



**METROPOLITAN DEVELOPMENT COMMISSION
HEARING EXAMINER**

February 20, 2025

Case Number: 2024-ZON-140
Property Address: 6519 Carrollton Avenue (Approximate Address)
Location: Washington Township, Council District #7
Petitioner: GP CM Carrollton Avenue, by Misha Rabinowitch
Current Zoning: D-4 (TOD) (FF)
Request: Rezoning of 0.177-acre from the D-4 (TOD) (FF) district to the C-3 (TOD) (FF) classification to provide for commercial uses.
Current Land Use: Office
Staff Recommendations: Approval with a commitment.
Staff Reviewer: Marleny Iraheta, Senior Planner

PETITION HISTORY

This petition was automatically continued from the January 9, 2025 hearing to the February 13, 2025 hearing at the request of a registered neighborhood organization.

The February 13, 2025 hearing was rescheduled to February 20, 2025.

STAFF RECOMMENDATION

Staff **recommends approval** 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:

1. The following uses shall be included as prohibited used with this approval:
 - Business, art, or other post-secondary proprietary school
 - Day Care Center or Nursery School
 - Schools: Elementary, Middle or High Schools
 - Hospital
 - Plasma (Blood) Center
 - Bar or Tavern
 - Department Store

PETITION OVERVIEW

LAND USE

The 0.177-acre subject site is developed with a primary and accessory structure with parking area.



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

General office uses were permitted for both the residence and accessory buildings under 78-UV2-13 but were limited by occupancy of the current owner and a plan of operation that is now outdated.

A variance of use, 2024-UV2-001, was granted in 2024 to allow for an office use, per the filed site plan and plan of operation with a variance of development standards to provide for placement of a primary freestanding sign. The approval was subject to a commitment that the site would be rezoned by the end of 2024 “to a C-1 or other appropriate zoning classification”.

The site is surrounded by formerly residential properties, zoned D-4, that have since been converted to allow for low intensity commercial uses through use variances. The property to the west of the site is undeveloped.

REZONING

The request would rezone the site from the D-4 district to the C-3 classification to provide for commercial uses.

The D-4 district is intended for low or medium intensity single-family and two-family residential development. Land in this district needs good thoroughfare access, relatively flat topography, and nearby community and neighborhood services and facilities with pedestrian linkages. Provisions for recreational facilities serving the neighborhood within walking distance are vitally important. Trees fulfill an important cooling and drainage role for the individual lots in this district. The D-4 district has a typical density of 4.2 units per gross acre. This district fulfills the low-density residential classification of the Comprehensive General Land Use Plan. All public utilities and facilities must be present. Development plans, which may include the use of clustering, should incorporate and promote environmental and aesthetic considerations, working within the constraints and advantages presented by existing site conditions, including vegetation, topography, drainage and wildlife.

The C-3 District is for the development of an extensive range of retail sales and personal, professional and business services required to meet the demands of a fully developed residential neighborhood, regardless of its size. Examples of such types of uses include neighborhood shopping centers, sales of retail convenience or durable goods, shopping establishments, retail and personal and professional service establishments. At this neighborhood scale of retail, a fine-grain of accessibility requisite for all modes of travel must be provided and maintained. It does not make provision, however, for those businesses that draw customers in significant numbers from well beyond a neighborhood boundary and are, therefore, unusually heavy traffic generators, such as theaters. It does not allow those businesses that require the outdoor display, sale or storage of merchandise; or require outdoor operations. In general, to achieve maximum flexibility of permitted land use, the C-3 District makes possible a highly varied grouping of indoor retail and business functions.

Floodway Fringe

This site has a secondary zoning classification of a Floodway Fringe (FF), which is the portion of the regulatory floodplain that is not required to convey the 100-year frequency flood peak discharge and lies outside of the floodway.



The designation of the FF District is to guide development in areas subject to potential flood damage, but outside the Floodway (FW) District. Unless explicitly prohibited by ordinance, all uses allowed by the primary zoning would also be allowable within the FF secondary zoning layer and subject to certain development standards of the Flood Control Districts Zoning Ordinance.

STAFF ANALYSIS

Several parcels within the immediate vicinity of this property have been rezoned to the C-1 Office-Buffer District designation, while others have obtained variances of uses to allow for low intensity commercial use such as offices while retaining the D-4 zoning designation.

The rezoning request for the C-3 district would align with the village mixed-use recommendation of the Broad Ripple Village Plan Envision Broad Ripple (2012).

Given that there was a commitment to rezone the site when the use variance, 2024-UV2-001, was granted, staff is supportive of the rezoning request. However, staff has concerns with the high volume and additional traffic that could be generated and lack of parking availability for some uses permitted in the C-3 district. Therefore, staff requests that the petitioner include the following uses in their prohibited list:

- Business, art, or other post-secondary proprietary school
- Day Care Center or Nursery School
- Schools: Elementary, Middle or High Schools
- Hospital
- Plasma (Blood) Center
- Bar or Tavern
- Department Store

GENERAL INFORMATION

| | | |
|-----------------------------------|----------------------|------------------------------------------------------------------|
| Existing Zoning | D-4 (TOD) (FF) | |
| Existing Land Use | Commercial | |
| Comprehensive Plan | Village Mixed-Use | |
| Surrounding Context | <u>Zoning</u> | <u>Land Use</u> |
| | North: | D-4 Commercial (Office) |
| | South: | D-4 Commercial (Bakery) |
| | East: | D-4 Commercial (Office and Café) |
| | West: | D-4 Undeveloped |
| Thoroughfare Plan | | |
| Carrollton Avenue | Local Street | 48-foot proposed right-of-way and 44-foot existing right-of-way. |
| Context Area | Compact | |
| Floodway / Floodway Fringe | Yes | |
| Overlay | No | |



| | |
|-----------------------------------|------------------|
| Wellfield Protection Area | No |
| Site Plan | December 2, 2024 |
| 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 ANALYSIS

Comprehensive Plan

- Broad Ripple Village Plan Envision Broad Ripple (2012)
- Red Line Transit-Oriented Development Strategic Plan (2021)

Pattern Book / Land Use Plan

- Not Applicable to the Site. Please see Broad Ripple Village Plan Envision Broad Ripple (2012) below.

Red Line / Blue Line / Purple Line TOD Strategic Plan

- The site falls within the Red Line Transit-Oriented Development Strategic Plan (2021).
- It is within 1000 feet of the existing Red Line and is designated with the Walkable Neighborhood typology by the comprehensive plan. This typology allows for a mix of uses near transit stations with stabilized residential uses beyond.
- The proposed commercial district would not conflict with the Plan.

Neighborhood / Area Specific Plan

- The Broad Ripple Village Plan Envision Broad Ripple (2012) assigns this property to the Village Mixed-Use typology, which allows for a mixed-use core of small, neighborhood office/retail nodes, public and semi-public uses, open space, and light industrial development.
- The site is also designated as being with Critical Area 2 (Broad Ripple Village; Village Mixed-Use development recommended) and is an environmentally sensitive area (floodplain).



- The plan also designates it as an environmentally sensitive area since it is located within a floodplain. This land use category and critical area seeks to promote a village-type atmosphere through residential and commercial uses and design choices appropriate for neighborhood gathering places.
- The proposal would align with the neighborhood plan.

Infill Housing Guidelines

- Not Applicable to the Site.

Indy Moves

(Thoroughfare Plan, Pedestrian Plan, Bicycle Master Plan, Greenways Master Plan)

- Not Applicable to the Site.

ZONING HISTORY

Zoning History – Site

2024-UV2-001; 6519 Carrollton Avenue (subject site), Variance of use of the Consolidated Zoning and Subdivision Ordinance to provide for an office use, per the filed site plan and plan of operations (not permitted); and variance of development standards to provide for placement of a primary freestanding sign (two signs permitted for residential communities), **granted**.

78-UV2-13, Variance of use and Development Standards to permit remodeling of 2 residences for general office use, small residence in rear to be rented for office use in future, if not needed by owner, as per plans filed, off-street parking available, **approved**.

Zoning History – Vicinity

2022-ZON-104; 6520 Ferguson Street (northeast of site), Rezoning of 0.18 acre from the D-4 (FF) (TOD) district to the C-1 (FF) (TOD) district to provide for office uses, **approved**.

2015-MO2-005; 6515 Carrollton Avenue (south of site), Modification of Commitments and Site Plan related to 2013-UV2-021 to terminate Commitment Five, requiring the trash enclosure and dumpster to be located in the southeast corner of the rear parking lot, with removal access from the alley, and to modify the site plan file-dated October 3, 2013, **granted**.

2013-UV2-021; 6515 Carrollton Avenue (south of site), Variance of use of the Dwelling Districts Zoning Ordinance and variance of development standards of the Sign Regulations to provide for a 470-square foot addition (not permitted) to the east end of an existing building, approved for use as a bakery and coffee house, with retail sales and outdoor seating (2012-UV2-022), to provide for an additional parking space (not permitted), and to provide for a free-standing sign (not permitted), with a three-foot front setback (15-foot front setback or the front established building line, whichever is less), **granted**.

2013-UV2-011; 6516 Ferguson Street (east of site), Variance of use and development standards of the Dwelling Districts Zoning Ordinance and Sign Regulations to provide for: massage therapy in the eastern portion of the proposed building (not permitted, previously approved for a gift and antique shop, interior decorator and psychologist office (74-UV1-74A, 74-UV1-131, 80-UV2-51)); to convert the detached garage to an attached garage, with a five-foot rear setback (20-foot rear setback required) for use as a commercial café serving food and non-alcoholic beverages (not permitted); to add two outdoor freezer and refrigeration units (not permitted), with a zero-foot north side setback (minimum five-foot side setback required); to provide for outdoor seating south of and west of the converted garage, with a zero-foot setback from the west property line (not permitted, 20-foot rear yard required); to provide for window signs, and to provide for a four-foot tall, 18-square foot freestanding sign with a four-foot front setback (second revised); and with a parking area with a zero-foot south side setback (minimum five-foot side setback and 13-foot aggregate setback required), **granted**.

2012-UV20-22; 6515 Carrollton Avenue (south of site), Variance of use of the Dwelling Districts Zoning Ordinance to provide for a bakery and coffee house, with retail sales (not permitted), **granted**.



Department of Metropolitan Development
Division of Planning
Current Planning

2005-UV1-009; 6523 Carrollton Avenue (east of site), provide for office uses (not permitted) within an existing 1,073.38-sq.ft. single-family dwelling, with a proposed 518.2-sq.ft. addition, with a 566-sq.ft. detached garage in D-4, **granted**.

2003-UV3-022; 6524 Carrollton Avenue (northwest of site), Variance of Use and development standards of the Commercial Zoning Ordinance to provide for a beauty salon (not permitted), with seven off-street parking spaces (nine off-street parking spaces permitted), **granted**.

2000-UV1-027; 6515 Carrollton Avenue (south of site), variance of use of the Dwelling Districts Zoning Ordinance to provide for a remodeling business (not permitted), within an existing single-family dwelling, **granted**.

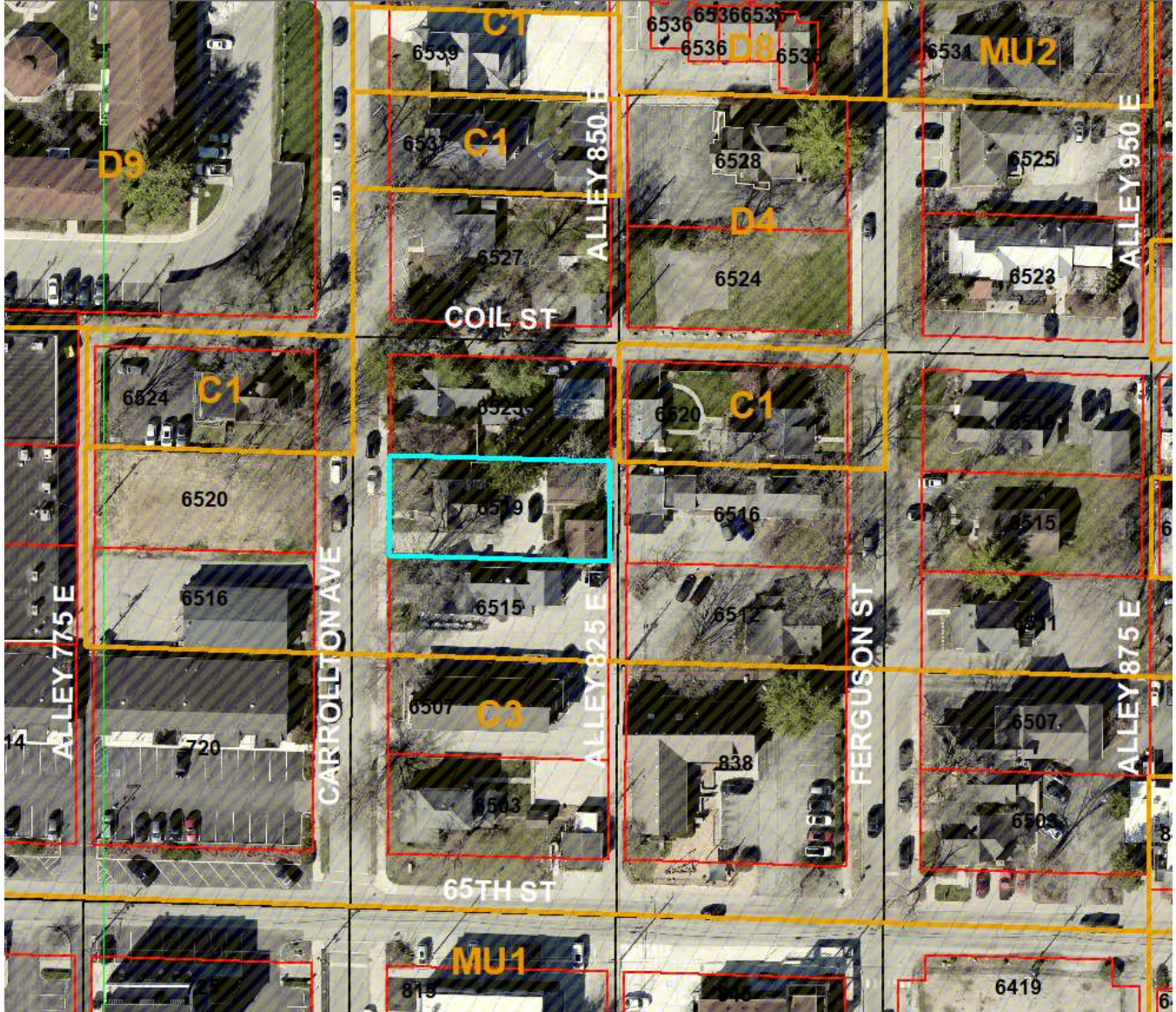
2000-UV1-025; 6523 Carrollton Avenue (north of site), Variance of use of the Dwelling Districts Zoning Ordinance to provide for retail uses in an existing single-family dwelling (not permitted), **granted**.

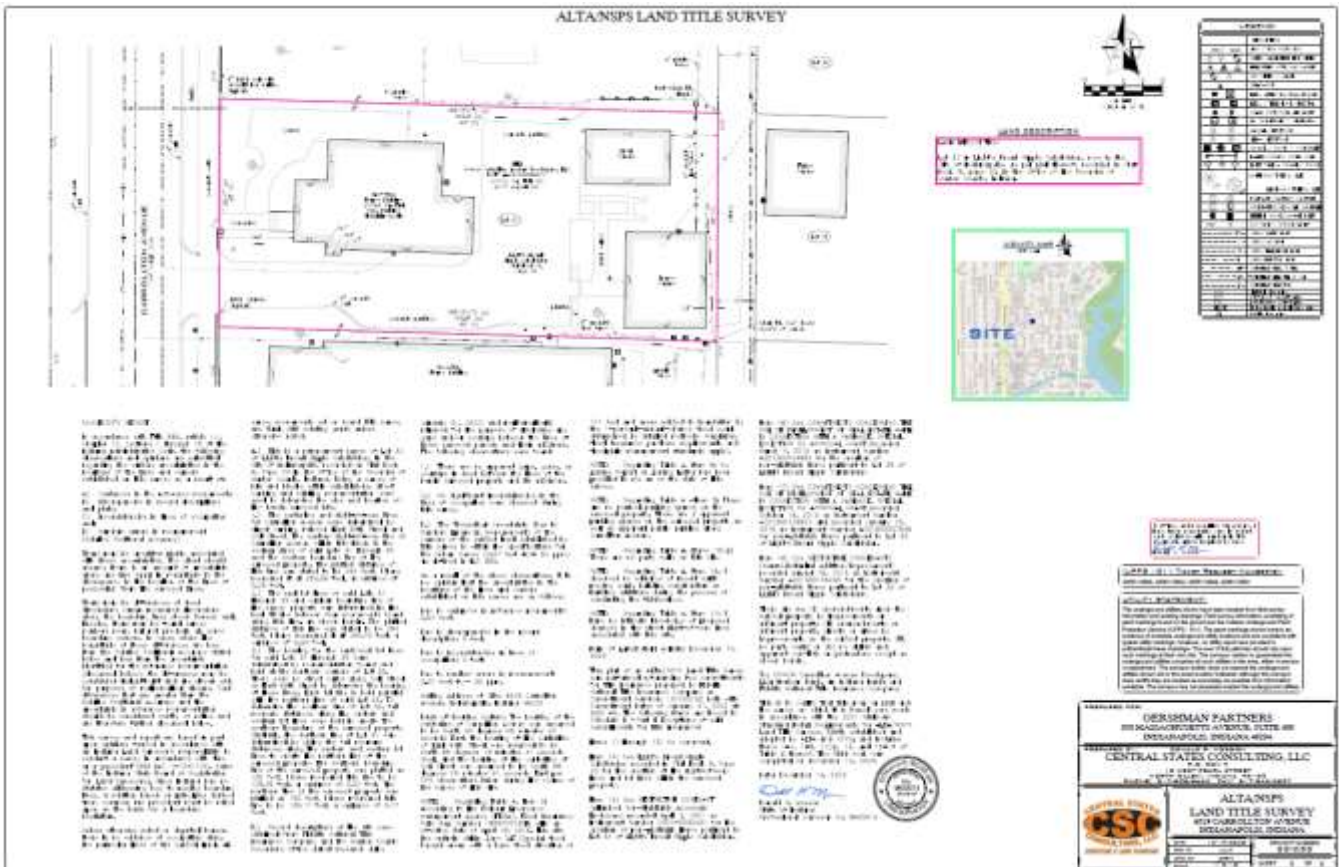
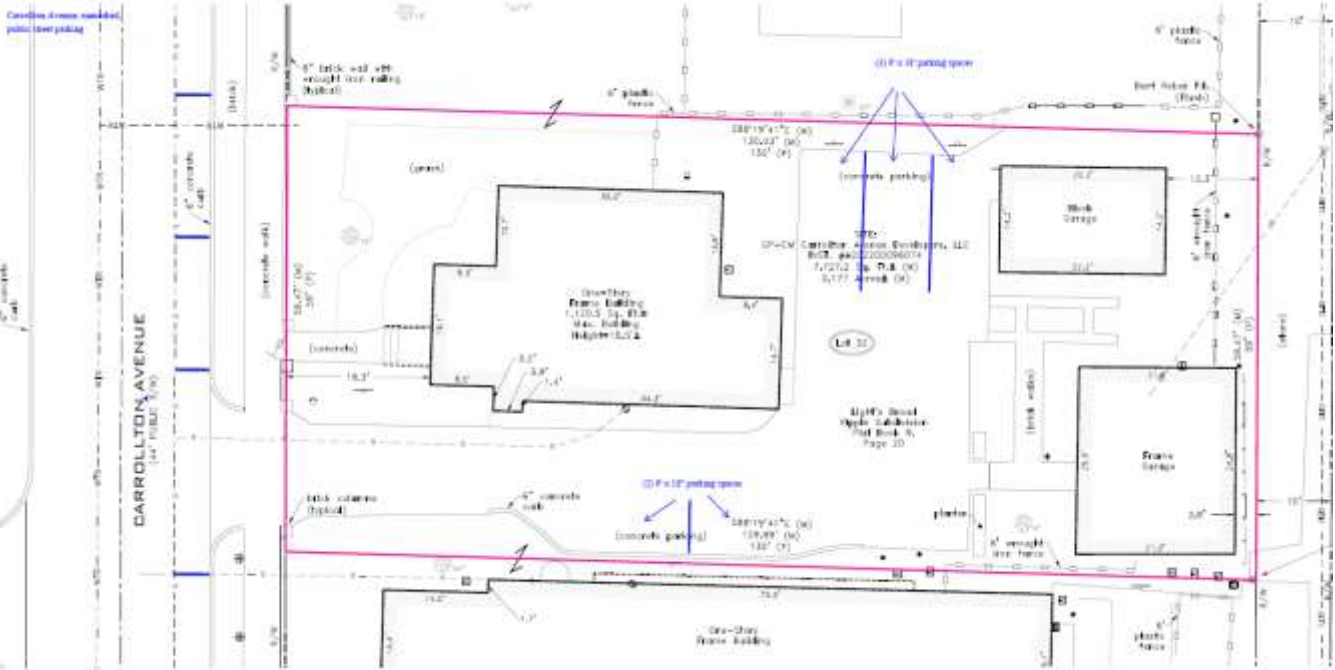
99-UV3-72; 6512 Ferguson Street (southeast of site), to provide for a 4-seat hair salon with off-street parking, **granted**.

94-UV2-78; 6524 Carrollton Avenue (northwest of site), variance of use and development standards of the Commercial Zoning Ordinance to provide for a boutique business in an existing two-story 2,112 square foot building with storage located in the basement (not permitted), parking 4.5 feet from Coil Street (minimum 20 foot setback required), parking 3 feet from the west property line and 0.5 feet from the south property line (minimum 10-foot setback required for each), **granted**.

89-Z-177; 6524 Carrollton Avenue (northwest of site), approval of 0.177 acres to the C-1 District classification, **approved**.

EXHIBITS







Prohibited Uses

1. Substation Distribution
2. Transit Center
3. Wireless Communication Facility
4. Assisted Living Facility
5. Nursing Home
6. Check Cashing/Validation Service
7. Outdoor Advertising Off Premises Sign
8. Grocery Store
9. Pawn Shop
10. Club or Lounge
11. Laundromat
12. Mortuary/Funeral Home
13. Vape Shop



2024-UV2-001 COMMITMENT

A202400011851

02/15/2024 11:16 AM

FAITH KIMBROUGH

MARION COUNTY IN RECORDER

FEE: \$ 35.00

PAGES: 3

By: DG

MW **COMMITMENTS CONCERNING THE USE OR DEVELOPMENT OF REAL ESTATE MADE
IN CONNECTION WITH A VARIANCE, SPECIAL EXCEPTION OR APPROVAL GRANT.**

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 the parcel of real estate:

Legal Description:

Lot 32 in Light's Broad Ripple Subdivision, now in the City of Indianapolis, as per plat thereof, recorded in Plat Book 9, page 20, in the Office of the Recorder of Marion County, Indiana.

Statement of COMMITMENTS:

1. Owner shall file a petition to rezone the property by the end of 2024 with the full intent to rezone the property to a C-1 or other appropriate zoning classification.

2.

3.

4.

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

COMMITMENTS contained in this instrument shall be effective upon the grant of variance, special exception or approval petition # 2024-UV2-001 by the Metropolitan Board of Zoning Appeals or the Hearing Officer.

These COMMITMENTS may be enforced jointly and severally by:

1. The Metropolitan Development Commission; and,

BZA's Exhibit A -- Page 1 of 3





Photo of the subject site.



Photo of the driveway looking east and two parking spaces.



Photo of an accessory building on site.



Photo of the parking area on site.



Photo of the rear entrance to the main building.



Photo of the business south of the site.



Photo of the property north of the site.



Photo of the undeveloped land west of the site.