

**METROPOLITAN DEVELOPMENT COMMISSION
HEARING EXAMINER**

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

STAFF REPORTS FOR JANUARY 23, 2014

**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, rules of procedure. Please contact the Current Planning staff, 327-5155, within the first or second day after the hearing, to determine the appropriate appeal procedures.

PETITION NO.	PETITION ADDRESS AND LOCATION	PAGE
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EXPEDITED PETITION:

2013-APP-017	RIGHTS-OF-WAY ADJACENT TO 437 SOUTH ILLINOIS STREET, 525 SOUTH MERIDIAN STREET, 511 MADISON AVENUE, 108 EAST MCCARTY STREET, 14 WEST MCCARTY STREET, 546 SOUTH MERIDIAN STREET, AND 368 SOUTH MERIDIAN STREET CENTER TOWNSHIP, CD #19	3
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CONTINUED PETITIONS:

2013-ZON-070	6725 SOUTH FRANKLIN ROAD FRANKLIN TOWNSHIP, CD #25	11
2013-ZON-074	4903 AND 4907 WINTHROP AVENUE WASHINGTON TOWNSHIP, CD # 9	22
2013-CZN-820*** 2013-CPL-820 2013-CVR-820	7530 ORINOCO AVENUE PERRY TOWNSHIP, CD # 24	33

NEW PETITIONS:

2013-MOD-015	5220 EAST SOUTHPORT ROAD FRANKLIN TOWNSHIP, CD # 25	34
2013-MOD-016*	7125 WELLINGSHIRE BOULEVARD AND 7500 SOUTH BELMONT AVENUE; PERRY TOWNSHIP, CD # 22	38
2013-ZON-078	1720 EAST 38 TH STREET WASHINGTON TOWNSHIP, CD # 9	39
2013-ZON-079	5805 EAST SOUTHPORT ROAD FRANKLIN TOWNSHIP, CD # 25	46

2013-ZON-080*	4375 KENTUCKY AVENUE DECATUR TOWNSHIP, CD # 22	52
2013-CZN-837 2013-CVC-837	350 WEST ST. CLAIR STREET CENTER TOWNSHIP, CD # 15	53
2013-CZN-838 2013-CVR-838	5540 SOUTH EAST STREET PERRY TOWNSHIP, CD # 23	64

*Automatic Continuance ** Continuance Requested *** Withdrawal or Dismissal Requested

STAFF REPORT

Department of Metropolitan Development Division of Planning Current Planning Section

Case Number: 2013-APP-017
Address: Rights-of-way adjacent to 437 South Illinois Street, 525 South Meridian Street, 511 Madison Avenue, 108 East McCarty Street, 14 West McCarty Street, 546 South Meridian Street, and 368 South Meridian Street
Location: Center Township, Councilmanic District # 19
Petitioner: Sign Craft Industries, by Kristen Kohl
Request: Administrator's Approval for Public Signs, as provided for within the Sign Regulations to provide for eight six-square foot directional signs within the public right-of-way for the Rolls Royce Campus as follows:

- a) Sign "A" adjacent to 437 South Illinois Street on the north side of West Henry Street,
- b) Sign "B" adjacent to 525 S. Meridian Street on the south side of Henry Street,
- c) Sign "C" adjacent to 511 Madison Avenue on the east side of Madison Avenue,
- d) Sign "D" adjacent to 108 E. McCarty Street on the north side of East McCarty Street,
- e) Sign "E" adjacent to 14 W. McCarty Street on the east side of Illinois Street,
- f) Sign "F" adjacent to 546 S. Meridian Street on the east side of Illinois Street,
- g) Sign "G" adjacent to 525 S. Meridian Street on the east side of Madison Avenue, and
- h) Sign "H" adjacent to 368 S. Meridian Street on the east side of Meridian Street.

ADDENDUM FOR JANUARY 23, 2014

This petition was continued from the January 9, 2014 hearing to the January 23, 2014 hearing, by request of the petitioner. On January 15, 2014, the petitioner submitted new elevations for a revised request. Specifically, the petitioner requests that Locations 'A' and 'B' have signs that are 24" x 36" in size and the other locations ('C', 'D', 'E', 'F', 'G' and 'H') would be 12" x 24" in size. Locations 'A' and 'B' are on Henry Street, a local street within the campus of the petitioner with the other locations outside this area. Staff supports the amended request.

RECOMMENDATIONS

Staff **recommends approval** of this request, subject to the site plans, file-dated October 21, 2013 and the amended elevations, file-dated January 15, 2014.

(Continued)

STAFF REPORT 2013-APP-017 (Continued)

ADDENDUM FOR JANUARY 9, 2014

This petition was continued from the December 12, 2013 hearing to the January 9, 2014 hearing, by request of the petitioner. As of this writing, no new information has been submitted to the file.

RECOMMENDATIONS

Staff **recommends approval** of this request, subject to the following commitment:

The signs shall be no larger than 2.25 square feet (18” by 18” or 12” by 24”).

SUMMARY OF ISSUES

The following issues were considered in formulating the recommendation:

REQUEST

- ◇ The Sign Regulations permit public signs within the public right-of-way, with the filing of an Approval petition heard by the Hearing Examiner, prior to Administrator’s Approval being granted. The proposed signs are meant for public use and help guide the public to a corporate headquarters south of downtown, just south of South Street, along Meridian Street.
- ◇ The proposed signs would be six square feet in size. There would be eight such signs, with five of them posted on existing light poles or traffic sign posts with other public signs. Three signs would be on new sign posts.
- ◇ Staff would not oppose the request, if the signs would be no greater than the size of other public signs like ‘No Parking’. These types of signs are 2.25 square feet (18” by 18”) in size. Larger signs would allow more sign area for additional advertising, which could over-stimulate drivers and potentially cause safety concerns.

REGIONAL CENTER OVERLAY ZONE

- ◇ This petition removes the need for Regional Center Approval.

GENERAL INFORMATION

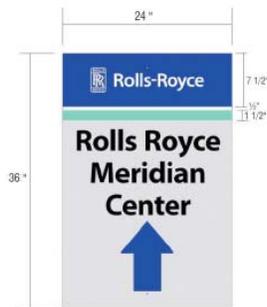
EXISTING ZONING
AND LAND USE

I-3-U (RC), CBD-2 (RC) and C-4 (RC) Public right-of-way

COMPREHENSIVE PLAN

The sites are located within the boundaries of the Regional Center Plan 2020 which recommends Medium or High-density development.

(Continued)



SIGN 1 - QUANTITY-3



SIGN 2 - QUANTITY-1



SIGN 3 - QUANTITY-2



SIGN 4 - QUANTITY-1



SIGN 5 - QUANTITY-1

FABRICATE AND INSTALL S/F DIRECTIONAL SIGNS

FACES - .090 ALUMINUM PAINTED PMS-441 GRAY
VINYL - BLACK, WHITE, 751-086 BRILLIANT BLUE & 054 TURQUOISE

INSTALLATION - THESE SIGNS WILL MOUNT EITHER ON FREE
 STANDING POSTS OR EXISTING POST STRUCTURES (TBD)

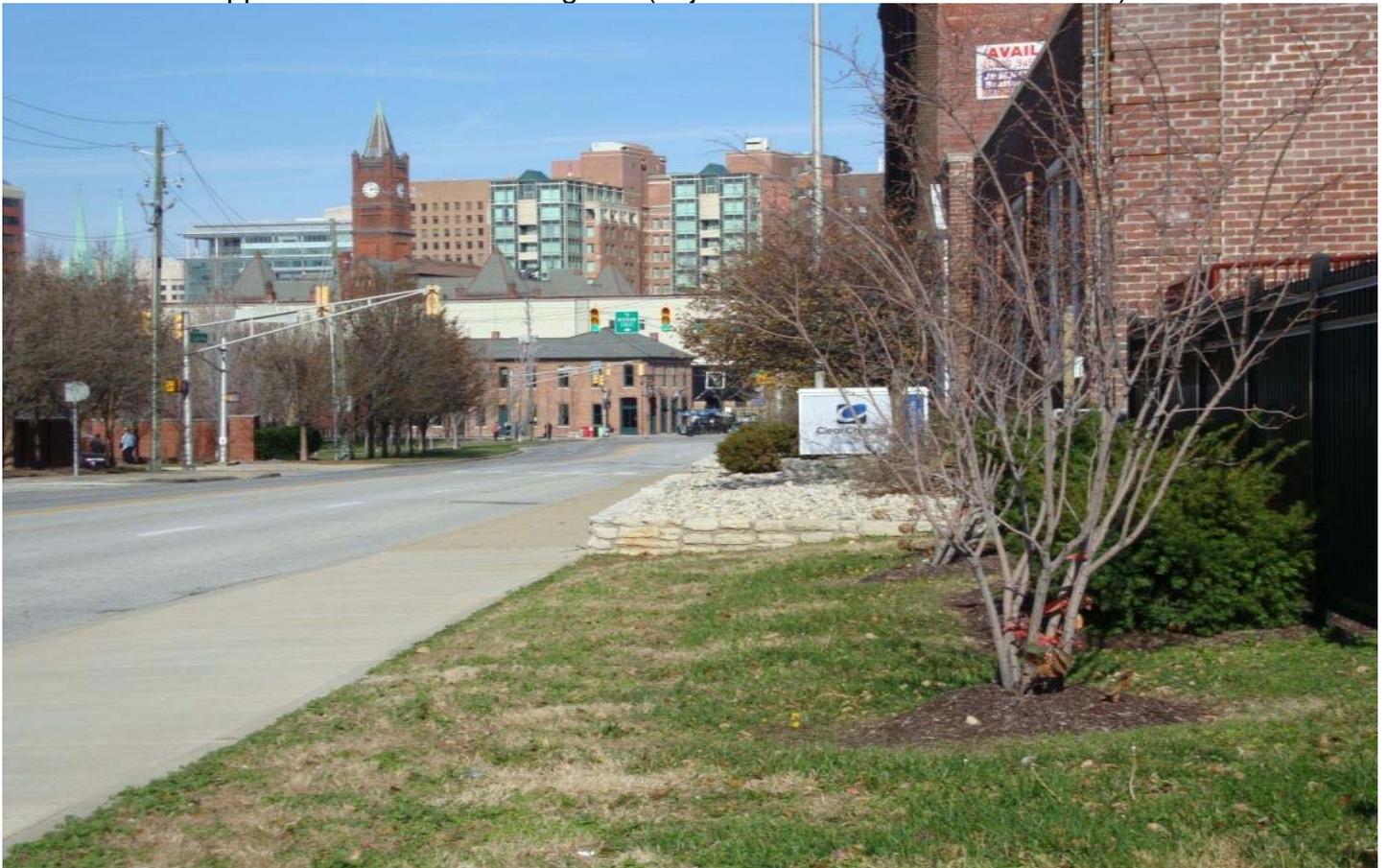
Elevations of proposed signs and noted locations



Approximate location of Sign 'A' (adjacent to 437 S. Illinois Street) - 2013-APP-017



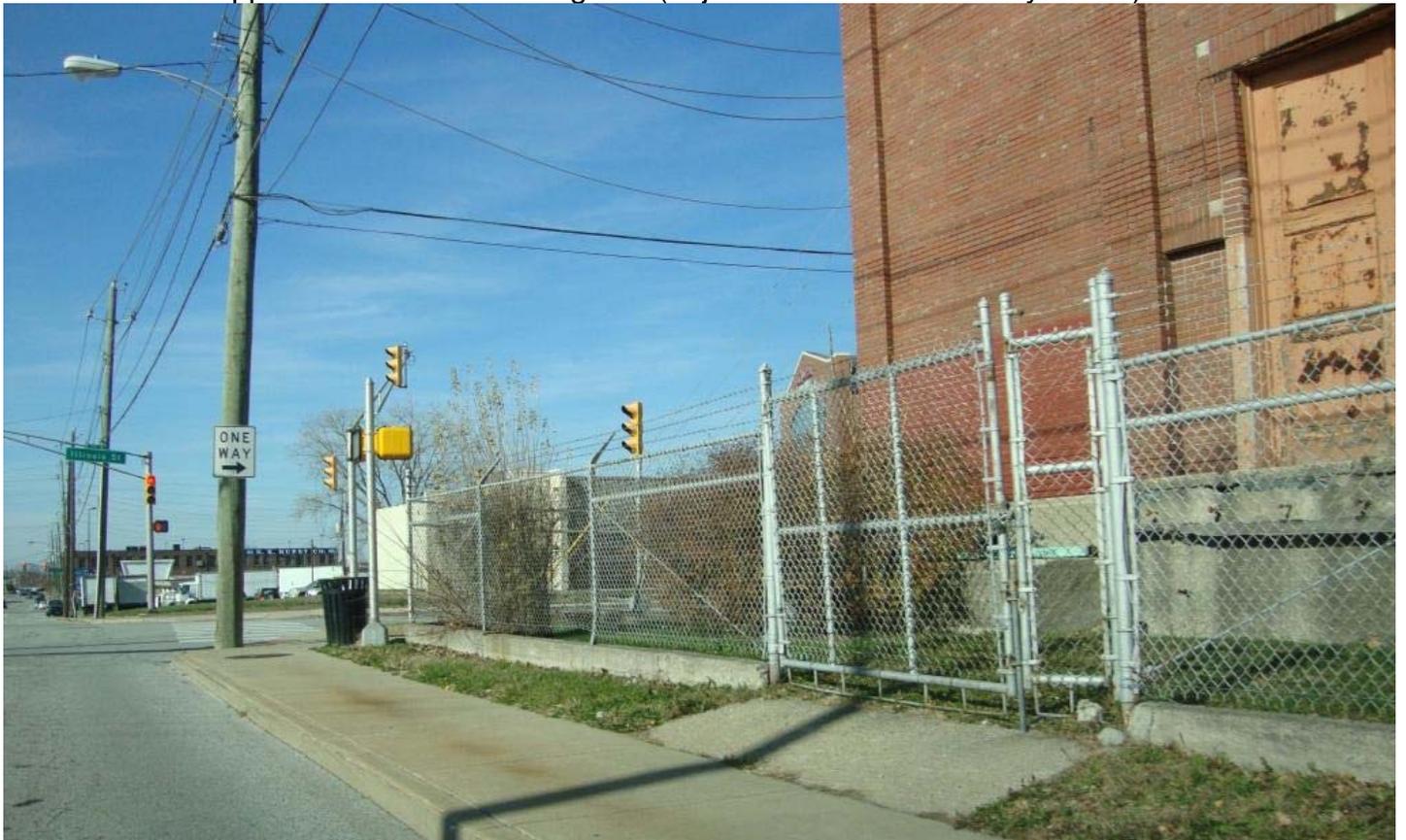
Approximate location of Sign 'B' (adjacent to 525 S. Meridian Street)



Approximate location of Sign 'C' (adjacent to 511 Madison Avenue) - 2013-APP-017



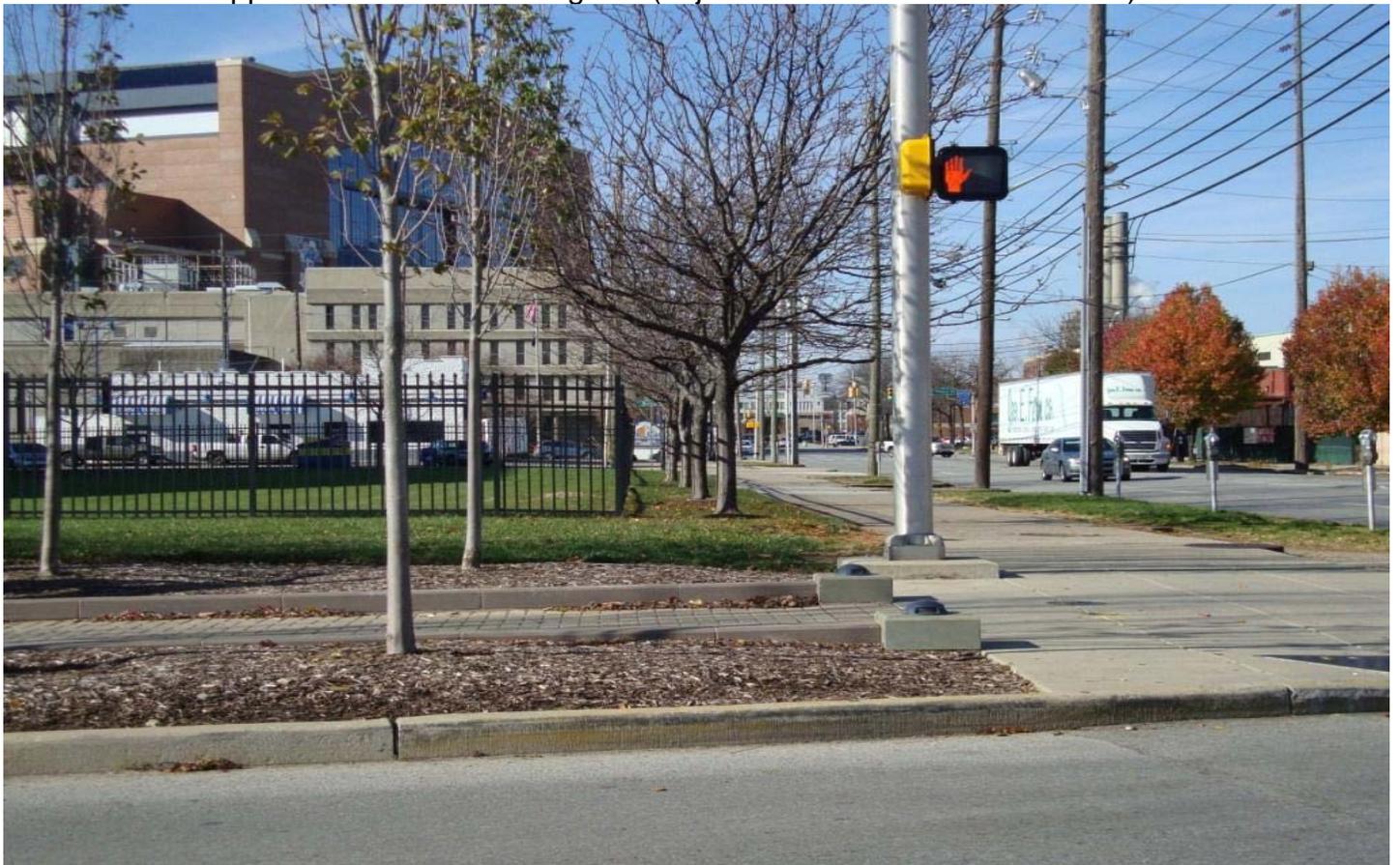
Approximate location of Sign 'D' (adjacent to 108 E. McCarty Street)



Approximate location of Sign 'E' (adjacent to 14 W. McCarty Street) - 2013-APP-017



Approximate location of Sign 'F' (adjacent to 546 S. Meridian Street)



Approximate location of Sign 'G' (adjacent to 525 S. Meridian Street) - 2013-APP-017



Approximate location of Sign 'H' (adjacent to 368 S. Meridian Street) - 2013-APP-017

STAFF REPORT

Department of Metropolitan Development
Division of Planning
Current Planning Section

Case Number: 2013-ZON-070
Address: 6725 South Franklin Road (Approximate Address)
Location: Franklin Township, Council District #25
Petitioner: AJ Partnership, by David A. Retherford
Request: Rezoning of three acres from the D-A district to the C-3 classification to provide for a gas station and convenience store.

ADDENDUM FOR JANUARY 23, 2014

Prior to the January 9, 2014 meeting of the Hearing Examiner, staff and the petitioner were not in agreement regarding the language within Commitment #5, which is related to a financial contribution for a future traffic signal or roundabout at the intersection of Southport and Franklin Roads. After further negotiation, staff would find the revised language to be acceptable:

5. Owner shall commit to contributing an amount, not to exceed \$9,800 towards the cost of a traffic signal or roundabout at the intersection of Franklin Road and Southport Road. Said contribution is payable within thirty days of notification by the Department of Public Works that construction of said intersection improvement has been approved for design and installation. The obligation to contribute is contingent upon commitments being recorded for similar pro-rata traffic signal or roundabout contributions for over 50% of parcels A) located within or partially within a 2,000-foot radius from the center of the intersection, and B) that have been rezoned from residential to commercial classifications between the approval of the subject case and the date the contribution is requested. If the traffic signal or roundabout is wholly or in part paid for via funds collected from a TIF district or similar municipal infrastructure financing method in which the subject property is included, then this Commitment shall not apply.

JANUARY 9, 2014 HEARING EXAMINER

This petition has been continued several times for the petitioner to meet with neighbors and for staff to continue to evaluate this petition. After additional discussions with the Department of Public Works (DPW), staff would request a fifth commitment in addition to those indicated below:

5. Owner shall commit to contributing an amount, not to exceed \$9,800 towards the cost of a traffic signal or roundabout at the intersection of Franklin Road and Southport Road. Said contribution is payable within thirty days of notification by the Department of Public Works that construction of said intersection improvement has been approved for design and installation.

The Comprehensive Plan recommends commercial uses at all four corners of the Franklin Road and Southport Road intersection. Although this reasonably modest three-acre development by itself does not warrant a traffic signal at this time, if the *Plan* recommendations are ultimately

(Continued)

STAFF REPORT 2013-ZON-070 (Continued)

achieved, a traffic signal or roundabout would certainly be necessary for this intersection for what would then be a large commercial node.

Therefore, in the interests of appropriate long-range planning, Staff, in conjunction with the DPW, would request a contribution to achieve the installation of a traffic signal or roundabout, should it occur, as the improvement would be necessitated partially by the proposed gasoline station and strip center being contemplated with this petition.

Regarding the \$9,800 amount, DPW has estimated that the installation of a traffic signal or roundabout at this location would be \$800,000. DPW has also expressed that half of the costs of said installation would be provided by DPW. Then, the remainder of estimated costs, at \$400,000, would be requested as properties are gradually rezoned to commercial districts at the four corners of the intersection. Staff and DPW would suggest each corner would be responsible for \$100,000 towards the traffic signal. The three-acre subject lot is 9.8 percent of the larger area of land at the northwest corner of the intersection recommended for community commercial use by the *Plan*. Therefore, the request would be for \$9,800.

NOVEMBER 14, 2013 HEARING EXAMINER

RECOMMENDATIONS

Staff **recommends approval** of this request, subject to the following commitments being reduced to writing on the Commission's Exhibit "B" forms three days prior to the Metropolitan Development Commission Hearing:

1. 70-foot half rights-of-way shall be dedicated along the frontages of Franklin Road and Southport Road, as per the request of the Department of Public Works (DPW), Traffic Planning Section. 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 DPW. The DPW has requested that the rights-of-way be granted within 60 days of approval.
2. The site shall allow for future development with the north and east abutting sites as an integrated center, with respect to signage, parking, and access. A 24-foot wide, non-barrier, reciprocal access easement shall be provided to the north and east property lines.
3. Prior to the issuance of an Improvement Location Permit, a landscape plan shall be submitted for Administrator's Approval.
4. Traffic and infrastructure improvements, including, but not limited to, passing blisters, turn lanes, medians, etc., shall be constructed as required by and in accordance with the standards of the Departments of Public Works and Code Enforcement.

SUMMARY OF ISSUES

The following information was considered in formulating the recommendation:

LAND USE

- ◇ The three-acre subject site is zoned D-A and is currently being farmed (Exhibit 1). The site is located on the northeast corner of Southport Road and Franklin Road in Franklin Township.

(Continued)

STAFF REPORT 2013-ZON-070 (Continued)

The site is a portion of a much larger tract of land used agriculturally.

- ◇ Surrounding uses typically remain either low-density residential or agricultural. The D-A, Dwelling-Agricultural zoning districts surrounds the site in most directions. Immediately north of the site, along Southport Road are six single-family dwellings (Exhibit 2), each situated on lots of approximately 0.5-acre. Diagonal to the site, on the southwest corner of the Franklin Road and Southport Road intersection, is a C-1-zoned, medical office building (Exhibit 3). A large, integrated school campus is approximately 2,000 feet east of the site.

REZONING REQUEST

- ◇ This request would rezone the subject site from the D-A classification to the C-3 classification. The C-3, Neighborhood Commercial District, would allow for a range of commercial retail and service uses, with outdoor sales and displays prohibited. The C-3 designation would also allow for a gas station with an associated convenience store, the use initially contemplated with this petition.
- ◇ This request would be consistent with the *Comprehensive Plan*, which recommends community commercial use for the subject site. The site is also located within the boundaries of Critical Area 72 of the *Plan*, the text of which is included in this report as Exhibit 'A'. Critical Area 72 was designated to guide the development of an anticipated commercial office/retail node at the intersection of Southport and Franklin Roads. The text of the critical area encourages that development be sensitive to surrounding residential uses and provide enhanced connectivity via provisions for pedestrian and bicycle paths.
- ◇ The *Plan* also recommends community commercial use for areas immediately north and east of the subject site. The critical area text indicates that commercial sites at this node not be developed in a piecemeal manner. To this end, the eventual development of the gas station as part of a larger, integrated center, with shared parking and accesses would be desirable. Therefore, a 24-foot wide, non-barrier, reciprocal access easement should be provided to the north and east property lines.

SITE PLAN

- ◇ A preliminary site plan has been submitted to the file (2013-ZON-070 – Preliminary Site Plan, File-Dated October 24, 2013). The plan indicates a two phase development, with the initial construction of a gas station and convenience store, and subsequent expansion of the convenience store eastward to provide for a commercial strip-style development.
- ◇ Staff would request the ability to approve a landscape plan prior to the issuance of an Improvement Location Permit. The Commercial Zoning Ordinance (CZO) would require a 20-foot transitional yard to the north where the property abuts the adjacent D-A district. This 20-foot yard would be required to be landscaped and screened from the abutting dwelling (Exhibit 4). In this instance, staff would request that a submitted landscape plan provide landscaping and screening in excess of the CZO requirements within the portion of the northern yard abutting the D-A-zoned parcel for several reasons. The first would be that the adjacent dwelling

(Continued)

STAFF REPORT 2013-ZON-070 (Continued)

maintains a relatively small south side setback of approximately 18 feet. Secondly, within the gamut of allowable C-3 uses, gas stations would tend to provide relatively higher levels of impacts on residential property, particularly with regards to traffic and light. Lastly, consideration should be given to the fact that a gas station would represent a sea change from the non-impactful agricultural use that has persisted at this location since the dwelling was built (between 1972 and 1978 according to aerial photography).

DEPARTMENT OF PUBLIC WORKS/TRAFFIC ISSUES

- ◇ The Department of Public Works, in a memorandum dated October 31, 2013, has requested the dedication of a 70-foot half right-of-way along the frontage of both Franklin Road and Southport Road. Additional easements should 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 DPW has requested that the right-of-way be granted within 60 days of approval.
- ◇ Franklin and Southport Roads are designated as primary arterials in the Official Thoroughfare Plan. Currently, however, each road provides minimal existing rights-of-way, with both roads containing 25-foot half rights-of-way per the Thoroughfare Plan (Exhibits 5, 6). Additionally, the intersection of Franklin and Southport Roads is not signalized (Exhibit 1), with a stop sign providing traffic control. For these reasons, staff would have concerns regarding additional traffic generated by the proposed activity, and whether or not the existing road infrastructure can adequately support the development.
- ◇ At the time of this publication, staff is anticipating comments from the Department of Public Works regarding the magnitude of infrastructure improvements that would be necessary for the proposed development. Among other improvements, this could potentially include left- and right-turn lanes, passing blisters, medians, or provisions for a traffic signal at the subject intersection. After the dedication of the 70-foot half rights-of-way, which would nearly triple the existing half rights-of-way, staff believes these improvements could be realized. Should future development occur in accordance with recommendations of the *Comprehensive Plan*, additional traffic improvements in the vicinity of this intersection would almost certainly be mandated.
- ◇ As plans for the proposed development continue to evolve and permits are applied for, staff would note that the final design of infrastructure improvements would be subject to the review and approval of the Departments of Public Works and Code Enforcement.
- ◇ Pursuant to the findings above, staff recommends approval of this request.

GENERAL INFORMATION

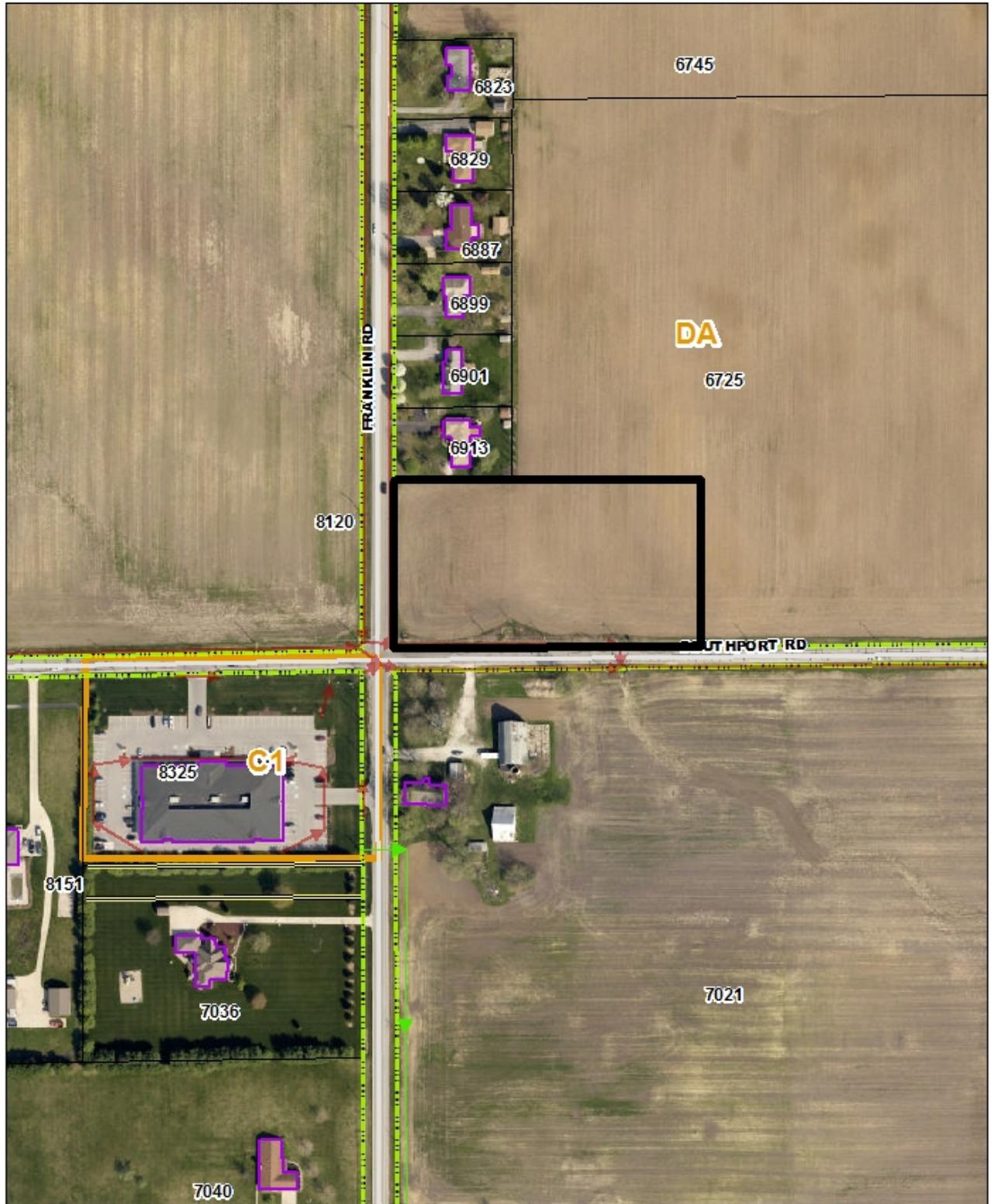
EXISTING ZONING AND LAND USE

D-A

Unimproved/agricultural

(Continued)

6725 South Franklin Road



Department of Code Enforcement
Indianapolis
Gregory A. Ballard, Mayor



Map Compiled by: Mike Clust
Division of Planning
Date Compiled: 10/15/2013

1 inch = 194 feet

Exhibit 'A' – Critical Area Text

Critical Area 72

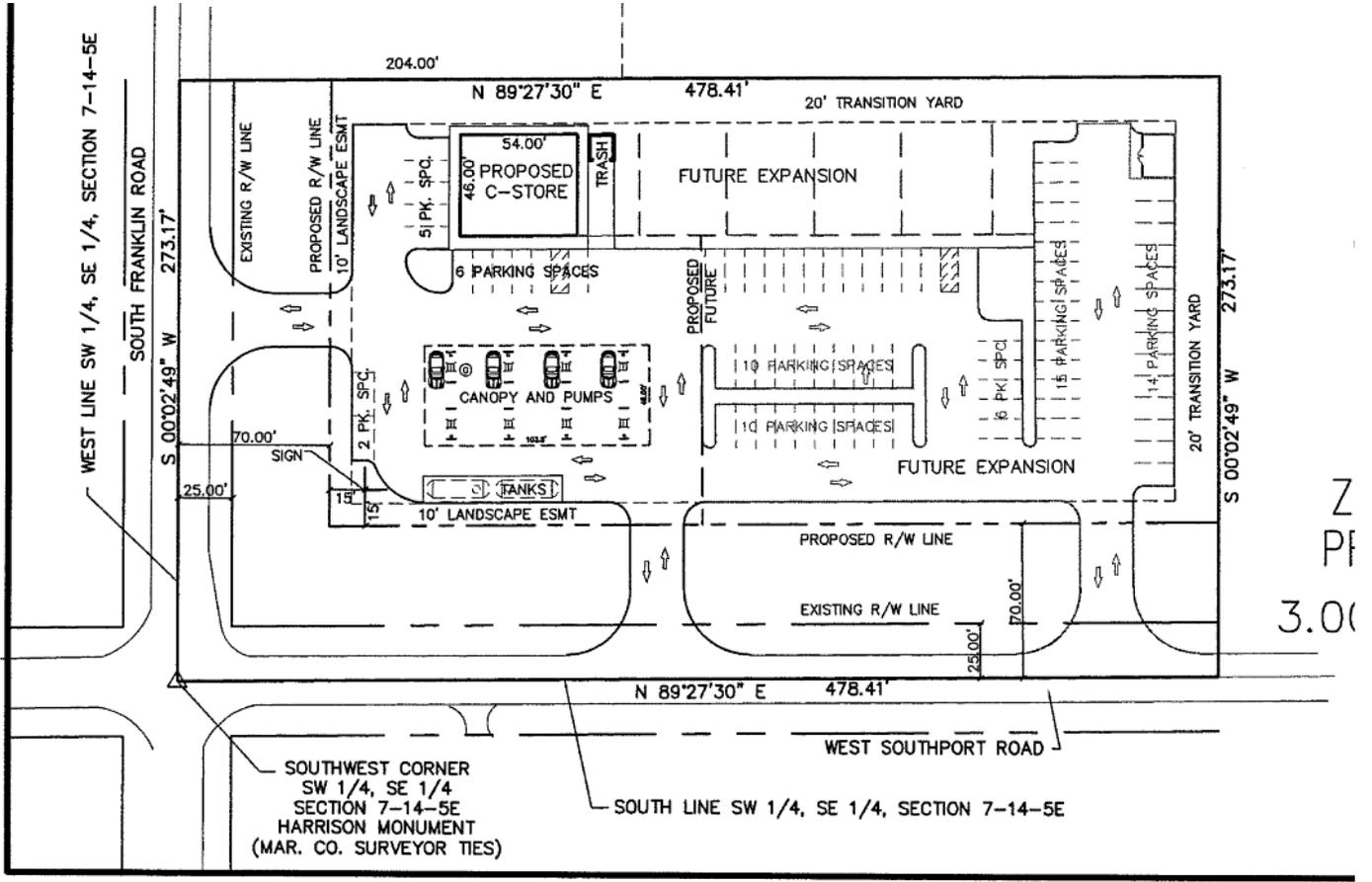
Location: Southport Road and Franklin Road

Why Critical: As Franklin Township continues to experience urban development, it is essential to identify sites where significant commercial and office centers can thrive. The intersection of Southport Road and Franklin Road has no commercial land use now but offers the potential for assembling community commercial and office commercial uses. Given the tendency for residential development to locate well in advance of commercial and office uses, it is critical that important intersections be reserved with sites of size and orientation to meet future commercial needs.

Recommendations:

- Strongly resist approval of additional residential land uses on the four corners of Southport Road and Franklin Road. Encourage land use approvals that will make the transition of these parcels from farming and scattered residential uses to community commercial and office commercial uses.
- Create a strong visual identity for this intersection, which lies near the center of Franklin Township.
- Provide safe and attractive pedestrian and bicycle pathways within development plans and integrate the Indy Parks' proposed Franklin Township Connectivity Plan with the community commercial, office commercial, special use and residential land uses.
- Preserve the high-quality woodland on the south side of Southport Road. This woodland is located approximately ½ mile east of Franklin Road.
- Each Community Commercial and Office Commercial site should have a unified plan to avoid piecemeal development.
- The proposed Office Commercial uses north of the Edenwilde subdivision should have generous landscaping along Southport Road. Provide that the Office Commercial land use serves as a transition between the proposed Community Commercial land uses along Franklin Road by limiting buildings to residential scale. Use only low level signage and shield lighting to minimize impact on residential uses to the north, south and west. Provide for vehicular and pedestrian connectivity to parcels to the west as part of the development plan for this site.
- The proposed Office Commercial land uses on the southwest corner of Southport Road and Franklin Road should provide buffering next to the Edenwilde subdivision.
- The proposed Community Commercial on the southeast corner of Franklin Road and Southport Road should be buffered on the side of the McGregor Highlands subdivision and any future residential uses to the south and east. The development plan for this site should provide for vehicular and pedestrian connectivity to parcels to the east and south but should discourage through-traffic for trucks and deliveries.

2013-ZON-070 – Preliminary Site Plan



2013-ZON-070 – Photographs



1) Subject site, looking northeast, viewed from the diagonal corner.



2) Dwellings north of the site



3) Medical office building southwest of site



4) Location where subject property abuts the northern residential lot



5) Franklin Road (subject site to right)



6) Southport Road (subject site to right)

STAFF REPORT

Department of Metropolitan Development Division of Planning Current Planning Section

Case Number: 2013-ZON-074
Address: 4903 and 4907 Winthrop Avenue (*Approximate Address*)
Location: Washington Township, Council District #9
Petitioner: William A. Newton and Linda L. Newton, Trustees of the Linda L. Newton Living Trust, by David and Justin Kingen
Request: 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.

RECOMMENDATIONS

Staff **recommends approval** of this request, subject to the site plan, file-dated November 14, 2013; the Development Statement, file-dated December 27, 2013, and the Commitments included in this report as 'Petitioner's Attachment "D", file-dated January 15, 2014, being reduced to writing on the Commission's Exhibit "B" forms at least three days prior to the MDC Hearing.

SUMMARY OF ISSUES

The following information was considered in formulating the recommendation:

LAND USE

- ◇ The 0.33-acre subject site is zoned D-5 and is comprised of two lots located on the northeast corner of 49th Street and Winthrop Avenue. The site is improved with a two-story building used as a hostel (Exhibit 1) and a detached garage (Exhibit 2) on the southern lot (4903 Winthrop Avenue). The northern lot (4907 Winthrop Avenue) is improved with a dwelling (Exhibit 3).
- ◇ Abutting land uses and zoning districts include single- or two-family residential to the north, south (Exhibit 4), and west (Exhibit 5), zoned D-5. East of the site is a C-7-zoned, heavy commercial use (Exhibit 6). Slightly farther east is the Monon Trail.

REZONING REQUEST

- ◇ The current hostel use is permitted by 2003-UV2-032. This request would rezone the site from D-5 to C-S, to allow for the continued use of the site as a hostel, but also to include additional activities not contemplated by 2003-UV2-032.

(Continued)

STAFF REPORT 2013-ZON-074

- ◇ Per the submitted Development Statement, additional uses would include an event center and a yoga studio, among other uses (Petitioner's Attachment "C" – Development Statement). The existing detached garage would either be replaced or expanded with a larger garage (2013-ZON-074 – Site Plan), with a possible dwelling unit above. Wall signs and a ground sign would be provided with the request.
- ◇ The request would be inconsistent with the Meridian Kessler Neighborhood Plan, adopted in 1979, which recommends residential use at 3-5 units per acre.

COMMITMENTS

- ◇ The petitioner has submitted a series of commitments, file-dated January 15, 2014 (Petitioner's Attachment "D" – Commitments). Several of the commitments were negotiated by staff, and generally seek to ensure a land use that is compatible with its residential environs. These commitments include hours of operation, noise levels, and the ability for staff to administratively review of a site plan prior to an Improvement Location Permit being obtained.

ASSOCIATED IMPACTS

- ◇ Staff has evaluated this case with a focus upon the potential impacts of this proposal on surrounding residential property. The proposed uses would seem to represent a substantial departure from the intensity normally found within a residential neighborhood. Upon closer examination, however, staff would find this proposal to be acceptable.
- ◇ The site would only provide for four off-street parking spaces. This concern is mitigated by on-street parking on both Winthrop Avenue and 49th Street. Transit options are located on College Avenue, three blocks west of the site. The Monon Trail is one block to the east, and provides options for pedestrians and cyclists to access the site. Lastly, a shared parking agreement with the abutting commercial use has been provided to the file, which allows the subject site to utilize six adjacent spaces.
- ◇ Outdoor activity would be limited in part due to the site's modest outdoor area. The area proposed for concerts, weddings, festivals, and live entertainment would be similar to the area of a standard rear yard (Exhibits 7, 8), roughly a 60- by 60-foot area. Furthermore, the hours of operation would be limited to 10:00 p.m. on weekday nights and 11:00 p.m. on weekend nights. To ensure impacts on residential neighbors related to noise would be mitigated, sounds emanating from the site should not exceed 50 decibels (dbA) at the property line. 45-50 dbA would represent an acceptable sound level, outdoors, at neighboring properties.
- ◇ Pursuant to the findings above, staff recommends approval of this request.

(Continued)

STAFF REPORT 2013-ZON-074 (Continued)

GENERAL INFORMATION

EXISTING ZONING AND LAND USE

D-5 Hostel

SURROUNDING ZONING AND LAND USE

North -	D-5	Single-family residential
South -	D-5	Single-family residential
East -	C-7	Heavy commercial
West -	D-5	Single-family residential

NEIGHBORHOOD PLAN

The Meridian Kessler Neighborhood Plan recommends residential use at 3-5 units per acre.

THOROUGHFARE PLAN

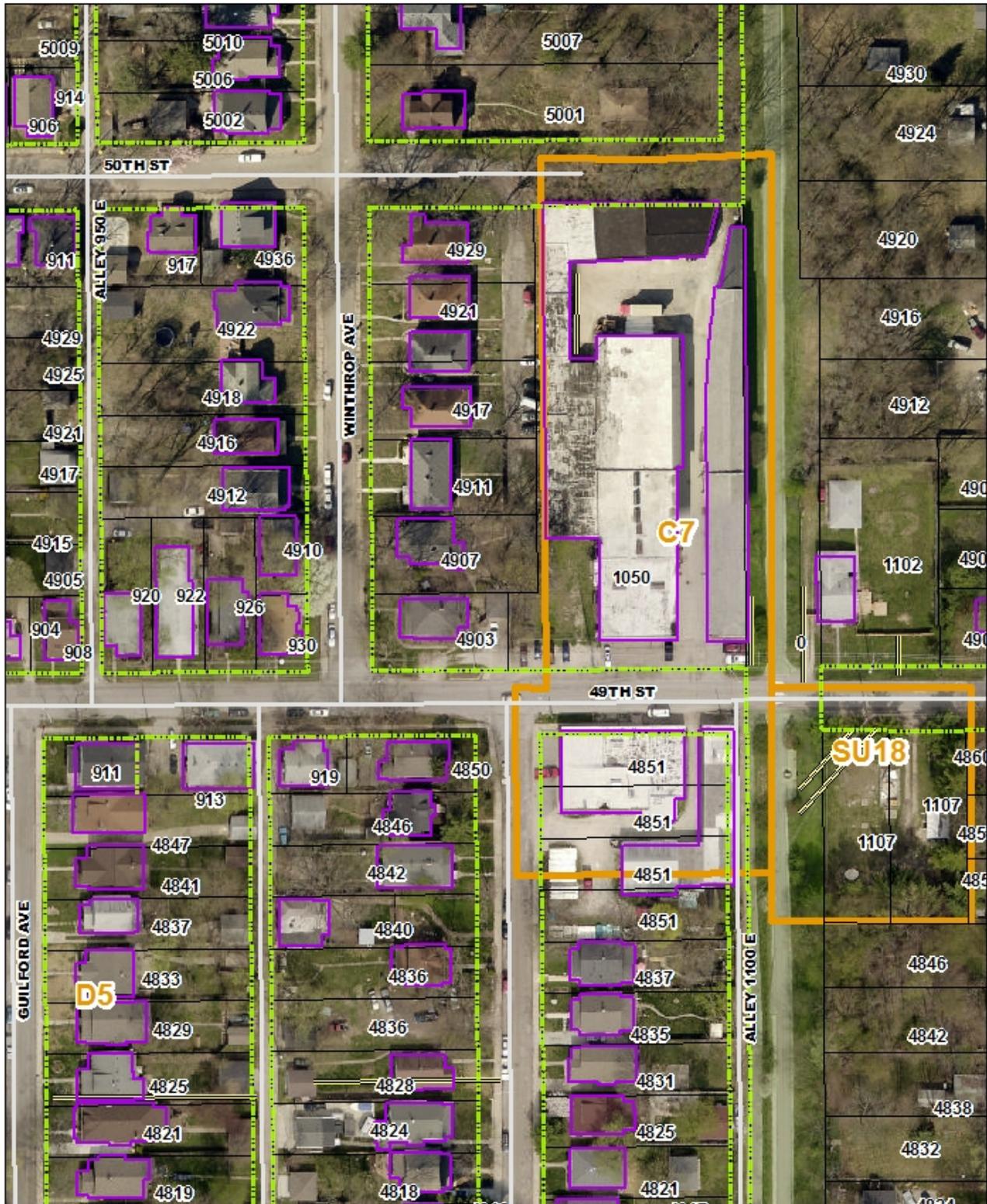
Winthrop Avenue and 49th Street are not indicated in the Official Thoroughfare Plan.

ZONING HISTORY

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

MDC

4903 and 4907 Winthrop Avenue



Map Compiled by: Mike Clust
Division of Planning
Date Compiled: 1/15/2014

1 inch = 99 feet

2013-ZON-074 – Site Plan



2013-ZON-074 – Petitioner’s Attachment “C” –
Development Statement, file-dated December 27, 2013

ATTACHMENT “C”:

Development Statement:

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

Uses:

1. Hostel, lodging for up to forty five guests
2. Apartment for staff
3. Event center including weddings, small parties, festivals, concerts, recitals with live entertainment on interior and rear patio and deck.
4. Tenting permitted for short term overnight stays.
5. Outside dining and outdoor cooking for the personal use of the occupants of Indy Hostel and guests (no carry out food from the site) , per site plan on file.
6. Single family dwelling units
7. Fitness facility for Yoga studio (no more than twelve (12) clients at the same time)
8. Neighborhood Crime watch meetings
9. Expanded garage with potential carriage house on 2nd floor.

Buildings:

Two single family dwellings (one on each lot)

Proposed detached accessory building / garage (to replace existing garage) to potential house parked autos, coin operated laundry machines and recreation room for guests only with potential second floor carriage house per site plan on file

Access and Parking:

Four on site parking spaces, two in garage and two in front of and to the south of the existing garage. Overflow parking (six spaces) provided by industrially zoned property to the east, along East 49th Street (letter on file). College Avenue bus line is located two and one half blocks to the west of the site. Monon Trail provides bike and pedestrian access from points north and south. Shuttle service provided by on site manager to and from Airport, bus terminal or other locations for arrival and departure.

Signs:

One 12” radius sign on rear deck fence of 4903 Winthrop. One wall sign on south façade and one on west facade of 4903 Winthrop shall be permitted. One free standing ground sign in front yard of 4903 Winthrop. International flags displayed along front west façade of 4903 Winthrop.

METROPOLITAN DEVELOPMENT

2013-ZON-074 – Petitioner’s Attachment “D” –
Commitments, file-dated January 15, 2013

ATTACHMENT “D”:

Petitioner agrees to the following commitments:

1. One staff person or intern shall be on site at all times.
2. Hours of operation for any non hostel use shall not exceed 10 am to 10 pm Monday thru Thursday; 10 am to 11 pm Fridays/ Saturdays, and 10 am to 9 pm on Sundays.
3. No exterior lighting shall project light onto adjoining residential properties.
4. No outdoor storage or display shall be permitted on the premises
5. A site plan and building elevations pertaining to the proposed detached accessory structure (proposed two story structure) shall be submitted for and subject to Administrator’s Approval prior to issuance of an Improvement Location Permit.
6. Rules of Conduct shall be posted and adhered to by all visitors, over night guests and performers.
7. The establishment shall keep current all licenses, certificates or approvals by all regulatory agencies at all time.
8. The level of noise from any outdoor activity on the property shall not exceed 50 dbA level range at the property lines

2013-ZON-074 – Photographs



1) Hostel building



2) Detached garage structure



3) Subject site – dwelling on northern lot



4) Dwelling south of site, across 49th Street



5) Dwelling west of site, across Winthrop Avenue



6) Commercial use immediately east of the site



7) Portion of rear yard where outdoor activity would occur



8) Area where concerts would likely occur

STAFF REPORT

Department of Metropolitan Development
Division of Planning
Current Planning Section

Case Number: 2013-CZN-820 / 2013-CPL-820 / 2013-CVR-820
Address: 7530 Orinoco Avenue (Approximate address)
Location: Perry Township, Council District # 24
Lot Size: 2.21 Acres
Petitioner: Roger Johnson
Requests: Rezoning of 2.21 acres from the D-A district to the D-1 classification to provide for single-family development.

Approval of a Subdivision to be known as Orinoco Addition, dividing 2.21 acres into two lots, with a waiver of sidewalks along Orinoco Avenue.

Variance of development standards of the Dwelling Districts Zoning Ordinance to legally establish a detached garage and 20-foot tall pole barn (accessory structures cannot be taller than the primary dwelling), totaling 3,197 square feet of accessory building and accessory use area, being 109.3% of the main floor and total floor areas of the primary dwelling (maximum 75% of the main floor area and 99.9% of the total floor area of the primary dwelling or 2,194.5 square feet and 2,923, respectively).

The petitioner has submitted a request in writing to withdraw these petitions. Additionally, the petitioner has requested a partial refund of the filing fees. Staff will provide a recommendation for a refund amount at the hearing.

LA

STAFF REPORT

Department of Metropolitan Development Division of Planning Current Planning Section

Case Number: 2013-MOD-015
Address: 5220 East Southport Road (*Approximate Address*)
Location: Franklin Township, Council District #25
Zoning: C-S
Petitioner: Southport Bar and Grill, by Mitch Sever and Cary Harnett
Request: Modification of commitments to Modify Commitment Seven of 2001-ZON-070, as modified by 2005-APP-846 to permit eight pool (billiard) tables (six pool tables permitted).

RECOMMENDATIONS

Staff provides **no recommendation**.

SUMMARY OF ISSUES

The following information was considered in formulating the recommendation:

LAND USE

- ◇ The 45.4-acre subject area is zoned C-S and improved with a range of commercial and residential uses. The individual lot associated with this petition is improved with a multi-tenant commercial building, which contains a bar/grill (Exhibit 1), a yogurt shop, and a vacant tenant space (Exhibit 2).
- ◇ The C-S zoning district surrounds the site in all directions. The C-S district associated with this request (2001-ZON-070) is north, south, and east of the site; a separate C-S district (97-Z-174) is west of the site. Surrounding uses are commercial to the south and west; multi-family residential to the north; and an unimproved area is immediately east.

MODIFICATION REQUEST

- ◇ This request would modify a commitment from petition 2005-APP-846, which modified a commitment from 2001-ZON-070, the original C-S rezoning petition. To summarize, 2001-ZON-070 prohibited 'arcades' within the 45-acre mixed use development. 2005-APP-846 amended this commitment to allow for up to ten amusement machines, with a maximum of six being pool tables. This request would allow up to eight pool tables, an addition of two tables.
- ◇ Staff does not believe the addition of two pool tables would materially alter the nature of the subject bar and grill. Additionally, the existing commitments related to security would remain in effect, which includes provisions for uniformed security personnel from 9:00 p.m. until closing on Fridays and Saturdays.
- ◇ Staff is uncertain precisely how the commitment related specifically to the number of pool tables was originally negotiated. It is unlikely that staff played a role in requesting this particular

(Continued)

STAFF REPORT 2013-MOD-015 (Continued)

commitment, however. Staff would ordinarily provide no recommendation under these circumstances. It should be noted, however, that it is possible that the commitment was negotiated by a neighborhood group or neighbors, whose support may have been contingent on said commitment being included with the prior petition.

GENERAL INFORMATION

EXISTING ZONING AND LAND USE

C-S Multi-tenant commercial

SURROUNDING ZONING AND LAND USE

North -	C-S	Multi-family residential
South -	C-S	Commercial
East -	C-S	Unimproved/utility easement
West -	C-S	Commercial

COMPREHENSIVE PLAN

The Comprehensive Plan recommends community commercial use for the subject site.

THOROUGHFARE PLAN

Southport Road is a primary arterial, with a 50-foot existing right-of-way and a 140-foot proposed right-of-way.

ZONING HISTORY

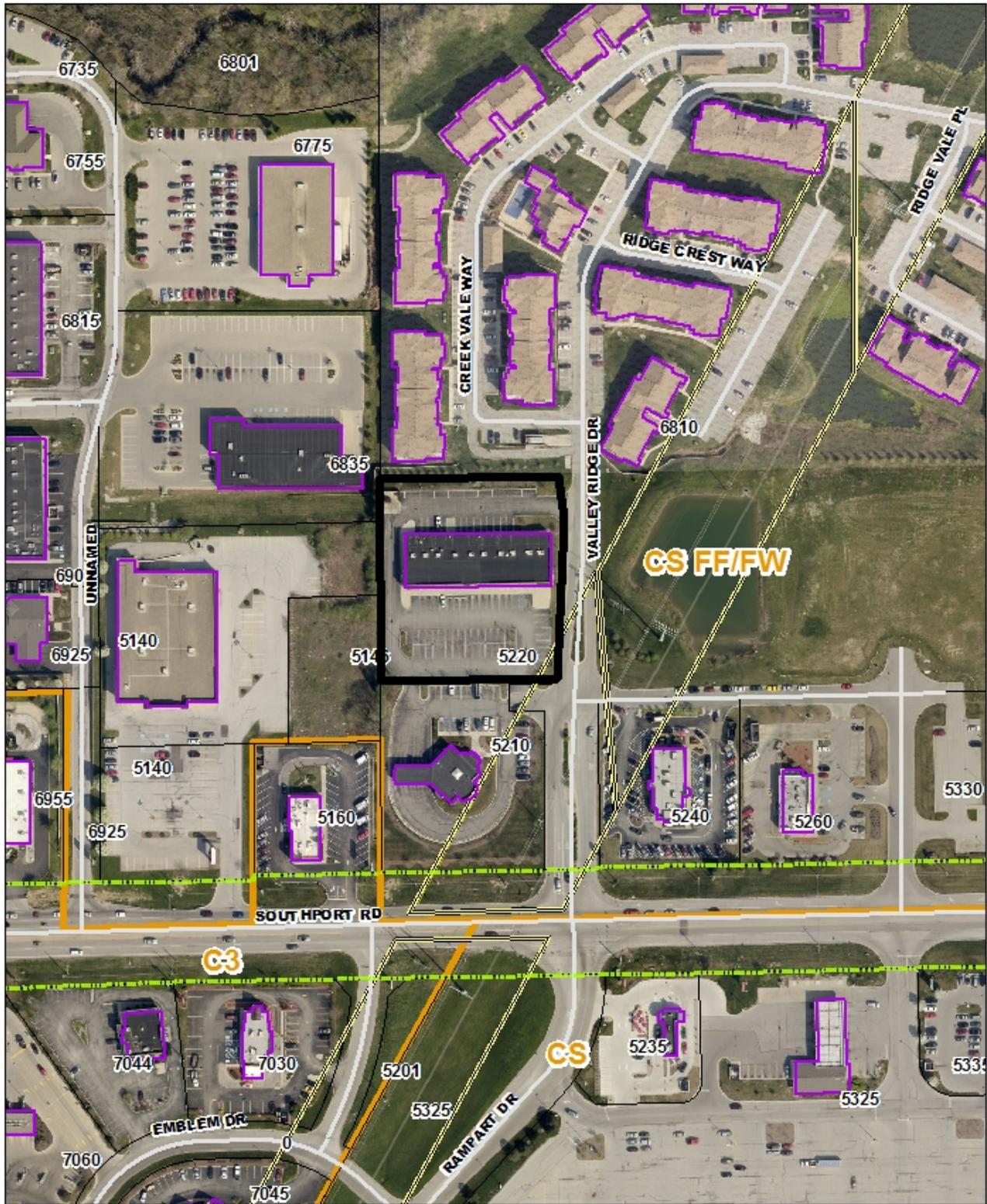
2005-APP/VAR-846 (subject site); requests modification of commitments and special exception to allow for up to ten amusement machines, including six pool tables, **approved.**

2001-ZON-070; 5210, 5260, and 5360 East Southport Road (includes subject site), requests rezoning of 45.417 acres, being in the D-A District, to the C-S classification to provide for a mixed land use development, with multi-family residential and C-1, C-3, and limited C-4 uses, **approved.**

97-Z-174; 5140 East Southport Road (west of site), requests rezoning of 3.86 acres from the D-A District to the C-S classification to provide for commercial uses, **approved.**

MDC

5220 East Southport Road



Department of Code Enforcement
Indianapolis
Gregory A. Ballard, Mayor



Map Compiled by: Mike Clust
Division of Planning
Date Compiled: 1/14/2014

1 inch = 174 feet



1) Subject bar/grill



2) Adjacent tenant spaces

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

Case Number: 2013-MOD-016
Address: 7125 Wellingshire Boulevard and 7500 South Belmont Avenue (*Approximate Address*)
Location: Perry Township, Council District #22
Zoning: D-P (FF) (W-1)
Petitioner: Wellingshire Joint Venture, by Thomas Michael Quinn
Request: Modification of the Development Statement for 97-Z-14 (97-DP-003), as modified by 2000-APP-038, 2000-APP-161, 2001-APP-158, 2002-APP-003 and 2002-APP-127 to generally include the following:

- a) 2,341 dwelling units and 2.17 units per acre (maximum 2,151 units and 1.99 units per acre permitted),
- b) multi-family developed on Parcels One and 25 (56,000 square feet of commercial permitted or multifamily permitted in conjunction with Parcel 25),
- c) 250,000 square feet of commercial development, 400 multi-family units and a 15-acre assisted living facility within Parcel Two (maximum 350,000 square feet (406,000 square feet if Parcel One developed with multifamily development) of commercial permitted),
- d) multi-family and commercial on Parcels 12 and 13, subject to the overall 2.17 unit per acre density (permits commercial),
- e) Perimeter street improvements: The west approach of Stop 11 Road at the intersection of Stop 11 Road and State Road 37 and the east and west approaches of County Line Road at the intersection of County Line Road and State Road 37 shall be improved to the extent approved by DPW and INDOT (requires double right-turn and left-turn lanes, and double-left turn lanes, one through lane and one right-turn lane, respectively).

A timely request for automatic continuance has been filed by a registered neighborhood group, continuing this petition to the **February 27, 2014** meeting of the Hearing Examiner.

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

Case Number: 2013-ZON-078
Address: 1720 East 38th Street (*Approximate Address*)
Location: Washington Township, Council District #9
Petitioner: Gary Hobbs, by Lewis Kinkead
Request: Rezoning of 1.52 acres from the C-4 (W-1) district to the C-3C (W-1) classification to provide for mixed-use development, including multi-family residential and commercial uses.

RECOMMENDATIONS

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

1. A final site plan and landscape plan shall be submitted for Administrator's Approval prior to the issuance of an Improvement Location Permit.
2. A sidewalk shall be installed along 38th Street in accordance with all applicable standards set forth by the Department of Public Works and the Department of Code Enforcement within 90 days from the issuance of an Improvement Location Permit.

SUMMARY OF ISSUES

The following information was considered in formulating the recommendation:

LAND USE

- ◇ The 1.52-acre subject site is zoned C-4 and is improved with a three-story commercial building (Exhibits 1, 2). The site is located on the northwest corner of 38th Street and Orchard Avenue. The site is roughly triangular shaped, due to a rail-line on the western boundary of the site running southwest to northeast. The building has been vacant or underutilized for a number of years.
- ◇ Surrounding land uses and zoning districts include commercial development to the north, zoned D-5; a religious use to the south (Exhibit 3), zoned SU-1; commercial uses to the east, zoned C-4; and a rail right-of-way and vacant lot to the west, zoned D-5. Slightly farther to the west is Fall Creek.

REZONING REQUEST

- ◇ This request would rezone the subject property to the C-3C classification to provide for a mixed-use development. The primary component of the development would be the rehabilitation of the existing structure into a multi-family dwelling. Additionally, retail and commercial service space could potentially be developed on the first floor.

(Continued)

STAFF REPORT 2013-ZON-078 (Continued)

- ◇ The request would be inconsistent with recommendations from the United Northeast Neighborhood Plan (1998), which recommends heavy industrial for the site, and specifically the I-3-U classification.
- ◇ Despite the inconsistency with the plan, staff would find the requested down-zoning from C-4 to C-3C to be appropriate at this site. While it is difficult to ascertain precisely why the neighborhood plan recommends heavy industrial, it is likely a function of the building's current configuration and appearance as a quasi-industrial site along a rail corridor. Staff does not believe this recommendation should preclude the site from being developed as a multi-family dwelling, which would be a decidedly less impactful use than uses currently permitted by right within the C-4 designation or uses allowed within the recommended I-3-U category.
- ◇ A site plan has not been submitted to the file at this time. Staff would note that the site's redevelopment might require variances of development standards within the C-3C district. This could include variances for deficient parking as well as excess building height, if the project evolves as the petitioner has suggested.
- ◇ Staff would request the ability to approve a final site and landscape plan prior to the issuance of an improvement location permit. The plan should include a sidewalk along the 38th Street frontage to enhance connectivity from the site to adjacent transit stops and the adjacent Fall Creek Trail (Exhibit 4). Furthermore, depending on the site's final layout and the locations of parking areas and accesses, a curb may be necessary along Orchard Avenue on the east side of the site. Currently, without a curb, no clear delineation exists between the public way and the subject lot in this area (Exhibit 1, 5). It appears that historically this area immediately east of the building was utilized as parking perpendicular to the building and Orchard Avenue, with vehicles maneuvering in the Orchard Avenue right-of-way. This would not be advisable moving forward, as Orchard Avenue is a fairly busy street. Additionally landscaping should generally be provided, as required by the Commercial Zoning Ordinance, with a dense landscape screen provided along the western property boundary where the site abuts the Fall Creek Trail (Exhibit 4). Presumably, areas along this western boundary (Exhibit 6) would be utilized for parking, which always should be appropriately screened.
- ◇ Pursuant to the findings above, staff recommends approval of this request.

GENERAL INFORMATION

EXISTING ZONING AND LAND USE

C-4 Vacant commercial building

SURROUNDING ZONING AND LAND USE

North -	D-5	Commercial
South -	SU-1	Religious Use
East -	C-4	Commercial
West -	D-5	Unimproved lot, rail right-of-way, Fall Creek

(Continued)

STAFF REPORT 2013-ZON-078 (Continued)

NEIGHBORHOOD PLAN

The United Northeast Neighborhood Plan recommends community commercial use for the subject site.

THOROUGHFARE PLAN

38th Street is a primary arterial, with a 65-foot existing right-of-way and a 65-foot proposed right-of-way. Orchard Avenue is not indicated in the Official Thoroughfare Plan.

ZONING HISTORY

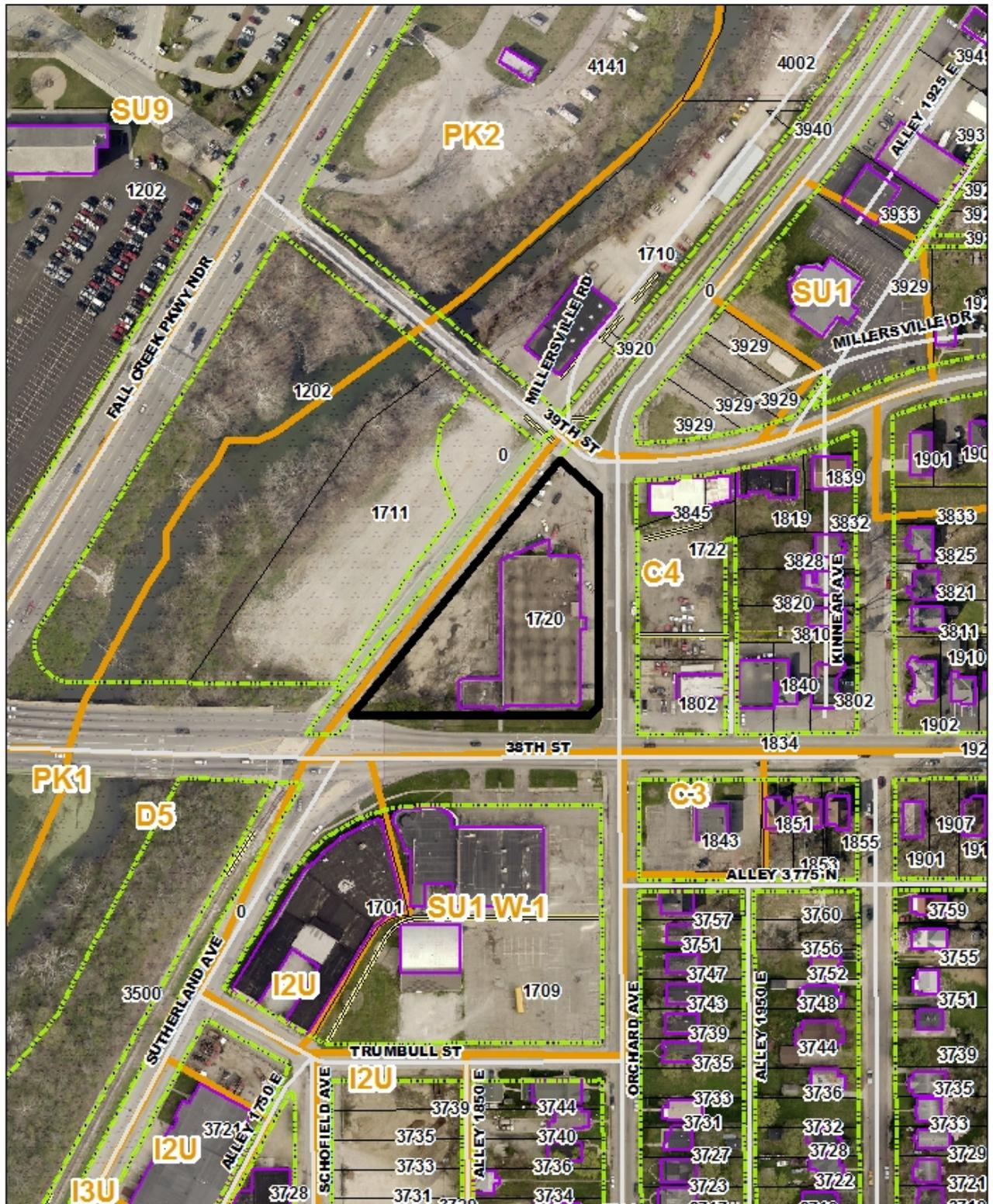
2001-DV1-045; 1720 East 38th Street (subject site); requests variance of development standards of the Sign Regulations to provide for a pylon sign in the right-of-way of 38th Street, **granted.**

2000-UV2-042; 1720 East 38th Street (subject site); requests variance of use to provide for the conversion of the second floor of the a 23,982-square foot building into 65 dwelling units, **granted.**

2005-ZON-091; 1709 East 38th Street (south of site); requests rezoning of 2.24 acres from the I-2-U district to the SU-1 district, **approved.**

MDC

1720 East 38th Street



Map Compiled by: Mike Clust
Division of Planning
Date Compiled: 1/15/2014

1 inch = 172 feet

2013-ZON-078 – Photographs



1) East façade of subject building



2) South façade of subject building



3) Religious use across 38th Street



4) Fall Creek Trail (left) in relation to the subject site (right)



5) There is no curb and not much distinction between Orchard Ave. and the subject site



6) Area west of the building would likely be utilized for parking

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

Petition Number(s): 2013-ZON-079
General Location: 5805 East Southport Road (Approximate Address)
Township(s): Franklin
Council District(s): 25
Petitioner/Agent: Brad Shaffer, by David A. Retherford
Request(s): Rezoning of 24 acres from the D-A district to the D-2 classification to provide for single-family development.

RECOMMENDATIONS

Staff **recommends approval** of this 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 two existing two street stubs located immediately west of the site shall be extended through this site.
2. Street stubs for applicable east/west streets shall extend to the subject property's easternmost boundary to facilitate possible future connections from Arlington Avenue.
3. A tree preservation plan shall be submitted for and subject to Administrator's Approval prior to the approval of a plat petition and prior to any site preparation activity. This plan shall, at minimum: a) delineate the location of the existing mature, healthy, non-invasive trees, b) characterize the size and species of such trees, c) indicated proposed development, and d) identify the method of preservation (e.g. provision of snow fencing or staked straw bales at the individual tree's dripline during construction activity). All trees proposed for preservation shall be indicated as such, and all development shall be located in a manner which causes the least amount of disruption to the trees.

SUMMARY OF ISSUES

The following information was considered in formulating the recommendation:

LAND USE

- ◇ The 24-acre subject site is improved with a single-family dwelling near Southport Road. The majority of the site is unimproved (Exhibit 1). The rectangular lot, while having a reasonable amount of frontage – 400 feet – has a significant depth of roughly ½-mile.
- ◇ Surrounding land uses and zoning districts include very low-density single-family dwellings, zoned D-A to the north; a single-family residential subdivision, zoned D-3 to the south; a church (Exhibit 2) and single-family dwellings to the east, zoned SU-1 and D-A; and a single-family residential subdivision to the west, zoned D-2.

(Continued)

STAFF REPORT 2013-ZON-079 (Continued)

REZONING REQUEST

- ◇ This request would rezone the subject site from D-A to D-2 to facilitate the development of an additional section to the single-family residential subdivision immediately to the west.
- ◇ The petitioner has submitted a tentative development plan, indicating 36 lots on the approximately 24-acre site.
- ◇ The development plan would nearly be consistent with recommendations of the Comprehensive Plan, which recommends residential development at 1.75-3.5 units per acre. The proposed 36 units on the 24-acre site would equate to a density of 1.5 units per acre, slightly under the recommended residential density, but generally consistent with the *Plan*.
- ◇ Staff would request three commitments to ensure an appropriate development. To begin, the existing stub streets west of the site, Winterwind Lane (Exhibit 3) and Autumn Breeze Lane, should be extended through this site. The preliminary plan indicates this would occur. Additionally, proposed dead-end streets created from the development should extend all the way to the abutting property line, so as to facilitate future connectivity.
- ◇ Lastly staff would request a tree preservation plan be submitted prior to the approval of a plat petition. The Dwelling Districts Zoning Ordinance suggests that development plans within the D-2 District should incorporate and promote environmental and aesthetic consideration, working within the constraints and advantages presented by existing site conditions, including vegetation, topography, drainage, and wildlife. To this end, wooded areas on the southernmost portion of the site and the linear tree stand along the eastern property boundary (Exhibit 4) should be preserved wherever possible.

SUBDIVISION PLAT PROCEDURE

- ◇ If this rezoning request is granted, a subdivision plat petition would have to be submitted and approved by the Plat Committee prior to obtaining an Improvement Location Permit.
- ◇ The Subdivision Control Ordinance would require sidewalks along both sides of all interior streets of the proposed development and along the south side of Southport Road.

GENERAL INFORMATION

EXISTING ZONING AND LAND USE

D-A	Single-family dwelling/generally unimproved
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SURROUNDING ZONING AND LAND USE

North -	D-A	Low-density residential
South -	D-3	Single-family residential
East -	SU-1/D-A	Church/low-density residential
West -	D-2	Single-family residential

(Continued)

STAFF REPORT 2013-ZON-079 (Continued)

COMPREHENSIVE PLAN

Recommends residential use at 1.75-3.5 units per acre.

THOROUGHFARE PLAN

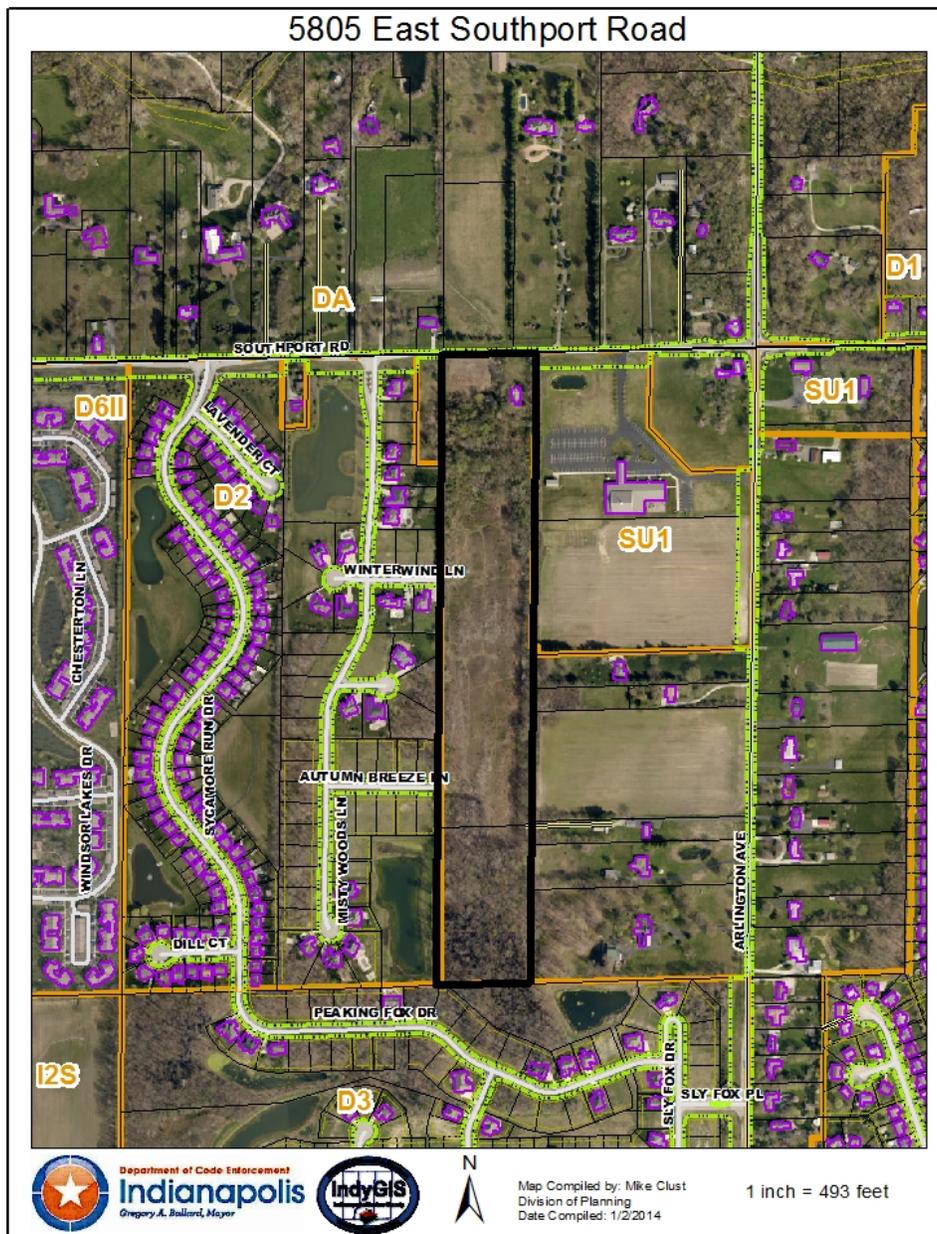
Southport Road is a primary arterial, with a 50-foot existing right-of-way and a 140-foot proposed right-of-way.

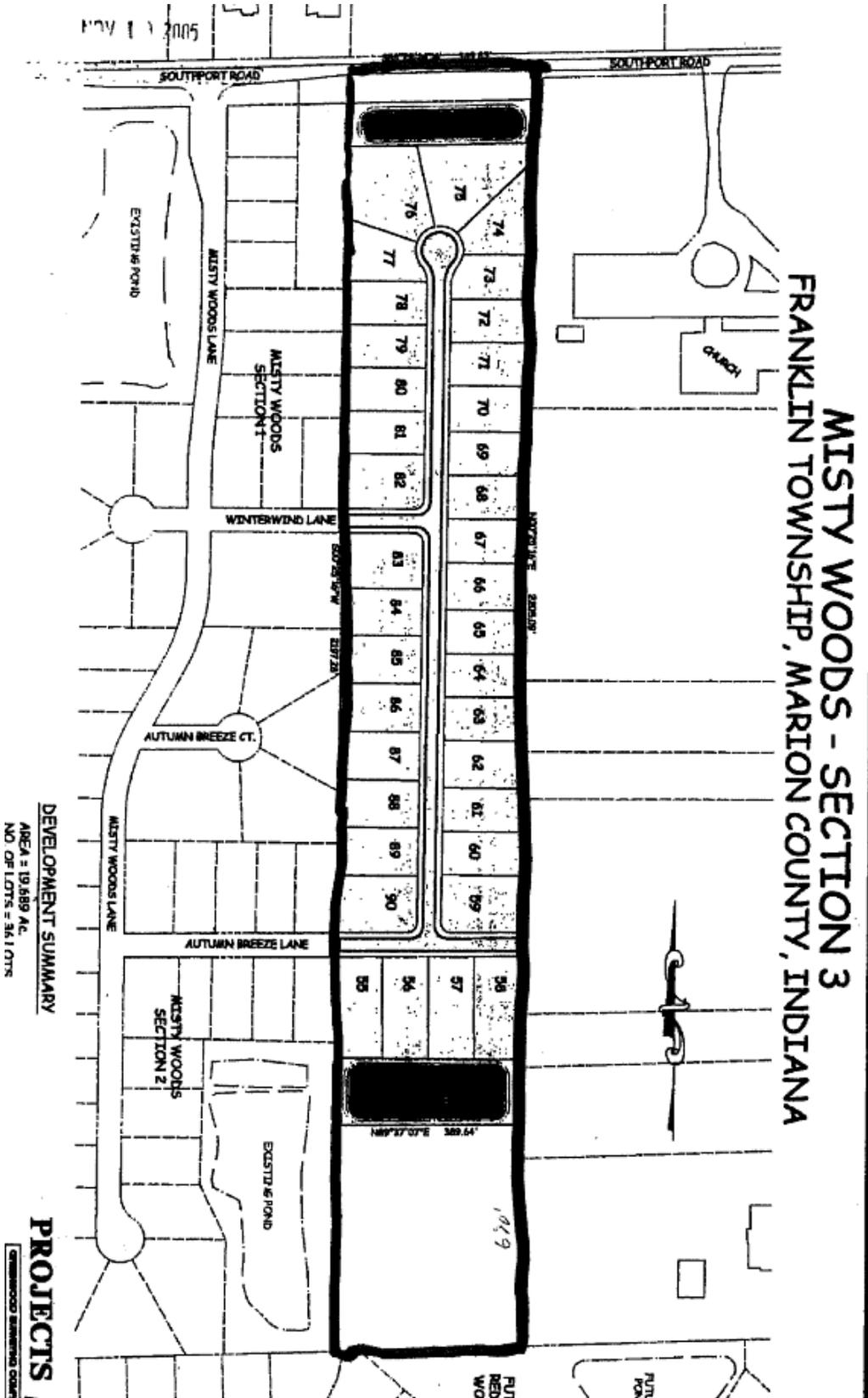
ZONING HISTORY

2001-ZON-853; 5701 East Southport Road (east of site); requests rezoning of 39.2 acres from the D-A district to the D-2 classification to provide for single-family residential development, **approved.**

MDC

2013-ZON-079 – Overall Site





2013-ZON-079 – Photographs



1) The subject site is largely unimproved



2) A church is located east of the site



3) Access should occur via this stub at Winterwind Lane



4) Trees should be preserved along the eastern boundary where possible

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

Case Number: 2013-ZON-080
Address: 4375 Kentucky Avenue (*Approximate Address*)
Location: Decatur Township, Council District #22
Petitioner: Five Star Oil, Inc., by Mitch Sever and Cary Harnett
Request: Rezoning of 4.79 acres from the C-S district to the C-S classification and a modification of Commitment #3 of 2002-ZON-178 to provide for a liquor store, in addition to the uses previously permitted.

A timely request for automatic continuance has been filed by a registered neighborhood group, continuing this petition to the **February 27, 2014** meeting of the Hearing Examiner.

STAFF REPORT

Department of Metropolitan Development Division of Planning Current Planning Section

Case Number: 2013-CZN-837 / 2013-CVC-837
Address: 350 West St. Clair Street (Approximate address)
Location: Center Township, Councilmanic District # 15
Lot Size: 1.66 acres
Petitioner: Canal East II, LLC, by Andrew B. Buroker and Kevin G. Buchheit
Requests: Rezoning of 1.66 acres, from the I-3-U (RC) (W-5) Districts, to the CBD-2 (RC) (W-5) classification to provide for commercial and high-density student housing development.

Vacation of an easement, Permanent Construction and Maintenance Easement (Instrument #1999-0140769), within the southern third of Parcel 1097510 (350 West St. Clair Street) located approximately 335 feet west of the intersection of Senate Avenue and St. Clair Street and partially adjacent to the Indianapolis Water Company Canal, with said easement being approximately 28 feet wide, and with said easement beginning at the north right-of-way line of St. Clair Street and extending to a point, along an irregular path, approximately 170 feet to the northwest, with a waiver of the assessment of benefits.

RECOMMENDATION

Staff recommends approval of the requests.

SUMMARY OF ISSUES

The following issues were considered in formulating the recommendation:

SITE / HISTORY

- ◇ The site is directly south of a student housing development currently under construction, along the east side of the Central Canal. That site was rezoned in 2010, with the development approved in 2012. The subject site would be the second phase of that development, if these petitions would be approved.
- ◇ Historically, sites along the canal were used for industrial purposes. Over the past twenty years, the canal has become an active linear park, which has generated mixed-use development consisting of office, medical research and technology, hotels, the Indiana History Center, museums, and significant residential use. Many of these sites are zoned CBD-2 or CBD-S, for a specific use and development.

LAND USE

- ◇ The Regional Center Plan 2020 recommends residential development of 27 to 49 units per acre. Additionally, the site is within Critical Area 3 of the Plan. Critical Area 3 indicates that this

(Continued)

STAFF REPORT 2013-CZN-837 / 2013-CVC-837 (Continued)

area should foster research, medical, institutional and residential uses. Specifically, the area would be considered a research community, with 1,400 additional dwelling units planned. The request to rezone to CBD-2 would comply with the Plan's recommendation. Staff would suggest that grade level commercial use be integrated into the design of west elevation of any development. The building's design should foster an active streetscape along the canal, consistent with other canal development, including the student housing development directly north of the site.

- ◇ The existing one-story industrial building would be demolished to permit the planned development to occur. The petition includes a very preliminary site plan, with the building having direct access to the canal, meeting the Regional Center Urban Design Guideline requirement.

REGIONAL CENTER OVERLAY ZONE

- ◇ This site is located within the Regional Center Overlay Zone. Design of all new construction, exterior renovation and signage in the Regional Center Overlay Zone is subject to the approval of the Administrator of the Division of Planning. Thus, any proposed development in this area will be required to receive Regional Center approval, through the filing and approval of a Regional Center Approval Petition, prior to obtaining any permits. Additionally, this development would be considered a High Impact Project and subject to additional public review through the Regional Center Hearing Examiner process. A Regional Center Approval petition has not been filed for this site.

VACATION REQUEST

SUMMARY

- ◇ This vacation request would vacate an access easement granted by the previous property owner to the Department of Metropolitan Development, to provide DMD access to the Central Canal. This easement is no longer necessary as other public rights-of-way provide access for maintenance purposes. Additionally, this easement area was not to provide public access to the canal.
- ◇ This easement request would be in the public interest since the easement is not necessary and would permit a more appropriate design aspect for the proposed development.
- ◇ The assessment of benefits should be waived as this request would not affect any public right-of-way.

RECOMMENDED MOTION: That the Hearing Examiner find that the proposed vacation is in the public interest, that a hearing upon the assessment of benefits be waived; that the Hearing Examiner confirm and ratify the adoption of Declaratory Resolution 2013-CVC-837; and that the vacation be subject to the rights of public utilities under IC 36-7-3-16.

RECOMMENDED MOTION (denial): That the Hearing Examiner find that the proposed vacation is not in the public interest; and that the vacation petition be denied.

(Continued)

STAFF REPORT 2013-CZN-837 / 2013-CVC-837 (Continued)

GENERAL INFORMATION

EXISTING ZONING AND LAND USE I-3-U (RC) Vacant manufacturing building

SURROUNDING ZONING AND LAND USE

North -	CBD-S (RC)	Developing high density student housing
South -	I-3-U / CBD-S (RC)	Office
East -	I-3-U / CBD-2 (RC)	Surface parking
West -	CBD-2 (RC)	Central canal / multi-family residential

COMPREHENSIVE PLAN The site is located within the boundaries of the Regional Center Plan 2020, which recommends residential development of 27 to 49 units per acre.

THOROUGHFARE PLAN 9th Street is not identified on The Official Thoroughfare Plan for Marion County.

WELLFIELD DISTRICT The site is located within the W-5 Wellfield Protection District. All development would be subject to the Wellfield Protection Ordinance.

FINDINGS OF FACT File-dated December 11, 2013

GENERAL DESCRIPTION

VACATION	Permanent Construction and Maintenance Easement (Instrument #1999-0140769), within the southern third of Parcel 1097510 (350 West St. Clair Street),
FROM	approximately 335 feet west of the intersection of Senate Avenue and St. Clair Street and partially adjacent to the Indianapolis Water Company Canal, with said easement being approximately 28 feet wide, and with said easement beginning at the north right-of-way line of St. Clair Street,
TO	to a point, along an irregular path, approximately 170 feet to the northwest

UTILITIES AND AGENCY REPORT

Telephone:	No answer, retain easement
Gas:	No answer, retain easement
Water:	No easement retained
Power:	No answer, retain easement
Cable:	No answer, retain easement
DPR:	No answer, retain easement, if requested

(Continued)

STAFF REPORT 2013-CZN-837 / 2013-CVC-837 (Continued)

DPW, SS: No easement retained
DPW, TS: No easement retained

Subject to Utilities? Yes

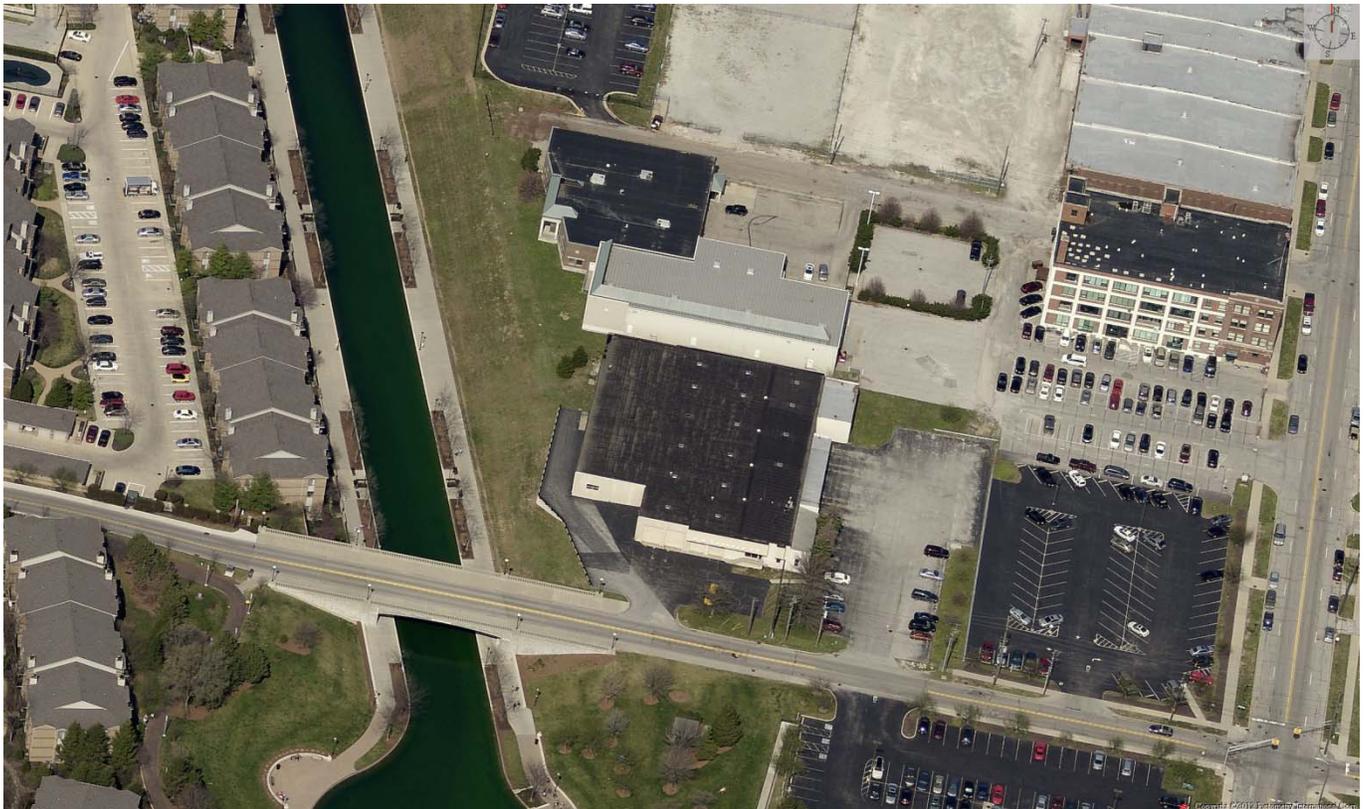
ZONING HISTORY

2011-REG-151; 335 West 9th Street (adjacent to the north), requests Regional Center Approval To provide for a high-density student housing development consisting of 293 units, with commercial uses along the Central Canal, **approved..**

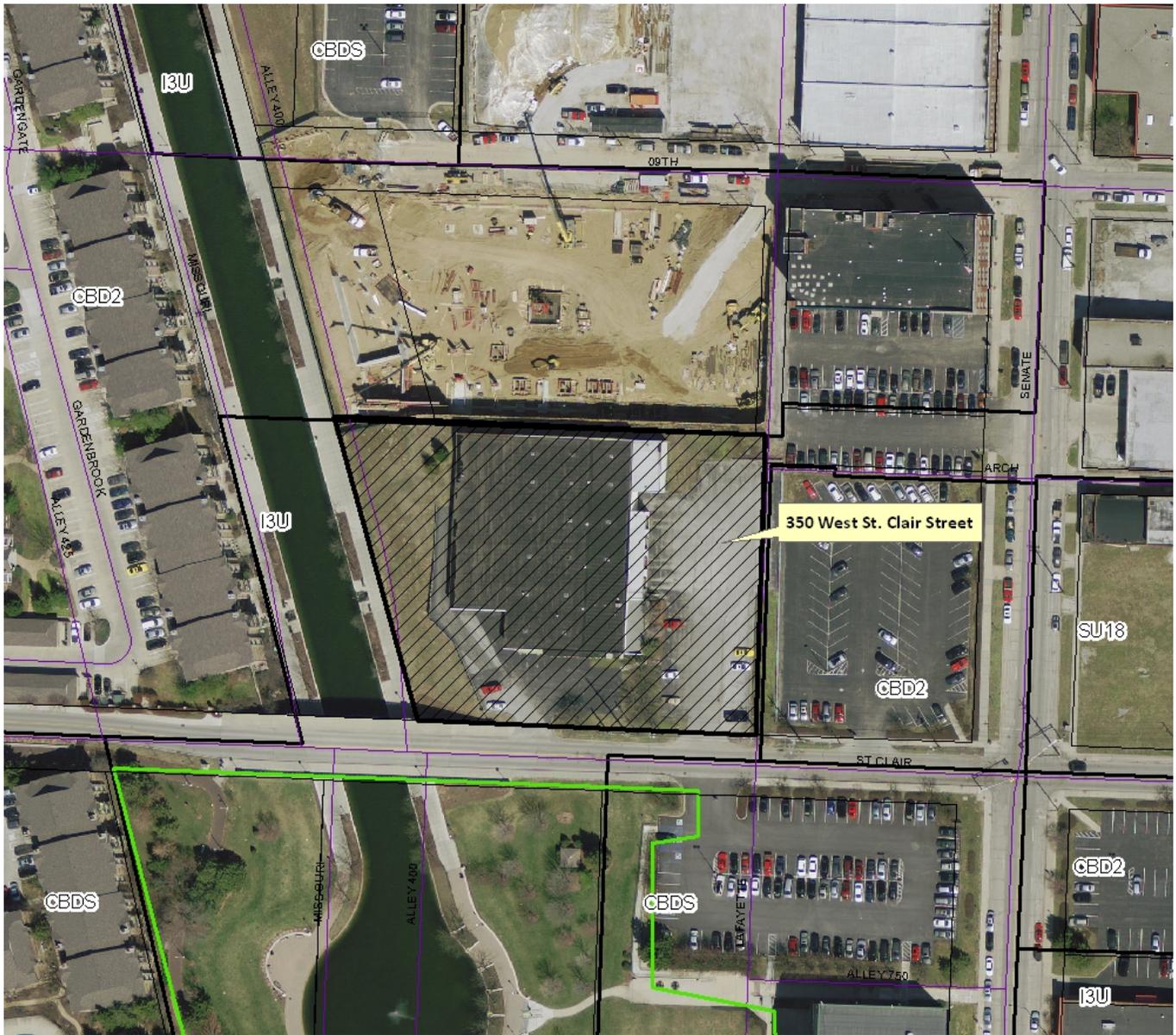
2010-ZON-057; 335 West 9th Street (adjacent to the north – along the canal), requests a rezoning of 0.259 acre, from I-3-U (RC) to CBD-2 (RC), **approved.**

2010-ZON-008; 335 West 9th Street (adjacent to the north), requests a rezoning of 1.19 acres, from I-3-U (RC) to CBD-2 (RC), **approved.**

JY



Oblique view from the south



Zoning aerial – 2013-CZN / CVC-837



Photograph of site in foreground, Phase One of student housing development behind
2013-CZN / CVC-837



Photograph of site in foreground, Phase One of student housing development behind
2013-CZN / CVC-837



Photograph of site in foreground, Phase One of student housing development behind
2013-CZN / CVC-837



Photograph of site looking west - 2013-CZN / CVC-837



Photograph of site looking northwest - 2013-CZN / CVC-837

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

Case Number: 2013-CZN-838 / 2013-CVR-838
Address: 5540 South East Street
Location: Perry Township, Council District #23
Zoning: C-S
Petitioner: H & H Indy DQ Development, LLC, by Kenneth Zumstein
Request: Rezoning of 0.77 acre from the C-S district to the C-3 classification to provide for a drive-through fast-food restaurant.

Variance of development standards of the Commercial Zoning Ordinance to provide for outdoor seating and dining (not permitted for fast-food restaurants).

RECOMMENDATIONS

Staff **recommends denial** of this request.

SUMMARY OF ISSUES

LAND USE

- ◇ The 0.77-acre subject site is zoned C-S and is unimproved (Exhibit 1). The site is within a larger, integrated C-S district, which includes area to the north, south, and west. A pharmacy is located north of the site (Exhibit 2), two office buildings are west of the site (Exhibit 3), and south of the site is unimproved. Across East Street, to the east, are single-family dwellings (Exhibit 4), zoned D-1.

REZONING REQUEST

- ◇ This request would rezone the site to the C-3 District, to allow for the development of a fast-food restaurant with a drive-through. A site plan has been submitted to the file for consideration (2013-CZN/CVR-838 – Site Plan).
- ◇ The request would be inconsistent with recommendations from the Comprehensive Plan, which recommends office commercial use for the subject site.
- ◇ The site, along with the abutting sites to the north, south, and west, was rezoned to the C-S district in 1999 via petition 99-Z-11. Generally that petition provided for a combination of C-1 (office) and C-3 (neighborhood retail/service) land uses.
- ◇ After evaluating commitments associated with 99-Z-11 and reviewing the record, an emphasis was placed on ensuring the larger site being utilized primarily for C-1, office uses, with allowable C-3, retail/service uses, being subordinate to the office uses on site. As it would have

(Continued)

STAFF REPORT 2013-CZN/CVR-838 (Continued)

related to this petition, the prior commitments, many of which were negotiated by staff, indicated that non-C-1 uses could not exceed 35% of the total square footage of all buildings on the site. More directly as it would have related to this proposed use, ‘a fast-food restaurant in a free standing building’ was explicitly excluded as an allowable use.

- ◇ With the obvious exception of the development of the pharmacy and office buildings associated with 99-Z-11, the surrounding area has remained stable, and has not changed a great deal in the last fifteen years. This includes the single-family dwellings to the east, across East Street. The staff’s comments from 1999 indicated, ‘*Residential development exists on the east side of South East Street in this location. While that development is stable at this point in time, land use patterns have shown that retail pressures could quickly change that area to strip commercial uses, which could flow further south along South East Street.*’ This would remain relevant today, and the development of a fast-food restaurant with a drive-through at this location could jeopardize the viability of the adjacent single-family homes.
- ◇ Considering the history of the site and the recommendations of the *Plan*, staff would not find the proposed rezoning and variance to facilitate a fast-food restaurant to be supportable. The issues related to this request remain similar to those when the property was rezoned to C-S in 1999.
- ◇ Pursuant to the findings above, staff recommends denial of this request.

GENERAL INFORMATION

EXISTING ZONING AND LAND USE

C-S	Unimproved
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SURROUNDING ZONING AND LAND USE

North -	C-S	Pharmacy
South -	C-1	Fraternal lodge
East -	D-1	Single-family residential
West -	C-S	Office

COMPREHENSIVE PLAN

The Comprehensive Plan recommends office commercial use.

THOROUGHFARE PLAN

East Street is a primary arterial, with a 100-foot existing right-of-way and a 140-foot proposed right-of-way.

ZONING HISTORY

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

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

(Continued)

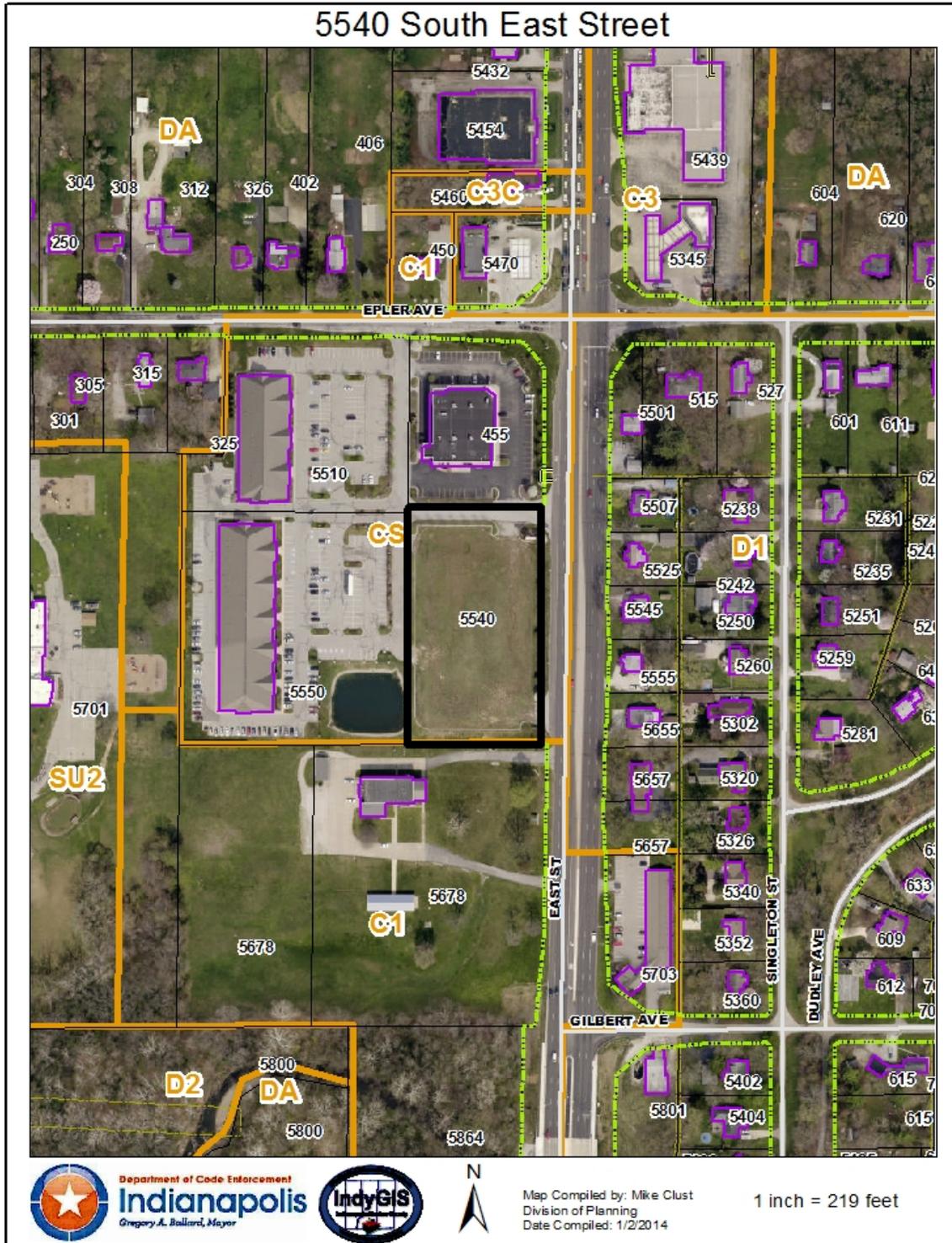
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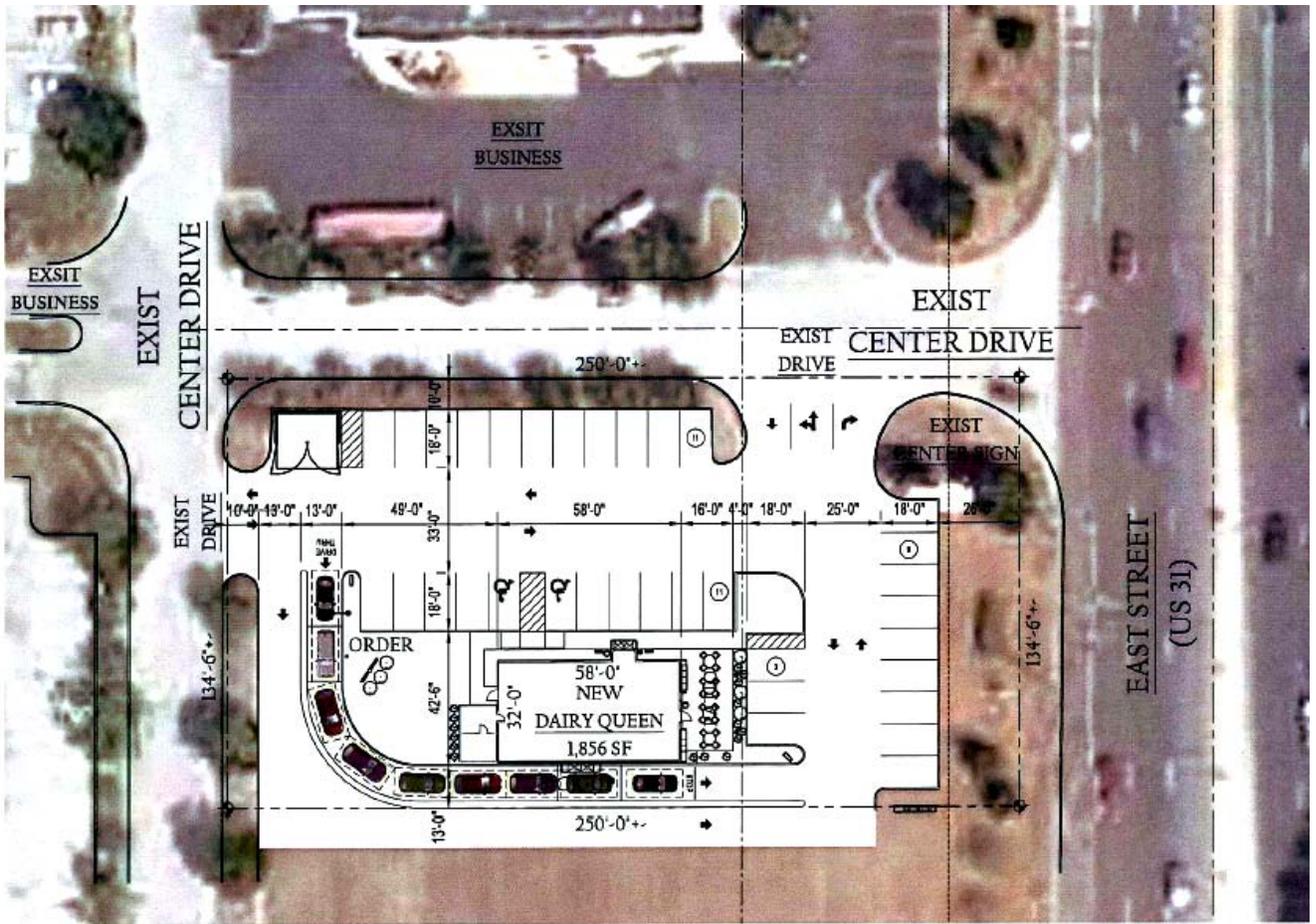
2008-ZON-023; 5470 South East Street (formerly 456 East Epler Avenue)(north of site), rezoning of 0.37 acre from D-3 to C-3, approved.

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

MDC

2013-CZN/CVR-838 – Overall Site





ARCHITECTURAL SITE PLAN

2013-CZN/CVR-838 – Photographs



1) The subject site is unimproved



2) Abutting pharmacy north of the site



3) One of two office buildings west of the site



4) Single-family dwellings across East Street