



**METROPOLITAN DEVELOPMENT COMMISSION
HEARING EXAMINER**

August 15, 2024

Case Number: 2024-ZON-062
Property Address: 1025 Jefferson Avenue
Location: Center Township, Council District #13
Petitioner: Brookside Commercial, LLC, by Joseph D. Calderon
Current Zoning: D-5
Request: Rezoning of 0.15-acre from the D-5 district to the SU-38 district to provide for additional surface parking area for a community center and apartments.
Current Land Use: Storage containers / accessory building
Staff Recommendations: Denial
Staff Reviewer: Kathleen Blackham, Senior Planner

PETITION HISTORY

The Hearing Examiner continued this petition from the July 11, 2024, hearing, to the August 15, 2024 hearing at the request of the petitioner's representative.

On July 9, 2024, the petitioner's representative provided information related to uses and required parking. According to the e-mail from the Boner Center staff, there are 105 existing parking spaces. The petitioner's representative stated that between 115 and 157 parking spaces would be required, "depending upon the enforcement of the transit reduction required."

Staff continues to recommend denial because it appears that other adjustments to required parking have not been applied, which could reduce required parking up to 35 percent. Furthermore, staff believes that a paved parking lot, absent setbacks that provide space for a buffer and landscaping, negatively impacts the surrounding residential neighborhood and creates an encroachment that that would be detrimental to the residents in this neighborhood.

STAFF RECOMMENDATION

Denial. If approved, staff would request that 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:

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

PETITION OVERVIEW

This 0.15-acre site, zoned D-5, is currently being used for storage. It is surrounded by a single-family dwelling to the north, zoned D-5; a community center to the south, zoned SU-38; multi-family dwellings to the east, zoned D-5; and single-family dwellings to the west, across North Jefferson Avenue, zoned D-5.

Petition 2021-ZON-096 requested rezoning of this site to the SU-38 to provide for a parking lot but was withdrawn. Staff recommended denial of that request.

The request would rezone the site the SU-38 (community center) District to provide for a 13-space parking lot. "No building, structure, premises or part thereof shall be constructed, erected, converted, enlarged, extended, reconstructed or relocated except in conformity with these regulations and for uses permitted by this article and until the proposed Site and Development Plan and landscape plan have been filed with and approved on behalf of the Commission by the Administrator or approved by the Commission, as hereinafter provided."

The Comprehensive Plan recommends traditional neighborhood typology for this site. stated that the parking lot would serve other properties owned /operated by the petitioner that would include New Life Manor Apartments, Brookside Apartments, and the John Boner Neighborhood Community Center.

The number of required parking spaces are determined by the use and the square footage of buildings associated with the parking areas but no documentation, including existing parking numbers, was submitted that would support the need for the additional parking.

The Ordinance also provides for parking reductions related to electric vehicle charging stations, shared parking, bicycle parking, proximity to public transportation, shared parking among different land uses, permeable pavers / pavement and redevelopment.

As an example of the reduction, this site is proximate to a Transit Emphasis Corridor, Route 10, with buses operating every 15 minutes during peak times of the day. Sites within ¼ mile of a Transit Emphasis Corridor bus stop improved with a shelter may reduce the amount of parking spaces by 30%, so instead of 73 spaces being required for the 29,000-square foot community center, only 51 parking spaces would be required.

No documentation has been submitted that would provide information on parking reductions that would be available for this site.

Because staff is concerned about the steady encroachment of parking northward into the neighborhood and detrimentally impacting the streetscape of Jefferson Avenue, staff believes this request should be denied.



Staff is also concerned with the lack of landscaping and questions whether the Green Factor can be met. The Green Factor would ensure that the site is more sustainable, provides screening, and promotes buffering and integration of landscaping, drainage and thoughtful design.

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.

GENERAL INFORMATION

Existing Zoning	D-5	
Existing Land Use	Storage units / accessory building	
Comprehensive Plan	Traditional Neighborhood	
Surrounding Context	<u>Zoning</u>	<u>Land Use</u>
	North:	D-5 Single-family dwelling
	South:	SU-38 Parking lot / community center
	East:	D-5 Multi-family dwellings

West:	D-5	Single-family dwelling
Thoroughfare Plan		
North Jefferson Avenue	Local Street	Existing 50-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	May 9, 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

- 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 5 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 Pattern Book 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 Schools, Places of Worship, Neighborhood- Serving Institutions/Infrastructure, and Other Places of Assembly (defined as Schools, places of worship, and other places of assembly that are generally less than five acres in size)*
 - Should be located along an arterial or collector street.
 - 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.
 - Schools should not be within 1000 feet of a highway, freeway, or expressway.

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 describes 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

2021-ZON-096; 1025 Jefferson Avenue, requested rezoning of 0.15 acre from the D-5 district to the SU-38 classification, **withdrawn**.

2016-ZON-017; 1021 Jefferson Avenue, requested rezoning of 0.15 acre, from the D-5 district, to the SU-38 classification, **approved**.

2009-UV1-017; 2210, 2236 and 2302 East 10th Street, requested a variance of use of the Special Districts Zoning Ordinance to provide for a restaurant and caterer (not permitted) with outdoor seating as a primary use within a tenant space of a community center, and to provide for all C-1 and C-3 uses, **granted**.

2008-ZON-858 / 2008-VAR-858; 2209 East 10th Street, requested a rezoning of 0.358 acre, from the C-2 and D-4 Districts to the C-3C classification to provide for corridor commercial uses. and a variance of Development Standards of the Commercial Zoning Ordinance to provide for a 12,940-square foot building addition with an 26.083-foot front setback from the centerline of East 10th Street and a 4.167-foot front setback from the existing right-of-way of Jefferson Avenue, within the clear-sight triangle, a fence or wall within the clear-sight triangle on the north side of the proposed driveway, being 45 feet tall, with twenty off-street parking spaces, parking and a transformer with a five-foot setback and a trash enclosure with a fourteen foot setback within the required 20-foot south side transitional yard, parking with a seven-foot setback within the required twenty-foot front transitional yard along Jefferson Street (not permitted) at the southwest corner of the site, a transformer and portion of a trash enclosure with two-foot east side setbacks within the required ten-foot east side transitional yard at the southeast corner of the site, **granted**.

2004-ZON-145; 2210-2302 East 10th Street, 1017 Jefferson Avenue and 1042 Beville Avenue, requested a rezoning of 1.99 acres, being in the D-5 and C-2 Districts, to the SU-38 classification, to provide for the expansion of a community center, **approved**.

2004-VAC-028; 2210-2236 East 10th Street, 1017 Jefferson Avenue and 1042 Beville Avenue, requested a vacation of a portion of 10th Street, a portion of the air rights above 10th Street, the first east/west alley north of 10th Street, and the first north/south alley east of Jefferson Avenue, **approved**.

2003-UV2-037; 958 North Beville Avenue, requested a variance of use and development standards of the Commercial Zoning Ordinance to legally establish the retail sales of motorcycle parts and motorcycle repair, **granted**.

98-Z-235 / 98-CV-24; 2122 East 10th Street, requested a rezoning 1.175 acre, being in the C-2 and C-3 districts to the C-3 classification and a variance of development standards to provide for a fast-food restaurant with carryout and drive-through service within 100-feet of a protected district, **approved**.

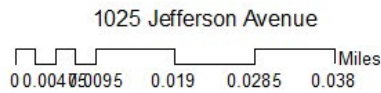
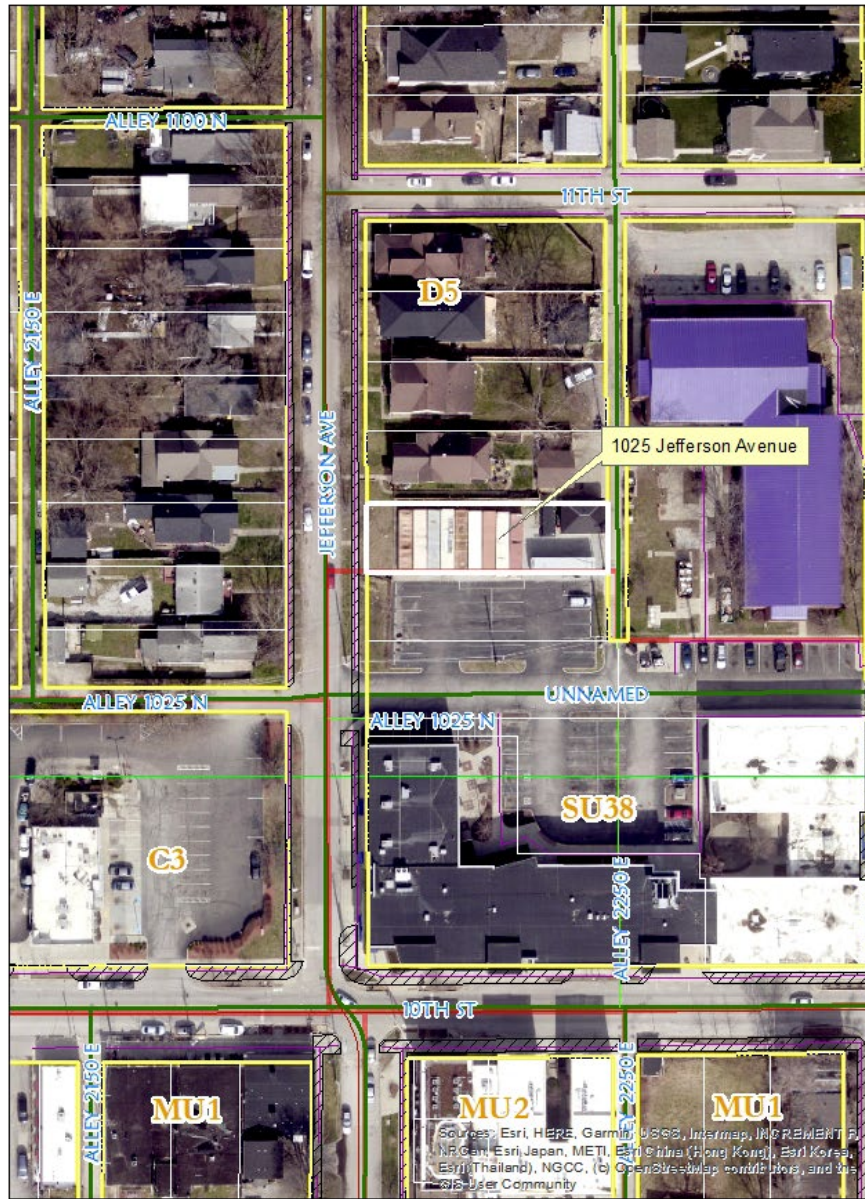


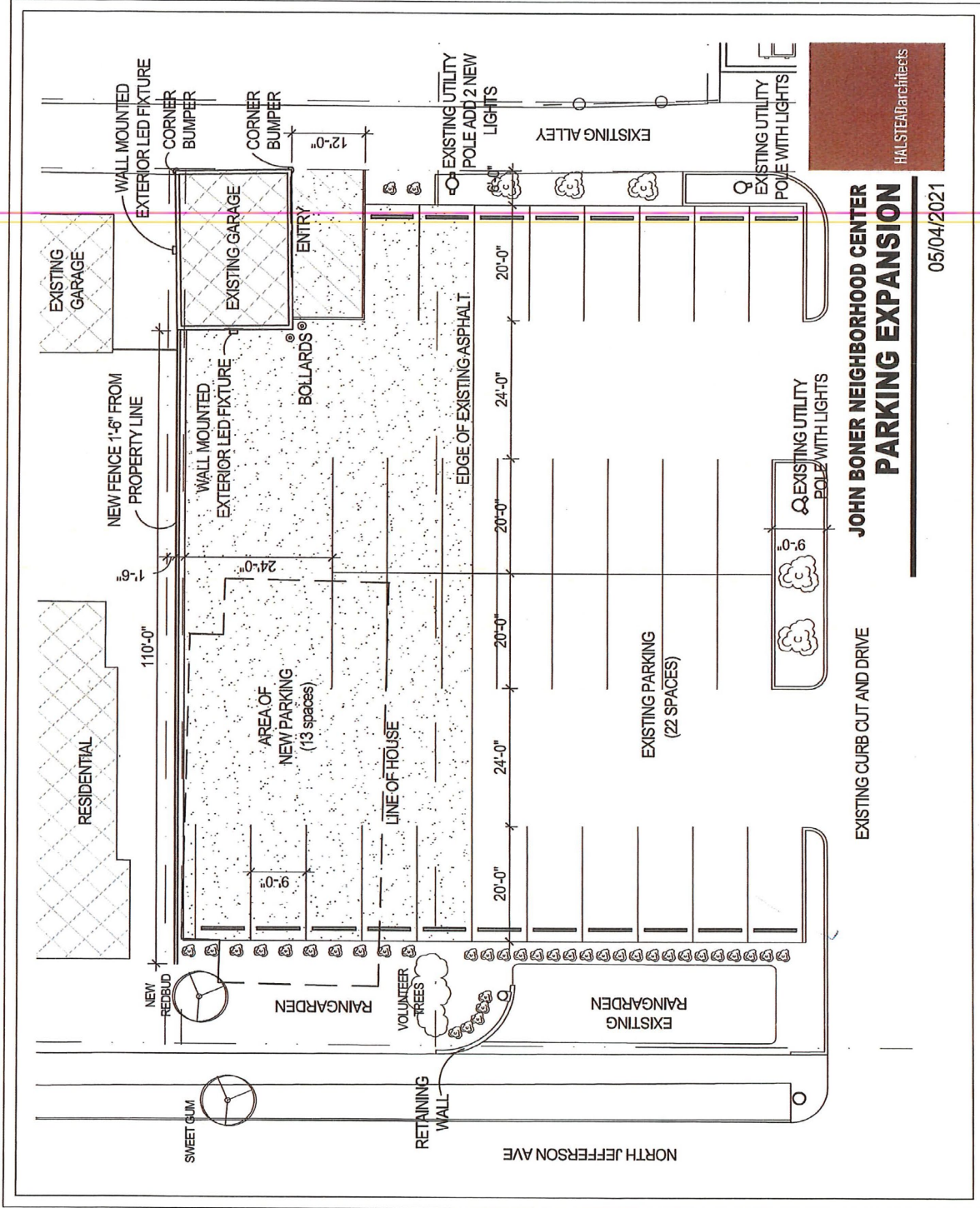
**Department of Metropolitan Development
Division of Planning
Current Planning**

98-UV1-062; 2117 East 10th Street, requested a variance of use and development standards of the Commercial Zoning Ordinance to legally establish motorcycle sales and salvage business, with reduced setbacks and landscaping, **granted**.

89-V2-144; 2236 East 10th Street, requested a variance of use of the Commercial Zoning Ordinance, to provide for the conversion of an existing building into a 24-unit residential building for homeless and low-income individuals, senior services programming, and adult day care, with reduced off-street parking, **granted**.

EXHIBITS





**JOHN BONER NEIGHBORHOOD CENTER
 PARKING EXPANSION**

EXISTING CURB CUT AND DRIVE



05/04/2021



View looking north along North Jefferson Avenue



View looking south along North Jefferson Avenue



View of site looking north



View of site looking north



View of site looking northeast across North Jefferson Avenue of site



View looking of site and adjacent single-family dwelling northeast across North Jefferson Avenue



View looking northwest from adjacent parking to the south



View looking east across adjacent parking lot to the south



View from site looking southeast