STAFF REPORT

Department of Metropolitan Development Division of Planning Current Planning Section

Case Number: 2022-MOD-009

Address: 25 Mc Lean Place (approximate address)
Location: Center Township, Council District #11

Zoning: C-S (RC)

Petitioner: Illinois Street Self Storage, LLC, by David Kingen and Emily

Duncan

Request: Modification of Commitments related to 2016-CZN-842 and

2016-CVR-842 to terminate Commitments #1 and #2 on

Attachment "D" which required 10,000-square feet of building space to be reserved for office/retail space/artisan food or beverage/artisan manufacturing uses and required the building be subject to elevations, file-dated 3/2/17.

<u>ADDENDUM FOR FEBRUARY 9, 2023, HEARING EXAMINER</u>

This petition was continued, by request of the petitioner, from the December 15, 2022, hearing to the February 9, 2023, hearing. As of this writing, no new information has been submitted to the file.

ADDENDUM FOR DECEMBER 15, 2022, HEARING EXAMINER

This petition was continued, by request of the petitioner, from the September 29, 2022, hearing to the December 15, 2022, hearing. As of this writing, no new information has been submitted to the file.

ADDENDUM FOR SEPTEMBER 29, 2022, HEARING EXAMINER

After hearing testimony, this petition was continued to the September 29, 2022, hearing, due to issues with the proposed commitments. As of this writing, no new information has been submitted to the file.

SEPTEMBER 15, 2022

RECOMMENDATIONS

Staff **strongly recommends denial** of the request.

SUMMARY OF ISSUES

The following issues were considered in formulating the recommendation:

LAND USE

The 1.1-acre site, rezoned to C-S (RC) by 2016-CZN-842, is improved with a three-story, self-storage building, which fronts Illinois Street and Mc Lean Place, and a separate, one-story self-storage building in the rear of the site. Along with the rezoning of the site, a variance of (Continued)

development standards, through 2016-CVR-842, was granted for zero-foot front setbacks, and building encroachments into the clear-sight triangle. Design approval was granted through 2017-REG-100.

The larger, main structure is an indoor climate-controlled storage facility, with most storage units on the second and third floors. 10,000 square feet of space on the ground floor is reserved for commercial use along the Illinois Street and Mc Lean Place frontages, with storefront windows and significant visibility into the first floor. On a site visit, staff noted that the commercial space was not being used for commercial use.

REQUEST

- This request would eliminate the commitment to provide for 10,000 square feet of building space for commercial use, specifically for office, retail space, artisan food or beverage and artisan manufacturing. The rezoning request in 2016-CZN-842 specifically requested MU-1 and MU-2 uses, along with self-storage. Additionally, it would eliminate the commitment that the building elevations be subject to elevations, file-dated March 2, 2017.
- This area has been transitioning from suburban-type, vehicular-oriented development, toward urban development with less reliance on vehicles. In fact, an existing transit stop is located approximately one block to the northeast, south of the intersection of Meridian Street and 22nd Street. This transit stop did not exist when this site was approved for the existing use. Self-storage facilities, as a single use, are inherently suburban in nature, with little to no interaction with the street frontage and pedestrian experience. This petition, if approved, would go against one of the City's goals to increase transit use by substantially increasing residential development and supportive uses near existing transit stops and planned transit stops.

RECENT URBAN DEVELOPMENT APPROVALS

- Recently, a mixed-use development at 2163 and 2179 North Illinois Street was approved, through 2021-REG-069, for 10,000 square feet of commercial space and 80 dwelling units. That site is directly north of Mc Lean Place. Additionally, another mixed-use development was approved, through 2020-REG-006, at 2204 North Meridian Street, which is about two blocks to the northeast of the subject site. Staff has been in recent discussions with the developer of this site. The developer plans to increase the number of units and include a separate site into the development. This would require additional approvals. Additionally, two mixed-use developments approximately 3-½ blocks to the south, at 18th Street and Illinois Street, have obtained approvals for over 500 multi-family dwellings and 18,000 square feet of commercial space, through 2020-REG-074 and 2021-REG-083. One site is under construction, at 1741 North Illinois Street and the other site, at 1720-1744 North Illinois Street, received approval in Spring 2022. Finally, a mixed-use development at 1815-1835 North Meridian Street, a site that is approximately three blocks from the subject site, has received preliminary approval for a mixed-use development consisting of 166 dwellings and commercial space, along Meridian Street, through 2022-REG-041.
- The developments above would replace existing car-centric uses and unused buildings, all within steps of new transit stops. These recently approved examples provide substantial support that the vision to increase the use of transit is being recognized by developers and neighbors. In turn, (Continued)

these examples give reasons to reject suburban development proposals. Details of these requests are below in Zoning History.

COMPREHENSIVE PLAN / TRANSIT ORIENTED DEVELOPMENT OVERLAY

- The Center Township Comprehensive Plan recommends Medium-density mixed-use development for this site. Additionally, the site is within the Transit-Oriented Development Overlay. The medium-density mixed-use recommendation would suggest that a site has at the very least, two uses, such as multi-family dwellings and commercial retail. The commitment for 10,000 square feet would represent meeting the very basic minimum of the Plan's recommendation. In turn, eliminating this commitment, the development would not meet the Plan.
- ♦ Transit-oriented development (TOD) overlay is a new section of the Ordinance, adopted in November 2021, that provides permitted uses and development standards on sites within 1,000 feet from centerline of a Bus Rapid Transit Line. "The intent of the TOD is to coordinate more compact, walkable, and urban development patterns with public investment in the transit system. These development patterns ensure that walking and biking are viable options for short trips and transit is a priority for longer trips. Development patterns and site designs that prioritize automobile travel undermine these public and private investments."
- ♦ In addition to the development standards for sites within the TOD overlay, uses are also regulated. Mini-Warehouses (self-storage facilities) are not permitted within 600 feet of a Transit Station, or on Pedestrian Frontages. The subject site is within 400 feet of the existing Transit Station at 22nd Street and Meridian Street. Therefore, this request would represent an expansion of a use that is not permitted within the TOD overlay and staff strongly recommends denial.

REGIONAL CENTER OVERLAY DISTRICT

♦ The site is located within the Regional Center overlay district. Design of all new construction, sidewalk cafes, and signage in the Regional Center overlay district is subject to the approval of the Administrator of the Division of Planning.

GENERAL INFORMATION

EXISTING ZONING AND LAND USE

C-S (RC) Self-storage facility with reserved commercial space along

Illinois Street and Mc Lean Place

SURROUNDING ZONING AND LAND USE

North - MU-2 (RC) Vacant Commercial (planned multi-family dwellings)

South - C-4 (RC) Residential East - C-4 (RC) Offices West - C-4 (RC) Offices

COMPREHENSIVE PLAN The 2018 Center Township Comprehensive Plan recommends

medium-density mixed-use development.

(Continued)

THOROUGHFARE PLAN

This portion of Illinois Street is designated as a primary arterial on

the Official Thoroughfare Plan, with a 78-foot existing and proposed right-of-way. Mc Lean Place is designated as a local street with a

48-foot existing and proposed right-of-way.

CONTEXT AREA This site is located in the Compact Context area

TRANSIT-ORIENTED

DEVELOPMENT This site is located within the Transit-Oriented Development

Overlay.

URBAN DESIGN

GUIDELINES The site is located within the Urban Mixed-Use District Typology.

ZONING HISTORY - SITE

2016-CZN-842 / **2016-CVR-842**; **25 Mc Lean Place**, requested a rezoning of 1.1 acres, from the C-4 (RC) (W-5) District to the C-S (RC) classification to provide for a self-storage facility, MU-1 and MU-2 uses, and a variance of development standards to provide for buildings with a zero-foot setback, zero landscaping, and building encroachments into the clear-sight triangles of the abutting streets, **approved.**

2017-REG-100; 25 Mc Lean Place; requested Regional Center Approval to provide for demolition of existing buildings and the construction of a three-story commercial building, with associated surface parking area along Illinois Street, **approved**.

ZONING HISTORY - VICINITY

2022-REG-041; **1815**, **1819**, **1827** and **1835** North Meridian Street, requested Regional Center Approval for updated plans for a proposed mixed-use development, consisting of approximately 166 multi-family dwellings, commercial and amenity space, and 44 garage parking spaces. Original design approval was granted through 2021-REG-083, **approved**.

2022-DV3-026; **1815-1835 North Meridian Street,** requested a variance of development standards to provide for a 54.58-foot tall, six-story mixed-use building, with a 76.5-foot-tall parapet and an 86.5-foot-tall stair tower, with a zero-foot east transitional yard, **granted**.

2022-REG-006; **1720 – 1744 North Illinois Street and 1715 Hall Place,** requested Regional Center Approval to provide for demolition of an existing retail building and construction of a mixed-use development, consisting of an eleven-story structure with approximately 308 units, 13,000 square feet of retail and commercial space, three levels of structured parking, an open-air courtyard, a pocket park and thirteen, three-story townhomes, approved.

(Continued)

2021-CZN-863 / **2021-CVR-863** / **2021-CVC-863**; **1715 Hall Place and 1720-1744 North Illinois Street,** requested a rezoning of 1.97 acres from the HD-1 and HD-1 (RC) districts district to the MU-1 and MU-1 (RC) district and a variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for a zero-foot front setback along 18th Street and Illinois Street, within the clear-sight triangle of the abutting streets, and a zero-foot rear transitional yard, and a vacation of a portion of a 15-foot wide north-south alley, beginning at the south right-of-way line of 18th Street, to a point 295.25 feet to the south, **approved.**

2021-REG-083; **1815-1835 North Meridian Street**, requested Regional Center Approval to provide for demolition of existing buildings and construction of a mixed-use development, consisting of approximately 115 multi-family dwellings, commercial and amenity space, and 20 surface parking spaces, **approved**.

2021-REG-069; **2163-2179 North Illinois Street**, requested Regional Center Approval to provide for a mixed-use development, consisting of approximately 80 multi-family dwellings, 10,000 square feet of commercial and amenity space, and 48 surface parking spaces, **approved**.

2021-DV1-061; **2163 – 2179 North Illinois Street**, requested a variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for a mixed-use development with building encroachments into the abutting streets and alley rights-of-way and for 20 small vehicle parking spaces, **approved**.

2020-REG-074; **1627**, **1717**, **1719** and **1741** North Illinois Street, requested Regional Center Approval for a multi-family residential development, consisting of one five-story building, with approximately 247 dwelling units, 5,000 square feet of retail space, resident amenities, a small surface parking lot and a parking garage, **approved**.

2020-DV1-010; **2204** and **2220** North Meridian Street, requested a variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for the construction of a sixty-foot tall, mixed-use building and a 10-foot north transitional yard, **granted**.

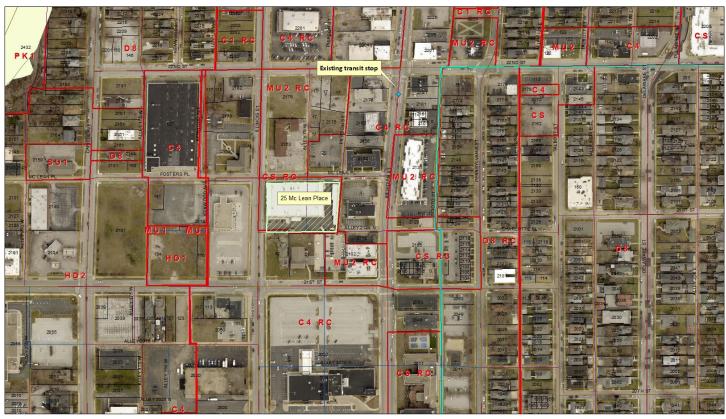
2020-REG-006; **2204** and **2220** North Meridian Street, requested Regional Center Approval to provide for demolition of existing buildings and for the construction of a mixed-use development, consisting of 112 multi-family dwellings, approximately 3,100 square feet of commercial retail space, resident amenities, a courtyard, and a parking garage, **approved**.

2020-CZN-839 / **2020-CVR-839**; **1627**, **1717**, **1719** and **1741** North Illinois Street, requested a rezoning of 2.081 acres from the C-S (RC) and C-4 (RC) district to the MU-2 (RC) district and a variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for 69-foot-tall building with a zero-foot front setback within the clear sight triangle of the abutting streets, **approved**.

2019-CZN-820 / 2019-CVR-820; 2163 – 2179 North Illinois Street, requested a rezoning of 1.19 acres, from the C-4 (RC) (W-5) district to the MU-2 (RC) (W-5) classification, and a variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for the construction of a mixed-use development with a building height of 55 feet, without interior landscaping and a zero-foot front yard for a parking area, **approved.**

JY ******





Google Street Views, August 2019



Image capture: Aug 2019

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Indianapolis, Indiana

Google

Street View - Aug 2019



Image capture: Aug 2019

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Indianapolis, Indiana

Google

Street View - Aug 2019



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09/13/2017 9:51 AM
KATHERINE SWEENEY BELL
MARION COUNTY IN RECORDER
FEE: \$ 35.00
PAGES: 8
By: DW



STATEMENT OF COMMITMENTS

COMMITMENTS CONCERNING THE USE OR DEVELOPMENT OF REAL ESTATE MADE IN CONNECTION WITH A REZONING OF PROPERTY OR PLAN APPROVAL

In accordance with I.C. 36-7-4-1015, the owner of the real estate located in Marion County, Indiana, which is described below, makes the following COMMITMENTS concerning the use and development of that parcel of real estate:

Legal Description: (See attached) 25 McLean Place

State	ement of COMMITMENTS:
1.	The owner agrees to abide by the Open Occupancy and Equal Employment Opportunity Commitments required by Metropolitan Development Commission Resolution No. 85-R-69, 1985, which commitments are attached hereto and incorporated herein by reference as Attachment "A",
2.	See Attachment "D" & "E"
3.	
4.	
5.	

These COMMITMENTS shall be binding on the owner, subsequent owners of the real estate and other persons acquiring an interest therein; provided that Commitment #1 (Open Occupancy and Equal Opportunity Commitments) shall not be binding on an owner, subsequent owners or other person acquiring an interest therein if such persons are exempt persons or are engaged in an exempt activity as defined on Attachment "A" which is attached hereto and incorporated herein by reference. These COMMITMENTS may be modified or terminated by a decision of the Metropolitan Development Commission made at a public hearing after proper notice has been given.

COMMITMENTS contained in this instrument shall be effective upon:

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(a)	the adoption of rezoning petition #				
(b)	the adoption of approval petition # by the Metropolitan Development Commission;				
	nall continue in effect for as long as the above-described parcel of real estate remains zoned to the C-S (RC) (W-5) zoning classification or until such other time as may be specified herein.				
These	COMMITMENTS may be enforced jointly or severally by:				
1.	The Metropolitan Development Commission;				
2.	2. Owners of all parcels of ground adjoining the real estate to a depth of two (2) ownerships, but not exceeding six-hundred-sixty (660) feet from the perimeter of the real estate, and all owners of real estate within the area included in the petition who were not petitioners for the rezoning or approval. Owners of real estate entirely located outside Marion County are not included, however. The identity of owners shall be determined from the records in the offices of the various Township Assessors of Marion County which list the current owners of record. (This paragraph defines the category of persons entitled to receive personal notice of the rezoning or approval under the rules in force at the time the commitment was made);				
3.	Any person who is aggrieved by a violation of either of the Commitments contained in Commitment #1 (Open Occupancy and Equal Employment Opportunity Commitments); and				
4. 5.					
to rece	ndersigned hereby authorizes the Division of Planning of the Department of Metropolitan Development ord this Commitment in the office of the Recorder of Marion County, Indiana, upon final approval of on #2016-CZN-842/2016-CVR-842 IN WITNESS WHEREOF, owner has executed this instrument this/ day of				
S	ignature: Signature				
	MDC's Exhibit B page 2 of 5				

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Printed:	DAVIO C	CRICHLAN	Printed:	
Title / Organization	OUNER		Title / Organization	
Name:	O DANG & NC.		Name:	
STATE	OF INDIANA)		
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COUNT	Y OF MARION)		
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		RICHLOW		ate, personally appeared owner(s)
(title / or	ganization name)	of the real estate who	acknowledged ti	he execution of the foregoing
				resentations therein contained are
true.		,	, , ,	
	Witness my	hand and Notarial Sea	al this	
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	Notary Pub			P77777
	Lisa A			LISA AMIS
		ne of Notary Public		Marion County
		sion expires: June		my Commission Explore
	My County (of residence: Max	un	June 5, 2022
		jury, that I have taken quired by law. NAA		to redact each social security HITAKER
This instrument	was prepared by_	David I	Cingen	
		ATTACHMI	ENT "A"	

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OPEN OCCUPANCY AND EQUAL EMPLOYMENT OPPORTUNITY COMMITMENT

- (a.) The owner commits that he shall not discriminate against any person on the basis of race, religion, color, disability, sex, sexual orientation, gender identity, familial status, national origin, ancestry, age United States military service veteran status in the sale, rental, lease or sublease, including negotiations for the sale, rental, lease or sublease, of the real estate or any portion thereof, including, but not limited to:
 - any building, structure, apartment, single room or suite of rooms or other portion of a building, occupied as or designed or intended for occupancy as living quarters by one or more families or a single individual;
 - (2) any building, structure or portion thereof, or any improved or unimproved land utilized or designed or intended for utilization, for business, commercial, industrial or agricultural purposes;
 - (3) any vacant or unimproved land offered for sale or lease for any purpose whatsoever.
- (b.) The owner commits that in the development, sale, rental or other disposition of the real estate or any portion thereof, neither he nor any person engaged by him to develop, sell, rent or otherwise dispose of the real estate, or portion thereof shall discriminate against any employee or applicant for employment, employed or to be employed in the development, sale, rental or other disposition of the real estate, or portion thereof with respect to hire, tenure, conditions or privileges of employment because of race, religion, color, disability, sex, sexual orientation, gender identity, familial status, national origin, ancestry, age United States military service veteran status.

EXEMPT PERSONS AND EXEMPT ACTIVITIES

An exempt person shall mean the following:

- With respect to commitments (a) and (b) above:
 - any not-for-profit corporation or association organized exclusively for fraternal or religious purposes;
 - (b) any school, ed. ational, charitable or religious institution owned or conducted by, or affiliated with, a church or religious institution;

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- any exclusively social club, corporation or association that is not organized for profit and is not in fact open to the general public;
- provided that no such entity shall be exempt with respect to a housing facility owned and operated by it if such a housing facility is open to the general public;
- With respect to commitment b, a person who employs fewer than six (6) employees within Marion County.

An exempt activity with respect only to commitment (a) shall mean the renting of rooms in a boarding house or rooming house or single-family residential unit; provided, however, the owner of the building unit actually maintains and occupies a unit or room in the building as his residence, and, at the time of the rental the owner intends to continue to so occupy the unit or room therein for an indefinite period subsequent to the rental.

MDC's Exhibit B - - page 5 of 5

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LEGAL DESCRIPTION

Lots 1-4 & 19-21 and the adjacent vacated alley in Lazarus & Pierce's Meridian Place in Plat Book 8, Page 192 Office of Marion County.

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ATTACHMENT "D"

Petitioner commits to the following

- Petitioner shall reserve and market a minimum of 10,000 square feet, fronting on No. Illinois Street and McLean Place, for office/ retail space/ artisan food and beverage/ artisan manufacturing uses.
- 2. Subject to the elevations, file dated 3/2/17

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8/8/17

ATTACHMENT "E":

Petitioner commits to exclude the following uses from the site:

- 1. Check cashing facility
- Night club, private club or lounge
 Outdoor advertising, off premise sign
 Manufacturing, Light

5/15/17

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STATEMENT OF MODIFICATION OR TERMINATION OF COVENANTS OR COMMITMENTS

COVENANTS OR COMMITMENTS CODIFYING OR TERMINATING EXISTING COVENANTS OR COMMITMENTS CONCERNING THE USE OR DEVELOPMENT OF REAL ESTATE MADE IN CONNECTION WITH AN APPROVAL PETITION, REZONING OF PROPERTY, A VARIANCE PETITION OR SPECIAL EXCEPTION PETITION

In accordance with I.C. 36-7-4-918.8 and I.C. 36-7-4-1015, the owner of the real estate located in Marion County, Indiana, which is described below, makes the following modification(s) or termination(s) of covenants or commitments concerning the use and development of that parcel of real estate:

Legal Description: 25 McLean Place

Lots 1-4 and 19-21 and the adjacent vacated valley in Lazarus and Pierce's Meridian Place in Plat Book 8, Page 192 in the Office of the Recorder of Marion County, Indiana.

Statement of modification or termination of Covenants or Commitments:

- 1. Remove Attachment "D"
 - Petitioner shall reserve and market a minimum of 10,000 square feet, fronting on North Illinois Street and McLean Place, for office/retail space/artisan food and beverage/artisan manufacturing uses.
 - Subject to the elevations, file dated 3/2/17.
- 2. Retain Attachment "E"
 - a. Petitioner commits to exclude the following uses from the site:
 - i. Check cashing facility
 - ii. Night Club/Private Club/Lounge
 - iii. Outdoor Advertising, off premise Sign
 - iv. Manufacturing, Light

These COVENANTS or COMMITMENTS shall be binding on the owner, subsequent owners of the real estate and other persons acquiring an interest therein. These COVENANTS or COMMITMENTS may be modified or terminated by a decision of the Metropolitan Development Commission made at a public hearing after proper notice has been given.

MDC's Exhibit C -- page I of 3

COVENANTS or COMMITMENTS contained in this instrument shall be effective upon the adoption of modification or termination approved by the Metropolitan Development Commission in petition

These COMMITMENTS may be enforced jointly or severally by:

- The Metropolitan Development Commission;
- 2. Owners of all parcels of ground adjoining the real estate to a depth of two (2) ownerships, but not exceeding six-hundred-sixty (660) feet from the perimeter of the real estate, and all owners of real estate within the area included in the petition who were not petitioners for the rezoning or approval. Owners of real estate entirely located outside Marion County are not included, however. The identity of owners shall be determined from the records in the offices of the various Township Assessors of Marion County which list the current owners of record. (This paragraph defines the category of persons entitled to receive personal notice of the rezoning or approval under the rules in force at the time the commitment was made);

These COVENANTS may be enforced by the Metropolitan Development Commission.

The undersigned hereby authorizes the Division of Planning of the Department of Metropolitan Development to record this Covenant or Commitment in the office of the Recorder of Marion County, Indiana, upon final approval of modification and/or termination of Covenant(s) or Commitment(s) of petition #_______ by the Metropolitan Development Commission.

MDC's Exhibit C -- page 2 of 3

Metropolitan Development

Jun 10 2022 Division of Planning

IN WITNESS WHEREOF, owner has executed this inst	trument this 9th day of JUNE
20_2	day of Jorke
Signature Gumen	RI
Printed: Codes O'Herren	Signature:
Title / Duner	Printed:
Organization	Title /
Name: I/likuis Street Self of STATE OF INDIANA	Organization
STATE OF INDIANA	Storage Name:
	' (<u>C</u>
COUNTY OF MARION)	
Before me, a Notary Public in and for said County and S	State
Green O' terron or mer til	US Street Dorage Univers) Name AND
Title AND Organization Name) of the real estate who a	OLS SITCE SOTACE Gewner(s) Name AND
and who, having been duly sworn, stated that any repres	extensive aged the execution of the foregoing instrument
any representation and the representation and	emations inerein contained are true.
Witness my hand and Notar	rial Seal this
THY day of TUNE	20 72-

	ANDREA MOORE
Notar Public	A/W/ Ve/ Hatam Bills I is
D : . 11/2 01/2	Olos Davids - Car C
Printed Name of Notary Pu My Commission expires:	My Commission Expires Mar. 22, 2024
My County of residence:	***************************************
affirm under the negative for porium, that I have taken	
I affirm under the penalties for perjury, that I have taken in this document unless required by law Emily Duncar	reasonable care to redact each social security number
This instrument was prepared by Emily Duncan	1
The same was prepared by Emay Duncan	
This modification and/or Termination Agreement was ap	proved by the Metropolites Development Committee
on the day of 20	proved by the Metropontan Development Commission
20	
-	Secretary, Metropolitan Development Commission

MDC's Exhibit C - - page 3 n/3

2022-MOD-009; Photos





Views of site along Illinois Street





Views of site along Illinois Street





Views along Illinois Street





Views of north section of site, along McLean Place looking toward Meridian Street