

## STAFF REPORT

### Department of Metropolitan Development Division of Planning Current Planning Section

**Case Number:** 2023-ZON-008  
**Address:** 1717 East New York Street (*Approximate Address*)  
**Location:** Center Township, Council District #17  
**Petitioner:** Progress Studio, by Joseph Lese  
**Request:** Rezoning of 0.20 acre from the D-8 district to the C-3 district.

### **RECOMMENDATIONS**

Staff **recommends approval** of the request, 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. The site shall be in substantial compliance with the site plan, file dated February 3, 2023
3. The following uses shall be prohibited: Check Cashing or Validation Service, Outdoor Advertising Off-Premise Sign, Pawn Shop and Drive Through (Accessory Use).

### **SUMMARY OF ISSUES**

The following issues were considered in formulating the recommendation:

#### **LAND USE ISSUES**

- ◇ This 0.20-acre site, zoned D-8, is developed with a one-story commercial building and associated parking. It is surrounded by commercial uses to the north, across East New York Street, zoned C-3; a single-family dwelling to the south, zoned D-8; undeveloped land to the east, zoned D-8; and commercial uses to the west, zoned C-3.

#### **REZONING**

- ◇ This request would rezone the site from D-8 District to the C-3 (Neighborhood Commercial) classification to provide for commercial office uses. "The C-3 District is for the development of an extensive range of retail sales and personal, professional and business services required to meet the demands of a fully developed residential neighborhood, regardless of its size. Examples of such types of uses include neighborhood shopping centers, sales of retail convenience or durable goods, shopping establishments, retail and personal and professional service establishments. At this neighborhood scale of retail, a fine-grain of accessibility requisite for all modes of travel must be provided and maintained. It does not make provision, however, for those businesses that draw customers in significant numbers from well beyond a neighborhood boundary and are, therefore, unusually heavy traffic generators, such as theaters.

(Continued)

## **STAFF REPORT 2023-ZON-008 (Continued)**

It does not allow those businesses that require the outdoor display, sale or storage of merchandise; or require outdoor operations. In general, to achieve maximum flexibility of permitted land use, the C-3 District makes possible a highly varied grouping of indoor retail and business functions.”

- ◇ 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 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.
- 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.

(Continued)

## **STAFF REPORT 2023-ZON-008 (Continued)**

*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.
- ◇ The site is included in the Blue Line Transit Oriented Development Strategic Plan, but outside the Transit Oriented Development overlay. It is located within a ½ mile walk of a proposed transit stop located southeast at the intersection of East Washington Street and Arsenal Avenue, with a District Center typology.
- ◇ District Center stations are located at the center of regionally significant districts with several blocks of retail or office at their core. Development opportunities include infill and redevelopment, dense residential, employment near transit stations, neighborhood retail and a focus on walkability and placemaking.
- ◇ Characteristics of the District Center typology are:
- A dense mixed-use hub for multiple neighborhoods with tall buildings
  - Minimum of 3 stories at core with no front or side setbacks
  - Multi-family housing with a minimum of 5 units
  - Structured parking only with active first

### **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.

(Continued)

## **STAFF REPORT 2023-ZON-008 (Continued)**

◇ 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, this request would be consistent with the Comprehensive Plan recommendation of urban mixed-use. Rezoning to provide for a neighborhood commercial use would also be consistent with the historical use of this site, which is currently vacant but has been used commercially for over 70 years despite the residential zoning.
- ◇ It appears from the site plan and elevations, file dated February 3, 2023, that the existing building would remain and would be expanded by way of a second story for office uses. The two small additions on the east and west facades would be removed.
- ◇ The Plan of Operation, file dated February 3, 2023, indicates that the proposed use would be for a real estate office.
- ◇ Staff believes that the proposed redevelopment of the site would be an appropriate reuse of the site and have minimal impact on surrounding land uses. As this site is redeveloped the required landscaping would improve the appearance of the site and provide an enhanced and more positive pedestrian experience in the area.

(Continued)

**STAFF REPORT 2023-ZON-008 (Continued)**

◇ Additionally, the petitioner’s representative met with the neighborhood organization who requested that certain uses be prohibited. Those prohibited uses are included in requested Commitment Number Three.

**GENERAL INFORMATION**

**EXISTING ZONING AND LAND USE**

D-8 Commercial uses (vacant)

**SURROUNDING ZONING AND LAND USE**

North -	C-3	Commercial uses
South -	D-8	Single-family dwellings
East -	D-8	Undeveloped land
West -	C-3	Commercial uses

**COMPREHENSIVE LAND USE PLAN**

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

The Blue Line Transit Oriented Development Strategic Plan (2018).

**THOROUGHFARE PLAN**

This portion of East New York (one-way east) 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.

This portion of Walcott 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 site is not located within an overlay.

**SITE PLAN / ELEVATIONS**

File-dated February 3, 2023

**PLAN OF OPERATION**

File-dated February 3, 2023

## **STAFF REPORT 2023-ZON-008 (Continued)**

### **ZONING HISTORY**

**55-V-516; 1717 East New York Street**, requested a variance of use to permit erection of an addition neon sign on the west wall of the existing tavern previously granted by variance, **denied**.

**55-V-102; 1717 East New York Street**, requested a variance of use to permit a five-foot by nine-foot neon sign on the west wall of the store building previously granted by a variance, **denied**.

**54-V-201; 1717 East New York Street**, requested a variance of use to permit the proposed erection of a 2.5-foot by five-foot flasher arrow to be attached to the retail store building previously approved by variance, **granted**.

**51-V-522; 1717 East New York Street**, requested a variance to construct a concrete addition to the rear of the existing residence, extending 1.5 feet from the south side property line, to be used for the operation of a retail store that would replace the existing non-conforming frame structure; a neon sign, not to exceed four square feet, to be attached to the front of the store building; an accessory off-street parking provided on the premises, **granted**.

### **VICINITY**

**2010-ZON-034; 1701 East New York Street**, requested Rezoning of 0.22 acre from the C-3 district to the C-5 classification to provide for an automobile sales lot, **denied**.

**2003-UV2-011; 1825 East New York Street (east of site)**, requested Variance of Use of the Dwelling Districts Zoning Ordinance to legally establish an automobile repair shop (not permitted), with off-street parking and storage, **denied**.

**98-UV3-9; 1728 East New York Street (north of site)**, requests a variance of use of the Commercial Zoning Ordinance to provide for the retail storage and sales of sandpaper, and for the conversion of sandpaper into various sizes, shapes and combinations, **granted**.

**96-Z-168; 1701 East New York Street (west of site)**, requests a rezoning of 0.22 acre from the D-8 District to the C-3 classification, **approved**.

**96-UV3-44; 1701 East New York Street (west of site)**, requests a variance of use of the Dwelling Districts Zoning Ordinance to provide for a fruit and vegetable market in an existing building, with outside display, **granted**.

**95-UV3-119; 1728 East New York Street (north of site)**, requests a variance of use of the Commercial Zoning Ordinance to provide for the storage of tape and plastic materials with the conversion of these materials into other uses/products/materials (not permitted), within an existing commercial building, **granted**.

**94-UV1-98; 1825 East New York Street (east of site)**, requests a variance of use of the Dwelling Districts Zoning Ordinance to permit the continued outdoor sales and display of automobiles, **denied**.

(Continued)

**STAFF REPORT 2023-ZON-008 (Continued)**

**92-UV1-39; 1825 East New York Street (east of site)**, requests a variance of use of the Dwelling Districts Zoning Ordinance to permit the continued outdoor sales and display of automobiles, **granted for a temporary period of one year.**

**91-V2-124; 1630 East New York Street (west of site)**, requests a variance of use of the Commercial Zoning Ordinance to permit an auction gallery within an existing building, **granted.**

**90-UV1-65; 1701 East New York Street (west of site)**, requests a variance of use of the Dwelling Districts Zoning Ordinance to permit the continued operation of automobile sales, with business signs, **denied.**

**88-UV2-94; 1601 East New York Street (west of site)**, requests a variance of use and development standards of the Dwelling Districts Zoning Ordinance to provide for the construction of an addition to an attached garage and the enlargement of a driveway canopy for a funeral home, **granted.**

**87-Z-40; 1630 East New York Street (west of site)**, requests a rezoning of 2.0 acres, being in the C-3 and D-8 Districts, to the C-3 classification to conform zoning to its use as retail development, **approved.**

**87-UV1-1; 1701 East New York Street (west of site)**, requests a variance of use of the Dwelling Districts Zoning Ordinance to permit the continued operation of automobile sales, with business signs, **granted for three years.**

**86-UV1-68; 1825 East New York Street (east of site)**, variance of use of the Dwelling Districts Zoning Ordinance to permit the continued outdoor display and sales of automobiles, **granted for a temporary period of three years, expiring June 3, 1989.**

**83-UV3-77; 1701 East New York Street (west of site)**, requests a variance of use of the Dwelling Districts Zoning Ordinance to permit the continued operation of automobile sales, with business signs, **granted for three years.**

**80-UV1-97; 1825 East New York Street (east of site)**, requests a variance of use of the Dwelling Districts Zoning Ordinance to legally establish the outdoor display and sales of automobiles, **granted for a temporary period of five years, expiring January 1, 1985.**

**80-UV1-63; 1701 East New York Street (west of site)**, requests a variance of use of the Dwelling Districts Zoning Ordinance to permit the continued operation of automobile sales, with business signs, **granted for three years.**

**77-UV3-64; 1825 East New York Street (east of site)**, requests a variance of use of the Dwelling Districts Zoning Ordinance to permit the continued outdoor display, sales and repair of automobiles, **granted for a temporary period of three years.**

(Continued)

**STAFF REPORT 2023-ZON-008 (Continued)**

**77-UV2-12; 1701 East New York Street (west of site)**, requests a variance of use of the Dwelling Districts Zoning Ordinance to permit the continued operation of automobile sales, with business signs, **granted for three years.**

**74-UV2-112; 1701 East New York Street (west of site)**, requests a variance of use and variance of development standards of the Dwelling Districts Zoning Ordinance to permit the continued operation of automobile sales, with business signs and deficient setbacks, **granted for two years.**

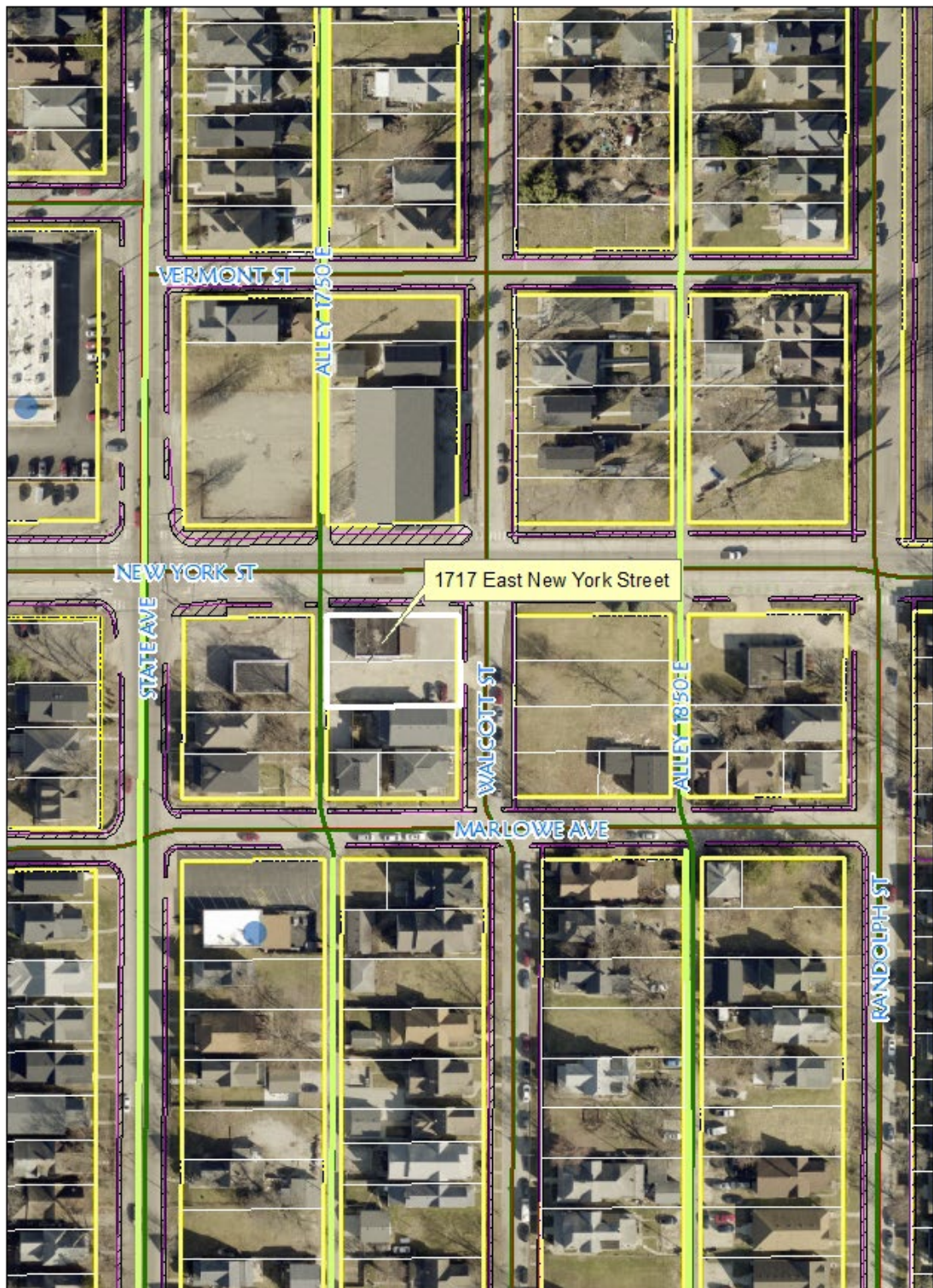
**74-UV3-65; 1825 East New York Street (east of site)**, requests a variance of use of the Dwelling Districts Zoning Ordinance to permit the continued outdoor display, sales and repair of automobiles, **granted for a temporary period of three years.**

**72-UV1-155; 1825 East New York Street (east of site)**, requests a variance of use of the Dwelling Districts Zoning Ordinance to permit the continued outdoor display, sales and repair of automobiles in addition to automobile painting, **granted for a temporary period of one year.**

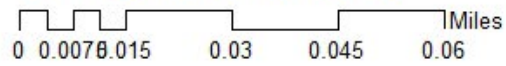
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1717 East New York Street



### 1717 East New York – Plan of Operation

#### Workforce.

- There will be about 6 employees on site daily. Hours of operation are 9am-6 pm. Employees are responsible for their own transportation to and from work. There is parking available on the property.

#### Clients & Customers.

- The commercial space will provide for a real estate office, in which agents will occasionally use their space for work. There is a meeting and closing room for when customers visit the property to meet with agents and close real estate transactions. Customers will come to the site, Monday through Friday 9a-6p. Along with weekend hours of 12p-6p. The commercial space can hold 20 customers. Customers will be able to park their vehicles in the existing parking lot.

#### Materials Used.

-Primarily paper products.

No hazardous materials will be generated.

#### Shipping & Receiving:

-Materials will be shipped/received to the facility either by employees or by delivery vans/trucks. Stocking of materials should occur once a week.

#### Waste:

-Type of waste: Food trash, paper, plastic wrapping - generated by clients and employees. Local trash pickup service will be scheduled once a week for pickup.



Scale: 1"=20'  
GRAPHIC SCALE

STATE OF ARIZONA

PLACES OF TEARINGS: INDIANA STATE PLANT CONSERVATES EAST ZONE

LEGEND

**SITE DATA:**  
ZONING: C3  
AREA: .308 AC

**SCOPE OF WORK:**  
EXISTING SINGLE-STORY  
STRUCTURE TO HAVE A  
SECOND STORY  
ADDITION, AN  
ENHANCEMENT  
LICENSE FOR NORTH  
AWNINGS ARE  
REQUIRED.



PROGRESS | STUDIO

PROGRESS STUDIO, LLC  
1103 East 10th Street  
Indianapolis, IN 46202  
317-672-1100  
[www.theprogressstudio.com](http://www.theprogressstudio.com)

[illegible]

PREPARED FOR  
Randy Myers

1717 New York St.  
Indianapolis, IN 4620

PROJECT  
1717 East New York  
Addition

1717 East New York Street  
Indianapolis, IN 46201

NO.	DATE	DESCRIPTION
--	06/20/2002	NO BET
--	06/20/2002	80% REVIEW BET
--	10/06/2002	85% REVIEW BET
--	10/09/2002	100% REVIEW BET
--	12/15/2002	STATE SLOTTMNL BET

DRAWN BY: JEL  
REVIEWED BY: JEL

PROJECT NUMBER	22018
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SHEET TITLE  
ARCHITECTURAL  
SITE AND  
LANDSCAPE PLAN

**SHEET NUMBER**

AS101

1 ARCHITECTURAL SITE PLAN  
1" = 20'-0"

PREPARED FOR  
**Randy Myers**

1717 New York St  
Indianapolis, IN 46201

PROJECT

**1717 East New York  
Addition**

1717 East New York Street  
Indianapolis, IN 46201

CERTIFICATION



NO.	DATE	DESCRIPTION
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DRAWN BY: RAD

REVIEWED BY: JEL

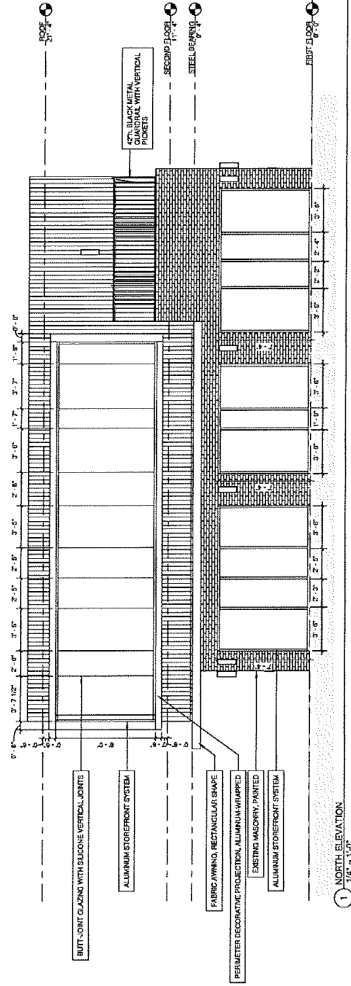
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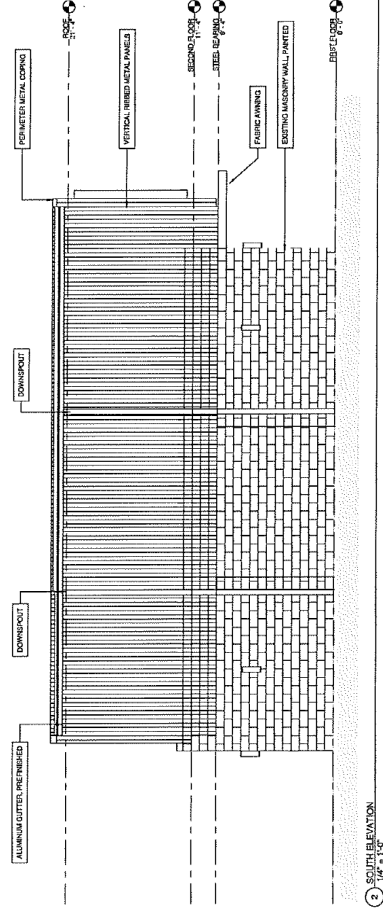
**EXTERIOR  
ELEVATIONS**

**A201**

SHEET NUMBER



1 NORTH ELEVATION  
1/8" = 1'-0"



2 SOUTH ELEVATION  
1/8" = 1'-0"

PROGRESS STUDIO, LLC  
1150 ELM ST. SUITE 200  
INDIANAPOLIS, IN 46201  
317.578.1100  
WWW.PROGRESSSTUDIO.COM  
IN ACCORDANCE WITH

1. All dimensions are in feet and inches. Fractions shall be in tenths and hundredths. Dimensions shall be taken from the face of the work unless otherwise indicated.  
2. All dimensions shall be taken from the face of the work unless otherwise indicated.  
3. All dimensions shall be taken from the face of the work unless otherwise indicated.

PREPARED FOR  
**Randy Myers**

1717 East New York St.  
Indianapolis, IN 46201

PROJECT

**1717 East New York  
Addition**  
1717 East New York Street  
Indianapolis, IN 46201

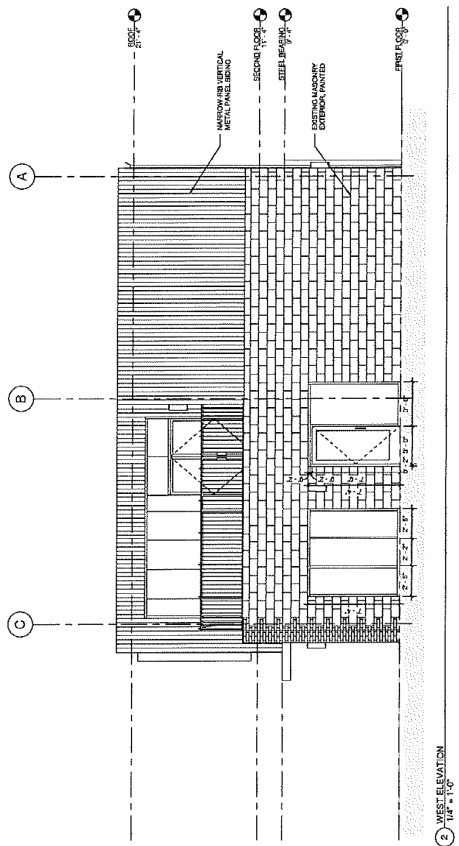
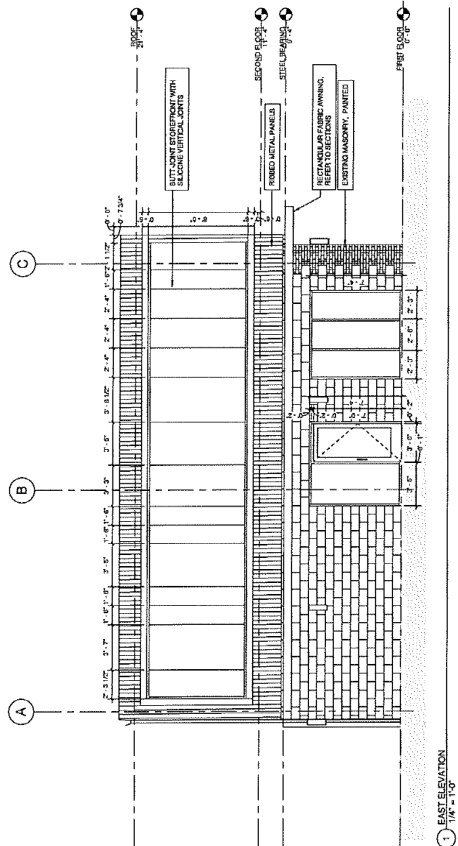
DATE: 01/15/2020



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DRAWN BY:	PM
CHECKED BY:	JLL
PROJECT NUMBER:	2203
SHEET TITLE:	EXTERIOR ELEVATIONS

SHEET NUMBER  
**A202**





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# A700





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IN ASSOCIATION WITH

PROGRESS | STUDIO, LLC  
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Indianapolis, IN 46201  
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www.progressstudio.com

PREPARED FOR  
Randy Myers

1717 East New York St.  
Indianapolis, IN 46201

PROJECT

1717 East New York  
Addition

1717 East New York Street  
Indianapolis, IN 46201

CERTIFICATION

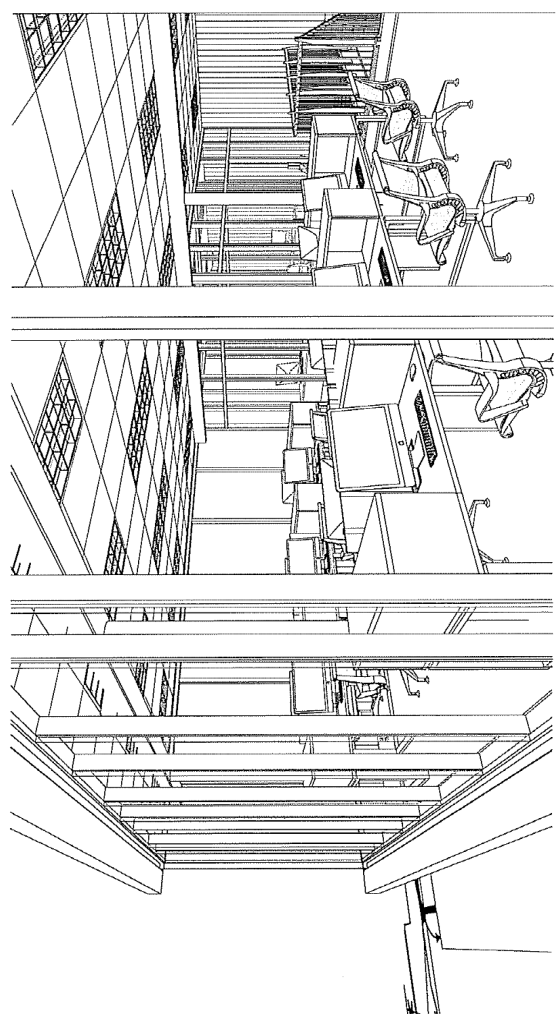


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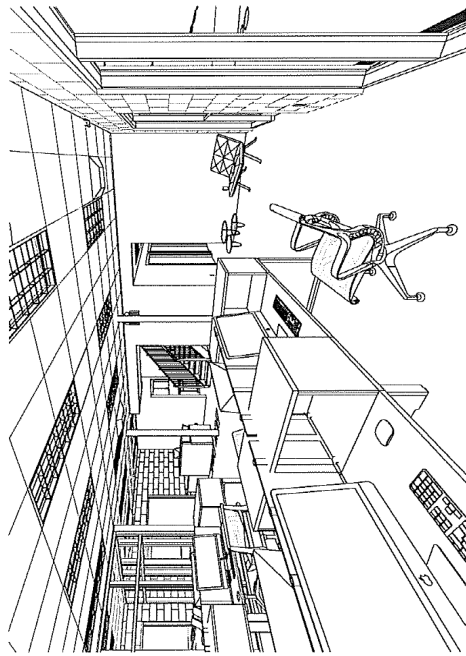
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REVIEWED BY: JEL  
PROJECT NUMBER: 2003  
SHEET TITLE: 3D VIEWS

SHEET NUMBER

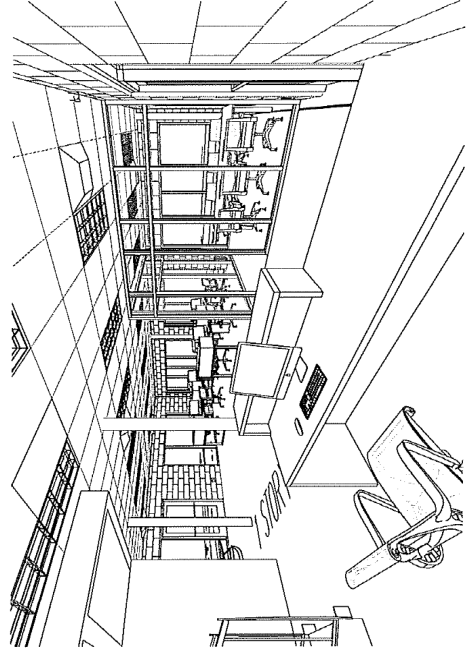
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3 INTERIOR VIEW SECOND FLOOR



2 INTERIOR VIEW FIRST FLOOR 2



1 INTERIOR VIEW FIRST FLOOR 1



View looking northwest cross the intersection of East New York Street and Walcott Street.



View looking southeast along East New York Street





View of site looking northwest along Walcott Street



View of site looking west





View of site looking west across Walcott Street



View of site looking south across East New York Street





View of site looking southwest across East New York Street



View of the site and adjacent property to the west looking southeast across East New York Street