



**METROPOLITAN DEVELOPMENT COMMISSION
HEARING EXAMINER**

December 19, 2024

Case Number: 2024-MOD-020
Property Address: 431 South Shortridge Road
Location: Warren Township, Council District #20
Petitioner: Bhullar Deol Properties, Inc., by Justin Kingen and David Kingen
Current Zoning: C-S
Request: Modification of commitments related to 2022-CZN-868 to modify Commitment #13 to allow the property to seek a catering hall liquor license for private events (current commitment does not allow for a liquor license to be issued on the site).
Current Land Use: Event Center
Staff Recommendations: No recommendation.
Staff Reviewer: Kathleen Blackham, Senior Planner

PETITION HISTORY

The Hearing Examiner continued this petition from the November 21, 2024 hearing, to the December 19, 2024 hearing, at the request of the petitioner's representative. No new information has been submitted to the file.

STAFF RECOMMENDATION

No recommendation. If the request is 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:

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.

PETITION OVERVIEW

This 0.68-acre site, zoned C-S is developed with an event center. It is surrounded by commercial uses to the north, zoned C-7; undeveloped land to the south, zoned D-A; railroad right-of-way to the east, zoned C-S; and commercial uses to the west, across South Shortridge Road, zoned C-1.

Petition 2022-CZN-868 rezoned the site to provide for an event center.

MODIFICATION

The request would modify commitments related to 2022-CZN-868 to modify Commitment #13 to allow the property to seek a catering hall liquor license for private events when the agreed upon commitments prohibited a liquor license for the site, except of a specific event. See Exhibit A.

The commitment eliminating the issuance of a liquor license for the site was originally the result of negotiation between the petitioner and remonstrators during the 2022 rezoning process. Because staff played no role in the negotiation of these subject commitments, staff would ordinarily provide no recommendation under such circumstances. Staff would note, however, that the neighborhood organization(s) negotiated in good faith with the petitioner during the petition process, and their agreement was contingent upon all commitments being included with the rezoning petition.

Staff, however, believes the issuance of a catering hall liquor license would not be appropriate due to the abutting protected district (D-A) to the south and the Comprehensive Plan recommendation of office commercial for surrounding properties to the north, south, east and west.

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.

GENERAL INFORMATION

Existing Zoning	C-S	
Existing Land Use	Event Center	
Comprehensive Plan	Office Commercial	
Surrounding Context	Zoning	Land Use
	North: C-7	Truck parking
	South: D-A	Undeveloped land
	East: C-S	Railroad right-of-way
	West: C-1	Commercial uses
Thoroughfare Plan		
South Shortridge Road	Local Street	Existing 126-foot right-of-way and proposed 60-foot right-of-way.
Context Area	Metro	
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 Comprehensive Plan recommends Office Commercial and Suburban Neighborhood typology. “The Office Commercial typology provides for single and multi-tenant office buildings. It is often a buffer between higher intensity land uses and lower intensity land uses. Office commercial development can range from a small freestanding office to a major employment center. This typology is intended to facilitate establishments such as medical and dental facilities, education services, insurance, real estate, financial institutions, design firms, legal services, and hair and body care salons.”

Pattern Book / Land Use Plan

The Comprehensive Plan consists of two components that include The Marion County Land Use Pattern Book (2019) and the land use map. The Pattern Book provides a land use classification system that guides the orderly development of the county and protects the character of neighborhoods while also being flexible and adaptable to allow neighborhoods to grow and change over time.

The Pattern Book serves as a policy guide as development occurs. Below are the relevant policies related to this request:

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- *Conditions for All Land Use Types –Office Commercial Typology*
 - 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.
 - Master-planned developments more than 2 acres should include pedestrian amenities for passive and active recreation internal to the development.

The Pattern Book recommends the following uses for the office commercial typology: large-scale offices, small-scale offices, retailing, and personal or professional services, small-scale schools, places of worship, neighborhood-serving institutions/infrastructure, and other places of assembly and small-scale parks.

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)

- The Marion County Thoroughfare Plan (2019) “is a long-range plan that identifies the locations classifications and different infrastructure elements of roadways within a defined area.”
- The following listed items describe the purpose, policies and tools:
 - Classify roadways based on their location, purpose in the overall network and what land use they serve.
 - Provide design guidelines for accommodating all modes (automobile, transit, pedestrians, bicycles) within the roadway.
 - Set requirements for preserving the right-of-way (ROW)
 - Identify roadways for planned expansions or new terrain roadways
 - Coordinate modal plans into a single linear network through its GIS database

ZONING HISTORY

2024-CZN-868 (amended) / 2022-CVR-868 (withdrawn); 431 South Shortridge Road, requested rezoning of 2,674 acres from the D-A district to the C-S district to provide for an event center and C-1 uses, with exceptions, **approved**.

86-UV1-4; 431 South Shortridge Road, requested a variance of use to permit an additional to an existing union hall, **approved**.

VICINITY

2018-ZON-068; 405, 409 & 411 South Shortridge Road (north of site), requested the rezoning of 8.8 acres from the D-11 and C-7 districts to the C-S district to provide for C-1 and I-1 uses, warehousing, commercial and building contractor, truck and trailer parking, heavy truck, heavy equipment and vehicle sales repair and service, **approved**.

2007-ZON-071; 415 South Shortridge Road (north of site), requested the rezoning of 2.7 acres from the C-1 district to the C-ID district, **approved**.

98-Z-100; 411 South Shortridge Road (north of site), requested the rezoning of 2.9 acres from the D-A district to the C-ID district, **approved**.

89-Z-144 / 89-CV-21; 405 South Shortridge Road (north of site), requested the rezoning of 5.5 acres from the A-2 district to the D-11 district and a variance of development standards to provide for deficient perimeter yards and deficient distance between buildings, **approved**.

86-UV1-1; 411 South Shortridge Road (north of site), requested a variance of use to provide for a storage and maintenance building for an electric company and the operation of a automobile and small engine repair facility, **approved**.

86-Z-78; 415 South Shortridge Road (north of site), requested the rezoning of four acres from the A-1 district to the C-1 district, **approved**.

85-Z-157; 7302 English Avenue (south of site), requested the rezoning of 1.1 acre from the D-2 district to the C-1 district, **approved**.

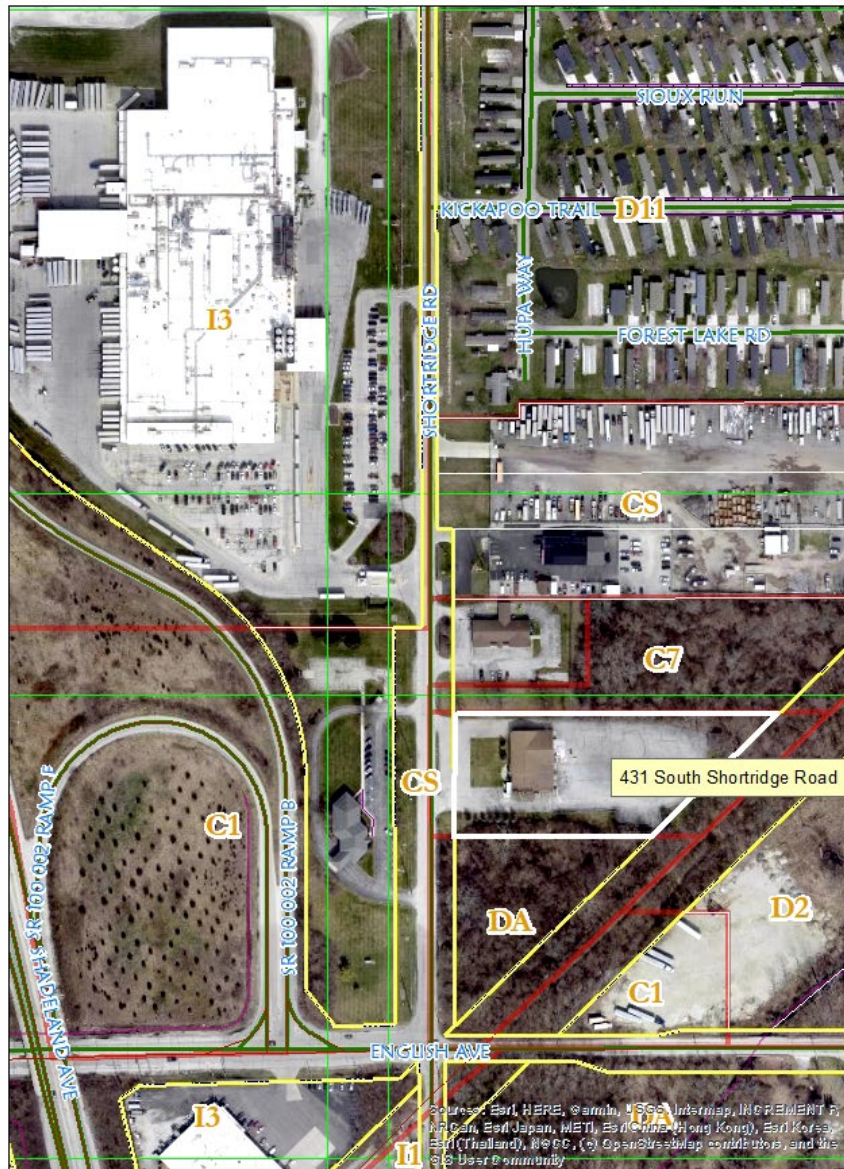


Department of Metropolitan Development
Division of Planning
Current Planning

84-UV1-4; 411 South Shortridge Road (north of site), requested a variance of use to provide for retail and repair of commercial search lights, electrical contractor, fabrication, maintenance and sales of radio towers, auto repair and outdoor storage, **approved**.

83-UV2-119; 405 South Shortridge Road (north of site), requested a variance of use to provide for automobile service and storage in an A-2 district, **denied**

EXHIBITS



431 South Shortridge Road
 0 0.0125025 0.05 0.075 0.1 Miles

EXHIBIT A

A202300046117

06/07/2023 09:06 AM

**FAITH KIMBROUGH
MARION COUNTY IN RECORDER**

FEE: \$ 35.00

PAGES: 7

By: JS

KLH

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: 431 South Shortridge Road (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 sleeping shall be permitted between on the site.
3. No billboards or off-site advertising signs shall be permitted on the property.
4. No new Electronic Variable Message Signs (EVMS) or new pole signs shall be erected on the subject property.
5. All parking lot area shall be maintained and kept litter and weed free.
6. All parking areas shall be striped and marked for appropriate parking and access
7. All persons, visitors and attending events or coming to any office at the 431 South Shortridge Road site shall park on the private property of 431 South Shortridge Road and shall not park along the frontage of this site or any other site along South Shortridge Road in the public right of way or in the grass along the frontage of South Shortridge Road.
8. Trash containers shall be enclosed on three sides and have gates.
9. The existing tree line along the east and south properties lines of the site shall be preserved and maintained except for trimming of the existing trees and vegetation to continue to provide screening and buffering.
10. Only one ground sign (non-illuminated) or one pylon (non-illuminated) shall be permitted on the site.
11. All the additional landscaping with year around evergreens shall be installed prior to the use of the site.

MDC's Exhibit B -- page 1 of 6



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- a. All front yard landscaping of trees and shrubbery shall meet the minimum standards of the landscape requirements of Indy Rezone including the species of plant materials.
12. No lighting shall be projected off the site.
13. No liquor license shall be sought or issued for use on this site.
 - a. Catering liquor for a specific event would be permitted.
14. Hours of operation shall be 7 am to 11 pm, Mondays thru Thursdays and 7 am to 12 midnight Fridays and Saturdays.
15. No truck and trailer parking shall be allowed on this site.

Petitioner commits to exclude the following C-1 uses from the subject site:

1. Substation and utility Distribution
2. Wireless Communications facility
3. Transit Center
4. Fleet Services
5. Indoor recreation and entertainment, as a secondary use
6. Retail
7. Parking garage and/or parking lot commercial
8. Drive through, including sales of food or merchandise
9. Outdoor seating or patio
10. Outdoor events
11. Recycling collection point
12. Sidewalk Café
13. Swimming pool or hot tub

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.

COMMITMENTS contained in this instrument shall be effective upon:

- (a) the adoption of rezoning petition #2022-CZN-868 by the City-County Council changing the zoning classification of the real estate from a D-A zoning classification to a C-S zoning classification; or
- (b) the adoption of approval petition #__ by the Metropolitan Development Commission;

and shall continue in effect for as long as the above-described parcel of real estate remains zoned to the C-S zoning classification or until such other time as may be specified herein.

These COMMITMENTS may be enforced jointly or severally by:

1. The Metropolitan Development Commission;
2. Owners of all parcels of ground adjoining the real estate to a depth of two (2) ownerships, but not exceeding six-hundred-sixty (660) feet from the perimeter of the real estate, and all owners of real estate within the area included in the petition who were not petitioners for the rezoning or approval. Owners of real estate entirely located outside Marion County are not included, however. The identity of owners shall be determined from the records in the offices of the various Township Assessors of Marion County which list the current owners of record. (This paragraph defines the category of persons entitled to receive personal notice of the rezoning or approval under the rules in force at the time the commitment was made);
3. Any person who is aggrieved by a violation of either of the Commitments contained in Commitment #1 (Open Occupancy and Equal Employment Opportunity Commitments);

The undersigned hereby authorizes the Division of Planning of the Department of Metropolitan Development to record this Commitment in the office of the Recorder of Marion County, Indiana, upon final approval of petition #2022-CZN-868.

IN WITNESS WHEREOF, owner has executed this instrument this 25th day of April, 2023.

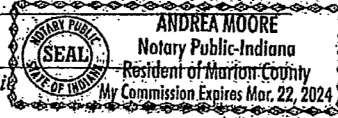
Signature: <u>[Signature]</u>	Signature: _____
Printed: <u>HARSHINDER SINGH</u>	Printed: _____
Title/ <u>President</u>	Title / _____
Organization	Organization
Name: <u>BHULLAR DEOL PROPERTIES INC</u>	Name: _____

STATE OF INDIANA)
) SS:
COUNTY OF MARION)

Before me, a Notary Public in and for said County and State, personally appeared HARSHINDER SINGH, PRESIDENT, BHULLAR DEOL PROPERTIES, INC. (Name of owner(s) AND title/ organization name) of the real estate who acknowledged the execution of the foregoing instrument and who, having been duly sworn, stated that any representations therein contained are true.

Witness my hand and Notarial Seal this 25th day of April, 2023

[Signature]
Notary Public



Printed Name of Notary Public: _____
My Commission expires: _____
My County of residence: _____

I affirm under the penalties for perjury, that I have taken reasonable care to redact each social security number in this document unless required by law - Emily Duncan

This instrument was prepared by, Emily Duncan.



View looking south along South Shortridge Road



View looking north along South Shortridge Road



View of site looking east across South Shortridge Road



View of site looking east across South Shortridge Road



View of site looking east



View of site looking southeast



View from site looking north



View from site looking southwest across South Shortridge Road