

METROPOLITAN DEVELOPMENT COMMITTEE

DATE: February 4, 2008  
CALLED TO ORDER: 5:30 p.m.  
ADJOURNED: 6:25 p.m.

ATTENDANCE

Attending Members

Lincoln Plowman, Chair  
Virginia Cain  
André Carson  
Jeff Cardwell  
Jose Evans  
Dane Mahern  
Janice McHenry  
Jackie Nytes

Absent Members

Ben Hunter

AGENDA

PROPOSAL NO. 18, 2008 - appoints Timothy Ping to the Metropolitan Development Commission  
"Do Pass" Vote: 7-0

PROPOSAL NO. 19, 2008 - appoints Bradley A. Klopfenstein to the Metropolitan Board of Zoning Appeals, Division I  
"Do Pass as Amended" Vote: 7-0

PROPOSAL NO. 20, 2008 - appoints Timothy J. Maguire to the Metropolitan Board of Zoning Appeals, Division I  
"Do Pass" Vote: 7-0

PROPOSAL NO. 21, 2008 - amends the Code to add "religious use" as a permitted use in the commercial zoning district, to make the definition uniform throughout the Code and to make related amendments  
"Do Pass as Amended" Vote: 8-0

"GINI" grant opportunity announcement - Anne Marie Prednovich, the Director of INRC

## METROPOLITAN DEVELOPMENT COMMITTEE

The Metropolitan Development Committee of the City-County Council met on Monday, February 4, 2008. Chair Lincoln Plowman called the meeting to order at 5:30 p.m. with the following members present: Virginia Cain, André Carson, Jeff Cardwell, Jose Evans, Dane Mahern, Janice McHenry, and Jackie Nytes. Absent was Ben Hunter.

PROPOSAL NO. 18, 2008 - appoints Timothy Ping to the Metropolitan Development Commission (MDC)

Mr. Ping said by profession he is in the information technology business and serves as the Chief Information Officer for the Indiana Department of Natural Resources. He said he lives in Franklin Township where he is very much involved with the civic league, the land use committee, and serves as treasurer with the Marion County Alliance of Neighborhood Associations (MCANA). Mr. Ping said he is interested in development and development activities and is looking to assist wherever he can within the neighborhoods and the MDC.

Councillor Cain asked why Mr. Ping is interested in serving on the commission. Mr. Ping said he is concerned with development activity whether it is commercial, private, or residential in Franklin Township. He said he is seeking the position on the commission to expand his involvement and develop some expertise in developmental issues.

Councillor Nytes asked if Mr. Ping has awareness of tax abatements and those in Franklin Township. Mr. Ping replied in the affirmative and said the tax abatements in Franklin Township were a great idea, and one of the parcels has already been purchased and development plans are underway.

Councillor Nytes moved, seconded by Councillor Cardwell, to send Proposal No. 18, 2008 to the full Council with a "Do Pass" recommendation. The motion carried by a vote of 7-0.

[Clerk's note: Councillor Evans arrived at 5:36 p.m.]

PROPOSAL NO. 19, 2008 - appoints Bradley A. Klopfenstein to the Metropolitan Board of Zoning Appeals, Division I

Chair Plowman said this proposal states that Mr. Klopfenstein will be appointed to the Metropolitan Board of Zoning Appeals, Division I, but this needs to be amended to read "Division II".

Councillor Cardwell moved, seconded by Councillor Cain, to "Amend" Proposal No. 19, 2008 to read "Division II". The motion carried by a vote of 8-0.

[Clerk's note: Councillor Carson left at 5:42 p.m..]

Mr. Klopfenstein said he currently serves as the Executive Director of the Indiana Licensed Beverage Association and is involved in the community by serving on the Community Heights Association in Lawrence Township and Board of Directors with Indianapolis Press Club.

Councillor Speedy asked how Mr. Klopfenstein will manage any potential conflicts with on the board due to responsibilities with his employer. Mr. Klopfenstein said there will be an attorney

represent at the meetings and he will run any potential conflicts through the attorney. Mr. Klopfenstein said he represents bar owners, and their licenses would not come before the board; however if one of them should seek a variance to move or add on to their establishment he will not have any financial interest.

[Clerk's note: Councillor Carson left at 5:42 p.m.]

Councillor Nytes asked if cases are brought before the board that concern his clients if Mr. Klopfenstein will request to have those assigned to a different division. Mr. Klopfenstein replied in the affirmative.

Councillor Cardwell moved, seconded by Councillor Cain, to send Proposal No. 19, 2008 to the full Council with a "Do Pass as Amended" recommendation. The motion carried by a vote of 7-0.

PROPOSAL NO. 20, 2008 - appoints Timothy J. Maguire to the Metropolitan Board of Zoning Appeals, Division I

Mr. Maguire said he is a married homeowner living in Pike Township, where he is active in his local lodge and church. He said he works in the financial service industry and is looking to serve his community more by serving on the zoning board.

Councillor Cardwell moved, seconded by Councillor McHenry, to send Proposal No. 20, 2008 to the full Council with a "Do Pass" recommendation. The motion carried by a vote of 7-0.

[Clerk's note: Councillor Carson returned at 5:45 p.m.]

PROPOSAL NO. 21, 2008 - amends the Code to add "religious use" as a permitted use in the commercial zoning district, to make the definition uniform throughout the Code and to make related amendments

Tammara Tracy, Principal Planner of the Division of Planning, Department of Metropolitan Development, said this proposal is an amendment to the zoning ordinance; specifically to the commercial zoning ordinance. She said they currently have an opportunity for a church to go forward and be within a residential district and receive special exception. Ms. Tracy said the commercial ordinance has been silent regarding this matter and they would like to change the language to "religious use" and also address the fact that this is not listed as a commercial use. She said, historically, religious uses have been in residential areas, and they are becoming more popular to be in critical areas. Ms. Tracy said in making this amendment they also found that the definitions were slightly different, and they wanted to make them the same throughout the zoning ordinances. She said they also needed to amend the parking regulations in the commercial districts to update "church" to "religious use" for parking standards. There is a new trend since the zoning ordinances have been established to not penalize religious uses that also provide outreach ministry, residential uses, and commercial uses, in addition to worship services.

Councillor Mahern asked if the churches have been consulted about the proposed changes. Ms. Tracy said this proposal was sent through their office rapidly due to some changing developments in regards a lawsuit, and they were unable to contact many churches. John Mayes, Office of

Corporation Counsel, said Seventh Circuit Court of Appeals has found, without any of these changes, that there is a possibility a foul could be found in the religious land use and the institutionalized person act. He said this federal act regulates land use specifically related to religious use, which require religious use to seek a variance. Whereas, commercial uses do not have to seek a variance. Mr. Mays said the city has decided to resolve this problem by changing the zoning ordinance to allow religious uses to not seek a variance to reside in commercial areas. He said the parking amendment was added later and is separate from the lawsuit.

Councillor Cardwell said he would not want to do anything to hinder the growth of religious activities and churches in the community. He said he is concerned with the parking requirement of in no less than five parking spaces provided. Councillor Cardwell said there are churches that have outreach programs in the inner-city that may not have any parking at all and would not meet this requirement. He said he does not feel this requirement is necessary. Ms. Tracy said the Religious Land Use and Institutionalized Persons Act (RLUIPA) clear states that churches cannot be regulated more than any other use. She said they were trying to make the parking standard for retail or commercial uses mimic as much as possible the other standards in the commercial ordinance. Councillor Cardwell asked if this is a requirement of the court case. Mr. Mayes replied in the affirmative and said the parking provision will not resolve the court matter.

Councillor Nytes asked if street parking can be counted as parking spaces. Ms. Tracy replied in the negative and said the ordinance reflects street parking requirements. She said shared parking with other uses can be counted as parking spaces; however share parking has to be within 500 feet of the site. Councillor Nytes asked she is concerned about existing churches that may not be in compliance. Ms. Tracy said this is not a new requirement. With regard to older facilities that do not meet current standards; grandfathering allows them to be in compliance as if they were established in a lawful way, the city cannot take the facility away.

Councillor Speedy said he has several concerns with the parking aspect of the proposal. He said this proposal is trying to eliminate the need for churches to request a variance, and yet parking can very well require churches to go back for additional variances for parking. He said this proposal can also hinder a grandfathered church to meet requirements from expanding. Councillor Speedy said these amendments do not need to be involved, as they will cause churches to do things that distract from their focus of providing services. He said the best way to eliminate this problem is by taking the parking amendment out.

Councillor Cardwell said he would like to offer an amendment that may eliminate the concern of limiting the services that current churches provide.

Councillor Cardwell moved, seconded by Councillor Cain, to "Amend" Proposal No. 21, 2008 per Exhibit A, attached. The motion carried by a vote of 8-0.

Councillor Nytes asked what the impact of the amendment just passed (Exhibit A) will be on the lawsuit. Mr. Mayes said there will be no impact on litigation. Councillor Nytes asked if this will assist with the situation. Mr. Mayes said it will if it does not change the previous amendments that allow religious uses in commercial zoning without a variance. He said the removal of the parking regulation does not prevent the litigation from being resolved. Councillor Nytes asked if the parking regulation being removed will cause a problem to neighborhoods that use it to address

conflict with parking by churches. Ms. Tracy said these parking regulations are only in commercial zoning ordinance; however, it is used as policy when religious uses request a special exception to go into a dwelling district. She said the amendment found in Exhibit A would eliminate a parking requirement for religious uses.

Councillor Mahern said he supports the amendment (Exhibit A) to take out parking restrictions for religious uses. He said he is unsure of how the impact of this proposal will affect some of the churches without additional data. To make decisions without better information would be a disservice to the community.

Councillor Cardwell asked if churches that want to be in a residential area have to go through the process of filing for variances and zonings. Ms. Tracy said churches wanting to be in a residential area would have to get a special exception, which is a lower level of variance.

Councillor Malone asked if this proposal directly impacts a particular situation with the Bethel AME Church on Vermont Street. Maury Plambeck, Director of the Department of Metropolitan Development (DMD), said this proposal is not related to that situation.

Councillor Speedy said this proposal is a separate issue from the standard application for a special uses exception. He said the process through the zoning appeals board is very thorough and provides neighbors to voice the views. Councillor Speedy said removing the parking requirements from this proposal will not hamper this situation.

Robert Elrod, General Counsel, said this proposal is only related to the commercial zoning ordinance and is not in other categories where churches currently exist. He said the questions that have arisen may indicate that we look at churches overall. Mr. Elrod said the simplest way to correct zoning of a church is to take the wording "religious use." He said the MDC could then come back later with another way to address the parking for religious use.

Councillor Nytes asked with the amendment found in Exhibit A will still address the issues of the lawsuit. Mr. Mayes replied in the affirmative.

Councillor Cardwell moved, seconded by Councillor Cain, to send Proposal No. 21, 2008 to the full Council with a "Do Pass as Amended" recommendation. The motion carried by a vote of 8-0.

Greater Indianapolis Neighborhood Initiative (GINI) grant opportunity announcement - Anne Marie Prednovich, the Director of Indianapolis Neighborhood Resource Center (INRC)

Councillor Nytes said GINI is moving along very positively, and they have an opportunity to engage more neighborhoods.

Ryan Pore, Chair of the Engagement Working Group of GINI, said there is an opportunity to receive funding in the form of the Indianapolis Matching Awards for Great Indy Neighborhoods Engagement (IMAGINE). The IMAGINE awards were available in the beginning of May 2007, and last year, they gave over \$43,000 in matching awards. He said the IMAGINE grants are available to further the purposes of engagement, which is the creation and strengthening of bonds between neighbors and neighborhood assets. Funding for these projects are up to \$5,000 of

IMAGINE funds. He said the matching amount can be through money, volunteer labor, donated materials, and other resources. Mr. Pore said this year they have approximately \$66,000 available in matching funds that will be rewarded throughout the year.

Ms. Prednovich said they have four deadlines established for the year, and they have added two technical assistance sessions in advance of each of the deadlines. She said these sessions will give the opportunity to those that have not applied for grants to speak with people who have experience in grant awarding.

Councillor Cardwell asked for examples of success stories from GINI. Mr. Pore said they were awarded funding for 11 different projects, and one of those projects was Zion Hill Baptist Church's a program for at-risk youth to learn photography. Councillor Cardwell asked how funds are received. Mr. Pore said they are funded by GINI, and the IMAGINE process was funded by the Lilly Endowment. Councillor Cardwell asked if they are a not-for-profit organization. Ms. Prednovich said INRC is not-for-profit, and they are the access agent to support the neighborhood and the working group.

Councillor Cain asked if GINI can assist with infrastructure requested by neighborhoods. Mr. Pore said they are open to any proposal that funds the concept of engagement. Ms. Prednovich said the goal is to fund more than one-time events.

Councillor Evans asked if there is a timetable as to when a recipient can apply again after being awarded a grant. Ms. Prednovich said initial awards are made for projects that need to happen six months prior to the project occurring. She said because they are still gathering data, she cannot answer the question entirely, but they would like to see some outcome achieved. Mr. Pore said they have received proposals back to back from the same group and have, in some cases, resubmitted a proposal for funding.

Councillor Nytes asked if this program is available to all neighborhood groups across Marion County. Mr. Pore replied in the affirmative.

With no further business pending, and upon motion duly made, the Metropolitan Development Committee of the City-County Council was adjourned at 6:25 p.m.

Respectfully submitted,

Lincoln Plowman, Chair  
Metropolitan Development Committee

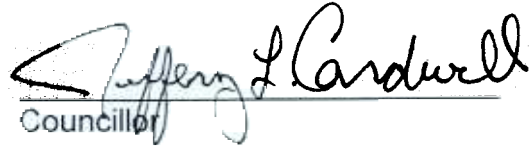
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MOTION

Mr. Chairman:

I move to amend Proposal No. 21, 2008 as follows

In TABLE 2.10-A, in the first column entitled "Uses", amend item 26 by deleting the words "Religious uses," and capitalize the word "Auditorium".

  
Councillor

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# GREAT *Indy* NEIGHBORHOODS

## Indianapolis Matching Awards for Great Indy Neighborhoods Engagement (IMAGINE)

*IMAGINE Ways YOU Can Enhance your Community!*

Great Indy Neighborhoods (GINI) will award \$66,000 in mini-grants this year to support community-based initiatives. GINI will also offer help in applying for the grants, known as the Indianapolis Matching Awards for Great Indy Neighborhoods Engagement, or IMAGINE.

IMAGINE grants are designed to help implement improvement projects throughout the city. Grants will be awarded to neighborhood groups that best adhere to GINI's 11 principles of healthy neighborhoods and which establish new and stronger relationships among grassroots organizations and businesses. The goal of IMAGINE is to support the engagement, collective action and increased development of all neighborhoods and neighborhood-based organizations. IMAGINE grant recipients must offer a dollar-for-dollar match, but may count volunteer labor, donated materials, supplies, services or cash as part of that match. The maximum grant per neighborhood-based organization will be \$5,000.

In 2008, IMAGINE grants will be awarded quarterly, with the following application deadlines:

- Wednesday, Feb. 27
- Wednesday, May 28
- Wednesday, Aug. 27
- Wednesday, Dec. 3.

Technical assistance sessions will be offered before each IMAGINE deadline.

All technical assistance sessions will be held on **Monday evenings** from **6:30pm to 8:30pm** at INRC's offices at 1802 N. Illinois St. on the following dates in 2008:

**February 11 and February 18**  
**April 21 and May 12**  
**July 21 and August 18**  
**October 20 and November 17**

Interested neighborhood-based organizations can access the application, guidelines and more information online, by going to [www.greatindyneighborhoods.org](http://www.greatindyneighborhoods.org), [www.inrc.org](http://www.inrc.org), emailing [imaginehelp@inrc.org](mailto:imaginehelp@inrc.org), or calling (317) 920-0330.

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