

## STAFF REPORT

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

**Case Number:** 2022-ZON-116 (Amended)  
**Address:** 205 Palmer Street (*Approximate Address*)  
**Location:** Center Township, Council District #16  
**Petitioner:** Tom and Hawk Properties, LLC, by Alex Intermill  
**Request:** Rezoning of 1.07 acres from the I-4 district to the C-S district to provide for all C-1 uses; all C-3 uses; all C-4 uses except substance abuse treatment facilities, adult entertainments businesses, adult entertainment businesses (retail) pawn shops, liquor stores or firearm sales; and art galleries, artist studios, art marketplaces and an indoor entertainment venue/banquet facilities.

The petitioner requested and was granted a continuance from the November 10, 2022 hearing to the December 1, 2022 hearing to provide time to amend the request. The amended petition lacks the required site plan and thus is incomplete. Unless a site plan is submitted in time for review prior to the hearing, this petition should be **continued from the December 1, 2022 hearing to the December 15, 2022 hearing**.

An Automatic Continuance was filed by the petitioner continuing this petition from the October 13, 2022 hearing to the November 10, 2022 hearing.

### **RECOMMENDATION**

Staff **recommends denial** of this request as filed. Staff would be **likely to recommend approval of this petition if it was amended to remove C-4 uses and indoor entertainment venue/banquet facilities** from the list of permitted uses and was narrowly tailored to art gallery, artist studios and art marketplace uses. Should this petition be approved, staff requests that the approval be 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 24-foot half right-of-way shall be dedicated along the frontage of Palmer 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).

(Continued)

## **STAFF REPORT 2022-ZON-116 (Continued)**

### **SUMMARY OF ISSUES**

The following issues were considered in formulating the recommendation.

#### **LAND USE**

- ◇ Historic mapping shows that in the late 1800s, the subject site was the location of the Indianapolis Hominy Mill. Industrial buildings on the site have expanded and contracted over time. The current configuration of buildings dates from at least 1972. The residential subdivision to the south and west was platted in 1890 as Fenneman's Highland Home Addition and has been a single-family dwelling area since that time.
- ◇ The site was once easily accessible from Madison Avenue via Palmer Street, but in the late 1950s/early 1960s Madison Avenue was lowered and the intersection with Palmer Street was eliminated. A pedestrian bridge was constructed over Madison Avenue. The site is now accessible by vehicle only along narrow local streets.
- ◇ The 2018 Comprehensive Land Use Plan recommends Village Mixed-Use for the site. This land use typology is intended for village centers with a mixed-use core of small neighborhood office/retail nodes, public and semi-public uses, open space and light industrial development.

#### **ZONING**

- ◇ This petition would rezone the subject site to the C-S district. The C-S district allows a petitioner to develop a custom list of permitted land uses. The C-S district requires a development statement and site plan. A site plan has not been submitted with this petition. This petition should not be heard until a site plan is submitted and staff has time to review it.
- ◇ The custom list of permitted land uses submitted with this petition would allow for wide array of uses: all C-1 uses; all C-3 uses; all C-4 uses except substance abuse treatment facilities, adult entertainments businesses, adult entertainment businesses (retail) pawn shops, liquor stores or firearm sales; and art galleries, artist studios, art marketplaces and indoor entertainment venue/banquet facilities.
- ◇ The C-1 district provides for offices and for personal professional services. The C-3 district provides for an extensive range of neighborhood-serving retail sales.

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## **STAFF REPORT 2022-ZON-116 (Continued)**

- ◇ The C-4 zoning district provides for a wide range of commercial uses, many that attract customers from a wide region or are heavy traffic generators. The Ordinance notes that C-4 districts “require excellent access from major thoroughfares.” Some typical C-4 uses that this petition would permit are nightclubs and cabarets, outdoor recreation and entertainment, carwashes, automobile and motorcycle repair, gas stations, and fireworks sales. None of the uses listed above are appropriate at this site because of the amount of traffic generated and the proximity to dwellings.
- ◇ The petitioners have indicated that the immediate purpose of the rezoning petition is to provide for provide for an art gallery, artist studios, art marketplace and an indoor entertainment venue/banquet facility. Art galleries are permitted in all commercial districts and in the MU-2 district. Art marketplace is a permitted primary use in all commercial districts except the C-1. It is also permitted in the MU-2 district. Entertainment venues and banquet facilities are permitted in the C-4, C-5, and C-7 districts. They are not permitted in the MU-1 and MU-2 districts.
- ◇ Access to the site is on narrow, local, residential streets that are not suitable for uses that generate a significant amount of traffic, such as event spaces. For example, the most obvious access to the site from Madison Avenue is via Talbott Street. Although Talbott Street carries two-way traffic, it is only 24 feet wide and with on-street parking on both sides. As such, there is only one travel lane.
- ◇ It is staff’s opinion that the site is suitable for the relatively low impact uses of art gallery, artist studios, art marketplace. However, the site is not conducive to uses that generate significant traffic or generate noise such as many of the C-4 uses that this request would permit.
- ◇ The site is unusually shaped and situated and its structures have a limited set of likely uses. The request would be a better fit for the site if the list of permitted uses was amended to remove all C-4 uses and indoor entertainment venue/banquet facilities. This modification would be responsive to the poor access and very close proximity to single-family dwellings and would be far more appropriate than the current request.

## **GENERAL INFORMATION**

### **EXISTING ZONING, CONTEXT AREA, AND LAND USE**

I-4                      Compact                      Vacant industrial building

(Continued)

## **STAFF REPORT 2022-ZON-116 (Continued)**

### **SURROUNDING ZONING AND LAND USE**

North	I-4	Electric motor repair shop
South	I-4	Single-family dwelling
East	I-4	Railroad, Madison Avenue
West	C-1, D-5	Single-family dwellings, vacant lot

**COMPREHENSIVE LAND USE PLAN** The Center Township Comprehensive Plan (2018) recommends Village Mixed-Use.

**THOROUGHFARE PLAN** Palmer Street is classified in the Official Thoroughfare Plan for Marion County, Indiana as a Local Street, with a 41-foot existing right-of-way and a 48-foot proposed right-of-way.

Delaware Street is classified in the Official Thoroughfare Plan for Marion County, Indiana as a Local Street, with an existing right-of-way ranging from 50 to 78 feet and a 48-foot proposed right-of-way.

**FLOODWAY / FLOODWAY FRINGE** This site is not located within a floodway or floodway fringe.

**STREAM PROTECTION CORRIDOR** This site is not located within a stream protection corridor.

**WELLFIELD PROTECTION DISTRICT** This site is not located within a wellfield protection district.

### **ZONING HISTORY – SITE**

**None**

### **ZONING HISTORY – VICINITY**

**2021-DV2-031; 1622 South Delaware Street (west of site)**, requested a variance of development standards to provide for deficient open space, **approved**.

**2020-ZON-036; 118 Palmer Street and 1527 to 1543 South Talbott Street (northwest of site)**, requested the rezoning of 0.57 acre from the C-1 district to the MU-2 district, **approved**.

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**STAFF REPORT 2022-ZON-116 (Continued)**

**2020-ZON-022; 1649 & 1653 Delaware Street (south of site)**, requested the rezoning of 0.6 acre from the I-4 district to the D-5 district, **approved**.

**2015-CZN-804 / 2015-CVR-804; 1420 Madison Avenue (north of site)**, requested the rezoning of 1.87 acre from the C-3C and C-4 districts to the C-3C district and a variance of development standards to provide for excessive building height, **approved**.

**2009-ZON-025; 1400 Madison Avenue (north of site)**, requested the rezoning of two acres from the C-4 district to the C-3C district, **approved**.

**2006-ZON-109; 1400 Madison Avenue (north of site)**, requested the rezoning of two acres from the I-4-U district to the C-4 district, **approved**.

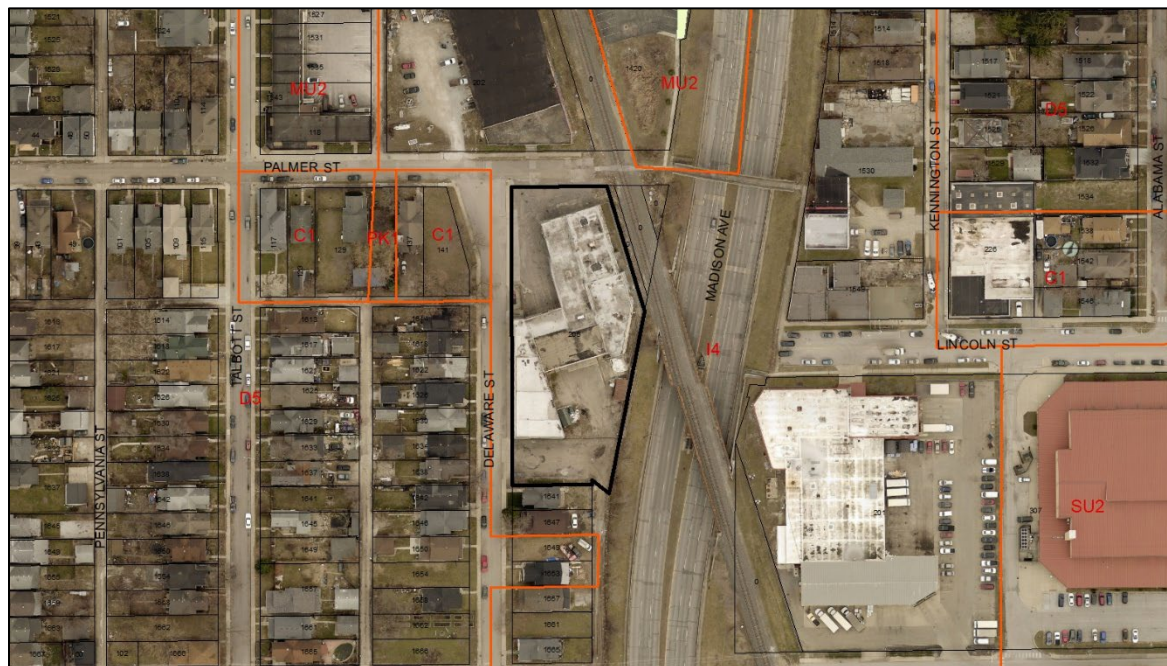
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## STAFF REPORT 2022-ZON-116, Location



## STAFF REPORT 2022-ZON-116, Aerial photograph (2021)





**STAFF REPORT 2022-ZON-116, Photographs**



Looking south at the subject site from Palmer Street.



Looking southeast at the Delaware Street façade of the building.



Looking northeast at the southwest corner of the building.



Looking at the southeast corner of the building. Note the barbed wire and unenclosed trash receptacle.





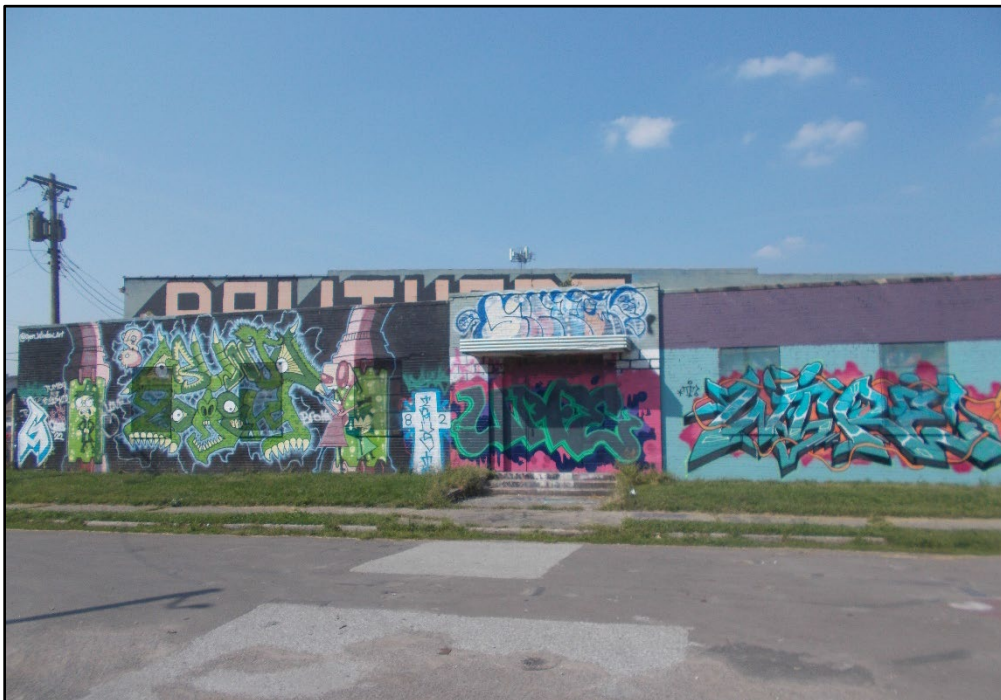
Looking west across Madison Avenue at the site.



Looking east from the dead-end of Palmer Street to the pedestrian bridge over Madison Avenue.



Looking west on Palmer Street.



Looking north across Palmer Street at the neighbor to the north.





Looking north on Delaware Street.



Looking across the south portion of the site at the neighbors to the south. No transitional yard is provided.





Looking south on Delaware Street from the intersection of Delaware and Palmer streets.



Looking north on Talbott Street, a primary access route to the site. Note that only one travel lane is available when cars are parked on both sides of the street.