



**METROPOLITAN DEVELOPMENT COMMISSION
HEARING EXAMINER**

March 14, 2024

Case Number: 2024-ZON-016
Property Address: 930 Daly Street
Location: Center Township, Council District #18
Petitioner: Joshua Conrad, by Brian J Tuohy
Current Zoning: I-3 (TOD)
Request: Rezoning of 1.3 acres from the I-3 (TOD) district to the C-4 (TOD) classification to provide for an event center and other regional commercial uses.
Current Land Use: Commercial use / parking lot (vacant)
Staff Recommendations: Approval, subject to commitments.
Staff Reviewer: Kathleen Blackham, Senior Planner

PETITION HISTORY

This is the first hearing for this petition

STAFF RECOMMENDATION

Approval, subject to the following commitments being reduced to writing on the Commission's Exhibit "B" forms at least three days prior to the MDC hearing:

1. 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 / receptacles provided for the proper disposal of trash and other waste.
2. The existing building exterior will be preserved to the extent possible.

PETITION OVERVIEW

This site zoned I-3 (TOD) is developed with a historic two-story masonry building and associated parking. It is surrounded with commercial uses to the north, zoned C-3 (TOD); industrial uses to the south across Daly Street, zoned I-3 (TOD); industrial uses to the east, across Shelby Street, zoned I-3 (TOD); and I-65 Interstate ramp right-of-way, zoned I-3 (TOD).



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

Petitions 2013-UV3-024 and 2012-UV1-024, permitted the use of the subject site as a brewery and tasting room (eastern portion of the building) along with offices and a call center and offices (western portion of the building).

As proposed this request would be consistent with the Comprehensive Plan recommendation of urban mixed-use typology that would serve both the surrounding neighborhood as well as a larger segment of the community, with appropriate access to thoroughfares.

The proposed use as an event would be located within the easternmost portion of the existing structure and occupy approximately 6,000 square feet, with a call center and offices located in the remainder of the building. See Exhibit A.

The parking lot fronting Shelby Street would provide between 15-20 parking spaces and the parking lot along the I-65 right-of-way provides approximately 47 parking spaces that would be available after typical business hours. On-street parking would also be available along Daly Street.

It is understood that the site, as currently developed, and the existing structure would remain, with interior remodeling / renovation for the proposed event center. Staff believes the existing building should be preserved because of the historic character and value this provides to the area.

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

- 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	I-3 (TOD)	
Existing Land Use	Commercial use / parking lot (vacant)	
Comprehensive Plan	Urban Mixed-use	
Surrounding Context	Zoning	Land Use
North:	C-4 (TOD)	Commercial uses
South:	I-3 (TOD)	Industrial uses
East:	I-3 (TOD)	Industrial uses
West:	I-3 (TOD)	I-65 Interstate ramp
Thoroughfare Plan		
Daly Street	Local Street	Existing 60-foot right-of-way proposed 48-foot right-of-way
Shelby Street	Primary Arterial	Existing 58-foot right-of way and proposed 56-foot right-of-way
Context Area	Compact	
Floodway / Floodway Fringe	No	
Overlay	Yes – Transit-Oriented Development	
Wellfield Protection Area	No	
Site Plan	N/A	
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	N/A	

Comprehensive Plan

- The Comprehensive Plan recommends Urban Mixed-Use typology. “The Urban Mixed-Use typology provides dense, pedestrian-oriented development with a wide range of businesses, services, and institutions that serve both adjacent neighborhoods and the broader Indianapolis community. Buildings are four to eight stories in height with entrances and large windows facing the street. Where possible, sidewalks and other pedestrian spaces should be activated as places to gather or otherwise spend time, such as sidewalk cafes and plazas. Public spaces may also be programmable for community events. Off-street parking should be behind buildings or in garages. Where block lengths are longer than 500 feet, public pedestrian paths should be provided as cut through’s. This typology has a residential density of at least 25 to 75 units per acre.
- “The C-4 District (Community Regional) is designed to provide for the development of major business groupings and regional-size shopping centers to serve a population ranging from a community or neighborhoods to a major segment of the total metropolitan area. These centers may feature a number of large traffic generators such as home improvement stores, department stores, and theatres. Even the smallest of such freestanding uses in this district, as well as commercial centers, require excellent access from major thoroughfares. While these centers are usually characterized by indoor operations, certain permitted uses may have limited outdoor activities, as specified.”

- **Overlays**

This site is also located within the Transit Oriented Development (TOD). “Overlays are used in places where the land uses that are allowed in a typology need to be adjusted. They may be needed because an area is environmentally sensitive, near an airport, or because a certain type of development should be promoted. Overlays can add uses, remove uses, or modify the conditions that are applied to uses in a typology.”

Pattern Book / Land Use Plan

- The Pattern Book lays out a land use classification system that guides the orderly development of the county, protects the character of neighborhoods, and serves as a policy guide for development or redevelopment of a site.

Conditions for All Land Use Types

- 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.
- Mixed-Use structures are preferred for all land uses except Public Administration, Associations, and Region-Serving Institutions/Infrastructure, Entertainment, and Small-Scale Parks.
- In master-planned developments, block lengths of less than 500 feet, or pedestrian cut-throughs for longer blocks, are encouraged.

- Where possible, contributing historic buildings should be preserved or incorporated into new development.

Small-Scale Schools, Places of Worship, Neighborhood- Serving Institutions/Infrastructure, and Other Places of Assembly (defined as schools, places of worship, and other places of assembly that are generally less than five acres in size.)

- If proposed within one-half mile along an adjoining street of an existing or approved residential development, then connecting, continuous pedestrian infrastructure between the proposed site and the residential development (sidewalk, greenway, or off-street path) should be in place or provided.
- Mixed-use structures are preferred.
- Schools should not be within 1000 feet of a highway, freeway, or expressway.”

Red Line / Blue Line / Purple Line TOD Strategic Plan

- The Transit-Oriented Development (TOD) overlay is intended for areas within walking distance of a transit station. The purpose of this overlay is to promote pedestrian connectivity and a higher density than the surrounding area.
- This site lies within two proposed transit stops identified in the Blue Line Transit-Oriented Development Strategic Plan (2018) with a Central Business District typology and a District Center typology.
- This site is located within a ¼ mile walk of the proposed transit station located at the intersection of U.S. 40 (Washington Street) and Southeastern Avenue / Shelby Street with a Central Business District typology and within a ½ mile walk of the proposed transit station located at the intersection of U.S. 40 (Washington Street) and Arsenal Avenue with a District Center typology.
- Central Business District stations are located in the Regional Center with the region’s highest density and largest concentration of employment. Development opportunities include dense infill and redevelopment, office, mixed-use, cultural, and civic institutions, and a focus on enhanced placemaking.
- Characteristics of the Central Business District typology are:
 - The densest core of the city with the tallest buildings
 - Mix of office, entertainment, civic retail, active public place and residential
 - Minimum of 5 stories throughout with no front or side setbacks

- Structure parking only with active first floor
- District Center stations are located at the center of regionally significant districts with several blocks of retail or office at their core. Development opportunities include infill and redevelopment, dense residential, employment near transit stations, neighborhood retail and a focus on walkability and placemaking.
- Characteristics of the District Center typology are:
 - A dense mixed-use hub for multiple neighborhoods with tall buildings
 - Minimum of 3 stories at core with no front or side setbacks
 - Multi-family housing with a minimum of 5 units
 - Structured parking only with active first floor

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 describes 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

2013-UV3-024; 930 Daly Street, requested a variance of use and development standards of the Industrial Zoning Ordinance to provide for an office and call center, with 32 parking spaces, **granted**.

2012-UV1-024; 930 Daly Street, requested a variance of use and development standards of the Industrial Zoning Ordinance to provide for a tasting room and the retail sales of beer associated with a brewery, an ADA ramp with a zero-foot setback from Daly Street and an approximately 90-foot setback from the centerline of Shelby Street and a trash enclosure with a one-foot front setback from Daly Street, and with an approximately 75-foot front setback from the centerline of Shelby Street, being in front of the established building line along Shelby Street, **granted**.

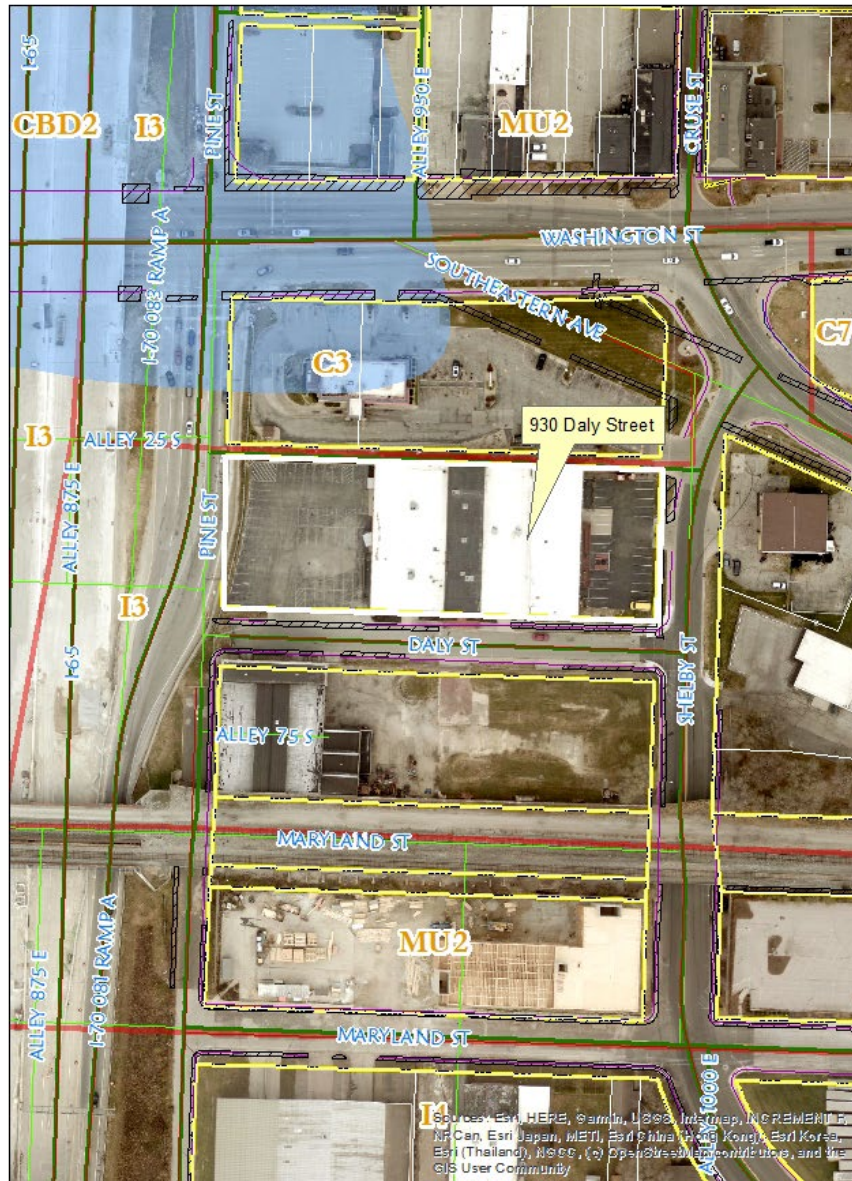
2008-HOV-040; 930 Daly Street, requested a variance of Development Standards to provide for insufficient landscaping along Daly Street, a zero-foot parking setback, and to legally establish building with a zero-foot setback from Daly Street and zero-foot north setback, **granted**.

Vicinity

2008-DV3-042; 921 East Washington Street (north of site), requested a variance of Development Standards to legally establish a trash enclosure in front of an established front building line, **granted**.

97-Z-114; 1031 East Washington Street (east of site), rezoning from I-3U district to the C-5 classification to provide for a two-story commercial structure, **granted**.

EXHIBITS



930 Daly Street

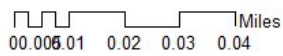


EXHIBIT A

Proposal Description 930 Daly Street ("Site")

Petitioner respectfully requests to rezone the site from the I-3 District to the C-4 District to allow for commercial uses on the Site. Petitioner proposes to operate an ~~approximately 6,000 sf event center for weddings, reunions, meetings and similar~~ activities to be located in the eastern portion of the existing building on the Site. Petitioner proposes that events will be limited to approximately 200 people or less. The eastern portion of the Site was previously used as a brewery and restaurant.

An existing logistics business, which operates Monday – Friday from 9 am to 5 pm will remain in the western portion of the building. The proposed event center and existing logistics business will share the existing off-street parking spaces on the Site. Additionally, there are several on-street parking spaces available adjacent to the Site on Daly Street.



View looking east along Daly Street



View of western portion of site looking north across Daly Street



View of eastern portion of site looking north across Daly Street



View looking north along Shelby Street



View looking south along Shelby Street



View of site looking west across Shelby Street



View of site looking southwest across Shelby Street



View from site looking south



View from site looking east across Shelby Street



View from site looking northeast towards East Washington Street



View from site looking north towards East Washington Street