

**METROPOLITAN DEVELOPMENT COMMISSION
HEARING EXAMINER**

April 24, 2025

Case Number: 2025-ZON-033
Property Address: 1322 Columbia Avenue
Location: Center Township, Council District #13
Petitioner: Amy Lapka
Current Zoning: D-8 (FF)
Request: Rezoning of 0.144-acre from the D-8 (FF) district to the C-4 (FF) district to provide for expansion of a garden center.
Current Land Use: Outdoor storage
Staff Recommendations: Approval, subject to the commitments noted below:
Staff Reviewer: Kathleen Blackham, Senior Planner

PETITION HISTORY

This is the first public hearing on this petition.

STAFF RECOMMENDATION

Approval, 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 site and improved areas within the site shall be maintained in a reasonably neat and orderly manner during and after development of the site with appropriate areas and containers / receptables provided for the proper disposal of trash and other waste.
2. The following uses shall be prohibited: daily emergency shelter; schools: elementary, middle or high schools; vocational technical or industrial school or training facility; plasma (blood) center; substance abuse treatment facility; check cashing or validation service; outdoor advertising off-premises sign; tattoo parlor; adult entertainment business; indoor spectator venue; night club or cabaret; hotel, motel or hostel; adult entertainment business: retail; firearm sales; on-going fireworks sales; liquor store; pawn shop; heavy general retail; automobile and light vehicle wash; automobile fueling station; automobile, motorcycle, and light vehicle service or repair; recycling station; automobile rental station; game courts; pick-up station for dry cleaning or laundry; and recycling collection point

PETITION OVERVIEW

This 0.144-acre site, zoned D-8 (FF) is currently being used for outdoor storage. It is surrounded by Interstate 70 right-of-way to the north, zoned D-8 (FF); commercial uses to the south and west, zoned C-4 (FF); and vacant land to the east, across Columbia Avenue, zoned D-8 (FF).

REZONING

The request would rezone the site to the C-4 (FF) district. “The C-4 District is designed to provide for the development of major business groupings and regional-size shopping centers to serve a population ranging from a community or neighborhoods to a major segment of the total metropolitan area. These centers may feature a number of large traffic generators such as home improvement stores, department stores, and theatres. Even the smallest of such freestanding uses in this district, as well as commercial centers, require excellent access from major thoroughfares. While these centers are usually characterized by indoor operations, certain permitted uses may have limited outdoor activities, as specified.”

The request would be consistent with the Comprehensive Plan recommendation for village mixed-use.

Floodway / Floodway Fringe

This site has a secondary zoning classification of a Floodway (FW) and Floodway Fringe (FF). The Floodway (FW) is the channel of a river or stream, and those portions of the floodplains adjoin the channels which are reasonably required to efficiently carry and discharge the peak flood flow of the base flood of any river or stream. The Floodway Fringe (FF) is the portion of the regulatory floodplain that is not required to convey the 100-year frequency flood peak discharge and lies outside of the floodway.

The purpose of the floodway district is to guide development in areas identified as a floodway. The Indiana Department of Natural Resources (IDNR) exercises primary jurisdiction in the floodway district under the authority of IC 14-28-1.

The designation of the FF District is to guide development in areas subject to potential flood damage, but outside the Floodway (FW) District. Unless otherwise prohibited, all uses permitted in the primary zoning district (C-4 in this request) are permitted, subject to certain development standards of the Flood Control Secondary Zoning Districts Ordinance.

This site is located within the unregulated 500-year floodplain of Pogues Run.

Environmental Public Nuisances

The purpose of the Revised Code of the Consolidated City and County, Sec.575 (Environmental Public Nuisances) is to protect public safety, health and welfare and enhance the environment for the people of the city by making it unlawful for property owners and occupants to allow an environmental public nuisance to exist.

All owners, occupants, or other persons in control of any private property within the city shall be required to keep the private property free from environmental nuisances.

Environmental public nuisance means:

1. Vegetation on private or governmental property that is abandoned, neglected, disregarded or not cut, mown, or otherwise removed and that has attained a height of twelve (12) inches or more;
2. Vegetation, trees or woody growth on private property that, due to its proximity to any governmental property, right-of-way or easement, interferes with the public safety or lawful use of the governmental property, right-of-way or easement or that has been allowed to become a health or safety hazard;
3. A drainage or stormwater management facility as defined in Chapter 561 of this Code on private or governmental property, which facility has not been maintained as required by that chapter; or
4. Property that has accumulated litter or waste products, unless specifically authorized under existing laws and regulations, or that has otherwise been allowed to become a health or safety hazard.

Staff would request a commitment that emphasizes the importance of maintaining the site in a neat and orderly manner at all times and provide containers and receptacles for proper disposal of trash and other waste.

Planning Analysis

As proposed, this request would generally be consistent with the Comprehensive Plan recommendation of village mixed-use, including recommended land uses.

Due to ongoing redevelopment projects and plans in this area, careful consideration and thought should be given to new proposed uses that support these efforts, without causing a negative and detrimental impact on the existing land uses and future plans for the area.

In staff's opinion, there are some permitted C-4 uses that would not be appropriate or would not be functional due to the size and configuration of the lot. Consequently, staff would request a commitment that prohibits the following C-4 uses:

Daily Emergency Shelter	Indoor Spectator Venue	Automobile and Light Vehicle Wash
Schools: Elementary, Middle or High Schools	Night Club or Cabaret	Automobile Fueling Station
Vocational, Technical or Industrial School or Training Facility	Hotel, Motel or Hostel	Automobile, Motorcycle, and Light Vehicle Service or Repair
Plasma (Blood) Center	Adult Entertainment Business: Retail	Recycling Station
Substance Abuse Treatment Facility	Firearm Sales	Automobile Rental Station
Check Cashing or Validation Service	On-going Fireworks Sales,	Game Courts
Outdoor Advertising Off-premises	Liquor Store	Pick-up Station for Dry Cleaning or Laundry
Tattoo Parlor	Pawn Shop	Recycling Collection Point
Adult Entertainment Business	Heavy General Retail	

GENERAL INFORMATION

Existing Zoning	D-8 (FF)	
Existing Land Use	Outdoor storage	
Comprehensive Plan	Village Mixed-Use	
Surrounding Context	Zoning	Land Use
North:	D-8 (FF)	Interstate 70 right-of-way
South:	C-4 (FF)	Commercial uses
East:	D-8(FF)	Vacant land
West:	C-4	Commercial uses
Thoroughfare Plan		
Columbia Avenue	Local Street	Existing 60-foot right-of-way and proposed 48-foot right-of-way.
Context Area	Compact	
Floodway / Floodway Fringe	Yes – unregulated 500-year floodplain of Pogues Run	
Overlay	No	
Wellfield Protection Area	No	
Site Plan	April 1, 2025	
Site Plan (Amended)	N/A	
Elevations	N/A	
Elevations (Amended)	N/A	

Landscape Plan	N/A
Findings of Fact	N/A
Findings of Fact (Amended)	N/A
C-S/D-P Statement	N/A

COMPREHENSIVE PLAN ANALYSIS

Comprehensive Plan

The Comprehensive Plan recommends Village Mixed-Use typology. “The Village Mixed-Use typology creates neighborhood gathering places with a wide range of small businesses, housing types, and public facilities. This typology is intended to strengthen existing, historically small-town centers as well as to promote new neighborhood centers. Businesses found in this typology serve adjacent neighborhoods, rather than the wider community. This typology is compact and walkable, with parking at the rear of buildings. Buildings are one to four stories in height and have entrances and large windows facing the street. Pedestrian-scale amenities such as lighting, landscaping, and sidewalk furniture also contributes to a walkable environment in this typology. Uses may be mixed vertically in the same building or horizontally along a corridor. Public spaces in this typology are small and intimate, such as pocket parks and sidewalk cafes. This typology has a residential density of 6 to 25 dwelling units per acre.”

Pattern Book / Land Use Plan

The Comprehensive Plan consists of two components that include The Marion County Land Use Pattern Book (2019) and the land use map. The Pattern Book provides a land use classification system that guides the orderly development of the county and protects the character of neighborhoods while also being flexible and adaptable to allow neighborhoods to grow and change over time.

The Pattern Book serves as a policy guide as development occurs. Below are the relevant policies related to this request:

- *Conditions for All Land Use Types –Village Mixed-Use Typology*
 - All land use types except small-scale parks and community farms/gardens in this typology must have adequate municipal water and sanitary sewer.
 - All development should include sidewalks along the street frontage.
 - In master-planned developments, block lengths of less than 500 feet, or pedestrian cut-throughs for longer blocks, are encouraged.
 - Where possible, contributing historic buildings should be preserved or incorporated into new development.

- *Small-Scale Offices, Retailing and Personal or Professional Services (defined as commercial uses with minimal outdoor operations, storage, or display on lots of less than 1.5 acres and a height of less than 35 feet.)*
 - Mixed-Use structures are preferred.
 - Automotive uses (such as gas stations and auto repair) and uses with drive-through lanes are excluded.
 - Should not include outdoor display of merchandise.

Red Line / Blue Line / Purple Line TOD Strategic Plan

Not Applicable to the Site.

Neighborhood / Area Specific Plan

Not Applicable to the Site.

Infill Housing Guidelines

Not Applicable to the Site.

Indy Moves

(Thoroughfare Plan, Pedestrian Plan, Bicycle Master Plan, Greenways Master Plan)

The Marion County Thoroughfare Plan (2019) “is a long-range plan that identifies the locations classifications and different infrastructure elements of roadways within a defined area.”

The following listed items describe the purpose, policies and tools:

- Classify roadways based on their location, purpose in the overall network and what land use they serve.
- Provide design guidelines for accommodating all modes (automobile, transit, pedestrians, bicycles) within the roadway.
- Set requirements for preserving the right-of-way (ROW)
- Identify roadways for planned expansions or new terrain roadways
- Coordinate modal plans into a single linear network through its GIS database

ZONING HISTORY

2022-ZON-127; 1302 Columbia Avenue (south of site), requested Rezoning of 0.803 acre from the I-3 district to the C-4 district to provide for a garden center, brewery, distillery and restaurant, **approved**.

2018-CZN 802 / 2018-CVR-802; 1302 and 1320 Columbia Avenue (south of site), requested rezoning of 0.81 acre from the D-8 and C-3 districts to the I-4 classification and a variance of development standards of the Consolidated Zoning and Subdivision Ordinance to legally establish the existing building and provide for a proposed building, parking and outdoor storage, with zero-foot front and side transitional yards without landscaping and front and side yards without landscaping, **approved and granted**.

2016-VAC-004; 1211 Roosevelt Avenue (south of site), Vacation of a 16-foot wide alley, beginning at the northwest corner of Lot One of Ingram Fletcher's Subdivision of Block 3 in E.T. and S.K. Fletcher's Addition to the City of Indianapolis, as recorded in Plat Book 3, Page 115 in the Office of the Recorder of Marion County, Indiana, also being at the south right-of-way line of Roosevelt Avenue; thence 140 feet to the southwest corner of said Lot One, also being at the north right-of-way line of the CCC and St. Louis Railroad, with a waiver of the assessment of benefits, **granted**.

2016-UV1-013; 1102 and 1133 Roosevelt Avenue (south of site), variance of use of the Consolidated Zoning and Subdivision Ordinance to provide for a Pre-K–12 school, **denied**.

2014-DV1-056; 1225 Roosevelt Avenue (south of site), Variance of development standards of the Industrial Zoning Ordinance to provide for a 60 by 140-foot building addition, with an approximately eight-foot front setback from the private street, Roosevelt Avenue, **granted**.

2012-SE3-001; 1256 Roosevelt Avenue (south of site), Special exception of the Industrial Zoning Ordinance to provide for a wrecker service / impound lot, with the storage of inoperable vehicles and a variance of development standards of the Industrial Zoning Ordinance to legally establish a 12-foot-tall concrete block wall in the required front yard, **granted**.

2006-AP1-001; 1310 Columbia Avenue (east of site) requested a modification of conditions related to petition 2004-UV1-019 to modify condition two to extend temporary variance period from February 3, 2006, to February 3, 2007, **denied**.

2994-UV1-019; 1310 Columbia Avenue (east of site), requested a variance of use and development standards of the Commercial Zoning Ordinance to provide for the storage of four commercial semi-trailers, **approved for 18 months**.

2002-ZON-109; 1317 Columbia Avenue (east of site), requested rezoning of 0.15 acre from D-8 to the C-3 to provide for commercial development, **approved**.

98-SE1-3; 1102 Roosevelt Avenue (south of site), Special exception of the Industrial Zoning Ordinance to provide for 36,000 square feet of an existing 151,945 square foot building to be utilized for commercial office use, **granted**.



**Department of Metropolitan Development
Division of Planning
Current Planning**

96-HOV-45; 1203 Roosevelt Avenue (south of site), Variance of development standards of the Industrial Zoning Ordinance to provide for an armored car facility with zero feet of public street frontage and a zero-foot side yard setback along the north and south property line, **granted.**

89-HOV-97; 1125 Brookside Avenue (north of site), Variance of development standards of the Industrial Zoning Ordinance to permit the addition of a new loading dock area to an existing factory / warehouse within the required front yard, without the required maneuvering area and with a 100 feet wide drive, **granted.**

89-UV3-51; 969 Dorman Street, Variance of use of the Industrial Zoning Ordinance to permit outdoor storage and incidental maintenance of school buses, **granted.**

81-VAC-5 (west of site), Vacation of parts of Roosevelt Avenue and Yandes Street, **granted.**

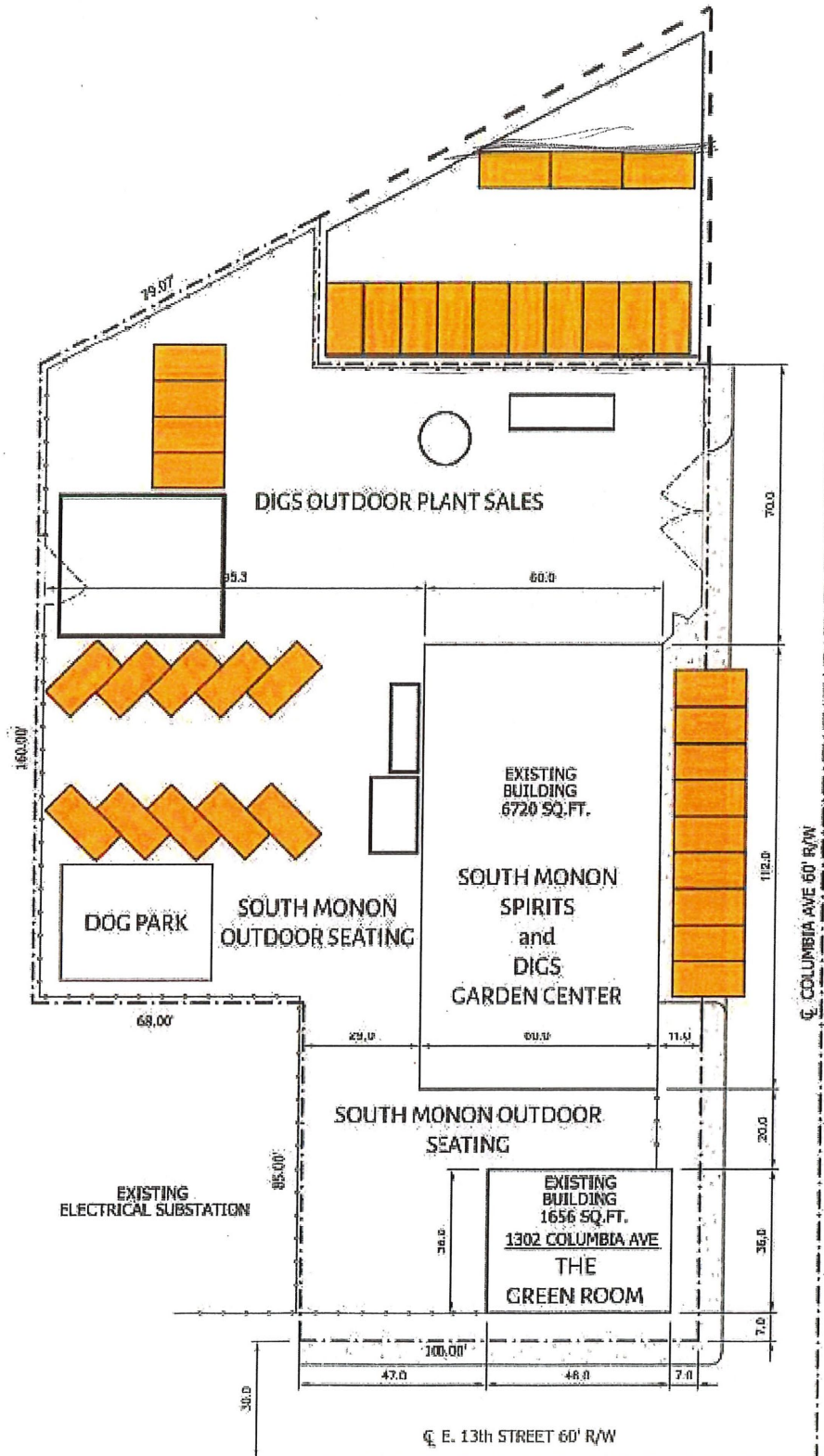
84-VAC-18, Vacation of parts of Lewis Street, **granted.**

EXHIBITS



1322 Columbia Avenue

0.004 0.009 0.019 0.0285 0.038 Miles





View looking south along Columbia Avenue



View looking north along Columbia Avenue



View of site looking west across Columbia Avenue



View of site looking northwest



View of site looking south



View from site looking northeast across Columbia Avenue



View from site looking southeast across Columbia Avenue



View from site looking east across Columbia Avenue