



METROPOLITAN DEVELOPMENT COMMISSION

May 15, 2024

Case Number: 2024-ZON-012
Property Address: 1170 Kentucky Avenue (Approximate Address)
Location: Center Township, Council District #18
Petitioner: KM23 Property, LLC, by David Kingen
Current Zoning: C-1
Request: Rezoning of 1.38 acres from the C-1 district to the I-3 district to provide for industrial uses.
Current Land Use: Commercial
Staff Recommendations: Approval
Staff Reviewer: Marleny Iraheta, Senior Planner

PETITION HISTORY

ADDENDUM FOR MAY 15, 2024, METROPOLITAN DEVELOPMENT COMMISSION

This petition was continued from the April 17, 2024 hearing to the May 15, 2024 hearing at the request of a remonstrator.

ADDENDUM FOR APRIL 17, 2024, METROPOLITAN DEVELOPMENT COMMISSION

This petition was heard by the Hearing Examiner on March 28, 2024. After a full hearing, the Hearing Examiner recommended approval of the request. Subsequently, a remonstrator filed an appeal of the Hearing Examiner's decision. A memorandum of her recommendation is attached.

March 28, 2024

This petition was continued from the March 13, 2024 hearing to the March 28, 2024 hearing at the request of the petitioner.

STAFF RECOMMENDATION

Staff **recommends approval** of the request.

PETITION OVERVIEW

LAND USE

The 1.38-acre subject site is in the West Indianapolis neighborhood and is part of the Davis' Nordyke subdivision. The site is developed with a vacant commercial building and associated parking lot.



The site abuts I-3 industrial properties on three sides and is across from heavy commercial properties, zoned C-7, to the east.

REZONING

The C-1 District is designed to perform two functions: act as a buffer between uses, and provide for a freestanding area that office uses, compatible office-type uses, such as medical and dental facilities, education services, and certain public and semipublic uses may be developed with the assurance that retail and other heavier commercial uses with incompatible characteristics will not impede or disrupt. Since the buildings for office, office-type and public and semipublic uses are typically much less commercial in appearance, landscaped more fully and architecturally more harmonious with residential structures, this district can serve as a buffer between protected districts and more intense commercial or industrial areas/districts - if designed accordingly. This district, with its offices and other buffer type uses, may also be used along certain thoroughfares where a gradual and reasonable transition from existing residential use should occur.

The I-3 district is an intermediate district for industries that present moderate risks to the general public. Wherever practical, this district should be away from protected districts and buffered by intervening lighter industrial districts. Where this district abuts protected districts, setbacks are large, and enclosure of activities and storage is required.

STAFF ANALYSIS

The grant of the request would allow for the commercial site to be rezoned to I-3 for industrial use. The petitioner noted that the subject site would be combined with the parcel to the south at 1176 Kentucky Avenue that is currently zoned I-3.

The site was originally zoned I-3-U in 1972 and was changed to the C-1 district through rezone petition 72-Z-102. Staff is supportive of the rezoning to the I-3 district because it would allow for continued industrial uses in an area that is bordered by a predominately industrially zoned block, with the subject site being an outlier.

GENERAL INFORMATION

Existing Zoning	C-1	
Existing Land Use	Commercial	
Comprehensive Plan	Community Commercial	
Surrounding Context	Zoning	Land Use
	North:	I-3 Industrial
	South:	C-7 Undeveloped
	East:	C-7 Enter Land Use
	West:	I-3 Industrial
Thoroughfare Plan		
Kentucky Avenue	Primary Arterial	104-foot existing right-of-way and 88-foot proposed right-of-way.
Context Area	Compact	

Floodway / Floodway Fringe	No
Overlay	No
Wellfield Protection Area	No
Site Plan	N/A
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 Marion County Land Use Plan Pattern Book (2019)

Pattern Book / Land Use Plan

- The Marion County Land Use Plan Pattern Book (2019) recommends traditional neighborhood development for the subject site.
- 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.
- Although the Comprehensive Plan does not contemplate industrial uses in this typology, the context of the adjacent industrial properties is conducive for industrial use of the site as well.

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)

- Not Applicable to the Site.



ZONING HISTORY

SUBJECT SITE ZONING HISTORY

99-NC-44; 1170-1180 Kentucky Avenue (subject site), Certificate of Legal Non-Conforming Use for development standards to include side yard and rear yard setbacks of zero feet, **approved**.

99-V1-134; 1170 Kentucky Avenue (subject site), Variance of development standards of the Commercial Zoning Ordinance to legally establish an existing building, and to provide for a 5,700 square foot, two-story addition, having a zero rear yard setback (minimum 10 feet required), **granted**.

93-AP-118; 1170 Kentucky Avenue (subject site), Regional Center Approval to remove all INB identification signs from site and install one (1) 3-foot by 3-foot single-faced wall sign with 18-inch non-illuminated letters on the south elevation; install (1) 24-inch by 24-inch single-faced wall sign at the south elevation entry; and, install two (2) 5-foot by 5-foot single-faced walls, on each, on the east and west elevations, respectively. The two existing directional signs will remain and be refaced with the "NBD Bank" logo, **approved**.

81-V3-136; 1170 Kentucky Avenue (subject site), Variance of Sign Regulations Ordinance, 71-AO-4, as amended, to provide for new standardized signage replacing existing signage, as per filed, **granted**.

76-UV3-54; 1170 Kentucky Avenue (subject site), Variance of use of the Industrial Zoning Ordinance to provide for a bank drive through and canopy, and a parking lot, **granted**.

72-Z-102; 1170 Kentucky Avenue (subject site), Rezoning of 1.45 acres from I-3-U to C-1 to provide for a branch bank and service center, **approved**.

EXHIBITS





MEMORANDUM OF EXAMINER'S DECISION

2024-ZON-012

1170 Kentucky Avenue

The petition requests the rezoning of 1.38 acres from the C-1 district to the I-3 district to provide for industrial uses.

Your Hearing Examiner visited the site prior to the hearing and noted that it is surrounded by industrial uses on the north, south, and west. Heavy commercial uses are across Kentucky Avenue.

The petitioner's representative described the proposed renovation of the site for the headquarters of a local construction company. While the headquarters would be constructed on the subject site, there will be landscaping installed on this site as well as on property southwest of it. The petitioner described their business as being done primarily in the Indy Metro area, with focus on industrial and commercial construction, and most of the equipment is stored on job sites rather than on the property southwest of the subject site. The petitioner and petitioner's representative met with several neighborhood groups and agreed to a number of commitments and prohibited uses.

Representatives of West Indianapolis Neighborhood Congress and West Indianapolis Development Corporation remonstrated. Reasons for opposition included the area is being revitalized with hospitality and entertainment uses, this is a regressive land use, industrial use is inappropriate for this corner pillar of downtown, and they have all of the industrial uses they want and need.

Staff reiterated that the site is surrounded by I-3 on three sides and is an outlier site. Staff pointed out that three of the proposed excluded uses are not allowed by the ordinance.

In your Hearing Examiner's opinion, the requested I-3 district is consistent with surrounding zoning and land uses. The comprehensive approach to landscaping the site in conjunction with the site to the southwest is a plus, and commitments and prohibited uses restrict the site. Approval of this petition was recommended.

For Metropolitan Development Commission Hearing on April 17, 2024

STATEMENT OF COMMITMENTS

COMMITMENTS CONCERNING THE USE OR DEVELOPMENT OF REAL ESTATE MADE IN CONNECTION WITH A REZONING OF PROPERTY OR PLAN APPROVAL

In accordance with I.C. 36-7-4-1015, the owner of the real estate located in Marion County, Indiana, which is described below, makes the following COMMITMENTS concerning the use and development of that parcel of real estate:

Legal Description: 1170 Kentucky Avenue (See Attached Exhibit "A")

Statement of COMMITMENTS:

1. The owner agrees to abide by the Open Occupancy and Equal Employment Opportunity Commitments required by Metropolitan Development Commission Resolution No. 85-R-69, 1985, which commitments are attached hereto and incorporated herein by reference as Attachment "A".
2. No outdoor storage shall be permitted on the subject site.
3. No semi-trailer parking on the subject site shall be permitted.
4. No pylon signs shall be permitted on the site.
5. Landscaping will be provided by 7/1/2025 and maintained on the property.
6. No lighting shall be projected off the site.
7. Truck access to and from the site from 7 am to 6 pm Monday through Friday; 8 am to 5 pm, Saturdays, none on Sundays.
8. No electric fence shall be erected on the site.
9. Company contacts will be provided on the company website.

Petitioner commits to exclude the following I-3 uses from the subject site:

1. Agricultural Machinery and equipment sales, rental & repair or maintenance
2. Agricultural uses, buildings & Structures
3. Processing and packaging of food and beverage
4. Auctioneering and liquidating services
5. Crematorium (Special Exception)
6. Dry cleaning plant or industrial laundry
7. Outdoor advertising off premise sign
8. Automobile & vehicle storage or auction
9. Automobile Fueling Station
10. Automobile, Motorcycle and Light vehicle service and repair
11. Truck or heavy vehicle sales, retail
12. Waste or recycling transfer facility
13. Heavy Outdoor storage
14. Temporary fireworks sales
15. Other vehicle sales or rental
16. Power generating facility (major)
17. Recycling station or transfer

These COMMITMENTS shall be binding on the owner, subsequent owners of the real estate and other persons acquiring an interest therein; provided that Commitment #1 (Open Occupancy and Equal Opportunity Commitments) shall not be binding on an owner, subsequent owners or other person acquiring an interest therein if such persons are exempt persons or are engaged in an exempt activity as defined on Attachment "A" which is attached hereto and incorporated herein by reference. These COMMITMENTS may be modified or terminated by a decision of the Metropolitan Development Commission made at a public hearing after proper notice has been given.



Photo of the subject site looking north along the Kentucky Avenue Street frontage.



Photo of the subject site looking west at the existing building.



Photo of the subject site looking south along the Kentucky Avenue street frontage.



Photo of the existing building looking south from the property to the north.



Photo of the industrial property north of the subject site.

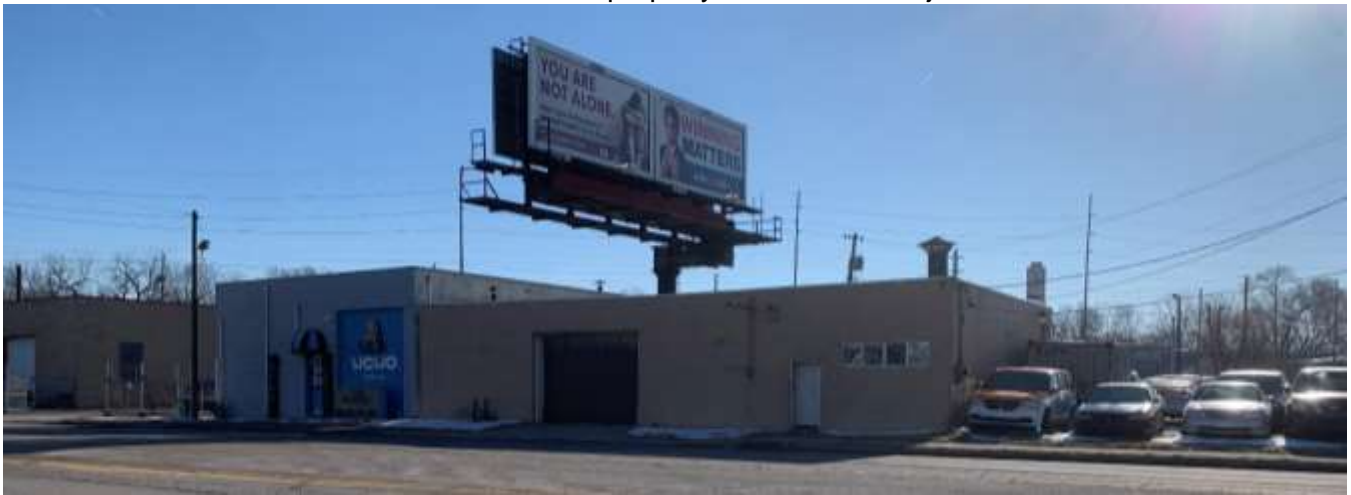


Photo of the commercial businesses east of the site across Kentucky Avenue.



Photo of the undeveloped lot southeast of the site.