

BOARD OF ZONING APPEALS DIVISION II

June 9, 2026

Case Number: 2026-UV2-007

Property Address: 1375 West 16th Street (approximate address)

Location: Center Township, Council District #12

Petitioner: Pine Street Properties LLC, by Justin Kingen

Current Zoning: I-2 (RC) (W-1)

Request: Variance of use and development standards of the Consolidated Zoning and Subdivision Ordinance to provide for the following primary uses: Community Centers (not permitted); Offices, Art Galleries, Medical or Dental Offices, Artisan Food and Beverage, Indoor Recreation (permitted only when vacant for 5 or more years); and Eating Establishments or Food Preparation, Hair and Body Care Services (permitted only as accessory use), and to legally establish parking and maneuvering areas within the right-of-way of Harding Street (not permitted).

Current Land Use: Commercial/Industrial

Staff Recommendations: Staff recommends **approval** of the request, subject to commitments.

Staff Reviewer: Michael Weigel, Principal Planner I

PETITION HISTORY

The petition was continued from the May 19th hearing date to allow for both (a) the mailing and posting of legal notice and (b) for discussion of commitments with Staff.

STAFF RECOMMENDATION

Staff recommends **approval** of the request, subject to the following commitments:

1. Indoor Recreation and Entertainment shall be limited to fitness / studio-type uses only.
2. No outdoor storage for contractor uses shall be permitted.
3. No accessory drive-thrus shall be permitted.
4. No expansion of parking or maneuvering areas within the Harding Street right-of-way shall be permitted.
5. There shall be a maximum of six (6) tenants / uses at any given time.

PETITION OVERVIEW

1375 West 16th Street is a 1.80-acre industrially zoned parcel at the southeastern corner of 16th and Harding Street. The majority of the site is developed with 29,358 square foot building with accessory parking areas on each side of the structure. Current uses within the building include a lighting contractor, offices for an engineering firm and for a youth-oriented non-profit, and warehousing space for a company

that delivers small-scale consumer goods directly to individuals. Surrounding land uses include apartments to the west, a park with athletic fields to the northwest, an electrical supply store to the north, an art gallery to the south, and a research building associated with a major university to the east. The property is also located near the 16 Tech Innovation District business center, to the southeast.

Approval of this variance would allow for eight (8) use categories to legally operate at this property that wouldn't currently be allowed within the I-2 zoning district, or that would only be allowed under specific circumstances. The petitioner indicated that this would *not* mean that each of the below uses would concurrently operate the building; instead, it would offer future flexibility for potential tenants that might fall into these categories. Those contemplated uses are as follows:

- Community Centers (not permitted within I-2)
- Offices: Business, Professional, or Government (permitted only in buildings vacant for 5+ years)
- Art Galleries (permitted only in buildings vacant for 5+ years)
- Medical or Dental Offices (permitted only in buildings vacant for 5+ years)
- Artisan Food and Beverage production (permitted only in buildings vacant for 5+ years)
- Indoor Recreation and Entertainment (permitted only in buildings vacant for 5+ years)
- Eating Establishments or Food Preparation (permitted only as an accessory use)
- Hair and Body Care Services (permitted only as an accessory use)

A Variance of Development Standards was also requested related to an existing parking area on the western side of the building that has been established since at least 1962 per aerial photography. The parking stalls appear to encroach a few feet into the right-of-way of Harding Street, and maneuvering areas for cars parking in those spaces would be fully within the ROW. Approval of this variance would legally establish those parking spaces.

The petition request initially included a request for Printing Services uses (disallowed within Wellhead Protection Areas), but this portion of the request was withdrawn by the petitioner. Additionally, the petitioner indicated that no expansions or major external changes were planned for the building or for parking areas. Grant of this petition would not exempt any future changes from compliance with applicable Ordinance standards at the time of permitting, from Regional Center design review, or from the potential need for an Encroachment License from the Department of Business and Neighborhood Services related to the parking area.

This property is zoned I-2 (Light Industrial District) to allow for industries that present minimal risk and typically do not create objectionable characteristics (such as dirt, noise, glare, heat, odor, etc.) that extend beyond the lot lines. Outdoor operations and storage are completely screened if adjacent to protected districts and are limited throughout the district to a percentage of the total operation. The site is also within two (2) secondary zoning overlays: the first is the Regional Center for properties within the downtown area requiring design review, and the second is a Wellfield Protection District given proximity to a municipal water wellfield. The Comprehensive Plan recommends the property to the Institution-Oriented Mixed Use typology to allow for a variety of pedestrian-friendly land uses near a larger institutional use (see Comprehensive Plan Analysis below).



Findings of Fact provided by the applicant in support of the requested Variance of Use allude to the changing context of the area surrounding this site, and that no single zone would allow for the specific mix of uses contemplated while also allowing for continued legal operation of the lighting contractor that currently occupies the majority of the building. Staff would note that each of the requested uses would be harmonious with the Comprehensive Plan recommendation of Institution-Oriented Mixed Use development, and that only one (1) of the eight (8) requested uses is fully disallowed within the I-2 district: the other seven (7) are contemplated in some capacity for the site (either as accessory uses or in vacant buildings to allow for adaptive reuse).

Staff also requested four (4) commitments related to current and future uses of the building to ensure continued harmony with the Plan recommendation and with current parking layout and availability. The petitioner agreed to limit the overall number of tenants within the building to six (6), to limit the indoor recreation uses solely to fitness/gymnasium uses, and to disallow accessory outdoor storage and drive-through uses. For these reasons, staff recommends **approval** of the requested Use Variance.

With regards to the requested variance related to the placement of parking and maneuvering areas within the ROW of Harding Street, staff would note that the parking stalls appear to have existed in some form for (at least) 64 years, and that the current parking stall would only encroach around 6 feet past the established property line. Additionally, there is a separation of around 15 feet between the parking stalls and the pavement edge of Harding Street, which would allow adequate space for maneuvering without utilizing the street itself. For these reasons, and because the petitioner agreed to an additional fifth commitment disallowing any expansion of the parking or maneuvering areas in right-of-way, staff recommends **approval** of the requested Variance of Development Standards.

GENERAL INFORMATION

Existing Zoning	I-2 (RC) (W-1)	
Existing Land Use	Commercial/Industrial	
Comprehensive Plan	Institution-Oriented Mixed Use	
Surrounding Context	Zoning	Surrounding Context
	North: C-7	North: Commercial
	South: I-2	South: Residential
	East: I-2	East: Institutional
	West: CBD-S	West: Multifamily Residential
Thoroughfare Plan		
16 th Street	Primary Arterial	91-foot existing right-of-way and 88-foot proposed right-of-way
Harding Street	Local Street	80-foot existing right-of-way and 48-foot proposed right-of-way
Context Area	Compact	
Floodway / Floodway Fringe	No	
Overlay	No	
Wellfield Protection Area	Yes	

Site Plan	04/07/2026
Site Plan (Amended)	N/A
Elevations	N/A
Elevations (Amended)	N/A
Landscape Plan	N/A
Findings of Fact	04/30/2026
Findings of Fact (Amended)	N/A

COMPREHENSIVE PLAN ANALYSIS

Comprehensive Plan

- Marion County Land Use Plan Pattern Book

Pattern Book / Land Use Plan

- The Institution-Oriented Mixed-Use (Campus) typology contains a mix of land uses within and surrounding a significant regional institutional campus, such as a university or hospital. This typology is meant to promote development that is permeable to pedestrians and integrates into its surrounding context. Uses in this typology will often be thematically or economically linked to the anchor institution. Residential areas of this typology have a density of 8 to 15 units per acre.
 - Uses with a link to the anchor business or focused on research and technology should be located along arterial or collector streets.

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

ZONING HISTORY – SITE

2008ZON051, rezoning of the area generally bounded by Belmont Street to the Monon, up to 16th Street, to the Regional Center (RC) secondary district, **approved**.

ZONING HISTORY – VICINITY

2020DV1022 ; 1220 Waterway Boulevard (southeast of site), Variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for two temporary parking lot with deficient interior landscaping (interior landscaping on nine percent of all uncovered vehicle areas required), **approved**.

2020ZON018 ; 1220 Waterway Boulevard (southeast of site), Rezoning of 53.525 acres from the CBD-S (RC) (FW) (FF) (W-1) district, to the CBD-S (RC) (FW) (FF) (W-1) district to provide for Adaptive Re-use and Innovation, Flexible Research, Office, Multi-family residential, hotel/conference center, retail and active uses, **approved**.

2013DV3023 ; 1244 West 16th Street (northeast of site), Variance of development standards of the Commercial Zoning Ordinance to provide for a 65-foot tall hotel (maximum 35-foot height permitted), **approved**.

2013CVR817 ; 1502 West 16th Street (northwest of site), Variance of use and development standards of the Special Districts Zoning Ordinance to provide for a charter school, with a 15-foot setback from Riverside Drive (40-foot front setback required and a 22-foot setback from 18th Street (25-foot front setback required), **approved**.

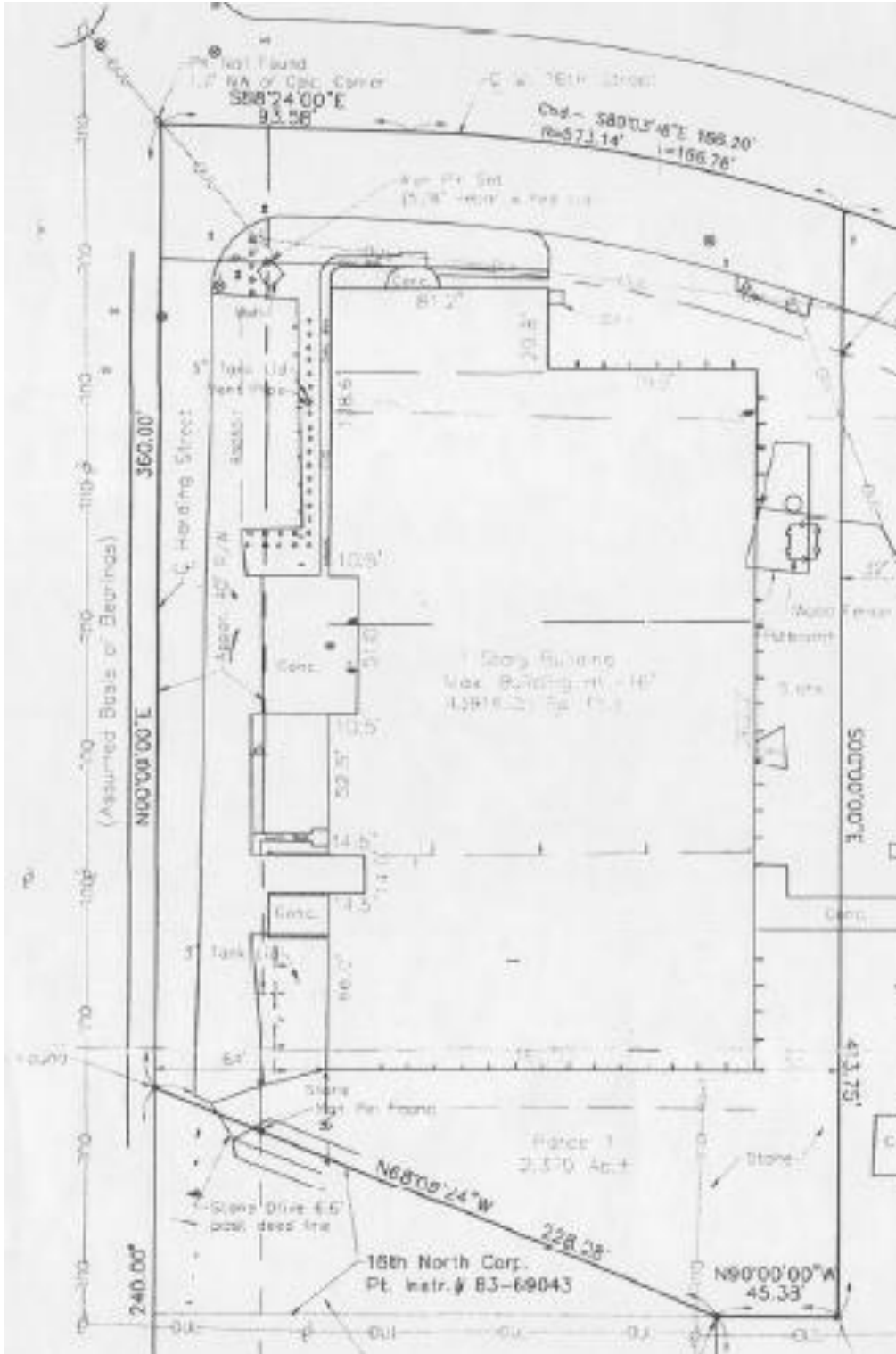
2011ZON045 ; 1100 Indiana Avenue (south of site), Rezoning of 250 acres, from the D-S (RC) (W-1), D-5 (RC) (W-1), C-1 (RC) (W-1), C-5 (RC) (W-1), C-7 (RC) (W-1), I-2U (RC) (W-1), I-3U (RC) (W-1), CBD-S (RC) (W-1), SU-1 (RC) (W-1), SU-9 (RC) (W-1), PK-1 (RC) (W-1) Districts, to the CBD-S (RC) (W-1) classification to provide for a mixed-use life-sciences technology development focusing on information technology, biotech, motor sports, and clean energy companies, high-density housing and parks, **approved**.

EXHIBITS

2026UV2007 ; Aerial Map



2026UV2007 ; Site Plan



2026UV2007 ; List of Proposed Uses

1. Commercial Contractor, with no outdoor storage or operations
2. Office: Business, Professional or Government
3. Direct to consumer delivery of staple groceries, snacks, household items and sundries
4. Consumer Services or Repair of Consumer Goods
5. Eating Establishment or Food Preparation
6. Community Center
7. Art Gallery
8. Medical or Dental Offices / Clinics / Centers
9. Artisan Food & Beverage
10. Indoor recreation & entertainment - fitness / studio-type use only
11. Barber or Beauty Shop

Existing Tenants:

- ESL / Spectrum: Lighting commercial contractor (Commercial Contractor) – 25,000 SF
- KEDbluestone: Engineering Firm (Office: Business, Professional or Government) – 2,500 SF
- MCCOY: Youth oriented non-profit (Office: Business, Professional or Government / Community Center) – 3,700 SF
- GOPUFF: On demand goods delivery service (Fleet Terminal / Warehousing, Wholesaling and Distribution – 5,500 SF

2026UV2007 ; Plan of Operation

- Staff:
 - Each independent use above is not intended to have more than five employees on-site at any given time.

- Hours of Operation:
 - Each independent use would have traditional business hours of 7:00am-6pm.
 - Occasional (maximum of four times per year) special events, particularly associated with the Art Gallery and Artisan Food & Beverage uses may require closure by 10PM.

- Building:
 - Existing 29,358-square foot industrial building

- Clients & Customers:
 - Uses to be open to the general public

- Safety & Security Measures:
 - The existing building has security cameras, an alarm system, and lighting elements.

- Materials Used:
 - Any potential medical use will comply with State and Federal requirements for waste disposal.
 - All other uses will not have any hazardous or objectionable materials or waste stored on-site.

- Shipping, Receiving & Storage:
 - Deliveries will be made via box-truck and use existing service areas.

- Waste:
 - Commercial dumpsters will be sited and screened in accordance with the requirements of the zoning ordinance

- Parking:
 - There are 53 parking spaces located internally to the subject site, and 15 parking spaces located along Harding Street

2026UV2007 ; Findings of Fact (Use)

1. THE GRANT WILL NOT BE INJURIOUS TO THE PUBLIC HEALTH, SAFETY, MORALS, AND GENERAL WELFARE OF THE COMMUNITY BECAUSE

The requested uses are characterized by community contributing and enhancing externalities and are commonly associated with Industrial-Institutional parks and corridors, as envisioned by the comprehensive plan. The immediate area has begun to transform from a historic industrial corridor to a quasi-commercial industrial-institutional corridor, as most evidenced by the successful growth of 16 Tech, immediately east of the subject site. No outdoor operations or elements in conflict with performance standards are proposed

2. THE USE AND VALUE OF THE AREA ADJACENT TO THE PROPERTY INCLUDED IN THE VARIANCE WILL NOT BE AFFECTED IN A SUBSTANTIALLY ADVERSE MANNER BECAUSE

The requested uses are characterized by community contributing and enhancing externalities and are commonly associated with Industrial-Institutional parks and corridors, as envisioned by the comprehensive plan. Many lots along this portion of 16th Street already align with this vision. No building addition is proposed, and all operations would occur indoors. The grant of the request would allow for uses that could enhance the vibrancy of this quickly evolving corridor.

3. THE NEED FOR THE VARIANCE ARISES FROM SOME CONDITION PECULIAR TO THE PROPERTY INVOLVED BECAUSE

The Zoning Ordinance rigidly regulates Industrial zoning districts, presumably with the out-dated intent and paradigm of separating perceived incompatible uses. The Ordinance contemplates mixed-use development with an emphasis on incorporating residential uses as a key requirement, but has yet do so for emerging uses such as industrial-mixed use, with an emphasis on supporting small-scale industrial uses, institutions and uses that should be viewed not only an amenity, but a necessity for fostering such areas successful transformation.

4. THE STRICT APPLICATION OF THE TERMS OF THE ZONING ORDINANCE CONSTITUTES AN UNUSUAL AND UNNECESSARY HARDSHIP IF APPLIED TO THE PROPERTY FOR WHICH THE VARIANCE IS SOUGHT BECAUSE

The Zoning Ordinance rigidly regulates Industrial zoning districts, presumably with the out-dated intent and paradigm of separating perceived incompatible uses. The Ordinance contemplates mixed-use development with an emphasis on incorporating residential uses as a key requirement, but has yet do so for emerging uses such as industrial-mixed use, with an emphasis on supporting small-scale industrial uses, institutions and uses that should be viewed not only an amenity, but a necessity for fostering such areas successful transformation.

5. THE GRANT DOES NOT INTERFERE SUBSTANTIALLY WITH THE COMPREHENSIVE PLAN BECAUSE

The request does not conflict with the comprehensive plans recommendation of Institutional-Mixed Use, as the request aligns with the vision of the overall recommendation, and does not conflict with any of the rationale elements or conditions outlined for small scale retailing and personal or professional services in the Land Use Pattern Book. Petitioner would posit that the site not receiving this request, rigidly allowing only I-2 uses, would actually harm the implementation of comprehensive plans recommendation.



2026UV2007 ; Findings of Fact (Development Standards)

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

The front yard setback along 16th Street has been existing since construction of the building in the 1940's, according to aerial images. The southern building addition appears to have taken place in about 1972, and by 1979, according to aerial images, the current vehicular areas associated with the addition were prevalent. This indicates that the existing building and internal vehicular circulation patterns have been in operation for 47 years, without imposing any negative externalities to the immediate areas. The parking area along Harding Street, according to aerial images, dates back to at least 1962. Prohibition of vehicles maneuvering within street rights-of-way are intended to promote pedestrian safety through decreasing potential conflict nodes. Given the long-term existence of these parking areas, the clear line of view imposed by the preserved, and unlikely to be redeveloped, ballfield of the former Busch Stadium, along with the fact that the sidewalks are located on the west side of Harding Street, the petitioner would posit that these conditions have long posed no risk.

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 request would not propose additional building additions or new parking areas. Therefore, no negative impacts would be imposed upon the immediate properties or their value.

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

The request is primarily driven by the language outlined in Section 744-401.C, which requires developments to conform with modern parking requirements whenever there is a mere change of use, without any exception afforded to long-standing developments whose change of use is driven by a need for use flexibility rather than redevelopment or building additions.

2026UV2007 ; Photographs



Photo 1: Subject Site Viewed from North



Photo 2: Subject Site Viewed from West

2026UV2007 ; Photographs (continued)



Photo 3: Subject Site Viewed from Northwest



Photo 4: Subject Site Viewed from Northeast

2026UV2007 ; Photographs (continued)



Photo 5: Subject Site Viewed from Southeast



Photo 6: Subject Site Viewed from South

2026UV2007 ; Photographs (continued)



Photo 7: Adjacent Property to West



Photo 8: Adjacent Property to Northwest

2026UV2007 ; Photographs (continued)



Photo 9: Adjacent Property to North



Photo 10: Adjacent Property to Southeast

2026UV2007 ; Photographs (continued)



Photo 11: Adjacent Property to South Viewed from Parking Area



Photo 12: Adjacent Property to South Viewed from Harding Frontage