

STAFF REPORT

Department of Metropolitan Development Division of Planning Current Planning Section

Case Number: 2023-ZON-096
Address: 4239 Madison Avenue (*Approximate Address*)
Location: Perry Township, Council District #24
Petitioner: Timothy J. Derloshon, by John Cross
Request: Rezoning of 0.17 acre from the D-3 (TOD) district to the C-3 (TOD) district to provide for neighborhood commercial uses.

RECOMMENDATIONS

Staff **recommends approval** of this request, subject to the following commitment 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, check cashing or validation service, outdoor advertising off-premises sign (billboard), bar or tavern, wireless communications facility, fireworks sales, cannabidiol (CBD) sales, adult bookstore, smoke shop, vape shop, tattoo parlor, massage parlor, plasma center, department store over 8,000 square feet, pawn shop, any auto-related use and drive through services.

SUMMARY OF ISSUES

The following issues were considered in formulating the recommendation:

LAND USE

- ◇ This 0.17-acre site, zoned D-3 (TOD), is developed with a one-story commercial building and associated parking lot. It is surrounded by residential uses to the north, across Markwood Avenue, zoned MU-1; commercial uses to the south, zoned C-3; a single-family dwelling to the east, zoned D-3; and single-family dwellings to the west, across Madison, zoned D-3.
- ◇ Petition 72-UV3-131 provided for the construction of a convenience market with reduced setbacks. Petition 86-UV3-89 provided for a business that assembled safety emblems and flags and Petition 98-UV2-82 provided for a commercial printing business.

REZONING

- ◇ This request would rezone the site from the D-3 (TOD) District to the C-3 (TOD) classification to provide for commercial uses.

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- ◇ 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.

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.)

- Outdoor display of merchandise should be limited.
- If adjacent to residential uses or a Living Typology, outdoor display of merchandise is not recommended.
- Should be located along an arterial or collector street.
- If proposed within one-half mile along an adjoining street of an existing or approved residential development, then connecting, continuous pedestrian infrastructure between the proposed site and the residential development (sidewalk, greenway, or off-street path) should be in place or provided.

- ◇ The Pattern Book also provides guidance related to overlays and whether an overlay adds, modifies, or removes the recommended land uses within the base typology. This site lies within the Transit-Oriented Development overlay.

Modified Uses

- Small-Scale Offices, Retailing, and Personal or Professional Services - Development should be supportive of pedestrian activity (e.g., compact, connected to a pedestrian system, no more than one third of the frontage used for parking.)

Overlays

- ◇ This site is also located within an overlay, specifically the Transit Oriented Development (TOD). “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.”

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- ◇ The Transit-Oriented Development (TOD) overlay is intended for areas within walking distance of a transit station. The purpose of this overlay is to promote pedestrian connectivity and a higher density than the surrounding area.
- ◇ This site is located within a ½ mile walk of a transit stop located at the University of Indianapolis (north of Hanna Avenue) along Shelby Street, with a District Center typology.
- ◇ District Center stations are located at the center of regionally significant districts with several blocks of retail or office at their core. Development opportunities include infill and redevelopment, dense residential, employment near transit stations, neighborhood retail and a focus on walkability and placemaking.
- ◇ Characteristics of the District Center typology are:
 - A dense mixed-use hub for multiple neighborhoods with tall buildings
 - Minimum of 3 stories at core with no front or side setbacks
 - Multi-family housing with a minimum of 5 units
 - Structured parking only with active first floor

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.

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- ◇ 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

- ◇ The request would be consistent with the Comprehensive Plan recommendation of community commercial typology.
- ◇ Because of the size / configuration of the site, site access and the fact that this site abuts residential uses to the north, east and west, staff believes there are uses that would not be appropriate and requests that the following uses be prohibited: adult bookstore, CBD head shop, tattoo parlor, massage parlor, plasma center, department store over 8,000 square feet, pawn shop, any auto-related uses, and drive through services.

GENERAL INFORMATION

EXISTING ZONING AND LAND USE

D-3 Commercial uses (vacant)

SURROUNDING ZONING AND LAND USE

North -	MU-1	Single-family dwelling
South -	C-3	Commercial uses
East -	D-3	Single-family dwelling
West -	D-3	Single-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).

The Red Line Transit Oriented Development Strategic Plan (2021).

THOROUGHFARE PLAN

This portion of Madison Avenue is designated in the Marion County Thoroughfare Plan as a secondary arterial, with an existing 110-foot right-of-way and a proposed 88-foot right-of-way.

This portion of East Markwood 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.

CONTEXT AREA

This site is located within the compact context area.

OVERLAY

This site is located within the Transit-Oriented Development overlay

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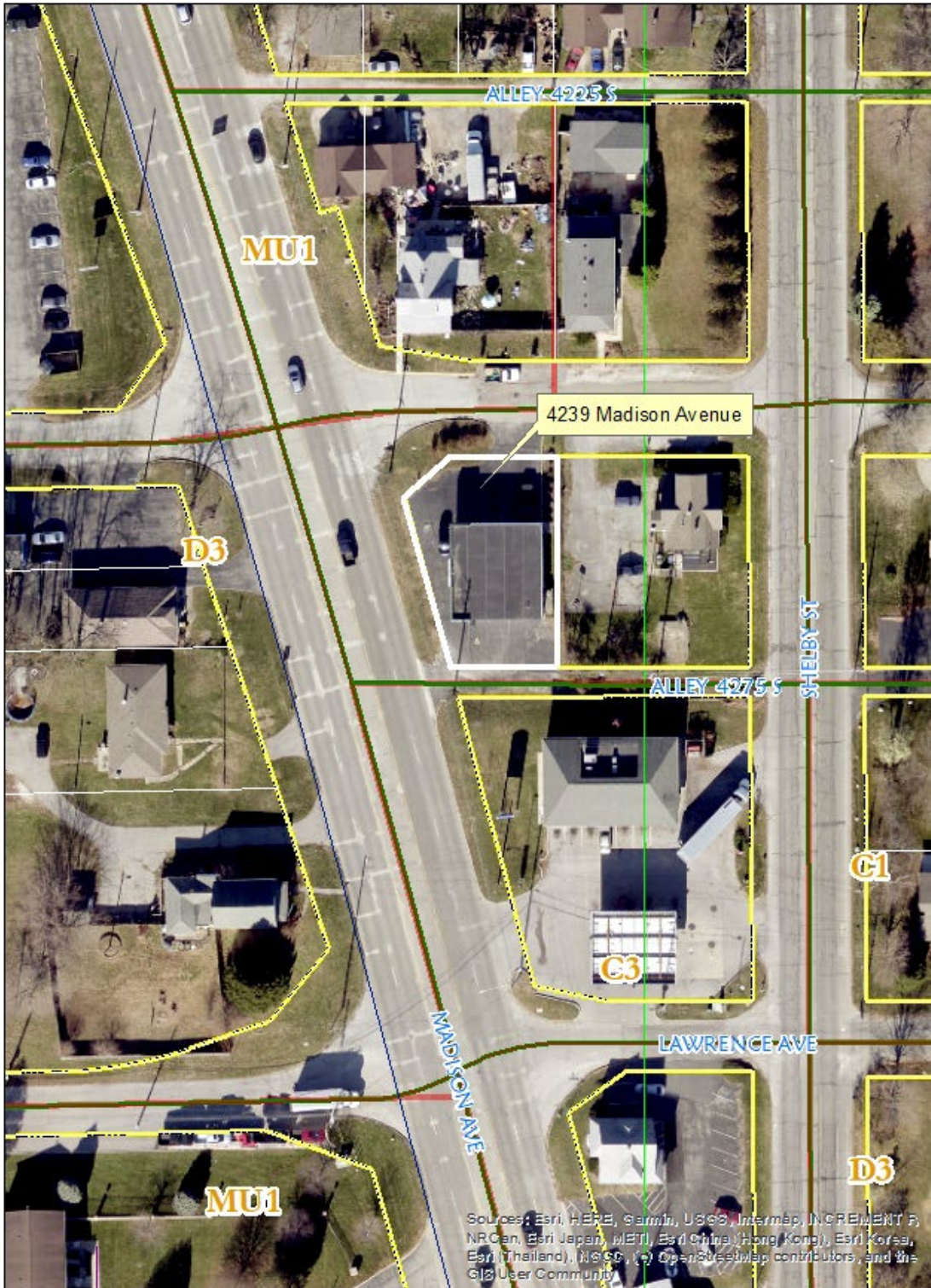
ZONING HISTORY

98-UV2-82; 4239 Madison Avenue, requested a variance of use and development standards of the Dwelling districts Zoning Ordinance to allow for a commercial printed business, with a side yard setback of five feet and a front yard setback of 19 feet from the proposed right-of-way, **granted**.

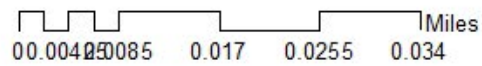
86-UV3-89; 4239 Madison Avenue, requested a variance of use of the Dwelling Districts Zoning Ordinance to provide for use of an existing building for the assembly of safety emblems and flags, **granted**.

72-UV3-131;4239 Madison Avenue, requested a variance of use of the Dwelling Districts Zoning ordinance to provide for the construction of a convenience market with reduced setbacks, **granted**.

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4239 Madison Avenue





View looking south along Madison Avenue



View looking north along Madison Avenue



View looking east along Markwood Avenue



View of looking east along Markwood Avenue



View of site looking east along northern boundary



View of site looking east along southern boundary



View from site looking southeast at adjacent commercial uses



View from site looking southwest across Madison Avenue



View from site looking west across Madison Avenue



View from site looking southeast along eastern boundary and residential uses



View of rear of site looking west across Shelby Street