS

- ◇ This request would provide for a six-foot tall fence in the front yard along Rockville Road when the Ordinance limits the height to 3.5 feet.
- ◇ The current use has operated for over 20 years without the need for a six-foot tall fence along Rockville Road. Consequently, there is no practical difficulty in the use of the property.

(Continued)

STAFF REPORT 2021-CZN-858 / 2021-CAP-858 / 2021-CVR-858 (Continued)

GENERAL INFORMATION

EXISTING ZONING AND LAND USE

C-S

Self-storage facility

SURROUNDING ZONING AND LAND USE

North - C-S

Undeveloped land

South - C-4

Commercial uses

East - SU-34

Lodge

West - D-3

Single-family dwellings

COMPREHENSIVE LAND USE PLAN

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

THOROUGHFARE PLAN

This portion of Rockville Road is designated in the Marion County Thoroughfare Plan as a primary arterial with an existing 102-foot right-of-way and proposed 88-foot right-of-way.

CONTEXT AREA

This site is located within the metro context area.

OVERLAY

This site is located within the Environmentally Sensitive Areas (ES) overlay.

SITE PLAN

File-dated October 8, 2021

ZONING HISTORY

2015-MOD-020; 5380 and 5360 Rockville Road, requested modification of site plan and Commitments of 98-Z-191 to modify Commitment Two, requiring adherence to the site plan file-dated September 24, 1998, to terminate Commitment #19 referencing 5380 Rockville Road (Parcel III) as the "C-4 outlot," to modify Commitment Twenty to prohibit uses on the entire "property" instead of just the "outlot," to terminate Commitments Twenty-One and Twenty-Two requiring "chain" businesses and vehicle storage behind the building, and to delete the last sentence of Commitment Twenty-three, requiring Kirkpatrick Companies to have final architectural approval of building elevations, **approved.**

(Continued)

STAFF REPORT 2021-CZN-858 / 2021-CAP-858 / 2021-CVR-858 (Continued)

98-Z-181; 5396 Rockville Road, requested rezoning of 5.385 acres from the C-4(FF) District to the C-S (FF) classification to provide for a self-storage facility, and one outlot for C-4 uses, **approved**.

73-Z-80; 5396 Rockville Road, requested rezoning of 17.24 acres, being the D-3 District, to the C-4 classification, to provide for commercial uses, **approved**.

VICINITY

2005-ZON-021; 5397 Rockville Road (south of site), requested rezoning of 0.858 acre, being the C-S District, to the C-S classification to provide for an automotive interior replacement and repair business, **approved**.

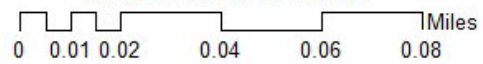
2004-ZON-013; 82-120 North Lynhurst Drive (east of site), requested rezoning of 4.77 acres. Being in the C-4 and D-3 Districts to the C-S classification to legally establish a wholesale electrical supply store and provide for an addition to the store, and to provide for the continued use of a single-family dwelling at 82 North Lynhurst Drive as a single-family dwelling, **approved**.

2001-ZON-054; 5391-5397 Rockville Road (south of site), requested rezoning of 2.93 acres from the D-2 District to the C-S classification to provide for commercial uses, including offices, restaurants, and automotive tire and wheel sales, **approved**.

kb



5380 Rockville Road



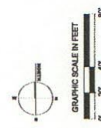
PROJECT ADDRESS: 5300 ROCKWELL ROAD
INDIANAPOLIS, IN 46224

PROJECT OWNER: EXTRA SPACE STORAGE
2718 E COTTONWOOD PARKWAY, SUITE 400
SALT LAKE CITY, UT 84121

PROJECT CONTACT: DANNY MORRIS
2718 E COTTONWOOD PARKWAY, SUITE 400
SALT LAKE CITY, UT 84121
PH: (801) 662-1870
E-MAIL: DMORRIS@EXTRASPACE.COM

VICINITY MAP
NTS

PARKING SCHEDULE			
TYPE	COUNT	UNIT AREA (SF)	TOTAL AREA (SF)
12' X 40'	3	480	1440
12' X 35'	2	420	840
12' X 30'	25	3600	9000
12' X 24'	10	288	2880
12' X 20'	0	240	0
	40		14160



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ARCHITECT/ENGINEER IS RESPONSIBLE FOR VERIFYING ALL DIMENSIONS AND CODE REQUIREMENTS AS REQUIRED BY LOCAL JURISDICTIONS.

DATE 7/7/18
A-XXX
SHEET NUMBER

EXTRA SPACE STORAGE, Inc.
CORPORATE OFFICE
2765 East Cottonwood Parkway, Suite 400
Salt Lake City, Utah 84121

EST-1977
ExtraSpace
Storage

EXHIBIT A

STATEMENT OF MODIFICATION OR TERMINATION OF COVENANTS OR COMMITMENTS

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

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

Legal Description: See Exhibit A attached hereto and incorporated by reference (the "5380 Parcel")
See Exhibit A-1 attached hereto and incorporated by reference (the "5390 Parcel")
Combined, the 5380 Parcel and 5390 is referenced to as the "Subject Property".

Statement of MODIFICATION OR TERMINATION of Covenants or Commitments:

1. Commitments relating to the Subject Property and recorded as Instruments 1999-0003861 and 2015-131003 in the Office of the Recorder of Marion County, except for Commitment No. 1 related to Open Occupancy, are hereby deleted and replaced in their entirety by the Commitments listed below:

2. To the extent self storage remains the primary use of the Subject Property, it shall remain in substantial compliance with the Site Plan attached as Exhibit B.

3. Elevations of the self storage buildings/office on the 5390 Parcel shall remain substantially in accordance with the photos attached hereto as Exhibit C.

4. No new curb cuts other than the two existing as of October 1, 2021 shall be added along the Subject Property.

5. Other than the existing rental office/manager's office on the 5390 Parcel, there shall be no two-story structures permitted on the Subject Property.

6. Wall signs on any existing or future building on the Subject Property shall be individual back lit letters, excepting only logos/trade dress of an operating business.
7. The tree line along the perimeter of the Subject Property (eastern, norther and western) property lines shall be preserved to the greatest extent possible.
8. The existing evergreen plantings located along the western property line of the 5390 Parcel shall be maintained, and in the event of a redevelopment of the 5390 Parcel, a new landscaping plan featuring evergreen trees with a minimum initial planting height of six (6) feet along the western boundary of the 5390 Parcel shall be submitted for Administrators Approval.
9. Lighting of the self storage facility on the 5390 Parcel shall be directed internally in order to eliminate light spillage to adjacent properties. Lighting on buildings on the 5390 Parcel shall be of wall-pack design with light directed down. Any free standing light fixtures on the Subject Property shall feature full cut-off shields.
10. Any self storage facility on the Subject Property shall feature an on-site manager.
11. No outside speakers shall be utilized as part of any self-storage operation on the Subject Property.
12. The existing free standing sign shall be permitted. No other pole or pylon sign shall be permitted on the Subject Property. In the event of a redevelopment of the Subject Property, one pylon sign not exceeding fifteen feet (15') in height shall be permitted.
13. A six foot (6') black vinyl clad chain link fence shall be installed adjacent to the north and east property lines.
14. There shall be no access from the Subject Property to Market Street or Norfolk Street.
15. In addition to the Self-Storage Use permitted on the Subject Property including outside storage on the 5380 Parcel, the Subject Property may be used for C-4 uses, except for the following:
 - a) Adult Entertainment
 - b) Auction House/Rooms
 - c) Bed and Breakfast
 - d) Commercial Parking Lot
 - e) Night Club, Bar, Tavern (Eating Establishment is permitted)
 - f) Hotel, Motel
 - g) Indoor Commercial Amusement/Recreation
 - h) Massage Parlor
 - i) Post Office
 - j) Rooming House/Boarding House
 - k) Theater
16. Outside storage as a primary use in conjunction with the self-storage facility shall be limited to the 5380 Parcel.

17. To the extent not already so dedicated, a sixty foot (60') half right-of-way along the Rockville Road frontage of Subject Property, or so much thereof as is needed for a sixty foot (60') half right-of-way measured from the existing centerline of Rockville Road (the "ROW Grant"), shall be dedicated to the City of Indianapolis, by and through the Department of Public Works ("DPW"). Additional easements shall not be granted to third parties within the ROW Grant area prior to the acceptance of the ROW Grant by the DPW. The ROW Grant, if not already made, shall be granted within sixty (60) days of the adoption of rezoning 2021-CZN-____ by the City County Council.
18. Site and elevation plans shall be submitted for Administrator's Approval prior to issuance of any Improvement Location Permit required for the Subject Property.

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

COVENANTS or COMMITMENTS contained in this instrument shall be effective upon the adoption of modification or termination approved by the Metropolitan Development Commission in petition 2021-CZN/MOD/CVR-_____.

These COMMITMENTS may be enforced jointly or severally by:

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

These COVENANTS may be enforced by the Metropolitan Development Commission.

The undersigned hereby authorizes the Division of Planning of the Department of Metropolitan Development to record this Covenant or Commitment in the office of the Recorder of Marion County, Indiana, upon final approval of modification and/or termination of Covenant(s) or Commitment(s) of petition # 2021-CMD-_____ by the Metropolitan Development Commission.

Petition Number _____

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

PETITION FOR VARIANCE OF DEVELOPMENT STANDARDS

FINDINGS OF FACT

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

The proposed outdoor storage is complementary to the existing mini-warehouses, will have adequate setback from Rockville Road, and will be adequately fenced and landscaped along the Rockville Road frontage.

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

There are existing mini-warehouse buildings to the west which, in turn, are heavily buffered from the west adjoiner and there is adequate spacing and landscaping buffering the property to the east.

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

The parcel to be developed was part of the original C-S zoning, which provided for a framework of permitted uses and development, but inadvertently left out outdoor self-storage as a permitted use. The proposed use is a more natural fit than other permitted uses, which would generate more traffic and potentially create more nuisance characteristics.

DECISION

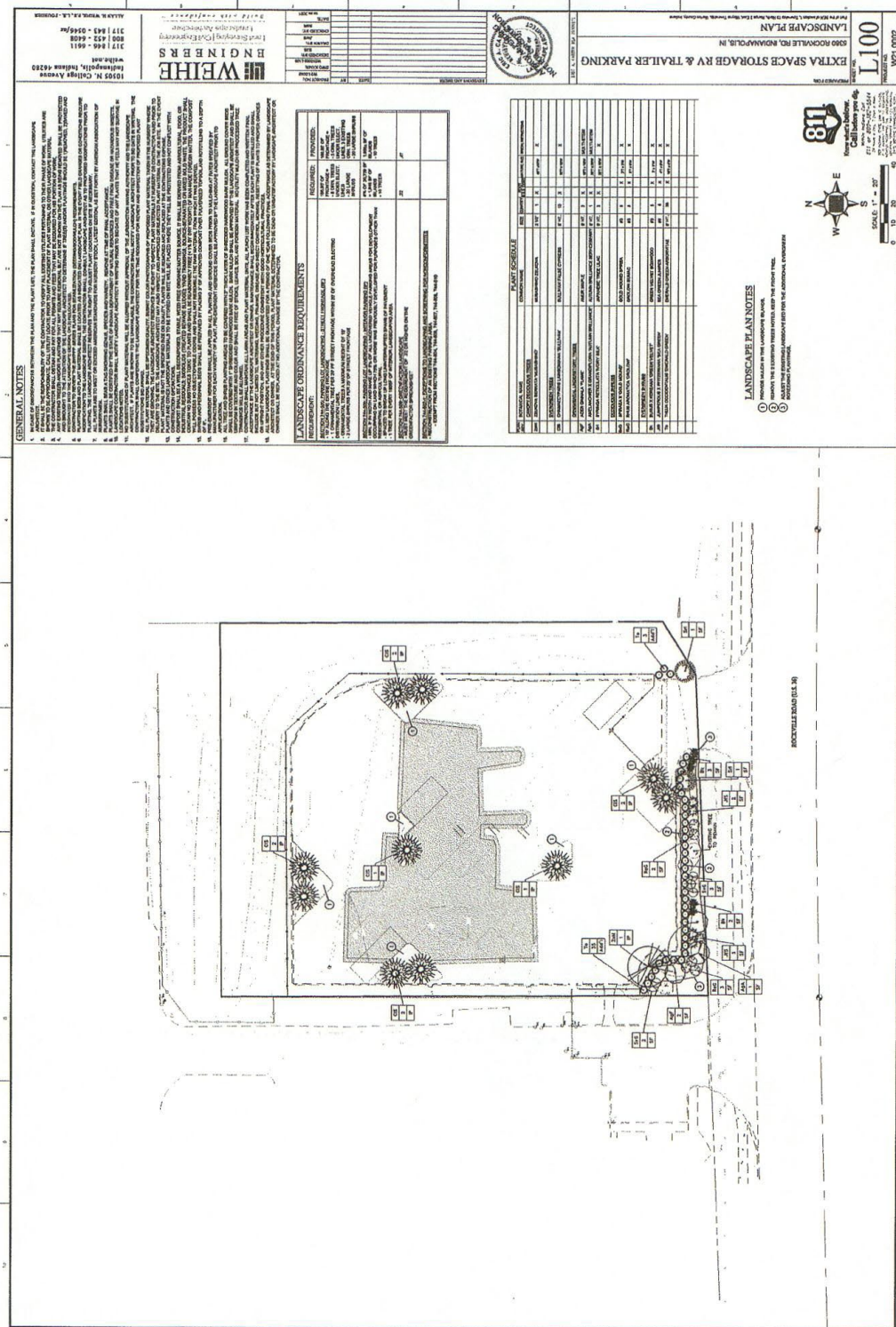
IT IS THEREFORE the decision of this body that this VARIANCE petition is APPROVED.

Adopted this _____ day of _____, 20 ____

21084754.1

FOF-Variance DevStd

01/12/06 T2





EXTRA SPACE STORAGE

Date: 11/19/2021

Page 1 of 1

WEIHE
ENGINEERS

1000 N. College Avenue
Indianapolis, Indiana 46206
317.646.4612

\\077074_C:\Users\Bhraman\Documents\Drawings\2021\11-19-21\11-19-21.dwg
11/19/2021 10:00:00 AM
Bhraman



View of site looking east



View of site looking west



View of site looking north across Rockville Road



View of site looking north across Rockville Road



View of site looking west



View of site looking northwest



View of site looking north



View of site looking east



View from site looking southeast

STAFF REPORT

Department of Metropolitan Development Division of Planning Current Planning Section

Case Number: 2022-CZN-802 / 2022-CVR-802
Address: 8515 and 8535 West 21st Street and 1931 Lake of the Pines Drive
(*Approximate Address*)
Location: Wayne Township, Council District #6
Petitioner: Lake of the Pines LLC, by Joseph D. Calderon
Request: Rezoning of 8.851 acres from the D-A District to the D-11 classification.

Variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for a 20-foot perimeter yard along the north and west lot lines (50-foot perimeter yard required).

The Hearing Examiner acknowledged the automatic continuance filed by the City-County Councilor that continued these petitions from the February 24, 2022 hearing to the March 22, 2022 hearing.

RECOMMENDATIONS

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

1. The emergency access road shall be improved and clearly identified in accordance with the Commitment Number Three of the commitments associated with 97-Z-229, which states: "An emergency access road, substantially similar to that which was required by commitment in petition 94-Z-136, shall be provided, either in its original proposed location or in another location within the development. The road shall have a wrought iron gate with a closing device along 21st Street, with an identifying emergency access sign. The road shall be 12 feet wide, constructed with the same material as other streets in the development and shall be covered with paving brick to allow growth of vegetation."
2. The emergency access road shall be completed and clearly identified by October 1, 2022.

(Continued)

STAFF REPORT 2022-CZN-802 / 2022-CVR-802 (Continued)

3. A 40-foot half right-of-way shall be dedicated along the frontage of West 21st Street, as per the request of the Department of Public Works (DPW), Engineering Division. Additional easements shall not be granted to third parties within the area to be dedicated as public right-of-way prior to the acceptance of all grants of right-of-way by the DPW. The right-of-way shall be granted within 60 days of approval and prior to the issuance of an Improvement Location Permit (ILP).
4. A landscape plan shall be submitted for Administrator Approval prior to the issuance of an Improvement Location Permit (ILP) that provides for year around landscaping along the boundaries at the northwest corner of the site that abuts the SU-10 District.

Staff recommends **approval** of the variance request, subject to substantial compliance with the site plan.

SUMMARY OF ISSUES

The following issues were considered in formulating the recommendation:

LAND USE ISSUES

- ◇ This 8.851-acre site, zoned D-A, is comprised of four parcels. Three of the parcels are contiguous, developed with single-family dwellings and located along the eastern boundary of the existing mobile dwelling project development. The fourth parcel is an internal parcel currently used for outdoor storage for the residents. The site is surrounded by undeveloped land to the north, zoned SU-10 and single-family dwellings to the north, across West 21st Street, zoned D-A; single-family dwellings and mobile dwelling project development to the south, zoned D-5 and D-11, respectively; a single-family dwelling and a mobile dwelling project development to the east, zoned D-A and D-11, respectively; and a mobile dwelling project development and undeveloped land to the west, zoned, zoned D-11 and SU-10, respectively.

(Continued)

STAFF REPORT 2022-CZN-802 / 2022-CVR-802 (Continued)

REZONING

- ◇ This request would rezone the site from D-A District to the D-11 classification to provide for residential uses. “The D-11 district allows for mobile dwelling project development. The special characteristics of mobile dwellings, as opposed to the characteristics of conventional housing (such as compactness of the mobile dwelling unit, site accommodation requirements, etc.), have been recognized as requiring special district considerations. The D-11 district is designed to permit mobile and manufactured dwellings in accordance with appropriate standards. This district fulfills a medium density classification according to the Comprehensive General Land Use Plan and should be applied accordingly. The typical density for a D-11 district is 6 units per gross acre. With the development standards included in this district, mobile dwelling projects are viable residential developments, similar to site-built residential neighborhoods. All public and community facilities are required. Proximity to major thoroughfares is necessary for the location of this district.
- ◇ The Comprehensive Plan recommends Suburban Neighborhood. “The Suburban Neighborhood typology is predominantly made up of single-family housing, but is interspersed with attached and multifamily housing where appropriate. This typology should be supported by a variety of neighborhood-serving businesses, institutions, and amenities. Natural Corridors and natural features such as stream corridors, wetlands, and woodlands should be treated as focal points or organizing systems for development. Streets should be well-connected and amenities should be treated as landmarks that enhance navigability of the development. This typology generally has a residential density of 1 to 5 dwelling units per acre, but a higher density is recommended if the development is within a quarter mile of a frequent transit line, greenway, or park.”
- ◇ 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 2022-CZN-802 / 2022-CVR-802 (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

VARIANCE OF DEVELOPMENT STANDARDS

- ◇ This request would provide for a 20-foot perimeter yard along the north and west lot lines when the Ordinance requires a 50-foot perimeter yard.
- ◇ Staff supports this variance request because the SU-10 District abuts this site to the north and west and is a special use classification specifically for cemeteries. Staff believes that the reduced setback would not negatively impact this adjacent land use.
- ◇ Staff is, however, requesting enhanced year around landscaping along these boundaries to provide a buffer that would minimize any negative impact resulting from a reduced setback.

(Continued)

STAFF REPORT 2022-CZN-802 / 2022-CVR-802 (Continued)

Department of Public Works

- ◇ The Department of Public Works, Traffic Engineering Section, has requested the dedication and conveyance of a 40-foot half right-of-way along West 21st Street. This dedication would also be consistent with the Marion County Thoroughfare Plan.

Planning Analysis

- ◇ As proposed this request would generally be consistent with the Comprehensive Plan recommendation of suburban neighborhood. Obviously, the density in a mobile dwelling project development would be higher than the typical density in a suburban neighborhood but this development has existed for approximately 50 years. The request would be an appropriate and reasonable expansion that would have minimal impact on surrounding land uses.
- ◇ The eastern three parcels would provide for an additional 31 lots and the internal parcel would provide for 21 additional lots.
- ◇ Staff is, however, concerned with the failure of the property owner to comply with previous commitments (Petitions 94-Z-136 and 97-Z-229) related to the dedication of right-of-way along West 21st Street and an emergency access. See Exhibits A and B.
- ◇ Petitioner's representative indicated that a second emergency access exists but staff was unable to confirm that during the site visit or on aerials. Additionally, the Wayne Township Fire Department was unaware of the emergency access drive due to lack of visibility. Consequently, it is imperative that this emergency access be constructed and / or improved as soon as possible, in accordance with the previous commitments.

(Continued)

STAFF REPORT 2022-CZN-802 / 2022-CVR-802 (Continued)

GENERAL INFORMATION

EXISTING ZONING AND LAND USE

D-A/ D-11

Single-family dwellings / outdoor storage

SURROUNDING ZONING AND LAND USE

North - SU-10 / D-A

Undeveloped land

South - D-5 / D-11

Single-family dwellings / Mobile dwelling project development

East - D-11 / D-A

Mobile dwelling project development / single-family dwelling

West - D-11 / SU-10

Mobile dwelling project development / undeveloped land

COMPREHENSIVE LAND USE PLAN

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

THOROUGHFARE PLAN

This portion of West 21st Street is designated in the Marion County Thoroughfare Plan as a primary collector with an existing 30-foot right-of-way and a proposed 80-foot right-of-way.

CONTEXT AREA

This site is located within the metro context area.

OVERLAY

This site is not located within an overlay.

SITE PLAN

File-dated January 25, 2022

ZONING HISTORY

98-AP-63; 8625 and 8647 West 21st Street, requested a modification of commitments, related to petition 94-Z-136 to delete Commitment Number 3 requiring landscaping along the east property line of the site; alternative landscaping would be provided along the east property of the adjacent site, **withdrawn**.

94-Z-136; 8625 and 8647 West 21st Street, requested rezoning of seven acres from the D-3 and D-A Districts to the D-11 classification to permit the expansion of a mobile home project, **approved**.

(Continued)

STAFF REPORT 2022-CZN-802 / 2022-CVR-802 (Continued)

93-Z-78; 8738 West 21st Street, requested rezoning of 43 acres, being in the D-A District, to the D-4 classification to provide for residential development, **approved**.

70-Z-242; 8801 West 21st Street, requested rezoning of 100 acres, being in the A-1 District, to the D-11 classification to provide for mobile home development, **approved**.

VICINITY

2018-ZON-116; 8845 West 21st Street (west of site), requested rezoning of 7.00 acres from the D-11 district to the SU-10 classification, **approved**.

89-Z-227; 1926 Country Club Road (east of site), requested rezoning of 12.94 acres, being in the A-2 District, to the D-12 classification to provide for two-family residences, **approved**.

89-Z-33; 1602 Woodpointe Drive (south of site), requested rezoning of nine acres, being in the D-1 District, to the D-4 classification to provide for single-family residential development, approved.

kb

Petition Number _____

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

PETITION FOR VARIANCE OF DEVELOPMENT STANDARDS

FINDINGS OF FACT

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

the variance requested will not significantly increase density or traffic, and is limited to a small portion of an existing mobile home park.

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 property adjoining the portion of the mobile home park which is subject to the variance is a cemetery, so there is no impact to such use, as there will still be a landscaped perimeter yard serving as a buffer.

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

the perimeter yard standard offers no benefit for uses which are adjacent but which are essentially open space themselves, lending to unnecessary hardship, considering the balance of the mobile home park was developed prior to the imposition of this standard.

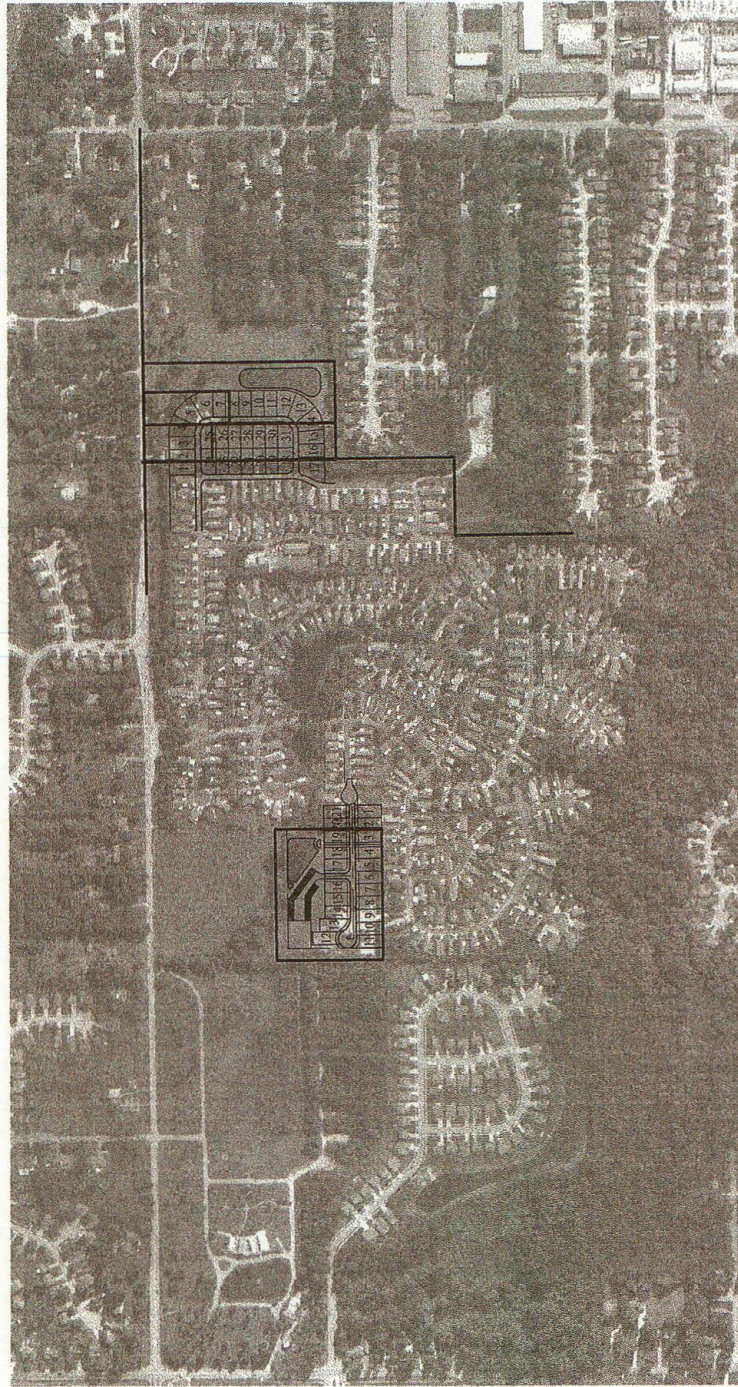
DECISION

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

Adopted this _____ day of _____, 20 ____



LOCATION: H:\2021\0210107\Engineering\0210107\12-20 Zoning Exhibit.dwg
DATE/TIME: January 06, 2022 - 10:23am
PLOTTER: HP ScanJet



WEIHE
ENGINEERS

2020 N. College Avenue
Suite 100
Raleigh, NC 27605
371 944-0811

SCALE: 1" = 400'

0 100 200 300

Page 1 of 1

ZONING EXHIBIT

Date: 01-06-2021

EXHIBIT A - 1994 COMMITMENTS

STATEMENT OF COMMITMENTS

EXHIBIT "B"

NOTE: Article VII, Section 3(b) of the rules of the Metropolitan Development Commission requires use of this form in recording commitments made with respect to zoning and approval cases in accordance with I.C. 36-7-4-605. Resolution No. 85-R-69, 1985 and Article III, Section 4 of the rules of the Metropolitan Development Commission require the owner to make Commitment #1.

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

In accordance with I.C. 36-7-4-605, the owner of the real estate located in Marion County, Indiana, which is described below, makes the following COMMITMENTS concerning the use and development of that parcel of real estate:

Legal Description:

SEE ATTACHED LEGAL DESCRIPTION.

Statement of COMMITMENTS:

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

2. See attached Exhibit 1.

3.

4.

5.

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

COMMITMENTS contained in this instrument shall be effective upon:

- (a) the adoption of rezoning petition # 94-Z-136 by the City-County Council changing the zoning classification of the real estate from a D-A, D-3 zoning classification to a D-11 zoning classification; or
- (b) the adoption of approval petition # _____ by the Metropolitan Development Commission;

and shall continue in effect for as long as the above-described parcel of real estate remains zoned to the D-11 zoning classification or until such other time as may be specified here.



These COMMITMENTS may be enforced jointly or severally by:

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

The undersigned hereby authorizes the Neighborhood and Development Services Division of the Department of Metropolitan Development to record this Commitment in the office of the Recorder of Marion County, Indiana, upon final approval of petition # 94-Z-136

IN WITNESS WHEREOF, owner has executed this instrument this 28th day of September, 1994.

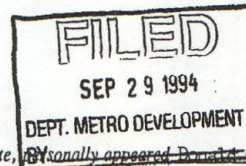
Signature X Donald C. Skiles (Seal)

Signature _____ (Seal)

Printed Donald C. Skiles

Printed _____

STATE OF INDIANA)
COUNTY OF MARION) SS:



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

Witness my hand and Notarial Seal this 28th day of September, 1994



Signature J. J. Dunlap

Printed JENNIFER J. DUNLAP

MY COMMISSION EXPIRES 4-29-98
County of Residence MADISON COUNTY INDIANA

My Commission expires: _____

This instrument was prepared by Stephen D. Mears, Esq., 8395 Keystone Crossing, #300
Indianapolis, IN 46240 (317)253-5115.

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ATTACHMENT "A"

OPEN OCCUPANCY AND EQUAL EMPLOYMENT OPPORTUNITY COMMITMENT

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

EXEMPT PERSONS AND EXEMPT ACTIVITIES

An exempt person shall mean the following:

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

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

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

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

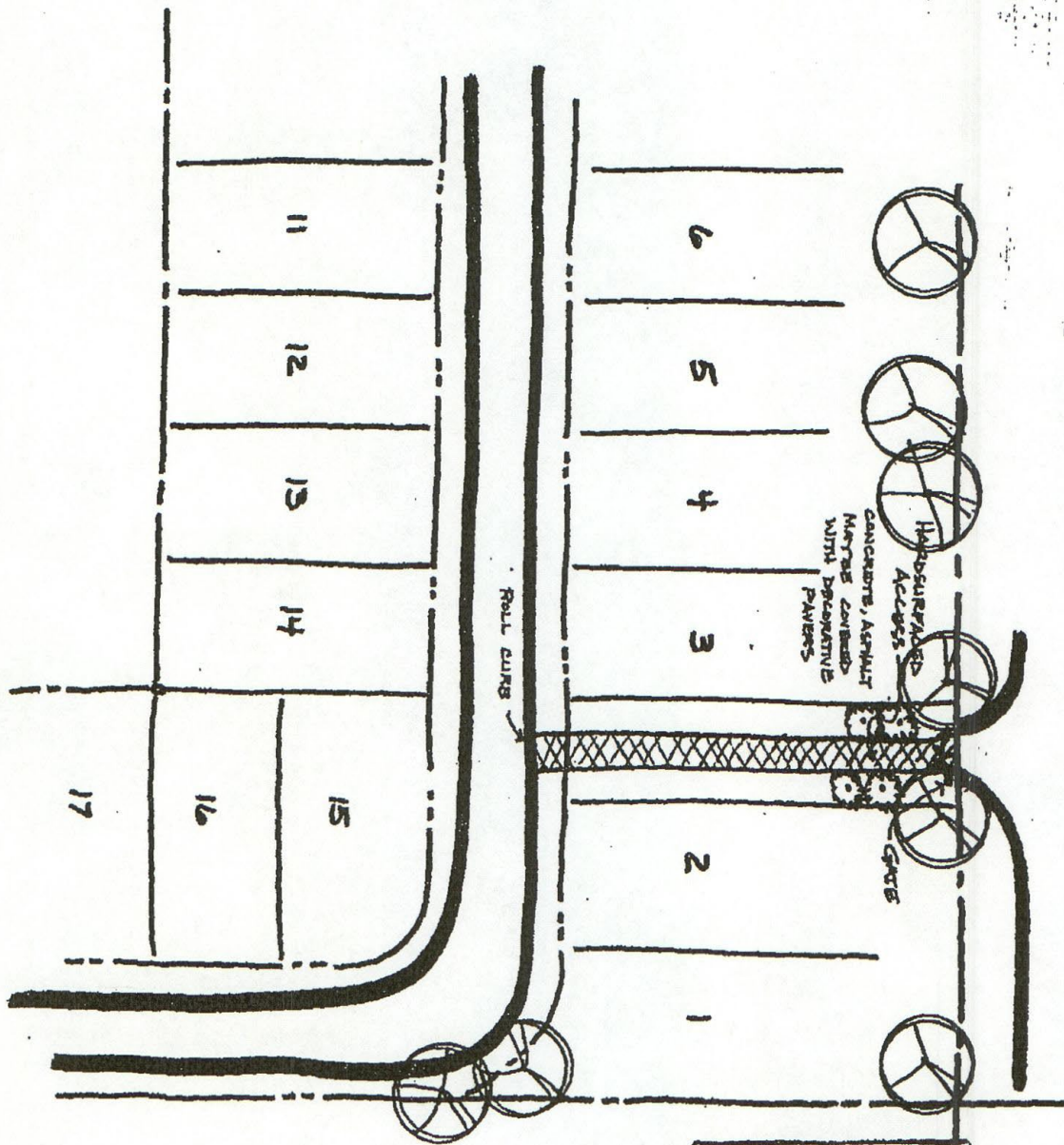
94-7-126

EXHIBIT 1

2. A seventy (70) foot half right-of-way shall be dedicated along West 21st Street at such time as requested by the Department of Capital Asset Management (DCAM). 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 DCAM.
3. Landscaping shall be installed and maintained along 21st Street in substantial compliance with the landscape plan file-dated September 6, 1994. Evergreens planted along 21st Street shall be at least six (6) feet in height and with spacing no more than twelve (12) feet on center. A landscape screen and a solid fence shall be installed along the east property line. The final landscape plan shall be subject to Administrator's approval. Petitioner shall replace any dead or damaged plantings for three years after installation.
4. The access on 21st Street shall be an emergency access as shown in the attached "Version A". Said access shall be twelve (12) feet in width and constructed with the same materials as the other streets in Lake of the Pines, then covered with paving brick to allow growth of vegetation. A wrought iron gate with a closing device shall be installed on 21st Street, along with a sign identifying this as an emergency access.



94-2-136



FILED
 SEP 29 1994
 DEPT. METRO DEVELOPMENT
 BY _____

94-2-136 VERSION A

EXHIBIT B – 1997 COMMITMENTS

RECEIVED FOR RECORD

98 MAR 26 AM 9:03

STATEMENT OF COMMITMENTS

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

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

Legal Description: (insert here or attach)

SEE ATTACHED LEGAL DESCRIPTION.



Statement of COMMITMENTS:

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

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

COMMITMENTS contained in this instrument shall be effective upon:

- (a) the adoption of rezoning petition # 97-Z-229 by the City-County Council changing the zoning classification of the real estate from a D-A zoning classification to a D-11 zoning classification; or
- (b) the adoption of approval petition # _____ by the Metropolitan Development Commission;


and shall continue in effect for as long as the above-described parcel of real estate remains zoned to the D-11 zoning classification or until such other time as may be specified herein.

These COMMITMENTS may be enforced jointly or severally by:

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

The undersigned hereby authorizes the Neighborhood and Development Services Division of the Department of Metropolitan Development to record this Commitment in the office of the Recorder of Marion County, Indiana, upon final approval of petition # 97-Z-229.

IN WITNESS WHEREOF, owner has executed this instrument this 5th day of March, 1998.

Signature  (Seal) Signature _____ (Seal)

Printed Donald C. Skiles

Printed _____

STATE OF INDIANA
COUNTY OF MARION

)
) SS:
)

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

Witness my hand and Notarial Seal this 5th day of March , 1998.



Signature Judith Weerts Hall
Printed JUDITH WEERTS HALL
MY COMMISSION EXPIRES 01-23-00
County of Residence MARION COUNTY, IN
My Commission expires _____

This instrument prepared by Stephen D. Mears, Attorney at Law

ATTACHMENT "A"

OPEN OCCUPANCY AND EQUAL EMPLOYMENT OPPORTUNITY COMMITMENT

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

EXEMPT PERSONS AND EXEMPT ACTIVITIES

An exempt person shall mean the following:

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

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

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

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

PROPOSED COMMITMENTS

97-Z-229

8605 West 21st Street

March 4, 1998

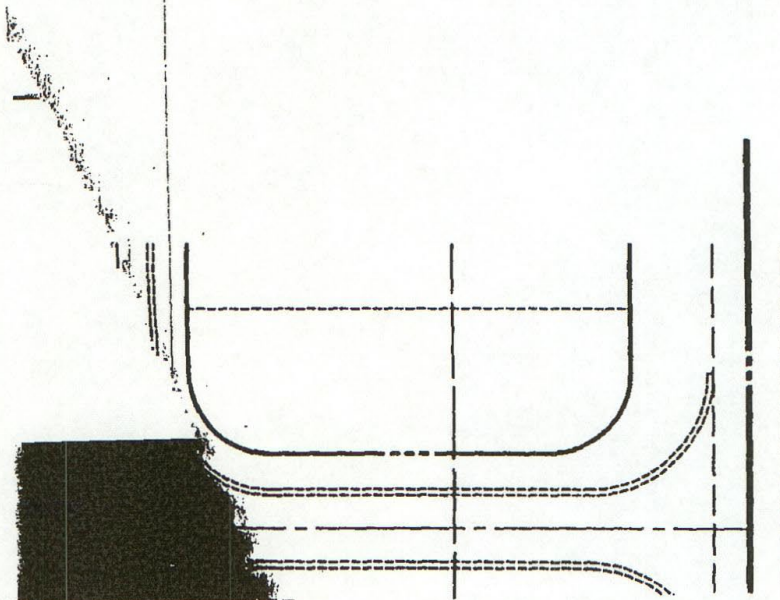
1. Petitioner shall dedicate a 70 foot half right-of-way along 21st Street at such time as requested by the Department of Capital Asset Management (DCAM).
2. The site shall be integrated into the existing 89 acre mobile home park west of the site.
3. An emergency access road, substantially similar to that which was required by commitment in petition 94-Z-136, shall be provided, either in its original proposed location or in another location within the development. The road shall have a wrought iron gate with a closing device along 21st Street, with an identifying emergency access sign. The road shall be 12 feet wide, constructed with the same materials as other streets in the development, and shall be covered with paving brick to allow growth of vegetation.
4. The site shall be developed in substantial compliance with the site plan file-dated February 23, 1998; however, the final plan shall meet all D-11 development standards.
5. Double-wide mobile homes shall be placed on Lots 32-34 and Lots 36-42, as numbered on the site plan file-dated February 23, 1998.
6. The existing tree line along the east property line shall be preserved.
7. Landscaping along 21st Street shall be consistent with the landscape plan approved as part of 94-Z-136. A 6 foot high black vinyl-coated chain link fence shall be placed along the east and south property lines. Landscaping within the 100 foot setback at the southeast corner of the site shall consist of a ten foot high berm of uniform height, with 94 Norway Spruce, 7 to 8 feet in height, planted along the east side and top of the berm in two rows, 12 feet on center, with the rows being 8 feet apart. The berm shall be uniform in height. Final approval of the landscape plan shall be subject to the Administrator of the Division of Neighborhood Services. All fencing and landscaping shall be maintained at all times, with replacement of any trees that die. The berm, fencing and landscaping shall be installed prior to the development of the site.
8. Low level street lighting shall be installed across from lots 36, 40 and 43.

Land Description

Part of the Northeast Quarter of Section 33, Township 16 North, Range 2 East of the Second Principal Meridian, Marion County, Indiana, more particularly described as follows:

Commencing at the Northeast corner of said Northeast Quarter; thence North 89 degrees 58 minutes 23 seconds West (assumed bearing) 1410.75 feet coincident with the North line of said Northeast Quarter to the Point of Beginning of the property herein described; thence South 00 degrees 09 minutes 58 seconds West 1320.00 feet parallel with the East line of said Northeast Quarter; thence North 89 degrees 58 minutes 23 seconds West 330.00 feet parallel with the North line of said Northeast Quarter; thence North 00 degrees 09 minutes 58 seconds East 1320.00 feet parallel with the East line of said Northeast Quarter to the North line thereof; thence South 89 degrees 58 minutes 23 seconds East 330.00 feet coincident with said North line to the Point of Beginning containing 10 acres more or less.

Subject to all pertinent Easements, Rights-of-Way and Restrictions.





View looking west along West 21st Street



View looking east along West 21st Street



View looking north at internal site to the northwest



View looking northwest at internal site to the northwest



View of site abutting the eastern boundary of the development looking south

STAFF REPORT

Department of Metropolitan Development Division of Planning Current Planning Section

Case Number: 2022-CPL-805 / 2022-CVR-805
Address: 3919 Moller Road (approximate addresses)
Location: Pike Township, Council District #10
Petitioner: Hodges Commons Limited Partnership, by Patrick Moone, PE
Zoning: MU-1 and C-4
Request: Approval of a Subdivision Plat, to be known as Eagle Branch Library Subdivision Replat of Lot 2, dividing 4.991 acres into two lots, with a waiver of the sidewalk requirement along Moller Road.

Variance of development standards of the Consolidated Zoning and Subdivision Ordinance to allow for the construction of a 78-unit apartment building with a 14-foot transitional yard (20-foot transitional yard required).

ADDENDUM FOR MARCH 24, 2022

This petition was continued for cause at the request of a registered neighborhood organization from the February 24, 2022 hearing to the March 24, 2022 hearing.

February 24, 2022

RECOMMENDATIONS

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

Staff recommends that the Hearing Examiner **approve** and find that the plat, file-dated January 20, 2022, complies with the standards of the Subdivision regulations, subject to the following conditions:

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

(Continued)

2022-CPL-805 / 2022-CVR-805 STAFF REPORT (Continued)

7. That the Sanitary Sewer Covenant (Section 741-704, of the Consolidated Zoning and Subdivision Ordinance) be affixed to the final plat, prior to recording.
8. That the Storm Drainage Covenant (Section 741-703, of the Consolidated Zoning and Subdivision Ordinance) be affixed to the final plat, prior to recording.
9. That the plat restrictions and covenants, done in accordance with the rezoning commitments, be submitted, prior to recording the final plat.
10. That all the standards related to secondary plat approval listed in Sections 741-207 and 741-208 of the Consolidated Zoning and Subdivision Ordinance are met, prior to the recording of the final plat.
11. That approval of the waiver of sidewalks be granted, provided installation of sidewalks on Moller Road by the Department of Public Works is concurrent with or completed prior to development of this site.

SUMMARY OF ISSUES

The following issues were considered in formulating the recommendation:

LAND USE

- ◇ The subject site is 4.991 acres of undeveloped land within the International Marketplace neighborhood. This site is zoned MU-1 and C-4 and located on Moller Road's west frontage. East of Moller Road is developed with single-family residential and west of Moller Road is developed with a mix of commercial uses.
- ◇ This petition would divide the property into two lots. The variance request would allow for a 14-foot transitional yard where a 20-foot transitional yard is required.

PLAT

- ◇ The plat would divide the subject site into two lots. Lot A would contain the proposed apartment building. Lot B would contain 2.405 acres for future development. These lots would generally meet the requirements for the MU-1 and C-4 districts.

WAIVER

- ◇ The petitioner has requested the waiver of the sidewalk requirement along Moller Road.
- ◇ The Department of Public Works has a sidewalk and crosswalk installation project proposed along Moller Road adjacent to this site. Construction is anticipated to begin in 2022. The petitioner's request would be to allow approval of the plat prior to installation of these sidewalks.

(Continued)

2022-CPL-805 / 2022-CVR-805 STAFF REPORT (Continued)

- ◇ Staff would not be opposed to a waiver of the sidewalk requirements with a commitment that the waiver only applies if installation of sidewalks on Moller Road by the Department of Public Works is concurrent with or completed prior to development of this site.

TRAFFIC / STREETS

- ◇ Each proposed lot would have frontage on Moller Road and be accessed via Meijer Drive, a private street and with an access easement. No new streets are proposed as part of this plat.

VARIANCE

- ◇ The variance requests a 14-foot front transitional yard setback (20-foot setback required) for the west property boundary of Lot A, fronting on Moller Road.
- ◇ The need for a variance of development standards arises from existing D-2 zoning west of Moller Road (across the street). The minimum setback for the MU-1 district is 12 feet where there is no transitional yard requirement. The right-of-way for Moller Road is approximately 40 feet from the existing street pavement edge.
- ◇ Staff would not be opposed to a reduced setback where the minimum front setback is met, and there is existing adequate separation between uses.

GENERAL INFORMATION

EXISTING ZONING, CONTEXT AREA, AND LAND USE

MU-1 / C-4	Metro	Undeveloped
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SURROUNDING ZONING AND LAND USE

North	MU-1 / C-4	Commercial
South	SU-37	Library
East	C-4	Commercial / Retail
West	D-2	Single-Family Residential

COMPREHENSIVE LAND USE PLAN THOROUGHFARE PLAN

Commercial Retail and Service
Moller Road is classified in the Official Thoroughfare Plan for Marion County, Indiana as a primary arterial, with a 104-foot existing and 112-foot proposed right-of-way. Meijer Drive is a private street.

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

Not Applicable
Not Applicable
File-dated January 20, 2022
File-dated January 20, 2022

(Continued)

2022-CPL-805 / 2022-CVR-805 STAFF REPORT (Continued)

ZONING HISTORY – SITE

92-Z-142, 3950 Moller Road (part of site), rezoning of 0.906 acre from the C-2 district to the C-4 classification, **approved**.

86-Z-138, 3905, 3015, & 3925 Moller Road, rezoning of 3.67 acres from the SU-4 district to the C-2 classification, **approved**.

ZONING HISTORY – VICINITY

2019-HOV-026, 3905 Moller Road, variance to provide for a ground sign oriented to an interior access drive, **approved**.

2018-ADM-262, 3905 Moller Road, approval for exterior building identification monument sign and other exterior signs in the SU-37 district, **approved**.

2018-ADM-030, 5349 Pike Plaza Road, approval of plans for a new public library in the SU-37 district, **approved**.

2017-CZN-818, 5349 Pike Plaza Road, rezoning of 3.753 acres from the MU-1 and C-4 districts to the SU-37 classification, **approved**.

2017-CPL-818, 5349 Pike Plaza Road, approval of a Subdivision Plat, to be known as Eagle Branch Library Subdivision, dividing 43.655 acres into two lots, with a waiver of sidewalks, **approved**.

2015-ADM-431, 5349 Pike Plaza Road, approval of building design improvements for a Meijer store, **approved**.

89-HOV-6, 5436 Pike Plaza Road, variance to provide for a four-foot-four-inch-tall ground sign, **dismissed**.

88-UV3-25, 5435 Pike Plaza Road, variance to provide for a health spa and fitness center without off-street loading, and with an individual five-foot-ten-inch-tall ground sign in an integrated center, **approved**.

87-SE2-4, 4002 Moller Road, special exception to provide for an eight-person group home with staff persons in an existing dwelling, **withdrawn**.

83-UV3-10, 3915 Moller Road, variance to permit automobile cleaning and minor repair and an associated ground sign, **approved**.

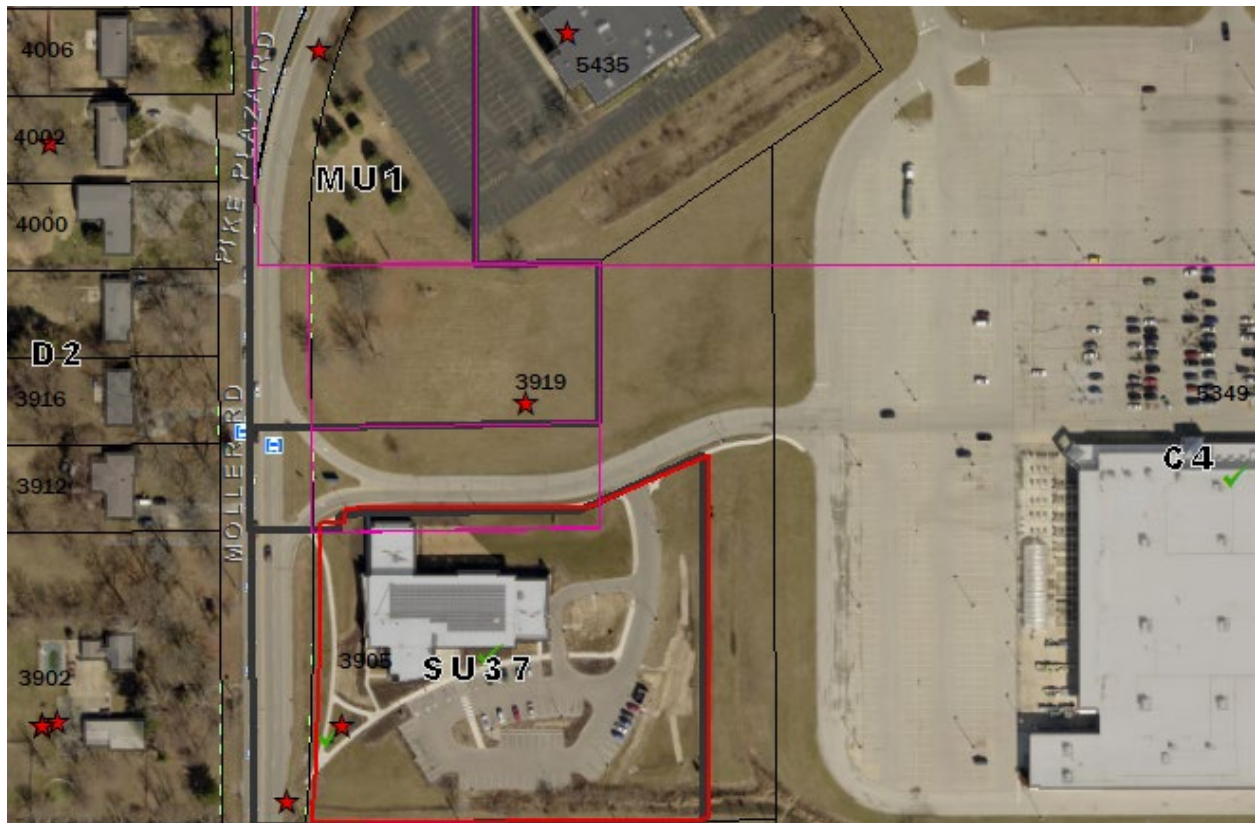
78-Z-169, 3835 & 3853 Moller Road, rezoning of 1.73 acres from the C-2 district to the C-3 classification, **approved**.

77-Z-70, 5433 & 5490 Pike Plaza Road, rezoning of 9.92 acres from the SU-2 and D-6II district to the C-2 classification, **approved**.

77-Z-68, 5349 Moller Road and various addresses, rezoning of 177.88 acres from the D-6, D-6II and D-7 districts to the C-4 classification, **approved**.

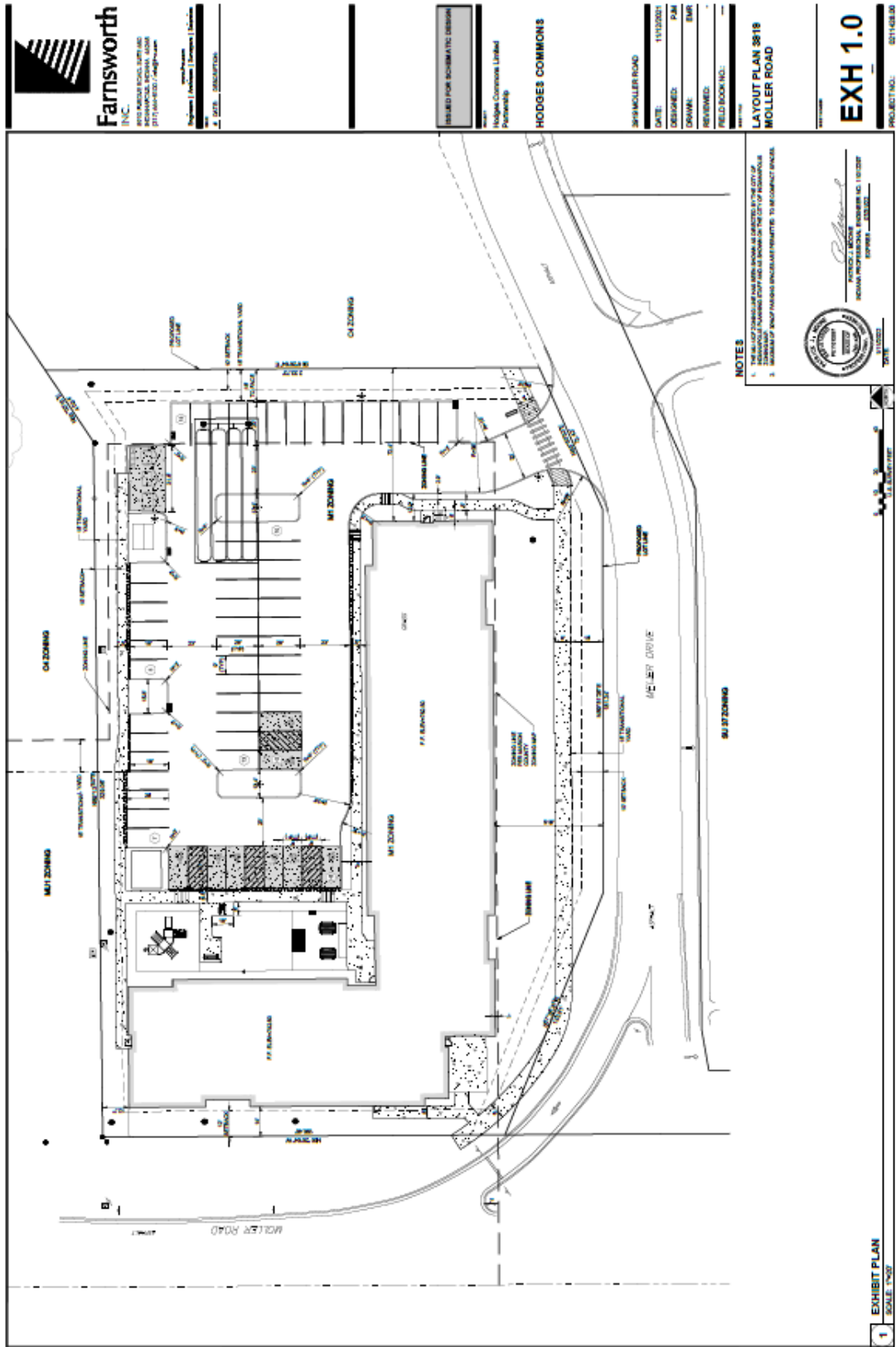
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2022-CPL-805 / 2022-CVR-805 Area Map

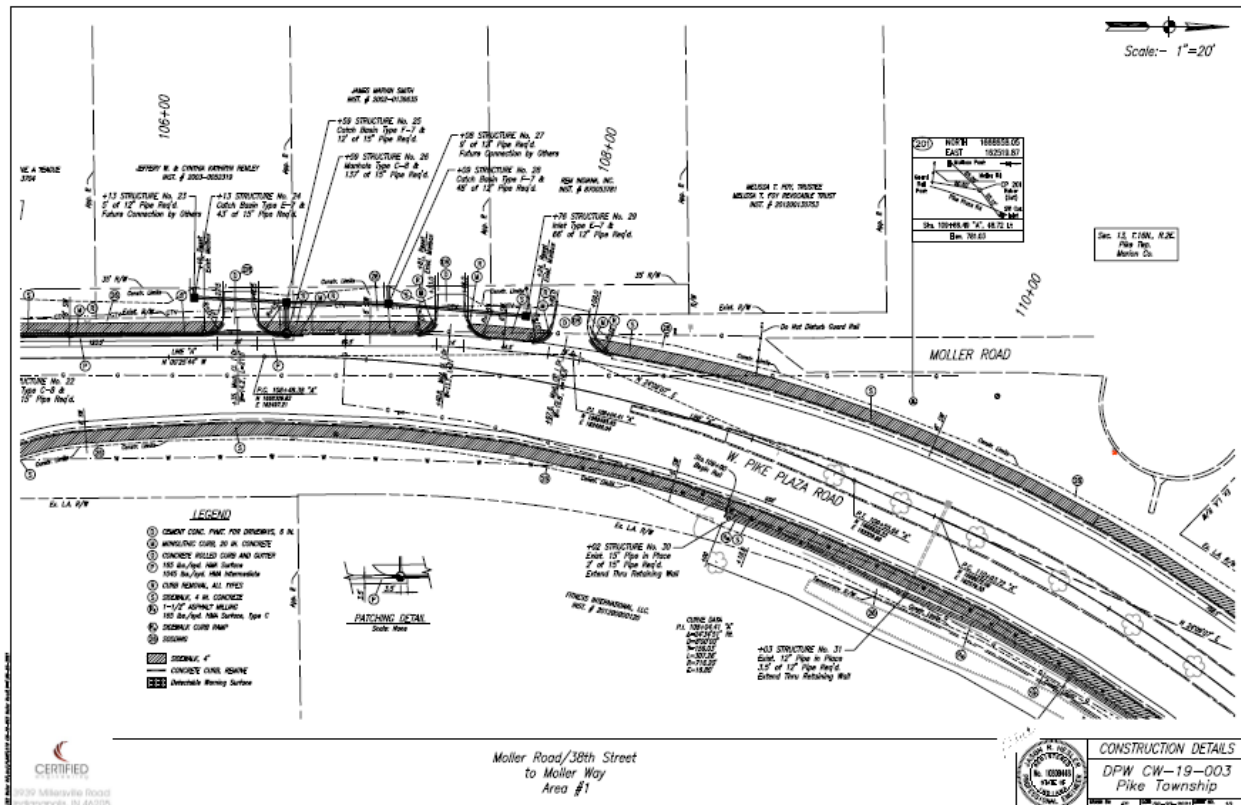
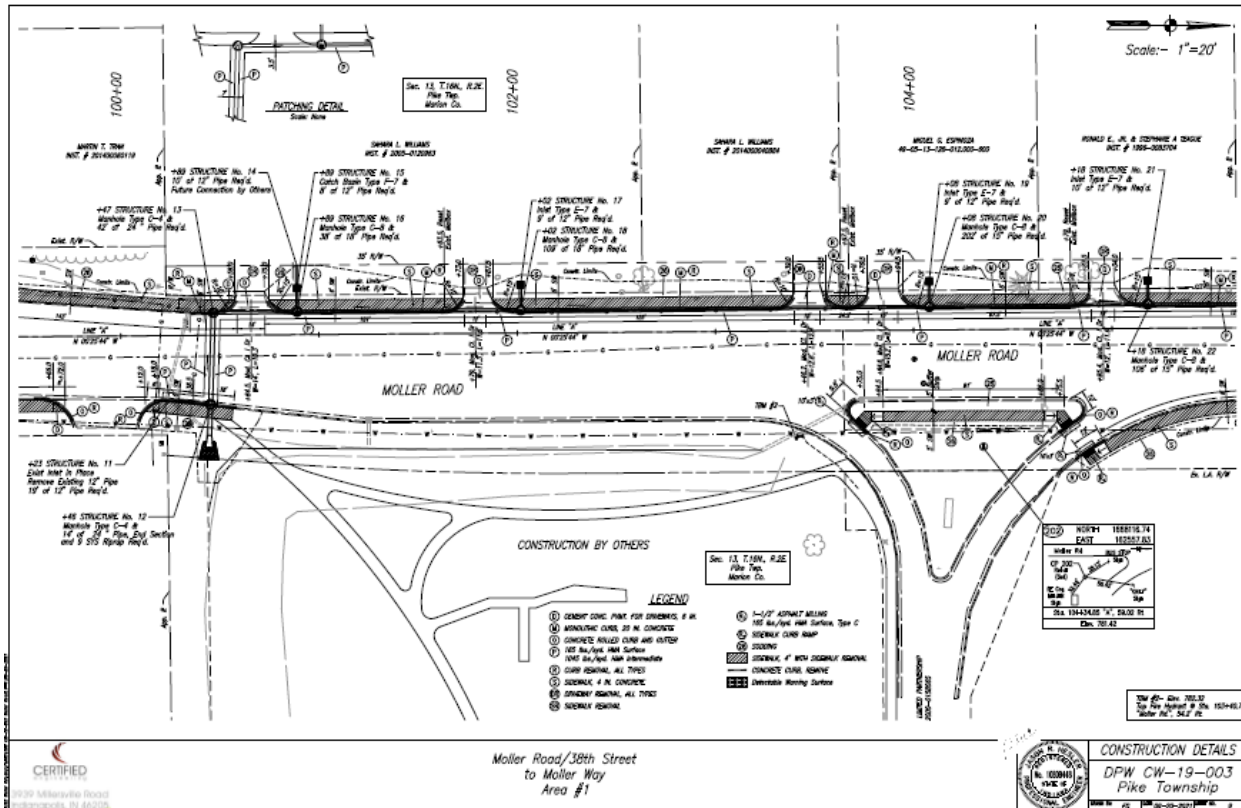


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2022-CPL-805 / 2022-CVR-805 Site Plan



2022-CPL-805 / 2022-CVR-805 Sidewalk Construction Project Moller Rd



2022 -CPL-805 / 2022-CVR-805 Findings of Fact

Petition Number _____

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

PETITION FOR VARIANCE OF DEVELOPMENT STANDARDS

FINDINGS OF FACT

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

The parcels adjacent to the proposed development are commercial or special use and are compatible with the proposed use. The Moller Road right of way is extremely wide at the location of the proposed project. A reduction of the transitional yard from 20' to 14' will not have an adverse effect on the lots along the west side of Moller Road. The 12' building set back shall not be reduced.

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 parcels adjacent to the proposed development are commercial or special use and are compatible with the proposed use. The proposed reduction of the transitional yard will not affect the Library of office uses adjacent to the project.

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

Strict application of the front transitional yard would result in the project being reduced in scope and size. The current plan has been well received and supported by the City Department of Metropolitan Development regarding the proposed design and with financial incentives (PILOT and soft loan) to meet affordable housing goals for the City of Indianapolis..

2022-CPL-805 / 2022-CVR-805 Photographs



Subject site shown left, Meijer Drive access



Subject site Moller Road frontage



Subject site, Lot A viewed from Meijer Drive



Subject site, Lot B, viewed from adjacent lot

STAFF REPORT

Department of Metropolitan Development
Division of Planning
Current Planning Section

Case Number: 2022-MOD-004
Address: 2930 Waterfront Parkway West Drive (*Approximate Address*)
Location: Wayne Township, Council District #6
Petitioner: Meyer Acquisition, LLC
Request: Modification of the D-P Statement and site plan for 73-Z-81 to allow for multi-family residential uses on tract B-11 (previous petition allowed for commercial uses only).

This petition should be **continued from the March 24, 2022 hearing to the April 14, 2022 hearing** to provide time for adequate public notice to be posted on the site.

klh

STAFF REPORT

Department of Metropolitan Development Division of Planning Current Planning Section

Case Number: 2022-ZON-022
Address: 1301 East 11th Street and 1235 & 1239 Brookside Avenue
(Approximate Address)
Location: Center Township, Council District #17
Petitioner: Stanley James Klos III, by Mark Demerly
Request: Rezoning of 0.23 acre from the MU-1 district to the D-8 district.

RECOMMENDATION

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

Trail access, front yard fencing and front yard landscaping for 1235 Brookside Avenue and 1239 Brookside shall be reviewed and approved by the Indianapolis Greenways manager prior to installation

SUMMARY OF ISSUES

The following issues were considered in formulating the recommendation.

LAND USE

- ◇ The subject site consists of three lots, two of which were platted in 1871 and the third was platted in 1873. A single-family dwelling was constructed on each of the lots. The dwelling on the middle lot was demolished prior to 1972.
- ◇ Although platted and developed as a single-family neighborhood, the vicinity has been zoned for a mix of office and multi-family dwellings since the late 1960s.
- ◇ The 2018 Comprehensive Land Use Plan recommends Traditional Neighborhood for the subject site. This typology envisions a full spectrum of housing types, ranging from single family homes to large-scale multi-family housing with a development pattern that is compact and well-connected. This typology usually has a residential density of five to fifteen dwelling units per acre, but a higher density in proximity of a transit line, greenway, or park. A dwelling on each of the three lots would equal 13 units per acre.

STAFF REPORT 2022-ZON-022 (Continued)

- ◇ The 2018 Comprehensive Land Use Plan also recommends Linear Park for the south side of Brookside Avenue as it passes the subject site. A ten-foot wide multi-purpose path has been built along this route and is heavily used by cyclists and pedestrians. Because of the high volume of pedestrians and bicyclists on the path, Indy Greenways is concerned about trail safety and access. The Greenways manager has requested a commitment that any trail access, fencing or landscaping in the front yard of the two Brookside Avenue lots be reviewed and approved by the Greenways manager.

ZONING

- ◇ This petition requests a rezoning to the D-8 district. The D-8 district is a unique district designed for application in older developed urban areas. The district allows all forms of residential development except mobile dwellings. The district is designed to provide for the wide range and mixture of housing types found in older, inner-city neighborhoods, as well as along older residential/commercial thoroughfares. A fine-grain of accessibility is provided and must be maintained.
- ◇ Lots in the immediate vicinity have recently been rezoned to the D-8 district.
- ◇ The D-8 district is appropriate as it is responsive to the Traditional Neighborhood recommendation of the Comprehensive Land Use Plan and is the same district as other recent, nearby residential rezonings.

GENERAL INFORMATION

EXISTING ZONING, CONTEXT AREA, AND LAND USE

MU-1	Compact	Single-family dwellings
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SURROUNDING ZONING AND LAND USE

North	C-S	Business center
South	D-8, MU-1	Vacant lots
East	MU-1	Single-family dwelling
West	MU-1	Vacant lot

COMPREHENSIVE LAND USE PLAN	The Center Township Comprehensive Plan (2018) recommends Traditional Neighborhood and Linear Park.
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(Continued)

STAFF REPORT 2022-ZON-022 (Continued)

THOROUGHFARE PLAN

11th Street is classified in the Official Thoroughfare Plan for Marion County, Indiana as a Local Street, with a 30-foot existing right-of-way and a 48-foot proposed right-of-way.

Brookside Avenue is classified in the Official Thoroughfare Plan for Marion County, Indiana as a Primary Collector, with a 64-foot existing right-of-way and a 56-foot proposed right-of-way.

FLOODWAY / FLOODWAY FRINGE

This site is not located within a floodway or floodway fringe.

WELLFIELD PROTECTION DISTRICT

This site is not located within a wellfield protection district.

ZONING HISTORY – SITE

None

ZONING HISTORY – VICINITY

2019-CZN-821 / 2019-CVR-821; 1232, 1302 & 1306 East 10th Street south of site), requested the rezoning of 0.27 acre from the MU-1 district to the D-8 district and a variance of development standards to provide for deficient front and side setbacks, space between primary buildings and open space, **approved.**

2017-ZON-042; 1319 East 11th Street (east of site), requested the rezoning of 0.09 acre from the MU-1 district to the D-8 district, **approved.**

2017-CZN-801 / 2017-CVR-801; 1313, 1325 & 1409 East 11th Street (east of site), requested the rezoning of 0.2 acre from the MU-1 district to the D-8 district and a variance of development standards to provide for deficient separation between primary buildings and deficient side setback on the garage, **approved.**

92-Z-138, CV-18; 1125 Brookside Avenue (north of site), requested the rezoning of 16.7 acres from the I-4-U, PK-1, C-2 and D-8 districts to the C-S district to provide from a multi-use commercial facility including industrial and office uses, and a variance of development standards to provide for deficient yards and parking, **approved.**

klh

STAFF REPORT 2022-ZON-022, Location



STAFF REPORT 2022-ZON-022, Aerial photograph (2021)



STAFF REPORT 2022-ZON-022, Photographs



Looking south across 11th Street at 1301 East 11th Street, the easternmost lot of the subject site.



Looking southwest at the subject site and the multi-purpose path along Brookside Avenue.



Looking north at the site from the alley behind it.



Looking northeast along Brookside Avenue at the neighbor to the north.



Looking east along 11th Street.



Looking east along the alley behind the site. The subject site is within the fence to the left.

STAFF REPORT

Department of Metropolitan Development Division of Planning Current Planning Section

Case Number: 2022-ZON-025
Address: 2345 South Arlington Avenue (*Approximate Address*)
Location: Warren Township, Council District #18
Petitioner: Johnson Commercial Flooring, by Rachael M. Sloop
Request: Rezoning of five acres from the D-A district to the C-7 district to provide for a commercial contracting business.

RECOMMENDATIONS

Staff **recommends denial** of the request.

SUMMARY OF ISSUES

The following issues were considered in formulating the recommendation:

LAND USE ISSUES

- ◇ This 5.0-acre site, zoned D-A, is developed with a single-family dwelling and accessory buildings. It is surrounded by a single-family dwelling to the north and east, zoned D-A; commercial uses to the south, zoned C-3; single-family dwellings to the west, across South Arlington Avenue, zoned D-2.

(Continued)

STAFF REPORT 2022-ZON-025 (Continued)

REZONING

- ◇ This request would rezone the site from D-A District to the C-7 classification (High Intensity Commercial District) to provide for a commercial contracting business. “The C-7 District is designed to provide specific areas for commercial uses which have unusually incompatible features relative to other commercial uses, such as major outdoor storage or display of sizeable merchandise and the outdoor parking and storage of trucks, materials or equipment essential to the operation of these uses. Many of these uses generally are not visited by customers, but rather involve service operations from headquarters with some on-site fabrication of parts. The nature of operation or appearance are more compatible with industrial than retail commercial activities. Because of the character and intensity of these uses, this district should be appropriately located on major commercial arterial thoroughfares and near interstate freeways, but not in close association with those commercial activities involving shopping goods, professional services, restaurants, food merchandising, and the like. Due to the intensity of uses, location of this district should never be adjacent to protected districts.”
- ◇ The Comprehensive Plan recommends Suburban Neighborhood. “The Suburban Neighborhood typology is predominantly made up of single-family housing, but is interspersed with attached and multifamily housing where appropriate. This typology should be supported by a variety of neighborhood-serving businesses, institutions, and amenities. Natural Corridors and natural features such as stream corridors, wetlands, and woodlands should be treated as focal points or organizing systems for development. Streets should be well-connected and amenities should be treated as landmarks that enhance navigability of the development. This typology generally has a residential density of 1 to 5 dwelling units per acre, but a higher density is recommended if the development is within a quarter mile of a frequent transit line, greenway, or park.”

(Continued)

STAFF REPORT 2022-ZON-025 (Continued)

- ◇ 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.
- ◇ The only commercial uses permitted in the Suburban Neighborhood are small-scale offices, retailing and personal or professional services that would be contemplated by C-3 or C-4 Districts.

Tree Preservation / Heritage Tree Conservation

- ◇ There are significant amounts of natural vegetation and trees located on the entire 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.
- ◇ 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.)

(Continued)

STAFF REPORT 2022-ZON-025 (Continued)

- ◇ 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.
- ◇ Additionally, the Department of Parks and Recreation has requested that for each tree removed, three trees shall be planted, along with three years of watering.
- ◇ If approved, staff would request the following commitments being reduced to writing on the Commission's Exhibit "B" forms at least three days prior to the MDC hearing:
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.

Any healthy tree that is removed, shall be replaced with three trees pursuant to the request from the Department of Parks and Recreation. The trees shall be maintained and watered for period of three years.

Department of Public Works

- ◇ The Department of Public Works, Traffic Engineering Section, has requested the dedication and conveyance of a 59.5-foot half right-of-way along South Arlington Avenue. This dedication would also be consistent with the Marion County Thoroughfare Plan.

(Continued)

STAFF REPORT 2022-ZON-025 (Continued)

- ◇ If approved, staff would request the following commitment being reduced to writing on the Commission's Exhibit "B" forms at least three days prior to the MDC hearing:

A 59.5 half right-of-way shall be dedicated along the frontage of South Arlington Avenue, as per the request of the Department of Public Works (DPW), Engineering Division. Additional easements shall not be granted to third parties within the area to be dedicated as public right-of-way prior to the acceptance of all grants of right-of-way by the DPW. The right-of-way shall be granted within 60 days of approval and prior to the issuance of an Improvement Location Permit (ILP).

Indiana Fire Code

- ◇ This site would also be subject to, but not limited to, the following Indiana Fire Code provisions:

Indiana Fire Code 2014

Section 507.5 - Fire Hydrant Systems

Section 507.5.1 - Where Required

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

Exceptions:

1. For Group R-3 and Group U occupancies, the distance requirement shall be 600 feet (183m)
2. For buildings equipped throughout with an approved automatic sprinkler system installed in accordance with Section 903.3.1.1 or 903.3.1.2, the distance requirement shall be 600 feet (183m).

Site Plan / Plan of Operation

- ◇ The site plan, file-dated February 17, 2022, provides for construction of a building along the western portion of the site for a warehouse that includes an office and indoor storage.

(Continued)

STAFF REPORT 2022-ZON-025 (Continued)

- ◇ The Plan of Operation, file dated, March 10, 2022, describes the staff and hours of operation, the approximate number of deliveries, the types of vehicles making deliveries and hours of deliveries.

Planning Analysis

- ◇ As proposed this request would not be consistent with the Comprehensive Plan recommendation of suburban neighborhood typology.
- ◇ Staff believes, despite the petitioner's willingness to eliminate some of the more impactful C-7 uses, that the C-7 District would be detrimental to the surrounding land uses. The Ordinance notes that this high intensity district should not be located adjacent to protected districts and is more characteristic of industrial uses. Residential uses are adjacent to the north, east and west.

GENERAL INFORMATION

EXISTING ZONING AND LAND USE

D-A

Single-family dwelling

SURROUNDING ZONING AND LAND USE

North - D-A

Single-family dwelling

South - C-3

Commercial uses

East - D-A

Single-family dwelling

West - D-2

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 South Arlington Avenue is designated in the Marion County Thoroughfare Plan as a primary arterial with an existing 44-foot right-of-way and a proposed 119-foot right-of-way.

CONTEXT AREA

This site is located within the metro context area.

(Continued)

STAFF REPORT 2022-ZON-025 (Continued)

OVERLAY	This site is not located within an overlay.
SITE PLAN	February 17, 2022
ELEVATIONS	February 17, 2022
PLAN OF OPERATION	March 10, 2022

ZONING HISTORY

2020-ZON-071; 6002 Southeastern Avenue (south of site), requested rezoning of 0.70 acre from the C-3 district to the C-4 district, **withdrawn**.

2016-ZON-052; 6011 Southeastern Ave (south of site), requested rezoning of two acres from the C-3 district to the C-4 district, **denied**.

2007-ZON-082; 6011 Southeastern Avenue (south of site), requested rezoning of 0.5 acre from the D-A district to the C-3 district, **approved**.

2004-ZON-048; 6010 and 6020 (east of site), requested the rezoning of three acres from the D-A and C-3 districts to the C-3 district, **approved**.

95-UV1-81; 6020 Southeastern Avenue (south of site), requested a variance of use to provide for an office in a dwelling district, **approved**.

91-UV3-103; 5990 Southeastern Avenue (west of site), requested a variance of use to provide for outdoor automobile sales and variances of development standards for deficient landscaping and deficient transitional yards, **approved**.

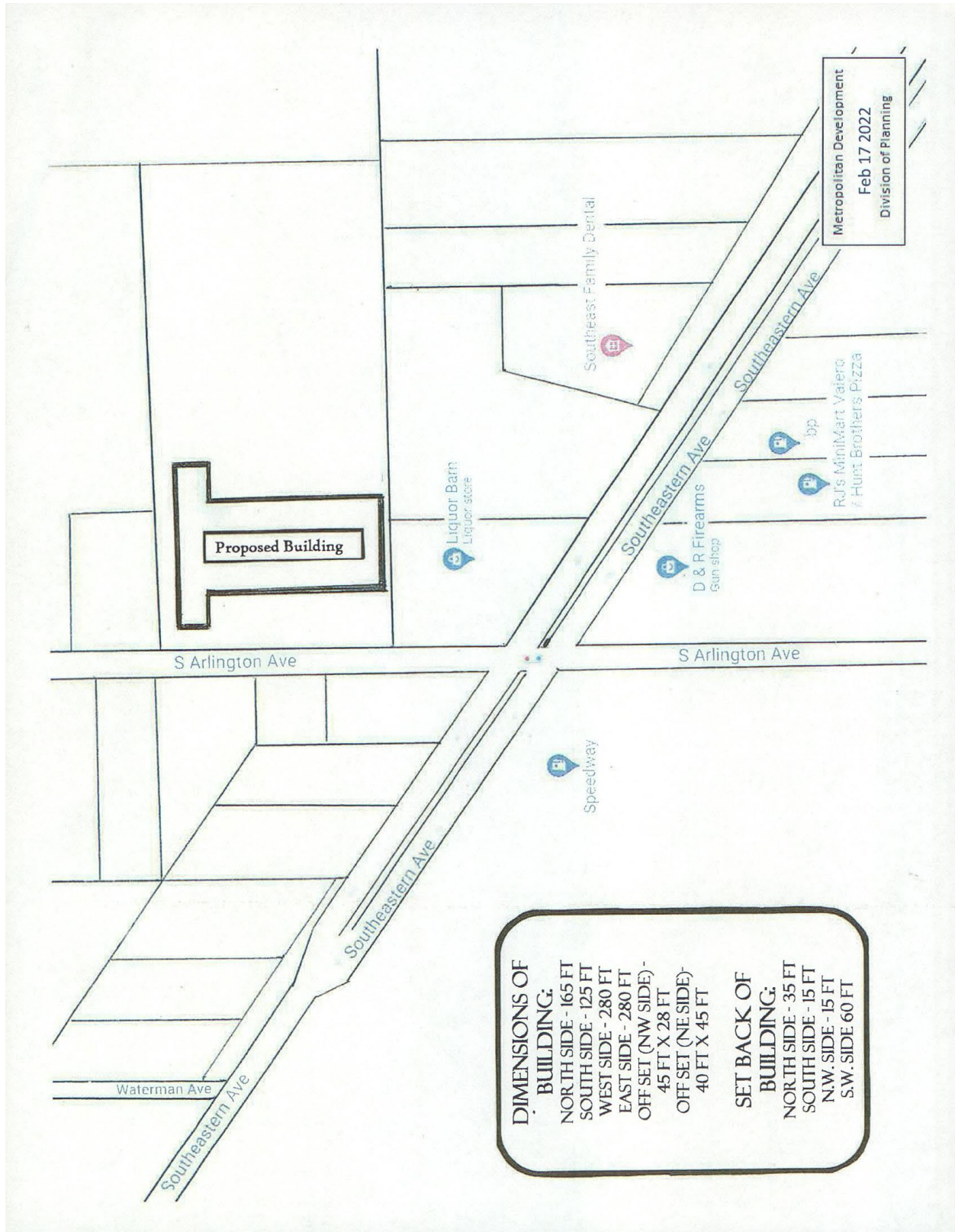
85-Z-145; 6011 Southeastern Avenue (south of site), requested a rezoning of one acre from the A-2 district to the C-7 classification, **withdrawn**.

85-UV2-78; 6030 Southeastern Avenue (south of site), requested a variance of use to provide for the display and sales of automobiles in a dwelling district, **withdrawn**.

kb



SITE PLAN





Metropolitan Development
Feb 17 2022
Division of Planning

PLAN OF OPERATION

Company Routine

Staff

6:30 Office Manager comes in, opens up

6:45 Installation Manager comes in, arrange workorders for installers

7:00 Warehouse Manager comes in to pass out supplies to installers

7:00 – 8:30 Installers come in load and leave (4) every 20 Minutes (Vans)

8:00 Office staff comes in (3 people)

Duties include but not limited to:

Scheduling, making workorders, billing, collections

9:00 Warehouse staff comes in (2 people)

Duties include but not limited to:

Cleaning daily around dumpster, loading zone, picking up trash on property, cutting materials for the next day, unloading trucks.

5:00 Office staff closes office and leaves

5:30 Warehouse staff cleans office, turns out lights locks up, leaves

Scheduled Deliveries:

Approximately every 10 days Load of Carpet (Semi Truck)

Approximately once a month Load of Pad (Semi Truck)

Approximately every 8 working days Dumpsters Emptied

Intermediate Deliveries:

Materials – Tile, Vinyl, Wood and Plank (20 ft Box Truck)

Supplies – Glues, Luaan, Tack strip, etc. (20 ft Box Truck)

All Deliveries are made between 8:30am to 4:00pm

After Installers have loaded and left and 1 hour before closing so that it can be unloaded before 5:30 PM

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.

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



View looking north along South Arlington Avenue



View looking south along South Arlington Avenue



View from site looking southwest across South Arlington Avenue and Southeastern Avenue



View of site looking north



View of site looking northeast along the southern boundary



View from site looking west across South Arlington Avenue



View from site looking northeast across South Arlington Avenue

STAFF REPORT

Department of Metropolitan Development
Division of Planning
Current Planning Section

Case Number: 2022-ZON-026
Address: 4825 East 82nd Street (*Approximate Address*)
Location: Washington Township, Council District #3
Petitioner: East 82nd Street Partners, LLC, by Mark R. Leach
Request: Rezoning of 1.6 acres from the C-S district to the C-S district to add the following uses to those already permitted under petition 95-Z-171: Health and Fitness Facility; Gymnasium; Instruction in baseball, gymnastics or swimming; Trampoline Park; or other similar indoor commercial amusement/recreation establishment.

Modification of Commitments related to 95-Z-171 as amended by 98-AP-6 to amend the following commitment:

Commitment #10 to add Health and Fitness Facility; Gymnasium; Instruction in baseball, gymnastics or swimming; Trampoline Park; or other similar indoor commercial amusement/recreation establishment to the listing of permitted uses.

RECOMMENDATION

Staff **recommends denial** of this request. However, should the petitioner agree to following commitment, staff would recommend approval of the request. The following commitment should be reduced to writing on the Commission's Exhibit "B" forms at least three days prior to the MDC hearing:

A sidewalk or multi-purpose trail meeting the specifications of the Department of Public Works shall be constructed along the south side of 82nd Street between the west entrance drive to the retail center in which the subject site is located and the west property line of the center.

SUMMARY OF ISSUES

The following issues were considered in formulating the recommendation.

(Continued)

STAFF REPORT 2022-ZON-026 (Continued)

LAND USE

- ◇ The subject site is an outlot of a large retail center that stretches for over a half-mile along the south side of 82nd Street. The site was developed as a restaurant, but the building has recently been demolished. A new building is under construction on the eastern half of the site.
- ◇ The retail center is part of a commercial corridor that extends for five miles from west of Keystone Avenue to east of I-69.
- ◇ The 2018 Comprehensive Land Use Plan recommends Village Mixed-Use for the site. This typology envisions a mixed-use core of small neighborhood office/retail nodes, public and semi-public uses, open space and light industrial development. This typology is intended to be compact and walkable.

ZONING

- ◇ The subject site is a 1.6-acre portion of a larger C-S zoning district. The district was created by zoning petition 95-Z-171, which rezoned 45 acres from the D-A, C-1, and C-4 districts to the C-S district to provide for mixed-use office and retail development. The petition was approved with 26 commitments including two commitments related to permitted uses. The permitted uses are any C-1 use with five exceptions and any C-3 use with 26 exceptions, hotel or motel, appliance store and retail garden shop.
- ◇ This petition would rezone the subject site from the C-S district to the C-S district to add health and fitness facility; gymnasium; instruction in baseball, gymnastics or swimming; trampoline park; and other similar indoor commercial amusement/recreation establishment to the list of permitted uses for this 1.6 acre-portion of the larger development. These uses are permitted in the C-4, C-5 and C-7 districts. These uses tend to larger, draw people from a wider area, and create more traffic than the neighborhood-serving uses found in the C-3 district.
- ◇ A site plan has been submitted with this petition and has been included in this staff report showing the development contemplated at this site. Any development of the site must substantially in compliance with this plan and follow the commitments of 95-Z-171 as amended and the development standards of the Ordinance.

(Continued)

STAFF REPORT 2022-ZON-026 (Continued)

- ◇ There is currently no sidewalk along 82nd Street. The Indianapolis Thoroughfare Plan recommends a multi-use path along the south side of 82nd Street. The Plan also notes that this is a Tier 1 area for pedestrian safety, which is the highest priority for construction of pedestrian safety infrastructure, such as sidewalks and multi-use paths. The section of 82nd Street is known for the number of pedestrians and bicyclists being struck by vehicles.
- ◇ As this is a high-need area for pedestrian/bicycle infrastructure and because the requested use is a more intense one than was originally approved for the site, staff recommends that a sidewalk or multi-use pedestrian path be built along the 82nd Street frontage of this site.

GENERAL INFORMATION

EXISTING ZONING, CONTEXT AREA, AND LAND USE

C-S	Metro	Retail center
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SURROUNDING ZONING AND LAND USE

North	D-6II	Multi-family dwelling complex
South	C-S	Retail center
East	C-S	Retail center
West	D-P	Offices

COMPREHENSIVE LAND USE PLAN	The Washington Township Comprehensive Plan (2018) recommends Village Mixed-Use.
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THOROUGHFARE PLAN	East 82 nd Street is classified in the Official Thoroughfare Plan for Marion County, Indiana as a Primary Arterial, with an existing right-of-way ranging from 145 feet to 190 feet and a 134-foot proposed right-of-way.
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FLOODWAY / FLOODWAY FRINGE	This site is not located within a floodway or floodway fringe.
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STREAM PROTECTION CORRIDOR	This site is not located within a stream protection corridor.
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WELLFIELD PROTECTION DISTRICT	This site is not located within a wellfield protection district.
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(Continued)

STAFF REPORT 2022-ZON-026 (Continued)

ZONING HISTORY – SITE

98-Z-87; 5205 East 82nd Street, requested the rezoning of 41.2 acres from the C-S district to the C-S district to provide for a veterinary clinic, **approved**.

95-Z-171; 4825 East 82nd Street, requested the rezoning of 45 acres from the D-A, C-1, and C-4 districts to the C-S district to provide for mixed-use office and retail development, **approved**.

85-Z-175; 5101 East 82nd Street, requested the rezoning of 40 acres from the A-2 district to the D-6II district, **denied**.

ZONING HISTORY – VICINITY

2014-UV2-018; 5151 East 82nd Street (south of site), requested of variance of use to provide for an amusement arcade within 500 feet of a dwelling district, **withdrawn**.

2012-CAP-817 / 2012-CVR-817; 5151 East 82nd Street (east of site), requested a modification of commitments related to petition 950Z-171 and a variance of development standards to provide for outdoor seating and dining for all types of restaurants, **approved**.

95-Z-53, DP-3; 8101 Dean Road (west of site), requested the rezoning of 127.6 acres from the SU-3, C-1, and D-A districts to the D-P district to provide for 322 single-family dwellings, 70 townhouse units and six acres of commercial development, **approved**.

86-Z-44; 4602 East 82nd Street (north of site), requested the rezoning of 61.2 acres from the A-2 district to the D-6II district, **approved**.

85-Z-82; 4602 East 82nd Street (north of site), requested the rezoning of 82 acres from the A-2 district to the C-S district to provide for multi-family dwellings, offices and retail development, **withdrawn**.

klh

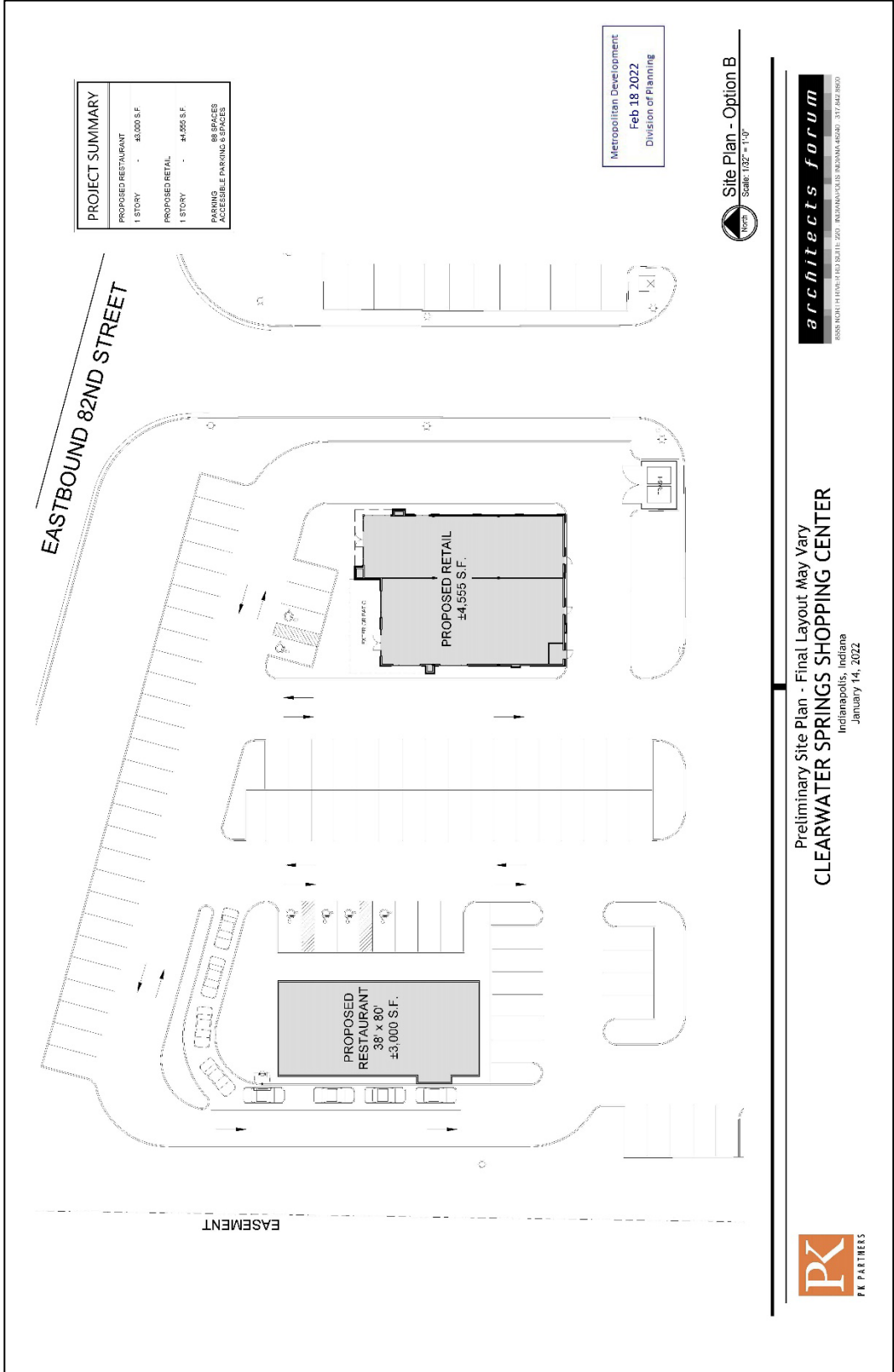
STAFF REPORT 2022-ZON-026, Location



STAFF REPORT 2022-ZON-026, Aerial photograph (2021)



STAFF REPORT 2022-ZON-026, Site Plan



STAFF REPORT 2022-ZON-026, Photographs



Looking south at the building being constructed on the eastern half of the subject site.



Looking east across the northern portion of the site and beyond.



Looking south across the west half of the site.



Looking north across 82nd Street to the neighbors to the north.



Looking west at the neighbors to the west.



Looking west along 82nd Street.

STAFF REPORT

Department of Metropolitan Development Division of Planning Current Planning Section

Case Number: 2022-ZON-027 (amended)
Address: 7250 North Keystone Avenue (approximate addresses)
Location: Washington Township, Council District #2
Petitioner: Gerber Collison and Glass
Request: Rezoning of 7.20 acres from the D-4 and C-4 (FW) (FF) districts to the C-4 (FW) (FF) district to provide for Automobile Service and Repair.

RECOMMENDATIONS

Staff **recommends denial** of the request. However, if the southwest portion of the site would be donated to the Department of Parks and Recreation, staff would reconsider the request.

SUMMARY OF ISSUES

The following issues were considered in formulating the recommendation:

LAND USE ISSUES

- ◇ This 7.20-acre site, zoned D-4 and C-4 (FW)(FF) is developed with an automobile service and repair business. It is surrounded by single-family dwellings and commercial uses to the north, zoned D-4 and C-3, respectively; undeveloped land and commercial uses to the south, zoned D-A and C-5, respectively; commercial uses to the east, across North Keystone Avenue, zoned C-4; and single-family dwellings and park to the west, zoned D-4 and PK-1.
- ◇ Petition 89-UV1-44 provided for outdoor display and sale of vehicles with a 10-foot front setback.

(Continued)

STAFF REPORT 2022-ZON-027 (Continued)

REZONING

- ◇ This request would rezone the site from the D-4 and C-4 (FW) (FF) districts to the C-4 (FW) (FF) classification to provide for automobile service and repair. “The C-4 District is designed to provide for the development of major business groupings and regional-size shopping centers to serve a population ranging from a community or neighborhoods to a major segment of the total metropolitan area. These centers may feature a number of large traffic generators such as home improvement stores, department stores, and theatres. Even the smallest of such freestanding uses in this district, as well as commercial centers, require excellent access from major thoroughfares. While these centers are usually characterized by indoor operations, certain permitted uses may have limited outdoor activities, as specified.”
- ◇ The Comprehensive Plan recommends community commercial typology. “The Community Commercial typology provides for low-intensity commercial and office uses that serve nearby neighborhoods. These uses are usually in freestanding buildings or small, integrated centers. Examples include small-scale shops, personal services, professional and business services, grocery stores, drug stores, restaurants, and public gathering spaces.”
- ◇ The Pattern Book 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.

(Continued)

STAFF REPORT 2022-ZON-027 (Continued)

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

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

Floodway / Floodway Fringe

- ◇ This site has a secondary zoning classification of a Floodway (FW) and Floodway Fringe (FF). The Floodway (FW) is the channel of a river or stream and those portions of the floodplains adjoin the channels which are reasonably required to efficiently carry and discharge the peak flood flow of the base flood of any river or stream. The Floodway Fringe (FF) is the portion of the regulatory floodplain that is not required to convey the 100-year frequency flood peak discharge and lies outside of the floodway.
- ◇ The purpose of the floodway district is to guide development in areas identified as a floodway. The Indiana Department of Natural Resources (IDNR) exercises primary jurisdiction in the floodway district under the authority of IC 14-28-1.
- ◇ The designation of the FF District is to guide development in areas subject to potential flood damage, but outside the Floodway (FW) District. Unless otherwise prohibited, all uses permitted in the primary zoning district (C-4 in this request) are permitted, subject to certain development standards of the Flood Control Secondary Zoning Districts Ordinance.
- ◇ Staff would note, except for a small portion of the access drive along Ruth Drive, the entire site lies within the 100-year floodplain.

(Continued)

STAFF REPORT 2022-ZON-027 (Continued)

Planning Analysis

- ◇ The 1989 variance of use permitted outdoor display and sale of vehicles. The current use as an automobile vehicle service and repair operation has been operating illegally since the conversion occurred. Admittedly, the zoning boundary bisects the building with the C-4 district located along North Keystone Avenue frontage. Staff believes that zoning classification is appropriate along this commercial corridor but expanding that C-4 district boundary to the west that abuts a residential neighborhood and a park would not be appropriate.
- ◇ During a site visit staff observed a large area of stored vehicles awaiting repair. If approved, vehicle storage could be expanded to the west and south, which would have a substantially negative impact on the residential neighborhood and park. Additionally, staff would note that the Pattern Book recommends against outdoor storage if adjacent to residential uses and living typologies.
- ◇ In staff's opinion, the request would not be consistent with the Comprehensive Plan recommendation of community commercial because of the proximity of the adjacent land uses to the west.
- ◇ The Department of Parks and Recreation has requested a donation of a portion of the site that would be contiguous to and integrated with the park to the west. See Exhibit A.
- ◇ If this donation would occur, staff would reconsider the request because it would limit the amount of outdoor storage and offer more open green space for the residents.

GENERAL INFORMATION

EXISTING ZONING AND LAND USE

D-2 / C-4 (FF)(FW)

Commercial uses

SURROUNDING ZONING AND LAND USE

North - D-4 / C-3

Single-family dwellings / commercial uses

South - D-A / C-5

Undeveloped land / commercial uses

East - C-4

Commercial uses

West - D-4 / PK-1

Single-family dwellings / park

(Continued)

STAFF REPORT 2022-ZON-027 (Continued)

COMPREHENSIVE LAND USE PLAN	The Comprehensive Land Use Plan for Indianapolis and Marion County (2018) recommends community commercial typology.
THOROUGHFARE PLAN	This portion of North Keystone Avenue is designated in the Marion County Thoroughfare Plan as a primary arterial with an existing 145-foot right-of-way and a proposed 124-foot right-of-way.
CONTEXT AREA	This site is located within the metro context area.
OVERLAY	This site is not located within an overlay.
FLOODWAY / FLOODWAY FRINGE	This site is located within the 100-year floodplain.

ZONING HISTORY

89-UV1-44; 7250 North Keystone Avenue, requested a variance of use and development standards of the Commercial Zoning Ordinance to provide for the outdoor display and sales of vehicles, with a 10-foot front setback, **granted**.

88-Z-136; 7250 North Keystone Avenue, requested the rezoning of 3.268 acres, being in the C-3 (FF) District to the C-5 (FF) classification, **approved**.

VICINITY

2005-ZON-179; 7216 North Keystone Avenue (south of site), requested rezoning of 3.6 acres, being in the SU-34 (FW)(FF) and D-A (FW) Districts, to the C-4 (FW)(FF) classification to provide for community-regional commercial uses, **approved**.

2004-UV3-046; 7215 North Keystone Avenue (south of site), requested a variance of use of the Dwelling Districts Zoning Ordinance to provide for a 1,440-square foot greenhouse and a 400-square foot temporary sales tent (not permitted) related to an existing landscaping lawn and garden center, **granted**.

2001-ZON-036; 2100 East 71st Street (south of site), requested the rezoning of 10.696 acres from the D-A District to the SU-16 classification to provide for athletic fields and related accessory uses, **withdrawn**.

(Continued)

STAFF REPORT 2022-ZON-027 (Continued)

98-HOV-50G; 7101 North Keystone Avenue (south of site), requested a variance of development standards of the Commercial Zoning Ordinance to provide for the placement of beverage vending machines on gasoline pump islands (required placement against the wall of the primary building), **granted**.

98-V3-89; 7246 North Keystone Avenue (south of site), requested a variance of development standards of the Wireless Communications Zoning Ordinance, to provide for a 20-foot height increase to an existing 100-foot monopole tower, located within 500 feet of a protected district (maximum 70 feet in height permitted), **granted**.

98-UV2-35; 2102 East 71st Street (south of site), requested a variance of use of the Special Districts Zoning Ordinance to provide for a telecommunications facility (not permitted) consisting of a monopole tower being 180 feet in height and a 12 by 20-foot equipment building, **granted**.

98-UV1-29; 7246 North Keystone Avenue (south of site), requested a variance of use and development standards of the Commercial Zoning Ordinance to provide for the construction of a telecommunications facility (not permitted, with a cellular communications tower, being 100 feet in height (maximum 22 feet in height permitted at the proposed tower location), **granted**.

93-Z-128; 2507 East 72nd Street (south of site), requested rezoning of 0.29 acre from the D-5 District to the SU-9 classification to provide for construction of a fire station, **approved**.

91-UV3-51; 7215 North Keystone Avenue (south of site), requested a variance of use of the Dwelling District Zoning Ordinance to permit the placement of a cellular commercial facility and a 185-foot monopole tower, **granted**.

91-UV2-2; 2301 East 71st Street (south of site), requested a variance of use and development standards to provide for the reconstruction of a restaurant, which would serve alcohol within 100 feet of a dwelling district, **granted**.

89-UV1-33; 7215 North Keystone Avenue; requested a variance of use of the Dwelling Districts Zoning Ordinance to provide for the continued operation of a landscaping lawn and garden center with lawnmower sales and service, and seasonal plant and firewood sale, **granted**.

(Continued)

STAFF REPORT 2022-ZON-027 (Continued)

87-Z135; 7102 North Keystone Avenue, requested rezoning of 1 acre being in the SU-34 District, to the C-3 classification to provide for a restaurant, **approved**.

86-HOV-111; 7220 North Keystone Avenue, requested a variance of development standards of the Sign Regulations to provide for an eight-foot increase in the height of an existing advertising sign, **granted**.

86-HOV-23; 7215 North Keystone Avenue (south of site), requested a variance of development standards of the Sign Regulations to provide for the use of 2.917 by 38.917-foot electronic message panel attached to an existing advertising pole sign, **granted**.

85-UV2-20; 7209 North Keystone Avenue (south of site), requested a variance of use and development standards of the Commercial Zoning Ordinance to provide for the retail sales of swimming pool equipment and accessories, **granted**.

85-UV2-5; 7216 North Keystone Avenue (south of site), requested a variance of use of the Special Use Districts Zoning Ordinance to provide for an addition to an existing health spa, **granted**.

84-UV1-18; 7215 North Keystone Avenue (south of site), requested a variance of use of the Dwelling Districts Zoning Ordinance to provide for the sale and outdoor display of lawn and garden products, including supplies, equipment, flowers, shrubs, small trees, firewood, and Christmas trees, **granted**.

84-Z-135; 7209 North Keystone Avenue (south of site), requested rezoning of 0.96 acre, being in the D-5 District to the C-3 classification to provide for commercial development, **approved**.

83-UV2-109; 7201 North Keystone Avenue (south of site), requested a variance of use and development standards of the Sign Regulations to allow the erection of a pole sign in the required 5-foot setback at 0 feet from a diagonal right-of-way line, seven feet from the Keystone Avenue right-of-way extended and 11.5 feet from the 72nd Street right-of-way, **granted**.

(Continued)

STAFF REPORT 2022-ZON-027 (Continued)

74-UV3-27; 7201 North Keystone Avenue (south of site), requested a variance of use and development standards to allow for the construction of a pizza restaurant with carry-out and beer sale, **granted**.

69-V4-104; 7216 North Keystone Avenue (south of site), requested a variance of use to provide for a pole sign for an existing health spa, **granted**.

kb



EXHIBIT A





View looking south along North Keystone Avenue



View looking north along North Keystone Avenue



View of site looking south



View of site looking south



View of site looking southeast



View of site looking north



View from site looking south

STAFF REPORT

Department of Metropolitan Development
Division of Planning
Current Planning Section

Case Number: 2022-ZON-028
Address: 4020 East 21st Street (approximate addresses)
Location: Center Township, Council District #17
Petitioner: Marathon Petroleum Company, by David Kingen and Emily Duncan
Request: Rezoning of 0.75 acres from the D-5 (FW) district to the I-3 (FW) district.

The petitioner's representative has requested a **continuance from the March 24, 2022 hearing, to the April 14, 2022 hearing**. Staff would have no objection to the continuance.

kb

STAFF REPORT

Department of Metropolitan Development
Division of Planning
Current Planning Section

Case Number: 2022-ZON-030
Address: 11700 and 11850 East 38th Street and 4002 North Carroll Road
(approximate addresses)
Location: Lawrence Township, Council District #14
Petitioner: Keith Russell, by Mark and Kim Crouch
Request: Rezoning of 46.2 acres from the D-A and D-3 (FF) Districts to the D-5 (FF) District.

Staff is requesting a **continuance from the March 24, 2022 hearing, to the April 28, 2022 hearing**, to provide additional time for the petitioner to provide a Traffic Impact Study (TIS) and additional information related to the request and site plan.

kb

STAFF REPORT

Department of Metropolitan Development
Division of Planning
Current Planning Section

Case Number: 2022-CZN-807 / 2022-CAP-807 / 2022-CVR-807
Address: 5540 South Belmont Avenue (*Approximate Addresses*)
Location: Perry Township, Council District #20
Petitioner: American Aggregates Corporation, a/k/a Martin Marietta Materials, by Timothy E. Ochs
Request: Rezoning of 10 acres from the D-A (GSB) (FF) to the SU-23 (GSB) (FF) district to provide for sand and gravel extraction and concrete processing plant.

Modification of Commitments associated with rezoning petitions 72-Z-233, 87-Z-91, 97-Z-78, 97-Z-79 and 99-Z-199 to terminate all prior zoning commitments and replace them with commitments filed with this petition.

Variance of Use of the Consolidated Zoning and Subdivision Ordinance to provide for the relocation of two concrete plants (not permitted).

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. Petitioner shall submit to DMD a site plan that shows the mining plan on the Real Estate, including anticipated phasing and timing of mining.
2. The following Reclamation Plan (the "Plan") provides the guidelines for the reclamation and beatification of the Real Estate upon the conclusion of sand and gravel mining operation. To the extent possible, time frames for implementation of the guidelines are included. The guidelines, however, may be implemented during mining if feasible. These guidelines are based on the Guiding Principles (the "Principles") of the Environmental Stewardship Council (the "ESC") of the Indiana Mineral Aggregates Association, published on June 1, 2000. The Principles were drafted after ESC contacted several

(Continued)

STAFF REPORT 2022-CZN/CAP/CVR-807 (Continued)

consulting firms and two universities. The Principles were drafted over a period of six months, after which they were adopted through a series of hearings and meeting over approximately a one-year period.

- a. Reclamation Principles. The following reclamation principles and guidelines will be adhered to with respect to the reclamation and restoration of the Real Estate upon the conclusion of sand and gravel mining operations.
 - i. Stabilization of Soil and Loose Rock.
 - ii. Slope Materials. Sufficient volumes of overburden will be maintained on the Real Estate to ensure the reclamation plan can be completed. All overburden placed on the real estate will be placed graded and stabilized to minimize soil erosion, surface disturbance, and stream or river contamination. Sufficient water-retarding siltation control structures and diversion ditches will be utilized, if necessary, to control runoff.
 - iii. Grading Slopes. Upon completion of reclamation, no vertical or near vertical high walls will remain in unconsolidated deposits. Any ridges, peaks or slopes created by excavation, overburden removal or replacement will be graded to a slope that provides for stability, prevents erosion, and supports vegetation. A stable slope of unconsolidated material will be less than a ratio of three feet horizontal to one foot vertical (3:1). The grading of any slopes will be compatible with the surrounding topography and the proposed land use of the Real Estate.
 - iv. Post Mining Vegetation.
 1. A vegetative cover will be established on all portions of the affected Real Estate that is not covered by water or existing vegetation. The re-vegetation will provide a diverse, effective and permanent vegetation cover capable of self-regeneration and plant succession. Any area which will receive new vegetative cover will be covered with an amount and type of soil material sufficient to support growth of the proposed vegetation cover. The required soil cover will be deposited and uniformly spread over the reclaimed and graded areas. Agricultural lime and fertilizer will be applied to the soil in amounts recommended by standard agricultural soil testing procedures and soil pH tests. Re-graded reclamation areas and slopes will be prepared and seeded no later than the beginning of the next growing season after completion of final grading and cessation of mining activities.

(Continued)

STAFF REPORT 2022-CZN/CAP/CVR-807 (Continued)

2. Soil stabilizers and or mulch will be applied, as necessary, to promote seed germination and prevent washing away of seeds. Soil materials will be prepared utilizing appropriate standard agricultural methods. Seedbed preparation will be accomplished along the contour of all slopes and the soil material loosened to a depth sufficient to promote proper seed germination.
 3. Quick germinating, rapid-growing vegetative species capable of stabilizing the surface soil and preventing erosion will be sown. Vegetative materials will consist of grasses, legumes, herbaceous or woody plants, shrubs and trees. Specific material will be chosen based on soil test results, post-mining land use, long-term erosion control, growth rated, ability to provide permanent vegetative cover, self-regeneration and plant succession capabilities, potential soil rebuilding abilities, and potential benefits to wildlife. At least three grass and legume species will be applied as re-vegetative ground cover. One species will be a quick-growing variety to establish cover for the other species. At least one permanent legume species and two permanent grasses will be applied. Planting rates will be determined based upon recommendations of seed manufacturers and results of soil tests. Fresh, top-quality seeds will be used, and legume seeds will be properly inoculated prior to planting.
 4. Time Table. A minimum of 65% ground cover will be established at the end of the first growing season. Individual bare areas due to unsuccessful re-vegetation should not exceed one-half acre for any two acres planted at the first growing season. Coverage of 85% will be established at the end of the second growing season.
- b. Site Specific Guidelines. The following guidelines are specific to the Real Estate. The Reclamation Principles contained above shall be utilized when complying with the site-specific guidelines
- i. Areas Located in Floodway. All areas located in the Floodway will be left in a natural state as provided below, with no structures being permitted in such areas, with the exception of nature trails, piers, or docks. Such are will likely remain in a natural state unless used as a park or recreational area.

(Continued)

STAFF REPORT 2022-CZN/CAP/CVR-807 (Continued)

- ii. Non-Lake Areas. All areas not located in Lake Areas and not located in undisturbed Areas will be graded to drain towards the lakes. Such grades shall be as close as reasonably possible to the surrounding topography so as to appear natural. Such areas will be covered by the vegetative cover described in the Reclamation Principles.
 - iii. Areas Located Outside of Floodway. The goal with respect to the reclamation of the areas located outside of the flood way is to make such areas suitable for any type of development that is consistent with the surrounding area and the City of Indianapolis Comprehensive Plan and Zoning Ordinance. Such uses, generally, could include any combination of residential, office, retail, and commercial or recreational uses. Buffering mounds screening views from the east to the west will not be removed, if at all, until restoration and reclamation is nearly complete. Until improvements are constructed pursuant to a specific use, all unpaved areas will be covered by the vegetative cover described in the Reclamation Principles.
- 3. During the construction of I-69 while east bound Epler Avenue is closed to traffic, truck traffic may utilize a temporary access point on Concord Street noted as Alt Entrance B on the Site Plan attached hereto as Exhibit A (the "Site Plan"). Truck traffic shall use the designated detour route established by the Indiana Department of Transportation during the closure of east bound Epler.
- 4. When Epler Avenue is available for use by truck traffic heading east from the site to allow access to I-465, Alt Entrance B shall not be used, except for internal truck or equipment traffic between the Real Estate and the sand and gravel operation on the west side of Concord Street, all truck traffic exiting the site shall be directed to turn right and head east on Epler Avenue to gain access to I-465, I-69 or SR 37.
- 5. The main access drive noted as New Entrance A on the Site Plan shall be hard surfaced. All access roads shall have dust control, which may include the application of water, sweeping, the use of a dust palliative. Any dust control for Epler Avenue shall be through sweeping or the use of a dust palliative.
- 6. All work or development on the site shall be in substantial compliance with the Site Plan and with the mining plan approved by the Administrator.
- 7. Any storage of fuel or other non-organic products, the loading areas, and any equipment maintenance areas shall be at a location which has an impermeable base line and diking sufficient to contain at least 110% of product loss from the largest of the storage tanks or containers.

(Continued)

STAFF REPORT 2022-CZN/CAP/CVR-807 (Continued)

8. Owners shall cause a tree inventory to be conducted and submitted to DMD prior to the removal of any trees on the Real Estate, which inventory shows the species and size of all Heritage Trees. Owner shall submit for approval of the Administrator a landscape plan, indicating species and size of the landscape elements, prior to the issuance of an Improvement Location Permit for the concrete plants. The plan shall preserve, to the extent reasonably possible, all existing trees. All landscaping shown shall be maintained in compliance with the maintenance and replacement requirements of the UDO in effect as of the date of these Commitments.
9. No blasting or explosions will take place on the Real Estate. It is specifically agreed and understood that the Real Estate shall be utilized for the mining, processing, stockpiling, weighing, or loading of limestone.
10. Any crushing of material during the dredging operation shall be limited to rocks of less than approximately four inches in diameter, which represents less than Two Percent (2%) of the total deposit.
11. There shall be an interior road system made of gravel or stone located on the Real Estate, which shall be maintained with dust control as required in these Commitments.
12. After the reconstruction and opening of Epler Avenue as part of the I-69 project, there will be appropriate on-site signage and such other notices advising truckers to utilize Epler Avenue east of the access noted as New Entrance A on the Site Plan.
13. Martin Marietta Materials shall comply with all applicable laws, including EDEM, OSHA or other applicable laws, statutes, or ordinance.
14. Such mosquito control shall be maintained as necessary surrounding the subject real estate.
15. The normal hours of operation shall be 7:00 a.m. to 10:00 p.m., Monday through Saturday, provided, however, in the event expanded hours of operation are required due to exceptional or changed demand, or governmental project, said hours may be expanded to accommodate such demand or governmental projects.
16. Operator shall maintain effective control of the driveways and intersections as required by IDEM, including Epler and Belmont.
17. All lighting utilized shall be in a fashion as to not illuminate public roadways or private residences. Lighting on the Real Estate shall in no event exceed 1.0 foot-candles along the northern boundary of the Real Estate east of New Access A as shown on the Site Plan, and the western boundary of the Real Estate.
18. The Owner shall maintain the perimeter of the Real Estate in a workmanlike manner, including removing of dead trees and maintaining the grass.
19. The variance, if granted, shall be void after the passage of one calendar year from the date of the issuance of the approval letter.

(Continued)

STAFF REPORT 2022-CZN/CAP/CVR-807 (Continued)

SUMMARY OF ISSUES

The following issues were considered in formulating the recommendation:

LAND USE ISSUES

- ◇ This 253-acre site is zoned, in various areas, D-A, I-2, I-3 and SU-23 (GSB)(FF). The site is currently improved with a gravel pit, concrete processing plant and related accessory structures. North of the subject site are industrial uses within the D-5 and I-3 Districts, as well as single-family dwellings located within the D-A District. To the west of the subject site is a religious use and single-family dwellings within the D-A District, and industrial uses within the D-A (GSB) District. To the south are industrial and undeveloped lands within the D-P, C-7, I-1, and I-2 Districts. East of the subject site are industrial uses within the I-3, I-2, and I-1 Districts.
- ◇ The property is recommended by the Comprehensive Plan, in varying locations, for development of Suburban Neighborhood, Office Commercial and Light Industrial, in descending order by total area.
- ◇ This site, and adjacent properties, totaling 281-acres, was originally rezoned for gravel borrow extraction in 1972 (72-Z-233). In 1987 (87-Z-91) a rezone was granted to allow for 25 acres to be rezoned to the SU-23 District, which allowed for the processing of the gravel borrow into concrete. This rezoning petition allowed for current concrete processing plants “A” and “B”, of this petition, to be constructed. In 1997, a rezoning petition (97-Z-79) was approved that rezoned an area in the southwest portion of the subject site to be zoned SU-23 to allow for a sand and gravel processing plant and stockpiling. In 1999, a rezoning petition was approved that allowed for an expansion of this southwestern SU-23 zone to allow for a permanent sand and gravel processing facility.
- ◇ The I-69 extension project has necessitated the acquisition of the land that current concrete processing plants “A” and “B” are located on, by the Indiana Department of Transportation (INDOT). Subsequently, the petitioner must file these land use petitions in order to allow for their relocation to proposed sites “A” and “B”.

REZONING

- ◇ This request would rezone two five-acre areas from the D-A (GSB) (FF) districts to the SU-23 (GSB) (FF) classifications, in order to allow for the operation of a concrete processing facility within each area. The GSB overlay district allows for the extraction of sand, gravel, mineral or other earthen materials within Marion County.

(Continued)

STAFF REPORT 2022-CZN/CAP/CVR-807 (Continued)

A majority of the subject property is already within this secondary overlay. The SU-23 District allows for the location of permanent gravel or sand processing plants, rock crushing, grinding or milling and stockpiling.

- ◇ As indicated above, the request is the direct result of right-of-way acquisition to accommodate for the I-69 extension. Given the long-standing history of the site, Staff believes that the request would be appropriate so long as the adjacent properties, particularly those zoned and improved residentially, are protected from any potential negative impacts of the request.
- ◇ Staff would note that no variances to deviate from the development standards associated with the GSB district are being sought. Many of these standards are intended to ensure that surrounding properties are sufficiently protected through extensive setbacks, buffering and landscaping standards. In addition, Staff would note that the subject site would still be required to comply with the Environmental Public Nuisance Ordinance.
- ◇ Staff was initially concerned about potential noise impacts of the proposed operation on adjacent residential properties. Subsequently, Staff asked the petitioner to provide an exhibit detailing how sound would be perceived at the nearest lot lines (see Exhibit A). After reviewing the Staff Report and conducting the site visit, Staff does not believe noise would produce an undue nuisance or negative impact.
- ◇ Given site and soil constraints associated with the site, the proposed relocation would require the removal of approximately 36 heritage trees. This would be permitted per Section 744-503.K.3. However, Staff and the petitioner were able to come to an agreement to allow for the planting of 308 new trees, using Section 744-503.M as a guide (see Exhibit B). The triangular area zoned D-A, located at the northwest portion of the site, has been identified as an area appropriate for these plantings. If, for whatever reason, this site cannot accommodate all the plantings, this section would allow for the balance to be located alternatively on the site, or off-site in close proximity.

VARIANCE OF USE

- ◇ This variance of use is intended to allow for the quick relocation of the existing concrete processing plants while the rezoning portion of the request goes through the required process. Given the fact that the petition arises from government action

STAFF REPORT 2022-CZN/CAP/CVR-807 (Continued)

in order to produce a public good (being the Interstate extension), Staff believes that supporting this portion of the request, which would allow the petitioner to vacate this area of the site, to be in the interest of the public and a reasonable deviation.

- ◇ However, in order to protect the public interest, Staff believes that it would be appropriate to limit any grant of this variance to expire one year from the date of approval. This would be ample time to allow the rezoning to proceed, allow for equipment relocation and any other subsequent process which may arise or otherwise be required.

MODIFICATION

- ◇ As indicated above and in the Land Use History section of this report, the subject site has been the subject of five rezoning petitions over the last fifty years related to the current use. This has resulted in convoluted commitments associated with each petition that are difficult to administer collectively.
- ◇ In addition, many commitments referenced file-dated plans or plans to be submitted for approval that appear to have been lost to the passage of time. In the interest of remedying this issue and implement modernized language that would allow for more efficient administration in the future, Staff and the petitioner determined it to be in the best interest to terminate these commitments in their entirety.
- ◇ Subsequently, Staff independently reviewed all such commitments and identified which commitments would be most appropriate to ensure are carried over as part of any approval of this request. As a result, Staff has determined to support the request subject to the commitments outlined in the recommendation section of this report.

Indiana Fire Code

- ◇ This site would also be subject to, but not limited to, the following Indiana Fire Code provisions:

Section 507.5 - Fire Hydrant Systems

Section 507.5.1 - Where Required

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

Exceptions:

(Continued)

STAFF REPORT 2022-CZN/CAP/CVR-807 (Continued)

1. For Group R-3 and Group U occupancies, the distance requirement shall be 600 feet (183m)
2. For buildings equipped throughout with an approved automatic sprinkler system installed in accordance with Section 903.3.1.1 or 903.3.1.2, the distance requirement shall be 600 feet (183m).

GENERAL INFORMATION

EXISTING ZONING AND LAND USE

D-A, I-2, I-3, SU-23 (GSB) (FF)	Gravel and sand borrow and concrete processing plant
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SURROUNDING ZONING AND LAND USE

North -	D-5, I-3, D-A	Commercial/Industrial Uses and Single-family dwellings
South -	D-P, C-7, I-1, I-2	Industrial uses and undeveloped lands
East -	D-A and D-A(GSB)	Religious use, single-family dwelling and gravel sand borrow operation
West -	C-5	Commercial uses

COMPREHENSIVE LAND USE PLAN

The Land Use Pattern Book (2019) recommends a combination of Suburban Neighborhood, Office Commercial and Light Industrial.

THOROUGHFARE PLAN

This portion of Epler Avenue is classified as a Primary Collector with an existing and proposed 30-foot right-of-way.

This portion of Belmont Avenue is classified as a local street with a 50-foot existing and proposed right-of-way.

This portion of Concord Street is classified as a primary collector with an existing and proposed 30-foot right-of-way.

CONTEXT AREA

This site is located within the Metro Context Area.

OVERLAY

This site is located within the Gravel Sand Borrow Overlay.

SITE PLAN

File-dated March 7, 2022.

(Continued)

STAFF REPORT 2022-CZN/CAP/CVR-807 (Continued)

ZONING HISTORY- SUBJECT SITE

72-Z-233; 5855 Concord Street; requests rezoning of 281 acres, being in the A-2, I-2-S and I-3-S districts to the GSB classification to permit gravel and sand excavation; **approved.**

87-Z-91; 2121 West Epler Avenue; requests rezoning of 25 acres being in the I-3-S (GSB) district, to the SU-23 (GSB) classification, to provide for permanent aggregate processing plans; **approved.**

90-UV1-61; 2103 West Epler Avenue; requests variance of use and development standards of the Special Use Zoning Ordinance to permit the temporary placement of asphalt processing plant without the required paved driveway and parking areas for a period of two years; **granted.**

94-UV3-121; 5950 South Belmont Avenue; requests variance of use and development standards of the Industrial Zoning Ordinance and Special Use Districts Zoning Ordinance to provide for the construction of an office/equipment maintenance facility for contractors use (not permitted), outside storage of materials without screening (storage within 500 feet of a residential boundary required to be enclosed and screened) and storage of some materials to exceed the height of the fence (maximum six feet permitted), with total outside operations exceeding 25% of the enclosed buildings (maximum 25% permitted), without screening or landscaping in the required yards and without off-street loading berths; **granted.**

97-Z-78; 5719 South Concord Street; rezoning to the SU-23 (GSB)(FF) classification to provide for the operation of a sand and gravel processing plant; **approved.**

97-Z-79; 5730 South Concord Street; requests 10 acres from D-A(FF)(GSB) to SU-23(FF)(GSB) to provide for the operation of a sand and gravel processing plant and stockpiling; **approved.**

97-HSE-1; 5719 South Concord Street; requests a Special Exception of the Wellfield Protection zoning Ordinance to provide for the operation and expansion of mining extraction of sand and gravel products including a primary processing plant; **granted.**

98-UV1-41; 5502 South Belmont Avenue; requests variance of use of the Special Districts Zoning Ordinance to provide for a concrete processing facility; **granted.**

99-Z-199; 5719 South Concord Street; requests rezoning of 30 acres from the D-A district to the SU-23 classification to provide for a permanent sand and gravel processing facility and associated accessory uses; **approved.**

2000-UV2-004; 5320 South Belmont Avenue; requests variance of use of the Special Districts Zoning Ordinance to provide for a temporary concrete plant; **granted.**

(Continued)

STAFF REPORT 2022-CZN/CAP/CVR-807 (Continued)

2008-UV2-012; 5540 South Belmont Avenue; requests variance of use of the Special Districts Zoning Ordinance to provide for the location of a 10,000 gallon above-ground, outdoor storage tank for diesel fuel storage; **granted.**

ZONING HISTORY- VICINITY

92-UV1-79; 2709 West Epler Avenue; requests a variance of use and development standards of the Dwelling Districts Zoning Ordinance and Flood Control Ordinance to permit extraction of sand, gravel and earthen minerals; **granted.**

90-UV1-61; 2103 West Epler Avenue; request variance of use from the SU-23 district to permit a temporary asphalt plant for a period of two years; **granted.**

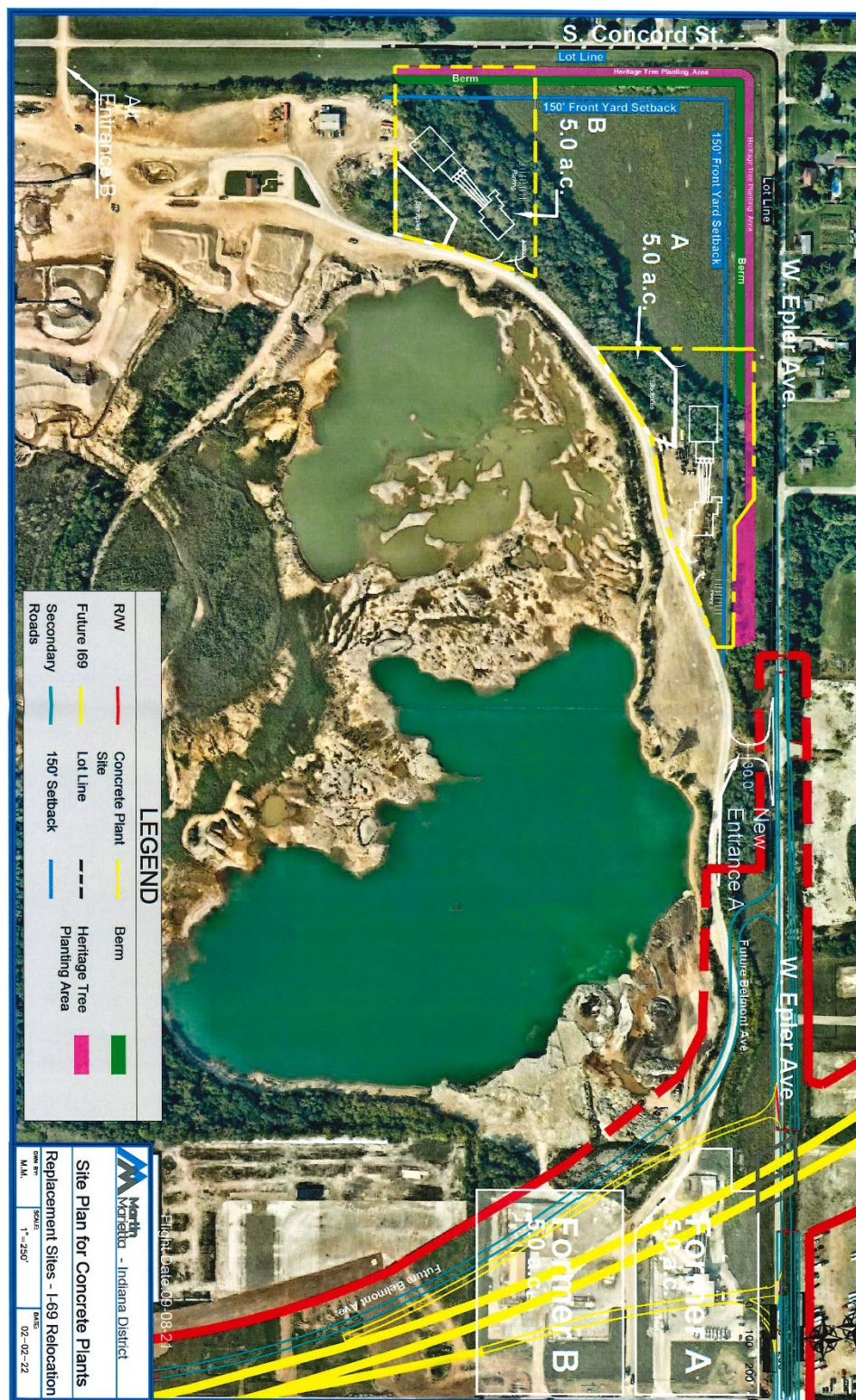
84-AP-190; 1851 West Thompson Road; requests modification of commitments made in 81-Z-71 and 82-Z-72 to allow relocation of a landscape strip; **approved.**

82-Z-72; 1801-2399 West Thompson Road; requests rezoning of 140 acres, being in the A-2 District, to the GSB Secondary classification, to permit excavation of sand and gravel; **approved.**

81-Z-71; 1801-2399 West Thompson Road; requests rezoning of 140 acres, being in the I-3-S district, to the SU-23 classification, to permit excavation of sand and gravel; **approved.**

EDH

Site Plan:



Findings of Fact:

Petition Number _____

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

The use variance will allow the relocation of an existing concrete plat from one part of a larger parcel to the subject parcel. The existing plat has not impacted the public's health safety morals or general welfare. The plant does not pose a threat of fire, explosion or other hazard.

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 use variance will allow the relocation of an existing concrete plat from one part of a larger parcel to the subject parcel. The buffer, screening and landscaping required will adequately protect surrounding properties, and the commitments of approval restrict light spillage onto surrounding properties. Additionally, dust suppression is required, and truck traffic will be routed to avoid driving in front of residential homes, particularly after Epler Road has been reconstructed as part of the I-69 project.

3. THE NEED FOR THE VARIANCE ARISES FROM SOME CONDITION PECULIAR TO THE PROPERTY INVOLVED BECAUSE

The site itself contains the sand and gravel necessary to supply the raw components for concrete to be mixed and created by the proposed plants. Forcing the needed plants elsewhere will cause unnecessary truck traffic on surrounding roads and unnecessarily increase the amount of fuel consumed and exhaust created.

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 only reason for this use variance is due to a condemnation by the Indiana Department of Transportation for the construction of I-69, which is no fault of the Petitioner. The larger parcel was previously approved for the concrete plants, and forcing the needed plants elsewhere will cause unnecessary truck traffic on surrounding roads and unnecessarily increase the amount of fuel consumed and exhaust created.

5. THE GRANT DOES NOT INTERFERE SUBSTANTIALLY WITH THE COMPREHENSIVE PLAN BECAUSE

The larger parcel has been mined for sand and gravel for nearly 50 years, and it has been the site of concrete plants for over 20 years, all without materially impacting the Comprehensive Plan for the immediate area. The operation of the concrete plants are consistent with the Comprehensive Plan's land use designation of this property as light industrial.

DECISION

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

Adopted this _____ day of _____, 20 ____

Vof-use.frm 2/23/10

Metropolitan Development
Feb 09 2022
Division of Planning

LEGEND

PERMANENT SETTING (NO. 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 142, 143, 144, 145, 146, 147, 148, 149, 150, 151, 152, 153, 154, 155, 156, 157, 158, 159, 160, 161, 162, 163, 164, 165, 166, 167, 168, 169, 170, 171, 172, 173, 174, 175, 176, 177, 178, 179, 180, 181, 182, 183, 184, 185, 186, 187, 188, 189, 190, 191, 192, 193, 194, 195, 196, 197, 198, 199, 200, 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215, 216, 217, 218, 219, 220, 221, 222, 223, 224, 225, 226, 227, 228, 229, 230, 231, 232, 233, 234, 235, 236, 237, 238, 239, 240, 241, 242, 243, 244, 245, 246, 247, 248, 249, 250, 251, 252, 253, 254, 255, 256, 257, 258, 259, 260, 261, 262, 263, 264, 265, 266, 267, 268, 269, 270, 271, 272, 273, 274, 275, 276, 277, 278, 279, 280, 281, 282, 283, 284, 285, 286, 287, 288, 289, 290, 291, 292, 293, 294, 295, 296, 297, 298, 299, 300, 301, 302, 303, 304, 305, 306, 307, 308, 309, 310, 311, 312, 313, 314, 315, 316, 317, 318, 319, 320, 321, 322, 323, 324, 325, 326, 327, 328, 329, 330, 331, 332, 333, 334, 335, 336, 337, 338, 339, 340, 341, 342, 343, 344, 345, 346, 347, 348, 349, 350, 351, 352, 353, 354, 355, 356, 357, 358, 359, 360, 361, 362, 363, 364, 365, 366, 367, 368, 369, 370, 371, 372, 373, 374, 375, 376, 377, 378, 379, 380, 381, 382, 383, 384, 385, 386, 387, 388, 389, 390, 391, 392, 393, 394, 395, 396, 397, 398, 399, 400, 401, 402, 403, 404, 405, 406, 407, 408, 409, 410, 411, 412, 413, 414, 415, 416, 417, 418, 419, 420, 421, 422, 423, 424, 425, 426, 427, 428, 429, 430, 431, 432, 433, 434, 435, 436, 437, 438, 439, 440, 441, 442, 443, 444, 445, 446, 447, 448, 449, 450, 451, 452, 453, 454, 455, 456, 457, 458, 459, 460, 461, 462, 463, 464, 465, 466, 467, 468, 469, 470, 471, 472, 473, 474, 475, 476, 477, 478, 479, 480, 481, 482, 483, 484, 485, 486, 487, 488, 489, 490, 491, 492, 493, 494, 495, 496, 497, 498, 499, 500, 501, 502, 503, 504, 505, 506, 507, 508, 509, 510, 511, 512, 513, 514, 515, 516, 517, 518, 519, 520, 521, 522, 523, 524, 525, 526, 527, 528, 529, 530, 531, 532, 533, 534, 535, 536, 537, 538, 539, 540, 541, 542, 543, 544, 545, 546, 547, 548, 549, 550, 551, 552, 553, 554, 555, 556, 557, 558, 559, 560, 561, 562, 563, 564, 565, 566, 567, 568, 569, 570, 571, 572, 573, 574, 575, 576, 577, 578, 579, 580, 581, 582, 583, 584, 585, 586, 587, 588, 589, 590, 591, 592, 593, 594, 595, 596, 597, 598, 599, 600, 601, 602, 603, 604, 605, 606, 607, 608, 609, 610, 611, 612, 613, 614, 615, 616, 617, 618, 619, 620, 621, 622, 623, 624, 625, 626, 627, 628, 629, 630, 631, 632, 633, 634, 635, 636, 637, 638, 639, 640, 641, 642, 643, 644, 645, 646, 647, 648, 649, 650, 651, 652, 653, 654, 655, 656, 657, 658, 659, 660, 661, 662, 663, 664, 665, 666, 667, 668, 669, 670, 671, 672, 673, 674, 675, 676, 677, 678, 679, 680, 681, 682, 683, 684, 685, 686, 687, 688, 689, 690, 691, 692, 693, 694, 695, 696, 697, 698, 699, 700, 701, 702, 703, 704, 705, 706, 707, 708, 709, 710, 711, 712, 713, 714, 715, 716, 717, 718, 719, 720, 721, 722, 723, 724, 725, 726, 727, 728, 729, 730, 731, 732, 733, 734, 735, 736, 737, 738, 739, 740, 741, 742, 743, 744, 745, 746, 747, 748, 749, 750, 751, 752, 753, 754, 755, 756, 757, 758, 759, 760, 761, 762, 763, 764, 765, 766, 767, 768, 769, 770, 771, 772, 773, 774, 775, 776, 777, 778, 779, 780, 781, 782, 783, 784, 785, 786, 787, 788, 789, 790, 791, 792, 793, 794, 795, 796, 797, 798, 799, 800, 801, 802, 803, 804, 805, 806, 807, 808, 809, 810, 811, 812, 813, 814, 815, 816, 817, 818, 819, 820, 821, 822, 823, 824, 825, 826

Vicinity Map:

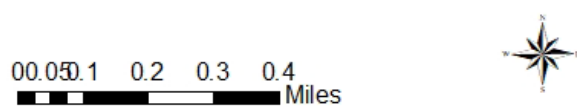
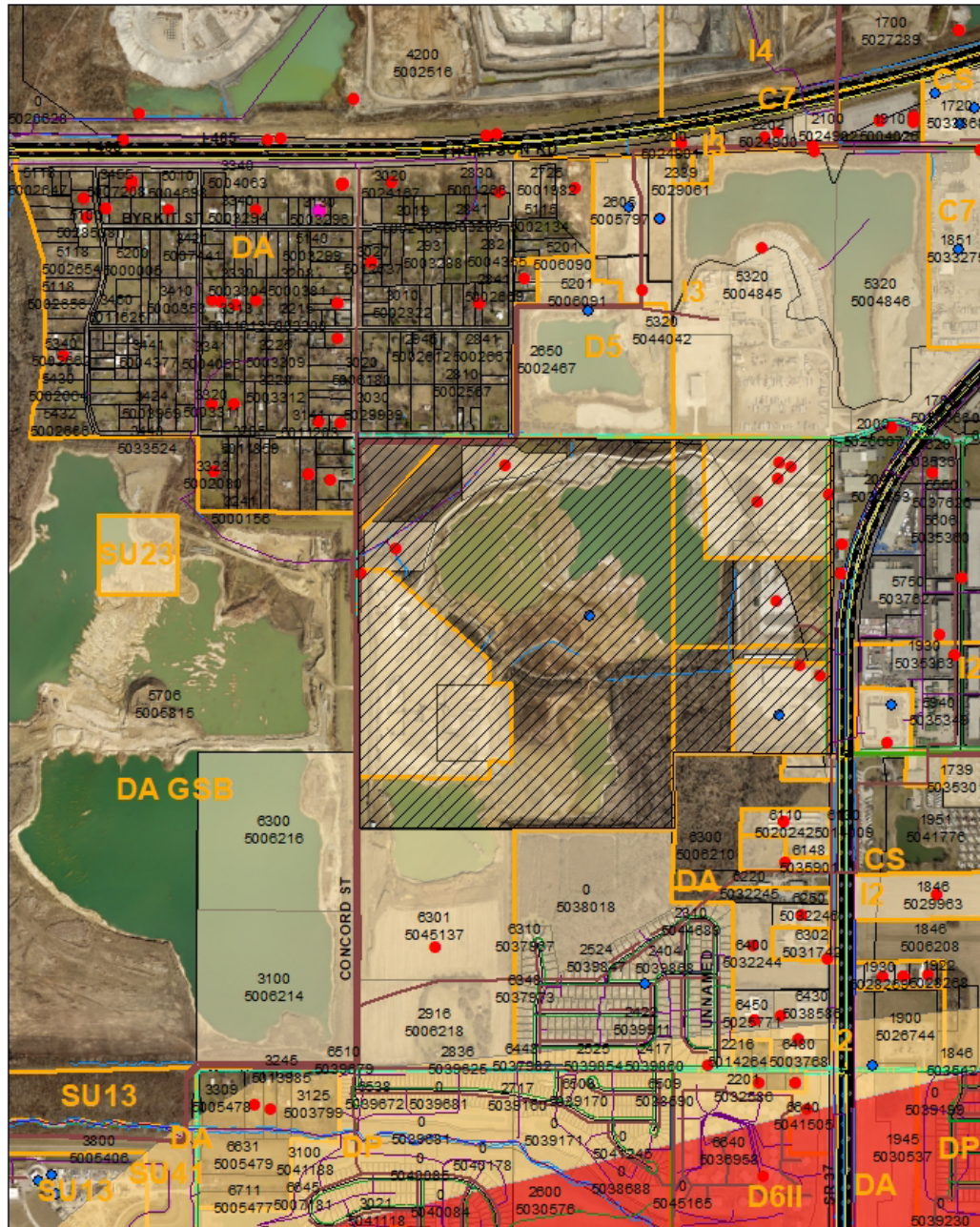


Exhibit A:

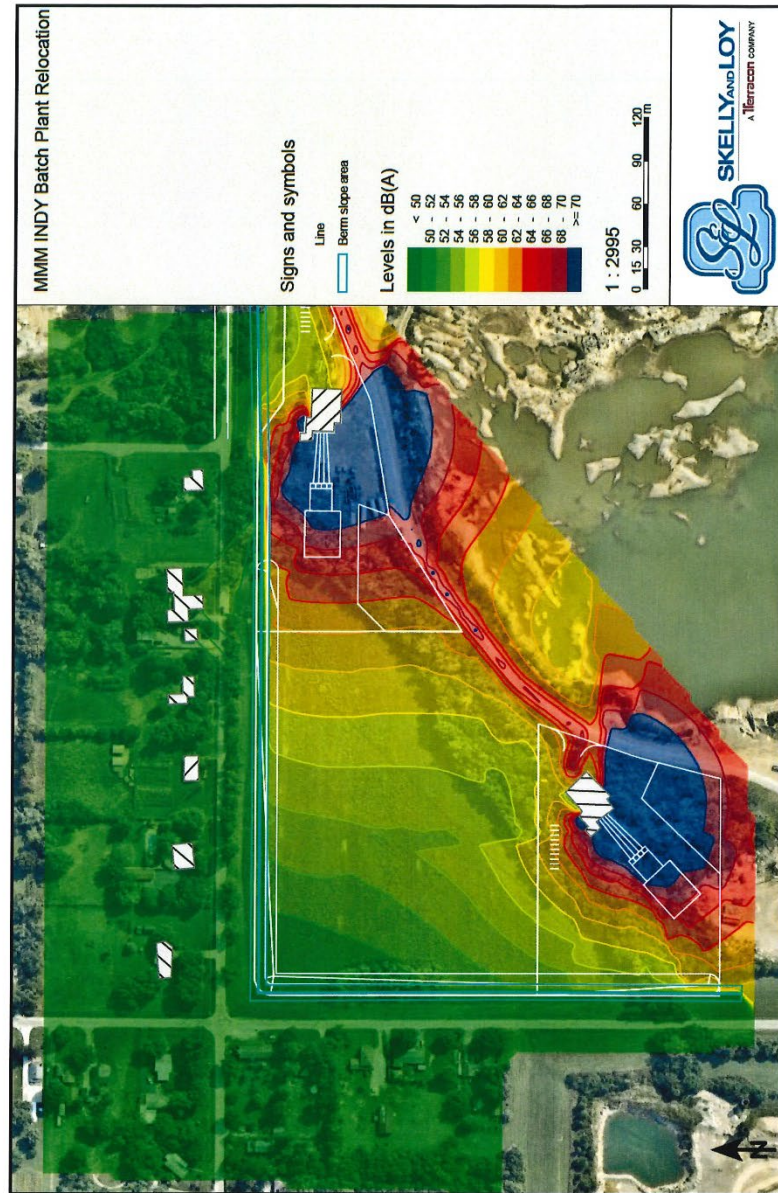


Exhibit A (Continued):

to place an emphasis on those frequencies which are more detectable to the human ear. The A-weighted scale, which has been in existence for over 40 years, is generally used in community and city noise ordinances and is expressed in units of dBA (decibels in the A-weighting).

Because sound is actually an energy level, it must be recorded on a logarithmic scale and expressed in logarithmic units called decibels (dB). Given this scale, a doubling of a noise source will result in a 3-decibel increase in total level (i.e., 50 dBA + 50 dBA = 53 dBA, not 100 dBA). Typically, a change in sound level between 2 and 3 dBA is barely perceptible, while a change of 5 dBA is readily noticeable by most people. A 10-dBA increase is usually perceived as a doubling of loudness, and conversely, noise is perceived to be reduced by one-half when a sound level is reduced by 10 dBA.

Sound is also variable with the passage of time. When sound emission levels change (i.e., volume increased or decreased) or source/receptor relationships change (i.e., vehicle approaches and passes) over time, sound levels sensed at a given point can vary considerably. To account for this occurrence, several noise descriptors have been developed. The equivalent level or Leq is commonly used in community noise studies. The Leq is the constant, steady state sound level that, over a given period of time, would have the same acoustic energy as the actual varying level. In a sense, it is the average level, recognizing that the decibel is derived logarithmically. The Leq is reported for a given period of time, often one hour when dealing with

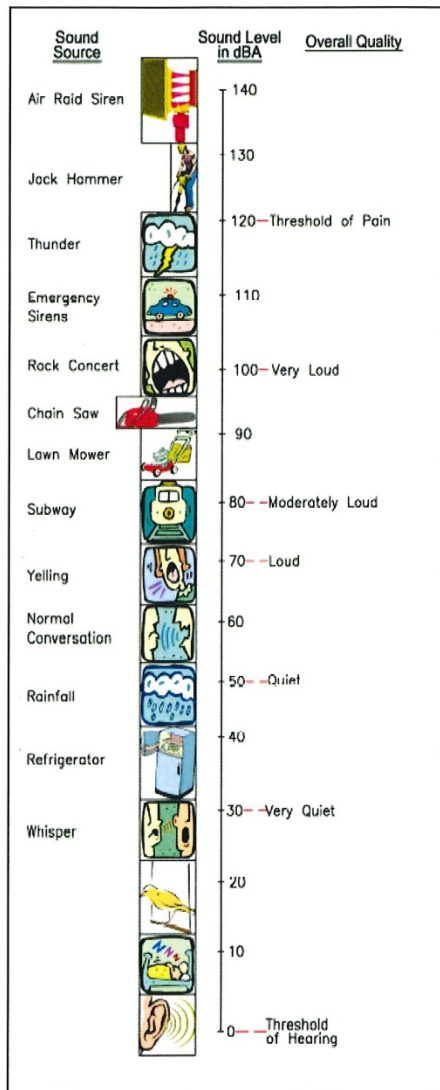


Exhibit B:

<u>Martin Marieta Heritage Tree Study</u>				
<u>East Parcel</u>				
Species	18" - 25"	25.5" - 36"	>36"	Replacement
Hackberry			1	15
Eastern Cottonwood	10			80
Sycamore	1			8
Totals:	11	0	1	103
<u>West Parcel</u>				
Species	18" - 25"	25.5" - 36"	>36"	
Hackberry	15			120
Eastern Cottonwood	6	1	1	74
American Elm		1		11
Totals:	21	2	1	205
				36 Total Tree Removal
				308 Total Tree Replacement

Photographs:



Photo One: Facing East from intersection of Epler Avenue & Belmont Avenue



Photo Two: Facing North from intersection of Epler Avenue & Belmont Avenue



Photo Three: Facing South from intersection of Epler Avenue & Belmont Avenue



Photo Four: Facing West from intersection of Epler Avenue & Belmont Avenue



Photo Five: Existing Concrete Plant “A”



Photo Six: Remainder of Existing Concrete Plant “A”



Photo Seven: General Area of Proposed Site A for Concrete Processing Plant



Photo Eight: General Area of Proposed Site B for Concrete Processing Plant



Photo Nine: Facing West from Intersection of Concord Street & Epler Avenue



Photo Ten: Facing North from Intersection of Concord Street & Epler Avenue



Photo Eleven: Facing West from Intersection of Concord Street & Epler Avenue



Photo Twelve: Triangular Area for Proposed Tree Plantings

STAFF REPORT

Department of Metropolitan Development Division of Planning Current Planning Section

Case Number: 2022-CZN-809 / 2022-CVR-809 (Amended)
Address: 2214 West Michigan Street (*Approximate Address*)
Location: Wayne Township, Council District #11
Petitioner: Tiny Urban Escapes, LLC, by David Kingen and Emily Duncan
Request: Rezoning of 0.26 acre from the MU-2 district to the MU-1 district to provide for a hotel.

Variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for a zero-foot north transitional yard (minimum 15-foot transitional yard required).

RECOMMENDATION

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

1. Maximum building height shall be limited to 35 feet.
2. Building elevations shall be submitted for Administrator's Approval prior to the issuance of an Improvement Location Permit for buildings on this site.

SUMMARY OF ISSUES

The following issues were considered in formulating the recommendation.

LAND USE

- ◇ The site is part of the historic commercial area of Haughville, dating back to the 1880s. The site had commercial structures on it until 1995/1997. It has been vacant since that time.
- ◇ The 2014 Near West Neighborhood Land Use Plan recommends Village Mixed Use for the site. This typology envisions a mixed-use core of small neighborhood office/retail nodes, public and semi-public uses, open space and light industrial development.

(Continued)

STAFF REPORT 2022-CZN-809 / 2022-CVR-809 (Continued)

ZONING

- ◇ This petition requests a rezoning to the MU-1 district. This district is intended for the development of intermixed high-rise office uses and apartments. A distinction between the MU-1 district and the site's current zoning of MU-2 is that the MU-1 district permits hotels and motels while the MU-2 doesn't. Because the petitioner desires to construct lodging on this site, rezoning to MU-1 has been requested.
- ◇ Another distinction between the two zoning districts is that the MU-1 district does not have a maximum height, while the MU-2 district limits the maximum height of a building to 35 feet. This section of Haughville is characterized by buildings that are one to three stories in height. To maintain that character, staff recommends that buildings on this site be limited to 35 feet in height.
- ◇ The site plan indicates that the lodging would be constructed of repurposed shipping containers. Shipping containers are inherently industrial in character, but can be repurposed in a range of manners. Staff recommends that the exterior elevations be subject to Administrator's Approval, so that they compatible with the character of Haughville's commercial center.

VARIANCE

- ◇ This petition requests a variance of development standards to provide for no transitional yard on the rear (north) side of the site.
- ◇ The rear of the property abuts a 16-foot wide alley. On the other side of the alley is a single-family dwelling zoned D-5. The D-5 district is a Protected District. Protected Districts are low intensity, sensitive zoning districts designated in the Ordinance for buffering and separation from more intense uses. The Ordinance requires a buffer area on the more intense use when that use abuts a Protected District. This buffer area is called a transitional yard. Parking is not permitted in a transitional yard.
- ◇ The site plan shows parking spaces in the transitional yard. The maneuvering space for vehicles pulling into and out of the parking spaces is provided by a combination space on the subject site and in the alley.
- ◇ Commercial parking access from the alley is not uncommon in the commercial section of Haughville. As such, staff recommends approval of this variance.

(Continued)

STAFF REPORT 2022-CZN-809 / 2022-CVR-809 (Continued)

GENERAL INFORMATION

EXISTING ZONING, CONTEXT AREA, AND LAND USE

MU-2	Compact	Vacant land
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SURROUNDING ZONING AND LAND USE

North	D-5	Single-family dwelling
South	C-3	Vacant land
East	MU-2	Offices
West	MU-2	Vacant land

COMPREHENSIVE LAND USE PLAN	The Near West Neighborhood Land Use Plan (2014) recommends Village Mixed-Use.
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THOROUGHFARE PLAN	Michigan Street is classified in the Official Thoroughfare Plan for Marion County, Indiana as a Primary Arterial, with an 80-foot existing right-of-way and a 78-foot proposed right-of-way.
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FLOODWAY / FLOODWAY FRINGE	This site is not located within a floodway or floodway fringe.
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WELLFIELD PROTECTION DISTRICT	This site is not located within a wellfield protection district.
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ZONING HISTORY – SITE

2015-CZN-827 / 2015-CVR-827; 2214 & 2228 West Michigan Street and 521 Pershing Avenue, requested the rezoning of 0.1 acre from the C-3 district to the C-3C district and a variance of development standards to provide for deficient parking and setbacks, excess building height and balconies in the right-of-way, **approved**.

2013-CZN-834 / 2013-CVR-834; 2214, 2220 & 2228 West Michigan Street, requested the rezoning of 0.8 acre from the C-3 and D-5 districts to the C-3C district and a variance of development standards to provide for deficient parking and setbacks, location of the building in the clear sight triangle and excess building height, **approved**.

94-UV1-18; 2216 West Michigan Street, requested a variance of use to provide for a contractor's business and variance of development standards to provide for deficient setbacks, **approved**.

(Continued)

STAFF REPORT 2022-CZN-809 / 2022-CVR-809 (Continued)

ZONING HISTORY – VICINITY

2019-ZON-014 / 2019-VAR-002; 2121 West Michigan Street (south of site) requested the rezoning of 4.7 acres from the C-S, SU-37 and I-3 districts to the MU-2 district and a variance of development standards for provide for excess building height, **approved.**

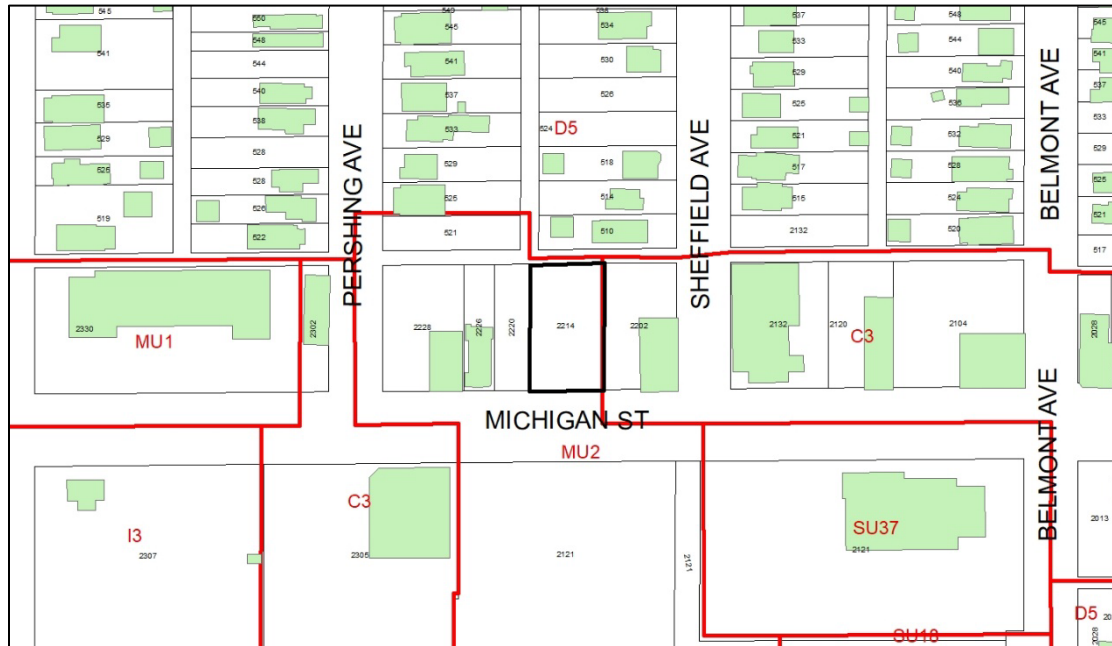
2016-CZN-800 / 2016-CVR-800; 2305 West Michigan Street (southwest of site), requested the rezoning of 1.2 acre from the I-3-U district to the C-3 district and a variance of development standards to provide for deficient setbacks, **approved.**

2004-ZON-848 / 2004-VAR-848; 2306 West Michigan Street (west of site), requested the rezoning of 0.2 acre from the C-3 district to the C-2 district and a variance of development standards to provide for deficient front and rear setbacks, **approved.**

2001-ZON-079; 2210 West Michigan Street (south of site), requested the rezoning of 2.4 acres from the I-3-U and SU-18 districts to the SU-37 district, **approved.**

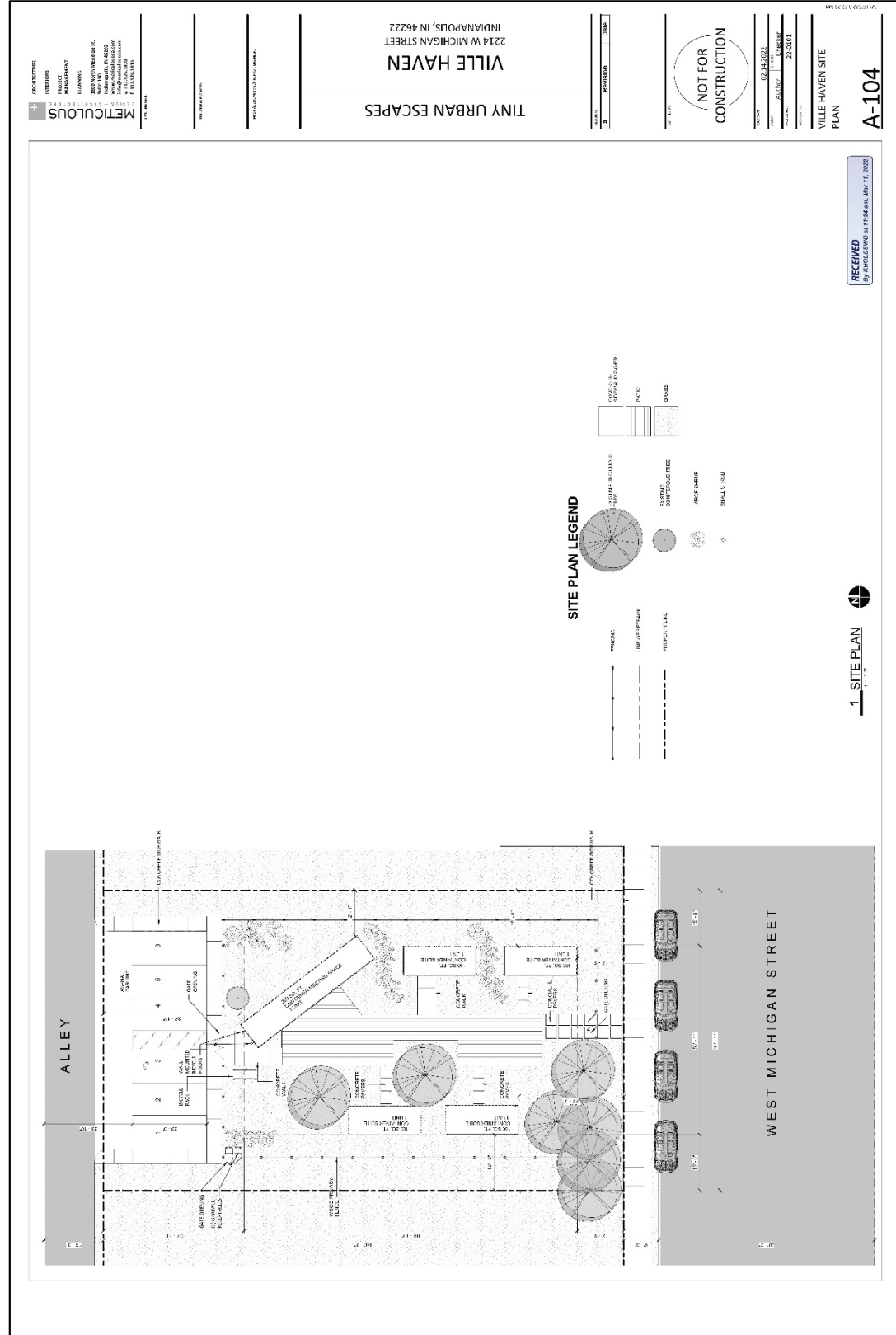
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STAFF REPORT 2022-CZN-809 / 2022-CVR-809, Location



STAFF REPORT 2022-CZN-809 / 2022-CVR-809, Aerial photograph (2022)





STAFF REPORT 2022-CZN-809 / 2022-CVR-809, Findings of Fact

Petition Number _____

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

PETITION FOR VARIANCE OF DEVELOPMENT STANDARDS

FINDINGS OF FACT

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

The location of the parking is the most appropriate location on the site, further screening or landscaping shall be provided on the southern edge of the dwelling district lot on the north side of the alley. With the screening and buffering on the north side of the alley, the general welfare of the community shall be preserved.

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:

By screening and buffering the parking and the commercial use on the subject property with the fencing and landscaping on the north side of the alley, the use and value of the area adjacent shall be enhanced.

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

There is insufficient space on the subject site to install the required transitional yard and still provide the needed parking.

DECISION

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

Adopted this _____ Day of _____, 20 ____

STAFF REPORT 2022-CZN-809 / 2022-CVR-809, Photographs



Looking north at the subject site from Michigan Street.



Looking east at the neighbor to the east.



Looking across Michigan Street to the neighbor to the south.



Looking west along Michigan Street.



Looking north across the alley to the neighbor to the north.



Looking west on the alley.