

STAFF REPORT

Department of Metropolitan Development Division of Planning Current Planning Section

Case Number: 2023-CZN-818 and 2023-CVC-818
Address: 2810, 2826, 2834, 2838 and 2844 Ruckle Street (*Approximate Address*)
Location: Center Township, Council District #9
Petitioner: Mapleton Fall Creek Development Corporation, by Andrea Townsend
Request: Rezoning of 0.48 acre from the MU-2 district to the D-8 district.

Vacation of the first two 16-foot wide, east-west alleys north of 28th Street, from the west right-of-way line of Ruckle Street, west 131 feet, to the first north-south alley west of Ruckle Street, as Recorded as Instrument Number A201600096587, in the Office of the Recorder of Marion County, Indiana, with a waiver of the Assessment of Benefits.

RECOMMENDATIONS

Staff **recommends approval** of the requests, 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:

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 / receptables provided for the proper disposal of trash and other waste.
2. Final site plans and elevations shall be submitted for Administrator Approval prior to the issuance of an Improvement Location Permit (ILP).

- ◇ Staff finds the **vacation** would be in the public interest and recommends the vacation petition and the waiver of benefits be **approved**.
- ◇ **Recommended Motion (approval):** That the Hearing Examiner finds 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 2023-CVC-818; 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 ISSUES

This 0.48-acre, zoned MU-1, is undeveloped and comprised of four lots (three contiguous parcels on the northern portion of the block and one parcel on the southern portion of the block). It is surrounded single-family dwellings to the north, across East 29th Street, zoned D-5 and MU-2; single-family dwellings and undeveloped land to the south, zoned MU-2; single-family dwellings to the east, across Ruckle Street, zoned D-8; and undeveloped land to the west, zoned MU-2.

(Continued)

STAFF REPORT 2023-CZN-818 / 2023-CVC-818 (Continued)

- ◇ This site was included in petitions 2015-CZN-838 / 2015-CVR-838 / 2015-CVC-838 that rezoned 0.79 acre to the C-3C (now known as MU-2) to provide for commercial and residential development and variances of development standards for reduced setbacks, a dumpster in the front setback, reduced parking and a 50-foot-tall building.

REZONING

- ◇ This request would rezone the site from MU-2 district to the D-8 classification to provide for a mix of residential uses to include a duplex and multi-family dwellings. “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 Mapleton Fall Creek Neighborhood Land Use Plan recommends residential development at eight to 15 units per acre. “This density is typically the highest density serviceable in suburban areas. In suburban areas it would typically be a multi-family (apartment or condominium) category. In urban areas, this is the highest density single-family residential category and a common multi-family category. Development at this density is appropriate for all types of mass transit corridors.”
- ◇ The Neighborhood Plan recommends the D-8 district and this site is located within Critical Area 8. See Exhibit A for details.
- ◇ The Comprehensive Plan consists of two components that include the Pattern Book 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:

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.
- In master-planned developments, block lengths of less than 500 feet, or pedestrian cut-throughs for longer blocks, are encouraged

(Continued)

STAFF REPORT 2023-CZN-818 / 2023-CVC-818 (Continued)

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
- Developments with densities higher than 15 dwelling units per acre should have design character compatible with adjacent properties. Density intensification should be incremental with higher density housing types located closer to frequent transit lines, greenways or parks.

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

- ◇ “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.”

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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

- ◇ As proposed the request would be consistent with the Mapleton Fall Creek Neighborhood Land Use Plan recommendation of residential development at eight to 15 units per acre. Furthermore, the Plan recommends the D-8 District.

Vacations

- ◇ This request would vacate the first two 16-foot wide, east-west alleys north of 28th Street, from the west right-of-way line of Ruckle Street, west 131 feet, to the first north-south alley west of Ruckle Street. See Exhibit B.
- ◇ Staff finds the **vacation** would be in the public interest and recommends the vacation petition and the waiver of benefits be **approved**.

(Continued)

STAFF REPORT 2023-CZN-818 / 2023-CVC-818 (Continued)

- ◇ **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 2023-CVC-818; and that the vacation be subject to the rights of public utilities under IC 36-7-3-16;
- ◇ The vacations would vacate two 16-foot wide public rights-of-way that were dedicated in 2015 as part of a larger proposed development. Because that development is no longer being considered, these rights-of-way are no longer required or needed. Furthermore, staff supports the waiver of benefits because no improvements have been made to either of those alleys.
- ◇ The vacation of these two public alleys would allow for a more cohesive and compatible with the adjacent residential development that would include a duplex on the southernmost parcel and a small multi-family building on the northern three parcels.

Procedure

- ◇ Neither the Division of Planning nor the Plat Committee, Hearing Examiner or Metropolitan Development Commission determines how vacated right-of-way is divided. The approval of a vacation petition only eliminates the public right-of-way. The vacation approval does nothing more. A petitioner will not receive a deed or other document of conveyance after the approval of a vacation.

The general rule under Indiana case law is that when an alley, street or highway is vacated or abandoned the title to the land reverts to the abutting property owners. This rule exists by virtue of the fact that the abutting landowner owns to the center of the street or highway subject only to an easement for the public to the use of the street or highway. *Gorby v. McEndarfer* 135 Ind.App. 74, *82, 191 N.E.2d 786, **791 (Ind.App.1963). However, there are possible exceptions to this general rule.

- ◇ After a vacation of public right-of-way, the county assessor determines how the vacated right-of-way will be assessed for tax purposes.
- ◇ Petitioners and abutters of the vacated right-of-way should consult their own attorneys for advice regarding the ownership of the vacated right-of way.

GENERAL INFORMATION

EXISTING ZONING AND LAND USE

MU-2	Undeveloped land
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SURROUNDING ZONING AND LAND USE

North -	D-5 / MU-2	Single-family dwellings
South -	MU-2	Single-family dwellings / undeveloped land
East -	D-8	Single-family dwellings
West -	MU-2	Undeveloped land

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STAFF REPORT 2023-CZN-818 / 2023-CVC-818 (Continued)

COMPREHENSIVE LAND USE PLAN

The Mapleton Fall Creek Neighborhood Land Use Plan for Indianapolis and Marion County (2013) residential development at eight to 15 units per acre.

THOROUGHFARE PLAN

This portion of Ruckle 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 East 29th 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 is not located within an overlay.

FINDINGS OF FACT

File-dated March 28, 2023

ZONING HISTORY

2015-CZN-838 / 2015-CVR-828 / 2015-CVC-838; 510 East Fall Creek Parkway North Drive; 2819-2957 (odd) North Central Avenue; 2801-2810 and 2826-2844 (even) Ruckle Street; 512 and 518 East 28th Street ; 507 and 508 East 29th Street, requested rezoning of 0.70 acre from the C-1 and C-4 districts to the C-3C classification to provide for commercial and residential development and variances of development standards for reduced setbacks, a dumpster in the front setback, reduced parking and a 50-foot-tall building, **approved and granted**.

2014-ZON-054; 510 East Fall Creek Parkway North Drive, 2819, 2821, 2525, 2829, 2837, 2841, 2845, 2917, 2925, 2927, 2931, 2935, 2941, Central Avenue and 2802, 2806, 2810, 2822, 2826, 2834, 2838 and 2844 Ruckle Street; 512 and 518 East 28th Street; 507 and 508 East 29th Street requested a rezoning of 4.95 acres from the D-8, C-1, C-2 (FW) and C-4 districts to the C-3C (FW) and C-3C districts, **approved**.

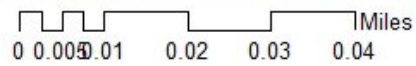
2008-ZON-075; 2848 and 2852 Central Avenue, requested a rezoning of 0.2388 acre, from the C-1 district to the D-8 classification to provide for one- and two-family dwellings, **approved**.

2004-ZON-841; 510 East Fall Creek Parkway North Drive, requested rezoning of 1.11 acres from the C-1 and C-8 to C-2, **approved**.

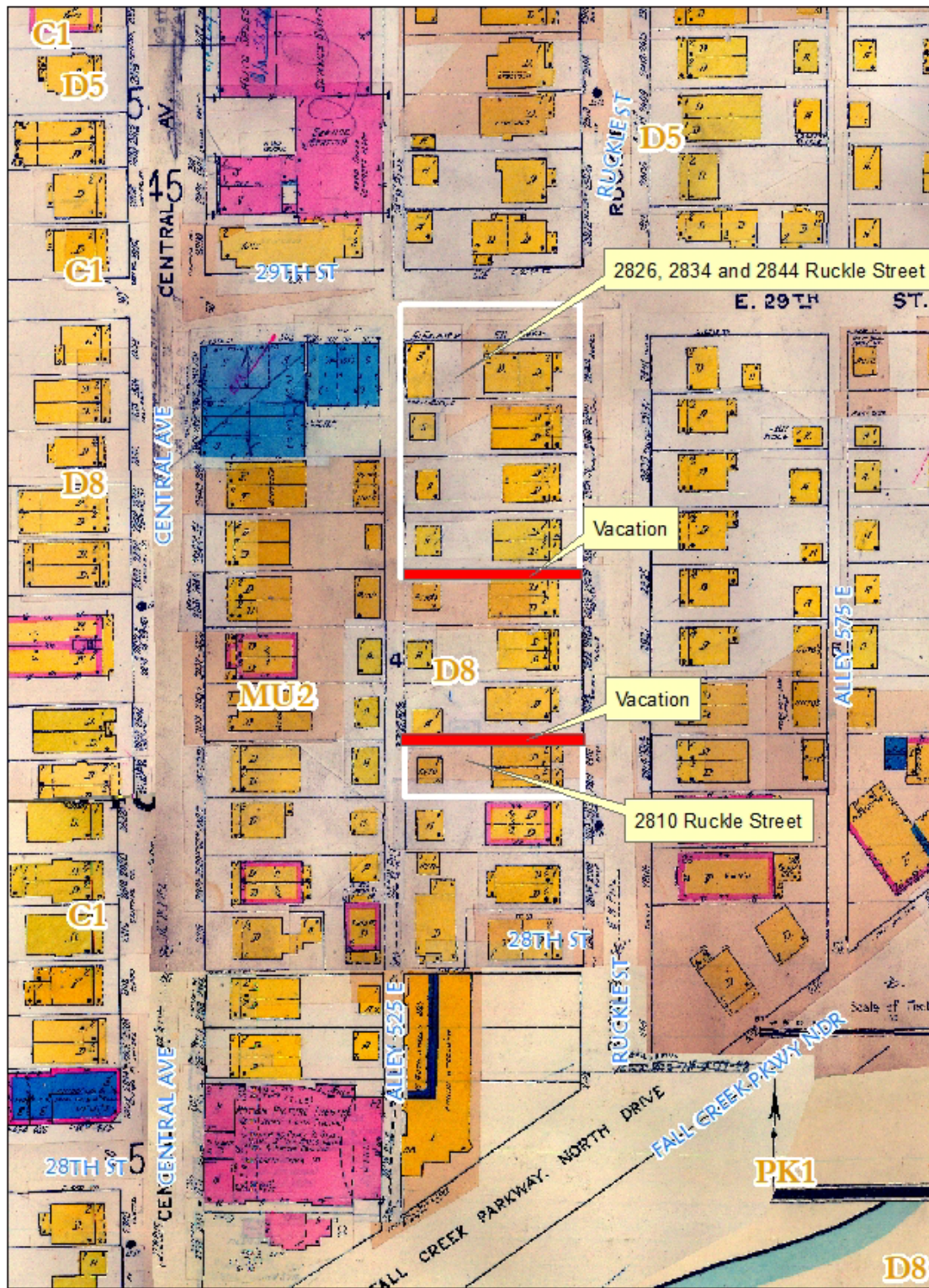
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2810, 2826, 2838 and 2844 Ruckle Street



1915 Sanborn Map



2810, 2826, 2838 and 2844 Ruckle Street

0 0.005 0.01 0.02 0.03 0.04 Miles

Exhibit A

Critical Area #8

Location: Intersection of 30th Street and Central Avenue

Why Critical: This intersection is part of the historic 30th Street commercial corridor where a majority of the parcels are vacant and ready for redevelopment. Any new development should be pedestrian oriented and suitable within C3C zoning. A portion of this Critical Area is within the Mapleton-Fall Creek LEED-ND area.

Recommendations:

- This Commercial use designation would allow for a mix of commercial and residential uses in combination.
- The zoning recommendation for this area is C3C which allows for upper floor apartments over street level commercial uses.
- Types of commercial establishments desired in this area should be neighborhood oriented and could include:
 - Coffee shops
 - Restaurants
 - Bakery
 - Ice Cream Parlor
 - Neighborhood grocery
 - Offices
- Types of redevelopment that are discouraged include fuel stations, cash/pawn stores, payday loans businesses, car lots, billboards, liquor stores or drive through windows.
- Building heights should be proportional to the street width and front setback. However, building heights should be limited to three to four stories, near the intersection and taper lower towards adjoining residential.
- Architectural diversity is encouraged; however monolithic structures (blank walls, minimal fenestration) are not appropriate.
- New development should face Central Avenue and/or 30th Street. Storefront entrances should be located at the front of the building with pedestrian sidewalk access.
- Automobile parking should be located behind primary structures' front building lines, and behind structures entirely if feasible. Shared parking is acceptable between commercial properties. No parking should be placed between sidewalks and the front of buildings.
- Street parking along Central Avenue and 30th Street should be maintained and increased where possible to help parcels with limited parking.
- The public realm between the building setback and the lawn should be enhanced with lighting, landscaping, wide sidewalks, and tree lawns.
- The residential uses adjacent to the designated commercial area remain viable and contributory to the neighborhood. Conversion of these residential parcels to commercial should be discouraged to avoid a conversion creep down Central Avenue or 30th Street and diluting the effectiveness of the intersection.
- The LEED-ND guidebook developed by the Mapleton-Fall Creek Development Corporation should be considered in any new development within their designated LEED-ND area.

Petition Number _____

**METROPOLITAN DEVELOPMENT COMMISSION
PLAT COMMITTEE
HEARING EXAMINER
OF MARION COUNTY, INDIANA**

PETITION FOR VACATION OF A PUBLIC WAY, EASEMENT OR PUBLIC PLACE

FINDINGS OF FACT

1. THE PROPOSED VACATION IS IN THE PUBLIC INTEREST because:

Grant of Right-of-Way for alleys on Lots 14 and 18 ("Right-Of-Ways") were part of commitments for an intended project that was never developed, so alleys never constructed.

Lot 14 is vacant. Vacating the Right-Of-Ways will allow development of needed housing on Lot 14 consistent with surrounding properties and existing moderate-density neighborhood.

Petitioner plans to rezone to D-8 and build duplexes on multiple lots including Lot 14. See companion rezoning petition.

Vacating the Right-Of-Ways does not make access to the lands of any person by means of public way difficult or inconvenient.

Vacating the Right-Of-Ways does not hinder the public's access to a church, school, or other public building or place.

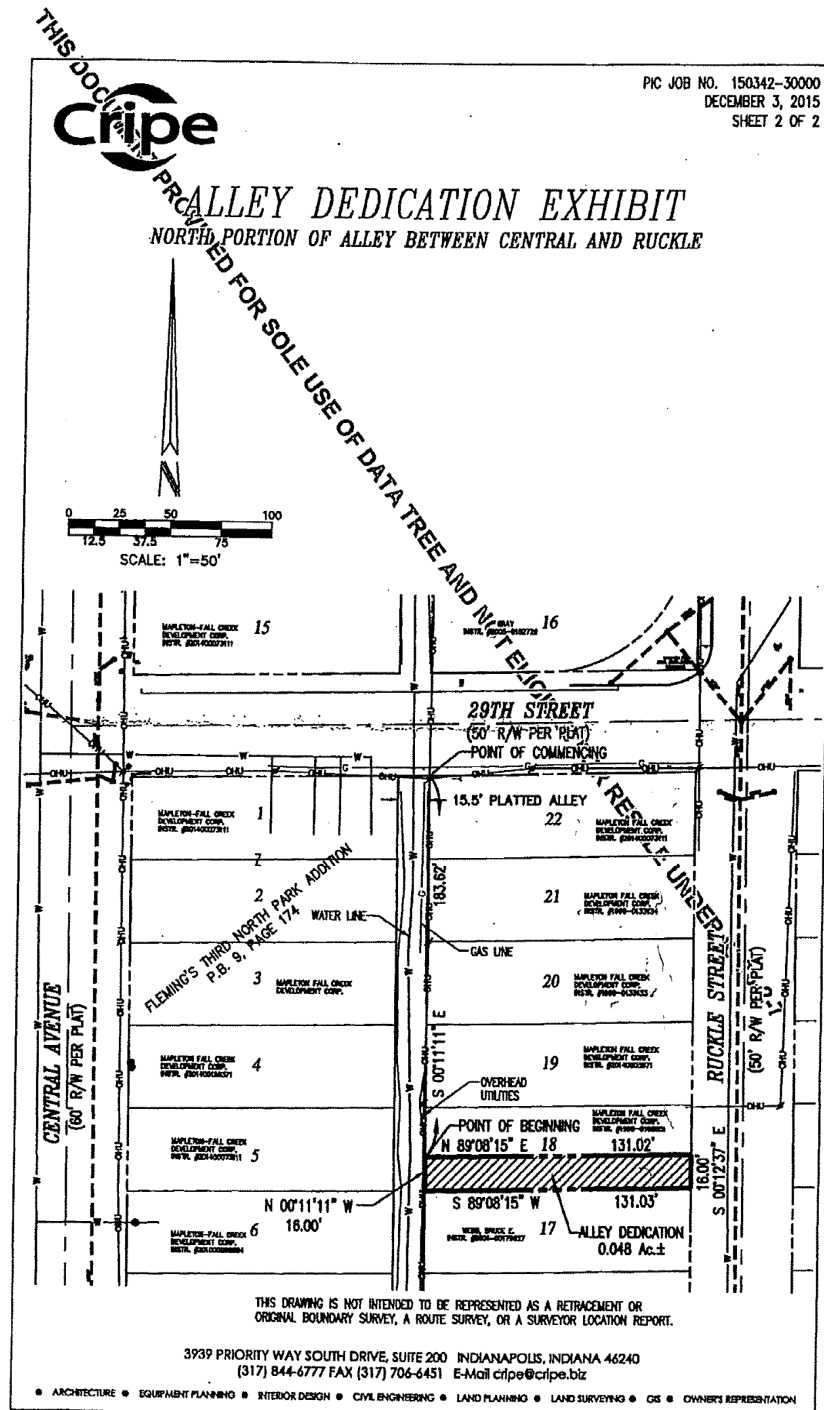
Notice of the proposed vacation and the hearing on it has been provided pursuant to Ind. Code §§ 36-7-3-12(c) and 5-3-1.

DECISION

IT IS THEREFORE the decision of this body that this VACATION petition is APPROVED, subject to any conditions stated in the minutes (which conditions are incorporated herein by reference and made a part of this decision).

Adopted this _____ day of _____, 20 ____

Exhibit B



THIS DOCUMENT IS NOT ELIGIBLE FOR RESALE UNDER IC 36-2-7

Cripe

PIC JOB NO. 150342-30000
DECEMBER 3, 2015
SHEET 1 OF 2

ALLEY DEDICATION EXHIBIT
PART OF LOT 18 BETWEEN NORTH-SOUTH ALLEY AND RUCKLE STREET

A part of Lot Number 18 in Fleming's Third North Park Addition to the City of Indianapolis, Marion County, Indiana, the plot of which is recorded in Plat Book 9, page 174 in the Office of the Recorder of Marion County, Indiana, more particularly described as follows:

Commencing at the Northwest corner of Lot Number 22 of said Fleming's Third Park Addition; thence South 00 degrees 11 minutes 11 seconds East along the East line of a 15 1/2 foot north-south alley 183.62 feet to the POINT OF BEGINNING; thence North 89 degrees 08 minutes 15 seconds East 131.02 feet to the West right of way line of Ruckle Street; thence South 00 degrees 12 minutes 37 seconds East along said West right of way line 16.00 feet to the Southeast corner of said Lot Number 18; thence South 89 degrees 08 minutes 15 seconds West along the South line of said Lot a distance of 131.03 feet to the East line of said alley; thence North 00 degrees 11 minutes 11 seconds West along said East line 16.00 feet to the POINT OF BEGINNING, containing 0.048 acres, more or less.

3939 PRIORITY WAY SOUTH DRIVE, SUITE 200 INDIANAPOLIS, INDIANA 46240
(317) 844-6777 FAX (317) 706-6451 E-Mail cripe@cripe.biz

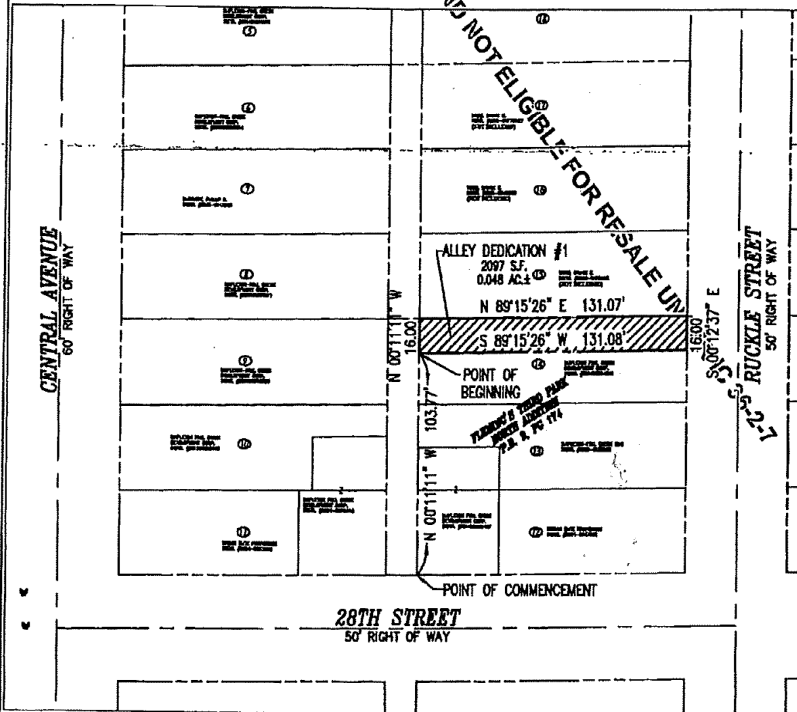
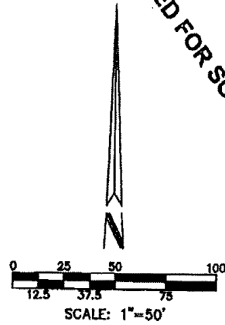
• ARCHITECTURE • EQUIPMENT PLANNING • INTERIOR DESIGN • CIVIL ENGINEERING • LAND PLANNING • LAND SURVEYING • GIS • OWNER'S REPRESENTATION



PIC JOB NO. 150342-30000
DECEMBER 3, 2015
SHEET 2 OF 2

ALLEY DEDICATION EXHIBIT

ALLEY ACROSS A PORTION OF LOT 14



THIS DRAWING IS NOT INTENDED TO BE REPRESENTED AS A RETRACEMENT OR ORIGINAL BOUNDARY SURVEY, A ROUTE SURVEY, OR A SURVEYOR LOCATION REPORT.

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THIS DOCUMENT IS
PROVIDED FOR RESALE UNDER IC 36-2-7



P/C JOB NO. 150342-30000
DECEMBER 3, 2015
SHEET 1 OF 2

ALLEY DEDICATION EXHIBIT

ALLEY ACROSS A PORTION OF LOT 14

A part of Lot 14 of Fleming's Third North Park Addition to the City of Indianapolis, Marion County, Indiana, the part of which is recorded in Plat Book 9, page 174 in the Office of the Recorder of Marion County, Indiana, more particularly described as follows:

Commencing at the intersection of the North right of way of 28th Street with the East right of way of the Alley between Central Avenue and Ruckle Street, said point being the Southwest corner of Lot 12 in said Fleming's Third North Park Addition; thence North 00 degrees 11 minutes 11 seconds West along said East right of way 103.77 feet to the Point of Beginning; thence continuing North 00 degrees 11 minutes 11 seconds West along said East right of way 16.00 feet to the Northwest corner of said Lot 14; thence North 89 degrees 15 minutes 26 seconds East along the North line of said Lot 14 a distance of 131.07 feet to the Northeast corner of said Lot 14; thence South 00 degrees 12 minutes 37 seconds East along the East line of said Lot 14 and the West right of way of Ruckle Street 16.00 feet; thence South 89 degrees 15 minutes 26 seconds West parallel with the North line of said Lot 14 a distance of 131.08 feet to the Point of Beginning, containing 0.048 acres, more or less.

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View looking north along Ruckle Street



View looking south along Ruckle Street



View looking west along East 28th Street



View of southern parcel looking west across Ruckle Street



View of southern parcel looking east from abutting north / south alley to the west



View of northern parcels looking west across Ruckle Street



View of northern parcels looking west across Ruckle Street



View of northern parcels looking south across East 29th Street



View of northern parcels looking south across East 29th Street



View of northern parcels looking east from abutting north / south alley to the west



View of northern parcels looking east from abutting north / south alley to the west