

## STAFF REPORT

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

**Case Number:** 2023-DV3-004  
**Address:** 10220 East Washington Street (approximate address)  
**Location:** Warren Township, Council District #19  
**Zoning:** C-4 (TOD)  
**Petitioner:** Indy WS40 LLC, by Joseph D. Calderon  
**Request:** Variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for the development of an integrated center with:

- a) an accessory drive through within 600 feet of a transit station with access provided by a private drive (alley access required);
- b) a surface parking area within the minimum 50-foot front yard setback (not permitted);
- c) all buildings maintaining a 20-foot front yard setback (maximum 10-foot setback permitted);
- d) and a 46% front building line (80% required).

### **RECOMMENDATIONS**

Staff **recommends approval** of this request subject to the following commitment:

The variance grant shall be subject to the installation of a sidewalk, approximately 195 feet in length, along the western parcel line, connecting from the existing Washington Street sidewalk and terminating at the north parcel line. The sidewalk installation would need to be completed prior to the occupation of any tenant bay in this development.

### **SUMMARY OF ISSUES**

#### **LAND USE**

##### **EXISTING ZONING AND LAND USE**

Metro	C-4	Vacant commercial restaurant building to be demolished.
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##### **SURROUNDING ZONING AND LAND USE**

North	C-4	Regional integrated commercial shopping center
South	C-4	Commercial retail / restaurant
East	C-4	Commercial restaurant
West	C-4	Commercial retail

##### **COMPREHENSIVE PLAN**

The Comprehensive Plan recommends Regional Commercial uses for the site. With an overlay for the Blue Line Transit Oriented Development.

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## **STAFF REPORT 2023-DV3-004 (Continued)**

- ◇ The subject site is an integrated center totaling 1.92 acres. This portion of Washington Street will be going through substantial change because it is a selected segment along the proposed Blue Line transit system. Therefore, the property is also located within the Transit Oriented Development Overlay district, which is more restrictive on automotive uses. The surrounding neighborhood consists of previously developed commercial uses. The subject site's integrated center contains commercial tenants, such as a clinic, retail, and a bank.
- ◇ The subject site is zoned C-4 (Community-Regional District). The C-4 District is designed to provide for the development of major business groupings and regional-size shopping centers to serve a population ranging from a community or neighborhoods to a major segment of the total metropolitan area. These centers may feature several large traffic generators such as home improvement stores, department stores, and theatres. Even the smallest of such freestanding uses in this district, as well as commercial centers, require excellent access from major thoroughfares. While these centers are usually characterized by indoor operations, certain permitted uses may have limited outdoor activities, as specified.
- ◇ The Transit Oriented Development Secondary District is established on all lots, wholly or partially, within 1,000' from centerline of a Bus Rapid Transit (BRT) Line. The intent of the Transit Oriented Development (TOD) Secondary District is to coordinate more compact, walkable, and urban development patterns with public investment in the transit system. These development patterns ensure that walking and biking are viable options for short trips and transit is a priority for longer trips. Development patterns and site designs that prioritize automobile travel undermine these public and private investments. This district follows the policies and principles of the comprehensive plan, the transit-oriented development strategic plans, and the Livability Principles in this code, and has the following specific design objectives:
  - Place a wide range of housing types within walking distance of commercial centers and transit stops or stations, and at a critical mass that supports these places.
  - Create connections through many different modes of transportation between neighborhoods and places for commercial services and employment.
  - Provide a concentration of many different and small-scale uses with a fine-grained pattern that integrates and transitions well with the neighborhoods they support.
  - Ensure human-scale design that prioritizes relationships of sites and buildings to the streetscapes.

## **VARIANCE OF DEVELOPMENT STANDARDS**

- ◇ For the request to provide an accessory drive through within 600 feet of a transit station with access provided by a private drive, where alley access is required, the subject site is in the Metro context and was originally developed without alleys. Previous and proposed access is derived from the rear of the site from an internal access or private drive, without direct access from Washington Street. Therefore, Staff does recommend approval of the request for an accessory drive through within 600 feet of a transit station with access provided by a private drive, as the intent of the Ordinance is being met, without the actual access from or the development of an alley, and the request would be a minor deviation from the Ordinance.

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## **STAFF REPORT 2023-DV3-004 (Continued)**

- ◇ For the request to provide a surface parking area within the minimum 50-foot front yard setback, in Staff's opinion, there is a practical difficulty in developing the site due to the long and shallow nature of the parcel, which could create access and circulation issues if the parking lot was required to meet the 50-foot site setback for this proposed development. Since there is no direct access from Washington Street, and the parking lot as designed, either to the side or rear of the proposed buildings, does meet the intent of the 50-foot setback in Staff's opinion. Therefore, Staff does recommend approval of the request for a surface parking area within the minimum 50-foot front yard setback.
- ◇ The Ordinance requires a 10-foot maximum front yard setback for commercial uses to limit the distance of primary structures from sidewalks and pedestrian rights-of-way, and to dissuade a larger amount of parking in the front yard, which has negative connotations. This design standard of the Transit Oriented Design (TOD) Overlay is vital to ensuring an appropriate pedestrian-oriented streetscape along approved bus rapid transit lines.
- ◇ The request to provide for the construction of a freestanding commercial building with a 20-foot front setback from Washington Street, is a result of an existing 20-foot utility easement, that prohibits development within it. The primary intent of the required 10-foot front setback is to dissuade parking areas in the front yard. The proposed site plan has placed all parking areas to the side and rear of the building, thus complying with the intent. Therefore, the request for a 20-foot front setback would have a practical difficulty due to the existing easement, and in Staff's opinion, would be a minor deviation from the Ordinance.
- ◇ The required front building line percentage is 80%. The *front building line* percentage is defined as the percentage of the lot frontage which must be occupied by at least a portion of the front building (740-201.B).
- ◇ Staff does recommend approval of the request for a building comprising 46% of the building line where 80 percent building line width required. As proposed, the 46% building line would be a minor deviation, and would not have any negative impact on adjacent properties.

## **GENERAL INFORMATION**

### **THOROUGHFARE PLAN**

This portion of West Washington Street is classified in the Official Thoroughfare Plan for Marion County, Indiana as a primary arterial, with a 145-foot existing and proposed right-of-way.

### **SITE PLAN**

File-dated January 17, 2023.

### **FINDINGS OF FACT**

File-dated January 17, 2023.

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## **STAFF REPORT 2023-DV3-004 (Continued)**

### **ZONING HISTORY**

**2022-UV3-031; 10435 East Washington Street (east of site)**, requested a variance of use and development standards of the Consolidated Zoning and Subdivision Ordinance to provide for the construction of an automobile service business with a 23.5-foot front building line, 4% of the building line, **withdrawn**.

**2018-UV2-008; 10501 East Washington Street (east of site)**, requested a variance of use of the Consolidated Zoning and Subdivision Ordinance to provide for a contractor with outdoor storage, **approved**.

**2011-UV2-018; 10009 East Washington Street (south of site)**, requested a variance of use to provide for a daycare center in a 4,200-square foot tenant space, **granted**.

**2010-DV2-005; 10002 East Washington Street (west of site)**, requested a variance of development standards to provide for an 18-foot tall, 43.5-square foot freestanding sign, within the clear sight triangle of Mitthoeffer Road and Washington Street, with a five-foot front setback from Washington Street, **denied**.

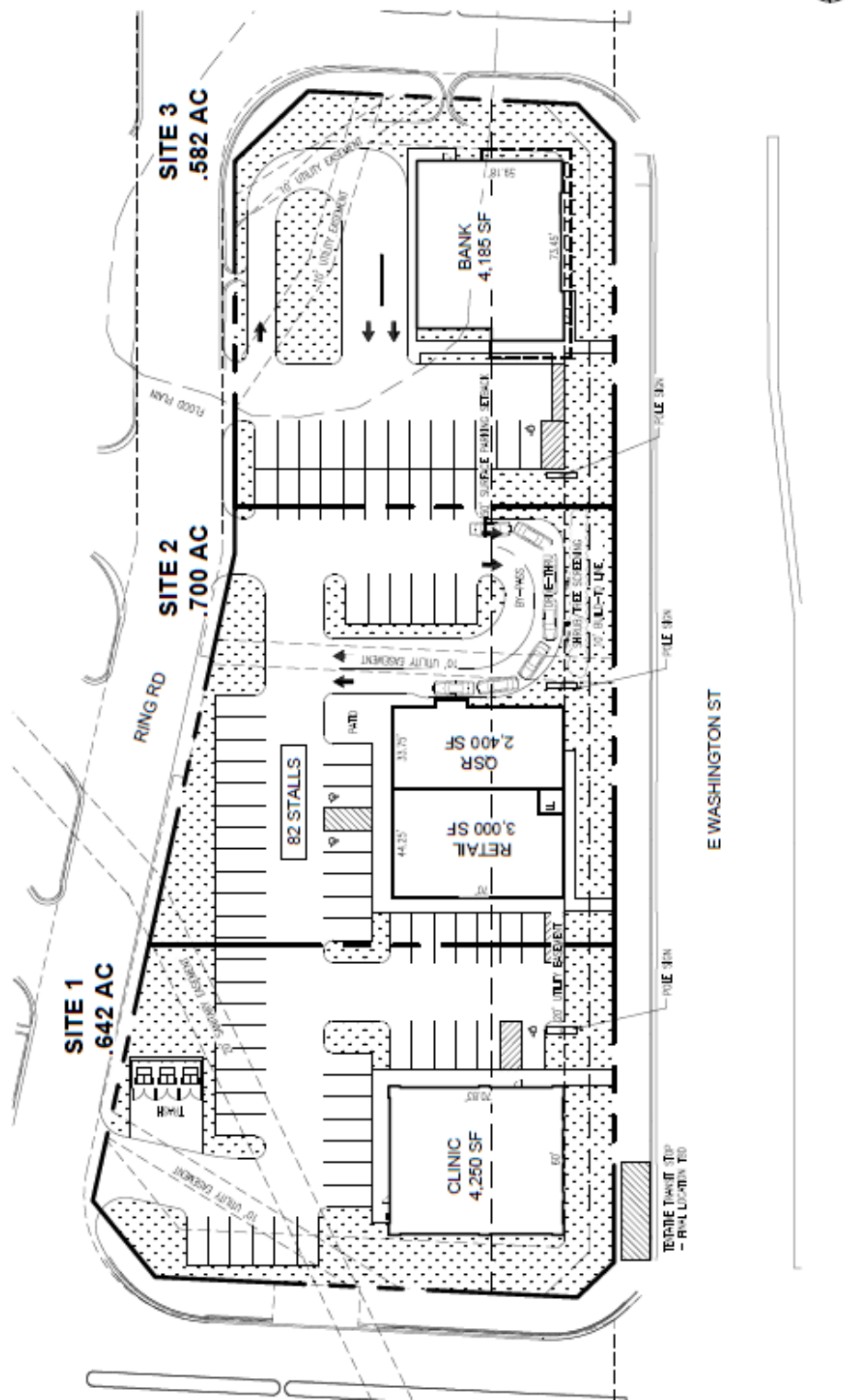
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**2023-DV3-004; Location Map**



2023-DV3-004; Site Plan





**2023-DV3-004; Photographs**



Subject site looking north.



Subject site adjacent existing parking lot, looking north



Adjacent commercial uses to the west of site, looking northwest



Adjacent regional commercial uses to the north,





Adjacent commercial restaurant use to the east of site, looking north.



Adjacent commercial uses to the south.