

### Metropolitan Development Commission Hearing Examiner (April 24, 2025) Meeting Agenda

### **Meeting Details**

Notice is hereby given that the Hearing Examiner of the Metropolitan Development Commission will hold public hearings on:

Date: Thursday, April 24, 2025 Time: 1:00 PM

Location: Public Assembly Room, 2nd Floor, City-County Building, 200 E. Washington Street, Indianapolis, IN

#### **Business:**

#### **Special Requests**

#### PETITIONS REQUESTING TO BE CONTINUED:

#### 1. 2024-MOD-016 | 3401 East New York Street

Center Township, Council District #18 C-S (TOD) One Way Auto Parts, by Joseph D. Calderon

Modification of the development statement for 91-Z-64 to provide to modify Commitment # 2 to increase the number of vehicles stored on site at any one time (current maximum number of vehicles is 54).

#### \*\*Petition withdrawn by Petitioner

#### 2. 2025-MOD-004 | 9100 and 9402 East 21st Street

Warren Township, Council District #14 C-1 and C-4 VAF Lawrence, LLC, by Jamilah Mintze

Modification of Commitments related to 99-Z-39 to terminate all commitments, which related to: 1. the requirement of a boulevard entrance to be developed from 21st Street and taper into a single roadway approximately 100 feet north of the right-of-way of 21st Street, 2. the requirement of a landscape plan to be submitted for approval by the Administrator and to the Far Eastside Neighborhood Association, 3. the prohibition of pole signs, off-site advertising signs, and wireless communication facilities, 4. that requirement that office buildings shall appear to be residential and no taller than two stories in height, 5. that the owner shall use best efforts to reduce light pollution onto adjacent properties, 6. that 75% of the structures shall feature brick exteriors or exterior finish insulation system and no vinyl exterior shall be used as the primary exterior material, and, 7. that the petitioner shall dedicate 60 feet of right-of-way north of the centerline of 21st Street.

#### \*\*Automatic continuance to May 29, 2025, filed by Registered Neighborhood Organization

### 3. 2025-ZON-017 | 4001 South Meridian Street

Perry Township, Council District #23 Jarlynne Clark, by Mary Rollings

Rezoning of 0.35-acre from the C-3 district to the C-5 district to provide for automobile sales.

#### \*\*Petition withdrawn by Petitioner

#### 4. 2025-ZON-032 | 2947 North Sherman Drive

Center Township, Council District #8
Parajmit Singh, by Thomas L. Pottschmidt

Rezoning of 1.145 acres from the D-5 district to the C-4 district to provide for commercial uses.

#### \*\*Petitioner request for continuance for cause to May 29, 2025

#### 5. 2025-CPL-805 (Amended) / 2025-CVR-805 | 7515 Camby Road

Decatur Township, Council District #21 D-3 (FF)

Abigail Wojciechowski, by David Gilman

Approval of a Subdivision Plat to be known as Speer's Camby Retreat, dividing 6.686 acres into three lots.

Waiver of the Subdivision Regulations Chapter 741-306 sidewalk requirement along Camby Road (Sidewalks required).

Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for a 45foot lot width for proposed Lot Two (minimum 70-foot lot width required), and to provide for on-site septic systems for each lot (public sewer facility required).

#### \*\*Petitioner request for continuance for cause to May 15, 2025, with Notice

#### 2025-CZN-811 / 2025-CVC-811 | 1708 East 10th Street and 1017 Windsor Street

Center Township, Council District #13

RG Holdings, LLC, and Jackson Control Properties, by David Kingen and Emily Duncan

Rezoning of 0.67-acre from the D-8 and C-3 districts to the MU-1 district for a mixed-use development.

Vacation of the first east-west alley north of 10th Street, being 15 feet in width, beginning at the east right-of-way line of Windsor Street, east 150 feet, to the west right-of-way line of the first north-south alley east of Windsor Street, with a waiver of the assessment of benefits.

### **Petitions for Public Hearing**

#### **PETITIONS TO BE EXPEDITED:**

#### 7. 2025-ZON-012 | 6900 Milhouse Road

Decatur Township, Council District #21
D. R. Horton – Indiana, LLC, by Brian. J. Tuohy

Rezoning of 11.15 acres from the D-A district to the D-4 district to provide for a single-family residential development.

#### 8. 2025-ZON-027 | 11135 East Washington Street

Warren Township, Council District #20

Indianapolis Public Transportation Corporation d/b/a IndyGo, by Brian J. Tuohy

Rezoning of 5.28 acres from the C-4 (TOD) district to the SU-9 (TOD) district to provide for an IndyGo transit center.

#### 9. 2025-ZON-029 | 3939 Madison Avenue

Perry Township, Council District #23

University RS LLC, by Timothy Ochs and Jennifer Milliken

Rezoning of 7.79 acres from the C-7 (TOD) district to the C-4 (TOD) district to provide for a school and existing commercial retail uses.

<sup>\*\*</sup>Petitioner request for continuance for cause to May 29, 2025

#### 10. 2025-ZON-030 | 454 and 456 Arthur Avenue

Wayne Township, Council District #16 Victor Solano

Rezoning of 0.142-acre from the C-3 district to the D-5 district to provide for a single-family dwelling.

#### 11. 2025-ZON-031 | 2602 West 62nd Street and 6202 Michigan Road

Washington Township, Council District #2 Crooked Creek Cultural Campus, Inc., by Joseph D. Calderon

Rezoning of 7.849 acres from the D-A and C-1 districts to the SU-7 district to provide for a not-for-profit organization for community enrichment programming, including education, art, music and performing arts.

#### 12. 2025-ZON-033 | 1322 Columbia Avenue

Center Township, Council District #13 Amy Lapka

Rezoning of 0.144-acre from the D-8 (FF) district to the C-4 (FF) district to provide for expansion of a garden center.

## 13. 2025-CZN-815 / 2025-CAP-815A / 2025-CAP-815B / 2025-CVR-815 | 1100 West 42nd Street and 4251 Haughey Avenue

Washington Township, Council District #7 SU-2

Butler University, by Brian J. Tuohy

Rezoning of 32.34 acres from the SU-2 district to the UQ-1 district to provide for university-related uses.

Modification of Commitments related to 84-Z-20 to terminate Commitment #1 which required use of the residences to be for students, staff and visitors of Christian Theological Seminary, to terminate Commitment #2, which required buildings to be no taller than two stories, except for three unit buildings, which were permitted to be three stories in height, to terminate Commitment #3, which prohibited vehicular or pedestrian access to or from 43rd Street, and required off-street parking, to terminate Commitment #4, which required a wall or other screening to be provided along the east property line and prohibited any children's play area from the east property line, to terminate Commitment #5, which required that any trash disposal shall be a modern system and that the owner would cooperate in any storm water drainage investigation, to terminate Commitment #6, which required a development plan to be subject to staff approval at the time of rezoning.

University Quarter-One Approval to provide for university-related uses, continued use of existing student housing, building renovations, and construction of a six-story building with Butler Police offices and additional parking spaces.

Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for construction of a six-story parking garage and office structure, with a 20-foot north side yard setback (minimum one-foot setback for each one-foot of building height, or 81.5-foot setback required).

#### 14. 2025-CPL-816 / 2025-CVR-816 | 1140 and 1146 Roache Street

Center Township, Council District #12 Canal Village III, LP, by Russell L. Brown

Approval of a Subdivision Plat to be known as Replat of Lots 29-31 in Block 22 in Braden ET AL of North Indianapolis Addition, dividing 0.26-acre into four lots.

Variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for four, single-family detached dwellings, on proposed 22.5-foot lot widths (minimum 25-foot lot width required).

#### 15. 2025-CPL-817 / 2025-CVR-817 | 866 West 26th Street

Center Township, Council District #12 Canal Village III, LP, by Russell L. Brown

Approval of a Subdivision Plat to be known as Replat of Approval of a Subdivision Plat to be known as Replat of Lot 24 and part of Lot 23 in Block 29 in Roaches North Indianapolis Addition, dividing 0.13-acre into two lots.

Variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for two.

single-family detached dwellings, on proposed 2,829 square-foot lots (minimum 5,000 square-foot lots required), 22.5-foot lot widths (minimum 40-foot lot width required), and, with 3.5-foot side yard setbacks (minimum five-foot side yard setbacks required).

### **PETITIONS FOR PUBLIC HEARING (Continued Petitions):**

### 16. 2024-ZON-102 (Amended) | 501 and 525 South East Street

Center Township, Council District #18 NDZA, Inc., by David Kingen and Justin Kingen

Rezoning of 0.13-acre from the I-3 (RC) (TOD) district to the CBD-2 (RC) (TOD) district.

#### 17. 2025-ZON-019 / 2025-VAR-002 (Amended) | 1404 Prospect Street

Center Township, Council District #18

Luxury Leased Homes USA, LLC, by Stephanie J. Truchan

Rezoning of 0.345-acre from the C-5 district to the D-8 district to provide for residential uses.

Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for a townhome development with an eight-foot front yard setback (front building line between 10 feet and 19.9 feet required), an eight-foot rear setback (minimum 15-foot rear setback required), a five-foot corner side yard setback (minimum eight-foot corner side yard required).

#### 18. 2025-CZN-809 / 2025-CVR-809 | 8800 East Raymond Street

Warren Township, Council District #20

Alexander Construction and Landscape, by David Retherford

Rezoning of 4.37 acres from the C-5 district to the I-2 district to provide for a commercial and building contractor's business.

Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for outdoor storage and operations comprising of 225% of the total gross floor area of enclosed buildings (maximum 25% permitted), to provide for a gravel parking and storage area, (not permitted), with a 52-foot foot front transitional yard (minimum 100-foot front transitional yard required), with a 15-foot east side transitional yard (minimum 50-foot side transitional yard required), with a 10-foot north rear yard (minimum 30-foot rear yard required), without interior and exterior landscaping (minimum 9% of lot covered with landscaping required), to permit for outdoor loading and unloading of equipment and material 15 feet from a protected district (minimum 500 feet required), and to allow a six-foot tall aluminum fence with masonry columns in the front yard (maximum 3.5-foot tall fence permitted in the front yard).

### 19. 2025-CZN-813 / 2025-CVR-813 / 2025-CVC-813 | 1406 and 1419 South Capitol Avenue

Center Township, Council District #18

The Annex Management Group, Inc., by Misha Rabinowitch

Rezoning of 5.17 acres from the I-1 and D-5 districts to the D-8 district to provide for multi-family dwellings.

Variance of Use and Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for a multi-family residential development using the Large Apartment Residential Building Type Standards to the subject site (not permitted in D-8), to provide for minimum livability space ratio of 0.57 (minimum 0.60 required), and for a floor area ratio of 0.83 (maximum 0.80 permitted).

#### Vacation of:

a portion of Capitol Avenue, ranging from 23.4 feet in width to 40.18 feet in width, from the south right-of-way of the first east-west alley south of Arizona Street, south and southeast 617.82 feet, to a point,

a portion of Tennessee Street, being 25 feet in width, from the northwest corner of Lot 32 of Rech's South Meridian Street Subdivision, as recorded in the Marion County Recorder's Office, plat book 9, page 55, south 227.68 feet, to a point,

a portion of Capitol Avenue, being 25 feet in width, from a point 227.68 south of the northwest corner of Lot 32 of Rech's South Meridian Street Subdivision, as recorded in the Marion County Recorder's Office, plat book 9, page 55, southeast 135.51 feet, to a point,

a portion of the second north-south alley east of Senate Avenue, being five feet in width, beginning at the northwest corner of Lot 2 of Schmitt and Kottkamp's Subdivision, as recorded in the Marion County Recorder's Office, plat book 15, page 93, south 346.97 feet, to the north right-of-way line of the second east-west alley

south of Wisconsin Street,

a portion of the second east-west alley south of Wisconsin Street, being 3.75 feet in width, beginning at the southwest corner of Lot 11 of Schmitt and Kottkamp's Subdivision, as recorded in the Marion County Recorder's Office, plat book 15, page 93, east 151.02 feet, to the west right-of-way line of Capitol Avenue.

### PETITIONS FOR PUBLIC HEARING (New Petitions):

### **Additional Business:**

\*\*The addresses of the proposals listed above are approximate and should be confirmed with the Division of Planning. Copies of the proposals are available for examination prior to the hearing by emailing <a href="mailto:planneroncall@indy.gov">planneroncall@indy.gov</a>. Written objections to a proposal are encouraged to be filed via email at <a href="mailto:planneroncall@indy.gov">planneroncall@indy.gov</a> before the hearing and such objections will be considered. At the hearing, all interested persons will be given an opportunity to be heard in reference to the matters contained in said proposals. The hearing may be continued from time to time as may be found necessary. For accommodations needed by persons with disabilities planning to attend this public hearing, please call the Office of Disability Affairs at (317) 327-7093, at least 48 hours prior to the meeting. Department of Metropolitan Development - Current Planning Division.

Any decision of the Hearing Examiner may be **appealed** to the Metropolitan Development Commission (MDC), subject to deadlines prescribed by the MDC Rules of Procedure. Please contact the Current Planning staff, **317-327-5155**, or <u>planneroncall@indy.gov</u>, within one to two days after the hearing, to determine the appropriate appeal process. Please see this link for the Appeal form: <u>REQUEST FOR APPEAL</u>



## METROPOLITAN DEVELOPMENT COMMISSION HEARING EXAMINER

April 24, 2025

Case Number: 2024-MOD-016

**Property Address:** 3401 East New York Street (Approximate Address)

**Location:** Center Township, Council District #18

**Petitioner:** One Way Auto Parts by Joseph D. Calderon

**Current Zoning:** C-S (TOD)

Modification of the development statement for 91-Z-64 to provide to modify

**Request:** Commitment # 2 to increase the number of vehicles stored on site at any one

time (Current maximum number of vehicles is 54).

Current Land Use: Auto Parts Reclamation, Auto Parts Sales, Auto Storage

Staff

Recommendations: Denial

**Staff Reviewer:** Marleny Iraheta, Senior Planner

#### **PETITION HISTORY**

#### ADDENDUM FOR APRIL 10, 2025 HEARING EXAMINER

This petition was continued for cause from the February 27, 2025 hearing to the April 10, 2025 hearing at the request of the petitioner. This was the last continuance that staff was going to support.

The petitioner has submitted a request to **withdraw** this petition. This would require the acknowledgement from the Hearing Examiner.

#### <u>ADDENDUM FOR FEBRUARY 27, 2025 HEARING EXAMINER</u>

This petition was continued for cause from the December 19, 2024 hearing to the February 27, 2025 hearing at the request of the petitioner.

#### **December 19, 2024**

This petition was automatically continued from the November 21, 2024 hearing to the December 19, 2024 hearing at the request of a registered neighborhood organization.

This is the first public hearing for this petition.

### **STAFF RECOMMENDATION**

Staff recommends denial of the request.



## METROPOLITAN DEVELOPMENT COMMISSION HEARING EXAMINER

April 24, 2025

Case Number: 2025-MOD-004

**Property Address:** 9100 and 93402 East 21st Street

Location: Warren Township, Council District # 14

Petitioner: VAF Lawrence, LLC, by Jamilah Mintze

**Request:** Modification of Commitments related to 99-Z-39 to terminate all

commitments, which related to: 1. the requirement of a boulevard entrance to be developed from 21<sup>st</sup> Street and taper into a single roadway approximately 100 feet north of the right-of-way of 21<sup>st</sup> Street, 2. the requirement of a landscape plan to be submitted for approval by the Administrator and to the Far Eastside Neighborhood Association, 3. the prohibition of pole signs, off-

site advertising signs, and wireless communication facilities, 4. that

requirement that office buildings shall appear to be residential and no taller than two stories in height, 5. that the owner shall use best efforts to reduce light pollution onto adjacent properties, 6. that 75% of the structures shall feature brick exteriors or exterior finish insulation system and no vinyl exterior shall be used as the primary exterior material, and, 7. that the petitioner shall

dedicate 60 feet of right-of-way north of the centerline of 21st Street.

**Staff Reviewer:** Kathleen Blackham, Senior Planner

### **PETITION HISTORY**

A timely automatic continuance has been filed by a registered neighborhood organization that **continues this petition from the April 24, 2025 hearing, to the May 29, 2025 hearing.** This will require acknowledgement from the Hearing Examiner.



## METROPOLITAN DEVELOPMENT COMMISSION HEARING EXAMINER

**April 24, 2025** 

**Case Number:** 2025-ZON-017

**Property Address:** 4001 South Meridian Street (Approximate Address)

**Location:** Perry Township, Council District #23

**Petitioner:** Jarlynne Clark by Mary Rollings

Current Zoning: C-3

**Reguest:** Rezoning of 0.35-acre from the C-3 district to the C-5 district to provide for

automobile sales.

**Current Land Use:** Commercial

**Staff** To be determined.

**Recommendations:** 

**Staff Reviewer:** Marleny Iraheta, Senior Planner

### **PETITION HISTORY**

This petition was continued for cause from the March 27, 2025 hearing to the April 24, 2025 hearing at the request of staff to allow the petitioner additional time to submit additional information to possibly amend the request and provide new notice.

The petitioner has submitted a request to **withdraw** this petition. This would require the acknowledgement from the Hearing Examiner.

### STAFF RECOMMENDATION

Staff recommendation to be determined.

#### **PETITION OVERVIEW**

This petition was continued to the April 24, 2025 hearing.



## METROPOLITAN DEVELOPMENT COMMISSION HEARING EXAMINER

April 24, 2025

**Case Number:** 2025-ZON-032

**Property Address:** 2947 North Sherman Drive

**Location:** Center Township, Council District #8

**Petitioner:** Parajmit Singh, by Thomas L. Pottschmidt

Current Zoning: D-5

Reguest: Rezoning of 1.145 acres from the D-5 district to the C-4 district to provide for

commercial uses.

Current Land Use: Parking lot.

Staff

Recommendations:

To be determined

**Staff Reviewer:** Desire Irakoze, Principal Planner II

### **PETITION HISTORY**

Staff is requesting a **continuance for cause from the April 24, 2025 hearing to the May 29, 2025 hearing** to allow the petitioner additional time to submit additional information, such as a site plan and use list. This will not require new notice.

### STAFF RECOMMENDATION

Staff recommendation to be determined.

### **PETITION OVERVIEW**

This petition is to be continued to the May 29, 2025 hearing.



## METROPOLITAN DEVELOPMENT COMMISSION HEARING EXAMINER

**April 24, 2025** 

Case Number: 2025-CPL-805/ 2025-CVR-805 (Amended)
Property Address: 7515 Camby Road (Approximate Address)
Location: Decatur Township, Council District #21
Petitioner: Abigail Wojciechowski, by David Gilman

Current Zoning: D-3

Approval of a Subdivision Plat to be known as Speer's Camby Retreat,

dividing 6.686 acres into three lots.

Request: Variance of Development Standards of the Consolidated Zoning and

Subdivision Ordinance to provide for a 45-foot lot width for proposed Lot Two (minimum 70-foot lot with required), and to provide for on-site septic systems

for each lot (public sewer facility required).

Current Land Use: Residential

**Staff** 

Recommendations: To be determined

**Staff Reviewer:** Desire Irakoze, Principal Planner II

#### **PETITION HISTORY**

#### **ADDENDUM FOR APRIL 24, 2025**

This petition was continued at the request of the petitioner's representative from the March 27, 2025 hearing to the April 24, hearing in order to amend the petitioner request to file a wavier of the sidewalk requirements. The petitioner is requesting a continuance for cause from the April 24, 2025 hearing to the May 15. 2025 hearing to allow the petitioner to amend the petition and added an additional variance request, this will require new notice.

#### **ADDENDUM FOR MARCH 27, 2025**

This petition was continued from the February 27, 2025 hearing to the March 27, 2025 hearing at the request of the petitioner's representative.

Petitioner is requesting a continuance for cause from the March 27, 2025 hearing to the April 24, 2025 hearing to allow the petitioner additional time to file wavier of the sidewalk requirements. This request will require new notice.

#### **FEBRUARY 27, 2025**

### STAFF RECOMMENDATION

Staff recommendation is to be determined.



## METROPOLITAN DEVELOPMENT COMMISSION HEARING EXAMINER

**April 24, 2025** 

Case Number: 2025-CZN-811 / 2025-CVC-811

**Property Address:** 1708 East 10<sup>th</sup> Street and 1017 Windsor Street (*Approximate Addresses*)

**Location:** Center Township, Council District #13

Petitioner: RG Holdings, LLC, and Jackson Control Properties, by David Kingen and

**Emily Duncan** 

Rezoning of 0.67-acre from the D-8 and C-3 districts to the MU-1 district for

a mixed-use development.

Request: Vacation of the first east-west valley north of 10<sup>th</sup> Street, being 15 feet in width,

beginning at the east right-of-way line of Windsor Street, east 150 feet, to the west right-of-way line of the first north-south alley east of Windsor Street, with

a waiver of the assessment of benefits.

**Staff Reviewer:** Desire Irakoze, Principal Planner II

### CONTINUANCE

### **ADDENUM FOR APRIL 24, 2025**

The petition was continued from the March 13, 2025 hearing to the April 24, 2025 hearing at staff request to allow for additional information to be reviewed.

The petitioner is seeking to amend the petition request, this request will require additional review as well as new notice. Therefore, petitioner is requesting a **continuance for cause from the April 24, 2025** hearing to the May 29, 2025 hearing.

#### March 13, 2025

This is the first public hearing for this petition.



## METROPOLITAN DEVELOPMENT COMMISSION HEARING EXAMINER

**April 24, 2025** 

**Case Number:** 2025-ZON-012

**Property Address:** 6900 Milhouse Road (Approximate Address)

**Location:** Decatur Township, Council District #21

**Petitioner:** D. R. Horton – Indiana, LLC, by Brian. J. Tuohy

Current Zoning: D-A

Reguest: Rezoning of 11.15 acres from the D-A district to the D-4 district to provide for

a single-family residential development.

Current Land Use: Commercial Contractor Business

**Staff** 

Recommendations: Approval

**Staff Reviewer:** Desire Irakoze, Principal Planner II

### **PETITION HISTORY**

### <u>ADDEDUM FOR APRIL 24, 2024, HEARING EXAMINER</u>

This petition was continued for cause from the April 10, 2025, hearing to the April 24, 2025 hearing at the request of the petitioner's representative.

#### **ADDEDUM FOR APRIL 10, 2024, HEARING EXAMINER**

A timely automatic continuance request was filed by a registered neighborhood organization, continuing this petition from the March 13, 2025 hearing to the April 10, 2025 hearing. This would require acknowledgement from the Hearing Examiner.

#### **MARCH 13,2025**

This is the first public hearing for this petition.

### STAFF RECOMMENDATION

Staff recommends approval of this petition, subject to the concept plan Exhibit B

### **PETITION OVERVIEW**

#### **LAND USE**

The project address of 6900 Milhouse Road has two (2) parcels located on the north and south side of Milhouse Road. The project that is the subject of this petition lies on the south parcel. The site is currently



zoned D-A and is requested to be rezoned to D-4. This site is currently in agricultural use. The subject site is surrounded to the north, east and west by single-family residential.

#### **REZONING**

The petition seeks to rezone the property from the D-A district to the D-4 district to provide for a 33-lot, single-family subdivision.

**D-A (Dwelling Agriculture District**): holds the agricultural lands of Marion County and provides for a variety of agricultural uses. Most agricultural uses (farms) are permitted in this District. A single-family dwelling is intended to be permitted as a part of such agricultural uses. A secondary provision of this district is large estate development of single-family dwellings. The district does not require public water and sewer facilities.

**D-4 (Dwelling District Four):** low- or medium- density single-family and two-family residential development at a typical density of 4.2 units per acre. Land in this district needs good thoroughfare access, relatively flat topography, and nearby community and neighborhood services and facilities with pedestrian linkages. Provisions for recreational facilities serving the neighborhood within walking distance are vitally important.

Development Standards	D-A	D-3	D-4
Typical Density (units per acre)	0.33	2.6	4.2
LOT STANDARDS			
Min. Lot Area	3 acres	10,000 sf.	7,200 sf.
Min. Lot Area, Two-Family	N/A	15,000 sf	10,000 sf.
Min. Lot Width	250 ft.	70 ft.	60 ft
Min. Lot Width, Two-Family	N/A	105 ft.	90 ft.
Min. Street Frontage	125 ft.	35 ft.	30 ft.
Min. Street Frontage, Two-Family	N/A	35 ft.	30 ft.
Min. Open Space	85%	70%	65%
SETBACKS			
Fronts Along Collector Streets	35 ft.	30 ft.	30 ft.
Fronts Along Local Streets	35 ft.	25 ft.	25 ft.
Fronts Along Cul-De-Sacs	30 ft.	20 ft.	20 ft.
Min. Width of Side Yard	30 ft.	6 ft.	5 ft.
Min. Width of Side Yard (Aggregate)	75 ft.	16 ft.	13 ft.
Min. Depth of Rear Yard	75 ft.	20 ft.	20 ft.
BUILDING STANDARDS			
Max. Height of Primary Building	35 ft.	35 ft.	35 ft.
Max. Height of Accessory Building	24 ft.	24 ft	24 ft
Min. Main Floor Area (1-Story)	1,200 sf	1,200 sf	900 sf.
Min. Main Floor Area (Above 1-Story)	800 sf.	660 sf	660 f.



#### **STAFF ANALYSIS**

The Comprehensive Plan recommends this area for suburban neighborhood development. This typology generally has a residential density of 1- 5 dwelling units per acre. The site plan (Exhibit C) density meets this requirement at 2.959. The proposal aligns with the Comprehensive Plan, and the surrounding land uses.

While the rezoning is limited to the land use of the property south of Millhouse Road, staff would note that the provided site plan (Exhibit C) does not comply with the Subdivision Control Ordinance and would require multiple waivers. To reduce the number of waivers at the platting phase, staff has provided an alternative site plan (Exhibit D) that better aligns with the Subdivision Control Ordinance requirements.

For these reasons, staff recommends approval of the request.

#### **GENERAL INFORMATION**

Existing Zoning	D-A	
Existing Land Use	Suburban Neighborhood	
Comprehensive Plan	Agricultural	
Surrounding Context	Zoning	Land Use
North:	D-3	Residential (Single-family dwellings)
South:	D-3	Residential (Single-family dwellings)
East:	D-3	Residential (Single-family dwellings)
West:	D-A	Residential (Single-family dwellings)
Thoroughfare Plan		
Milhouse Road	Primary Collector	80-91-foot proposed right-of-way and
Card Blvd	Collector	80-91-foot proposed right-of-way.
Firkins Drive	Local Street	50 existing right-of-way.
Rawlings Lane	Local Street	50 existing right-of-way.
Context Area	Metro	
Floodway / Floodway	No	
Fringe		
Overlay	Environmentally Sensitive Area	a (ES)
Wellfield Protection Area	No	
Site Plan	2/24/2025	
Site Plan (Amended)	N/A	
Elevations	N/A	
Elevations (Amended)	N/A	
Landscape Plan	N/A	
Findings of Fact	N/A	
Findings of Fact (Amended)	N/A	
C-S/D-P Statement	N/A	



#### **COMPREHENSIVE PLAN ANALYSIS**

### **Comprehensive Plan**

- Marion County Land Use Plan Pattern Book (2019)
- Indy Moves Transportation Integration Plan (2018)

#### Pattern Book / Land Use Plan

- The Marion County Land Use Plan Pattern Book (2019) recommends Office Commercial development of the site.
- The **Suburban Neighborhood** typology is predominantly made up of single-family housing but is interspersed with attached and multifamily housing where appropriate. This typology should be supported by a variety of neighborhood-serving businesses, institutions, and amenities. Natural Corridors and natural features such as stream corridors, wetlands, and woodlands should be treated as focal points or organizing systems for development. Streets should be well-connected, and amenities should be treated as landmarks that enhance navigability of the development. This typology generally has a residential density of 1 to 5 dwelling units per acre, but a higher density is recommended if the development is within a quarter mile of a frequent transit line, greenway, or park.
- Detached Housing

The house should extend beyond the front of the garage.

- Healthier 3.1: The built environment should encourage social interaction.
- o Competitive 1.1: Development should create vibrant, walkable places.

Lots should be no more than 1.5 times the size of adjacent/surrounding lots.

- Resilient 3.4: Compatibility between land uses is key to maintaining stable property values and resilient neighborhoods.
- In the **Environmentally Sensitive Areas (ES)** overlay, should be oriented to minimize impact on the natural environment, including trees, wetlands, and exceptional topography. Housing is significantly discouraged in floodplains. Additionally, development should preserve or add at least 30% of the entire parcel as tree canopy or naturalized area.

### Red Line / Blue Line / Purple Line TOD Strategic Plan

Not Applicable to the Site.

### Neighborhood / Area Specific Plan

Not Applicable to the Site.

#### Infill Housing Guidelines



Not Applicable to the Site.

#### **Indy Moves**

(Thoroughfare Plan, Pedestrian Plan, Bicycle Master Plan, Greenways Master Plan)

 The Indy Moves Transportation Integration Plan (2018) proposes a complete street off-street multiuse path from Johnson Road/Fall Creek to Hague Road/82<sup>nd</sup> Street.

#### **ZONING HISTORY**

#### **Zoning History - Site**

**2021-ZON1-23**; **6710 Mills Road** (south of site), Rezoning of 7.339 acres from the D-A district to the D-3 (cluster) district and to Terminate and Replace all commitments related to 2004-ZON-828 (404 maximum number of lots, 60-foot minimum lot width, 6,600 minimum lot size, maximum of 15 lots less than 7,200 square feet, prohibition on two-family dwellings, minimum floor area for lots less than 7200 square, greater than 7200 square feet and greater than 10,000 square feet, vinyl siding gauge, driveway width and length, attached garage size, house lights, roof pitch, shutter requirements, landscaping review requirements, tree preservation plan, common area landscaping, street trees, right-of-way grass strips, common area access, home price advertising, address size and location, street lighting, retention pond warning signs, garage door / façade ratio, dwelling separation, on-site tree planting, fence requirements, HOA rule, sewer fees, common area pathways, fountain ponds, playground equipment, playground edging, street width, minimum lot number, brick veneer requirement and road improvement contributions). **Approved.** 

**2004-ZON-828** / **2004-PLT-828**, 6735 Milhouse Road and 6705 & 6930 Mills Road, requested the rezoning of 133.7 acres from the D-A district to the D-3 district and requested the approval of a subdivision plat dividing 28 acres into 99 lots. **Approved**.

**98-Z-184, 98-DP-23**; 6551 Milhouse Road, requested the rezoning of 129 acres from the D-A district to the D-P district to provide 397 single-family dwellings. **Withdrawn**.

**2000-ZON-016**; **6720 Milhouse Road** (south of site) requested the rezoning of 11 acres from the D-A district to the D-3 district. **Approved.** 

**2004-ZON-835** / **2004-CVR-835**; **6500** Mills Road and **6300** South High School Road (east of site), requested the rezoning of 32.4 acres from the D-A district to the D-5II district and a variance of development standards to provide for reduced lot open space. **Approved.** 

**99-Z-100**; **6916 Milhouse Road** (west of site), requested the rezoning of 37.8 acres from the D-A district to the D-3 district. **Approved**.

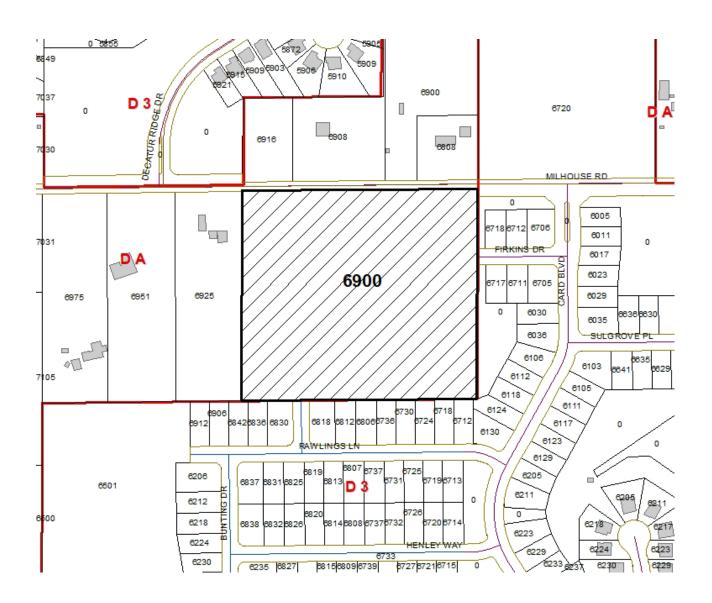


**98-Z-24**; **5840 South High School Road** (east of site), requested the rezoning of 29 acres from the D-A district to the D-3 district. **Approved**.

**96-Z-46**; **5810 South High School Road** (east of site), requested the rezoning of 29 acres from the D-A district to the D-4 district. **Denied.** 

**93-Z-27**; **5640 South High School Road** (north of site), requested the rezoning of 36 acres from the D-A district to the D-4 district. **Approved** 

### **EXHIBITS**





# **Preliminary Site Plan**



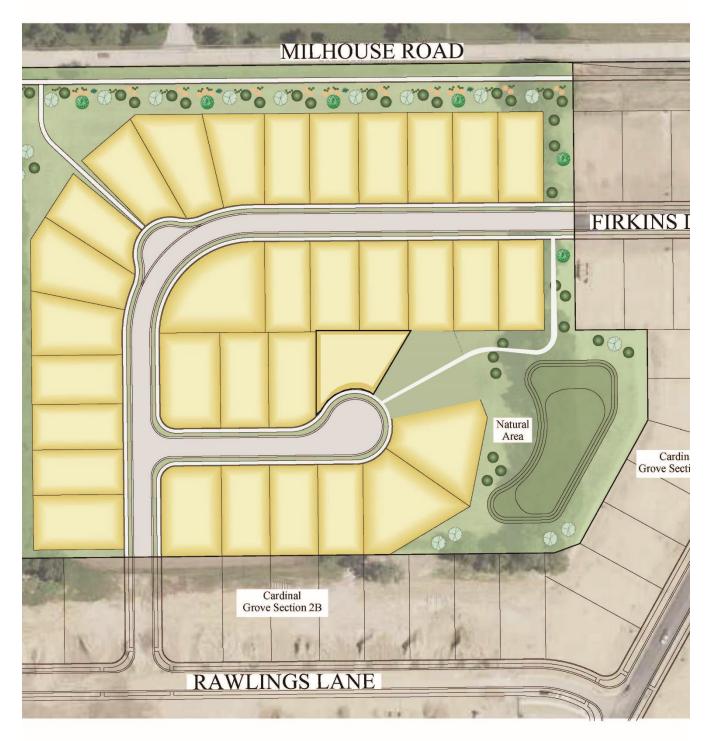






## Preliminary Site Plan

**EXHBIT B** 





## METROPOLITAN DEVELOPMENT COMMISSION HEARING EXAMINER

**April 24, 2025** 

**Case Number:** 2025-ZON-012

**Property Address:** 6900 Milhouse Road (Approximate Address)

**Location:** Decatur Township, Council District #21

**Petitioner:** D. R. Horton – Indiana, LLC, by Brian. J. Tuohy

Current Zoning: D-A

Reguest: Rezoning of 11.15 acres from the D-A district to the D-4 district to provide for

a single-family residential development.

Current Land Use: Commercial Contractor Business

**Staff** 

Recommendations: Approval

**Staff Reviewer:** Desire Irakoze, Principal Planner II

### **PETITION HISTORY**

#### ADDEDUM FOR APRIL 24, 2024, HEARING EXAMINER

This petition was continued for cause from the April 10, 2025, hearing to the April 24, 2025 hearing at the request of the petitioner's representative.

#### **ADDEDUM FOR APRIL 10, 2024, HEARING EXAMINER**

A timely automatic continuance request was filed by a registered neighborhood organization, continuing this petition from the March 13, 2025 hearing to the April 10, 2025 hearing. This would require acknowledgement from the Hearing Examiner.

#### **MARCH 13,2025**

This is the first public hearing for this petition.

### STAFF RECOMMENDATION

Staff recommends approval of this petition, subject to the concept plan Exhibit B

### **PETITION OVERVIEW**

### **LAND USE**

The project address of 6900 Milhouse Road has two (2) parcels located on the north and south side of Milhouse Road. The project that is the subject of this petition lies on the south parcel. The site is currently



zoned D-A and is requested to be rezoned to D-4. This site is currently in agricultural use. The subject site is surrounded to the north, east and west by single-family residential.

#### **REZONING**

The petition seeks to rezone the property from the D-A district to the D-4 district to provide for a 33-lot, single-family subdivision.

**D-A (Dwelling Agriculture District**): holds the agricultural lands of Marion County and provides for a variety of agricultural uses. Most agricultural uses (farms) are permitted in this District. A single-family dwelling is intended to be permitted as a part of such agricultural uses. A secondary provision of this district is large estate development of single-family dwellings. The district does not require public water and sewer facilities.

**D-4 (Dwelling District Four):** low- or medium- density single-family and two-family residential development at a typical density of 4.2 units per acre. Land in this district needs good thoroughfare access, relatively flat topography, and nearby community and neighborhood services and facilities with pedestrian linkages. Provisions for recreational facilities serving the neighborhood within walking distance are vitally important.

Development Standards	D-A	D-3	D-4
Typical Density (units per acre)	0.33	2.6	4.2
LOT STANDARDS			
Min. Lot Area	3 acres	10,000 sf.	7,200 sf.
Min. Lot Area, Two-Family	N/A	15,000 sf	10,000 sf.
Min. Lot Width	250 ft.	70 ft.	60 ft
Min. Lot Width, Two-Family	N/A	105 ft.	90 ft.
Min. Street Frontage	125 ft.	35 ft.	30 ft.
Min. Street Frontage, Two-Family	N/A	35 ft.	30 ft.
Min. Open Space	85%	70%	65%
SETBACKS			
Fronts Along Collector Streets	35 ft.	30 ft.	30 ft.
Fronts Along Local Streets	35 ft.	25 ft.	25 ft.
Fronts Along Cul-De-Sacs	30 ft.	20 ft.	20 ft.
Min. Width of Side Yard	30 ft.	6 ft.	5 ft.
Min. Width of Side Yard (Aggregate)	75 ft.	16 ft.	13 ft.
Min. Depth of Rear Yard	75 ft.	20 ft.	20 ft.
BUILDING STANDARDS			
Max. Height of Primary Building	35 ft.	35 ft.	35 ft.
Max. Height of Accessory Building	24 ft.	24 ft	24 ft
Min. Main Floor Area (1-Story)	1,200 sf	1,200 sf	900 sf.
Min. Main Floor Area (Above 1-Story)	800 sf.	660 sf	660 f.



#### STAFF ANALYSIS

The Comprehensive Plan recommends this area for suburban neighborhood development. This typology generally has a residential density of 1- 5 dwelling units per acre. The site plan (Exhibit C) density meets this requirement at 2.959. The proposal aligns with the Comprehensive Plan, and the surrounding land uses.

While the rezoning is limited to the land use of the property south of Millhouse Road, staff would note that the provided site plan (Exhibit C) does not comply with the Subdivision Control Ordinance and would require multiple waivers. To reduce the number of waivers at the platting phase, staff has provided an alternative site plan (Exhibit D) that better aligns with the Subdivision Control Ordinance requirements.

For these reasons, staff recommends approval of the request.

#### **GENERAL INFORMATION**

Existing Zoning	D-A		
Existing Land Use	Suburban Neighborhood		
Comprehensive Plan	Agricultural		
Surrounding Context	Zoning	Land Use	
North:	D-3	Residential (Single-family dwellings)	
South:	D-3	Residential (Single-family dwellings)	
East:	D-3	Residential (Single-family dwellings)	
West:	D-A	Residential (Single-family dwellings)	
Thoroughfare Plan			
Milhouse Road	Primary Collector	80-91-foot proposed right-of-way and	
Card Blvd		80-91-foot proposed right-of-way.	
Firkins Drive		50 existing right-of-way.	
Rawlings Lane	Local Street	50 existing right-of-way.	
Context Area	Metro		
Floodway / Floodway	No		
Fringe	110		
Overlay	Environmentally Sensitive Area	a (ES)	
Wellfield Protection Area	No		
Site Plan	2/24/2025		
Site Plan (Amended)	N/A		
Elevations	N/A		
Elevations (Amended)	N/A		
Landscape Plan	N/A		
Findings of Fact	N/A		
Findings of Fact (Amended)	N/A		
C-S/D-P Statement	N/A		



#### **COMPREHENSIVE PLAN ANALYSIS**

### **Comprehensive Plan**

- Marion County Land Use Plan Pattern Book (2019)
- Indy Moves Transportation Integration Plan (2018)

#### Pattern Book / Land Use Plan

- The Marion County Land Use Plan Pattern Book (2019) recommends Office Commercial development of the site.
- The **Suburban Neighborhood** typology is predominantly made up of single-family housing but is interspersed with attached and multifamily housing where appropriate. This typology should be supported by a variety of neighborhood-serving businesses, institutions, and amenities. Natural Corridors and natural features such as stream corridors, wetlands, and woodlands should be treated as focal points or organizing systems for development. Streets should be well-connected, and amenities should be treated as landmarks that enhance navigability of the development. This typology generally has a residential density of 1 to 5 dwelling units per acre, but a higher density is recommended if the development is within a quarter mile of a frequent transit line, greenway, or park.
- Detached Housing

The house should extend beyond the front of the garage.

- Healthier 3.1: The built environment should encourage social interaction.
- o Competitive 1.1: Development should create vibrant, walkable places.

Lots should be no more than 1.5 times the size of adjacent/surrounding lots.

- Resilient 3.4: Compatibility between land uses is key to maintaining stable property values and resilient neighborhoods.
- In the **Environmentally Sensitive Areas (ES)** overlay, should be oriented to minimize impact on the natural environment, including trees, wetlands, and exceptional topography. Housing is significantly discouraged in floodplains. Additionally, development should preserve or add at least 30% of the entire parcel as tree canopy or naturalized area.

### Red Line / Blue Line / Purple Line TOD Strategic Plan

Not Applicable to the Site.

#### Neighborhood / Area Specific Plan

Not Applicable to the Site.

#### Infill Housing Guidelines



Not Applicable to the Site.

#### **Indy Moves**

(Thoroughfare Plan, Pedestrian Plan, Bicycle Master Plan, Greenways Master Plan)

 The Indy Moves Transportation Integration Plan (2018) proposes a complete street off-street multiuse path from Johnson Road/Fall Creek to Hague Road/82<sup>nd</sup> Street.

#### **ZONING HISTORY**

#### **Zoning History - Site**

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**99-Z-100**; **6916 Milhouse Road** (west of site), requested the rezoning of 37.8 acres from the D-A district to the D-3 district. **Approved.** 

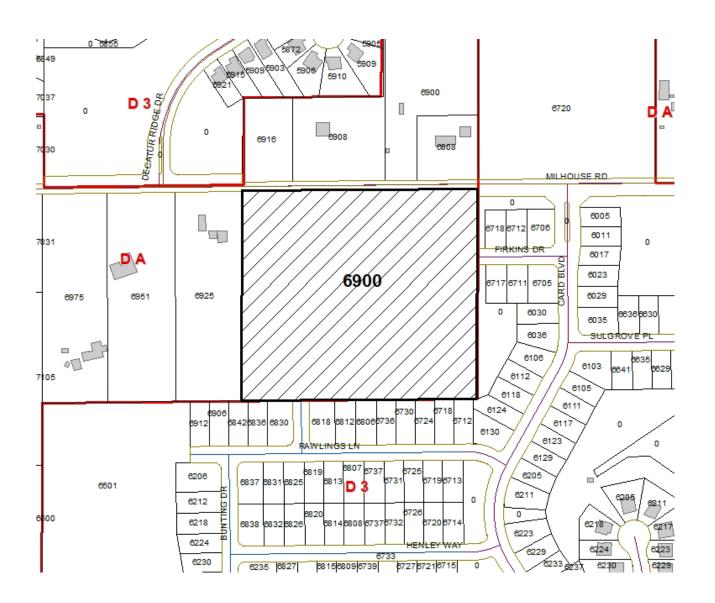


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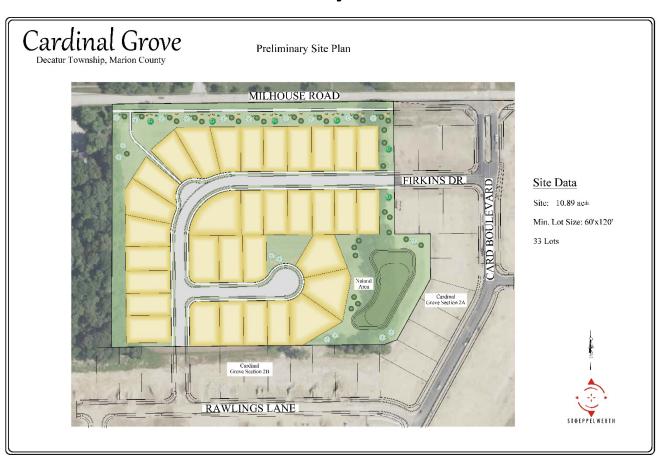
**93-Z-27**; **5640 South High School Road** (north of site), requested the rezoning of 36 acres from the D-A district to the D-4 district. **Approved** 

### **EXHIBITS**





# **Preliminary Site Plan**



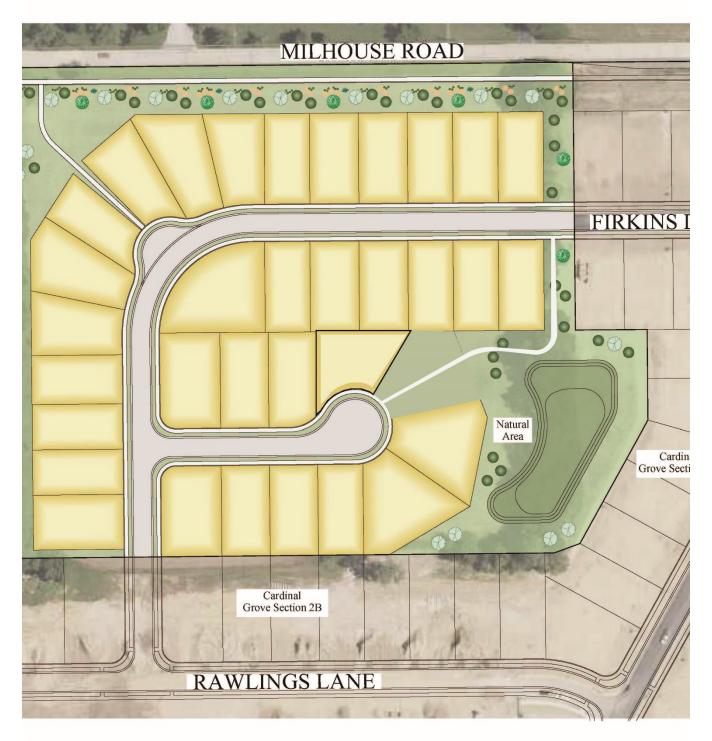






## Preliminary Site Plan

**EXHBIT B** 







## METROPOLITAN DEVELOPMENT COMMISSION HEARING EXAMINER

April 24, 2024

**Case Number:** 2025-ZON-027

Property Address: 11135 East Washington Street

**Location:** Warren Township, Council District #20

Petitioner: Indianapolis Public Transportation Corporation d/b/a/ IndyGo, by Brian J.

Tuohy

Current Zoning: C-4 (TOD)

Reguest: Rezoning of 5.28 acres from the C-4 (TOD) district to the SU-9 (TOD) district

to provide for an IndyGo transit center.

Current Land Use: Undeveloped

Staff

Recommendations: Approval, subject to the commitments noted below.

Staff Reviewer: Kathleen Blackham, Senior Planner

#### **PETITION HISTORY**

This is the first public hearing on this petition.

#### STAFF RECOMMENDATION

Approval, 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:

- 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. The side shall be developed in accordance with the Plan of Operation and substantial compliance with the site plan, both file dated March 13, 2025.
- 3. A tree inventory, tree assessment and preservation plan prepared by a certified arborist shall be submitted for Administrator Approval prior to preliminary plat approval and prior to any site preparation activity or disturbance of the site. This plan shall, at a minimum: a) indicate proposed development; b) delineate the location of the existing trees, c) characterize the size and species of such trees, d) indicate the wooded areas to be saved by shading or some other means of indicating tree areas to be preserved and e) identify the method of preservation (e.g. provision of snow fencing or staked straw bales at the individual tree's dripline during construction activity). All trees proposed for removal shall be indicated as such



#### **PETITION OVERVIEW**

This 5.28-acre site, zoned C-4 (TOD), is comprised of two undeveloped parcels. It is surrounded by commercial uses to the north, across East Washington Street, zoned D-5 (TOD); undeveloped land / Pennsy Trail to the south, zoned C-4 (TOD); commercial uses and undeveloped land to the east, zoned D-5 (TOD); and single-family dwellings and undeveloped land to the west, zoned D-5 (TOD).

#### **REZONING**

The request would rezone the site to the SU-9 (Buildings and grounds used by any department of town, city, township, county, state or federal government) district to provide for an IndyGo transit Center. "No building, structure, premises or part thereof shall be constructed, erected, converted, enlarged, extended, reconstructed or relocated except in conformity with these regulations and for uses permitted by this article and until the proposed Site and Development Plan and landscape plan have been filed with and approved on behalf of the Commission by the Administrator or approved by the Commission, as hereinafter provided. Such request shall be in the form of an application for an Improvement Location Permit, following all requirements for plan submission and documentation."

Site and development plans in the SU-9 district would be reviewed and approved, by applying the development standards of the C-1 district.

The proposed use (IndyGo Eastside Mobility Hub) would be consistent with the Cumberland Comprehensive 2031 Plan (2014) recommendation of commercial typology for the site.

#### **Plan of Operation**

The Plan of Operation, file dated March 13, 2025, states that the "Eastside Mobility Hub" would serve as the end of the line for fixed routes 13, 21, and 87 and allow transfers between all four routes. See Exhibit A.

The site would include fare collection automated kiosks, six bus bays, an 884-square-foot building for IndyGo staff (restrooms and break room) and six parking spaces.

Hours of operation would be approximately between 5:00 a.m. and 1:00 a.m. on weekdays and 6:00 a.m. and 1:00 a.m. on weekends.

#### Tree Preservation / Heritage Tree Conservation

There are significant amounts of natural vegetation and trees located throughout the site. Due to their inherent ecological, aesthetic, and buffering qualities, the maximum number of these existing trees should be preserved on the site.

All development shall be in a manner that causes the least amount of disruption to the trees.



A tree inventory, tree assessment and preservation plan prepared by a certified arborist shall be submitted for Administrator Approval prior to preliminary plat approval and prior to any site preparation activity or disturbance of the site. This plan shall, at a minimum: a) indicate proposed development, b) delineate the location of the existing trees, c) characterize the size and species of such trees, d) indicate the wooded areas to be saved by shading or some other means of indicating tree areas to be preserved and e) identify the method of preservation (e.g. provision of snow fencing or staked straw bales at the individual tree's dripline during construction activity). All trees proposed for removal shall be indicated as such.

If any of the trees are heritage trees that would be impacted, then the Ordinance requires that the Administrator, Urban Forester or Director of Public Works determine whether the tree(s) would be preserved or removed and replaced.

The Ordinance defines "heritage tree" as a tree over 18 inches Diameter at Breast Height (DBH) and one of the Heritage tree species. Heritage tree species include: Sugar Maple (Acer saccharum), Shagbark Hickory (Carya ovata), Hackberry (Celtis occidentalis), Yellowwood (Cladrastus kentukea), American Beech (Fagus grandifolia), Kentucky Coffeetree (Gymnocladus diocia), Walnut or Butternut (Juglans), Tulip Poplar (Liriodendron tulipifera), Sweet Gum (Liquidambar styraciflua), Black Gum (Nyssa sylvatica), American Sycamore (Platanus occidentalis), Eastern Cottonwood (Populus deltoides), American Elm (Ulmus americana), Red Elm (Ulmus rubra) and any oak species (Quercus, all spp.)

The Ordinance also provides for replacement of heritage trees if a heritage tree is removed or dies within three years of the Improvement Location Permit (ILP) issuance date. See Exhibit B, Table 744-503-3: Replacement Trees.

#### **Overlays**

This site is also located within an overlay, specifically the Transit Oriented Development (TOD). "Overlays are used in places where the land uses that are allowed in a typology need to be adjusted. They may be needed because an area is environmentally sensitive, near an airport, or because a certain type of development should be promoted. Overlays can add uses, remove uses, or modify the conditions that are applied to uses in a typology."

The Transit-Oriented Development (TOD) overlay is intended for areas within walking distance of a transit station. The purpose of this overlay is to promote pedestrian connectivity and a higher density than the surrounding area.

This site is located within a ¼ mile walk (approximately 945 feet) of a proposed transit stop located at the intersection of East Washington Street and Woodlark Drive (East Terminus), with a District Center typology.



#### **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.

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 receptables for proper disposal of trash and other waste.

#### **Planning Analysis**

Staff believes the proposed development would generally align with the Cumberland Comprehensive Plan recommendation. As previously noted, the Plan recommends commercial uses but does not provide details regarding the type of commercial uses or supportive services.

Staff believes that the proposed mobility hub would be an appropriate amenity that would support the planned Blue Line transit corridor and improve services for both IndyGo staff and customers.



It would also support the purpose and goals of the Blue Line to maximize the economic development and public benefit of the investment, promote more in-demand (and under-supplied) walkable urban villages, and promote economic mobility for those who can most benefit from the educational and employment opportunities the Blue Line connects.

#### **GENERAL INFORMATION**

Existing Zoning	C-4 (TOD)	
Existing Land Use	Undeveloped	
Comprehensive Plan	Commercial	
Surrounding Context	Zoning	Land Use
North:	ID-5 (TOD)	Commercial uses
South:	C-4 (TOD)	Undeveloped land / Pennsy Trail
East:	D-5 (TOD)	Commercial uses / Undeveloped land
West:	D-5 (TOD)	Single-family dwelling / undeveloped land
Thoroughfare Plan		
East Washington Street	Primary arterial	Existing 104-foot right-of-way and proposed 78-foot right-of-way.
Context Area	Metro	
Floodway / Floodway Fringe	No	
Overlay	Yes – Transit-Oriented Development (TOD)	
Wellfield Protection Area	No	
Site Plan	March 13, 2025	
Site Plan (Amended)	N/A	
Elevations	N/A	
Elevations (Amended)	N/A	
Landscape Plan	N/A	
Findings of Fact	N/A	
Findings of Fact (Amended)	N/A	
C-S/D-P Statement	N/A	

### **COMPREHENSIVE PLAN ANALYSIS**

### **Comprehensive Plan**

Not Applicable to this Site.



#### Pattern Book / Land Use Plan

Not Applicable to the Site

#### Red Line / Blue Line / Purple Line TOD Strategic Plan

Blue Line Transit-Oriented Development Strategic Plan (2018)

District Center stations are located at the center of regionally significant districts with several blocks of retail or office at their core. Development opportunities include infill and redevelopment, dense residential, employment near transit stations, neighborhood retail and a focus on walkability and placemaking.

Characteristics of the District Center typology are:

- A dense mixed-use hub for multiple neighborhoods with tall buildings
- · Minimum of three stories at core with no front or side setbacks
- Multi-family housing with a minimum of five units
- Structured parking only with active first floor

#### Neighborhood / Area Specific Plan

The Cumberland 2031 Comprehensive Plan (2014) recommends commercial uses but provides little detail regarding this use.

### **Infill Housing Guidelines**

Not Applicable to the Site.

#### **Indy Moves**

(Thoroughfare Plan, Pedestrian Plan, Bicycle Master Plan, Greenways Master Plan)

The Marion County Thoroughfare Plan (2019) "is a long-range plan that identifies the locations classifications and different infrastructure elements of roadways within a defined area."

The following listed items describe the purpose, policies and tools:

- Classify roadways based on their location, purpose in the overall network and what land use they serve.
- o Provide design guidelines for accommodating all modes (automobile, transit, pedestrians, bicycles) within the roadway.
- Set requirements for preserving the right-of-way (ROW)
- o Identify roadways for planned expansions or new terrain roadways
- Coordinate modal plans into a single linear network through its GIS database





### **ZONING HISTORY**

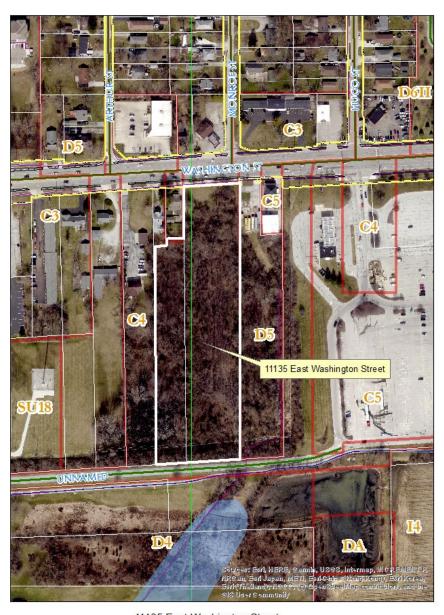
**2001-ZON-060; 1151 East Washington Street** (east of site), requested a rezoning 5.53 acres from D-5 to C-5 to provide for commercial development, **approved**.

**98-UV1-77**; **11119** East Washington Street (west. of the site), requested a variance of use of the Dwelling Districts Zoning Ordinance and a variance of development standards of the Sign Regulations to provide for a lawnmower sales and display business, with a 3 by 4-foot sign, **granted**.

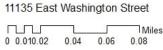




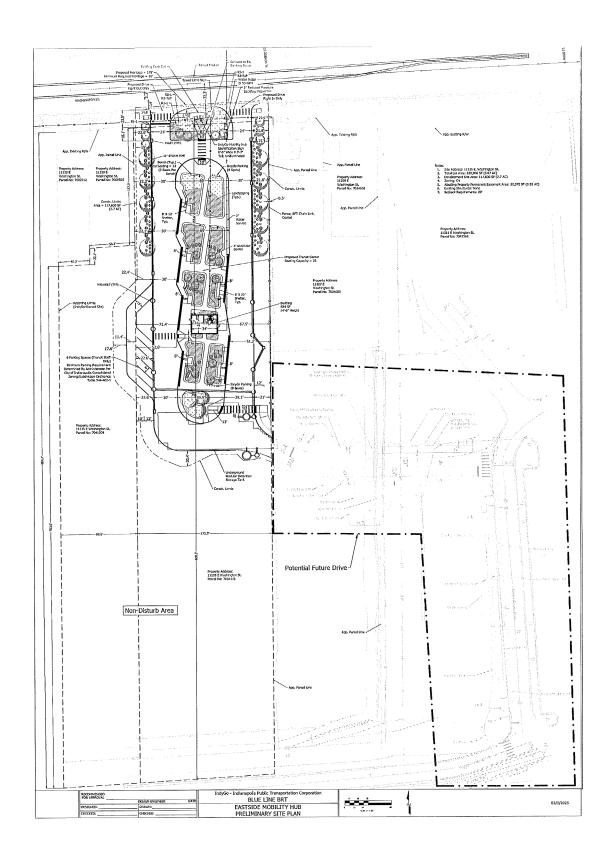
### **EXHIBITS**













#### **EXHIBIT A**

#### IndyGo Eastside Mobility Hub

#### **Plan of Operation**

The Indianapolis Public Transportation Corporation, d/b/a IndyGo, has proposed a new transit center facility at 11135 East Washington Street, to be known as the "Eastside Mobility Hub." The Eastside Mobility Hub will serve as the eastern end-of-line facility for the Blue Line Bus Rapid Transit (BRT) route. In addition, the Hub will serve as the eastern end-of-line for fixed routes 10, 21 and 87 (as envisioned within the current 2027 transit plan), and will allow transfers between all four routes.

The facility will allow the public to make transfers, but there is no public parking at the property, and the site is not intended to attract foot or vehicular traffic. The public would primarily access the site via bus and would only be on-site for transfers between routes. There is no retail activity proposed, except for fare collection at automated kiosks.

The site will have a total of six bus bays to accommodate both 40' and 60' bus parking, as well as paratransit vehicles, during boarding and layovers. The project would include a small driver comfort building (restrooms with a small break room). See site plan filed herewith.

The site will also be served by transit security, supervisors, and maintenance staff as temporary staff on site to support transit customers and to keep the site secure and clean. Public (non-IndyGo) vehicles would not be permitted on the site. There are no permanent IndyGo offices or workspaces proposed at the Hub.

To support these transient activities on site, IndyGo anticipates up to ten non-revenue vehicles (work truck, Supervisor SUV, fleet car) per day to visit the Hub, in a random pattern, and not all at once.

The hours of operation for the facility would be approximately between 5:00 a.m. and 1 a.m. on weekdays, and from approximately 6:00 a.m. to 1:00 a.m. on weekends, which aligns with the future Blue Line operational schedule. Fixed Route service generally terminates before midnight.



#### **EXHIBIT B**

#### **Heritage Tree Conservation**

Removal of any Heritage Tree is prohibited unless any of the following determinations are made before removal:

- 1. The Administrator or the city's Urban Forester determines that the tree is dead, significantly and terminally diseased, a threat to public health or safety, or is of an undesirable or nuisance species.
- 2. The Director of the Department of Public Works determines that the tree interferes with the provision of public services or is a hazard to traffic.
- 3. The Administrator determines that the location of the tree is preventing development or redevelopment that cannot be physically designed to protect the tree.
- 4. The site from which the tree is removed is zoned D-A and the tree is harvested as timber or similar forestry product.

Table 744-503-3: Replacement Trees		
Size of tree removed or dead (inches)	Number of Trees to be planted to replace a Heritage Tree	Number of Trees to be planted to replace an existing tree
Over 36 DBH	15	10
25.5 to 36 DBH	11	8
13 to 25 DBH	8	6
10.5 to 12.5 DBH	6	4
8.5 to 10 DBH	5	4
6.5 to 8	3	2
4 to 6	2	2
2.5 to 3.5	1	1





View looking east along East Washington Street



View looking west along East Washington Street





View of site looking south across East Washington Street



View of site looking south across East Washington Street





View of site looking south across East Washington Street



View of adjacent property to the east looking southeast across East Washington Street





View of adjacent property to the west looking southwest across East Washington Street



### METROPOLITAN DEVELOPMENT COMMISSION HEARING EXAMINER

**April 24, 2025** 

**Case Number:** 2025-ZON-029

**Property Address:** 3939 Madison Avenue (approximate address)

**Location:** Perry Township, Council District #23

**Petitioner:** University RS LLC, by Timothy Ochs and Jennifer Milliken

**Current Zoning:** C-7 (TOD)

Reguest: Rezoning of 7.79 acres from the C-7 (TOD) district to the C-4 (TOD) district

to provide for a school and existing commercial retail uses.

Current Land Use: Commercial

**Staff** 

Recommendations: Approval

**Staff Reviewer:** Desire Irakoze, Principal Planner II

#### **PETITION HISTORY**

This is the first public hearing on this petition.

#### STAFF RECOMMENDATION

Staff recommends approval of this rezoning request.

#### **PETITION OVERVIEW**

#### **LAND USE**

This 7.79-acre site, zoned C-7 (TOD), is currently developed with a commercial office building which contains the Department of Motor Vehicles. There is also a sign for Hope Academy. The property is surrounded by various commercial, residential and university uses and is located directly west of the University of Indianapolis campus.

#### **REZONING**

This request would rezone the site to C-4 (Community-Regional Commercial District) district to accommodate for schools (Elementary, Middle or High Schools) and offices (business, professional or government uses. The Indianapolis South BMV Branch is permitted in both the C-4 and the C-7 zoning district, the rezoning is essential to allow the site to be utilized for the Hope Academy High School.

This site falls within the Shelby Street Corridor Plan, which designates the area as Critical Area A: University Shoppes. The plan's near-term goal recommends rezoning the C-7 zoning district to a more



appropriate commercial zoning classification that better aligns with existing uses. Staff finds that rezoning to C-4 is the most suitable option.

#### **ZONING DISTRICT OVERVIEW**

**C-7 (High-Intensity Commercial District):** characterized by commercial uses which have unusually incompatible features relative to other commercial uses, such as major outdoor storage or display of sizeable merchandise and the outdoor parking and storage of trucks, materials, or equipment essential to the operation of these uses.

**C-4 (Community-Regional Commercial District)**: designed for major business groupings and regional-size shopping centers to serve a population ranging from a neighborhood to a major segment of the total metropolitan area. The district accommodates a number of large traffic generators, such as home improvement stores, department stores, and theatres, and allows limited outdoor activities.

**TOD (Transit Oriented Development Secondary District):** established on all lots, wholly or partially, within 1,000' of the centerline of a mapped Bus Rapid Transit (BRT) Line. Dwelling, Industrial, CBD and IHPC districts are exempt from the provisions of this Secondary District. The intent of the TOD Secondary District is to coordinate more compact, walkable, and urban development patterns with public investment in the transit system.

#### **GENERAL INFORMATION**

F 1.0 7	C-7 (TOD)	
Existing Zoning		
Existing Land Use	Commercial	
Comprehensive Plan	Community Commercial	
Surrounding Context	Zoning	Land Use
North:	C-7	Commercial Use
South:	C-3/D-3	Residential Use
East:	I-3	University of Indianapolis
West:	C-4	Commercial Use
Thoroughfare Plan		
		-foot existing right-of-way &
East Hanna Avenue	Primary Arterial	102-foot proposed right-of-way.
Madison Avenue	Primary Arterial	-foot existing right-of-way &
		102-foot proposed right-of-way.
Context Area	Metro	
Floodway / Floodway Fringe	No	
Overlay	<b>Transit-Oriented Development</b>	Overlay
Wellfield Protection Area	No	
Site Plan	3/25/2025	
Site Plan (Amended)	N/A	
Elevations	N/A	
Elevations (Amended)	N/A	



Landscape Plan	N/A
Findings of Fact	N/A
Findings of Fact (Amended)	N/A
C-S/D-P Statement	N/A

#### **COMPREHENSIVE PLAN ANALYSIS**

#### **Comprehensive Plan**

- Pattern Book
- Shelby Street Corridor Plan (2008)

#### Pattern Book / Land Use Plan

- The Community Commercial typology provides for low-intensity commercial, and office uses that serve nearby neighborhoods. These uses are usually in freestanding buildings or small, integrated centers. Examples include small-scale shops, personal services, professional and business services, grocery stores, drug stores, restaurants, and public gathering spaces.
- Small-Scale Schools, Places of Worship, and Other Places of Assembly
- If proposed within one-half mile along an adjoining street of an existing or approved residential development, then connecting, continuous pedestrian infrastructure between the proposed site and the residential development (sidewalk, greenway, or off-street path) should be in place or provided.
  - Healthier 1.1: Making areas walkable, enjoyable, and safe is critical to active living.
  - Inclusive 2.2: Walkable neighborhoods are more inclusive of residents who are unable to drive or do not desire to drive by allowing them to access shops, services, and other amenities without using a vehicle.
- Schools should not be within 1000 feet of a highway, freeway, or expressway.
  - Healthier 4.1: Places where children and other vulnerable populations spend long periods of time should be separated from major sources of air pollution.

#### Red Line / Blue Line / Purple Line TOD Strategic Plan

- University of Indianapolis Typology: District Center
- Corridor Commercial

#### Neighborhood / Area Specific Plan

- Shelby Street Corridor Plan (2008) recommends this area as Community Commercial and Critical Area A.
- University Shoppes, 3915 and 3919 Madison Avenue



#### Near Term

- Encourage the continuing redevelopment of the "University Shoppes" shopping center with a tenant mix that appeals to the campus and neighborhood. Encourage restaurants to have exterior seating areas.
- Change sites zoned C-7 to more appropriate commercial zoning that better matches current uses.

#### Long Term

- Along with the parcels to the north, the center has potential for more intensive land uses that would enhance the near-university setting.
- Lodging and conference facilities related to academic and community programs could complement office and research facilities.

#### **Infill Housing Guidelines**

Not Applicable to the Site.

#### **Indy Moves**

(Thoroughfare Plan, Pedestrian Plan, Bicycle Master Plan, Greenways Master Plan)

Applicable to the Site.

Item 9.



# Department of Metropolitan Development Division of Planning Current Planning

#### **ZONING HISTORY**

**79-Z-12; 3939 Madison Avenue** (subject site) request rezoning of 10.42 acres, being in the I-3-U district, to C-7 classification to permit storage, sale and services of autos and trucks over one-half ton, **approved**.

**2016-ZON-030 (Amended)**; **3808 Shelby Street** (northeast of site) request rezoning of 1.21 acres, from the UQ-1 District, to the MU-2 classification to provide for artisan food and beverage productions, with outdoor seating, **approved**.

**2012-ZON-079**; **3808 Shelby Street** (northeast of site) request rezoning of 1.21 acres from the I-3-U District to the C-4 classification to provide for commercial uses, **approved**.

2011-ZON-021; 3920,4005 and 4011 Shelby Street and 1109,1219 and 1400 East Hanna Avenue (east of site), requested rezoning of 1.69 acres, being in the D-4, C-3, and C-7 Districts, to the UQ-1 classification to provide for university uses, approved.

#### **EXHIBITS**





Photo: 1 Looking at Hope Academy from the parking lot





Photo: 2 Looking north towards the BMV





Photo: 3 Looking South across E Hanna Ave

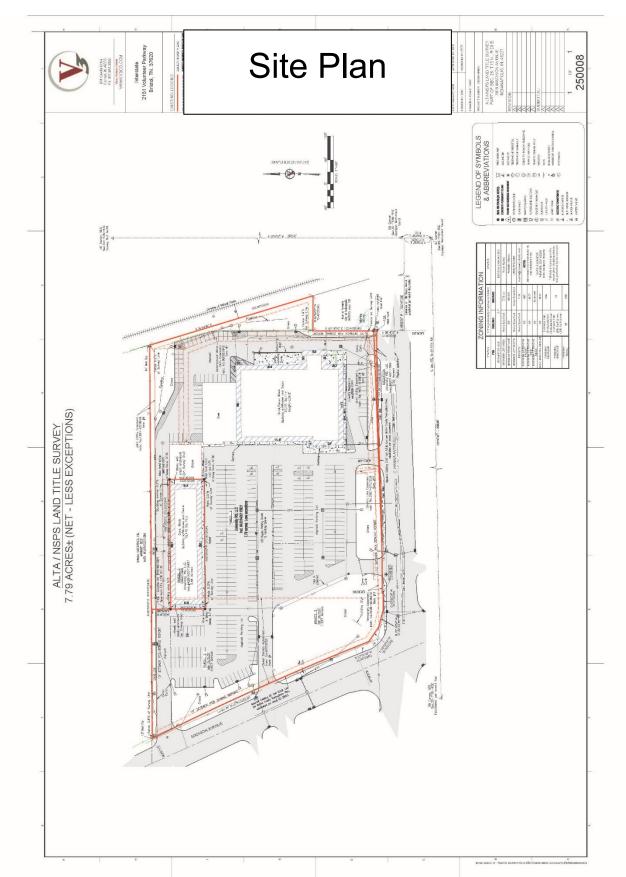




Photo: 4 Looking at the Hope Academy School bus parked on the south side of the building









#### **Plan of Operations**

This rezoning request applies to the building known as 3919 Madison Avenue and the associated parking which is addressed 3919 Madison Avenue. It does not apply to the adjacent commercial building with an address of 3915 Madison Avenue since that is on a separate parcel.

The building at 3919 Madison Avenue has two tenants, a BMV office and the Hope Academy charter school. The purpose for the down zoning from C7 to C4 is to legally permit the school.

#### **Hope Academy**

The official school day takes place from 9am to 3:20pm. Students may be on site before and after that for counseling or extracurricular activities. Faculty and staff may be on site before or after for preparation, meetings, and the like. In general, the school operates during typical business hours.

Hope Academy provide free transportation for their students by operating two bus loops in Marion County and by contracting with Miller Transportation for students who live outside of the 465 loop.

Faculty and staff may arrive by car or by bus, as there are two adjacent Indy Go routes (29 and 31.) There is also a nearby Red Line stop at Shelby Street near Campus Drive, but that is separated from this parcel by an active freight rail line which can make access difficult. Hope Academy's administration, including its head of school, are located on site. Currently, Hope Academy has 35 students with an average class size of 7 students.

There is ample on-site parking.

#### **Indianapolis South BMV Branch**

This BMV office has the following operating hours:

- Tuesdays from 9am to 6:30pm
- Wednesdays/Thursdays/Fridays from 9am-5pm
- Saturdays from 9am to 12:30pm

It is closed on Sundays and Mondays.

Customers and staff may arrive by car or bus as described above for the school.

BMV staff also would lead driving tests as needed from this location.

Behind the building there is dedicated space for loading and waste removal. Deliveries

for the school, which is predominantly food, are made during normal business hours.



### METROPOLITAN DEVELOPMENT COMMISSION HEARING EXAMINER

April 24, 2025

**Case Number:** 2025-ZON-030

**Property Address:** 454 and 456 Arthur Avenue (approximate addresses)

**Location:** Wayne Township, Council District #16

Petitioner: Victor Solano

Current Zoning: C-3

Reguest: Rezoning of 0.142-acre from the C-3 district to the D-5 district to provide for

a single-family dwelling.

Current Land Use: Undeveloped

Staff

Recommendations: Approval

Staff Reviewer: Marleny Iraheta, Senior Planner

#### **PETITION HISTORY**

This is the first public hearing for this petition.

#### **STAFF RECOMMENDATION**

Staff recommends approval of the request.

#### **PETITION OVERVIEW**

#### **LAND USE**

The 0.142-acre subject site consists of two undeveloped parcels, 9013022 and 9013023. It is surrounded by single-family dwellings to the east, zoned D-5, a single-family dwelling to the south, zoned C-3, undeveloped land to the west, zoned I-4, and a grocery store to the north, zoned C-3.

#### **REZONING**

The request would rezone the property from the C-3 district to the D-5 district for residential development of a single-family dwelling that would not be permitted in the existing C-3 district.

The C-3 District is for the development of an extensive range of retail sales and personal, professional and business services required to meet the demands of a fully developed residential neighborhood, regardless of its size. Examples of such types of uses include neighborhood shopping centers, sales of retail convenience or durable goods, shopping establishments, retail and personal and professional service establishments. At this neighborhood scale of retail, a fine- grain of accessibility requisite for all



modes of travel must be provided and maintained. It does not make provision, however, for those businesses that draw customers insignificant numbers from well beyond a neighborhood boundary and are, therefore, unusually heavy traffic generators, such as theaters. It does not allow those businesses that require the outdoor display, sale or storage of merchandise; or require outdoor operations. In general, to achieve maximum flexibility of permitted land use, the C-3 District makes possible a highly varied grouping of indoor retail and business functions.

The D-5 district is intended for medium and large-lot housing formats, primarily for detached houses, but may incorporate small-scale multi-unit building types in strategic locations. This district can be used for new, walkable suburban neighborhoods or for infill situation in established urban areas, including both low density and medium density residential recommendations of the Comprehensive Plan, and the Suburban Neighborhood and Traditional Neighborhood Typologies of the Land Use Pattern Book.

#### STAFF ANALYSIS

Staff is supportive of the rezoning to the D-5 district because it would allow for an additional residential dwelling to be constructed in line with the context of the surrounding area.

Additionally, the proposed dwelling district would also align with the suburban neighborhood recommendation of the Comprehensive Plan.

#### **GENERAL INFORMATION**

Existing Zoning	C-3	
Existing Land Use	Undeveloped	
Comprehensive Plan	Suburban Neighborhood	
Surrounding Context	Zoning	Land Use
North:	C-3	Commercial (Grocery store)
South:	C-3	Residential (Single-family dwelling)
East:	D-5	Residential (Single-family dwellings)
West:	1-4	Undeveloped
Thoroughfare Plan		
Arthur Avenue	Local Street	48-foot proposed right-of-way and 50-foot existing right-of-way.
Grande Avenue	Local Street	48-foot proposed right-of-way and 82-foot existing right-of-way.
Context Area	Compact	
Floodway / Floodway Fringe	No	
Overlay	No	
Wellfield Protection Area	No	
Site Plan	N/A	
Site Plan (Amended)	N/A	



Elevations	N/A
Elevations (Amended)	N/A
Landscape Plan	N/A
Findings of Fact	N/A
Findings of Fact (Amended)	N/A
C-S/D-P Statement	N/A

#### **COMPREHENSIVE PLAN ANALYSIS**

#### Comprehensive Plan

- Marion County Land Use Plan Pattern Book (2019)
- Infill Housing Guidelines (2021)

#### Pattern Book / Land Use Plan

- The Comprehensive Plan recommends suburban neighborhood development.
- The Suburban Neighborhood typology is predominantly made up of single-family housing but is interspersed with attached and multifamily housing where appropriate. This typology should be supported by a variety of neighborhood-serving businesses, institutions, and amenities. Natural Corridors and natural features such as stream corridors, wetlands, and woodlands should be treated as focal points or organizing systems for development. Streets should be well-connected, and amenities should be treated as landmarks that enhance navigability of the development. This typology generally has a residential density of 1 to 5 dwelling units per acre, but a higher density is recommended if the development is within a quarter mile of a frequent transit line, greenway, or park.

#### 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.
- o All development should include sidewalks along the street frontage.
- Hydrological patterns should be preserved wherever possible.
- Curvilinear streets should be used with discretion and should maintain the same general direction.
- o In master-planned developments, block lengths of less than 500 feet, or pedestrian cutthroughs for longer blocks, are encouraged.

#### Conditions for All Housing

- A mix of housing types is encouraged.
- Developments of more than 30 housing units must have access to at least one arterial street of 3 or more continuous travel lanes between the intersections of two intersecting arterial streets.
- Should be within a one-mile distance (using streets, sidewalks, and/or off-street paths) of a school, playground, library, public greenway, or similar publicly accessible recreational or cultural amenity that is available at no cost to the user.



- Should be oriented towards the street with a pedestrian connection from the front door(s) to the sidewalk. Driveways/parking areas do not qualify as a pedestrian connection.
- Developments with densities higher than 5 dwelling units per acre should have design character compatible with adjacent properties. Density intensification should be incremental with higher density housing types located closer to frequent transit lines, greenways or parks.

#### Detached Housing

- The house should extend beyond the front of the garage.
- Lots should be no more than 1.5 times the size (larger or smaller) of adjacent/surrounding lots, except in cases where lots abut existing residential lots of one acre or more in size. In those cases, lots should be no smaller than 10,000 square feet and no larger than 1.5 times the size of the abutting lot.

#### Red Line / Blue Line / Purple Line TOD Strategic Plan

Not Applicable to the Site.

#### Neighborhood / Area Specific Plan

Not Applicable to the Site.

#### **Infill Housing Guidelines**

- BUILDING ELEVATIONS AND ARCHITECTURAL ELEMENTS.
  - 1. Utilize Foundation Styles and Heights that are Consistent with Nearby Houses: The height of the foundation affects where doors, porches, and windows are located. Unless there are special circumstances that require additional height, such as the location is in or near a floodplain, the foundation height for new construction should be consistent with nearby buildings.
  - 2. Be Consistent with Surrounding Entry Locations: Main entries should be visible from the street. Entries should not be hidden, obscured, or missing from the main street elevation (front). The entry should reflect a similar characteristic to those that surround it, such as formal or casual, recessed or flush, narrow or wide.
  - 3. Where Appropriate, Include Porches or Stoops: Use context to determine if front porches are consistent elements used in the neighborhood. If so, add porches or stoops to new construction.
  - 4. Coordinate the Location and Door Style of Balconies with the Surrounding Neighborhood: Balconies are common architectural elements in some neighborhoods, but uncommon in others. Balconies along the street should be used when appropriate. When a balcony is used, consider the appropriate door access for the type of balcony.



For example, Juliet balconies, which are intended to bring the outside in, make the most sense when French doors are used.

- 5. **Consider Nearby Roof Styles**: The basic outline of a new building should reflect building outlines typical of the area. Roof selection and overall height contribute to the building outline. Select roof shapes that are frequently used in the neighborhood.
- o 6. Fenestration Should Relate to the Surrounding Context: Windows and doors should be arranged on buildings so as not to conflict with the basic fenestration patterns in the neighborhood. The proportion of glass (windows) to solid materials (wood, bricks, and other materials) which is found within the surrounding context should be reflected in new construction. Every elevation (sides and rear) should have windows on each story to help break up the monotony of the façade.
- 7. Materials Used Should Reflect the Context of the Neighborhood: Introducing new materials that are not used in the existing context should be done in a way where those materials are not the dominant material and make up less than 30% of the overall façade design.
- 8. Consider Unique Neighborhood Features: In addition to the architectural features mentioned above, consider other common features like chimneys, dormers, gables, and overhanging eaves that shape the character of a neighborhood. When possible, include these features into new construction.

#### **Indy Moves**

(Thoroughfare Plan, Pedestrian Plan, Bicycle Master Plan, Greenways Master Plan)

Not Applicable to the Site.



#### **ZONING HISTORY**

#### **Zoning History - Site**

**56-A-168**; North side of the intersection of Arthur and Grande Avenue (subject site), Rezoning of Lots 1 and 2 I Michigan Terrace Subdivision being in an R-4 (Residential) district to a B-6 (7) classification to permit the location and operation of a Drive-in Dairy Bar, **approved.** 

#### **Zoning History – Vicinity**

**2021-ZON-011/ 2021-VAR-001; 4220 West Michigan Street** (north of site), Rezoning of 0.34 acre from the D-5 district to the C-3 district and variance of development standards of the Consolidated Zoning and Subdivision Ordinance to legally establish a zero-foot front yard setback, five-foot north and east side transitional yards and parking and maneuvering in the right-of-way (10-foot front yard, 10-foot transitional side yard and parking and maneuvering in the right-of-way not permitted), **approved and granted.** 

**2020-ZON-008; 4251 Cossell Road** (east of site), Rezoning of 0.95 acre from the D-5 district to the SU-7 district, **approved.** 

**2010-ZON-027; 4500** West Vermont Street (west of site) and **15** other addresses around the city, Rezoning of 355.42 acres from multiple zoning districts to the PK-1 district, **approved.** 

**2003-ZON-177; 4118 and 4150 West Michigan Street** (northeast of site), Rezoning of 0.27 acre from the D-5 district to the SU-1 district, **approved.** 

**67-Z-28**; Located on both sides of Cossell Road on the west side of Grande Avenue (west of site), Rezoning of 35.451 acres being in D-3 and D-5 districts to I-4-U classification to provide for the expansion of the existing Allison Div., Plant #3 of Gen. Motors Corp., **approved.** 



#### **EXHIBITS**







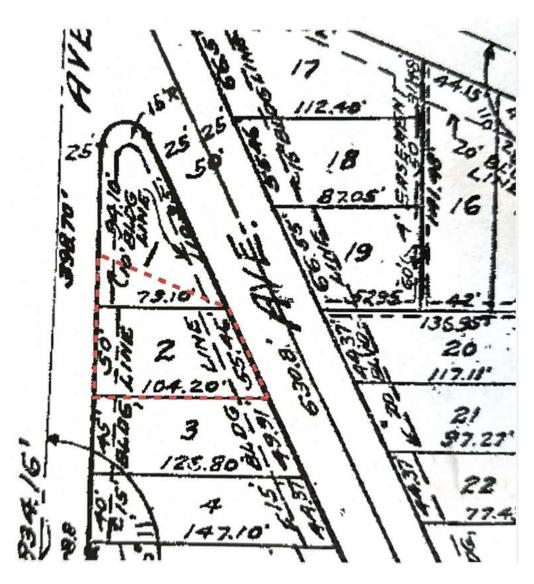






Photo of the subject site at 454 and 456 Arthur Avenue looking west from Arthur Avenue.



Photo of the subject site looking south.





Photo of City right-of-way north of the site.



Photo of City right-of-way north of the site.



Photo of the intersection and grocery store north of the site.





Photo of the single-family dwelling south of the site looking west.



Photo of the single-family dwelling south of the site looking east.





Rear photo of the subject site looking east from Grande Avenue.



Photo of the undeveloped land west of the site.



### METROPOLITAN DEVELOPMENT COMMISSION HEARING EXAMINER

**April 24, 2025** 

Case Number: 2025-ZON-031

**Property Address:** 2602 West 62nd Street and 6202 Michigan Road (approximate addresses)

**Location:** Washington Township, Council District #6

Petitioner: Crooked Creek Cultural Campus, Inc. by Joseph D. Calderon

Current Zoning: D-A and C-1

Rezoning of 7.849 acres from the D-A and C-1 districts to the SU-7 district

**Request:** to provide for a not-for-profit organization for community enrichment

programming, including education, art, music and performing arts.

Current Land Use: Agricultural/ Commercial

**Staff** 

Recommendations: Approval

**Staff Reviewer:** Desire Irakoze, Principal Planner II

#### **PETITION HISTORY**

This is the first hearing for this petition.

#### STAFF RECOMMENDATION

Staff recommends approval subject to the following commitments being reduced to writing on the Commission's Exhibit "B" forms at least three (3) days prior to the MDC hearing:

- 1. Per the site plan dated March 21, 2025, the trail width shall be widened to 10 feet.
- 2. A trail connection to Michigan Road shall be provided.

#### **PETITION OVERVIEW**

#### **LAND USE**

This 7.849-acre site, zoned D-A and C-1 is currently developed with a single-family residence. It is surrounding zoning includes, to the northeast, zoned SU-1 and is currently undeveloped. To the south, zoned D-2, containing the Frosch's Lincoln Park Subdivision. To the east, zoned C-1, containing The Childrens House. To the northwest and west, zoned D-5, containing the Cooper Pointe Subdivision.

This request would rezone the site to **SU-7 (Special Use District)** district to provide for charitable, philanthropic and not-for-profit institution, per the site plan dated **March 21, 2025.** 



The applicable development standards of the SU-7 are the same as the MU-1, as such the provided site plan meets the parking requirements. The parking ranges are as follows:

- Office: Business, Professional, or Government Uses (includes research and development offices, post offices, etc.) → 43–75 spaces required.
- Outdoor Recreation and Entertainment, General → 1 space minimum, no maximum.

Given the size of the office building and amphitheater, a minimum of 44 parking spaces is required. The provided site plan meets this requirement.

Additionally, the site plan includes an 8-foot-wide trail. According to Indy Greenways Urban Greenways Design Standards, trail width should be at least 10 feet. Therefore, staff recommends a commitment to widen the trail to 10 feet to ensure compliance.

#### ZONING DISTRICT OVERVIEW

**D-A (Dwelling Agriculture District):** holds the agricultural lands of Marion County and provides for a variety of agricultural uses. Most agricultural uses (farms) are permitted in this district. A single-family dwelling is intended to be permitted as a part of such agricultural uses. A secondary provision of this district is large estate development of single-family dwellings. The district does not require public water and sewer facilities.

C-1 (Office-Buffer District): includes most types of office uses.

SU-7 (Special Use District Seven): permits charitable, philanthropic and not-for-profit institutions.

#### **GENERAL INFORMATION**

Existing Zoning	D-A and C-1	
Existing Land Use	Agricultural/ Commercial	
	Suburban Neighborhood (2602 W 62 <sup>nd</sup> Street)	
Comprehensive Plan	Rural or Estate Neighborhood (6202 Michigan Road)	
	Office Commercial (6202 Michigan Road)	
Surrounding Context	Zoning	Land Use
North:	SU-1	Single-Family Residential Use
South:	D-2	Single-Family Residential Use
East:	C-1	The Children's House
West:	D-5	Single-Family Residential Use
Thoroughfare Plan		
West 62nd Street	Primary Arterial	60-foot existing right-of-way vs 119- foot Proposed right-of-way
Michigan Road	Primary Collector	101-foot existing right-of-way vs 91- foot Proposed right-of-way
Context Area	Metro	
Floodway / Floodway Fringe	No	
Overlay	Residential Corridor Reserve	



Wellfield Protection Area	No
Site Plan	3/21/2025
Site Plan (Amended)	N/A
Elevations	N/A
Elevations (Amended)	N/A
Landscape Plan	N/A
Findings of Fact	N/A
Findings of Fact (Amended)	N/A
C-S/D-P Statement	N/A

#### **COMPREHENSIVE PLAN ANALYSIS**

#### Comprehensive Plan

Pattern Book

#### Pattern Book / Land Use Plan

- The Suburban Neighborhood typology is predominantly made up of single-family housing but is interspersed with attached and multifamily housing where appropriate. This typology should be supported by a variety of neighborhood-serving businesses, institutions, and amenities. Natural Corridors and natural features such as stream corridors, wetlands, and woodlands should be treated as focal points or organizing systems for development. Streets should be well-connected, and amenities should be treated as landmarks that enhance navigability of the development. This typology generally has a residential density of 1 to 5 dwelling units per acre, but a higher density is recommended if the development is within a quarter mile of a frequent transit line, greenway, or park.
- Small-Scale Schools, Places of Worship, and Other Places of Assembly
- Should be located along an arterial street.
  - <u>Resilient 2.3:</u> Traffic can play a major role in determining whether a certain use is appropriate for a neighborhood or areas.
  - <u>Resilient 3.1:</u> Development should be concentrated on properties that already have adequate infrastructure, such as streets, parks, schools, and sewers.
- If proposed within one-half mile along an adjoining street of an existing or approved residential development, then connecting, continuous pedestrian infrastructure between the proposed site and the residential development (sidewalk, greenway, or off-street path) should be in place or provided.
  - o Healthier 1.1: Making areas walkable, enjoyable, and safe is critical to active living.
  - Inclusive 2.2: Walkable neighborhoods are more inclusive of residents who are unable to drive or do not desire to drive by allowing them to access shops, services, and other amenities without using a vehicle.
- Schools should not be within 1000 feet of a highway, freeway, or expressway.
  - Healthier 4.1: Places where children and other vulnerable populations spend long periods of time should be separated from major sources of air pollution.



- Should be located within one-half mile of a bus or rapid transit stop, unless there is no or limited bus service within the institution's service area.
  - <u>Inclusive 1.3:</u> Education, jobs, services, and community amenities should be accessible to all.
  - Inclusive 2.2: Walkable neighborhoods are more inclusive of residents who are unable to drive or do not desire to drive by allowing them to access shops, services, and other amenities without using a vehicle.
- The **Rural or Estate Neighborhood** typology applies to both rural or agricultural areas and historic, urban areas with estate-style homes on large lots. In both forms, this typology prioritizes the exceptional natural features such as rolling hills, high quality woodlands, and wetlands that make these areas unique. Development in this typology should work with the existing topography as much as possible. Typically, this typology has a residential density of less than one dwelling unit per acre unless housing is clustered to preserve open space.
- The **Office Commercial** typology provides for single and multi-tenant office buildings. It is often a buffer between higher intensity land uses and lower intensity land uses. Office commercial development can range from a small freestanding office to a major employment center. This typology is intended to facilitate establishments such as medical and dental facilities, education services, insurance, real estate, financial institutions, design firms, legal services, and hair and body care salons.
- Small-Scale Parks
- A sidewalk or pedestrian path is required within the park.
  - o <u>Healthier 1.1:</u> Making areas walkable, enjoyable, and safe is critical to active living.
  - o Healthier 3.2: Preserving the natural environment can be good for general wellbeing.
- Pedestrian connections to employment centers should be provided.
  - o <u>Healthier 1.1</u>: Making areas walkable, enjoyable, and safe is critical to active living.
  - Healthier 3.2: Preserving the natural environment can be good for general wellbeing.

#### Red Line / Blue Line / Purple Line TOD Strategic Plan

Not Applicable to the Site.

#### Neighborhood / Area Specific Plan

Not Applicable to the Site.

#### **Infill Housing Guidelines**

Not Applicable to the Site.

#### **Indy Moves**

(Thoroughfare Plan, Pedestrian Plan, Bicycle Master Plan, Greenways Master Plan)

Enter Recommendation by Indy Moves Plans or "Not Applicable to the Site.



#### **ZONING HISTORY**

**2018-CZN-854; 6202 Michigan Road**, (subject site), Rezoning of 3.27 acres from the C-1 district to the C-S classification to provide for C-1 uses and self-storage, **denied** 

**2018-CVR-854**; **6202 Michigan Road** (subject site) Variance for development standards of the Consolidated Zoning and Subdivision Ordinance to provide for a self-storage facility with seven off-street parking spaces and zero feet of transparency along west 62<sup>nd</sup> street (one per 30 units and 40% transparency required within 50 feet of a street).

**2020-ZON-081; 6202 Michigan Road** (subject site), requested rezoning of 3.35 acres from the C-1 district to the D-7 district, **Withdrawn**.

**2015-ZON-020; 6202 Michigan Road** (subject site), requested rezoning of 6 acres from the A-2 district to the C-1 district to provide for office parking uses, **approved**.

**2000-ZON-178**; **6131 Michigan Road**, requested rezoning of 3.43 acres, being in the D-3 district, to the SU-1 classification to provide for an off-street parking lot for an existing school and church rectory, **approved**.

**74-Z-104**; **6202 Michigan Road** (includes subject site), requested rezoning of 3.45 acres, from the C-1 district to the SU-1 classification, **withdrawn**.

**2019-ZON-090; 6308 Michigan Road** (north of site), Rezoning of 1.5 acres from the D-2 district to the SU-1 district to provide for religious uses, **approved**.

**92-Z-4; 6314 Michigan Road** (north of site); requested rezoning of 5.3 acres from the D-7 district to the SU-1 district to provide for religious uses, **approved**.

**85-Z-75**; **6191 Michigan Road**; requested rezoning of 5.4 acres from the D-3 district to the SU-1 district to provide for religious uses, **approved**.

**84-Z-163**; **6201 Michigan Road**; requested rezoning of 10 acres from the D-7 and D-2 district to the SU-1 district to provide for religious uses, **approved**.

**78-Z-134**; **6440 Michigan Road**; requested the rezoning of 4.36 acres from the D-2 district to the SU-1 district to provide for religious uses, **approved**.

**91-Z-12**; **6314 North Michigan Road** (north of site), requested rezoning of 4.5 acres from the D-2 district to the SU-1 for the purpose of establishing The Revival Temple Church, **withdrawn**.



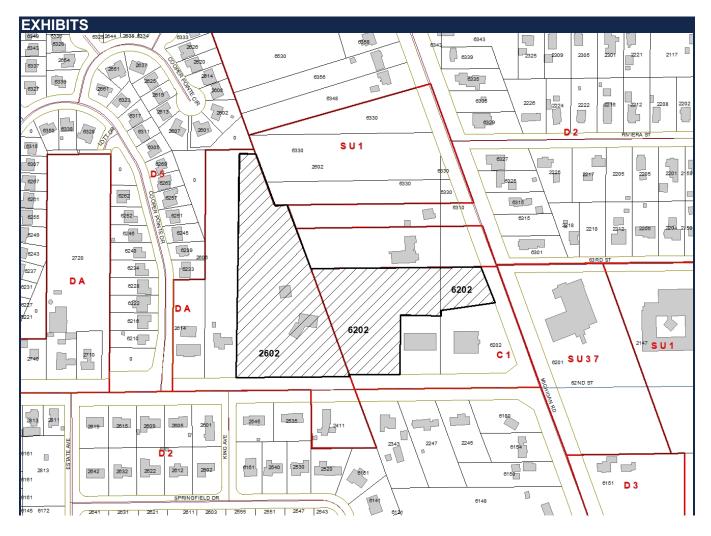












Photo: 1 Aerial Map



### METROPOLITAN DEVELOPMENT COMMISSION HEARING EXAMINER

April 24, 2025

**Case Number:** 2025-ZON-033

Property Address: 1322 Columbia Avenue

**Location:** Center Township, Council District #13

Petitioner: Amy Lapka
Current Zoning: D-8 (FF)

Reguest: Rezoning of 0.144-acre from the D-8 (FF) district to the C-4 (FF) district to

provide for expansion of a garden center.

Current Land Use: Outdoor storage

Staff

**Recommendations:** Approval, subject to the commitments noted below:

**Staff Reviewer:** Kathleen Blackham, Senior Planner

#### **PETITION HISTORY**

This is the first public hearing on this petition.

#### **STAFF RECOMMENDATION**

Approval, 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. The following uses shall be prohibited: daily emergency shelter; schools: elementary, middle or high schools; vocational technical or industrial school or training facility; plasma (blood) center; substance abuse treatment facility; check cashing or validation service; outdoor advertising off-premises sign; tattoo parlor; adult entertainment business; indoor spectator venue; night club or cabaret; hotel, motel or hostel; adult entertainment business: retail; firearm sales; on-going fireworks sales; liquor store; pawn shop; heavy general retail; automobile and light vehicle wash; automobile fueling station; automobile, motorcycle, and light vehicle service or repair; recycling station; automobile rental station; game courts; pick-up station for dry cleaning or laundry; and recycling collection point



#### **PETITION OVERVIEW**

This 0.144-acre site, zoned D-8 (FF) is currently being used for outdoor storage. It is surrounded by Interstate 70 right-of-way to the north, zoned D-8 (FF); commercial uses to the south and west, zoned C-4 (FF); and vacant land to the east, across Columbia Avenue, zoned D-8 (FF).

#### **REZONING**

The request would rezone the site to the C-4 (FF) district. "The C-4 District is designed to provide for the development of major business groupings and regional-size shopping centers to serve a population ranging from a community or neighborhoods to a major segment of the total metropolitan area. These centers may feature a number of large traffic generators such as home improvement stores, department stores, and theatres. Even the smallest of such freestanding uses in this district, as well as commercial centers, require excellent access from major thoroughfares. While these centers are usually characterized by indoor operations, certain permitted uses may have limited outdoor activities, as specified."

The request would be consistent with the Comprehensive Plan recommendation for village mixed-use.

#### Floodway / Floodway Fringe

This site has a secondary zoning classification of a Floodway (FW) and Floodway Fringe (FF). The Floodway (FW) is the channel of a river or stream, and those portions of the floodplains adjoin the channels which are reasonably required to efficiently carry and discharge the peak flood flow of the base flood of any river or stream. The Floodway Fringe (FF) is the portion of the regulatory floodplain that is not required to convey the 100-year frequency flood peak discharge and lies outside of the floodway.

The purpose of the floodway district is to guide development in areas identified as a floodway. The Indiana Department of Natural Resources (IDNR) exercises primary jurisdiction in the floodway district under the authority of IC 14-28-1.

The designation of the FF District is to guide development in areas subject to potential flood damage, but outside the Floodway (FW) District. Unless otherwise prohibited, all uses permitted in the primary zoning district (C-4 in this request) are permitted, subject to certain development standards of the Flood Control Secondary Zoning Districts Ordinance.

This site is located within the unregulated 500-year floodplain of Pogues Run.



#### **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.

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 receptables for proper disposal of trash and other waste.

#### **Planning Analysis**

As proposed, this request would generally be consistent with the Comprehensive Plan recommendation of village mixed-use, including recommended land uses.

Due to ongoing redevelopment projects and plans in this area, careful consideration and thought should be given to new proposed uses that support these efforts, without causing a negative and detrimental impact on the existing land uses and future plans for the area.

In staff's opinion, there are some permitted C-4 uses that would not be appropriate or would not be functional due to the size and configuration of the lot. Consequently, staff would request a commitment that prohibits the following C-4 uses:



Daily Emergency Shelter	Indoor Spectator Venue	Automobile and Light Vehicle Wash
Schools: Elementary, Middle or High Schools	Night Club or Cabaret	Automobile Fueling Station
Vocational, Technical or Industrial School or Training Facility	Hotel, Motel or Hostel	Automobile, Motorcycle, and Light Vehicle Service or Repair
Plasma (Blood) Center	Adult Entertainment Business: Retail	Recycling Station
Substance Abuse Treatment Facility	Firearm Sales	Automobile Rental Station
Check Cashing or Validation Service	On-going Fireworks Sales,	Game Courts
Outdoor Advertising Off- premises	Liquor Store	Pick-up Station for Dry Cleaning or Laundry
Tattoo Parlor	Pawn Shop	Recycling Collection Point
Adult Entertainment Business	Heavy General Retail	

#### **GENERAL INFORMATION**

Existing Zoning	D-8 (FF)	
Existing Land Use	Outdoor storage	
Comprehensive Plan	Village Mixed-Use	
Surrounding Context	Zoning	Land Use
North:	D-8 (FF)	Interstate 70 right-of-way
South:	C-4 (FF)	Commercial uses
East:	D-8(FF)	Vacant land
West:	C-4	Commercial uses
Thoroughfare Plan		
Columbia Avenue	Local Street	Existing 60-foot right-of-way and proposed 48-foot right-of-way.
Context Area	Compact	
Floodway / Floodway Fringe	Yes – unregulated 500-year	floodplain of Pogues Run
Overlay	No	
Wellfield Protection Area	No	
Site Plan	April 1, 2025	
Site Plan (Amended)	N/A	
Elevations	N/A	
Elevations (Amended)	N/A	



Landscape Plan	N/A
Findings of Fact	N/A
Findings of Fact (Amended)	N/A
C-S/D-P Statement	N/A

#### **COMPREHENSIVE PLAN ANALYSIS**

#### **Comprehensive Plan**

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."

#### Pattern Book / Land Use Plan

The Comprehensive Plan consists of two components that include The Marion County Land Use Pattern Book (2019) 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 –Village Mixed-Use Typology
  - 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 cutthroughs for longer blocks, are encouraged.
  - Where possible, contributing historic buildings should be preserved or incorporated into new development.



- Small-Scale Offices, Retailing and Personal or Professional Services (defined as commercial uses with minimal outdoor operations, storage, or display on lots of less than 1.5 acres and a height of less than 35 feet.)
  - 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.

#### Red Line / Blue Line / Purple Line TOD Strategic Plan

Not Applicable to the Site.

#### Neighborhood / Area Specific Plan

Not Applicable to the Site.

#### **Infill Housing Guidelines**

Not Applicable to the Site.

#### **Indy Moves**

(Thoroughfare Plan, Pedestrian Plan, Bicycle Master Plan, Greenways Master Plan)

The Marion County Thoroughfare Plan (2019) "is a long-range plan that identifies the locations classifications and different infrastructure elements of roadways within a defined area."

The following listed items describe the purpose, policies and tools:

- Classify roadways based on their location, purpose in the overall network and what land use they serve.
- o Provide design guidelines for accommodating all modes (automobile, transit, pedestrians, bicycles) within the roadway.
- Set requirements for preserving the right-of-way (ROW)
- o Identify roadways for planned expansions or new terrain roadways
- Coordinate modal plans into a single linear network through its GIS database



#### **ZONING HISTORY**

**2022-ZON-127**; **1302 Columbia Avenue (south of site)**, requested Rezoning of 0.803 acre from the I-3 district to the C-4 district to provide for a garden center, brewery, distillery and restaurant, **approved**.

**2018-CZN 802 / 2018-CVR-802**; **1302 and 1320 Columbia Avenue (south of site)**, requested rezoning of 0.81 acre from the D-8 and C-3 districts to the I-4 classification and a variance of development standards of the Consolidated Zoning and Subdivision Ordinance to legally establish the existing building and provide for a proposed building, parking and outdoor storage, with zero-foot front and side transitional yards without landscaping and front and side yards without landscaping, **approved and granted**.

**2016-VAC-004**; **1211 Roosevelt Avenue** (**south of site**), Vacation of a 16-foot wide alley, beginning at the northwest corner of Lot One of Ingram Fletcher's Subdivision of Block 3 in E.T. and S.K. Fletcher's Addition to the City of Indianapolis, as recorded in Plat Book 3, Page 115 in the Office of the Recorder of Marion County, Indiana, also being at the south right-of-way line of Roosevelt Avenue; thence 140 feet to the southwest corner of said Lot One, also being at the north right-of-way line of the CCC and St. Louis Railroad, with a waiver of the assessment of benefits, **granted**.

**2016-UV1-013**; **1102** and **1133** Roosevelt Avenue (south of site), variance of use of the Consolidated Zoning and Subdivision Ordinance to provide for a Pre-K–12 school, **denied**.

**2014-DV1-056**; **1225** Roosevelt Avenue (south of site), Variance of development standards of the Industrial Zoning Ordinance to provide for a 60 by 140-foot building addition, with an approximately eightfoot front setback from the private street, Roosevelt Avenue, **granted**.

**2012-SE3-001**; **1256 Roosevelt Avenue (south of site)**, Special exception of the Industrial Zoning Ordinance to provide for a wrecker service / impound lot, with the storage of inoperable vehicles and a variance of development standards of the Industrial Zoning Ordinance to legally establish a 12-foot-tall concrete block wall in the required front yard, **granted**.

**2006-AP1-001**; **1310 Columbia Avenue (east of site)** requested a modification of conditions related to petition 2004-UV1-019 to modify condition two to extend temporary variance period from February 3, 2006, to February 3, 2007, **denied.** 

2994-UV1-019; 1310 Columbia Avenue (east of site), requested a variance of use and development standards of the Commercial Zoning Ordinance to provide for the storage of four commercial semi-trailers, approved for 18 months.

**2002-ZON-109**; **1317 Columbia Avenue (east of site)**, requested rezoning of 0.15 acre from D-8 to the C-3 to provide for commercial development, **approved**.

**98-SE1-3**; **1102** Roosevelt Avenue (south of site), Special exception of the Industrial Zoning Ordinance to provide for 36,000 square feet of an existing 151,945 square foot building to be utilized for commercial office use, **granted**.

Item 12.



# Department of Metropolitan Development Division of Planning Current Planning

**96-HOV-45**; **1203** Roosevelt Avenue (south of site), Variance of development standards of the Industrial Zoning Ordinance to provide for an armored car facility with zero feet of public street frontage and a zero-foot side yard setback along the north and south property line, **granted**.

**89-HOV-97**; **1125 Brookside Avenue (north of site),** Variance of development standards of the Industrial Zoning Ordinance to permit the addition of a new loading dock area to an existing factory / warehouse within the required front yard, without the required maneuvering area and with a 100 feet wide drive, **granted.** 

**89-UV3-51**; **969 Dorman Street**, Variance of use of the Industrial Zoning Ordinance to permit outdoor storage and incidental maintenance of school buses, **granted**.

81-VAC-5 (west of site), Vacation of parts of Roosevelt Avenue and Yandes Street, granted.

84-VAC-18, Vacation of parts of Lewis Street, granted.

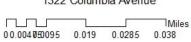




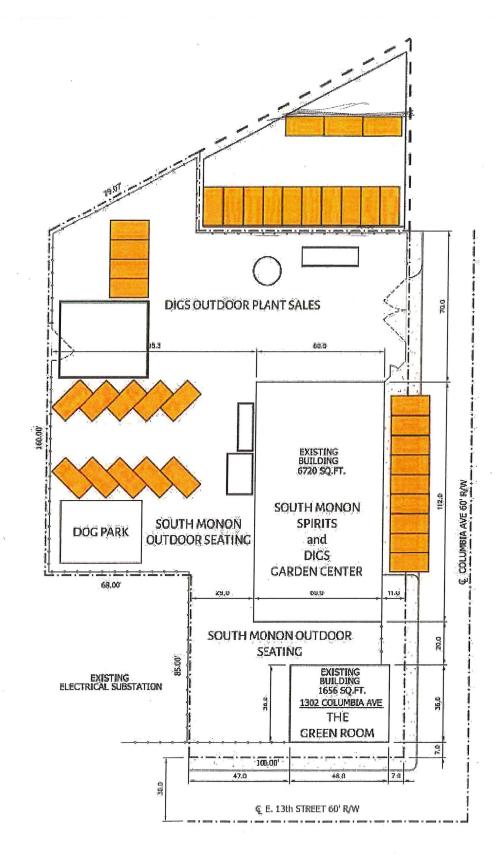
#### **EXHIBITS**















View looking south along Columbia Avenue



View looking north along Columbia Avenue





View of site looking west across Columbia Avenue



View of site looking northwest





View of site looking south



View from site looking northeast across Columbia Avenue





View from site looking southeast across Columbia Avenue



View from site looking east across Columbia Avenue

Item 13.



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

### NIMETROPOLITAN DEVELOPMENT COMMISSION HEARING EXAMINER

April 24, 2025

Case Number: 2025-CZN-815 / 2025-CAP-815A /2025-CAP-815B / 2025-CVR-815

Property Address: 1100 West 42nd Street and 4251 Haughey Avenue (Approximate

Addresses)

**Location:** Washington Township, Council District #7

**Petitioner:** Butler University, by Brian J. Tuohy

Current Zoning: SU-2

Rezoning of 32.34 acres from the SU-2 district to the UQ-1 district to provide

for university-related uses.

Modification of Commitments related to 84-Z-20 to terminate Commitment #1 which required use of the residences to be for students, staff and visitors of Christian Theological Seminary, to terminate Commitment #2, which required buildings to be no taller than two stories, except for three unit buildings, which were permitted to be three stories in height, to terminate Commitment #3, which prohibited vehicular or pedestrian access to or from 43rd Street, and required off-street parking, to terminate Commitment #4, which required a wall or other screening to be provided along the east property line and prohibited any children's play area from the east property line, to terminate Commitment #5, which required that any trash disposal shall be a modern system and that the owner would cooperate in any storm water drainage investigation, to

to staff approval at the time of rezoning.

University Quarter-One Approval to provide for university related uses, continued use of existing student housing, building renovations, and construction a six-story building with Butler Police offices and additional parking spaces.

terminate Commitment #6, which required a development plan to be subject

parking spaces.

Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for construction of a six-story parking garage and office structure, with a 20-foot north side yard setback (minimum one-foot setback for each one-foot of building height, or 81.5-foot setback

required).

Current Land Use: Butler University College of Education parking lot.

Staff

Request:

Recommendations: Approval

**Staff Reviewer:** Desire Irakoze, Principal Planner II

#### **PETITION HISTORY**

This is the first public hearing on this petition.



#### STAFF RECOMMENDATION

Staff **recommends approval** subject to the following commitments being reduced to writing on the Commission's Exhibit "B" forms at last three days prior to the MDC hearing:

- 1. The southern entrance be moved 142 ft farther south.
- 2. An administrative review of the landscape plan shall be conducted.

#### **PETITION OVERVIEW**

#### LAND USE

This 32.3-acre site, zoned SU-2, is developed and contains a Seminary school i (84-Z-20). To the north, zoned D-5, Crown Hill Cemetery. To the south, zoned SU-10, single-family. To the east, zoned D-5. To the west, zoned C-S.

#### **REZONE**

The request would rezone the northern portion of the site to the UQ-1 (University Quarter District One) to provide for a parking garage and a 10,000 square foot Police Building.

#### **ZONING DISTRICT OVERVIEW**

SU-2 (Special Use District Two): permits schools.

**UQ-1** (University Quarter District One): permits and facilitates the development and expansion of a university complex or campus. The UQ-1 is a Development Plan District in which the site and development plan is subject to approval by the MDC.

#### **APPROVAL (CAP 815A)**

University Quarter-One Approval to provide for university related uses, continued use of existing student housing, building renovations, and construction a six-story building with Butler Police offices and additional parking spaces.

- A. Designed to create a superior land development plan, in conformity with the Comprehensive Plan.
- B. Creates and maintains a desirable, efficient and economical use of land with high functional and aesthetic value, attractiveness and compatibility of land uses, within the development plan district and with adjacent uses.
- C. Provides sufficient and adequate multi-modal access, such as parking and loading areas, transit provisions, and bicycle facilities.
- D. Integrates a multi-modal transportation network using active and passive traffic control with the existing and planned public streets and interior roads.



- E. Provides adequately for sanitation, drainage, and public utilities in a sustainable, low-impact manner.
- F. Allocates 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.
- G. Provides pedestrian accessibility and connectivity, which may be paths, trails, sidewalks (If sidewalks are required to be installed, the Administrator or the Commission must be guided by provisions of Section 744-304 for the installation of sidewalks), or combination thereof; provides pedestrian accessibility to available public transit; and provides sidewalks along eligible public streets consisting of the walkway and any curb ramps or blended transitions.

#### **MODIFICATION (CAP 815B)**

#### Modification of Commitments related to 84-Z-20

- 1. Terminate Commitment #1 which required use of the residences to be for students, staff and visitors of Christian Theological Seminary,
- 2. Terminate Commitment #2, which required buildings to be no taller than two (2) stories, except for 3-unit buildings, which were permitted to be three (3) stories in height,
- 3. Terminate Commitment #3, which prohibited vehicular or pedestrian access to or from 43rd Street, and required off-street parking,
- 4. Terminate Commitment #4, which required a wall or other screening to be provided along the east property line and prohibited any children's play area from the east property line,
- 5. Terminate Commitment #5, which required that any trash disposal shall be a modern system and that the owner would cooperate in any storm water drainage investigation,
- 6. Terminate Commitment #6, which required a development plan to be subject to staff approval at the time of rezoning.

#### **VARIANCE OF DEVELOPMENT STANDARDS**

**Request:** To provide for construction of a 6-story parking garage and office structure, with a 20-foot north side yard setback (minimum one-foot setback for each one-foot of building height, or 81.5-foot setback required).

#### **Ordinance Standard:**

Section 741-108. D.3.a.1.ii "Minimum side and rear yards: 15 feet or one foot for each foot of building height, whichever is greater."

- Required setback: 81 feet, 5 inches (based on building height)
- Proposed setback: 20 feet
- Requested variance: 61 feet, 5 inches.

#### Findings of Fact.



1. The grant will not be injurious to the public health, safety, morals, and general welfare of the community because:

The grant of this variance <u>will not be injurious</u> to the public health, safety, morals, or general welfare of the community. The proposed structure will meet all other applicable development standards, and the reduced setback will not impair access, visibility, or emergency response. The proposal supports structured parking in a manner that reduces surface parking and promotes a more efficient land use pattern.

2. The use or value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner because:

The use and value of adjacent properties <u>will not</u> be affected in a substantially adverse manner. The proposed structure is compatible with surrounding university development and land use patterns, and the setback reduction is located on the north side, which is buffered from residential uses and does not directly abut sensitive land uses. Appropriate architectural and landscape treatments will be employed to minimize visual and massing impacts.

3. The strict application of the terms of the zoning ordinance will result in practical difficulties in the use of the property because:

The strict application of the zoning ordinance <u>results in practical difficulties</u> due to the unique topographical constraints of the site and the functional need for structured parking to support surrounding development. The site's configuration limits feasible building placement without the requested relief. Approval of the variance facilitates the provision of needed off-street parking in an area with demonstrated demand and limited land availability.

Due to the demonstrated practical difficulties, the context of adjacent development, and the benefits associated with the structured parking, staff **recommends approval** of the requested variance to reduce the side yard setback from 81' 5" to 20 feet.

#### **GENERAL INFORMATION**

Existing Zoning	SU-2	
Existing Land Use	Religious University	
Comprehensive Plan	Regional Special Use	
Surrounding Context	Zoning	Land Use
North:	UQ-1	University Use
South:	SU-10	Crown Hill Cemetery
East:	D-5	Single-Family Residential
West:	C-S	Linden House
Thoroughfare Plan		
West 42 <sup>nd</sup> Street Haughey Avenue	, , , , , , , , , , , , , , , , , , ,	60-foot existing right-of-way 66-foot proposed right-of-way 56-foot proposed right-of-way
Context Area	Compact	



Floodway / Floodway Fringe	No
Overlay	Airspace Secondary District
Wellfield Protection Area	No
Site Plan	3/11/2025
Site Plan (Amended)	N/A
Elevations	3/11/2025
Elevations (Amended)	4/17/2025
Landscape Plan	N/A
Findings of Fact	3/11/2025
Findings of Fact (Amended)	N/A
C-S/D-P Statement	N/A

#### **COMPREHENSIVE PLAN ANALYSIS**

#### **Comprehensive Plan**

Marion County Land Use Pattern Book (2019)

#### Pattern Book / Land Use Plan

- Regional Special Use
  - This category provides for public, semi-public and private land uses that serve a specific institutional purpose for a significant portion of the county. Examples are large-scale, generally stable institutional uses such as cemeteries, hospitals, universities, high schools, government complexes, large museums, the Indiana State Fairgrounds, and the Indianapolis Motor Speedway.

#### Red Line / Blue Line / Purple Line TOD Strategic Plan

Not Applicable to the Site.

#### Neighborhood / Area Specific Plan

Not Applicable to the Site.

#### **Infill Housing Guidelines**

Not Applicable to the Site.





#### **Indy Moves**

(Thoroughfare Plan, Pedestrian Plan, Bicycle Master Plan, Greenways Master Plan)

• Not Applicable to the Site.



#### **ZONING HISTORY**

**84-Z-20**; **1000** West **42nd** Street, (subject site) request rezoning of 4.5 acres from the D-5 district to the SU-2 classification to provide for the construction of housing for students of the Christian theological seminary and their families, **approved**.

**63-Z-117;** Located between Crown Hill Cemetery, (subject site), request rezoning of approximately 30 acres, being in R-3 (Marion County), UI-A3-H1 and U1-A2-H1 (Indianapolis) districts to special Uses (2) classification to permit a Theological Seminary, **approved**.

**71-Z-38; 4600 Sunset Avenue** (north of site) rezoning 246 acres, (Butler University Campus), being in D-2 district, to UQ-1 (University Quarter District 1) classification to permit university Uses, **approved.** 

**2006-ZON-093**; **700 West 38**<sup>th</sup> **Street**(south of site), Rezoning of 70.60 acres, from the SU-10 District, to the D-P Classification to provide for a development consisting of four distinct sections: a) an 8.74-acre commercial area for limited C-3 uses, b) a 22.42 acre area developed with 50 single-family dwellings at a density of 2.230 units per acre, c) a 14.23 acre area developed with 88 single-family dwellings at a density of 6.18 units per acre. d) and a 25.2-acre area developed with 171 townhomes at a density of 6.785 units per acre, **denied.** 

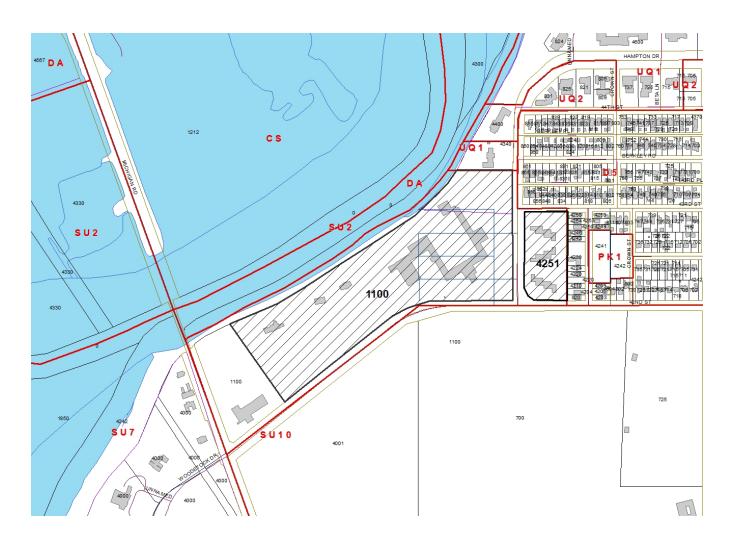
**2005-ZON-225**; **700 West 38**<sup>th</sup> **Street** (south of site), request rezoning of 70.60 acres from SU-10 to D-P to provide for a mixed-use development, **withdrawn**.

**68-Z-129**; **702 West 38t Street** (south of site), request rezoning of 162.73 acres, being in a D-5 district, to the SU-10 classification, to conform zoning to use and to permit erection of an office and administration building, **approved**.

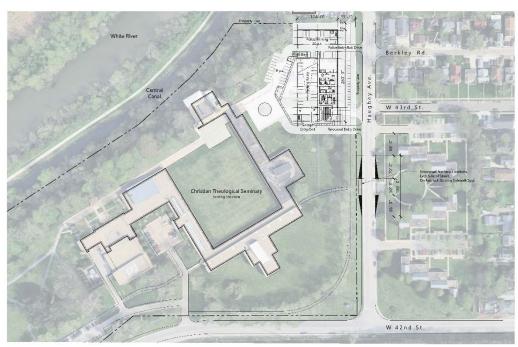




#### **EXHIBITS**

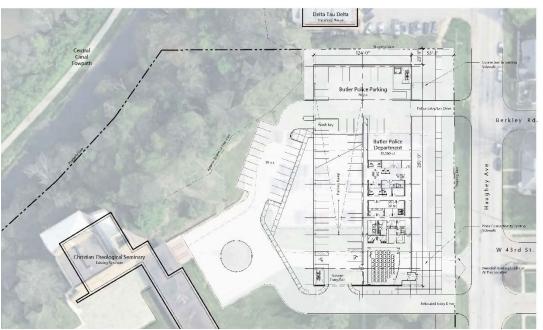












PARKING GARAGE				
Level	Standard AUA			
Grade Level	42	2	- 44 ps	
Gradic +1	105	2	- 107 p.s	
Grade 1.2	10%	2	- 107 p.4	
Gredo +3	105	2	= 197 PA	
Grade +4	105	2	107 p.s	
Grade +5	105	2	- 107 p.s	
Grade +5	66	2	- 70 pa	
Garage Total (Fublic)	635	14	649p.s	
Police Parking (Internal)	20	0	= 20 p.s	
Surface Parking (External)	19	D	- 19ps	
Total Site Parking	673	14	- 688P s	



#### **Proposal Description**

#### 1100 W. 42nd Street & 4251 Haughey Avenue (collectively, "Site")

The Site, owned by Petitioner, Butler University ("Butler"), is located at the northwest and northeast corners of W. 42nd Street and Haughey Avenue (which is the south part of Butler's campus). Butler anticipates future growth and development in this area of campus. To provide for such development, Butler respectfully requests to rezone the Site to the UQ-1 Zoning District to allow university related uses, including but not limited to the continued use of existing multi-family student housing on the east side of Haughey Avenue and the renovation of existing buildings for a new College of Education and Founders College, as well as construction of a new approximately six-story Safety and Transit Building ("Building") on the west side of Haughey Avenue. The Building will include Butler Police Department offices (and potentially additional office space for use by Butler) and approximately 20 police vehicle parking spaces within the Building (an additional approximately 20 police vehicle parking spaces will be provided in a surface parking area north of the new Building).

Additionally, approximately 649 parking spaces will be provided within the building. The new Building will be located at the northeast corner of the portion of the Site on the west side of Haughey Avenue and will replace a portion of the existing surface parking area, as approximately depicted on the proposed preliminary site plan ("Site Plan") and preliminary elevations ("Elevations") filed herewith. The other existing buildings and parking areas on the Site will remain and continue to be used by Butler.

In connection with the construction of the new Building, Petitioner requests Site and Development Plan approval of the filed Site Plan and Elevations and respectfully requests the following variance of development standards:

 Variance of Sec. 742-208. D.3. a.1.ii. to provide for the north side yard setback of the building to be less than one foot for each foot of building height to allow the building to be constructed as approximately depicted on the proposed preliminary site plan filed herewith.

Additionally, in connection with the request to rezone the portion of the Site on the east side of Haughey (4251 Haughey Ave) to UQ-1, Petitioner requests that the Commitments recorded as Instrument No. 840026310 as part of Case No. 84-Z-20 be terminated.



### 84-Z-20

#### Statement of Commitments.

- 1. Use shall be for residential purpose by students, staff and visitors (and their families) of Christian Theological seminary or its successors.
- 2. Building shall be of a two-story height, except for three units which may be of a three-story height.
- 3. There shall be no vehicular or pedestrian access to or from 43<sup>rd</sup> street and defined off-street parking shall be provided.
- 4. A wall or other adequate screening shall be provided along the east property line and any children's play area shall be not on the east property line.
- 5. Trash disposal shall be in a modern sanitary fashion designed to deter rodents, and the owner will cooperate in any investigation of storm water drainage.
- 6. Development is subject to final staff approval of the preliminary plan approved at the time of rezoning.



### METROPOLITAN DEVELOPMENT COMMISSION HEARING EXAMINER

#### PETITION FOR VARIANCE OF DEVELOPMENT STANDARDS

#### FINDINGS OF FACT

1. The grant will not be injurious to the public health, safety, morals, and general welfare of the community because:

The proposed Safety and Transit Building ("Building") will be located along the northern part of the Site, closer to the central part of Butler's campus. Improvements on the adjacent parcel north of the site include a multi-story fraternity house and surface parking lot. Existing mature trees and landscaping separate the proposed Building from such existing multi-story fraternity house and surface parking lot. The proposed approximately 20' north side yard setback provides sufficient separation from the adjacent parcel to the north and the uses adjacent to the north and will not be injurious to the general welfare of the community. The building will provide off-street parking spaces which should reduce on street parking.

2. The use or value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner because:

The variance will allow for a substantial investment in the redevelopment of the site in the south part of Butler's campus. With that substantial investment, the use and/or value of the adjacent area will be improved by the redevelopment. The variance will allow for construction of the building which will include convenient off-street parking and the Butler Police Department offices, which will not adversely affect the area adjacent to the site.

3. The strict application of the terms of the zoning ordinance will result in practical difficulties in the use of the property because:

The zoning ordinance allows for side yard setbacks in the UQ-1 District to be as narrow as 15'. Due to the location of the existing buildings on the site, the building is proposed to be located approximately 20' from the north side yard. Shifting the Building south is not practical due to the location of the Site's existing improvements. The strict application of the terms of the zoning ordinance will hinder the construction of the building which substantially complies with the Zoning Ordinance and which will be an asset to Butler University and the surrounding area.





Photo: 1 Updated rendering 4.17.25





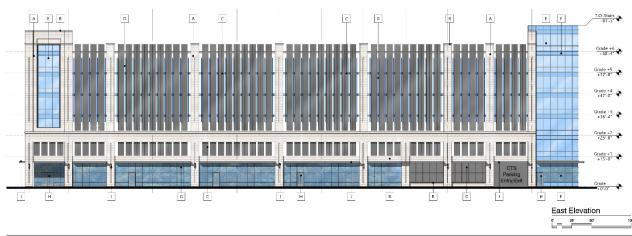
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Butler University Safety and Transit Building Indianapolis, IN | 10 January 2025



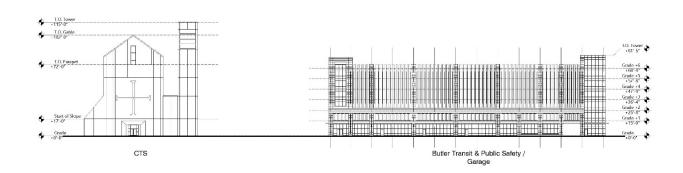
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Butler University Safety and Transit Building Indianapolis, IN | 10 January 2025

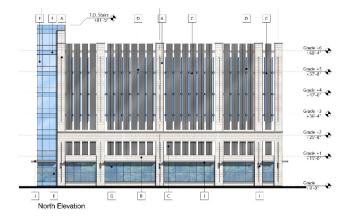


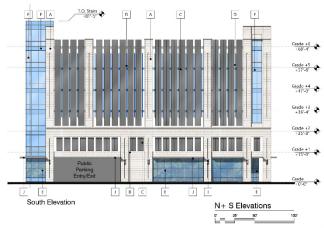






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**Butler University Safety and Transit Building** 

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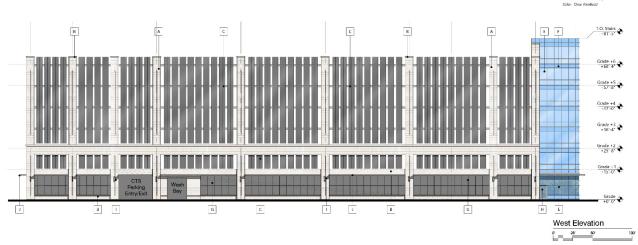
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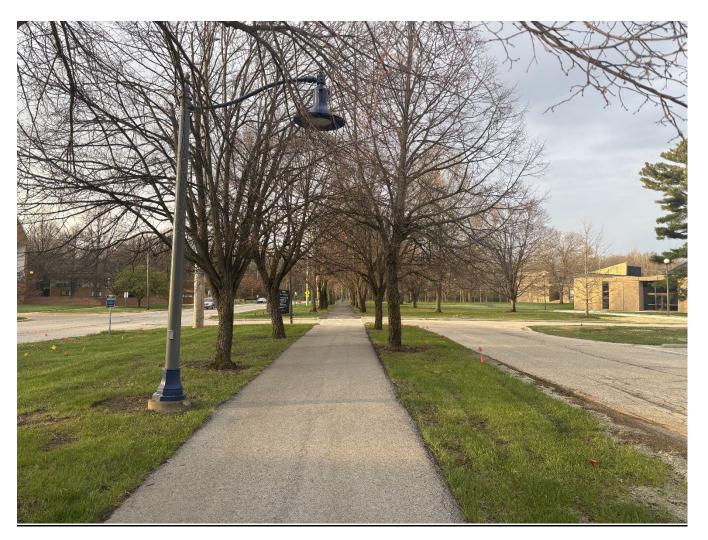


Photo: Shared Use Path along Haughey Ave





Photo: 2 Entrance drive Looking at W 43rd Street and Haughey Ave intersection





Photo: 3 Looking at the residential across the street





Photo: 4 Looking at the existing College of Education building





Photo: 5 Looking West, There is a drop off into the White River



### METROPOLITAN DEVELOPMENT COMMISSION HEARING EXAMINER

**April 24, 2025** 

Case Number: 2025-CPL-816 / 2025-CVR-816

Property Address: 1140 and 1146 Roache Street

Location: Center Township, Council District #12

Petitioner: Canal Village III, LP, by Russell L. Brown

Current Zoning: D-8

Approval of a Subdivision Plat to be known as Replat of Lots 29-31 in Block 22 in Braden ET AL of North Indianapolis Addition, dividing 0.26 acre into four

lots.

Request:

Variance of development standards of the Consolidated Zoning and

Subdivision Ordinance to provide for four, single-family detached dwellings,

on proposed 22.5-foot lot widths (minimum 25-foot lot width required).

Current Land Use: Vacant

Staff Approval of the plat, subject to the conditions noted below.

**Recommendations:** Approval of the variance of development standards.

**Staff Reviewer:** Kathleen Blackham, Senior Planner

#### **PETITION HISTORY**

This is the first public hearing on these petitions.

#### STAFF RECOMMENDATION

Staff recommends that the Hearing Examiner approve and find that the plat, file dated March 25, 2025, complies with the standards of the Subdivision regulations, subject to the following conditions:

- 1. That the applicant provides a bond as required by Section 741-210, of the Consolidated Zoning and Subdivision Ordinance.
- 2. Subject to the Standards and Specifications of Citizens Energy Group, Sanitation Section.
- 3. Subject to the Standards and Specifications of the Department of Public Works, Drainage Section.
- 4. Subject to the Standards and Specifications of the Department of Public Works, Transportation Section.
- 5. That addresses and street names, as approved by the Department of Metropolitan Development, be affixed to the final plat prior to recording.
- 6. That the Enforcement Covenant (Section 741-701, of the Consolidated Zoning and Subdivision Ordinance) be affixed to the final plat prior to recording.
- 7. That the Site Distance Covenant (Section 741-702, of the Consolidated Zoning and Subdivision Ordinance) be affixed to the final plat prior to recording.



- 8. That the Sanitary Sewer Covenant (Section 741-704, of the Consolidated Zoning and Subdivision Ordinance) be affixed to the final plat prior to recording.
- 9. That the Storm Drainage Covenant (Section 741-703, of the Consolidated Zoning and Subdivision Ordinance) be affixed to the final plat prior to recording.
- 10. That the plat restrictions and covenants, done in accordance with the rezoning commitments, be submitted prior to recording the final plat.
- 11. That all the standards related to secondary plat approval listed in Sections 741-207 and 741-208 of the Consolidated Zoning and Subdivision Ordinance be met prior to recording the final plat.
- 12. That the plat shall be recorded within two (2) years after the date of conditional approval by the Hearing Examiner.

#### **PETITION OVERVIEW**

This 0.26-acre site, zoned D-8, is comprised of two vacant lots surrounded by single-family dwellings to the north, zoned D-5; single-family dwellings to the south, across Roache Street, zoned I-2; vacant land to the east, zoned D-8; and vacant land to the west, zoned I-2.

#### **PLAT**

#### Site Plan

The request would provide for a replat of Lots 29-31 in Block 22 in Braden ET AL of North Indianapolis Addition that would divide three lots into four lots, each developed with a detached single-family dwelling.

#### **Streets**

All four lots would front along Roache Street., which is a public street. An east / west alley abutting the lots along the northern boundaries would serve as access to a parking area located at the rear of each lot.

#### **Sidewalks**

Sidewalks exist along Roache Street frontage and appear to be in reasonable condition. Replacement, in accordance with the Department of Public Works standards, would be required if the sidewalks are damaged during development and construction on the lots.

#### **Waivers**

None requested.



#### **VARIANCE OF DEVELOPMENT STANDARDS**

This request would allow for a reduced lot width of 22.5 feet when a 25-foot width is required. Staff believes that a reduction of 2.5 feet from the required 25 feet would be an acceptable deviation that would have minimal impact on the neighborhood and the surrounding land uses.

Even though most of the platted lots in the area are 30 feet wide, smaller lots would increase the housing options, without any detrimental impact on the surrounding neighborhood character. Staff would note that following the recommendations of the Infill Housing Guidelines would assure that redevelopment of these lots would be compatible with the surrounding neighborhood and contribute to the renewal efforts in the area.

#### **GENERAL INFORMATION**

	D 0	
Existing Zoning	D-8	
Existing Land Use	Vacant	
Comprehensive Plan	Planned Development, primarily residential	
Surrounding Context	<u>Zoning</u>	Land Use
North:	D-5	Single-family dwellings
South:	I-2	Single-family dwellings
East:	D-8	Vacant
West:	I-2	Vacant
Thoroughfare Plan		
Roache Street	Local Street	Existing 60-foot right-of-way and proposed 56-foot right-of-way.
Context Area	Compact	
Floodway / Floodway Fringe	No	
Overlay	No	
Wellfield Protection Area	No	
Site Plan	March 25, 2025	
Site Plan (Amended)	N/A	
Elevations	N/A	
Elevations (Amended)	N/A	
Landscape Plan	N/A	
Findings of Fact	March 25, 2025	
Findings of Fact (Amended)	N/A	
C-S/D-P Statement	N/A	



#### **COMPREHENSIVE PLAN ANALYSIS**

#### **Comprehensive Plan**

Not Applicable to the Site

#### Pattern Book / Land Use Plan

Not Applicable to the Site

#### Red Line / Blue Line / Purple Line TOD Strategic Plan

Not Applicable to the Site.

#### Neighborhood / Area Specific Plan

United Northwest Neighborhood Plan (2008) recommends planned development, primarily residential. "This land use is envisioned as being predominately residential and may include supportive commercial and/or industrial development. All land uses must conform to the dwelling district regulations. Densities and development are regulated and reviewed by the Metropolitan Development Commission. Creative site planning, variety in physical development, and imaginative uses of open space are objectives."

#### **Infill Housing Guidelines**

#### Infill Housing Guidelines

The Infill Housing Guidelines were updated and approved in May 2021, with a stated goal "to help preserve neighborhood pattern and character by providing guiding principles for new construction to coexist within the context of adjacent homes, blocks, and existing neighborhoods. These guidelines provide insight into basic design concepts that shape neighborhoods, including reasons why design elements are important, recommendations for best practices, and references to plans and ordinance regulations that reinforce the importance of these concepts."

These guidelines apply to infill development in residential areas within the Compact Context Area and include the following features:

Site Configuration

- Front Setbacks
- Building Orientation
- Building Spacing
- Open Space
- Trees, Landscaping, and the Outdoors



#### **Aesthetic Considerations**

- Building Massing
- Building Height
- Building Elevations and Architectural Elements

#### Additional Topics

- Secondary Dwelling Units, Garages, and Accessory Structures
- Adapting to the Future

"As established neighborhoods experience new development, infill residential construction will provide housing options for new and existing residents. Increased population contributes positively to the local tax base, economic development, lively neighborhoods, and an interesting city. As infill construction occurs, it is important to guide development in a way that complements current neighborhoods. Each home in a neighborhood not only contributes to the existing context of adjoining houses and the block, but to the sense of place of the entire neighborhood."

#### **Indy Moves**

(Thoroughfare Plan, Pedestrian Plan, Bicycle Master Plan, Greenways Master Plan)

The Marion County Thoroughfare Plan (2019) "is a long-range plan that identifies the locations classifications and different infrastructure elements of roadways within a defined area."

The following listed items describe the purpose, policies and tools:

- Classify roadways based on their location, purpose in the overall network and what land use they serve.
- Provide design guidelines for accommodating all modes (automobile, transit, pedestrians, bicycles) within the roadway.
- Set requirements for preserving the right-of-way (ROW)
- Identify roadways for planned expansions or new terrain roadways
- Coordinate modal plans into a single linear network through its GIS database



#### **ZONING HISTORY**

**94-Z-192**; **1126**, **1132**, **1134**, **1140** and **1146** Roache Street, requested rezoning of 0.52-acre from the I-2-U district to the D-8 classification to provide for single-family development, approved.

#### **VICINITY**

**2025-CPL-817** / **2025-CVR-817**; **866** West **26**<sup>th</sup> Street (east of site), requested approval of a Subdivision Plat to be known as Replat of Lot 24 and part of Lot 23 in Block 29 in Roaches North Indianapolis Addition, dividing 0.13 acre into two lots and a variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for two, single-family detached dwellings, with reduced lot square footage, lot width and side yards, **pending**.

**2020-ZON-052**; **1077 West 27**<sup>th</sup> **Street and 1149 Roache Street (south of site)**, requested rezoning of 0.22 acre from the C-3 and I-2 districts to the D-8 district, **approved**.

2018-CZN-835 / 2018-CVR-835. 1066, 1114, 1121 and 1122 Roache Street, 1002 and 1102 West 28<sup>th</sup> Street, 1045 Udell Street and 2702 Clifton Street (east of site), requested rezoning of 0.70 acre from the C-1 (W-5), C-3 (W-5) and I-2 (W-5) districts to the D-5 (W-5) classification; and a variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for a two-family dwelling on a 5,760-square foot lot (7,200 square feet) at 1122 Roache Street, to provide for single-family dwellings with 620-square foot main floor areas at 1002 and 1102 West 28<sup>th</sup> Street and 1045 Udell Street and 1121 Roache Street, to provide for a single-family dwelling with 1.5 and two-foot side setbacks and two feet between dwellings at 1066 Roache Street and to provide for a single-family dwelling at 1045 Udell Street, with 4.5 feet between dwellings, approved and granted.

2018-ZON-114; 1005 and 1025 West 25<sup>th</sup> Street, 1073 West 27<sup>th</sup> Street, 1252 West 30<sup>th</sup> Street, 2534 and 2646 Burton Avenue, 1175 Udell Street, 1111 Eugene Street and 2605 Rader Street (east of site), requested rezoning of 1.6 acres from the C-1 (W-5), C-3, C-3 (W-5), I-2 (W-5) and I-3 (W-5) districts to the D-5 and D-5 (W-5) classification, approved.

**2018-ZON-097**; **1117 Roach Street (west of site)**, requested rezoning of 0.09 acre from the I-2 (W-5) district to the D-5 (W-5) classification, **approved**.

**2005-ZON-207**; **1031**, **1033**, **1058**, **1062**, **AND 1159 Udell Street (north of site)**, requested rezoning of 0.43 acre from C-3 (W-5) and PK-1 (W-5) Districts to the D-5 (W-5) classification to provide for the construction of five single-family dwellings, **approved**.

**2005-ZON-119**; **1059** and **1061** Udell Street (north of site), requested rezoning of 0.173 acre, being in the C-3 (W-5) district, to the D-5 (W-5) classification to provide for residential uses, **approved**.



**2004-UV2-024**, **1209 West Eugene Street (north of site)**, requested a variance of use of the Dwelling Districts Zoning Ordinance to provide for a church parking lot (not permitted), **granted**.

**2002-ZON-059**, **962** and **970** West **30**<sup>th</sup> Street (north of site), requested rezoning of 0.30 acre from the C-3 district to the D-5 district to provide for single-family residential development, **granted**.

2002-DV3-048, 430, 431, 434, 438, and 625 West 28<sup>th</sup> Street, 842, 846, and 917 West 29<sup>th</sup> Street, 1141 West 27<sup>th</sup> Street, 530 West 26<sup>th</sup> Street, 538, 542, and 754 West 25<sup>th</sup> Street 1021 and 1141 West 30<sup>th</sup> Street, 850, 854, 858, 1139, 1241, and 1245 Eugene Street, and 806 Udell Street (north of site), requested a variance of development standards of the Dwelling Districts Zoning Ordinance to provide for the construction of townhomes with 580 square feet of main floor are (minimum 660 square feet of main floor area required), with a minimum 6-foot front setback granted.

**2001-ZON-074, various addresses in 800 West 28<sup>th</sup> Street (west of site)**, requested rezoning of 1.171 acres from D-5 (W-5) to SU-1 (W-5) to provide for religious uses, **approved.** 

**2001-ZON-128, 1141 West 30<sup>th</sup> Street (north of site)**, requested rezoning from the C-3 district to the D-5 district to provide for single-family residential development, **approved.** 

**2001-ZON-127, 1242 West 30<sup>th</sup> Street (north of site)**, requested rezoning from C-3 district to the D-5 district to provide for single-family residential development, **approved.** 

**2000-ZON/VAR-807**, **1202 Eugene Street (north of site)**, requested a rezoning from D-5 to SU-1 and a variance of development standards of the Sign Regulations to provide for a 32.5-square foot, 7.5-foottall pylon sign located within 75 feet of a protected district (600-foot separation required for illuminated pylon and pole signs), **approved.** 

**98-Z-60, 1169 West 30**<sup>th</sup> **Street (north of site)**, requested rezoning of 0.8 acre from C-3 district to the D-5 district to provide for single-family residential development, **approved.** 

**98-Z-57, 1145 West 30<sup>th</sup> Street (north of site)**, requested a rezoning of 0.08 acre from the C-3 district to the D-5 district to provide for single-family residential development, **approved.** 

**98-Z-55, 1109, 1115, and 1117 West 30<sup>th</sup> Street (north of site)**, requested rezoning of 0.24 acre from the C-3 district to the D-5 district to provide for residential development, **approved.** 

**98-HOV-35, 1262 and 1266 West 29<sup>th</sup> Street (north of site)**, requested a variance of development standards of the Dwelling Districts Zoning Ordinance to provide for the construction of a single-family dwelling on each lot with (a) a front yard setback of 10 feet (minimum of 40 feet required), (b) a minimum main floor area of 560 square feet (minimum of 660 square feet required for dwelling higher than one story), **granted.** 



**98-HOV-34, 1238, 1242, and 1246 West 29**<sup>th</sup> **Street (north of site)**, requested a variance of development standards of the Dwelling Districts Zoning Ordinance to provide for the construction of a single-family dwelling on each lot with (a) a front yard setback of 10 feet (minimum of 40 feet required), (b) a minimum main floor area of 560 square feet (minimum of 660 square feet required for dwelling higher than one story), **granted.** 

**98-HOV-32, 1166 West 29**<sup>th</sup> **Street (north of site)**, requested a variance of development standards of the Dwelling Districts Zoning Ordinance to provide for the construction of a single-family dwelling on each lot with (a) a front yard setback of 10 feet (minimum of 40 feet required), (b) a minimum main floor area of 560 square feet (minimum of 660 square feet required for dwelling higher than one story), **granted.** 

**98-HOV-031**, **1115**, **1117**, **and 1121 West 29**<sup>th</sup> **Street (north of site)**, requested a variance of development standards of the Dwelling Districts Zoning Ordinance to provide for the construction of a single-family dwelling on each lot with (a) a front yard setback of 10 feet (minimum of 40 feet required), (b) a minimum main floor area of 560 square feet (minimum of 660 square feet required for dwelling higher than one story), **granted.** 

**98-HOV-29**, **1053 West 29**<sup>th</sup> **Street (north of site)**; requested a variance of development standards of the Dwelling Districts Zoning Ordinance to provide for the construction of a single-family dwelling with a front yard setback of 10 feet (minimum 40 feet required and a minimum main floor area of 560 square feet (minimum 660 square feet required for dwelling higher than one story), **granted**.

**96-Z-53**, **909-917 West 30**<sup>th</sup> **Street (north of site)**, requested rezoning of 0.86 acres from C-3 to D-5 to provide for the construction of 10 single-family residences, **granted**.

**88-UV2-137, 1166 West 28**<sup>th</sup> **Street (north of site)**; requested a variance of use of the Dwelling Districts Zoning Ordinance to provide for the construction of a garage for the storage of commercial vehicles., **granted.** 

**79-UV2-79, 1202 West Eugene Street (north of site),** requested a variance of use and development standards to permit erection of a new church, replacing the old church, with identification sign and 12 parking spaces, **granted.** 





#### **EXHIBITS**





1140-1146 Roache Street

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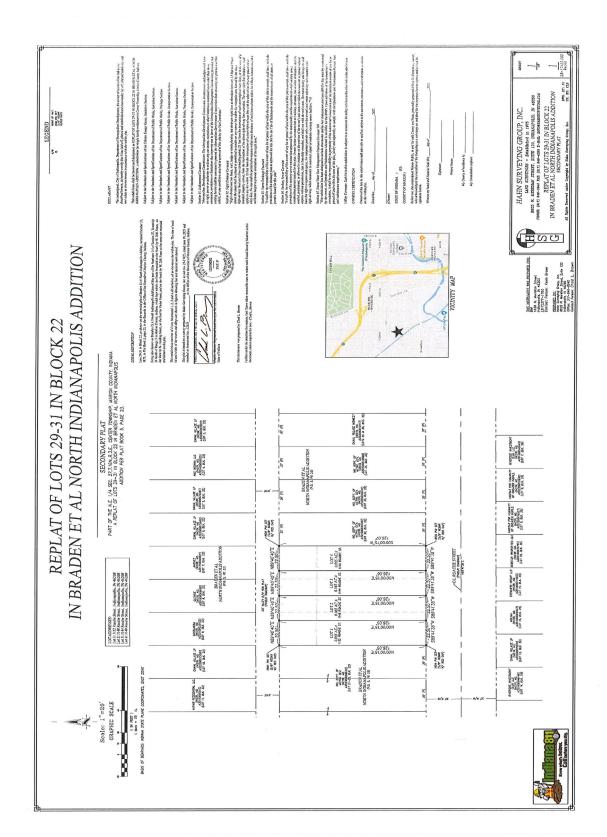


Petition Number \_\_\_

METROPOLITAN DEVELOPMENT COMMISSION HEARING EXAMINER METROPOLITAN BOARD OF ZONING APPEALS, Division OF MARION COUNTY, INDIANA
PETITION FOR VARIANCE OF DEVELOPMENT STANDARDS
FINDINGS OF FACT
1. The grant will not be injurious to the public health, safety, morals, and general welfare of the community because: The proposal fulfills the intent of provisions of the zoning and subdivision control ordinances with regard to infill development and walkable neighborhood provisions by creating new construction opportunity in an established neighborhood. Granting the variances would allow continued reinvestment into a neighborhood where 1/3 of the population falls below the poverty line. The granting of the requested variances would have no injurius affects of the public health, safety, morals or general welfare of the community.
2. The use or value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner because:  The use and value of surrounding property would be positively affected by granting the variance requests. Construction of new single family detached homes, as opposed to the pemitted 2-4 unit multi-family structures, provides a needed product that is consistent with the development patterns of the neighborhood. Permitting smaller lots serves to provide an affordable option in a neighborhood where over 1/3 of the residents are housing insecure and nearly half are housing cost
burdened.
3. The strict application of the terms of the zoning ordinance will result in practical difficulties in the use of the property because. Granting of the variance requests would accomodate the evolution of the neighborhood and a modernization of infill strategy while maintaining the traditional neighborhood form and feel. The variance requests serve to provide single family reinvestment and repopulation of the neighborhood that sees a 27% vacancy rate as of 2022. Smaller lots also move to
reduce the housing deficiency within Marion County. The strict application of the terms of the oerdinance would create serious practical
dificulties by conflicting with the Canal Village III Tax Credit project granted with support from the City of Indianaoplis.
DECISION  T IS THEREFORE the decision of this body that this VARIANCE petition is APPROVED.
Adopted this day of , 20

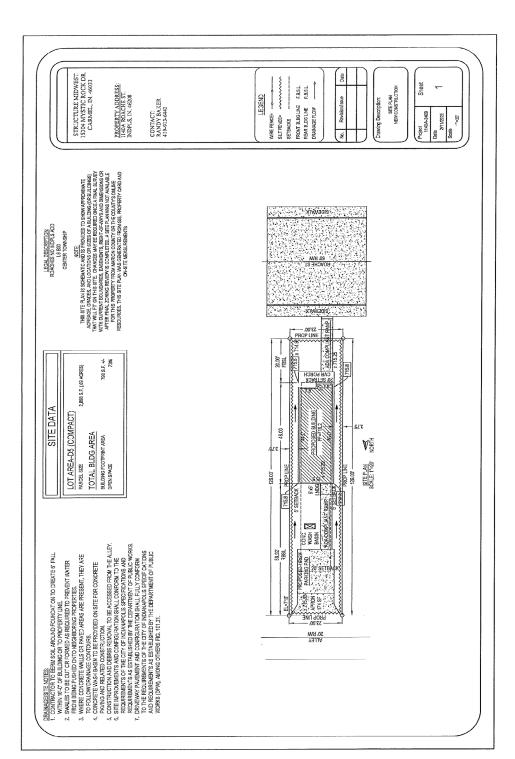
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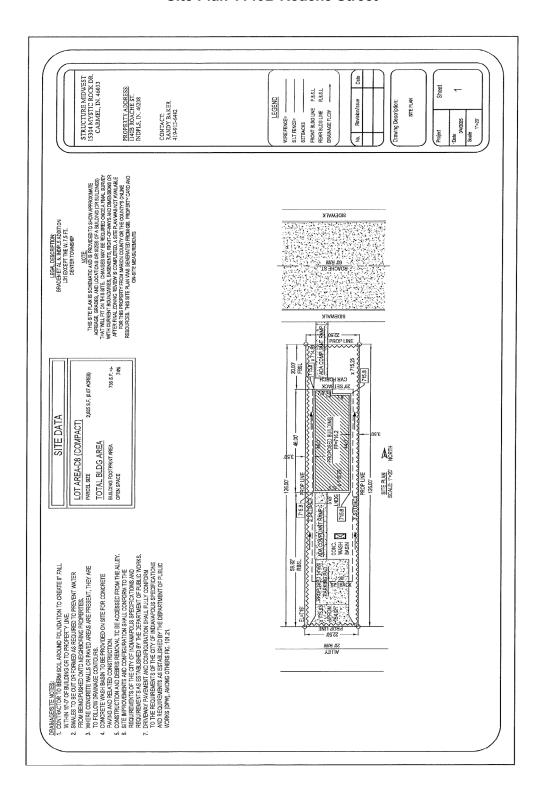


#### Site Plan - 1140A Roache Street



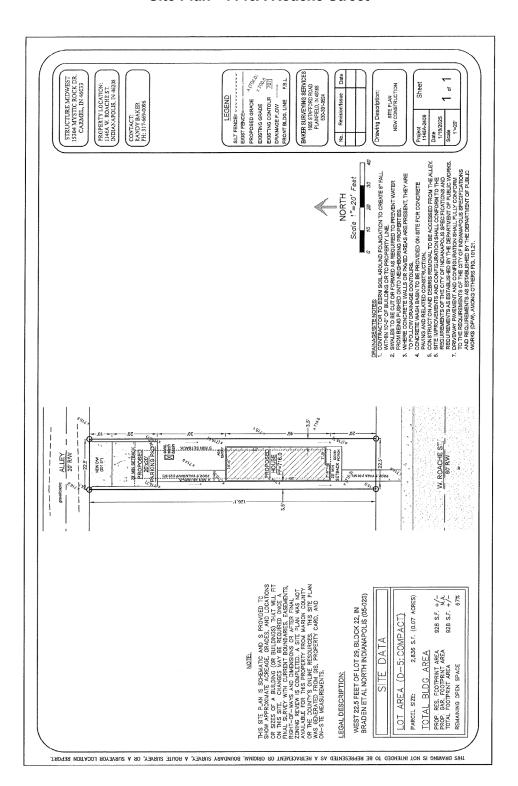


#### Site Plan 1140B Roache Street



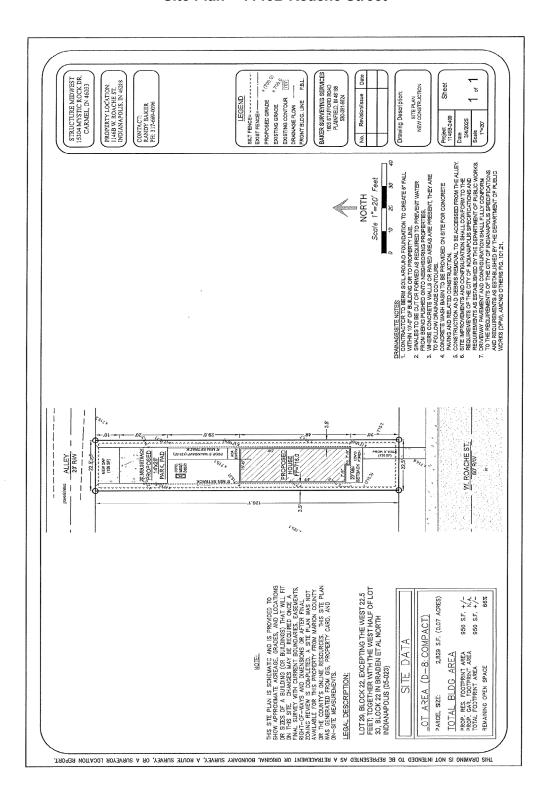


#### Site Plan - 1146A Roache Street





#### Site Plan - 1146B Roache Street







View looking west along Roache Street



View looking east along Roache Street





View of site looking north across Roache Street



View of site looking north across Roache Street





View of site looking north across Roache Street



View of site looking northeast across Roache Street





View of adjacent site to the west looking north across Roache Street



View from site looking southeast across Roache Street



### METROPOLITAN DEVELOPMENT COMMISSION HEARING EXAMINER

**April 24, 2025** 

Case Number: 2025-CPL-817 / 2025-CVR-817

Property Address: 866 West 26<sup>th</sup> Street

Location: Center Township, Council District #12

Petitioner: Canal Village III, LP, by Russell L. Brown

Current Zoning: D-5

Approval of a Subdivision Plat to be known as Replat of Lot 24 and part of Lot 23 in Block 29 in Roaches North Indianapolis Addition, dividing 0.13 acre into

two lots.

Request: Variance of development standards of the Consolidated Zoning and

Subdivision Ordinance to provide for two, single-family detached dwellings, on proposed 2,829 square-foot lots (minimum 5,000 square-foot lots required), 22.5-foot lot widths (minimum 40-foot lot width required), and, with 3.5-foot side yard setbacks (minimum five-foot side yard setbacks required).

Current Land Use: Vacant

Staff Approval of the plat, subject to the conditions noted below.

**Recommendations:** Approval of the variance of development standards.

Staff Reviewer: Kathleen Blackham, Senior Planner

#### **PETITION HISTORY**

This is the first public hearing on these petitions.

#### STAFF RECOMMENDATION

Staff recommends that the Hearing Examiner approve and find that the plat, file dated April 1, 2025, complies with the standards of the Subdivision regulations, subject to the following conditions:

- 1. That the applicant provides a bond as required by Section 741-210, of the Consolidated Zoning and Subdivision Ordinance.
- 2. Subject to the Standards and Specifications of Citizens Energy Group, Sanitation Section.
- 3. Subject to the Standards and Specifications of the Department of Public Works, Drainage Section.
- 4. Subject to the Standards and Specifications of the Department of Public Works, Transportation Section.
- 5. That addresses and street names, as approved by the Department of Metropolitan Development, be affixed to the final plat prior to recording.
- 6. That the Enforcement Covenant (Section 741-701, of the Consolidated Zoning and Subdivision Ordinance) be affixed to the final plat prior to recording.



- 7. That the Site Distance Covenant (Section 741-702, of the Consolidated Zoning and Subdivision Ordinance) be affixed to the final plat prior to recording.
- 8. That the Sanitary Sewer Covenant (Section 741-704, of the Consolidated Zoning and Subdivision Ordinance) be affixed to the final plat prior to recording.
- 9. That the Storm Drainage Covenant (Section 741-703, of the Consolidated Zoning and Subdivision Ordinance) be affixed to the final plat prior to recording.
- 10. That the plat restrictions and covenants, done in accordance with the rezoning commitments, be submitted prior to recording the final plat.
- 11. That all the standards related to secondary plat approval listed in Sections 741-207 and 741-208 of the Consolidated Zoning and Subdivision Ordinance be met prior to recording the final plat.
- 12. That the plat shall be recorded within two (2) years after the date of conditional approval by the Hearing Examiner.

#### **PETITION OVERVIEW**

This 0.13-acre site, zoned D-5, is vacant and surrounded by a single-family dwelling to the north, south across West 26<sup>th</sup> Street, and to the west; and vacant land to the east, all zoned D-5.

#### **PLAT**

#### Site Plan

The request would provide for a replat of Lot 24 and part of Lot 23 in Block 29 in Roaches North Indianapolis Addition that would provide two lots, each developed with a detached single-family dwelling.

#### **Streets**

Both lots would front along West 26<sup>th</sup> Street, which is a public street. An east / west alley abutting the lots along the northern boundaries would serve as access to a parking area located at the rear of each lot.

#### **Sidewalks**

Sidewalks exist along the West 26<sup>th</sup> Street frontage and appear to need repairs. However, if the sidewalks are further damaged during development and construction on the lots, replacement, in accordance with the Department of Public Works standards, would be required.

#### **Waivers**

None requested.



#### **VARIANCE OF DEVELOPMENT STANDARDS**

This request would provide for two lots with reduced lot area and lot width lot, including a 2,829 square-foot lot area when the Ordinance requires 5,000 square feet and a 22.5-foot lot width when the Ordinance requires a 40-foot lot width.

As originally platted, most of the lots in this subdivision do not comply with the current required lot area or lot width for a detached single-family dwelling. Consequently, staff believes these reductions would be an acceptable deviation that would have minimal impact on the neighborhood character and the surrounding land uses.

The requested variance for the reduced side setbacks would likewise be acceptable because aerials indicate that many of the existing structures do not comply with the current development standards and would be similar to and compatible with the existing neighborhood development.

Even though most of the platted lots in the area are 30 feet wide, smaller lots would increase the housing options, without any detrimental impact on the surrounding neighborhood character. Staff would note that following the recommendations of the Infill Housing Guidelines would assure that redevelopment of these lots would be compatible with the surrounding neighborhood and contribute to the renewal efforts in the area.

#### **GENERAL INFORMATION**

Existing Zoning	D-5	
Existing Land Use	Vacant	
Comprehensive Plan	Residential at 3.5 to five units per acre	
Surrounding Context	Zoning	Land Use
North:	D-5	Single-family dwellings
South:	D-5	Single-family dwellings
East:	D-5	Vacant
West:	D-5	Single-family dwelling
Thoroughfare Plan		
West 26 <sup>th</sup> Street	Local Street	Existing 60-foot right-of-way and proposed 48-foot right-of-way.
Context Area	Compact	
Floodway / Floodway Fringe	No	
Overlay	No	
Wellfield Protection Area	No	



Site Plan	April 1, 2025
Site Plan (Amended)	N/A
Elevations	N/A
Elevations (Amended)	N/A
Landscape Plan	N/A
Findings of Fact	March 25, 2025
Findings of Fact (Amended)	N/A
C-S/D-P Statement	N/A

#### **COMPREHENSIVE PLAN ANALYSIS**

#### **Comprehensive Plan**

Not Applicable to the Site

#### Pattern Book / Land Use Plan

Not Applicable to the Site

#### Red Line / Blue Line / Purple Line TOD Strategic Plan

Not Applicable to the Site.

#### Neighborhood / Area Specific Plan

United Northwest Neighborhood Plan (2008) recommends medium density residential, typically 3.5 to five dwelling units per gross acre: single-family dwellings.

#### **Infill Housing Guidelines**

#### Infill Housing Guidelines

The Infill Housing Guidelines were updated and approved in May 2021, with a stated goal "to help preserve neighborhood pattern and character by providing guiding principles for new construction to coexist within the context of adjacent homes, blocks, and existing neighborhoods. These guidelines provide insight into basic design concepts that shape neighborhoods, including reasons why design elements are important, recommendations for best practices, and references to plans and ordinance regulations that reinforce the importance of these concepts."



These guidelines apply to infill development in residential areas within the Compact Context Area and include the following features:

#### Site Configuration

- Front Setbacks
- Building Orientation
- Building Spacing
- Open Space
- Trees, Landscaping, and the Outdoors

#### **Aesthetic Considerations**

- Building Massing
- Building Height
- Building Elevations and Architectural Elements

#### Additional Topics

- Secondary Dwelling Units, Garages, and Accessory Structures
- Adapting to the Future

"As established neighborhoods experience new development, infill residential construction will provide housing options for new and existing residents. Increased population contributes positively to the local tax base, economic development, lively neighborhoods, and an interesting city. As infill construction occurs, it is important to guide development in a way that complements current neighborhoods. Each home in a neighborhood not only contributes to the existing context of adjoining houses and the block, but to the sense of place of the entire neighborhood."

#### **Indy Moves**

(Thoroughfare Plan, Pedestrian Plan, Bicycle Master Plan, Greenways Master Plan)

The Marion County Thoroughfare Plan (2019) "is a long-range plan that identifies the locations classifications and different infrastructure elements of roadways within a defined area."

The following listed items describe the purpose, policies and tools:

- Classify roadways based on their location, purpose in the overall network and what land use they serve.
- o Provide design guidelines for accommodating all modes (automobile, transit, pedestrians, bicycles) within the roadway.
- Set requirements for preserving the right-of-way (ROW)
- Identify roadways for planned expansions or new terrain roadways
- Coordinate modal plans into a single linear network through its GIS database



#### **ZONING HISTORY**

**2025-CPL-816** / **2025-CVR-816**; **1140** and **1146** Roache Street, (west of site), requested approval of a Subdivision Plat to be known as Replat of Lots 29-31 in Block 22 in Braden ET AL of North Indianapolis Addition, dividing 0.26-acre into four lots and a Variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for four, single-family detached dwellings, on proposed 22.5-foot lot widths, **pending.** 

**2020-ZON-052**; **1077 West 27**<sup>th</sup> **Street and 1149 Roache Street (south of site)**, requested rezoning of 0.22 acre from the C-3 and I-2 districts to the D-8 district, **approved**.

2018-CZN-835 / 2018-CVR-835. 1066, 1114, 1121 and 1122 Roache Street, 1002 and 1102 West 28<sup>th</sup> Street, 1045 Udell Street and 2702 Clifton Street (east of site), requested rezoning of 0.70 acre from the C-1 (W-5), C-3 (W-5) and I-2 (W-5) districts to the D-5 (W-5) classification; and a variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for a two-family dwelling on a 5,760-square foot lot (7,200 square feet) at 1122 Roache Street, to provide for single-family dwellings with 620-square foot main floor areas at 1002 and 1102 West 28<sup>th</sup> Street and 1045 Udell Street and 1121 Roache Street, to provide for a single-family dwelling with 1.5 and two-foot side setbacks and two feet between dwellings at 1066 Roache Street and to provide for a single-family dwelling at 1045 Udell Street, with 4.5 feet between dwellings, approved and granted.

2018-ZON-114; 1005 and 1025 West 25<sup>th</sup> Street, 1073 West 27<sup>th</sup> Street, 1252 West 30<sup>th</sup> Street, 2534 and 2646 Burton Avenue, 1175 Udell Street, 1111 Eugene Street and 2605 Rader Street (east of site), requested rezoning of 1.6 acres from the C-1 (W-5), C-3, C-3 (W-5), I-2 (W-5) and I-3 (W-5) districts to the D-5 and D-5 (W-5) classification, approved.

**2018-ZON-097**; **1117 Roache Street (west of site)**, requested rezoning of 0.09 acre from the I-2 (W-5) district to the D-5 (W-5) classification, **approved**.

**2005-ZON-207**; **1031**, **1033**, **1058**, **1062**, **AND 1159 Udell Street (north of site)**, requested rezoning of 0.43 acre from C-3 (W-5) and PK-1 (W-5) Districts to the D-5 (W-5) classification to provide for the construction of five single-family dwellings, **approved**.

**2005-ZON-119**; **1059** and **1061** Udell Street (north of site), requested rezoning of 0.173 acre, being in the C-3 (W-5) district, to the D-5 (W-5) classification to provide for residential uses, **approved**. 2004-UV2-024, 1209 West Eugene Street (north of site), **requested a variance of use of the Dwelling Districts Zoning Ordinance to provide for a church parking lot (not permitted)**, granted.

**2002-ZON-059, 962 and 970 West 30<sup>th</sup> Street (north of site)**, requested rezoning of 0.30 acre from the C-3 district to the D-5 district to provide for single-family residential development, **granted.** 



2002-DV3-048, 430, 431, 434, 438, and 625 West 28<sup>th</sup> Street, 842, 846, and 917 West 29<sup>th</sup> Street, 1141 West 27<sup>th</sup> Street, 530 West 26<sup>th</sup> Street, 538, 542, and 754 West 25<sup>th</sup> Street 1021 and 1141 West 30<sup>th</sup> Street, 850, 854, 858, 1139, 1241, and 1245 Eugene Street, and 806 Udell Street (north of site), requested a variance of development standards of the Dwelling Districts Zoning Ordinance to provide for the construction of townhomes with 580 square feet of main floor are (minimum 660 square feet of main floor area required), with a minimum 6-foot front setback granted.

**2001-ZON-074, various addresses in 800 West 28<sup>th</sup> Street (west of site)**, requested rezoning of 1.171 acres from D-5 (W-5) to SU-1 (W-5) to provide for religious uses, **approved.** 

**2001-ZON-128, 1141 West 30<sup>th</sup> Street (north of site)**, requested rezoning from the C-3 district to the D-5 district to provide for single-family residential development, **approved.** 

**2001-ZON-127, 1242 West 30<sup>th</sup> Street (north of site)**, requested rezoning from C-3 district to the D-5 district to provide for single-family residential development, **approved.** 

**2000-ZON/VAR-807**, **1202 Eugene Street (north of site)**, requested a rezoning from D-5 to SU-1 and a variance of development standards of the Sign Regulations to provide for a 32.5-square foot, 7.5-foottall pylon sign located within 75 feet of a protected district (600-foot separation required for illuminated pylon and pole signs), **approved.** 

**98-Z-60, 1169 West 30**<sup>th</sup> **Street (north of site)**, requested rezoning of 0.8 acre from C-3 district to the D-5 district to provide for single-family residential development, **approved**.

**98-Z-57, 1145 West 30**<sup>th</sup> **Street (north of site)**, requested a rezoning of 0.08 acre from the C-3 district to the D-5 district to provide for single-family residential development, **approved.** 

**98-Z-55, 1109, 1115, and 1117 West 30<sup>th</sup> Street (north of site)**, requested rezoning of 0.24 acre from the C-3 district to the D-5 district to provide for residential development, **approved.** 

**98-HOV-35, 1262 and 1266 West 29<sup>th</sup> Street (north of site)**, requested a variance of development standards of the Dwelling Districts Zoning Ordinance to provide for the construction of a single-family dwelling on each lot with (a) a front yard setback of 10 feet (minimum of 40 feet required), (b) a minimum main floor area of 560 square feet (minimum of 660 square feet required for dwelling higher than one story), **granted.** 

**98-HOV-34, 1238, 1242, and 1246 West 29**<sup>th</sup> **Street (north of site)**, requested a variance of development standards of the Dwelling Districts Zoning Ordinance to provide for the construction of a single-family dwelling on each lot with (a) a front yard setback of 10 feet (minimum of 40 feet required), (b) a minimum main floor area of 560 square feet (minimum of 660 square feet required for dwelling higher than one story), **granted.** 



**98-HOV-32, 1166 West 29**<sup>th</sup> **Street (north of site)**, requested a variance of development standards of the Dwelling Districts Zoning Ordinance to provide for the construction of a single-family dwelling on each lot with (a) a front yard setback of 10 feet (minimum of 40 feet required), (b) a minimum main floor area of 560 square feet (minimum of 660 square feet required for dwelling higher than one story), **granted.** 

**98-HOV-031**, **1115**, **1117**, **and 1121 West 29**<sup>th</sup> **Street (north of site)**, requested a variance of development standards of the Dwelling Districts Zoning Ordinance to provide for the construction of a single-family dwelling on each lot with (a) a front yard setback of 10 feet (minimum of 40 feet required), (b) a minimum main floor area of 560 square feet (minimum of 660 square feet required for dwelling higher than one story), **granted.** 

**98-HOV-29, 1053 West 29**<sup>th</sup> **Street (north of site);** requested a variance of development standards of the Dwelling Districts Zoning Ordinance to provide for the construction of a single-family dwelling with a front yard setback of 10 feet (minimum 40 feet required and a minimum main floor area of 560 square feet (minimum 660 square feet required for dwelling higher than one story), **granted**.

**96-Z-53**, **909-917 West 30**<sup>th</sup> **Street (north of site)**, requested rezoning of 0.86 acres from C-3 to D-5 to provide for the construction of 10 single-family residences, **granted**.

**94-Z-192**; **1126**, **1132**, **1134**, **1140** and **1146** Roache Street (west of site), requested rezoning of 0.52-acre from the I-2-U district to the D-8 classification to provide for single-family development, approved.

**88-UV2-137, 1166 West 28**<sup>th</sup> **Street (north of site)**; requested a variance of use of the Dwelling Districts Zoning Ordinance to provide for the construction of a garage for the storage of commercial vehicles., **granted.** 

**79-UV2-79, 1202 West Eugene Street (north of site),** requested a variance of use and development standards to permit erection of a new church, replacing the old church, with identification sign and 12 parking spaces, **granted.** 

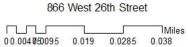




#### **EXHIBITS**







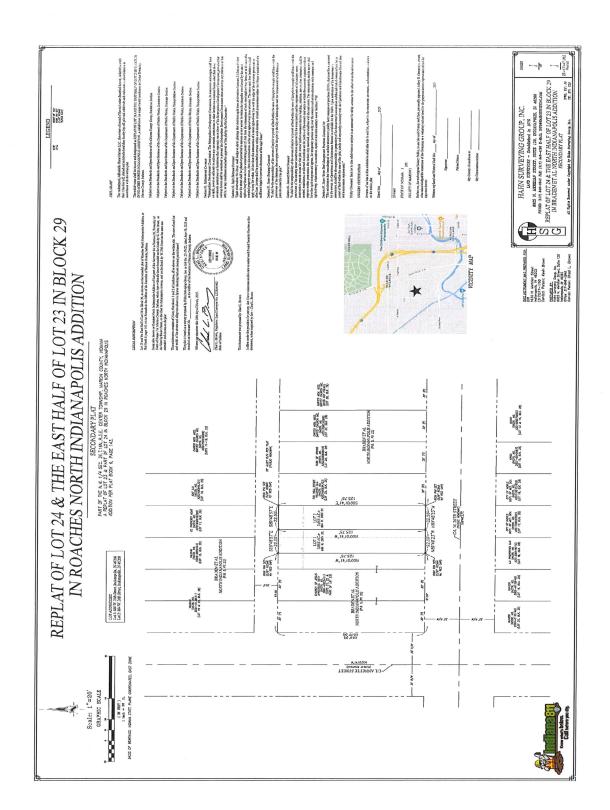


Petition Number \_\_\_

METROPOLITAN DEVELOPMENT COMMISSION HEARING EXAMINER METROPOLITAN BOARD OF ZONING APPEALS, Division OF MARION COUNTY, INDIANA
PETITION FOR VARIANCE OF DEVELOPMENT STANDARDS
FINDINGS OF FACT
1. The grant will not be injurious to the public health, safety, morals, and general welfare of the community because: The proposal fulfills the intent of provisions of the zoning and subdivision control ordinances with regard to infill development and walkable neighborhood provisions by creating new construction opportunity in an established neighborhood. Granting the variances would allow continued reinvestment into a neighborhood where 1/3 of the population falls below the poverty line. The granting of the requested variances would have no injurius affects of the public health, safety, morals or general welfare of the community.
2. The use or value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner because: The use and value of surrounding property would be positively affected by granting the variance requests. Construction of new single family detached homes, as opposed to the pemitted 2-4 unit multi-family structures, provides a needed product that is consistent with the development patterns of the neighborhood. Permitting smaller lots serves to provide an affordable option in a neighborhood where over 1/3 of the residents are housing insecure and nearly half are housing cost purdened.
3. The strict application of the terms of the zoning ordinance will result in practical difficulties in the use of the property because:  Granting of the variance requests would accomodate the evolution of the neighborhood and a modernization of infill strategy while maintaining the traditional neighborhood form and feel. The variance requests serve to provide single family einvestment and repopulation of the neighborhood that sees a 27% vacancy rate as of 2022. Smaller lots also move to educe the housing deficiency within Marion County. The strict application of the terms of the cerdinance would create serious practical difficulties by conflicting with the Canal Village III Tax Credit project granted with support from the City of Indianaoplis.
T IS THEREFORE the decision of this body that this VARIANCE petition is APPROVED.  Adopted this day of , 20

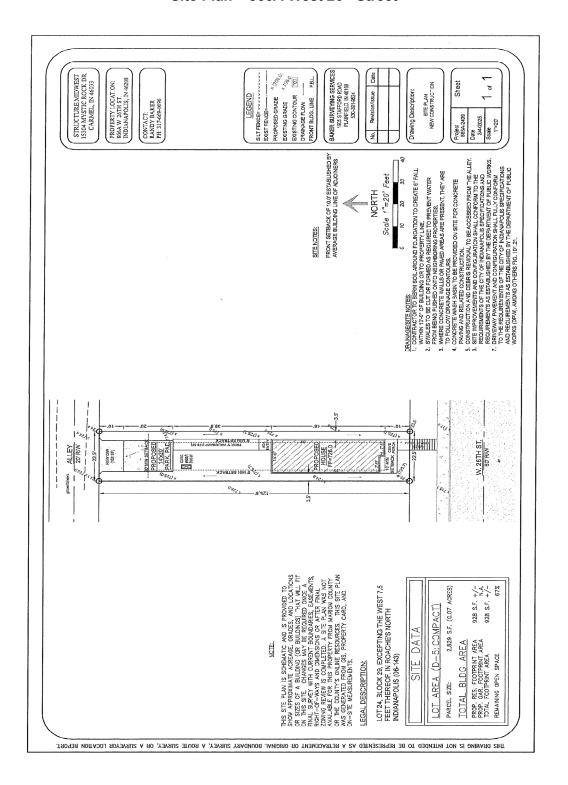
FOF-Variance DevStd 01/12/06 T2





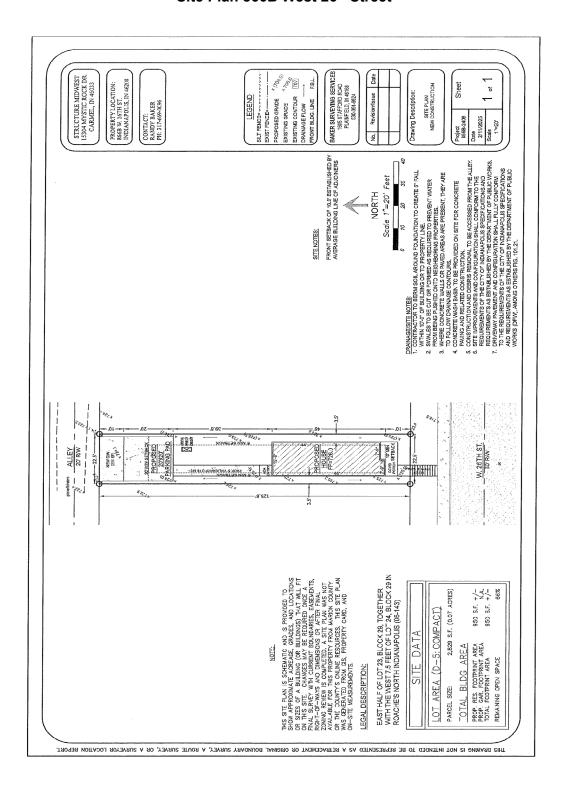


#### Site Plan - 866A West 26th Street





#### Site Plan 866B West 26th Street







View looking west along West 26th Street



View looking east along West 26th Street





View of site looking north across West 26th Street



View of site looking north across West 26th Street





View of site looking northeast across West 26th Street



View of site looking northeast across West 26th Street





View from site looking southeast across West 26th Street



View from site looking southwest across West 26th Street



### METROPOLITAN DEVELOPMENT COMMISSION HEARING EXAMINER

April 24, 2025

Case Number: 2024-ZON-102 (Amended)

**Property Address:** 501 and 525 South East Street

**Location:** Center Township, Council District #18

Petitioner: David Kingen and Justin Kingen

Current Zoning: I-3 (RC) (TOD)

Reguest: Rezoning of 0.13 acre from the I-3 (RC) (TOD) district to the CBD-2 (RC)

(TOD) district to construct a three-unit multi-family residential building.

Current Land Use: Vacant property / Two-family dwelling

**Staff** 

Recommendations: Denial.

Staff Reviewer: Kathleen Blackham, Senior Planner

### **PETITION HISTORY**

The Hearing Examiner acknowledged a timely automatic continuance from a registered neighborhood organization that continued this petition from the September 26, 2024 hearing, to the October 24, 2024 hearing.

The Hearing Examiner continued this petition from the October 24, 2024 hearing to the January 9, 2025 hearing and to the February 27, 2025 hearing, with notice, at the request of the petitioner. The petitioner requested additional time to engage a representative and amend the petition. No new information has been submitted to the file.

The Hearing Examiner continued this petition from the February 27, 2005, hearing to the April 24, 2025 hearing, at the request of the petitioner's representative.

### STAFF RECOMMENDATION

Denial. The request was amended to include the abutting parcel to the north, addressed as 501 South East Street. Updated documents, including a site plan, building elevations and renderings were submitted on April 16, 2025. Staff, however, continues to recommend denial of the rezoning.

### **PETITION OVERVIEW**

This 0.13-acre site, zoned I-3 (RC) (TOD), is vacant and surrounded by a single-family dwelling to the north, zoned I-3 (RC) (TOD); a two-family dwelling to the south, zoned CBD-2 (RC) (TOD); a single-family dwelling to the east, zoned D-8; and an industrial complex to the west, across South East Street, zoned I-3 (RC) (TOD).



The request would rezone the site to the CBD-2 (Central Business District). "The CBD-2 district is for the general downtown area of Indianapolis, surrounding the CBD-1 and CBD-3 districts. The district represents the typical urban core of Indianapolis to be developed at very high density. It is a pedestrian oriented environment that is also the focus of the City's transit system providing excellent accessibility. The grid pattern of streets are mostly high-volume arterials which function efficiently due to the service areas being accessed by a thorough network of alleys. The CBD-2 district accommodates a diverse mixture of uses including residential, retail, restaurants, entertainment, major public facilities, major convention facilities, sports venues, hotels and memorials."

The Comprehensive Plan recommends traditional neighborhood typology.

According to historical maps, this site was originally developed with a two-family dwelling but has remained vacant for many years.

As proposed, this request would not be consistent with the Plan recommendation of traditional neighborhood with a typical density of five to 15 units per acre. The density of this residential project would be 42.85 units per acre.

The CBD-2 district is intended to serve as a buffer surrounding the CBD-1 and CBD-3 districts, which are those areas of monuments, large plazas, and government buildings. This site is not in proximity of any of these features and is, therefore, not appropriate for this area. Staff would note that staff recommended denial of petition 2003-ZON-047 that requested rezoning to the CBD-2 district that abuts this site to the south.

The Transit Oriented Development overlay recommends a higher density; however, The Pattern Book guidelines recommend that attached housing be located "around intersections of neighborhood collector streets, greenways, parks or public squares, or neighborhood-serving retail." This site is located midblock along a primary arterial between a single-family dwelling and a two-family dwelling.

The approximate 63-foot tall, four-story structure would not be compatible with the surrounding land uses and would be wholly inappropriate development along this corridor. Furthermore, the architecture character and building mass would be a dominate feature, rather than harmonious infill development that would respect the existing character in the area.

Staff would reconsider this rezoning if the request would be amended to the D-8 district. Staff, however, believes the Regional Center Guidelines should also be met.

During the site visit, staff observed that the real estate sign indicates this site is zoned CBD-2.



#### **GENERAL INFORMATION**

Existing Zoning	I-3 (RC) (TOD)		
Existing Land Use	Vacant		
Comprehensive Plan	1 5.5 5.11		
Surrounding Context	Traditional Neighborhood		
	Zoning	Land Use	
North:	- ( - / ( - /	Single-family dwelling	
South:		Two-family dwelling	
East:		Single-family dwelling	
West:	I-3 (RC) (TOD)	Industrial uses	
Thoroughfare Plan			
South East Street	Primary Arterial	Existing 80-foot right-of-way and proposed 78-foot right-of-way.	
East Warsaw Street		Existing 40-foot right-of-way and proposed 48-foot right-of-way	
Context Area	Compact		
Floodway / Floodway Fringe	No		
Overlay	Yes, Regional Center and Transit Oriented Development (TOD)		
Wellfield Protection Area	No		
Site Plan	August 2, 2024		
Site Plan (Amended)	N/A		
Elevations	August 2, 2024		
Elevations (Amended)	N/A		
Landscape Plan	N/A		
Findings of Fact	N/A		
Findings of Fact (Amended)	N/A		
C-S/D-P Statement	N/A		

### **COMPREHENSIVE PLAN ANALYSIS**

### **Comprehensive Plan**

• The Comprehensive Plan recommends Traditional Neighborhood typology. The Traditional Neighborhood typology includes a full spectrum of housing types, ranging from single family homes to large-scale multifamily housing. The development pattern of this typology should be compact and well-connected, with access to individual parcels by an alley when practical. Building form should promote the social connectivity of the neighborhood, with clearly defined public, semi-public, and private spaces. Infill development should continue the existing visual pattern, rhythm, or orientation of surrounding buildings when possible. A wide range of neighborhood-serving businesses,



institutions, and amenities should be present. Ideally, most daily needs are within walking distance. This typology usually has a residential density of five to 15 dwelling units per acre, but a higher density is recommended if the development is within a quarter mile of a frequent transit line, greenway, or park.

- Indianapolis Regional Center Plan 2020 (2004).
  - This Plan recommends residential development (garden apartment and townhouses) at 16-26 dwelling units per acre.
- Indianapolis Regional Center Guidelines (2008).
  - These design guidelines provide a community standard for urban design. They were developed to encourage creativity, interest, and variety, and to build upon local heritage and character. The guidelines are intended to protect the investments of stakeholders by maintaining downtown Indianapolis as an efficient, sustainable, and vital place in which to live, work, learn and spend free time.
  - The purpose of these Guidelines is to set standards that will produce a more thoughtful design response to Regional Center development projects. They focus on a wide range of characteristics of the built environment.
  - This proposed development would be required to file an approval petition for Regional Center that would require design review in accordance with the Guidelines.

#### Pattern Book / Land Use Plan

The Comprehensive Plan consists of two components that include The Marion County Land Use Pattern Book (2019) 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 Traditional Neighborhood Typology
  - 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 cutthroughs for longer blocks, are encouraged
- Conditions for All Housing
  - A mix of housing types is encouraged.
  - Should be within a one-mile distance (using streets, sidewalks, and/or off-street paths) of a school, playground, library, public greenway, or similar publicly accessible recreational or cultural amenity that is available at no cost to the user.



- Primary structures should be no more than one and a half times the height of other adjacent primary structures
- Should be oriented towards the street with a pedestrian connection from the front door(s) to the sidewalk. Driveways/parking areas do not qualify as a pedestrian connection.
- Developments with densities higher than 15 dwelling units per acre should have design character compatible with adjacent properties. Density intensification should be incremental with higher density housing types located closer to frequent transit lines, greenways, or parks.
- Attached Housing (defined as duplexes, triplexes, quads, townhouses, row houses, stacked flats, and other, similar legally complete dwellings joined by common walls and typically with each unit on its own lot or part of a condominium.)
  - Duplexes should be located on corner lots, with entrances located on different sides of the lot.
  - It is preferred that townhomes should be organized around intersections of neighborhood collector streets, greenways, parks or public squares, or neighborhood-serving retail.
  - If the above conditions are not met, individual buildings of attached housing (not part of a complex) may be interspersed with single-family homes but should not make up more than 25% of the primary residential structures on a block.
- Modified Uses Transit-Oriented Development Overlay
  - Attached Housing A residential density of 15+ units per acre is recommended.

### Red Line / Blue Line / Purple Line TOD Strategic Plan

The Red Line Transit-Oriented Development Strategic Plan (2021)

- This site is also located within an overlay, specifically the Transit Oriented Development (TOD). "Overlays are used in places where the land uses that are allowed in a typology need to be adjusted. They may be needed because an area is environmentally sensitive, near an airport, or because a certain type of development should be promoted. Overlays can add uses, remove uses, or modify the conditions that are applied to uses in a typology."
- The Transit-Oriented Development (TOD) overlay is intended for areas within walking distance of a transit station. The purpose of this overlay is to promote pedestrian connectivity and a higher density than the surrounding area.
- This site is located within a ¼ mile walk (approximately 585 feet) of Fletcher Place transit stop located at the intersection of Virginia Avenue and Merrill Street with a District Center typology.



- District Center stations are located at the center of regionally significant districts with several blocks of retail or office at their core. Development opportunities include infill and redevelopment, dense residential, employment near transit stations, neighborhood retail and a focus on walkability and placemaking.
- Characteristics of the District Center typology are:
  - A dense mixed-use hub for multiple neighborhoods with tall buildings
  - · Minimum of three stories at core with no front or side setbacks
  - · Multi-family housing with a minimum of five units
  - · Structured parking only with active first floor
- Modifications The Pattern Book also provides guidance related to overlays and whether an overlay adds, modifies, or removes the recommended land uses within the base typology.
  - This site lies within the Transit-Oriented Development overlay that recommends a density of 15+ units per acre for attached housing.

### Neighborhood / Area Specific Plan

Not Applicable to the Site.

### **Infill Housing Guidelines**

- The Infill Housing Guidelines (2021)
  - The Infill Housing Guidelines were updated and approved in May 2021, with a stated goal "to help preserve neighborhood pattern and character by providing guiding principles for new construction to coexist within the context of adjacent homes, blocks, and existing neighborhoods. These guidelines provide insight into basic design concepts that shape neighborhoods, including reasons why design elements are important, recommendations for best practices, and references to plans and ordinance regulations that reinforce the importance of these concepts."
  - These guidelines apply to infill development in residential areas within the Compact Context Area and include the following features:

### Site Configuration

- Front Setbacks
- Building Orientation
- Building Spacing
- Open Space
- Trees, Landscaping, and the Outdoors



#### **Aesthetic Considerations**

- Building Massing
- Building Height
- Building Elevations and Architectural Elements

### **Additional Topics**

- Secondary Dwelling Units, Garages, and Accessory Structures
- Adapting to the Future

"As established neighborhoods experience new development, infill residential construction will provide housing options for new and existing residents. Increased population contributes positively to the local tax base, economic development, lively neighborhoods, and an interesting city. As infill construction occurs, it is important to guide development in a way that complements current neighborhoods. Each home in a neighborhood not only contributes to the existing context of adjoining houses and the block, but to the sense of place of the entire neighborhood."

### **Indy Moves**

(Thoroughfare Plan, Pedestrian Plan, Bicycle Master Plan, Greenways Master Plan)

- The Marion County Thoroughfare Plan (2019) "is a long-range plan that identifies the locations classifications and different infrastructure elements of roadways within a defined area."
- The following listed items describe the purpose, policies and tools:
  - Classify roadways based on their location, purpose in the overall network and what land use they serve.
  - o Provide design guidelines for accommodating all modes (automobile, transit, pedestrians, bicycles) within the roadway.
  - Set requirements for preserving the right-of-way (ROW)
  - o Identify roadways for planned expansions or new terrain roadways
  - Coordinate modal plans into a single linear network through its GIS database



### **ZONING HISTORY**

2019-CZN-858 / 2019-CVR-858; 501-511 (odd) South East Street (north of site), requested rezoning of 0.20 acre from the I-3 (RC) and CBD-2 (RC) districts to the D-8 (RC) district and a variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for four, 38-foot tall single-family dwellings with attached garages, with reduced setbacks, separation between dwellings, open space and encroachment into the clear sight triangle, approved and granted.

**2019-CZN-832** / **2019-CVR-832**; **514** East Warsaw Street (east of site), requested a rezoning of 0.07 acre, from the I-3 (RC) district to the D-8 (RC) district and a variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for a zero-foot west side yard setback for an existing single-family dwelling, additions to the existing single-family dwelling, with a three-foot east side yard setback for a proposed covered patio and 47.9% open space, **approved and granted** 

**2017-HOV-069**; **514 East Warsaw Street (east of site)**, requested a variance of use of the Consolidated Zoning and Subdivision Ordinance to legally establish primary and accessory single-family residential uses, **granted**.

**2018-DV3-033**; **509-535 East Warsaw Street (east of site),** requested a variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for five dwellings, with front, side and between building setback reductions and for 49% open space, **granted**.

2018-ZON-008; 713 and 909 South East Street, 705, 709, 713, 725, 812 and 814 Greer Street, 605, 613, 617, 636, 637, 718, 727, 743, 747 and 751 East McCarty Street, 515, 526, 532, 534, 535 and 607 East Merrill Street, 710, 722, 730, 742 and 747 South Noble Street, 521, 612 and 633 Stevens, 812, 815 and 821 Wright Street and 316 South College Avenue (east of site), requested rezoning from the I-3-U (RC) and I-4-U (RC) districts, to the D-8 (RC) classification, approved.

**2003-ZON-047**; **529**, **533** and **537** South East Street (south of site), requested rezoning of 0.32 acres from the D-8 (RC) and I-3-U (RC) districts to the CBD-2 (RC) district to provide for residential development, **approved**.

**99-CP-16Z / 99-CP-16V; 529-531 South East Street (south of site)**, requested rezoning of 0.12 acres from the I-3 U (RC) district to the C-8 (RC) classification to provide for construction of two-family dwelling and a variance of development standards of the Dwelling districts Zoning Ordinance to provide for construction of a two-family dwelling with reduced setbacks and open space, **approved and granted**.

**96-Z-127**; **701-703 South East Street (south of site)**, requested rezoning from the I-3-U district to the SU-1 district to provide for religious uses, **approved**.

**80-UV1-14**; **545** South East Street (south of site), requested a variance of development standards of the Industrial Zoning Ordinance to provide for an addition to an existing electrical contractor, **granted**.

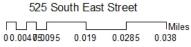




### **EXHIBITS**

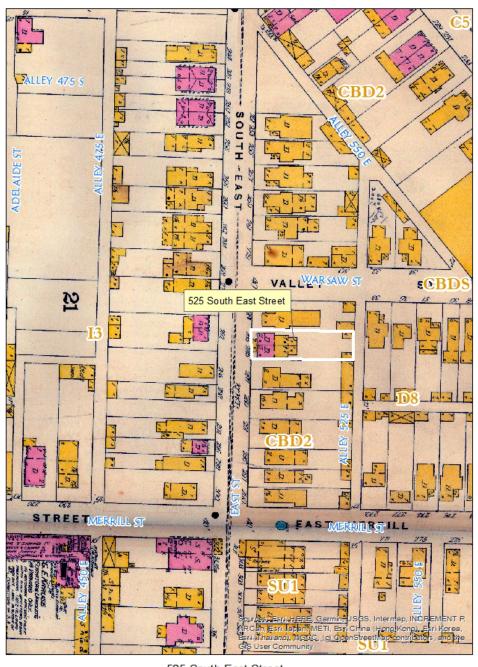




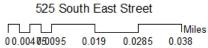




### 1887 Sanborn Map

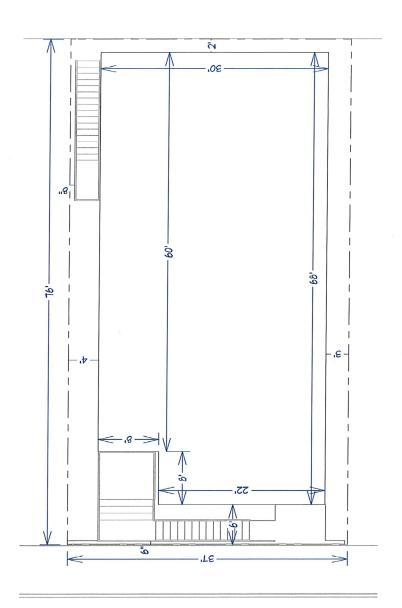








Site Plan - April 16, 2025



S EAST STREET

Scale= 1/8"-1

Sife Plan

525 S East st

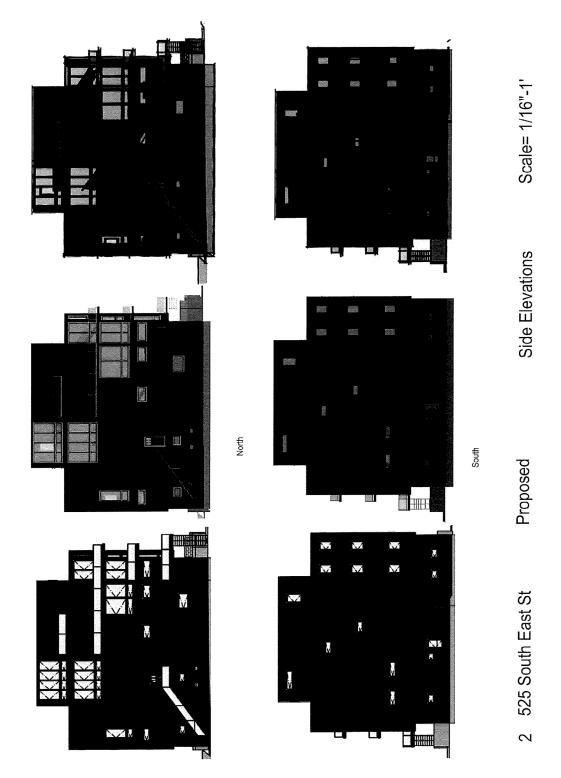


Elevations - April 16, 2025



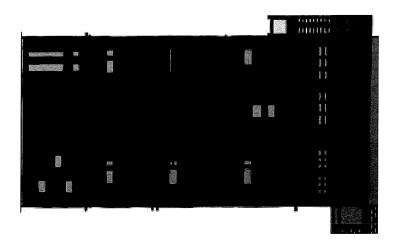


### Elevations - April 16, 2025

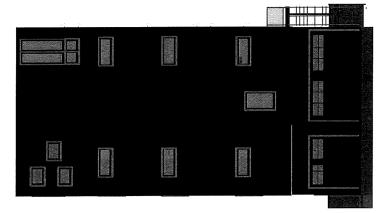




### Elevations - April 16, 2025



Scale= 1/8"-1'

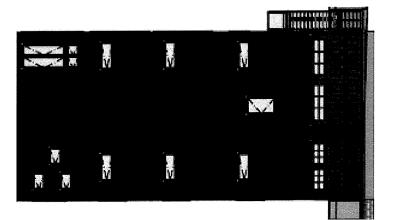


Rear

Proposed

525 South East St

က





### Renderings – April 16, 2025







Scale= NTS







**Photos** 



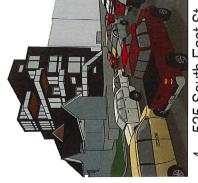




Proposed

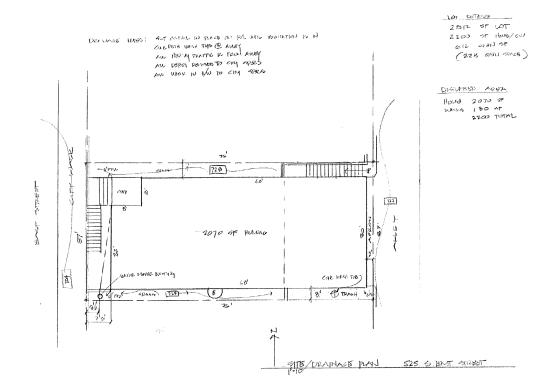




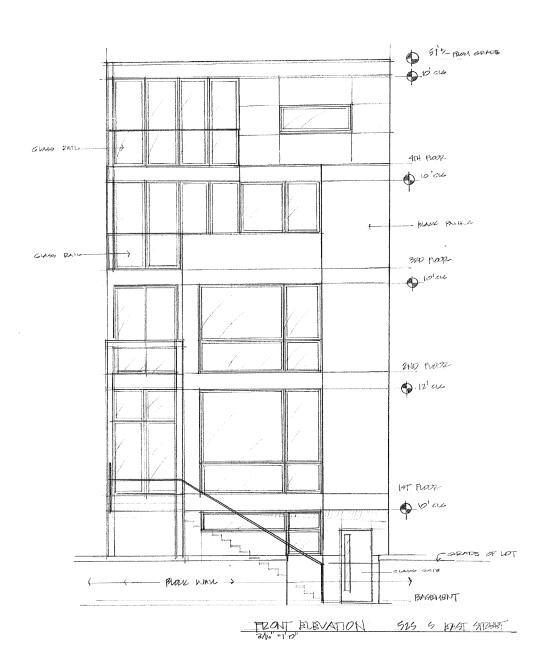


525 South East St

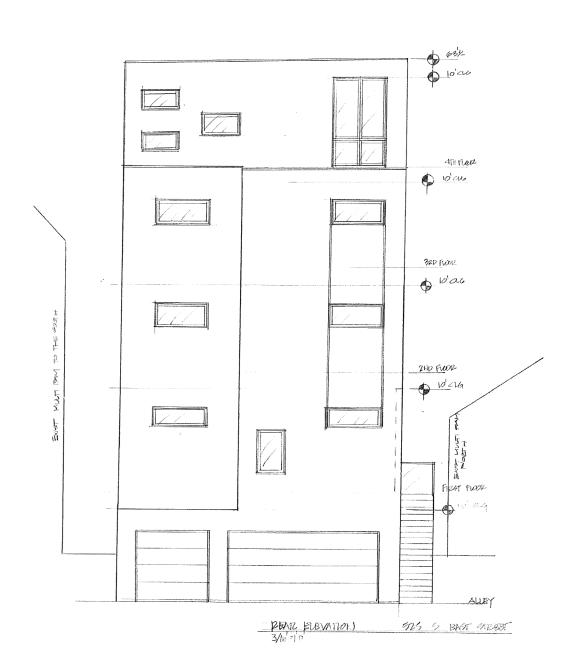






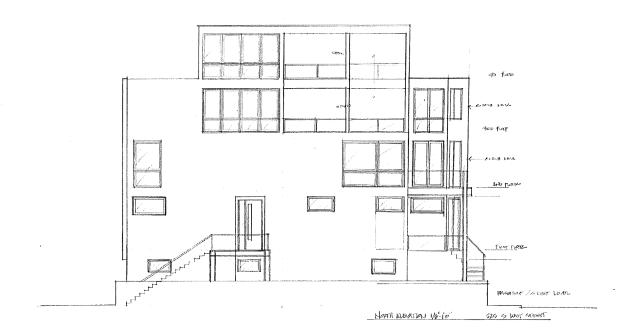






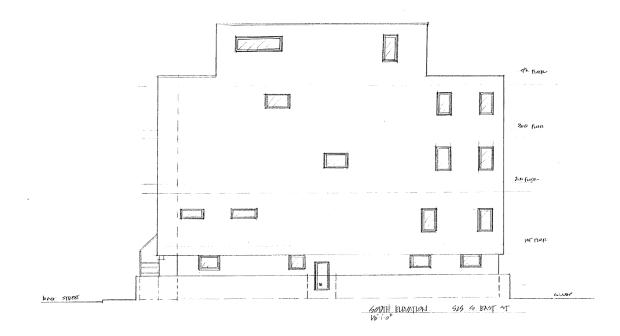
















View looking south along South East Street



View looking north along South East Street





View looking north along north / south alley



View looking south along north / south alley





View of site looking east



View of site looking east over the wall





View looking northeast at adjacent single-family dwelling

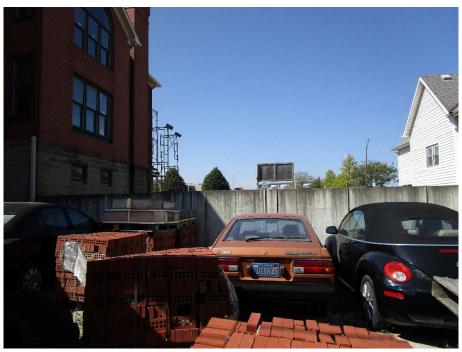


View looking southeast at adjacent two-family dwelling





View of site looking west from the North / south alley



View of site looking west from the North / south alley



### METROPOLITAN DEVELOPMENT COMMISSION HEARING EXAMINER

April 24, 2024

**Case Number:** 2025-ZON-019 (Amended) / 2025-VAR-002

**Property Address:** 1404 Prospect Street

**Location:** Center Township, Council District #18

**Petitioner:** Luxury Leased Homes USA, LLC, by Stephanie J. Truchan

Current Zoning: C-5

Rezoning of 0.345-acre from the C-5 district to the D-8 district to provide for

residential uses.

Variance of Development Standards of the Consolidated Zoning and

Request: Subdivision Ordinance to provide for a townhome development with an eight-foot front yard setback (front building line between 10 feet and 19.9 feet

required), an eight-foot rear setback (minimum 15-foot rear setback required), a five-foot corner side yard setback (minimum eight-foot corner side yard

required).

Current Land Use: Undeveloped

**Staff** 

Recommendations: Approval, subject to the commitments noted below:

Staff Reviewer: Kathleen Blackham, Senior Planner

### **PETITION HISTORY**

The Hearing Examiner continued the rezoning petition, with notice, from the March 27, 2025 hearing, to the April 24, 2025 hearing, to amend the request to add variances of development standards.

### STAFF RECOMMENDATION

Approval, 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:

- 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. Development of the site shall be in substantial conformance with the site plan and elevations, file dated March 5, 2025.



### **PETITION OVERVIEW**

This 0.345-acre site, zoned C-5, is undeveloped and surrounded by single-family dwellings to the north, zoned D-5; commercial uses to the south across Prospect Street, zoned C-4; a parking lot associated with a commercial use to the east, zoned C-4; and commercial uses to the west, across Laurel Street, zoned C-4.

#### **REZONING**

The request would rezone the site from the D-8 (walkable) district to provide for townhomes (single-family attached / row houses). "The D-8 district is intended for a variety of housing formats, with a mix of small-scale multi-unit building types. This district can be used as a part of new mixed-use areas, or for infill situations in established urban areas, including medium and high-density residential recommendations of the Comprehensive Plan, and the Traditional Neighborhood, City Neighborhood, and Village or Urban Mixed-Use Typologies of the Land Use Pattern Book."

The D-8 district is intended for a variety of housing formats, with a mix of small-scale multi-unit building types. This district can be used as a part of new mixed-use areas, or for infill situations in established urban areas, including medium and high-density residential recommendations of the Comprehensive Plan, and the Traditional Neighborhood, City Neighborhood, and Village or Urban Mixed-Use Typologies of the Land Use Pattern Book.

"To advance the Livability Principles of this Code, the D-5, D-5II, **D-8**, D9 and D-10 districts implement walkable, compact neighborhoods within a well-connected street network and block structure, using slow neighborhood streets, walkable connectors, and multi-mode thoroughfares. Access to parks and recreation, transit and neighborhood services within walking distance is important. Street trees, landscape and trees along private frontages, and an active amenity zone create comfortable walking environment and add appeal to neighborhoods. These districts require urban public and community facilities and services to be available. These districts may be used in combination to supply critical mass of residents to support nearby commercial and transit investments."

The purpose of the Walkable Neighborhood design standards and objectives is to advance the Livability Principles of this code, and to promote walkable neighborhoods. Any exceptions to the standards in the Ordinance, or discretionary review processes related to a specific application, shall be judged against these design objectives, in addition to any other criteria in this code for the application.

As proposed, this request would be consistent with the Comprehensive Plan recommendation of village mixed-use.



#### **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.

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 receptables for proper disposal of trash and other waste.

### **VARIANCES OF DEVELOPMENT STANDARDS**

This request would provide for reduced setbacks that would include an eight-foot front setback (10-19.9 feet required), an eight-foot rear yard setback (15 feet required) and a five-foot corner setback (8 feet required).

As proposed, staff supports these variances because this would be an infill development with constraints related to the existing parcel and the surrounding development, thereby resulting in practical difficulties as this site is developed. The two-foot reduced front setback would have minimal impact on the surrounding land uses and streetscape and the clear-sight triangles at the intersections of Prospect Street / Laurel Street and Laurel Street / alley would not be impacted due to the reduced setbacks.



### **Planning Analysis**

This proposed residential development would provide for residential development consisting of a three-story, nine dwelling unit rowhouse at a density of 26.1 units per acre. The proposed development would be consistent with the village mixed-use typology that calls for a "a wide range of small businesses, housing types, and public facilities" and offer additional housing options in the immediate area.

### **GENERAL INFORMATION**

Existing Zoning	C-5	
Existing Land Use	Undeveloped	
Comprehensive Plan	Village Mixed-Use	
Surrounding Context	Zoning	Land Use
North:	D-5	Single-family dwellings
South:	C-4	Commercial uses
East:	C-4	Commercial uses / Parking Lot
West:	C-4	Commercial uses
Thoroughfare Plan		
Prospect Street	Primary Arterial	Existing 78-foot right-of-way and proposed 56-foot right-of-way.
Laurel Street	Local Street	Existing 60-foot right-of-way and proposed 48-foot right-of-way.
Context Area	Compact	
Floodway / Floodway Fringe	No	
Overlay	No	
Wellfield Protection Area	No	
Site Plan	March 5, 2025	
Site Plan (Amended)	March 18, 2025	
Elevations	March 5, 2025	
Elevations (Amended)	N/A	
Landscape Plan	N/A	
Findings of Fact	N/A	
Findings of Fact (Amended)	N/A	
C-S/D-P Statement	N/A	



### **COMPREHENSIVE PLAN ANALYSIS**

### **Comprehensive Plan**

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 six to 25 dwelling units per acre."

#### Pattern Book / Land Use Plan

The Comprehensive Plan consists of two components that include The Marion County Land Use Pattern Book (2019) 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 Village Mixed-Use Typology
  - 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.
  - All development should include sidewalks along the street frontage.
  - In master-planned developments, block lengths of less than 500 feet, or pedestrian cutthroughs for longer blocks, are encouraged.
  - Where possible, contributing historic buildings should be preserved or incorporated into new development.

### Conditions for All Housing

- Should be within a one-quarter-mile distance (using streets, sidewalks, and/or off-street paths) of a school, playground, library, public greenway, or similar publicly accessible recreational or cultural amenity that is available at no cost to the user.
- Should be oriented towards the street with a pedestrian connection from the front door(s) to the sidewalk. Driveways/parking areas do not qualify as a pedestrian connection.



- Attached Housing (defined as duplexes, triplexes, quads, townhouses, row houses, stacked flats, and other, similar legally complete dwellings joined by common walls and typically with each unit on its own lot or part of a condominium).
  - Recommended without additional conditions.

### Red Line / Blue Line / Purple Line TOD Strategic Plan

Not Applicable to the Site.

### Neighborhood / Area Specific Plan

Not Applicable to the Site.

### **Infill Housing Guidelines**

Not Applicable to the Site.

#### **Indy Moves**

(Thoroughfare Plan, Pedestrian Plan, Bicycle Master Plan, Greenways Master Plan)

The Marion County Thoroughfare Plan (2019) "is a long-range plan that identifies the locations classifications and different infrastructure elements of roadways within a defined area."

The following listed items describe the purpose, policies and tools:

- Classify roadways based on their location, purpose in the overall network and what land use they serve.
- o Provide design guidelines for accommodating all modes (automobile, transit, pedestrians, bicycles) within the roadway.
- Set requirements for preserving the right-of-way (ROW)
- Identify roadways for planned expansions or new terrain roadways
- Coordinate modal plans into a single linear network through its GIS database



### **ZONING HISTORY**

**2017-ZON-052**; **1308 Prospect Street (west of site)**, requested rezoning of 0.52 acre from the C-4 district to the SU-9 classification to provide for a fire station, **approved**.

**2005-UV2-045**; **1427 Prospect Street (east of site)**, requested a variance of use of the Commercial Zoning Ordinance to legally establish an existing four-unit multi-family dwelling and an existing five-unit multi-family dwelling, **denied**.

**2004-DV2-019**; **1509 Prospect Street (east of site)**, requested a variance of development standards of the Sign Regulations to legally establish an 18.42-foot tall, 34.56-square foot pylon sign with a 4.50-foot setback from the existing right-of-way of Prospect Street (minimum fifteen-foot setback from the existing right-of-way required, **granted**.

**2003-UV3-002**; **1443 Prospect Street (east of site),** requested a variance of use of the Commercial Zoning Ordinance to provide automobile sales and display (not permitted), **denied.** 

**2003-VHP-015**; **1633-1637 Prospect Street (east of site)**, requested a variance of use to provide for a neighborhood outreach center with clothing pantry, food pantry, feeding programs, and child preschool daycare, and future religious services to operate in an existing commercial building, **approved**.

**98-UV2-1**; **1527-1529 Prospect Street (east of site)**, requested a variance of use of the Commercial Zoning Ordinance to provide for the renovation of an existing building into two dwelling units (not permitted) with four off-street parking spaces, **granted**.

**98-Z-168**; **1131-11333 South Linden Street and 1302 Prospect Street (west of site)**, requested rezoning of 0.60 acre, from the D-5 and C-4 Districts to the SU-1 classification for religious uses, **approved**.

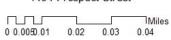




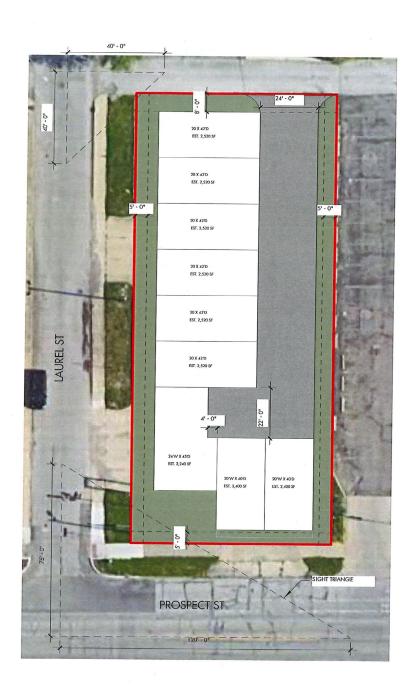
### **EXHIBITS**













FOF-Variance DevStd

## Department of Metropolitan Development Division of Planning Current Planning

Petition Number \_\_

			NT COMMISSION
***		EARING EXAMIN	
IVIE		RION COUNTY, I	PPEALS, Division
	OI WA	INION COUNTT, I	NDIANA
PE	ETITION FOR VARIA	ANCE OF DEVEL	OPMENT STANDARDS
	F	INDINGS OF FA	СТ
community because: the proposed redevelopment o and Fountain Square neighb	f the subject real estate repres orhood at large as as a safe	ents a continuation of the	/, morals, and general welfare of the extremely successful development of the Prospect Street corridor and focal point in the city. The side yards abut Laurel Street on these property lines will not negatively impact neighboring
properties. The reduction in the f	ront building line along Prospec	t Street (in addition to the re-	duced side yard setback along Laurel) fosters the "eyes on the street"
concept of urban developme	nt, enhancing the security of	this corner lot, and prom	oting density on the site.
a substantially advers the properly is currently vacal project contemplates for-sale, area. Higher-density develop retail, restaurants, and other.  3. The strict applications of the property be the size and quality of the profor dense development, which	se manner because: nt, and this variance request market-rate townhomes whi ment on this site will also be establishments that are with  on of the terms of th ecause: posed development will be a is an important component	will foster redevelopmen ch will add vibrancy to the nefit local businesses, as in walking distance to the e zoning ordinanc significantly reduced. The of village mixed use dev	eluded in the variance will not be affected in to a prominent corner within Fountain Square. The proposed eneighborhood and bolster the value of other properties in the the future residents of these townhomes are likely to support sir homes.  e will result in practical difficulties in the expressed site plan maximizes the use of the site and allows elopment (the current Comprehensive Plan recommendation to the proposed configuration of the site, significantly reducing
IT IS THEREFORE th	ne decision of this bo	<b>DECISION</b> dy that this VARIA	ANCE petition is APPROVED.
Adopted this	day of	. 20	
		,	

01/12/06 T2



ELEVATIONS | PAGE 4

**LUXURY LEASED HOMES** I 1404 PROSPECT ST



West Elevation 1/16" = 1'-0"



South Elevation

317.803.7900 | 1042 VIRGINIA AVE, STUDIO 208 INDIANAPOLIS, IN 46203 | BLACKLINESTUDIO.NET

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MATERIALITY | PAGE 5

LUXURY LEASED HOMES | 1404 PROSPECT ST





317.803.7900 | 1042 VIRGINIA AVE, STUDIO 208 INDIANAPOUS, IN 46203 | BIACKLINESTUDIO.NET

LACKLINE



317.803.7900 | 1042 VIRGINIA AVE, STUDIO 208 INDIANAPOLIS, IN 46203 | BLACKLINESTUDIO.NET PERSPECTIVE VIEW SPACE FOR BRICK PAINTED MURAL BEDROOM WINDOW NOOKS LUXURY LEASED HOMES | 1404 PROSPECT ST REFERENCES BRICK STOREFRONT BASE



VIEW FROM PROSPECT ST



317.803.7900 | 1042 VIRGINIA AVE, STUDIO 208 INDIANAPOUS, IN 46203 | BLACKUNESTUDIO.NET



VIEW FROM LAUREL ST



317.803.7900 | 1042 VIRGINIA AVE, STUDIO 208 INDIANAPOUS, IN 46203 | BIACKUNESTUDIO.:NET





View looking west along Prospect Street



View looking east along Prospect Street





View looking north along Laurel Street



View looking south along Laurel Street





View of site looking east across Laurel Street



View of site looking northeast across Laurel Street





View looking north across intersection of Laurel Street and Prospect Street



View of site looking northeast across intersection of Laurel Street and Prospect Street



### METROPOLITAN DEVELOPMENT COMMISSION HEARING EXAMINER

**April 24, 2025** 

Case Number: 2025-CZN-809 / 2025-CVR-809

**Property Address:** 8800 East Raymond Street (Approximate Address)

**Location:** Warren Township, Council District #20

**Petitioner:** Alexander Construction and Landscape, by David Retherford

Current Zoning: C-5

Rezoning of 4.37 acres from the C-5 district to the I-2 district to provide for a

commercial and building contractor's business.

Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for outdoor storage and operations comprising of 225% of the total gross floor area of enclosed buildings (maximum 25% permitted), to provide for a gravel parking and storage area, (not permitted), with a 52-foot foot front transitional yard (minimum 100-foot front transitional yard required) with a 15 foot cost side transitional yard

Request: front transitional yard required), with a 15-foot east side transitional yard (minimum 50-foot side transitional yard required), with a 10-foot north rear

yard (minimum 30-foot rear yard required), with a 10-foot north rear yard (minimum 30-foot rear yard required), without interior and exterior landscaping (minimum 9% of lot covered with landscaping required), to permit for outdoor loading and unloading of equipment and material 15 feet from a protected district (minimum 500 feet required), and to allow a six-foot tall aluminum fence with masonry columns in the front yard (maximum 3.5-foot

tall fence permitted in the front yard).

Current Land Use: Undeveloped

Staff

Recommendations: Denial

**Staff Reviewer:** Marleny Iraheta, Senior Planner

### **PETITION HISTORY**

This petition was automatically continued from the February 27, 2025, hearing to the March 27, 2025, hearing at the request of a registered neighborhood organization.

This petition was continued for cause from the March 27, 2025, hearing to the April 10, 2025, hearing at the request of the petitioner.

After a hearing, but before a recommendation was made by the Hearing Examiner, this petition was continued for cause from the April 10, 2025, hearing to the April 24, 2025, hearing at the request of the petitioner. The petitioner submitted a revised site plan on April 15, 2025, which is below. The site plan, and discussions with the petitioner, have clarified the intent of the request and how the Ordinance would regulate the proposed use and development plan. First, the parking area is confined to only the area from Raymond Street to the proposed paved parking lot, with three regular spaces, and one handicap-



accessible space. Interior landscaping that covers 9% of the lot is required when 15 or more parking spaces are required; therefore, this variance may be withdrawn. Secondly, the site plan identifies two specific locations of outdoor equipment storage. The remainder of the unimproved portion of the lot would be for vehicle maneuvering and "minor storage area". Thirdly, the east side transitional yard would be 30 feet, and landscaped. Finally, the site plan identifies Phase one and Phase two of development of the site. Staff believes that while this greatly assists in clarifying the request and reduces the initial impacts that was originally proposed, the recommendation should remain as denial. The use could have potential negative impacts of this use upon the established neighborhood and the Comprehensive Plan.

### STAFF RECOMMENDATION

Staff recommends denial of the request.

If approved against staff's recommendation, approval shall be 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. A 59.5-foot half right-of-way shall be dedicated along the frontage of Raymond Street, as per the request of the Department of Public Works (DPW), Engineering Division. Additional easements shall not be granted to third parties within the area to be dedicated as public rightof-way prior to the acceptance of all grants of right-of-way by the DPW. The right-of-way shall be granted within 60 days of approval and prior to the issuance of an Improvement Location Permit (ILP).

### **PETITION OVERVIEW**

#### **LAND USE**

The 4.37-acre subject site is an undeveloped commercially zoned parcel. It is bordered to the west by undeveloped land, zoned C-5, to the north by an industrial property, zoned I-2, to the east by a residential use, zoned D-A, and to the south across Raymond Street by single-family dwellings, zoned D-A.

### **REZONE**

The request would rezone the property from the C-5 district to the I-2 district to provide for a commercial and building contractor's business with potential other businesses permitted in the I-2 district.

The C-5 District is designed to provide areas for those retail sales and service functions whose operations are typically characterized by automobiles, outdoor display, or sales of merchandise; by major repair of motor vehicles; by outdoor commercial amusement and recreational activities; or by activities or operations conducted in buildings or structures not completely enclosed. The types of uses found in this district tend to be outdoor functions, brightly lit, noisy, etc. Therefore, to provide a location where such uses can operate in harmony with the vicinity, the C-5 district should be located on select heavy commercial thoroughfares and should avoid locating adjacent to protected districts.



The I-2 district is for those industries that present minimal risk and typically do not create objectionable characteristics (such as dirt, noise, glare, heat, odor, etc.) that extend beyond the lot lines. Outdoor operations and storage are completely screened if adjacent to protected districts and are limited throughout the district to a percentage of the total operation. Wherever possible, this district is located between a protected district and a heavier industrial area to serve as a buffer. For application to the older industrial districts within the central city, standards specifically accommodate the use of shallow industrial lots.

#### **VARIANCE OF DEVELOPMENT STANDARDS**

The request includes multiple variances for development standards.

The request would provide for outdoor storage and operations comprising of 225% of the total gross floor area of enclosed buildings. Per Table 743-306-2, the C-5 district only permits outdoor storage of inoperable vehicles awaiting repair which is further limited to 25% of the total gross floor area of enclosed buildings. The proposal would far exceed the 25% limitation of the Ordinance to a point that can be seen as excessive.

The request would provide for a gravel parking and storage area, which is not permitted. According to the Ordinance, for all uses other than Agricultural, Animal Related, and Food Production uses located in the D-A zoning district, parking lots shall provide a durable and dust free surface through one of the following means:

- 1. The parking lot shall be paved with bricks or concrete; or
- 2. The parking lot shall be improved with a compacted aggregate base and surfaced with an asphaltic pavement; or
- 3. The parking lot shall be improved with a compacted aggregate base and surfaced with permeable pavers or permeable pavement approved by the city as appropriate for the type and intensity of the proposed use and for the climate of the city.
- 4. A gravel surface may be used for a period not exceeding one year after the commencement of the use for which the parking areas is provided, where ground or weather conditions are not immediately suitable for permanent surfacing required by the Zoning Ordinance.
- 5. For single-family detached dwellings, parking and drive surface may consist of a compacted aggregate base and gravel surface with a distinct edge boundary to retain the gravel.

The request would have deficient transitional yards and a deficient rear yard. As proposed there would be a 52-foot foot front transitional yard where a minimum 100-foot front transitional yard is required), a 15-foot east side transitional yard where a minimum 50-foot side transitional yard is required, and a 10-foot north rear yard where a minimum 30-foot rear yard is required for the I-2 district in the Metro Context Area per Table 744-201-6 of the Ordinance.

The request would not provide the minimum 9% of lot coverage with landscaping required for interior and exterior landscaping needed on site.



The request would reduce the minimum 500-foot separation requirement for storage being higher than the screening to permit for outdoor loading, unloading, and storage of equipment and material from a protected district in the Metro Context Area to 15 feet.

Lastly the request would allow a six-foot tall aluminum fence with masonry columns in the front yard where a maximum 3.5-foot-tall fence is permitted in the front yard.

#### DEPARTMENT OF PUBLIC WORKS

The Department of Public Works, Traffic Engineering Section, has requested the dedication and conveyance of a 59.5-foot half right-of-way along Raymond Street. This dedication would also be consistent with the Marion County Thoroughfare Plan.

#### STAFF ANALYSIS

The submitted Findings of Fact note that the strict application of the terms of the Zoning Ordinance will result in practical difficulties in the use of the site because "the presence of the overhead power line easement impacts a significant portion of the site...". While it is true that a transmission easement crosses the site, the current C-5 district has significantly reduced transitional yard requirements with a variety of uses permitted by right that likely would not require variances.

The Findings of Fact note that "not requiring the paving of the fenced outdoor area shown on the site plan reasonably presents a risk of occasional dust, but the Petitioner has committed to either using a surface material that does not create dust (such as asphalt regrind) or to regularly treating of the areas being disturbed as reasonably necessary to control the dust." It is apparent that the business owner is aware of the issues with gravel parking areas and rather than meeting the standards to prevent dust and debris from getting into the air, they wish to save on the cost while putting the health and welfare of the community at risk.

The Findings of Fact note that the use or value of the area adjacent to the property will not be affected in a substantially adverse manner because "the huge parcel that abuts the entire North line of the site was recently rezoned I-2-S, but it was previously zoned C-5 and has been utilized as a high intensity auction for decades without creating any adverse impact". However, they failed to mention that the property to the north is recommended for heavy commercial development and is solely accessed on Brookville Road which is a heavily commercial and industrial primary arterial street.

The C-5 district permits the use of a commercial and building contractor but does not allow for the excessive outdoor storage that would be proposed with the request. Outdoor storage and operations is defined as an outdoor area used for long-term deposit (more than 24 hours) of any goods, material, merchandise, vehicles, junk as an accessory use to and associated with a primary use on the property.

The request for multiple variances to even allow the proposed development is proof that the site is not large enough for the I-2 district proposal.

It was determined that the proposal would be inappropriate at this location within proximity to single-family dwellings, school, and church. The Ordinance is in place to prevent these intense uses from



being located within proximity to protected districts and when located nearby the regulations ensure adequate buffering is provided. The variances requested in this proposal would undermine this standard of protection provided by the Ordinance.

Furthermore, the I-2 district would not align with the Comprehensive Plan recommendation of suburban neighborhood development which is predominantly made up of single-family housing but is interspersed with attached and multifamily housing where appropriate. This typology should be supported by a variety of neighborhood-serving businesses, institutions, and amenities which the proposed commercial business contractor would not be, nor would other uses permitted in the I-2 district.

For these reasons, staff is recommending denial of the requests.

#### **GENERAL INFORMATION**

Existing Zoning	C-5		
Existing Land Use	Undeveloped		
Comprehensive Plan	Suburban Neighborhood		
Surrounding Context	Zoning	<u>Land Use</u>	
North:	I-2	Industrial	
South:	D-A	Residential (Single-family dwellings)	
East:	D-A	Residential	
West:	C-5	Undeveloped	
Thoroughfare Plan			
Raymond Street	Primary Arterial Street	119-foot proposed right-of-way and 50-foot existing right-of-way.	
Context Area	Metro		
Floodway / Floodway Fringe	No		
Overlay	No		
Wellfield Protection Area	No		
Site Plan	January 15, 2025; revised April 15, 2025		
Site Plan (Amended)	N/A		
Elevations	N/A		
Elevations (Amended)	N/A		
Landscape Plan	N/A		
Findings of Fact	January 10, 2025; revised April 10, 2025		
Findings of Fact (Amended)	N/A		
C-S/D-P Statement	N/A		



### **COMPREHENSIVE PLAN ANALYSIS**

### **Comprehensive Plan**

- Marion County Land Use Plan Pattern Book (2019)
- Indy Moves Transportation Integration Plan (2018)

#### Pattern Book / Land Use Plan

- The Comprehensive Plan recommends suburban neighborhood development.
- The Suburban Neighborhood typology is predominantly made up of single-family housing but is interspersed with attached and multifamily housing where appropriate. This typology should be supported by a variety of neighborhood-serving businesses, institutions, and amenities. Natural Corridors and natural features such as stream corridors, wetlands, and woodlands should be treated as focal points or organizing systems for development. Streets should be well-connected, and amenities should be treated as landmarks that enhance navigability of the development. This typology generally has a residential density of 1 to 5 dwelling units per acre, but a higher density is recommended if the development is within a quarter mile of a frequent transit line, greenway, or park.

### 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.
- o Hydrological patterns should be preserved wherever possible.
- Curvilinear streets should be used with discretion and should maintain the same general direction.
- In master-planned developments, block lengths of less than 500 feet, or pedestrian cutthroughs for longer blocks, are encouraged.

#### Small-Scale Offices, Retailing, and Personal or Professional Services

- If proposed within one-half mile along an adjoining street of an existing or approved residential development, then connecting, continuous pedestrian infrastructure between the proposed site and the residential development (sidewalk, greenway, or off-street path) should be in place or provided.
- Should be located at the intersections of arterial streets, and should be no closer than
  one mile to another commercial node with one acre or more of commercial uses except
  as reuse of a historic building.
- Should be limited to an aggregate of 3.5 acres per intersection, with no one corner having more than 1.5 acres.
- Should be limited to areas and parcels with adequate space for required screening and buffering.
- Automotive uses (such as gas stations and auto repair) and uses requiring a distance of separation of greater than 20 feet under the zoning ordinance (such as liquor stores, adult uses, and drive-through lanes) are excluded. Should not include outdoor display of merchandise.



• The proposed I-2 district and associated businesses would not align with the Comprehensive Plan recommendation.

### Red Line / Blue Line / Purple Line TOD Strategic Plan

Not Applicable to the Site.

### Neighborhood / Area Specific Plan

Not Applicable to the Site.

### Infill Housing Guidelines

Not Applicable to the Site.

### **Indy Moves**

(Thoroughfare Plan, Pedestrian Plan, Bicycle Master Plan, Greenways Master Plan)

• The Indy Moves Transportation Integration Plan (2018), more specifically the IndyMoves PedalIndy 2018 plan proposes an on-street bike land along Raymond Street from Southeastern Avenue to Mitthoeffer Road.



### **ZONING HISTORY**

### Zoning History – Site

**95-Z-199B**; **8601 Brookville Road** (subject site), Rezoning 100.0 acres from C-5 and D-A to C-5 to provide for an automobile auction, **approved**.

### **Zoning History – Vicinity**

**2022-ZON-019**; **8405** and **8635** Brookville Road (north of site), Rezoning of 108.53 acres from the C-4 and C-5 districts to the I-2 district, approved.

**2000-ZON-818**; **8856 East Raymond Street** (southeast of site), Rezoning of one acre from SU-1, to D-S, to provide for construction of one single-family dwelling, with a two car attached garage, **approved**.

**93-Z-12; 8401 East Raymond Street** (southwest of site), Rezoning of 46.0 acres, being in the PK-1 District, to the SU-2 classification to provide for construction of a middle school, **approved.** 

**85-Z-64**; **8989 East Raymond Street** (southeast of site), Rezoning of 6.59 acres, from C-3 and A-2 to SU-1, to provide for a religious use, **approved**.

**82-Z-82**; **8502 East Raymond Street** (west of site), Rezoning of 22.42 acres, being in the A-2 District, to the SU-7 classification for a home and treatment center for adolescent alcoholics, **withdrawn**.

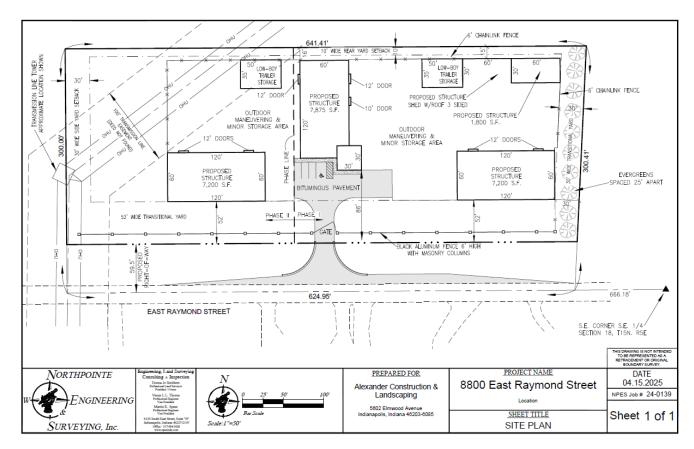
**63-Z-41**; (southeast of site) Rezoning from the A-2 district to the B-2 classification to allow for retail stores and offices to be constructed, **approved.** 



### **EXHIBITS**

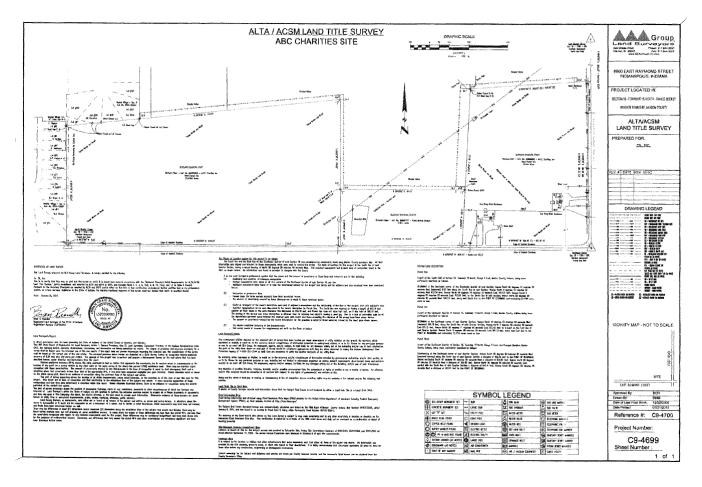




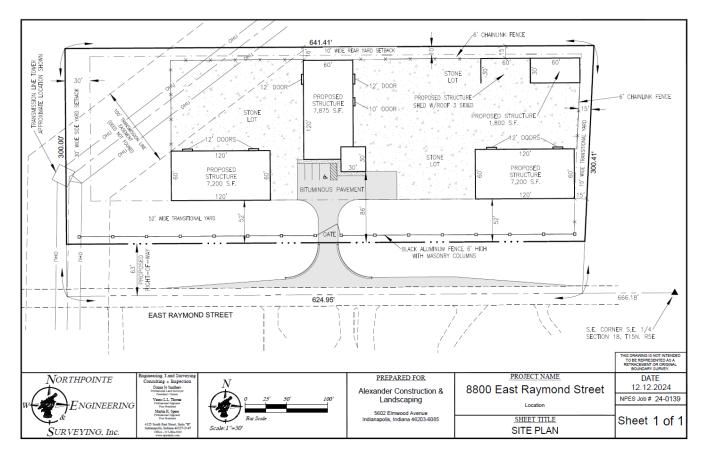


**Revised Site Plan** 









Original Site Plan



## Department of Metropolitan Development Division of Planning Current Planning

Petition Number
METROPOLITAN DEVELOPMENT COMMISSION
HEARING EXAMINER
METROPOLITAN BOARD OF ZONING APPEALS, Division
OF MARION COUNTY, INDIANA
PETITION FOR VARIANCE OF DEVELOPMENT STANDARDS
FINDINGS OF FACT
Table 743-306-2, Outdoor fenced yard ratio

- 1. The grant will not be injurious to the public health, safety, morals, and general welfare of the community because: The parking/storage of construction equipment and related vehicles within a fenced area which is significantly larger than what would otherwise be permitted given the size of the proposed enclosed buildings does not present a reasonable risk of such injury due to the small size of the site, the screening provided by the proposed building locations, and the high quality of the appearance and level of buffering proposed along the Raymond Street frontage.
- 2. The use or value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner because: The huge parcel that extends South abuts the entire North line of the site was recently rezoned I-2-S, but it was previously zoned C-5 and has been utilized as a high intensity auto auction for decades without creating any such adverse impact. To the East are two group homes on large heavily wooded D-A zoned parcels which were developed and are owned by the same property owner who is selling the subject property, and they do not object to the proposed variances being granted. To the West is remaining property zoned C-5, and it is also separated from the subject property by the overhead power line easement with a tower and lines. To the South across Raymond Street are single family homes, which are sufficiently protected by the combination of the relative low intensity of the proposed "contractor" uses, and the Petitioner's commitments, especially as compared to what would have been permitted by the existing C-5 zoning on this site.
- 3. The strict application of the terms of the zoning ordinance will result in practical difficulties in the use of the property because: The presence of the overhead power line easement impacts a significant portion of the site; and since buildings cannot be built within that area the restrictions imposed by the utility company owning those rights impacts the ability of the petitioner to add accessible buildings to store equipment indoors to better comply with the storage yard ratio. In addition, the types of equipment used by the Petitioner, and the low trailers used to haul it, need sufficient room to maneuver on the site to access the buildings and turn around, so a huge percentage of the fenced area included in the calculation of the ratio is actually just maneuvering area and occasional loading and unloading area.

### DECISION

IT IS THEREFORE the decision of this body that this VARIANCE petition is APPROVED.			
Adopted this	day of	202 _5_	
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Findings Development Raymond Street 1-10-2025			,



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

Petition Number	
METROPOLITAN DEVELOPMENT COMMISSION	
HEARING EXAMINER	
METROPOLITAN BOARD OF ZONING APPEALS, Division	_
OF MARION COUNTY, INDIANA	
PETITION FOR VARIANCE OF DEVELOPMENT STANDARDS	
FINDINGS OF FACT	

Table 743-306-2, Outdoor fenced yard ratio

- 1. The grant will not be injurious to the public health, safety, morals, and general welfare of the community because: The parking/storage of construction equipment and related vehicles within a fenced area which is significantly larger than what would otherwise be permitted given the size of the proposed enclosed buildings does not present a reasonable risk of such injury due to the small size of the site, the screening provided by the proposed building locations, and the high quality of the appearance and level of buffering proposed along the Raymond Street frontage.
- 2. The use or value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner because: The huge parcel that extends South abuts the entire North line of the site was recently rezoned I-2-S, but it was previously zoned C-5 and has been utilized as a high intensity auto auction for decades without creating any such adverse impact. To the East are two group homes on large heavily wooded D-A zoned parcels which were developed and are owned by the same property owner who is selling the subject property, and they do not object to the proposed variances being granted. To the West is remaining property zoned C-5, and it is also separated from the subject property by the overhead power line easement with a tower and lines. To the South across Raymond Street are single family homes, which are sufficiently protected by the combination of the relative low intensity of the proposed "contractor" uses, and the Petitioner's commitments, especially as compared to what would have been permitted by the existing C-5 zoning on this site.
- 3. The strict application of the terms of the zoning ordinance will result in practical difficulties in the use of the property because: The presence of the overhead power line easement impacts a significant portion of the site; and since buildings cannot be built within that area the restrictions imposed by the utility company owning those rights impacts the ability of the petitioner to add accessible buildings to store equipment indoors to better comply with the storage yard ratio. In addition, the types of equipment used by the Petitioner, and the low trailers used to haul it, need sufficient room to maneuver on the site to access the buildings and turn around, so a huge percentage of the fenced area included in the calculation of the ratio is actually just maneuvering area and occasional loading and unloading area.

#### DECISION

IT IS THEREFORE the decision of this body that this VARIANCE petition is APPROVED.				
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Findings Development Raymond	Street 1-10-2025		1	



Findings Development Alexander surface of yard 1-10-2025

Petition Number
METROPOLITAN DEVELOPMENT COMMISSION
HEARING EXAMINER  METROPOLITAN BOARD OF ZONING APPEALS, Division
OF MARION COUNTY, INDIANA
PETITION FOR VARIANCE OF DEVELOPMENT STANDARDS
FINDINGS OF FACT
Unpaved Surface of Fenced Outdoor Area
1. The grant will not be injurious to the public health, safety, morals, and general welfare of the community because: Not requiring the paving of the fenced outdoor area shown on the Site plan reasonably presents a risk of occasional dust, but the Petitioner has committed to either using a surface material that does not create dust (such as asphalt regrind) or to regularly treating of the areas being disturbed as reasonably necessary to control the dust.
2. The use or value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner because: The huge parcel that abuts the entire North line of the site was recently rezoned I-2-S, but it was previously zoned C-5 and has been utilized as a high intensity auto auction for decades without creating any such adverse impact. To the East are two group homes on large heavily wooded D-A zoned parcels which were developed and are owned by the same property owner who is selling the subject property, and they do not object to the proposed variances being granted. To the West is remaining property which is heavily wooded, but is zoned C-5, and this property is separated from the subject property by the pre-existing 100' wide overhead power line easement and the tower with lines. To the South across Raymond Street are single family homes on large lots, but the Petitioner's commitments when combined with the low intensity manner in which the site will actually be used will not likely create such substantial adverse impact, especially when compared to what could have been developed on this site per the pre-existing C-5 zoning.  3. The strict application of the terms of the zoning ordinance will result in practical difficulties in the use of the property because: The types of equipment used by the Petitioner, and the low trailers used to haul it, would almost certainly damage the surface of the outdoor storage area unless it is covered with a loose material that allows the necessary sharp turns needed to access the buildings or turn
around on the site.
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BEOISION
IT IS THEREFORE the decision of this body that this VARIANCE petition is APPROVED.
Adopted this day of 202 _5_
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### Department of Metropolitan Development **Division of Planning Current Planning**

Petition Number
METROPOLITAN DEVELOPMENT COMMISSION
HEARING EXAMINER
METROPOLITAN BOARD OF ZONING APPEALS, Division
OF MARION COUNTY, INDIANA PETITION FOR VARIANCE OF DEVELOPMENT STANDARDS
FINDINGS OF FACT
744-06 (C) and (D) & 744-08 (C) – landscaping to the north, east and west
1. The grant will not be injurious to the public health, safety, morals, and general welfare of the community because: Approving less landscaping than required by the ordinance in the North, west and east yards presents no reasonable risk of such injury as the existing uses to the north are already more intense, the existing trees and screening are being preserved along the east line, the property to west is heavily wooded and the 100' wide power line easement running along the west not only creates separation but would prevent the planting of any trees, and extra screening, landscaping and fencing is proposed along the visible portion of the site, which is along Raymond Street.
2. The use or value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner because: The huge parcel that extends South abuts the entire North line of the site was recently rezoned I-2-S, but it was previously zoned C-5 and has been utilized as a high intensity auto auction for decades without creating any such adverse impact. To the East are two group homes on large heavily wooded D-A zoned parcels which were developed and are owned by the same property owner who is selling the subject property, and they do not object to the proposed variances being granted. To the West is remaining property zoned C-5, and it is also separated from the subject property by the overhead power line easement. To the South across Raymond Street are single family homes, but the landscaping, decorative fencing and mounding proposed along the South line will exceed the requirements of the ordinance, and as a result the impact on those properties will likely end up being less than what would have been permitted by the existing C-5 zoning on this site.
3. The strict application of the terms of the zoning ordinance will result in practical difficulties in the use of the property because: The presence of the overhead power line easement impacts a significant portion of the site. Not only does it restrict the developable area significantly, the restrictions on trees and landscaping imposed by the utility company owning the rights to the

DECISION IT IS THEREFORE the decision of this body that this VARIANCE petition is APPROVED. \_\_\_\_\_ day of \_\_\_\_\_ 202 \_5\_

easement would legally prevent the Petitioner from complying with most of the landscape ordinance within the west portion of the site. The properties to the east and west are owned by the same

Findings landscaping in transitional yards Alexander 1-10-2025

property owner, and they support the grant.



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PETITION FOR VARIANCE OF DE				
FINDINGS OF				
744-201-6 – reduced setback	s and transitional yards			
1. The grant will not be injurious to the public health, sommunity because: Approving narrower setbacks a presents no reasonable risk of such injury as the exist the existing trees and screening are being preserved a committed to install decorative fencing, mounding and exceeds the requirements in the ordinance.	and yards along the North, east and South lines ting uses to the north are already more intense, along the east line, and the Petitioner has			
2. The use or value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner because: The huge parcel that extends South abuts the entire North line of the site was recently rezoned I-2-S, but it was previously zoned C-5 and has been utilized as a high intensity auto auction for decades. To the East are two group homes on large heavily wooded D-A zoned parcels which were developed and are owned by the same property owner who is selling the subject property, and they support the proposed variances being granted. To the West is remaining property zoned C-5, and the setback and transitional yard significantly exceeds the requirements per the ordinance due to the impact of the overhead power line and easement. To the South across Raymond Street are single family homes, but the landscaping, decorative fencing and mounding proposed along the South line will exceed the requirements of the ordinance, and as a result the impact on those properties will likely end up being less than what would have been permitted by the existing C-5 zoning on this site.  3. The strict application of the terms of the zoning ordinance will result in practical difficulties in the use of the property because: The presence of the overhead power line easement impacts a significant portion of the site. In addition, the entire site is not very deep, which makes designing a contractor's facility with sufficient room for buildings and maneuvering areas difficult without reducing the north and south setbacks/transitional yards as proposed.				
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Findings Development Alexander surface of yard 1-10-2025

## Department of Metropolitan Development Division of Planning Current Planning

**Petition Number** 

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OF MARION O PETITION FOR VARIANCE O				
FINDING	GS OF	FACT	1	
Table 743-306-2 - outdoor loading and unloading feet of Pro				
The grant will not be injurious to the public he community because: As restricted by the Petitic reasonable rick of such injury, especially in comp. C-5 zoning on the subject property.	oner's	Comm	itments, the grant presents no	
2. The use or value of the area adjacent to the pas ubstantially adverse manner because: The ponly Protected Districts are to the East and South auction to the north is relevant to determining that the 500 foot rule as proposed here. To the East zoned parcels which were developed and are ow subject property, and they support the proposed Raymond Street are single family homes on large commitments when combined with the low intens not likely create such substantial adverse impact developed on this site per the pre-existing C-5 zone.	earcels h. Ho at this are to rned to variar e lots, sity ma c, especial	s to the owever, area is wo groupy the sance being but the anner in ecially wof this s	North and West are not affected, as the the fact that the prior uses of the auto not as likely to sensitive to a reduction in up homes on large heavily wooded D-A ame property owner who is selling the ng granted. To the South across a Petitioner's detailed and protective in which the site will actually be used will when compared to what could have been site.	
3. The strict application of the terms of the zoninuse of the property because: The site simply co outdoor activities without such a variance, and the on the property to the West, and the recent rezonan unique impact on the subject site. The propolimited and restricted proposal set forth by the Petersen.	uld no e pre- ning o sal to	ot be us existing f the pro reduce	ed for any industrial use involving g C-5 zoning on this site, the C-5 zoning operty to the north from C-5 to I-2-S have these specific difficulties via the specific	
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IT IS THEREFORE the decision of this body that this VARIANCE petition is APPROVED.				
Adopted this day of	202	_5	i	
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Eastern property boundary of the subject site where the pole sign is located.



Photo of the subject site street frontage.





Photo of the subject site street frontage.



Photo of the western property boundary of the subject site with the transmission line easement.





Photo of the subject site's street frontage on the left along Raymond Street looking east.



Undeveloped land west of the subject site.





Photo of the single-family dwellings south of the subject site.



Photo of the single-family dwellings south of the subject site.





Photo of the property east of the subject site.

Item 19.



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

### METROPOLITAN DEVELOPMENT COMMISSION **HEARING EXAMINER**

April 24, 2024

Case Number: 2025-CZN-813 / 2025-CVR-813 / 2025-CVC-813

**Property Address:** 1406- and 1419 South Capitol Avenue Location: Center Township, Council District #18

Petitioner: The Annex Management Group, Inc., by Misha Rabinowitch

**Current Zoning:** I-1 / D-5

Rezoning of 5.17 acres from the I-1 and D-5 districts to the D-8 district to

provide for multi-family dwellings.

Variance of Use and Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for a multi-family residential development using the Large Apartment Residential Building Type Standards to the subject site (not permitted in D-8), to provide for minimum livability space ratio of 0.57 (minimum 0.60 required), and for a floor area ratio of 0.83 (maximum 0.80

permitted).

Vacation of:

a portion of Capitol Avenue, ranging from 23.4 feet in width to 40.18 feet in width, from the south right-of-way of the first east-west alley south of Arizona Street, south and southeast 617.82 feet, to a point,

a portion of Tennessee Street, being 25 feet in width, from the northwest corner of Lot 32 of Rech's South Meridian Street Subdivision, as recorded in the Marion County Recorder's Office, plat book 9, page

55, south 227.68 feet, to a point,

a portion of Capitol Avenue, being 25 feet in width, from a point 227.68 south of the northwest corner of Lot 32 of Rech's South Meridian Street Subdivision, as recorded in the Marion County Recorder's Office, plat

book 9, page 55, southeast 135.51 feet, to a point,

a portion of the second north-south alley east of Senate Avenue, being five feet in width, beginning at the northwest corner of Lot 2 of Schmitt and Kottkamp's Subdivision, as recorded in the Marion County Recorder's Office, plat book 15, page 93, south 346.97 feet, to the north right-of-way line of the second east-west alley south of Wisconsin

Street,

a portion of the second east-west alley south of Wisconsin Street, being 3.75 feet in width, beginning at the southwest corner of Lot 11 of Schmitt and Kottkamp's Subdivision, as recorded in the Marion County Recorder's Office plat book 15, page 93, east 151.02 feet, to the west right-of-way line of Capitol Avenue.

Request:



Current Land Use: Undeveloped

**Staff** 

Recommendations: Approval, subject to the commitments noted below:

**Staff Reviewer:** Kathleen Blackham, Senior Planner

### **PETITION HISTORY**

The Hearing Examiner continued these petitions from the April 10, 2025 hearing, to the April 24, 2025 hearing, at the request of staff for additional time to conduct, submit, and review a Traffic Impact Study (TIS).

### STAFF RECOMMENDATION

**RECOMMENDED VACATION MOTION (approval):** That the Hearing Examiner find that the proposed vacation is in the public interest; that a hearing upon the assessment of benefits be held on January 11, 2023; that the Hearing Examiner confirm and ratify the adoption of Declaratory Resolution 2025-CVC-813; and that the vacation be subject to the rights of public utilities under IC 36-7-3-16.

Approval of the rezoning and variances, 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. A tree inventory, tree assessment and preservation plan prepared by a certified arborist shall be submitted for Administrator Approval prior to preliminary plat approval and prior to any site preparation activity or disturbance of the site. This plan shall, at a minimum: a) indicate proposed development; b) delineate the location of the existing trees, c) characterize the size and species of such trees, d) indicate the wooded areas to be saved by shading or some other means of indicating tree areas to be preserved and e) identify the method of preservation (e.g. provision of snow fencing or staked straw bales at the individual tree's dripline during construction activity). All trees proposed for removal shall be indicated as such.
- 2. 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.
- Final site plan, building elevations and landscaping plan shall be submitted for Administrator Approval prior to the issuance of an Improvement Location Permit (ILP).

### **PETITION OVERVIEW**

This 5.17-acre site, zoned I-1 and D-5, is comprised of two undeveloped parcels. It is surrounded by single-family dwellings to the north and east, zoned D-5 and industrial uses to the south and west, zoned I-1.



#### REZONING

The request would rezone the site from the I-1 and D-5 districts to the D-8 district (Walkable Neighborhood) to provide for multi-family uses. "The D-8 district is intended for a variety of housing formats, with a mix of small-scale multi-unit building types. This district can be used as a part of new mixed- use areas, or for infill situations in established urban areas, including medium and high-density residential recommendations of the Comprehensive Plan, and the Traditional Neighborhood, City Neighborhood, and Village or Urban Mixed-Use Typologies of the Land Use Pattern Book."

The purpose of the Walkable Neighborhood design standards and objectives is to advance the Livability Principles of this code, and to promote walkable neighborhoods. Any exceptions to the standards in the Ordinance, or discretionary review processes related to a specific application, shall be judged against these design objectives, in addition to any other criteria in this code for the application.

The Comprehensive Plan recommends light industrial typology for the site. These industrial uses create minimal emissions of light, odor, noise, or vibrations. Examples include warehousing and logistics facilities. These land uses do not use, store, produce, emit, or transport hazardous materials. Recommended land uses in this typology include light industrial uses, heavy commercial uses, small-and large-scale offices, retailing, and personal or professional services; and wind / solar farms.

As proposed, this request would not be consistent with the Comprehensive Plan recommendation.

### **Concept Site Plan**

The site plan file dated March 27, 2025, provides for 227 dwelling units (137 units in building one / 90 dwelling units in Building Two) resulting in a density of approximately 6.1 units per acre, 227 parking spaces and 22 bicycle spaces.

Three access drives are proposed, one of which would be limited to emergency access. The primary access would be from South Capitol Avenue, with the emergency access and a secondary access along South Illinois Street.

Because the site plan is conceptual and elevations have not been submitted, staff would request Administrator Approval of the final site plan, elevations and landscaping plan prior to the issuance of an Improvement Location Permit (ILP).

### **Overlays**

This site is also located within an overlay, specifically the Environmentally Sensitive Areas (ES) Overlay. "Overlays are used in places where the land uses that are allowed in a typology need to be adjusted. They may be needed because an area is environmentally sensitive, near an airport, or because a certain type of development should be promoted. Overlays can add uses, remove uses, or modify the conditions that are applied to uses in a typology."



The Environmentally Sensitive Areas (ES) Overlay is intended for areas containing high quality woodlands, wetlands, or other natural resources that should be protected. The purpose of this overlay is to prevent or mitigate potential damage to these resources caused by development. This overlay is also appropriate for areas that present an opportunity to create a new environmental asset. This overlay is not intended for the preservation of open space.

The western boundary and the southern portion of the site are covered by woodlands.

### Tree Preservation / Heritage Tree Conservation

There are significant amounts of natural vegetation and trees located along the western boundary and the southern portion of the site. Due to their inherent ecological, aesthetic, and buffering qualities, the maximum number of these existing trees should be preserved on the site.

All development shall be in a manner that causes the least amount of disruption to the trees.

A tree inventory, tree assessment and preservation plan prepared by a certified arborist shall be submitted for Administrator Approval prior to any site preparation activity or disturbance of the site. This plan shall, at a minimum: a) indicate proposed development, b) delineate the location of the existing trees, c) characterize the size and species of such trees, d) indicate the wooded areas to be saved by shading or some other means of indicating tree areas to be preserved and e) identify the method of preservation (e.g. provision of snow fencing or staked straw bales at the individual tree's dripline during construction activity). All trees proposed for removal shall be indicated as such.

If any of the trees are heritage trees that would be impacted, then the Ordinance requires that the Administrator, Urban Forester or Director of Public Works determine whether the tree(s) would be preserved or removed and replaced.

The Ordinance defines "heritage tree" as a tree over 18 inches Diameter at Breast Height (DBH) and one of the Heritage tree species. Heritage tree species include: Sugar Maple (Acer saccharum), Shagbark Hickory (Carya ovata), Hackberry (Celtis occidentalis), Yellowwood (Cladrastus kentukea), American Beech (Fagus grandifolia), Kentucky Coffeetree (Gymnocladus diocia), Walnut or Butternut (Juglans), Tulip Poplar (Liriodendron tulipifera), Sweet Gum (Liquidambar styraciflua), Black Gum (Nyssa sylvatica), American Sycamore (Platanus occidentalis), Eastern Cottonwood (Populus deltoides), American Elm (Ulmus americana), Red Elm (Ulmus rubra) and any oak species (Quercus, all spp.)

The Ordinance also provides for replacement of heritage trees if a heritage tree is removed or dies within three years of the Improvement Location Permit (ILP) issuance date. See Exhibit A, Table 744-503-3: Replacement Trees.



### **Traffic Impact Study**

The parameter used to evaluate traffic operation conditions is referred to as the level-of-service (LOS). There are six LOS (A through F) categories, which relate to driving conditions from best to worst, respectively. LOS directly relates to driver discomfort, frustration, fuel consumption and lost travel time. Traffic operating conditions at intersections are considered to be acceptable if found to operate at LOS D or better.

The TIS analyzed the impact of the this proposed multi-family development on the surrounding neighborhood by studying following three intersections: Arizona Street / Meridian Street, South West Street / Wisconsin Street and the Proposed Driveway along South Illinois Street.

The TIS identified ten "mitigation measure" to minimize the impact on the surrounding residential neighborhood. See Exhibit B.

Based upon review and comments from the Department of Public Works, an update will be provided at the hearing.

#### **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.



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 receptables for proper disposal of trash and other waste.

#### VARIANCES OF USE AND DEVELOPMENT STANDARDS

As proposed the request would allow residential development using the Large Apartment Residential Building Type Standards in the D-8 district that does not permit this type of development.

The request would provide for a minimum livability space ratio of 0.57, when the Ordinance requires a minimum ratio of 0.60 and a floor area ration of 0.83 when the Ordinance limits the ratio to a maximum of 0.80 ratio.

The floor area ratio is the measurement that compares the size of a building's floor area to the size of the land upon which it is built and determines whether the scale and mass of the development is compatible with the surrounding neighborhood.

The livability space ratio measures the amount of space dedicated to open, green and recreational areas within a built environment that contributes to the overall quality of life for the residents and users.

Staff supports these variances because the deviation from the Ordinance requirements are minimal and would not impact surrounding land uses, while providing and contributing to the need for affordable housing options for the community residents.

#### **VACATIONS**

#### **Summary**

If this petition is approved, unimproved portions of South Capitol Avenue, Tennessee Street and alleys located within the site boundaries would be vacated to provide for a multi-family development.

The southern portion (approximately 422 feet) of the western site boundary abuts the unimproved right-of-way of South Capitol Avenue. However, the parcel line bisects the right-of-way, causing approximately half of the right-of-way to be located within the western boundary of the site and included in the vacation. The full width of South Capitol Avenue would be vacated beginning at the southern boundary of the east / west alley, south for approximately 198 feet.

Historical aerials indicate that this site has not been developed and South Capitol Avenue has not been improved to the south beyond the east / west alley (northern site boundary) that parallels Arizona Street. Additionally, there is a portion of Tennessee Street and alleys located within the site that have not been developed.



Staff, however, supports this request because it would provide an appropriate land use on undeveloped parcels, while contributing to the housing shortage.

#### **Procedure**

Neither the Division of Planning nor the Plat Committee, Hearing Examiner or Metropolitan Development Commission determines how vacated right-of-way is divided. The approval of a vacation petition only eliminates the public right-of-way. The vacation approval does nothing more. A petitioner will not receive a deed or other document of conveyance after the approval of a vacation.

The general rule under Indiana case law is that when a street or highway is vacated or abandoned the title to the land reverts to the abutting property owners. This rule exists by virtue of the fact that the abutting landowner owns to the center of the street or highway subject only to an easement for the public to the use of the street or highway. Gorby v. McEndarfer 135 Ind.App. 74, \*82, 191 N.E.2d 786, \*\*791 (Ind.App.1963). However, there are possible exceptions to this general rule.

After a vacation of public right-of-way, the county assessor determines how the vacated right-of-way will be assessed for tax purposes.

Petitioners and abutters of the vacated right-of-way should consult their own attorneys for advice regarding the ownership of the vacated right-of way.

#### **Assessment of Benefits**

Because the proposed vacation of the rights-of-way have not been improved, an Assessment of Benefits would not be required.

#### **Planning Analysis**

Staff believes these petition requests are supportable despite the Comprehensive Plan recommendation of light industrial because this site has not been developed and the proposed multi-family development would provide an appropriate buffer to the residential neighborhood to the north and east. Additionally, the proposed development would likely have less traffic impact on the neighborhood than the traffic that would be generated by an industrial use.

Staff also believes that the requested variances and vacations would have minimal impact on the surrounding land uses, while resulting in a more cohesive "infill development" that would not be detrimental to the neighborhood and increase housing options for the area.

#### **GENERAL INFORMATION**

Existing Zoning	I-1 / D-5	
Existing Land Use	Undeveloped	
Comprehensive Plan	Light Industrial typology	
Surrounding Context	Zoning	Land Use
North:	D-5	Single-family dwellings
South:	I-1	Industrial Uses



East:	D-5	Single-family dwellings
West:	I-1	Industrial Uses
Thoroughfare Plan		
South Capitol Avenue	Local Street	Existing 40-foot right-of-way and proposed 48-foot right-of-way.
South Illinois Street	Local Street	Existing 50-foot right-of-way and proposed 48-foot right-of-way.
Context Area	Compact	
Floodway / Floodway Fringe	No	
Overlay	Yes - Environmentally Sensitiv	ve Areas
Wellfield Protection Area	No	
Site Plan	February 18, 2025	
Site Plan (Amended)	March 27, 2025	
Elevations	N/A	
Elevations (Amended)	N/A	
Landscape Plan	N/A	
Findings of Fact	February 18, 2025 – Variances / Vacation	
Findings of Fact (Amended)	N/A	
C-S/D-P Statement	N/A	

#### **COMPREHENSIVE PLAN ANALYSIS**

#### **Comprehensive Plan**

The Comprehensive Plan recommends Light Industrial typology. "The Light Industrial typology provides for industrial, production, distribution, and repair uses conducted within enclosed structures and unlikely to create emissions of light, odor, noise, or vibrations. This typology is characterized by freestanding buildings or groups of buildings, often within industrial parks. Typical uses include warehousing, self-storage, assembly of parts, laboratories, wholesaling, and printing. Industrial or truck traffic should be separated from local/residential traffic.

#### Pattern Book / Land Use Plan

The Comprehensive Plan consists of two components that include The Marion County Land Use Pattern Book (2019) 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:



- Light Industrial Uses
  - Industrial truck traffic should not utilize local, residential streets.
  - Streets internal to industrial development must feed onto an arterial street.
  - Removed as a recommended land use where they would be adjacent to a living or mixeduse typology.

#### Red Line / Blue Line / Purple Line TOD Strategic Plan

Not Applicable to the Site.

#### Neighborhood / Area Specific Plan

Not Applicable to the Site.

#### Infill Housing Guidelines

Not Applicable to the Site.

#### **Indy Moves**

(Thoroughfare Plan, Pedestrian Plan, Bicycle Master Plan, Greenways Master Plan)

The Marion County Thoroughfare Plan (2019) "is a long-range plan that identifies the locations classifications and different infrastructure elements of roadways within a defined area."

The following listed items describe the purpose, policies and tools:

- Classify roadways based on their location, purpose in the overall network and what land use they serve.
- o Provide design guidelines for accommodating all modes (automobile, transit, pedestrians, bicycles) within the roadway.
- Set requirements for preserving the right-of-way (ROW)
- o Identify roadways for planned expansions or new terrain roadways
- Coordinate modal plans into a single linear network through its GIS database



#### **ZONING HISTORY**

**2007-DV1-061**; **321 Wisconsin Street (east of site)**, requested a variance of development standards of the Industrial Zoning Ordinance to provide for the construction of a 2,340-square foot building with a 4.33-foot front setback from the proposed (existing) right-of-way of Wisconsin Street and to provide for the construction of a 3,700-square foot building with 8.33-foot front setback from the proposed (existing) right-of-way of Wisconsin Street, **granted.** 

**2007-DV1-009**; **1420 South Senate Avenue (west of site)**, requested a variance of development standards of the Industrial Zoning Ordinance to provide for the construction of a 2,340-square foot building with a 4.33-foot front yard setback from the right-of-way of Wisconsin Street and to provide for the construction of a 3,000-square foot building with a zero-foot west side yard setback, in I-4-U, granted.

**98-V1-98**; **1420 South Senate Avenue (west of site)**, requested a variance of development standards of the Industrial Zoning Ordinance to provide for the construction of a building with a zero-foot side yard setback and a 10-foot rear yard setback, in I-4-U, **granted**.

**97-HOV-10**; **1502 South Senate Avenue (west of site)**, requested a variance of development standards of the Industrial Zoning Ordinance to provide for the construction of a building with a zero-foot front setback, in I-4-U, **granted**.

**87-HOV-79**; **1416 South Senate Avenue (west of site)**, requested a variance of development standards of the Industrial Zoning Ordinance to provide for an outdoor truck scale wit the outside operations exceeding 75 percent of the floor area of the principle structure, in I-4-U, **granted**.

**86-V2-146**; **1301** South West Street (north of site), requested a variance of development standards of the Industrial Zoning Ordinance to provide for the outdoor storage of automobiles without the required setbacks, landscaping or screening, in I-3-U, **denied**.





#### **EXHIBITS**





1406 and 1419 South Capitol Avenue

Miles
00.000 150 15 0.03 0.045 0.06



#### **EXHIBIT A**

#### **Heritage Tree Conservation**

Removal of any Heritage Tree is prohibited unless any of the following determinations are made before removal:

- 1. The Administrator or the city's Urban Forester determines that the tree is dead, significantly and terminally diseased, a threat to public health or safety, or is of an undesirable or nuisance species.
- 2. The Director of the Department of Public Works determines that the tree interferes with the provision of public services or is a hazard to traffic.
- 3. The Administrator determines that the location of the tree is preventing development or redevelopment that cannot be physically designed to protect the tree.
- 4. The site from which the tree is removed is zoned D-A and the tree is harvested as timber or similar forestry product.

Table 744-503-3: Replacement Trees				
Size of tree removed or dead (inches)	Number of Trees to be planted to replace a Heritage	Number of Trees to be planted to replace an existing		
	Tree	tree		
Over 36 DBH	15	10		
25.5 to 36 DBH	11	8		
13 to 25 DBH	8	6		
10.5 to 12.5 DBH	6	4		
8.5 to 10 DBH	5	4		
6.5 to 8	3	2		
4 to 6	2	2		
2.5 to 3.5	1	1		



#### **EXHIBIT B**

# TRAFFIC IMPACT STUDY THE ANNEX GROUP, LLC CENTRAL AT OLD SOUTHSIDE 1406 SOUTH CAPITOL AVENUE RESIDENTIAL DEVELOPMENT Indianapolis, Indiana

#### **EXECUTIVE SUMMARY**

#### **General Overview of the Development**

- The proposed development consists of the construction of a multi-family residential development with 227 units and 227 parking spaces.
- Development is to be located at 1406 S Capitol Avenue. The project site is approximately bounded by Illinois Street, South Capitol Avenue, and Arizona Street.
- Access to the development proposed via three (3) site driveways:
  - A proposed full-movement site driveway to South Capitol Avenue at its current terminus located south of Arizona Street.
  - A proposed full-movement site driveway to Illinois Street located approximately 215 feet south of the intersection of Arizona Street with Illinois Street (measured center to center). Additionally, this driveway is located approximately 60 feet south of the existing alleyway which services the rear of single family homes located on Arizona Street between S Capitol Avenue and Illinois Street. (note the current plans identify this location as emergency only, but this traffic impact study is recommending access at this location as detailed below).
  - A proposed full-movement site driveway to Illinois Street located approximately 595 feet south of the intersection of Arizona Street with Illinois Street (measured center to center).
  - Due to the presence of on-street parking being permitted on both sides of Illinois Street within the vicinity of the proposed site driveways, the Illinois Street travel lane is reduced to approximately 10 feet for two-way travel (assuming 7' parking lanes). Therefore, it is recommended that the southernmost site driveway to Illinois Street operate as emergency only access. This will limit the interaction with other single family residences utilizing on-street parking south of the northernmost driveway.

#### List of Study Intersections

- Arizona Street with Meridian Street (existing signalized);
- South West Street with Wisconsin Street; and
- Proposed Site Access Driveway with Illinois Street.



#### **Trip Generation and Distribution**

- Trip generation of the proposed development was determined using rates and equations contained in the Institute of Transportation Engineers (ITE) publication *Trip Generation*, Eleventh Edition, 2021. Land Use Code 221, multifamily housing (mid-rise), was utilized for trip generation calculations.
- Anticipated Total Peak Hour Trip Generation:
  - Weekday
    - 1036 Trips (518 entering/518 exiting)
  - AM Peak Hour
    - 88 Trips (20 entering/68 exiting)
  - o PM Peak Hour
    - 89 Trips (54 entering/35 exiting)
- Trip distribution for the proposed development was determined based on a review of the proposed site location in relation to the nearest major roadways including access to I-70. Trip distributions were then estimated for the potential arrival and departure routes to be utilized. Finally trip distributions were also estimated based on traditional AM (heading to work) and PM (returning from work) travel patterns utilizing existing traffic volumes collected at the study intersections. Therefore, the traffic volume patterns observed leaving the site area during the AM peak hour and again returning to the site area during the PM peak hour were evaluated. The following trip distributions were estimated for the study.

To/from south on Meridan Avenue: 10%
To/from north on Meridan Avenue: 25%
To/from south on S West Avenue: 15%

o To/from north on S West Avenue: 50%

It should also be noted that trips returning from S West Avenue to the north (and I-70 interchange) were assumed to be split between Morris Street (turning eastbound right onto S Capitol Avenue) and West Street (turning southbound left onto Wisconsin Street). This split was considered given the ease of making a right turn from Morris Street onto S Capitol Avenue.

#### Mitigation Measures to be Constructed Concurrent with Development

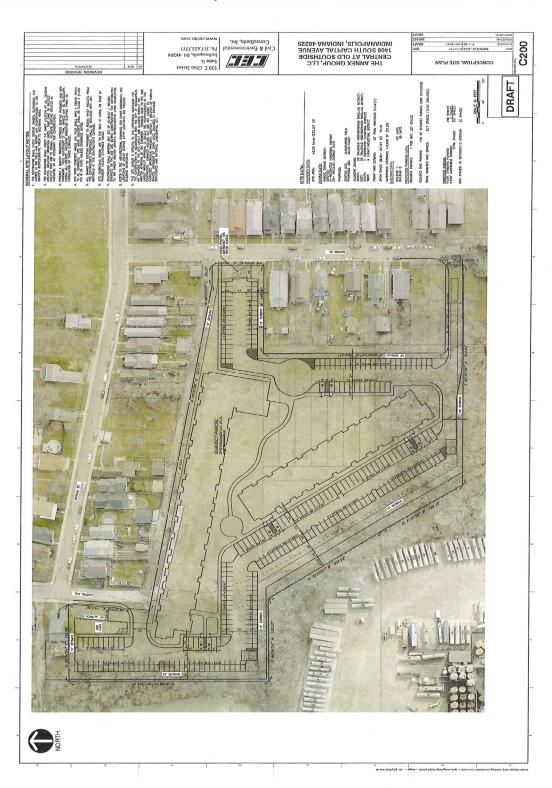
- Construct a full-movement site driveway to S. Capitol Avenue to be located at its current terminus, which is located south of Arizona Street.
- Construct a full-movement site driveway to Illinois Street located approximately 215 feet south of the intersection of Arizona Street with Illinois Street (measured center to center).
   Additionally, this driveway is located approximately 60 feet south of the existing alleyway which services the rear of single family homes located on Arizona Street between S Capitol Avenue and Illinois Street.



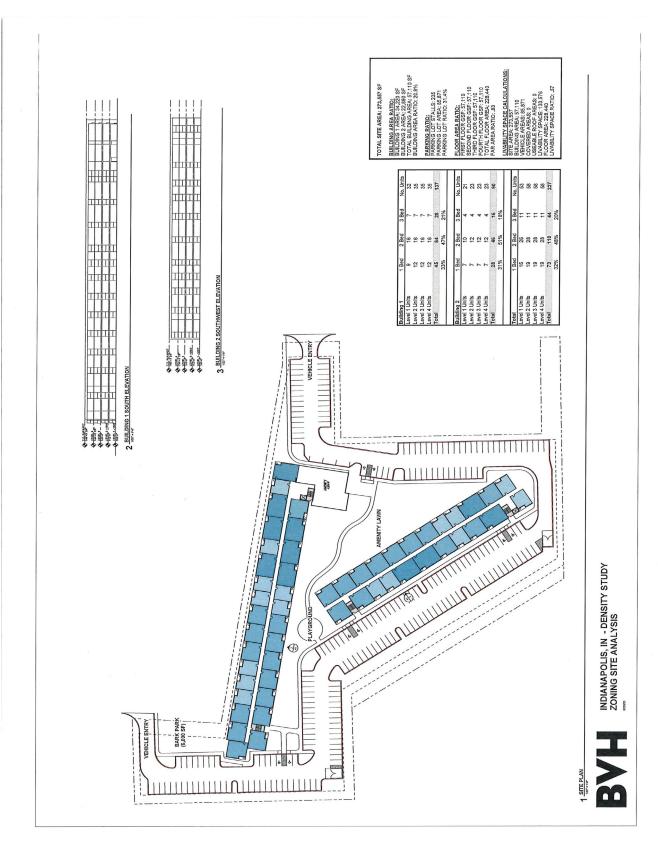
- Construct a proposed full-movement site driveway to Illinois Street located approximately 595 feet south of the intersection of Arizona Street with Illinois Street (measured center to center).
- Due to the presence of on-street parking being permitted on both sides of Illinois Street within the vicinity of the proposed site driveways, the Illinois Street travel lane is reduced to approximately 10 feet for two-way travel (assuming 7' parking lanes). Therefore, it is recommended that the southernmost site driveway to Illinois Street operate as emergency only access. This will limit the interaction with other single family residences utilizing onstreet parking south of the northernmost driveway.
- Recommend restricting on-street parking on Illinois Street between Arizona Street and the
  northernmost proposed site access driveway. This will allow for Illinois Street to operate
  with two full width travel lanes in each direction. No single family homes are located with
  fronts facing Illinois Street in this section, therefore the impact to the neighborhood is
  expected to be minor.
- Recommend providing new/repaired sidewalks along the property frontage of the western side of S Illinois Street at its northernmost driveway (approximately 95 feet in length) and continuing within the property.
- Recommend providing new/repaired sidewalks along the property frontage of the western side of S Capitol Avenue from Arizona Street to its proposed site driveway and continuing within the property.
- The proposed site driveways should maintain sight triangles that are free of sight obstructions, such as parked vehicles, buildings, walls, hedges, bushes, low growing trees, etc. to maintain a clear line of sight to potential conflicting vehicles. Any new vegetation within the sight lines of the driveways should be maintained at a height of 2 feet or less to provide unobstructed views. Detailed sight lines and triangles should be placed on the proposed site plans for the development.
- During construction, a detailed construction traffic management plan with proposed haul routes for large vehicles and accompanying traffic control plans should be provided.
- Vehicle turning templates should be provided with the site plans showing how large vehicles such as firetrucks or delivery vehicles will traverse the site.



#### Concept Plan - March 27, 2025

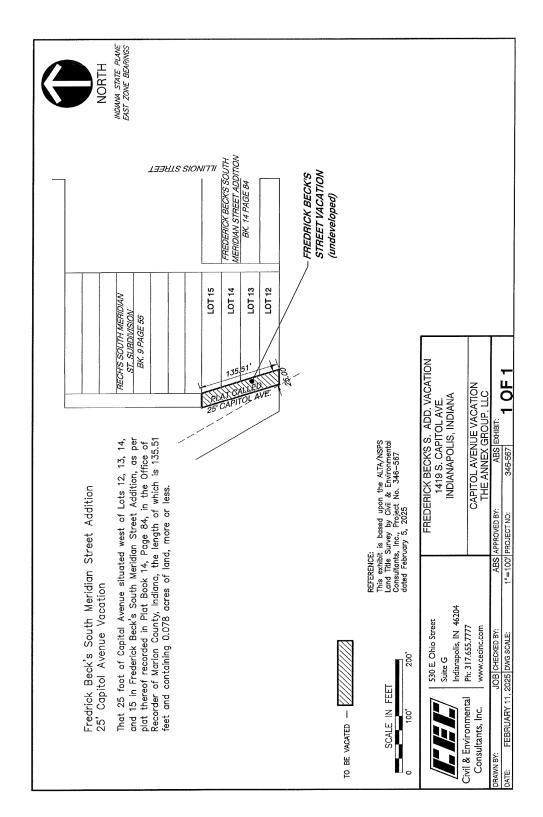




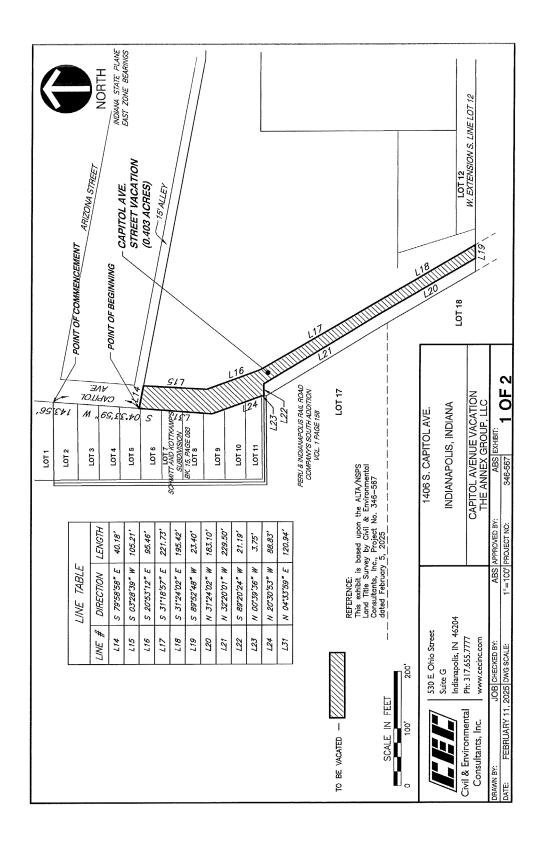






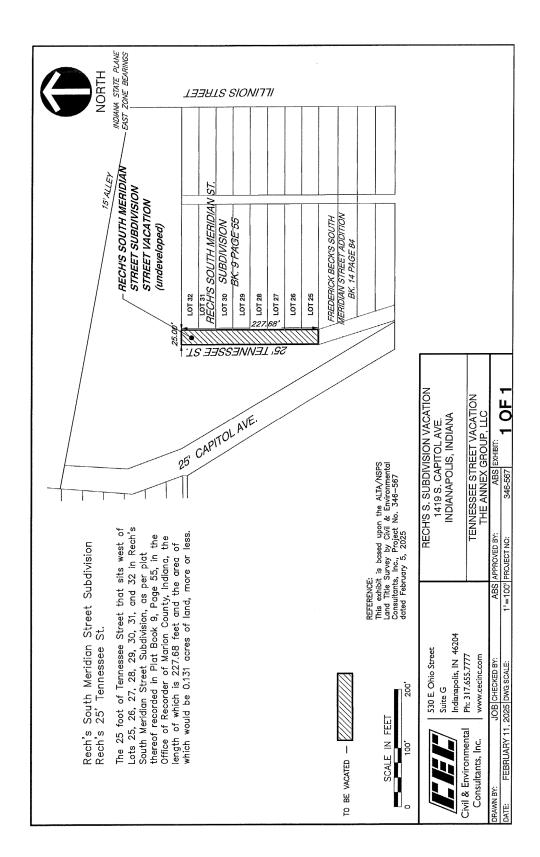






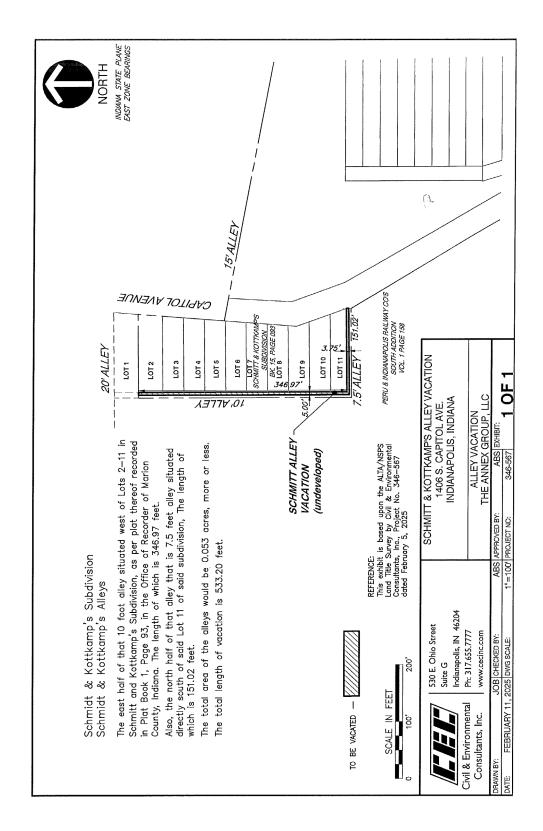














Petition Number \_\_\_\_\_

METROPOLITAN DEVELOPMENT COMMISSION HEARING EXAMINER METROPOLITAN BOARD OF ZONING APPEALS, Division OF MARION COUNTY, INDIANA
PETITION FOR VARIANCE OF DEVELOPMENT STANDARDS
FINDINGS OF FACT
Large Apartment Standards
The grant will not be injurious to the public health, safety, morals, and general welfare of the community because:
he site is over 5 acres, surrounded primarily by industrial uses, and conducive to a development that is more dense and exceeds the development standards for small apartments under the ordinance.
2. The use or value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner because: he site is over 5 acres, surrounded primarily by industrial uses, and conducive to a development that is more dense and exceeds the development standards for small apartments under the ordinance.
B. The strict application of the terms of the zoning ordinance will result in practical difficulties in the use of the property because:  although the over 5 acre site is conducive to multifamily development in accordance with the D-8 zoning classification, he ordinance, as written, does not permit the large apartment standards to be applied to D-8.
DECISION
T IS THEREFORE the decision of this body that this VARIANCE petition is APPROVED.
Adopted this day of , 20

FOF-Variance DevStd 01/12/06 T2



Petition Number \_\_\_\_\_

METROPOLITAN DEVELOPMENT COMMISSION HEARING EXAMINER METROPOLITAN BOARD OF ZONING APPEALS, Division OF MARION COUNTY, INDIANA				
PETITION FOR VARIANCE OF DEVELOPMENT STANDARDS				
FINDINGS OF FACT Livability Space Ratio and Floor Area Ratio				
The grant will not be injurious to the public health, safety, morals, and general welfare of the community because:     although the configuration of the site presents site planning challenges, open space on the site has been maximized.				
to provide tenants living at the property with sufficient green space and outdoor amenities. Also, permitting this undeveloped and underutilized site to be developed in a useful and thoughtful way will have a positive impact				
on the community.				
2. The use or value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner because: sufficient open space and green space is being provided and, taking into account the challenging configuration of the site and the buffering to adjacent provided, adjacent properties will not be adversely affected.				
3. The strict application of the terms of the zoning ordinance will result in practical difficulties in the use of the property because: due to the configuration of the lot and the existing access points, developing the property with sufficient density, establishes the necessary practical difficulty with respect to meeting the floor area and livability space ratios for D-8.				
DECISION				
IT IS THEREFORE the decision of this body that this VARIANCE petition is APPROVED.				
Adopted this day of , 20				

01/12/06 T2





View looking north along South Capitol Avenue



View looking east along east / west alley and northern site boundary



<b>Petition Nur</b>	nber
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### METROPOLITAN DEVELOPMENT COMMISSION PLAT COMMITTEE HEARING EXAMINER OF MARION COUNTY, INDIANA

#### PETITION FOR VACATION OF A PUBLIC WAY, EASEMENT OR PUBLIC PLACE

#### FINDINGS OF FACT

1. THE PROPOSED VACATION IS IN THE PUBLIC INTEREST because: the area to be vacated is abandoned and does not serve a public purpose; it will add unused real estate to the tax rolls;
and will permit full development of the adjacent properties.
· · · · · · · · · · · · · · · · · · ·
DECISION
IT IS THEREFORE the decision of this body that this VACATION petition is APPROVED, subject to any conditions stated in the minutes (which conditions are incorporated herein by reference and made a part of this decision).
Adopted this day of , 20





View of site looking south from terminus of South Capitol Avenue



View of site looking southeast from terminus of South Capitol Avenue





View of site looking southwest from terminus of South Capitol Avenue



View of site looking south from terminus of South Capitol Avenue





View of site looking west along South Capitol Avenue



View of site looking west along South Capitol Avenue





View of site looking west along South Capitol Avenue



View of site looking west along South Capitol Avenue





View looking north along South Illinois Street



View of site looking west across South Illinois Street





View of site looking west across South Illinois Street



View of site looking northwest across South Illinois Street





View of site looking south from the east / west alley along the northern site boundary



View of site looking south from the east / west alley along the northern site boundary





View of site looking south from the east / west alley along the northern boundary



View of site looking south from the east / west alley along the northern boundary