

STAFF REPORT

Department of Metropolitan Development Division of Planning Current Planning Section

Case Number: 2022-ZON-102 (Amended)
Address: 3425 Carson Avenue (*Approximate Addresses*)
Location: Perry Township, Council District #21
Petitioner: Maninder Singh and Jasbir Singh
Request: Rezoning of 0.52 acre from the D-4 district to the C-1 district to provide for commercial uses.

ADDENDUM FOR APRIL 27, 2023, HEARING EXAMINER

The Hearing Examiner continued this petition from the Mary 23, 2023 hearing, to the April 27, 2023, hearing to provide additional time for notice to be provided.

ADDENDUM FOR MARCH 23, 2023, HEARING EXAMINER

The Hearing Examiner continued this petition from the November 10, 2022 hearing, to the March 23, 2023 hearing to provide time to amend the petition.

The petitioner submitted an amended petition on March 7, 2023. A new legal notice was prepared and provided to the petitioner. Because of the required notice period, the petition will need to be **continued from the March 23, 2023 hearing to the April 13, 2023 hearing**, assuming that the new legal notice was mailed by the March 21, 2023 deadline. Otherwise, the petition will need to be continued to the April 27, 2023 hearing.

The amended request would rezone the site from the D-4 district to the C-1 classification. "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."

(Continued)

STAFF REPORT 2022-ZON-102 (Continued)

Because this petition has been amended to a less intense commercial use that would be consistent with the Comprehensive Plan recommendation of suburban neighborhood, staff **recommends approval**, 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:

A 40-foot half right-of-way shall be dedicated along the frontage of Carson Avenue and a 20-foot half right-of-way shall be dedicated along the frontage of Sumner Avenue, as per the request of the Department of Public Works (DPW), Engineering Division. Additional easements shall not be granted to third parties within the area to be dedicated as public right-of-way prior to the acceptance of all grants of right-of-way by the DPW. The right-of-way shall be granted within 60 days of approval and prior to the issuance of an Improvement Location Permit (ILP).

ADDENDUM FOR NOVEMBER 10, 2022, HEARING EXAMINER

The Hearing Examiner continued this petition from the September 29, 2022 hearing to the November 10, 2022 hearing, at the request of the petitioner.

September 29, 2022

RECOMMENDATIONS

Staff **recommends denial** of the request.

SUMMARY OF ISSUES

The following issues were considered in formulating the recommendation:

LAND USE ISSUES

- ◇ This 0.52-acre site, zoned D-4, is undeveloped and surrounded by a single-family dwelling to the north; religious uses to the south, across Sumner Avenue; a single-family dwelling to the east; and a single-family dwelling to the west, across Carson Avenue, all zoned D-4.
- ◇ Petition 97-SE2-2 provided for the placement of a manufactured home on this site. According to historical aerials, the manufactured home was removed around 2005.

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STAFF REPORT 2022-ZON-102 (Continued)

REZONING

- ◇ This request would rezone the site from D-4 District to the C-4 classification (Community-Regional District) to provide automobile repair. “The C-4 District is designed to provide for the development of major business groupings and regional-size shopping centers to serve a population ranging from a community or neighborhoods to a major segment of the total metropolitan area. These centers may feature a number of large traffic generators such as home improvement stores, department stores, and theatres. Even the smallest of such freestanding uses in this district, as well as commercial centers, require excellent access from major thoroughfares. While these centers are usually characterized by indoor operations, certain permitted uses may have limited outdoor activities, as specified.”
- ◇ The Comprehensive Plan recommends Suburban Neighborhood typology. “The Suburban Neighborhood typology is predominantly made up of single-family housing but is interspersed with attached and multifamily housing where appropriate. This typology should be supported by a variety of neighborhood-serving businesses, institutions, and amenities. Natural Corridors and natural features such as stream corridors, wetlands, and woodlands should be treated as focal points or organizing systems for development. Streets should be well connected and amenities should be treated as landmarks that enhance navigability of the development. This typology generally has a residential density of 1 to 5 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.
- ◇ The Pattern Book serves as a policy guide as development occurs. Below are the relevant policies related to this request:

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.
- Hydrological patterns should be preserved wherever possible.
- Curvilinear streets should be used with discretion and should maintain the same general direction.
- In master-planned developments, block lengths of less than 500 feet, or pedestrian cut-throughs for longer blocks, are encouraged.

*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.**)*

(Continued)

STAFF REPORT 2022-ZON-102 (Continued)

- 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.
- Should be located at the intersections of arterial streets, and should be no closer than one mile to another commercial node with one acre or more of commercial uses except as reuse of a historic building.
- Should be limited to an aggregate of 3.5 acres per intersection, with no one corner having more than 1.5 acres.
- Should be limited to areas and parcels with adequate space for required screening and buffering.
- **Automotive uses (such as gas stations and auto repair) and uses requiring a distance of separation of greater than 20 feet under the zoning ordinance (such as liquor stores, adult uses, and drive-through lanes) are excluded.**
- Should not include outdoor display of merchandise.

Department of Public Works

- ◇ The Department of Public Works, Traffic Engineering Section, has requested the dedication and conveyance of a 40-foot half right-of-way along Carson Avenue and a 20-foot half right-of-way along Sumner Avenue. This dedication would also be consistent with the Marion County Thoroughfare Plan.
- ◇ If approved, staff would request that approval be 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:

A 40-foot half right-of-way shall be dedicated along the frontage of Carson Avenue and a 20-foot half right-of-way shall be dedicated along the frontage of Sumner Avenue, as per the request of the Department of Public Works (DPW), Engineering Division. Additional easements shall not be granted to third parties within the area to be dedicated as public right-of-way prior to the acceptance of all grants of right-of-way by the DPW. The right-of-way shall be granted within 60 days of approval and prior to the issuance of an Improvement Location Permit (ILP).

Planning Analysis

- ◇ As proposed, staff recommends denial because it is not consistent with the Comprehensive Plan recommendation of suburban neighborhood and the Pattern Book that excludes automotive uses, including automotive repair.
- ◇ This site is surrounded by residential uses and a religious use. Introducing an incompatible use, such as automotive repair would be detrimental to and negatively impact the adjacent land uses. Furthermore, outdoor storage of vehicles waiting for repair or pick up would be typical of an automotive repair operation and would intensify the negative impact on the residential neighborhood.

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STAFF REPORT 2022-ZON-102 (Continued)

GENERAL INFORMATION

EXISTING ZONING AND LAND USE

D-4	Undeveloped
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SURROUNDING ZONING AND LAND USE

North -	D-4	Single-family dwelling
South -	D-4	Religious uses
East -	D-4	Single-family dwelling
West -	D-4	Single-family dwelling

COMPREHENSIVE LAND USE PLAN	The Comprehensive Land Use Plan for Indianapolis and Marion County (2018) recommends suburban neighborhood typology.
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THOROUGHFARE PLAN	<p>This portion of Carson Avenue is designated in the Marion County Thoroughfare Plan as a secondary arterial with an existing 60-foot right-of-way and a proposed 80-foot right-of-way.</p> <p>This portion of Sumner Avenue is designated in the Marion County Thoroughfare Plan as a local street with an existing 40-foot right-of-way and a proposed 50-foot right-of-way.</p>
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CONTEXT AREA	This site is located within the metro context area.
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OVERLAY	This site is not located within an overlay
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ZONING HISTORY

97-SE2-3; 3425 Carson Avenue, requested a special exception of the Dwelling Districts Zoning Ordinance to provide for the placement of a manufactured home, **granted**.

VICINITY

2000-UV1-003; 1802 Sumner Avenue, requested a variance of use of the Dwelling Districts Zoning Ordinance to provide for the mixing and repackaging of soap, with pick-up and delivery of soap products, **granted**.

97-UV1-91; 1801 East Sumner Avenue (south of site), requested a variance of use of the Dwelling Districts Zoning Ordinance to provide for a 44-foot by 110-foot addition associated with a clothing repackaging business (not permitted), including incidental pick-up and delivery, **granted**.

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STAFF REPORT 2022-ZON-102 (Continued)

97-UV1-12; 1801 East Sumner Avenue (south of site), requested a variance of use of the Dwelling Districts Zoning Ordinance to provide for the operation of a clothing repackaging business (not permitted), including incidental pick-up and delivery, **granted**.

96-UV3-93; 3450 Carson Avenue (west of site), requested a variance of use and development standards of the Dwelling Districts Zoning Ordinance to provide for the construction of an office and commercial storage facility, **granted**.

94-UV1-65; 3481 Carson Avenue (south of site), requested a variance of use and development standards of the Dwelling Districts Zoning Ordinance to provide for construction of a 2,204 square foot building to be used as an office and storage facility for commercial materials, being 15 feet from the proposed right-of-way of Carson Avenue, **granted**.

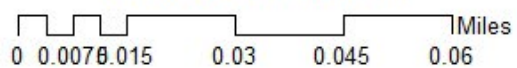
79-Z-177; 3438 Carson Avenue (south of site), requested rezoning of 0.68 acre, being in the D-5 District, to the C-3 classification to provide for commercial use, **granted**.

63-V-17; 1801 East Sumner Avenue (south of site), requested a variance of use of the B-1 District to provide for a machine shop, office and living area, **granted (voided by grant of 97-UV1-12)**.

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3425 Carson Avenue





View looking north along Carson Avenue



View of site looking southeast across Carson Avenue



View of site looking east across Carson Avenue



View of site looking north across Sumner Avenue



View of site looking north across Sumner Avenue



View looking east along Sumner Avenue



View looking west along Sumner Avenue



View from site looking north across Sumner Avenue



View looking north at the intersection of Sumner Avenue and Carson Avenue



View from site looking west along Sumner Avenue