

STAFF REPORT

Department of Metropolitan Development Division of Planning Current Planning Section

Case Number: 2023-ZON-089
Address: 2918 Jackson Street (Approximate Address)
Location: Wayne Township, Council District #16
Petitioner: Hi-Tone Ventures, LLC, by Anthony Morman
Request: Rezoning of 0.23 acre from the D-5 (TOD) district to the D-8 (TOD) district to provide for a small apartment use.

RECOMMENDATIONS

Staff **recommends denial** of the request.

If approved, staff would recommend approval be subject to the following commitment being reduced to writing on the Commission's Exhibit "B" forms at least three days prior to the MDC hearing:

A 24-foot half right-of-way shall be dedicated along the frontage of Jackson Street, as per the request of the Department of Public Works (DPW), Engineering Division. Additional easements shall not be granted to third parties within the area to be dedicated as public right-of-way prior to the acceptance of all grants of right-of-way by the DPW. The right-of-way shall be granted within 60 days of approval and prior to the issuance of an Improvement Location Permit (ILP).

SUMMARY OF ISSUES

LAND USE

- ◇ The 0.23-acre subject site is in the Near Westside neighborhood and was originally developed with a single-family dwelling and detached garage.
- ◇ The property is bordered to the north by a bus company across the alley, zoned C-4, to the east by single-family dwellings across the alley, zoned D-5, to the south by a single-family dwelling across Jackson Street, zoned D-5, and to the west by a single-family dwelling, zoned D-5.

REZONING

- ◇ The request would rezone the D-5 district to the D-8 district for a small apartment use comprised of eight units on site.
- ◇ The subject site was historically developed and used as a single-family dwelling with detached garage. There are no building permit records for the conversion of the structures into apartment units.

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- ◇ The site is zoned D-5, which is intended for medium and large-lot housing formats, primarily for detached houses, but may incorporate small-scale multi-unit building types in strategic locations. This district can be used for new, walkable suburban neighborhoods or for infill situation in established urban areas, including both low density and medium density residential recommendations of the Comprehensive Plan, and the Suburban Neighborhood and Traditional Neighborhood Typologies of the Land Use Pattern Book.
- ◇ The D-8 district is intended for a variety of housing formats, with a mix of small-scale multi-unit building types. This district can be used as a part of new mixed- use areas, or for infill situations in established urban areas, including medium and high-density residential recommendations of the Comprehensive Plan, and the Traditional Neighborhood, City Neighborhood, and Village or Urban Mixed-Use Typologies of the Land Use Pattern Book.
- ◇ The Near West Neighborhood Land Use Plan (2014) recommends five to eight units per acre development for the property. The plan notes that the land use categories broadly define development by use and intensity and should be considered the most appropriate use for the land.

TRANSIT-ORIENTED DEVELOPMENT OVERLAY

- ◇ The site falls within a ¼ mile of a proposed Blue Line Bus Rapid Transit Station at Central Greens Boulevard & U.S. 40 that would promote a denser mixed-use hub with tall buildings with a minimum of three stories at the core. Multi-family housing units with a minimum of five units would be anticipated as well. The land use map notes this site and the surrounding area for low density residential with very little medium density residential.
- ◇ The more intense portion of the district center typology would be seen as the area immediate to U.S. 40 also known as Washington Street as envisioned by the Purple Line Transit-Oriented Development Strategic Plan (2018).

Department of Public Works

- ◇ The Department of Public Works, Traffic Engineering Section, has requested the dedication and conveyance of a 24-foot half right-of-way along Jackson Street. This dedication would also be consistent with the Marion County Thoroughfare Plan.

Staff Analysis

- ◇ The request would rezone the property to the D-8 district to allow eight units on site with six units proposed in the main building and two units proposed be in the rear building for small apartment use that would not otherwise be permitted in the existing D-5 district.
- ◇ When considering the recommended density of five to eight units per acre, the site should only allow two units that would equate an 8.69 unit per acre density. The proposed eight units on site would equate to 34.78 units per acre, which is vastly higher than the intended neighborhood plan recommendation. Furthermore, the TOD Strategic Plan recommends low density development for this site.

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- ◇ Additionally, there are concerns with the illegal conversion of a single-family dwelling and detached garage into apartment units that would require compliance with the commercial building code. Staff would note that the second story floor plan shows that apartment unit F has two bedrooms, but the front façade site photo shows only one window where two are required for each bedroom to have an emergency egress window.
- ◇ Although the petitioner confirmed that they would meet the floor area ratio (FAR) and livability space ratio (LSR) needed, staff finds it would be more reasonable allowing four units within the primary building that would be more in line with four unrelated individuals permitted to live in a primary dwelling and one unit in the detached garage like an accessory dwelling unit. This would be a total of five units that staff could support to ensure that there aren't parking or traffic issues that would negatively affect the surrounding residents.
- ◇ In staff's opinion, the proposed eight units would not align with the predominate single-family development context of the area or the low-density recommendation of the Blue Line Transit-Oriented Development Strategic Plan (2018). For these reasons, staff is recommending denial of the request.

GENERAL INFORMATION

EXISTING ZONING AND LAND USE

D-5	Compact	Residential
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SURROUNDING ZONING AND LAND USE

North	C-4	Bus Company
South	D-5	Residential (Single-family dwelling)
East	D-5	Residential (Single-family dwellings)
West	D-5	Residential (Single-family dwelling)

NEIGHBORHOOD PLAN

The Near West Neighborhood Land Use Plan (2014) recommends five to eight units per acre development.

THOROUGHFARE PLAN

Jackson Street is classified in the Official Thoroughfare Plan for Marion County, Indiana as a local street with a 40-foot existing right-of-way and a 48-foot proposed right-of-way.

TRANSIT-ORIENTED DEVELOPMENT

This site is located within the Transit-Oriented Development Overlay, specifically the Bus Rapid Transit Blue Line.

FLOODWAY / FLOODWAY FRINGE

This site is not located within a floodway or floodway fringe.

WELLFIELD PROTECTION DISTRICT

This site is not located within a wellfield protection district.

FLOOR PLAN

File-dated September 22, 2023.

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ZONING HISTORY – SITE

EXISTING VIOLATIONS

1. **VIO23-005965; Building Violation (subject site)**, Indianapolis Building Standards and Procedures 2018: Section(s) 536-201; 536-609; 536-705; 536-709. This Stop Work-Order has been issued for failure to obtain a structural permit and state CDR prior to converting a two-story single-family dwelling into a six-unit multifamily Class 1 Structure, as well as exterior changes.
2. **VIO23-005967 Building Violation (subject site)**, Indianapolis Building Standards and Procedures 2018: Section(s) 536-201; 536-609; 536-705; 536-709. This Stop Work-Order has been issued for failure to obtain a structural permit and state CDR prior to converting a two-story accessory structure garage/carriage house into a two-unit multifamily Class 1 Structure, as well as exterior changes.

PREVIOUS CASES

None.

ZONING HISTORY – VICINITY

2013-ZON-065; 3000 West Washington Street (northwest of site), Rezoning of 115 acres from the D-P district to the D-P classification to provide for the following permitted uses: breweries, with accessory tasting rooms, indoor-outdoor event centers, student housing and urban farming, generally with respect to the re-use of historic buildings within the Cultural Village Section of the Central Greens Planned Unit Development, **approved**.

2009-UV2-005; 2705 West Washington Street (northeast of site) Variance of development standards of the Commercial Zoning Ordinance to provide for a nightclub with alcohol sales within 13.5 feet of a protected district (minimum 100-foot separation required), and a variance of use of the Dwelling Districts Zoning Ordinance to provide for a parking lot for a commercial use (not permitted), **granted**.

2007-ZON-134 (2007-DP-009); 3000 West Washington Street (north of site), Rezoning of 149.49 acres, from the SU-9, PK-1, HD-1 and HD-2 Districts to the D-P classification to provide for the redevelopment of the site, including: approximately 36 acres for C-1, C-2, C-3, C-3C and C-4 uses, hospital uses, nursing homes, schools, religious uses, charitable/not-for-profit uses, government buildings, library and community center uses, approximately 43 acres for single-family and multi-family residential uses, approximately 19 acres for a “Cultural Village”, to permit the following uses: auditoriums, assembly halls, day care centers, community, multi-service, neighborhood or senior citizen’s centers, schools, public and semipublic uses, religious uses, charitable/not-for-profit uses, hospital, nursing home, government use, indoor/outdoor commercial amusement and recreation, library, Community Center, eating places/restaurants, hotels/motels, and theatres, approximately 45 acres for a “Cultural Green”, to permit open space, indoor and outdoor sports/recreation facilities a horse patrol house, and a community center, **approved**.

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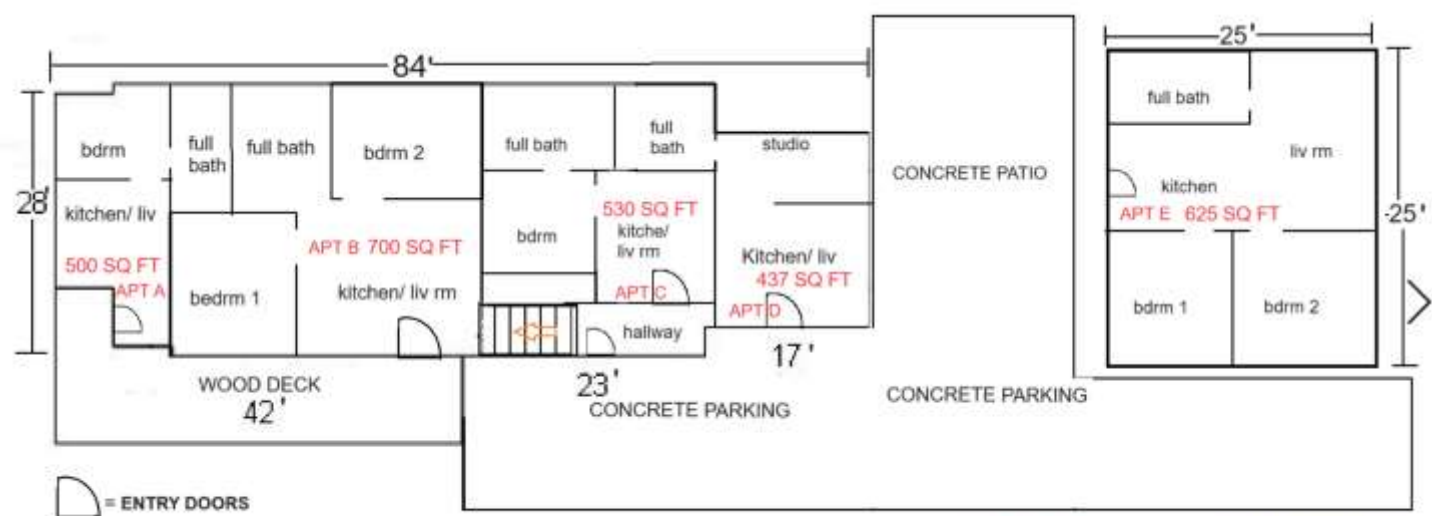
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98-NC-37; 2843-2945 West Washington Street (northwest of site), Certificate of Legal Non-Conforming Use for automobile sales operation with repair of automobiles, located in a C-4 zoning classification and a single-family dwelling located in a C-4 zoning classification, **granted.**

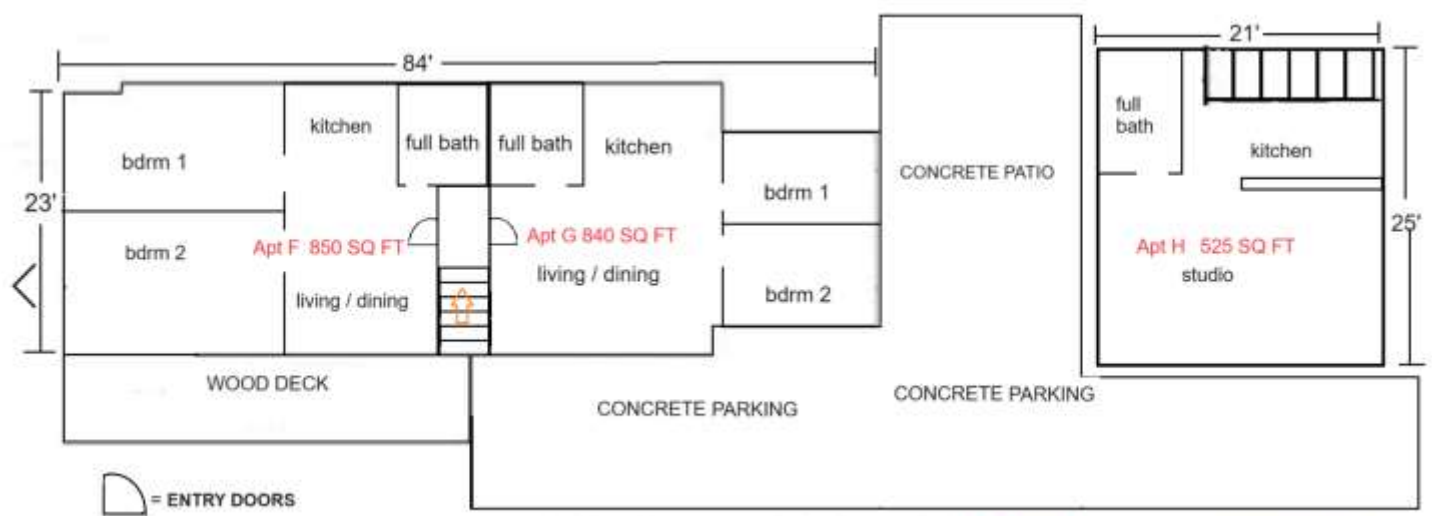
94-UV1-112; 2725 West Washington Street (northeast of site), Variance of use of the Commercial Zoning Ordinance to provide for the continued operation of an existing automobile body shop (not permitted), **granted.**

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2023-ZON-089; Floor Plans



2918 JACKSON STREET - FIRST FLOOR 2,167 SQ FT CASE # 2023-ZON-089



2918 JACKSON STREET - SECOND FLOOR 1720 sq ft 2023-ZON-089

2023-ZON-089; Photographs



Photo of the Subject Property: 2918 Jackson Street



Photo of the west building façade.



Photo of the east building façade showign the second and third entranced to the primary buiding.



Photo of the accessory structure used for two units.



Photo of the and the patio, deck and parking area.



Photo of the western property boundary.



Photo of the north building façade of the accessory structure with an entrance to a unit.



Photo of the west building façade of the accessory structure.



Photo of the bus company north of the alley.



Photo of the single-family dwelling east of the site.



Photo of the single-family dwellings east of the site.



Photo of the single-family dwelling west of the site.



Photo of the single-family dwelling south of the site.