

## STAFF REPORT

### Department of Metropolitan Development Division of Planning Current Planning Section

**Case Number:** 2023-CVC-840 / 2023-CVR-840  
**Address:** 260 South Illinois Street (101 West Georgia Street), 201 South Capitol Avenue (Approximate Addresses)  
**Location:** Center Township, Council District #16  
**Petitioner:** Capitol Improvement Board, by Aaron Hurt  
**Request:** Vacation of air-rights over a portion of South Capitol Avenue, for an overhead walkway, from a point 124.34 feet south of the southeast corner of Georgia Street and Capitol Avenue, of irregular shape (0.087 acres), west over the 90-foot right-of-way of Capitol Avenue and being between the elevations of 726.00 feet and 760.00 feet above sea level, with a waiver of the assessment of benefits.

Variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for a 40-story tall hotel, ballroom and parking garage encroaching into the Sky-Exposure Plane Two for Illinois Street, Georgia Street and Capitol Avenue.

### **RECOMMENDATIONS**

Staff recommends **approval of the variance** petition.

Staff recommends **approval of the vacation** petition and provides the following motion:

**RECOMMENDED 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 waived; that the Hearing Examiner confirm and ratify the adoption of Declaratory Resolution 2023-CVC-840; and that the vacation be subject to the rights of public utilities under IC 36-7-3-16.

### **SUMMARY OF ISSUES**

The following issues were considered in formulating the recommendation:

#### **SITE / LAND USE**

- ◇ This 3.57-acre site is Pan Am Plaza, constructed in 1987, and consists of two structures and a large outdoor recreational space. The two structures were formerly ice rink facilities. Currently, the larger of the two structures is used for musical events. Additionally, beneath the outdoor plaza and the two structures is a 1,200-space parking facility. Adjacent to the site, on the northwest corner of the block, is a 12-story office building, which is not part of this request.

(Continued)

## **STAFF REPORT 2023-CVC-840 / 2023-CVR-840 (Continued)**

- ◇ West of the site is the Indiana Convention Center. North of the site is a church and a parking garage with retail uses on the ground floor. To the east is a hotel and the historic Union Station Grand Hall building. To the south is the Union Station train shed and a hotel. Additionally, to the south is vacated Louisiana Street, which provides access to the Union Station hotel entrance. This portion of Louisiana Street was vacated in 1986, through 86-VAC-16.
- ◇ The proposed development would be a 40-story, 800-room hotel, with a 50,000 square foot ballroom and a parking garage. The main pedestrian entrance to the structure would be at the southwest corner of the Illinois Street and Georgia Street intersection. Vehicles would enter the site via access from Capitol Avenue or Illinois Street, via a proposed 'thru drive' to a pick-up and drop-off area and to the proposed parking garage within the structure.

### **REQUESTS**

- ◇ The vacation request would provide for a vacation of air rights above Capitol Avenue for a proposed elevated skywalk that would link the Indiana Convention Center to the proposed development.
- ◇ The variance request would provide for building encroachments into the Sky Exposure Plane Two requirements, along Illinois Street, Georgia Street and Capitol Avenue.

### **VARIANCE**

- ◇ This petition seeks to permit the building to encroach into the Sky Exposure Plane Two development standard for this proposed hotel development. The Sky Exposure Plane development standard is intended to provide a mechanism to control height of structures near the street to allow sunlight to sidewalks. Specifically, the standard for Sky Exposure Plane Two is that, from the centerline of the street, an incline of 60 degrees from the ground to a vertical elevation of 200 feet, then continue vertically at an angle of 90 degrees. For reference, see the staff exhibit below.
- ◇ The proposed encroachment would be significant along Georgia Street, as the tallest portion of the structure would be fairly close to the street. However, this section of the structure would be narrow, which would allow large areas of sunlight to Georgia Street. It should be noted that Georgia Street is a pedestrian-oriented streetscape, with amenities for large gatherings and a wide central space between the travel lanes.
- ◇ The proposed encroachment would also be significant along Illinois Street, as a large area of the tallest portion of the building would cast shadows to the street level below, due to the orientation of the building. The site plans indicate that there would be a landscaped space for pedestrians between the building and the sidewalk along Illinois Street. The separation from the building to the sidewalk would vary along the street frontage, due to the design of the structure.

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## **STAFF REPORT 2023-CVC-840 / 2023-CVR-840 (Continued)**

- ◇ The submitted elevation along Capitol Avenue indicates that the structure would not encroach into the Sky Exposure Plane Two standard.
- ◇ Sky Exposure Plane Two standards do not apply along private streets, therefore, a variance for this standard is not required along vacated Louisiana Street.

### **PLANNING ANALYSIS**

- ◇ The building would encroach upon the Sky Exposure Plane Two standards in two areas, along Illinois Street and along Georgia Street. Mitigating design features are proposed to reduce the impacts with large public gathering areas or narrow portions of the building that would not meet this standard. Significant design alterations would be necessary to avoid encroaching into this development standard, which, staff believes, would be a practical difficulty.

### **VACATION**

- ◇ This request would provide for the vacation of the air rights over Capitol Avenue for a proposed elevated skywalk that would link the Indiana Convention Center to the proposed hotel development. The skywalk would be irregularly shaped, with the widest portion connected to the hotel building, narrowing as it crosses over Capitol Avenue.
- ◇ The downtown has numerous elevated skywalks, which link Lucas Oil Stadium and the Indiana Convention Center to hotels, Circle Centre Mall, and parking garages. This request would increase this existing network and would be in the public interest, therefore, staff recommends approval of the proposed vacation.

### **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.

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## **STAFF REPORT 2023-CVC-840 / 2023-CVR-840 (Continued)**

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**

- ◇ A waiver of the assessment of benefits would be appropriate in that the proposed right-of-way vacation would not affect any improved right-of-way.

### **REGIONAL CENTER OVERLAY DISTRICT**

- ◇ The site lies within the Regional Center overlay district. In this designated area, design of all new construction, sidewalk cafes, and signage in the Regional Center overlay district is subject to the approval of the Administrator of the Division of Planning. A Regional Center Approval petition has been filed, through 2023-REG-059 and is scheduled for public hearing on August 10, 2023, however, this petition will likely be continued to August 24, 2023.

### **GENERAL INFORMATION**

#### **EXISTING ZONING, CONTEXT AREA, AND LAND USE**

CBD-2 (RC)	Compact	Two structures, outdoor plaza, and underground parking garage
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#### **SURROUNDING ZONING AND LAND USE**

North	CBD-2 (RC)	Church / parking garage / commercial retail
South	CBD-2 (IHPC)	Union Station train shed / hotel
East	CBD-2 (IHPC)	Union Station Grand Hall / hotel
West	CBD-2 (RC)	Indiana Convention Center

COMPREHENSIVE LAND USE PLAN	The Center Township Land Use Plan recommends Core mixed use development
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TRANSIT-ORIENTED DEVELOPMENT	The site lies within the Transit-Oriented Development Overlay.
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THOROUGHFARE PLAN	Illinois Street and Capitol Avenue are both classified in the Official Thoroughfare Plan for Marion County, Indiana as primary arterials, with 78-foot existing and proposed rights-of-way. Georgia Street is classified in the Official Thoroughfare Plan for Marion County, Indiana as a primary collector, with a 56-foot existing and proposed right-of-way. Louisiana Street is vacated, via 86-VAC-16.
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DEVELOPMENT PLANS	File-dated July 6, 2023
FINDINGS OF FACT	File-dated July 6, 2023 (Vacation and Variance)
SITE PLAN	File-dated July 6, 2023
VACATION SURVEY	File-dated July 6, 2023

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**STAFF REPORT 2023-CVC-840 / 2023-CVR-840 (Continued)**

**ZONING HISTORY – SITE**

**2023-REG-059; 260 South Illinois Street (101 West Georgia Street), and 201 South Capitol Avenue**, requested Regional Center Approval to provide for demolition of an existing parking garage, ice rink and outdoor plaza, and for the construction of a 40-story hotel, convention and ballroom space and outdoor amenities, **pending**.

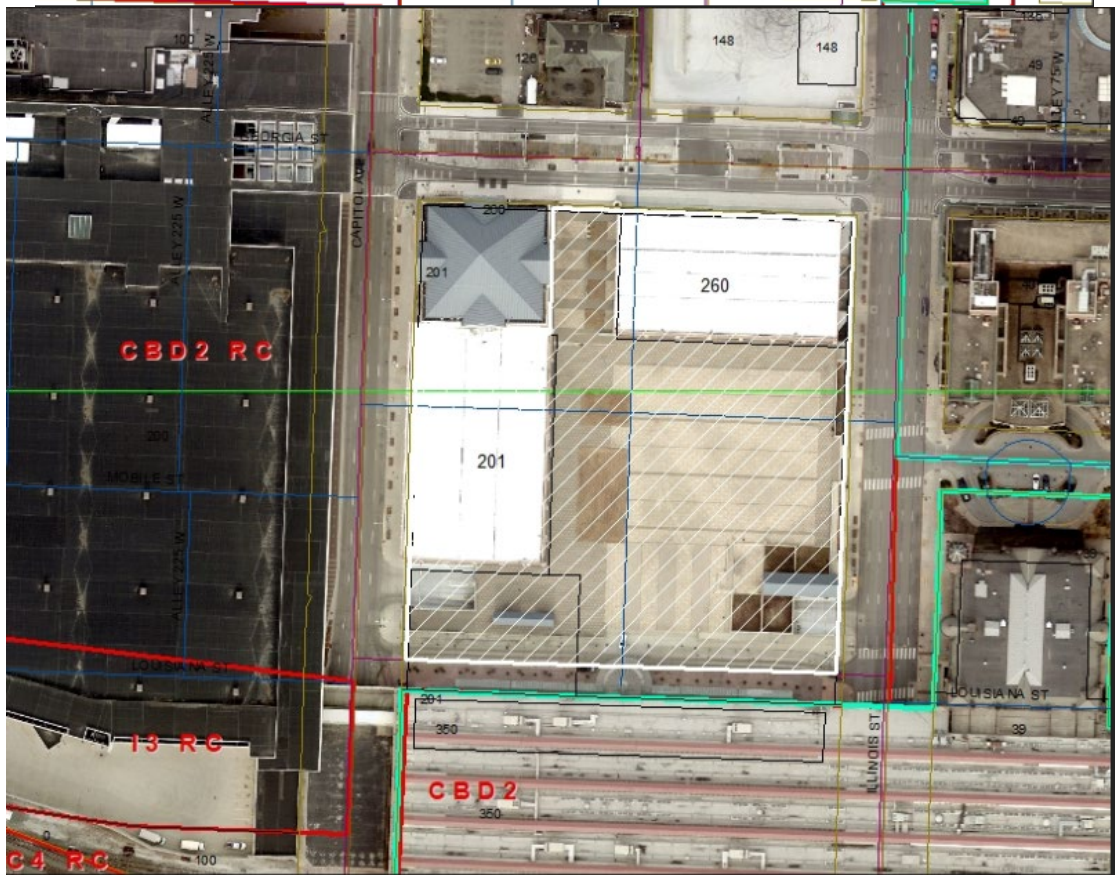
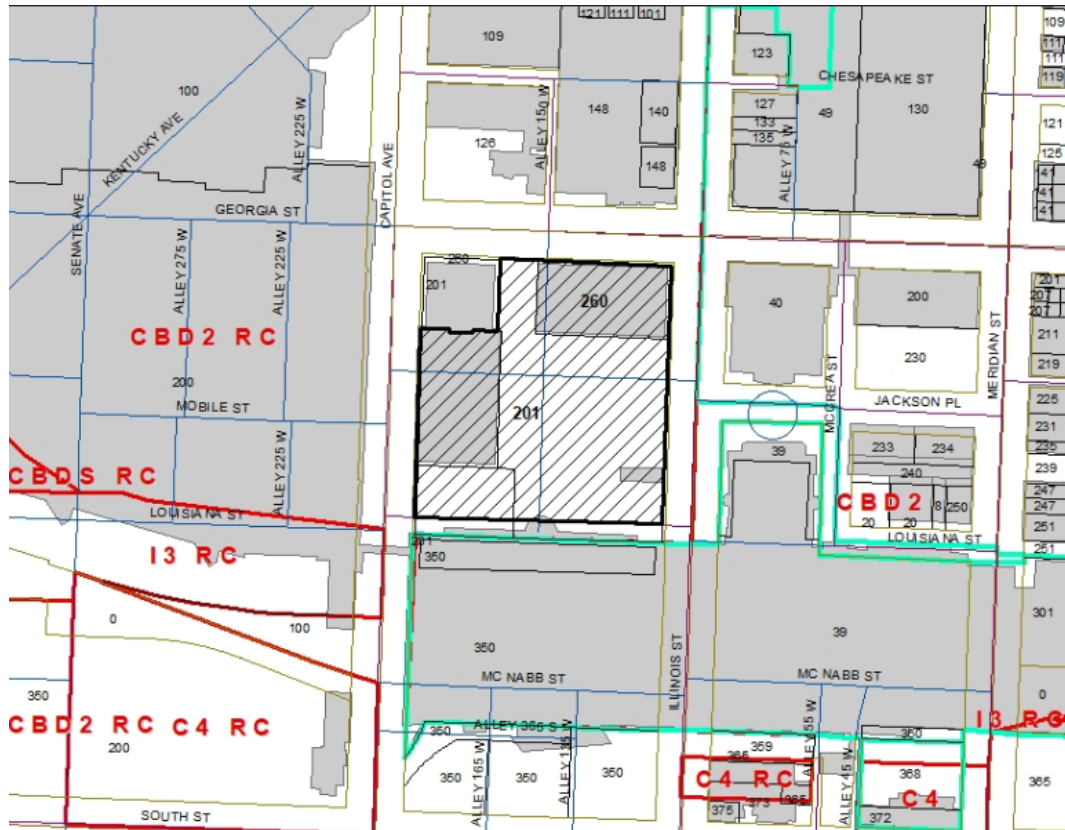
**ZONING HISTORY – VICINITY**

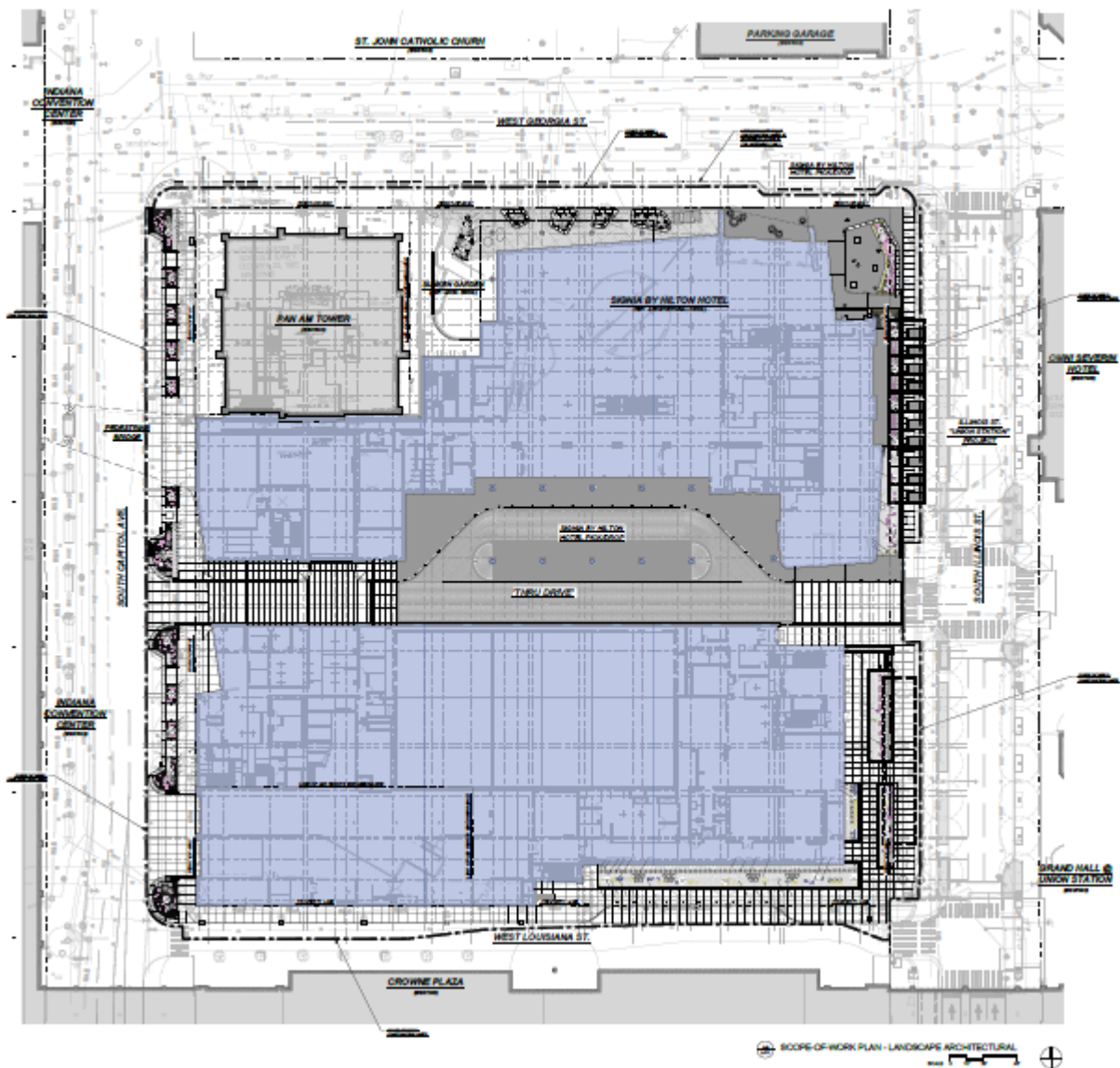
None.

JY

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**STAFF REPORT 2023-CVC-840 / 2023-CVR-840 (Exhibits)**

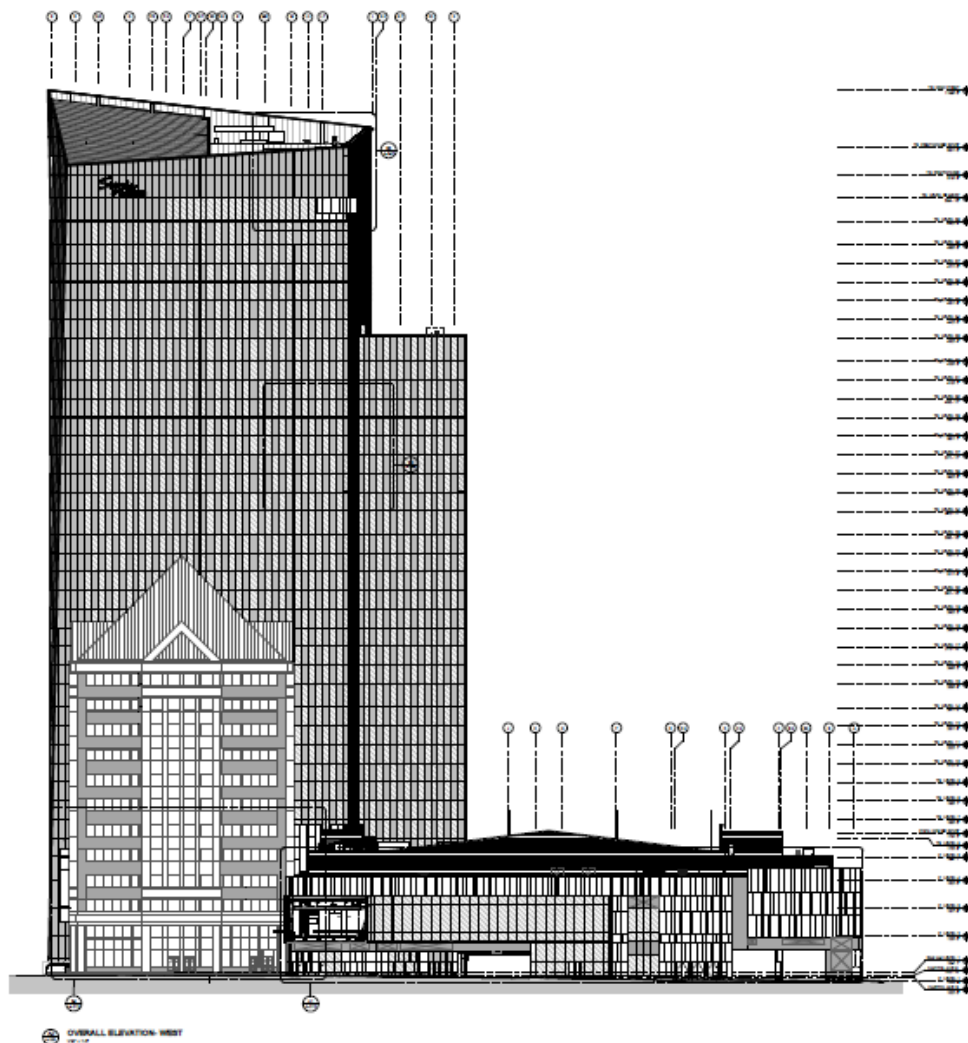












**EXERCISES (SPRING 2000)**

INDIANAPOLIS  
CONVENTION  
CENTER HOTELS  
AND BALLROOM  
101 W Georgia St  
Indianapolis, IN 46225

[illegible]

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[illegible][illegible][illegible]

OVERALL ELEVATION  
WEST

**A-202**



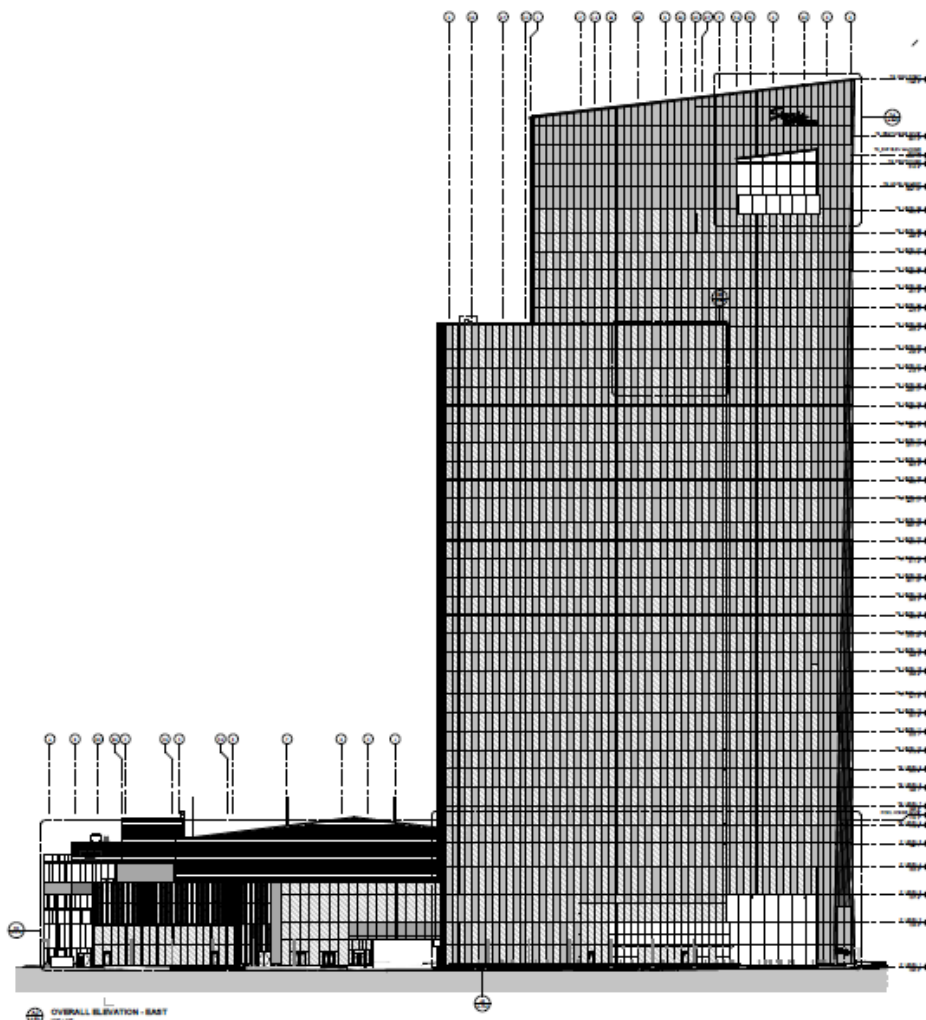
INDIANAPOLIS  
CONVENTION  
CENTER HOTELS  
AND BALLROOM  
101 W Georgia St  
Indianapolis, IN 46225

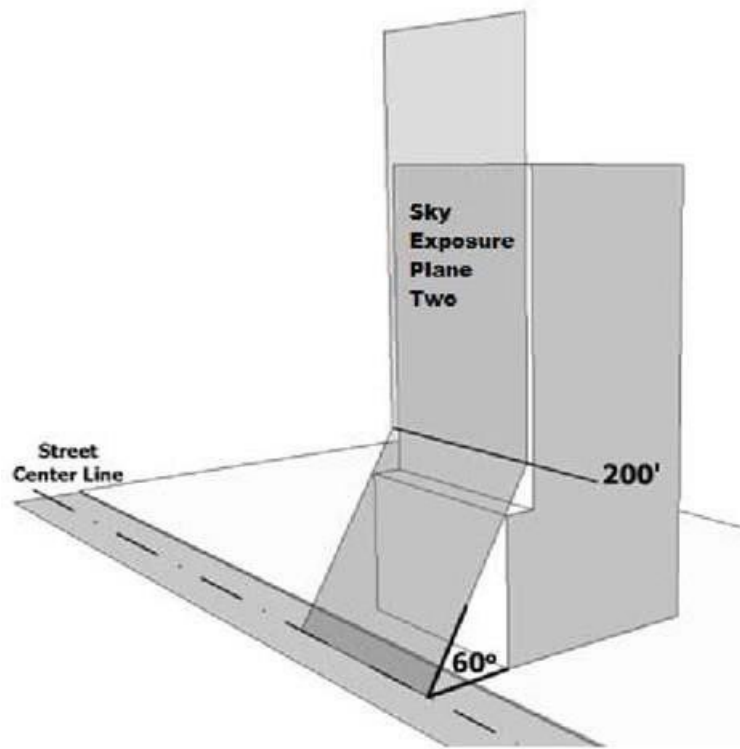
[illegible][illegible]

OVERALL ELEVATION:

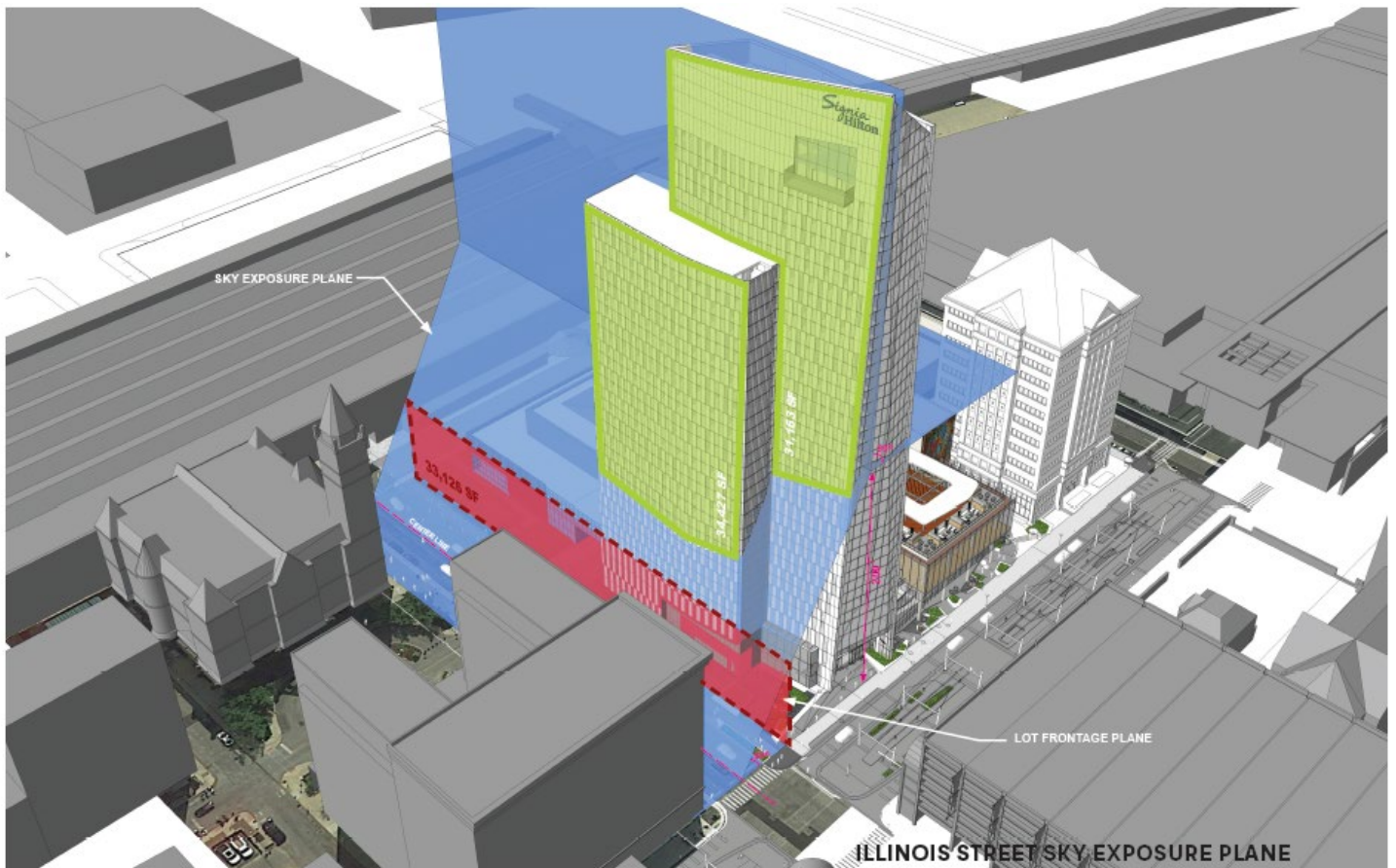
OVERALL ELEVATIONS ARE  
FOR ORIENTATION ONLY.  
REFERENCE A-300 SERIES  
DRAWINGS FOR EXTERIOR  
SYSTEMS.

A-204





Sky Exposure Plane Two diagram (from Ordinance)

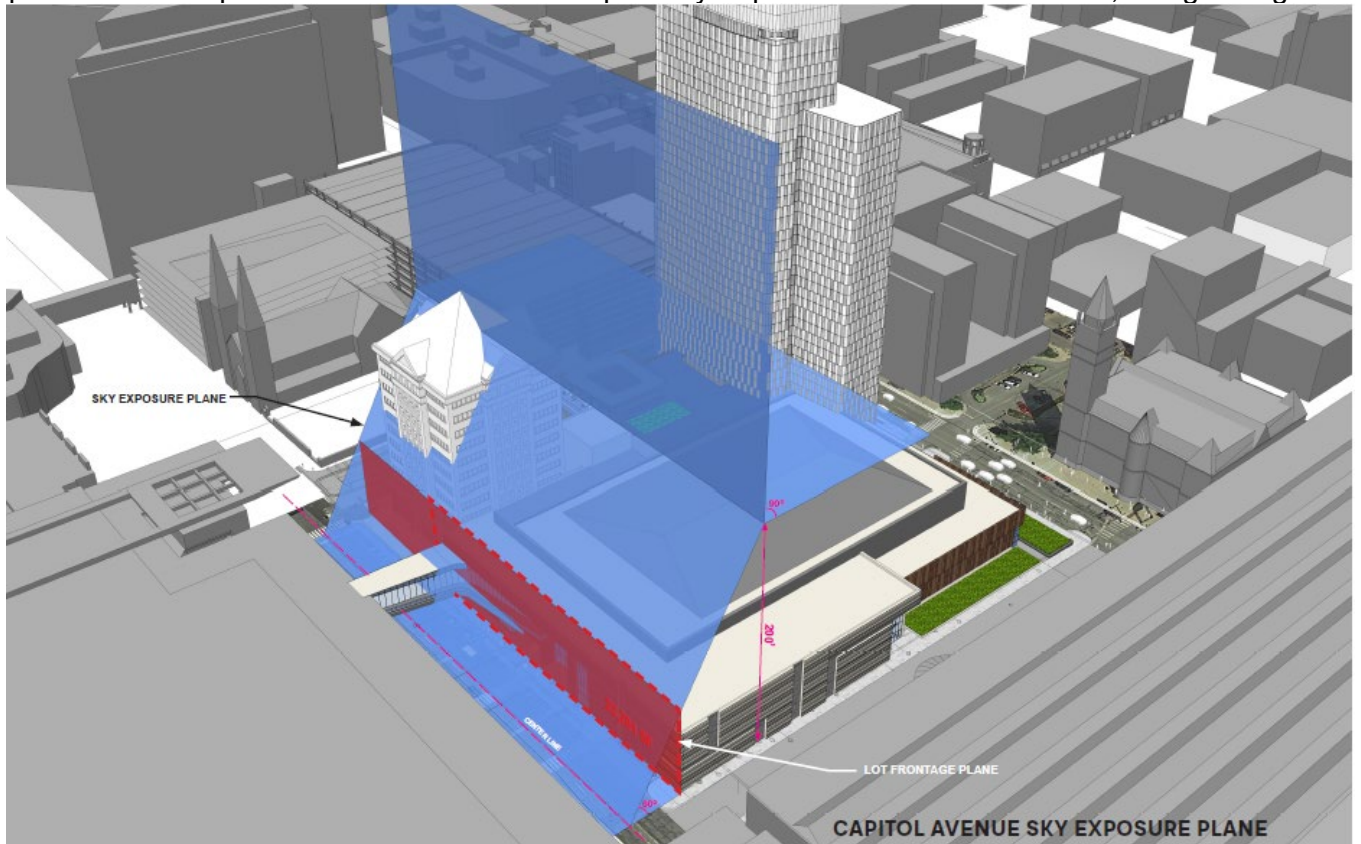


Proposed structure portion that would encroach upon Sky Exposure Plane Two standard, along Illinois Street



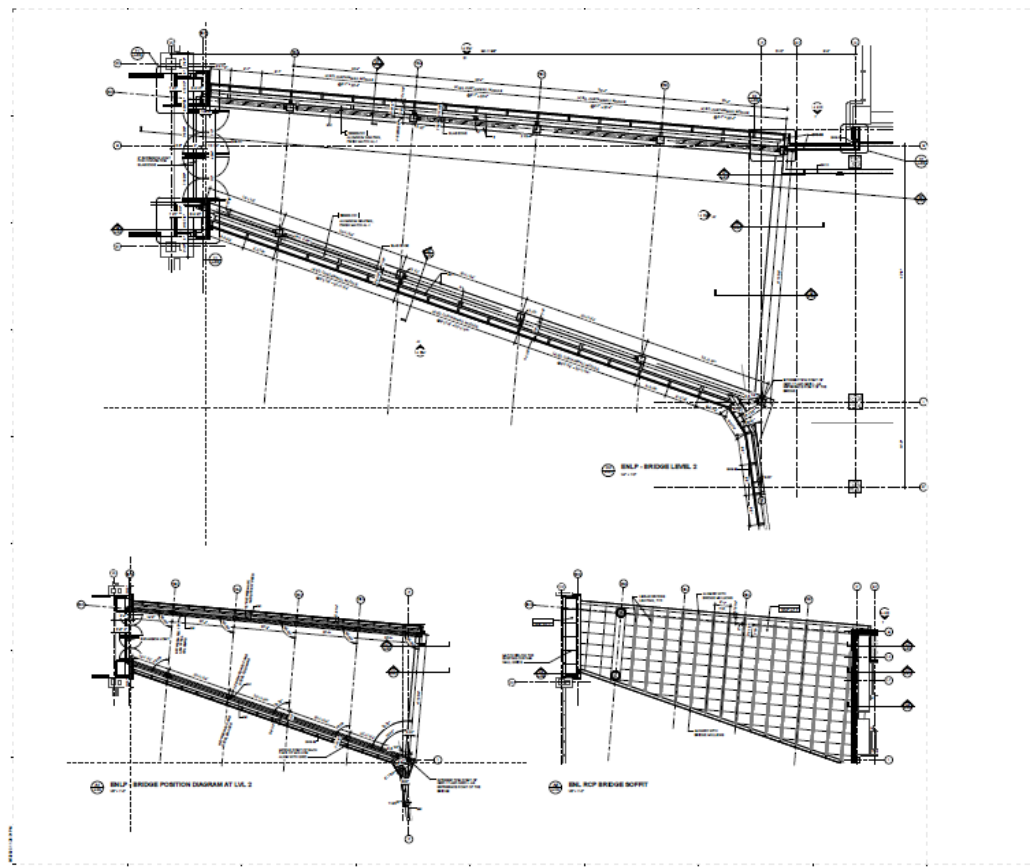


Proposed structure portion that would encroach upon Sky Exposure Plane Two standard, along Georgia Street



Sky Exposure Plane Two exhibit along Capitol Avenue

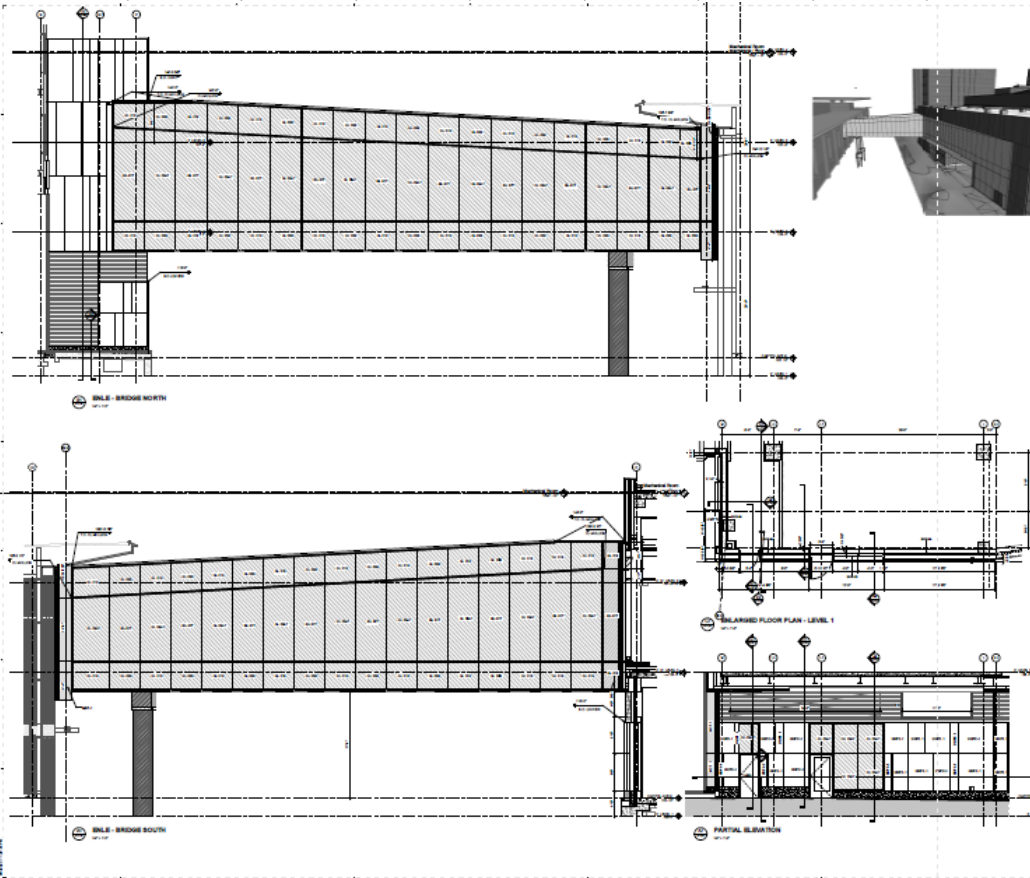




INDIANAPOLIS  
CONVENTION  
CENTER HOTELS  
AND BALLROOM  
101 W Georgia St  
Indianapolis, IN 46225

DATE: 01/15/2010  
PROJECT: INDIANAPOLIS CONVENTION CENTER HOTELS AND BALLROOM  
SHEET: A-323  
SYSTEMS SHEET - BRIDGE PLAN DETAIL

RATIO



INDIANAPOLIS  
CONVENTION  
CENTER HOTELS  
AND BALLROOM  
101 W Georgia St  
Indianapolis, IN 46225

DATE: 01/15/2010  
PROJECT: INDIANAPOLIS CONVENTION CENTER HOTELS AND BALLROOM  
SHEET: A-324  
SYSTEMS SHEET - BRIDGE NORTH & SOUTH DETAILS

RATIO



**STAFF REPORT 2023-CVC-840 / 2023-CVR-840 (Photos)**



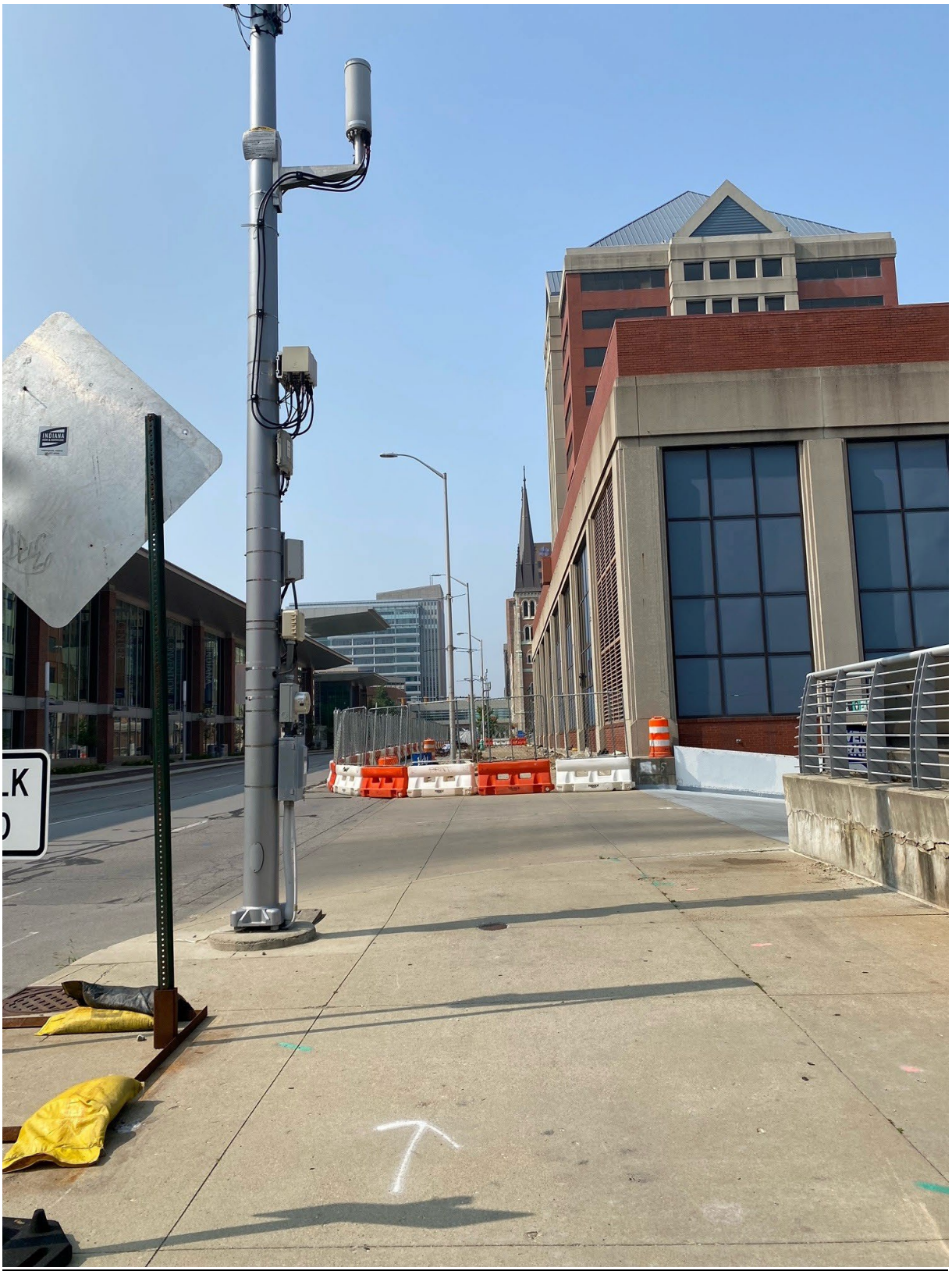
View of site from Georgia Street, near Illinois Street, looking south





View of site from Georgia Street looking south





View of Capitol Avenue looking north – site is to the right of the photo





View of vacated Louisiana Street and site looking east toward Union Station Grand Hall



View of site from vacated Louisiana Street looking north





View of existing parking garage entrance along Illinois Street



View of site along Illinois Street looking north