

STAFF REPORT

Department of Metropolitan Development Division of Planning Current Planning Section

Case Number: 2023-CZN-857 / 2023-CVR-857 / 2023-CPL-857
Address: 436-444 Spruce Street and 1441 Deloss Street (*Approximate Address*)
Location: Center Township, Council District #17
Petitioner: Structure Midwest, LLC, by Russell L. Brown and Elizabeth Bentz Williams
Requests: Rezoning of 0.25 acre from the I-2 (TOD) district to the D-8 (TOD) district.
Variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for a multi-family development with direct vehicular access to Deloss Street (not permitted).
Approval of a Subdivision Plat to be known as Baker Midwest, Minor Plat, combining three platted lots (four tax parcels) into One Lot with a waiver of the Subdivision Regulations to allow for access to Deloss Street (exclusive alley access required).

The Hearing Examiner continued these petitions from the October 12, 2023 hearing, to the October 26, 2023 hearing, at the request of staff.

RECOMMENDATIONS

Staff **recommends approval** of rezoning and variance 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 / receptacles provided for the proper disposal of trash and other waste.
2. Final site and building elevations shall be submitted for Administrator Approval prior to the issuance of an Improvement Location Permit (ILP).

Staff recommends that the Hearing Examiner **approve** and find that the plat, file-dated September 8, 2023, complies with the standards of the Subdivision regulations, subject to the following conditions:

1. Subject to the Standards and Specifications of Citizens Energy Group, Sanitation Section.
2. Subject to the Standards and Specifications of the Department of Public Works, Drainage Section.
3. Subject to the Standards and Specifications of the Department of Public Works, Transportation Section.
4. That addresses and street names, as approved by the Department of Metropolitan Development, be affixed to the final plat prior to recording.

(Continued)

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5. That the Enforcement Covenant (Section 741-701, of the Consolidated Zoning and Subdivision Ordinance) be affixed to the final plat prior to recording
6. That the Site Distance Covenant (Section 741-702, of the Consolidated Zoning and Subdivision Ordinance) be affixed to the final plat prior to recording.
7. That the Sanitary Sewer Covenant (Section 741-704, of the Consolidated Zoning and Subdivision Ordinance) be affixed to the final plat prior to recording.
8. That the Storm Drainage Covenant (Section 741-703, of the Consolidated Zoning and Subdivision Ordinance) be affixed to the final plat prior to recording.
9. That the plat restrictions and covenants, done in accordance with the rezoning commitments, be submitted prior to recording the final plat.
10. That all the standards related to secondary plat approval listed in Sections 741-207 and 741-208 of the Consolidated Zoning and Subdivision Ordinance be met prior to recording the final plat.
11. That a waiver of the Subdivision Regulations be granted to allow for access to Deloss Street.

SUMMARY OF ISSUES

The following issues were considered in formulating the recommendation:

LAND USE

- ◇ This 0.25-acre site, zoned I-2 (TOD), is comprised of four vacant parcels. It is surrounded by multi-family residential to the north, across Deloss Street, zoned D-8 (TOD); a religious use to the south, zoned, D-5 (TOD); a single-family dwelling to the east, across Spruce Street, zoned I-2 (TOD); and a single-family dwelling to the west, zoned I-2 (TOD).

REZONING

- ◇ This request would rezone the site from the I-2 (TOD) District to the D-8 (TOD) classification. "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 Comprehensive Plan recommends traditional neighborhood typology. "The Traditional Neighborhood typology includes a full spectrum of housing types, ranging from single family homes to large-scale multifamily housing. The development pattern of this typology should be compact and well-connected, with access to individual parcels by an alley when practical. Building form should promote the social connectivity of the neighborhood, with clearly defined public, semi-public, and private spaces. Infill development should continue the existing visual pattern, rhythm, or orientation of surrounding buildings when possible. A wide range of neighborhood-serving businesses, institutions, and amenities should be present. Ideally, most daily needs are within walking distance. This typology usually has a residential density of 5 to 15 dwelling units per acre, but a higher density is recommended if the development is within a quarter mile of a frequent transit line, greenway, or park."

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- ◇ 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.

Conditions for All Housing

- A mix of housing types is encouraged.
- Should be within a one-mile distance (using streets, sidewalks, and/or off-street paths) of a school, playground, library, public greenway, or similar publicly accessible recreational or cultural amenity that is available at no cost to the user.
- Primary structures should be no more than one and a half times the height of other adjacent primary structures.
- Should be oriented towards the street with a pedestrian connection from the front door(s) to the sidewalk. Driveways/parking areas do not qualify as a pedestrian connection.

Attached Housing

- Duplexes should be located on corner lots, with entrances located on different sides of the lot.
- It is preferred that townhomes should be organized around intersections of neighborhood collector streets, greenways, parks or public squares, or neighborhood-serving retail.
- If the above conditions are not met, individual buildings of attached housing (not part of a complex) may be interspersed with single-family homes, but should not make up more than 25% of the primary residential structures on a block

- ◇ 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.

- Modifications for attached Housing - A residential density of 15+ units per acre is recommended

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 proposed transit stop located at the intersection of Southeastern Avenue and U.S. 40 (Washington Street), with a Central Business District typology.
- ◇ Central Business District Center stations are located in the Regional Center with the region's highest density and largest concentration of employment. Development opportunities include dense infill and redevelopment, office, mixed-use, cultural and civic institutions and a focus on enhanced placemaking and livability.
- ◇ Characteristics of the central business district center typology are:
 - The most dense core of the city with high-rise buildings + active public spaces
 - Mix of office, entertainment, civic, retail, active public space and residential is desired
 - Off-street parking should be avoided

Infill Housing Guidelines

- ◇ The Infill Housing Guidelines were updated and approved in May 2021, with a stated goal “to help preserve neighborhood pattern and character by providing guiding principles for new construction to coexist within the context of adjacent homes, blocks, and existing neighborhoods. These guidelines provide insight into basic design concepts that shape neighborhoods, including reasons why design elements are important, recommendations for best practices, and references to plans and ordinance regulations that reinforce the importance of these concepts.”
- ◇ These guidelines apply to infill development in residential areas within the Compact Context Area and include the following features:

Site Configuration

- Front Setbacks
- Building Orientation
- Building Spacing
- Open Space
- Trees, Landscaping, and the Outdoors

Aesthetic Considerations

- Building Massing
- Building Height
- Building Elevations and Architectural Elements

Additional Topics

- Secondary Dwelling Units, Garages, and Accessory Structures
- Adapting to the Future

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- ◇ “As established neighborhoods experience new development, infill residential construction will provide housing options for new and existing residents. Increased population contributes positively to the local tax base, economic development, lively neighborhoods, and an interesting city. As infill construction occurs, it is important to guide development in a way that complements current neighborhoods. Each home in a neighborhood not only contributes to the existing context of adjoining houses and the block, but to the sense of place of the entire neighborhood.”
- ◇ Because the document submitted depicting the elevations is unreadable, staff would request that elevations be submitted for Administrator Approval prior to the issuance of an Improvement Location Permit (ILP) to confirm that the proposed dwellings would be architecturally compatible and harmonious with the surrounding land uses and neighborhood character and the Infill Housing Guidelines.

VARIANCE OF DEVELOPMENT STANDARDS.

- ◇ The variance would provide for a multi-family development with direct vehicular access to Deloss Street. If an abutting improved alley exists, the Ordinance requires that site access be via the alley.
- ◇ As proposed, the abutting east / west alley would be used for one-way ingress to the site, with egress along Deloss Street. Given the multi-unit structure and the need for parking, staff believes the access along Deloss Street would have minimal impact on surrounding land uses.
- ◇ Furthermore, this development would increase density, support the TOD goals and aspirations, as well as support redevelopment occurring in this area.

PLAT

- ◇ As proposed, the plat would reduce the four parcels (0.25 acre) down to one approximately 90 feet by 120 feet lot. The proposed lot would be consistent with the requirements of the D-8 zoning classification.
- ◇ The plat would not provide for any new streets. The proposed structure would front on Spruce Street. Vehicular access to the lots would be from the first east-west alley south of Deloss Street.

Site Plan

- ◇ The site plan, file-dated September 8, 2023, depicts a nine-unit structure at the southwest corner of the intersection of Spruce Street and Deloss Street with eight parking spaces and drive isle to the west of the building.
- ◇ One-way access would be gained from the east / west alley to the south, with gated egress to the north onto Deloss Street.

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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.

Planning Analysis

- ◇ The request would be consistent with the Comprehensive Plan recommendation of traditional neighborhood typology and compatible with residential redevelopment occurring in the immediate area. Consequently, staff recommends approval of the rezoning request.
- ◇ Staff would note that historical maps indicate that the site was initially developed with single-family dwellings, one of which was demolished between 2009 and 2010 and a second single-family family dwelling was demolished between 2018 and 2019. The site has remained undeveloped since then.
- ◇ As development on this site occurs, recommendations of the Pattern Book should be considered, as well as compliance with the Ordinance to mitigate negative impacts on surrounding residential development.

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GENERAL INFORMATION

EXISTING ZONING AND LAND USE

I-2 (TOD) Undeveloped land

SURROUNDING ZONING AND LAND USE

North -	D-8 (TOD)	Multi-family dwellings
South -	D-5 (TOD)	Religious use
East -	I-2 (TOD)	Single-family dwelling
West -	I-2 (TOD)	Single-family dwelling

COMPREHENSIVE PLAN

The Comprehensive Land Use Plan for Indianapolis and Marion County (2018) recommends traditional neighborhood typology.

The Blue Line Transit Oriented Development Strategic Plan (2018)

Marion County Land Use Pattern Book (2019).

Infill Housing Guidelines (2021)

THOROUGHFARE PLAN

This portion of Spruce Street 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 Deloss Street 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 an overlay.

SITE PLAN

File-dated September 8, 2023

ELEVATIONS

File-dated September 8, 2023

PLAT

File-dated September 8, 2023

FINDINGS OF FACT

File-dated September 8, 2023

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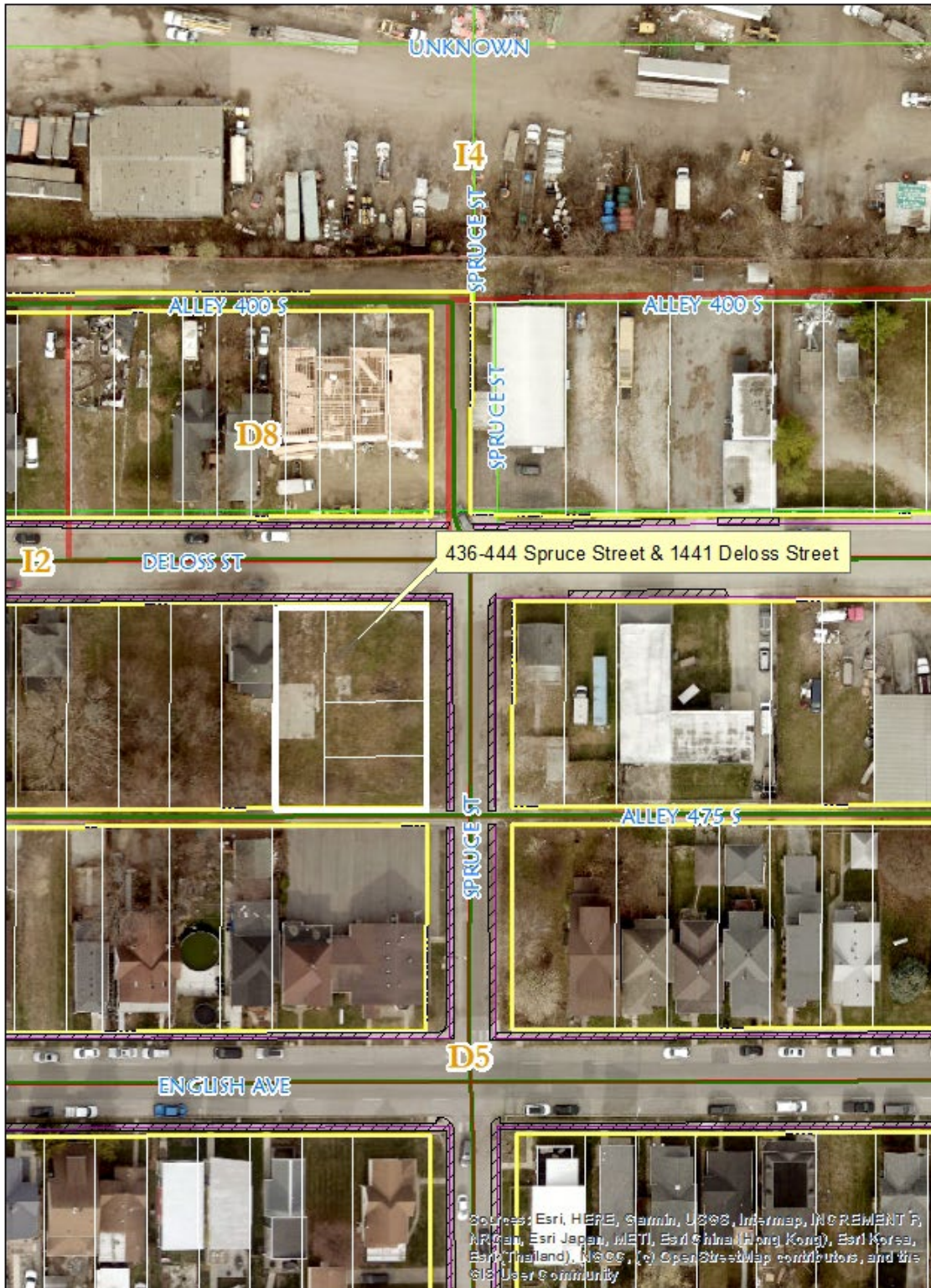
ZONING HISTORY

2023-ZON-005; 1405 Deloss Street, requested rezoning of 0.08 acre from the I-2 district to the D-8 district to provide for a single-family dwelling, **approved**.

2018-ZON-044; 1426, 1430, 1438 and 1446 Deloss Street (west of site), requested a rezoning of 0.52 acre from the I-2 District, to the D-8 classification, **approved**.

2018-CZN-836 / 2018-CVR-836 / 2018-CPL-836; 1409, 1426, 1430, 1434, 1438 and 1446 Deloss Street (west of site), requested rezoning of 0.25 acre from the I-2 district to the D-8 district; a variance of development standards to provide for two townhomes buildings separated by three feet and with three-foot side setbacks; and approval of a Subdivision Plat to be known as Lambda Chi Alpha Townhomes, dividing 0.58 acre into ten single-family attached lots **approved and granted**.

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436-444 Spruce Street and 1441 Deloss Street



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1915 Sanborn Map

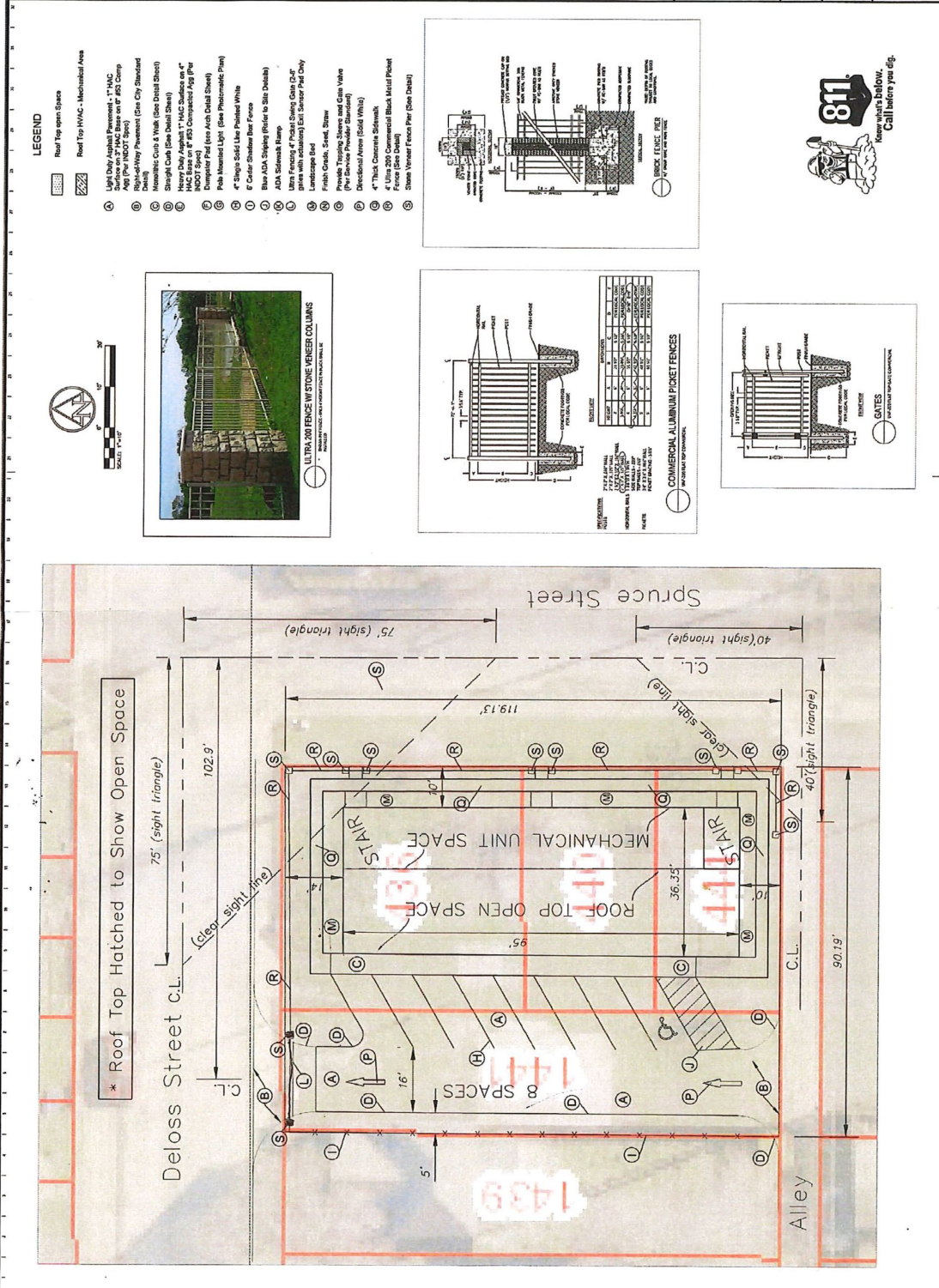


436-444 Spruce Street & 1441 Deloss Street



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Sources: Esri, HERE, Garmin, USGS, Intermap, INCREMENT P, NRCan, Esri Japan, METI, Esri China (Hong Kong), Esri Korea, Esri (Thailand), NGCC, (c) OpenStreetMap contributors, and the GIS User Community



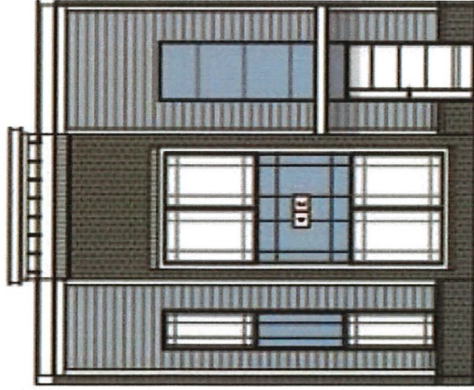
FINISH LEGEND

MATERIAL

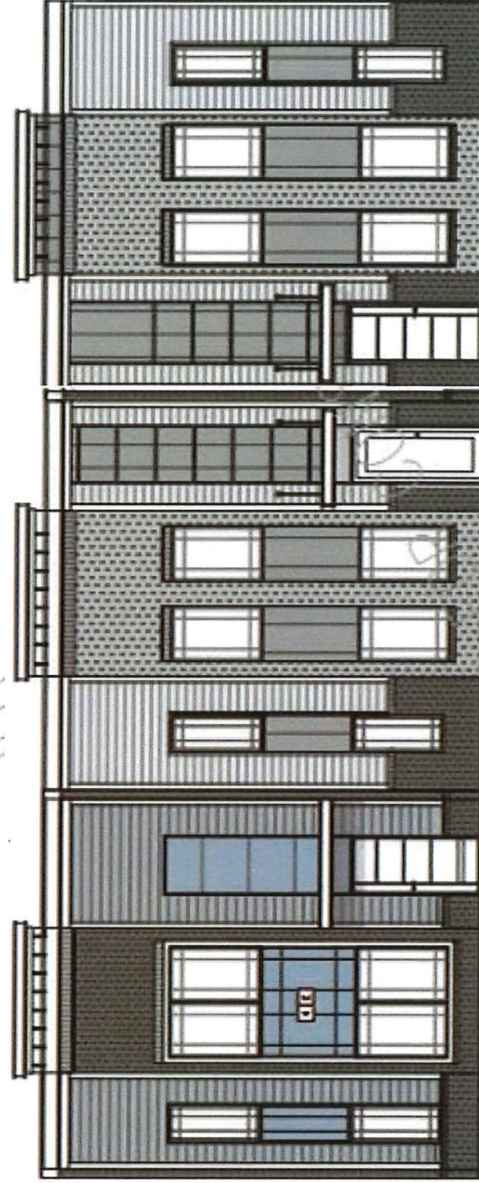
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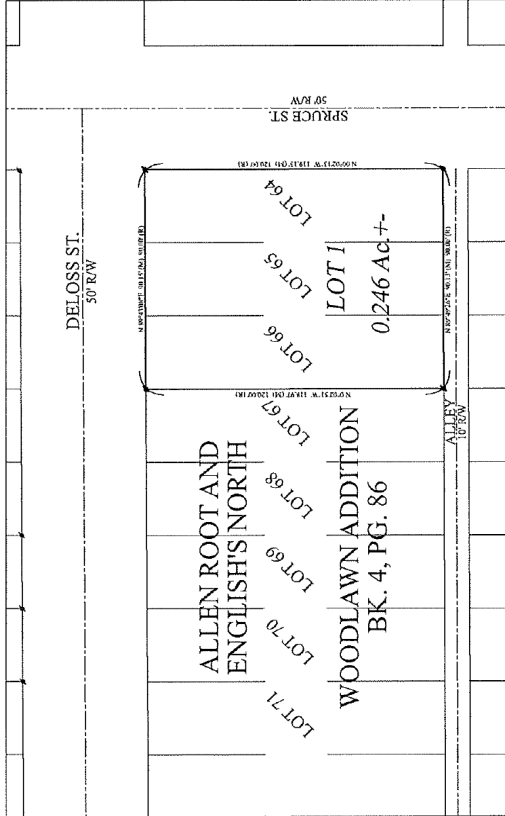
Side Elevation



Front Elevation

INSTRUCTION

FINAL PLAT
BAKER MIDWEST, MINOR PLAT
Lots 64, 65, and 66 in Allen Root & English's North Woodlawn Addition
recorder in Plat Book 4, Page 86 in the Office of the Recorder of Marion County, Indiana



Scale 1"=25' Plat
NORTH

BONDSY LEGAL DESCRIPTION
OF BAKER MIDWEST PLAT

L.S. Deane, Surveyor, of the County of Marion, State of Indiana, do hereby certify that the within and foregoing plat, containing the description of the Baker Midwest Plat, is a true and correct copy of the original plat as the same appears in the records of the Office of the Recorder of Marion County, Indiana.

This plat contains a total of 10 lots, of which 10 are shown on the within plat. The size of the lot and area of the tracts are given at the bottom of each lot and are subject to change.

Certified this 7th day of September, 2023

L.S. Deane
Surveyor
Marion County, Indiana



RETRACT STATEMENT

L.S. Deane, Surveyor, of the County of Marion, State of Indiana, do hereby certify that the within and foregoing plat, containing the description of the Baker Midwest Plat, is a true and correct copy of the original plat as the same appears in the records of the Office of the Recorder of Marion County, Indiana.

NOTARY'S VERIFICATION

BEFORE ME, the undersigned, a Notary Public in and for the State of Indiana, on this 7th day of September, 2023, personally appeared L.S. Deane, Surveyor of Marion County, Indiana, who acknowledged to me that he was the author of the within and foregoing plat, and that he was duly qualified to execute the same.

Witness my hand and seal this 7th day of September, 2023

County of Marion, Indiana

Notary Public Signature

Notary Public Printed Name

My Commission Expires

OWNERS CERTIFICATION

I, the undersigned, do hereby certify that the within and foregoing plat, containing the description of the Baker Midwest Plat, is a true and correct copy of the original plat as the same appears in the records of the Office of the Recorder of Marion County, Indiana.

Witness my hand and seal this 7th day of September, 2023

County of Marion, Indiana

Notary Public Signature

Notary Public Printed Name

My Commission Expires

SPRUCES MIDWEST
INDIANAPOLIS, INDIANA

Baker Surveying Services, LLC
1605 Shady Road
Plainfield, Indiana 46168
Phone: 530-391-9523

1 of 1
SHEET

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

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

The proposed access will be exit only and will be gated. The curb cut is exiting access only for 9 vehicles at this location.
The public health, safety, morals and general welfare have been considered in the design of the proposed vehicle exit to the public right of way. The pedestrian and vehicular traffic safety will not be compromised.

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 adjacent property will not be negatively impacted, because the proposed gated, exit only access point is reducing the traffic previously experienced and permitted under the current zoning from 2 full access points to a busy commercial enterprise.

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

The petitioner is endeavoring to redevelop the site in accordance with the Comprehensive Plan. In order to provide parking and to have a successful project parking must be provided and this can only be accomplished by providing a one way exit only to Deloss Street. Redevelopment an investment is difficult and the petitioner is trying to accomplish a positive improvement to the neighborhood while providing a safe, attractive addition for housing. This project is not possible without the requested access to Deloss Street.

DECISION

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

Adopted this _____ day of _____, 20 ____



View looking north along Spruce Street



View looking south along Spruce Street at intersection with Deloss Street



View looking east along Deloss Street



View looking west along Deloss Street



View east / west alley along the southern site boundary



View of site looking south across Deloss Street



View of site looking south across Deloss Street



View of site looking southeast across Deloss Street



View of site looking west across Spruce Street



View of site looking west across Spruce Street



View of site from alley looking north



View of site from alley looking north



View of site from alley looking north