

**METROPOLITAN BOARD OF ZONING APPEALS
DIVISION I**

**PUBLIC ASSEMBLY ROOM
2nd Floor City-County Building
1:00 PM**

STAFF REPORTS FOR APRIL 7, 2015

**These reports do not in any way commit the Board
to approve or disapprove any petition filed before it.**

**DEPARTMENT OF METROPOLITAN DEVELOPMENT
DIVISION OF PLANNING
CURRENT PLANNING SECTION**

PETITION NO.	PETITION ADDRESS AND LOCATION	PAGE NO.
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EXPEDITED PETITIONS:

2015-DV1-009	2301 NORTH GIRLS SCHOOL ROAD WAYNE TOWNSHIP, CD #6	3
2015-DV1-010	819 AND 823 SPRUCE STREET CENTER TOWNSHIP, CD #16	11
2015-DV1-011	8015 HIGH DRIVE WASHINGTON TOWNSHIP, CD #3	19
2015-UV1-007	1030 EAST 19 th STREET CENTER TOWNSHIP, CD #9	27
2015-UV1-008	7716 MICHIGAN ROAD PIKE TOWNSHIP, CD #2	34
2015-UV1-009	5143 EAST 65 th STREET WASHINGTON TOWNSHIP, CD #4	43
2015-UV2-004	5030 EAST 62 nd STREET WASHINGTON TOWNSHIP, CD #3	53

TRANSFERRED PETITIONS:

2015-DV3-007**	9611 EAST 96 th STREET LAWRENCE TOWNSHIP, CD #5	66
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CONTINUED PETITIONS:

2015-AP1-001	3207 NORTH CENTRAL AVENUE CENTER TOWNSHIP, CD #9	74
2015-UV1-002*	5545 SOUTH EAST STREET PERRY TOWNSHIP, CD #3	85

2015-UV1-003**	11015 EAST 21 st STREET WARREN TOWNSHIP, CD #18	95
2015-UV1-005	6050 EAST 10 th STREET WARREN TOWNSHIP, CD #19	98

NEW PETITIONS:

2015-DV1-012	8434 CASTLE FARMS ROAD LAWRENCE TOWNSHIP, CD #5	107
2015-DV1-013*	1938 EAST 46 th STREET WASHINGTON TOWNSHIP, CD #9	116
2015-UV1-006	7220 SOUTH FRANKLIN ROAD FRANKLIN TOWNSHIP, CD #25	117
2015-UV1-010	6181 NORTH CARROLLTON AVENUE WASHINGTON TOWNSHIP, CD #3	130

- * Automatic Continuance
- ** Continuance Requested
- *** Withdrawn or Dismissal

STAFF REPORT

Department of Metropolitan Development Division of Planning Current Planning Section

Case Number: 2015-AP1-001
Address: 3207 Central Avenue (approximate address)
Location: Center Township, Council District #9
Zoning: C-3
Petitioner: Mapleton Fall Creek Development Association, by Leigh Riley Evans and Duane Ingram
Request: Appeal of the Administrator's Decision to issue Improvement Location Permit, ILP14-01220, providing for the construction of a convenience store / gasoline station, with a canopy and other accessory structures.

The Board acknowledged a timely automatic continuance by a registered neighborhood organization continuing this petition from the March 3, 2015, hearing to the April 7, 2015, hearing.

RECOMMENDATIONS

Staff **recommends denial** of this petition.

SUMMARY OF ISSUES

The following issues were considered in formulating the recommendation:

LAND USE ISSUES

- ◇ This 0.01-acre site, zoned C-3, was undeveloped. Previous structures on the site included dwellings and commercial uses. Construction of a convenience store / gasoline station was recently begun after issuance of an Improvement Location Permit (ILP) ILP14-01220.
- ◇ *Approval of this request would revoke the ILP issued by the Department of Code Enforcement for construction of the convenience store / gasoline station.*

APPEAL OF THE ADMINISTRATOR'S DECISION (ISSUANCE OF ILP14-01220)

- ◇ In determining whether an ILP may be issued for this subject site, the Administrator, or their designee, reviews the application relative to the standards of the Revised Code of the Consolidated City and County of Indianapolis, Marion County Code. If the application and proposed improvement meet all standards, or has been granted any necessary variance, the ILP must be issued.

(Continued)

STAFF REPORT 2015-AP1-001 (Continued)

- ◇ The subject of this appeal, construction of a convenience store / gasoline station, was approved under, ILP14-01220. Convenience stores / gasoline stations are regulated through the Commercial Zoning Ordinance (CZO), Chapter 732 of the Code . The CZO permits convenience stores / gasoline stations, by right, in commercially zoned districts (except for C-1, C-2, and C-3C), including C-3 Neighborhood Commercial. Consequently, no variance of use would be required.
- ◇ The CZO also provides certain development standards criteria relating to how the property is developed. After a thorough review of the documents submitted for the ILP, the permit was issued because all development standards for the convenience store / gasoline station had been met.
- ◇ The applicants have specifically indicated that standards related to separation for carryout food from a protected district and on-site maneuverability.

PROTECTED DISTRICTS – 100-FOOT SEPARATION

- ◇ The CZO requires a 100-foot separation from protected districts “where food or alcoholic beverages may be carried out.” It has been staff’s position that this provision does not apply to the business model of most convenience stores / gasoline stations. Convenience stores offer food that has been prepared and packaged off-site and delivered to the store for the convenience of their customers, rather than being a destination for purchasing a meal where the food is prepared on-site, with the option to carry out the food/beverage.
- ◇ In recent years, an alternate business model has been used with fast-food businesses sharing space with the convenience store / gasoline station. Staff believes this configuration creates the “carry out” situation anticipated by the provision, as compared with the proposed model in this project.

ON-SITE MANEUVERABILITY

- ◇ As adopted, the CZO provides specific criteria and standards for maneuverability and references the specifications for interior access drives and parking bays, etc., included within the *Architectural Graphic Standards, Eighth Edition, Ramsey/Sleeper, John Wiley and Sons, Inc., New York, New York*. The CZO requires that off-street parking spaces be designed to provide for safe and efficient means of vehicular access to parking spaces and minimize interference with traffic movement. More specifically, it provides that “off-street parking spaces and areas shall be designed and located so that vehicles shall not back from or into a public street or adjoining property.” The CZO provides standards for interior access drive width and parking space depth and width. The site plan submitted and reviewed for the ILP complies with these standards.
- ◇ The project, as permitted, meets all of the regulations for a convenience store / gasoline station. As stated earlier, when a permit meets all applicable regulations and standards, the permit must be issued. Based on the information provided by the ILP applicant, ILP14-01220 was correctly issued, pursuant to all required standards. Staff, therefore, would recommend that the Board deny the appeal request, thereby affirming the issuance of ILP14-01220 and permitting the project to go forward.

(Continued)

STAFF REPORT 2015-AP1-001 (Continued)

GENERAL INFORMATION

EXISTING ZONING AND LAND USE

C-3 Undeveloped

SURROUNDING ZONING AND LAND USE

North -	D-5	Single-family dwellings
South -	D-8	Multi-family dwellings
East -	D-5	Single-family dwellings
West -	D-8	Multi-family dwellings

NEIGHBORHOOD PLANNING
AREA (2014)

The Mapleton Fall Creek Neighborhood Land Use Plan recommends residential development at five to eight units per acre for the subject site.

THOROUGHFARE PLAN

The Official Thoroughfare Plan designates this portion of Central Avenue as a primary arterial, with an existing and proposed 60-foot right-of-way.

32nd Street is not designated in the Official Thoroughfare Plan.

SITE PLAN

Dated, September 23, 2013

IMPROVEMENT LOCATION
PERMIT

Issued, January 23, 2015

ZONING HISTORY

SUBJECT SITE

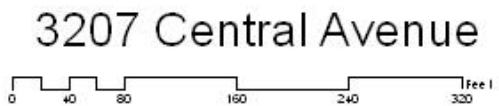
None.

VICINITY

2013-ZON-008, various addresses on Ruckle Street, North New Jersey Street, Central Avenue, and North Park Avenue (west of site); Requested rezoning of 1.91 acres from the D-5 District to the PK-1 classification to provide for park use, **approved.**

98-Z-45, 3139-3179 Central Avenue (south of site); Requested rezoning of 1.0 acre from the D-5 and C-3 Districts to the D-8 classification to provide for residential use, **approved.**

kb



3207 Central Avenue

LEGEND

- (A) 6" STANDING CURB
- (B) TRASH PND (SEE DETAIL)
- (C) CONCRETE WALK
- (D) WELDING RAMP
- (E) SEE DETAIL SHEET #1 - RIGHT DUTY
- (F) SEE DETAIL SHEET #1 - CENTER
- (G) SEE DETAIL SHEET #1 - LEFT
- (H) PUMP ISLAND
- (I) SAFETY BOLLARD (SEE DETAIL SHEET 2)
- (J) NEW SIGN
- (K) CONCRETE POND MARKS (SEE DETAIL SHEET 4)
- (L) VAN ACCESSIBLE - TRUCK SPACE
- (M) GASOLINE
- (N) FUEL TANKS
- (O) HANDICAP RAMP PER CITY OF INDIANA, IND.
- (P) HANDICAPPED PARKING

NOTES AND PERMITS

1. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS FROM THE CITY OF INDIANAPOLIS, INDIANA, AND STATE AGENCIES PRIOR TO STARTING ANY CONSTRUCTION.
2. IT SHALL BE THE CONTRACTOR'S RESPONSIBILITY TO DETERMINE THE EXISTING UTILITIES AND TO PROVIDE PROTECTION FOR ALL UTILITIES LOCATED WITHIN THE CONSTRUCTION AREA.
3. IT SHALL BE THE CONTRACTOR'S RESPONSIBILITY FOR NOTIFICATION AND COORDINATION OF ALL CONSTRUCTION WITH THE RESPECTIVE UTILITY COMPANIES PRIOR TO STARTING ANY CONSTRUCTION.

SAFETY BOLLARD

PUMP ISLAND PROTECTION BOLLARD

FRONT VIEW
SIDE VIEW

FUEL DISPENSING ISLAND PLAN

FUEL DISPENSING ISLAND SECTION

VAN ACCESSIBLE HANDICAP PARKING SPACE

VAN ACCESSIBLE PARKING SIGN

north

0 10 20 30 40

POINT LEO ENGINEERING, INC.
 1100 N. ALUM CREEK DRIVE
 INDIANAPOLIS, INDIANA 46218
 (317) 569-5034

SEACORP II
 3207 NORTH CENTRAL AVENUE
 CENTER TOWNSHIP
 MARION COUNTY, INDIANA

PROPOSED SITE PLAN

NO.	DATE	REVISION
1	09/20/20	1512124 - 010 - ALLUM_CDD001-10070100-4113-00-0001
2	09/20/20	1512124 - 010 - ALLUM_CDD001-10070100-4113-00-0001
3	09/20/20	1512124 - 010 - ALLUM_CDD001-10070100-4113-00-0001

DATE: 09/20/20
 DRAWN: JG
 CHECKED: JG
 PROJECT: 1512124 - 010 - ALLUM_CDD001-10070100-4113-00-0001

CITY OF INDIANAPOLIS
DEPARTMENT OF CODE ENFORCEMENT
IMPROVEMENT LOCATION PERMIT
1200 MADISON AVE. STE 100, INDIANAPOLIS, IN 46225
PHONE: (317) 327-8700

Permit No.: **ILP14-01220**
Location: **3207 CENTRAL AVE**
Township: **CENTER**

Issued: **01/23/2015**
Expired: **1/23/2017**
Subdivision: **Osgood's Forest Park**

CONTRACTOR

OWNER

APPLICANT

Jaipreet Investments
6640 Silverthorne Way
Indianapolis, IN 462591158

JERRY WIGGINS
Sea Corp II
19 N MIDDLE ST
GREENWOOD, IN 46143
317 363 5034

PROJECT DESCRIPTION:

Osgood's Forest Park / Corner Lot / New Convenience Store 1720 sf/ New Gasoline Canopy 988 sf/ (2) New Underground Tanks 3780 sf/ Dumpster/ North Side Transitional yard exception per 732-203 b.6 b.2/ C3/ Center Twp

City Contact: Heather Kulwin	Thoroughfare: _____	Integrated Center: No	Existing Improvements: VACANT
Existing Use: _____	Commitments: No	Name of Center: _____	
Proposed Use: CONVENIENCE STORE	Petition #: _____	Apt. Complex: _____	Proposed Improvements: CONVENIENCE STORE, CANOPY, 2 UST'S, AND PARKING LOT
Existing Zoning: C3	Prior Permits: _____	Admin Approval: No	
Area of Improvements: 13100			

Surrounding Zoning

North: D8 DWELLING DISTRICT 8	East: D5 DWELLING DISTRICT 5
South: D8 DWELLING DISTRICT 8	West: D8 DWELLING DISTRICT 8

	Primary	
	<u>Required</u>	<u>Existing</u>
Main Floor:		1720
Att. Garage:		
Max Height:		22.25
No of Stories:		
Total Liv Space:		

Setbacks

FRONT	S 20'	S 20'
FRONT	W 70'	W 125'
SIDE	N 10'	N 10'
SIDE	E 10'	E 10'

Development Standards - Non Residential

	<u>Required</u>	<u>Proposed</u>
Primary GFA:		1720
Accessory GFA:		988
# of Parking Spaces:	6	9
# of Handicap Park Spcs.:	1	
# of Loading Berths:		
% Outside Storage:		
Frontage:	50	100
Lot Width:		
Lot Area:		13100
# of Employees/Shift:		1
Seating Capacity:		

CITY OF INDIANAPOLIS
 DEPARTMENT OF CODE ENFORCEMENT
IMPROVEMENT LOCATION PERMIT
 1200 MADISON AVE. STE 100, INDIANAPOLIS, IN 46225
 PHONE: (317) 327-8700

Permit No.: **ILP14-01220**
 Location: **3207 CENTRAL AVE**
 Township: **CENTER**

Issued: **01/23/2015**
 Expired: **1/23/2017**
 Subdivision: **Osgood's Forest Park**

	Accessory 1	Accessory 2	Accessory 3	Accessory 4	Accessory 5
Max Height:	19				
No of Stories:					
Main Floor:	988				
Total Sq. Ft.:		3780			
Att. Garage:					
Fin Flr:					

Setbacks

FRONT, S, 36'	FRONT, S, 20'
FRONT, W, 70'	FRONT, W, 100'
SIDE, N, 25'	SIDE, N, 49'
SIDE, E, 64'	SIDE, E, 41'

FEES	
Application Fee	\$32.00
Com/Indust/Spec Fee	\$1,966.00
Total Due:	\$1,998.00
Balance:	\$0.00

CONDITION(S):





View looking northeast across site from Central Avenue



View looking north from East 32nd Street



View looking northeast towards alley



View looking west along northern boundary



View looking southwest towards Central Avenue



View looking south along alley