

STAFF REPORT

Department of Metropolitan Development Division of Planning Current Planning Section

Case Number: 2023-ZON-110
Address: 2837 East New York Street and 253 North Rural Street (Approximate Addresses)
Location: Center Township, Council District #17
Petitioner: Carmel Lutheran Church - Missouri Synod Inc., by Kevin Buchheit
Request: Rezoning of 0.99 acre from the MU-1 and D-5 districts to the MU-2 district to provide for educational uses.

RECOMMENDATIONS

Staff **recommends approval** of the rezoning petition, 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:

A 39-foot half right-of-way shall be dedicated along the frontage of Rural Street, 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).

SUMMARY OF ISSUES

LAND USE

- ◇ The 0.99-acre site is comprised of three separate parcels.
- ◇ The subject sites are bordered to the north by residential and commercial uses, zoned MU-1, to the south by two-family dwellings, zoned D-5, to the east by two-family dwellings, zoned MU-1 and D-5, and to the west by single and two-family dwellings, zoned D-5 and MU-1.

REZONING

- ◇ The rezone request to the MU-2 district would allow for the operation of a church and a micro-school with associated parking on the sites. The high school would operate in the basement of the building, which would not be permitted under the existing D-5 and MU-1 district.
- ◇ The property at 2837 East New York Street (Parcel 1097279), has historically operated as a with a church on site since at least 1915 per the 1915 Sanborn Fire Insurance maps, included in this report, below. The adjacent parking lot to the west (Parcel 1071336) is addressed the same as the church and has historically been used as a parking lot since as early as 1979 as depicted in a historical aerial image. The property at 253 North Rural Street (Parcel 1063776) has also historically been used as a parking lot since 1986 per a historical aerial image. None of these sites have had variances issued for the uses that are presently being operated here.

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- ◇ The D-5 district is intended for medium and large-lot housing formats, primarily for detached houses, but may incorporate small-scale multi-unit building types in strategic locations. This district can be used for new, walkable suburban neighborhoods or for infill situation in established urban areas, including both low density and medium density residential recommendations of the Comprehensive Plan, and the Suburban Neighborhood and Traditional Neighborhood Typologies of the Land Use Pattern Book.
- ◇ The MU-1 District is intended for the development of high-rise office uses and apartments intermixed, grouped in varying combinations, or provided in the same building. MU-1 is designed for use along arterials with both high-traffic counts and positive pedestrian experience or demand. Appropriate settings for the MU-1 district include the midtown and uptown areas of the city, very near rapid transit stops, or in the midst of high intensity regional commercial complexes.
- ◇ The MU-2 District is intended to meet the daily needs for surrounding neighborhoods, and include small social spaces that serve as neighborhood gathering places. The district includes primarily neighborhood-serving businesses and institutions, including a wide range of small-scale retail and service uses that typically do not draw customers from beyond the adjacent neighborhoods, and employment, institutional and residential uses that complement the compact, walkable development pattern. The MU-2 District is implemented as a small node or on busy corridors in the Traditional Neighborhood or City Neighborhood Typologies of the Land Use Pattern Book, or as a Village Mixed Use Typology. The typical size of a district is from 2 to 20 acres (1 to 4 blocks) but depends on the context and what integrates best into surrounding neighborhoods and complimentary zoning districts.
- ◇ The Comprehensive Plan recommends village mixed-use development for these sites. The Village Mixed-Use typology creates neighborhood gathering places with a wide range of small businesses, housing types, and public facilities. This typology is intended to strengthen existing, historically small-town centers as well as to promote new neighborhood centers. Businesses found in this typology serve adjacent neighborhoods, rather than the wider community. This typology is compact and walkable, with parking at the rear of buildings. Buildings are one to four stories in height and have entrances and large windows facing the street. Pedestrian-scale amenities such as lighting, landscaping, and sidewalk furniture also contributes to a walkable environment in this typology. Uses may be mixed vertically in the same building or horizontally along a corridor. Public spaces in this typology are small and intimate, such as pocket parks and sidewalk cafes. This typology has a residential density of 6 to 25 dwelling units per acre.

Department of Public Works

- ◇ The Department of Public Works, Traffic Engineering Section, has requested the dedication and conveyance of a 39-foot half right-of-way along Rural Street. This dedication would also be consistent with the Marion County Thoroughfare Plan.
- ◇ The Department of Public Works confirmed that street parking along New York Street on the south side would be removed with the conversion of New York Street into a two-way street and the new layout of the street will incorporate a bike lane along the south side of New York Street instead.

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Staff Analysis

- ◇ Because two of the parcels have historically been used as parking lots, the continued use of the parking lots in association with the church would be appropriate to be included in the rezoning request to the MU-2 district to have the church properties uniformly zoned.
- ◇ Staff did not find that the additional use of a micro-school in the basement would impact parking since there would be a total of 40 students on site, which would only require five parking spaces for the additional use.
- ◇ Although the parking configuration has not been finalized, the parking adjustments permitted by the Ordinance should help to meet the total required parking by incorporating the proximity to public transportation adjustment that reduces the total parking requirements by 30% since the site is located within a ¼ mile of a proposed Blue Line transit station at Rural Street and Washington Street. shared vehicle, carpool, or vanpool spaces and providing additional bike spaces on site could also be applied, but the total parking reductions cannot exceed 35% of the minimum requirement.
- ◇ The only concern staff still has is regarding the drop-off and pick-up location for the students. The location has not been confirmed by the petitioner.
- ◇ Lastly, staff would note that dumpsters are required to be enclosed by the Ordinance.

GENERAL INFORMATION

EXISTING ZONING AND LAND USE

MU-1 / D-5 Compact Church and Parking Lots

SURROUNDING ZONING AND LAND USE

North	MU-1	Commercial / Residential (Single-family and Two-family dwellings)
South	D-5	Residential (Two-family dwelling)
East	MU-1 / D-5	Residential (Two-family dwellings)
West	D-5 / MU-1	Residential (Single-family and Two-family dwellings)

COMPREHENSIVE PLAN

The Comprehensive Plan recommends village mixed-use development.

CERTIFIED PLAN

The site falls within a Certified Plan, specifically the Near Eastside Quality of Life Plan.

THOROUGHFARE PLAN

New York Street is classified in the Official Thoroughfare Plan for Marion County, Indiana as a primary arterial street, with a 63-foot existing right-of-way and a 78-foot proposed right-of-way.

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THOROUGHFARE PLAN	Rural Street is classified in the Official Thoroughfare Plan for Marion County, Indiana as a primary arterial street, with a 60-foot existing right-of-way and a 78-foot proposed right-of-way.
THOROUGHFARE PLAN	Oxford Street is classified in the Official Thoroughfare Plan for Marion County, Indiana as a local street, with a 50-foot existing right-of-way and a 48-foot proposed right-of-way.
FLOODWAY / FLOODWAY FRINGE	This site is not located within a floodway or floodway fringe.
WELLFIELD PROTECTION DISTRICT	This site is not located within a wellfield protection district.

ZONING HISTORY – SITE

EXISTING VIOLATIONS

None.

PREVIOUS CASES

99-Z-155; 237 and 243 North Rural Street (subject site), Rezone 0.661 acre from SU-1 to D-5 to provide for single-family residential development, **approved**.

ZONING HISTORY – VICINITY

2019-CZN-818; 2810 and 2818 East New York Street and 315 and 319 North Rural Street (northwest of site), Rezoning of 0.848 acre from the D-5 and MU-1 districts to the MU-1 classification, **approved and granted**.

2014-CZN-810; 2810 East New York Street (northwest of site), Rezoning of 0.49 acre from the C-2 district to the C-3 classification to provide for an integrated center, with a convenience store / gasoline station and laundromat, **denied**

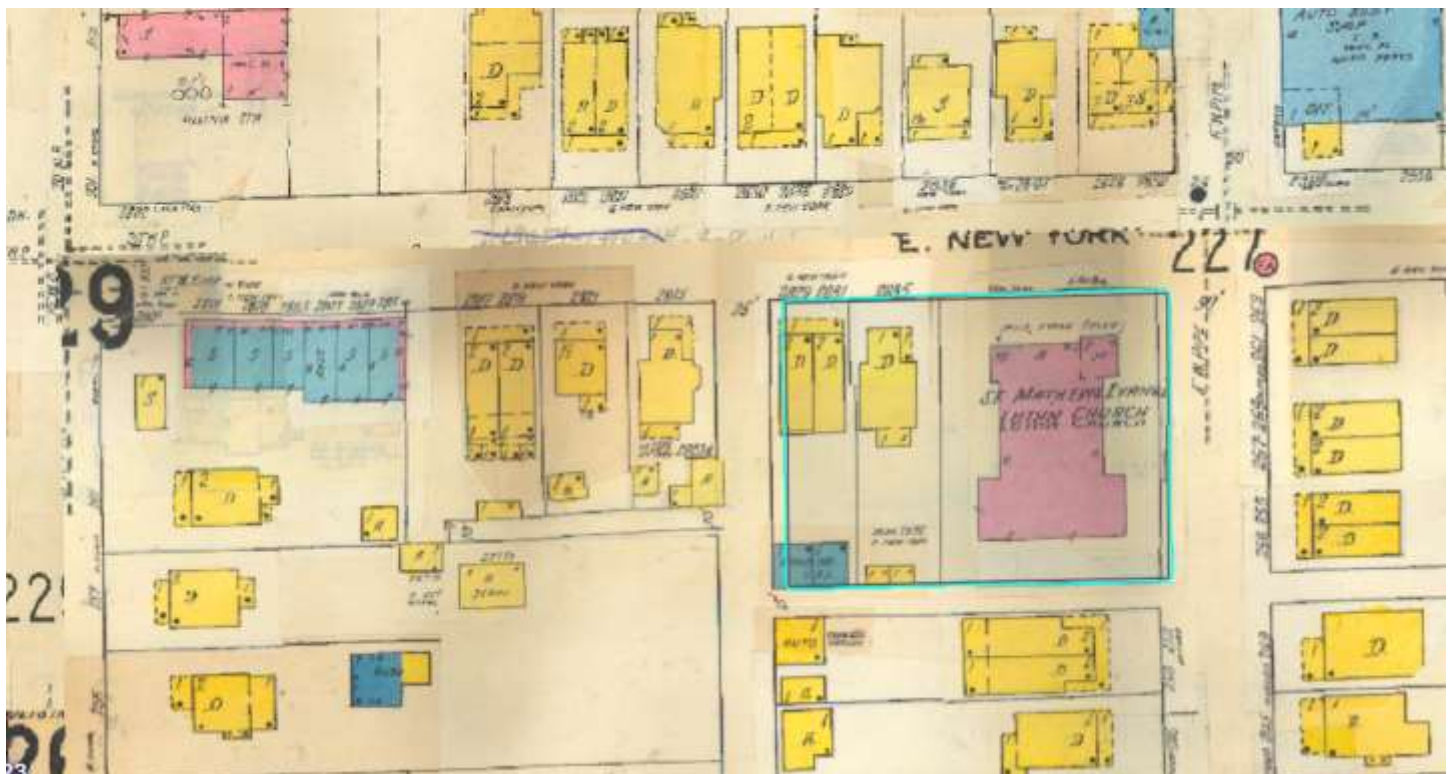
2013-CZN/CVR-831; 2801 East New York Street (northwest of site), rezoning of 0.48 acre from the C-2 and D-5 districts to the C-3 classification to provide for a convenience store / gasoline station and variance of development standards of the Commercial Zoning Ordinance and Sign Regulations to provide for a canopy, with a 49.5-foot setback from the centerline of New York Street and a 48.5-foot setback from the centerline of Rural Street to legally establish a freestanding sign with a 12.33-foot setback from the right-of-way line of New York Street, and to provide for carryout food service within nine feet of a D-5 zoned protected district and to legally establish insufficient landscaping in the required front yards of New York and Rural Streets, to provide for outdoor dining, **recommended for denial by the Hearing Examiner and subsequently withdrawn**.

82-Z-1; 209 -235 North Rural Street (southwest of site), Rezoning of 1.55 acres, being in D-5 district, to SU-1 classification, to provide for church use, **approved**.

2023-ZON-110; Location Map



2023-ZON-110; Sanborn Map (1915)



2023-ZON-110; Aerial Image (1979)



2023-ZON-110; Aerial Image (1986)



2023-ZON-110; Photographs



Photo of the Subject Property: 2837 East New York Street



Photo of the on-site parking west of the building.



Photo of the Subject Property: 253 North Rural Street



Photo of the Subject Property: 2837 East New York Street



Photo of the dwellings north of the site.



Photo of the dwellings east of the site.



Photo of the dwelling south of the site.



Photo of the street frontage along Rural Street and adjacent single-family dwelling to the south.