



**METROPOLITAN DEVELOPMENT COMMISSION
HEARING EXAMINER**

May 9, 2024

Case Number: 2024-ZON-041
Property Address: 1110 Bates Street
Location: Center Township, Council District #18
Petitioner: Daniel Paul Graf
Current Zoning: I-4 (TOD)
Request: Rezoning of 0.11-acre from the I-4 (TOD) district to the D-8 (TOD) district to legally establish residential uses.
Current Land Use: Single-family dwelling / detached garage
Staff Recommendations: Approval
Staff Reviewer: Kathleen Blackham, Senior Planner

PETITION HISTORY

This is the first public hearing on this petition.

STAFF RECOMMENDATION

Approval, subject to substantial compliance with the site plan, file-dated April 3, 2024.

PETITION OVERVIEW

This 0.11-acre site, zoned I-4 (TOD), is developed with a single-family dwelling and detached garage. It is surrounded by a community service facility to the north and east, zoned I-3 (TOD); vacant industrial uses to the south, across Bates Street, zoned I-4 (TOD); and vacant industrial uses to the west, zoned I-4 (TOD).

Petition 2022-UV1-041 permitted the construction of a detached garage with reduced setbacks.

The request would rezone this site to the D-8 district. "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 D-8 district is one of five dwelling districts that would “implement walkable, compact neighborhoods within a well-connected street network and block structure, using slow neighborhood streets, walkable connectors, and multi-mode thoroughfares.” These districts require urban public and community facilities and services to be available. Additionally, these districts may be used to support nearby commercial and transit investments.

The Comprehensive Plan recommends light industrial typology for the site.

The request would not be consistent with the Comprehensive Plan recommendation of light industrial typology or the industrial reserve overlay, but The Pattern Book guidelines recommend that light industrial uses be removed as a land use adjacent to living typologies.

This site also lies within two TOD overlays (Red Line and Blue Line) with District Center and Central Business District typologies, both of which recommend mixed-use, including residential uses, with a minimum building height of three to five stories. As proposed, this request would support these more recent adopted land use plans.

For approximately ten years, living typologies have been introduced to this area by rezonings to the D-8 district between the railroad right-of-way to the west and Shelby Street to the east. It should also be noted that historically, this area was developed residentially.

For all these reasons, staff supports and believes this request would generally be compatible with the adopted land use plans and the current ongoing redevelopment of this area. The surrounding land uses would not be negatively impacted by the historical residential use on this site.

GENERAL INFORMATION

Existing Zoning	I-4 (TOD)	
Existing Land Use	Single-family dwelling / detached garage	
Comprehensive Plan	Light Industrial	
Surrounding Context	Zoning	Land Use
	North:	I-3 (TOD) Community service facility
	South:	I-4 (TOD) Industrial uses (vacant)
	East:	I-3 (TOD) Community service facility
	West:	I-4 (TOD) Industrial uses (vacant)
Thoroughfare Plan		
Bates Street	Local Street	Existing 60-foot right-of-way and proposed 48-foot right-of-way.
Context Area	Compact	
Floodway / Floodway Fringe	No	
Overlay	Yes	
Wellfield Protection Area	No	

Site Plan	April 3, 2024
Site Plan (Amended)	N/A
Elevations	N/A
Elevations (Amended)	N/A
Landscape Plan	N/A
Findings of Fact	N/A
Findings of Fact (Amended)	N/A
C-S/D-P Statement	N/A

COMPREHENSIVE PLAN ANALYSIS

Comprehensive Plan

- The Comprehensive Plan recommends light industrial typology. The Light Industrial typology provides for industrial, production, distribution, and repair uses conducted within enclosed structures and unlikely to create emissions of light, odor, noise, or vibrations. This typology is characterized by freestanding buildings or groups of buildings, often within industrial parks. Typical uses include warehousing, self-storage, assembly of parts, laboratories, wholesaling, and printing. Industrial or truck traffic should be separated from local/residential traffic.”

Pattern Book / Land Use Plan

- 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:
 - *Light Industrial Uses*
 - Industrial truck traffic should not utilize local, residential streets. Streets internal to industrial development must feed onto an arterial street.
 - Removed as a recommended land use where they would be adjacent to a living or mixed-use typology.
 - *Heavy Commercial Uses*
 - Removed as a recommended land use where they would be adjacent to a living typology.
 - *Small-Scale Offices, Retailing, and Personal or Professional Services*
 - Should be subordinate to and serving the primary uses of production, warehousing, and offices.
 - Should be adjacent to interstate interchanges if present. If no interchange is present, should be located along arterial streets at the edge of the light industrial typology.
 - Should be located and served in such a way that the use will not interfere with industrial traffic or loading.
 - *Wind or Solar Farms*
 - Recommended without additional conditions.
- The Pattern Book also provides guidance related to overlays and whether an overlay adds, modifies, or removes the recommended land uses within the base typology.

This site is also located within two overlays, specifically the Industrial Reserve (IR) overlay and 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 Industrial Reserve (IR) is intended for areas that are prime for industrial development due to factors such as large parcel size, proximity to compatible uses, and/or interstate access.

- *Added Uses*
 - No uses are added.
- *Modified Uses*
 - No uses are modified.
- *Removed Uses*
 - Small-Scale Offices, Retailing, and Personal or Professional Services
 - Heavy Commercial Uses

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.

- *Added Uses*
 - No uses are added.
- *Modified Uses*
 - Small Scale Offices, Retailing, and Personal or Professional Services - Development should be supportive of pedestrian activity (e.g. compact, connected to a pedestrian system, no more than one third of the frontage used for parking.)
- *Light Industrial Uses*
 - Development should be supportive of pedestrian activity (e.g. compact, connected to a pedestrian system, no more than one third of the frontage used for parking.) Only small-scale light industrial uses are appropriate in this overlay.
- *Removed Uses*
 - Heavy Commercial Uses

Red Line / Blue Line / Purple Line TOD Strategic Plan

- This site lies within two TOD overlays: The Red Line Transit Oriented Development Strategic Plan (2021) and The Blue Line Transit Oriented Development Strategic Plan (2018).
- The Red Line proposed transit station serving this site is identified with a District Center typology. The Blue Line proposed transit station serving this site is identified with a Central Business District typology.
 - Red Line - This site is located within a ½ mile walk of the Fletcher Place transit stop located at the intersection of Virginia Street and Merrill Street with a District Center typology.
 - Blue Line - This site is located within a ½ mile walk of the proposed transit station located at the intersection of U.S. 40 (Washington Street) and Southeastern Avenue / Shelby Street with a Central Business District 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 floor
- Central Business Center stations are located in the Regional Center with the region's highest density and largest concentration of employment. Development opportunities include dense infill and redevelopment, office, mixed-use, cultural and civic institutions and a focus on enhances placemaking and livability.
 - Characteristics of the Central Business Center typology are:
 - The densest core of the city with the tallest buildings
 - Mix of office, entertainment, civic retail, active public place and residential
 - Minimum of 5 stories throughout with no front or side setbacks
 - Structure parking only with active first floor

Neighborhood / Area Specific Plan

- Not Applicable to the Site.

Infill Housing Guidelines

- Not Applicable to the Site.

Indy Moves

(Thoroughfare Plan, Pedestrian Plan, Bicycle Master Plan, Greenways Master Plan)

- The Marion County Thoroughfare Plan (2019) “is a long-range plan that identifies the locations classifications and different infrastructure elements of roadways within a defined area.”
- The following listed items describes the purpose, policies and tools:
 - Classify roadways based on their location, purpose in the overall network and what land use they serve.
 - Provide design guidelines for accommodating all modes (automobile, transit, pedestrians, bicycles) within the roadway.
 - Set requirements for preserving the right-of-way (ROW)
 - Identify roadways for planned expansions or new terrain roadways
 - Coordinate modal plans into a single linear network through its GIS database

ZONING HISTORY

2022-UV1-041, 1110 Bates Street, requested a variance of use and development standards of the Consolidated Zoning and Subdivision Ordinance to provide for the construction of a detached garage with a six-foot west side yard setback and a seven-foot east side yard setback and a 10-foot rear yard setback, **granted**.

Vicinity

2023-ZON-121; 1007, 1008, 1010, 1011, 1015 & 1027 East Georgia Street and 1018, 1022 & 1030 Bates Street (west of site), requested rezoning of 1.16 acres from the I-4 (TOD) District to the C-S (TOD) District to provide for a housing hub for those experiencing homelessness including associated supportive services, **approved**.

2008-AP2-001; 229 Shelby Street (west of site), requested approval of a waiver of the three-month refiling rule for a petition, 2008-SE2-004, withdrawn on July 15, 2008, in I-4-U, **approved**.

2008-SE2-005; 229 Shelby Street (west of site), requested a special exception of the Industrial Zoning Ordinance to provide for an automobile salvage operation, **withdrawn**.

2008-SE2-004; 229 Shelby Street (west of site), requested a special exception of the Industrial Zoning Ordinance to provide for an automobile salvage operation, in I-4-U, **withdrawn**.

2006-UV2-018; 1007, 1011, and 1015 East Georgia Street (north of site), requested a variance of use of the Industrial Zoning Ordinance to provide for continued lawn mower sales and repair (not permitted), and used carpet sales (not permitted), as permitted temporarily by petition 2001-UV1-016 until May 1, 2006, **granted**.

2003-UV2-043; 1127 Bates Street (east of site), requested a variance of use and development standards of the Industrial Zoning Ordinance to provide for the continued operation of a motor vehicle salvage business, with a zero-foot west side setback, in I-4-U, **granted (later dismissed because conditions were not met)**.

2001-UV1-016; 1007-1015 East Georgia Street (north of site), requested a variance of use of the Industrial Zoning Ordinance to provide for lawn mower sales and repair, and carpet sales in I-4-U, as previously approved by 96-UV3-43, **granted (temporary for five years, exclusive to petitioner)**.

99-UV1-48; 1101-1129 East Georgia Street and 1116-1126 East Bates Street (east of site), requested a variance of use and development standards of the Industrial Zoning Ordinance to provide for an alcohol and drug treatment and recovery center, with a parking lot within the required front yards of Georgia and Shelby Streets, with off-street loading using an adjacent alley for vehicle maneuvering and loading, in I-3-U, **granted**.



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99-UV1-19; 1129 -1225 East Georgia Street (north of site), requested a variance of use and development standards of the Industrial Zoning Ordinance to provide for an alcohol treatment and recovery center (not permitted) with 8 parking spaces located within the required front yard of Georgia Street and 1 parking space within the required front yard of Leota Avenue (parking not permitted in the required front yard), **granted**.

99-Z-186; 1133 East Georgia Street (north of site), requested rezoning of 1.597 acres from SU-9 to I-3-U to provide for medium-intensity urban industrial development, **approved**.

97-V3-65; 1138 Bates Street (east of site), requested a variance of development standards of the Industrial Zoning Ordinance to provide for the construction of a 24 by 29-foot detached garage with a six-foot rear yard setback (minimum 20 feet required), **granted**.

97-UV3-28; 1138 Bates (east of site), requested a variance of use of the Industrial Zoning Ordinance to provide for the construction of a 24 by 29-foot detached garage for an existing single-family residence (not permitted), **granted**.

97-UV2-36, 1002 Bates Street (west of site), requested a variance of use and development standards of the Industrial Zoning Ordinance to provide for construction of a 22 by 24-foot detached garage for an existing single-family dwelling, with reduced setbacks, **denied**.

96-UV3-43; 1007-1015 East Georgia Street (north of site), requested a variance of use of the Industrial Zoning Ordinance to provide for lawn mower sales and repair, carpet sales, and light mechanical automobile repair in I-4-U, **granted (temporary for five years, exclusive to petitioner)**.

95-UV3-78; 1135 East Bates Street (east of site), requested a variance of use and development standards to permit the continued operation of a motor vehicle salvage business with a zero-foot side yard setback from the west property line and a gravel surface storage area, **granted for two years**.

94-Z-116/ 94-CV-16; 1129-1225 East Georgia Street (north of site), requested rezoning of 2.66 acres, being in the SU-9 District, to the I-3-U classification to provide for armored truck services, with a companion variance of development standards of the Industrial Zoning Ordinance to permit the construction of a 22,800 square foot industrial building, with parking and a service drive located within the required front yard of Georgia Street and Leota Street, and to use a portion of a side yard for a widened alley turn, **approved**.

94-VAC-25; 1101 East Georgia Street (north of site), requested a vacation of 11.45 feet in width from the south right-of-way line of Georgia Street, from Shelby to Leota Streets, a portion of the alley south of Georgia Street, and a portion of Olive Street, **approved**.

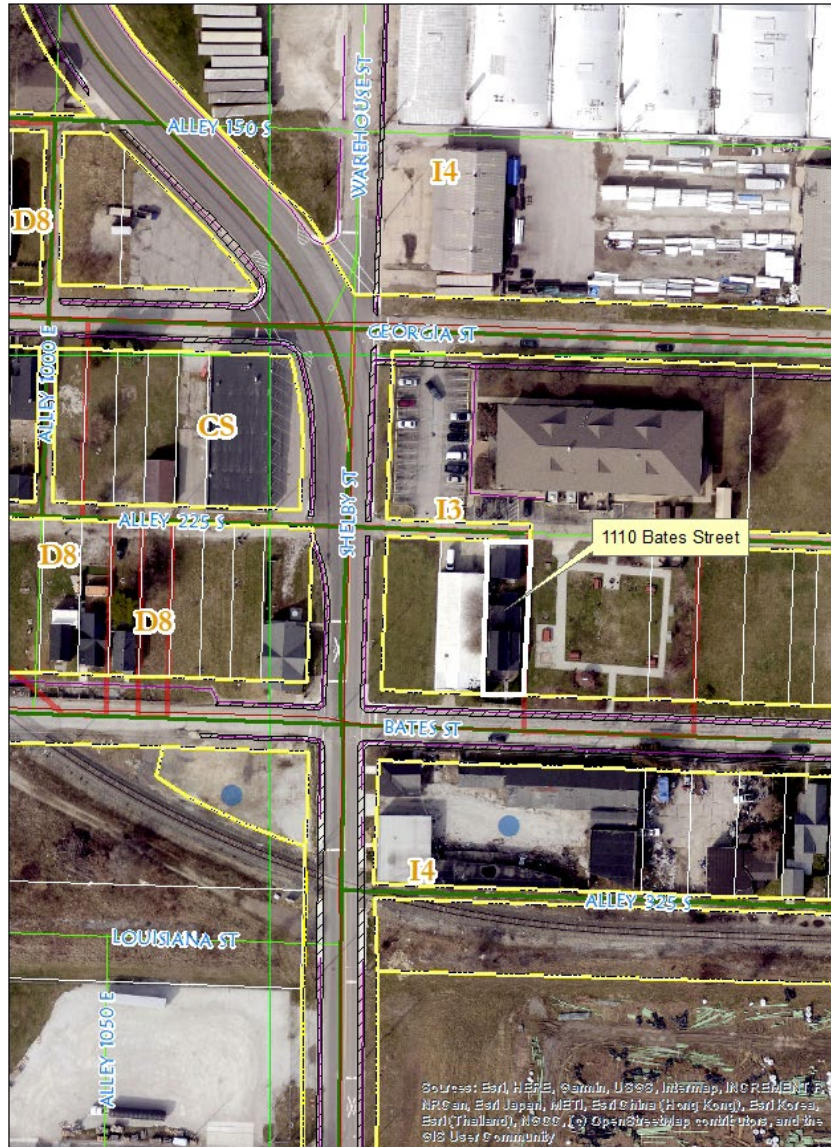


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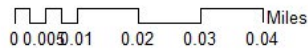
93-UV3-51; 1135 East Bates Street (east of site), requested a variance of use and development standards to provide for the sale of automobile parts, to permit a mobile home to remain as an office, to permit parking within the front yard (not permitted) and to permit outdoor storage of automobiles and parts in excess of 75% of the gross floor area of a building, **granted for one year**.

90-Z-197; 1129-1225 East Georgia Street (north of site), requested rezoning of 2.66 acres, being in the I-4-U District, to the SU-9 classification, **approved**.

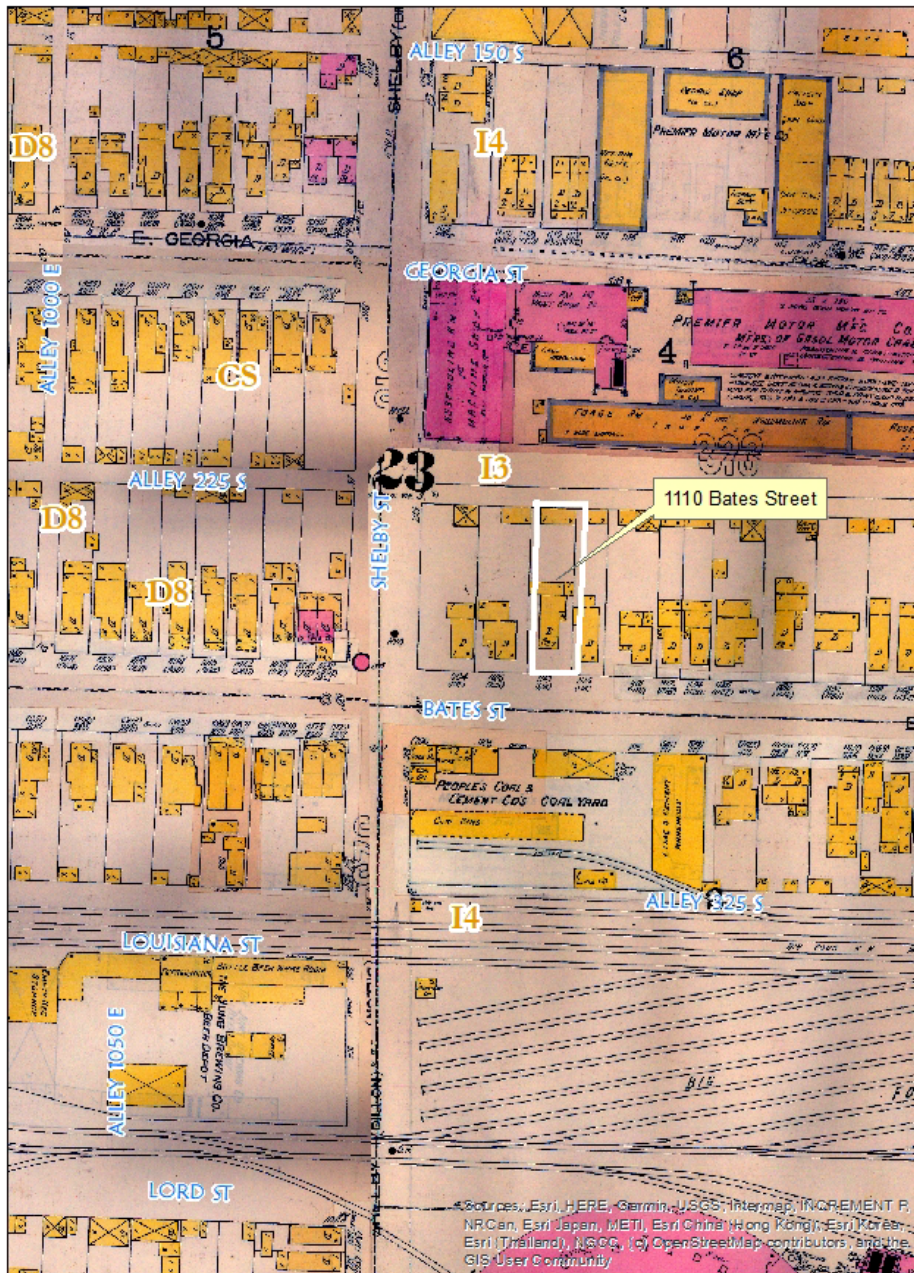
EXHIBITS



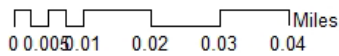
1110 Bates Street



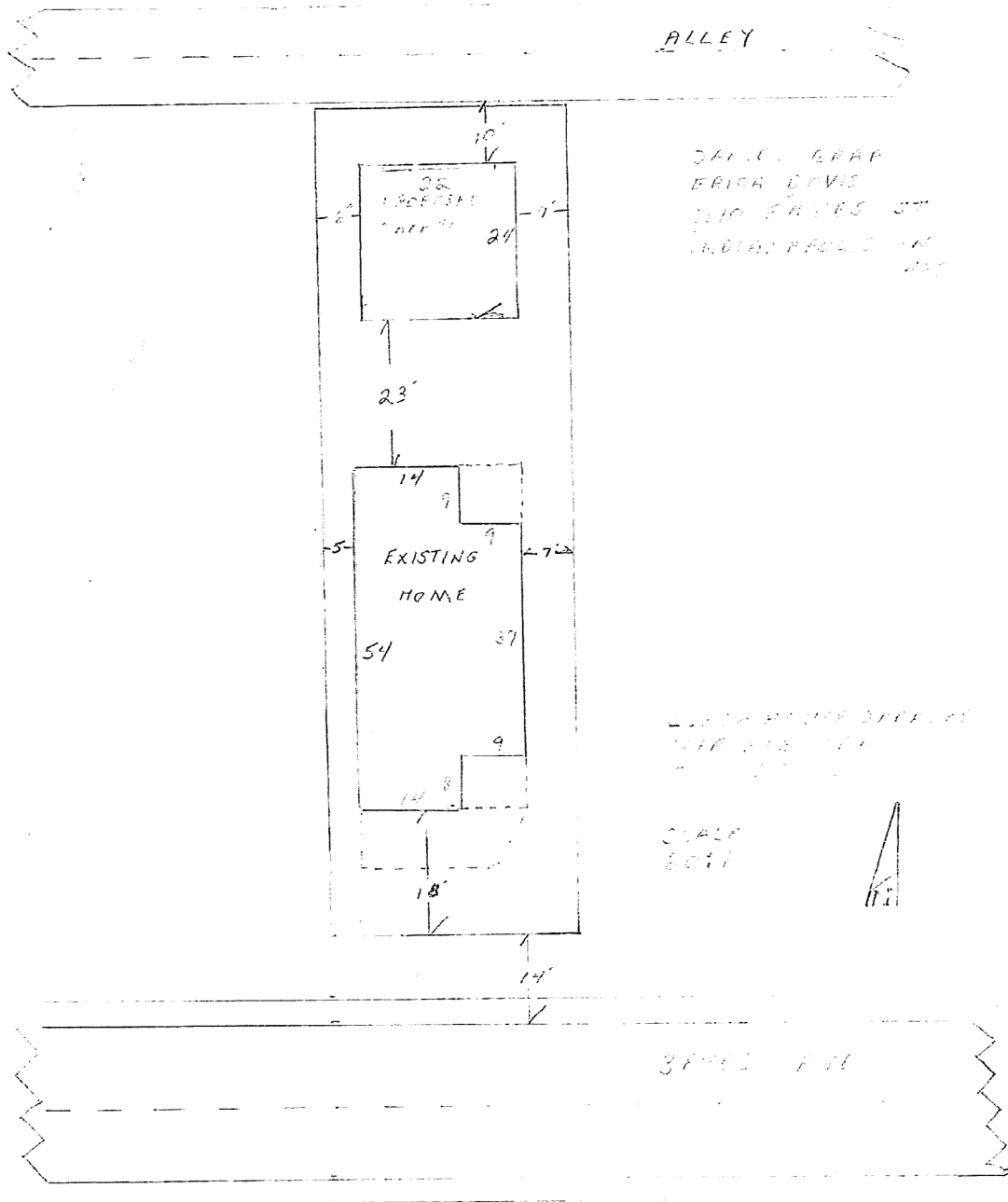
Sanborn Map 1898



1110 Bates Street



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View looking west along Bates Street



View looking east along intersection of Bates Street and Shelby Street



View looking southwest from intersection of Bates Street and Shelby Street



View of site looking north across Bates Street



View of adjacent land use to the east looking across Bates Street