

<p>COA # 2011-COA-045(HMP) 2011-VHP-005 2011-ZON-016</p>	<p>INDIANAPOLIS HISTORIC PRESERVATION COMMISSION STAFF REPORT</p>	<p>Hearing Date SEPT. 7, 2011</p>
<p>426 E. 16th Street HERRON-MORTON PLACE</p>		<p>Continued from: August 3, 2011 July 6, 2011 June 1, 2011 May 4, 2011</p> <p>Center Township Council District: 9 Jackie Nytes</p>
<p>Applicant</p>	<p>Neighborhood Downtown Zoning Assistance, Inc. mailing address: 618 E Market Street Indianapolis, IN 46202</p>	
<p>Owner:</p>	<p>Superstars, INC 3360 N Keystone Ave Indianapolis, IN 46218</p>	
<p>COMBINED CASE</p>		
<p>IHPC COA: 2011-COA-045(HMP)</p>	<ul style="list-style-type: none"> • Demolish historic gasoline station. • Construct new gasoline station/convenience store. • Install free-standing canopy. • Install two ground signs. • Install dumpster enclosure. • Install privacy fence and barrier wall. • Variances/Rezone 	
<p>BZA Variances: 2011-VHP-005</p>	<p>Variances of Development Standards:</p> <ul style="list-style-type: none"> • To allow carry out food service within 100 feet of a protected district. • To reduce required transitional yard setbacks (20 feet required) at both front yards (16th St & Central Ave). • To allow ground signs with 0 ft. setback (15 ft. required). • To construct within two clear sight triangle areas 	
<p>Zoning Request: 2011-ZON-016</p>	<ul style="list-style-type: none"> • Rezone from C-4 to C-3. 	
<p>STAFF RECOMMENDATION: Approval with stipulations</p>		
<p>STAFF COMMENTS</p>		

Update since the August IHPC Hearing

The applicant requested a continuance from the last hearing to work on negotiating the purchase of a “title gap” between the subject property and the property to the north. This effort was unsuccessful. Therefore, the proposed plans show some changes from those included in past Commission packets. Changes include:

- 1) The site has been shortened by approximately 6 feet from north to south due to the title gap.*
- 2) The landscape buffer previously shown at the north lot line has been eliminated to gain extra space for maneuvering on the site*
- 3) The dumpster enclosure has been made smaller due to the loss of space on the site.*

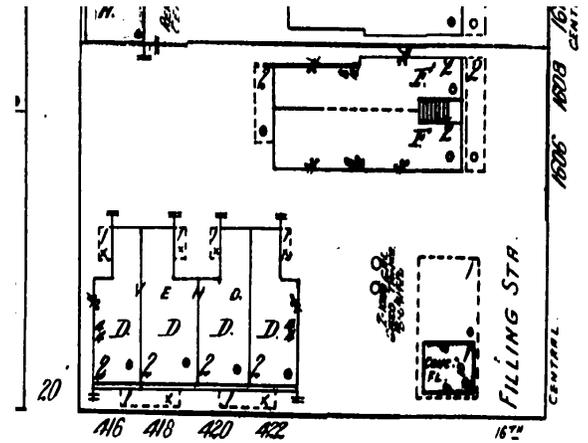
Staff understands that a meeting was held with Herron Morton Place, which has submitted a letter opposing this request. The applicant has not met again with the Old Northside Land Use Committee, which has also submitted a letter of opposition.

Proposed plans are available at IHPC office. A copy will be included in the commissioners’ packets.

Background of the Property

This site has included a gas station building for almost 100 years. By 1915, a “filling station” with gas pump canopy was located on the corner of Central Ave. and 16th St. Between 1941 and 1956, the rest of the site was cleared and the corner filling station was replaced with the gasoline/service station building that exists today.

During the 1970s, the building appears to have been vacant. From 1980 – 2004, the building was used for a car wash and miscellaneous other commercial enterprises. It has been vacant since the present owner bought it in 2004.



1915 Sanborn Map

Denial of Similar Request in 2010

The same owner made a similar request to the IHPC in February 2010 to build a gasoline station and convenience store. A motion was made to approve the request, but it was denied five to three.

Aye: George Geib, Bruce Stauffer & Jim Kienle

Nay: William Browne, Diana Brenner, Susan Williams, David Franklin & Dene Nidiffer

Drawings of the denied project and site plan are included in this report.

Since then, the owner hired a new architect and representative, has completely redesigned the project, has modified the variances and has added a rezoning request.

Demolition

The gas station structure to be demolished is over 50 years old, but lacks any unique or architectural merit as a product of its time. In addition, it has been altered over time, further diminishing its value. The property has been considered a problem and an “eyesore” in the area for many years. Its demolition will not be a loss to the historic significance of the area.

Site Plan

The proposed convenience store/gas station building will be located at the southeast corner of the site, where the original c.1915 filling station was located. The site plan includes these features:

- Landscaped and curb bump outs will be added at 16th Street and Central Ave.
- A brick privacy wall with a metal tube and cable railing along the north and west property lines
- Vehicles access from one curb cut on 16th St. and one curb cut on Central Ave. This site plan does not include an access point on Peck St. (the alley to the west), as had been included in the previous plan.
- A dumpster enclosure at the northwest corner of the lot where it was previously proposed, but it is shown slightly smaller due to the loss of a 6 ft. along the north property line.
- The landscape buffer at the north property line has been removed in order to accommodate maneuvering space after the loss of the 6 ft. strip.
- The masonry walls along the north property line and the alley are still included.
- A vehicular circulation plan is included, showing how vehicles will enter and exit as well as maneuver on the site. Note: Staff recommends that the applicant use the smallest fuel truck available to deliver fuel to the site and should look into using a remote fueling station on the site to make accessing the underground tanks easier for a fuel truck. Staff is aware of this method being used on other sites and believes it is beneficial for maneuverability on the site.

Design of New Convenience Store/Gas Station Building and Canopy

Building:

The building is a custom designed structure by the local architecture firm AXIS, which has designed several structures in historic districts. It will be a contemporary one-story structure clad in a wood/composite material and brick. An architectural mesh extruded steel sun screen material will be used above the entrances. There will be a storefront glazing system at the south and north elevations. The main entry into the building will be on the north side. There will also be an entrance at the southeast corner, which will be accessible from the public sidewalks along 16th St. and Central Ave. The brick walls of the building are shown covered with plantings. Two large overhangs are shown at the two entrances to the building.

Addressing IHPC's "Reasons for Denial" of the previous case, the architect consciously avoided trying to reflect the architectural expression of buildings around it. Rather, he chose to create a unique design that would set this site apart from its surroundings and serve as a "gateway" between Herron Morton Place and the Old Northside. Staff agrees that a gas station/convenience store at this location is best executed as a unique and specific style of architecture all to its own, rather than a contrived style attempting to fit into the assortment of architecture that surrounds it.

Canopy:

The canopy will be located away from the front of the site and is the same height as the proposed building. Staff believes this orientation allows for the building to be compatible with the setbacks of surrounding buildings. The canopy will consist of the same wood/composite cladding material to be used on the convenience store structure. The canopy will be supported by metal support posts. These details are what will distinguish the canopy from other more standard canopy designs and make it more compatible with the building. The request includes an option for installing solar panels on the canopy roof, but they are not going to be installed at this time. Therefore, a stipulation is included requiring future approval before installation.

Green Roof:

The proposed plans show a green roof on the convenience store structure. This feature is new to the design from the previous proposal. More detailed plans will need to be presented to staff for additional review during the preconstruction meeting.

More Drawings Needed:

The architect has provided rendered elevations and perspective drawings for the Commission. These are helpful in illustrating how the building will fit in its surroundings and how it might be perceived in reality. However, the lack of standard measured elevation line drawings makes it hard to understand the details. Staff requested a set of black and white elevation drawings, but the applicant did not want to undertake that work at this time. Staff

Execution of the Design is Critical

Staff believes this plan successfully addresses those issues that caused the commission to deny the earlier proposal. We also find the contemporary design and quality materials to be a good complement to other well designed contemporary structures in the two adjoining historic districts. However, staff's one reservation about our recommendation is the lack of detail drawings, as they could make or break this project. The quality of construction, quality of materials, detailing of joinery and finishes as well as other details of the design are critical to the success of this project. A cheapening of materials, simplification of design, or loss of detailing due to "value engineering" would undermine the very reasons behind staff's recommendation for approval. Because the details are so important, staff is recommending a stipulation requiring the IHPC to approve the final construction drawings and any subsequent significant changes in design or materials.

Signage

The applicant is proposing bench seating with integral signage around the perimeter of the site. They will include a “Tinker Street” bench, “Central Ave” bench, and a “Marathon” bench (or other branding name). These benches/signs are to be made of composite wood and steel. Additional signage may be proposed, but no designs have been presented.

Lighting

The applicant has not provided details of the lighting being proposed. However, staff believes the lighting could be reviewed at the preconstruction meeting that the applicant is required to attend. Staff is recommending that the following stipulations be included in the certificate of appropriateness:

1. All lighting must be approved by IHPC staff prior to construction and a final lighting plan must be submitted for final approval.
2. All lighting must be controlled by timers and/or dimmers after regular business hours to avoid unnecessary light pollution affecting surrounding properties.
3. Lighting shall be limited to wall mounted lighting on the building and canopy lighting.

Rezoning

The site is zoned C-4, which permits gas stations and convenience stores. However, the applicant is requesting to “downzone” the site to C-3, eliminating more “undesirable” uses while still permitting the gas station/convenience store use. Staff believes this is a good change that will, for future purposes, prevent uses such as adult entertainment businesses, auto-related uses like repair and service shops, bars, commercial parking lots, plasma centers, and massage parlors.

Variances of Development Standards

The variances needed for this project are as follows:

1. Variance of development standards for construction within the required clear sight triangle at the southeast and southwest corners of the property.
The applicant is showing the building within the required clear sight triangle at the southeast corner and a brick wall within the clear sight triangle at the southwest corner. Due to the tight constraints of this site, it seems unreasonable to not support construction within these areas especially since vehicular traffic is one-way south on Central, a bump out is being provided, and that traffic at the alley is limited and that ample sidewalk space is shown providing a buffer between the property line and street curb.
2. Variance of Development Standards to carry out food service within 100 feet of a protected district.
Two protected districts are across from this subject site, D-8 across 16th St. and PK-2 across Central Ave. Carry out food is proposed. The ordinance requirement is meant to limit the effect that the carrying out of food would have on surrounding protected areas where people are living. In this case, the adjacent properties in the protected districts are vacant lots.
3. Variance of Development Standards to reduce required transitional yard setbacks (20 feet required) at both front yards (16th St & Central Ave).
A 20 foot transitional yard is required when a commercial borders a protected zoning district, such as D-8 or PK-2 which are both residential districts. The transitional yard is used to provide a buffer between the commercial use and the protected use. In this case, the protected districts are both across the street. Imposing a 20 foot transitional yard along both streets would make it hard to develop any use on the property.

4. Variance of Development Standards to allow for ground signs with zero setback (15 feet required).
A variance of development standards is also needed for the proposed ground signs, or benches in this case, because of no provided setbacks (15 feet is required). Staff believes that in order to provide the required setback for ground signs, the signs would have to be set into the site too far to be effective. No negative effect appears to result from placing the signs as proposed.

Staff recognizes that in order for this site to be appropriately developed, variances are necessary. This is due in part to the small site. However, staff also recognizes that almost any development on this site will require variances. Staff believes that varying from the ordinance in this case is being done without causing negative effects on adjacent properties.

Reasons for Approval

- The existing gas station building is over 50 years old, but without architectural significance. Demolition will not result in a loss of architectural character to the surrounding historic area.
- This corner has been used for the sale of gasoline for almost 100 years.
- A gasoline station and a convenience store are both permitted uses in the existing zoning district.
- The requested rezoning continues to permit a gas station and convenience store, but narrows the range of permitted use by excluding some potentially objectionable uses.
- 16th Street is more commercial in character than it is residential.
- The building and canopy are custom designed for this site and introduce a unique architectural element to serve as a “gateway” between two neighborhoods, as well at “Tinker Street” (16th St.)
- The building is sited at the corner, which makes the building the dominant feature, not the canopy. Pulling the building to the corner helps anchor the site which is a common characteristic in most urban areas.

The owners and their new architect took into consideration the IHPC’s reasons for denial from the last hearing. They have also met with groups from Herron-Morton Place and the Old Northside and believe they have addressed many of their concerns. The architect told attempted to address the IHPC’s “reasons for denial” by creating a design that:

1. Is unique, is a product of its own time and reflects its actual use without relying heavily on a historicist response to its historic neighbors.
2. Serves as a “gateway” design for both Herron Morton Place and the Old Northside through the unique design.
3. Encourages surrounding developers to “push the envelope” with creative design approaches.

Herron Morton Place Preservation Plan

The Herron-Morton Place Plan provides the following guidance considering new construction: *“New construction should reflect the design trends and concepts of the period in which it is created. New structures should be in harmony with the old and at the same time be distinguishable from the old so the evolution of Herron-Morton Place can be interpreted properly.”*

STAFF RECOMMENDED MOTION

COA #2011-COA-045 (HMP):

To approve a Certificate of Appropriateness to demolish the existing structure; construct new gas station and convenience store structure and gas pump island with canopy; site improvements; variances of development standards needed to construct the project and rezoning of the property all per submitted documentation and subject to the following stipulations:

1. Construction must not commence prior to approval of final construction drawings and material specifications by the IHPC at a public meeting. Notices and advertising must comply with Indiana's Open Door Law. Approved: _____ Date: _____
2. If any changes in the structural design, site plan and/or material choices occur after the final plans are approved by the IHPC and staff finds them to be significant, staff may require IHPC to review the changes as "old business" at a public meeting. Notices and advertising must comply with Indiana's Open Door Law.
3. A pre-construction meeting between IHPC staff, the designer, the owner, and the contractor/construction manager must be held prior to commencement of construction. Approved: _____ Date: _____
4. The construction site must be field-staked with no offsets and reviewed by IHPC staff prior to commencement of construction. Approved: _____ Date: _____
5. All siding, panels and trim must have a smooth texture free of embossed woodgrain textures and major imperfections. No rough-sawn or embossed woodgrain finishes are permitted.
6. A durable marker indicating the date of construction must be incorporated into the front foundation of the building and approved by IHPC staff prior to installation.
7. All utility wires and cables must be relocated underground. No installation of utilities or meter and mechanical placement shall commence prior to IHPC staff approval.
8. Work on exterior details must not commence prior to the approval by IHPC staff of each element. These may include, but are not limited to all finish material: doors, windows, foundations, exterior lighting, colors, roofing, landscape materials, etc.
9. Final design of solar panels must be approved by IHPC staff prior to installation. Approved _____ Date _____
10. Final selection of fuel truck usage and location options for a remote fueling station shall be presented to IHPC staff for final review. Approved _____ Date _____
11. Signs
 - a) No pole or ground sign may be installed without separate approval by the IHPC at a public hearing.
 - b) Final signage design must be approved by IHPC staff prior to installation. Approved _____ Date _____
12. Lighting
 - a) All lighting must be approved by IHPC staff prior to construction and a final lighting plan must be submitted for final approval. Approval _____ Date _____
 - b) All lighting must be controlled by timers and/or dimmers after regular business hours to avoid unnecessary light pollution affecting surrounding properties.
 - c) Lighting shall be limited to wall mounted lighting on the building and canopy lighting.
13. Any changes to the approved design shall be approved by IHPC staff prior to starting work.

NOTE 1: Stipulations 1, 2, and 3 must be completed prior to the issuance of any building permits.

NOTE 2: Changes to the proposed plans may result in this request being re-heard by the Commission.

REZONING PETITION #2011-ZON-016:

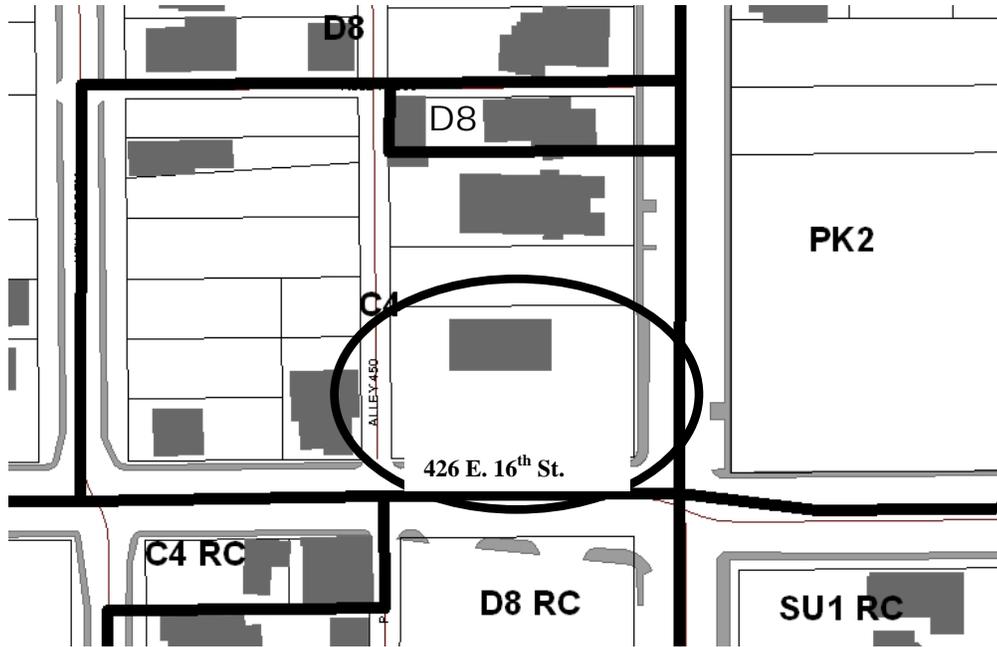
To recommend approval to the Metropolitan Development Commission to rezone the subject property from C-4 to C-3.

VARIANCE #2011-VHP-005:

To approve variances of development standards:

1. For carry out food service within 100 feet of a protected district.
2. To reduce required transitional yard setbacks (20 ft required) at both front yards (16th & Central Ave).
3. To allow for ground signs with zero setback (15 feet required).
4. To allow construction within the required clear sight triangles at the southeast and southwest corners of the property.

Staff Reviewer: Meg Purnsley



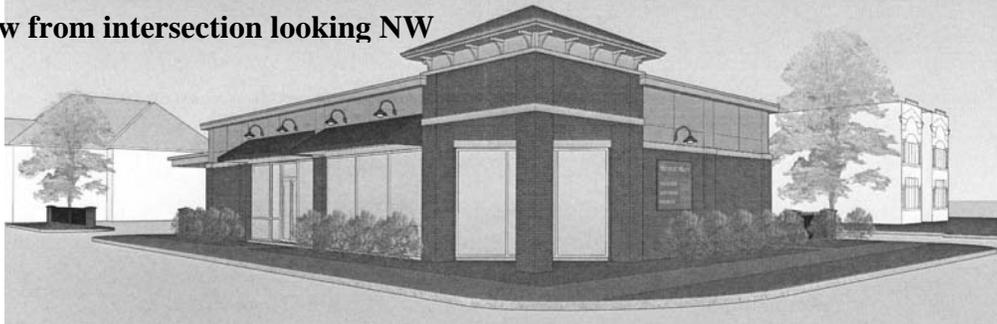
Existing map and aerial of the site



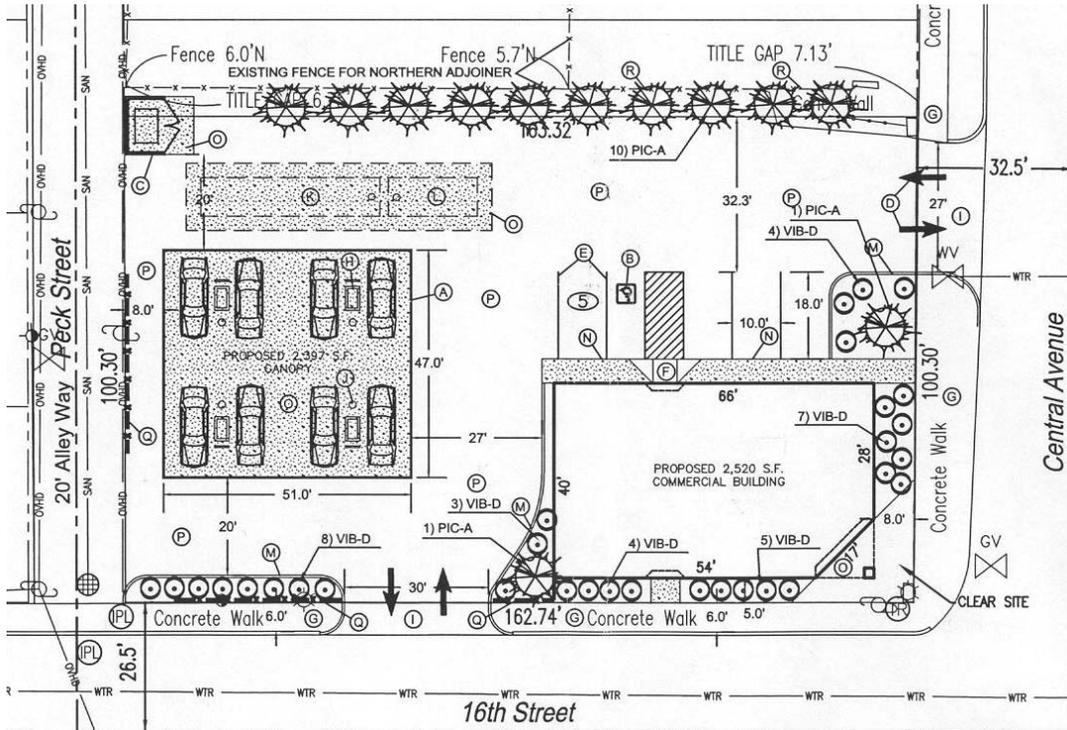
PREVIOUSLY DENIED PLANS from February 2010



View from intersection looking NW



Below: Denied Site Plan





Existing building (taken in 1986)



Existing building and site from 16th Street



Existing building and site from Central Avenue



Buildings to the north along Central Avenue

FINDINGS FOR CURRENT VARIANCE PETITION (2011-VHP-005)

2011-VHP-005

**METROPOLITAN DEVELOPMENT COMMISSION
HEARING EXAMINER
METROPOLITAN BOARD OF ZONING APPEALS, Division 144PC
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:

This property along the historic Tinker Street has an abundance of historic buildings with little or no setback from the intersecting streets and within the clear sight triangle and thus the reduced setback and the locating of the new building within the clear sight triangle should be in keeping with the historic character of this commercial corridor. The signs with reduced setback will be visible from passing motorists and yet with the bump outs into the public right of way the signs will have a setback from the curb line and thus should not present any public safety issues. The one hundred foot measurement of the carry out food service is to the east and to the south where vacant lots are across the street and thus no residents should be affected in an adverse manner.

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 requested setbacks and the locating of the new commercial building within the clear sight triangle are in keeping with the historic character of Tinker Street (East 16th street); and the ground signs will be complimentary to the appearance of the structure and located similar to other nearby free standing signs; and the carry out foot measurement, although technically measured from the protected districts to the east and south, where no uses are presently located to be protected. The locating of the building at the proposed location will be more in keeping with surrounding development and thus the area adjacent will be affected in a positive manner.

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

Locating the building in the desired location to be consistent with other setbacks of commercial buildings along the corridor and within the clear sight triangle necessitates the variance request and without variances a very small building with an unfeasible site plan would be the end result. Also the proposed location of the building makes the variances needed for the locating of free standing signs on the site so that they are visible to the passing public. The variances related to the 100 foot separation rule would require the building to be setback on the site further to the north and west and thus not consistent with the historic pattern of other commercial buildings in the neighborhood along the corridor.

DECISION

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

Adopted this _____ Day of _____, 20 _____

RECEIVED

MAY 12 2011

INDIANAPOLIS HISTORIC
PRESERVATION COMMISSION

NEGATIVE FINDINGS AND REASONS FOR DENIAL FROM PREVIOUS APPLICATION

INDIANAPOLIS HISTORIC PRESERVATION COMMISSION (IHPC) OF INDIANAPOLIS AND MARION COUNTY, INDIANA

APPLICATION #2009-COA-605 (HMP)

FINDINGS OF FACT & REASONS FOR DENIAL

DATE OF VOTE: February 3, 2010

APPLICANT: Sea Group LLC for Isam Samara
Attn: Mario Guerra
494 Gradle Drive
Carmel, IN 46032

PROPERTY ADDRESS: 426 E 16th Street

HISTORIC AREA: Herron-Morton Place

FINDINGS OF FACT AND REASONS FOR DENIAL of a Certificate of Appropriateness for demolition of a commercial structure, construction of a gas station/convenience store, site improvements and for variances of development standards at 426 E. 16th Street. Findings and reasons are as follows:

1. The project, as proposed, is not appropriate in its visual compatibility, general design and arrangement because:
 - a. The design relies too heavily on a historicist response to its historic residential neighbors than is appropriate for a new building of a different type, resulting in a project that is trying to appear to be something it is not.
 - b. The one-story height is not visually compatible with the character of the surrounding area, which tends to be characterized by buildings of at least two stories.
2. Instead of reinforcing the fact that this site is an important gateway for two historic neighborhoods (Herron-Morton Place and the Old Northside), the aesthetics of this design will be a barrier to any sense of "gateway."
3. The aesthetic influence of this project, especially with smaller transitional yards separating it from adjacent protected districts, will drive future surrounding development in a negative direction and will tend to stifle, rather than encourage, appropriately designed surrounding development.
4. The project's need for high vehicular traffic, increased pedestrian traffic, site lighting and reduced transitional yards in order to accommodate its site requirements results in a project and site plan that requires variances of development standards and reveals that the site is too small for the proposed building and still provide appropriate space for landscaping, pedestrian maneuverability and safety. Therefore, the grant of such variances would have an adverse effect on the use and value of the areas adjacent to the subject property.

For all of the above reasons set forth herein, approval of application 2009-COA-605 (HMP) would not be appropriate to the preservation of the Herron-Morton Place historic area and to the furtherance and development of historic preservation and is denied.



Herron-Morton Place Association
P.O. Box 44166
Indianapolis, IN 46244

August 31, 2011

Indianapolis Historic Preservation Commission
200 E. Washington St., Suite 1821
Indianapolis, IN 46204

2011-COA-045(HMP), 2011-VHP-005 & 2011-ZON-016 a.k.a. 426 E. 16 St.

Commission Members & IHPC Staff:

The Herron-Morton Place Association, Inc. Land Use committee met with the applicant's representatives on Tuesday, August 30, 2011. Mr. David Kingen presented for our review the revised plans centering on the loss of the 6.75 feet of land on the north side of the development, the loss of landscaped buffer between the gas station and the residential property to the north and possible loss of space to maneuver. After discussion, it was moved, seconded and passed that the HMPA Land Use Committee **oppose** the design as presented. Due to the Labor Day holiday there will not be an HMPA general membership meeting prior to the scheduled September Commission hearing.

Sincerely,

Jonathan Chumley
Chair, Herron-Morton Place Association, Inc. Land Use committee

copy: HMPA Board Secretary

THE OLD NORTHSIDE LAND USE COMMITTEE
1412 N. Central Avenue
Indianapolis, IN 46202

1 September 2011

RECEIVED
SEP 01 2011
INDIANAPOLIS HISTORIC
PRESERVATION COMMISSION

VIA FACSIMILE 327-4407

Mr. James Kienle, President
Indianapolis Historic Preservation Commission
1801 City County Building
200 East Washington Street
Indianapolis, IN 46204

RE: 2011-COA-045 (HMP), 2011-VHP-055; 2011-ZON-016
426 East 16th Street

Dear Mr. Kienle,

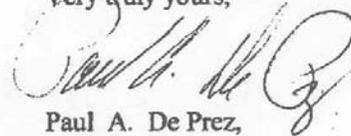
This is an addendum to my letter of this date on this subject.

The Kennedy King Neighborhood Association joins Herron Morton and The Old Northside in opposing this Application for the proposed gas station/ convenience store on the parcel on the northwest corner of 16th and Central.

These three neighborhoods completely surround this site for a depth of many blocks. The letter of Jodi Golden, President of the Kennedy King Neighborhood Association, opposing the gas station/ convenience store, expresses many of the same reasons which make such proposal totally unacceptable to all the neighborhoods.

We ask that you will join all of the surrounding neighborhoods in rejecting this Application.

Very truly yours,



Paul A. De Prez,
Chairman

cc: KKNA
LUC
ONS Board
NTSC