



**METROPOLITAN DEVELOPMENT COMMISSION
HEARING EXAMINER**

April 25, 2024

Case Number: 2024-ZON-031
Property Address: 5312 South Emerson Avenue
Location: Perry Township, Council District #24
Petitioner: Ranveer Singh Khangura
Current Zoning: D-A
Request: Rezoning of 1.02-acres from the D-A district to the C-1 district to provide for office uses.
Current Land Use: Office uses and associated parking
Staff Recommendations: Approval, subject to the following commitments:
Staff Reviewer: Kathleen Blackham, Senior Planner

PETITION HISTORY

This is the first public hearing on this petition.

STAFF RECOMMENDATION

Approval, 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 property shall be brought into compliance with the Ordinance, including, but not limited to the filing of an Improvement Location Permit (ILP), Drainage Permit, and Driveway Permit to provide for a paved, striped, and landscaped parking lot. The parking lot shall be installed, paved, striped, and landscaped in accordance with the Ordinance by October 1, 2024. The required site landscaping shall also be installed by October 1, 2024.
2. 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 / receptacles provided for the proper disposal of trash and other waste.
3. A 56-foot half right-of-way shall be dedicated along the frontage of South Emerson Avenue, as per the request of the Department of Public Works (DPW), Engineering Division. Additional easements shall not be granted to third parties within the area to be dedicated as public right-of-way prior to the acceptance of all grants of right-of-way by the DPW. The right-of-way shall be granted within 60 days of approval and prior to the issuance of an Improvement Location Permit (ILP).
4. Operation of the site shall comply with the Plan of Operation, file-dated March 7, 2024.

PETITION OVERVIEW

This 1.02-acre site, zoned D-A is comprised of two parcels developed with a single-family dwelling and parking lot that have been converted to office uses. It is surrounded by single-family dwellings to the north and south, zoned D-A; multi-family dwellings and commercial office uses to the east, across South Emerson Avenue, zoned D-7 and C-1, respectively; and a single-family dwelling to the west, zoned D-A.

Petition 2024-UV3-002 was filed as a variance of use to provide for the operation of an insurance agency office and real estate brokers office. The petitioner withdrew the petition and filed a rezoning petition after staff recommended that a rezoning petition be filed.

Rezoning

The request would rezone the site to the C-1 (Office-Buffer) District. “The C-1 District is designed to perform two functions: act as a buffer between uses, and provide for a freestanding area that office uses, compatible office-type uses, such as medical and dental facilities, education services, and certain public and semipublic uses may be developed with the assurance that retail and other heavier commercial uses with incompatible characteristics will not impede or disrupt. Since the buildings for office, office-type and public and semipublic uses are typically much less commercial in appearance, landscaped more fully and architecturally more harmonious with residential structures, this district can serve as a buffer between protected districts and more intense commercial or industrial areas/districts - if designed accordingly. This district, with its offices and other buffer type uses, may also be used along certain thoroughfares where a gradual and reasonable transition from existing residential use should occur.”

The Comprehensive Plan recommends office commercial typology for the site.

As proposed, this request would be consistent with the Comprehensive Plan recommendation of office commercial typology.

During the site visit staff observed that the site had been converted to office uses and the parking lot expanded. Staff was unable to locate the issuance of an Improvement Location Permit, Drainage Permit for the parking lot, along with a Driveway Permit. Staff also observed that the required site landscaping had not been installed, including the parking lot. Consequently, staff’s approval is subject to the filing of the appropriate permits with the Department Business and Neighborhood Services for the parking lot expansion, site access, and landscaping as required by the Ordinance for commercial uses.

Staff would also note that the site plan, file-dated March 14, 2024, does not include the parking lot.



Plan of Operation

The Plan of Operation, file-dated March 7, 2024, states that the office would be used as an insurance agency and real estate broker office with office hours from 9:00 a.m. to 5:00 p.m. and closed on Saturday and Sunday.

The maximum number of employees at any one time would be three employees.

Staff believes that the proposed Plan of Operation would represent low intensity office use that would have minimal impact on the surrounding residential uses and should be included in the commitments.

Department of Public Works

The Department of Public Works, Traffic Engineering Section, has requested the dedication and conveyance of a 56-foot half right-of-way along South Emerson Avenue. This dedication would also be consistent with the Marion County Thoroughfare Plan.

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.

GENERAL INFORMATION

Existing Zoning	D-A	
Existing Land Use	Office, with associated parking lot	
Comprehensive Plan	Office Commercial	
Surrounding Context	<u>Zoning</u>	<u>Land Use</u>
North:	D-A	Single-family dwelling
South:	D-A	Single-family dwelling
East:	D-7 / C-1	Multi-family dwellings / Commercial Office
West:	D-A	Single-family dwelling
Thoroughfare Plan		
South Emerson Avenue	Primary arterial	Existing 100-foot right-of-way and proposed 112-foot right-of-way.
Context Area	Metro	
Floodway / Floodway Fringe	No	
Overlay	No	
Wellfield Protection Area	No	
Site Plan	March 14, 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 Office Commercial typology. "The Office Commercial typology provides for single and multi-tenant office buildings. It is often a buffer between higher intensity land uses and lower intensity land uses. Office commercial development can range from a small freestanding office to a major employment center. This typology is intended to facilitate

establishments such as medical and dental facilities, education services, insurance, real estate, financial institutions, design firms, legal services, and hair and body care salons.”

Pattern Book / Land Use Plan

- *Conditions for All Land Use Types – Community Commercial Typology*
 - 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.
 - Master-planned developments in excess of two acres should include pedestrian amenities for passive and active recreation internal to the development.
- *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.)*
 - Appropriate as a primary use only in major employment centers.
 - Outdoor display of merchandise should be limited.
 - If adjacent to residential uses or a Living Typology, outdoor display of merchandise is not recommended.
 - 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.

Red Line / Blue Line / Purple Line TOD Strategic Plan

- Not Applicable to the Site.

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

2024-UV3-002; 5312 South Emerson Avenue, requested a variance of use of the Consolidated Zoning and Subdivision Ordinance to provide for the operation of an insurance agency office and real estate brokers office to provide for an office use, **withdrawn**.

PLAN OF OPERTATION

5312 S EMESON AVE

INDIANAPOLIS, IN 46237

1. INSURANCE AGENCY OFFICE
 2. REAL ESTATE MANAGING BROKER OFFICE
- OFFICE DAYS/HOUR OF OPERATION FOR BOTH OFFICE
MONDAY-FRIDAY FROM 0900 AM- 0500PM
SAT.-SUN. BOTH OFFICE CLOSED

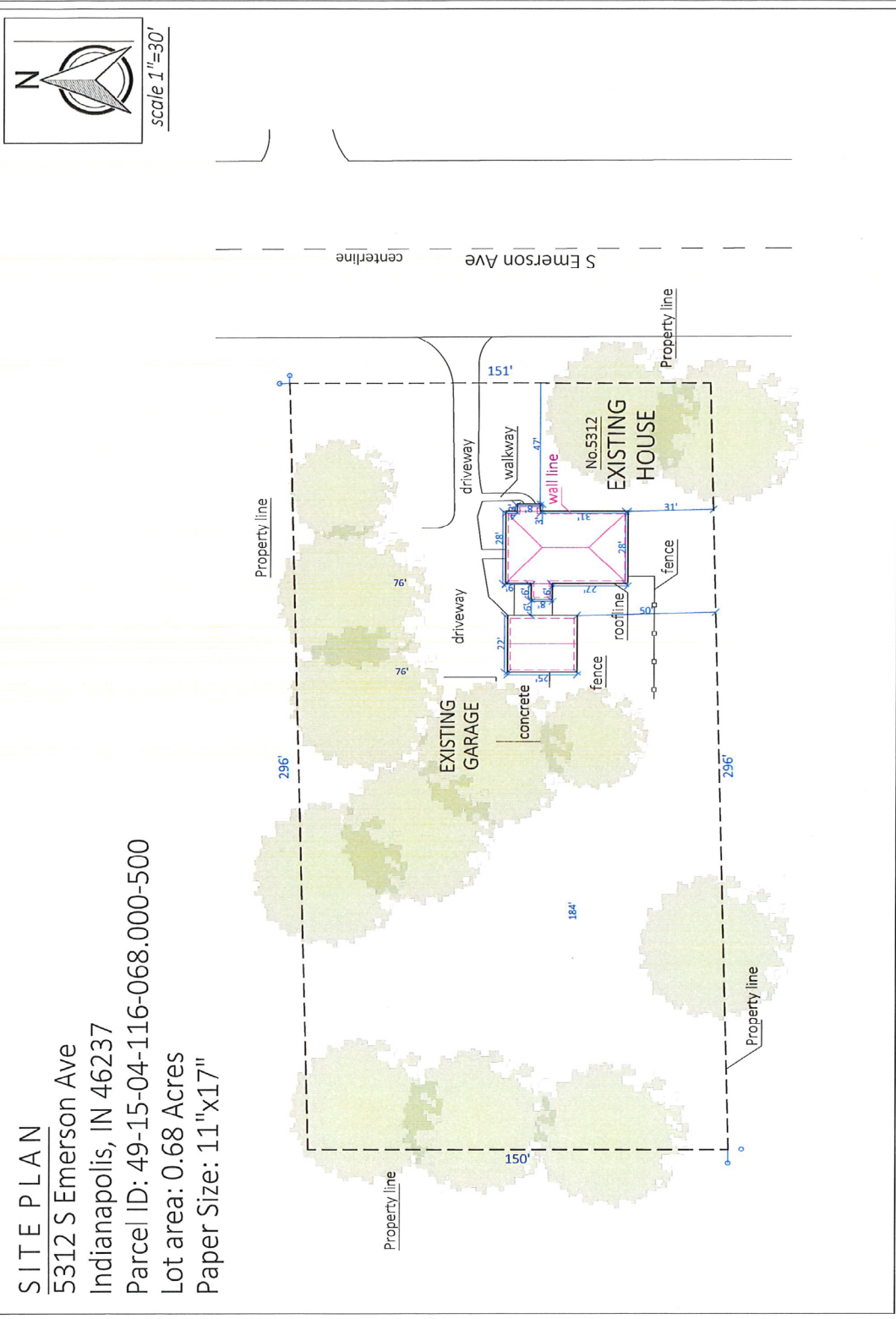
THE MAXIMUM NUMBERS OF EMPLOYEES AT ANY GIVEN TIME IS
THREE (3) PEOPLE AS EMPLOYEES.

SIGNAGE REQUIEMENT IS DEPENDS ON APPORVAL AND WE CAN
GO WITH ANY PROPOSED AND APPROVED SIGN.

It would be low intensity operations.

SITE PLAN

5312 S Emerson Ave
 Indianapolis, IN 46237
 Parcel ID: 49-15-04-116-068.000-500
 Lot area: 0.68 Acres
 Paper Size: 11"x17"





View looking south along South Emerson Avenue



View looking north along South Emerson Avenue



View of site looking northwest across South Emerson Avenue



View of site looking west across South Emerson Avenue



View of adjacent residential uses to the south, looking across South Emerson Avenue



View of adjacent residential uses to the north, looking across South Emerson Avenue