



**METROPOLITAN DEVELOPMENT COMMISSION
HEARING EXAMINER**

August 29, 2024

Case Number: 2024-ZON-084
Property Address: 3124 West 16th Street (Approximate Address)
Location: Wayne Township, Council District #11
Petitioner: Marcos Perera
Current Zoning: D-5 and C-1
Request: Rezoning of 0.83-acre from the D-5 (W-5) and C-1 (W-5) districts to the C-3 (W-5) district to provide for commercial uses.
Current Land Use: Commercial
Staff Recommendations: Approval with commitments.
Staff Reviewer: Marleny Iraheta, Senior Planner

PETITION HISTORY

This is the first public hearing for this petition.

STAFF RECOMMENDATION

Staff recommends approval of the rezoning petition, 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. A landscape plan shall be submitted for Administrative Approval showing the street frontage landscaping standards of Table 744-501-1 to be met prior to the issuance of an Improvement Location Permit. Staff would be flexible with the placement of the required landscaping if issues arise with placement of the landscaping in the designated areas.
2. The installation of landscaping shall occur within one year of the approval of the petition and shall be maintained thereafter.
3. A 52-foot half right-of-way shall be dedicated along the frontage of 16th 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).

PETITION OVERVIEW

LAND USE

The 0.83-acre subject site is developed with a restaurant with drive-through service and associated parking.

Since 1987, the site has been developed with the restaurant with drive-through service per a variance, 87-V3-80. The approval was subject to a landscape plan to be submitted. A landscape plan was found in the records, but the site no longer has any of the landscaping on site.

The subject site is bordered to the west by an upholstery shop, zoned C-5, and single-family dwellings, zoned D-5. To the north is a health consultant business, zoned D-5, and across Kessler Boulevard North Drive to the east are single-family dwellings, zoned D-5, and a fueling station, zoned C-5. The property bordering the site to the east is a restaurant, zoned C-3.

REZONING

The request would rezone the site from the D-5 (W-5) and C-1 (W-5) districts to the C-3 (W-5) district to provide for commercial uses.

The D-5 district 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 C-1 District is designed to perform two functions: act as a buffer between uses, and provide for a freestanding area that office uses, compatible office-type uses, such as medical and dental facilities, education services, and certain public and semipublic uses may be developed with the assurance that retail and other heavier commercial uses with incompatible characteristics will not impede or disrupt. Since the buildings for office, office-type and public and semipublic uses are typically much less commercial in appearance, landscaped more fully and architecturally more harmonious with residential structures, this district can serve as a buffer between protected districts and more intense commercial or industrial areas/districts - if designed accordingly. This district, with its offices and other buffer type uses, may also be used along certain thoroughfares where a gradual and reasonable transition from existing residential use should occur.

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



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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.

DEPARTMENT OF PUBLIC WORKS

The Department of Public Works, Traffic Engineering Section, has requested the dedication and conveyance of a 52-foot half right-of-way along 16th Street. This dedication would also be consistent with the Marion County Thoroughfare Plan.

STAFF ANALYSIS

The existing D-5 and C-1 districts do not permit the restaurant use. However, the site has functioned under a variance of use that is still applicable. Rezoning to the C-3 district would correct the nonconformity and would allow for the site to be developed further so long as the applicable C-3 development standards are met. Staff is supportive of rezonings that correct the land uses with the corresponding zoning districts.

Staff had concerns with the lack of landscaping on site since it was originally approved with landscaping that is no longer present. Therefore, staff would request a commitment for the street frontage landscaping standards of Table 744-501-1 to be met.

Based on staff's calculations, the 100 feet of street frontage along Kessler Boulevard North Drive would require a minimum six-foot wide landscaped area with 3 shade trees and 12 large shrubs. The 86 feet of street frontage along 16th Street would require a minimum six-foot wide landscaped area with 5 ornamental trees and 12 large shrubs. If there are issues with locating the requested landscaping in the designated area, then staff would approve the number of required plant materials to be located elsewhere on the site.

The proposed rezoning to the C-3 district would align with the community commercial development recommendation of the Near West Neighborhood Land Use Plan (2014).

Therefore, staff is recommending approval of the request subject to a landscape plan to be submitted for Administrative Approval showing that the number of trees and shrubs as required by the street frontage standards of the Ordinance are met. The installation of said landscaping shall be completed within one year of the approval of the petition. Additionally, approval would be subject to the right-of-way dedication as requested by DPW.

GENERAL INFORMATION

Existing Zoning	Enter Zoning and Secondary Districts	
Existing Land Use	D-5 and C-1	
Comprehensive Plan	Community Commercial	
Surrounding Context	Zoning	Land Use
North:	D-5	Health Consultant
South:	D-5 / C-5	Youth Organization / Car Rental Agency
East:	D-5 / C-3 / C-5	Residential (Single-family dwellings) / Restaurant / Fueling Station
West:	D-5 / C-5	Residential (Single-family dwellings) / Upholstery Shop
Thoroughfare Plan		
16 th Street	Primary Arterial Street	104-foot proposed right-of-way and 90-foot existing right-of-way.
Kessler Boulevard NDR	Secondary Arterial Street	56-foot proposed right-of-way and 81-foot existing right-of-way.
Context Area	Compact	
Floodway / Floodway Fringe	No	
Overlay	Yes	
Wellfield Protection Area	No	
Site Plan	July 16, 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

- Near West Neighborhood Land Use Plan (2014)

Pattern Book / Land Use Plan

- Not Applicable to the Site. Please see the Near West Neighborhood Land Use Plan (2014) below.

Red Line / Blue Line / Purple Line TOD Strategic Plan

- Not Applicable to the Site.

Neighborhood / Area Specific Plan

- The Near West Neighborhood Land Use Plan (2014) recommends community commercial development for the subject site.
- This land use category is for low-intensity retail commercial and office uses, which serve a predominantly residential market adjacent to, or very near, the location of the use. The uses in this land use category are design to fulfill a broad range of retail, personal, professional and business services and are either freestanding or part of a small integrated center typically anchored by a grocery store. These centers contain no, or extremely limited, outdoor display of merchandise. Generally, these uses are consistent with the following characteristics:
 - Maximum Gross Floor Area: 125,000 square feet
 - Maximum Acreage: 25 acres
 - Service Area Radius: 2 miles
 - Location: On an arterial or at the intersection of an arterial with a collector.
 - Maximum Outlots: 3
- The property falls within a commercial corridor along 16th Street. The rezoning to C-3 would align with the Neighborhood Plan recommendation.

Infill Housing Guidelines

- Not Applicable to the Site.

Indy Moves

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

- A multi-use off-street path exists along Kessler Boulevard N Drive from 16th Street to 30th Street.



ZONING HISTORY

Zoning History - Site

87-V3-80; 3124 West 16th Street (subject site), Variance of use and development standards of the Dwelling Districts Zoning Ordinance to provide for a restaurant with drive-through service and without the required transitional yards, **granted**.

72-Z-119; 1636 North Kessler Boulevard (north portion of site), Rezoning of 0.96 acre, being in D-5 district to C-1 classification to permit construction and operation of bank, approved.

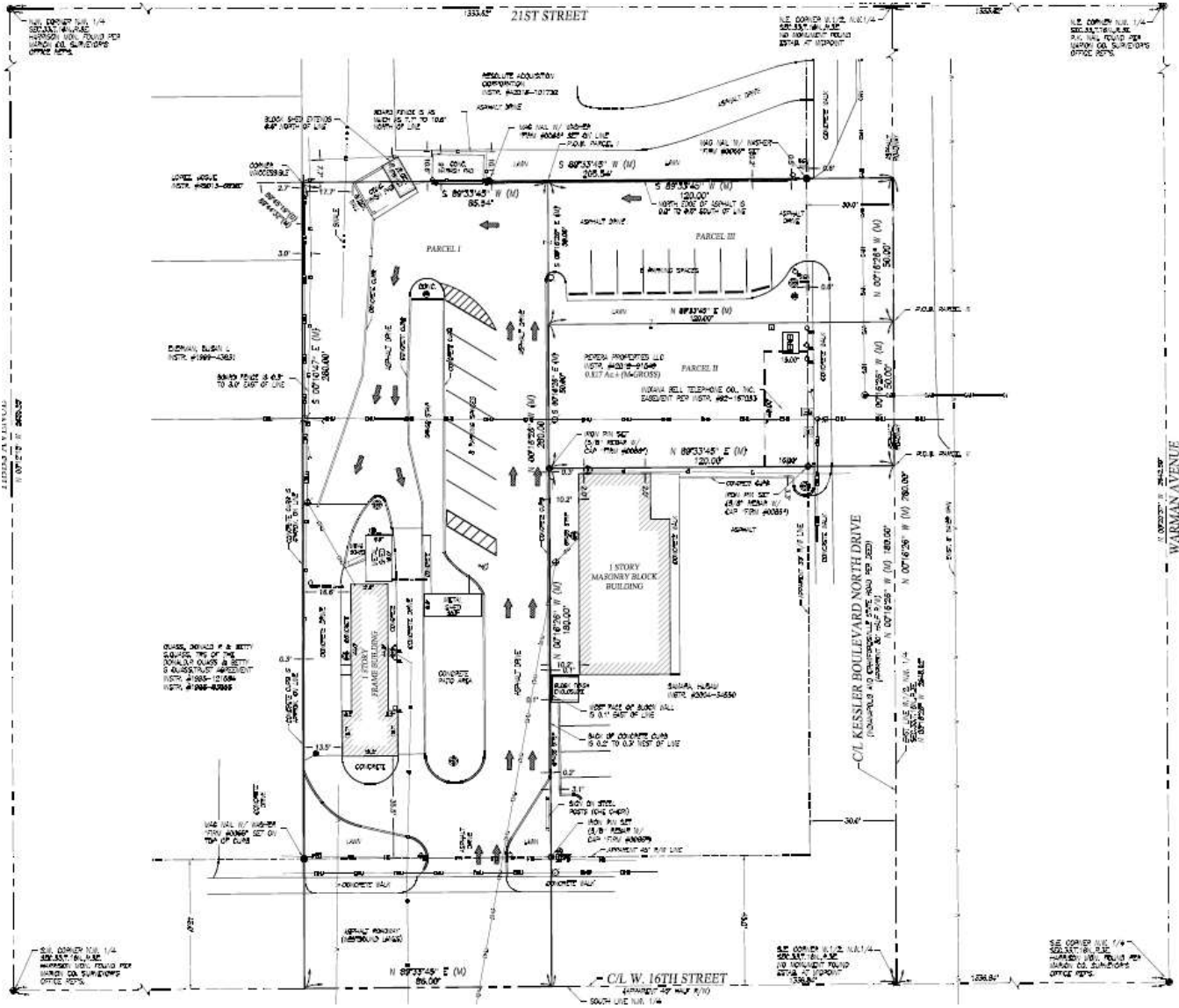
Zoning History - Vicinity

2012-ZON-072; 3051, 3055, and 3097 West 16th Street (southeast of site), Rezoning of 0.62 acre, from the C-5 (W-5) and D-5 (W-5) Districts to the C-5 (W-5) classification to provide for commercial uses, **approved**.

86-Z-13; 3115 West 16th Street (south of site), Rezoning of 0.5 acre, being in the D-5 district, to the C-5 classification, to conform zoning to its use as a transmission business, approved.

85-Z-80; 3106 West 16th Street (east of site), Rezoning of 0.28 acre, being in the D-5 district, to the C-3 classification to allow for renovation of a gas station, **approved**.

78-Z-128; 3136-3140 West 16th Street (west of site), Rezoning of 0.85 acre, being in D-5 district, to C-5 classification to permit retail furniture sales and service, **approved**.



APPROVED LANDSCAPE PLAN PER 87-V3-80

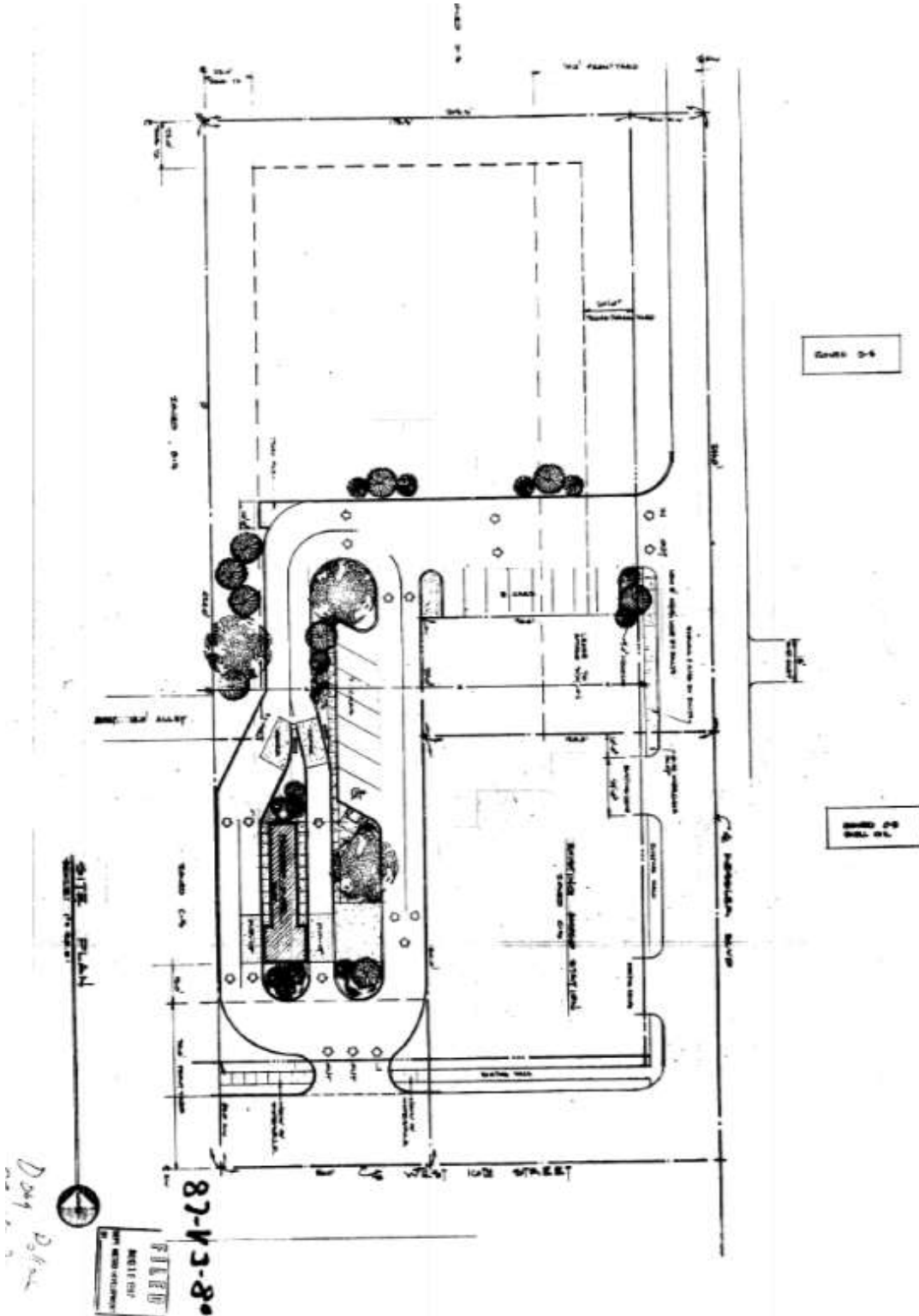




Photo of the subject site looking north.



Photo of a storage unit on site.



Photo of two one-way lanes for pick-up and ordering looking south.

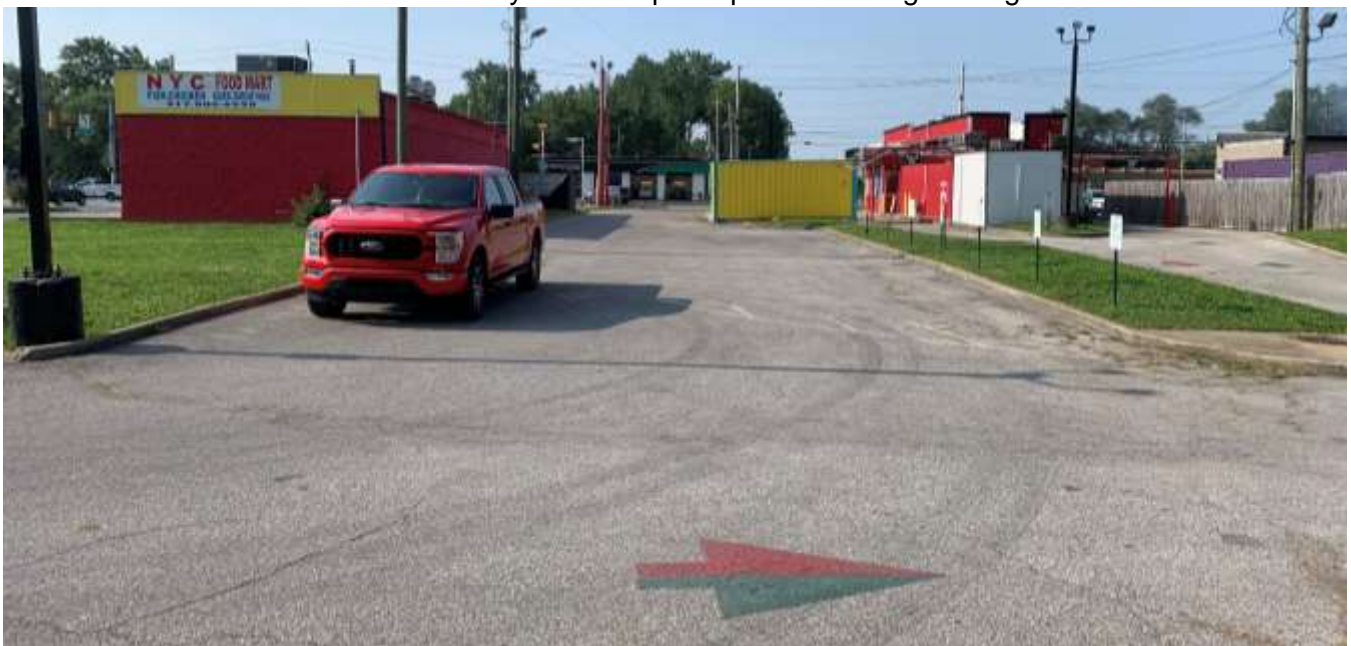


Photo of the entrance drive on the east side of the site.



Photo of the dumpster locations and single-family dwellings behind the tree line.



Photo of the commercial use east of the site.



Photo of the eastern street frontage looking west.



Photo of the eastern street frontage looking west.



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



Photo of the commercial offices west of the site.



Photo of the commercial properties south of the site.