

BOARD OF ZONING APPEALS DIVISION I

December 5, 2023

Case Number: 2023-DV1-057

Property Address: 6230 and 6280 North College Avenue (approximate address)

Location: Washington Township, Council District #2

Petitioner: KGBR LLC, by Joseph D. Calderon

Current Zoning: MU-2 (TOD)

Request: Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for the construction of a mixed-use building with a building height of up to 68-foot tall, with extensions up to 82.5-foot tall for an elevator shaft and stairwell.

Current Land Use: Mixed-Use

Staff Recommendations: Staff recommends approval of this request.

Staff Reviewer: Noah Stern, Associate Planner

PETITION HISTORY

This is the first public hearing for this petition.

STAFF RECOMMENDATION

Staff recommends approval of this request.

PETITION OVERVIEW

- This request would provide for the construction of a mixed-use building with a building height of up to 68-foot tall, with extensions up to 82.5-foot tall for an elevator shaft and stairwell.
- The site is comprised of three parcels. The northern parcel is developed with a parking garage and commercial space on the ground floor. The two southern parcels are currently vacant, with no structure on site. The proposed building is to sit atop the existing parking garage as well as on the two vacant parcels.
- In 2021 this site was rezoned to MU-2 and subsequently received a variance for the proposed building to sit at a height of 65 feet and a 10-foot extension for the elevator shaft. It was discovered that the building needs to be slightly taller than initially planned to be able to accommodate parking on one of the upper floors. The petitioner is now requesting the increase from the initial variance, for the proposed building to sit at 68 feet tall, and the elevator shaft to sit at 82.5 feet tall.

- The subject site is situated in the TOD overlay and is located directly adjacent to the Broad Ripple Avenue and College Avenue TOD station. The TOD Red Line Strategic Plan has identified this area as a district center, which is to be characterized by
 - Walkable areas of multiple city blocks, serving as cultural and commercial hubs for multiple neighborhoods
 - Mix of office, retail, entertainment, and residential with higher densities at the center desired
 - Off-street parking is discouraged and should be limited to garages
 - Aspire to a minimum of 15 dwelling units per acre at the core of the station area
 - Aspire to a minimum of 3-story buildings at the core of the station area
- While the proposed height would exceed the height standard, it would be an acceptable deviation given that this site lies at the core intersection of the TOD service area immediately proximate to the TOD station, and the proposal's initial purpose of supporting the TOD Strategic Plan. Therefore, Staff is not opposed to the variance request for additional height of the proposed building.

GENERAL INFORMATION

Existing Zoning	MU-2 (TOD)	
Existing Land Use	Mixed-Use	
Comprehensive Plan	Urban Mixed-Use	
Surrounding Context	Zoning	Surrounding Context
North:	D7	North: Community Commercial
South:	C1	South: Community Commercial
East:	C4	East: Community Commercial
West:	C3	West: Community Commercial
Thoroughfare Plan		
	North College Avenue Primary Arterial Existing ROW: 83 feet Proposed ROW: 78 feet	Westfield Boulevard Secondary Arterial Existing ROW: 40 feet Proposed ROW: 56 feet
Context Area	Compact	
Floodway / Floodway Fringe	Yes	
Overlay	Yes	
Wellfield Protection Area	No	
Site Plan	10/30/23	
Site Plan (Amended)	N/A	
Elevations	10/30/23	
Elevations (Amended)	N/A	
Landscape Plan	N/A	
Findings of Fact	10/30/23	
Findings of Fact (Amended)	N/A	

COMPREHENSIVE PLAN ANALYSIS

Comprehensive Plan

- Marion County Land Use Plan Pattern Book
- 2020 Red Line TOD Strategic Plan
- Bicycle Master Plan

Pattern Book / Land Use Plan

- The Marion County Land Use Plan Pattern Book recommends the Urban Mixed Use living typology for this site.
- In this typology, the Pattern Book recommends:
 - Residential density of 25-75 units per acre
 - Buildings be four to eight stories in height with entrances and windows facing the street
 - Sidewalks and other pedestrian spaces be activated
 - Off-street parking be located behind or interior to the development
- The proposal is in accordance with these recommendations

Red Line / Blue Line / Purple Line TOD Strategic Plan

- 2020 Red Line TOD Strategic Plan
 - The subject site is located directly adjacent to the College Avenue and Broad Ripple Avenue TOD station. This station and the surrounding area were characterized as a “district center” typology and rated as one of the stations with the highest TOD potential on the Red Line route. The plan describes “district center” as a dense mixed-use hub for multiple neighborhoods with tall buildings, with buildings at the core containing a minimum of 3 stories with no front of side setbacks. The plan notes that this area needs projects to catalyze future private development and increase activity through density and/or urban amenities.
 - The proposal will add significant density and provide additional uses/amenities that will be in close proximity to the Red Line station and at the core intersection of the neighborhood.

Neighborhood / Area Specific Plan

- Not Applicable to the Site

Infill Housing Guidelines



**Department of Metropolitan Development
Division of Planning
Current Planning**

- Not Applicable to the Site

Indy Moves

(Thoroughfare Plan, Pedestrian Plan, Bicycle Master Plan, Greenways Master Plan)

- Bicycle Master Plan
 - The subject site is adjacent to the Central Canal Towpath and is approximately ¼ mile from the Monon Trail. The plan calls for a new protected multi-use path along Broad Ripple Avenue east of the subject site, which is to be completed in 2023.

ZONING HISTORY

ZONING HISTORY – SITE

2021-CZN-804 / CVR804A / CVR804B, Rezoning of 1.62 acres from the C-1 (FF) and C-4 (FF) district to the MU-2 (FF) district to provide for redevelopment of a mixed-use commercial building and parking garage. Variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for a commercial building with a zero-foot front yard setback (five-foot front setback required) and proposed 65-foot building height with a 10-foot extension for elevator/stairwell shafts (maximum 35-foot building height required). Special Exception of the Consolidated Zoning and Subdivision Ordinance to legally establish an existing parking garage in the MU-2 district, **approved**.

2016-UV1-025; 6280 North College Avenue, requested a variance of use of the Consolidated Zoning and Subdivision Ordinance to provide for an automobile rental facility, including an office and car wash facility on the roof of the existing garage, **granted**.

2014-DV1-024; 6280 North College Avenue, requested a variance of development standards of the Commercial Zoning Ordinance to provide for a 22-seat, restaurant sidewalk café in the right-of-way of College Avenue, with a wrought iron fence, umbrellas and portable propane heaters, **granted**.

2012-DV2-006; 6280 North College Avenue, requested a variance of development standards of the Flood Control Districts Zoning Ordinance to provide for a retail and garage building, with its lowest floor elevation at 719.2 feet, without structural flood-proofing, **denied**.

2011-DV2-021; 6280 North College Avenue, requested a variance of development standards of the Commercial Zoning Ordinance to provide for sign canopies, measuring eight by 25 feet and eight by 39 feet, extending eight feet into the right-of-way of North College Avenue to cover two outdoor cafes, measuring eight by 19 feet and eight by 13 feet, including 12 seats and eight seats, respectively, and both with 32-inch tall rails, **granted**.

2000-ZON-028; 6280 North College Avenue, requested rezoning of 0.187 acre from the D-4 district to the C-4 classification to provide for expansion of a convenience store / gasoline station, with an associated carwash, **granted**.

95-Z-160, 6202 and 6230 North College Avenue, requested rezoning of 0.93 acre from the D-4 (FF) District to the C-1 (FF) classification to provide for office, childcare and single-family residential, **approved**.

96-V1-29; 6230 and 6232 North College Avenue, requested a variance of development standards to provide for a three-foot north side setback and a drive-through without a by-pass lane, **granted**.

86-Z-274, rezoning of 0.19 acres, being in the D-4/FP districts, to the C-1/FP classification, to provide for commercial uses, **approved**.

ZONING HISTORY – VICINITY

2019-CZN/CVR-852; 6201-6215 North College Avenue (east of site), rezoning of 0.66 acre from the D-5 (FF) district to the MU-2 (FF) district. Variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for a 77-foot-tall five-story and four story mixed-use building, with a zero-foot south front setback from 62nd Street, a zero-foot north side transitional yard, within the clear sight triangle of the abutting streets and alley and 49 parking spaces (35-foot height, five-foot front setback, 12-foot front transitional setback, 15-foot side transitional setback, structures not permitted within the clear sight triangle, 153 parking spaces required), **approved**.

2003-HOV-042; 701 Broad Ripple Avenue (east of site), requested a variance of development standards of the Commercial Zoning Ordinance to provide for a delicatessen and bakery without on premise parking, **granted**.

2004-DV1-031; 6290 North College Avenue (north of site), requested a variance of development standards of the Sign Regulations to provide for a 24-foot tall, 101.89-square foot pylon sign with a 37.73-square foot electronic variable message component, **denied**.

2007-DV2-059; 6290 North College Avenue (north of site), requested a variance of development standards of the Sign Regulations to provide for three wall signs on the east elevation of the building totaling 385.03 square feet of sign area, and for two wall signs on the north elevation of the building totaling 201.23 square feet of sign area, **granted**.

EXHIBITS





















