

COA # 2009-COA-628 (CAMA) 2009-VHP-033	INDIANAPOLIS HISTORIC PRESERVATION COMMISSION STAFF REPORT	Hearing Date JULY 7, 2010
901 N. East St CHATHAM ARCH		Continued from: May 5, 2010 April 7, 2010 March 3, 2010 February 3, 2010 Center Twp. Council District 9 Jackie Nytes
Applicant: LARRY JONES mailing address: 9425 N. Meridian St Indianapolis, IN 46260		
Owner: Teagen Investments II, LLC 9425 N. Meridian St Indianapolis, IN 46260		
COMBINED CASE		
IHPC COA: 2009-COA-628 (CAMA) Variance of Use		
Variations: 2009-VHP-033 Variance of Use of the D-10 Zoning Ordinance with commitments		
STAFF RECOMMENDATION: No recommendation		

STAFF COMMENTS

The applicant has asked for a continuance to the July 7, 2010 IHPC hearing to allow time to modify the request. Staff is aware of opposition to the applicant receiving another continuance (see letter attached). The outcome of the applicant's request to continue will be determined by the Commission after reviewing the submitted letter and the testimony at the July Commission Hearing.

Staff Reviewer: Meg Purnsley

June 21, 2010

David Baker, Administrator
Indianapolis Historic Preservation Commission
200 E Washington St.
City-County Buildings Suite 1821
Indianapolis IN 46204

**Re: IHPC 901 N East St , Indianapolis IN 46202 "Chatham Center"
Teagen Investments 2, LLC
Larry Jones
9425 N meridian ST #260
Indianapolis IN 46260
317-714-2464
Petition Number 2010-ZON-026
Parcel Number 1034218**

Dear Commission Members:

We are writing to register our objections to certain aspects of the proposed variances by Larry Jones, to allow food, tobacco and potentially alcoholic beverages to be sold at the address and the hours during which he proposes to operate.

Our interest lies in our representation of Renaissance Place Homeowners Association, a 120 home planned unit development which is directly southeast of the 901 N East St. location of this petition.

Proposed Notice Description:

"Variance of use to permit interior improvementto accommodate a general store or other potential office and retail used in accordance with new Commitments.... Sale of beer, wine and tobacco products to be miscellaneous use within general store. Restaurant seating area, if any, to be limited to 2,250 square feet. Spa, massage therapy and exercise facility also permitted."

Per item #1 of the variance: Proposed hours are: 7AM to 11PM Monday through Saturday and 9AM to 9PM on Sunday. It is totally inappropriate to allow this type of retail activity at these hours, when the building in question is immediately south of and due west of private residences in the historic Chatham Arch neighborhood, where many children reside. It is highly doubtful that potential homeowners with small children would select a site this close to a retail business with the proposed activities suggested in this variance. These proposed used will be a potential detriment to the resale of these properties and therefore a loss of economic value to the area.

These variances are completely contradictory to the original intent of the plan for this historic residential neighborhood. Traffic at these late hours, especially if alcoholic beverages are involved, would be reprehensible. Car doors slamming at these late hours will be in direct conflict with the concept of "quiet enjoyment" of ones' residence. Anyone with experience in the retail business of selling alcohol, which is a possibility under Mr. Jones' proposal, is familiar with the problem of inebriated patrons attempting to purchase additional alcohol. This type of activity going on immediately adjacent to private homes with children (or potentially with children) is certainly beyond the bounds of good judgment and common sense.

We further take exception to the claim in Mr. Jones' "Findings of Fact" that the proposed use do not include any uses that will generate "noxious odors, excessive noise, dirt or other contaminants injurious to health". Anyone who has worked in or around a restaurant can attest that this claim is specious at best. It can be extremely difficult to control odors and waste from a restaurant operation. Restaurants have one of the highest failure rates of all types of businesses and the current situation, with a very small space, will probably not attract experienced, professional restaurant managers. This will be a start-up situation, compounding the many potential difficulties in restaurant and waste management.

In addition to the noise this type of establishment may engender, the parking situation in this location is extremely problematic. There is accommodation business parking for the building at 901 N East St only during the normal business day i.e. 8am to 5pm. The proposed variance reserves the rear (east side) parking from 5PM to 6AM only (item #10). What about customer parking after 5PM when the proposed retail operation will be open? This invites constant conflict between business patrons and residents of the upper level. Proposed customer parking is on-street only. The potential intense activity of this parking could be witnessed during this past season's Winter Farmers Markets, when up to 300 of people visited the market during its hours of operation, Saturday morning from 9:00 to 1:00 pm. Most parked on East St, with overflow in the parking lot due south for which permission was obtained by Mr. Jones for parking during the Market months. Can he guarantee that off-street parking will be available if a retail establishment is allowed?

Retail is one of the excluded types of businesses for this property "food store-any type". A much more appropriate activity would be similar to Mr. Jones current tenants in the building due north of 901 N East St., 919 N East St., (Babeca Building) namely, an environmental engineering firm, in this case Williams Creek Consulting. A professional or other service business which is in operation from 8AM to 5PM Monday through Friday would be ideal, the best and highest use of this property and most appropriate for the neighborhood. Surely a business such as this can be found for this space.


In "Findings of Fact" #3, the claim that "this property is ill-suited for its present D-10 zoning because it is too small to be economically viable" is questionable. The success Mr. Jones' own tenant next door, Williams Creek Consulting, belies this statement. There is absolutely no need to introduce the potential difficulties already noted, of a restaurant, package liquor or tobacco sales into this space. Why would a developer construct a building that he feels requires a variance and change of proposed use without obtaining those variances before construction? Anyone with forethought would obtain these variances in advance.

We note that the Chatham Arch Historic District addressed the Commission on January 26, 2010 on this same issue, under IHPC 2009 VHP-033, stating similar objections. We wish to encourage Mr. Jones in his development efforts, which have been commendable to date. He has replaced a rundown and unused property with a modern and well-designed multi-use structure.

However this particular use of the street level commercial sites of this building will open up the possibility of noise and other possible inappropriate behavior late into the evening. We question whether anyone on the commission would appreciate this variance being granted if they lived adjacent to or near this property.

Respectfully,

Renaissance Place Homeowners Association, Inc.


Jeff Vessely, President of the Board of Directors