



Metropolitan Development Commission Hearing Examiner (May 15, 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, May 15, 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. 2025-MOD-003 / 2025-VAR-003 | 8302 Michigan Road

Pike Township, Council District #1

C-S

Halle Properties, LLC, by Jennifer Wolfe

Modification of commitments related to 95-Z-172 and 96-Z-216, to modify Commitment 2. h. for a freestanding sign on an outlot (previous commitment permits wall signs and prohibits freestanding signs for outlots).

Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for an eight-foot-tall freestanding monument sign, being the fourth freestanding sign within 300 feet along Michigan Street (minimum 300-foot separation between freestanding signs required).

****Automatic Continuance to June 12, 2025, filed by Registered Neighborhood Organization**

2. 2025-MOD-005 | 7841 Michigan Road

Pike Township, Council District #1

C-3 / D-5

Las Palmas Supermercado, LLC, by Meghan Binkerd

Modification of Development Statement related to petition 94-Z-42 to modify Commitment 5, to allow a grocery store (current commitment prohibits grocery or convenience stores).

****Automatic Continuance to June 12, 2025, filed by Registered Neighborhood Organization**

3. 2025-MOD-006 | 3801 North Raceway Road

Pike Township, Council District #11

D-6

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

Modification of Commitments and Site Plan related to 2024-ZON-023 to modify Commitment 2, to provide that rental units would be permitted on lots which are subject to a mortgage insured or guaranteed by the Federal Housing Administration, the Veteran's Administration and/or the United States Department of Agriculture (previous commitment requires the HOA to approve rental of units within the neighborhood, with a restriction that a maximum of 20% of the units may be rented at any one time).

****Automatic Continuance to June 12, 2025, filed by Registered Neighborhood Organization**

- 4. 2025-ZON-001 | 4150 North High School**
Road Pike Township, Council District #5
Nica Auto and Fleet Repair, LLC, by Joseph D. Calderon

Rezoning of 1.90 acres from the C-3 district to the C-4 district to allow for an automobile repair shop.

****Petitioner request for continuance for cause to June 12, 2025, with Notice**

- 5. 2025-ZON-042 | 8025 Shelbyville Road**
Franklin Township, Council District #25
Robert and Rose Faust, by Caitlin Dopher

Rezoning of 15.72 acres from the D-A district to the D-4 district to provide for 30 single-family detached dwellings.

****Staff request for continuance for cause to June 12, 2025, with Notice**

- 6. 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

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.

****Staff request for continuance for cause to May 29, 2025**

- 7. 2025-CZN-814 / 2025-CVR-814 | 3043, 3451, 3511, and 3801 South Post Road, 9405, 9609, 9611, and 9931 East Troy Avenue, 3430, 3440, and 3610 Davis Road, and 9500 Vandergriff Road**
Franklin Township, Council District #20
Deep Meadow Ventures, LLC, by Joseph D. Calderon

Rezoning of 467.66 acres from the D-A (FF) (FW), C-4 (FF) (FW), and SU-43 (FF) (FW) districts to the C-S (FF) (FW) district for a data center campus development, and uses including light manufacturing, all research and development, utilities, agricultural uses, buildings and structures, as permitted in I-1 and office uses, as permitted in C-1. Permitted accessory uses would include utility structures, such as power substations, water towers, and overhead and underground powerlines and wastewater treatment facilities, outdoor storage, renewable energy facility, satellite dish antenna, signs, and temporary construction yard, office, or equipment storage.

Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for a building height of 75 feet (maximum 38-foot building height permitted) and no maximum front yard setback (maximum front yard setback of 85 feet permitted).

****Staff request for continuance for cause to June 12, 2025**

Petitions for Public Hearing

PETITIONS TO BE EXPEDITED:

- 8. 2025-ZON-016 | 852 East County Line Road**
Perry Township, Council District #24
TWG Development, LLC. by Joseph D. Calderon

Rezoning of 6.67 acres from the C-S (TOD) (FW) (FF) district to the D-9 (TOD) (FW) (FF) district to provide for multi-family dwellings.

- 9. 2025-ZON-034 | 2508 West Michigan Street**
Wayne Township, Council District #12
Steven Phan

Rezoning of 0.14-acre from the C-3 district to the MU-2 district to provide for a mixed-use development with two commercial retail spaces at ground level and three dwelling units on the second level.

- 10. 2025-ZON-035 | 445 Sanders Street**
Center Township, Council District #18
Eric Hopkins, by Mark and Kim Crouch

Rezoning of 0.12-acre from the C-3 to the D-8 district to provide for residential uses.

- 11. 2025-ZON-036 | 3550 North Washington Boulevard**
Center Township, Council District #8
Indianapolis Neighborhood Housing Partnership, Inc., by Tyler T. Ochs

Rezoning of 0.78-acre from the D-3 district to the C-1 district to provide for office uses.

PETITIONS FOR PUBLIC HEARING (Continued Petitions):

- 12. 2025-ZON-024 | 5712 Bluff Road**
Perry Township, Council District #22
Alt Construction, LLC, by Brian J. Tuohy

Rezoning of 41.55 acres from the D-A district to the I-2 district to provide for light industrial uses.

****Petitioner has withdrawn Petition**

- 13. 2024-CVR-855 / 2024-CPL-855 (Amended) | 1527 East 12th Street**
Center Township, Council District #13
D-8 (FF) (FW)
Tyler and Natalie Sadek, by Paul J. Lambie

Variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for a detached single-family dwelling on proposed Lot 3, with a front building line of approximately 210 feet (front building line range between 10 feet of 19.9 feet required).

Variance of development standards of the Consolidated Zoning and Subdivision Ordinance to build within 60 feet of the stream protection corridor (not permitted).

Approval of a Subdivision Plat to be known as Replat of Lot 29 in Milligan's Park Lane Addition, subdividing 1.878 acres into three lots.

Approval of a Subdivision Plat to be known as Replat of Lot 29 in Milligan's Park Lane Addition, subdividing 1.878 acres into three lots.

- 14. 2025-CPL-805 (Amended) / 2025-CVR-805 (Amended) | 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 45-foot lot width for proposed Lot Two (minimum 70-foot lot width required), to provide for on-site septic systems for each lot (public sewer facility required), and to provide for future construction of a freestanding building, without the required installation of frontage sidewalks (required).

- 15. 2025-CVC-813 | 1406 and 1419 South Capitol Avenue**
Center Township, Council District #18
The Annex Management Group, Inc., by Misha Rabinowitch

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,
with a waiver of the assessment of benefits.

PETITIONS FOR PUBLIC HEARING (New Petitions):

16. 2025-ZON-025 | 1922 East 38th Street

Washington Township, Council District #8
Rula Alkhasib and Rahaf Roman, by Yvonne Humphries

Rezoning of 0.37-acre from the C-4 (TOD) district to the C-5 (TOD) district to provide for automobile sales.

17. 2025-ZON-040 | 2601 Cold Spring Road

Wayne Township, Council District #12
Cold Spring Innovation Corporation, by Jennifer Milliken and Timothy Ochs

Rezoning of 22.3 acres from the D-S (W-5) district to the MU-2 (W-5) district to provide for a mixed-use development.

18. 2025-ZON-043 | 2310 Prospect Street

Center Township, Council District #18
Andrew Fisher, by Mark and Kim Crouch

Rezoning of 0.11-acre from the C-4 district to the D-8 district for a two-unit rowhouse.

19. 2025-CPL-818 / 2025-CVR-818 | 3146 North Temple Avenue

Center Township, Council District #8
Indy Real Estate Consulting, LLC, by Justin Kingen and David Kingen

Approval of a Subdivision Plat to be known as Veteran Villas, replat of Lot 73 of Tacoma Village, subdividing 0.16-acre into two single-family attached lots.

Variance of use and development standards of the Consolidated Zoning and Subdivision Ordinance to provide for an attached single-family dwelling (not permitted), with 66% of lot width for off-street parking (maximum of the smaller of 30 feet of lot width and 50% of lot width permitted).

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 planneroncall@indy.gov. Written objections to a proposal are encouraged to be filed via email at planneroncall@indy.gov 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

planneroncall@indy.gov, within one to two days after the hearing, to determine the appropriate appeal process. Please see this link for the Appeal form: [REQUEST FOR APPEAL](#)



METROPOLITAN DEVELOPMENT COMMISSION **May 15, 2025**
HEARING EXAMINER

Case Number: 2025-MOD-003 / 2025-VAR-003

Property Address: 8302 Michigan Road (Approximate Address)

Location: Pike Township, Council District #1

Petitioner: Halle Properties, LLC, by Jennifer Wolfe

Current Zoning: C-S

Request: Modification of commitments related to 95-Z-172 and 96-Z-216, to modify Commitment 2. h. for a freestanding sign on an outlot (previous commitment permits wall signs and prohibits freestanding signs for outlots).

Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for an eight-foot-tall freestanding monument sign, being the fourth freestanding sign within 300 feet along Michigan Street (minimum 300-foot separation between freestanding signs required).

Current Land Use: Commercial

Staff Recommendations: To be determined.

Staff Reviewer: Marleny Iraheta, Senior Planner

PETITION HISTORY

A timely automatic continuance request was filed by a registered neighborhood organization, **continuing this petition from the May 15, 2025 hearing to the June 12, 2025 hearing**. This would require acknowledgement from the Hearing Examiner.

STAFF RECOMMENDATION

Staff recommendation to be determined.

PETITION OVERVIEW

This petition is to be continued to the June 12, 2025 hearing.



METROPOLITAN DEVELOPMENT COMMISSION HEARING EXAMINER **May 15, 2025**

Case Number: 2025-MOD-005

Property Address: 7841 Michigan Road (Approximate Address)

Location: Pike Township, Council District #1

Petitioner: Las Palmas Supermercado, LLC, by Meghan Binkerd

Current Zoning: C-3 / D-5

Request: Modification of Development Statement related to petition 94-Z-42 to modify Commitment 5, to allow a grocery store (current commitment prohibits grocery or convenience stores)

Current Land Use: Commercial

Staff Recommendations: To be determined.

Staff Reviewer: Marleny Iraheta, Senior Planner

PETITION HISTORY

A timely automatic continuance request was filed by a registered neighborhood organization, **continuing this petition from the May 15, 2025 hearing to the June 12, 2025 hearing.** This would require acknowledgement from the Hearing Examiner.

STAFF RECOMMENDATION

Staff recommendation to be determined.

PETITION OVERVIEW

This petition is to be continued to the June 12, 2025 hearing.



METROPOLITAN DEVELOPMENT COMMISSION **May 15, 2025**
HEARING EXAMINER

Case Number: 2025-MOD-006

Property Address: 3801 North Raceway Road (Approximate Address)

Location: Pike Township, Council District #11

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

Request: Modification of Commitments and Site Plan related to 2024-ZON-023 to modify Commitment 2, to provide that rental units would be permitted on lots which are subject to a mortgage insured or guaranteed by the Federal Housing Administration, the Veteran’s Administration and/or the United States Department of Agriculture (previous commitment requires the HOA to approve rental of units within the neighborhood, with a restriction that a maximum of 20% of the units may be rented at any one time)

Staff Reviewer: Desire Irakoze, Principal Planner II

CONTINUANCE

A Registered Neighborhood Organization, Pike Township Residents Association, Inc, has filed an Automatic Continuance, **continuing this petition from the May 15, 2025, hearing, to the June 12, 2025, hearing.** This will require the Board’s acknowledgement.



METROPOLITAN DEVELOPMENT COMMISSION **May 15, 2025**
HEARING EXAMINER

Case Number: 2025-ZON-001

Property Address: 4150 North High School Road (Approximate Address)

Location: Pike Township, Enter Council District 5

Petitioner: Nica Auto and Fleet Repair, LLC

Current Zoning: C-3

Request: Rezoning of 1.90 acres from the C-3 district to the C-4 district to allow for an automobile repair shop.

Current Land Use: Automotive repair shop

Staff Recommendations: To be determined.

Staff Reviewer: Desire Irakoze, Principal Planner II

PETITION HISTORY

ADDENDUM FOR MAY 15, 2025 HEARING EXAMINER

The petition was continued for cause from the April 10, 2025 hearing to the May 15, 2025 hearing to allow time to find adequate representation.

The petitioner submitted a **continuance for cause** request to continue this matter from the **May 15, 2025 hearing to the June 12, 2025 hearing** to provide time for discussions between staff and the petitioner’s representative, with **new notice**.

ADDENDUM FOR APRIL 10, 2025 HEARING EXAMINER

This petition was continued for cause from the February 20, 2025 to the April 10, 2025 hearing to allow time to find adequate representation.

FEBRUARY 20, 2025

This is the first public hearing for this petition.

STAFF RECOMMENDATION

Staff recommendation is to be determined.



METROPOLITAN DEVELOPMENT COMMISSION HEARING EXAMINER **May 15, 2025**

Case Number: 2025-ZON-042
Property Address: 8025 Shelbyville Road
Location: Franklin Township, Council District #25
Petitioner: Robert and Rose Faust, by Caitlin Dopher
Request: Rezoning of 15.72 acres from the D-A district to the D-4 district to provide for 30 single-family detached dwellings.
Staff Reviewer: Kathleen Blackham, Senior Planner

PETITION HISTORY

Staff requests a continuance from the **May 15, 2025 hearing, to the June 12, 2025 hearing**, to provide additional time for the petitioner’s representative amend the petition to increase the acreage and provide new notice.



**METROPOLITAN DEVELOPMENT COMMISSION
HEARING EXAMINER** **May 15, 2025**

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

Property Address: 1708 East 10th 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 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.

Current Land Use: Commercial Use (Jackson Controls)

Staff Recommendations: To Be Determined

Staff Reviewer: Desire Irakoze, Principal Planner II

CONTINUANCE

ADDENUM FOR MAY 15, 2025 HEARING EXAMINER

The petition was continued from the April 24, 2025 hearing to the May 15, 2025 hearing at staff’s request to allow for thorough review of additional materials.

Staff is requesting a **continuance for cause** from **the May 15, 2025 hearing to the May 29, 2025 hearing**. A procedural error resulted in this vacation petition being scheduled separately from its companion rezoning petition. No additional public notice will be required for this continuance.

ADDENUM FOR APRIL 24, 2025 HEARING EXAMINER

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, continuing this petition 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 **May 15, 2025**
HEARING EXAMINER

Case Number: 2025-CZN-814 / 2025-CVR-814

Property Address: 3043, 3451, 3511, and 3801 South Post Road, 9405, 9609, 9611, and 9931 East Troy Avenue, 3430, 3440, and 3610 Davis Road, and 9500 Vandergriff Road (Approximate Addresses)

Location: Franklin Township, Council District #20

Petitioner: Deep Meadow Ventures, LLC, by Joseph D. Calderon

Current Zoning: D-A (FF) (FW), C-4 (FF) (FW), and SU-43 (FF) (FW)

Request: Rezoning of 467.66 acres from the D-A (FF) (FW), C-4 (FF) (FW), and SU-43 (FF) (FW) districts to the C-S (FF) (FW) district for a data center campus development, and uses including light manufacturing, all research and development, utilities, agricultural uses, buildings and structures, as permitted in I-1 and office uses, as permitted in C-1. Permitted accessory uses would include utility structures, such as power substations, water towers, and overhead and underground powerlines and wastewater treatment facilities, outdoor storage, renewable energy facility, satellite dish antenna, signs, and temporary construction yard, office, or equipment storage.

Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for a building height of 75 feet (maximum 38-foot building height permitted) and no maximum front yard setback (maximum front yard setback of 85 feet permitted).

Current Land Use: Undeveloped and Agricultural Land

Staff Recommendations: To be determined.

Staff Reviewer: Marleny Iraheta, Senior Planner

PETITION HISTORY

This petition was automatically continued from the April 10, 2025 hearing to the May 15, 2025 hearing at the request of a registered neighborhood organization.

Staff is requesting a **continuance for cause from the May 15, 2025 hearing to the June 12, 2025 hearing** to allow the petitioner time to submit additional information requested by staff for review.

STAFF RECOMMENDATION

Staff recommendation to be determined.

PETITION OVERVIEW

This petition is to be continued to the June 12, 2025 hearing.



**METROPOLITAN DEVELOPMENT COMMISSION
HEARING EXAMINER**

May 15, 2024

Case Number: 2025-ZON-016

Property Address: 2852 East County Line Road

Location: Perry Township, Council District #24

Petitioner: TWG Development, LLC, by Joseph D. Calderon

Current Zoning: C-S

Request: Rezoning of 6.67 acres from the C-S (TOD) (FW) (FF) to the D-9 (TOD) (FW) (FF) district to provide for multi-family dwellings.

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 this petition from the April 10, 2025 hearing, to the May 15, 2025 hearing, to provide for additional time to send notice to all those required to receive notice.

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:

1. Final site plan and elevations shall be submitted for Administrator Approval prior to the issuance of an Improvement Location Permit (ILP).
2. A 51-foot half right-of-way shall be dedicated along the frontage of East County Line Road, 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 right-of-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).
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.



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

4. 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 / receptacles provided for the proper disposal of trash and other waste.

PETITION OVERVIEW

This 6.67-acre site, zoned C-S (TOD) (FW) (FF), is undeveloped and surrounded by floodway / floodplain of Pleasant Run Creek, to the north, zoned D-A (TOD) (FW) (FF); single-family dwellings to the south across East County Line Road (Johnson County); railroad right-of way to the east, zoned D-6II; and floodway / floodplain of Pleasant Run Creek to the west, zoned D-A (TOD) (FW) (FF) and C-S (TOD) (FW) (FF).

This site was included in petition 90-ZON-191 that rezoned a 12-acre site to the C-S district to provide for an integrated commercial center with integrated building design, access, and signs. Petition 2024-ZON-105 that requested rezoning from the C-S (TOD) (FW) (FF) district to the I-2 (TOD) (FW) (FF) district to provide for a self-storage facility was denied. Subsequently, the Metropolitan Development Commission approved a request on March 5, 2025, to waive the Rules of Procedure related to refiling after a denial to allow for this rezoning request.

REZONING

The request would rezone the site to the D-9 (Walkable Neighborhood) District. “The D-9 district is intended for higher density housing formats, with a mix of small- and moderate-scale multi-unit building types. This district can be used at transitions to walkable, commercial areas, transit stations and urban and suburban corridors, including the high-density residential recommendations of the Comprehensive Plan, and the Traditional Neighborhood, City Neighborhood, or 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 suburban neighborhood typology.

Conceptual Site Plan - February 6, 2025

The conceptual site plan, file dated February 6, 2025, provides for three, three-story buildings, with 48-dwelling units and one, three-story building with 26 dwelling units for a total of 170 dwelling units resulting in a density of 25.49 units per acre. A club house and amenity area would be located at the southeast corner of the site.



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

Site access would be from two driveways along East County Line Road with approximately 284 parking spaces.

An approximately 20-foot-wide buffer on the western, northern, and eastern perimeter of the site would be preserved, along with any heritage trees located within those areas.

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 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 (D-9 in this request) are permitted, subject to certain development standards of the Flood Control Secondary Zoning Districts Ordinance and would be addressed during the permitting process.

Except for a small area at the southwest corner along the railroad right-of-way, the site lies within the 100-year floodplain of Pleasant Run Creek.

Overlays – Environmentally Sensitive / TOD

This site is 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 ES overlay for this site is related to the floodway and floodway fringe.

In addition to the floodplain, the perimeter of the entire site is lined with woodlands, both of which would be negatively impacted by the proposed development, unless those areas would be preserved.



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

This site is also located within a second overlay, specifically the Transit Oriented Development (TOD).

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.

Tree Preservation / Heritage Tree Conservation

There are significant amounts of natural vegetation and trees located around the perimeter 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 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 dioica*), 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 issuance date. See Exhibit A, Table 744-503-3: Replacement Trees.

Department of Public Works

The Department of Public Works, Traffic Engineering Section, has requested the dedication and conveyance of a 51-foot half right-of-way along East County Line Road. This dedication would also be consistent with the Marion County Thoroughfare Plan.



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 receptacles for proper disposal of trash and other waste.

Planning Analysis

As proposed, this request would be generally consistent with the Comprehensive Plan recommendation of suburban neighborhood. However, the 100-year floodplain delineates areas that would be subject to potential flood damage that would be addressed during the permitting process.

Based on the parking requirements of the Ordinance (1:1 ratio) the minimum number of parking spaces would be 170, with no maximum. The Ordinance would require 17 bicycle parking spaces, of which 60% should be enclosed. Consequently, staff believes the proposed 284 parking spaces should be decreased and the parking area reduced to provide for more open space, landscaping, and amenities for the residents.



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

Additionally, the maximum floor area ratio (FAR) would be 0.50 and the minimum livability space ratio (MSR) would be 0.75. Both of these ratios will need to be met in the final project design.

Because this site is undeveloped, staff believes all development standards could be met and would not support any variance from development standards. Therefore, staff would request Administrator Approval of the final site plan and elevations prior to the issuance of the Improvement Location Permit (ILP) to confirm compliance with the district development standards, including the design standards of the walkable neighborhood.

Unless required by the Fire Department, staff believes that one boulevard entrance, rather than two access drives, be provided along East County Line Road due the heavily traveled road and the proximity of the railroad crossing at the eastern end of the site. In other words, staff would recommend that the easternmost drive adjacent to the railroad be eliminated.

GENERAL INFORMATION

Existing Zoning	C-S (TOD) (FW) (FF)	
Existing Land Use	Undeveloped land	
Comprehensive Plan	Suburban Neighborhood	
Surrounding Context	Zoning	Land Use
North:	C-S (TOD) (FW) (FF) / D-A (TOD) (FW) (FF)	Floodway / Floodway Fringe
South:	Johnson County	Single-family dwellings
East:	D-6II	Railroad right-of-way / Single-family dwelling
West:	C-S (TOD) (FW) (FF) / D-A (TOD) (FW) (FF)	Floodway
Thoroughfare Plan		
East County Line Road	Primary arterial	Existing 92-foot right-of-way and proposed 102-foot right-of-way.
Context Area	Metro	
Floodway / Floodway Fringe	Yes – Pleasant Run Creek	
Overlay	Yes. Environmentally Sensitive / Transit Oriented Development	
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

The Comprehensive Plan recommends the Suburban Neighborhood typology. “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 one to five 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.”

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 – Suburban 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.
 - 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 cut-throughs for longer blocks, are encouraged.



Department of Metropolitan Development
Division of Planning
Current Planning

- *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 three 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 five 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.

- *Multifamily Housing*

- Should be located along arterial or collector streets, parks, or greenways.
- Parking should be either behind or interior to the development.
- Individual building height, massing, and footprint should gradually transition from adjacent developments. Specifically, buildings located adjacent to existing residential developments should be no more than one and a half times the height and no more than twice the average footprint of the existing adjacent residential buildings.

Red Line / Blue Line / Purple Line TOD Strategic Plan

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

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 ½ mile walk of a proposed transit stop located along East County Line Road and Greenwood Park Mall, 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 3 stories at core with no front or side setbacks
 - Multi-family housing with a minimum of 5 units
 - Structured parking only with active first floor.



Department of Metropolitan Development
Division of Planning
Current Planning

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.
- 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



Department of Metropolitan Development
Division of Planning
Current Planning

ZONING HISTORY

2024-ZON-105; 2951 East County Line Road, requested rezoning of 6.67 acres from the C-S (TOD) (FW) (FF) district to the I-1 (TOD) (FW) (FF) district to provide for a self-storage facility, **denied**.

90-Z-191; 2910 East County Line Road, requested rezoning of 12 acres, being in the D-A / FP district, to the C-4 / FP classification to provide for commercial development, **approved**.

VICINITY

70-Z-107; 8900 block of Madison Avenue (west of site), required rezoning of 6.36 acres, being in the A-2 district, to the C-4 classification to provide for office uses, **approved**.

68-V4-227; 3030 East County Line Road (north of site), requested a variance of use, setbacks, and floor area to provide for apartments, **granted**.

EXHIBITS

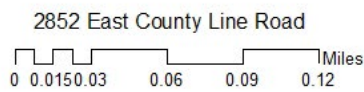




EXHIBIT A

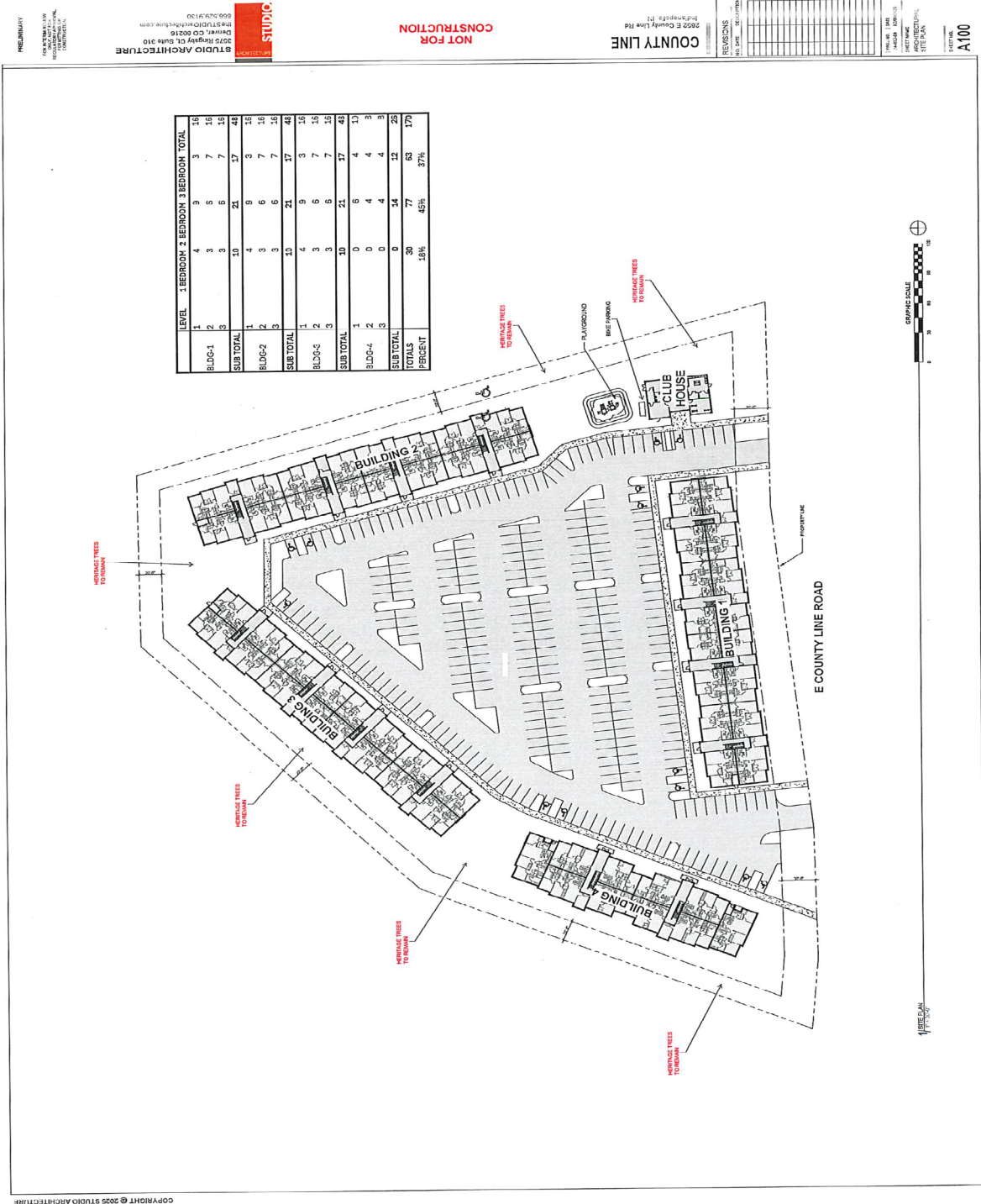
Heritage Tree Conservation

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.

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

Conceptual Site Plan – February 6, 2025





View looking east along East County Line Road



View looking west along East County Line Road



View of site looking north



View of site looking north



View of site looking northwest



View looking south across East County Line Road



View from site looking southwest across East County Line Road



METROPOLITAN DEVELOPMENT COMMISSION
HEARING EXAMINER **May 15, 2025**

Case Number: 2025-ZON-034

Property Address: 2520 West Michigan Street (Approximate Address)

Location: Wayne Township, Council District #12

Petitioner: Steven Phan

Current Zoning: C-3

Request: Rezoning of 0.14-acre from the C-3 district to the MU-2 district to provide for a mixed-use development with two commercial retail spaces at ground level and three dwelling units on the second level.

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 is recommending **approval**

PETITION OVERVIEW

LAND USE

This 0.14-acre site, zoned C-3 is currently vacant building built in 1996 (STR93-10729). Located in the Near Westside Neighborhood. It is surrounded by varying zoning districts including to the north, zoned PK-1, containing Haughville Park, to the south, zoned I-3, a fleet terminal and call center/emergency operations center, To the east and west, zoned C-3, containing various commercial uses, including a theater and motorcycle repair/parts shop.

ZONING OVERVIEW

This request would rezone the site to the MU-2 (Mixed-Use District Two) district to provide for a retail on the lower levels and three (3) apartment units upstairs.

C-3 (Neighborhood Commercial District): Characterized extensive range of retail sales and personal, professional and business services required to meet the demands of the residential neighborhood in



Department of Metropolitan Development
 Division of Planning
 Current Planning

proximity. C-3 generally does not allow those businesses that require the outdoor display, sale or storage of merchandise, or require outdoor operations.

MU-2 (Mixed-Use District Two): This district is intended to accommodate a mix of residential uses, offices, personal services, retail, and eating & drinking businesses that typically do not draw customers from beyond their neighborhood boundaries and do not generate substantial vehicle traffic. The corridor development pattern of the MU-2 district is neighborhood-focused, supportive of safe, vibrant pedestrian activity, and offers additional housing options.

STAFF ANALYSIS

Approval of this rezone request would align with the Comprehensive Plan’s Village Mixed-Use typology and the Near West Neighborhood Land Use Plan’s (2014) Criteria Area #6 which recommends the use of retail on the bottom floors and residential upstairs for this site. Staff is recommending approval of the rezone request.

GENERAL INFORMATION

Existing Zoning	C-3	
Existing Land Use	Commercial	
Comprehensive Plan	Village Mixed-Use	
Surrounding Context	Zoning	Land Use
	North: PK-1	Haughville Park
	South: I-3	Fleet Terminal/ Call Center /Emergency Operations Center
	East: C-3	Basile Collaboration Center
	West: C-3	Motorcycle Repair Shop
Thoroughfare Plan		
West Michigan Street	Primary Arterial	78-foot Proposed right-of-way 80- foot Existing right-of-way
Context Area	Compact	
Floodway / Floodway Fringe	No	
Overlay	Airspace Secondary Zoning District	
Wellfield Protection Area	No	
Site Plan	March 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 (2019)
- Near West Neighborhood Plan (2014)

Pattern Book / Land Use Plan

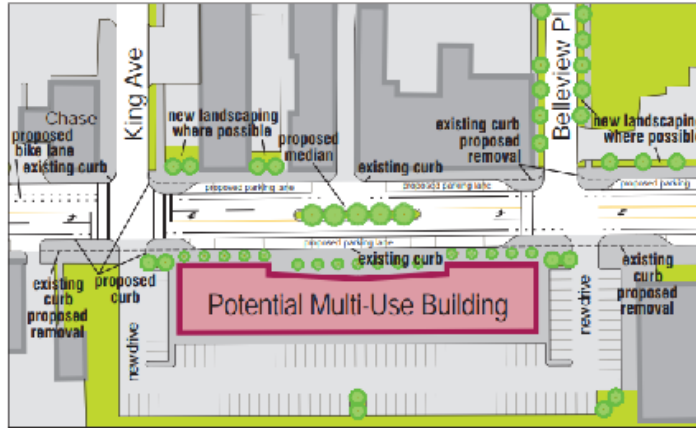
- The **Village Mixed-Use** typology creates neighborhood gathering places with a wide range of small businesses, housing types, and public facilities. This typology is intended to strengthen existing, historically small town centers as well as to promote new neighborhood centers. Businesses found in 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.
- **Small-Scale Offices, Retailing, and Personal or Professional Services**
 - Mixed-Use structures are preferred.
 - Resilient 2.4: Orienting uses toward the streets and other public spaces creates safer pedestrian environments.
 - Competitive 2.2: Neighborhoods that promote foot traffic ultimately generates more business for retail than areas that are only accessible by vehicle

Red Line / Blue Line / Purple Line TOD Strategic Plan

- Not Applicable to the Site.

Neighborhood / Area Specific Plan

- Near West Neighborhood Land Use Plan (2014)



Michigan St. Potential Streetscape - Typical Recommendations

• **Critical Area #6 Recommendations:**

- Appropriate land uses in this area are a mix of small, neighborhood-serving retail, offices, public and semi-public uses, open space and small-scale light industrial development
- Multi-story buildings with retail and services on the ground floor and offices or apartments on the upper floors are appropriate.
- Historically significant structures should be preserved and adaptively reused

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

2022-ADM-185; 2520 W Michigan Street (subject site), review of elevations, **approved**

2022-CZN-833; 2425 West Michigan Street (south of site), Rezoning of 3.32 acres from the C-S, C-3 and I-3 districts to the I-3 district to provide for a fleet terminal and call center/emergency operations center.

2022-CVR-833; 2425 West Michigan Street (south of site), Variance of development standards of the Consolidated Zoning and Subdivision Ordinance to legally establish a 20-foot front setback along Michigan Street (30 feet required), to provide for a dumpster enclosure in the front yard along Tremont Street (not permitted), and a ten-foot-tall perimeter fence (maximum six-foot tall fence permitted in the front yard).

2018-UV2-026; 2508 West Michigan Street (east of site), Variance of use and development standards of the Consolidated Zoning and Subdivision Ordinance to provide for a theatre (not permitted), with five parking spaces with deficient maneuvering, within the north rear transitional yard (18.5 spaces with adequate maneuvering required, eight-foot transitional yard required).

2012-ZON-018; 2425 West Michigan Street (east of site), Rezoning of 2.33 acres, from the PK-1 (W-5) District to the C-S (W-5) classification to provide for medium industrial uses, **approved**

2007-UV2-015; 2530, 2534, & 2544 West Michigan Street (west of site), requested a variance of use to provide for motorcycle and parts sales and assembly and storage of a commercial trailer and a variance of development standards to provide for deficient setbacks, **approved**.

2000-ZON-863 / 2000-VAR-863; 2314-2330 West Michigan Street (east of site), requested the rezoning of 0.7 acre from the C-3 district to the C-2 district, and a variance of development standards to provide for deficient setbacks, livability space ratio and major livability space ratio, **approved**.

98-Z-234; 502 North Tremont Street (east of site), requested the rezoning of 1.14 acre from the D-5, C-3 and PK-1 districts to the SU-38 district, **approved**.

87-UV1-129; 2530 West Michigan Street (west of site), variance of use and development standards to provide for the use of existing buildings and the construction of an additional sign contractor, with a deficient transitional yard in C-3, **granted**.

82-Z-78; 2502 West Michigan Street (west of site), request rezoning of 0.2 acres, being in C-S district, to SU-7 classification to provide for charitable rescue mission.

81-UV1-46; 2502 West Michigan Street (west of site), variance of use to permit remodeling of existing building inside, for use as a charitable mission, furnishing a church, food, lodging, employment assistance and recreation for a small number of people, **granted**

74-Z-88; 2530 West Michigan Street (west of site), request rezoning of 0.06 acres, being in I-3-U district to C-3 classification to provide for accessory parking, **approved**.



Department of Metropolitan Development
Division of Planning
Current Planning

71-AP-12; 2423 West Michigan Street (east of site), Request PK-1 approval to provide for a warehouse, **approved.**

EXHIBITS

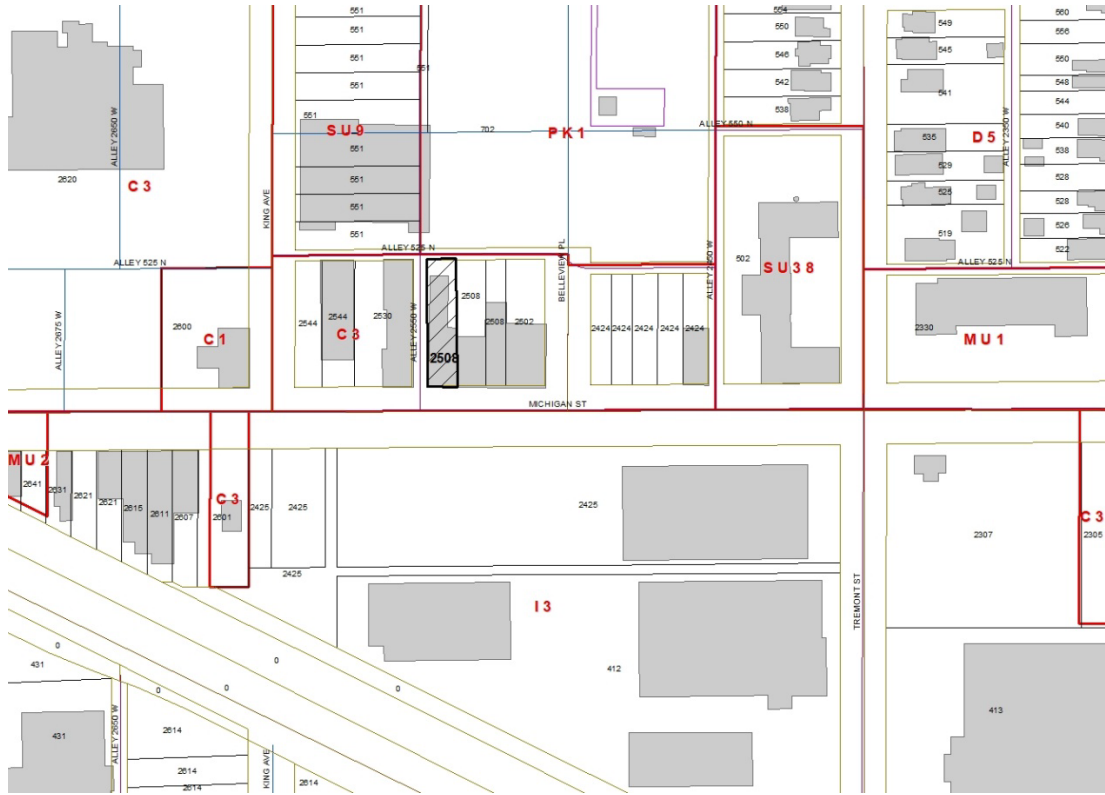
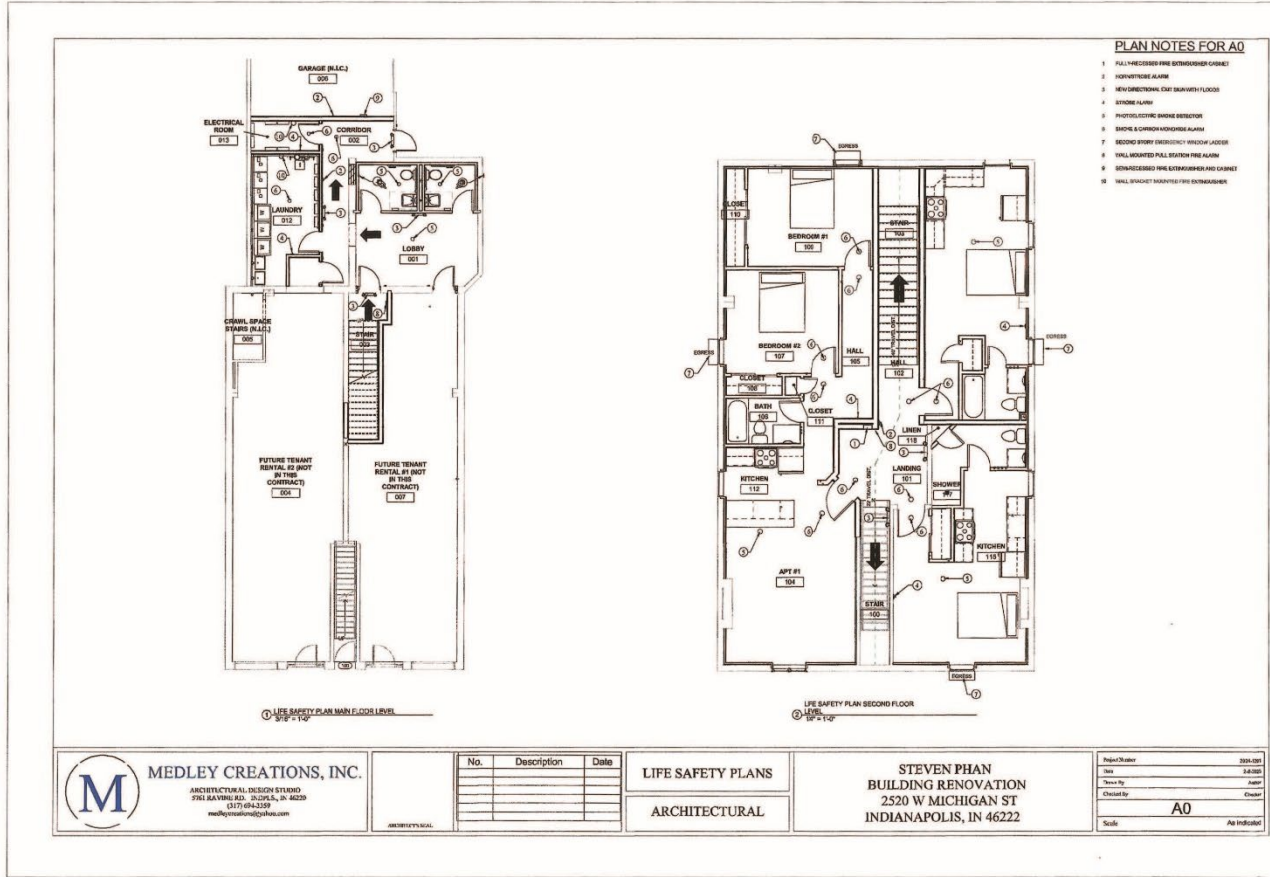


Figure 1 Area Map



2 Proposed Site Plan

SITE PHOTOS



Photo: 1 Looking west on Michigan Street



Photo: 2 Looking across Michigan Street



Photo: 3 Looking at the subject parcel



Photo: 4 Alley In-between Subject Property and Western Neighbor



Photo: 5 Looking Across the Street at the Subject Property



METROPOLITAN DEVELOPMENT COMMISSION **May 15, 2025**
HEARING EXAMINER

Case Number: 2025-ZON-035
Property Address: 445 Sanders Street
Location: Center Township, Council District #18
Petitioner: Eric Hopkins, by Mark and Kim Crouch
Current Zoning: C-3
Request: Rezoning of 0.12-acre from the C-3 to the D-8 district to provide for residential uses.
Current Land Use: Vacant
Staff Recommendations: Approval
Staff Reviewer: Kathleen Blackham, Senior Planner

PETITION HISTORY

This is the first public hearing on this petition.

STAFF RECOMMENDATION

Approval, subject to compliance with the D-8 district development standards.

PETITION OVERVIEW

This 0.12-acre site, zoned C-3, is vacant and surrounded by multi-family uses to the north, across Sanders Street, zoned D-8; vacant commercial use to the south, zoned C-3; single-family and multi-family uses to the east, across South East Street, zoned C-5 and D-P; and a single-family dwelling to the west, zoned C-3.

REZONING

The request would rezone the site to the D-8 district to provide for residential 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.”



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

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 typology.

Site Plan

The site plan, file-dated March 26, 2025, depicts an approximately 1,322 square-foot dwelling and a 12-foot-wide breezeway that would connect to an approximately 740-square-foot attached garage.

The site plan also indicates the clear sight-triangles at the intersections of the Sanders Street and South East Street and the east / west alley to the south and South East Street using a 75-foot sight distance for both a local street (Sanders Street and alley) and South East Street (primary arterial). The Ordinance requires a 75-foot sight distance for local streets and 120-foot sight distance for primary arterials.

If the property would be developed as depicted in the site plan, a variance of development would be required, which staff would not support. Staff believes development of the site should meet all the D-8 district standards.

Planning Analysis

As proposed, staff supports this rezoning request, subject to compliance with the development standards of this district. The current Ordinance provides options to facilitate development in neighborhoods that are currently being revitalized and redeveloped.

Staff would also note that the rezoning would allow development of the site to be consistent with the historical residential use on this site and the surrounding neighborhood.

GENERAL INFORMATION

Existing Zoning	C-3	
Existing Land Use	Vacant land	
Comprehensive Plan	Village Mixed-Use	
Surrounding Context	Zoning	Land Use
North:	D-8	Fourplex
South:	C-3	Commercial uses (vacant)
East:	C-5 / D-P	Single-family dwellings
West:	C-3	Single-family dwelling
Thoroughfare Plan		
South East Street	Primary arterial	Existing 45-foot right-of-way and proposed 56-foot right-of-way.
Sanders Street	Local Street	Existing 50-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 26, 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



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

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.
 - In master-planned developments, block lengths of less than 500 feet, or pedestrian cut-throughs for longer blocks, are encouraged.
 - Where possible, contributing historic buildings should be preserved or incorporated into new development.
- *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.
- *Detached Housing (defined as detached single-family homes. While this type of housing may include a secondary dwelling unit [such as a mother-in-law suite or carriage house], the secondary dwelling unit is usually smaller than the primary home and the entire property is under a single ownership).*
 - The house should extend beyond the front of the garage. Garages should be loaded from an alley or side streets when possible and should be detached if located on the side of the house.

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

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.”



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

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

2024-CZN-846 / 2024-CVR-846; 1267 and 1271 South East Street (south of site), requested rezoning of 0.214 acre from the D-P district to the MU-2 district to provide for a mixed-use development and a variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for a building encroaching into the clear-sight triangle of South East Street and Orange Street and reduced parking, **approved and granted**.

2023-CZN-812 / 2023-CVR-812; 1257 South East Street (south of site), requested rezoning of 0.13 acre from the C-1 district to the D-5 district and variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide an 810-square foot secondary dwelling unit without an entrance visible from the public right-of-way, **approved and granted**.

2017-CZN-837; 1306 South East Street (south of site), requested rezoning of 0.8 acre from the C-3 district to the D-5 classification, **approved**.

2016-ZON-015; 1263 South East Street (south of site), requested rezoning of 0.11 acre, from the D-P District to the D-5 classification, **approved**.

2015-UV3-033; 1324 South East Street (south of site), requested variances of development standards of the Commercial Zoning Ordinance and Sign regulations to provide for expansion of an existing commercial building for a restaurant, with outdoor seating, reduced parking, carryout without the required separation from a protected district, zero-foot setbacks for the outdoor seating and parking lot, maneuvering within the right-of-way, and a pick-up window awning extending into the right-of-way, **granted**.

2015-HOV-027; 601 Sanders Street (south of site), requested a variance of development standards of the Dwelling Districts Zoning Ordinance to provide for a detached garage, with a zero-foot side yard setback and a reduction in the required open space, **granted**.

2011-CZN-828 and 2011-CVR-828; 436 Sanders Street (west of site), requested rezoning of 0.1 acre from the C-5 District to the D-8 classification to provide for multifamily uses and Variance of development standards of the Dwelling Districts Zoning Ordinance to legally establish a four-unit multifamily building, with reduced setbacks, encroachment into the right-of-way, with zero parking spaces, and being within the clear sight triangle of East and Sanders Street, **approved and granted**.

2011-ZON-010; 1239, 1245, 1265, 1267 and 1271 South East Street (east of site), requested rezoning of 0.56 acre, from the C-1 District, to the D-P classification to provide for fourteen multi-family residential units at a density of 25 units per acre, **approved**.



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

2009-UV2-034; 1319 South East Street (south of site), requested a variance of use and development standards of the Commercial Zoning Ordinance to provide for the conversion of a non-conforming single-family dwelling into a two-unit dwelling and to provide for an entrance landing with reduced side setback, **withdrawn**.

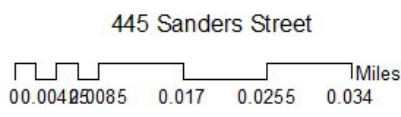
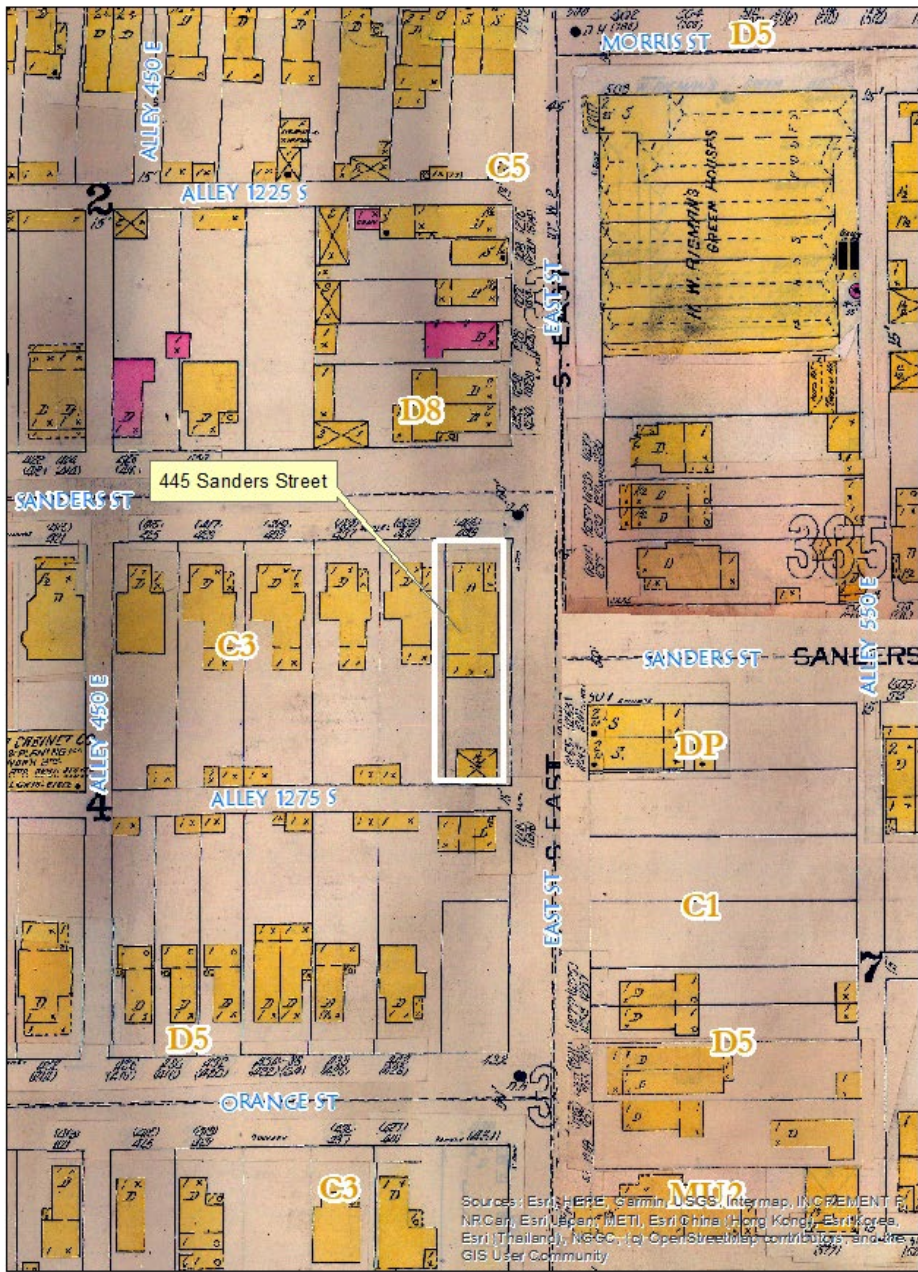
2003-LNU-001; 1270 South East Street (south of site), requested legal nonconforming use status to establish a tavern in a C-1 District, **granted**.

87-UV3-85; 613 Sanders Street (east of site), requested a variance of use and development standards of the Dwelling Districts Zoning Ordinance to provide for the construction of a garage for a two-family dwelling, with reduced side yard setback, **granted**.



Department of Metropolitan Development
 Division of Planning
 Current Planning

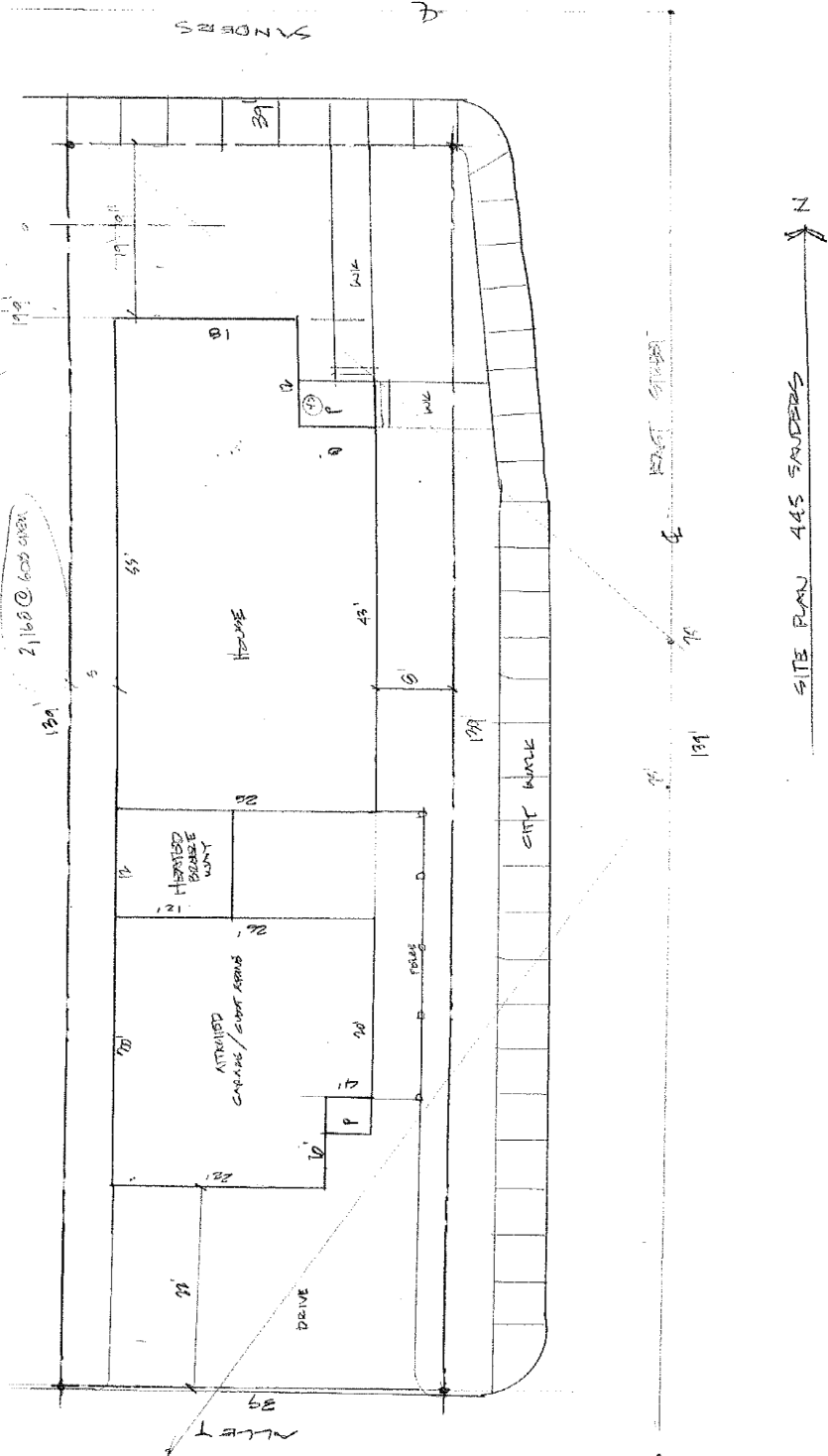
Sanborn Map 1898





Department of Metropolitan Development
Division of Planning
Current Planning

Now PROPOSED C-3 (P8 OR P5 II?)
1000s 1374 sq ft + 1000 sq ft + 1000 sq ft + 1000 sq ft = 4168 TOTAL LOT = 4168 (OR 55.6 OPEN)
2,168 @ 600 OPEN



SITE PLAN 445 SANDERS



View looking north along South East Street



View looking southeast across South East Street and Sanders Street



View of site looking south across Sanders Street



View of site looking north from east / west alley to the south



View of site looking west across South East Street



METROPOLITAN DEVELOPMENT COMMISSION **May 15, 2025**
HEARING EXAMINER

Case Number: 2025-ZON-036

Property Address: 3550 North Washington Boulevard (approximate address)

Location: Center Township, Council District #8

Petitioner: Indianapolis Neighborhood Housing Partnership, Inc., by Tyler T. Ochs

Current Zoning: D-3

Request: Rezoning of 0.78-acre from the D-3 district to the C-1 district to provide for office uses.

Current Land Use: Office

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 this request.

PETITION OVERVIEW

LAND USE

The 0.78-acre site is developed with a commercial office building and associated parking lot.

It is surrounded by single-family dwellings north and east, zoned D-3, a single-family dwelling and multi-family dwellings to the west, zoned D-3 and D-9, and an office building to the south, zoned D-3.

REZONING

The request would rezone the property from the D-3 district to the C-1 district to allow for office uses, which are not permitted in the existing dwelling district.

The D-3 district provides for low- or medium- intensity residential development. Land in this district should have good thoroughfare access, be relatively flat in topography, and be afforded pedestrian linkages to community and neighborhood services and facilities (schools, parks, shopping areas, etc.). Recreational



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

facilities developed for the neighborhood complement the treed yards on the individual lots. Predominantly single-family detached dwellings are envisioned with two-family dwellings on corner lots in this district. The D-3 district has a typical density of 2.6 units per gross acre. This district fulfills the low-density residential classification of the Comprehensive General Land Use Plan. All public utilities and facilities must be present. Development plans, which may include the use of clustering, should incorporate and promote environmental and aesthetic considerations, working within the constraints and advantages presented by existing site considerations, including vegetation, topography, drainage and wildlife.

The C-1 District is designed to perform two (2) functions: act as a buffer between uses, and provide for a freestanding area that office uses, compatible office-type uses, such as medical and dental facilities, education services, and certain public and semipublic uses may be developed with the assurance that retail and other heavier commercial uses with incompatible characteristics will not impede or disrupt those uses. Since the buildings for office, office-type and public and semi-public uses are typically much less commercial in appearance, landscaped more fully and architecturally more harmonious with residential structures, this district can serve as a buffer between protected districts and more intense commercial or industrial areas/districts - if designed accordingly. This district, with its offices and other buffer type uses, may also be used along certain thoroughfares where a gradual and reasonable transition from existing residential use should occur.

STAFF ANALYSIS

The site is situated in a unique location between where commercial structures are located within a residential area.

A portion of the subject site was granted a Use Variance to include offices in 1984. Rezoning to the C-1 district would align the zoning district with the existing office use and allow for site development without additional variances so long as new development complies with C-1 standards.

The Mapleton-Fall Creek Neighborhood Land Use Plan (2013) recommends office commercial uses for most of the site. The proposed C-1 district is the office buffer district, which is appropriate for transitions between residential and commercial districts. Therefore, staff is supportive of the rezoning to C-1.

GENERAL INFORMATION

Existing Zoning	D-3	
Existing Land Use	Office	
Comprehensive Plan	Office Commercial Uses / 5-8 Residential Units Per Acre	
Surrounding Context	<u>Zoning</u>	<u>Land Use</u>
North:	D-3	Residential (Single-family dwellings)
South:	D-3	Enter Land Use
East:	D-3	Residential (Single-family dwelling)
West:	D-3 / D-9	Residential (Single-family dwelling / multi-family dwellings)

Thoroughfare Plan		
Washington Boulevard	Primary Arterial Street	78-foot proposed right-of-way and 100-foot existing right-of-way.
36 th Street	Local Street	48-foot proposed right-of-way and 40-foot existing right-of-way.
Context Area	Compact	
Floodway / Floodway Fringe	No	
Overlay	Yes	
Wellfield Protection Area	No	
Site Plan	March 26, 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

- Mapleton-Fall Creek Neighborhood Land Use Plan (2013)
- Indy Moves Transportation Integration Plan (2018).

Pattern Book / Land Use Plan

- Not Applicable to the Site. Please see Mapleton-Fall Creek Neighborhood Land Use Plan (2013) below.

Red Line / Blue Line / Purple Line TOD Strategic Plan

- Not Applicable to the Site.

Neighborhood / Area Specific Plan

- The site falls within the Mapleton-Fall Creek Neighborhood Land Use Plan (2013).



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

- The site is recommended for office commercial uses and residential development greater than five and equal to or less than eight units per acre.
- The office commercial uses land use category is for low-intensity office uses, integrated office development and compatible office-type uses. Retail uses are not promoted in this category, unless those uses are significantly subordinate to the primary office use, or the retail use exclusively serves an abundance of office uses in proximity to the retail use. Office Commercial Uses can exist either as buffers between higher intensity land uses and lower intensity land uses or as major employment centers. The following uses are representative of this land use category: medical and dental facilities, education services, insurance, real estate, financial institutions, design firms, legal services, day care centers, mortuaries, and communications studios.
- In suburban and rural areas, the residential development greater than five and equal to or less than eight units per acre recommendation is a common multi-family density and typically the highest density single-family category in suburban areas. In urban areas, it is common for both single-family and multi-family development. Development at this density is appropriate along bus corridors but should not take place in proximity to planned light rail transit stops.
- The majority of the site is recommended for office commercial uses which would align with the rezoning to the C-1 district.

Infill Housing Guidelines

- Not Applicable to the Site.

Indy Moves

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

- The site falls within the Indy Moves Transportation Integration Plan (2018).
- The Plan, more specifically Indy Moves Pedal Indy 2018, proposes an active transportation neighborway along Central Avenue/ 28th Street /Washington Boulevard from Boulevard Place/28th Street to Central Avenue/Westfield Boulevard.



ZONING HISTORY

Zoning History – Site

85-Z-219; 3601 Washington Boulevard (subject site), Rezoning petition of approximately 46 acres initiated by the Metropolitan Development Commission to correct a mapping error in Ordinance 84-AO-5 which omitted the zoning district classification for affected properties previously zoned to the D-3 classification on Base Map Number 18, **approved**.

84-UV2-30; 3534-3538 Washington Boulevard (subject site), Variance of use of the Dwelling Districts Zoning Ordinance to provide for the erection of a commercial building to be used as an audio production studio with general offices, **granted**.

84-Z-48; 3532 – 3538 Washington Boulevard (subject site), Rezoning to the C-3 district for the construction of a single-story building of approximately 5,570 square feet, **withdrawn**.

Zoning History – Vicinity

2025-ZON-020; 3520 Washington Boulevard (south of site), Rezoning of 0.82-acre from the D-3 district to the C-1 district to provide for religious and office commercial uses, **approved**.

2004-ZON-107; 3515 Washington Boulevard (southeast of site), Rezoning of 0.97 acre, being in the D-3 District, to the SU-2 classification to provide for educational uses, **approved**.

EXHIBITS



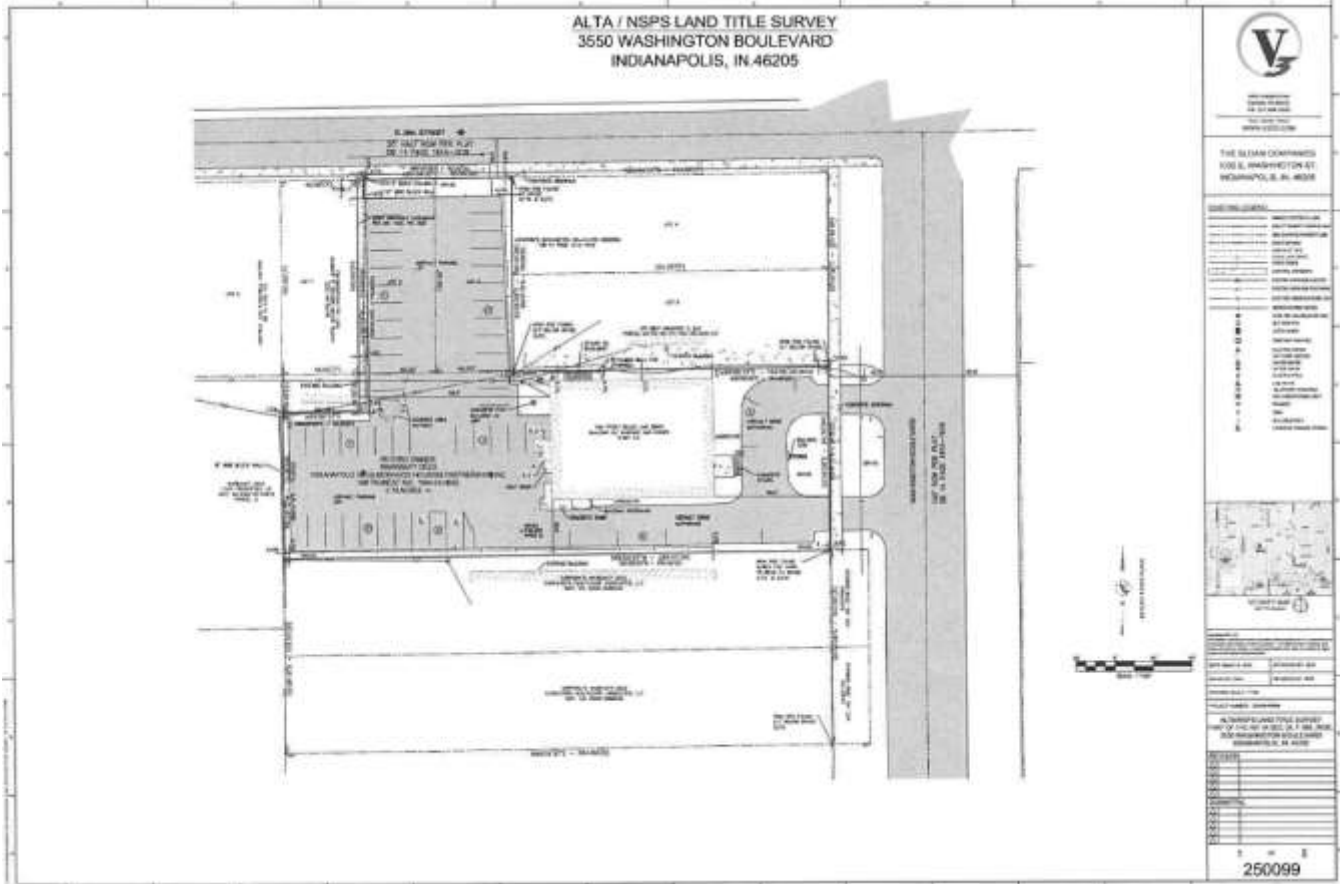




Photo of the subject site looking west from Washington Boulevard.



Photo of the rear parking lot on the subject site.



Single-family dwelling west of the parking lot.



Single-family dwellings north of the parking lot across 36th Street.



Office building south of the subject site.



Single-family dwelling north of the site.



Single-family dwellings east of the site across Washington Boulevard.



METROPOLITAN DEVELOPMENT COMMISSION **May 15, 2025**
HEARING EXAMINER

Case Number: 2025-ZON-024

Property Address: 5712 Bluff Road (approximate address)

Location: Perry Township, Council District #22

Petitioner: Alt Construction, LLC, by Brian J. Tuohy

Current Zoning: D-A

Request: Rezoning of 41.55 acres from the D-A district to the I-2 district to provide for light industrial uses.

Current Land Use: Agricultural

Staff Recommendations: To be determined.

Staff Reviewer: Desire Irakoze, Principal Planner II

PETITION HISTORY

ADDENDUM FOR MAY 15, 2025 HEARING EXAMINER

This petition was automatic continued from the April 10, 2025 hearing to the May 15, 2025 hearing at the request of the Registered Neighborhood Organization, Southdale Neighborhood Association.

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

APRIL 10, 2025

A timely automatic continuance request was filed by a Registered Neighborhood Organization, Southdale Neighborhood Association, continuing this petition from the April 10, 2025 hearing to the May 15, 2025 hearing. This would require acknowledgement from the Hearing Examiner

STAFF RECOMMENDATION

Staff recommendation is to be determined.



METROPOLITAN DEVELOPMENT COMMISSION **May 15, 2025**
HEARING EXAMINER

Case Number: 2024-CVR-855 / 2024-CPL-855

Property Address: 1527 East 12th Street (Approximate Address)

Location: Center Township, Council District #13

Petitioner: Tyler and Natalie Sadek, by Paul Lambie

Current Zoning: D-8 (FF) (FW)
 Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for a detached single-family dwelling on proposed Lot 3, with a front building line of approximately 210 feet (front building line range between 10 feet of 19.9 feet required).

Request: Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to build within 60 feet of the stream protection corridor (not permitted).
 Approval of a Subdivision Plat to be known as Replat of Lot 29 in Milligan’s Park Lane Addition, subdividing 1.878 acres into three lots.

Current Land Use: Undeveloped

Staff Recommendations: **Split**

Staff Reviewer: Desire Irakoze, Principal Planner II

PETITION HISTORY

ADDENDUM MAY 15, 2025 HEARING EXAMINER

The petitioner submitted an amended site plan, which includes a 25-foot buffer from Pogue’s Run, based on the soil report from Marion County Soil & Water Conservation District. However, staff believes the current site plan does not demonstrate practical difficulty. Alternative configurations of the site plan exist that would allow development while complying with the Stream Protection Corridor, thus the hardship criteria cannot be satisfied.

Therefore, staff still **recommends denial** of the Variance of Development Standards request to build within 60 feet of the Stream Protection Corridor.

Staff recommends **approval** of the Variance of Development Standards request from the front building line of approximately 210 feet (front building line range between 10 feet of 19.9 feet required).

Staff recommends that the Hearing Examiner **approve** and find that the plat, file-dated March 19, 2025 complies with the standards of the Subdivision regulations, subject to the following conditions:



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

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. The plat shall be recorded within two (2) years after the date of conditional approval by the Hearing Examiner.

ADDENDUM APRIL 10, 2025 HEARING EXAMINER

This is petition was continued from the March 27, 2025 hearing to the April 10, 2025 hearing.

This petition was continued for cause from April 10, 2025 hearing to the May 15, 2025 hearing at the request of remonstrator. To allow additional time for Marion County Soil & Water Conservation District to review the site.

ADDENDUM MARCH 27, 2025 HEARING EXAMINER

This petition was continued for cause to continue this matter from the February 27, 2025 hearing to the March 27, 2025 hearing to allow additional time to review the building plans and if new notice is needed.

A variance request was added to allow the building within 60 feet of the stream protection corridor.

ADDENDUM FEBRUARY 27, 2025 HEARING EXAMINER

This petition was continued from the January 23, 2025 hearing to the February 27, 2025 hearing.

JANUARY 23, 2025

This is the first public hearing for this petition.

STAFF RECOMMENDATION



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

Staff recommends **denial** of the Variance request from **744-205**, to allow for construction in the stream protection corridor.

Staff recommends **approval** of the Variance request from **744-701**, to allow an increase in the front building line.

Staff recommends that the Hearing Examiner **approval** and find that the plat, file-dated 3/19/2025, 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. The plat shall be recorded within two (2) years after the date of conditional approval by the Hearing Examiner.

PETITION OVERVIEW

LAND USE

The 19.89-acre subject is currently an undeveloped residential use.

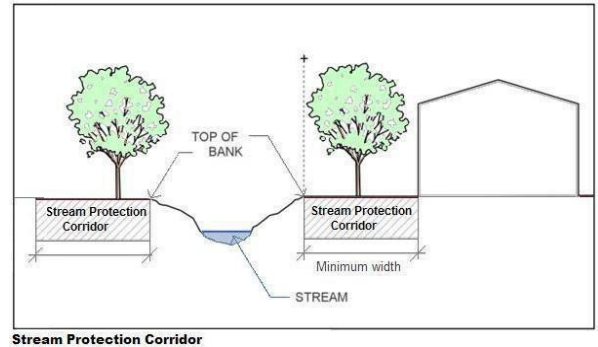
VARIANCE OF DEVELOPMENT STANDARDS

The petition has requested two (2) variances of development standards.

This petitioner is seeking relief from section from ordinance Table 744-701-2, to increase the maximum front building line to 210, the current build range is 10' to 19.9', this would be an increase of 190.'

This petition is seeking relief from section from ordinance Table 744-205-2, to allow construction of the residential building unit within 60' of the stream protection corridor.

Table 744-205-1: Stream Protection Corridor Widths		
Context Area	Category One Streams	Category Two (Other Mapped Streams)
Compact	60 feet	25 feet
Metro	100 feet	50 feet



PLAT

The plat would replat Milligan’s Park Lane Addition L29, dividing 1.878 acres into three lots. The proposed plat would meet the standards of the D-8 district except for development standards introduced in the companion variance request.

STREETS

Lots One, Two and Three have frontage of off 12th street, no new street is proposed.

SIDEWALKS

Sidewalks are existing along 12th Street.

STAFF ANALYSIS

The petitioner's request to plat three (3) lots represents minimal density compared to the surrounding neighborhood pattern. Given the property's unique physical conditions that significantly limit development options, staff recommends **approval** of the Development Standards Variance.

Staff recommends **denial** of the intrusion into the Stream Protection Corridor. The function of the Stream Protection Corridor is to control erosion, improve water quality, provide flood storage, and preserve habitat and aesthetics. No hardship exists as the petitioner can still reasonably develop the property without encroachment, as demonstrated in Petitioner's Exhibit B, without the granting of this variance.

GENERAL INFORMATION

Existing Zoning	D-A
Existing Land Use	Undeveloped
Comprehensive Plan	Large-Scale Park
Surrounding Context	<u>Zoning</u> <u>Land Use</u>



Department of Metropolitan Development
 Division of Planning
 Current Planning

North:	D-8	Residential (Single-family dwellings)
South:	D-3	Residential (Single-family dwellings)
East:	D-8	Residential (Single-family dwellings)
West:	D-8	Residential (Single-family dwellings)
Thoroughfare Plan		
12 th Street	Local Street	48-foot existing right-of-way
Context Area	Compact	
Floodway / Floodway Fringe	No	
Overlay	No	
Wellfield Protection Area	No	
Site Plan	12/10/2024	
Site Plan (Amended)	3/19/2025	
Elevations	N/A	
Elevations (Amended)	N/A	
Landscape Plan	N/A	
Findings of Fact	12/10/2024	
Findings of Fact (Amended)	3/19/2025	
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 Marion County Land Use Plan Pattern Book (2019) recommends **Large-Scale Parks** are generally over 10 acres in size.
 - Due to the nature of this typology, it does not have any recommended land uses

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

- **SITE CONFIGURATION**

- **Front Setbacks**

- 1. When Setbacks are Different, Build in the 'Setback Range'
- If setbacks are varied, new construction should fall in range between the shortest and longest distances from the right-of-way (i.e. streets or sidewalks) to houses

- **Building Orientation**

- Orient Towards the Street Orient the front façade of a house in the same direction as other houses on the street. Avoid single buildings which turn away from the street and give the appearance that the street façade is not the front façade

Indy Moves

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

- Not Applicable to the Site.



Department of Metropolitan Development
Division of Planning
Current Planning

ZONING HISTORY

Zoning History - Vicinity

2020ZON027; 1018 Newman Street (southeast of site), Rezoning of 0.06 acre from the MU-1 district to the D-8 district, **approved**.

2019CN801; 1436 E 10th Street (west of site), Rezoning of 0.27 acre from the MU-1 district to the D-8 district to provide for the construction of three single-family dwellings, with detached garages, **approved**.

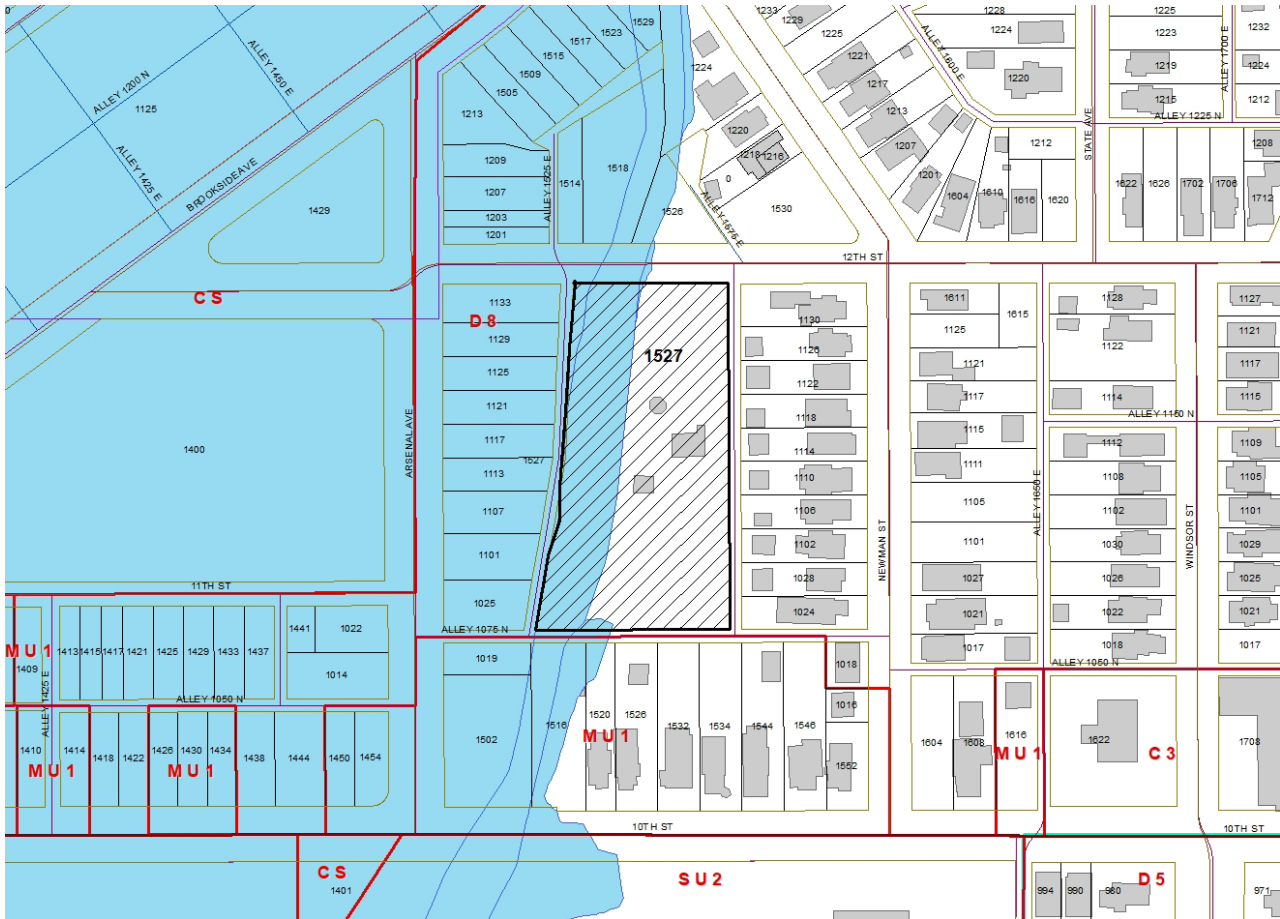
2018ZON124; 1604 E 10th Street (southeast of site), Rezoning of 0.37 acre from the MU-1 district to the D-8 classification, **approved**.

92-Z-138/ 92-CV-18; 1125 Brookside Avenue (west of site), Rezoning of 16.7 acres, being in the I-4-U, PK-1, C-2, and D-8 Districts, to the C-S classification to provide for manufacturing, receiving, storage, distribution, and offices within an existing building, **approved**



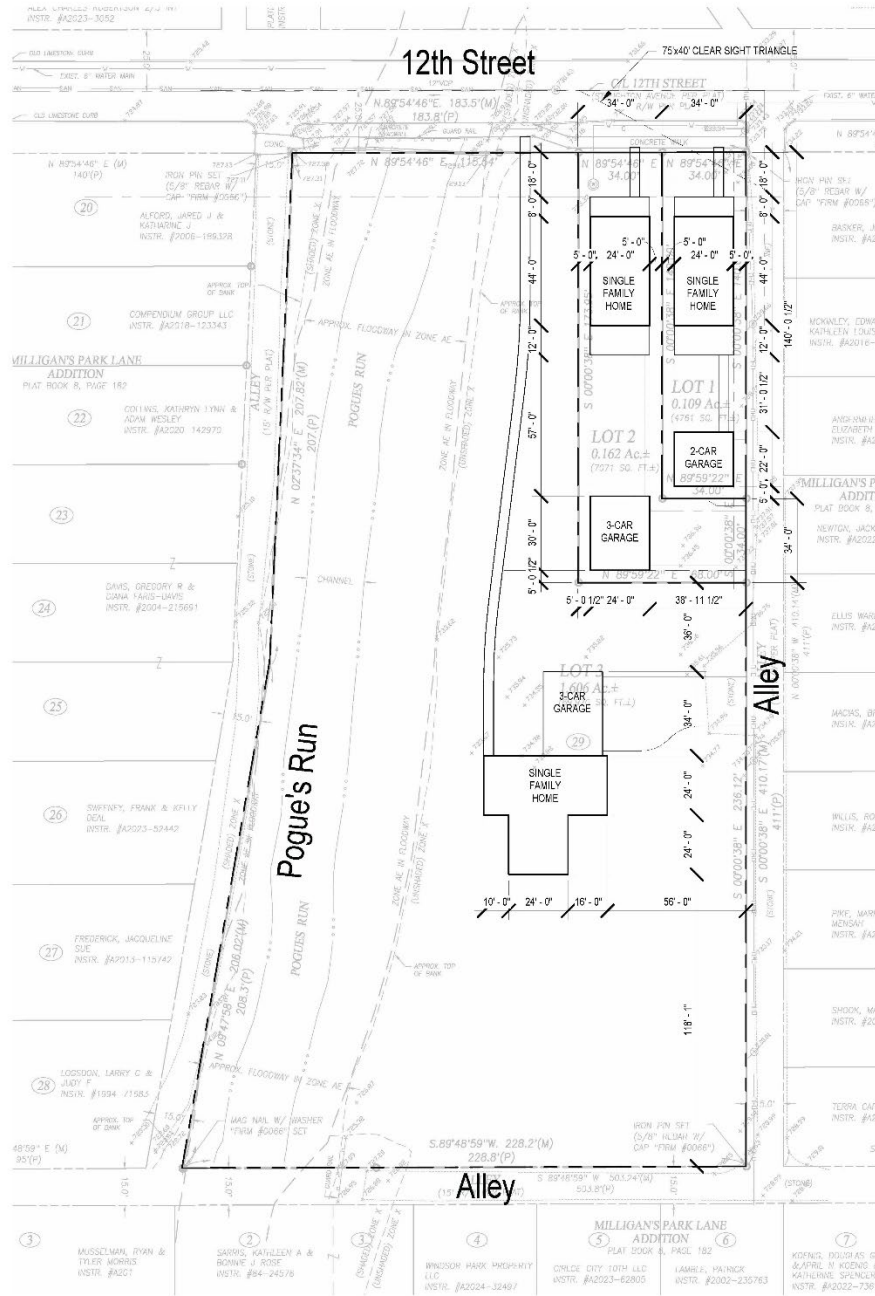
Department of Metropolitan Development
 Division of Planning
 Current Planning

EXHIBITS



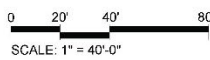


Department of Metropolitan Development
Division of Planning
Current Planning



Floor Plan
1 Site Plan
1" = 40'-0"

WOVE

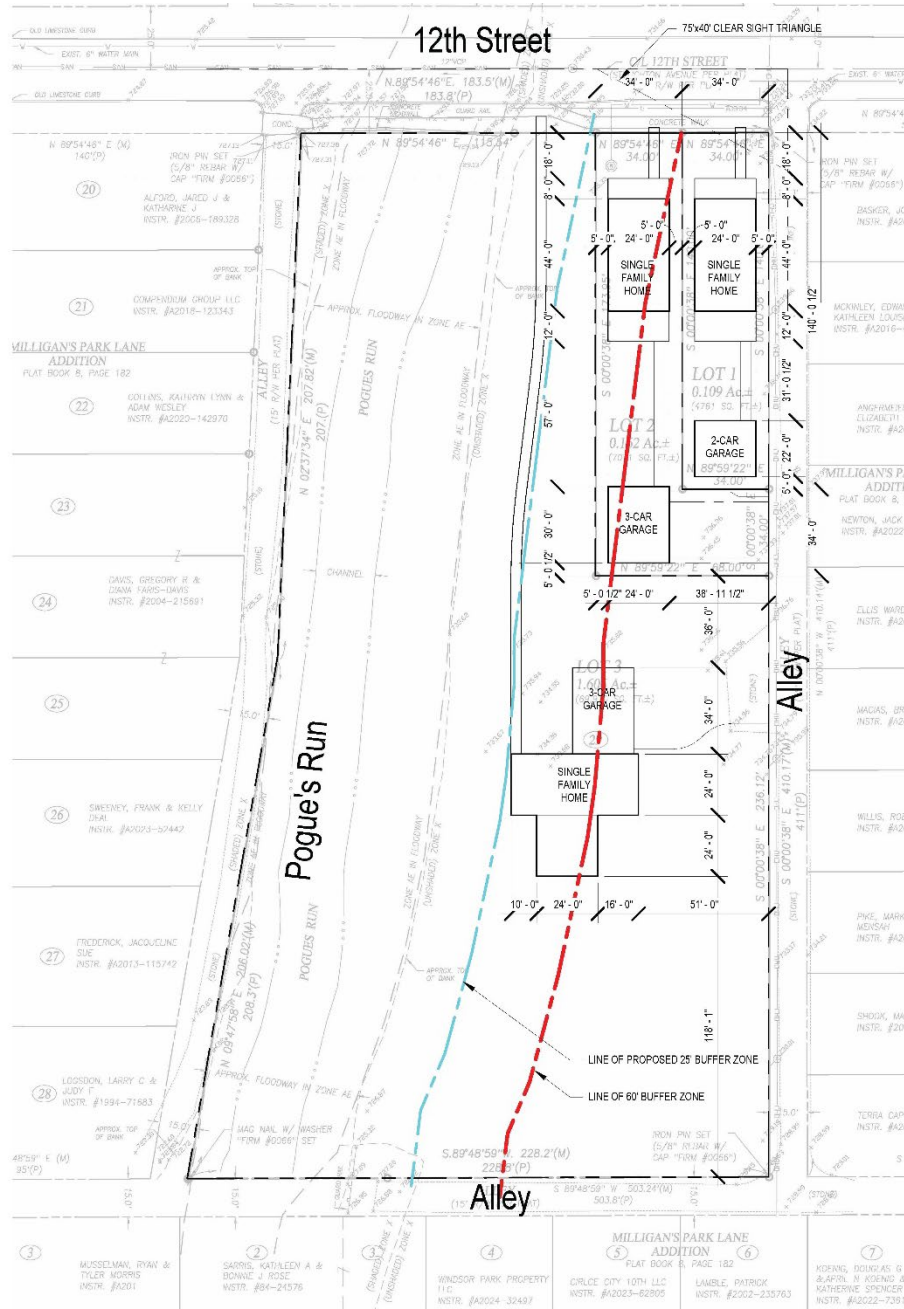


1527 Development
1527 E. 12th Street, Indianapolis

SD001

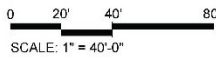
11.13.24

Figure 1 Original Site Plan 12.10.2024



Floor Plan
1 Site Plan
1" = 40'-0"

WOVE
ARCHITECTURE + DESIGN

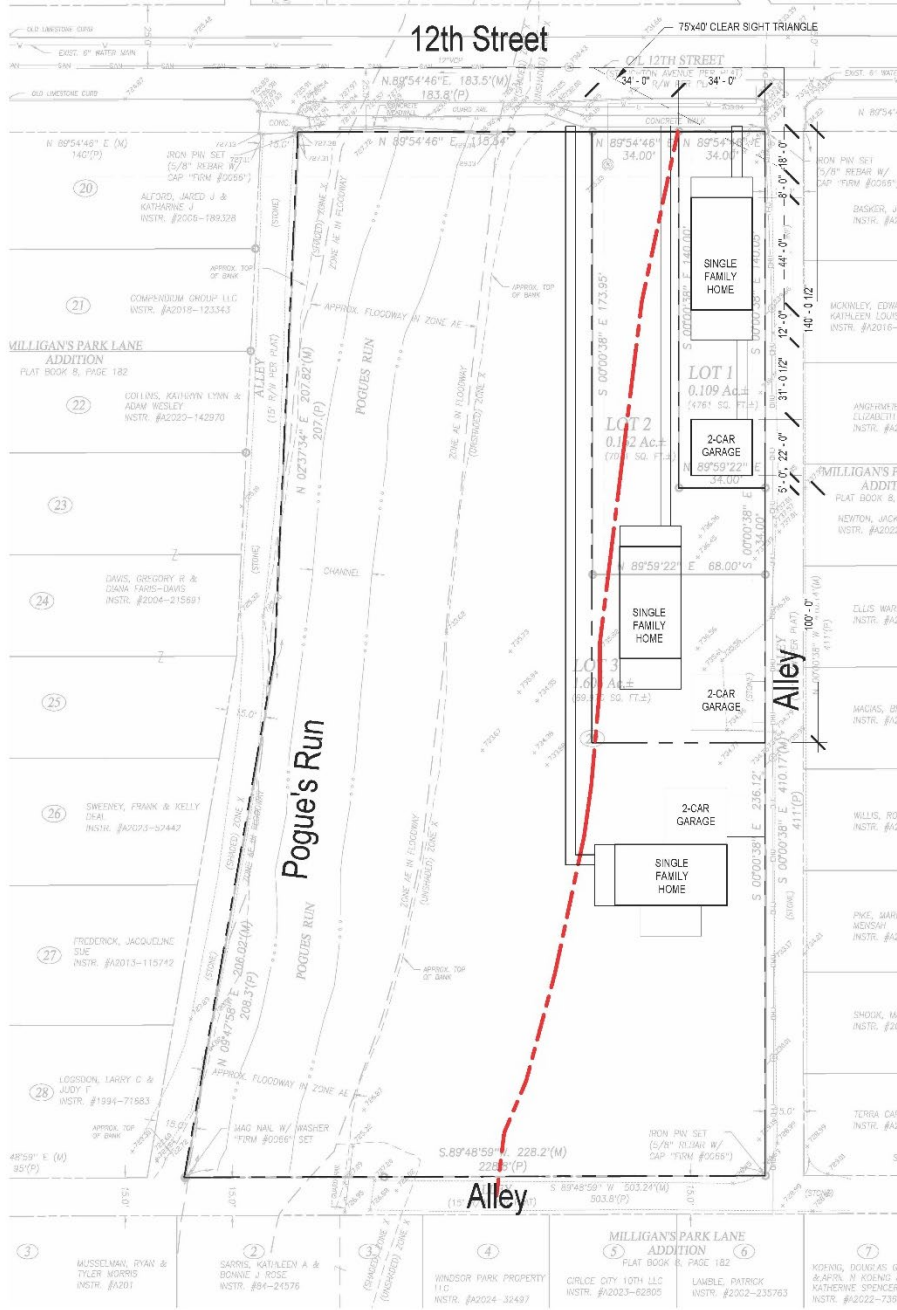


1527 Development SD00
1527 E. 12th Street, Indianapolis
04.30.25

Figure 2 New Site Plan 5.1.2024



Department of Metropolitan Development
Division of Planning
Current Planning



Floor Plan
1 Site Plan
1" = 40'-0"

Figure 3 Complaint to Stream Protection Corridor



View look at the ally access



Looking at the residence across from subject site



From the ally looking at subject site



From the ally looking at subject site From the 12th street looking west



View of trees, from 12th street looking at subject parcel



View from alley looking at 12th street.



STREAM PROTECTION CORRIDOR VARIANCE

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:

significant mature trees and vegetation will remain in the stream protection corridor and supplemental plantings will be added as warranted to mitigate any impact from the proposed building encroachments.

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 proposed development will be consistent with the development pattern of the neighborhoods where buildings set back less than sixty feet (60') from the top of the stream bank are commonplace.

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

it would render more than half of the nearly two-acre site unbuildable and would either require the site to remain as one parcel, which is an unrealistically large size for an urban residential parcel, or it would require multiple homes to be all built along the far eastern side of the property with limited or no visibility from a public street.



FRONT BUILDING LINE VARIANCE

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 dwelling will be in the general longstanding historical location of a previous dwelling, and dwellings to be built on the two adjacent lots to be platted will be built at the required build-to range, so that the resulting development will give the appearance that is intended by the zoning 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:

the location of the proposed dwelling will be generally consistent with the longstanding location of the previous dwelling on uniquely shaped and sized property.

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

the depth of this longstanding platted parcel is several times deeper than the typical urban lot, and building a dwelling with a greater setback is more typical and desirable for a lot of such depth which is similar to an estate type lot.



PRELIMINARY PLAT REVIEW

Lot 29- Milligan's Park Lane Addition

GENERAL COMMENTS

The Marion County SWCD is available to assist landowners and developers with their land use decisions. Much of what is left of undeveloped land in our county has some major limitations for urban land use. Many of these acres have seasonally high groundwater tables, are in flood zones, are highly erodible or contain environmentally sensitive areas. The SWCD has been actively involved in helping landowners make wise land use decisions for 50 years. We would be happy to assist you also, ensuring that your development becomes the best it can be. Please review this report as you are making your final decisions and contact us for further information.

SOIL TYPES & DRAINAGE RECOMMENDATIONS

- **Urban Miami complex (YmaB)*** - consists of deep, nearly level to moderately steep, moderately well-drained soils that may be eroded. In some areas glacial till may be close to the surface and seeps or springs may be present. Side yard drainage swales should be graded to provide at least 1% fall and 4:1 side slopes for ease of maintenance. Foundations should be set at least 18" above street level. Building foundations should be graded away from the building should provide at least 6" of fall within the first 10 feet. Downspouts should be extended out 10' from the foundation. If seeps or springs are present basements should be provided with a gravity drained subsurface drainage tile. Supplementary erosion control protection should be installed on steep erosive slopes.

- **Urban soil types are so altered and obscured by public works and structures that identification of the soils is not feasible. The descriptions above are approximate based on the original soil. Compaction, filling and other alterations may affect the ability of these soils to drain properly.**

MISSION

The Mission of the Marion County Soil & Water Conservation District is to assist Marion County land users in conserving soil, water, and related natural resources by providing technical, financial and educational services.

Contact

PHONE:
317-786-1776

WEBSITE:
www.marionswcd.org

EMAIL:
robert-kendall@iaswcd.org
(Questions regarding Construction Stormwater General Permit compliance & erosion concerns)

julie-farr@iaswcd.org
(Questions on soil types, drainage, ponds & other natural resource issues)

ADDRESS

Marion County SWCD
200 E. Washington St., Suite 1401
Indianapolis, IN 46204

- **Urban Genesee Silt Loam (YguAH)-** This well drained soil has a seasonal high watertable at 4.0 to 6.0 ft. and is on floodplains. Slopes are 0 to 2 percent. The native vegetation is hardwoods. The surface layer is silt loam and has moderate organic matter content (2.0 to 4.0 percent). Permeability is moderate (0.6 to 2 in/hr) in the most restrictive layer above 60 inches. Available water capacity is high (11.6 inches in the upper 60 inches). The pH of the surface layer in non-limed areas is 6.6 to 7.8. The flooding hazard is a management concerns for crop production. Because of the flooding hazard, this soil has a severe limitation for most non-ag uses. **We highly recommend that floodplains be left undisturbed and set aside as green space or farmland.**

DOWNSTREAM LIMITATIONS/CONCERNS

The drainage for the project area is predominately by storm sewers. It is vitally important to maintain good erosion control to keep sediment from entering the storm sewer system. Please provide adequate erosion control measures throughout the project and ensure that they are well maintained. For assistance please contact our Urban Conservationist and visit our website for more information: <http://marionswcd.org/construction/>

The receiving waters for this construction project is Pogues Run. Protection of this stream is vital to adequate drainage of the watershed and the preservation of wildlife habitats and natural resources in the area. Provide an adequate emergency protection plan for soil & water resources in case of spills. Please also provide adequate erosion control measures throughout the project and ensure that they are well maintained. For assistance please contact our Urban Conservationist and visit our website for more information: <http://marionswcd.org/construction/>

SUGGESTED PROTECTIVE BUFFER LOCATIONS

Naturally vegetated buffer strips along lakes, ponds, streams and wetlands are critical to the health of these water bodies. Buffers provide protection by filtering runoff water, helping with shoreline stabilization, preserving fish & wildlife habitat, and discouraging overuse by geese. We highly recommend the use of buffer strips of at least 25 feet in width or over 50 feet for sensitive areas such as wetlands. Choosing native species is preferred. For more information & suggested plant lists see our website: <http://marionswcd.org/water-quality/>

EROSION CONTROL RECOMMENDATIONS

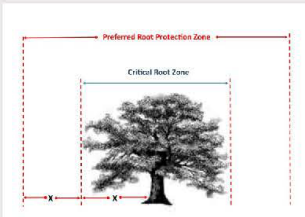
This project contains areas of highly erodible soils. It is imperative that these slopes are well protected at all times during the project and well vegetated after the construction process is complete. Frequent inspections, especially after rainfall events and quick response to maintenance to all erosion control measures must be a high priority on this site. Our office is available to provide technical assistance. Please contact our Urban Conservationist and visit our website for more information: <http://marionswcd.org/construction/>

SENSITIVE AREA PROTECTION

The area downstream from this project area is known to have flooding or drainage problems. Please ensure that development is done in such a way that adequate storage is provided and the outlet is adequate to receive the drainage.

This project contains areas of highly permeable soils. Please ensure that extra precautions are taken to protect groundwater resources.

TREE PROTECTION & PLANTING



Tree Protection

Preserving & protecting existing quality trees on a construction site can enhance the aesthetics of a property, protect natural resources including soil & water, and can save the expense of planting new smaller-grade trees on the back end of the project. Protect trees by fencing off and posting preservation areas around the trees. Protecting the tree root zones from compaction and stockpiled topsoil (which can suffocate the trees) is vital to maintaining tree health during construction. While protecting the roots out to the drip line of the tree is essential, protecting the roots that extend beyond this area is preferred. The preferred tree protection zone is calculated by measuring the distance from the trunk to the edge of the dripline (critical root zone) and adding that distance outside of the critical root zone area. (2X in diagram at left)

Tree Planting

Planting trees is a wise investment for the future. Trees provide many benefits aesthetically, environmentally and socially. Choosing the right tree for the intended location is a critical component in assuring healthy mature trees for the future. Consider the mature height & width of the tree species, the soil type, microclimate, & proximity to other trees, buildings & utilities when making selections. Trees are often planted too close to buildings, streets and sidewalks because their future root zone is not considered. We highly recommend choosing native species because of their natural resistance to disease and being well-acclimated to our local climate.

Our website has a number of resources to help you make good choices. <http://marionswcd.org/trees/>

RAIN GARDENS & BIOSWALES

We highly recommend using rain gardens and bioswales in new developments to assist in protecting water quality and reducing offsite runoff. Please refer to our website for more information on these practices: <http://marionswcd.org/water-management/>

NATIVE PLANTINGS

We highly recommend that new developments consider using native plant species in their landscapes. Native plants are non-invasive, provide wildlife food & habitat, are well suited to our soils and climate, and have a natural resistance to insects & diseases often found in our area. A fact sheet is available on our website which gives more information on native species: <http://marionswcd.org/plants/>



Item 13.

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



METROPOLITAN DEVELOPMENT COMMISSION **May 15, 2025**
HEARING EXAMINER

Case Number: 2025-CPL-805/ 2025-CVR-805

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.

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

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 width required), and to provide for on-site septic systems for each lot (public sewer facility required) and to provide for future construction of a freestanding building, without the required installation of frontage sidewalks (required).

Current Land Use: Residential

Staff Recommendations: **Denial**

Staff Reviewer: Desire Irakoze, Principal Planner II

PETITION HISTORY

ADDENDUM FOR MAY 15, 2025 HEARING EXAMINER

This petition was continued from the April 24, 2025 hearing to the May 15, 2025 hearing at the request of the petitioner. The request was amended to include a variance of development standards to provide for future construction of a freestanding building, without the required installation of frontage sidewalks (required).

Staff recommends **denial** of the variance 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).

Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for on-site septic systems for each lot (public sewer facility required)

Staff recommends **approval** of the variance requests.



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

Staff recommends that the Hearing Examiner **approve** and find that the plat, file-dated January 15, 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. The plat shall be recorded within two (2) years after the date of conditional approval by the Hearing Examiner.
13. The sidewalk waiver request be denied.

ADDEDUM FOR APRIL 24, 2025, HEARING EXAMINER

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 waiver 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 HEARING EXAMINER

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 waiver of the sidewalk requirements. This request will require new notice.

FEBRUARY 27, 2025



Department of Metropolitan Development
Division of Planning
Current Planning

This is the first public hearing for this petition.

STAFF RECOMMENDATION

Staff **recommends approval** variance request approval be subject to the following commitment being reduced to writing on the Commission's Exhibit "C" form at least three days prior to the MDC hearing:

1. All lots will be required to connect to the city sewer, when the sewer lines reach the closest lot.

Staff recommends that the Hearing Examiner **approve** and find that the plat, file-dated January 15, 2025 complies with the standards of the Subdivision regulations, subject to the following conditions:

1. Subject to the Standards and Specifications of Citizens Energy Group, Sanitation Section.
2. Subject to the Standards and Specifications of the Department of Public Works, Drainage Section.
3. Subject to the Standards and Specifications of the Department of Public Works, Transportation Section.
4. That addresses and street names, as approved by the Department of Metropolitan Development, be affixed to the final plat prior to recording.
5. That the Enforcement Covenant (Section 741-701, of the Consolidated Zoning and Subdivision Ordinance) be affixed to the final plat prior to recording
6. That the Site Distance Covenant (Section 741-702, of the Consolidated Zoning and Subdivision Ordinance) be affixed to the final plat prior to recording.
7. That the Sanitary Sewer Covenant (Section 741-704, of the Consolidated Zoning and Subdivision Ordinance) be affixed to the final plat prior to recording.
8. That the Storm Drainage Covenant (Section 741-703, of the Consolidated Zoning and Subdivision Ordinance) be affixed to the final plat prior to recording.
9. That the plat restrictions and covenants, done in accordance with the rezoning commitments, be submitted prior to recording the final plat.
10. 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.

PETITION OVERVIEW

LAND USE

The 6.686 acres subject site is developed with a single-family dwelling use. The project address of 7515 Camby Road. The surrounding property is zoned D-3 and is used as single-family residential.

PLAT

This petition seeks approval of a subdivision plat to be known as Speer's Camby Retreat, dividing 6.686 acres into three (3) lots. The density of this subdivision is 0.448 units per acre. The typical density of the D-3 zoning district is 2.6 units per acre, or 17 lots.

STREETS



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

Proposed Lot One (1), Two (2), and Three (3) front of Camby Road, no new streets are proposed.

SIDEWALKS

The petitioner requested a waiver from the subdivision regulation to not install a sidewalk, The petitioner has also requested a variance from the development standards to not install a sidewalk.

VARIANCE OF DEVELOPMENT STANDARDS

The request includes multiple variances for development standards.

The petitioner is seeking relief from ordinance section Table 742-103-5, which requires a minimum 70-foot lot width, this request is only for Lot Two as the remaining lots meet the requirement.

The petitioner is seeking relief from ordinance section 742-103. A.4, which requires “Attachment to public or semipublic water and sanitary sewer facilities shall be mandatory for development in any dwelling district except for the DA, D-S, and D-1 districts.”

The petitioner is seeking relief from ordinance section 744-302.F “Sidewalks *shall be provided along the entire frontage of all abutting eligible public streets, excepting freeways and expressways as indicated in the current Official Thoroughfare Plan for Marion County, Indiana, and other full control of access frontages as determined by the Administrator*”, which requires installation of sidewalk when new construction commences.

DEPARTMENT OF PUBLIC WORKS

The Department of Public Works, Traffic Engineering Section, has requested the dedication and conveyance of a 40-foot half right-of-way along Camby Street. This dedication would also be consistent with the Marion County Thoroughfare Plan.

STAFF ANALYSIS

Staff **recommends approval** of the variance for on-site septic systems with the condition that connection to the city sewer be made when the sewer lines reach the closest lot.

Staff **recommends approval** of the variance of Lot Width; the property will have an average lot width that exceeds the 70 ft. lot width requirement. Lot width is measured at the building setback line. If we measure the lot with at the proposed building line for lot 2 it would have a lot width of 210 ft.

Staff **recommends denial** wavier and of the variance to provide for future construction without the required installation of frontage sidewalks. The petitioner has shown no hardship, and removal of the sidewalk requirement poses harm to the public. The petitioner's argument that there are no sidewalks nearby so they should not install falls flat, as sidewalk installation has to begin somewhere. The installation of the sidewalk will lead to the petition of more sidewalks in the future.



Department of Metropolitan Development
 Division of Planning
 Current Planning

Staff is supportive of the subdivision plat because it will meet the D-3 standards apart from the variances for the public utilities and lot width.

GENERAL INFORMATION

Existing Zoning	D-3	
Existing Land Use	Residential	
Comprehensive Plan	Rural or Estate Neighborhood	
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		
Camby Road	Primary Arterial	80-foot proposed right-of-way.
Context Area	Metro	
Floodway / Floodway Fringe	No	
Overlay	Yes, Airspace Secondary Zoning District	
Wellfield Protection Area	No	
Site Plan	January 15, 2025	
Site Plan (Amended)	N/A	
Elevations	N/A	
Elevations (Amended)	N/A	
Landscape Plan	N/A	
Findings of Fact	January 15, 2025	
Findings of Fact (Amended)	N/A	
C-S/D-P Statement	N/A	

ZONING HISTORY

Zoning History – Site

83-UV1-106A: 7515 Camby Road (subject site), Variance of use and development standards of the A-2 Marion County Master Plan Permanent Zoning Ordinance to allow a manufactured home to be placed behind the existing residence, **granted**

Zoning History -Vicinity

88-UV3-20;7423 Camby Road, (east of site), Variance of use of the dwelling districts zoning ordinance to provide for the use of a mobile home during the construction of a single-family residence, **denied**.



Department of Metropolitan Development
Division of Planning
Current Planning

2007-DV1-032; 7115 Camby Road (east of site), Variance of Development Standards of the Dwelling Districts Zoning Ordinance to provide for the construction of a 220-square foot sunroom addition, resulting in an accessory use area of 2,140 square feet or 124.6 percent of the total living area of the primary structure (maximum 1,717 square feet or 99.99 percent of the total living area of the primary dwelling permitted), and to legally establish the construction of a 720-square foot detached garage, resulting in an accessory building area of 1,440 square feet or 83.79 percent of the main floor area of the primary dwelling (maximum 1,288.5 square feet or 75 percent of the main floor area of the primary dwelling permitted), **approved**.

2018-PLT-034; 7700 Camby Road (north of site), Approval of a Subdivision Plat, to be known as Camby Woods, Section Two, dividing 25.31 acres into 89 lots, **approved**.

2015-PLT-015; 7700 Camby Road (north of site), Approval of a Subdivision Plat to be known as Camby Woods, Section Two, dividing 13.3 acres into 44 lots, **approved**

2003-PLT-069; 7500 Camby Road (north of site), Approval of a Subdivision Plat, to be known as Camby Woods, dividing 74.745 acres into 269 lots, **withdrawn**

2003-PLT-847; 7630 Camby Road (north of site), Approval of a Subdivision Plat, to be known as Camby Woods, dividing 74.745 acres into 269 lots, **approved**.

96-P-71; 7720 Reynolds Road (south of site), plat approval to subdivide 2.038 acres into two single family lots, **approved**.

91-HOV-69; 7609 Reynolds Road (south of site), Variance of Development Standards of the Dwelling Districts Zoning Ordinance to provide for construction of a single-family lot with 126.3 feet lot width at the required setback line (250 feet required), **approved**.

2021-PLT-041; 6449 Kentucky Avenue (west of site), Approval of a Subdivision Plat to be known as Decatur Technology Park, dividing 130.58 acres into 12 lots, **withdrawn**.

2022-PLT-015 6400 Kentucky Road Avenue (west of site), Approval of a Subdivision Plat to be known as Decatur Technology Park, dividing 130.55 acres into 11 lots (amended) Original request included a waiver of the Subdivision Regulations to provide for new cul-de-sac with a length of 1,235 feet (maximum 500-foot cul-de-sac permitted) and to provide for two new streets with block lengths of 1,361 feet and a 1,293 feet (maximum 1,250-foot block length permitted), **approved**

98-CP-39P/98-CP-39V; 7802 Reynold Road (west of site), Variance of Development Standards of the Dwelling Districts Zoning Ordinance to allow for development of two 1.02-acre lots (minimum 3 acres required), **approved**

86-SE2-5; 7878 Reynolds Roads (west of site), Variance of Manufactured Housing Special Exception to provided for single-family manufactured home, **denied**.

EXHIBITS

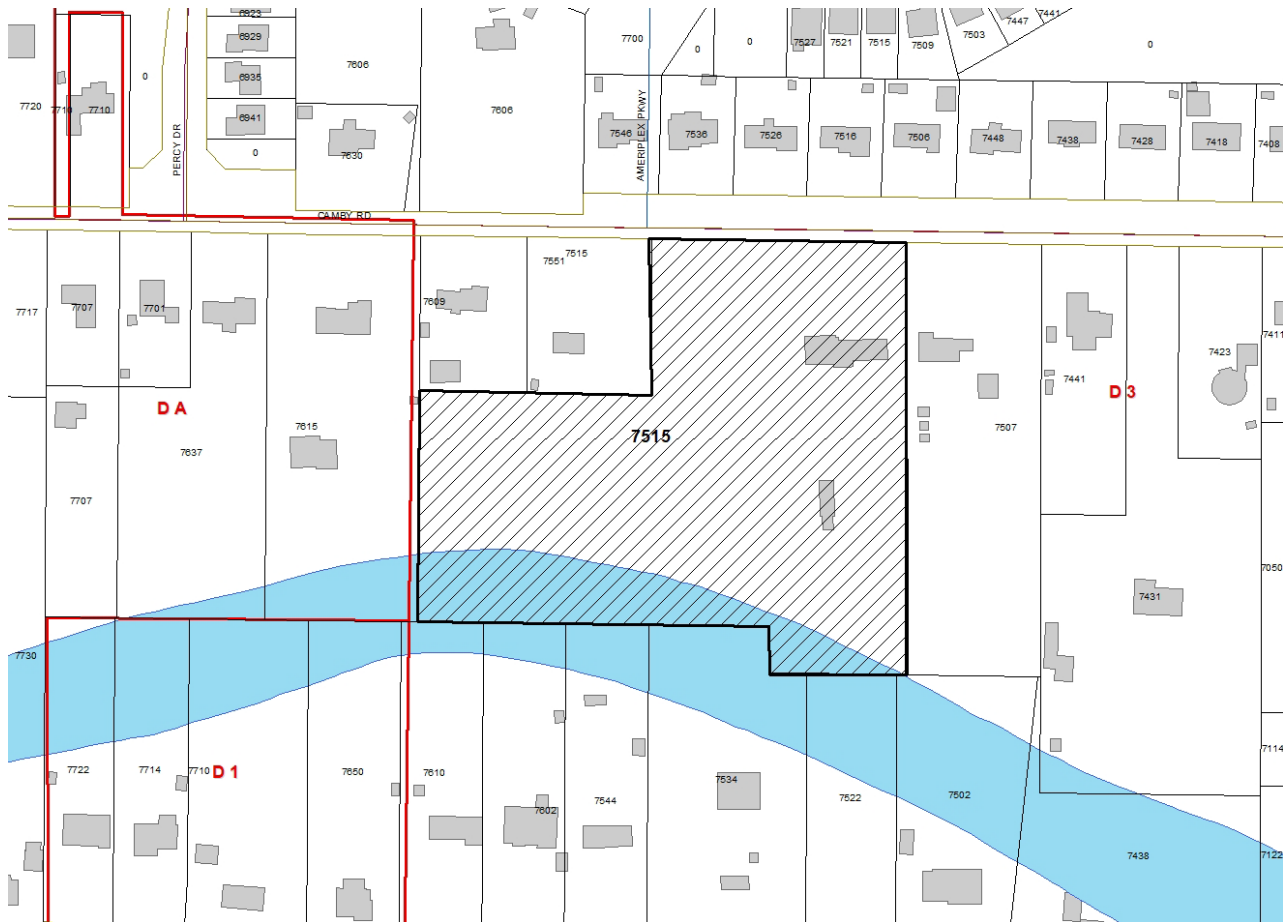


Figure 1 Area Map



Department of Metropolitan Development
Division of Planning
Current Planning

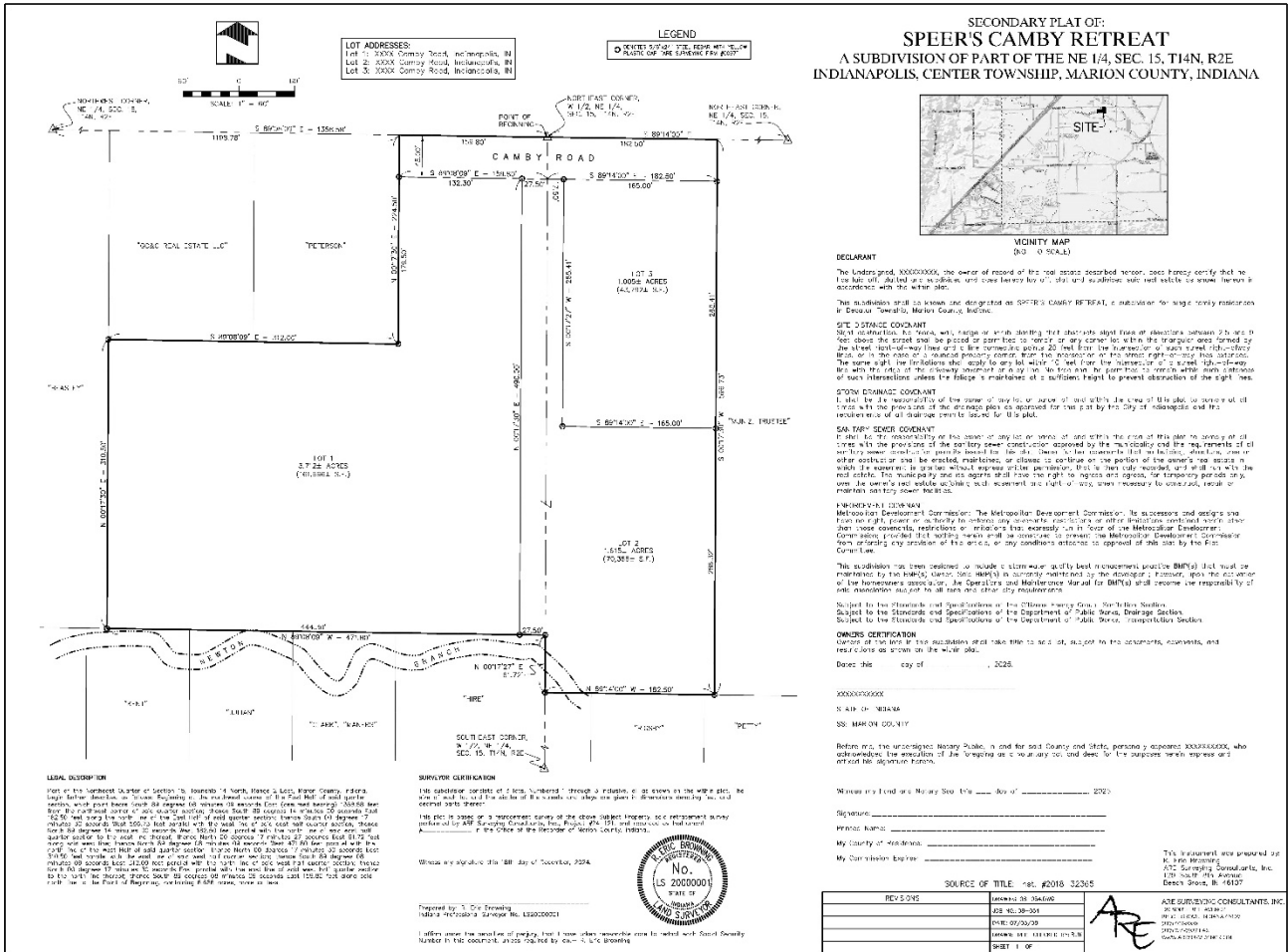


Figure 2 Proposed Plat



Department of Metropolitan Development
Division of Planning
Current Planning

SIDEWALK WAIVER REQUEST

7515 Camby Road

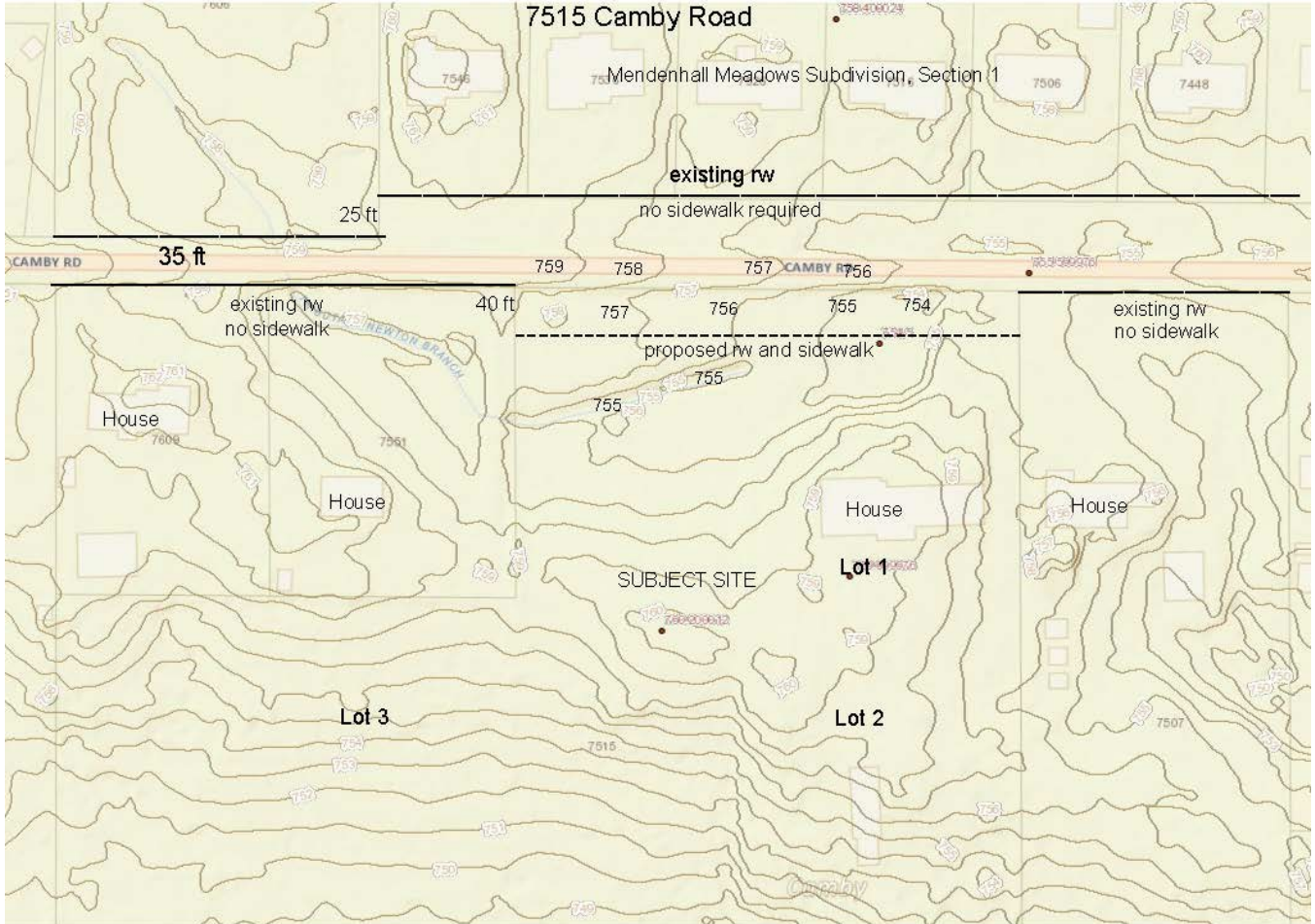




Figure 3 Wavier of Sidewalks FOF

REQUESTED WAIVER:

**METROPOLITAN DEVELOPMENT COMMISSION
PLAT COMMITTEE
HEARING EXAMINER
OF MARION COUNTY, INDIANA**

**WAIVER OF THE SUBDIVISION REGULATIONS
FINDINGS OF FACT**

1. The granting of the waiver or modification will not be detrimental to the public health, safety, or welfare or injurious to other property because:

The proposed sidewalk will not have any public use now or in the foreseeable future given the area development pattern.

2. The conditions upon which the request is based are individual to the property for which the relief is sought and are not applicable generally to other property because:

There are no opportunities to connect to sidewalks in either direction of the subject property's frontage. The exiting right of way line and the proposed right of way line are approximately 40 feet apart and will not allow for a safe transition to extend a sidewalk to the adjacent properties.

3. Because of the particular physical surroundings, shape, or topographical conditions of the specific property involved, a particular hardship would result, as distinguished from a mere inconvenience, if the strict letter of these regulations is carried out:

There are no physical sidewalks to connect to in either direction or across from the subject property. A large mature heritage tree will need removed and the sidewalk cannot be design around the tree without significant damage to its root system.
The road surface elevation is 2 feet higher than the adjacent grade on the subject site. The required placement of the sidewalk (approx. 1 ft inside the proposed right of way) will impede proper drainage to the remaining parcel since the sidewalk will be elevated to match the grade of Camby Road.

4. The resulting subdivision fulfills the purpose and intent of these regulations at an equal or higher standard than what would have been possible without the deviation because:

The minor plat meets the design criteria and City department standards in all aspects, except for the installation of a sidewalk that will serve no public purpose.

5. The relief sought shall not in any manner vary from the provisions of the Zoning Ordinance, or official zoning base maps, except as those documents may be amended in the manner prescribed by law because:

The requirement for the installation of sidewalks falls under the Subdivision Control Ordinance and will not impact the underlying zoning classification.



Figure 4 Variance Request 742-103. A.4

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 property has approved soil reports for the use of an on-site sewage disposal system. The reduced lot width is due to topography of the site to place a house on the adjacent lot where the land is relatively level.

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:

All the homes will be for single family residential use and compatible with the area homes.

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

The topography of the site restricts where home site and septic systems can be placed and the lot configuration will result in a narrow frontage for just 1 of the 3 lots.



Figure 5 Variance Request 744-302.F

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 property has approved soil reports for the use of an on-site sewage disposal system. The reduced lot width is due to topography of the site to place a house on the adjacent lot where the land is relatively level.

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:

All the homes will be for single family residential use and compatible with the area homes.

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

The topography of the site restricts where home site and septic systems can be placed and the the lot configuration will result in a narrow frontage for just 1 of the 3 lots.



METROPOLITAN DEVELOPMENT COMMISSION **May 15, 2024**
HEARING EXAMINER

Case Number: 2025-CZN-813 / 2025-CVR-813 / 2025-CVC-813 (Amended)

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,

Request:

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,

with a waiver of the assessment of benefits.



Department of Metropolitan Development
Division of Planning
Current Planning

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).

Petition 2024-CVC-813 was continued from the April 24, 2025 hearing, to the May 15, 2025 hearing, to amend the request to include a waiver of the assessment of benefits and provide new notice.

A previously noted in this staff report, the proposed vacations are unimproved. Because they are unimproved, staff typically recommends approval of the waiver.

RECOMMENDED VACATION MOTION (approval): That the Hearing Examiner find that the proposed vacation is in the public interest; that the waiver of the assessment of benefits be granted; that the Hearing Examiner confirm and ratify the adoption of Declaratory Resolution 2025-CVC-813 (Amended); and that the vacation be subject to the rights of public utilities under IC 36-7-3-16.

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 / receptacles provided for the proper disposal of trash and other waste.



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

3. 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.



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

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.



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

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 dioica*), 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;



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

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 receptacles 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 ratio 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.



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

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.



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

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 Sensitive 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 mixed-use 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.



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

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

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 with 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

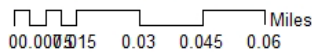




EXHIBIT A

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 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



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)
 - 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%
 - To/from north on S West Avenue: 50%

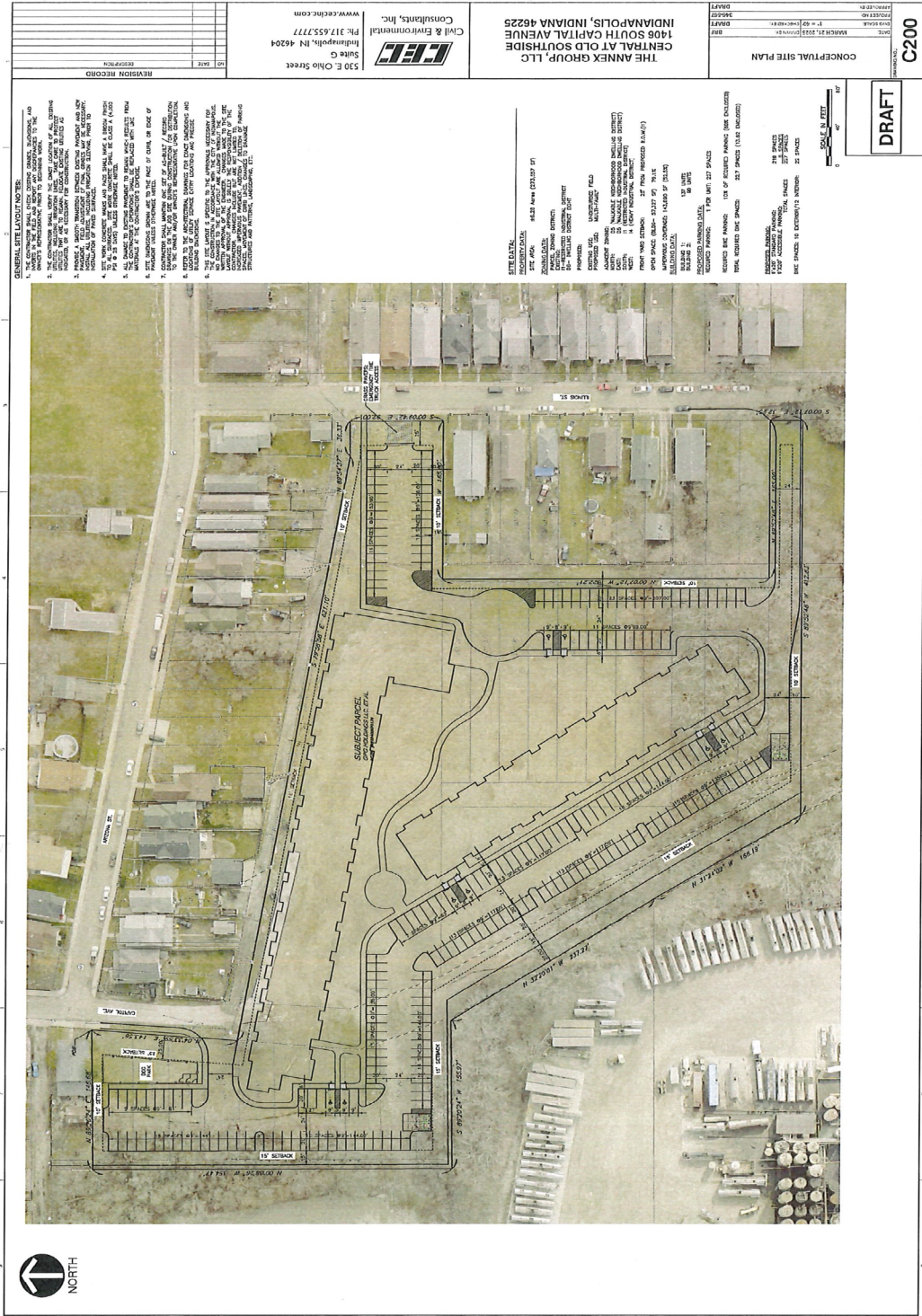
It should also be noted that trips returning from S West Avenue to the north (and I-70 interchange) were assumed to be split between Morris Street (turning eastbound right onto S Capitol Avenue) and West Street (turning southbound left onto Wisconsin Street). This split was considered given the ease of making a right turn from Morris Street onto S Capitol Avenue.

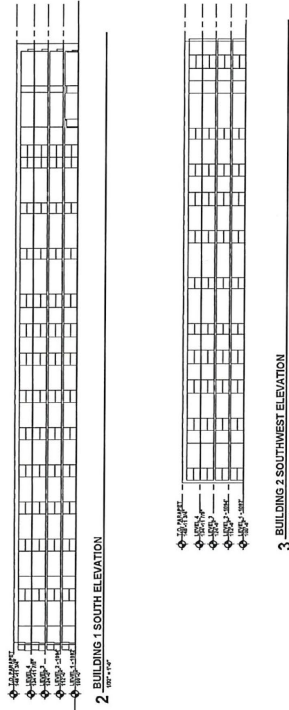
Mitigation Measures to be Constructed Concurrent with Development

- 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 on-street 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





TOTAL SITE AREA: 273,557 SF

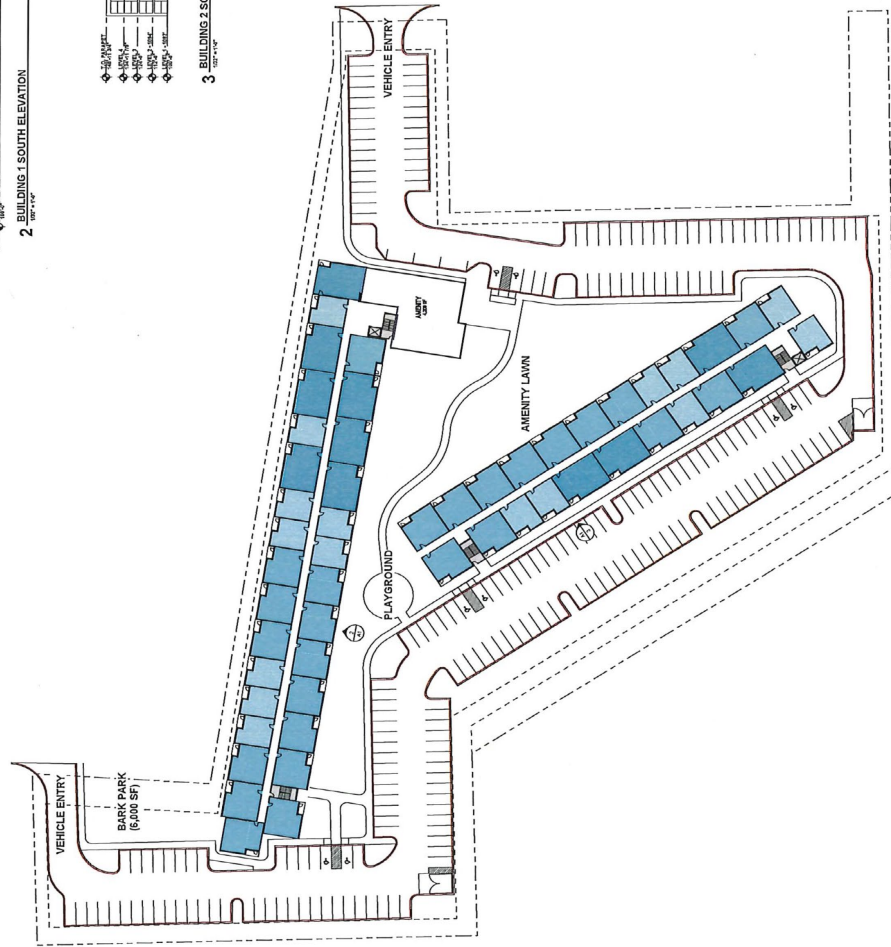
BUILDING AREA RATIO:
 BUILDING 1 AREA: 34,220 SF
 BUILDING 2 AREA: 22,890 SF
 TOTAL BUILDING AREA: 57,110 SF
 BUILDING AREA RATIO: 20.5%

PARKING RATIO: 3.14%
 PARKING LOT AREA: 85,571 SF
 PARKING LOT RATIO: 31.4%

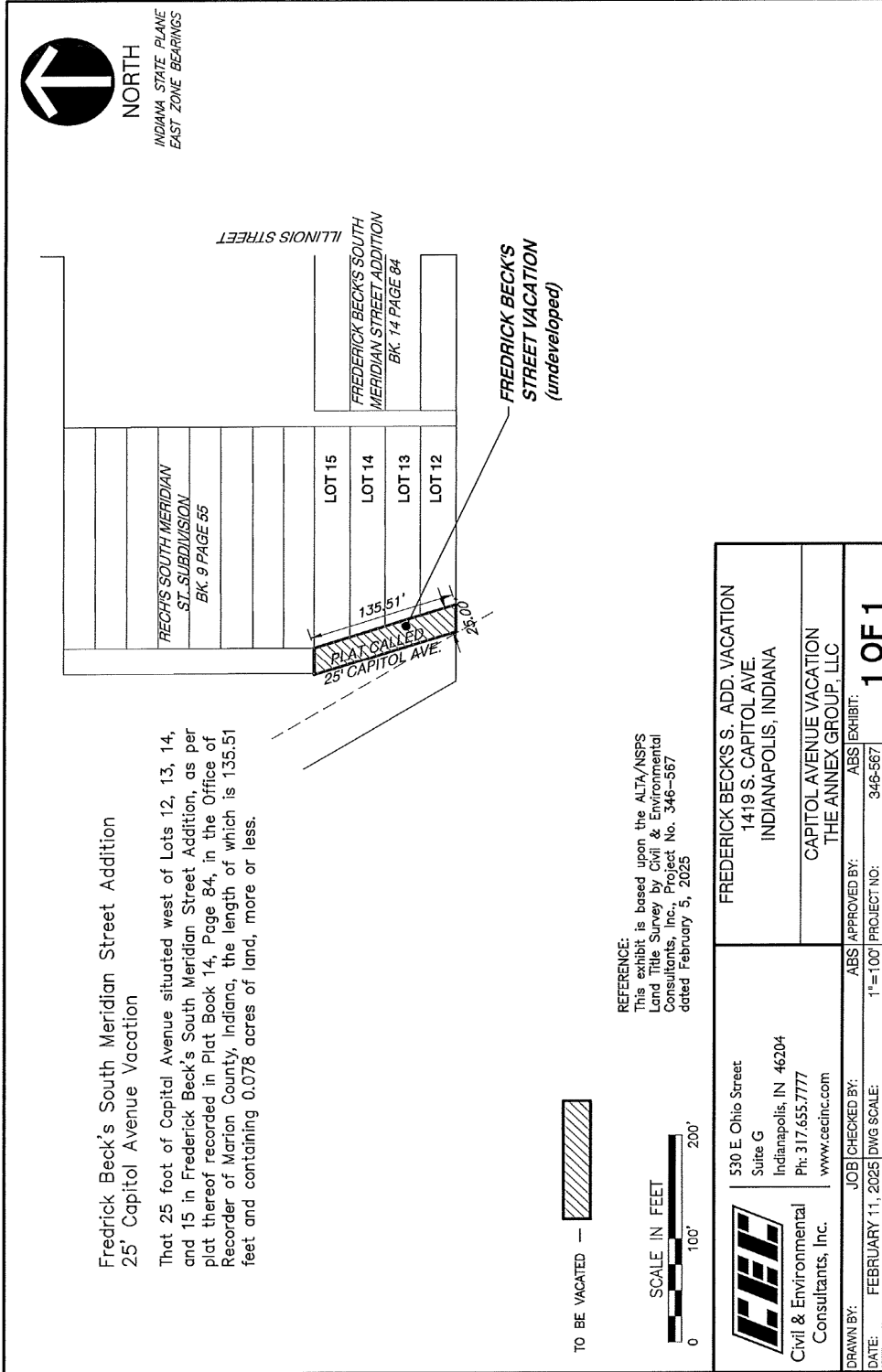
FLOOR AREA RATIO:
 FIRST FLOOR GSF: 57,110
 SECOND FLOOR GSF: 57,110
 THIRD FLOOR GSF: 57,110
 TOTAL FLOOR AREA: 171,330 SF
 FAR AREA RATIO: .63

LIVABILITY SPACE CALCULATIONS:
 SITE AREA: 273,557 SF
 BUILDING AREA: 57,110 SF
 VEHICLE AREAS: 85,571 SF
 USEABLE ROOF AREAS: 0 SF
 LIVABILITY SPACE: 130,575 SF
 LIVABILITY SPACE RATIO: 47%

Building	1 Bed	2 Bed	3 Bed	No. Units
Building 1				
Level 1 Units	9	7	12	28
Level 2 Units	12	16	7	35
Level 3 Units	12	16	7	35
Level 4 Units	12	16	7	35
Total	45	64	28	137
	33%	47%	21%	
Building 2				
Level 1 Units	7	4	21	32
Level 2 Units	7	12	4	23
Level 3 Units	7	12	4	23
Level 4 Units	7	12	4	23
Total	28	46	16	90
	31%	51%	18%	
Total				
Level 1 Units	16	11	33	60
Level 2 Units	19	28	11	58
Level 3 Units	19	28	11	58
Level 4 Units	19	28	11	58
Total	73	110	44	227
	32%	48%	20%	



1 SITE PLAN
 INDIANAPOLIS, IN - DENSITY STUDY
 ZONING SITE ANALYSIS
BVH

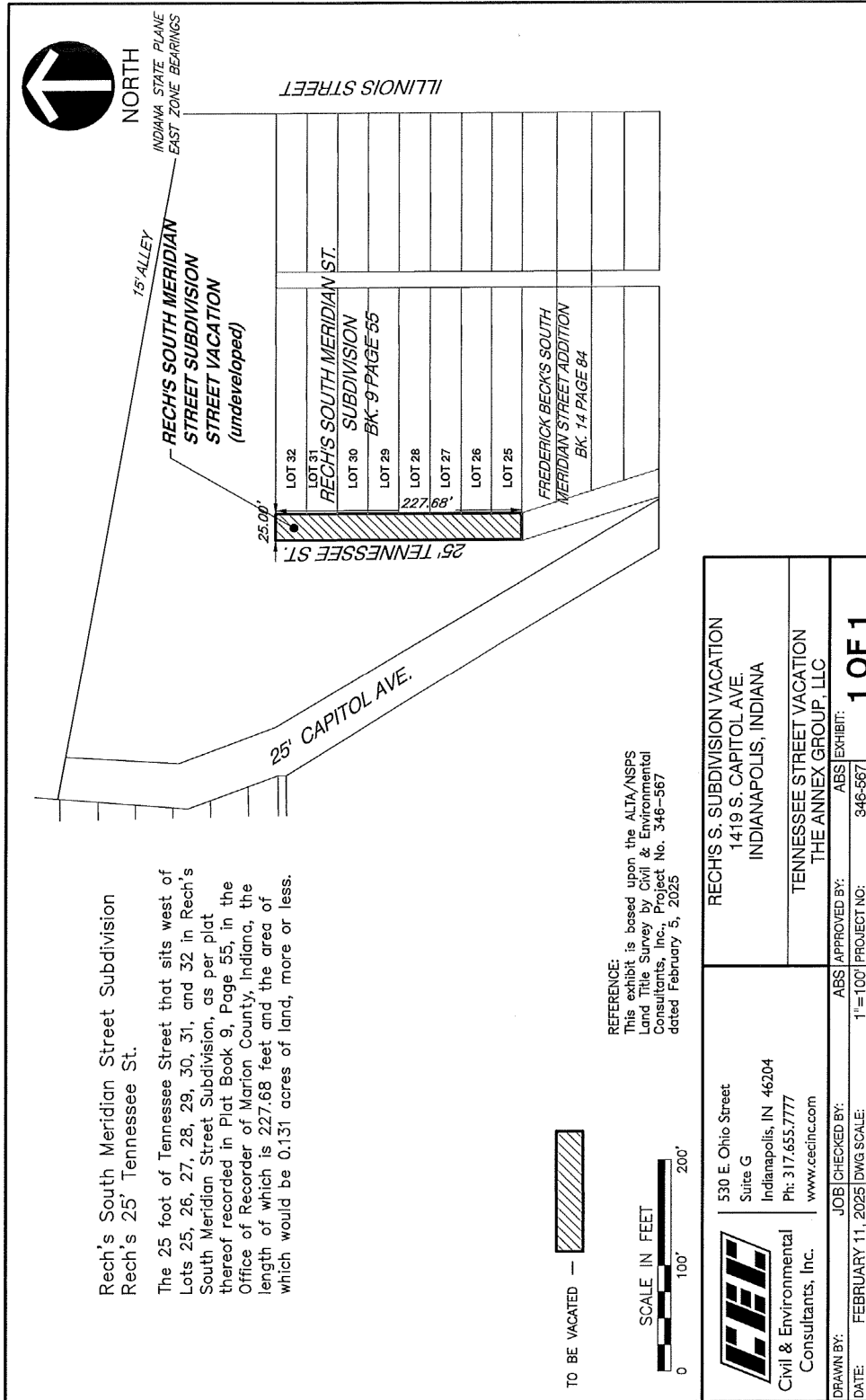


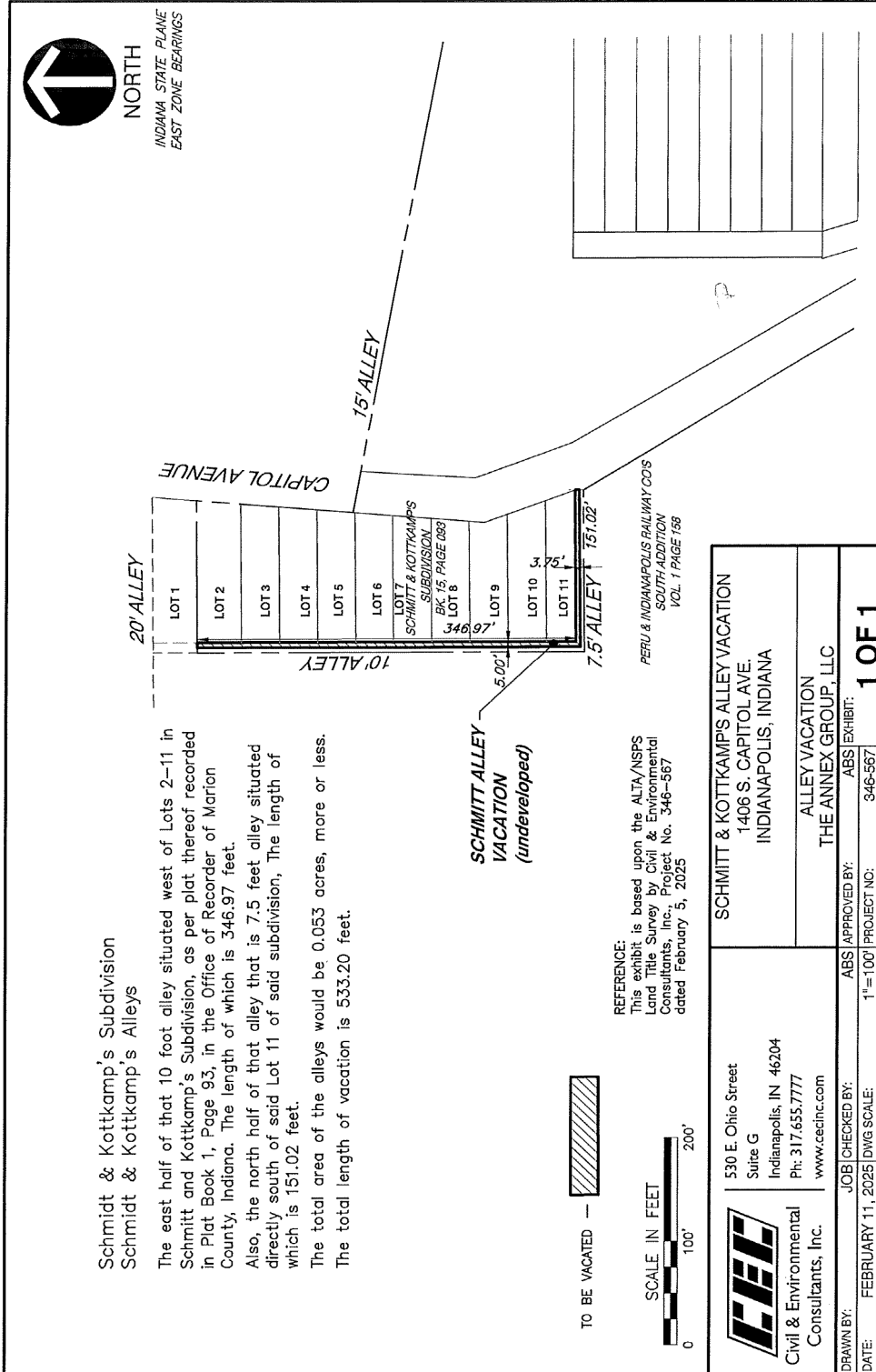
Fredrick Beck's South Meridian Street Addition
25' Capitol Avenue Vacation

That 25 foot of Capitol Avenue situated west of Lots 12, 13, 14, and 15 in Fredrick Beck's South Meridian Street Addition, as per plat thereof recorded in Plat Book 14, Page 84, in the Office of Recorder of Marion County, Indiana, the length of which is 135.51 feet and containing 0.078 acres of land, more or less.

REFERENCE:
This exhibit is based upon the ALTA/NSPS
Land Title Survey by Civil & Environmental
Consultants, Inc., Project No. 346-567
dated February 5, 2025

 Civil & Environmental Consultants, Inc. 530 E. Ohio Street Suite G Indianapolis, IN 46204 Ph: 317.655.7777 www.cecinc.com	FREDRICK BECK'S S. ADD. VACATION 1419 S. CAPITOL AVE. INDIANAPOLIS, INDIANA
	CAPITOL AVENUE VACATION THE ANNEX GROUP, LLC
DRAWN BY: _____ DATE: FEBRUARY 11, 2025 DWG SCALE: 1"=100'	JOB CHECKED BY: ABS APPROVED BY: ABS PROJECT NO: 346-567 EXHIBIT: 1 OF 1





Schmidt & Kottkamp's Subdivision
 Schmidt & Kottkamp's Alleys

The east half of that 10 foot alley situated west of Lots 2-11 in Schmitt and Kottkamp's Subdivision, as per plat thereof recorded in Plat Book 1, Page 93, in the Office of Recorder of Marion County, Indiana. The length of which is 346.97 feet.

Also, the north half of that alley that is 7.5 feet alley situated directly south of said Lot 11 of said subdivision, The length of which is 151.02 feet.

The total area of the alleys would be 0.053 acres, more or less.
 The total length of vacation is 533.20 feet.



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

Large Apartment Standards

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

the 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:

the 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.

3. 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, the ordinance, as written, does not permit the large apartment standards to be applied to D-8.

DECISION

IT IS THEREFORE the decision of this body that this VARIANCE petition is APPROVED.

Adopted this _____ day of _____, 20 ____



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

Livability Space Ratio and Floor Area Ratio

1. 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 ____



View looking north along South Capitol Avenue



View looking east along east / west alley and northern site boundary



Department of Metropolitan Development
Division of Planning
Current Planning

Petition Number _____

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

METROPOLITAN DEVELOPMENT COMMISSION **May 15, 2025**
HEARING EXAMINER

Case Number: 2025-ZON-025
Property Address: 1922 East 38th Street (Approximate Address)
Location: Washington Township, Council District #8
Petitioner: Rula Alkhasib and Rahaf Roman, by Yvonne Humphries
Current Zoning: C-4 (TOD) (W-1) (W-5)
Request: Rezoning of 0.37-acre from the C-4 (TOD) (W-1) (W-5) district to the C-5 (TOD) (W-1) (W-5) district to provide for automobile sales.
Current Land Use: Auto Service Experts
Staff Recommendations: Denial
Staff Reviewer: Desire Irakoze, Principal Planner II

PETITION HISTORY

This is the first public hearing on this petition.

STAFF RECOMMENDATION

Staff recommendation **denial**

PETITION OVERVIEW

LAND USE

This 0.37-acre site, zoned C-4 (TOD),(W-1) (W-5) and is developed with an existing automobile repair shop. The property is surrounded to the north and west by commercial uses, similarly zoned C-4 (TOD)(W-1) (W-5); a single-family residential use to the south zoned D-5 (TOD) (W-5) , a religious use to the east zoned SU-1 (TOD)(W-1) (W-5).

C-4 is the 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.

The site falls within three overlay districts:



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

- **Transit Oriented Development (TOD)** Secondary District applies to all parcels within 1,000 feet of a mapped Bus Rapid Transit line, promoting compact, walkable urban development patterns that complement transit investment.
- **Wellfield Protection District One (W-1)** indicates a one-year time-of-travel protection area around a municipal water wellfield.
- **Wellfield Protection District Five (W-5)** indicates a five-year time-of-travel protection area around a municipal water wellfield.

REZONING

The property has a history of zoning violations, including improper dumpster placement. It was previously included in petition 59-Z-117, which sought to rezone the site to a B-4 classification; that petition was ultimately withdrawn. Aerial imagery indicates that the current structure was constructed around 1978.

The petitioner request rezoning of the subject site to C-5 (TOD) (W-1) (W-5) district to allow the for the sale of automobiles.

C-5 is the General Commercial District designed 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.

STAFF ANALYSIS

The subject site is strategically positioned approximately 700 feet from the 38th & Orchard Station EB (Purple Line) and approximately 1,500 feet (¼ mile) from the 38th & Keystone Station WB (Purple Line). A bus stop is located at the intersection of 38th Street and Caroline Avenue.

Staff finds the rezoning request incompatible with established planning guidance for several reasons:

1. The proposal conflicts with the Comprehensive Plan's **Community Commercial** designation for this area, as describe below in the comprehensive analysis
2. The request contradicts the objectives outlined in the Purple Line Transit-Oriented Development Strategic Plan (2020), as describe below in the comprehensive analysis.
3. The proposed use would undermine TOD design principles that prioritize pedestrian-friendly development while discouraging automobile-oriented uses near transit stations.
4. The request presents several development standards concerns related to parking, outdoor storage, landscaping, and encroachment into required setbacks.

Additionally, Section 742-204. E.2.h expressly prohibits "Mobile vehicle wash, service or repair uses" within any wellfield or flood protection district. The current automobile repair shop appears to be a non-conforming use under this regulation.



Department of Metropolitan Development
 Division of Planning
 Current Planning

Based on the staff analysis of applicable Zoning regulations, planning objectives, and environmental considerations, staff recommends **denial** of the requested rezone.

GENERAL INFORMATION

Existing Zoning	C-4 (TOD) (W-5) (W-1)		
Existing Land Use	Auto Service Experts		
Comprehensive Plan	Community Commercial		
Surrounding Context	Zoning	Land Use	
	North:	C-4	Undeveloped
	South:	D-5	Single-Family Residential
	East:	SU-1	Religious Use
	West:	C-4	Restaurant Use
Thoroughfare Plan			
East 38 TH Street	Primary Arterial	88-foot proposed right-of-way	
Caroline Avenue	Local Street	48-foot Proposed right-of-way	
Context Area	Compact		
Floodway / Floodway Fringe	No		
Overlay	TOD		
Wellfield Protection Area	W-1 and W-5		
Site Plan	March 3, 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)

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



TRANSIT-ORIENTED DEVELOPMENT (TOD)

- **Large-Scale Offices, Retailing, and Personal or Professional Services**
- Outdoor display of merchandise should be limited.
 - **Competitive 3.1: AESTHETICS**
 - Aesthetics are an important factor in ensuring that neighborhoods and individual properties hold their value over time.
- Development should be supportive of pedestrian activity (e.g. compact, connected to a pedestrian system, no more than one third of the frontage used for parking.)
 - **Inclusive 1.3: ACCESS TO EDUCATION, JOBS, SERVICES, & COMMUNITY**
 - Promoting housing near transit is just one part of the equation. Transit can only be a successful tool for economic mobility if it connects residents to the education, jobs, services, and community amenities that provide opportunities for success. Additionally, complete communities should have cultural, educational, and other community amenities within close proximity to housing. Education, jobs, services, and community amenities should be accessible to all
 - **Inclusive 2.2 WALKABILITY + TRANSIT ACCESS**
 - 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. Transit helps older adults to access health care and human services more easily (American Planning Association, 2014) and helps teenagers to access education and job opportunities without having to rely on family members for transportation. Additionally, transit access allows people with disabilities to be more independent.
 - **Competitive 1.1 VIBRANT, WALKABLE PLACES**
 - Vibrant walkable places can be created by allowing for more density (so that there are enough residents to support vibrant small businesses and restaurants), by activating buildings at-grade (through transparency, externalized entryways, and public-private space) to create a more interesting and engaging pedestrian experience, by creating pedestrian connections between destinations, and by promoting a range of uses in the same area (so that the area is activated throughout the entire day).

Red Line / Blue Line / Purple Line TOD Strategic Plan

- **Purple Line Transit-Oriented Development STRATEGIC PLAN (2020)**
- **PURPLE LINE SEGMENT 3**
 - The stations at 38th and Keystone and 38th and Meadows were the highest-scoring stations in this segment. The NMTC eligibility, percentage of land in TIF, and residential vacancy rate were the major factors contributing to the higher scores of these stations. Overall, this segment had the lowest scoring station in the analysis at 38th and Arlington.
- **DISCOURAGE CAR-ONLY USES**



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

- Discourage or otherwise prohibit uses that rely solely on automobile trips, such as gas stations, car washes, storage facilities, motels, low-intensity industrial uses, or any other such use that is not likely to contribute to the pedestrian environment. These facilities should be located outside the primary focus area to the extent possible.
- **CC (Community Center Stations)**
 - Located in commercial hubs with varying types of commercial developments, from large strip centers to shopping malls, along arterial corridors. Development opportunities vary from redevelopment into mixed-use, walkable patterns to multifamily residential infill development.
 - Surface parking should be consolidated and placed behind buildings, allowing a pedestrian orientation at the street, while still supporting drive-to business

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)

- IndyMoves 2018
 - BRT Priority Complete Street Upgrade
- Pedal Indy Network
- Pedal Indy proposes a safe, well-connected bicycle network that provides access for all Indianapolis residents while stewarding limited public resources. To do this, the plan proposes hundreds of miles of bicycle facilities, balancing higher-cost protected facilities where safety needs are greatest with lower-cost “Neighborways” that offer traffic calming and placemaking enhancements and reach into the heart of neighborhoods.
 - Proposed Multi-Use Path



Department of Metropolitan Development
Division of Planning
Current Planning

ZONING HISTORY

59-Z-117; 8020 Mooresville road (subject site) request rezoning of two acres, being in A-2 district, to B-4 classification to provide for construction and operation of a gasoline service station located at the northeast corner of US #31 and County Line Road, **denied**

96-Z-221; 2002 East 38th street (east of site), request a rezoning of 1.26 acres, being in the C-4 District, to the SU-1 classification, **to provide for religious uses. approved**

91-Z-159; 3921 Millersville Road (north of site), request the rezoning of 1.2 acres, being in the D-5 District, to the SU-1 classification to provide for the construction of a new church, **approved**

EXHIBITS



Photo: 1 Area Map of Subject Site

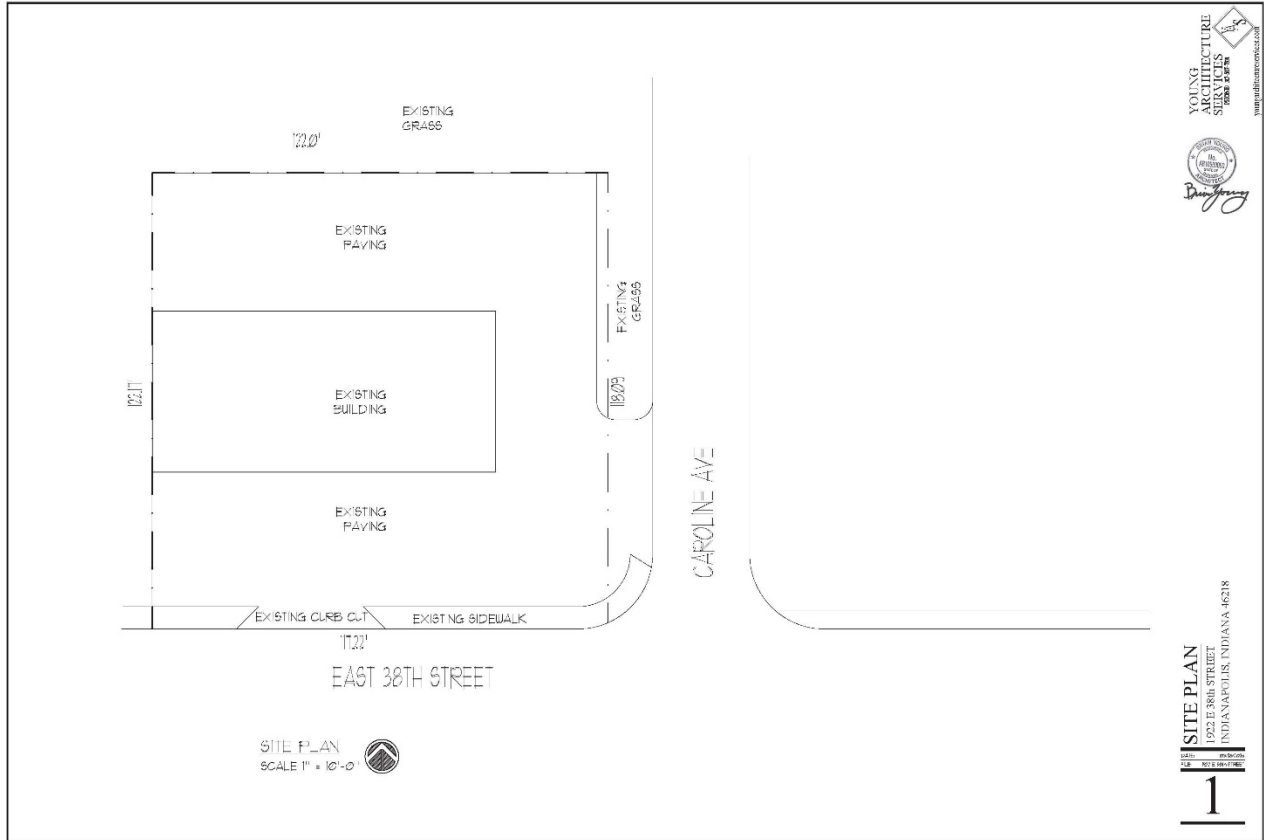


Figure 1 Proposed Site Plan



Photo: 2 Looking east on 38th St.



Photo: 3 Looking North on Carrol Ave



Photo: 4 Looking across 38th street



Photo: 5 Looking at the subject property

Plan of Operation

I purchased this property two years ago and started Express Auto due to the need for the neighborhood to have access to a local auto repair shop. I have since noticed a need for the residence to be able to purchase used and affordable vehicles. I'm requesting to rezone the business from auto repair zoned C4 to auto sales zoned C5. The neighbors have told me it would be wonderful to be able to purchase automobiles right in the neighborhood and that it would be a great convince. I intend to hire and train local neighbors on how to communicate with the public and become experience salesmen. This would be a way to provide excellent service as wells as opportunities for employment to the local community. I intend to hire 4 sales personal. They will be paid hourly as well as commission for sales of cars. They will be professionally trained to service the customers. They will work onsite.

- Number of employees: 4
- Hours of Operation: 9:00 AM to 5:00 PM, Monday through Saturday
- Number of Vehicles for sale: 15 – 22

WORK FORCE

- a. There will be 4 auto salespersons.
- b. They will be paid hourly plus commission on the sales of cars.
- c. The employees will provide their own transportation to work.
- d. There is parking on the premises for them to park vehicles cars.

CLIENTS AND CUSTOMERS

Our typical customers would be local neighbors and residents looking for a reliable used car at a reasonable price. They will visit our car lot to view the vehicles for sale. We have parking for them on our front and side lot.

PROCESSES CONDUCTED ON SITE



Department of Metropolitan Development
Division of Planning
Current Planning

We will have advertised vehicles on site mostly outside that are for sale. The cars will display a for sale sign in the window on the dashboard. Our sales representatives will approach the potential buyers to see if they need any help. We do have security cameras and an alarm system.

MATERIALS USED

We have auto repair equipment onsite. We provide repairs for the vehicles we sale. When we purchase new batteries and equipment we have an ongoing relationship with Auto Zone to pick up all equipment that no longer is useable.

SHIPPING AND RECEIVING

The majority of the parts we use for the vehicles are brought locally.

WASTE

As mentioned before Auto Zone takes old batteries and old auto parts that are no longer useable. I keep old oil from oil changes to use in an oil heater that is used as part of my heating system.



**METROPOLITAN DEVELOPMENT COMMISSION
HEARING EXAMINER**

May 15, 2025

Case Number:	2025-ZON-040
Property Address:	2601 Cold Spring Road (approximate address)
Location:	Wayne Township, Council District #12
Petitioner:	Cold Spring Innovation Corporation, by Jennifer Milliken and Timothy Ochs
Current Zoning:	D-S (W-5)
Request:	Rezoning of 22.3 acres from the D-S (W-5) district to the MU-2 (W-5) district to provide for a mixed-use development.
Current Land Use:	Vacant Buildings
Staff Recommendations:	Denial
Staff Reviewer:	Marleny Iraheta, Senior Planner

PETITION HISTORY

This is the first public hearing for this petition.

STAFF RECOMMENDATION

Staff **recommends denial** of this request.

PETITION OVERVIEW

LAND USE

The 22.3-acre subject site is in the Marian-Cold Springs Neighborhood with the nearest intersection being at West 30th Street and Cold Spring Road north of the property. The site is developed with one primary vacant building that uses to be a hospital, multiple smaller vacant buildings, and associated parking areas.

The site is bordered to the east and south by Coffin Golf Course, zoned PK-1, a veteran's center and hotel to the north, zoned D-S. West of Cold Spring Road are apartment, zoned D-6 and D-6II, single-family dwellings, zoned D-4, and a college, zoned SU-1.

REZONING

The request would rezone the site from the D-S district to the MU-2 district to allow for a mixed-use development which is not permitted in the existing dwelling district.



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

The D-S district is intended for suburban areas of extreme topography, areas conducive to estate development, or areas where it is desirable to permit only low-density development (such as adjacent to floodplains, aquifers, urban conservation areas, within the extended alignment of airport runways, etc.). Generous front yards with trees along roadways that follow the natural terrain of the land are envisioned for the D-S district. Estate development in a natural setting is the typical realization of the district. The D-S district provides for single-family residential lots consisting of at least one acre. A typical density for the D-S district is 0.4 units per gross acre. This district fulfills the lowest density residential classification of the Comprehensive General Land Use Plan. Development plans would likely use the cluster option when subdividing and should incorporate and promote environmental and aesthetic considerations, working within the constraints and advantages presented by existing site considerations, including vegetation, topography, drainage, and wildlife.

The MU-2 District is intended to meet the daily needs for surrounding neighborhoods and include small social spaces that serve as neighborhood gathering places. The district includes primarily neighborhood-serving businesses and institutions, including a wide range of small-scale retail and service uses that typically do not draw customers from beyond the adjacent neighborhoods, and employment, institutional and residential uses that complement the compact, walkable development pattern. The MU-2 District is implemented as a small node or on busy corridors in the Traditional Neighborhood or City Neighborhood Typologies of the Land Use Pattern Book, or as a Village Mixed Use Typology. The typical size of a district is from 2 to 20 acres (1 to 4 blocks) but depends on the context and what integrates best into surrounding neighborhoods and complimentary zoning districts.

WELLFIELD

A wellfield is an area where the surface water seeps into the ground to the aquifer and recharges the wells that are the source of our drinking water. This Secondary Zoning District places closer scrutiny on uses and activities that might contaminate the underground drinking water supply.

There are two Wellfield District designations. An area identified as W-1 is a one-year time-of-travel protection area. The W-5 is a five-year time-of-travel protection area. All development within these districts are subject to Commission approval.

This site is specifically located within the White River W-5 Wellfield Protection District. Unless exempted by Section 742-204.D Technically Qualified Person review requirement, a Site and Development Plan shall be filed with and be subject to approval on behalf of the Commission by the Technically Qualified Person (TQP).

STAFF ANALYSIS

The subject site consists of a large property with multiple vacant buildings and associated parking areas. While the site could accommodate a variety of uses within the existing structures, a clear development plan of the site was not provided. In staff's opinion, it is important to narrow down the intended user(s) to fully determine if this site would be appropriate. Staff provided similar feedback when an inquiry was submitted to staff regarding a proposed MU-2 district.



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

Due to the uncertainty of the intended use of the site, staff cannot support a blanket rezoning to the MU-2 district. A list of excluded uses was provided; however, staff did not find it to be sufficient to allow for a positive recommendation.

Instead, more details were requested from the petitioner so that the uses and associated parking requirements could be considered. Because of the Regional Special Use recommendation of the Comprehensive Plan that draws in and serves a larger population of the county, redevelopment, use changes, or other significant changes to the entire property require informed discussions amongst staff to determine land use plan recommendations.

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

GENERAL INFORMATION

Existing Zoning	Enter Zoning and Secondary Districts	
Existing Land Use	Vacant buildings	
Comprehensive Plan	Regional Special Use	
Surrounding Context	<u>Zoning</u>	<u>Land Use</u>
North:	D-S	Veteran’s Center / Hotel
South:	PK-1	Golf Course
East:	PK-1	Golf Course
West:	D-4 / D-6 / D-6II / SU-1	Single-family dwellings / Apartments / College
Thoroughfare Plan		
Cold Spring Road	Primary Collector Street	80-foot proposed right-of-way and 75-foot existing right-of-way.
Context Area	Metro	
Floodway / Floodway Fringe	No	
Overlay	Yes	
Wellfield Protection Area	Yes	
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)
- Indy Moves Transportation Integration Plan (2018)

Pattern Book / Land Use Plan

- The Comprehensive Plan recommends regional special use development of the site.
- This recommendation is a non-typology land use that is a stand alone land use mapped outside of the typology system due to their scale or nature of their 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. Long Range Planning staff should provide guidance regarding any property use changes in this typology. Partial property changes should remain thematically or economically supportive of the special use while also being contextually sensitive to adjacent existing development and land use plans. Redevelopment, use changes, or other significant changes to the entire property must be informed by a planning study conducted by Department of Metropolitan Development to determine Land Use Plan recommendations.

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 site falls within the Indy Moves Transportation Integration Plan (2018).
- Per the Indy Bike Master Plan (2011) and Pedal Indy 2018, there is an existing on-street bike lane along Cold Spring Road from 30th Street to Lafayette Road / I-65.



ZONING HISTORY

Zoning History - Vicinity

2002-ZON-049; 2500 Cold Springs Road (west of site), Rezone of 18.3 acres, from D-S (W-5) to SU-1 (W-5) to provide for religious uses, **approved.**

92-Z-123; 2550 Cold Springs Road (west of site), Rezoning of 5.51 acres, being in the D-4 District, to the D-6II classification to provide for the expansion of a 65-unit residential apartment complex, **approved.**

91-Z-111; 2670 Cold Springs Road (northwest of site), Rezoning of 6.1719 acres, being in the HD-1 District, to the HD-2 classification to provide for a nursing home, **approved.**

90-Z-16; 2810 Cold Springs Road (northwest of site), Rezoning of 15.5 acres, being in the HD-1 District, to the D-5 classification to provide for single-family residential development, **approved.**

79-Z-67; 2701 Cold Springs Road (northwest of site), Rezoning of 23.76 acres, being in the D-4 and D-6II Districts, to the HD-1 classification to provide for a hospital, **approved.**

73-Z-191; 2670 Cold Springs Road (northwest of site), Rezoning of 7.8 acres, being in the D-4 and D-6 Districts, to the D-6II classification to provide for apartments, **approved.**

63-Z-159; 75th Street and Knue Road (west of site), Rezoning of 3.10 acres, being in D-2 district to D-7 classification to provide for the construction of garden apartments, **approved.**

59-Z-48; West side of Cold Springs Road and south of 30th Street (west of site), Rezoning of 6.4 acres, being in R-2 district to R-6 classification to permit the construction of two 60-unit luxury type apartments, **approved.**

EXHIBITS





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

LIST OF PROPOSED EXCLUDED USES

The client would be willing to commit to excluding the following:

- Triplex or Fourplex
- Nursing Home
- Animal Boarding
- Check Cashing or Validation Services
- Outdoor Advertising
- Light Manufacturing



Photo of the subject site looking south on Cold Spring Road.



Photo of the subject site looking east from Cold Spring Road.



Photo of the subject site looking north on Cold Spring Road.



Photo of multifamily dwellings west of Cold Spring Road.



Photo of single-family dwellings west of the site.



Photo of the building on site looking east.



Photo of the southern portion of the building on site.



Photo of the northern portion of the building on site.



Photo of the parking area north of the building.



Photo of the rear portion of the property looking south at other buildings on site.



Photo of a veteran's center and hotel to the north of the site.



METROPOLITAN DEVELOPMENT COMMISSION **May 15, 2025**
HEARING EXAMINER

Case Number: 2025-ZON-043

Property Address: 2310 Prospect Street (Approximate Address)

Location: Center Township, Council District #18

Petitioner: Andrew Fisher, by Mark and Kim Crouch

Current Zoning: C-4

Request: Rezoning of 0.11-acre from the C-4 district to the D-8 district for a two-unit row house.

Current Land Use: Residential

Staff Recommendations: Approval with a commitment

Staff Reviewer: Marleny Iraheta, Senior Planner

PETITION HISTORY

This is the first public hearing for this petition.

STAFF RECOMMENDATION

Staff **recommends approval** of the rezoning 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 28-foot half right-of-way in addition to the entirety of the sidewalk along the frontage of Prospect Street shall be included the right-of-way dedication if it does not already fall within the 28 feet, 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 right-of-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 0.11-acre subject site was built with a single-family dwelling that was later remodeled into a duplex which will be reclassified as a two-unit rowhouse with the rezoning request. It is surrounded by single-family dwellings, zoned C-4, to the west and east, a single-family dwelling, zoned D-5, to the north and an undeveloped lot to the south, zoned C-4.



REZONING

This petition would rezone this site from the C-4 district to the D-8 district to allow for a two-unit rowhouse that has the possibility to be subdivided in the future.

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 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.

DEPARTMENT OF PUBLIC WORKS

The Department of Public Works, Traffic Engineering Section, has requested the dedication and conveyance of a 28-foot half right-of-way along Prospect Street in addition to the entirety of the sidewalk to be included in the right-of-way dedication if it does not already fall within the 28 feet. This dedication would also be consistent with the Marion County Thoroughfare Plan.

STAFF ANALYSIS

Staff is supportive of the rezoning to the D-8 district because it would allow for the residential use of the site to align with an appropriate zoning district instead of the existing C-4 district.

Additionally, the use and zoning district would align with the Traditional Neighborhood recommendation of the Comprehensive Plan.

GENERAL INFORMATION

Existing Zoning	C-4	
Existing Land Use	Residential	
Comprehensive Plan	Traditional Neighborhood	
Surrounding Context	Zoning	Land Use
North:	D-5	Residential (Single-family dwelling)
South:	C-4	Undeveloped
East:	C-4	Residential (Single-family dwelling)
West:	C-4	Residential (Single-family dwelling)



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

Thoroughfare Plan		
Prospect Street	Primary Arterial Street	56-foot proposed right-of-way and 53-foot existing right-of-way.
Context Area	Compact	
Floodway / Floodway Fringe	No	
Overlay	No	
Wellfield Protection Area	No	
Site Plan	April 2, 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)
- Infill Housing Guidelines (2021)
- Indy Moves Transportation Integration Plan (2018)

Pattern Book / Land Use Plan

- The Comprehensive Plan recommends traditional neighborhood development, which 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 5 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.
- **Conditions for All Housing**
 - A mix of housing types is encouraged.



Department of Metropolitan Development
Division of Planning
Current Planning

- 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.
- **Detached Housing**
 - The house should extend beyond the front of the garage. Garages should be loaded from an alley or side street when possible and should be detached if located on the side of the house.
 - Secondary units are encouraged.
 - Lots should be no larger than one and a half times the adjacent lots.
- **Attached Housing**
 - 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.

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.



Department of Metropolitan Development
Division of Planning
Current Planning

- **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.
- **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)

- The site falls within the Indy Moves Transportation Integration Plan (2018).
- Per Indy Bike Master Plan (2011), there is an existing on-street bike lane along Prospect Street starting from Shelby Street to Southeastern Avenue.



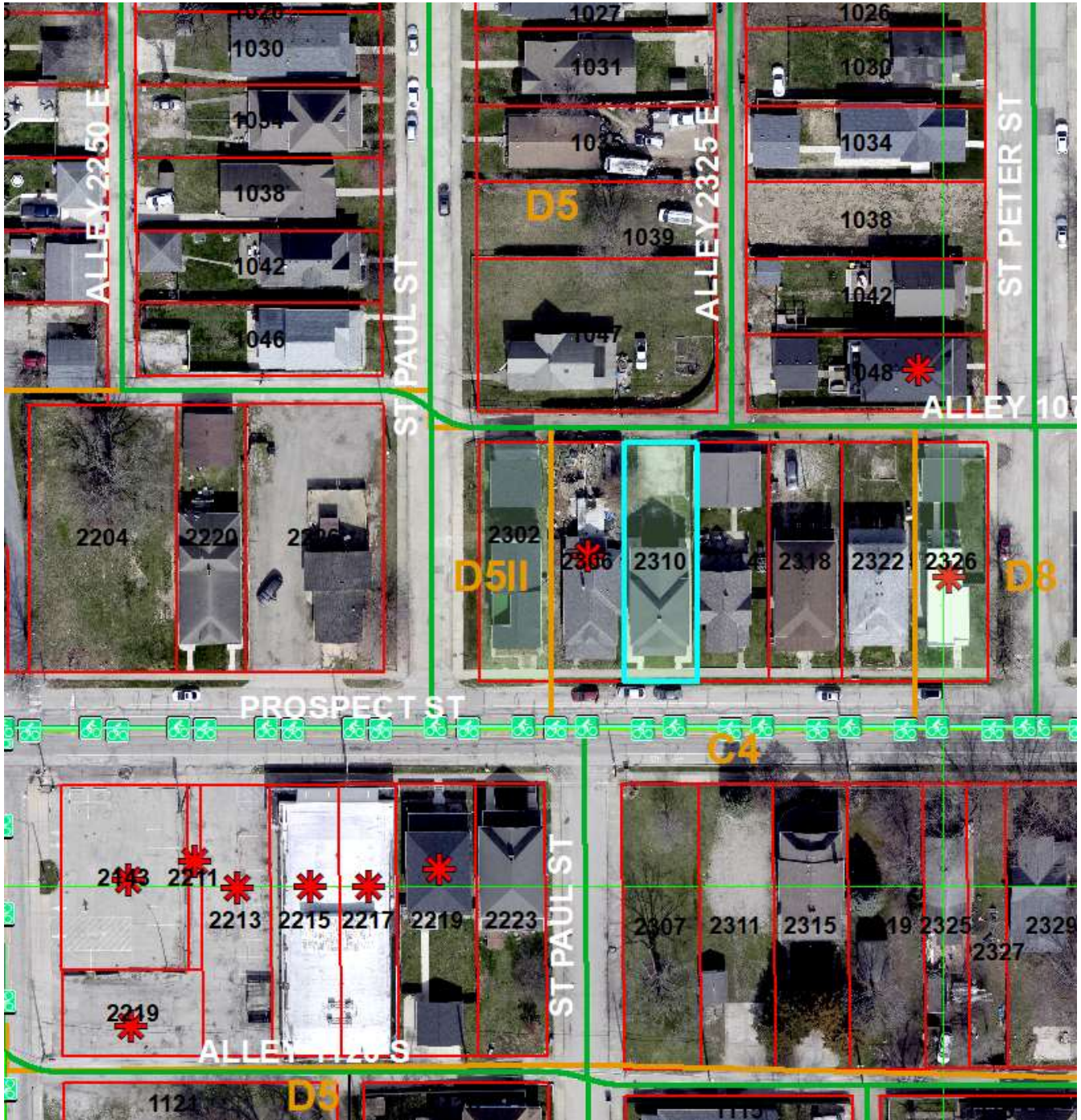
ZONING HISTORY

Zoning History – Vicinity

2022-ZON-001; 2302 Prospect Street (west of site), Rezoning of 0.11 acres from the C-4 district to the D-5II district to provide for residential development, **approved**.

2021-CZN-807 / 2021-CVR-807; 2326 Prospect Street (east of site), requested the rezoning of 0.11 acre from the C-4 district to the D-8 district and a variance of development standards to provide a deficient front setback, **approved**.

EXHIBITS



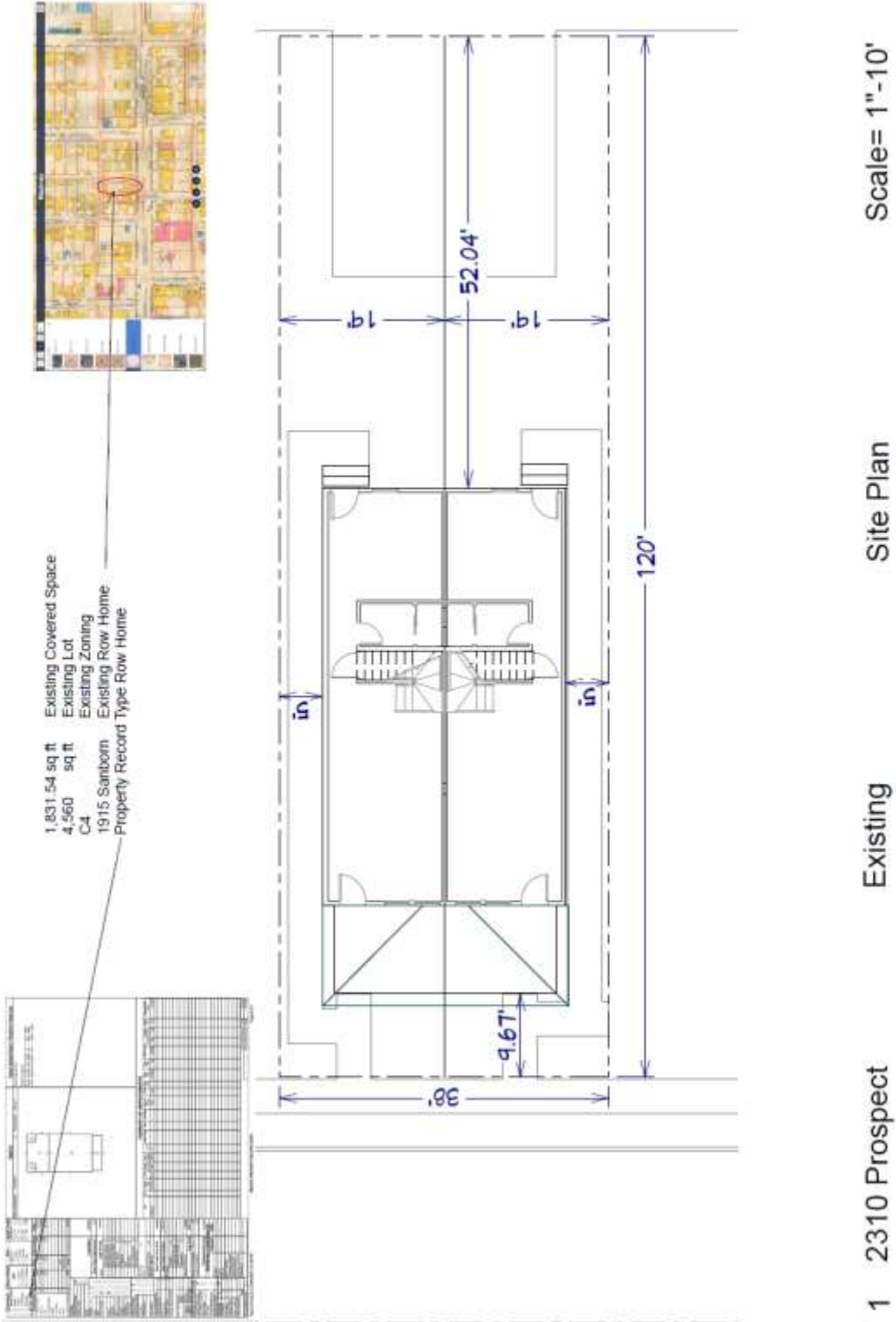




Photo of the subject site looking north.



Photo of the rear yard of the subject site.



Photo of the single-family dwellings east of the site.



Photo of the single-family dwellings west of the site.



Photo of the undeveloped lot south of the site.



Department of Metropolitan Development
Division of Planning
Current Planning

**METROPOLITAN DEVELOPMENT COMMISSION
HEARING EXAMINER**

May 15, 2024

Case Number:	2025-CPL-818 / 2005-CVR-818
Property Address:	3146 North Temple Avenue
Location:	Center Township, Council District #8
Petitioner:	Indy Real Estate Consulting, LLC, by Justin Kingen and David Kingen
Current Zoning:	D-5
Request:	Approval of a Subdivision Plat to be known as Veteran Villas, replat of Lot 73 of Tacoma Village, subdividing 0.16 acre into two single-family attached lots. Variance of use and development standards of the Consolidated Zoning and Subdivision Ordinance to provide for an attached single-family dwelling (not permitted), with 66% of lot width for off-street parking (maximum of smaller of 30 feet of lot width and 50% of lot width permitted).
Current Land Use:	Vacant
Staff Recommendations:	Approval of the plat, subject to the conditions noted below. Denial of the variances of use and 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 11, 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.



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

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 0.16-acre site, zoned D-5, is vacant and surrounded by single-family dwellings to the north, west, south, and east, across North Temple Avenue, all zoned D-5.

PLAT

Site Plan

The request would provide for a replat of Lot 73 (approximately 50 feet wide) of Tacoma Village subdivision that would equally divide the lot into two 25-foot-wide lots to provide for two attached single-family dwellings.

Streets

Both lots would front along North Temple Avenue, which is a local 50-foot-wide public street.

Sidewalks

Sidewalks exist along North Temple Avenue frontage. Sidewalks have been replaced on the east side of the street north of this site, with improvements at the intersection of North Temple Avenue and East 32nd Street.

As this site would be developed, it is likely that the existing the sidewalk would need replacement resulting from construction activities. If repair and / or replacement of the sidewalk would be necessary, standards of the Department of Public Works would be required.

Waivers

None requested.



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

VARIANCE OF USE

This request would allow for the construction of two attached single-family dwellings in an area dominated by one-story detached single-family dwellings. Staff believes this development could be described as a duplex or two-family dwelling per the Zoning Ordinance that defines a two-family dwelling as “a building designed originally for residential occupancy by two families. . . . that contains two legally complete dwelling units. . . . that may or may not be located on a separate lot separated from the other by an unpierced wall extending from ground to roof. . . .”

According to historical aerials, this lot was originally developed with a single-family dwelling that was demolished around 1990 and the land has remained vacant during the intervening years.

As proposed, the use of the site for an attached two-family dwelling would be incongruent with the character of the surrounding neighborhood and would introduce a housing typology that would not be compatible or harmonious with the historical development of this neighborhood.

According to the site plan, file-dated April 11, 2025, the main floor area of each unit would be 645 square feet. The Ordinance requires a minimum of 900 square feet of main floor area for one-story units and a minimum of 660 square feet of main floor area for units over one story. No elevations were submitted with these petitions, but a variance would be required to be filed and approved for the reduction of main floor area.

Staff would note that The Pattern Book recommends that two-family / duplex dwellings be located at corners or intersections, with entrances located on different sides of the lot. This site lies in the middle of the block, with both entrances facing North Temple Avenue.

Given the reduced square footage of the main floor, there is a potential for a two-story dwelling. Staff would emphasize that a two-story dwelling would not be compatible in this neighborhood of one-story dwellings because it would result in a building mass that would be out of scale with and disrupt the architectural character of this neighborhood.

VARIANCE OF DEVELOPMENT STANDARDS

The request would allow for a parking area in the front yard that occupies 66% of the lot width when the Ordinance limits the size of a parking area to the smaller of 30 feet of lot width and 50% of lot width.

Off street parking in this neighborhood generally occurs on a narrow driveway on either side of the dwelling that is aligned with a driveway on the opposite side of the street. There are also a few small garages scattered throughout the neighborhood, but the proposed parking area covers most of the front yard that would be yet another feature that causes this request to be out of character and scale with the neighborhood and inconsistent with the recommendations of Infill Housing Guidelines and compromise the pedestrian safety.



GENERAL INFORMATION

Existing Zoning	D-5	
Existing Land Use	Vacant	
Comprehensive Plan	Traditional Neighborhood	
Surrounding Context	<u>Zoning</u>	<u>Land Use</u>
	North:	D-5 Single-family dwelling
	South:	D-5 Single-family dwelling
	East:	D-5 Single-family dwelling
	West:	D-5 Single-family dwelling
Thoroughfare Plan		
North Temple Avenue	Local Street	Existing 50-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 11, 2025	
Site Plan (Amended)	N/A	
Elevations	N/A	
Elevations (Amended)	N/A	
Landscape Plan	N/A	
Findings of Fact	April 11, 2025	
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 5 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.”



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 cut-throughs 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.



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

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.”



Department of Metropolitan Development
Division of Planning
Current Planning

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

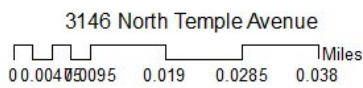


Department of Metropolitan Development
Division of Planning
Current Planning

ZONING HISTORY

None.

EXHIBITS



**VETERAN VILLAGES
FINAL PLAT**

A REPLAT OF LOT 73 OF TACOMA VILLAGE
PART OF THE SW 1/4 OF SECTION 20, TOWNSHIP 16 NORTH, RANGE 04 EAST
CENTER TOWNSHIP, MARION COUNTY, INDIANA

VICINITY MAP
NOT TO SCALE

PROPERTY FACTS
CURRENT ZONING: D5

PREPARED FOR:
INDY REAL ESTATE CONSULTING LLC
6255 CARROLLTON AVE
INDIANAPOLIS, IN 46220

SOLOMON CONSULTING
526 E. MORRIS STREET
INDIANAPOLIS INDIANA 46203
(317) 966-8318
solopgr@solomon.com

LEGEND

- New Property Line
- Property Line
- Adjacent Property Line
- Setback Line
- Easement Line

FOUND SURVEY MONUMENT (As Labeled)
 Set Monument (As Labeled)
 Set 24" Rebar With Blue Plastic Cap Labeled
 Solomon Consulting PLS 21900009

Re-Plat
3146 N Temple Ave
Indianapolis, IN

2 of 2

Sheet Number

SURVEYORS CERTIFICATE

Lot 73 in Tacoma Villages, an Addition to the City of Indianapolis, the plat of which is recorded as instrument number 27-055 and 27-056, in the Office of the Recorder of Marion County, Indiana.

This subdivision consists of 2 lots numbered 73A and 73B. The locations and dimensions of the lots, setbacks, and easements are as shown on this plat. The size of the lots and widths of streets as shown on this plat are in feet and decimal parts thereof.

I further certify that all monuments shown actually exist or will be installed in their position as correctly shown and that all dimensions and geodetic information are correct.

Witness my hand and seal this 20th Day of March, 2025.

James T. Barnes - Indiana Registered
Land Surveyor No. 21900009

STATE OF INDIANA
REGISTERED SURVEYOR
No. LS21900009
JAMES T. BARNES

7. AFFIRM, UNDER PENALTIES FOR PERJURY, THAT I HAVE TAKEN REASONABLE CARE TO REDACT EACH SOCIAL SECURITY NUMBER IN THIS DOCUMENT, UNLESS REQUIRED BY LAW.



DATE: 07/20/18
DRAWN BY: JESSICA BROWN
CHECKED BY: JESSICA BROWN
SCALE: AS SHOWN
PROJECT: 1816 NORTH TEMPLE AVENUE
SUBJECT: VETERAN VILLAS

SITE MAP

SQUARE FOOTAGE TABLE	
STRUCTURAL FOOTPRINT	TOTAL PURPOSED STRUCTURAL FOOTPRINT (Main Structure + Entry Porch + Deck)
1680 sq/ft (840 sq/ft Per Unit)	TOTAL FINISHED SQUARE FOOTAGE (Lv 1 + 2)
2400 sq/ft (1200 sq/ft Per Unit)	TOTAL FINISHED SQUARE FOOTAGE (Lv 1)
1200 sq/ft (600 sq/ft Per Unit)	TOTAL FINISHED SQUARE FOOTAGE (Lv 2)
1200 sq/ft (600 sq/ft Per Unit)	TOTAL PURPOSED CONCRETE PATIO SQUARE FOOTAGE (Entry Porch)
180 sq/ft (75 sq/ft Per Unit)	TOTAL PURPOSED CONCRETE PATIO SQUARE FOOTAGE (Rear Deck)
240 sq/ft (120 sq/ft Per Unit)	TOTAL PURPOSED CONCRETE PATIO SQUARE FOOTAGE (Sidewalk + Steps)
704 sq/ft (352 sq/ft Per Unit)	TOTAL PURPOSED CONCRETE PARKING PAD FOOTPRINT
1164 sq/ft (582 sq/ft Per Unit)	
TOTAL SITE SQUARE FOOTAGE	PERCENTAGE OF PROPERTY SQUARE FOOTAGE COVERED BY PURPOSED STRUCTURAL FOOTPRINT - Total Property = 6745sq/ft (6408 sq/ft Unit A / 3837 sq/ft Unit B with purposeed lot split)
	Structural Footprint - Total Existing Lot = 25% (73% Open Space)
	Unit B - 25% (75% Open Space)
	Unit A - 25% (75% Open Space)

MAPINDY CONTOUR LINES
Scale N/A

PROPERTY NOTES
DRAINAGE NOTES - PROPERTY IS PREDOMINATELY LEVEL (±1')
Property is predominately level W/ ± 1' elevation change throughout the property
No structure will be back-filled to create positive drainage
Entry grade to be graded to promote positive drainage as shown
Concrete wash-out basin to be provided onsite during all flatwork installation
Temporary construction drive to be established in the East of property (See drainage map)

LAYOUT NOTES
All exterior dimensions are to 7/16" OSB sheathing
All interior dimensions are to wall framing
All opening dimensions are to rough opening or center line

SM - 1 SITE MAP
SITE MAP NOTES
DIMENSIONS AND LOCATIONS DERIVED FROM GIS RESOURCES AND ONSITE PROPERTY/SURVEY MONUMENTS. THESE DRAWINGS ARE INTENDED TO OUTLINE THE GENERAL SCOPE OF THE WORK. CONTRACTORS SHALL FIELD VERIFY ALL EXISTING CONDITIONS AND DIMENSIONS BEFORE STARTING ANY WORK. CONTRACTORS SHALL ALSO BE RESPONSIBLE FOR ADHERING TO ALL APPLICABLE CODES AND GENERALLY ACCEPTED TRADE PRACTICES. ALL SITE UTILITIES ARE PRESUMED TO BE EXISTING UNLESS NOTED OTHERWISE. COORDINATE SITE UTILITIES WITH MECHANICAL, ELECTRICAL AND PLUMBING SUB-CONTRACTORS, AS WELL AS LOCAL UTILITIES COMPANIES AS REQUIRED TO PROVIDE SERVICES. INCLUDING BUT NOT LIMITED TO WATER SUPPLY, SANITARY SEWER AND WASTE DISCHARGE, ELECTRICAL SERVICE, NATURAL GAS SERVICE, AND TELECOMMUNICATIONS.

SM - 1 SITE MAP
SITE MAP
Scale 1" = 10'

SM - 1 SITE MAP
SITE MAP
Scale 1" = 10'

SM - 1 SITE MAP
SITE MAP
Scale 1" = 10'

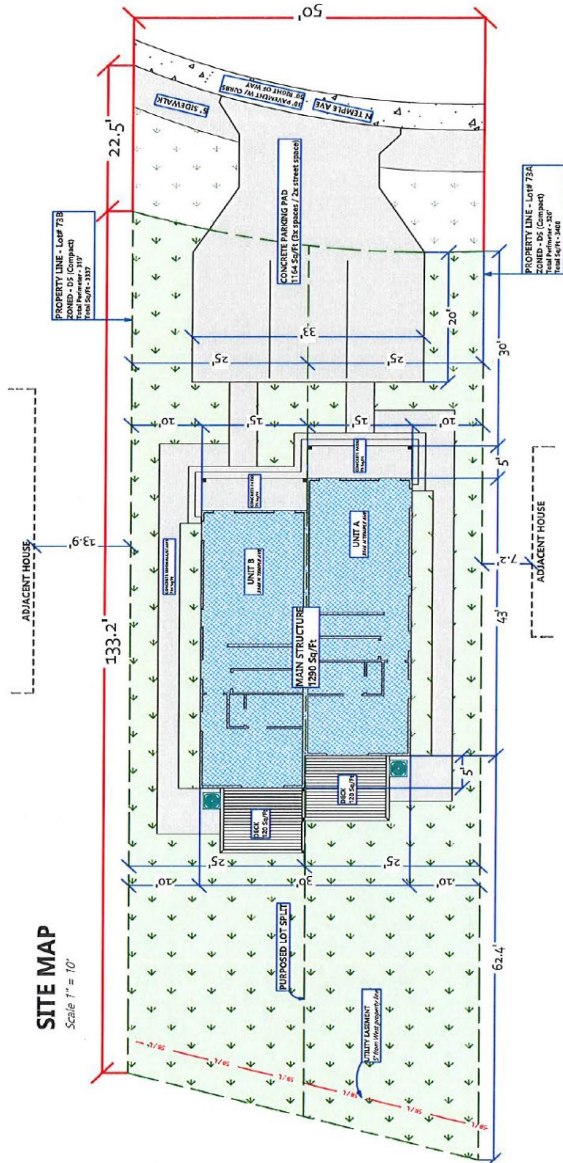
SM - 1 SITE MAP
SITE MAP
Scale 1" = 10'

SM - 1 SITE MAP
SITE MAP
Scale 1" = 10'

SM - 1 SITE MAP
SITE MAP
Scale 1" = 10'

DATE: 07/20/18
DRAWN BY: JESSICA BROWN
CHECKED BY: JESSICA BROWN
SCALE: AS SHOWN
PROJECT: 1816 NORTH TEMPLE AVENUE
SUBJECT: VETERAN VILLAS

SM - 1





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 USE

FINDINGS OF FACT

1. THE GRANT WILL NOT BE INJURIOUS TO THE PUBLIC HEALTH, SAFETY, MORALS, AND GENERAL WELFARE OF THE COMMUNITY BECAUSE

The granting of this variance of use will allow for the new construction of two single-family attached residential units that will built for veterans. The development of two new single-family units will not be injurious to the public health, safety, morals, or general welfare of the community.

2. THE USE AND 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 the area will be increased by the construction of two new single family residences.

3. THE NEED FOR THE VARIANCE ARISES FROM SOME CONDITION PECULIAR TO THE PROPERTY INVOLVED BECAUSE

Single-family attached residences are not permitted in a D-5 district, therefore a variance of use is necessary.

4. THE STRICT APPLICATION OF THE TERMS OF THE ZONING ORDINANCE CONSTITUTES AN UNUSUAL AND UNNECESSARY HARDSHIP IF APPLIED TO THE PROPERTY FOR WHICH THE VARIANCE IS SOUGHT BECAUSE

Single-family attached residences are not permitted in a D-5 district, therefore a variance of use is necessary.

5. THE GRANT DOES NOT INTERFERE SUBSTANTIALLY WITH THE COMPREHENSIVE PLAN BECAUSE

The comprehensive plan recommends this area/subject site to be Traditional Neighborhood. The development of two single-family attached residences on this property will be consistent with the Traditional Neighborhood typology.

DECISION

IT IS THEREFORE the decision of this body that this VARIANCE petition is APPROVED.

Adopted this _____ day of _____, 20 ____



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

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

The majority of single-family residences in his area of the Martindale-Brightwood neighborhood and specifically this segment of North Temple Avenue have private parking areas in the front-yard. Granting this variance request would allow for the subject site to be developed in a manner that is consistent with the character of the neighborhood.

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 majority of single-family residences in his area of the Martindale-Brightwood neighborhood and specifically this segment of North Temple Avenue have private parking areas in the front-yard. Granting this variance request would allow for the subject site to be developed in a manner that is consistent with the character of the neighborhood.

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

The subject site does not have an alley which would be needed to access a private parking area at the rear of the property. The practical difficulty exists due to the fact that developing a private parking area on the subject site would need a variance of development standards

DECISION

IT IS THEREFORE the decision of this body that this VARIANCE petition is APPROVED.

Adopted this _____ day of _____, 20 ____



View looking north along North Temple Avenue



View looking south along North Temple Avenue



View of site looking west across North Temple Avenue



View of site looking northwest across North Temple Avenue



View of neighborhood looking southeast across North Temple Avenue



View looking south along North Temple Avenue