



# Legal Notice of Public Hearing

## Metropolitan Development Commission

200 East Washington Street, Suite 1842, Indianapolis, IN 46204 317-327-5155

### TO WHOM IT MAY CONCERN:

You are receiving this notice of a public hearing as a nearby property owner, or as a representative of a registered neighborhood organization, or as an affected City-County Councilor.

A **Public Hearing** has been scheduled for **Thursday, October 26, 2017 at 1:00 p.m.** in the Beurt SerVaas Public Assembly Room on the Second Floor of the City-County Building, 200 East Washington Street, Indianapolis, Indiana. At this hearing, the Hearing Examiner of the Metropolitan Development Commission will consider the following petition:

**Case Number:** 2017-CZN-835 / 2017-CVR-835  
**Address:** 4830 and 4838 North College Avenue (approximate address)  
**Location:** Washington Township, Council District #7  
**Petitioner:** Uptown Investments, Properties, LLC, by Joshua Savage  
**Request:** Rezoning of 0.2 acre from the C-3 (W-5) and D-5 (W-5) districts to the C-3 (W-5) classification.

**Variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for a restaurant, with seven parking spaces (35 required), to provide for a zero-foot transitional yard, encroached into by a trash container enclosure and parking, and a side transitional yard of four feet, encroached by parking (10-foot side and rear transitional yards required).**

The legal description and the details of the proposal are on file in the Department of Metropolitan Development, Suite 1842, City-County Building. All information may be reviewed between the hours of 8:00 a.m. to 4:45 p.m., Monday through Friday, excluding legal holidays.

All interested persons wishing to speak to this petition, either for or against, will be given an opportunity to be heard, in accordance with the Rules of Procedure. Written comments regarding this proposal may be filed with the Secretary of the Metropolitan Development Commission before the hearing at the above address and such comments will be considered.

Vicinity Map (approximate location is marked)



The hearing may be continued to a future date from time to time when found necessary. Any change in room location will be posted at the Public Assembly Room. For special accommodations needed by physically challenged individuals planning to attend, please call at least 48 hours prior to the meeting 317-327-5155.

Contacting the Hearing Examiner or any member of the Metropolitan Development Commission regarding a pending or future proposal is strictly PROHIBITED by both the Rules of Procedure and Indiana State Statute in order to ensure a fair hearing.

### Petitioner or Agent for Petitioner Contact Information

Signature: \_\_\_\_\_  
Printed Name: Joshua A. Savage, Wooden & McLaughlin, LLP  
Street Address: One Indiana Square, Suite 1800  
City, State, Zip: Indianapolis, IN 46204  
Phone Number: 317-639-6151 FAX: 317-639-6444  
Email: Joshua.Savage@WoodenMcLaughlin.com

## General Information about this Legal Notice of the Metropolitan Development Commission (MDC)

<b>Why am I getting this?</b>	You are receiving this formal notice for one of three reasons. You are either a property owner within two (2) properties distance or within 660 feet of the property which is the subject of this petition; or you are a neighborhood representative; or you are a City-County Councilor.
<b>Do I need to do anything or go anywhere?</b>	This notice does <u>not</u> require you to attend the hearing or do anything. This notice simply informs you that a petition has been filed pertaining to property near you and that you have the opportunity to be informed and speak to that petition.
<b>What is the Hearing Examiner?</b>	The Hearing Examiner is appointed by the Metropolitan Development Commission (MDC) to act on their behalf and is authorized by State Statute. The Hearing Examiner makes a recommendation to the MDC. This recommendation may be appealed to the full MDC.
<b>What is the Metropolitan Development Commission?</b>	The Metropolitan Development Commission (MDC) is an official decision-making body authorized by State Statute consisting of nine (9) citizens of Marion County who serve without compensation. The MDC members are appointed by the Mayor, City-County Council and the County Commission. Among its powers, the MDC has the authority to approve or deny rezoning petitions as well as variance, plat and approval petitions that are filed in conjunction with another petition.
<b>What is a Rezoning?</b>	All property in Marion County is designated with a zoning classification. Marion County uses over four dozen different zoning classifications known as Districts. A rezoning attempts to change that zoning classification. The zoning ordinance identifies uses that are permitted in various zoning districts and the basic standards that development must meet, such as height and setback from property lines.
<b>What is a Variance?</b>	A variance is permission to deviate or depart from the zoning ordinance. The zoning ordinance identifies uses that are permitted in various zoning districts and the basic standards that development must meet, such as height and setback from property lines.
<b>What do the Zoning Districts mean?</b>	<p><b>C-3</b> is the Neighborhood Commercial District characterized extensive range of retail sales and personal, professional and business services required to meet the demands of the residential neighborhood in proximity. C-3 generally does not allow those businesses that require the outdoor display, sale or storage of merchandise; or require outdoor operations.</p> <p><b>D-5</b> is Dwelling District Five, for medium intensity residential development at a typical density of 4.5 units per acre and is not intended for suburban use. Designed for urban, built-up areas of the Community using a rectilinear development pattern to achieve the fine-grain of accessibility requisite for all modes of travel. Complete urban public and community facilities are required.</p> <p><b>W-5</b> is Wellfield Protection District Five, which is a secondary zoning district that overlays the primary zoning district. W-5 indicates a five-year time-of-travel protection area around a municipal water wellfield.</p> <p>Consult the zoning code for specific details: <a href="http://www.indy.gov/cp">www.indy.gov/cp</a></p>
<b>May I contact the petitioner?</b>	Yes. The petitioner's contact information is on the front side of this notice.
<b>May I contact Department of Metropolitan Development (DMD) Staff?</b>	<p>Yes. While you cannot contact the Commission members directly, you may contact DMD staff. A DMD staff planner is available to discuss questions you may have regarding the hearing process or the basis for the staff recommendation that is written in the Staff Report. The Staff Planner assigned to this case is Kathleen Blackham, Senior Planner. She can be reached at 317-327-5165 or by e-mail at <a href="mailto:Kathleen.Blackham@Indy.Gov">Kathleen.Blackham@Indy.Gov</a>.</p> <p>The Mayor's Neighborhood Advocate is Gregory Garrett, who can be reached at 317-777-2391 or by email at <a href="mailto:Gregory.Garrett1@Indy.Gov">Gregory.Garrett1@Indy.Gov</a>. Neighborhood Advocates serve as a bridge between citizens and city government, acting as ombudsmen and providing a communication link between neighborhoods and the City.</p>
<b>What is a Staff Report?</b>	The planner assigned to the petition prepares a written Staff Report prior to the hearing that includes an objective planning analysis and recommendation. The Staff Report is available to the public and petitioner six (6) days prior to the hearing date listed on the front side of this notice.
<b>How do I get a Continuance?</b>	An "automatic" continuance of the petition is allowed by right (except for Supplemental Review petitions), one for the petitioner (those presenting the petition) and one for the remonstrator (those against the petition), if it is the first continuance request made by that party. This request must be in compliance with the Rules of Procedure, which are available online and in the City-County Building, 200 East Washington Street, Suite 1842. All automatic continuances are for approximately one-month to a regularly scheduled hearing. The request for an automatic continuance must include the new date of the hearing. The petition will be automatically scheduled for the same body as originally scheduled. The person requesting the continuance shall give notice to everyone required to be served with notice and to attorneys or agents who have entered their appearance or are known by the person requesting the continuance to represent petitioner or remonstrator. However, registered neighborhood organizations are only required to give notice to attorneys, agents, petitioner and remonstrators of record. A request for automatic continuance must be filed in writing with the Administrator no later than seven (7) calendar days prior to the day of the scheduled hearing. The Hearing Examiner or MDC decides all other continuance requests. Continuances do not require a fee.
<b>What about Commitments or Conditions?</b>	If the petition is approved, commitments or conditions may be attached to its approval. After the hearing process has been completed, the commitments or conditions may be obtained by mailing a self-addressed, stamped envelope, with the petition number, to the staff planner.
<b>Can I appeal?</b>	Any decision of the Hearing Examiner may be appealed to the full Metropolitan Development Commission. Appeals must be made within five (5) business days and be in accordance with the MDC's Rules of Procedure. Please contact the Current Planning staff shortly after the hearing to determine the appropriate procedures.
<b>Where can I get more information?</b>	<p>In addition to contacting the petitioner or city staff as indicated above, you might also contact your City-County Councilor, your neighborhood organization, the Indianapolis Neighborhood Resource Center, or the public library. Online resources include:</p> <p>Current Planning (Zoning) office for general information: <a href="http://www.indy.gov/cp">http://www.indy.gov/cp</a></p> <p>Determine the neighborhood organizations in your area: <a href="http://maps.indy.gov/Indy.Organizations.Web/">http://maps.indy.gov/Indy.Organizations.Web/</a></p> <p>Determine your elected officials, including City-County Councilors: <a href="http://maps.indy.gov/GovProfile/">http://maps.indy.gov/GovProfile/</a></p>



**METROPOLITAN DEVELOPMENT COMMISSION  
METROPOLITAN BOARD OF ZONING APPEALS  
HEARING OFFICER  
OF MARION COUNTY, INDIANA**

Docket No:

*DMD use only*

**◆ PETITION ◆**

**Address** of Subject Property:

**Petitioner(s) Name:**

Phone: \_\_\_\_\_

Address of Petitioner:

FAX: \_\_\_\_\_

Zip

Code: \_\_\_\_\_

Email: \_\_\_\_\_

**Owner(s) Name:**

Phone: \_\_\_\_\_

Address of Owner:

FAX: \_\_\_\_\_

Zip

Code: \_\_\_\_\_

Email: \_\_\_\_\_

**Request** is for (check all that apply):

☐

Variance of Use

☐

Variance of Development Standards

☐

Regional Center Approval

☐

Appeal of Administrator's Decision

☐

Modification of Site Plan

☐

Modification of Commitments or Conditions

☐

Approval of Use in Special District

☐

Approval of Development Plan in Special District

☐

Modification of Development Statement

☐

Special Exception for: \_\_\_\_\_

☐

Rezoning of the Primary Classification to: \_\_\_\_\_

☐

Rezoning of the Secondary Classification to: \_\_\_\_\_

**Legal Description (check one):**

☐ Complete Metes & Bounds legal description attached.

☐ Platted site within a recorded subdivision, copy of plat map attached.

Subdivision Name: \_\_\_\_\_

Lot Number(s): \_\_\_\_\_

Section Number(s): \_\_\_\_\_

Recorded in Plat Book number: \_\_\_\_\_

page(s): \_\_\_\_\_

or recorded as Instrument Number: \_\_\_\_\_ in the Marion County Recorder's Office.

Does the petitioner **own** one hundred percent (100%) of the area involved in the petition (yes or no)? \_\_\_\_\_

**Tax Parcel Numbers:** \_\_\_\_\_

**Acreage:** \_\_\_\_\_

**Township(s):** \_\_\_\_\_

**METROPOLITAN DEVELOPMENT COMMISSION  
METROPOLITAN BOARD OF ZONING APPEALS  
HEARING OFFICER  
OF MARION COUNTY, INDIANA**

**◆ PETITION - - PAGE TWO ◆**

Is this property the subject of any **code enforcement** action (yes or no)? \_\_\_\_\_

Was this property the subject of any **previous petition** (yes or no)? \_\_\_\_\_

If yes, list the previous petitions' docket number(s): \_\_\_\_\_

Current **Primary Zoning** Classification: \_\_\_\_\_ Current **Secondary Zoning** Classification: \_\_\_\_\_

Current **Comprehensive Plan** recommendation: \_\_\_\_\_

**Existing Use** of the Subject Property: \_\_\_\_\_

**Existing Improvements** on the Subject Property: \_\_\_\_\_

Provide a **detailed description** of the proposal. Attached additional pages or documentation if necessary.

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Specify any **specific ordinance(s)**, standard(s), condition(s), commitment(s), and/or regulation(s) sought to be modified. Attached additional pages or documentation if necessary.

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**Oath:** The above information, to my knowledge and belief, is true and correct.

\_\_\_\_\_  
*Signature(s) of Petitioner(s)*

STATE OF INDIANA,  
COUNTY OF MARION, SS:  
*Subscribed and sworn to before me this*  
\_\_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_\_

\_\_\_\_\_  
*Notary Public*

\_\_\_\_\_  
*Printed Name of Notary Public*  
*My Commission expires:* \_\_\_\_\_  
*My County of residence:* \_\_\_\_\_

\_\_\_\_\_  
*Signature(s) of Owner(s) (if different than petitioner)*

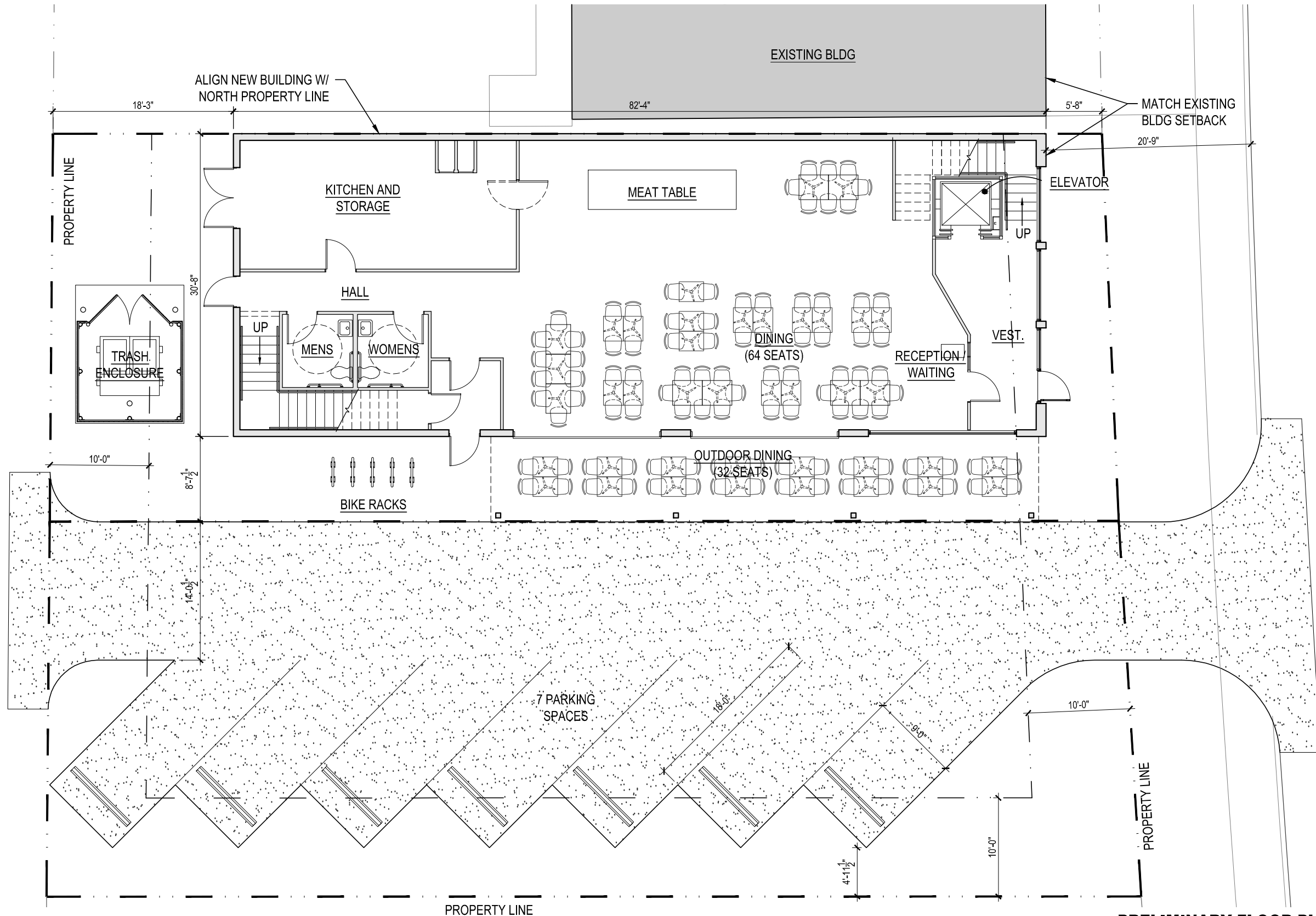
STATE OF INDIANA,  
COUNTY OF MARION, SS:  
*Subscribed and sworn to before me this*  
\_\_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_\_

\_\_\_\_\_  
*Notary Public*

\_\_\_\_\_  
*Printed Name of Notary Public*  
*My Commission expires:* \_\_\_\_\_  
*My County of residence:* \_\_\_\_\_

ALLEY

COLLEGE AVE.



1

# PRELIMINARY FIRST FLOOR PLAN

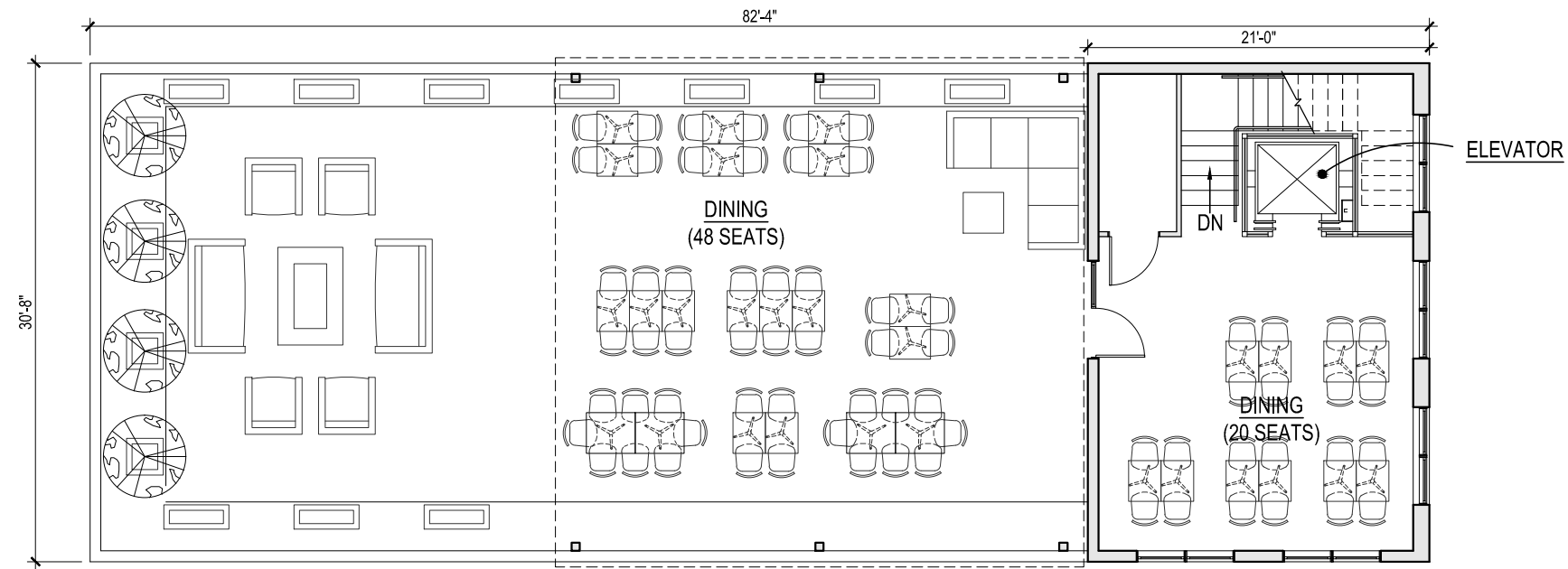
SCALE: 3/32" = 1'-0"  
AREA: 2,500 SQ. FT. +/-

## PRELIMINARY FLOOR PLANS RESTAURANT

SEPTEMBER 5, 2017 - 4838 N. COLLEGE AVE - INDIANAPOLIS, IN - 46205

PROJ. NO. 1764

HALSTEADarchitects



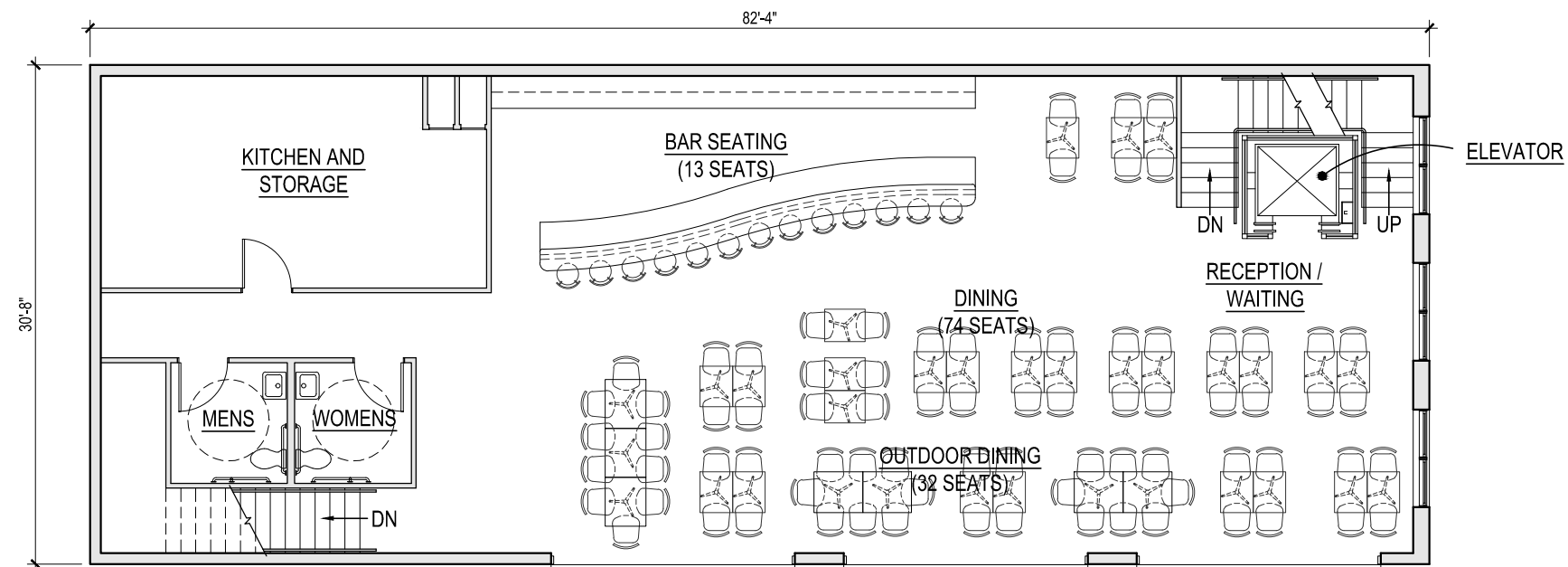
3

PRELIMINARY

### THIRD FLOOR PLAN

SCALE: 3/32" = 1'-0"

AREA: 2,500 SQ. FT. +/-



2

PRELIMINARY

### SECOND FLOOR PLAN

SCALE: 3/32" = 1'-0"

AREA: 2,500 SQ. FT. +/-

## PRELIMINARY FLOOR PLANS RESTAURANT

SEPTEMBER 5, 2017 - 4838 N. COLLEGE AVE - INDIANAPOLIS, IN - 46205

PROJ. NO. 1764

HALSTEADarchitects





**PRELIMINARY RENDERINGS  
RESTAURANT**

SEPTEMBER 5, 2017 - 4838 N. COLLEGE AVE - INDIANAPOLIS, IN - 46205

PROJ. NO. 1764

HALSTEADarchitects





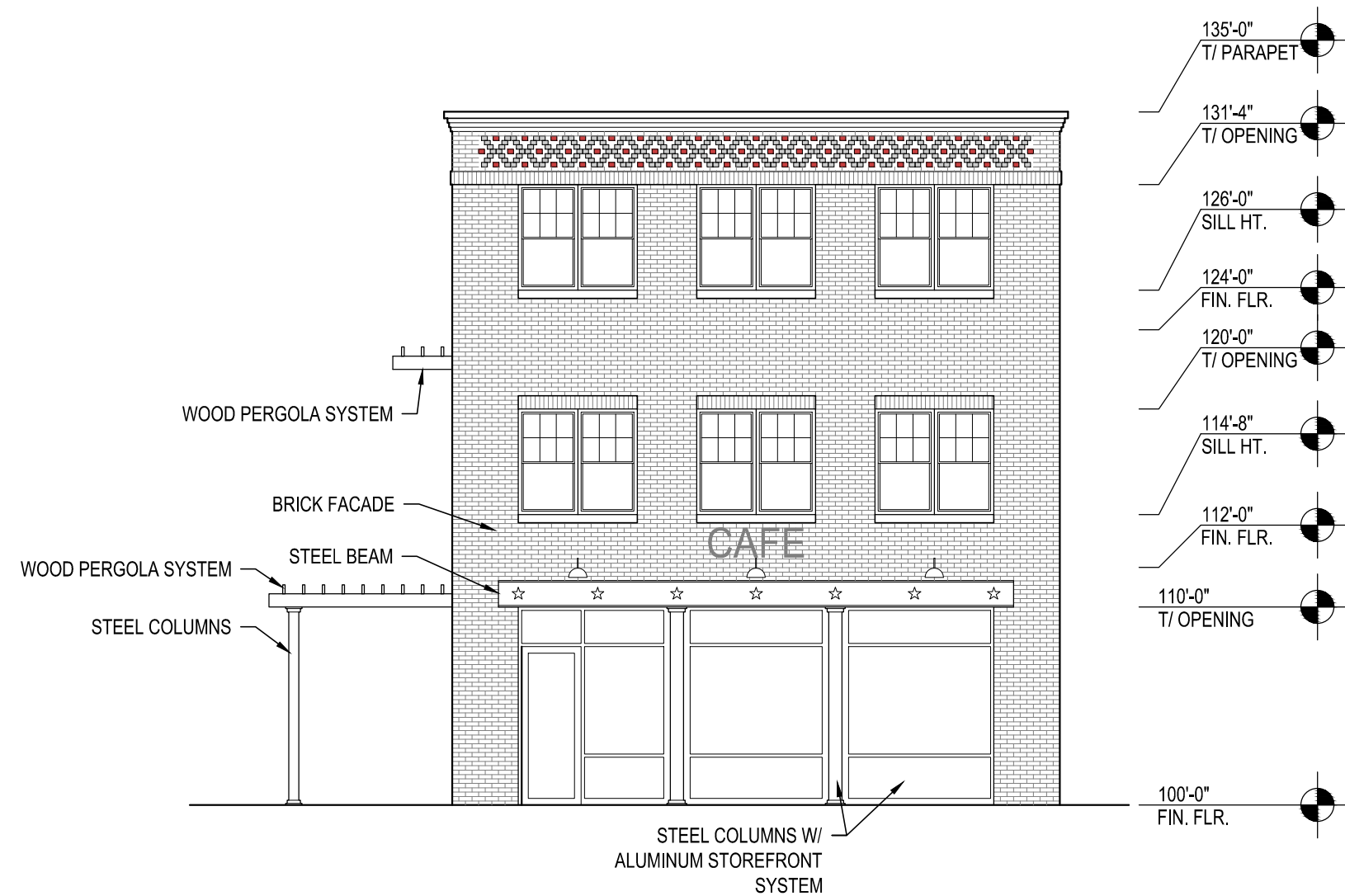
**PRELIMINARY RENDERINGS  
RESTAURANT**

SEPTEMBER 5, 2017 - 4838 N. COLLEGE AVE - INDIANAPOLIS, IN - 46205

PROJ. NO. 1764

HALSTEADarchitects





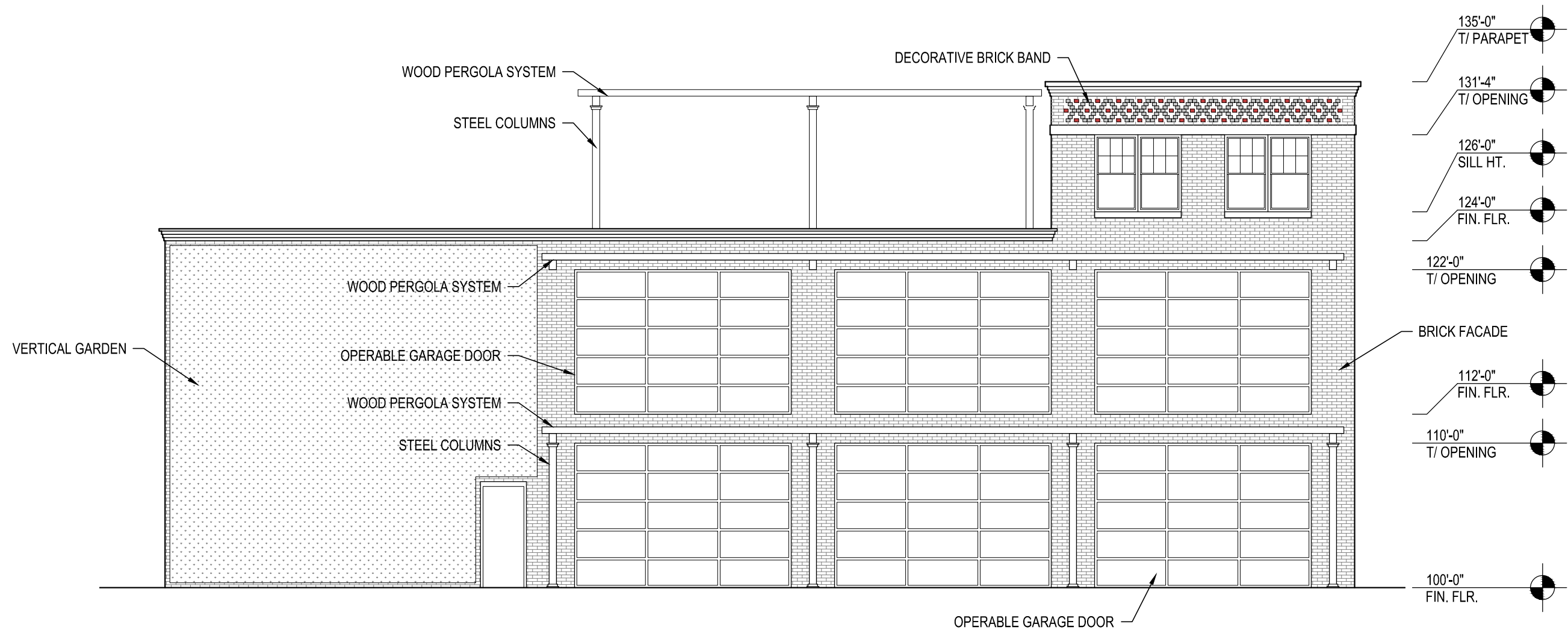
PRELIMINARY  
**2 EAST ELEVATION**  
 SCALE: 1/8" = 1'-0"

**PRELIMINARY ELEVATIONS  
 RESTAURANT**

SEPTEMBER 5, 2017 - 4838 N. COLLEGE AVE - INDIANAPOLIS, IN - 46205

PROJ. NO. 1764

HALSTEADarchitects



PRELIMINARY  
**1 SOUTH ELEVATION**  
 SCALE: 1/8" = 1'-0"

**PRELIMINARY ELEVATIONS  
 RESTAURANT**

SEPTEMBER 5, 2017 - 4838 N. COLLEGE AVE - INDIANAPOLIS, IN - 46205

PROJ. NO. 1764

HALSTEADarchitects