

STAFF REPORT

Department of Metropolitan Development Division of Planning Current Planning Section

Case Number: 2023-ZON-068 (Amended)
Address: 510 and 555 Fairfield Avenue (*Approximate Address*)
Location: Center Township, Council District #9
Petitioner: GDR Equity, LLC / Arnold Meyere Group, LLC, by David Kingen
Request: Rezoning of 1.388 acres from the D-5 district to the C-3 district to provide for neighborhood commercial uses.

ADDENDUM FOR NOVEMBER 16, 2023, HEARING EXAMINER

This petition was amended to add increased acreage on October 25, 2023. This petition was continued, with notice, from the October 26, 2023, hearing to the November 16, 2023, to provide for an amended Legal Notice. However, a waiver of notice will be needed as notice was not provided 23 days prior to the November 16, 2023, hearing. As of this writing, an amended affidavit of notice has not been submitted to the file to indicate the number of days necessary for the waiver.

OCTOBER 26, 2023, HEARING EXAMINER

This petition was continued from the September 28, 2023, hearing to the October 26, 2023, hearing by request of the petitioner. Staff requested and was granted a continuance from the August 10, 2023, hearing to the September 28, 2023, hearing to allow time for the petitioner to submit requested information and to allow the petitioner and the neighborhood organization additional time to discuss the request.

RECOMMENDATION

Staff **recommends approval** of this request.

SUMMARY OF ISSUES

The following issues were considered in formulating the recommendation.

LAND USE

- ◇ Historic aerial photography and mapping indicate that the subject site was originally developed in the 1940s or early 1950s with a grocery store. That building appears to be the one that still sits on the site today. The site is currently occupied by a company that restores damaged fabrics.

(Continued)

STAFF REPORT 2023-ZON-068 (Continued)

- ◇ The Mapleton Fall Creek Neighborhood Land Use Plan, a segment of the Comprehensive Plan, recommends Special Use for 510 Fairfield Avenue and Community Commercial for 555 Fairfield Avenue.
- ◇ The Special Use category is intended for a variety of public, semi-public and private land uses that either serve specific public purposes such as schools churches, libraries, neighborhood centers and public safety facilities, or are unique uses exhibiting significant impacts on adjacent property such as a university or the State Fairgrounds. At the time of the plan, 510 was used as parking for the Special Use across 34th Street to the south.
- ◇ The Community Commercial category is intended for low-intensity commercial and office uses. The uses in this category would fulfill a broad range of personal, professional and business services and neighborhood-serving retailing.
- ◇ The site is currently under investigation by the Department of Business and Neighborhood Services for operation of a land use that is not permitted by the site's zoning district.

ZONING

- ◇ This petition requests a rezoning from the D-5 district to the C-3 district. The D-5 district provides for a variety of housing types, but not commercial uses. The D-5 district is a mismatch to the current and historic uses of the site. The C-3 district is designed for professional and personal services and neighborhood-servicing retailing. It is not intended for uses that are heavy traffic generators.
- ◇ The current use of the site is not permitted in the C-3 district. The existing use could continue to operate as a legally non-conforming use if it was legally conforming at the time of its establishment, however there is no indication that this is the situation. As staff understands the use, the current use would fall into the "Dry Cleaning Plant or Industrial Laundry" land use category. This use is permitted in the C-7 district and the industrial districts, which are districts that are much more intense than those envisioned by the Land Use Plan.
- ◇ The petitioner has stated that the non-conforming use will be moved from the site to a compliant location and that the operations remaining in the building will conform to the C-3 District.
- ◇ The C-3 district is appropriate as it is responsive to the Community Commercial recommendation of the Comprehensive Land Use Plan for the eastern portion of the site. As such, staff recommends approval of this petition. However, staff notes that the grant of this request doesn't constitute approval of a use that isn't compliant in the C-3 district.

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GENERAL INFORMATION

EXISTING ZONING, CONTEXT AREA, AND LAND USE

D-5	Compact	Restoration service
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SURROUNDING ZONING AND LAND USE

North	D-3, D-8	Multi-family dwelling complex, single-family dwelling
South	D-5, SU-1	Single-family dwellings, vacant religious structure
East	SU-1	Religious use
West	D-5	Barber shop

COMPREHENSIVE LAND USE PLAN	The Mapleton Fall Creek Neighborhood Land Use Plan (2013) recommends Special Use for 510 and Community Commercial for 555 Fairfield Avenue.
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THOROUGHFARE PLAN	Fairfield Avenue 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 78-foot proposed right-of-way. Park Avenue 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. 34th 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.
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FLOODWAY / FLOODWAY FRINGE	This site is not located within a floodway or floodway fringe.
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WELLFIELD PROTECTION DISTRICT	This site is not located within a wellfield protection district.
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ZONING HISTORY – SITE

2017-UV2-026; 510 Fairfield Avenue, requested a variance of use to provide for a wireless communications facility and variances of development standards for deficient landscaping and with barbed wire fencing, **denied**.

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ZONING HISTORY – VICINITY

2006-ZON-001; 3433 Central Avenue (north of site), requested the rezoning of 4.7 acres from the D-3 district to the D-8 district, **approved**.

2003-UV1-039; 3433 Central Avenue (north of site), requested a variance of use to legally establish four multi-family residential structures, **approved**.

2002-UV3-018; 3421 North Park Avenue (east of site), requested a variance of use to provide for a food pantry and related offices, **approved**.

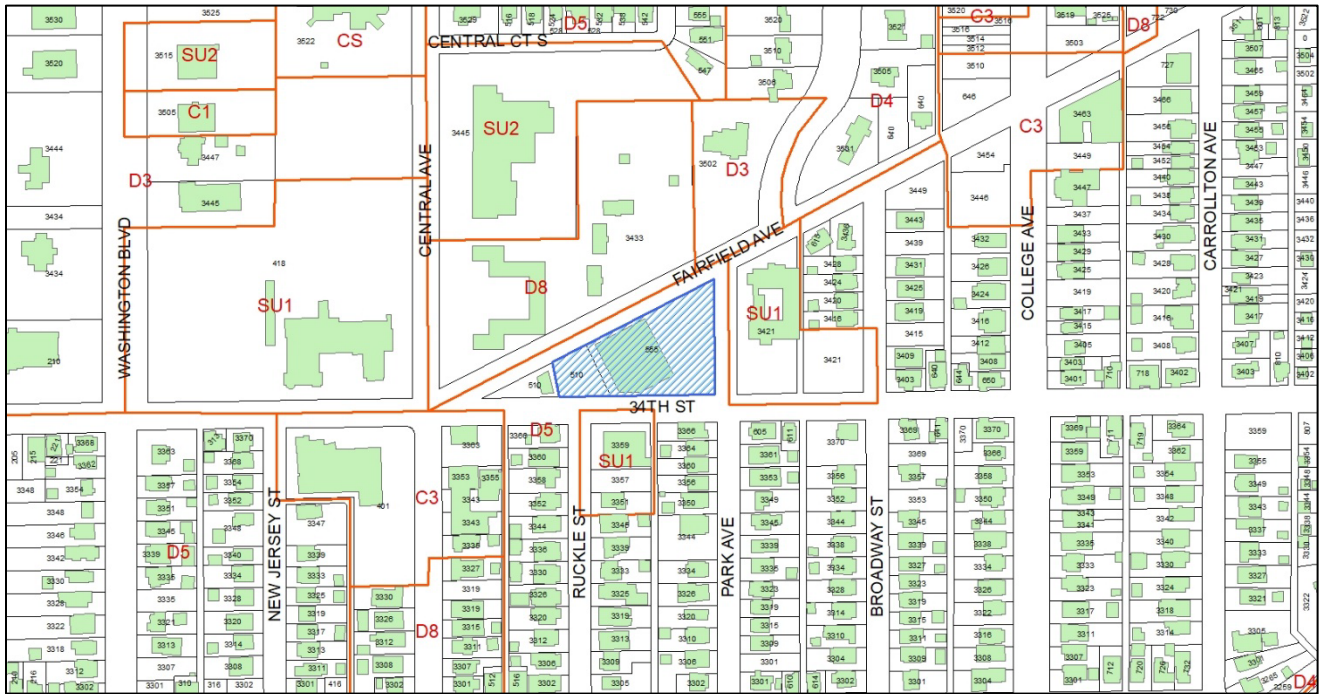
98-Z-185; 3421 North Park Avenue (east of site), requested the rezoning of 1.35 acre from the D-5 district to the SU-1 district, **approved**.

90-Z-137; 3502 Watson Road (north of site), requested the rezoning of 1.3 acre from the D-3 district to the D-8 district, **approved**.

81-Z-152; 3359 North Ruckle Street (south of site), requested the rezoning of 0.75 acre from the D-5 district to the SU-1 district, **approved**.

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STAFF REPORT 2023-ZON-068, Location



STAFF REPORT 2023-ZON-068, Aerial photograph (2022)



STAFF REPORT 2023-ZON-068, Photographs



Looking southeast along Fairfield Avenue and the east end of the subject site.



Looking southeast across Fairfield Avenue at the site.



Looking south across the west end of the site and the neighbor to the south.



Looking north across 34th Street at the west end of the site and the multi-family complex to the north.



Looking north across 34th Street the site.



Looking north across 34th Street at the east end of the site.



Looking north across Fairfield Avenue at the neighbors to the north.



Looking southwest along Fairfield Avenue at the neighbors to the west.



Looking south at the neighbor to the west.



Looking south on Ruckle Street.



Looking southwest across 34th Street at the neighbors to the south.



Looking east across Park Avenue at the neighbor to the east.