

STAFF REPORT

Department of Metropolitan Development Division of Planning Current Planning Section

Case Number: 2023-ZON-043
Address: 1400 Campbell Avenue (*Approximate Addresses*)
Location: Warren Township, Council District #19
Petitioner: JAK Holdings Group, LLC, by Mark and Kim Crouch
Request: Rezoning of 1.16 acres from the C-1 district to the D-7 district.

The Hearing Examiner acknowledged the automatic continuance that was filed by a registered neighborhood organization that continued this petition from the June 15, 2023 hearing, to the July 13, 2023 hearing. The Hearing Examiner continued this petition from the July 13, 2023 hearing, to the August 10, 2023 hearing, to provide time for the petitioner's representative to provide additional information for review and consideration.

RECOMMENDATIONS

Staff **recommends denial** of this request,

If approved, staff would request that approval be 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 / receptables provided for the proper disposal of trash and other waste.

SUMMARY OF ISSUES

The following issues were considered in formulating the recommendation:

LAND USE

- ◇ This 1.16-acre site, zoned C-1, is comprised of seven undeveloped parcels. It is surrounded by a single-family dwelling to the north, multi-family dwellings to the west, across Campbell Avenue, and multi-family dwellings to the south across East 14th Street, all zoned D-7; and commercial development to the east, zoned C-3.

(Continued)

STAFF REPORT 2023-ZON-043 (Continued)

- ◇ Petitions 85-Z-19 / 85-CV-3, rezoned the site from the D-7 District to the C-1 classification to provide for office uses.

REZONING

- ◇ This request would rezone the site from the C-1 District to the D-7 classification. “The D-7 district is intended for medium density residential development, accommodating multifamily dwellings, triplex, fourplex, two-family and single- family attached dwellings. The district may be applied anywhere within the metropolitan area, provided, however, it should be closely associated with the primary intensity generators, such as commercial shopping centers or industrial employment centers. The district requires superior street access and all public utilities and facilities. Provisions for various modes of travel and pedestrian linkages are critical. Well-planned, on-site recreational facilities, selected to fit the site and residents’ needs, must be developed to answer the demands of the higher density of residents.”

The D-7 district has a typical density of 12 to 15 units per gross acre fulfilling the medium density residential recommendation of the Comprehensive General Land Use Plan. Development plans should incorporate and promote environmental and aesthetic considerations, working within the constraints and advantages presented by existing site conditions, including vegetation, topography, drainage and wildlife.”

- ◇ The Comprehensive Plan recommends community commercial typology. “The Community Commercial typology provides for low-intensity commercial and office uses that serve nearby neighborhoods. These uses are usually in freestanding buildings or small, integrated centers. Examples include small-scale shops, personal services, professional and business services, grocery stores, drug stores, restaurants, and public gathering spaces.”
- ◇ The Pattern Book lays out a land use classification system that guides the orderly development of the county, protects the character of neighborhoods and serves as a policy guide for development or redevelopment of a site.
- ◇ The following elements of the Pattern Book apply to this site:

Conditions for All Land Use Types

- 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.
- ◇ The Pattern Book does not provide guidance for residential development within the community commercial typology but does include recommendations for small-scale and large-scale offices, retailing and personal or professional services; small-scale and large-scale schools, places of worship, neighborhood- serving institutions/infrastructure, and other places of assembly; and small-scale parks.

Tree Preservation / Heritage Tree Conservation

- ◇ There are significant amounts of natural vegetation and trees located along the eastern boundary 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.

(Continued)

STAFF REPORT 2023-ZON-043 (Continued)

- ◇ 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.
- ◇ 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 issuance date. See Exhibit A, Table 744-503-3: Replacement Trees.

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;

(Continued)

STAFF REPORT 2023-ZON-043 (Continued)

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.

Site Plan

- ◇ The site plan, file-dated July 24, 2023, provides for five fourplexes for a total of 20 dwelling units, with 33 parking spaces and four bike racks along the frontage of Campbell Avenue.
- ◇ Amenity areas include a picnic area on the southern portion of the site and a playground area on the northern portion of the site.

Planning Analysis

- ◇ The request would not be consistent with the Comprehensive Plan recommendation of community commercial typology. This site was zoned to the C-1 district in 1985 for commercial office use but has remained undeveloped for 38 years. Because of this, staff questions whether commercial uses would be viable on this site and believes residential uses might be more appropriate, if developed appropriately.
- ◇ Staff believes that an undeveloped parcel would have minimal encumbrances that would require development standard variances.
- ◇ Staff believes the request could be compatible with residential development to the north, west and south, if appropriately developed in a manner that would comply with development standards of the D-7 district, including, but not limited to, required development amenities of a maximum floor area ratio of 0.70 and minimum livability space ratio of 0.95.
- ◇ The amended site plan indicates a density of approximately 21 units per acre. The Ordinance provides for a typical density for the D-7 district of 12 to 15 units per acre.
- ◇ As proposed, a minimum of three variances would be required that would include maneuvering within the right-of-way along Campbell Avenue and a dumpster in the front yard of East 14th Street and within the clear sight triangle.
- ◇ Maneuvering within the right-of-way results in pedestrian and vehicular conflicts that present serious safety issues. Compounding the safety issue is the location of the dumpster (requires an enclosure) within the clear sight triangle.

(Continued)

STAFF REPORT 2023-ZON-043 (Continued)

- ◇ Less impactful variances may be acceptable, but staff would not support variances that would result in less than safe situations for all the residents living within this area, as well as visitors and guests.
- ◇ Consideration should be given not only to the rezoning but also whether the site can appropriately accommodate proposed development of the site that would not be impactful to surrounding land uses, require minimal variances and provide a safe environment. Consequently, staff does not support the rezoning.

GENERAL INFORMATION

EXISTING ZONING AND LAND USE

C-1 Undeveloped

SURROUNDING ZONING AND LAND USE

North -	D-7	Single-family dwelling
South -	D-7	Multi-family dwelling
East -	C-3	Commercial uses
West -	D-7	Multi-family dwellings

COMPREHENSIVE PLAN The Comprehensive Land Use Plan for Indianapolis and Marion County (2018) recommends community commercial typology.
Marion County Land Use Pattern Book (2019).
Infill Housing Guidelines (2021)

THOROUGHFARE PLAN This portion of Campbell Avenue is designated in the Marion County Thoroughfare Plan as a local street, with an existing 50-foot right-of-way and a proposed 48-foot right-of-way.

This portion of East 14th Street is designated in the Marion County Thoroughfare Plan as a local street, with an existing 35-foot right-of-way and a proposed 48-foot right-of-way.

CONTEXT AREA This site is located within the compact context area.

OVERLAY There is no overlay for this site.

SITE PLAN File-dated May 9, 2023

SITE PLAN - AMENDED File-dated July 24, 2023

ZONING HISTORY

85-Z-19 / 85-CV-3; 1401 North Campbell Avenue, requested rezoning of 1.2 acres, being in the D-7 district, to the C-1 classification to provide for the construction of an 8,280 square foot office building and a variance of transitional yard requirement to permit parking in the required front yard along the south property line and the required side yard along the east property line, **approved and granted**.

(Continued)

STAFF REPORT 2023-ZON-043 (Continued)

VICINITY

85-Z-222; 1520 North Arlington Avenue (northeast of site), requested rezoning of 0.68 acre, being in the C03 and D-7 districts, to the C-3 classification to permit neighborhood retail use, **approved**.

82-Z-96; 1420 North Arlington Avenue (east of stie), requested rezoning of 0.16 acre being in the D-7 district, to the C-3 classification to provide for expansion of Taco Bell, **approved**.

72-Z-110; 1425 North Arlington Avenue (east of site), requested rezoning of 0.73 acre, being in the D-7 District, to the C-3 classification to permit construction and operation of a restaurant, **approved**.

63-V-264; 1408 North Campbell Avenue (west of site), requested a variance of lot area requirement to permit erection of a four-family apartment house, **granted**.

59-V-562; 1416 North Campbell Avenue (west of site), requested a variance of lot area requirements to permit construction of two four-family apartment houses, **granted**.

kb

Exhibit B

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

43'-11"

60'

60'

60'

60'

40'

131'

101'

10'

20'

40'

10'

40'

10'

4 SIDEWALKS

PLAYGROUND AREA

4 PLEX

4 PLEX

4 PLEX

4 PLEX

PARKING SPACES
17' X 10' D

NO PARKING
DUMPSTER
AREA

FRONT AREA

14TH ST

20'

12'-0 7/8"

B

A

BIRCH TREES

ADJ. ADJ.

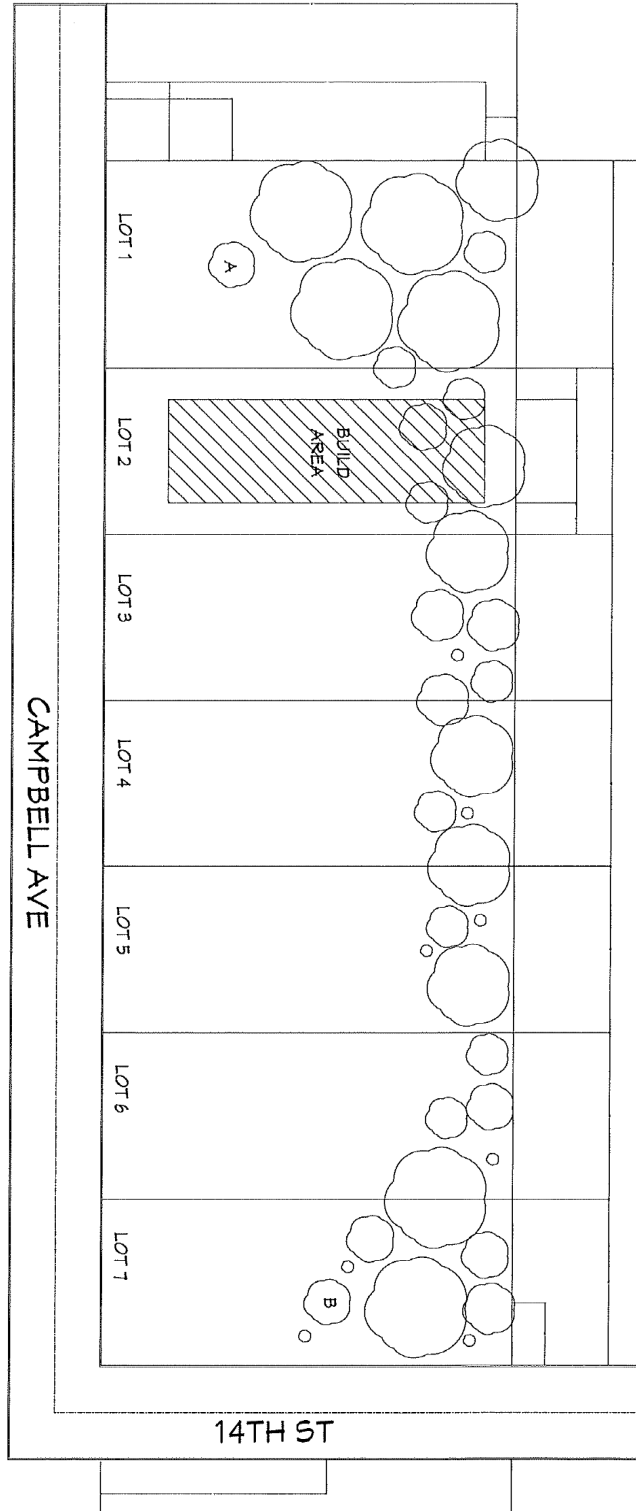
6' PRIVACY FENCE
TO SURROUND
PLAYGROUND
AREA
OF WHOLE PROJECT

CAMPBELL AVE

DUMPSTER

PROPOSED BUILDING SIZE:
40' X 101'

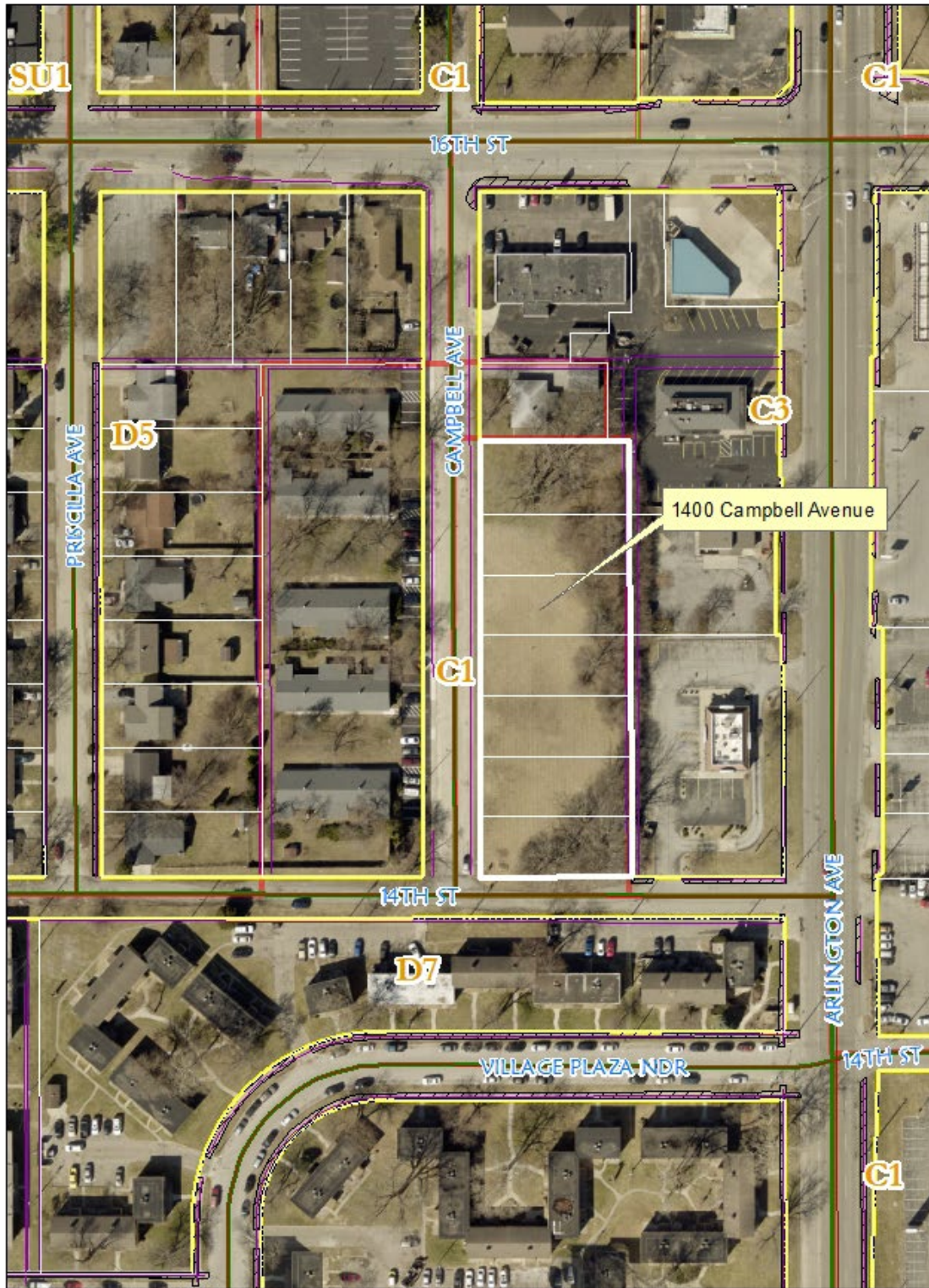
EXISTING PLOT



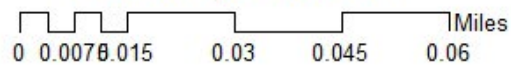
PLAN NOTES:
A. HISTORIC TREE
B. HISTORIC TREE

LOCATION:
1400 N. CAMPBELL AVE
INDIANAPOLIS, IN

SHEET: P-1	SCALE: 	DATE: 2/10/22	DRAWINGS PROVIDED BY: 	1400 N CAMPBELL AVE INDIANAPOLIS, IN 46219		REVISION TABLE	
						NUMBER	DATE



1400 Campbell Avenue





View looking north along North Campbell Avenue



View looking south along Campbell Avenue



View looking southeast at intersection of East 14th Street and Campbell Avenue



View looking west along East 14th Street



View from site looking west across East 14th Street



View from site looking west across East 14th Street



View of site looking east across Campbell Avenue



View of site looking east across Campbell Avenue



View of site looking east across Campbell Avenue



View of site looking north



View of site looking north across East 14th Street



View of site and adjacent commercial use to the east looking north across East 14th Street



View of site looking northwest across East 14th Street