

**METROPOLITAN DEVELOPMENT COMMISSION
HEARING EXAMINER**

January 9, 2025

Case Number: 2024-ZON-134
Property Address: 5802 West 71st Street
Location: Pike Township, Council District #6
Petitioner: Park 100 Investment, LLC, by Brian J. Tuohy
Current Zoning: C-S
Request: Rezoning of 2.16 acres from the C-S district to the C-S district to renovate two hotels into 68 studio, four one-bedroom and 22 two-bedroom apartments.
Current Land Use: Hotels
Staff Recommendations: Approval, subject to the commitment noted below:
Staff Reviewer: Kathleen Blackham, Senior Planner

PETITION HISTORY

The Hearing Examiner acknowledged the timely automatic continuance filed by a registered neighborhood organization that continued this petition from the December 12, 2024 hearing, to the January 9, 2025 hearing.

STAFF RECOMMENDATION

Approval, 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:

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 / receptables provided for the proper disposal of trash and other waste.

PETITION OVERVIEW

This 2.16-acre site, zoned C-S, is developed with two hotels. It is surrounded by commercial uses to the north, zoned C-3; single-family dwellings to the south, across West 71st Street, zoned D-3 (residential corridor reserve overlay); industrial uses to the east, zoned I-2 and commercial uses to the west, zoned C-3.

Petition 98-Z-81 rezoned this site to the C-S district to provide for office, warehouse, showroom, flex space, and hotel uses, and any use permitted in the C-3 district, except for fast food service restaurants, package liquor stores, gasoline service stations, night clubs, motion picture theaters, arcades, and adult entertainment uses.

REZONING

The request would rezone the site from the C-S (Special Commercial) district to the C-S district to renovate the two existing hotels to provide for multi-family uses. “The C-S District is designed to permit, within a single zoning district, multi-use commercial complexes or land use combinations of commercial and noncommercial uses, or single-use commercial projects. The primary objective of this district is to encourage development which achieves a high degree of excellence in planning, design or function, and can be intermixed, grouped or otherwise uniquely located with maximum cohesiveness and compatibility. The district provides flexibility and procedural economy by permitting the broadest range of land use choices within a single district, while maintaining adequate land use controls. The C-S District can include high-rise or low-rise developments, can be applied to large or small land areas appropriately located throughout the metropolitan area, and can be useful in areas of urban renewal or redevelopment.”

The Comprehensive Plan recommends community commercial typology for the site.

As proposed, this request would not be consistent the Plan recommendation. Community commercial typology is contemplated to be consistent with the C-3 (neighborhood commercial) or the C-4 (community-regional) zoning districts, depending upon the location and the surrounding land uses.

Recommended land uses in this typology include small- and large-scale offices, retailing, and personal or professional services; small- and large-scale schools, places of worship, neighborhood serving institutions / infrastructure, and other places of assembly; and small-scale parks.

Staff, however, supports this request because it would be an adaptive reuse of existing structures that were constructed in 1998 to serve the traveling public, with sleeping and dining accommodations. The proposed renovation would provide similar living conveniences for the residents.

Furthermore, the proposed residential uses would complement, protect, and serve as a buffer to the residential corridor reserve overlay to the south of this site that is recommended by the Comprehensive Plan.

C-S Statement

The C-S Statement, file dated November 11, 2024, states that the rezoning would permit expansion of uses that would include apartments (multi-family dwellings) on this site in addition the existing uses.

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	C-S	
Existing Land Use	Hotels	
Comprehensive Plan	Community Commercial	
Surrounding Context	<u>Zoning</u>	<u>Land Use</u>
North:	C-3	Commercial uses
South:	D-3	Single-family dwellings
East:	I-2	Industrial uses
West:	C-3	Commercial office uses
Thoroughfare Plan		
West 71 st Street	Primary Arterial	Existing 115-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	November 11, 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	November 11, 2024

COMPREHENSIVE PLAN ANALYSIS

Comprehensive Plan

The Comprehensive Plan recommends Community Commercial. The Community Commercial typology provides for low-intensity commercial, and office uses that serve nearby neighborhoods. These uses are usually in freestanding buildings or small, integrated centers. Examples include small-scale shops, personal services, professional and business services, grocery stores, drug stores, restaurants, and public gathering spaces.

Pattern Book / Land Use Plan

The Comprehensive Plan consists of two components that include The Marion County Land Use Pattern Book (2019) and the land use map. The Pattern Book provides a land use classification system that guides the orderly development of the county and protects the character of neighborhoods while also being flexible and adaptable to allow neighborhoods to grow and change over time.

The Pattern Book serves as a policy guide as development occurs. Below are the relevant policies related to this request:

- *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.

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 describe 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

98-Z-81 / 98-CV-17; 5802 West 71st Street, requested rezoning of 2.20 acres from the C-3 district to the C-S classification to provide for warehouse, showroom, flex space, and hotel uses, and any use permitted in the C-3 district, except for fast food service restaurants, package liquor stores, gasoline service stations, night clubs, motion picture theaters, arcades, and adult entertainment uses, **approved**.

95-AP-135; 5802 West 71st Street, requested approval to modify commitments related to petition 79-Z-83 to terminate all commitments related to petition 79-Z-83 and to incorporate alternative commitments regarding the minimum setback from the centerline of 7th Street being 70 feet; access location; permitting the use of the property for a fast food restaurant and permitting commercial-industrial uses on a portion of the property; prohibiting the use of the property for a package liquor store, nightclub, gasoline service station, movie theater, arcade, adult entertainment uses; maximum number of floors be two; finished faces required along 712nd Street; screening of parking; signs, **denied**.

79-Z-83; 5700 West 71st Street, requested rezoning of 19.43 acres from the A-2 district to the C-3 classification to provide for retail and office uses, **approved**.

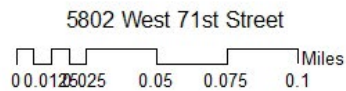
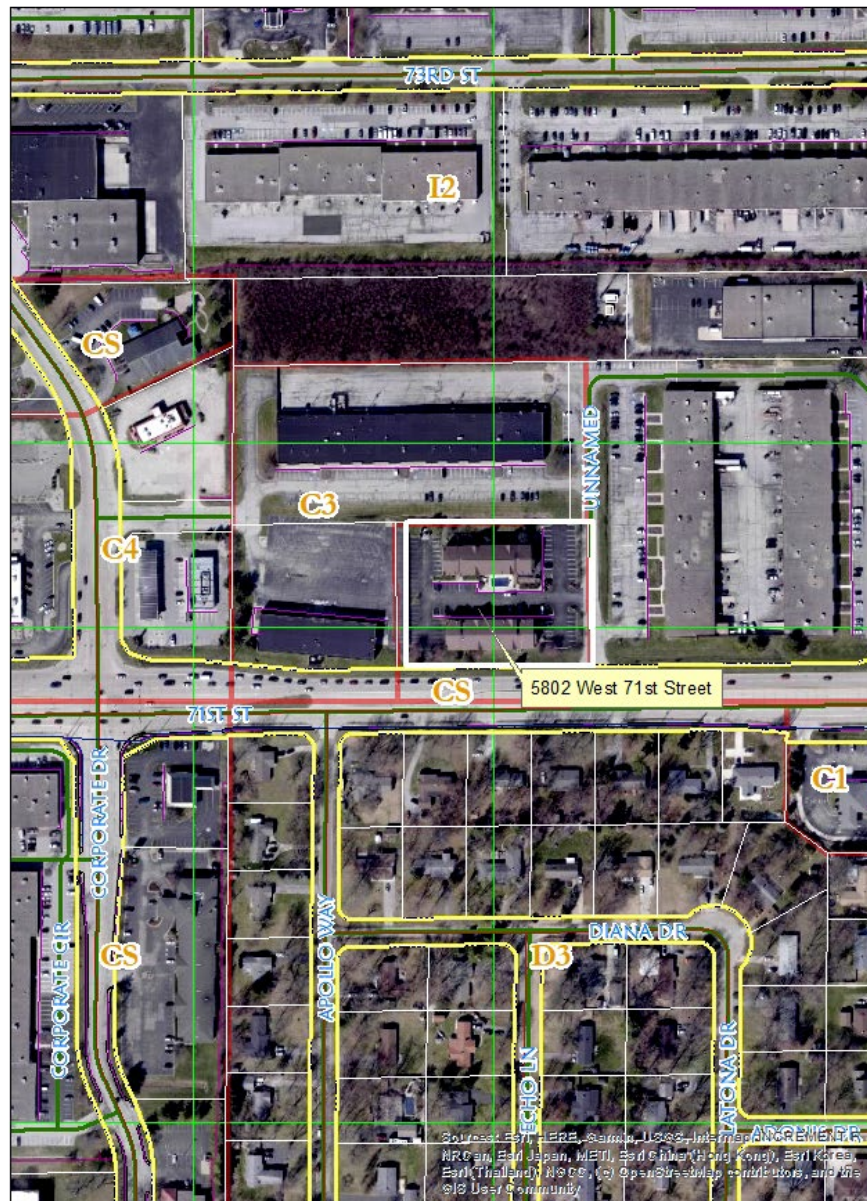
VICINITY

89-Z-197; 5605 West 71st Street, requested rezoning of 0.9 acres being in the A-2 district, to the C-3 classification to provide for the redevelopment of an existing gasoline service station, **approved**.

88-Z-187; 7210 Zionsville Road (east of site), requested rezoning of 4.9 acres, being in the A-2 district, to the I-2-S classification to provide for industrial uses, **approved**.

83-Z-175; 7110 Zionsville Road (east of site), requested rezoning of 9.6 acres from the C-e district to the I-2-S classification to provide for office / warehouse buildings, **approved**.

EXHIBITS



Source: Esri, HERE, DeLorme, Intermap, Incorp., NRCAN, Esri Japan, METI, Esri China (Hong Kong), Esri Korea, Esri (Thailand), NOAA, Swisstopo, Mapbox, and the OpenStreetMap contributors, and the GIS User Community



Proposal Description / 2024 C-S Statement
5802 West 71st Street ("Site")

Petitioner respectfully requests that the Site be rezoned from the C-S District to the C-S District to add residential multi-family dwelling uses as a permitted use on the site. Petitioner proposes to renovate and convert the two existing extended stay hotel buildings into approximately 68 studio, approximately 4 one-bedroom and approximately 22 two-bedroom apartments.



View of site looking west across access drive



View of adjacent property to the north looking northwest across access drive



View of site looking south from adjacent property to the north



View of site looking southeast from adjacent property to the north



View of site looking east from adjacent property to the west