

STAFF REPORT

Department of Metropolitan Development
Division of Planning
Current Planning Section

Case Number: 2022-CZN-874 / 2022-CVR-874 / 2022-CVC-874 (Amended)
Address: 202 Miley Avenue (Approximate Address)
Location: Center Township, Council District #16
Petitioner: Miley Inc., by David Kingen and Emily Duncan
Request: Rezoning of 1.95 acres from the I-4 (RC) (TOD) districts to the C-S (RC) (TOD) district to provide for the following uses: Micro-Brewery, All C-1 permitted uses, Test Kitchen, Event Space, Restaurant/Tap Room, Food Truck Area, Warehousing as an accessory use, Interior and Exterior Live Entertainment and a Dog Park.

Variance of development standards of the Consolidated Zoning and Subdivision Ordinance to legally establish zero-foot building and parking north and south setbacks and transitional yards (minimum ten-foot required), 54 parking spaces (112 parking spaces required), to allow access from a public street if alley is not vacated (access from alley required if available), parking located within twenty-five feet of a street frontage (not permitted) along 44.5% of the Ohio Street frontage (maximum 40% permitted), a front building line of 55.5% of Ohio Street frontage (60% frontage required), to legally establish the existing building with current transparency and wall planes, and to provide for five public entrances (seven public entrances required) and a dog park with a zero-foot south side setback without landscaping (ten-foot transitional yard with landscaping required).

Vacation of a portion of the first east-west alley north of Ohio Street, being 14 feet in width, from the east right-of-way line of Traub Avenue, east 176 feet to the east right-of-way line of the first north-south alley east of Traub Avenue, with a waiver of the Assessment of Benefits.

Vacation of the first north-south alley, being 26 feet in width, from the north right-of-way line of Ohio Street, north 165.96 feet, to the first east-west alley north of Ohio Street, with a waiver of the Assessment of Benefits.

RECOMMENDATIONS

Staff recommends **approval of the rezoning** petition, with the following commitments being reduced to writing on the Commission's Exhibit "B" forms at least three days prior to the MDC hearing:

1. Maximum attendees in the event space shall be: Interior 50.
2. Frequency events per month (interior and exterior): one (1) per month

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3. Hours of operation for any events on site: 11am to 7pm
4. Types of events hosted on the site: farmers markets and vendors fairs
5. No more than three performers on any one day at the event space

Staff recommends **approval of the variance** petition.

RECOMMENDED MOTION (approval): That the Hearing Examiner find that the proposed vacation is in the public interest; that a hearing upon the assessment of benefits be waived; that the Hearing Examiner confirm and ratify the adoption of Declaratory Resolution 2022-CVC-874; and that the vacation be subject to the rights of public utilities under IC 36-7-3-16.

SUMMARY OF ISSUES

The following issues were considered in formulating the recommendation:

LAND USE

- ◇ The subject site is zoned I-4 and I-4 (RC), with the eastern-most portion within the Regional Center. The site consists of a large industrial building, of which portions date to at least 1915, two accessory structures and a parking area. The site also contains an area for outside storage. The surrounding area comprises of an established residential neighborhood south, southeast, and southwest of the site, a railroad track system, and heavy industrial uses to the north.
- ◇ This petition would rezone this property to the C-S district, in order to re-use the existing buildings and parking areas. This request would permit fifty on-site parking spaces where 112 spaces are required, a reduction to zero-foot north and south setbacks for buildings and parking areas, access from a public street when alley access is provided and required, parking within 25 feet of a street frontage, a front building line of 55.5%, where a minimum of 60% is required, to legally establish the existing building with current transparency and wall planes, and to provide for fine public entrances, where a minimum of seven are required. This request would also vacate a north-south alley and east-west alley, that abut the site to the west.

REZONING

- ◇ This petition would rezone this site from the I-4 district to the C-S district to permit all C-1 uses, a micro-brewery, test kitchen, event space, a restaurant / tap room, food truck area, warehousing, as an accessory use, interior and exterior live entertainment, and a dog park. The comprehensive plan recommends residential, with a density of over 15 units per acre.
- ◇ Staff recommends approval of the rezoning. The high-density residential recommendation of the Plan likely contemplates removal of the existing building for redevelopment of the site. This petition would re-use the large and historic industrial building that would, potentially, be cost-

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prohibitive to be used for residential uses. The size of the lot limits the size of potential events on the site, given the 54 on-site parking spaces. Staff is concerned that persons could seek to park vehicles in the neighborhood, if the on-site parking area would be full for any given event, or if multiple events would occur at the same time. To reduce the potential of large crowds, the petitioner has submitted a list of commitments that includes a maximum number of attendees to 50, a commitment of only one event per month (interior and exterior), hours of operation to be from 11am to 7pm, allowing for only farmers markets and vendors fairs as the types of events held on the site and no more than three performers on any one day at the event space. Staff finds these restrictions acceptable.

- ◇ The proposed site plan includes areas for parking, a food truck area, re-use of an existing building for a restaurant / tap room and parking areas for vehicles and bicycles. No new construction is proposed with this development.

VARIANCE

- ◇ As noted above, several development standards variances are requested with this petition. This request would provide for legally establishing the existing development in order to use the site for uses that would reduce impacts of the existing heavy industrial zone of the site. Staff supports the variances due to the hardship in meeting the Ordinance to reuse the existing conditions of the site.

VACATION

- ◇ The subject site includes two alleys: Parcel A is an east-west and north-south alley, from Traub Street to the west property line of the subject site, south to Parcel B, which is an alley that abuts the site, south to Ohio Street. These alleys are used by some neighbors, however, vehicles drive over an undeveloped parcel in order to make a turn, that, as platted, would be a 90-degree turn and nearly impossible to maneuver. The result of this vacation, if it would be approved, would eliminate drivers from driving over private property.

ASSESSMENT OF BENEFITS

- ◇ The subject rights-of-way is not improved; therefore, the request for a waiver of the Assessment of Benefits would be acceptable.

REGIONAL CENTER OVERLAY DISTRICT

- ◇ Approximately 1/3 of the site (extreme eastern portion) lies within the Regional Center overlay district. In this designated area, design of all new construction, sidewalk cafes, and signage in the Regional Center overlay district is subject to the approval of the Administrator of the Division of Planning.

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GENERAL INFORMATION

EXISTING ZONING, CONTEXT AREA, AND LAND USE

I-4 / I-4 (RC) Compact Industrial

SURROUNDING ZONING AND LAND USE

North	I-4	Railroad tracks / heavy industrial
South	D-5 / D-5 (RC)	Residential
East	I-4 (RC)	Residential / railroad tracks
West	SU-16	Residential

COMPREHENSIVE LAND USE PLAN The Near West Neighborhood Land Use Plan (2014) recommends residential development over 15 units per acre.

TRANSIT-ORIENTED DEVELOPMENT A portion of the site lies within the Blue Line Transit-Oriented Development Overlay

THOROUGHFARE PLAN Miley Avenue and Ohio Street are classified in the Official Thoroughfare Plan for Marion County, Indiana as local streets, with 48-foot existing and proposed rights-of-way.

DEVELOPMENT PLAN (C-S)	File-dated November 22, 2022
FINDINGS OF FACT	File-dated November 22, 2022
SITE PLAN	File-dated November 22, 2022
SITE PLAN (AMENDED)	File-dated February 13, 2023
VACATION SURVEY	File-dated November 22, 2022

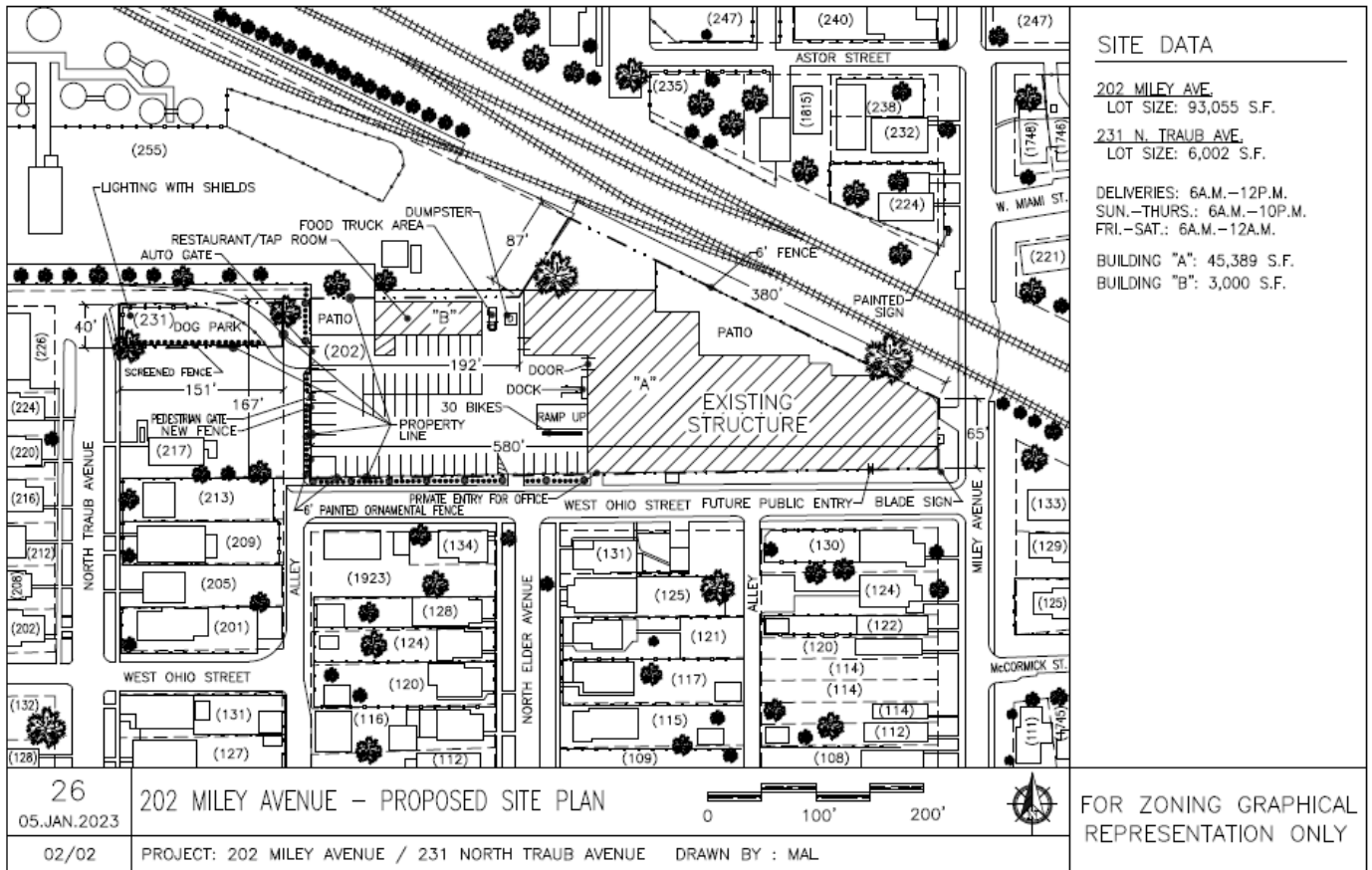
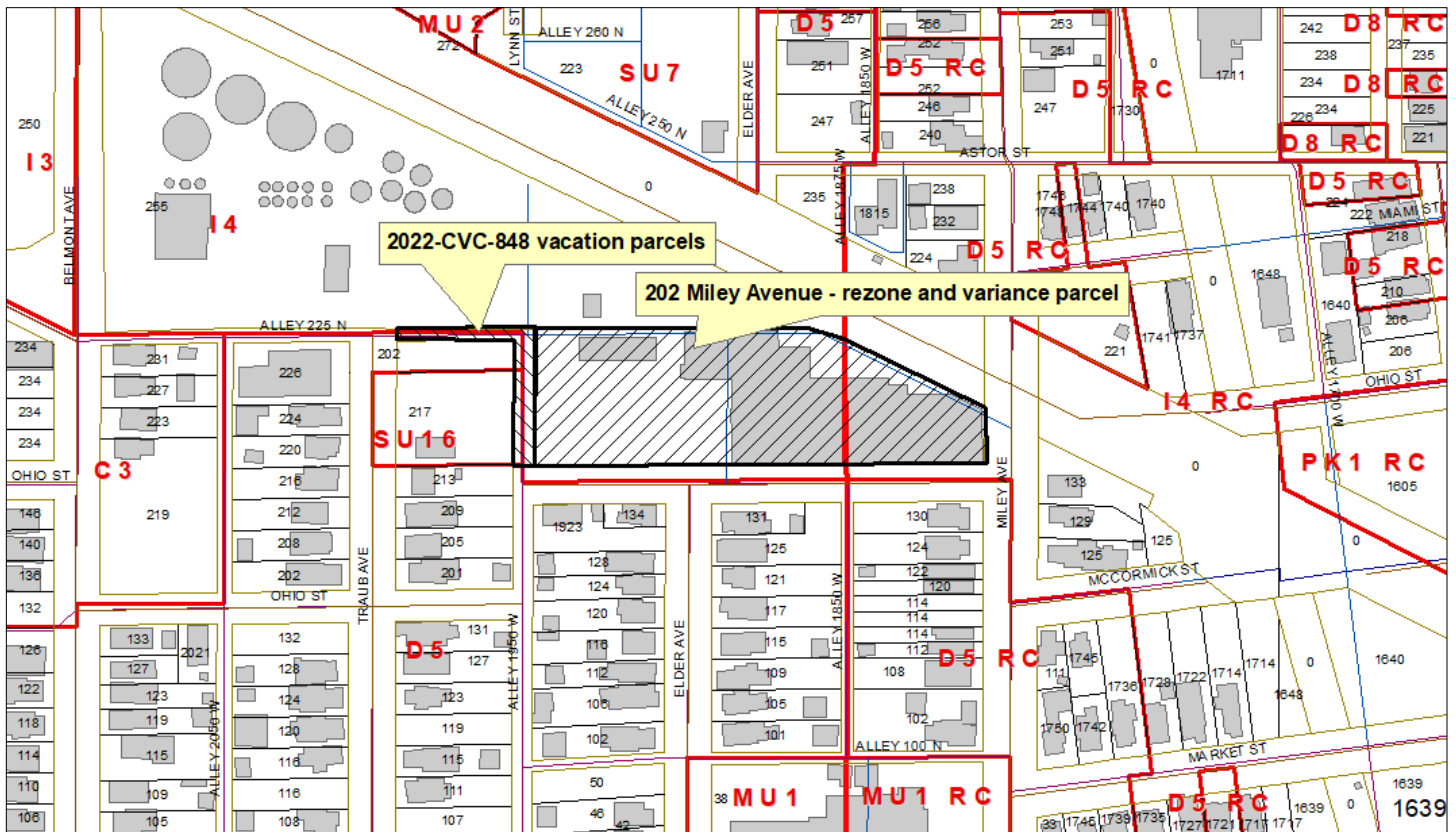
ZONING HISTORY – SITE

None.

ZONING HISTORY – VICINITY

None.

JY



DEVELOPMENT STATEMENT

Permitted Uses:

1. Micro-brewery
2. All C1 uses
3. Test Kitchen
4. Event Space
5. Restaurant / Tap Room
6. Food Truck area
7. Warehousing, related to the approved uses within the existing building (20,258 square feet).
8. Interior and exterior light music entertainment
9. Dog Park on the 235 No Traub Street property

Parking:

One parking space per three hundred and fifty square feet; fifty- four (54) on-site parking spaces.

Bike racks for minimum of thirty (30) bikes on the 202 No Miley Avenue property.

Space for minimum ten (10) scooters

Fencing and Landscaping:

New dark black, dark brown or dark green painted perimeter chain link fencing around the dog park to connect with the existing chain link fence around the perimeter of the property.(to be painted to match the new fence around the proposed dog park) Identical new fencing to be used around the north side patio. Retention of two large trees on the Traub Street property to provide shade for the users of the dog park

Landscaping per site plan on file

Trash removal:

Dumpster(s) with enclosure (s) per site plan on file. Parking of food trucks when both in operation or parked per the site plan on file.

Lighting:

Exterior lighting with shields to be installed. New lighting for the dog park with shields and timers

Signs:

Re painted historical and over-sized wall sign on the east façade per photo on file

Vertical blade sign on the corner of the primary building at the intersection of West Ohio Street and No Miley Avenue per sign elevation on file.

Large wall sign over public entrance on the west façade and smaller wall sign over the public entry on the east facade

Tenant sign on the south façade near the entry to the public entrances to the offices

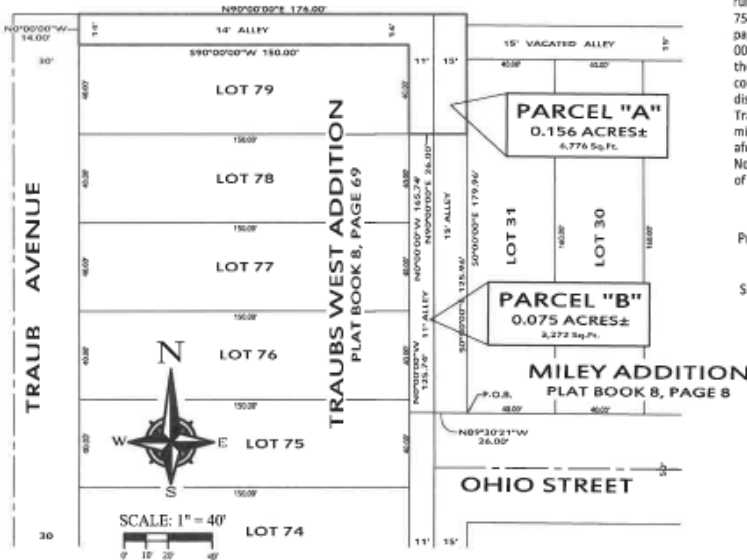
10/31/22

ALLEY VACATION & PERMANENT INGRESS EGRESS EASEMENT (RUNNING WITH THE LAND) EXHIBIT

DESCRIPTION - INGRESS/EGRESS EASEMENT - PARCEL "B":

A portion of a North-South 26 foot public alley to be vacated located East of a portion of Lot 75 and the entirety of Lot 76, Lot 77, and Lot 78 within Traubs West Addition, an Addition to the City of Indianapolis, the plat of which is recorded in Plat Book 8, page 69, in the Office of the Recorder of Marion County, Indiana, more particularly described as follows:

Beginning at the Northeast corner of Lot 78 in Traubs West Addition, an Addition to the City of Indianapolis, the plat of which is recorded in Plat Book 8, page 69, in the Office of the Recorder of Marion County, Indiana; thence running North 90 degrees 00 minutes 00 seconds East a distance of 26.00 feet to a point on the West line of Lot 31 in Miley Addition, the plat of which is recorded in Plat Book 8, page 8; thence running South 00 degrees 00 minutes 00 seconds East a distance of 125.96 feet, on and along the aforementioned West line of Lot 31, to the North line of Ohio Street; thence running North 89 degrees 30 minutes 21 seconds West a distance of 26.00 feet to the East line of Lot 75 in said Traubs West Addition; thence running North 00 degrees 00 minutes 00 seconds West a distance of 125.74 feet to the point of beginning, containing in all 0.075 acres, more or less.



DESCRIPTION - VACATION - PARCEL "A":

A 14 foot alley to be vacated located North of Lot 79 within Traubs West Addition, an Addition to the City of Indianapolis, the plat of which is recorded in Plat Book 8, page 69, in the Office of the Recorder of Marion County, Indiana, an 11 foot alley to be vacated located East of a portion of Lot 75 and located East of the entirety of Lots 76, 77, 78, and 79 within Traubs West Addition, an Addition to the City of Indianapolis, the plat of which is recorded in Plat Book 8, page 69, in the Office of the Recorder of Marion County, Indiana, and a 15 foot alley to be vacated located West of Lot 31 and a vacated alley located North of Lot 31 within Miley Addition, an Addition to the City of Indianapolis, the plat of which is recorded in Plat Book 8, page 8, in the Office of the Recorder of Marion County, Indiana, more particularly described as follows:

Beginning at the Southwest corner of Lot 31 in Miley Addition, an Addition to the City of Indianapolis, the plat of which is recorded in Plat Book 8, page 8, in the Office of the Recorder of Marion County, Indiana, and running thence North 89 degrees 30 minutes 21 seconds West a distance of 26.00 feet to the East line of Lot 75 in Traubs West Addition, an Addition to the City of Indianapolis, the plat of which is recorded in Plat Book 8, page 69, in the Office of the Recorder of Marion County, Indiana; thence running North 00 degrees 00 minutes 00 seconds West a distance of 165.74 feet to the Northeast corner of Lot 79 in said Traubs West Addition; thence running South 90 degrees 00 minutes 00 seconds West a distance of 150.00 feet to the Northwest corner of Lot 79 in said Traubs West Addition; thence running North 00 degrees 00 minutes 00 seconds West a distance of 14.00 feet to the North line of an existing 14 foot alley, said point also being the Easterly line of Traub Avenue extended Northerly to said North line of said 14 foot Alley; thence running North 90 degrees 00 minutes 00 seconds East a distance of 176.00 feet to a point located at the intersection of the North line of the aforementioned 14 foot alley extended Easterly and the West line of said Lot 31 in Miley Addition extended Northerly; thence running South 00 degrees 00 minutes 00 seconds East a distance of 179.96 feet to the point of beginning, containing in all 0.156 acres, more or less.

Property address: 202 Miley Avenue,
Indianapolis, Indiana

Survey and Certified: May 24, 2021

Survey Prepared by: *Kenneth Gregory Garrison*
Kenneth Gregory Garrison
Registered Land Surveyor No. 29300014



BOUNDARY PROS
KENNETH GREGORY GARRISON - PROFESSIONAL LAND SURVEYOR
LIFE & FIDELITY BONDED - RESIDENTIAL - COMMERCIAL - INDUSTRIAL - AGRICULTURAL - MARINE SURVEYING
P.O. BOX 412 INDIANAPOLIS, INDIANA 46201 (317) 640-0000

VACATION & I&E EASE. EXHIBIT

SCALE: 1" = 40'	REVISIONS	JOB NO.	SHEET
DATE: 05/24/2021	05/06/2021	120130-20204	1
DRAWN BY: NGS	05/13/2021		OF ONE
CHECKED BY: KGG	05/19/2021		



Proposed Vacation Parcel A to be vacated, looking west



Proposed Vacation Parcel B to be vacated, looking south



Subject site looking east



Subject site on the left, Ohio Street, and the adjacent residences to the right - looking east



Subject site along Ohio Street



Subject site from Miley Avenue, looking west