

## STAFF REPORT

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

**Case Number:** 2023-UV2-001  
**Address:** 101 East 34<sup>th</sup> Street (approximate address)  
**Location:** Center Township, Council District #9  
**Zoning:** C-1 (TOD)  
**Petitioner:** Medical Center Inc., by Meridth Hammer  
**Request:** Variance of use of the Consolidated Zoning and Subdivision Ordinance to provide for the operation of a coffee shop and event space (not permitted).

### **RECOMMENDATIONS**

Staff **recommends approval** of the coffee shop.

Staff **recommends denial** of the event space.

### **SUMMARY OF ISSUES**

The following issues were considered in formulating the recommendation:

### **LAND USE**

#### EXISTING ZONING AND LAND USE

C-1	Compact	Vacant Commercial Building
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#### SURROUNDING ZONING AND LAND USE

North	D-9	Church Parking Lot
South	C-1	Utilities (IPL)
East	C-1	Utilities (IPL)
West	D-5	School

COMPREHENSIVE PLAN	The Comprehensive Plan recommends office commercial development.
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- ◇ The 0.43-acre subject site is developed with an office building and associated parking lot. It is located next to a public utility property to the east and south, a school to the west, and a church parking lot to the north.

### **VARIANCE OF USE**

- ◇ The grant of the request would allow for the operation of a coffee shop and event space in the C-1 district.
- ◇ The coffee shop is classified under Retail, Light General and the event space is classified under indoor recreation and entertainment. Both of which are only permitted in the C-1 district as accessory uses.

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## **STAFF REPORT 2023-UV2-001 (Continued)**

### **Coffee Shop**

- ◇ The site is recommended for office commercial development that 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.
- ◇ Small-scale retailing is listed as one of the uses that would align with this recommendation so long as it is located along an arterial or collector street, which it would be.
- ◇ Staff would be supportive of the coffee shop since it would offer a supportive service to the adjacent medical office and would create a destination to promote pedestrian activity within the Red Line and Purple Line Bus Rapid Transit-Oriented Development Overlay.
- ◇ Staff even recommended that the petitioner consider the sidewalk café standards to have seating in the front for better visibility instead of potential seating at the rear of the building.

### **Event Center**

- ◇ Indoor recreation and entertainment uses require that sound associated with the establishment not be audible outside of the building in which the activity is occurring. This would not be possible as proposed since the outdoor patio would serve as additional event space for private events.
- ◇ Additionally, the Plan of Operation notes that the capacity for the event center would be for 80 people. This is concerning to staff since the subject site has limited on site parking for 12 vehicles per the submitted site plan even though the Plan of Operation notes 20 available at the southern parking lot. Five spaces along 34<sup>th</sup> Street and four spaces along Pennsylvania street could be counted towards the required parking since the property is in the Compact Context area creating a total of 21 spaces. However, this does not factor in that the ADA space would need to be a van-accessible parking space since a minimum of one is required. The petitioner would need to have this on the site plan or else an additional variance would be required.
- ◇ If the proposed coffee shop measures 145 square feet for walk up service, then it would not require any parking since the minimum requirement is one space per 150 square feet. However, since the event center space would be used for seating as indicated in the Plan of Operation, then the total square footage for the coffee shop can be assumed to be the total tenant space area of 3,361 square feet, which would require 23 parking spaces.
- ◇ The event center measuring approximately 3,216 square feet per the site plan would require eight parking spaces or one space per four seats at maximum capacity, whichever is greater. With an 80-person capacity, the event center would require a minimum of 20 parking spaces and a minimum of two bike spaces.

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## **STAFF REPORT 2023-UV2-001 (Continued)**

- ◇ This does not factor in the existing medical office parking requirements of 16 spaces for the approximate 4,925 square feet of office space. In total, the site would require 36 parking spaces for the medical office, walk-up coffee shop, and event center as proposed.
- ◇ There are no hours of operation listed for the event center which is also concerning considering that the indoor and outdoor space could be used late into the night without the hours being noted.

### **Other Concern**

- ◇ Staff would note that the dumpster was not properly enclosed at the time of the site visit and would need to be enclosed unless the petitioner wishes to pursue a separate variance to not enclose it.
- ◇ In conclusion, staff would not support an event center that could draw customers from the regional area potentially bringing in 80 vehicles into the neighborhood without set hours of operation but could support a coffee shop that would draw more local pedestrian traffic since the parking reductions of the Ordinance could be applied with the site being within ¼ mile of the nearest bus rapid transit station at the intersection of Meridian Street and 34<sup>th</sup> Street.

## **GENERAL INFORMATION**

### THOROUGHFARE PLAN

34<sup>th</sup> Street is classified in the Official Thoroughfare Plan for Marion County, Indiana as a primary collector street, with a 66-foot existing right-of-way and a 78-foot proposed right-of-way.

Pennsylvania Street is classified in the Official Thoroughfare Plan for Marion County, Indiana as a primary arterial street, with a 70-foot existing right-of-way and a 56-foot proposed right-of-way.

### SITE PLAN

File-dated March 8, 2023.

### PLAN OF OPERATION

File-dated March 28, 2023.

### FINDINGS OF FACT

File-dated February 17, 2023.

## **ZONING HISTORY – SITE**

### EXISTING VIOLATIONS

None.

### PREVIOUS CASES

None.

(Continued)

## **STAFF REPORT 2023-UV2-001 (Continued)**

### **ZONING HISTORY – VICINITY**

**2016-UV2-003; 3351 North Meridian Street** (west of site), Variance of use of the Commercial and Dwelling Districts Zoning Ordinance to provide for transitional housing and parking for women, with counseling therapy services to current and former residents, **granted**.

**2015-UV2-016; 3345 North Pennsylvania Street** (south of site), Zoning Ordinance to provide for the conversion of the second floor of a two-story detached garage, with a three-foot south side setback (minimum four-foot side setback required), into an 800-square foot dwelling unit (one dwelling unit permitted per lot, minimum 900 square feet required), **granted**.

**2012-DV2-020; 3401 North Meridian Street** (northwest of site), Variance of development standards of the Sign Regulations to provide for an eight-foot tall, 34-square foot freestanding sign, with a 16-square foot electronic variable message sign (not permitted), being 47.1% of the sign area (maximum 40% permitted), within 170 feet of a D-9 protected district to the southwest (maximum four-foot tall sign permitted within 600 feet of a protected district, electronic variable message signs not permitted within 600 feet of a protected district), **denied**.

**2009-DV2-020; 3401 North Meridian Street** (northwest of site), Variance Of Development Standards of the Sign Regulations to provide for the erection of a 15-foot tall, 160-square foot pole sign, with a 48-square foot electronic variable message sign (EVMS) component, located approximately 50 feet from a dwelling district and 20 feet from a signalized intersection (maximum four-foot tall sign permitted within 600 feet of a dwelling district; EVMS not permitted in SU-2 District, EVMS not permitted within 600 feet of a protected district; EVMS not permitted within 125 feet of signalized intersection), with the lowest point of the sign face being less than nine feet above grade (minimum nine-foot clearance required), **denied**.

**2008-DV2-016A & B; 3342 North Washington Boulevard** (southeast of site), Variance of use and development standards of the Dwelling Districts Zoning to provide for a 29-foot tall, 1,920-square foot detached accessory building, resulting in an accessory building area of 1,920 or 146.0 percent of the main floor area of the primary structure, with a dwelling unit on the second floor, **granted**.

**97-HOV-66; 210 East 34<sup>th</sup> Street** (northeast of site), Variance of development standards of the Sign Regulations to provide for the placement of a double-faced illuminated ground sign, being 6.5 by 3 feet and 4 feet in height, for an existing religious use, **granted**.

**91-V1-14; 3333 North Meridian Street** (southeast of site), Variance of development standards of the Dwelling Districts Zoning to permit the placement of a ground sign to be located 10 feet from the right-of-way of North Meridian Street (15 feet required) and to allow the placement of a 24 square foot wall sign (one sign permitted not to exceed 1 square foot), **granted**.

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**STAFF REPORT 2023-UV2-001 (Continued)**

**87-HOV-130; 3337 North Pennsylvania Street** (south of site), Variance of development standards of the Dwelling Districts Zoning to provide for a twenty-six-foot tall, detached garage (twenty-foot maximum height permitted), **granted**.

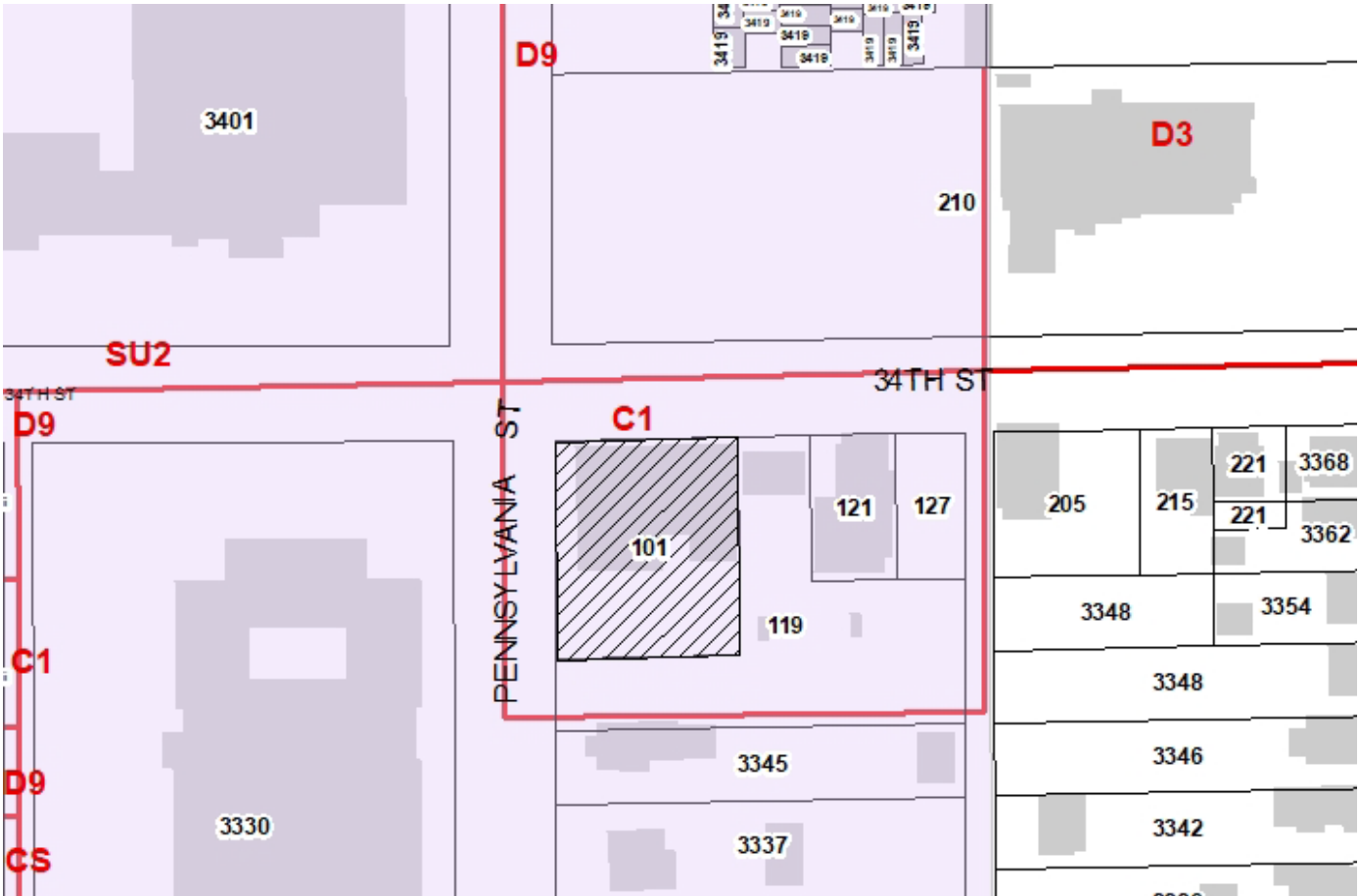
**87-UV3-113; 3348 North Washington Boulevard** (east of site), Variance of use of the Dwelling Districts Zoning to provide for an office, **denied**.

**84-UV1-24; 3401 North Meridian Street** (northwest of site), Variance of use to provide for recreational facilities and a freestanding sign, **granted**.

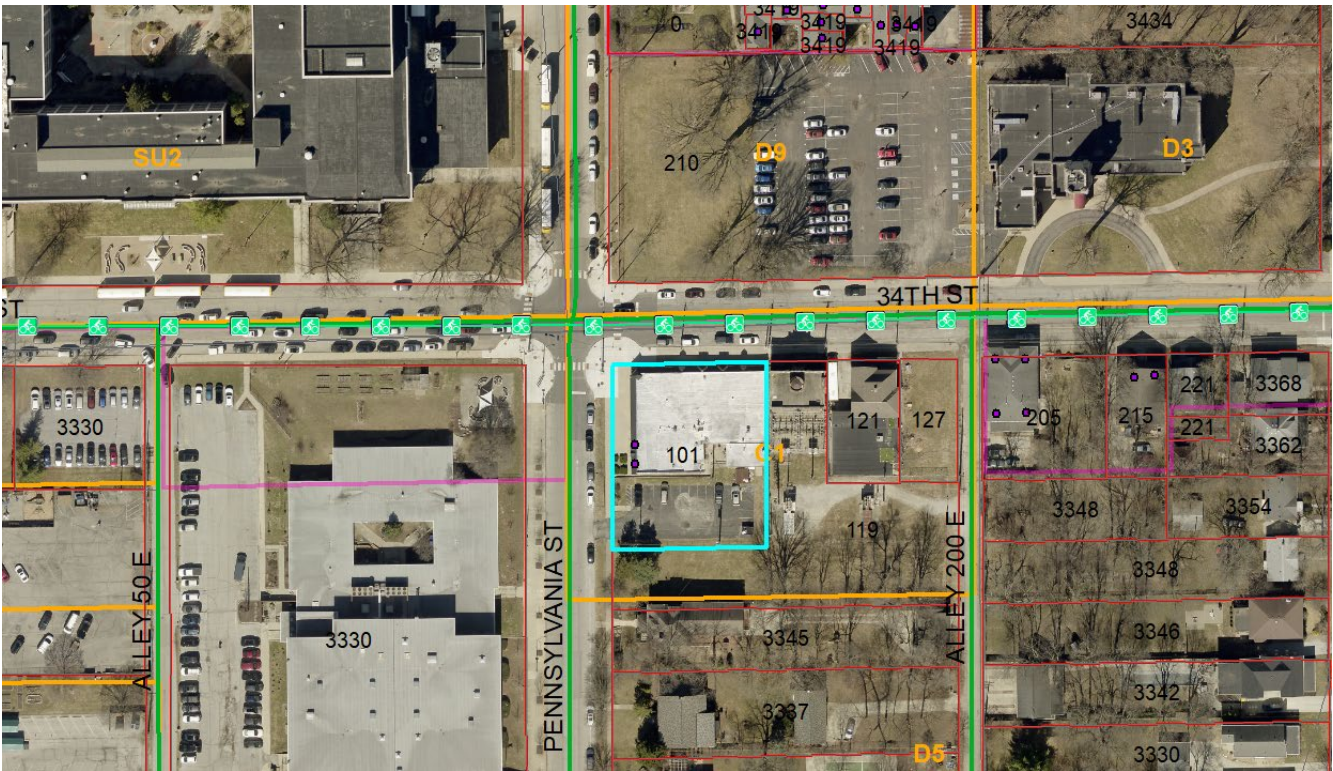
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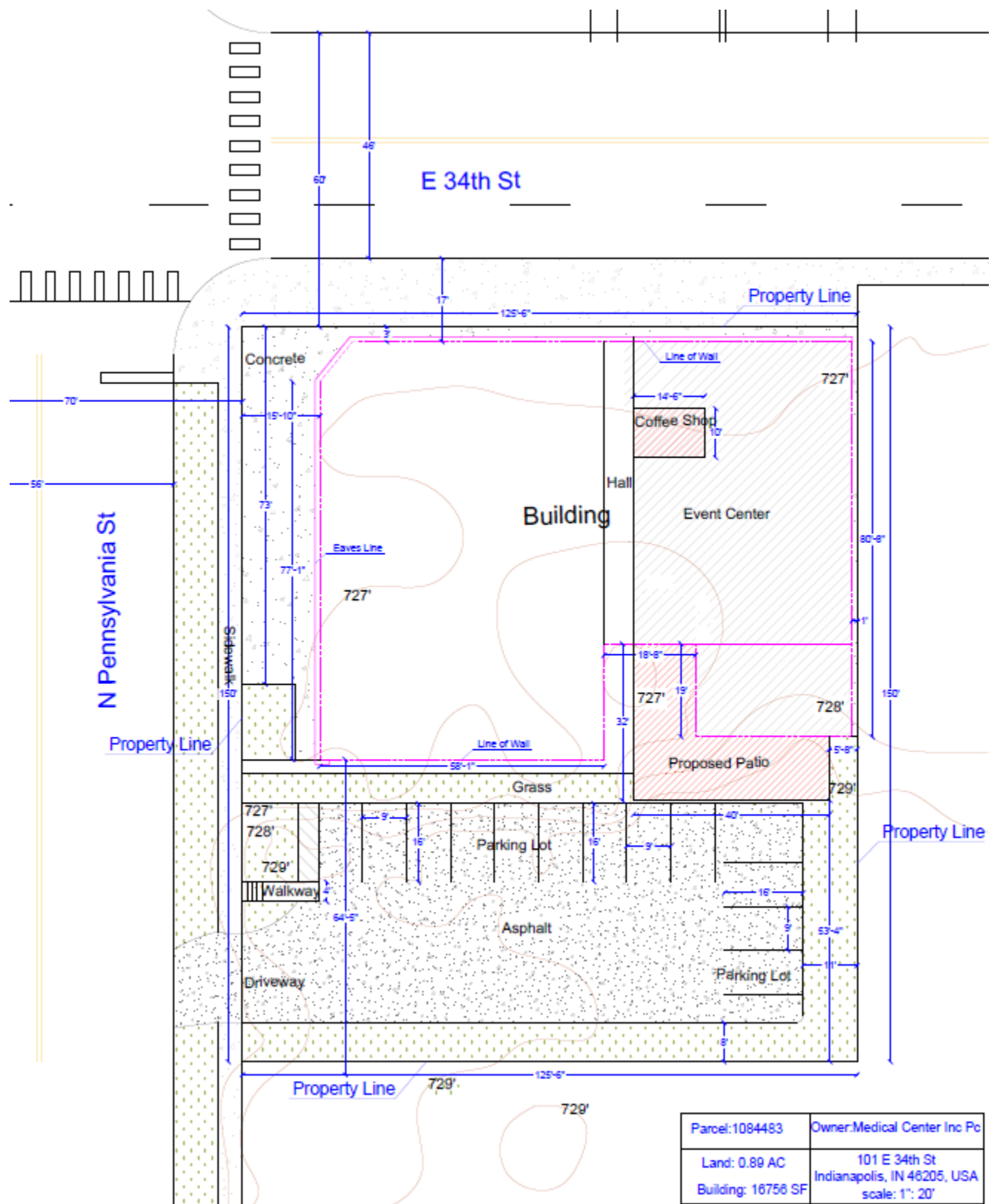
**2023-UV2-001; Location Map**



**2023-UV2-001; Aerial Map**



2023-UV2-001; Site Plan



## **2023-UV2-001; Plan of Operation**

### **Plan of Operations**

The Cafe patrons will ONLY enter through the 109 door, as indicated on the attached photo. There is a 9 1/2-foot x 14-foot enclosed courtyard behind the 109 door. Café is mostly for walk up customers but there is seating as indicated below.

The Event Center and the Coffee Area/shop are interdependent, but the vast majority of the time will be spent in the Cafe' during the week. The Cafe' will SUPPORT the event center. Types of events include the following: Jazz on 34th Street (2x a month), Gospel Café, Comedy Café, Spoken Word Café, Wine & Canvas|

The patio area is for the event center. The event center is for private events.

### **CAPACITY**

- Capacity for the event center: 80. Hours of operation for Events: Friday-Sunday, 4 hours maximum duration for each event.
- Capacity for the Cafe': 8-10 outdoor seats; 10 indoor seats at tables; 3 at bar area. Hours of operation 7am-3pm daily and on weekends when the Event Center is open.
- Employees: 1 full-time and 4 part-time.

### **PARKING:**

- 20 spaces on the south side of the building. We have an agreement with Phillips Temple Church to the North and across the street of the subject location, to use their lot during events.



**2023-UV2-001; Photographs**



Photo of the Subject Property: 101 East 34th Street



Photo of the Subject Property: 101 East 34th Street





Photo of the Subject Property.



Photo of a walking path behind the existing building.





Photo of the existing parking lot south of the building.



Photo of the exit towards the proposed rear area.





Proposed location of the rear patio.



Photo of the schools west and northwest of the site.