

STAFF REPORT

Department of Metropolitan Development Division of Planning Current Planning Section

Case Number: 2023-CZN-846 / 2023-CAP-846
Address: 8631 River Crossing Boulevard (*Approximate Address*)
Location: Washington Township, Council District #3
Petitioner: PK Partners, LLC, Inc., by Brian J. Tuohy
Requests: Rezoning of 10.056 acres from the C-S (FF) district to the C-S (FF) district to add indoor sports and recreation uses (including but not limited to indoor pickleball courts) as a permitted use.

Modification of Commitments related to 93-Z-151, as modified by 2012-CAP-818, to Modify Commitment #2, to allow indoor sports and recreation as a permitted use in the area identified as retail.

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:

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 10.056-acre site, zoned C-S (FF), is developed with a one-story commercial center and associated parking. It is surrounded by commercial office uses to the north, commercial uses south and multi-family dwellings to the east, all zoned C-S (FF); and a shopping center to the west, across River Crossing Boulevard, zoned C-4.

(Continued)

REZONING

- ◇ This request would rezone the site from the C-S District to the C-S classification from the C-S (FF) district to the C-S (FF) district to add financial and insurance services as a permitted use. “The C-S District is designed to permit, within a single zoning district, multi-use commercial complexes or land use combinations of commercial and noncommercial uses, or single-use commercial projects. The primary objective of this district is to encourage development which achieves a high degree of excellence in planning, design or function and can be intermixed, grouped or otherwise uniquely located with maximum cohesiveness and compatibility. The district provides flexibility and procedural economy by permitting the broadest range of land use choices within a single district, while maintaining adequate land use controls. The C-S District can include high-rise or low-rise developments, can be applied to large or small land areas appropriately located throughout the metropolitan area, and can be useful in areas of urban renewal or redevelopment.
- ◇ The Comprehensive Plan recommends regional commercial typology. “The Regional Commercial typology provides for general commercial and office uses that serve a significant portion of the county rather than just the surrounding neighborhoods. Uses are usually in large freestanding buildings or integrated centers. Typical examples include shopping malls, strip shopping centers, department stores, and home improvement centers.”
- ◇ 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.
- ◇ 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.

Large-Scale Schools, Places of Worship, Community- Serving Institutions/Infrastructure, and Other Places of Assembly (defined as Schools, places of worship, and other places of assembly that are generally more than five acres in size. Particularly large centers of education such as township high schools and universities would not be included in this definition and are considered to be regional special uses.

- Should be located along an arterial or collector street.
- 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.
- Schools should not be within 1000 feet of a highway, freeway, or expressway.

(Continued)

STAFF REPORT 2023-CZN-846 / 2023-CAP-846 (Continued)

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

- ◇ The request would be consistent with the Comprehensive Plan recommendation of regional commercial typology and the Pattern Book guidelines regarding places of assembly. Furthermore, the proposed use would not negatively the surrounding commercial uses within the immediate area. For these reasons, staff recommends approval of the rezoning request.
- ◇ Staff believes that the modification of the C-S Statement to add indoor sports and recreation as a permitted use in the area identified as retail would not be detrimental to the surrounding commercial uses and provide for reuse of vacant tenant spaces.

(Continued)

STAFF REPORT 2023-CZN-846 / 2023-CAP-846 (Continued)

GENERAL INFORMATION

EXISTING ZONING AND LAND USE

C-S (FF) Commercial retail uses

SURROUNDING ZONING AND LAND USE

North -	C-S (FF)	Commercial office uses
South -	C-S	Commercial retail uses
East -	C-S (FF)	Multi-family dwellings
West -	C-4	Shopping Center

COMPREHENSIVE PLAN The Comprehensive Land Use Plan for Indianapolis and Marion County (2018) recommends regional commercial typology.
Marion County Land Use Pattern Book (2019).

THOROUGHFARE PLAN This portion of River Crossing Boulevard is designated in the Marion County Thoroughfare Plan as a local street, with an existing 75-foot right-of-way and a proposed 48-foot right-of-way.

CONTEXT AREA This site is located within the metro context area.

OVERLAY This site is not located within an overlay

PROPOSED DESCRIPTION File-dated August 15, 2023

C-S- STATEMENT File-dated August 15, 2023

ZONING HISTORY

2023-ZON-066; 8711 River Crossing Boulevard (north of site), requested rezoning of 2.964 acres from the C-S (FF) district to the C-S (FF) district to add financial and insurance services as a permitted use, **pending**.

2014-CZN 802 / 2014-CVR-802; 8711 and 8805 River Crossing Boulevard and 3520 Commerce Crossing, requested rezoning of 14.6 acres from the C-4 and C-S districts to the C-S district to provide for a mixed-use development of residential, office and hotel uses, with first-floor retail, fitness center and restaurant uses and free-standing retail and restaurant uses, with outdoor seating and dining areas and a variance of development standards of the Commercial Zoning Ordinance up to a 30 percent reduction in the amount of parking and a maximum height of 65 feet at the setback line, with a three-foot height increase for each additional foot of setback to a maximum setback of 30 feet, with a maximum height of 150 feet beyond a 30-foot setback at 3520 Commerce Crossing and with an unlimited height beyond a 30-foot setback at 8711/8805 River Crossing Boulevard, **approved and granted**.

(Continued)

STAFF REPORT 2023-CZN-846 / 2023-CAP-846 (Continued)

2018-DV3-040; 8711 River Crossing Boulevard, requested a variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for 210 small vehicle parking spaces, **granted**.

VICINITY

2013-UV1-023: 8701 and 8702 Keystone Crossing (west of site), requested a variance of use of the Commercial Zoning Ordinance to provide for indoor automobile sales and display and electric automobile charging stations within the parking garage (not permitted); **granted**.

2013-DV3-021: 8631 River Crossing Boulevard (south of site), requested a variance of development standards of the Commercial Zoning Ordinance to provide for a drive-through lane, with two stacking spaces before the pick-up window and one stacking space after the pick-up window (six stacking spaces required before the pick-up window and two after the pick-up window), and to provide for a trash enclosure in front of the established building line along River Crossing Boulevard (not permitted); **granted**.

2012-CVR-818 / 2012-CAP-818: 8631 River Crossing Boulevard (south of site), requested a variance of development standards of the Commercial Zoning Ordinance to provide for outdoor seating/dining for all types of restaurants (outdoor seating permitted for family restaurants only); and requested modification of the C-S statement and commitments related to 93-Z-151; **granted and approved**.

2011-ZON-005: 8787 Keystone Crossing (west of site), requested rezoning of 6.87 acres, from the C-S District to the C-S classification to provide for multi-family residential uses; **approved**.

2004-UV3-005; 3520 Commerce Crossing (west of site); requested a variance of development standards of the Commercial Zoning Ordinance to provide for a fourteen-story, 258-foot tall, 240,000-square foot office building, **granted**.

93-Z-151: 8701 River Road (includes site), requested the rezoning of 85 acres, being in the D-A and SU-23 (GSB) District, to the C-S classification to provide for a mixed-use development to consist of an integrated retail commercial center, offices, a hotel, a free-standing restaurant and 675 residential apartments, **approved**.

93-CV-14: 8701 River Road (includes site), requested a Variance of Development Standards of the Commercial Zoning Ordinance to permit the development of residential apartment buildings with a setback of 20 feet from the existing right-of-way of River Road (minimum 70 feet from the centerline or 10 feet from the proposed right-of-way required); **granted**.

73-Z-41: 8750 North River Road (includes site), requested rezoning of 147 acres, being in the D-A District, to the SU-23 classification to provide for a sand and gravel operation; **approved**.

Proposal Description

8631 River Crossing Blvd (the "Site")

The approximately 10.056 acre site was part of approximately 85 acres rezoned to C-S in 1993, under Petition No. 93-Z-151 (the "1993 Rezoning"). See the 1993 C-S Statement and the 1993 Site Plan filed herewith. Additionally, commitments were recorded in connection with the 1993 Rezoning as Instrument No. 1993-0180508 (the "1993 Commitments"). The Site is within the Retail portion of the development depicted on the 1993 Site Plan.

Subsequently, in 2012, the 1993 C-S Statement, the 1993 Commitments and the 1993 Site Plan were modified under Petition No. 2012-CAP-818. See the approval letter dated December 20, 2012, the Statement of Modification or Termination of Commitments recorded as Instrument No. A2012001331135, and the 2012 Site Plan filed herewith.

Petitioner respectfully requests to amend the existing C-S zoning classification to allow Indoor Sports and Recreation (including but not limited to indoor pickleball courts and improvements related thereto) on the Site, along with the previously permitted uses set forth in the 1993 C-S Statement and its amendment in 2012. Additionally, Petitioner respectfully requests to modify Commitment No. 2 of the 1993 Commitments as follows:

2. Land Use Designation. Land use boundaries shall be located substantially as depicted on the Conceptual Land Use Plan filed-dated November 12, 1993 ("Land Use Plan"). The two land use categories of Multi-family/Office and Multi-Use Area shall be subject to "Conversion Factors" described in the Detailed Description of Request filed with Docket No. 93-Z-151, file-dated August 23, 1993. The areas identified by the land use categories of Office, Multi-Family Residential and Retail shall be limited to those respective specified land uses and shall be non-convertible to other uses within those areas; provided that Indoor Sports and Recreation shall also be a permitted use within the Retail area.

2023 C-S Statement
8631 River Crossing Blvd (the "Site")

The 1993 C-S Statement filed in connection with Case No. 93-Z-151 (attached hereto as Exhibit A), its amendment in 2012 as described by the approval letter for Case No. 2012-CAP-818 (attached hereto as Exhibit B), the 1993 Site Plan (attached hereto as Exhibit C), its amendment in 2012 (attached hereto as Exhibit D) shall remain in full force and effect, except as modified as follows:

The first bullet point under the Permitted Uses section of the 1993 C-S Statement (as amended in 2012) shall state as follows:

-Retail commercial uses, all types of restaurants, with outdoor seating/dining, and indoor sports and recreation uses (including but not limited to indoor pickleball courts), located in an integrated center with a total leasable area of 115,500 square feet, exclusive of any out-lot leasable area. One outlot in front of the retail center shall be permitted.

EXHIBIT "A"
93-Z-151 C-S STATEMENT PAGE 1 of 2

DETAILED DESCRIPTION OF REQUEST

**8700 River Road
River Crossing - C-S Rezoning**

PROJECT DESCRIPTION

Petitioner, P K Partners, L.P., requests the rezoning of approximately 85 acres from the SU-23 (GSB) classification to the C-S classification to provide for the development of an integrated, mixed-use development.

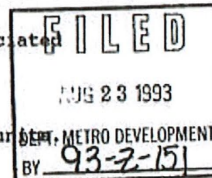
The site is bounded on the west by Keystone at the Crossing, on the north by Interstate 465 with the Precedent Office Park located north of the interstate, on the east and south by River Road and the White River. Access to the site is gained via Bazaar Drive and River Road. Provision shall be made for internal roadway connections between each land use developed as a part of the overall development.

A prominent feature of the real estate is an approximately 28 acre lake located centrally on the site. The lake will be utilized not only for drainage purposes, but also as an amenity around which much of the proposed development will be focused. Such lake front amenities may include a boardwalk, walking/hiking path, outdoor restaurant seating, picnic areas and the like which may be developed by the various individual users or as common amenities provided by the developer for and accessible to all users along the perimeter of the lake.

PERMITTED USES

Subject to the Land Use Reallocation Allowances specified below, development shall not exceed the following limits, with land uses located in substantial compliance with the Conceptual Land Use Plan and Conceptual Site Master Plan filed with this petition:

- Retail commercial uses located in an integrated center with a total leasable area of 110,000 square feet. There shall be no outlot development in front of the retail center.
- Office development with a total leasable area of 300,000 square feet.
- Hotel development with 200 rooms and an associated restaurant.
- Free standing restaurant or retail use.
- Residential development with a total of 675 units.



LAND USE REALLOCATION ALLOWANCES

In order to provide flexibility in the marketing and development of the real estate, petitioner requests approval of certain "conversion factors" to allow for a reallocation of the land uses specified above provided that the traffic generated by the reallocation of land uses is equal to or less than the traffic generated by the initially proposed development described above. Petitioner proposes the following "conversion factors":

- One residential living unit = one hotel room
- Two residential living units/hotel rooms = 1,000 square feet of leasable office space.
- Eight residential living units/hotel rooms = 1,000 square feet of leasable retail space/restaurant.

EXHIBIT "A"
93-Z-151 C-S STATEMENT PAGE 2 of 2

TRANSPORTATION ISSUES

Petitioner recognizes that the capacity of the thoroughfare system in this portion of Marion County is a primary concern of local officials and area property owners. As a result, petitioner has commissioned a traffic study and will implement improvements identified in the traffic study subject to the approval of the Department of Transportation. Roadway improvements will include River Road, the intersection of River Road and Bazaar Drive, and the intersection of Bazaar Drive with 86th Street.

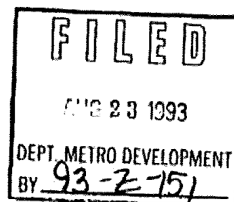


EXHIBIT B
2012 Approval Letter

City of
Indianapolis
Gregory A. Ballard, Mayor



December 20, 2012

Eugene Valanzano
Baker & Daniels, LLP
600 East 96th Street, Suite 600
Indianapolis, IN 46240

Re: 2012-CAP-818; River Shops, LLC
8631 River Crossing Boulevard; Washington Township

Dear Mr. Valanzano:

The Metropolitan Development Commission, at their regular scheduled meeting on November 7, 2012, heard your petition for a Modification of the C-S statement and commitments related to 93-Z-151 to modify Commitment Three and the first bullet point under the Permitted Uses section of the C-S Statement to provide for all types of restaurants, with outdoor seating /dining, 115,500 square feet of leasable area, exclusive of any out-lot leasable area, and to provide for one out-lot in front of the retail center (maximum 110,000 square feet permitted, no out-lots permitted).

The Commission, being fully advised in this matter, approved the petition, subject to the commitments recorded as Instrument No. 2012-131135 in the office of the Recorder of Marion County, Indiana, a copy of which is on file in the offices of the Metropolitan Development Commission.

Sincerely,

Michael Peoni, AICP
Administrator

MP:eh

Department of Metropolitan Development
Division of Planning

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200 E. Washington Street | (fax) 327-7883
Indianapolis, Indiana 46204 | www.Indy.GOV

Exhibit C
93-Z-151 SITE PLAN

93-Z-151

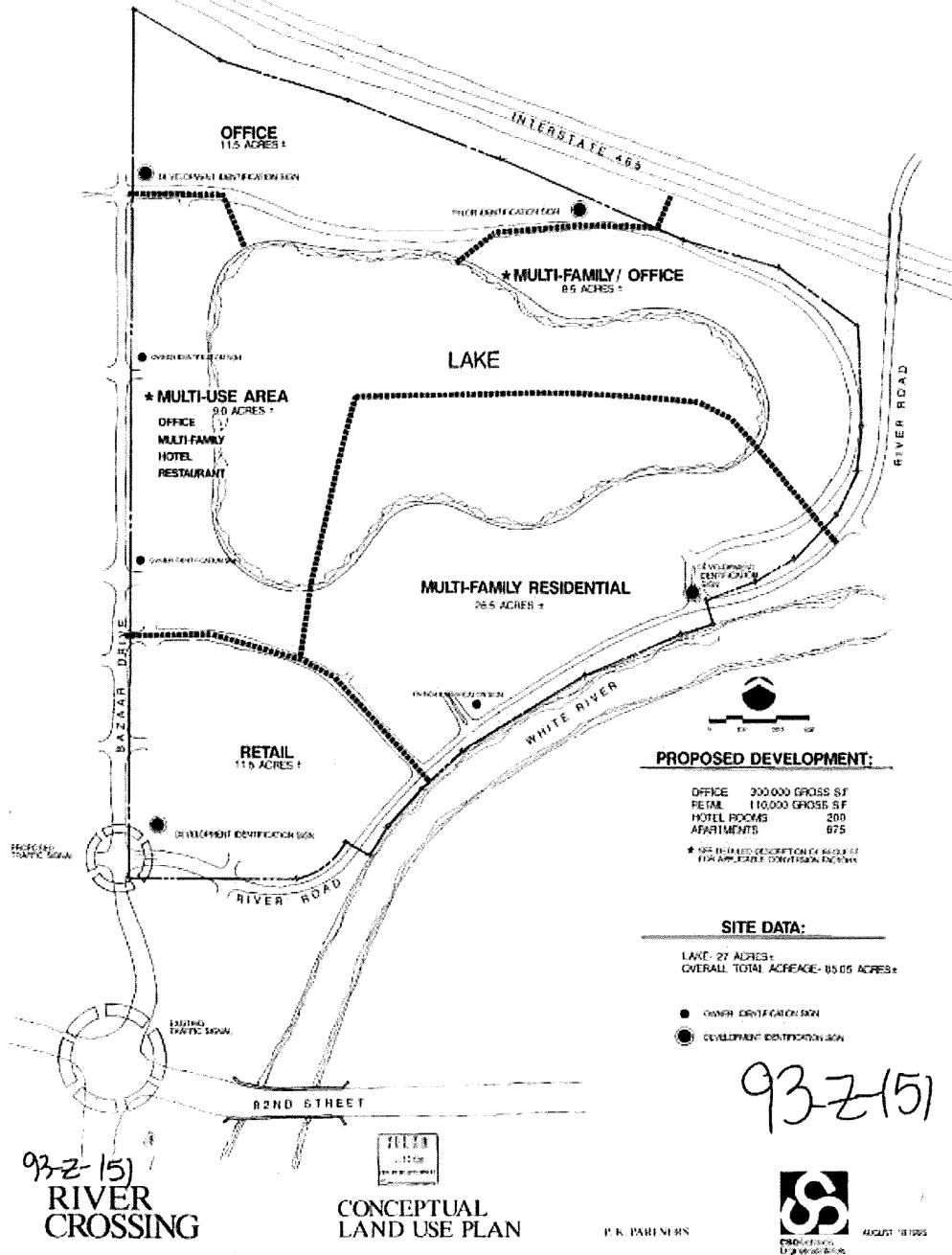
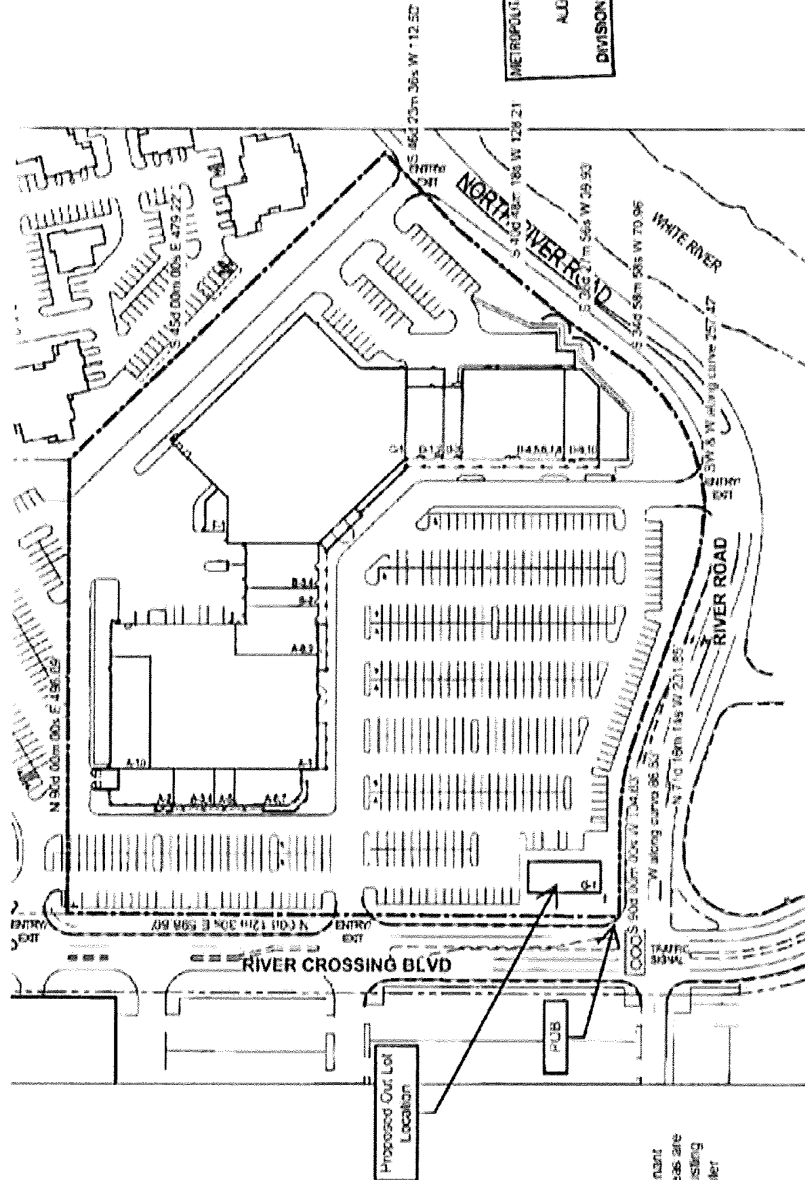


EXHIBIT D
2012-CAP-818 SITE PLAN
 (file-dated August 9, 2012)

METROPOLITAN DEVELOPMENT
 DIVISION OF PLANNING
 AUG 09 2012



THE SHOPS AT RIVER CROSSING
 INDIANAPOLIS, INDIANA



Scale: 1" = 100'



View looking south along River Crossing Boulevard



View looking north along River Crossing Boulevard



View of site looking southeast across River Crossing Boulevard



View of site looking south along access drive and parking lot to the west.



View of site looking southwest



View of site looking south



View of site looking southeast



View from site looking northeast