

## STAFF REPORT

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

**Case Number:** 2023-ZON-064  
**Address:** 40 West 40th Street (*Approximate Address*)  
**Location:** Washington Township, Council District #7  
**Petitioner:** Martin Luther King Multi-Service Center, by David Kingen  
**Request:** Rezoning of 2.37 acres from the D-2 (MSPC) district to the SU-7 (MSPC) district to legally establish a community center.

### **RECOMMENDATION**

Staff **recommends approval** of this request, 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:

Prior to the issuance of any Improvement Location Permit for this site, a tree inventory and preservation plan shall be submitted for Administrator's Approval. The size species, location and condition of any Heritage Tree shall be provided. Any new development on the site shall avoid disturbance of Heritage Trees to the extent possible.

### **SUMMARY OF ISSUES**

The following issues were considered in formulating the recommendation.

#### **LAND USE**

- ◇ Historic aerial photography indicates that the structure on the site was built in the late 1950s or early 1960s. The site is currently the home of a multi-service center.
- ◇ The 2018 Comprehensive Land Use Plan recommends City Neighborhood for the subject site. This typology consists largely of multi-family housing and other forms of attached dwellings. It is intended to be dense and walkable with a full range of city services and public amenities.
- ◇ The subject site is within the jurisdictional area of the Meridian Street Preservation Commission. This State agency has the authority for prior approval of zoning petitions within its jurisdiction. If the MSPC gives prior approval to a rezoning, the petition may proceed through the City's land use petition process. However, the MSPC's prior approval

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## **STAFF REPORT 2023-ZON-064 (Continued)**

does not obligate the Hearing Examiner or the Metropolitan Development Commission to approve a petition.

- ◇ This request was heard by the MSPC on May 16, 2023 and given prior approval subject to two commitments:
  - Improvements shall be carried out in accordance with the submitted documentation presented at the May 16, 2023 Commission hearing and filed with the MSPC,
  - The applicant shall work with residents and neighborhood organizations on the proposed plans for the expansion.
- ◇ As is evident from the photographs below, the site has a number of large, mature trees. These trees exhibit the intrinsic benefits of large trees in general, but also help blend this large institutional use into the context of the neighborhood where large trees on single-family lots and in Tarkington Park are the norm.

## **ZONING**

- ◇ This petition requests a rezoning to the SU-7 district. This Special Use district that provides for charitable, philanthropic and not-for-profit institutions.
- ◇ Land in any SU District is subject to the following site and development requirements, which are evaluated at the time of an application for an Improvement Location Permit. The site and development plan, proposed uses, buildings and structures must:
  - Be so designed as to create a superior land development plan, in conformity with the Comprehensive Plan;
  - Create and maintain a desirable, efficient and economical use of land with high functional and aesthetic value, attractiveness and compatibility of land uses, within the Special Use District and with adjacent uses;
  - Provide sufficient and adequate access, parking and loading areas;
  - Provide traffic control and street plan integration with existing and planned public streets and interior access roads;
  - Provide adequately for sanitation, drainage and public utilities; and
  - Allocate adequate sites for all uses proposed - the design, character, grade, location and orientation thereof to be appropriate for the uses proposed, logically related to existing and proposed topographical and other conditions, and consistent with the Comprehensive Plan;
  - Provide sidewalks along eligible public streets and pedestrian accessibility to available public transit.

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**STAFF REPORT 2023-ZON-064 (Continued)**

- ◇ Development in a Special Use district requires approval by the Administrator. In addition to the points above, in the SU-7 district the Administrator would use MU-1 development standards in his or her review, but would have the authority to modify them as appropriate to the use and context. Among the MU-1 development standards are a minimum front transitional yard of twenty feet and a minimum rear transitional yard of 15 feet. The site plan submitted with this petition does not meet those standards and ideally should be redesigned to do so. Redesign might also help with tree preservation on the site.
- ◇ Approval of this zoning petition does not approve the submitted site plan.
- ◇ In staff’s opinion, the SU-7 district is appropriate as it is responsive to the City Neighborhood recommendation of the Comprehensive Land Use Plan and would conform the zoning of the site to its long-term and appropriate use.

**GENERAL INFORMATION**

EXISTING ZONING, CONTEXT AREA, AND LAND USE  
D-2                      Compact                      Multi-service center

SURROUNDING ZONING AND LAND USE  
North                  D-2                      Single-family dwelling  
South                  PK-1                    Tarkington Park  
East                    D-2, D-9                Multi-family residential complex  
West                    D-5, SU-2               Single-family dwellings, elementary school

COMPREHENSIVE LAND USE PLAN    The Washington Township Comprehensive Plan (2018) recommends City Neighborhood.

THOROUGHFARE PLAN                      40th Street is classified in the Official Thoroughfare Plan for Marion County, Indiana as a Local Street, with a 50-foot existing right-of-way and a 48-foot proposed right-of-way.  
  
    Illinois Street is classified in the Official Thoroughfare Plan for Marion County, Indiana as a Primary Collector, with a 60-foot existing right-of-way and a 56-foot proposed right-of-way.

FLOODWAY / FLOODWAY FRINGE    This site is not located within a floodway or floodway fringe.

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## **STAFF REPORT 2023-ZON-064 (Continued)**

WELLFIELD PROTECTION DISTRICT This site is not located within a wellfield protection district.

### **ZONING HISTORY – SITE**

**97-UV3-66; 40 West 40<sup>th</sup> Street**, requested a variance of use for a community center in a dwelling district and variances of development standards for a ground sign with deficient setbacks, **approved**.

### **ZONING HISTORY – VICINITY**

**2018-DV1-021; 4030 North Illinois Street (west of site)**, requested a variance of development standards to provide for an over-height fence, **approved**.

**97-UV3-19; 4002 North Meridian Street (east of site)**, requested a variance of use to provide for a rooftop telecommunications facility, **withdrawn**.

klh

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**STAFF REPORT 2023-ZON-064, Location**

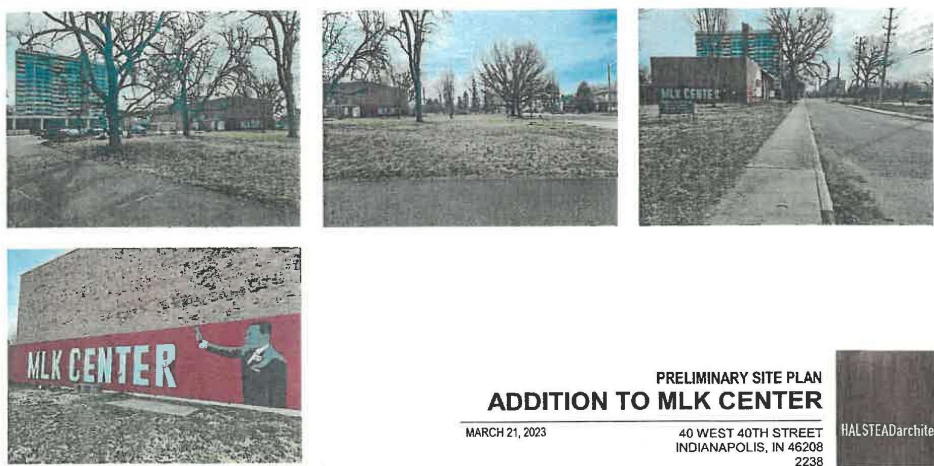
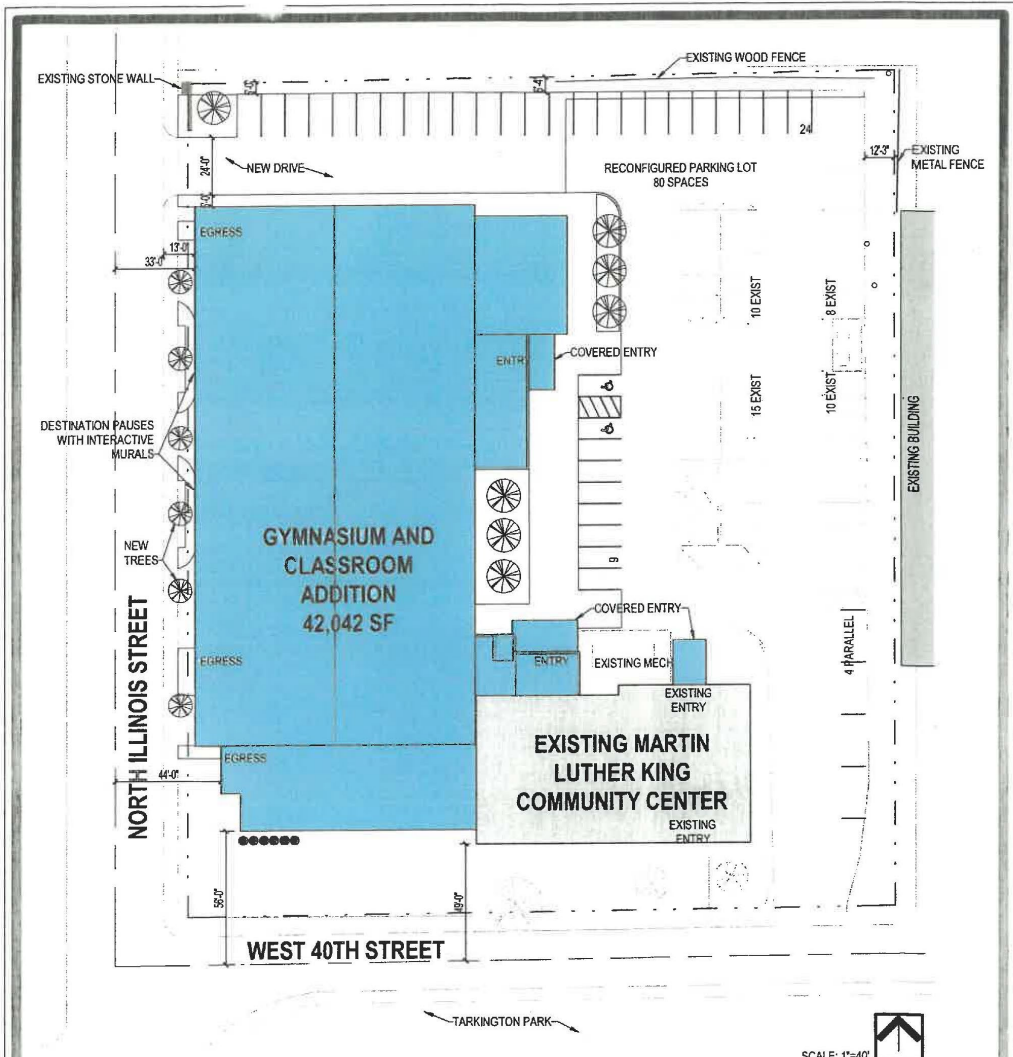


**STAFF REPORT 2023-ZON-064, Aerial photograph (2022)**





**STAFF REPORT 2023-ZON-064, Site Plan**



**PRELIMINARY SITE PLAN  
ADDITION TO MLK CENTER**

MARCH 21, 2023

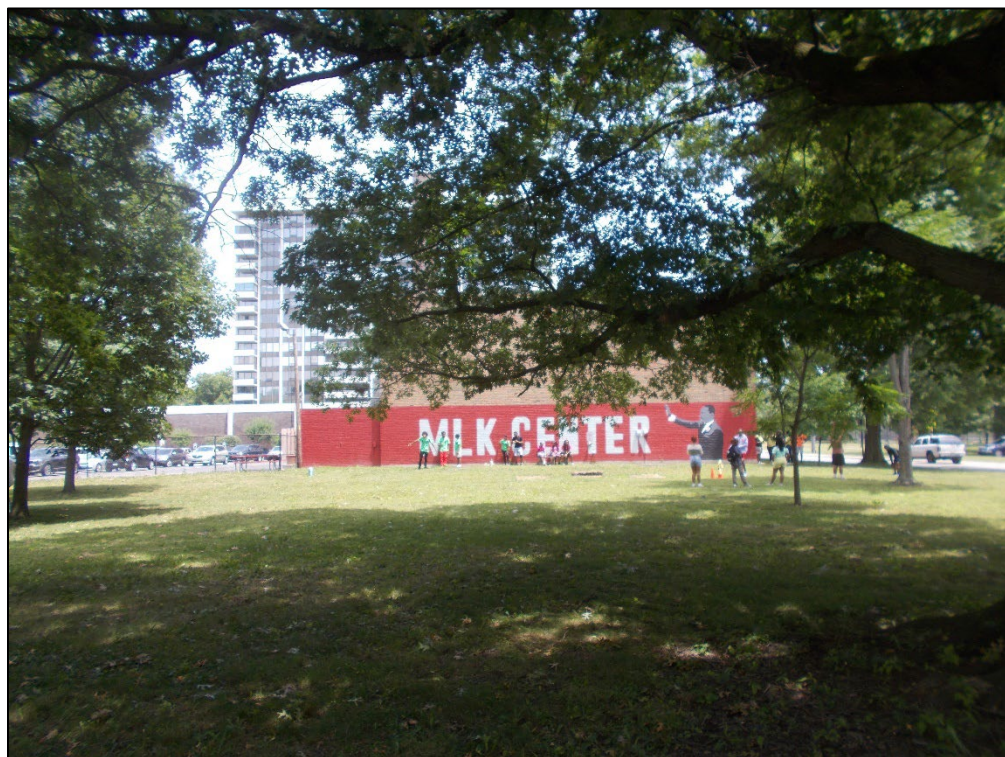
40 WEST 40TH STREET  
INDIANAPOLIS, IN 46208  
2238



**STAFF REPORT 2023-ZON-064, Photographs**



Looking north across 40<sup>th</sup> Street at the subject site.



Looking east from Illinois Street at the site.





Looking south along the Illinois Street frontage of the site.



Looking north from Illinois Street. The subject site is to the right.





Looking east from Illinois Street at the neighbor to the north.



Looking south across 40<sup>th</sup> Street at Tarkington Park.



Looking northeast from 40th Street at the neighbor to the east.