

**METROPOLITAN DEVELOPMENT COMMISSION
HEARING EXAMINER**

May 15, 2024

Case Number: 2025-CZN-813 / 2025-CVR-813 / 2025-CVC-813 (Amended)

Property Address: 1406- and 1419 South Capitol Avenue

Location: Center Township, Council District #18

Petitioner: The Annex Management Group, Inc., by Misha Rabinowitch

Current Zoning: I-1 / D-5

Rezoning of 5.17 acres from the I-1 and D-5 districts to the D-8 district to provide for multi-family dwellings.

Variance of Use and Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for a multi-family residential development using the Large Apartment Residential Building Type Standards to the subject site (not permitted in D-8), to provide for minimum livability space ratio of 0.57 (minimum 0.60 required), and for a floor area ratio of 0.83 (maximum 0.80 permitted).

Vacation of:

a portion of Capitol Avenue, ranging from 23.4 feet in width to 40.18 feet in width, from the south right-of-way of the first east-west alley south of Arizona Street, south and southeast 617.82 feet, to a point,

a portion of Tennessee Street, being 25 feet in width, from the northwest corner of Lot 32 of Rech's South Meridian Street Subdivision, as recorded in the Marion County Recorder's Office, plat book 9, page 55, south 227.68 feet, to a point,

Request:

a portion of Capitol Avenue, being 25 feet in width, from a point 227.68 south of the northwest corner of Lot 32 of Rech's South Meridian Street Subdivision, as recorded in the Marion County Recorder's Office, plat book 9, page 55, southeast 135.51 feet, to a point,

a portion of the second north-south alley east of Senate Avenue, being five feet in width, beginning at the northwest corner of Lot 2 of Schmitt and Kottkamp's Subdivision, as recorded in the Marion County Recorder's Office, plat book 15, page 93, south 346.97 feet, to the north right-of-way line of the second east-west alley south of Wisconsin Street,

a portion of the second east-west alley south of Wisconsin Street, being 3.75 feet in width, beginning at the southwest corner of Lot 11 of Schmitt and Kottkamp's Subdivision, as recorded in the Marion County Recorder's Office plat book 15, page 93, east 151.02 feet, to the west right-of-way line of Capitol Avenue,

with a waiver of the assessment of benefits.

Current Land Use: Undeveloped

Staff Recommendations: Approval, subject to the commitments noted below:

Staff Reviewer: Kathleen Blackham, Senior Planner

PETITION HISTORY

The Hearing Examiner continued these petitions from the April 10, 2025 hearing, to the April 24, 2025 hearing, at the request of staff for additional time to conduct, submit, and review a Traffic Impact Study (TIS).

Petition 2024-CVC-813 was continued from the April 24, 2025 hearing, to the May 15, 2025 hearing, to amend the request to include a waiver of the assessment of benefits and provide new notice.

A previously noted in this staff report, the proposed vacations are unimproved. Because they are unimproved, staff typically recommends approval of the waiver.

RECOMMENDED VACATION MOTION (approval): That the Hearing Examiner find that the proposed vacation is in the public interest; that the waiver of the assessment of benefits be granted; that the Hearing Examiner confirm and ratify the adoption of Declaratory Resolution 2025-CVC-813 (Amended); and that the vacation be subject to the rights of public utilities under IC 36-7-3-16.

STAFF RECOMMENDATION

RECOMMENDED VACATION MOTION (approval): That the Hearing Examiner find that the proposed vacation is in the public interest; that a hearing upon the assessment of benefits be held on January 11, 2023; that the Hearing Examiner confirm and ratify the adoption of Declaratory Resolution 2025-CVC-813; and that the vacation be subject to the rights of public utilities under IC 36-7-3-16.

Approval of the rezoning and variances, 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. A tree inventory, tree assessment and preservation plan prepared by a certified arborist shall be submitted for Administrator Approval prior to preliminary plat approval and prior to any site preparation activity or disturbance of the site. This plan shall, at a minimum: a) indicate proposed development; b) delineate the location of the existing trees, c) characterize the size and species of such trees, d) indicate the wooded areas to be saved by shading or some other means of indicating tree areas to be preserved and e) 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 removal shall be indicated as such.
2. 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 / receptacles provided for the proper disposal of trash and other waste.

3. Final site plan, building elevations and landscaping plan shall be submitted for Administrator Approval prior to the issuance of an Improvement Location Permit (ILP).

PETITION OVERVIEW

This 5.17-acre site, zoned I-1 and D-5, is comprised of two undeveloped parcels. It is surrounded by single-family dwellings to the north and east, zoned D-5 and industrial uses to the south and west, zoned I-1.

REZONING

The request would rezone the site from the I-1 and D-5 districts to the D-8 district (Walkable Neighborhood) to provide for multi-family uses. "The D-8 district is intended for a variety of housing formats, with a mix of small-scale multi-unit building types. This district can be used as a part of new mixed-use areas, or for infill situations in established urban areas, including medium and high-density residential recommendations of the Comprehensive Plan, and the Traditional Neighborhood, City Neighborhood, and Village or Urban Mixed-Use Typologies of the Land Use Pattern Book."

The purpose of the Walkable Neighborhood design standards and objectives is to advance the Livability Principles of this code, and to promote walkable neighborhoods. Any exceptions to the standards in the Ordinance, or discretionary review processes related to a specific application, shall be judged against these design objectives, in addition to any other criteria in this code for the application.

The Comprehensive Plan recommends light industrial typology for the site. These industrial uses create minimal emissions of light, odor, noise, or vibrations. Examples include warehousing and logistics facilities. These land uses do not use, store, produce, emit, or transport hazardous materials. Recommended land uses in this typology include light industrial uses, heavy commercial uses, small- and large-scale offices, retailing, and personal or professional services; and wind / solar farms.

As proposed, this request would not be consistent with the Comprehensive Plan recommendation.

Concept Site Plan

The site plan file dated March 27, 2025, provides for 227 dwelling units (137 units in building one / 90 dwelling units in Building Two) resulting in a density of approximately 6.1 units per acre, 227 parking spaces and 22 bicycle spaces.

Three access drives are proposed, one of which would be limited to emergency access. The primary access would be from South Capitol Avenue, with the emergency access and a secondary access along South Illinois Street.

Because the site plan is conceptual and elevations have not been submitted, staff would request Administrator Approval of the final site plan, elevations and landscaping plan prior to the issuance of an Improvement Location Permit (ILP).

Overlays

This site is also located within an overlay, specifically the Environmentally Sensitive Areas (ES) Overlay. "Overlays are used in places where the land uses that are allowed in a typology need to be adjusted. They may be needed because an area is environmentally sensitive, near an airport, or because a certain type of development should be promoted. Overlays can add uses, remove uses, or modify the conditions that are applied to uses in a typology."

The Environmentally Sensitive Areas (ES) Overlay is intended for areas containing high quality woodlands, wetlands, or other natural resources that should be protected. The purpose of this overlay is to prevent or mitigate potential damage to these resources caused by development. This overlay is also appropriate for areas that present an opportunity to create a new environmental asset. This overlay is not intended for the preservation of open space.

The western boundary and the southern portion of the site are covered by woodlands.

Tree Preservation / Heritage Tree Conservation

There are significant amounts of natural vegetation and trees located along the western boundary and the southern portion of the site. Due to their inherent ecological, aesthetic, and buffering qualities, the maximum number of these existing trees should be preserved on the site.

All development shall be in a manner that causes the least amount of disruption to the trees.

A tree inventory, tree assessment and preservation plan prepared by a certified arborist shall be submitted for Administrator Approval prior to any site preparation activity or disturbance of the site. This plan shall, at a minimum: a) indicate proposed development, b) delineate the location of the existing trees, c) characterize the size and species of such trees, d) indicate the wooded areas to be saved by shading or some other means of indicating tree areas to be preserved and e) 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 removal shall be indicated as such.

If any of the trees are heritage trees that would be impacted, then the Ordinance requires that the Administrator, Urban Forester or Director of Public Works determine whether the tree(s) would be preserved or removed and replaced.

The Ordinance defines “heritage tree” as a tree over 18 inches Diameter at Breast Height (DBH) and one of the Heritage tree species. Heritage tree species include: Sugar Maple (*Acer saccharum*), Shagbark Hickory (*Carya ovata*), Hackberry (*Celtis occidentalis*), Yellowwood (*Cladrastus kentukea*), American Beech (*Fagus grandifolia*), Kentucky Coffeetree (*Gymnocladus dioica*), Walnut or Butternut (*Juglans*), Tulip Poplar (*Liriodendron tulipifera*), Sweet Gum (*Liquidambar styraciflua*), Black Gum (*Nyssa sylvatica*), American Sycamore (*Platanus occidentalis*), Eastern Cottonwood (*Populus deltoides*), American Elm (*Ulmus americana*), Red Elm (*Ulmus rubra*) and any oak species (*Quercus*, all spp.)

The Ordinance also provides for replacement of heritage trees if a heritage tree is removed or dies within three years of the Improvement Location Permit (ILP) issuance date. See Exhibit A, Table 744-503-3: Replacement Trees.

Traffic Impact Study

The parameter used to evaluate traffic operation conditions is referred to as the level-of-service (LOS). There are six LOS (A through F) categories, which relate to driving conditions from best to worst, respectively. LOS directly relates to driver discomfort, frustration, fuel consumption and lost travel time. Traffic operating conditions at intersections are considered to be acceptable if found to operate at LOS D or better.

The TIS analyzed the impact of the this proposed multi-family development on the surrounding neighborhood by studying following three intersections: Arizona Street / Meridian Street, South West Street / Wisconsin Street and the Proposed Driveway along South Illinois Street.

The TIS identified ten “mitigation measure” to minimize the impact on the surrounding residential neighborhood. See Exhibit B.

Based upon review and comments from the Department of Public Works, an update will be provided at the hearing.

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.

VARIANCES OF USE AND DEVELOPMENT STANDARDS

As proposed the request would allow residential development using the Large Apartment Residential Building Type Standards in the D-8 district that does not permit this type of development.

The request would provide for a minimum livability space ratio of 0.57, when the Ordinance requires a minimum ratio of 0.60 and a floor area ratio of 0.83 when the Ordinance limits the ratio to a maximum of 0.80 ratio.

The floor area ratio is the measurement that compares the size of a building's floor area to the size of the land upon which it is built and determines whether the scale and mass of the development is compatible with the surrounding neighborhood.

The livability space ratio measures the amount of space dedicated to open, green and recreational areas within a built environment that contributes to the overall quality of life for the residents and users.

Staff supports these variances because the deviation from the Ordinance requirements are minimal and would not impact surrounding land uses, while providing and contributing to the need for affordable housing options for the community residents.

VACATIONS

Summary

If this petition is approved, unimproved portions of South Capitol Avenue, Tennessee Street and alleys located within the site boundaries would be vacated to provide for a multi-family development.

The southern portion (approximately 422 feet) of the western site boundary abuts the unimproved right-of-way of South Capitol Avenue. However, the parcel line bisects the right-of-way, causing approximately half of the right-of-way to be located within the western boundary of the site and included in the vacation. The full width of South Capitol Avenue would be vacated beginning at the southern boundary of the east / west alley, south for approximately 198 feet.

Historical aerials indicate that this site has not been developed and South Capitol Avenue has not been improved to the south beyond the east / west alley (northern site boundary) that parallels Arizona Street. Additionally, there is a portion of Tennessee Street and alleys located within the site that have not been developed.

Staff, however, supports this request because it would provide an appropriate land use on undeveloped parcels, while contributing to the housing shortage.

Procedure

Neither the Division of Planning nor the Plat Committee, Hearing Examiner or Metropolitan Development Commission determines how vacated right-of-way is divided. The approval of a vacation petition only eliminates the public right-of-way. The vacation approval does nothing more. A petitioner will not receive a deed or other document of conveyance after the approval of a vacation.

The general rule under Indiana case law is that when a street or highway is vacated or abandoned the title to the land reverts to the abutting property owners. This rule exists by virtue of the fact that the abutting landowner owns to the center of the street or highway subject only to an easement for the public to the use of the street or highway. *Gorby v. McEndarfer* 135 Ind.App. 74, *82, 191 N.E.2d 786, **791 (Ind.App.1963). However, there are possible exceptions to this general rule. After a vacation of public right-of-way, the county assessor determines how the vacated right-of-way will be assessed for tax purposes. Petitioners and abutters of the vacated right-of-way should consult their own attorneys for advice regarding the ownership of the vacated right-of way.

Assessment of Benefits

Because the proposed vacation of the rights-of-way have not been improved, an Assessment of Benefits would not be required.

Planning Analysis

Staff believes these petition requests are supportable despite the Comprehensive Plan recommendation of light industrial because this site has not been developed and the proposed multi-family development would provide an appropriate buffer to the residential neighborhood to the north and east. Additionally, the proposed development would likely have less traffic impact on the neighborhood than the traffic that would be generated by an industrial use.

Staff also believes that the requested variances and vacations would have minimal impact on the surrounding land uses, while resulting in a more cohesive “infill development” that would not be detrimental to the neighborhood and increase housing options for the area.

GENERAL INFORMATION

Existing Zoning	I-1 / D-5	
Existing Land Use	Undeveloped	
Comprehensive Plan	Light Industrial typology	
Surrounding Context	<u>Zoning</u>	<u>Land Use</u>
North:	D-5	Single-family dwellings
South:	I-1	Industrial Uses
East:	D-5	Single-family dwellings
West:	I-1	Industrial Uses
Thoroughfare Plan		
South Capitol Avenue	Local Street	Existing 40-foot right-of-way and proposed 48-foot right-of-way.
South Illinois Street	Local Street	Existing 50-foot right-of-way and proposed 48-foot right-of-way.
Context Area	Compact	
Floodway / Floodway Fringe	No	
Overlay	Yes – Environmentally Sensitive Areas	
Wellfield Protection Area	No	
Site Plan	February 18, 2025	
Site Plan (Amended)	March 27, 2025	
Elevations	N/A	
Elevations (Amended)	N/A	
Landscape Plan	N/A	
Findings of Fact	February 18, 2025 – Variances / Vacation	
Findings of Fact (Amended)	N/A	
C-S/D-P Statement	N/A	

COMPREHENSIVE PLAN ANALYSIS

Comprehensive Plan

The Comprehensive Plan recommends Light Industrial typology. “The Light Industrial typology provides for industrial, production, distribution, and repair uses conducted within enclosed structures and unlikely to create emissions of light, odor, noise, or vibrations. This typology is characterized by freestanding buildings or groups of buildings, often within industrial parks. Typical uses include warehousing, self-storage, assembly of parts, laboratories, wholesaling, and printing. Industrial or truck traffic should be separated from local/residential traffic.

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:

- *Light Industrial Uses*
 - Industrial truck traffic should not utilize local, residential streets.
 - Streets internal to industrial development must feed onto an arterial street.
 - Removed as a recommended land use where they would be adjacent to a living or mixed-use typology.

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

2007-DV1-061; 321 Wisconsin Street (east of site), requested a variance of development standards of the Industrial Zoning Ordinance to provide for the construction of a 2,340-square foot building with a 4.33-foot front setback from the proposed (existing) right-of-way of Wisconsin Street and to provide for the construction of a 3,700-square foot building with 8.33-foot front setback from the proposed (existing) right-of-way of Wisconsin Street, **granted**.

2007-DV1-009; 1420 South Senate Avenue (west of site), requested a variance of development standards of the Industrial Zoning Ordinance to provide for the construction of a 2,340-square foot building with a 4.33-foot front yard setback from the right-of-way of Wisconsin Street and to provide for the construction of a 3,000-square foot building with a zero-foot west side yard setback, in I-4-U, **granted**.

98-V1-98; 1420 South Senate Avenue (west of site), requested a variance of development standards of the Industrial Zoning Ordinance to provide for the construction of a building with a zero-foot side yard setback and a 10-foot rear yard setback, in I-4-U, **granted**.

97-HOV-10; 1502 South Senate Avenue (west of site), requested a variance of development standards of the Industrial Zoning Ordinance to provide for the construction of a building with a zero-foot front setback, in I-4-U, **granted**.

87-HOV-79; 1416 South Senate Avenue (west of site), requested a variance of development standards of the Industrial Zoning Ordinance to provide for an outdoor truck scale with the outside operations exceeding 75 percent of the floor area of the principle structure, in I-4-U, **granted**.

86-V2-146; 1301 South West Street (north of site), requested a variance of development standards of the Industrial Zoning Ordinance to provide for the outdoor storage of automobiles without the required setbacks, landscaping or screening, in I-3-U, **denied**.

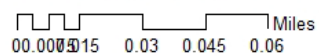
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EXHIBIT A

Heritage Tree Conservation

Removal of any Heritage Tree is prohibited unless any of the following determinations are made before removal:

1. The Administrator or the city's Urban Forester determines that the tree is dead, significantly and terminally diseased, a threat to public health or safety, or is of an undesirable or nuisance species.
2. The Director of the Department of Public Works determines that the tree interferes with the provision of public services or is a hazard to traffic.
3. The Administrator determines that the location of the tree is preventing development or redevelopment that cannot be physically designed to protect the tree.
4. The site from which the tree is removed is zoned D-A and the tree is harvested as timber or similar forestry product.

Table 744-503-3: Replacement Trees		
Size of tree removed or dead (inches)	Number of Trees to be planted to replace a Heritage Tree	Number of Trees to be planted to replace an existing tree
Over 36 DBH	15	10
25.5 to 36 DBH	11	8
13 to 25 DBH	8	6
10.5 to 12.5 DBH	6	4
8.5 to 10 DBH	5	4
6.5 to 8	3	2
4 to 6	2	2
2.5 to 3.5	1	1

EXHIBIT B

**TRAFFIC IMPACT STUDY
THE ANNEX GROUP, LLC
CENTRAL AT OLD SOUTHSIDE
1406 SOUTH CAPITOL AVENUE RESIDENTIAL DEVELOPMENT
Indianapolis, Indiana**

EXECUTIVE SUMMARY

General Overview of the Development

- The proposed development consists of the construction of a multi-family residential development with 227 units and 227 parking spaces.
- Development is to be located at 1406 S Capitol Avenue. The project site is approximately bounded by Illinois Street, South Capitol Avenue, and Arizona Street.
- Access to the development proposed via three (3) site driveways:
 - A proposed full-movement site driveway to South Capitol Avenue at its current terminus located south of Arizona Street.
 - A proposed full-movement site driveway to Illinois Street located approximately 215 feet south of the intersection of Arizona Street with Illinois Street (measured center to center). Additionally, this driveway is located approximately 60 feet south of the existing alleyway which services the rear of single family homes located on Arizona Street between S Capitol Avenue and Illinois Street. (note the current plans identify this location as emergency only, but this traffic impact study is recommending access at this location as detailed below).
 - A proposed full-movement site driveway to Illinois Street located approximately 595 feet south of the intersection of Arizona Street with Illinois Street (measured center to center).
 - Due to the presence of on-street parking being permitted on both sides of Illinois Street within the vicinity of the proposed site driveways, the Illinois Street travel lane is reduced to approximately 10 feet for two-way travel (assuming 7' parking lanes). Therefore, it is recommended that the southernmost site driveway to Illinois Street operate as emergency only access. This will limit the interaction with other single family residences utilizing on-street parking south of the northernmost driveway.

List of Study Intersections

- Arizona Street with Meridian Street (existing signalized);
- South West Street with Wisconsin Street; and
- Proposed Site Access Driveway with Illinois Street.

Trip Generation and Distribution

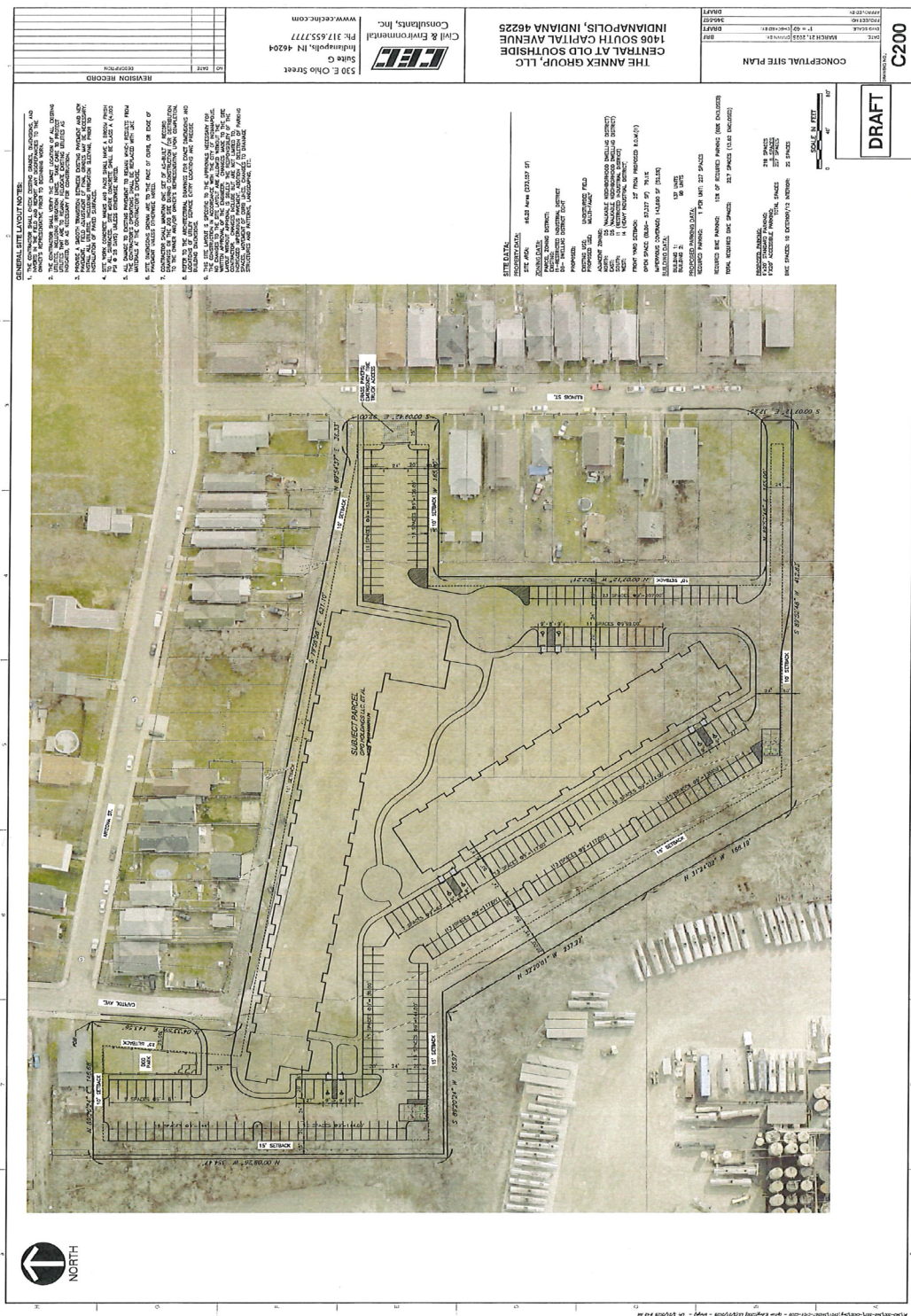
- Trip generation of the proposed development was determined using rates and equations contained in the Institute of Transportation Engineers (ITE) publication *Trip Generation*, Eleventh Edition, 2021. Land Use Code 221, multifamily housing (mid-rise), was utilized for trip generation calculations.
- Anticipated Total Peak Hour Trip Generation:
 - Weekday
 - 1036 Trips (518 entering/518 exiting)
 - AM Peak Hour
 - 88 Trips (20 entering/68 exiting)
 - PM Peak Hour
 - 89 Trips (54 entering/35 exiting)
- Trip distribution for the proposed development was determined based on a review of the proposed site location in relation to the nearest major roadways including access to I-70. Trip distributions were then estimated for the potential arrival and departure routes to be utilized. Finally trip distributions were also estimated based on traditional AM (heading to work) and PM (returning from work) travel patterns utilizing existing traffic volumes collected at the study intersections. Therefore, the traffic volume patterns observed leaving the site area during the AM peak hour and again returning to the site area during the PM peak hour were evaluated. The following trip distributions were estimated for the study.
 - To/from south on Meridan Avenue: 10%
 - To/from north on Meridan Avenue: 25%
 - To/from south on S West Avenue: 15%
 - To/from north on S West Avenue: 50%

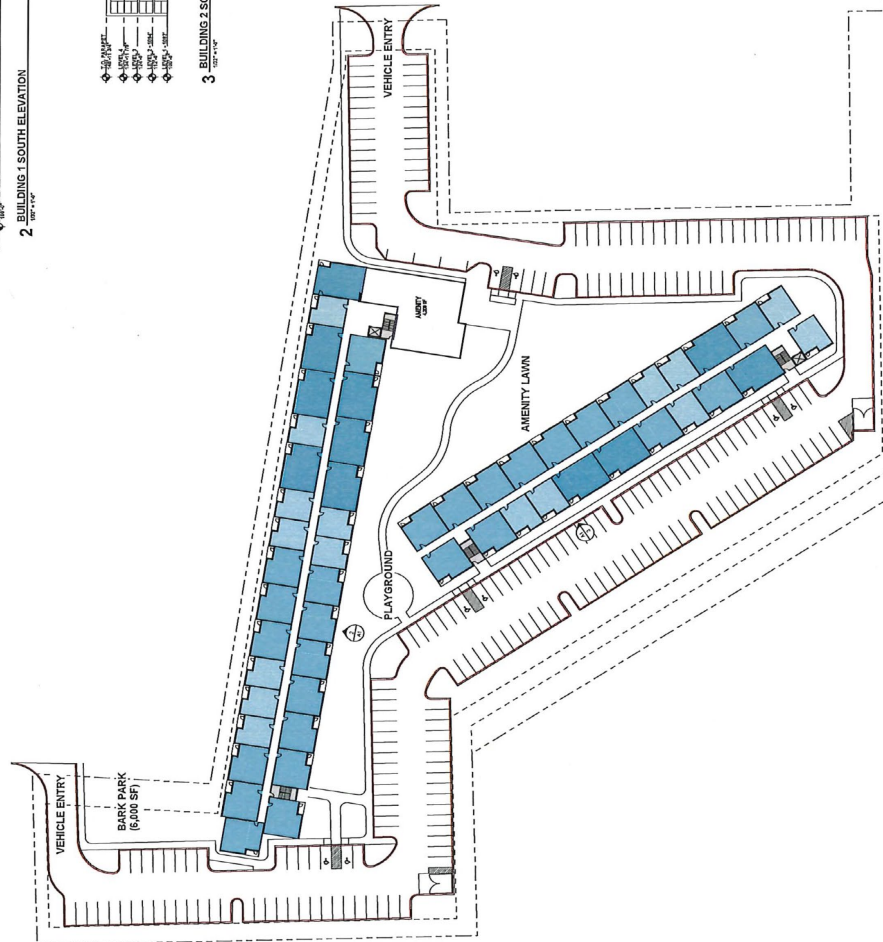
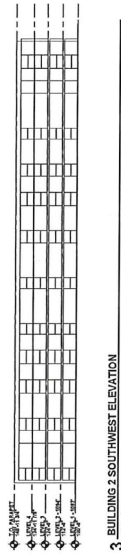
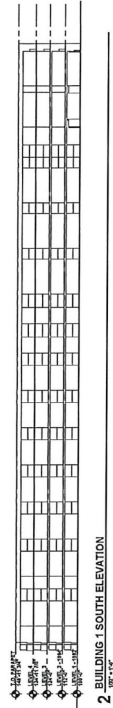
It should also be noted that trips returning from S West Avenue to the north (and I-70 interchange) were assumed to be split between Morris Street (turning eastbound right onto S Capitol Avenue) and West Street (turning southbound left onto Wisconsin Street). This split was considered given the ease of making a right turn from Morris Street onto S Capitol Avenue.

Mitigation Measures to be Constructed Concurrent with Development

- Construct a full-movement site driveway to S. Capitol Avenue to be located at its current terminus, which is located south of Arizona Street.
- Construct a full-movement site driveway to Illinois Street located approximately 215 feet south of the intersection of Arizona Street with Illinois Street (measured center to center). Additionally, this driveway is located approximately 60 feet south of the existing alleyway which services the rear of single family homes located on Arizona Street between S Capitol Avenue and Illinois Street.

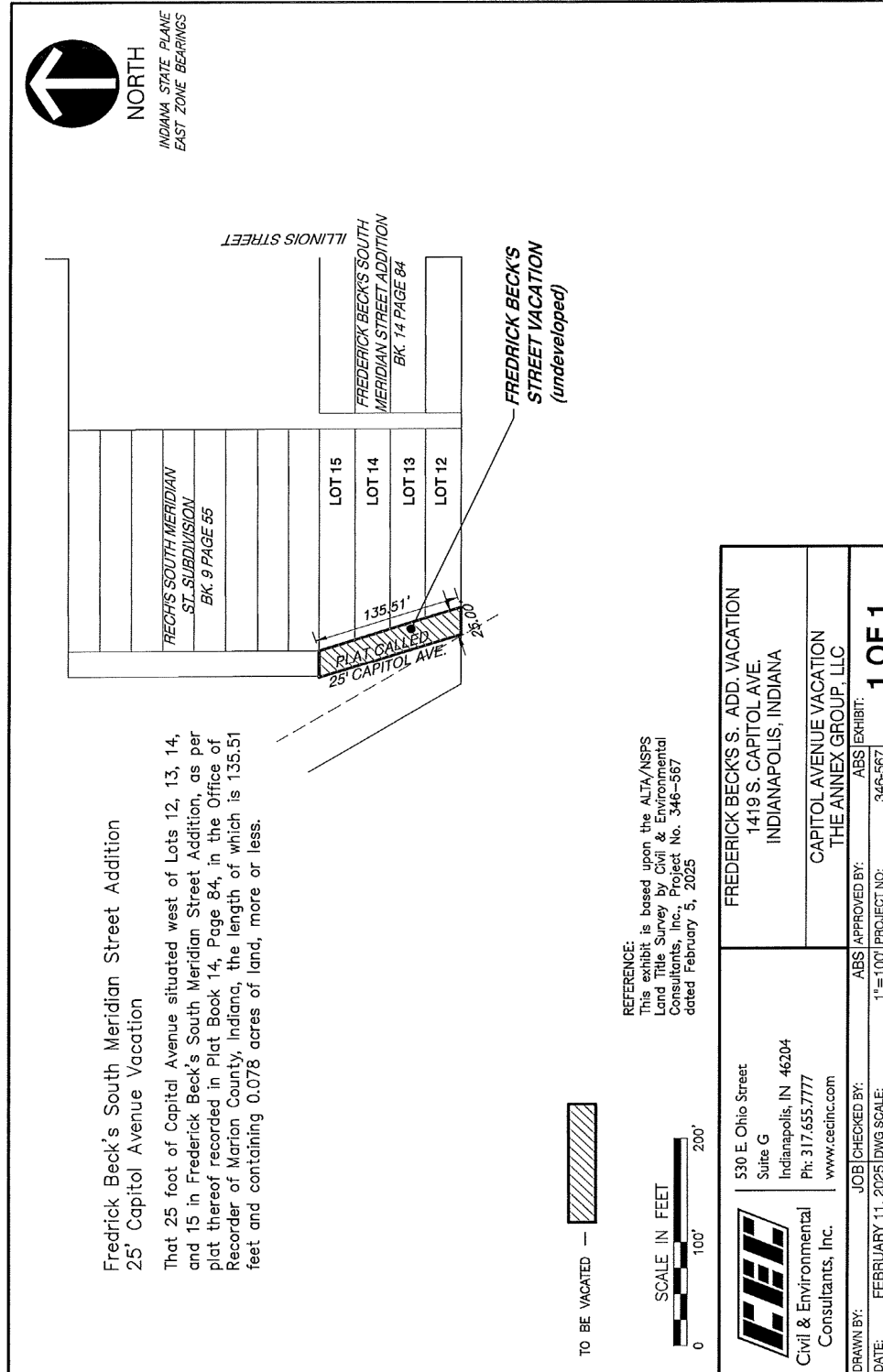
- Construct a proposed full-movement site driveway to Illinois Street located approximately 595 feet south of the intersection of Arizona Street with Illinois Street (measured center to center).
- Due to the presence of on-street parking being permitted on both sides of Illinois Street within the vicinity of the proposed site driveways, the Illinois Street travel lane is reduced to approximately 10 feet for two-way travel (assuming 7' parking lanes). Therefore, it is recommended that the southernmost site driveway to Illinois Street operate as emergency only access. This will limit the interaction with other single family residences utilizing on-street parking south of the northernmost driveway.
- Recommend restricting on-street parking on Illinois Street between Arizona Street and the northernmost proposed site access driveway. This will allow for Illinois Street to operate with two full width travel lanes in each direction. No single family homes are located with fronts facing Illinois Street in this section, therefore the impact to the neighborhood is expected to be minor.
- Recommend providing new/repared sidewalks along the property frontage of the western side of S Illinois Street at its northernmost driveway (approximately 95 feet in length) and continuing within the property.
- Recommend providing new/repared sidewalks along the property frontage of the western side of S Capitol Avenue from Arizona Street to its proposed site driveway and continuing within the property.
- The proposed site driveways should maintain sight triangles that are free of sight obstructions, such as parked vehicles, buildings, walls, hedges, bushes, low growing trees, etc. to maintain a clear line of sight to potential conflicting vehicles. Any new vegetation within the sight lines of the driveways should be maintained at a height of 2 feet or less to provide unobstructed views. Detailed sight lines and triangles should be placed on the proposed site plans for the development.
- During construction, a detailed construction traffic management plan with proposed haul routes for large vehicles and accompanying traffic control plans should be provided.
- Vehicle turning templates should be provided with the site plans showing how large vehicles such as firetrucks or delivery vehicles will traverse the site.

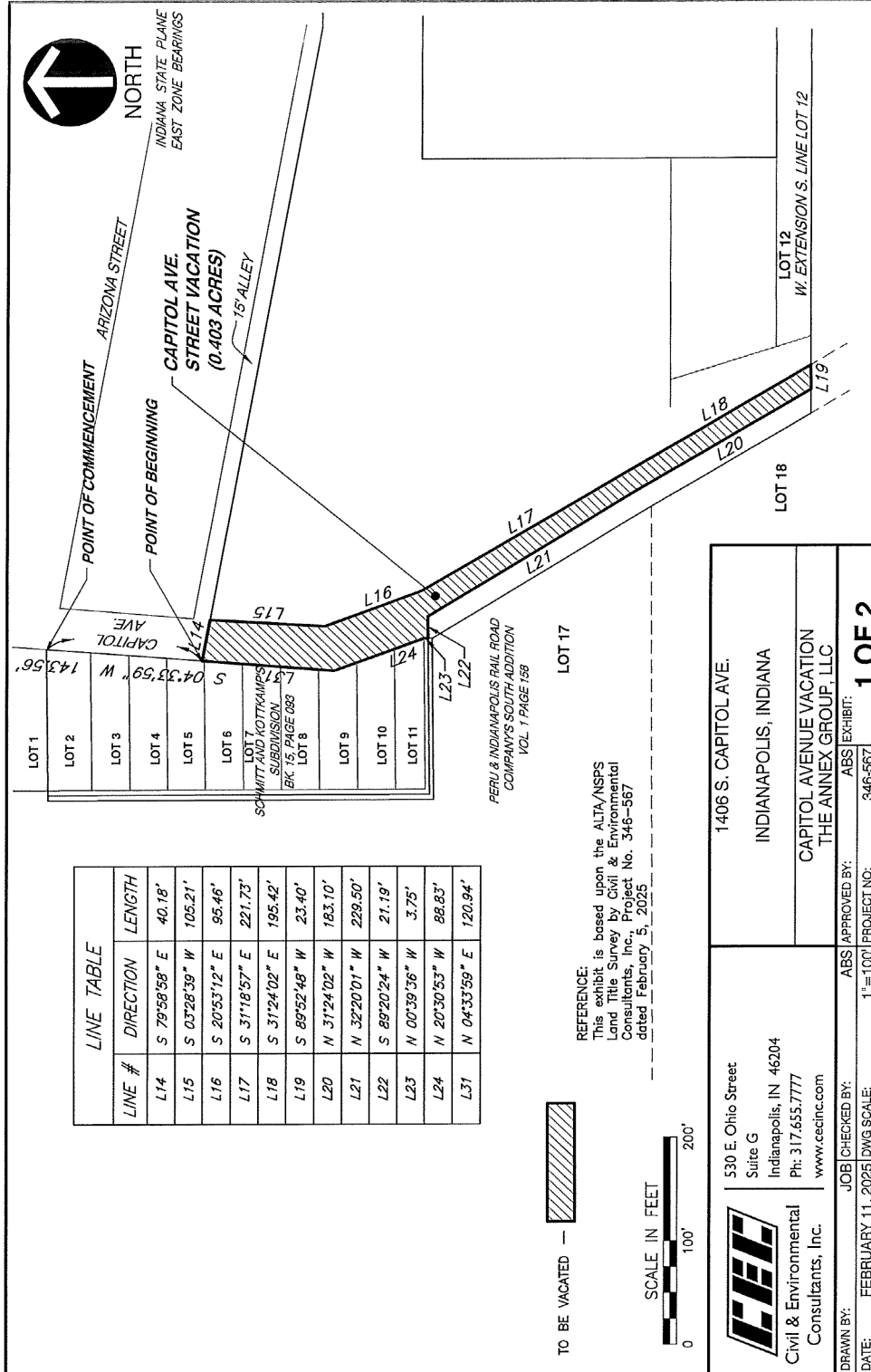


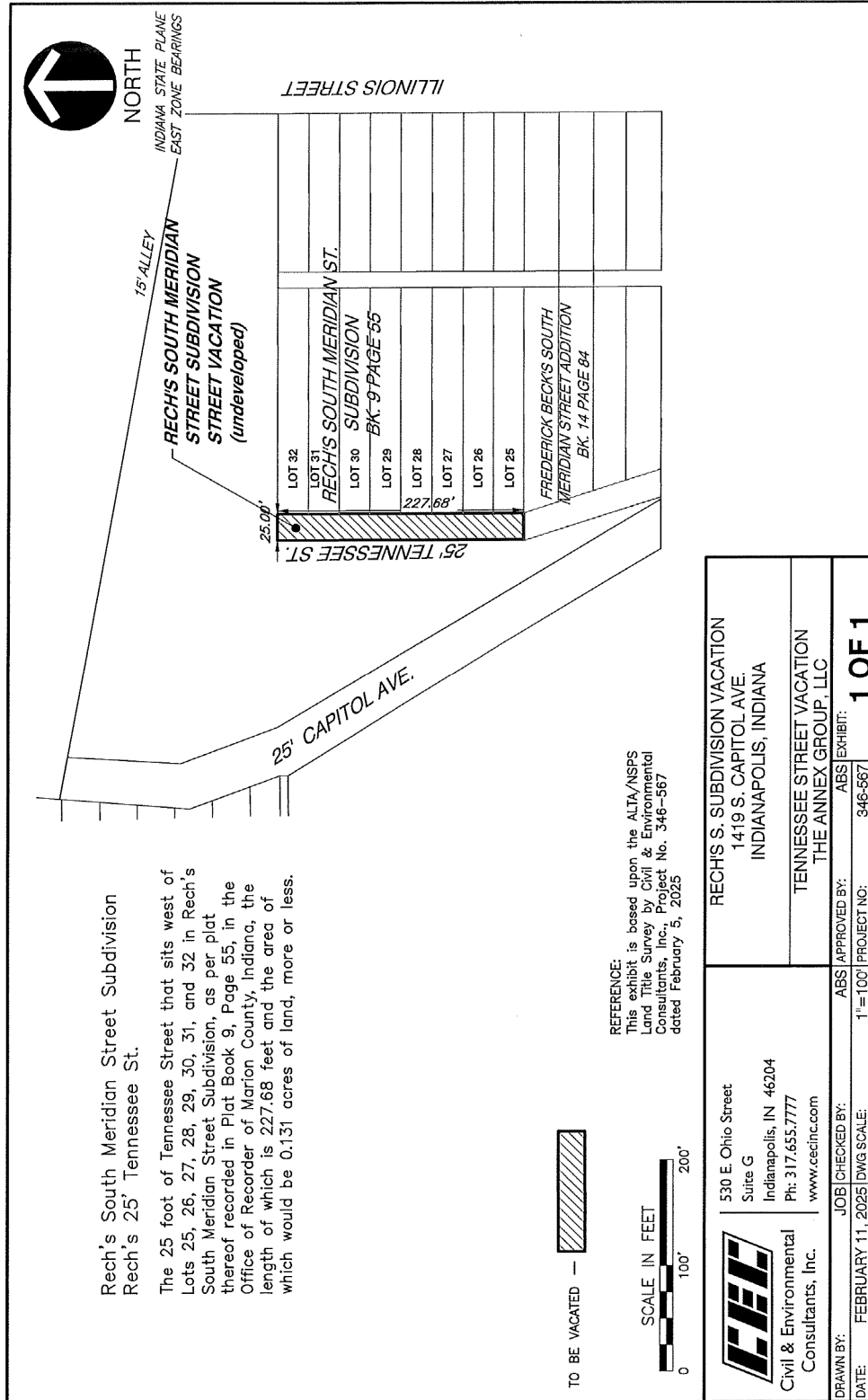


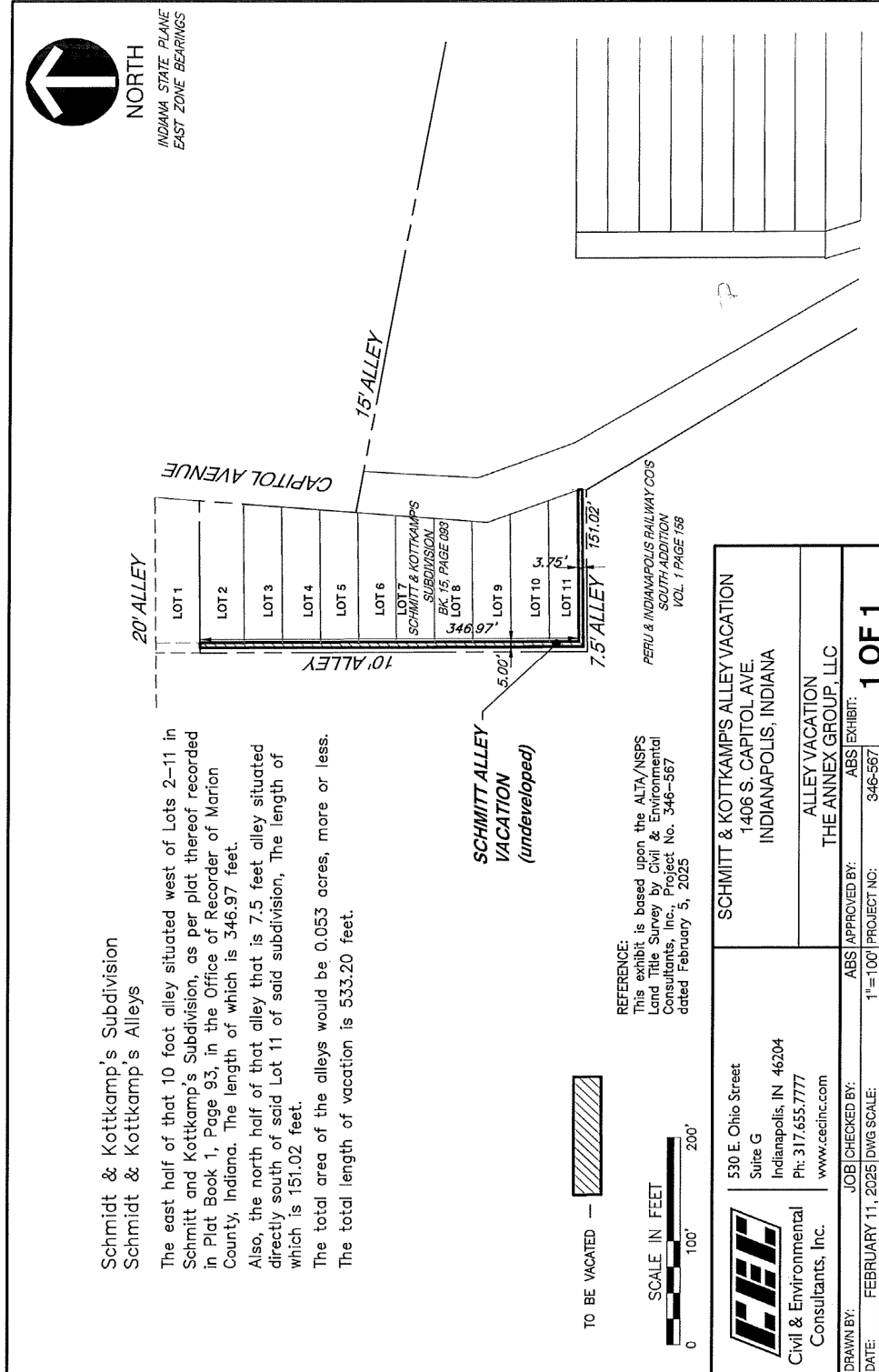
TOTAL SITE AREA: 273,557 SF	
BUILDING AREA RATIO:	
BUILDING 1 AREA: 34,220 SF	12.5%
BUILDING 2 AREA: 22,890 SF	8.4%
BUILDING AREA RATIO: 20.9%	
PARKING RATIO:	
PARKING LOT AREA: 295	0.1%
PARKING LOT RATIO: 31.4%	
FLOOR AREA RATIO:	
FIRST FLOOR GSF: 57,110	20.9%
SECOND FLOOR GSF: 57,110	20.9%
THIRD FLOOR GSF: 57,110	20.9%
FOURTH FLOOR GSF: 57,110	20.9%
TOTAL FLOOR AREA: 228,440	83.3%
FAR AREA RATIO: .33	
LIVABILITY SPACE CALCULATIONS:	
SITE AREA: 273,557	
BUILDING AREA: 57,110	20.9%
VEHICLE AREAS: 55,571	20.3%
USEABLE ROOF AREAS: 0	0.0%
LIVABILITY SPACE: 130,575	47.7%
PLANTING AREAS: 57,110	20.9%
LIVABILITY SPACE RATIO: .57	

Building	1 Bed	2 Bed	3 Bed	No. Units
Building 1				
Level 1 Units	8	16	7	31
Level 2 Units	12	16	7	35
Level 3 Units	12	16	7	35
Level 4 Units	12	16	7	35
Total	45	64	28	137
	33%	47%	21%	
Building 2				
Level 1 Units	7	12	4	23
Level 2 Units	7	12	4	23
Level 3 Units	7	12	4	23
Level 4 Units	7	12	4	23
Total	28	48	16	92
	31%	51%	18%	
Total				
Level 1 Units	15	28	11	54
Level 2 Units	19	28	11	58
Level 3 Units	19	28	11	58
Level 4 Units	19	28	11	58
Total	73	110	44	227
	32%	48%	20%	









Petition Number _____

METROPOLITAN DEVELOPMENT COMMISSION
HEARING EXAMINER
METROPOLITAN BOARD OF ZONING APPEALS, Division _____
OF MARION COUNTY, INDIANA

PETITION FOR VARIANCE OF DEVELOPMENT STANDARDS

FINDINGS OF FACT

Large Apartment Standards

1. The grant will not be injurious to the public health, safety, morals, and general welfare of the community because:

the site is over 5 acres, surrounded primarily by industrial uses, and conducive to a development that is more dense and exceeds the development standards for small apartments under the ordinance.

2. The use or value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner because:

the site is over 5 acres, surrounded primarily by industrial uses, and conducive to a development that is more dense and exceeds the development standards for small apartments under the ordinance.

3. The strict application of the terms of the zoning ordinance will result in practical difficulties in the use of the property because:

although the over 5 acre site is conducive to multifamily development in accordance with the D-8 zoning classification, the ordinance, as written, does not permit the large apartment standards to be applied to D-8.

DECISION

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

Adopted this _____ day of _____, 20 ____

_____	_____
_____	_____
_____	_____



Department of Metropolitan Development
Division of Planning
Current Planning

Petition Number _____

METROPOLITAN DEVELOPMENT COMMISSION
HEARING EXAMINER
METROPOLITAN BOARD OF ZONING APPEALS, Division _____
OF MARION COUNTY, INDIANA

PETITION FOR VARIANCE OF DEVELOPMENT STANDARDS

FINDINGS OF FACT

Livability Space Ratio and Floor Area Ratio

1. The grant will not be injurious to the public health, safety, morals, and general welfare of the community because:

although the configuration of the site presents site planning challenges, open space on the site has been maximized to provide tenants living at the property with sufficient green space and outdoor amenities. Also, permitting this undeveloped and underutilized site to be developed in a useful and thoughtful way will have a positive impact on the community.

2. The use or value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner because:

sufficient open space and green space is being provided and, taking into account the challenging configuration of the site and the buffering to adjacent provided, adjacent properties will not be adversely affected.

3. The strict application of the terms of the zoning ordinance will result in practical difficulties in the use of the property because:

due to the configuration of the lot and the existing access points, developing the property with sufficient density, establishes the necessary practical difficulty with respect to meeting the floor area and livability space ratios for D-8.

DECISION

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

Adopted this _____ day of _____, 20 ____



View looking north along South Capitol Avenue



View looking east along east / west alley and northern site boundary



Department of Metropolitan Development
Division of Planning
Current Planning

Petition Number _____

METROPOLITAN DEVELOPMENT COMMISSION
PLAT COMMITTEE
HEARING EXAMINER
OF MARION COUNTY, INDIANA

PETITION FOR VACATION OF A PUBLIC WAY, EASEMENT OR PUBLIC PLACE

FINDINGS OF FACT

1. THE PROPOSED VACATION IS IN THE PUBLIC INTEREST because:
the area to be vacated is abandoned and does not serve a public purpose; it will add unused real estate to the tax rolls;
and will permit full development of the adjacent properties.

DECISION

IT IS THEREFORE the decision of this body that this VACATION petition is APPROVED, subject to any conditions stated in the minutes (which conditions are incorporated herein by reference and made a part of this decision).

Adopted this _____ day of _____, 20 ____



View of site looking south from terminus of South Capitol Avenue



View of site looking southeast from terminus of South Capitol Avenue



View of site looking southwest from terminus of South Capitol Avenue



View of site looking south from terminus of South Capitol Avenue



View of site looking west along South Capitol Avenue



View of site looking west along South Capitol Avenue



View of site looking west along South Capitol Avenue



View of site looking west along South Capitol Avenue



View looking north along South Illinois Street



View of site looking west across South Illinois Street



View of site looking west across South Illinois Street



View of site looking northwest across South Illinois Street



View of site looking south from the east / west alley along the northern site boundary



View of site looking south from the east / west alley along the northern site boundary



View of site looking south from the east / west alley along the northern boundary



View of site looking south from the east / west alley along the northern boundary