

STAFF REPORT

Department of Metropolitan Development Division of Planning Current Planning Section

Case Number: 2023-ZON-077
Address: 2958 North College Avenue (Approximate Addresses)
Location: Center Township, Council District #9
Petitioner: Spann Alexander REIG, LLC, by Michael Rabinowitch
Request: Rezoning of 0.218 acre from the D-5 district to the MU-2 district to provide for a mixed-use development.

RECOMMENDATIONS

Staff **recommends approval** of this request 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:

Approval shall be subject to final building elevations to be submitted for Administrator's Approval prior to the issuance of an Improvement Location Permit (ILP).

SUMMARY OF ISSUES

LAND USE

- ◇ The 0.218-acre subject site is zoned residentially but developed with an existing building that was used for ground-floor retail uses per 2010-LNU-013 with apartments upstairs. The Certificate of Legal Non-Conforming Use would have been applicable if the ground floor wasn't almost completely converted to apartment units, the expansion of the retail space didn't extend to the basement level and if the second-floor addition wasn't proposed for more apartment units.
- ◇ The site falls within the Mapleton - Fall Creek neighborhood and is bordered to the north by an auto repair business, zoned C-3, multi-family apartments to the east, zoned MU-1, and single-family dwellings to the west and south, zoned D-5.

REZONING

- ◇ The request would rezone the property from the D-5 district to the MU-2 district to provide for a mixed-use development that includes a retail space and 10 apartment units.
- ◇ The site is zoned D-5, which is intended for medium and large-lot housing formats, primarily for detached houses, but may incorporate small-scale multi-unit building types in strategic locations. This district can be used for new, walkable suburban neighborhoods or for infill situation in established urban areas, including both low density and medium density residential recommendations of the Comprehensive Plan, and the Suburban Neighborhood and Traditional Neighborhood Typologies of the Land Use Pattern Book.

(Continued)

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- ◇ The MU-2 District is intended to meet the daily needs for surrounding neighborhoods and include small social spaces that serve as neighborhood gathering places. The district includes primarily neighborhood-serving businesses and institutions, including a wide range of small-scale retail and service uses that typically do not draw customers from beyond the adjacent neighborhoods, and employment, institutional and residential uses that complement the compact, walkable development pattern. The MU-2 District is implemented as a small node or on busy corridors in the Traditional Neighborhood or City Neighborhood Typologies of the Land Use Pattern Book, or as a Village Mixed Use Typology. The typical size of a district is from 2 to 20 acres (1 to 4 blocks) but depends on the context and what integrates best into surrounding neighborhoods and complimentary zoning districts.
- ◇ The Mapleton Fall Creek Neighborhood Plan (2013) recommends community commercial use development for the property. “This land use category is for low-intensity retail commercial and office uses, which serve a predominantly residential market adjacent to or very near, the location of the use. The uses in this land use category are designed to fulfill a broad range of retail, personal, professional, and business services and are either freestanding or part of a small integrated center typically anchored by a grocery store. These centers contain no, or extremely limited, outdoor display of merchandise”.
- ◇ The site is in Critical Area #9 of the Neighborhood Plan. Recommendations note that “this Commercial use designation would allow for a mix of commercial and residential uses in combination”. The zoning designation in place at the time would have allowed for upper floor apartments over street level commercial uses. Further recommendations note that “architectural diversity is encouraged; however monolithic structures (blank walls, minimal fenestration) are not appropriate”.

Staff Analysis

- ◇ As proposed, the rezoning would align with the Neighborhood Plan recommendation while maintaining the historical residential use of the site to promote a diversity of housing types in the neighborhood. However, staff determined that final building elevations should be submitted for Administrator’s Approval prior to the issuance of an Improvement Location Permit (ILP) since the north building façade fenestration would need to be improved and the exterior building material proposed for the addition would need to be more compatible with the existing brick façade.
- ◇ Staff is recommending approval of the request with the commitment as noted.

GENERAL INFORMATION

EXISTING ZONING AND LAND USE

D-5	Compact	Vacant Building
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SURROUNDING ZONING AND LAND USE

North	C-3	Auto Repair
South	D-5	Residential (Single-family dwelling)
East	MU-1	Residential (Multifamily dwellings)
West	D-5	Residential (Single-family dwelling)

(Continued)

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NEIGHBORHOOD PLAN	The Mapleton Fall Creek Neighborhood Plan (2013) recommends community commercial use development.
THOROUGHFARE PLAN	College Avenue is classified in the Official Thoroughfare Plan for Marion County, Indiana as a primary arterial street, with a 60-foot existing right-of-way and an 88-foot proposed right-of-way.
THOROUGHFARE PLAN	30 th Street is classified in the Official Thoroughfare Plan for Marion County, Indiana as a primary arterial street, with an 80-foot existing right-of-way and a 78-foot proposed right-of-way.
TRANSIT-ORIENTED DEVELOPMENT	This site is not located within the Transit-Oriented Development Overlay.
FLOODWAY / FLOODWAY FRINGE	This site is not located within a floodway or floodway fringe.
WELLFIELD PROTECTION DISTRICT	This site is not located within a wellfield protection district.
SITE PLAN	File-dated August 4, 2023.
ELEVATIONS	File-dated August 4, 2023.
FLOOR PLANS	File-dated August 4, 2023.

ZONING HISTORY – SITE

EXISTING VIOLATIONS

None.

PREVIOUS CASES

2010-LNU-013; 2958 North College Avenue (subject site), Certificate of Legal Non-Conforming Use for ground-floor “retail-type use” of the type indicated in Section 732-203(a)(15) of the Commercial Zoning Ordinance of Indianapolis-Marion County, **approved**.

ZONING HISTORY – VICINITY

2013-ZON-008; 3019, 3022, 3023 and 3025 Ruckle Street; 3127 and 3131 New Jersey Street, 3130 Central Avenue; 2925 2929, 2931, and 3151 North Park Avenue (southwest of site), Rezoning of 1.91 acres, from the D-5 District to the PK-1 classification to provide for park uses, **approved**.

(Continued)

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2008-ZON-848, 2008-VAR-848 and 2008-APP-848; 710 East 30th Street and 3002 Fall Creek Parkway North Drive (northeast of site), Rezoning of 0.42 acre, from the D-4 District, to the C-2 classification to provide for high-intensity office-apartment commercial uses. Approval of a Modification of Site Plan, related to petition 2004-ZON-813, to remove the landscape strip along the east property line that was required by Commitment Eight. Approval to Modify commitments, related to petitions 2004-ZON-813 and 2004-VAR-813, to: a) terminate Commitment Eight (commitment required a landscape strip and barrier along the east property line), b) terminate Commitment Nine (commitment restricted the hours of business operation to 6:00 AM to 11:00 PM only), c) terminate Commitment 14 (commitment required chain gates at all points of access to the property so as to prohibit autos from entering the property during those hours when the store is not open). Variance of Development Standards of the Commercial Zoning Ordinance and the Sign Regulations to provide for: d) a gas station canopy with a 57.167-foot front setback from the centerline of East 30th Street (minimum 70-foot front setback from centerline required), e) a 4.167-foot landscape strip along East 30th Street (minimum ten-foot front landscape strip required), f) a pylon sign with a four-foot front setback from the existing right-of-way of College Avenue and a thirteen-foot front setback from the right-of-way of East 30th Street (minimum fifteen-foot front setbacks required). g) carry-out food service within eight feet of a protected district (minimum 100-foot separation from protected district required).

2008-ZON-840; 703 East 30th Street (east of site), Rezoning of 1.9 acres from C-S to C-2, and Variances of Development Standards of the CZO to provide for a 20,146-square foot building addition with a 65-foot front setback from the centerline of Fall Creek Parkway North Drive, and with a 40.5-foot front setback from the centerline of 30th Street, to provide for an enclosed dumpster located in front of the established front building line along College Avenue, and having a 52-foot front setback from the centerline of College Avenue, and to provide for senior housing, having 47 dwelling units, with 27 off-street parking spaces, **approved**.

2007-ZON-087; 3010 and 3014 North College Avenue (north of site), Rezoning of 0.1504 acres, from the D-5 District, to the C-3 classification to provide for neighborhood commercial uses, **approved**.

2005-ZON-154; 703 East 30th Street (east of site), Rezoning of 1.63 acres from C-1 to C-S to provide for all C-2 and SU-2 uses, **approved**.

2004-ZON / VAR-837; 2910 North College Avenue (south of site), Rezoning of 0.66 acre from D-5 to C-3, and variance of development standards of the CZO to provide for food carryout and drive-through with a deficient separation from a protected district, and outdoor seating, **approved**.

2004-ZON / VAR-813; 3007 North College Avenue (northeast of site), Rezoning of 0.10 acre from the D-5 to C-3 to provide for a convenience store and a gasoline station, and variance to allow for three-foot east and three-foot north transitional yards, and a 60-foot setback from centerline of College Avenue, **approved**.

2001-ZON-097; 703 East 30th Street (east of site), Rezoning of 2.2 acres from D-5 to C-1, **approved**.

85-Z-189; 3001 North College Avenue (northeast of site), Rezoning 0.2 acre from the D-5 to C-3, **approved**.

2023-ZON-077; Location Map



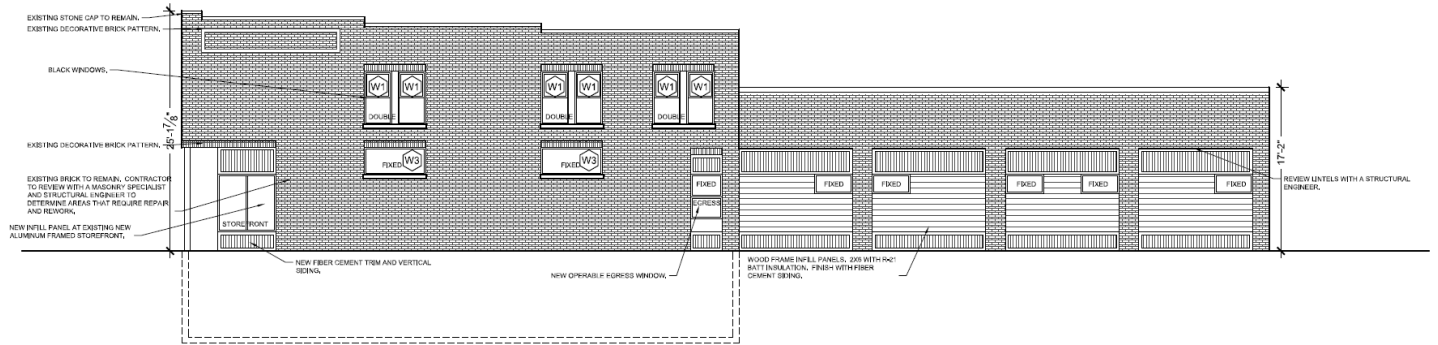
2023-ZON-077; Sanborn (year)



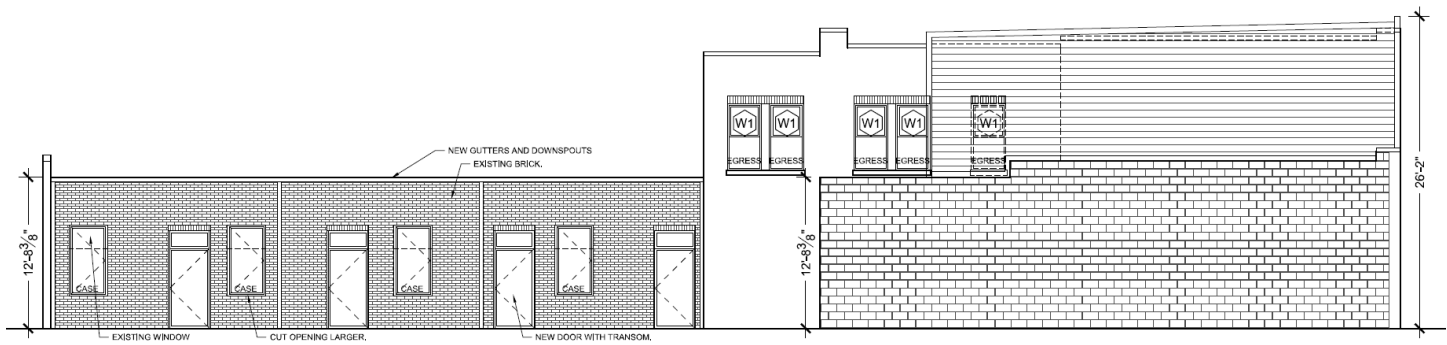
2023-ZON-077; Site Plan



Scale: $1/4'' = 1' - 0''$

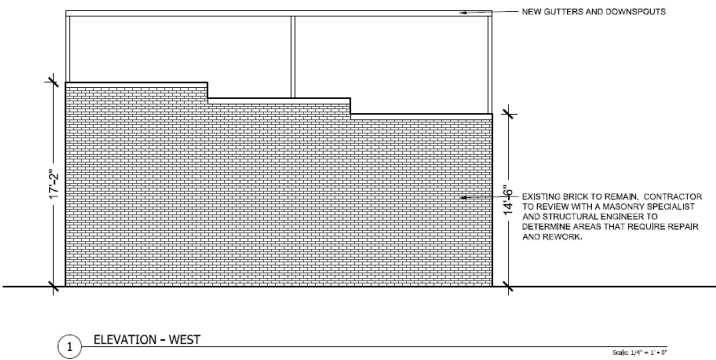
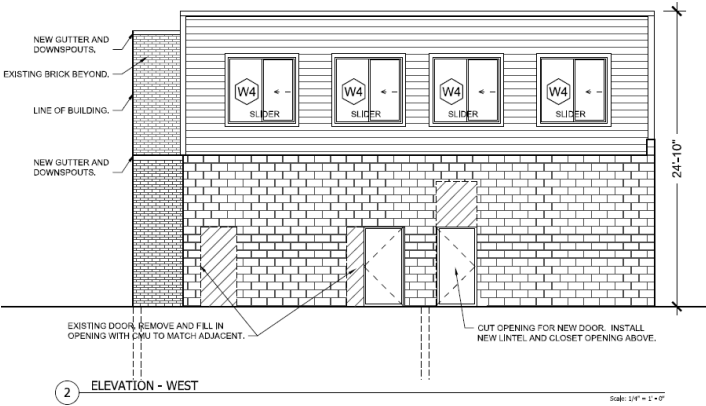
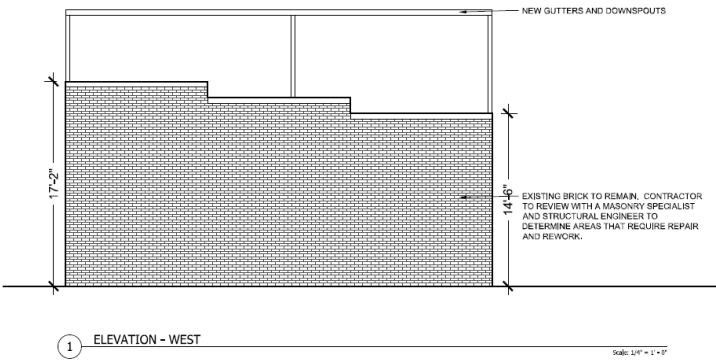
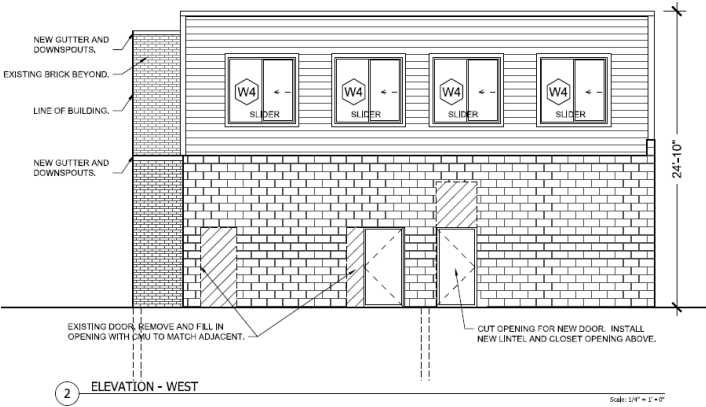


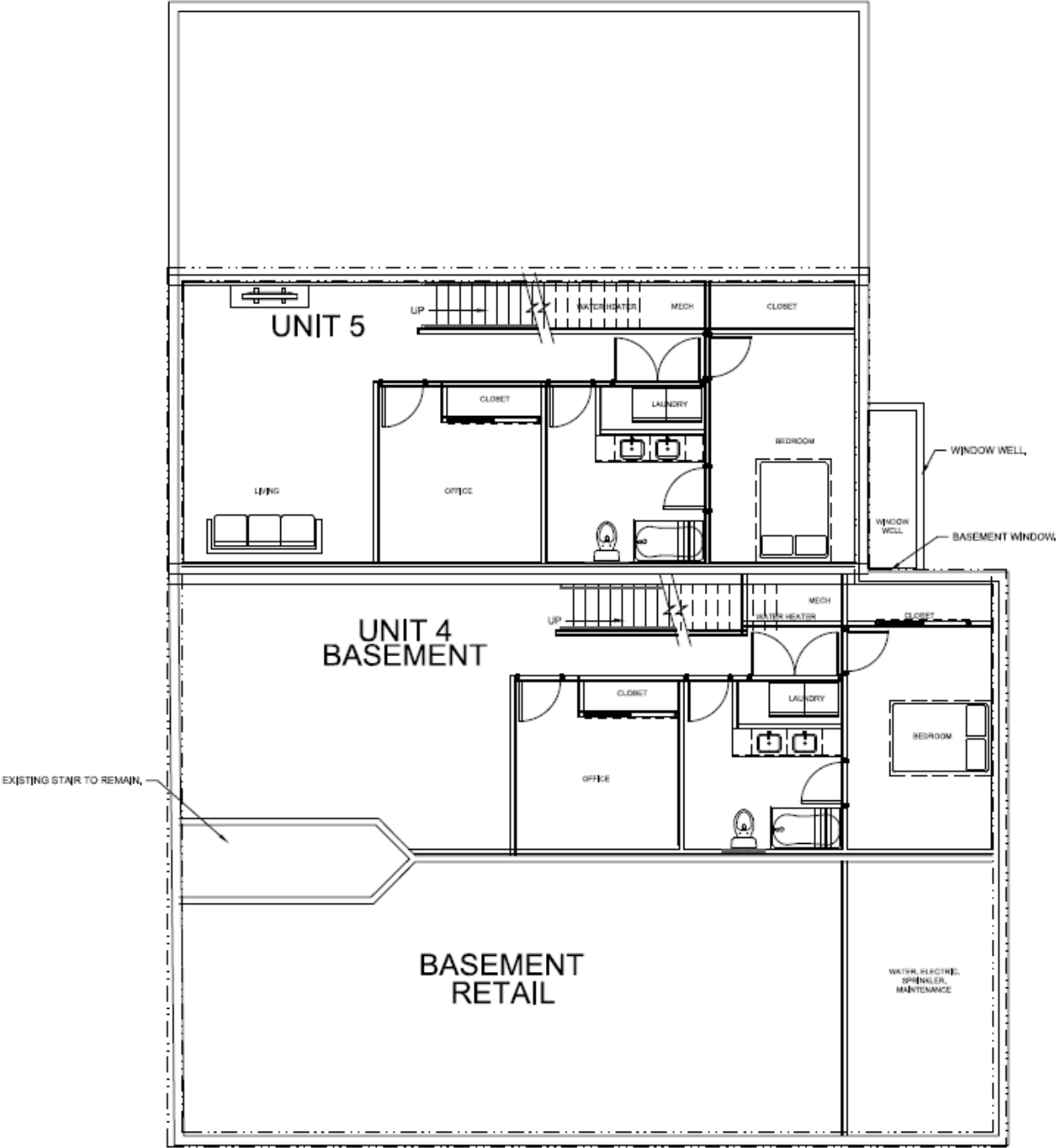
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2023-ZON-077; Elevations (Continued)

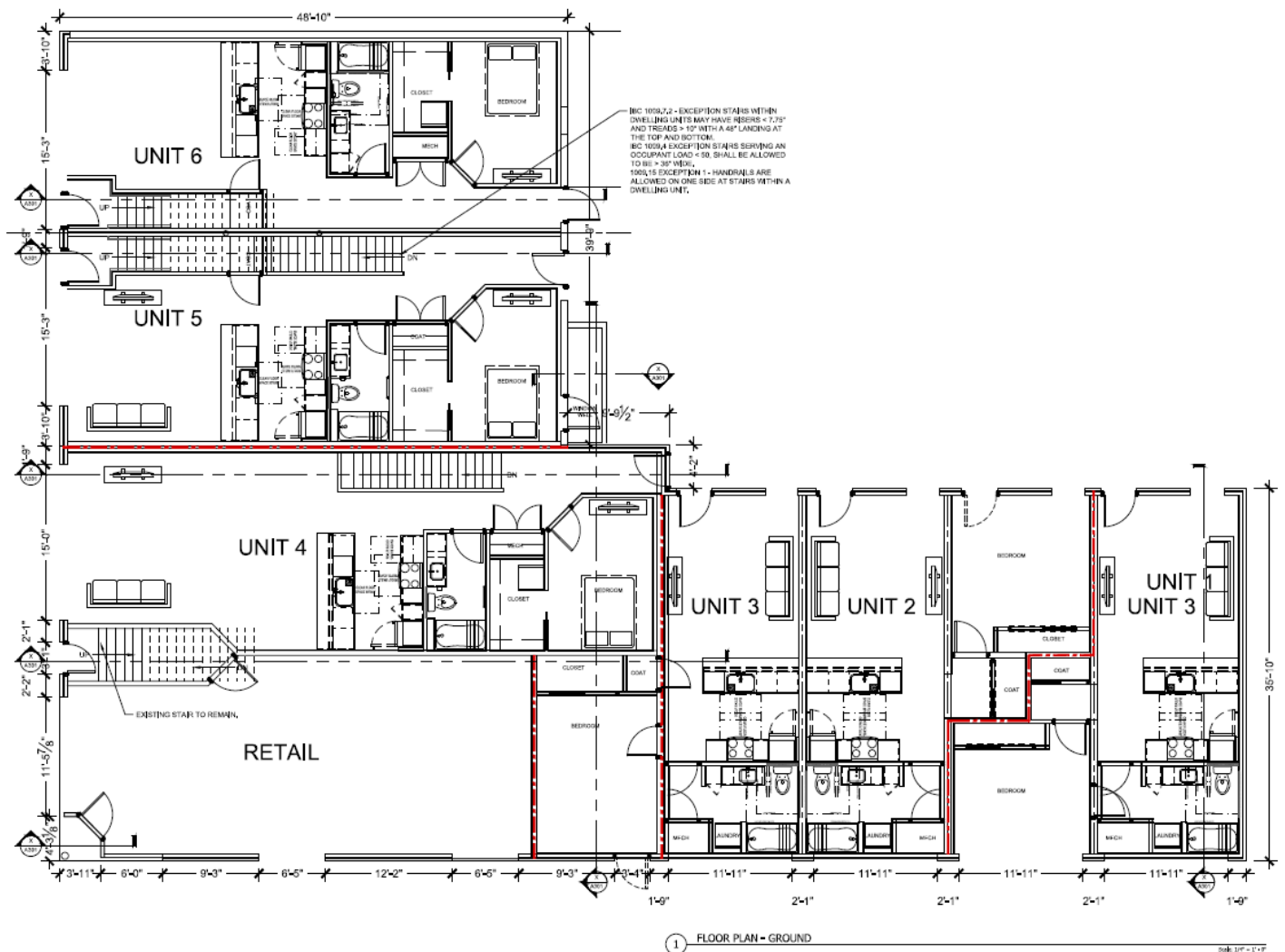




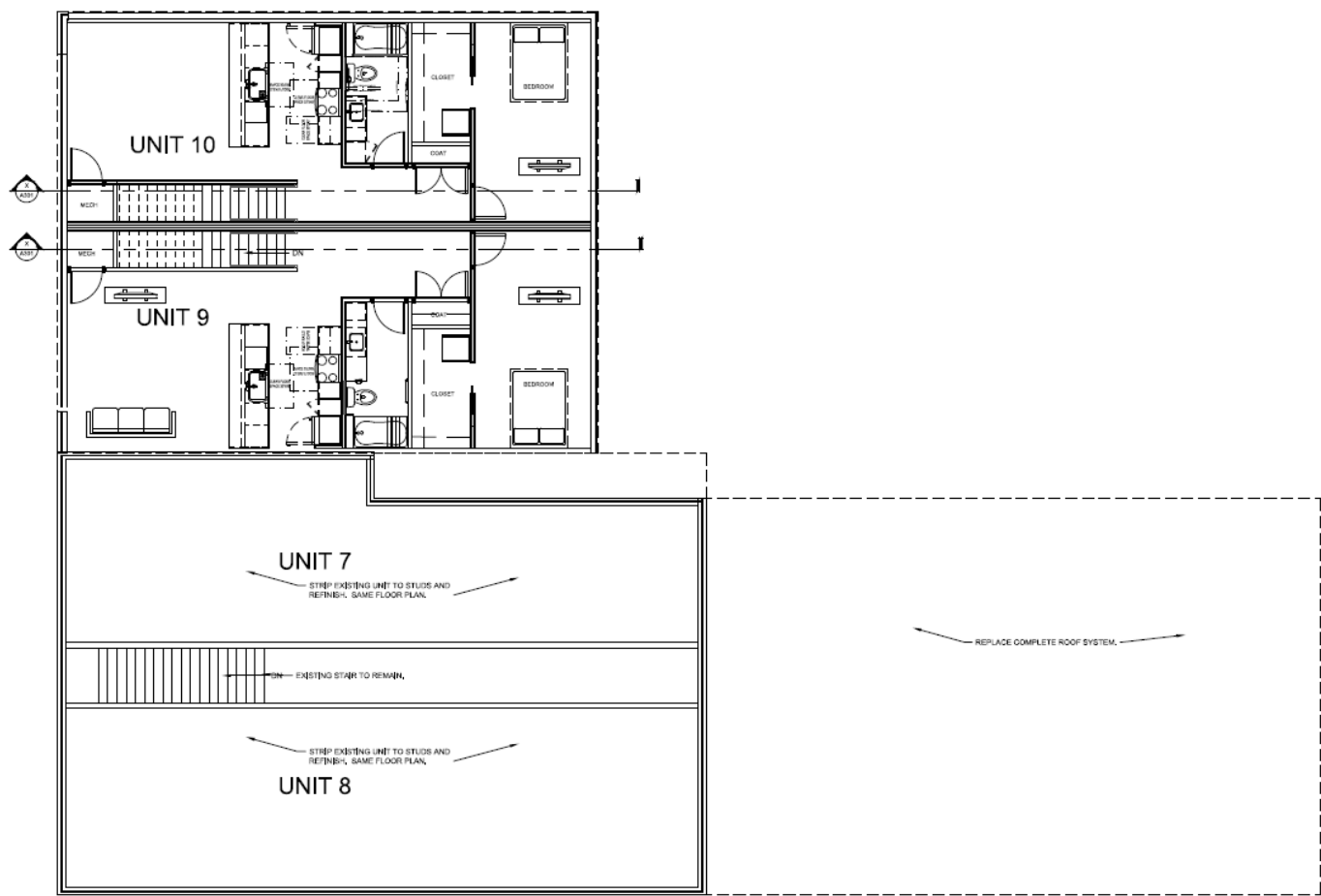
1 FLOOR PLAN - BASEMENT

Scale: 1/4" = 1' - 0"

2023-ZON-077; Floor Plans (Continued)



2023-ZON-077; Floor Plans (Continued)



2023-ZON-077; Photographs



Photo of the north building façade of the subject property at 2958 North College Avenue.



Photo of the existing north building façade continued.



Photo of the existing east building façade.



Photo of the existing east building façade where the second story additon will be constructed.



Photo of the existing west and south building façades.



Photo of the west building façade where the second story addition will be constructed.



Photo of the single-family dwelling west of the site.



Photo of the auto repair business north of the site.



Photo of the single-family dwelling south of the site.



Photo of the multifamily apartments east of the site.