

STAFF REPORT

Department of Metropolitan Development Division of Planning Current Planning Section

Case Number: 2023-CZN-831 / 2023-CVR-831
Address: 4185, 4191, 4197 and 4201 College Avenue (*Approximate Address*)
Location: Washington Township, Council District #7
Petitioner: City of Indianapolis, by Kathleen Blackham
Requests: Rezoning of 1.48 acres from the SU-9 (TOD) District to the MU-1 (TOD) District to provide for mixed-use development.

Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for a 70-foot-tall building (maximum 45-foot-tall building height permitted) and a zero-foot transitional side setback (15-foot transitional side setback required).

The Metropolitan Development Commission continued these petitions from the June 21, 2023 hearing, to the July 5, 2023 hearing, at the request of staff to provide additional time for proper notice.

RECOMMENDATIONS

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

1. Final site, landscape and elevation plans shall be submitted for Administrator Approval prior to the issuance of an Improvement Location Permit.
2. The following uses shall be prohibited:

Emergency Shelter, Daily	Firework Sales, On-going
Hospital	Liquor Store
Medical or Dental Laboratories	Pawn Shop
Methadone Clinic or Treatment Facility	Heavy General Retail
Plasma (Blood) Center	Power Generating Facility
Substance Abuse Treatment Facility	Substations and Utility Distribution Nodes
Check Chasing or Validation Service	Wireless Communication Facility
Commercial Laundromats	Automobile and Light Vehicle Wash
Mortuary, Funeral Home	Automobile Fueling Station
Outdoor Advertising Off-Premise Sign	Automobile, Motorcycle, and Light Vehicle Service or repair
Adult Entertainment Business	Parking Lot, Commercial
Hotel, Motel, or Hostel	Parking Garage, Commercial
Adult Entertainment Retail Business	Recycling Station
Firearm Sales	Accessory Uses Prohibited: Drive Through

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3. Building heights shall not exceed 70 feet that would include a maximum of five stories and accommodations for roof top stairwells, elevator shafts and parapet walls.
4. 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.

SUMMARY OF ISSUES

The following issues were considered in formulating the recommendation:

LAND USE

- ◇ This 1.48-acre site, zoned SU-9 (TOD), is comprised of parcels located along the north and south right-of-way of East 42nd Street and developed with government facilities. They are surrounded by single-family dwellings to the north, south and east, zoned D-5 and special uses (religious / library branch) to the west, across North College Avenue, zoned SU-1 and SU-37, respectively.

REZONING

- ◇ This request would rezone the site from the SU-9 (TOD) District to the MU-1 (TOD) classification to provide for mixed-use. "The MU-1 District is intended for the development of high-rise office uses and apartments intermixed, grouped in varying combinations or provided in the same building. MU-1 is designed for use along arterials with both high-traffic counts and positive pedestrian experience or demand. Appropriate settings for the MU-1 district include the midtown and uptown areas of the city, very near rapid transit stops, or in the midst of high intensity regional commercial complexes."
- ◇ The Comprehensive Plan recommends urban mixed-use typology. "The Urban Mixed-Use typology provides dense, pedestrian-oriented development with a wide range of businesses, services, and institutions that serve both adjacent neighborhoods and the broader Indianapolis community. Buildings are four to eight stories in height with entrances and large windows facing the street. Where possible, sidewalks and other pedestrian spaces should be activated as places to gather or otherwise spend time, such as sidewalk cafes and plazas. Public spaces may also be programmable for community events. Off-street parking should be behind buildings or in garages. Where block lengths are longer than 500 feet, public pedestrian paths should be provided as cut throughs. This typology has a residential density of at least 25 to 75 units per acre."
- ◇ The Pattern Book lays out a land use classification system that guides the orderly development of the county, protects the character of neighborhoods and serves as a policy guide for development or redevelopment of a site.

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◇ The following elements of the Pattern Book apply to this site:

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.
- Mixed-Use structures are preferred for all land uses except Public Administration, Associations, and Region-Serving Institutions/Infrastructure, Entertainment, and Small-Scale Parks.
- In master-planned developments, block lengths of less than 500 feet, or pedestrian cut-throughs for longer blocks, are encouraged.
- Where possible, contributing historic buildings should be preserved or incorporated into new development.

Conditions for All Housing

- Should be within a one-quarter-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.
- 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.

Large-Scale Multi-Family Housing (defined as single or multiple buildings each with five or more legally complete dwelling units in a development of more than two acres and at a height greater than 40 feet.)

- Should be located along an arterial or collector street.
- Mixed-Use structures are preferred.
- Parking should be either behind or interior to the development.

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.)

- 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.
- Automotive uses (such as gas stations and auto repair) and uses with drive-through lanes are excluded.
- Mixed-use structures are preferred.
- Should not include outdoor display of merchandise

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Overlays

- ◇ This site is also located within an overlay, specifically the Transit Oriented Development (TOD). “Overlays are used in places where the land uses that are allowed in a typology need to be adjusted. They may be needed because an area is environmentally sensitive, near an airport, or because a certain type of development should be promoted. Overlays can add uses, remove uses, or modify the conditions that are applied to uses in a typology.”
- ◇ The Transit-Oriented Development (TOD) overlay is intended for areas within walking distance of a transit station. The purpose of this overlay is to promote pedestrian connectivity and a higher density than the surrounding area.
- ◇ This site is located a proposed transit stop located at the intersection of North College Avenue and East 42nd Street, with a Walkable Neighborhood typology.
- ◇ Walkable neighborhood stations are located within well-established, walkable, primarily residential neighborhoods, with a small amount of retail and office at the intersection nearest the station, or the potential for it. Development opportunities include projects that improve neighborhood stability and encourage transit use.
- ◇ Characteristics of the Walkable Neighborhood typology are:
 - Mix of uses at station area and primarily residential beyond
 - Maximum of 3 stories throughout
 - No front or side setbacks at core; 0-15 ft. front setbacks and 0-20 ft. side setbacks at periphery
 - Mix of multi-family and single-family housing
 - Structured parking at the core and attractive surface parking at the periphery
 - Mix of uses at station with stabilized residential beyond
 - Off-street parking is discouraged and should be limited to garages

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.

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◇ 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.

Transit-Oriented Development Secondary Zoning District (TOD)

- ◇ The TOD district includes lots that are wholly or partially within 1,000 feet from the centerline of a Bus Rapid Transit (BRT) line, with the intent to “coordinate more compact, walkable and urban development patterns with public investment in the transit system.”
- ◇ This secondary zoning district includes design objectives that provide for a wide range of housing types within walking distance of commercial centers and transit stops / stations; create connections of different modes of transportation between neighborhoods, commercial services and employment; offer development patterns that integrates and transitions with neighborhoods; and ensure human-scale design along streetscapes and the relationship between sites and buildings.
- ◇ The TOD also designates certain frontage types to advance the intent and purpose of this secondary district. In this case, the frontage type would be “Connector” and would include design standards for access drive, parking, building placement / form, and building scale / design.
- ◇ Because the submitted site plans are conceptual, staff would request that final site plans, landscape plans and building elevations be submitted for Administrator Approval prior to the issuance of the Improvement Location Permit to assure that design of the development complies with the TOD district requirements.

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VARIANCE OF DEVELOPMENT STANDARDS

- ◇ As proposed, this request would allow for a 70-foot-tall building when the maximum height adjacent to a transitional yard is 45-feet tall.
- ◇ Because this site is located along a primary arterial and primary collector, staff believes the proposed building height would be an acceptable deviation from the Ordinance. Staff would note that the maximum overall height would be limited to 70 feet that would include five-story buildings, stairwells, elevator shafts, and parapet walls.
- ◇ Additionally, proposed buildings would be compatible with the multi-story building to the west, across North College Avenue.
- ◇ The request would also provide for a zero-foot transitional side setback. The Ordinance requires a 15-foot transitional side setback. Staff, however, believes that the existing alley to the east of the site would provide an appropriate buffer and mitigate the impact of the reduced setback.

Planning Analysis

- ◇ The request would be consistent with the Comprehensive Plan recommendation of urban mixed-use typology as well as the TOD overlay.
- ◇ As proposed, the mixed-use development would include housing, retail uses, and office uses.
- ◇ Staff would note that the proposed development would support the multi-family housing guidelines identified in the Pattern Book, that includes site location along primary arterials or primary collector streets, mixed-use structures, and parking behind and / or interior to the development.

GENERAL INFORMATION

EXISTING ZONING AND LAND USE

SU-9	Government operations / facilities
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SURROUNDING ZONING AND LAND USE

North -	D-5	Single-family dwelling
South -	D-5	Single-family dwelling
East -	D-5	Single-family dwellings
West -	SU-1 / SU-37	Religious uses / library branch

COMPREHENSIVE PLAN

The Comprehensive Land Use Plan for Indianapolis and Marion County (2018) recommends urban mixed-use typology.

Marion County Land Use Pattern Book (2019).

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THOROUGHFARE PLAN	<p>This portion of North College Avenue is designated in the Marion County Thoroughfare Plan as a primary arterial, with an existing 80-foot right-of-way and a proposed 78-foot right-of-way.</p> <p>This portion of East 42nd Street is designated in the Marion County Thoroughfare Plan as a primary collector with an existing 50-foot right-of-way and a proposed 78-foot right-of-way.</p>
CONTEXT AREA	This site is located within the compact context area.
OVERLAY	This site is located within the Transit Oriented Development (TOD) overlay
CONCEPTUAL SITE PLAN	File-dated June 1, 2023

ZONING HISTORY

93-Z-164; 4137, 4141, 4151, 4157 and 4167 North College Avenue, requested rezoning of 1.18 acres, from the C-3 and D-5 districts to the SU-9 classification to provide for a fire station, **approved**.

87-Z-241; 4201 North College Avenue, requested zoning of 0.88 acre, being the C-3 district, to the SU-9 classification to provide for the development of a police quadrant, **approved**.

VICINITY

2011-UV2-011; 664 East 42nd Street (west of site), requested a variance of use of the Special Districts Zoning Ordinance to legally establish commercial retail uses, **granted**.

2003-ZON-105; 4206 North College Avenue and 664 East 42nd Street, (west of site) requested rezoning of 0.380 acre in the C-3 District to the SU-1 classification to legally establish religious uses, **approved**.

99-CP-11Z / 99-CP-VAC. 4168-4188 North College Avenue (west of site), requested rezoning of 1.37 acres, being in the D-5 and C-3 Districts to the SU-37 classification to provide for the construction of a library branch facility and a vacation of the north / south alley west of College Avenue, **approved**.

81-UV2-78A; 4170 North College Avenue (west of site), requested a variance of use and development standards to permit a day care center in the existing building, with a wall sign, **granted**.

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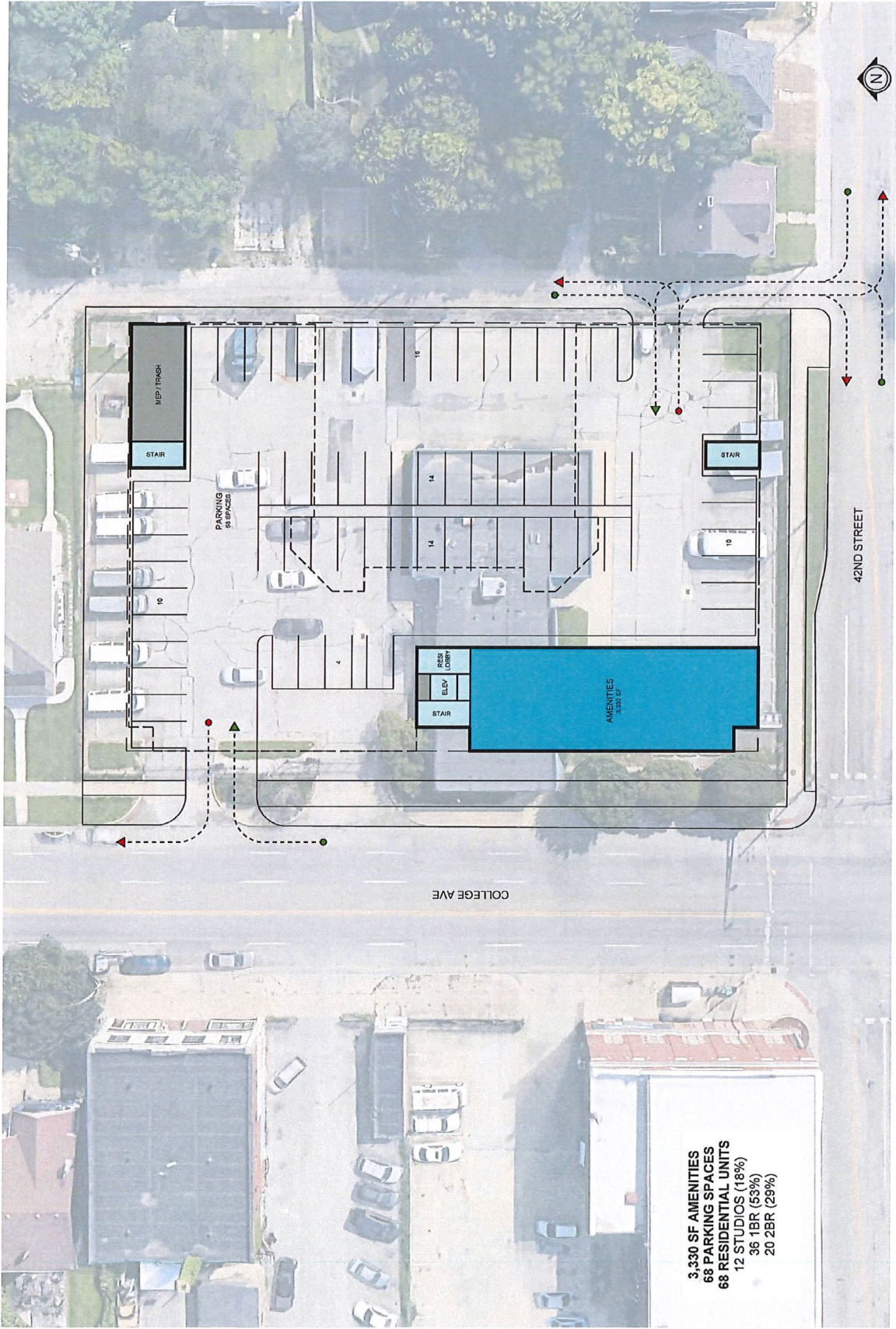
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73-UV1-99; 4190 North College Avenue (west of site), requested a variance of use and off-street parking requirement to permit an unholstering shop in existing commercial building with no off-street parking, **granted**.

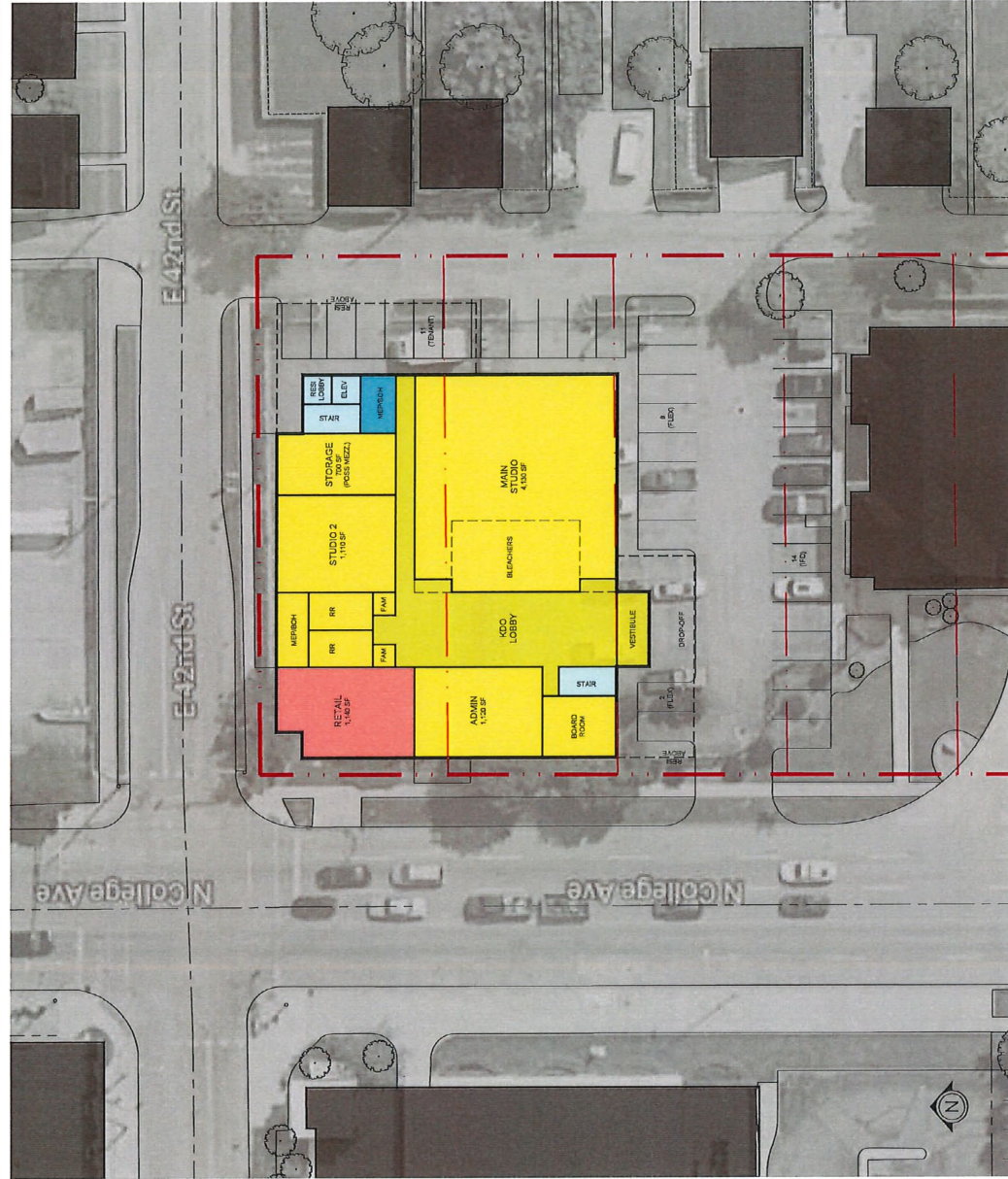
76-UV2-127; 4184-85 Broadway Street (west of site), requested a variance of use and development standards to permit operation of a taxicab company and office in existing building, with sign and radio tower, and eight-foot-tall chain link fence around storage and off-street parking area, **granted**.

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Site Plan – North of East 42nd Street



Site Plan – South of East 42nd Street



MIDTOWN - OPTION 4 - SITE PLAN
SCALE: 1/32" = 1'-0" / DATE: 05-25-2025



METICULOUS
DESIGN + ARCHITECTURE



View looking north along North College Avenue



View looking south along North College Avenue



View looking south along intersection of North College Avenue and East 42nd Street



View looking east along East 42nd Street



View looking east along East 42nd Street



View looking south along north / south alley along eastern site boundary



View looking north along north / south alley along eastern site boundary



View looking southeast across intersection of North College Avenue and East 42nd Street



View looking southeast at site on the south side of East 42nd Street



View of site on the south side of East 42nd Street looking south



View of site on the south side of East 42nd Street looking east



View of site on the southside of East 42nd Street looking east



View of site on the northside of East 42nd Street looking northeast



View of site on the northside of East 42nd Street looking northwest



View from site looking west across North College Avenue



View from site looking west across intersection of North College Avenue and East 42nd Street



View from site looking southwest across North College Avenue