#### STAFF REPORT

### Department of Metropolitan Development Division of Planning Current Planning Section

Case Number: 2023-ZON-049

Address: 1011 East 22<sup>nd</sup> Street (Approximate Address)

Location: Center Township, Council District #17

Petitioner: DJ BCG Monon 22, LLC, by Michael Rabinowitch

Request: Rezoning of 2.30 acres from the I-3 district to the D-P district to provide

for a 111-unit multi-family development.

The Metropolitan Development Commission continued this petition from the July 19, 2023 hearing, to the August 16, 2023 hearing, at the request of the petitioner's representative.

#### **RECOMMENDATIONS**

Staff **recommends denial** of this request.

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 / receptables provided for the proper disposal of trash and other waste.

#### **SUMMARY OF ISSUES**

The following issues were considered in formulating the recommendation:

#### LAND USE

♦ This 2.30-acre site, zoned I-3, is developed with industrial buildings and associated parking lots. It is surrounded by industrial uses to the north, across East 22<sup>nd</sup> Street, zoned I-4; a single-family dwelling to the south, across East 21<sup>st</sup> Street, zoned D-8; the Monon Trail to the east, zoned I-3; and single-family dwellings and industrial uses to the west, zoned D-8.

#### **REZONING**

This request would rezone the site from the I-3 District to the D-P classification to provide for 111unit multi-family development.

- ♦ The established purpose of the D-P District follows:
  - 1. To encourage a more creative approach in land and building site planning.
  - 2. To encourage and efficient, aesthetic and desirable use of open space.
  - 3. To encourage variety in physical development pattern.
  - 4. To promote street layout and design that increases connectivity in a neighborhood and improves the directness of routes for vehicles, bicycles, pedestrians, and transit on an open street and multi-modal network providing multiple routes to and from destinations.
  - 5. To achieve flexibility and incentives for residential, non-residential and mixed-use developments which will create a wider range of housing types as well as amenities to meet the ever-changing needs of the community.
  - 6. To encourage renewal of older areas in the metropolitan region where new development and restoration are needed to revitalize areas.
  - 7. To permit special consideration of property with outstanding features, including but not limited to historical significance, unusual topography, environmentally sensitive areas and landscape amenities.
  - 8. To provide for a comprehensive review and processing of development proposals for developers and the Metropolitan Development Commission by providing for concurrent review of land use, subdivision, public improvements and siting considerations.
  - 9. To accommodate new site treatments not contemplated in other kinds of districts.
- Development plans 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.
- Densities and development of a D-P are regulated and reviewed by the Metropolitan Development Commission. Creative site planning, variety in physical development, and imaginative uses of open space are objectives to be achieved in a D-P district. The D-P district is envisioned as a predominantly residential district, but it may include supportive commercial and/or industrial development.
- The Comprehensive Plan recommends village mixed-use typology. "The Village Mixed-Use typology creates neighborhood gathering places with a wide range of small businesses, housing types, and public facilities. This typology is intended to strengthen existing, historically small-town centers as well as to promote new neighborhood centers. Businesses found in this typology serve adjacent neighborhoods, rather than the wider community. This typology is compact and walkable, with parking at the rear of buildings. Buildings are one to four stories in height and have entrances and large windows facing the street. Pedestrian-scale amenities such as lighting, landscaping, and sidewalk furniture also contributes to a walkable environment in this typology. Uses may be mixed vertically in the same building or horizontally along a corridor. Public spaces in this typology are small and intimate, such as pocket parks and sidewalk cafes. This typology has a residential density of 6 to 25 dwelling units per acre."
- The Pattern Book lays out a land use classification system that guides the orderly development of the county, protects the character of neighborhoods, and serves as a policy guide for development or redevelopment of a site.

♦ The following elements of the Pattern Book apply to this site:

#### Conditions for All Land Use Types

- 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.
- Where possible, contributing historic buildings should be preserved or incorporated into new development.

#### Conditions for All Housing

- Should be within a one-mile distance (using streets, sidewalks, and/or off-street paths) of a school, playground, library, public greenway, or similar publicly accessible recreational or cultural amenity that is available at no cost to the user.
- Should be oriented towards the street with a pedestrian connection from the front door(s) to the sidewalk. Driveways/parking areas do not qualify as a pedestrian connection.

Large-Scaled Multi-family Housing (defined as single or multiple buildings each with five or more legally complete dwelling units in a development of more than two acres and at a height greater than 40 feet.

- Should be located along an arterial or collector street.
- Mixed-Use structures are preferred.
- Parking should be either behind or interior to the development.

#### **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 receptables for proper disposal of trash and other waste.

#### **D-P Statement (Amended)**

- ♦ The D-P Statement, file dated June 26, 2023, states the development would be comprised of three three-story buildings that would provide for 111 dwellings on approximately 2.3 acres fronting on the Monon Trail with a density of 48.26 units per acre.
- ♦ Each unit would have an outdoor patio or balcony space, with surface parking to the west, along Winthrop Avenue that functions as Alley 950 East.
- ♦ There would be direct access from the outdoor amenity area to the Monon Trail, an interior residential amenity area and a leasing office.
- ♦ Site access would be gained from the approximately 27-foot-wide north / south alley (950 East) along the western boundary that intersects both East 22<sup>nd</sup> Street and East 21<sup>st</sup> Street.
- ♦ Parking is proposed along the alley and along East 21<sup>st</sup> Street.
- ♦ Landscaping would be installed around the proposed buildings, with landscaped islands within the surface parking lot.

#### Site Plan

- ♦ The updated site plan, file-dated July 31, 2023, depicts two buildings separated by an outdoor amenity area fronting on the Monon Trail. It should be noted any access from abutting properties to the Monon Trail are required to be available and open to the public.
- ♦ A third smaller building would front on East 22<sup>nd</sup> Street.

- ♦ The parking lot would consist of a double row of parking along the alley and a row of parking along the rear of the buildings for a total of 115 parking spaces, including 11 parking spaces within the right-of-way along East 21<sup>st</sup> Street.
- ♦ The enclosed trash (dumpster) is located on the southern portion of the site along East 21st Street.
- An existing trailhead is located at the southeast corner of the site and in proximity of the Monon Trail. Staff understands that this trailhead would be upgraded to provide for handicapped accessibility.

#### **Planning Analysis**

- The request would be consistent with the Comprehensive Plan recommendation of village mixeduse typology. However, layout of the site presents concerns related to pedestrian and vehicular safety, livability and overall functionality of the site.
- Parking for the proposed development is located west and south of the buildings. A large parking lot would front on the north / south alley along the western boundary. Except for five landscape islands and a 49-foot-wide utility easement (southern portion of site) there are limited curbs to separate vehicles from pedestrians for approximately 584 feet. An approximately six-foot-wide strip of permeable pavers is proposed along the double-row of parking, but staff does not believe that this "visual clue" would be adequate to ensure the safety of pedestrians and / or vehicles in the area or whether permeable pavers would be acceptable in the public right-of-way of the alley.
- It also appears that the parking spaces abutting the alley would encroach two to three feet into the public right-of-way of the alley, which would not be appropriate or permitted, indicating over development of the site.
- Staff from the Department of Metropolitan Development and Department of Public Works are concerned and do not support the on-street parking along East 21<sup>st</sup> Street that abuts a Monon Trail trailhead to the east. Perpendicular parking creates conflicts between vehicles and trail users and angle / parallel parking forces vehicles to maneuver against traffic flow. In other words, parking in this area of East 21<sup>st</sup> Street would not be acceptable and would result in a safety hazard.
- Despite suggestions to vacate this portion of East 21<sup>st</sup> Street, a vacation for private parking for the proposed development would not be "in the public interest" because of the existing trailhead along the Monon Trail at the terminus of East 21<sup>st</sup> Street.
- Zoning districts permitting multi-family development require floor area ratio and minimum livability ratio that result in a balance of on-site residential living space and open / green space. Because the request is for a planned unit development, those features are not present or required. Buildings and parking lots cover most of the site, leaving minimal on-site open / green space for the residents. Staff does not believe the presence of the Monon Trail is an appropriate substitution for the need to provide quality on-site open / green space.

- ♦ Staff believes this proposed development represents over development of the site because of the lack of open / green space and the need to encroach into and use public rights-of-way for parking.
- Staff would certainly consider other development options and taller buildings but as proposed, staff does not support this rezoning request.

#### **GENERAL INFORMATION**

EXISTING ZONING AND LAND USE

C-4 Commercial uses (vacant)

SURROUNDING ZONING AND LAND USE

North - D-8 Single-family dwelling
South - D-8 Single-family dwelling
East - D-8 Single-family dwelling
West - D-8 Undeveloped land

COMPREHENSIVE PLAN The Comprehensive Land Use Plan for Indianapolis and Marion

County (2018) recommends village mixed-use typology.

Marion County Land Use Pattern Book (2019).

THOROUGHFARE PLAN This portion of East 22<sup>nd</sup> Street is designated in the Marion

County Thoroughfare Plan as a primary arterial, with an existing

60-foot right-of-way and a proposed 56-foot right-of-way.

This portion of East 21st Street is designated in the Marion

County Thoroughfare Plan as a local street, with an existing 70-

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

CONTEXT AREA This site in located within the compact context area.

OVERLAY There is no overlay for this site.

SITE PLAN (UPDATED) File-dated July 31, 2023

ELEVATIONS File-dated May 17, 2023

D-P STATEMENT (AMENDED) File-dated June 26, 2022

#### **ZONING HISTORY**

**2005-AP2-004**; **1017 East 22**<sup>nd</sup> **Street**, requested a modification of conditions related to 2004-UV2-003 to provide for the expansion of an existing secondhand retail store located within and existing industrial warehouse by utilizing 14,000 square feet of floor area, employing two additional personnel and operating approximately 48 hours per week, **granted**.

**2004-UV2-003;1002 East 21**st **Street and 1017 East 22**nd **Street;** requested a variance of use of the Industrial Zoning Ordinance to provide for a second-hand retail store to be located within and existing industrial warehouse, **granted**.

#### VICINITY

**2017-CZN 811 / 2017-CVR-811; 1013 East 20<sup>th</sup> Street (south of site)**, requested rezoning of 2.08 acres, from the I-3 district to the D-8 classification and a variance of development standards of the Consolidated Zoning and Subdivision Ordinance to legally establish 16 lots, with zero feet of street frontage and lot width and without direct access to a public street, **approved and granted.** 

**2011-ZON-073 (2011-DP-003); 1013 and 1026 East 20<sup>th</sup> Street (south of site)**, requested rezoning of 2.139 acres, from the I-3-U District to the D-P classification, to provide for 84 multifamily units at a density of 39.27 units per acre, **withdrawn**.

**2017-ZON-030**; **2001-2044 Alvord Street (south of site),** requested rezoning of 2.57 acres, from the I-3 district to the D-8 classification, **approved**.

**2015-DV1-019**; **1002** East **21**<sup>st</sup> Street (west of site), requested a variance of development standards of the wireless communications Zoning Ordinance and the Industrial Zoning Ordinance to provide for a wireless communications facility with a monopole tower exceeding the permitted height and reduced transitional yard setback, **granted**.

**2015-UV1-007**; **1030** East **19**<sup>th</sup> Street (south of site), requested a Variance of use of the Industrial Zoning Ordinance to legally establish a single-family dwelling (not permitted), with a home occupation, per plans filed, **granted**.

**2011-DV1-048**; **1902 Alford Street (south of site**), requested a variance of development standards of the Commercial Zoning Ordinance and the Dwelling Districts Zoning Ordinance to provide for a major livability space ratio of 0.07, **granted.** 

**2011-ZON-077**; **1902 Alvord Street (south of site),** requested rezoning of 1.9 acres, from the I-3-U District to the C-2 classification to provide for commercial and residential uses, **approved.** 

**2009-UV3-004**; **1931 Bellefontaine Street (west of site)**, requested a variance of use of the Dwelling Districts Zoning Ordinance to provide for an office, **denied**.

**97-UV3-34**; **2002 Alvord Street (south of site)**, requested a variance of use of the Industrial Zoning Ordinance to provide for the repair of, request passenger automobiles and trucks, **denied**.

**95-UV3-1**; **2002 Alvord Street (south of site)**, requested a variance of use of the Industrial Zoning Ordinance to provide for an automobile and truck repair operation, **granted for a period of one year**.

**91-AP3-3;2002 Alvord Street (south of site),** requested an extension of time to obtain an Improvement Location Permit and modification of conditions pursuant to 82-V3-13, **granted for a period of one year**.

**90-UV2-21; 1641 North Alvord Street (south of site),** requested a variance of use of the Dwelling Districts Zoning Ordinance to permit the storage, maintenance, repair and rental of heavy equipment, as well as outside storage of crane attachments; **withdrawn.** 

**82-V3-134**; **2002 Alvord Street (south of site)**, requested a variance of development standards to permit the outside storage of a trash container at the northwest corner of the subject property, **granted.** 

**71-UV1-65**; **1651 North Alvord Street (south of site),** requested variance of use to provide for the construction of a building utilized for the storage of commercial trucks; **granted.** 

**70-UV3-178**; **1601-1651 Alford Street (south of site)**, requested variance of use to provide for a surface parking lot; **granted**.

**58-V-429**; **2017-2019 Alvord Street (south of site)**, requested a variance of use to permit erection of a church, with off-street parking provided, **granted**.

**55-V-233**; **1623 North Alvord Street (south of site),** requested variance of use to provide for a surface parking lot; **granted.** 

**55-V-35**; **1649 North Alvord Street (south of site),** requested variance of use to provide for a surface parking lot; **granted.** 

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1101 East 22nd Street

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#### 22<sup>nd</sup> & THE MONON MULTIFAMILY DP STATEMENT

#### INTRODUCTION

DJ BCG Monon 22, LLC (the "Petitioner") proposes to redevelop the approximately 2.3 acre site known as 1101 East 22<sup>nd</sup> Street (the "Property", located at the intersection of 22<sup>nd</sup> Street and Winthrop Avenue in the Bruce Place East End Subdivision. The proposed development, an affordable multi-family community, will offer 111 residential living units in three 3-story structures. Integration of the proposed development with the Monon Trail, which abuts the Property to the east, will be a focal point of the project.

The objective for site planning and architectural aesthetic is to revitalize the development site with the addition of a diverse housing type to the area. The site is currently zoned I3 and is predominantly surrounded by an established D8 zoned single-family community. The properties located to the east of the site are zoned I3 and CS. The proposed development is an appropriate transitional density between the single family community and the more intense uses to the west of the site. The proposed development fits in the context of the surrounding neighborhood and encourages a variety of development in the area.

The Property is currently vacant, containing several unused warehouse structures. The Petitioner seeks to revive the Property and provide an efficient and desirable use for the space. The proposed development includes amenities complimentary to an urban, healthy living strategy for the site. Each new construction unit is planned to include an outdoor patio or balcony space. The development provides direct access to the Monon Trail, allowing resident pedestrian and bicycle users to access the trail from the outdoor amenity area.

The development will be constructed in substantial compliance with the approved Site Plan.

#### PERMITTED USES

The Property is currently zoned I3. Proposed Permitted uses include multi-family with associated amenities, a leasing office, an outdoor amenity area, and a residential amenity area.

#### DEVELOPMENT STANDARDS/SETBACKS

Buildings and other structures constructed on the Property shall be located as depicted on the approved Site Plan, including building locations and setbacks shown thereon.

#### **UTILITIES/DRAINAGE**

All utilities are available to the site. Storm drainage will be underground and professionally engineered to meet the intent of the City of Indianapolis requirements with respect to run-off rate, quantity, and water quality.

#### LANDSCAPING

Currently, there are little to no existing trees or other living vegetation on the Property. The proposed development will include landscaping and tree plantings around the structures. Landscaping shall be located in substantial compliance with the approved landscape plan.

#### ACCESS AND PARKING

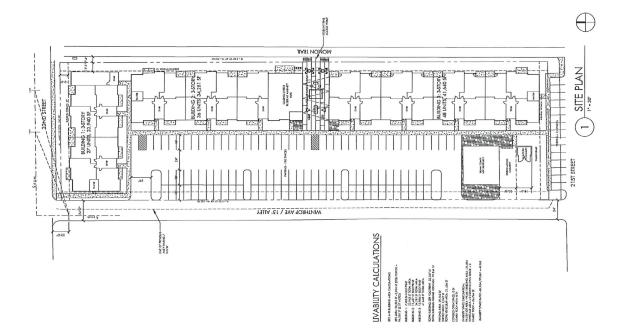
The proposed development will be accessible via Winthrop Avenue. Pedestrian access will be available via the Monon Trail. Parking is provided on the west side of the proposed structures, abutting Winthrop Avenue and 21<sup>st</sup> Street. A total of 125 parking spaces are proposed on the site. The single-family homes abutting Winthrop Avenue are accessed via driveway or garage entrance. The 15 foot Right-of-Way on Winthrop Avenue functions as an alley. The proposed double-row parking area will be accessed directly from Winthrop Avenue, which also provides for vehicular maneuvering. The proposed double-row parking area will be accessed similarly to the properties to the west of Winthrop Avenue and is consistent with surrounding site layouts.

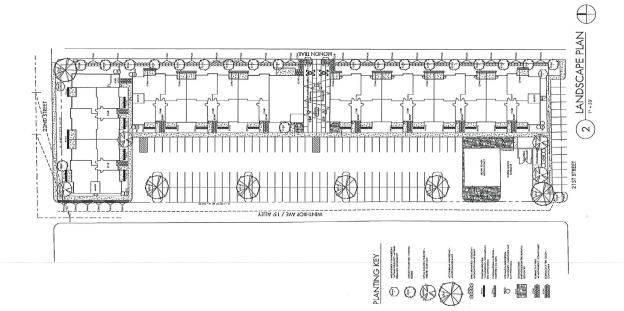
#### **SIGNAGE**

Project and building identification signage shall be located in substantial conformity with the approved sign plan and subject to final approval by the Administrator. No off-premises outdoor advertising signs shall be permitted.

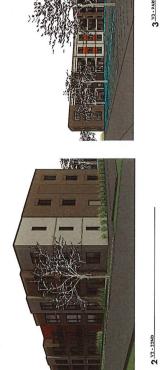


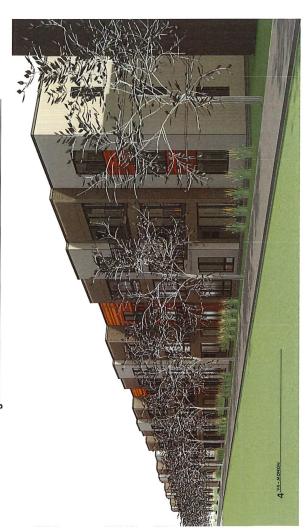












22ND & MONON

22ND & THE MONON MUTIFAMILY 1101 E, 22ND STREET INDIANAPOUS, IN



# 22ND & MONON BUILDING 1 ELEVATIONS

22ND & THE MONON MULTIFAMIL 1101 E. 22ND STREET INDIANAPOUS, IN



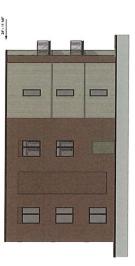
22ND & MONON BUILDING 2 ELEVATIONS

4 B2 - WEST

22ND & THE MONON MULTIFAAILY 1101 E. 22ND STREET INDIANAPOUS, IN







3 83 - SOUTH



4 B3 - WEST

## **BUILDING 3 ELEVATIONS**

22ND & THE MONON MUTTIFAMILY 1101 E. 22ND STREET INDIANAPOUS, IN



View looking west along East 22<sup>nd</sup> Street



View looking east along East 22<sup>nd</sup> Street



View of site looking south across East 22<sup>nd</sup> Street



View of site looking south across East 19th Street



View of site looking east from abutting north / south alley to the west



View of site looking east from abutting north / south alley to the west



View of site looking east from abutting north / south alley to the west



View of site looking east from abutting north / south alley to the west



View from site looking southeast from intersection of alley and East 21st Street



View of site looking north across east 21st Street



View of site looking northeast across the terminus of East 21st Street and the Monon Trail



View looking at the East 21st Street terminus and the Monon Trail



View from site looking southeast across East 21st Street and the Monon Trail



View looking west along East 21st Street



View looking east along East 21st Street



View of alley looking north across East 21st Street



View of alley looking south across East 21st Street