

STAFF REPORT

Department of Metropolitan Development Division of Planning Current Planning Section

Case Number: 2023-ZON-099
Address: 1339 Madison Avenue and 217 Orange Street (*Approximate Address*)
Location: Center Township, Council District #16
Petitioner: 1339 Madison, LLC, by Ed Williams
Request: Rezoning of 0.34 acre from the I-4 and D-5 districts to the MU-2 district to provide for mixed-use development.

RECOMMENDATIONS

Staff **recommends approval** of this request, 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. 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.
2. Landscaping along the Madison Avenue frontage shall be installed in compliance with the Ordinance by May 31, 2024.
3. The parking lot (addressed as 217 Orange Street) shall be striped and landscaping installed in compliance with the Ordinance, by May 31, 2024.

SUMMARY OF ISSUES

The following issues were considered in formulating the recommendation:

LAND USE

- ◇ This 0.34-acre site, zoned I-3 and D-5, is comprised of two lots separated by a north / south alley. It is developed with a one-story commercial building and associated parking lots. It is surrounded by commercial uses and single-family dwellings to the north, zoned I-3 and D-5, respectively; a commercial office building to the south, zoned MU-2; single-family dwellings to the east, zoned D-5; and the Madison Avenue right-of-way to the west, zoned I-3.

(Continued)

REZONING

- ◇ This request would rezone the site from I-3 and D-5 Districts to the MU-2 classification to provide for commercial office uses. “The MU-2 District is intended to accommodate a mix of residential uses, offices, personal services, retail, and eating & drinking businesses that typically do not draw customers from beyond their neighborhood boundaries and do not generate substantial vehicle traffic. The corridor development pattern of the MU-2 district is neighborhood-focused; supportive of safe, vibrant pedestrian activity; and offers additional housing options. Application of the MU-2 district is for use in older urban commercial areas that are located adjacent to established residential neighborhoods extending along segments of primary and secondary thoroughfares. It can also be used in newer areas to replicate those building patterns found in older parts of the city. In order to perform its neighborhood focus, floor areas are restricted, auto-related uses minimized, and building details and other similar amenities are scaled to the pedestrian.”
- ◇ 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 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

- 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.

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STAFF REPORT 2023-ZON-099 (Continued)

- ◇ 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.

Small-Scale Offices, Retailing and Personal or Professional Services

- Mixed-Use structures are preferred.
- Automotive uses (such as gas stations and auto repair) and uses with drive-through lanes are excluded.
- Should not include outdoor display of merchandise

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.

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STAFF REPORT 2023-ZON-099 (Continued)

- ◇ 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.

Violations

- ◇ On May 4, 2023, the property owners were issued a violation (VIO23-003057) that identified zoning violations including failure to obtain a sign permit of the existing freestanding sign, failure to comply with use specific standards and development standards of the I-4 district, failure to stripe parking lot addressed as 1339 Madison Avenue and failure to provide an ADA parking space.
- ◇ During the site visit, staff observed that the parking lot directly east of the building (addressed as 1339 Madison Avenue) had been striped to provide for four parking spaces, including an ADA parking space.
- ◇ Staff would note that the violation does not include the parcel addressed as 217 Orange Street that is a paved parking lot associated with the commercial use and included in this rezoning request. This parking lot is not striped or landscaped in accordance with the Ordinance.
- ◇ Staff would also note that the site is devoid of landscaping along the Madison Avenue frontage. Staff believes landscaping should be installed in compliance with the Ordinance.

Planning Analysis

- ◇ As proposed, this request would be consistent with the Comprehensive Plan recommendation of village mixed-use and result in a more appropriate zoning consistent with current and historical use of the site as a dental office.
- ◇ The site was originally developed residentially but the records of the Assessor's Office indicate that the existing commercial office structure was constructed in 1956.
- ◇ The current dental office use would be conducted within the existing on-site structure, with parking to the east of the structure and the parking lot to the east, across the north / south alley that abuts the site. As previously noted, only the parking lot adjacent to the existing building has been striped. The parking lot east of the alley is also required to be striped and landscaped along the Orange Street frontage and along the transitional yard to the east. Consequently, staff would request that the parking lot, addressed as 217 Orange Street, be striped, and landscaping installed in compliance with the Ordinance by May 31, 2024.

GENERAL INFORMATION

EXISTING ZONING AND LAND USE

I-3 / D-5

Commercial office uses / parking lots

(Continued)

STAFF REPORT 2023-ZON-099 (Continued)

SURROUNDING ZONING AND LAND USE

North -	I-3 / D-5	Commercial uses / single-family dwellings
South -	MU-2	Commercial office building
East -	D-5	Single-family dwelling
West -	I-3	Madison Avenue right-of-way

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 Madison Avenue is designated in the Marion County Thoroughfare Plan as an expressway with an existing 112-foot right-of-way.

This portion of Orange Street is designated in the Marion County Thoroughfare Plan as a local street with an existing 50-foot right-of-way and a 48-foot proposed right-of-way.

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

OVERLAY There is no overlay for this site.

SITE PLAN File-dated October 11, 2023

ZONING HISTORY

84-UV3-127; 215 – 217 East Orange Street (north of site), requested a variance of use of the Dwelling Districts Zoning Ordinance to provide for a parking lot for use by an existing dental office, **granted**.

VICINITY

2022-ZON-121; 1347 and 1361 Madison Avenue and 215 Parkway Avenue (south of site), requested rezoning of 0.85 acre from the I-4 and D-5 districts to the MU-2 district, **approved**.

2009-ZON-034; 1313 Madison Avenue (north of site), requested rezoning of 3.01 acres, from the I-4 and D-5 districts to the PK-1 classification, **approved**.

98-Z-137; 1340 Madison Avenue (west of site), requested rezoning of 3.02 acres from the I-4 district to the C-7 classification, **approved**.

94-UV2-40; 1340 Madison Avenue (west of site), requested a variance of use of the Industrial Zoning Ordinance to provide for the relocation of a fuel pump island for an existing truck rental and leasing facility, **granted**.

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STAFF REPORT 2023-ZON-099 (Continued)

92-UV2-86; 1361 Madison Avenue (south of site), requested a variance of use and development standards of the Dwelling Districts and Industrial Zoning Ordinances to provide for the expansion of offices, equipment and supply storage, wholesale and retail distribution associated with a janitorial supply and service establishment with a reduced front and side setbacks and a variance of development standards of the Sign Regulations to provide for signage in excess of one-square foot, **granted**.

90-UV1-119; 1343-1347 Madison Avenue (south of site), requested a variance of use of the Industrial Zoning Ordinance to permit an existing building to be used as a church office, reading room and lending library, **granted**.

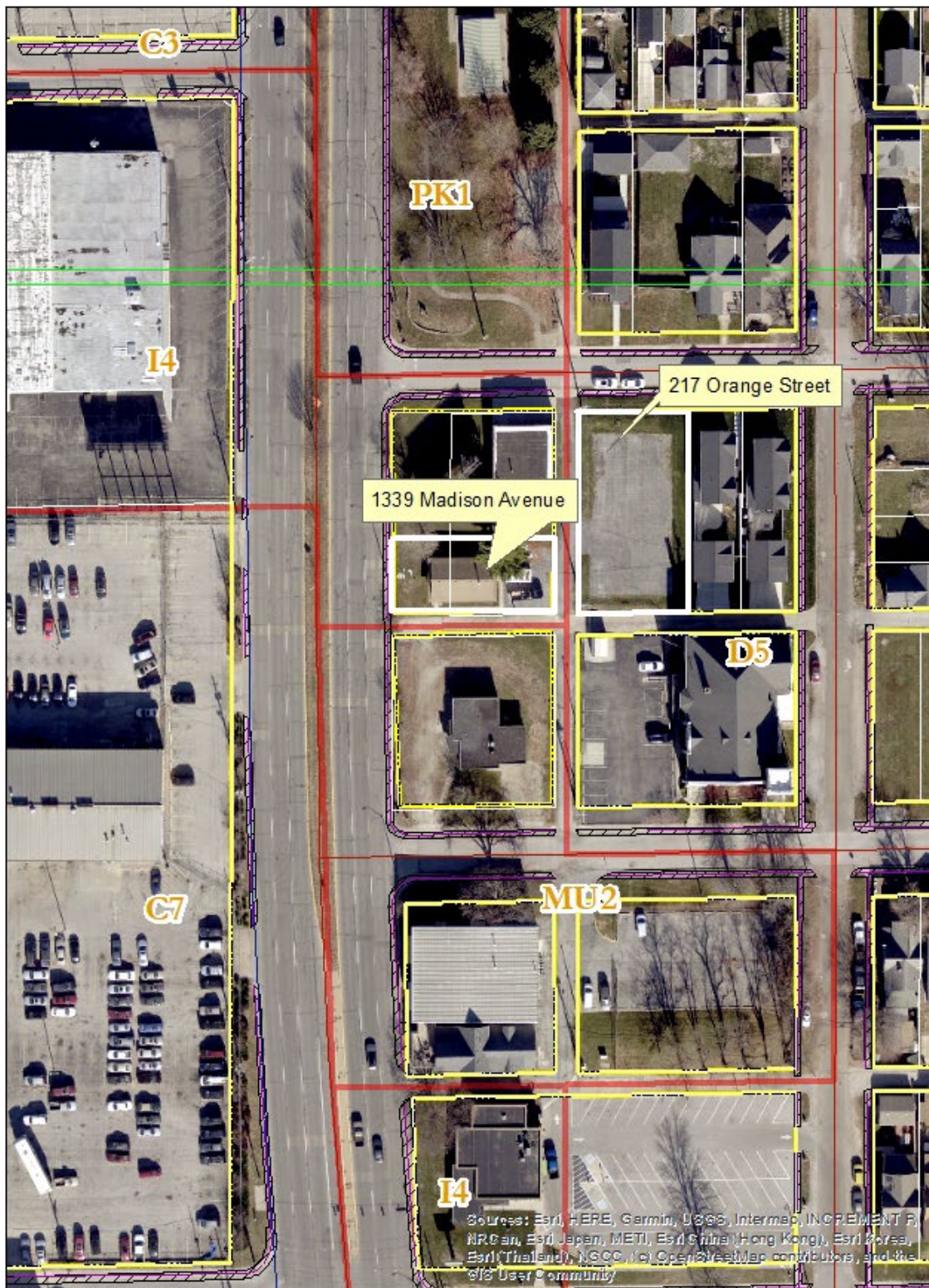
84-UV3-127; 215 – 217 East Orange Street (north of site), requested a variance of use of the Dwelling Districts Zoning Ordinance to provide for a parking lot for use by an existing dental office, **granted**.

74-UV2-136; 218 East Orange Street (north of site), requested a variance of use to permit construction and operation of a machine shop, **granted**.

66-V1-55; 1353-57 Madison Avenue (south of site), requested a variance of use to permit construction and operation of a dental office, **granted**.

64-V-233; 215 East Orange Street (north of site), requested a variance of use to permit construction and operation of an auto repair business, **denied**.

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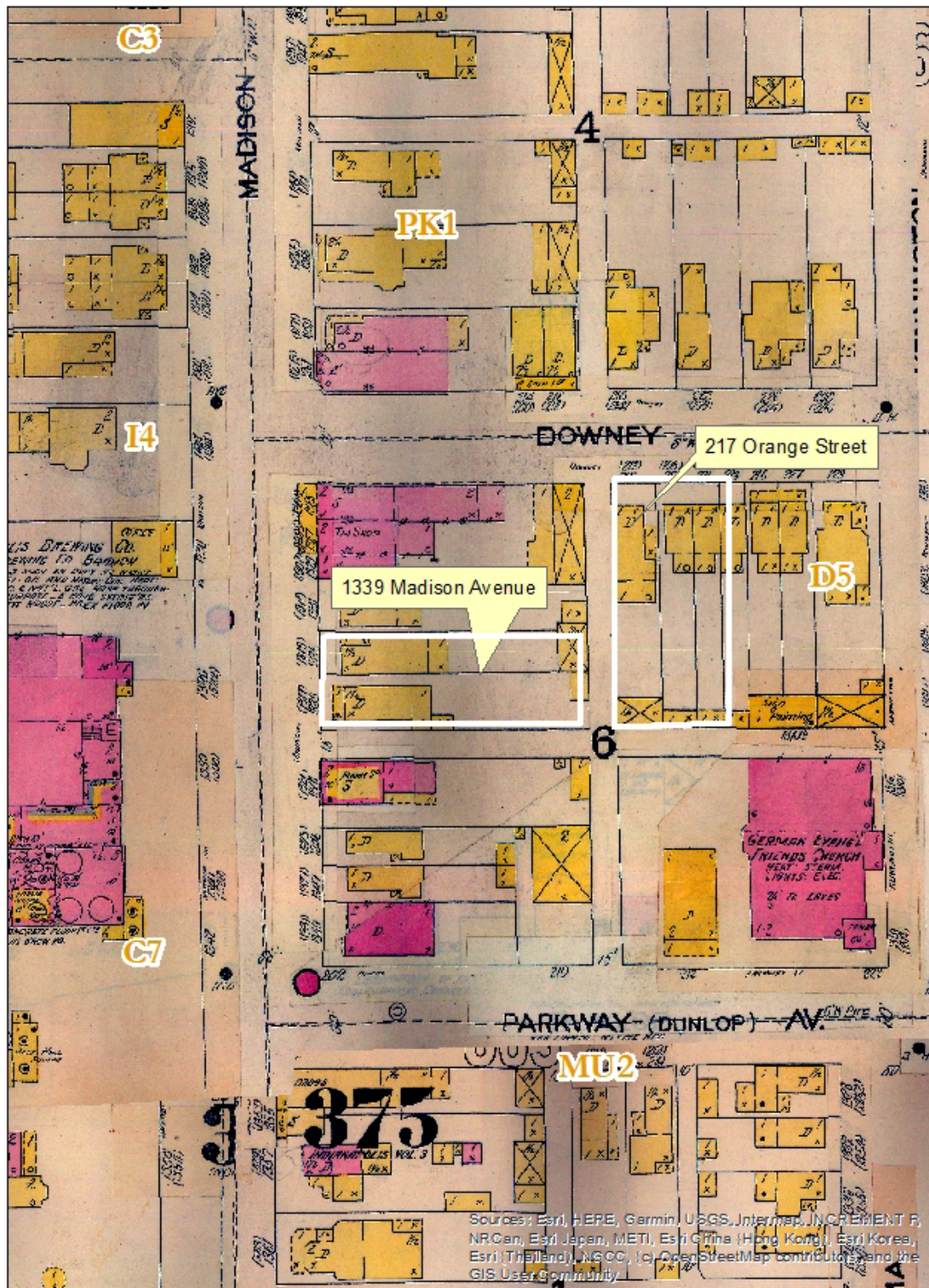


1339 Madison Avenue and 217 Orange Street



0 0.0050.01 0.02 0.03 0.04 Miles

1898 Sanborn Map



1339 Madison Avenue and 217 Orange Street



00.004 0.0085 0.017 0.0255 0.034 Miles

ORANGE STREET

LEGEND:	
	DESCRIPTION:
SW / TWO PORT SW	
WATER VALVE/STP. INT./STP.	
TELEPHONE OPTIC/ GAS METER	
SLASH METER / WAVE	
CLEAN-OUT	
EL. METER BOX/TRANSFORMER	
BLDG. / TELEPHONE POTENTIAL	
WATER PUMP/POST W/IN UNIT	
W/IN CONDIMENTE / ROAD/POLE	
WADIAL SET/THUMB	
ROAD SET/THUMB	
SWAMP / POND / CURB INLET	
THRU/TO/THRU/ POWER POLE	
LIGHT POLE - SHAWNE / ROUND	



View looking south along Madison Avenue (site in the background underneath the billboard)



View looking south along Madison Avenue (south of site)



View looking north along Madison Avenue



View looking east along Orange Street



View of site looking northwest



View of site looking west along the abutting east / west alley



View of rear of site looking west



View of parking lot (addressed as 217 Orange Street) looking south



View from site looking southeast at intersection of the alleys abutting the site to the east and south



View from site looking south across east / west alley