

**METROPOLITAN DEVELOPMENT COMMISSION
HEARING EXAMINER**

April 10, 2024

Case Number: 2025-ZON-013
Property Address: 240 East 22nd Street
Location: Center Township, Council District #13
Petitioner: Zinkan Enterprises, by Russell L. Brown and Elizabeth Bentz Williams, AICP
Current Zoning: D-8
Request: Rezoning of 0.27-acre from the D-8 district to the MU-2 district to provide for a mixed-use development.
Current Land Use: Vacant commercial building
Staff Recommendations: Denial
Staff Reviewer: Kathleen Blackham, Senior Planner

PETITION HISTORY

The Hearing Examiner acknowledged the timely automatic continuance filed by the petitioner's representative that continued this petition from the March 13, 2025 hearing, to the April 10, 2025 hearing.

STAFF RECOMMENDATION

Denial. If approved, staff would request that approval be 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. Operation of the site shall be consistent with the Narrative, including prohibited uses, and site plan, both of which are file dated March 24, 2025.

PETITION OVERVIEW

This 0.27-acre site, zoned D-8, is developed with a commercial building and associated parking. It is surrounded by a single-family dwelling to the north, single-family dwellings to the south, across East 22nd Street, single-family dwellings to the east, across North Alabama Street, all zoned D-8; and mixed-use to the west, zoned C-S.

Petition 2002-UV1-017 legally established a restaurant, wall signs and a pole sign.

REZONING

The request would rezone the site to the MU-2 district. “The MU-2 District is intended to meet the daily needs for surrounding neighborhoods and include small social spaces that serve as neighborhood gathering places. The district includes primarily neighborhood-serving businesses and institutions, including a wide range of small-scale retail and service uses that typically do not draw customers from beyond the adjacent neighborhoods, and employment, institutional and residential uses that complement the compact, walkable development pattern. The MU-2 District is implemented as a small node or on busy corridors in the Traditional Neighborhood or City Neighborhood Typologies of the Land Use Pattern Book, or as a Village Mixed Use Typology. The typical size of a district is from two to 20 acres (one to four blocks) but depends on the context and what integrates best into surrounding neighborhoods and complimentary zoning districts.”

The Comprehensive Plan recommends traditional neighborhood typology for the site.

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.

Planning Analysis

As proposed the request would generally be consistent with the land use recommendation of the Comprehensive Land Use Plan of traditional neighborhood related to small scale commercial uses with minimal outdoor operations. There would, however, be minimal change to the existing development that generally covers the site with a building and paved parking, leaving little space for screening and buffering from the surrounding residential neighborhood. Staff would note that landscaping along the eastern boundary would be installed within the public right-of-way.

The narrative filed with the petition states that the curb cut on East 22nd Street would be closed, site access improved, and landscaping installed. Additionally, there would be some prohibited uses, along with limitations on the hours of service of alcohol, mitigation of site lighting spillage and identification of trash service hours. See Exhibit A.

Staff does not support the rezoning to MU-2 because staff believes that the small site and 1,080 square-foot building does not lend itself to a viable mixed-use. Staff would note that the Ordinance provision describes the MU-2 district as having a range of size between two and 20 acres (one to four blocks). This site is approximately ¼ acre, which would limit use of the site and the ability to provide appropriate buffering to minimize impact on the surrounding residential neighborhood.

The narrative indicates that long term plans would include a mix of uses but until an appropriate mixed-use development would be proposed staff does not believe the MU-2 district would be supportable.

GENERAL INFORMATION

Existing Zoning	D-8	
Existing Land Use	Vacant commercial building	
Comprehensive Plan	Traditional Neighborhood	
Surrounding Context	<u>Zoning</u>	<u>Land Use</u>
North:	D-8	Single-family dwelling
South:	D-8	Single-family dwellings
East:	D-8	Single-family dwellings
West:	C-S	Mixed-use
Thoroughfare Plan		
East 22 nd Street	Primary arterial	Existing 60-foot right-of-way and proposed 56-foot right-of-way.
North Alabama Street	Local Street	Existing 60-foot right-of-way and proposed 48-foot right-of-way
Context Area	Compact	
Floodway / Floodway Fringe	No	
Overlay	No	
Wellfield Protection Area	No	

Site Plan	February 7, 2025
Site Plan (Amended)	March 24, 2025
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 ANALYSIS

Comprehensive Plan

The Comprehensive Plan recommends traditional neighborhood typology. The Traditional Neighborhood typology includes a full spectrum of housing types, ranging from single family homes to large-scale multifamily housing. The development pattern of this typology should be compact and well-connected, with access to individual parcels by an alley when practical. Building form should promote the social connectivity of the neighborhood, with clearly defined public, semi-public, and private spaces. Infill development should continue the existing visual pattern, rhythm, or orientation of surrounding buildings when possible. A wide range of neighborhood-serving businesses, institutions, and amenities should be present. Ideally, most daily needs are within walking distance. This typology usually has a residential density of five to 15 dwelling units per acre, but a higher density is recommended if the development is within a quarter mile of a frequent transit line, greenway, or park.

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 – Traditional Neighborhood 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.
 - In master-planned developments, block lengths of less than 500 feet, or pedestrian cut-throughs for longer blocks, are encouraged.

- *Small-Scale Offices, Retailing, and Personal or Professional Services (defined as commercial uses with minimal outdoor operations, storage, or display on lots of less than 1.5 acres and a height of less than 35 feet).*
 - 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.
 - Should be located at intersections and limited to an aggregate of one acre per intersection.
 - Should be limited to areas and parcels with adequate space for required screening and buffering.
 - Automotive uses (such as gas stations and auto repair) and uses requiring a distance of separation of greater than 20 feet under the zoning ordinance (such as liquor stores, adult uses, and drive-through lanes) are excluded.
 - Mixed-use structures are preferred.
 - Should not include outdoor display of merchandise.

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:

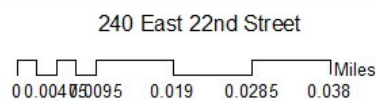
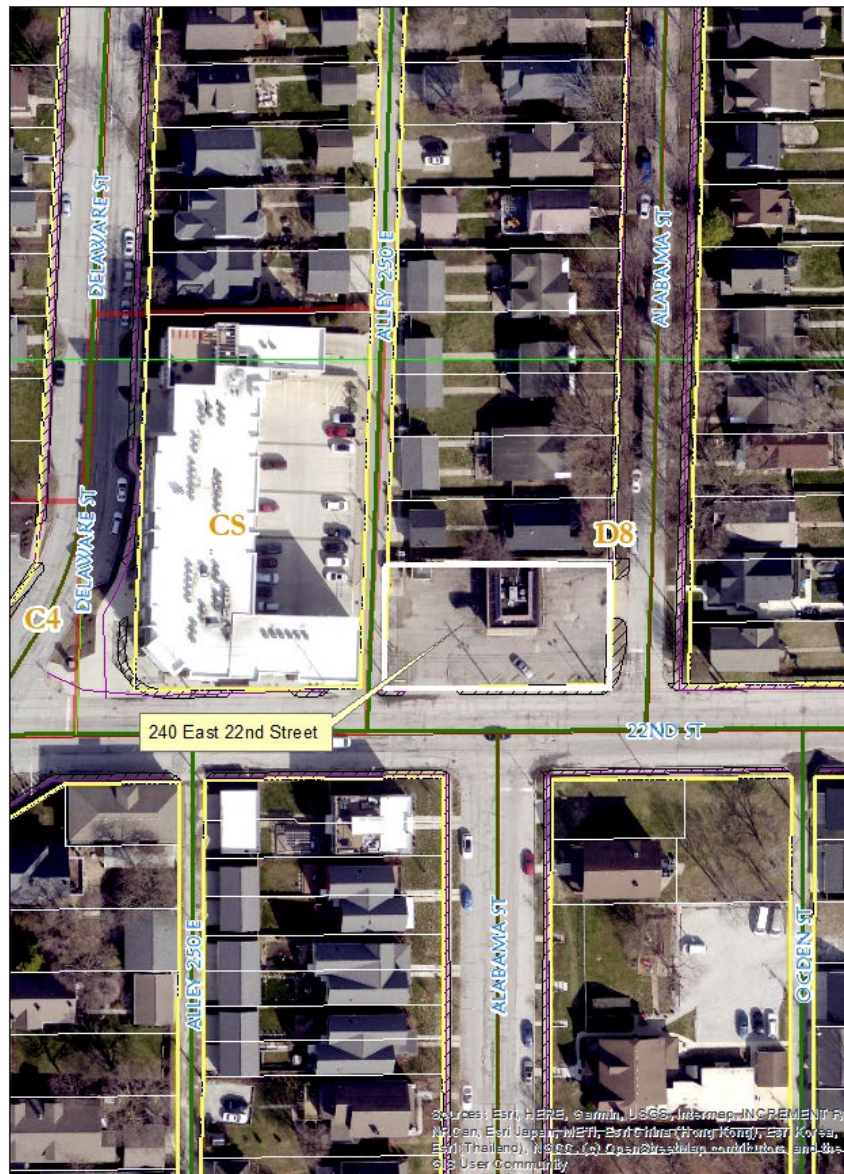
- Classify roadways based on their location, purpose in the overall network and what land use they serve.
- Provide design guidelines for accommodating all modes (automobile, transit, pedestrians, bicycles) within the roadway.
- Set requirements for preserving the right-of-way (ROW)
- Identify roadways for planned expansions or new terrain roadways
- Coordinate modal plans into a single linear network through its GIS database



ZONING HISTORY

2002-UV1-017; 240 East 22nd Street, requested a variance of use of the Dwelling Districts Zoning Ordinance to legally establish an 840-square-foot restaurant and development standards of the Sign Regulations to provide for two wall signs that exceed the permitted size and legally establish a pole sign, **granted**.

EXHIBITS





FORGE
ARCHITECTURE

240 E 22ND ST
INDIANAPOLIS, IN 46201-25001 01/23/25

EXHIBIT A – March 24, 2025

Narrative - 2025-ZON-013

Use and History : The request would provide for the rezoning of a corner lot at the intersection of E. 22nd Street and N Alabama Street. The lot is located at the northwest corner of this intersection and has been improved with a one-story commercial building and surface parking lot for many years. The site has been zoned D-8 for decades, but research has found that this site has been developed commercially since at least 1962. 1956 maps indicate that there were single family dwellings on the site. Variance history indicates a variance granted in 2002 for a restaurant and signs.

Proposal: The proposal is planned as the beginning of reinvestment into the subject property. Initially, the petitioner plans to reuse the existing structure and anticipate a restaurant use with no drive through. This proposal would also include upgrading the site plan to close the curb cut on 22nd Street, and define the curb cut on the alley access, as well as adding landscaping and street trees. The goal would be to create another small neighborhood hub to serve the area. Long term plans anticipate a multi-use facility. Consistent with the MU-2 zoning district.

Petitioner will also incorporate the following commitments:

1. The following uses shall be restricted:

- Check Cashing or Validation Service
- Laundromat
- Outdoor Advertising Off-Premises Sign
- Drive-Through
- Liquor Store
- Tobacco/vape/smoke shop or similar (under Retail, Light General)
- Club or Lodge

2. The hours of operation for any establishment serving alcoholic beverages shall end by 10:00 p.m. on Sunday through Thursday, and by 11:59 p.m. on Friday and Saturday.

3. Any trash pick-up by private hauler will occur between the hours of 8:00 a.m. and 4:00 p.m., Monday thru Friday, only. Dumpsters and other trash containers (residential and commercial) shall be secured in required enclosures at all times, except when actively being picked up.

4. Any exterior lights on the buildings or in the parking lots shall be shielded to mitigate light spillage onto adjacent property.

5. All exterior landscape beds shall be weeded and maintained throughout each growing season and have an application of mulch annually prior to May 31st. Dead plantings shall be replaced annually prior to May 31st.



View looking west along East 22nd Street



View looking east along East 22nd Street



View from site looking southwest across intersection of East 22nd Street and the north / south alley



View looking north along North Alabama Street



View from site looking east



View from site looking southeast across intersection of North Alabama Street and east 22nd Street



View from site looking south along North Alabama Street



View from site looking northwest across north / south alley



View of site looking north



View of existing building looking northeast



View from site looking north