



# Metropolitan Development Commission Hearing Examiner (May 9, 2024) 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 09, 2024

**Time:** 1:00 PM

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

## Business:

### Special Requests

#### PETITIONS REQUESTING TO BE CONTINUED:

**1. 2024-CAP-815 / 2024-CVR-815 | 2439 and 2455 Dr. Martin Luther King, Jr. Street**

Center Township, Council District #12

Meridian Lodge #33 and NWQOL Holding Company LLC, by Bryan Conn

C-S (W-5)

Modification of Development Statement and Site Plan related to 2020-ZON-067 to provide for a four-story multi-family, with supportive services development, with 32 dwelling units for persons experiencing homelessness, community meeting space, mental health services, employment assistance, health and wellness programs, life skills training and development, and a food pantry for residents.

Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for construction of a four-story multi-family, supportive services, and community space building, with 35% transparency on the west façade (minimum 40% transparency required on facades within 50 feet of a local, collector or arterial street), with 6% transparency on the north façade, with 25% transparency on the east façade, with 9% transparency on the south façade (minimum 40% transparency required within 50 feet of a public pedestrian entrance), with a front yard setback of five feet (minimum 10 feet required), a north side yard setback of seven feet, and a south side yard setback of seven feet (minimum 10-foot side yard setbacks required).

**\*\*Staff request for continuance for cause to May 23, 2024**

## Petitions for Public Hearing

#### PETITIONS TO BE EXPEDITED:

**2. 2024-ZON-041 | 1110 Bates Street**

Center Township, Council District #18

Daniel Paul Graf

Rezoning of 0.11-acre from the I-4 district to the D-8 district to legally establish residential uses.

**3. 2024-ZON-045 | 635 South High School Road**

Wayne Township, Council District #17

Vanderious L. Trice and Korteny Trice, by Joseph N. Sprunger

Rezoning of 0.46-acre from the SU-1 district to the D-3 district to legally establish a single-family dwelling.

**4. 2024-ZON-046 | 104 South College Avenue**

Center Township, Council District #18  
Indy City Barbell, LLC, by Brian J. Touhy

Rezoning of 0.66-acre from the I-4 (FF) (TOD) district to the CBD-2 (FF) (TOD) district to provide for a gymnasium, physical fitness, and training center.

**5. 2024-CPL-814 / 2024-CVR-814 | 8840 East Edgewood Avenue**

Franklin Township, Council District #25  
D. R. Horton – Indiana, LLC, by Brian J. Tuohy

Approval of a Subdivision Plat to be known as Edgewood Farms West -Section 1, dividing 33.73 acres into 77 lots, with a waiver to allow emergency vehicles to use three different local streets to reach their destination (must not utilize more than two different local streets to reach their destination).

Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for five-foot wide sidewalks along all streets (minimum six-foot wide sidewalks permitted along all streets).

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

**6. 2024-APP-005 | 1616 East 25th Street**

Center Township, Council District #8  
PK-1  
City of Indianapolis, Department of Parks and Recreation, by Mistie Nigh

Park District One Approval to provide for building signage for Frederick Douglass Park Family Center.

**7. 2024-ZON-023 | 3801 North Raceway Road**

Pike Township, Council District #11  
D.R. Horton – Indiana, LLC, by Brian J. Tuohy

Rezoning of 8.16 acres from the D-A district to the D-6 district to provide for a townhome development.

**8. 2024-ZON-028 | 5332 South Franklin Road**

Franklin Township, Council District #25  
Lennar Homes of Indiana, LLC., by Brian J. Tuohy

Rezoning of 75.3 acres from the D-A district to the D-4 district to provide for single-family residential development.

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

**9. 2024-ZON-035 | 1201 South Holt Road**

Wayne Township, Council District #17  
Badesha Bros, by Jamilah Mintze

Rezoning of 1.4 acres from the C-4 and I-3 districts to the C-4 district to provide for commercial uses.

**10. 2024-ZON-043 | 6240 Five Points Road**

Franklin Township, Council District #25  
James K. Butler, by Gregory J. Ilko

Rezoning of 2.9 acres from the D-A and D-2 districts to the D-2 district for single-family residential uses.

**11. 2024-ZON-044 | 918 East 27th Street, 2735, 2739, 2743, 2747, 2751, and 2755 Guilford Avenue (odd), 2712, 2716, 2720, 2724, 2728, 2732, 2736, 2740, 2748, 2752, and 2756 Winthrop Avenue (even)**

Center Township, Council District #8  
Historic Grandview LLC, by Paul J Lambie

Rezoning of 2.4 acres from the D-5 district to the D-8 district for residential development.

**12. 2024-CZN-817 / 2024-CVR-817 | 1103 and 1115 East 52nd Street**

Washington Township, Council District #7  
Fineberg and Solomon, Inc., by Russell Brown

Rezoning of 1.05 acres from the D-5 (W-5) district to the MU-2 (W-5) district to legally establish existing uses and to provide for a potential mixed-use development.

Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for multiple dwelling units on the southside of an existing two-story building without orientation to a public street (dwelling units must orient and be visible to a public street).

**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](mailto:planneroncall@indy.gov). Written objections to a proposal are encouraged to be filed via email at [planneroncall@indy.gov](mailto: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.



**METROPOLITAN DEVELOPMENT COMMISSION** **May 9, 2024**  
**HEARING EXAMINER**

**Case Number:** 2024-CAP-815 / 2024-CVR-815

**Property Address:** 2439 and 2455 Dr. Martin Luther King, Jr. Street

**Location:** Center Township, Council District #12

**Petitioner:** Meridian Lodge #33 and NWQOL Holding Company LLC, by Bryan Conn

**Request:** Modification of Development Statement and Site Plan related to 2020-ZON-067 to provide for a four-story multi-family, with supportive services development, with 32 dwelling units for persons experiencing homelessness, community meeting space, mental health services, employment assistance, health and wellness programs, life skills training and development, and a food pantry for residents.

Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for construction of a four-story multi-family, supportive services, and community space building, with 35% transparency on the west façade (minimum 40% transparency required on facades within 50 feet of a local, collector or arterial street), with 6% transparency on the north façade, with 25% transparency on the east façade, with 9% transparency on the south façade (minimum 40% transparency required within 50 feet of a public pedestrian entrance), with a front yard setback of five feet (minimum 10 feet required), a north side yard setback of seven feet, and a south side yard setback of seven feet (minimum 10-foot side yard setbacks required).

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

**CONTINUANCE**

Staff is requesting a **continuance from the May 9, 2024 hearing, to the May 23, 2024 hearing**, to provide additional time for discussion with the petitioner’s representative and architect.



**METROPOLITAN DEVELOPMENT COMMISSION  
HEARING EXAMINER**

May 9, 2024

**Case Number:** 2024-ZON-041

**Property Address:** 1110 Bates Street

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

**Petitioner:** Daniel Paul Graf

**Current Zoning:** I-4 (TOD)

**Request:** Rezoning of 0.11-acre from the I-4 (TOD) district to the D-8 (TOD) district to legally establish residential uses.

**Current Land Use:** Single-family dwelling / detached garage

**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 substantial compliance with the site plan, file-dated April 3, 2024.

**PETITION OVERVIEW**

This 0.11-acre site, zoned I-4 (TOD), is developed with a single-family dwelling and detached garage. It is surrounded by a community service facility to the north and east, zoned I-3 (TOD); vacant industrial uses to the south, across Bates Street, zoned I-4 (TOD); and vacant industrial uses to the west, zoned I-4 (TOD).

Petition 2022-UV1-041 permitted the construction of a detached garage with reduced setbacks.

The request would rezone this site to the D-8 district. “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 one of five dwelling districts that would “implement walkable, compact neighborhoods within a well-connected street network and block structure, using slow neighborhood streets, walkable connectors, and multi-mode thoroughfares.” These districts require urban public and community facilities and services to be available. Additionally, these districts may be used to support nearby commercial and transit investments.

The Comprehensive Plan recommends light industrial typology for the site.

The request would not be consistent with the Comprehensive Plan recommendation of light industrial typology or the industrial reserve overlay, but The Pattern Book guidelines recommend that light industrial uses be removed as a land use adjacent to living typologies.

This site also lies within two TOD overlays (Red Line and Blue Line) with District Center and Central Business District typologies, both of which recommend mixed-use, including residential uses, with a minimum building height of three to five stories. As proposed, this request would support these more recent adopted land use plans.

For approximately ten years, living typologies have been introduced to this area by rezonings to the D-8 district between the railroad right-of-way to the west and Shelby Street to the east. It should also be noted that historically, this area was developed residentially.

For all these reasons, staff supports and believes this request would generally be compatible with the adopted land use plans and the current ongoing redevelopment of this area. The surrounding land uses would not be negatively impacted by the historical residential use on this site.

**GENERAL INFORMATION**

<b>Existing Zoning</b>	I-4 (TOD)	
<b>Existing Land Use</b>	Single-family dwelling / detached garage	
<b>Comprehensive Plan</b>	Light Industrial	
<b>Surrounding Context</b>	<b>Zoning</b>	<b>Land Use</b>
	North:	I-3 (TOD) Community service facility
	South:	I-4 (TOD) Industrial uses (vacant)
	East:	I-3 (TOD) Community service facility
	West:	I-4 (TOD) Industrial uses (vacant)
<b>Thoroughfare Plan</b>		
Bates Street	Local Street	Existing 60-foot right-of-way and proposed 48-foot right-of-way.
<b>Context Area</b>	Compact	
<b>Floodway / Floodway Fringe</b>	No	
<b>Overlay</b>	Yes	
<b>Wellfield Protection Area</b>	No	



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<b>Site Plan</b>	April 3, 2024
<b>Site Plan (Amended)</b>	N/A
<b>Elevations</b>	N/A
<b>Elevations (Amended)</b>	N/A
<b>Landscape Plan</b>	N/A
<b>Findings of Fact</b>	N/A
<b>Findings of Fact (Amended)</b>	N/A
<b>C-S/D-P Statement</b>	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 Pattern Book lays out a land use classification system that guides the orderly development of the county, protects the character of neighborhoods, and serves as a policy guide for development or redevelopment of a site.
- The following elements of the Pattern Book apply to this site:
  - *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.
  - *Heavy Commercial Uses*
    - Removed as a recommended land use where they would be adjacent to a living typology.
  - *Small-Scale Offices, Retailing, and Personal or Professional Services*
    - Should be subordinate to and serving the primary uses of production, warehousing, and offices.
    - Should be adjacent to interstate interchanges if present. If no interchange is present, should be located along arterial streets at the edge of the light industrial typology.
    - Should be located and served in such a way that the use will not interfere with industrial traffic or loading.
  - *Wind or Solar Farms*
    - Recommended without additional conditions.
- The Pattern Book also provides guidance related to overlays and whether an overlay adds, modifies, or removes the recommended land uses within the base typology.

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





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The Industrial Reserve (IR) is intended for areas that are prime for industrial development due to factors such as large parcel size, proximity to compatible uses, and/or interstate access.

- *Added Uses*
  - No uses are added.
- *Modified Uses*
  - No uses are modified.
- *Removed Uses*
  - Small-Scale Offices, Retailing, and Personal or Professional Services
  - Heavy Commercial Uses

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.

- *Added Uses*
  - No uses are added.
- *Modified Uses*
  - Small Scale Offices, Retailing, and Personal or Professional Services - 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.)
- *Light Industrial Uses*
  - 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.) Only small-scale light industrial uses are appropriate in this overlay.
- *Removed Uses*
  - Heavy Commercial Uses

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

- This site lies within two TOD overlays: The Red Line Transit Oriented Development Strategic Plan (2021) and The Blue Line Transit Oriented Development Strategic Plan (2018).
- The Red Line proposed transit station serving this site is identified with a District Center typology. The Blue Line proposed transit station serving this site is identified with a Central Business District typology.
  - Red Line - This site is located within a ½ mile walk of the Fletcher Place transit stop located at the intersection of Virginia Street and Merrill Street with a District Center typology.
  - Blue Line - This site is located within a ½ mile walk of the proposed transit station located at the intersection of U.S. 40 (Washington Street) and Southeastern Avenue / Shelby Street with a Central Business District 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
- Central Business Center stations are located in the Regional Center with the region's highest density and largest concentration of employment. Development opportunities include dense infill and redevelopment, office, mixed-use, cultural and civic institutions and a focus on enhances placemaking and livability.
  - Characteristics of the Central Business Center typology are:
    - The densest core of the city with the tallest buildings
    - Mix of office, entertainment, civic retail, active public place and residential
    - Minimum of 5 stories throughout with no front or side setbacks
    - Structure parking only with active first floor



### 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 describes 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

**2022-UV1-041, 1110 Bates Street**, requested a variance of use and development standards of the Consolidated Zoning and Subdivision Ordinance to provide for the construction of a detached garage with a six-foot west side yard setback and a seven-foot east side yard setback and a 10-foot rear yard setback, **granted**.

### Vicinity

**2023-ZON-121; 1007, 1008, 1010, 1011, 1015 & 1027 East Georgia Street and 1018, 1022 & 1030 Bates Street (west of site)**, requested rezoning of 1.16 acres from the I-4 (TOD) District to the C-S (TOD) District to provide for a housing hub for those experiencing homelessness including associated supportive services, **approved**.

**2008-AP2-001; 229 Shelby Street (west of site)**, requested approval of a waiver of the three-month refiling rule for a petition, 2008-SE2-004, withdrawn on July 15, 2008, in I-4-U, **approved**.

**2008-SE2-005; 229 Shelby Street (west of site)**, requested a special exception of the Industrial Zoning Ordinance to provide for an automobile salvage operation, **withdrawn**.

**2008-SE2-004; 229 Shelby Street (west of site)**, requested a special exception of the Industrial Zoning Ordinance to provide for an automobile salvage operation, in I-4-U, **withdrawn**.

**2006-UV2-018; 1007, 1011, and 1015 East Georgia Street (north of site)**, requested a variance of use of the Industrial Zoning Ordinance to provide for continued lawn mower sales and repair (not permitted), and used carpet sales (not permitted), as permitted temporarily by petition 2001-UV1-016 until May 1, 2006, **granted**.

**2003-UV2-043; 1127 Bates Street (east of site)**, requested a variance of use and development standards of the Industrial Zoning Ordinance to provide for the continued operation of a motor vehicle salvage business, with a zero-foot west side setback, in I-4-U, **granted (later dismissed because conditions were not met)**.

**2001-UV1-016; 1007-1015 East Georgia Street (north of site)**, requested a variance of use of the Industrial Zoning Ordinance to provide for lawn mower sales and repair, and carpet sales in I-4-U, as previously approved by 96-UV3-43, **granted (temporary for five years, exclusive to petitioner)**.

**99-UV1-48; 1101-1129 East Georgia Street and 1116-1126 East Bates Street (east of site)**, requested a variance of use and development standards of the Industrial Zoning Ordinance to provide for an alcohol and drug treatment and recovery center, with a parking lot within the required front yards of Georgia and Shelby Streets, with off-street loading using an adjacent alley for vehicle maneuvering and loading, in I-3-U, **granted**.



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**99-UV1-19; 1129 -1225 East Georgia Street (north of site)**, requested a variance of use and development standards of the Industrial Zoning Ordinance to provide for an alcohol treatment and recovery center (not permitted) with 8 parking spaces located within the required front yard of Georgia Street and 1 parking space within the required front yard of Leota Avenue (parking not permitted in the required front yard), **granted**.

**99-Z-186; 1133 East Georgia Street (north of site)**, requested rezoning of 1.597 acres from SU-9 to I-3-U to provide for medium-intensity urban industrial development, **approved**.

**97-V3-65; 1138 Bates Street (east of site)**, requested a variance of development standards of the Industrial Zoning Ordinance to provide for the construction of a 24 by 29-foot detached garage with a six-foot rear yard setback (minimum 20 feet required), **granted**.

**97-UV3-28; 1138 Bates (east of site)**, requested a variance of use of the Industrial Zoning Ordinance to provide for the construction of a 24 by 29-foot detached garage for an existing single-family residence (not permitted), **granted**.

**97-UV2-36, 1002 Bates Street (west of site)**, requested a variance of use and development standards of the Industrial Zoning Ordinance to provide for construction of a 22 by 24-foot detached garage for an existing single-family dwelling, with reduced setbacks, **denied**.

**96-UV3-43; 1007-1015 East Georgia Street (north of site)**, requested a variance of use of the Industrial Zoning Ordinance to provide for lawn mower sales and repair, carpet sales, and light mechanical automobile repair in I-4-U, **granted (temporary for five years, exclusive to petitioner)**.

**95-UV3-78; 1135 East Bates Street (east of site)**, requested a variance of use and development standards to permit the continued operation of a motor vehicle salvage business with a zero-foot side yard setback from the west property line and a gravel surface storage area, **granted for two years**.

**94-Z-116/ 94-CV-16; 1129-1225 East Georgia Street (north of site)**, requested rezoning of 2.66 acres, being in the SU-9 District, to the I-3-U classification to provide for armored truck services, with a companion variance of development standards of the Industrial Zoning Ordinance to permit the construction of a 22,800 square foot industrial building, with parking and a service drive located within the required front yard of Georgia Street and Leota Street, and to use a portion of a side yard for a widened alley turn, **approved**.

**94-VAC-25; 1101 East Georgia Street (north of site)**, requested a vacation of 11.45 feet in width from the south right-of-way line of Georgia Street, from Shelby to Leota Streets, a portion of the alley south of Georgia Street, and a portion of Olive Street, **approved**.



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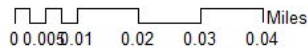
**93-UV3-51; 1135 East Bates Street (east of site)**, requested a variance of use and development standards to provide for the sale of automobile parts, to permit a mobile home to remain as an office, to permit parking within the front yard (not permitted) and to permit outdoor storage of automobiles and parts in excess of 75% of the gross floor area of a building, **granted for one year**.

**90-Z-197; 1129-1225 East Georgia Street (north of site)**, requested rezoning of 2.66 acres, being in the I-4-U District, to the SU-9 classification, **approved**.

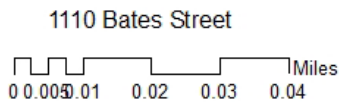
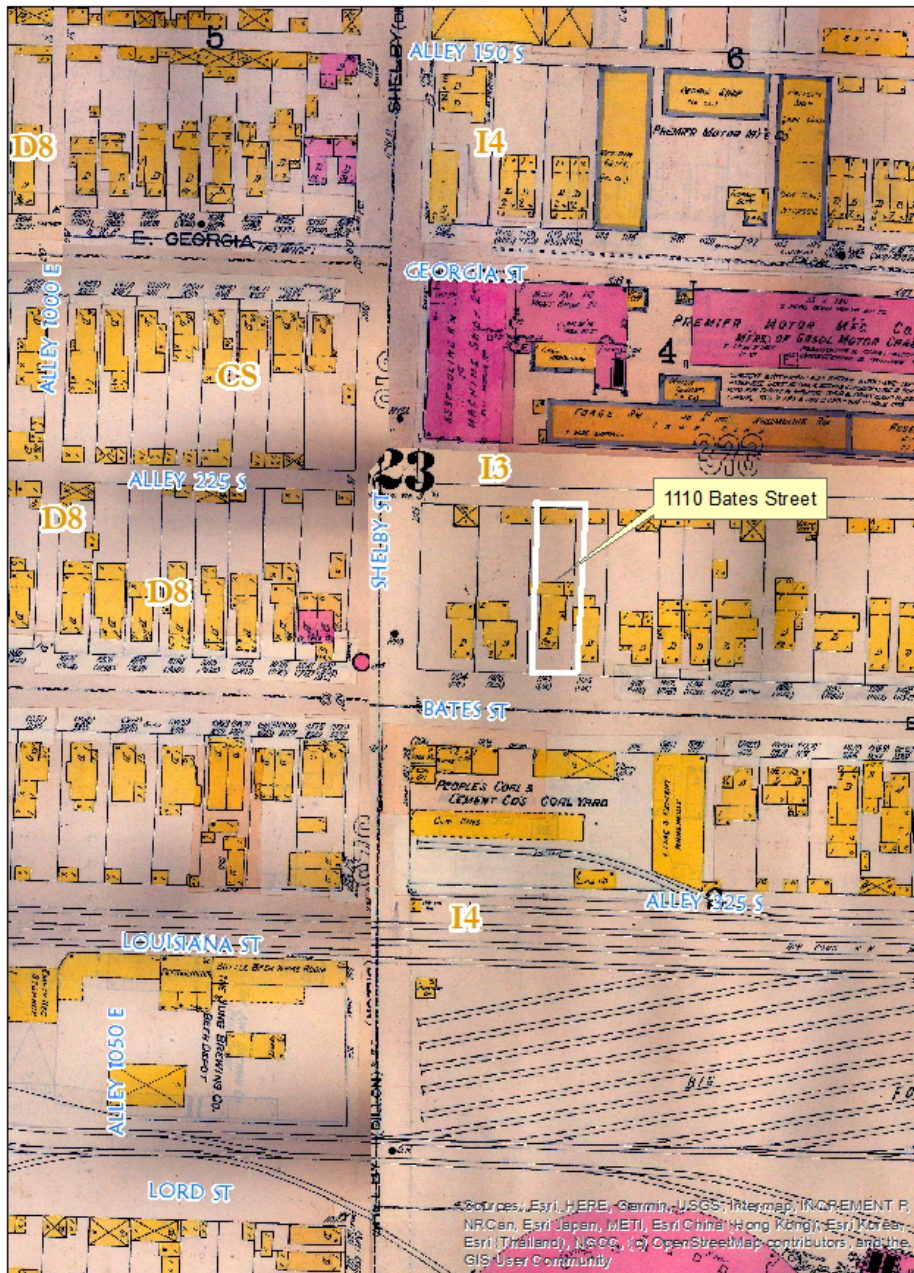
**EXHIBITS**



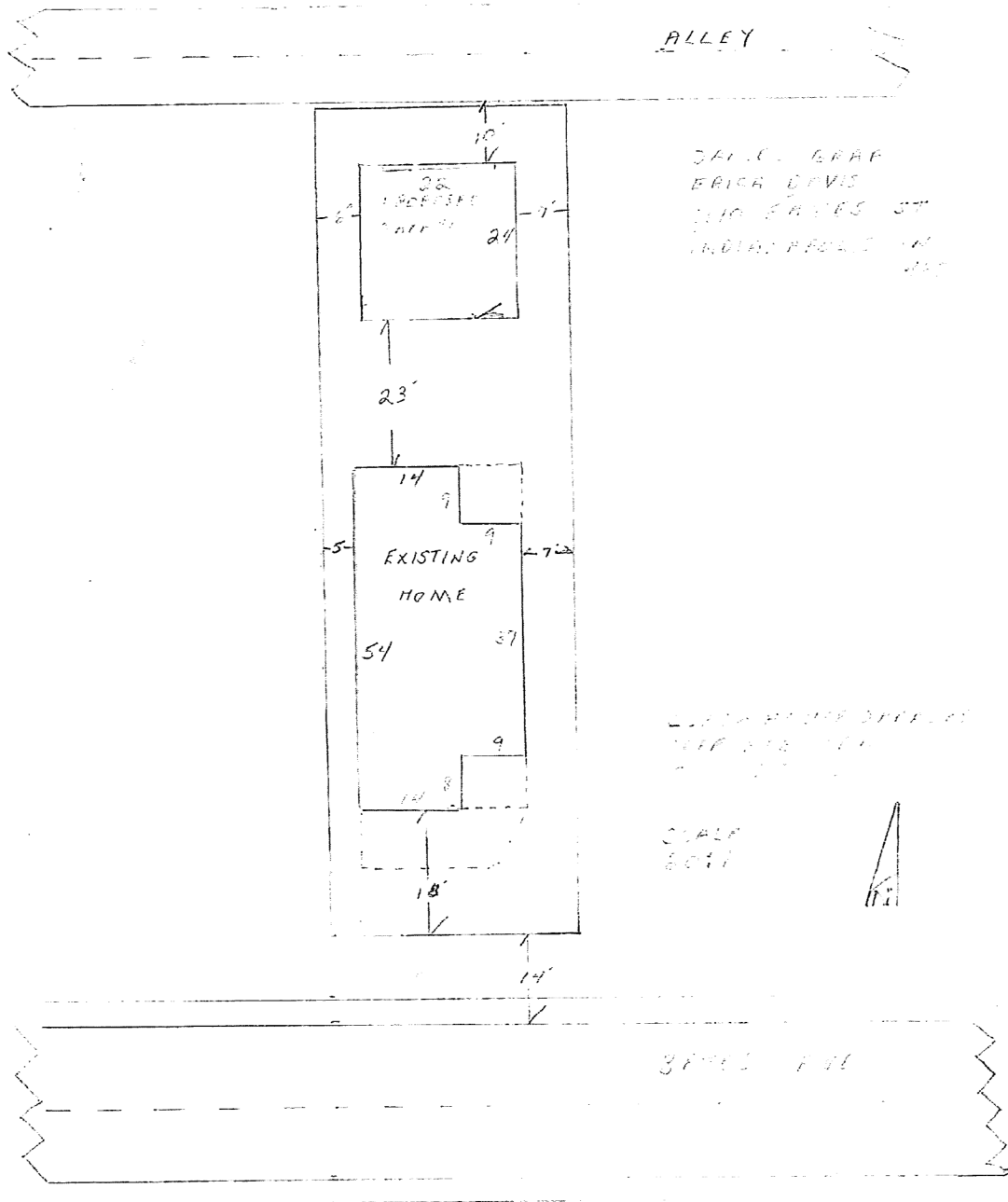
1110 Bates Street



Sanborn Map 1898









View looking west along Bates Street



View looking east along intersection of Bates Street and Shelby Street



View looking southwest from intersection of Bates Street and Shelby Street



View of site looking north across Bates Street



View of adjacent land use to the east looking across Bates Street



**METROPOLITAN DEVELOPMENT COMMISSION  
HEARING EXAMINER**

May 9, 2024

**Case Number:** 2024-ZON-045

**Property Address:** 635 South High School Road

**Location:** Wayne Township, Council District #17

**Petitioner:** Vanerious L. Trice and Korteny Trice, by Joseph N. Sprunger

**Current Zoning:** SU-1

**Request:** Rezoning of 0.46 acre from the SU-1 district to the D-3 district to legally establish a single-family dwelling.

**Current Land Use:** Residential

**Staff Recommendations:** Approval.

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

**PETITION HISTORY**

This is the first public hearing on this petition.

**STAFF RECOMMENDATION**

Approval.

**PETITION OVERVIEW**

This 0.46-acre site, zoned SU-1, is developed with a single-family dwelling. It is surrounded by residential uses to the north, zoned SU-1; religious uses to the south, across Sherry Lane, zoned SU-1; residential uses to the east and west, across South High School Road, zoned D-3.

Petition 2008-ZON-120 rezoned this site and the abutting property to the north to the SU-1 district to provide for religious uses. The plans filed with the petition indicated that these two parcels would be developed with a parking lot for the religious uses to the south.



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Division of Planning  
Current Planning**

The request would rezone the site to the D-3 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 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 Comprehensive Plan recommends suburban neighborhood typology for the site.

As proposed, this request would be consistent with the Comprehensive Plan recommendation and the site would be consistent, as initially zoned and developed, with a single-family dwelling, as well as maintain the neighborhood character.

**GENERAL INFORMATION**

<b>Existing Zoning</b>	SU-1	
<b>Existing Land Use</b>	Single-family dwelling	
<b>Comprehensive Plan</b>	Suburban Neighborhood	
<b>Surrounding Context</b>	<b><u>Zoning</u></b>	<b><u>Land Use</u></b>
	North:	SU-1 Single-family dwelling
	South:	SU-1 Religious uses
	East:	D-3 Single-family dwelling
	West:	D-3 Single-family dwellings
<b>Thoroughfare Plan</b>		
South High School Road	Primary arterial	Existing 85-foot right-of-way and proposed 90-foot right-of-way.
Sherry Lane	Local Street	Existing 50-foot right-of-way and proposed 50-foot right-of-way.
<b>Context Area</b>	Metro	
<b>Floodway / Floodway Fringe</b>	No	
<b>Overlay</b>	No	
<b>Wellfield Protection Area</b>	No	
<b>Site Plan</b>	N/A	
<b>Site Plan (Amended)</b>	N/A	



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

**COMPREHENSIVE PLAN ANALYSIS**

**Comprehensive Plan**

- The Comprehensive Plan 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 1 to 5 dwelling units per acre, but a higher density is recommended if the development is within a quarter mile of a frequent transit line, greenway, or park.

**Pattern Book / Land Use Plan**

- *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.
- *Conditions for All Housing*
  - A mix of housing types is encouraged.
  - Developments of more than 30 housing units must have access to at least one arterial street of 3 or more continuous travel lanes between the intersections of two intersecting arterial streets.



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- Should be within a one-mile distance (using streets, sidewalks, and/or off-street paths) of a school, playground, library, public greenway, or similar publicly accessible recreational or cultural amenity that is available at no cost to the user.
- Should be oriented towards the street with a pedestrian connection from the front door(s) to the sidewalk. Driveways/parking areas do not qualify as a pedestrian connection.
- Developments with densities higher than 5 dwelling units per acre should have design character compatible with adjacent properties. Density intensification should be incremental with higher density housing types located closer to frequent transit lines, greenways or parks.

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

- Not Applicable to the Site.

**Neighborhood / Area Specific Plan**

- Not Applicable to the Site.

**Infill Housing Guidelines**

- Not Applicable to the Site.

**Indy Moves**

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

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

**2008-ZON-120; 631 and 635 South High School Road**, requested rezoning of 1.086 acres, being in the D-3 District, to the SU-1 classification to provide for religious uses, **approved**.

### VICINITY

**2005-UV3-023; 660 South High School Road (southwest of site)**, requested a variance of use and development standards to provide for a mental health care office in an existing single-family dwelling in the D-3 district, with a six-foot tall fence and off-street parking areas located within the required front yard of Arbor Woods Drive, **granted**.

**2004-ZON-003; 6150 and 6222 Sherry Lane (south of site)**, requested rezoning of 2.59 acres from the D-3 district to the SU-1 classification, **withdrawn**.

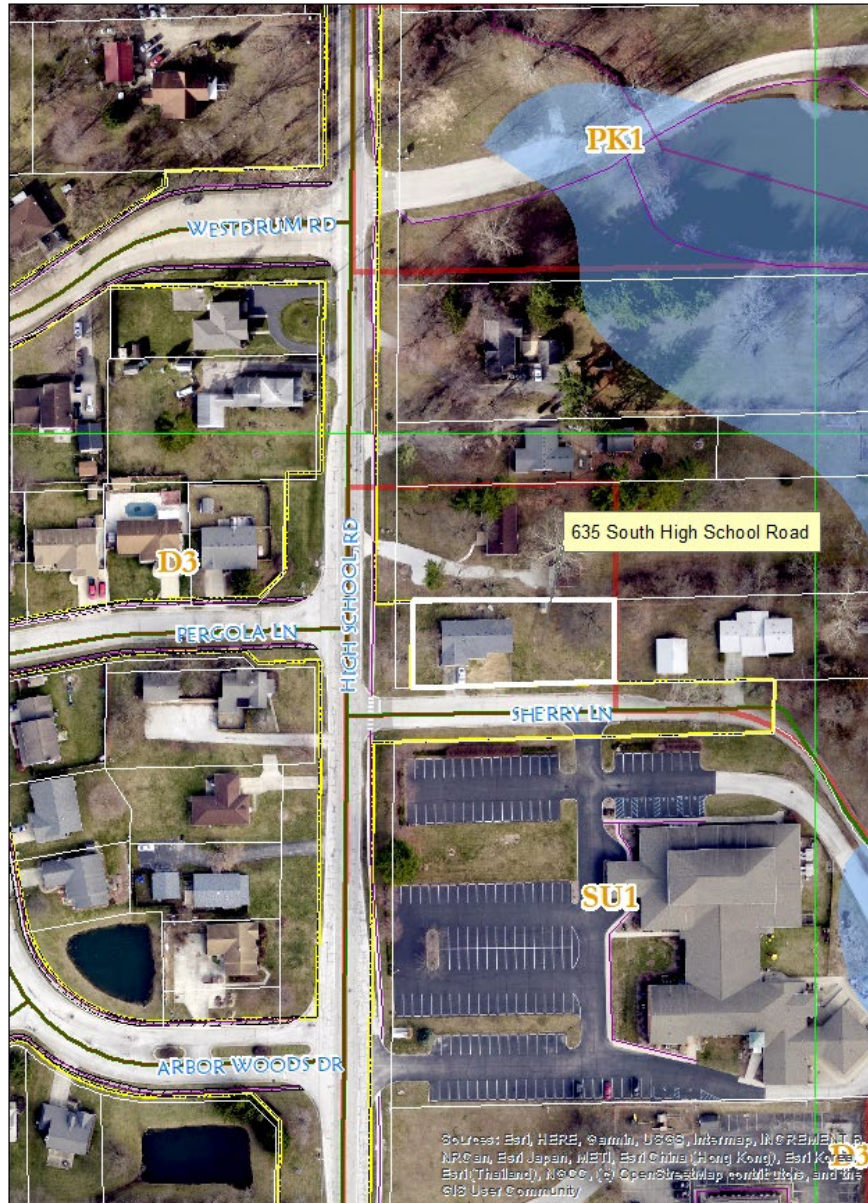
**98-Z-147; 701 South High School Road (south of site)**, requested rezoning of seven acres from the D-3 district to the SU-1 classification, **approved**.

**87-SE1-11; 701 South High School Road (south of site)**, requested a special exception to provide for religious use in the D-3 district, **granted**.

**87-UV2-49; 701 South High School Road (south of site)**, requested a variance of use to provide for construction of a 1,020-square foot storage building for church vehicles in the D-3 district, **granted**.

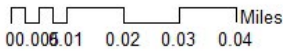
**86-Z-149; 550 South High School Road (north of site)**, requested rezoning of one acre from the SU district to the D-3 classification, **approved**.

**EXHIBITS**



Source: Esri, HERE, Garmin, USGS, Intermap, INCREMENT P, NRCan, Esri Japan, METI, Esri China (Hong Kong), Esri Korea, Esri (Thailand), NOAA, (c) OpenStreetMap contributors, and the GIS User community

635 South High School Road





View looking north along South High School Road



View looking south along South High School Road



View looking west along Sherry Lane



View of site looking east across South High School Road



View of site looking north across Sherry Lane



View of site looking north across Sherry Lane



View of site looking north across Sherry Lane



View from site looking south across Sherry Lane



**METROPOLITAN DEVELOPMENT COMMISSION  
HEARING EXAMINER**

May 9, 2024

**Case Number:** 2024-ZON-046

**Property Address:** 104 South College Avenue (Approximate Address)

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

**Petitioner:** Indy City Barbell, by Brian J. Tuohy

**Current Zoning:** I-4 (RC) (FF) (TOD)

**Request:** Rezoning of 0.66-acre from the I-4 (RC) (FF) (TOD) district to the CBD-2 (RC) (FF) (TOD) district to provide for a gymnasium, physical fitness, and training center.

**Current Land Use:** One-story warehouse structure

**Staff Recommendations:** Approval

**Staff Reviewer:** Jeffrey York, Principal Planner I

**PETITION HISTORY**

This is the first hearing for this petition.

**STAFF RECOMMENDATION**

Staff **recommends approval** of the request.

**PETITION OVERVIEW**

The 0.66-acre subject site is a developed with a one-story warehouse and a small parking lot north of the warehouse. It is located adjacent to an elevated railroad south of Washington Street, along College Avenue. The site is between two large multi-family developments to the east and west, with commercial uses to the south.

This petition would rezone this site from the I-4 (RC) (FF) (TOD) district to the CBD-2 (RC) (FF) (TOD) district to provide for a gymnasium, physical fitness, and training center. A site plan was not filed with this petition.

The I-3 district is for those heavy industrial uses which present an elevated risk to the general public and are typically characterized by factors that would be exceedingly difficult, expensive, or impossible to eliminate. These industries are therefore buffered by a sizable area to minimize and detrimental aspects. The development standards and performance standards reflect the recognition of these problems. Location of this district should be as far from protected districts and environmentally sensitive areas as practical and never be adjacent to protected districts.



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The CBD-2 district is Central Business District Two for the general downtown area of Indianapolis, surrounding the CBD-1 and CBD-3 districts. The district represents the typical urban core of Indianapolis to be developed at very high density. It is a pedestrian oriented environment with a diverse mixture of uses such as residential, retail, restaurants, entertainment, major public facilities, major convention facilities, sports venues, hotels, and memorials.

RC is Regional Center, which is an overlay district. Design of all new construction, including parking areas in the Regional Center overlay district, is subject to the approval of the Metropolitan Development Commission. No development plans were submitted with this petition.

**Staff Analysis**

The site is recommended for City Neighborhood development. The City Neighborhood typology consists largely of multifamily housing and is stepped down to other living typologies with attached housing. This typology is dense and walkable with a full range of city services and public amenities. Ideally, block lengths are shorter than 500 feet and publicly accessible pedestrian connections are provided through large developments. Access to individual parcels is generally by an alley or internal parking structures. Public spaces are typically of a smaller and more intimate scale in the form of smaller parks, streetscapes, and interior courtyards or rooftop spaces. Residential development activates the sidewalk with externalized doors and public or semi-public spaces. The City Neighborhood typology typically has a residential density in excess of 15 dwelling units per acre.

For these reasons, Staff is supportive of the rezoning to the CBD-2 (RC) (FF) (TOD) district.

**GENERAL INFORMATION**

<b>Existing Zoning</b>	I-4 (RC) (FF) (TOD)	
<b>Existing Land Use</b>	A one-story warehouse and a small parking lot	
<b>Comprehensive Plan</b>	City Neighborhood	
<b>Surrounding Context</b>	<b>Zoning</b>	<b>Land Use</b>
North:	I-4 (RC)	Elevated railroad track
South:	CBD-S (RC)	Commercial
East:	CBD-2 (RC)	Multi-family dwellings
West:	CBD-2 (RC)	Multi-family dwellings
<b>Thoroughfare Plan</b>		
College Avenue	Primary Arterial Street	78-foot existing and proposed right-of-way.
<b>Context Area</b>	Compact	
<b>Floodway / Floodway Fringe</b>	Yes	
<b>Overlay</b>	Yes – Regional Center and Transit Oriented Development	
<b>Wellfield Protection Area</b>	No	
<b>Site Plan</b>	No	
<b>Site Plan (Amended)</b>	N/A	
<b>Elevations</b>	N/A	
<b>Elevations (Amended)</b>	N/A	





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

**COMPREHENSIVE PLAN ANALYSIS**

**Comprehensive Plan**

- Marion County Land Use Plan Pattern Book (2019)
- Overlays
  - This site is located within the Regional Center, which is a secondary overlay district. Design of all new construction, including parking areas in the Regional Center overlay district, is subject to the approval of the Metropolitan Development Commission.
  - Blue Line Transit-Oriented Development Strategic Plan (2018).

**Pattern Book / Land Use Plan**

- The Marion County Land Use Plan Pattern Book (2019) recommends City Neighborhood development for the subject site.
- The City Neighborhood typology consists largely of multifamily housing and is stepped down to other living typologies with attached housing. This typology is dense and walkable with a full range of city services and public amenities. Ideally, block lengths are shorter than 500 feet and publicly accessible pedestrian connections are provided through large developments. Access to individual parcels is generally by an alley or internal parking structures. Public spaces are typically of a smaller and more intimate scale in the form of smaller parks, streetscapes, and interior courtyards or rooftop spaces. Residential development activates the sidewalk with externalized doors and public or semi-public spaces. The City Neighborhood typology typically has a residential density in excess of 15 dwelling units per acre.

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

- The property falls within the Blue Line Transit-Oriented Development Strategic Plan (2018). The closest station within a ¼ mile to the northwest at the intersection of Washington Street and Park Avenue.



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- This station is classified as a Central Business District Typology that would promote a high-density mixed-use and multi-family with a minimum of 25 units per acre, minimum of 10 stories at core with no front or side setbacks, with zero minimum parking requirements.

**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 describes 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

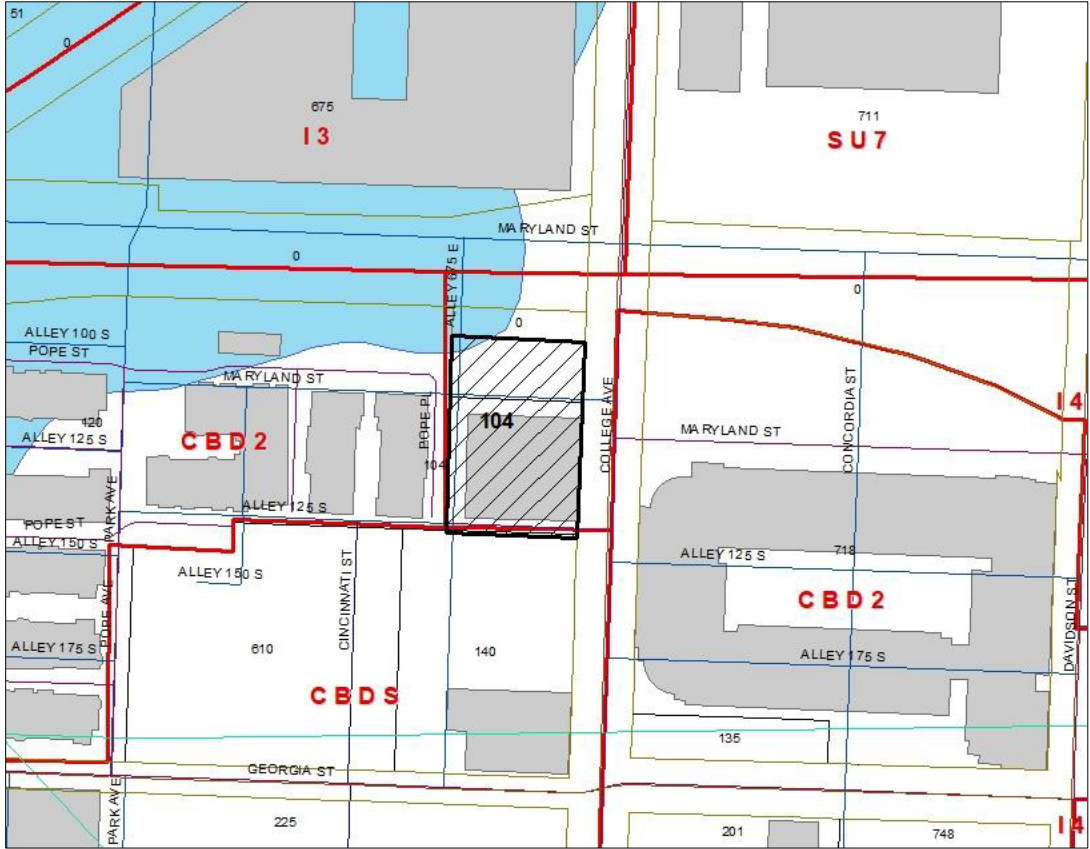
### ZONING HISTORY – SITE

None.

### ZONING HISTORY – VICINITY

None.

**EXHIBITS**





View of southern portion of the existing structure along College Avenue



View of the middle portion of the existing structure along College Avenue



View of the middle portion of the existing structure and parking lot along College Avenue



**METROPOLITAN DEVELOPMENT COMMISSION** **May 9, 2024**  
**HEARING EXAMINER**

**Case Number:** 2024-CPL-814 / 2024-CVR-814

**Property Address:** 8840 East Edgewood Avenue

**Location:** Franklin Township, Council District #25

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

**Current Zoning:** D-4

**Request:** Approval of a Subdivision Plat to be known as Edgewood Farms West - Section 1, dividing 33.73 acres into 77 lots, with a waiver to allow emergency vehicles to use three different local streets to reach their destination (must not utilize more than two different local streets to reach their destination).

**Current Land Use:** Vacant land)

**Staff Recommendations:** Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for five-foot wide sidewalks along all streets (minimum six-foot wide sidewalks permitted along all streets). .

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

**PETITION HISTORY**

**ADDENDUM FOR MAY 9, 2024, HEARING EXAMINER**

The Hearing Examiner continued these petitions from the April 25, 2024 hearing, to the May 9, 2024 hearing at the request of staff.

The plat petition was filed because a similar plat petition, 2022-PLT-006, was approved on April 1, 2022, that included a condition that the plat be recorded two years after the date of conditional approval by the Plat Committee. See Exhibit A, Number 13, and Exhibit B.

Petition 2022-PLT-006 also granted the waiver to allow emergency vehicles to use three different local streets to reach their destination. See Exhibit A, Number 12.

Consequently, staff recommends that the Hearing Examiner approve and find that the plat, file dated March 5, 2024, complies with the standards of the Subdivision regulations, subject to the following conditions:





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

This plat (Section 1) is included in a larger subdivision (Edgewood Farms West). Other sections of this subdivision have been approved and five-foot wide sidewalks constructed, which comply with the sidewalk standards of the Department of Public Works (DPW). Consequently, staff supports the one-foot reduction in the sidewalk width because it would maintain a standard sidewalk width throughout the subdivision and would comply with DPW standards.

**ADDENDUM FOR APRIL 25, 2024, HEARING EXAMINER**

Staff requested a continuance of these petitions from the April 25, 2024 hearing, to the May 9, 2024 hearing, to provide additional time for further discussions with the petitioner's representative.

**April 11, 2024**

The Hearing Examiner continued these petitions from the April 11, 2024 hearing, to the April 25, 2024 hearing, at the request of the petitioner's new representative. The petitioner engaged the services of a new representative and additional time was necessary for their coordination



## STAFF RECOMMENDATION

Staff recommends that the Hearing Examiner **deny the waiver request** and find that the plat, file-dated March 5, 2024, does not comply with the standards of the Subdivision regulations because three different local streets would be required for emergency vehicles to reach their destination, subject to the following conditions, if approved.

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.

Staff recommends **denial of the variance of development standards**.

## PETITION OVERVIEW

### Site Plan and Design / Waiver

This 33.73-acre site, zoned D-4, is undeveloped and was included in rezoning petition 2021-ZON-122 that rezoned 62.82 acres to the D-4 district. It is surrounded by single-family dwellings to the north, zoned D-P; land currently being developed to the south and east, zoned D-4; and undeveloped land to the west, zoned I-2.



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As proposed, approval of the subdivision plat would provide for 77 lots, a five-foot wide multi-purpose trail and a 3,500 square-foot playground. An approximately 200-foot-wide utility easement runs between the northwest corner and the southeast corner of the site.

Access to this site would be gained from proposed local streets to the west, south and east. Poe Drive is improved and would provide access from the north.

The waiver request would allow emergency vehicles to use three different local streets to reach their destination when the Subdivision Regulations require no more than two different streets to reach their destination.

Causing emergency vehicles to use multiple streets to reach their destination would potentially delay response time and compromise the health and safety of the residents. Additionally, the need for emergency vehicles to make additional turns to reach a destination increases the potential of vehicular and pedestrian conflicts.

Because this site is undeveloped, staff believes an amended site plan and plat should be submitted that complies with the Ordinance and ensures the health and safety of the community residents. Staff, therefore, recommends denial of this request.

**Variance of Development Standards**

This request would allow five-foot-wide sidewalks along all streets when the Ordinance requires sidewalk to be six feet in width.

Staff believes there is no practical difficulty because the site is undeveloped. Staff also believes that the requested waiver in addition to this request would be an indication that the site and plat should be reconfigured to comply with all the subdivision regulations.

**GENERAL INFORMATION**

<b>Existing Zoning</b>	D-4		
<b>Existing Land Use</b>	Undeveloped		
<b>Comprehensive Plan</b>	Suburban neighborhood typology		
<b>Surrounding Context</b>	<b>Zoning</b>	<b>Land Use</b>	
	North:	D-P	Single-family / duplex dwellings
	South:	D-4	Under development
	East:	D-4	Under development
	West:	I-2	Undeveloped
<b>Thoroughfare Plan</b>			
East Edgewood Avenue	Secondary Arterial	Existing 30-foot right-of-way and proposed 90-foot right-of-way	



<b>Context Area</b>	Metro
<b>Floodway / Floodway Fringe</b>	No
<b>Overlay</b>	No
<b>Wellfield Protection Area</b>	No
<b>Site Plan</b>	March 5, 2024 - Plat Documents
<b>Site Plan (Amended)</b>	N/A
<b>Elevations</b>	N/A
<b>Elevations (Amended)</b>	N/A
<b>Landscape Plan</b>	N/A
<b>Findings of Fact</b>	March 5, 2024
<b>Findings of Fact (Amended)</b>	March 14, 2024
<b>C-S/D-P Statement</b>	N/A

**COMPREHENSIVE PLAN ANALYSIS**

**Comprehensive Plan**

- Not Applicable to the Site.

**Pattern Book / Land Use Plan**

- Not Applicable to the Site

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

- Not Applicable to the Site.

**Neighborhood / Area Specific Plan**

- Not Applicable to the Site.

**Infill Housing Guidelines**

- Not Applicable to the Site.

**Indy Moves**  
 (Thoroughfare Plan, Pedestrian Plan, Bicycle Master Plan, Greenways Master Plan)

- Not Applicable to the Site.



## ZONING HISTORY

**2021-ZON-122; 8840 East Edgewood Avenue**, requested rezoning of 62.82 acres from the I-2 district to the D-4 district, **approved**.

**2019-ZON-060; 9295 East Thompson Road and 5252 Hickory Road (north of site)**, requested rezoning of 76 acres from the D-A (FW)(FF) district to the D-4 (FW)(FF) classification to provide for 204 single-family dwellings at a density of 2.68 units per acre, **approved**.

**2019-ZON-059; 9024 East Edgewood Avenue (east of site)**, requested rezoning of 79.56 acres from the D-A district to the D-4 district to provide for 196 single-family lots at a density of 2.46 units per acre, **approved**.

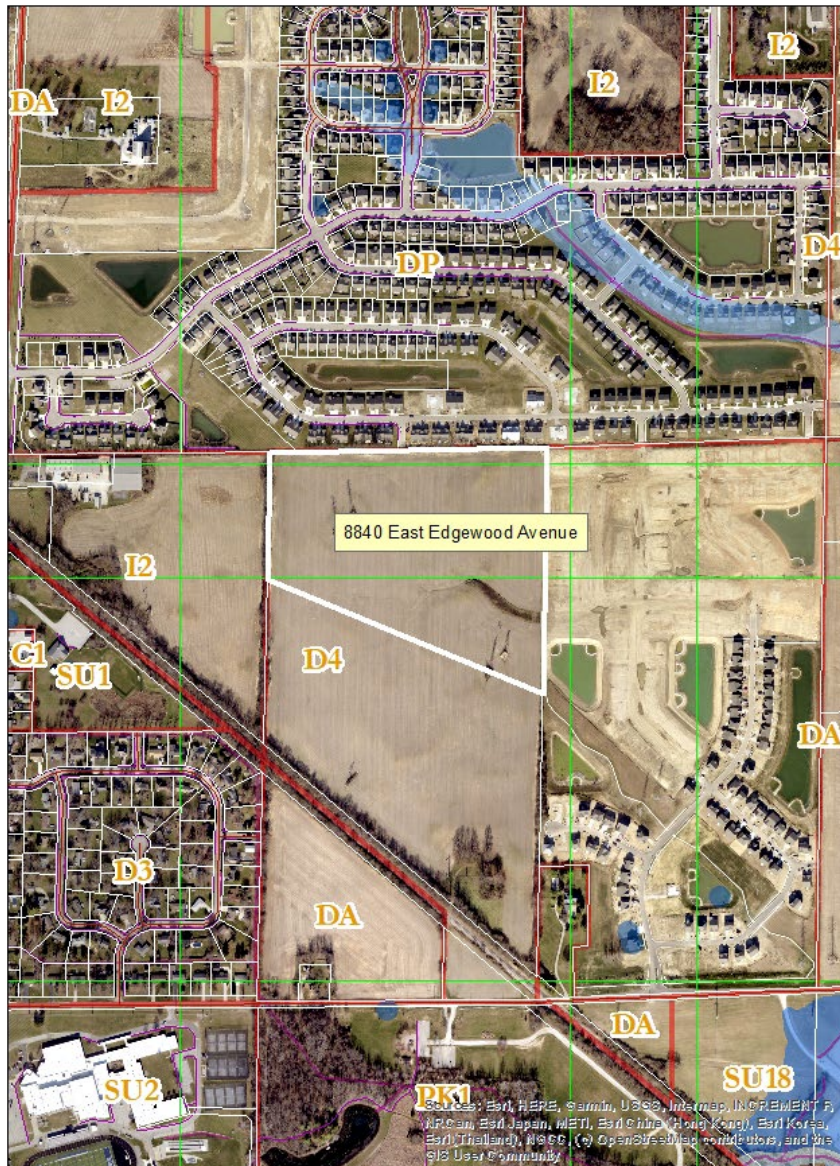
**2014-ZON-020; 8701 and 9107 East Thompson Road (north of site)**, requested rezoning of 126 acres from the D-P District to the D-P classification to provide for 61, two-family dwellings (122 dwelling units) and 298 single-family dwellings (previously approved by 2002-ZON-10 (2002-DP-21), as amended by 2007-APP-094 and 2010-MOD-008), creating a density of 3.25 units per acre, **approved**.

**2010-MOD-008; 8701 and 9107 East Thompson Road (north of site)**, requested modification of development statement and site plan of 2003-ZON-802, as amended by 2007-APP-094 to limit the number of lots to 150, to eliminate the proposed church, to provide differing development standards and add and remove development requirements, **approved**.

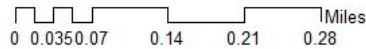
**2007-APP-094; 8701 and 9107 East Thompson Road (north of site)**, requested modification of development statement to terminate commitment requiring side-loaded garages, **approved**.

**2003-ZON-802, 8701 and 9107 East Thompson Road (north of site)**, requested rezoning of 170 acres from the I-2-S District to the D-P classification to provide for a church and a single-family development with a density of 3.23 dwelling units per acre, **approved**.

EXHIBITS



8840 East Edgewood Avenue





Department of Metropolitan Development  
Division of Planning  
Current Planning

Petition Number \_\_\_\_\_

**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 grant of the waiver will not be detrimental to the public health, safety, or welfare or injurious to other property because the street's pavement width within the property complies with the required minimum pavement width for a local street in a residential subdivision.

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:

The conditions of the site are very unusual and individual to the property because the only access to the site is through three existing local streets from two existing adjoining subdivisions. The three connecting streets to the property all have 50' of right-of-way ("ROW") which is the ROW of a "local street". However where the three connecting streets connect to the property, the pavement width actually exceeds the required minimum pavement width standard of a local street in a residential subdivision.

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:

Because the existing adjacent subdivisions have connecting streets of 50' ROW and because there is a railroad track with no crossing that runs the length of the south border of the property, a hardship will result if the waiver is not granted. Without the waiver, the streets within the property will have a different ROW than any of the three adjoining streets that connect to the property.

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:

Where the streets within the resulting subdivision connect to the adjoining subdivisions, the streets will have the same width of pavement as the connecting streets from the adjacent subdivisions. The proposed street pavement width in the resulting subdivision will also meet the required minimum pavement width of a local street in a residential subdivision. Additionally the resulting subdivision has three separate points of ingress and egress to adjoining subdivisions.

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 granting of the requested waiver will not change or vary the Zoning Ordinance and/or the permitted use of the site as a single family residential subdivision. The Zoning Base Map for this site will not be varied in any manner by the granting of the requested waiver.

**DECISION**

IT IS THEREFORE the decision of this body that this WAIVER of the Subdivision Regulations be granted, 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 \_\_\_\_

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



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 grant of the variance will not be detrimental to the public health, safety, or welfare or injurious to other property because the 5' proposed sidewalk width within the property meets the Americans with Disabilities Act requirements and will therefore provide safe and easy access for all.

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 accessible through three existing local streets from two existing adjoining subdivisions. The three connection points to the property all meet the typical local street section (DPW Figure 101.01), which shows a 5' sidewalk within the 50' ROW cross-section. Also, there are no major paths or pedestrian routes out of the subdivision aside from the 5' sidewalks. Having 5' walks within the subdivision would therefore not restrict access or adversely effect neighboring subdivisions as they would match the existing amenities within those subdivisions.

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

Without the waiver, the sidewalks within the property will have a different width than any of the three adjoining sidewalks that connect to the property. Also, given the ROW cross-section within the property, which features a wider pavement width to match the adjoining streets, a 3' planting strip would remain between the back of curb and walk, which would constrict street trees and force the water main under the sidewalk.

DECISION

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

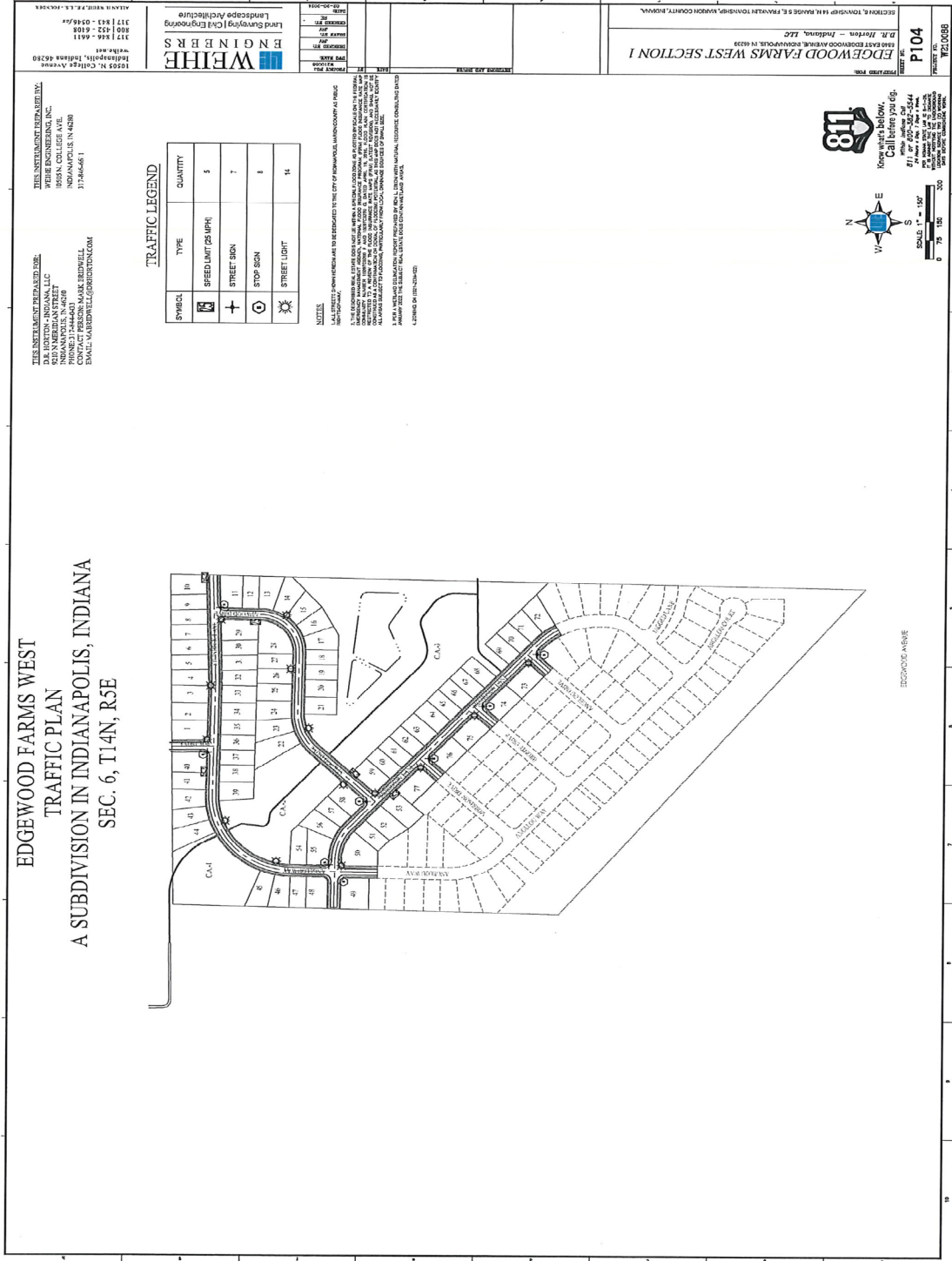
Adopted this \_\_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_

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











Department of Metropolitan Development  
Division of Planning  
Current Planning

EXHIBIT A



April 1, 2022

Rick Ellis  
Weihe Engineers, Inc.  
10505 North College Avenue  
Indianapolis, IN 46280

Re: 2022-PLT-006      8840 East Edgewood Avenue, Indianapolis, Franklin Township  
Edgewood Farms West

Dear Mr. Ellis:

You are hereby notified that after a public hearing on March 9, 2022, Plat application 2022-PLT-006, file-dated March 3, 2022 complies with the standards of the Subdivision regulations, subject to the following conditions:

1. That the applicant provides a bond, as required by Section 741-210, of the Consolidated Zoning and Subdivision Ordinance.
2. Subject to the Standards and Specifications of Citizens Energy Group, Sanitation Section.
3. Subject to the Standards and Specifications of the Department of Public Works, Drainage Section.
4. Subject to the Standards and Specifications of the Department of Public Works, Transportation Section.
5. That addresses and street names, as approved by the Department of Metropolitan Development, be affixed to the final plat prior to recording.
6. That the Enforcement Covenant (Section 741-701, of the Consolidated Zoning and Subdivision Ordinance) be affixed to the final plat prior to recording
7. That the Site Distance Covenant (Section 741-702, of the Consolidated Zoning and Subdivision Ordinance) be affixed to the final plat prior to recording.
8. That the Sanitary Sewer Covenant (Section 741-704, of the Consolidated Zoning and Subdivision Ordinance) be affixed to the final plat prior to recording.
9. That the Storm Drainage Covenant (Section 741-703, of the Consolidated Zoning and Subdivision Ordinance) be affixed to the final plat prior to recording.
10. That the plat restrictions and covenants, done in accordance with the rezoning commitments, be submitted prior to recording the final plat.
11. That all the standards related to secondary plat approval listed in Sections 741-207 and 741-208 of the Consolidated Zoning and Subdivision Ordinance be met prior to recording the final plat.
12. That the waiver be approved.
13. The plat shall be recorded within two (2) years after the date of conditional approval by the Plat Committee.

If you have any questions regarding this matter, please contact me at [Allison.Richardson@Indy.Gov](mailto:Allison.Richardson@Indy.Gov).

Sincerely,

Allison Richardson  
Senior Planner

AR: hss





View looking north across East Edgewood Avenue



View looking north across East Edgewood Avenue



**METROPOLITAN DEVELOPMENT COMMISSION** **May 9, 2024**  
**HEARING EXAMINER**

**Case Number:** 2024-APP-005  
**Property Address:** 1616 East 25th Street (approximate address)  
**Location:** Center Township, Council District #8  
**Petitioner:** City of Indianapolis, Department of Parks and Recreation, by Mistie Nigh  
**Current Zoning:** PK-1  
**Request:** Park District One Approval to provide for building signage for Frederick Douglass Park Family Center.  
**Current Land Use:** Park  
**Staff Recommendations:** Approval  
**Staff Reviewer:** Marleny Iraheta, Senior Planner

**PETITION HISTORY**

**ADDENDUM FOR MAY 9, 2024 HEARING EXAMINER**

This petition was continued from the April 11, 2024 hearing to the May 9, 2024 hearing at the request of the petitioner to provide proper notice to those requiring public notice.

**April 11, 2024**

This is the first hearing for this petition.

However, this petition will need to be **continued to the April 25, 2024 hearing** to allow for the minimum 23-day notice requirement to be met and for the findings of fact to be submitted to the case file.

It is staff’s understanding that the petitioner will be making this continuance request.

**STAFF RECOMMENDATION**

Staff **recommends approval** of the request.

**PETITION OVERVIEW**

**LAND USE**

The 0.66-acre site is developed with a family center in a park. It is surrounded by single-family dwellings in each direction of the overall park property.

The family center was approved in 2022 through 2022-CAP-831.



**PARK DISTRICT-ONE APPROVAL**

The PK-1 district requires an approval petition be filed for signs other than incidental signs. An incidental sign is defined as “a permanent sign which has a purpose that is secondary and incidental to the use of the lot on which it is located, such as “hours of operation”, “loading zone only,” “air,” “building directory” and “visitor parking,” and which carries no commercial message that is legible beyond the lot on which the sign is located, except for a registered logo on a premises with two or more separately-operating businesses.

The proposed sign is classified as a canopy sign, which is defined as any building sign that is part of or attached to a canopy as an accessory to the primary use of the land, made of fabric, plastic, or structural protective cover over a door, entrance, or window. A canopy/awning sign is not a marquee and is different from pump island canopy signs.

**STAFF ANALYSIS**

The proposed canopy sign is permitted in the PK-1 district and meets the sign regulations of the Ordinance.

The canopy measures approximately 97.75 feet wide. A canopy sign would be limited to 80% of the width which would be a maximum 78.12 feet wide. The proposed signage width will measure approximately 63.33 feet wide, which is less than the maximum allowed. It would also fall below the 45% sign area limit for a canopy sign measuring approximately 126.66 square feet where 131.83sf would be the maximum.

For these reasons, Staff is recommending approval of the request.

**GENERAL INFORMATION**

<b>Existing Zoning</b>	PK-1	
<b>Existing Land Use</b>	Park	
<b>Comprehensive Plan</b>	Large-Scale Park	
<b>Surrounding Context</b>	<b>Zoning</b>	<b>Land Use</b>
	North:	D-5 Residential (Single-family dwellings)
	South:	MU-2 / C-1 / D-5 Parking Lot / Residential (Single-family dwellings)
	East:	D-5 / SU-1 Residential (Single-family dwellings) / Church
	West:	C-3 / D-5 / Non-Profit Organization / Residential (Single-family dwellings)
<b>Thoroughfare Plan</b>		
Ralston Avenue	Local Street	48-foot proposed right-of-way and 59-foot existing right-of-way.
25 <sup>th</sup> Street	Secondary Arterial Street	56-foot proposed right-of-way and 47 to 72-foot existing right-of-way.





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Dr. A J Brown Avenue	Primary Arterial Street	100-foot existing right-of-way and a 56-foot proposed right-of-way.
Arsenal Avenue	Local Street	48-foot proposed right-of-way and a 50-foot existing right-of-way.
30 <sup>th</sup> Street	Primary Arterial Street	66-foot proposed right-of-way and a 50-foot existing right-of-way.
<b>Context Area</b>	Compact	
<b>Floodway / Floodway Fringe</b>	No	
<b>Overlay</b>	No	
<b>Wellfield Protection Area</b>	No	
<b>Site Plan</b>	February 27, 2024.	
<b>Site Plan (Amended)</b>	N/A.	
<b>Elevations</b>	March 11, 2024	
<b>Elevations (Amended)</b>	N/A.	
<b>Landscape Plan</b>	N/A.	
<b>Findings of Fact</b>	Not yet submitted.	
<b>Findings of Fact (Amended)</b>	N/A.	
<b>C-S/D-P Statement</b>	N/A.	

**COMPREHENSIVE PLAN ANALYSIS**

**Comprehensive Plan**

- Marion County Land Use Plan Pattern Book (2019).

**Pattern Book / Land Use Plan**

- The Comprehensive Plan recommends large-scale park development.
- Large-Scale Parks are 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. Large-scale parks are generally over 10 acres in size.

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

- Not Applicable to the Site.



**Neighborhood / Area Specific Plan**

- Not Applicable to the Site.

**Infill Housing Guidelines**

- Not Applicable to the Site.

**Indy Moves**

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

- Not Applicable to the Site.



## ZONING HISTORY

### ZONING HISTORY – SITE

**2022-CAP-831 / 2022-CVR-831; 1616 East 25th Street** (subject site), Park District One Approval to provide for a 45,000-square foot recreation center with associated accessory uses including parking, playground, shelters, sidewalks and signage and Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide sidewalks only adjacent to the proposed structure along 25th Street and Ralston Avenue (additional sidewalks required along perimeter of park site based on proposed size of building), **approved**.

**2018-ADM-238; 2801 Dr. A. J. Brown Avenue** (subject site), Approval of a pool in the PK-1 district., **approved**.

**2011-ADM-050; 2801 Ralston Avenue** (subject site), Approval for renovation of the existing tennis courts, **approved**.

### ZONING HISTORY - VICINITY

**2020-CZN-842 / 2020-CVR-842; 2450 & 2458 Arsenal Avenue** (south of site), Rezoning of 1.32 acre from the C-1 district to the MU-2 district and a variance of development standards to provide for obstruction of the clear sight triangle, deficient transitional yard, excess width of front setback, vehicular access from an alley where an alley is available and curb cuts with excess width, **rezoning approved, variance denied**.

**2006-ZON-067; 2451 Dr. A. J. Brown Avenue** (south of site), Rezoning of 1.25 acre from the C-3 and D-5 districts to the C-1 district, **approved**.

**2004-ZON-064; 2461 Ralston Avenue** (southeast of site), Rezoning of 0.10 acre from the SU-1 district to the D-5 district, **approved**.

**93-Z-142; 1691 East 25th Street** (south of site), Rezoning of 8.44 acres from the D-7 and SU-1 districts to the D-5 district, **approved**.

**93-Z-87; 1740 East 30th Street** (northeast of site), Rezoning of 13 acres from the C-1 and D-5 districts to the SU-2 district, **approved**.

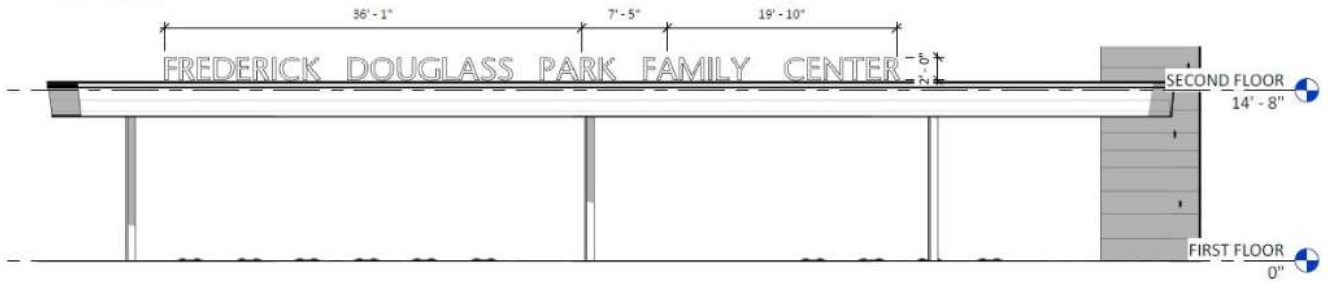
**86-Z-65; 1701 East 25<sup>th</sup> Street** (southeast of site), Rezoning of 16.54 acres, being in the D-7 district, to the SU-1 classification, to provide for the construction of a church, **approved**.

**EXHIBITS**



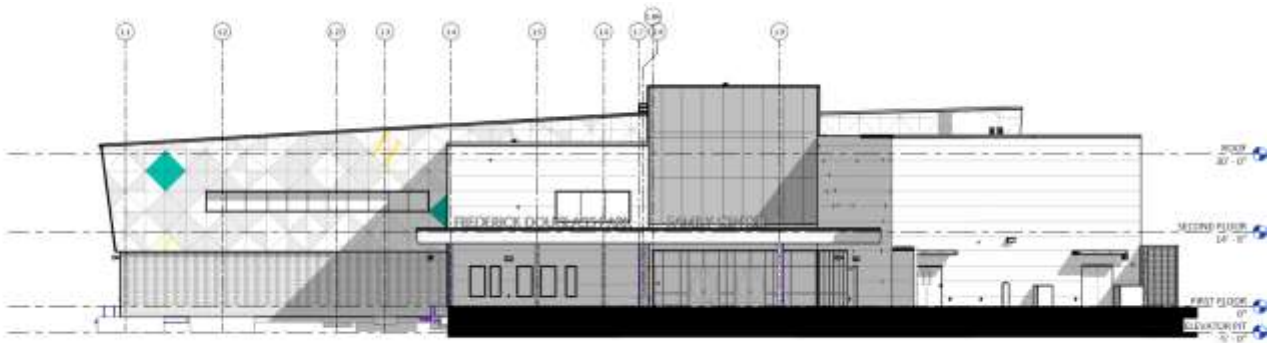






**3 EAST CANOPY ELEVATION**

A-210 1/8" = 1'-0"



**3 EAST ELEVATION**



**2 SOUTH ELEVATION**



Photo of the canopy and proposed sign location looking west.



Photo of the canopy and proposed sign location looking north.





View of the site from across



**METROPOLITAN DEVELOPMENT COMMISSION** **May 9, 2024**  
**HEARING EXAMINER**

**Case Number:** 2024-ZON-023

**Property Address:** 3801 North Raceway Road

**Location:** Pike Township, Council District #11

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

**Current Zoning:** D-A

**Request:** Rezoning of 8.16 acres from the D-A district to the D-6 district to provide for a townhome development.

**Current Land Use:** Agricultural uses

**Staff Recommendations:** Approval, subject to the following commitments below:

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

**PETITION HISTORY**

The Hearing Examiner continued this petition from the April 25, 2024 hearing, to the May 9, 2024 hearing, at the request of two neighborhood organizations to provide additional time to negotiate commitments.

An updated site plan and building renderings, file-dated May 23, 2024, were submitted by the petitioner’s representative. Staff continues to recommend approval subject to the previously requested commitments.

**April 25, 2024**

The Hearing Examiner acknowledged the automatic continuance that continued this petition from the March 28, 2024 hearing, to the April 25, 2024 hearing.

**STAFF RECOMMENDATION**

Approval, subject to the following commitments being reduced to writing on the Commission's Exhibit "B" forms at least three days prior to the MDC hearing:

1. Final building elevations shall be submitted for Administrator Approval prior to the issuance of an Improvement Location Permit (ILP).
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.



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3. A 53-foot half right-of-way shall be dedicated along the frontage of North Raceway 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).

## PETITION OVERVIEW

This 8.16-acre site, zoned D-A, is developed with agricultural uses. It is surrounded by a single-family dwelling to the north, zoned D-A; single-family dwellings and religious uses to the south, zoned D-6 and SU-1, respectively; railroad right-of-way and single-family dwellings to the east, zoned D-A and D-6 respectively; single-family dwellings to the west, across North Raceway Road, Hendricks County.

### Rezoning

The request would rezone this site to the D-6 district to provide for townhome development. “The D-6 district provides for medium intensity residential development of a variety of housing types: multifamily dwellings, triplex, fourplex, two-family and single-family attached dwellings. The district is intended for developments in suburban areas well served by major thoroughfares, sanitary sewers, and school and park facilities. In its application, the district need not be directly associated with more intense land uses such as commercial or industrial areas. The development pattern envisioned is one of trees lining curving drives with the ample open space provided for in the district affording a wide variety of on-site recreational facilities. The D-6 district has a typical density of 6 to 9 units per gross acre. This district fulfills the medium density residential recommendation of the Comprehensive General Land Use Plan. Development plans should incorporate and promote environmental and aesthetic considerations, working within the constraints and advantages presented by existing site conditions, including vegetation, topography, drainage, and wildlife.”

As proposed, 50 units would be constructed at a density of six units per acre. Access would be gained from North Raceway Road, with cul-de-sacs to the east and north. A multi-use path would also be installed as an amenity.

The Ordinance also requires a maximum floor area ratio of 0.40 and a minimum livability space ratio of 1.80. Additionally, the Ordinance requires that more than 30 or more lots have more than one access or provide a landscape median at the intersection dividing the two directions of traffic, with the median extending back to the next intersecting street.

Proposed development of this site would be consistent with the Comprehensive Plan recommendation of suburban neighborhood typology, with a typical density of one to five units per acre. Staff would note, however, that approval of the rezoning request is not deemed approval of the conceptual site plan that would be required to comply with the platting provisions and development standards of the Ordinance.

Because no elevations were submitted with this petition, staff would request that final building elevations be submitted prior to the issuance of an Improvement Location Permit (ILP).



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### Department of Public Works

The Department of Public Works, Traffic Engineering Section, has requested the dedication and conveyance of a 53-foot half right-of-way along North Raceway 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



**GENERAL INFORMATION**

<b>Existing Zoning</b>	D-A	
<b>Existing Land Use</b>	Agricultural uses	
<b>Comprehensive Plan</b>	Suburban Neighborhood	
<b>Surrounding Context</b>	<b><u>Zoning</u></b>	<b><u>Land Use</u></b>
	North:	D-A Single-family dwelling
	South:	D-6 / SU-1 Single-family dwellings/ religious uses
	East:	D-A / D-6 Railroad right-of-way / single-family dwellings
	West:	Hendricks County Residential uses
<b>Thoroughfare Plan</b>		
North Raceway Road	Primary Collector	Existing 56-foot right-of-way and 106-foot proposed right-of-way.
<b>Context Area</b>	Metro	
<b>Floodway / Floodway Fringe</b>	No	
<b>Overlay</b>	No	
<b>Wellfield Protection Area</b>	No	
<b>Site Plan</b>	February 22, 2024	
<b>Site Plan (Amended)</b>	N/A	
<b>Elevations</b>	N/A	
<b>Elevations (Amended)</b>	N/A	
<b>Landscape Plan</b>	N/A	
<b>Findings of Fact</b>	N/A	
<b>Findings of Fact (Amended)</b>	N/A	
<b>C-S/D-P Statement</b>	N/A	

**COMPREHENSIVE PLAN ANALYSIS**

**Comprehensive Plan**

- The Comprehensive Plan recommends suburban neighborhood. “The Suburban Neighborhood typology is predominantly made up of single-family housing but is interspersed with attached and multifamily housing where appropriate. This typology should be supported by a variety of neighborhood-serving businesses, institutions, and amenities. Natural Corridors and natural features such as stream corridors, wetlands, and woodlands should be treated as focal points or organizing systems for development. Streets should be well-connected, and amenities should be treated as landmarks that enhance navigability of the development. This typology generally has a residential

density of 1 to 5 dwelling units per acre, but a higher density is recommended if the development is within a quarter mile of a frequent transit line, greenway, or park.”

## Pattern Book / Land Use Plan

- *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.
- *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.
- *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 architecturally harmonious with adjacent housing.
  - Duplexes should be located on corner lots, with entrances located on different sides of the lot or otherwise interspersed with detached housing.
  - Townhomes should be organized around intersections of neighborhood collector streets, greenways, parks or public squares, or neighborhood-serving retail.



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

- Not Applicable to the Site.

### Neighborhood / Area Specific Plan

- Not Applicable to the Site.

### Infill Housing Guidelines

- Not Applicable to the Site.

### Indy Moves

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

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

**99-Z-114; 3621 Raceway Road (south of site)**, requested rezoning of 4.31 acres from the C-1 district to the SU-1 classification to provide for construction of a church, **approved**.

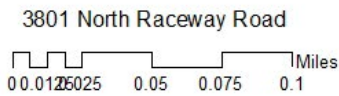
**83-Z-226A; 3751 Raceway Road (south of site)**, requested rezoning of 4.31 acres, being in the A-2 district to the C-1 classification to provide for commercial development, **approved**.

**83-Z-226B; 3751 Raceway Road (south of site)**, requested the rezoning of 2.12 acres, being in the A-2 district to the C-3 classification to provide for commercial development, **approved**.

**83-Z-227 / 83-CV-21; 3702 Tansel Road (east of site)**, requested rezoning of 29.3 acres, being the A-2 district to the D-6 classification to provide for residential development with a minimum distance of 10 feet between buildings and a minimum front yard setback of 15 feet, **approved and granted**.

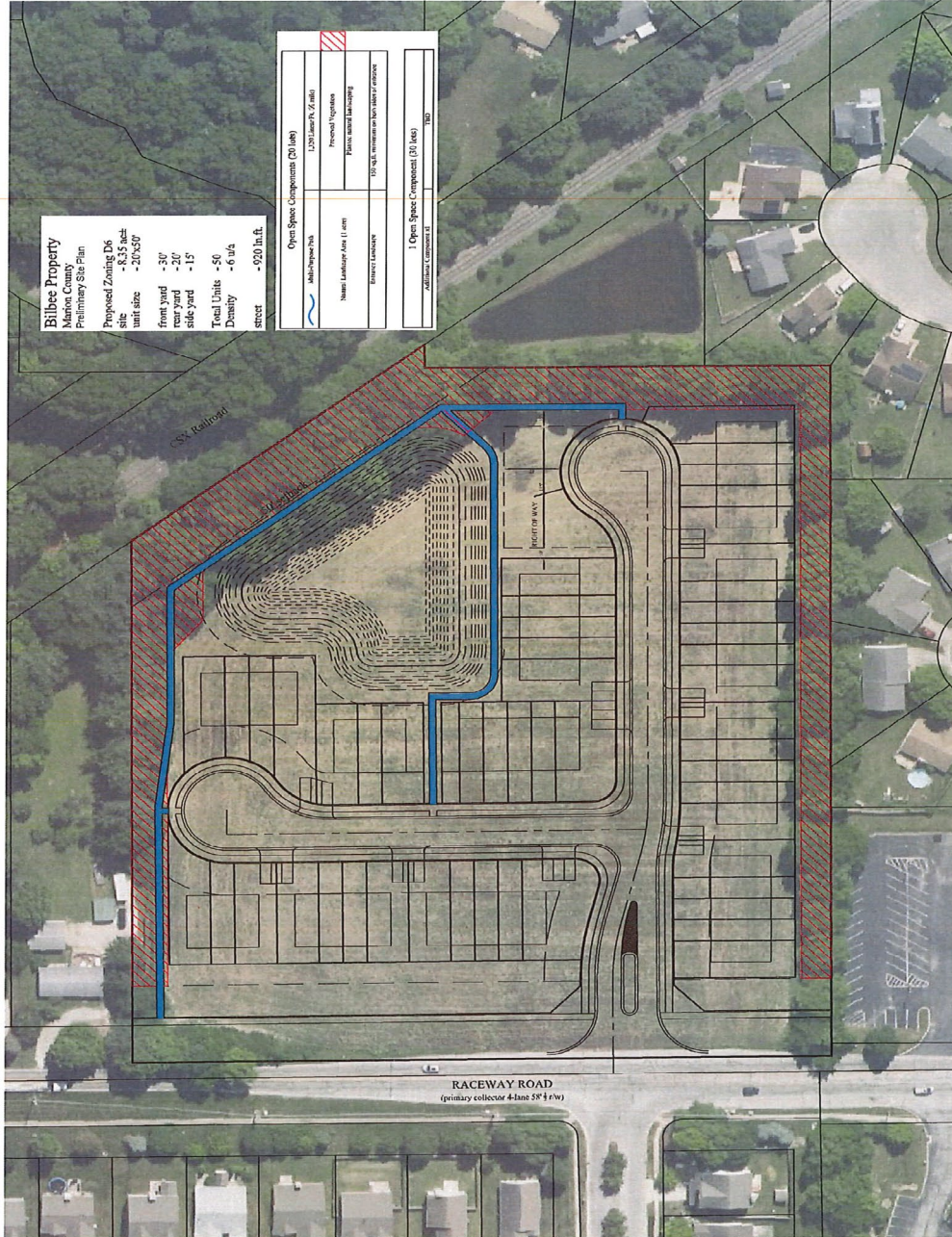


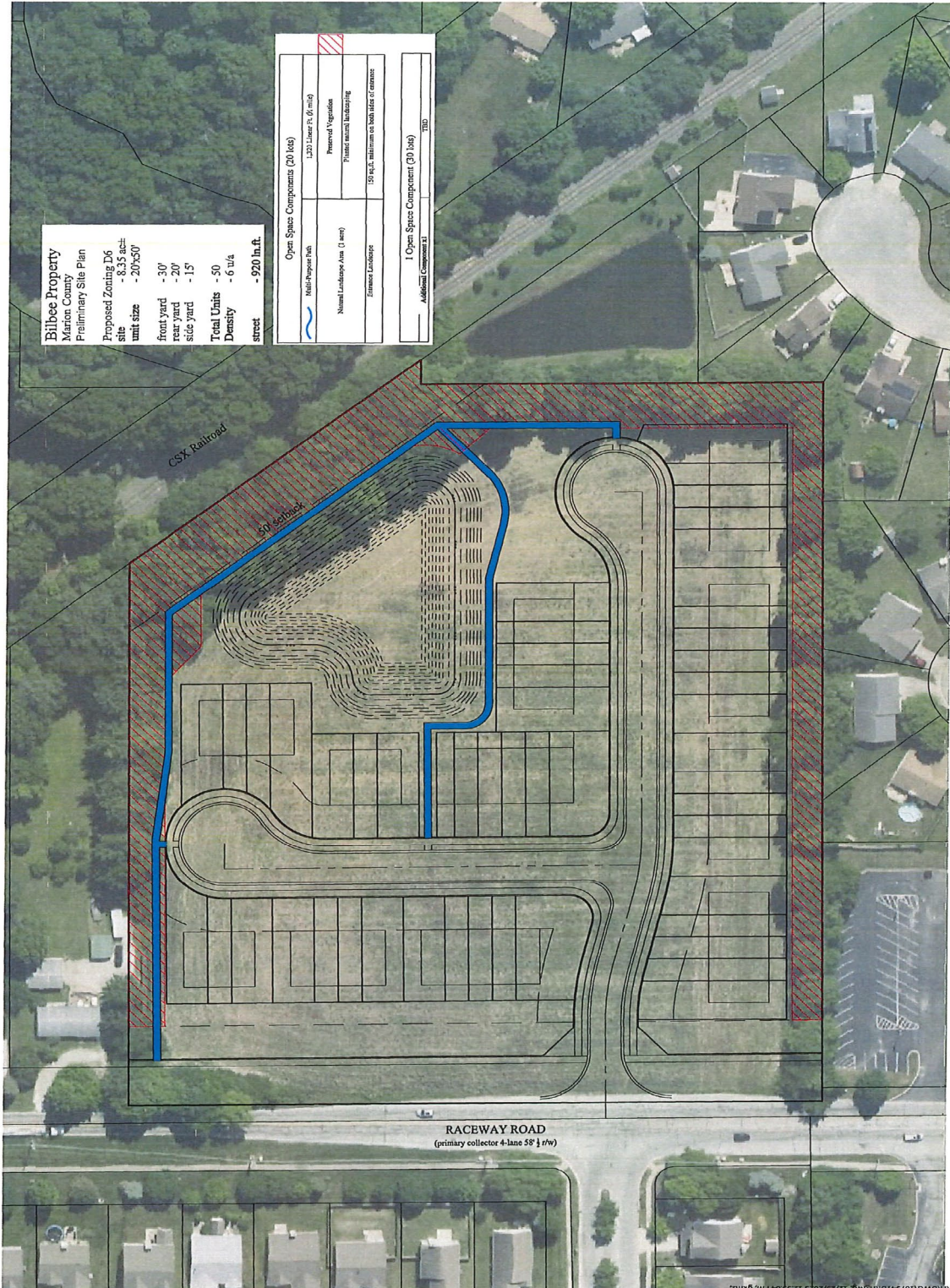
**EXHIBITS**



Amended Site Plan – April 23, 2024

Preliminary Site Plan Subject to Change





5/10/2023 12:34 PM gshiz

Elevation Renderings – April 23, 2024





View looking south along North Raceway Road



View looking north along North Raceway Road



View of site looking northeast across North Raceway Road / Riverwood Boulevard



View of site looking northeast across Raceway Road



View of site looking east, across North Raceway Road



View of site looking southeast across North Raceway Road



View of southern boundary and adjacent religious uses looking across North Raceway Road





**METROPOLITAN DEVELOPMENT COMMISSION** **May 9, 2024**  
**HEARING EXAMINER**

**Case Number:** 2024-ZON-028

**Property Address:** 5332 South Franklin Road (approximate address)

**Location:** Franklin Township, Council District #25

**Petitioner:** Lennar Homes of Indiana, LLC., by Brian J. Tuohy

**Current Zoning:** D-A

**Request:** Rezoning of 75.3 acres from the D-A district to the D-4 district to provide for single-family residential development.

**Current Land Use:** Agricultural Land.

**Staff Recommendations:** Approval with commitments.

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

**PETITION HISTORY**

This petition was automatically continued from the April 11, 2024 hearing to the May 9, 2024 hearing at the request of a registered neighborhood organization.

**STAFF RECOMMENDATION**

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

1. A 59.5-foot half right-of-way shall be dedicated along the frontage of Franklin 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).
2. A 59.5-foot half right-of-way shall be dedicated along the frontage of Thompson 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 left-turn treatment shall be installed at the southern access drive per the study recommendations. It shall be a passing blister or left-turn lane to be installed by the petitioner along Franklin Road prior to the issuance of an Improvement Location Permit.



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

4. Landscaping shall be installed along any property line that abuts the electrical easements to provide a buffer from the electric power transmissions.
5. A walking trail shall connect to the required sidewalk on Thompson Road at the northwest corner of the site.

## PETITION OVERVIEW

### LAND USE

The 75.3-acre subject site is comprised of agricultural land zoned D-A. It is surrounded by single-family dwellings north and west, zoned D-A, single-family dwellings, zoned D-4 and D-A, and commercial uses south, zoned C-4, and single-family dwellings, zoned D-P, and undeveloped industrial land, zoned I-2, to the east.

### ZONING

The request would rezone the site from the D-A district to the D-4 district for single-family residential development.

The D-A district holds the agricultural lands of Marion County and provides for a variety of agricultural uses. It is intended to provide for animal and poultry husbandry, farming, cultivation of crops, dairying, pasturage, floriculture, horticulture, viticulture, apiaries, aquaculture, hydroponics, together with necessary, accompanying accessory uses, buildings, or structures for housing, packing, treating, or storing said products; or lands devoted to a soil conservation or forestry management program. A single-family dwelling is intended to be permitted as a part of such agricultural uses. A secondary provision of this district is large estate development of single-family dwellings. This district fulfills the very low-density residential classification of the Comprehensive General Land Use Plan. This district does not require public water and sewer facilities.

The D-4 district is intended for low or medium intensity single-family and two-family residential development. Land in this district needs good thoroughfare access, relatively flat topography, and nearby community and neighborhood services and facilities with pedestrian linkages. Provisions for recreational facilities serving the neighborhood within walking distance are vitally important. Trees fulfill an important cooling and drainage role for the individual lots in this district. The D-4 district has a typical density of 4.2 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 conditions, including vegetation, topography, drainage and wildlife.



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

## **Department of Public Works**

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

### **TRAFFIC IMPACT STUDY**

Capacity analyses showed that the intersection of Thompson Road and Franklin Road would continue to operate at acceptable levels of service during peak hours, so no improvements were recommended.

Capacity analyses showed that the southbound approach would operate below acceptable levels of service during the PM peak hour at the Franklin Road and North Access Drive, but it is common for a minor approach to have increased delays when the major approach has significantly higher traffic volumes during the peak hours. It was recommended that the access drive have one inbound and two outbound lanes and that the intersection should be stop-controlled with the access drive stopping for Franklin Road. Construction of a northbound left-turn treatment along Franklin Road was recommended.

Capacity analyses show that the eastbound approach will experience increased delays during the AM and PM peak at the Franklin Road and Broad Street/South Access Drive when the generated traffic volumes are added to the background traffic volumes, but it is common for a minor approach to have increased delays when the major approach has significantly higher traffic volumes during the peak hours. It was recommended that the access drive have one inbound and two outbound lanes and that the intersection should be stop-controlled with the access drive stopping for Franklin Road. Construction of a northbound left-turn treatment along Franklin Road. In lieu of an exclusive northbound left-turn lane, the existing tapers serving Broad Street could possibly be modified to create a passing blister.

### **WETLAND**

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 preliminary conceptual site plan shows that the wetland and surrounding area will be maintained, and a 4.3-acre preservation area would be proposed since development is not proposed in this area.

### **Staff Analysis**

The proposed D-4 district would align with the recommendation of the Comprehensive Plan and although it would not align with the Commercial Office recommendation, it is appropriate to continue residential development in this area that is predominately residential since the site is one large parcel.



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The preliminary conceptual site plan notes that 178 single-family lots would be proposed with a 2.36 unit per acre density that falls well below the typical D-4 density of 4.2 units per gross acres. Much of this is due to existing electrical easements that run across the property, which make the overall area for development much smaller.

Variances were not requested by the petitioner with their proposal although the site plan calls out 35 lots that would not meet the required 60-foot lot width. Therefore, staff did not take the deficient lots into account and would anticipate the D-4 standards would be met since the site plan submitted is not the final proposal.

Landscaping is proposed in some common areas, but staff would request that landscaping be installed along any property line that abuts the electrical easements to provide a buffer from the electric power transmissions. This would provide the residents some privacy from those using the path system and would be more aesthetically pleasing to provide some screening.

A multi-purpose path is proposed for this development totaling an approximate 4,240 linear feet system. Staff determined that this path should connect to the required sidewalk along Thompson Road since the property borders this street on the northwest. Therefore, staff is requesting a commitment for a trail connection to be installed.

After reviewing the Traffic Impact Study, the Department of Public works requested a commitment for a left-turn treatment to be installed at the southern access drive per the study recommendations. It shall be a passing blister or left-turn lane to be installed by the petitioner along Franklin Road prior to the issuance of an Improvement Location Permit.

**GENERAL INFORMATION**

<b>Existing Zoning</b>	D-A	
<b>Existing Land Use</b>	Agricultural	
<b>Comprehensive Plan</b>	Suburban Neighborhood and Office Commercial	
<b>Surrounding Context</b>	<b>Zoning</b>	<b>Land Use</b>
North:	D-A	Residential (Single-family dwellings)
South:	D-4 / C-4 / D-A	Residential / Commercial
East:	I-2 / D-P	Undeveloped / Residential
West:	D-A	Residential (Single-family dwelling)
<b>Thoroughfare Plan</b>		
Franklin Road	Primary Arterial Street	119-foot proposed right-of-way and 50 to 91-foot existing right-of-way.
Thompson Road	Primary Arterial Street	119-foot proposed right-of-way and 85-foot existing right-of-way.
<b>Context Area</b>	Metro	
<b>Floodway / Floodway Fringe</b>	No	
<b>Overlay</b>	Yes	



<b>Wellfield Protection Area</b>	No
<b>Site Plan</b>	March 6, 2024.
<b>Site Plan (Amended)</b>	N/A
<b>Elevations</b>	N/A
<b>Elevations (Amended)</b>	N/A
<b>Landscape Plan</b>	N/A
<b>Findings of Fact</b>	N/A
<b>Findings of Fact (Amended)</b>	N/A
<b>C-S/D-P Statement</b>	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 Suburban Neighborhood typology is predominantly made up of single-family housing but is interspersed with attached and multifamily housing where appropriate. This typology should be supported by a variety of neighborhood-serving businesses, institutions, and amenities. Natural Corridors and natural features such as stream corridors, wetlands, and woodlands should be treated as focal points or organizing systems for development. Streets should be well-connected, and amenities should be treated as landmarks that enhance navigability of the development. This typology generally has a residential density of 1 to 5 dwelling units per acre, but a higher density is recommended if the development is within a quarter mile of a frequent transit line, greenway, or park.
- **Conditions for All Land Use Types**
  - All land use types except small-scale parks and community farms/gardens in this typology must have adequate
  - municipal water and sanitary sewer.
  - All development should include sidewalks along the street
  - frontage.
  - 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.



- **Conditions for All Housing**
  - A mix of housing types is encouraged.
  - Developments of more than 30 housing units must have
  - access to at least one arterial street of 3 or more continuous travel lanes between the intersections of two intersecting arterial streets.
  - Should be within a one-mile distance (using streets, sidewalks, and/or off-street paths) of a school, playground,
  - library, public greenway, or similar publicly-accessible
  - recreational or cultural amenity that is available at no cost
  - to the user.
- **Detached Housing**
  - The house should extend beyond the front of the garage.
  - Lots should be no more than 1.5 times the size (larger
  - or smaller) of adjacent/surrounding lots, except in cases where lots abut existing residential lots of one acre or
  - more in size. In those cases, lots should be no smaller than
  - 10,000 square feet and no larger than 1.5 times the size of
  - the abutting lot.
- The Office Commercial typology provides for single and multi-tenant office buildings. It is often a buffer between higher intensity land uses and lower intensity land uses. Office commercial development can range from a small freestanding office to a major employment center. This typology is intended to facilitate establishments such as medical and dental facilities, education services, insurance, real estate, financial institutions, design firms, legal services, and hair and body care salons.
- Residential uses are not contemplated in the Office Commercial typology. However, residential development at the southern portion of the site would align with the context of the surrounding residential area except for one business adjacent to the southeast corner of the site.

**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.



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### Indy Moves

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

- Indy Moves Transportation Integration Plan (2018) proposes a Complete Street project for an Off-Street Multi-Use Path along Thompson Road from Emerson Avenue to Southeastern Avenue and an Off-Street Multi-Use Path along Franklin Road from Shelbyville Road to Hanna Avenue.
- Right-of-way dedication would ensure that these projects would be possible to complete.



## ZONING HISTORY

### Zoning History - Vicinity

**2021-ZON-013; 5151 South Franklin Road** (east of site), Rezoning of 19.06 acres from the I-2 and D-P districts to the D-P classification for the development of 61 single-family dwellings at a density of 3.2 units per acre, **approved**.

**2019-CZN-811 / 2019-CPL-811; 5151 South Franklin Road** (east of site), Rezoning of 19 acres from the D-P and I-2 districts to the D-P district, **withdrawn**.

**2014-ZON-020; 8701 and 9107 East Thompson Road** (east of site), Rezoning of 126 acres, from the D-P District to the D-P classification to provide for 61 two-family dwellings (122 dwelling units) and 288 single-family dwellings (previously approved by 2002-ZON-180 (2002-DP-021), as amended by 2007-APP-094 and 2010-MOD-008), creating a density of 3.25 units per acre, **approved**.

**2010-MOD-008; 9107 East Thompson Road** (east of site), Modification of development statement and site plan of 2003-ZON-802, as amended by 2007-APP-094 to limit the number of lots to 150, to eliminate references to a church and replace it with referenced to an Amenities Area, to delineate two residential phases and provide for differing standards for, including, but not limited to, setbacks, lot size, lot width, distance between buildings, exterior materials and roof shingle type, to eliminate certain development requirements or portions thereof due to lack of relevancy and/or choice (alleys, street trees, landscaping for administrator's approval, for example), and to add additional development requirements, including, but not limited to landscaping, drainage, fencing, home size, signs and dues, particularly where Phase Two abuts the existing Phase One, **approved**.

**2007-APP-094; 8758 Carver Drive & nine other addresses on Carver Drive, Kipling Drive and Fielding Lane** (east of site), Modification of the development statement of 2003-ZON-802 to terminate the requirement for side-loaded garages on corner lots, **approved**.

**2006-ZON-126; 5605 South Franklin Road** (southeast of site), Rezoning of 8.941 acres, from the D-A District to the SU-1 classification to provide for religious uses, **approved**.

**2005-ZON-110; 5650 South Franklin Road** (south of site), Rezoning of 11.34 acres, being in the C-4 Commercial District, to the D-P Planned Development classification, to provide for 14 duplexes and eight four-family dwellings, with a density of 5.3 units per acre, **denied**.

**2004-ZON-803; 7602 and 7913 East Hanna Avenue, 4250, 4251, 4523, and 4865 Ferguson Road** (northwest of site), Rezoning of 231.80 acres, being in the D-A (FF) (FW) and D-2 (FF) (FW) Districts, to the D-P (FF) (FW) classification to provide for single-family and two-family residential development, with a maximum density of 2.50 units per acre, **approved**.





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**2003-ZON-802 / 2003-PLT-802; 5101 South Franklin Road** (east of site), Rezoning of 168.5 acres from the I-2-S district to the D-P district to provide for a church and single-family residential development at 3.23 units per acre and to divide 32.6 acres into 104 lots with a waiver of sidewalks along Thompson Road, **approved**.

**2003-ZON-176; 7603 and 7913 East Hanna Avenue, 4250, 4251, 4523 and 2885 Ferguson Road, and 8141 Easton Court** (northwest of site), Rezoning of 231.80 acres, being in the D-A (FF) (FW) and D-2 (FF) (FW) Districts, to the D-P (FF) (FW) classification to provide for a single-family and two-family residential development, with a maximum density of 2.50 units per acre, **withdrawn**.

**2003-ZON-150; 5605 South Franklin Road** (southeast of site), Rezoning of 8.9 acres, being in the D-A Dwelling Agricultural District, to the D-6II classification, to provide for multifamily dwellings, **denied**.

**2002-ZON-180; 5101 South Franklin Road** (east of site), Rezoning of 168.1 acres from the I-2-S district to the D-P district, **withdrawn**.

**2002-ZON-817; 8400 & 8800 East Thompson Road** (northeast of site), Rezoning of 110 acres from the D-P district to the D-3 district, **approved**.

**2000-ZON-023; 8702 East Thompson Road** (northeast of site), Rezoning of 110.7 acres from the D-A district to the D-P district, **approve**,

**98-Z-6; 7651 East Thompson Road** (west of site), Rezoning of 40 acres, being in the D-3 District, to the SU-2 classification to provide for the development of a school and related uses, **approved**.

**96-Z-121; 7601 East Thompson Road and 5401 Five Points Road** (west of site), Rezoning of 237.77 acres from I-2-S and I-4-S to D-3 to provide for residential development, **approved**.

**96-Z-68; 8702 East Thompson Road** (northeast of site), Rezoning of 111.9 acres from the D-A district to the D-3 district, **denied**.

**95-Z-30; 7601 East Thompson Road** (west of site), Rezoning of 237.77 acres from I-2-S (FF) and I-4-S (FF) to D-3 (FF) to provide for residential development, **denied**.

**95-Z-28A; 5886 South Franklin Road** (south of site), Rezoning of 98.33 acres, being in the D-6II Dwelling District, to the D-4 classification, to provide for a single-family residential development, **approved**.

**95-Z-28B; 5606 South Franklin Road** (south of site), Rezoning of 1.14 acres, being in the D-6II Dwelling District, to the C-4 classification, to provide for commercial development, **approved**.

**91-UV3-37; 5002 South Franklin Road** (north of site), variance of use to provide for a two-family dwelling in a D-A district, **denied**.

**89-UV1-134; 5430 South Franklin Road** (southeast of site), Variance of use of the Dwelling Districts Zoning Ordinance to permit the operation of a manufacturing, design, and office building, **granted**.



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**86-Z-272; 8124 East Thompson Road** (north of site), Rezoning of 66 acres from the A-2 district to the D-2 district, **approved.**

**EXHIBITS**





**Koopman Property**  
 Franklin Township, Marion County, Indiana

**Preliminary Conceptual Site Plan**

ZONING: D-4  
 RESIDENTIAL ACREAGE = 75.3 Acs  
 178 LOTS 1.36 U/A  
 TYPICAL LOT SIZE = 60' wide  
 7,200 sq. ft. area  
 TOTAL LOT AREA = 30.3 Acs  
 TOTAL COMMON AREA = 26.0 Acs  
 TOTAL RIGHT-OF-WAY = 11.0 Acs  
 DRAINAGE AREA = 3.3 Acs  
 AVERAGE LOT SIZE = 10,403 sq. ft.  
 ● SUM OF TOTAL LOTS HAVE 60' (10%) WIDTH  
 REDUCTION - 34' WIDE (33 LOTS)

Open Space Commitments (20 lots)	
With-Project (10)	1,000 sq. ft. (0.02 Acs)
Without-Project (10)	1,000 sq. ft. (0.02 Acs)
Total Open Space Commitments (20 lots)	
With-Project (10)	1,000 sq. ft. (0.02 Acs)
Without-Project (10)	1,000 sq. ft. (0.02 Acs)
Total Open Space Commitments (20 lots)	
With-Project (10)	1,000 sq. ft. (0.02 Acs)
Without-Project (10)	1,000 sq. ft. (0.02 Acs)
Total Open Space Commitments (20 lots)	
With-Project (10)	1,000 sq. ft. (0.02 Acs)
Without-Project (10)	1,000 sq. ft. (0.02 Acs)
Total Open Space Commitments (20 lots)	





Photo of the street frontage along Franklin Road and subject site looking north toward Thompson Road.



Photo of the subject site looking west from Thompson Road.



Photo of the street frontage along Franklin Road and subject site looking southwest.



Photo of the street frontage along Franklin Road looking south.



Photo of the subject site and the existing transmission towers.



Photo of two single-family dwellings southeast of the site.



Phot of the 76-foot portion of the site that is in between a single-family dwelling and machine shop.



Photo of the machine shop property southeast of the site.



Photo of the machine shop property southeast of the site and southern transmission tower easement.



Franklin Road looking south at the railroad.



Railroad and single-family dwellings south of the site.



Library south of the subject site.





Single-family dwellings north of the site.



Portion of the subject site and adjacent single-family dwelling to the west.



Photo of the 76-foot section of the property that abuts Thompson Road between two dwellings.



**METROPOLITAN DEVELOPMENT COMMISSION** **May 9, 2024**  
**HEARING EXAMINER**

**Case Number:** 2024-ZON-035

**Property Address:** 1201 South Holt Road (approximate address)

**Location:** Wayne Township, Council District #17

**Petitioner:** Badesha Bros, by Jamilah Mintze

**Current Zoning:** C-4 / I-3

**Request:** Rezoning of 1.4 acres from the C-4 and I-3 districts to the C-4 district to provide for commercial uses.

**Current Land Use:** Commercial

**Staff Recommendations:** Approval

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

**PETITION HISTORY**

This is the first public hearing for this petition.

**STAFF RECOMMENDATION**

Staff **recommends approval** of the request.

**PETITION OVERVIEW**

**LAND USE**

The 1.4-acre subject site developed with a fueling station and convenience store that has two empty tenant spaces. It is surrounded by a fueling station and convenience store north, zoned C-4 and C-7, a fueling station and convenience store west, zoned C-7, a trucking company east, zoned I-3, and a commercial parking lot south, zoned I-3.

**REZONING**

This petition would rezone the split-zoned property from the C-4 and I-3 districts to the C-4 district.

The C-4 District is designed to provide for the development of major business groupings and regional-size shopping centers to serve a population ranging from a community or neighborhoods to a major segment of the total metropolitan area. These centers may feature a number of large traffic generators such as home improvement stores, department stores, and theatres. Even the smallest of such freestanding uses in this district, as well as commercial centers, require excellent access from major



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thoroughfares. While these centers are usually characterized by indoor operations, certain permitted uses may have limited outdoor activities, as specified.

The I-3 district is an intermediate district for industries that present moderate risks to the general public. Wherever practical, this district should be away from protected districts and buffered by intervening lighter industrial districts. Where this district abuts protected districts, setbacks are large and enclosure of activities and storage is required.

**Staff Analysis**

The rezoning of the entire site to the C-4 district is compatible with the Community Commercial Use recommendation of the Comprehensive Plan and would allow for two tenant spaces to be utilized when they would not have been able to be used for retail purposes in the existing I-3 district.

Staff would have required that sidewalks be installed with this rezoning, but the developer contributed to the sidewalk fund in lieu of installing the required sidewalks along the perimeter street frontages.

**GENERAL INFORMATION**

<b>Existing Zoning</b>	C-4 / I-3	
<b>Existing Land Use</b>	Commercial	
<b>Comprehensive Plan</b>	Community Commercial Uses	
<b>Surrounding Context</b>	<b>Zoning</b>	<b>Land Use</b>
	North: C-4 / C-7	Fueling Station / Convenience Store
	South: I-3	Industrial
	East: I-3	Industrial
	West: C-7	Fueling Station / Convenience Store
<b>Thoroughfare Plan</b>		
Holt Road	Primary Arterial Street	95-foot proposed right-of-way and 85-foot existing right-of-way.
Morris Street	Primary Arterial Street	78-foot proposed right-of-way and 85-foot to 90-foot existing right-of-way range.
<b>Context Area</b>	Compact	
<b>Floodway / Floodway Fringe</b>	No	
<b>Overlay</b>	No	
<b>Wellfield Protection Area</b>	No	
<b>Site Plan</b>	February 22, 2024	
<b>Site Plan (Amended)</b>	N/A	
<b>Elevations</b>	N/A	
<b>Elevations (Amended)</b>	N/A	
<b>Landscape Plan</b>	N/A	



<b>Findings of Fact</b>	N/A
<b>Findings of Fact (Amended)</b>	N/A
<b>C-S/D-P Statement</b>	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 Community Commercial Uses recommendation is a legacy recommendation.
- The Comprehensive Plan recommendation of 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.

**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)

- Indy Moves Transportation Integration Plan (2018) proposes an on-street bike lane on Hold Road starting at Kentucky Avenue to Morris Street and from Morris Street up to Rockville Road.



## ZONING HISTORY

### Zoning History - Vicinity

**2021-CZN-835 / 2021-CVR-835; 3801 West Morris Street** (west of site), Rezoning of 4.572 acres from the I-4 district to the C-7 district and Variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for reduced transparency on the north and west elevations of 13% (30% transparency required for the wall surface between three and eight feet above grade and within 50 feet of a public entrance), **approved**.

**2019-ZON-088; 3712, 3722 and 3730 West Morris Street** (northeast of site), Rezoning of 1.5 acres from the D-5 district to the C-7 district, **denied**.

**88-Z-90; 1151 and 1153 South McClure Street** (northwest of site), Rezoning of 0.2 acre from the D-5 district to the C-4 district and to provide for a parking lot, **approved**.

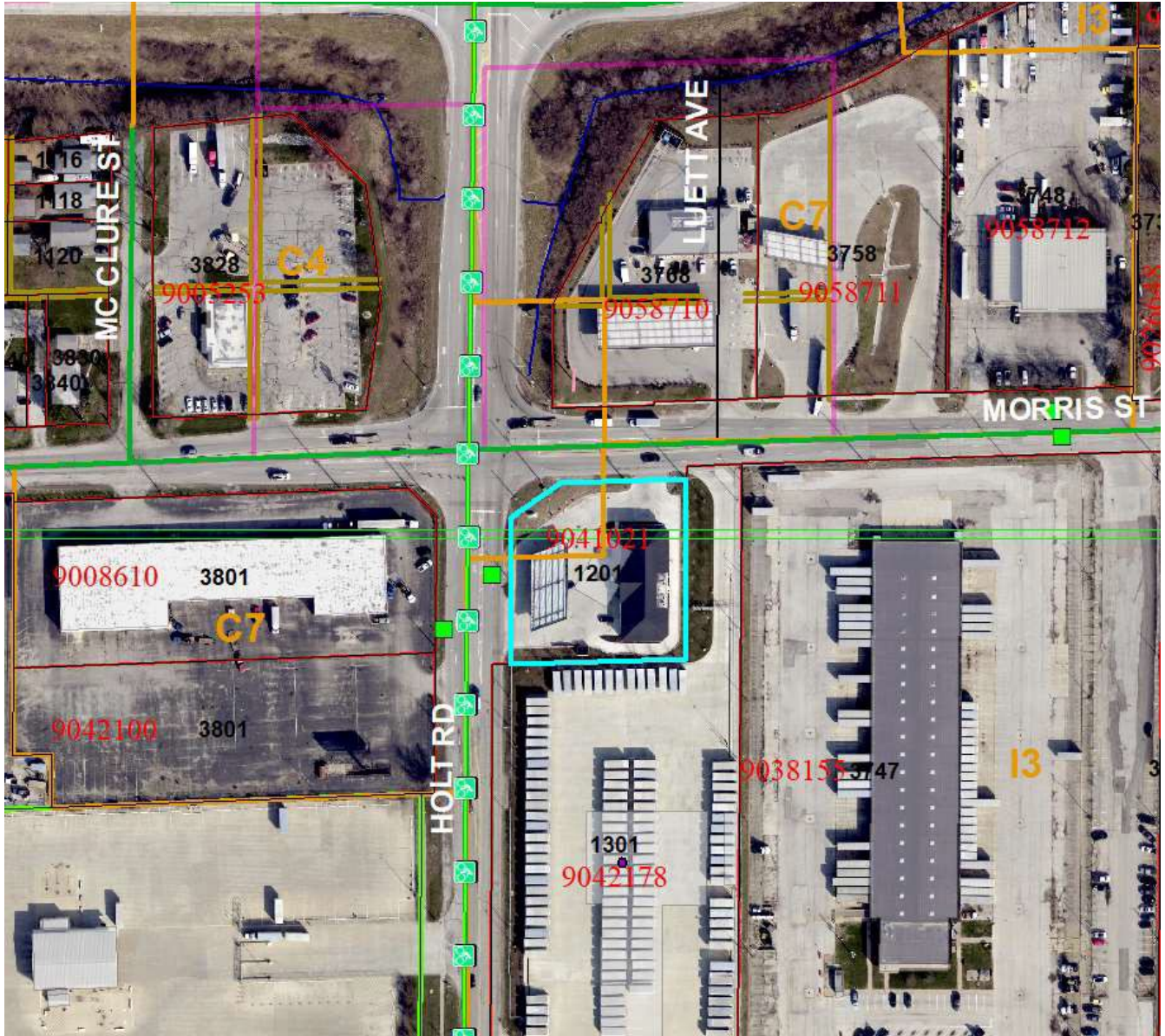
**87-Z-46; 1117 South McClure Street** (northwest of site), Rezoning of 0.2 acre from the D-5 district to the C-4 district, **approved**.

**87-Z-134; 3748 West Morris Street** (northeast of site), Rezoning of 2.23 acres from the D-5 district to the C-7 district, **approved**.

**83-Z-28; 3844 West Morris Street** (northwest of site), Rezoning of 0.32 acres, being in D-5 district to the C-5 district classification, to permit the erection of an auto repair garage, **approved**.

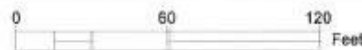
**74-Z-190; 3758 West Morris Street** (north of site), Rezoning of 2.62 acres from the D-5, C-4, and I-3-U districts to the C-7 district, **approved**.

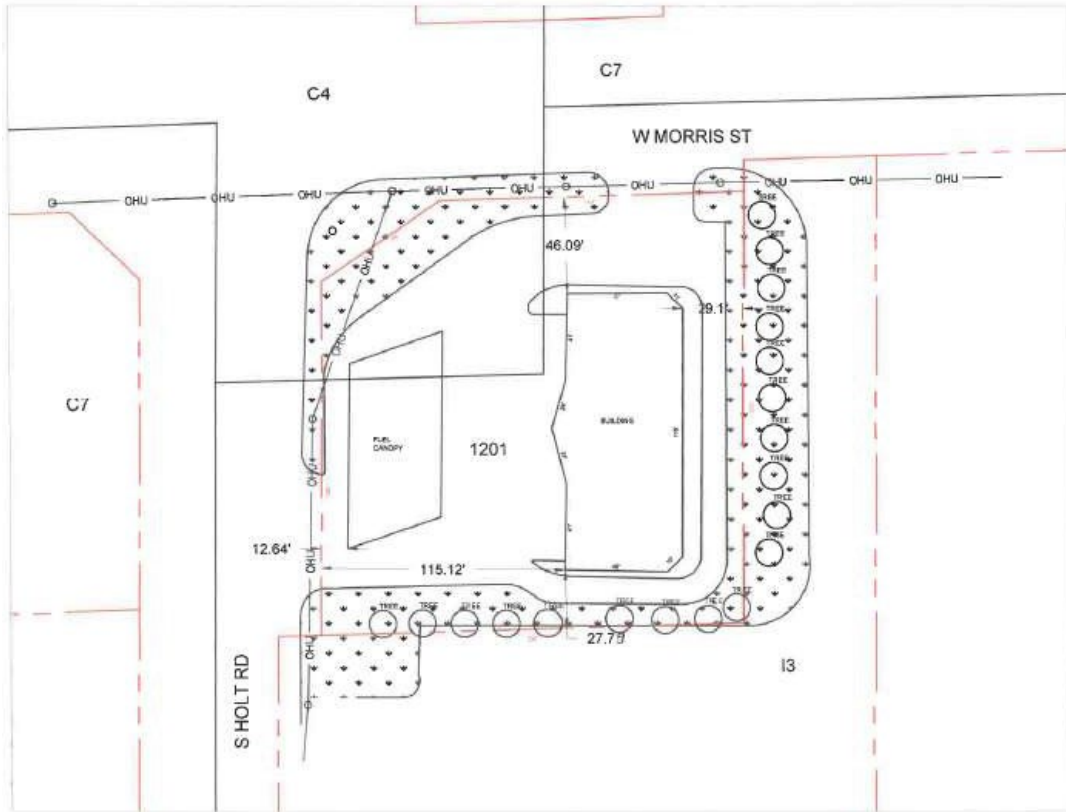
**EXHIBITS**





1201 S HOLT RD





1201 S HOLT RD

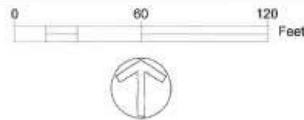






Photo of the convenience store on site.



Photo of one of the empty tenant spaces.



Photo of the fuel station and canopy on site.



Photo of the street frontage along Holt Road looking north.



Photo of the street frontage along Holt Road looking south.



Photo of the street frontage along Morris Street looking east.



Photo of a gas station north of the site.



Photo of a gas station west of the site.



Photo of the trucking company east of the site.



Photo of the commercial parking lot south of the site.



**METROPOLITAN DEVELOPMENT COMMISSION** **May 9, 2024**  
**HEARING EXAMINER**

**Case Number:** 2024-ZON-043

**Property Address:** 6240 Five Points Road (Approximate Address)

**Location:** Franklin Township, Council District #25

**Petitioner:** James K. Butler, by Gregory J. Ilko

**Current Zoning:** D-A / D-2

**Request:** Rezoning of 2.9 acres from the D-A and D-2 districts to the D-2 district for single-family residential uses.

**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 request, 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:

A 40-foot half right-of-way shall be dedicated along the frontage of Five Points 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).

**PETITION OVERVIEW**

**LAND USE**

The 2.9-acre subject site is developed with a single-family dwelling and detached accessory structure. It is surrounded by single-family dwellings zoned D-A to the north and east and single-family dwellings zoned D-2 west and south.



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Division of Planning  
Current Planning**

**REZONING**

This petition would rezone the split-zoned property from the D-A and D-2 districts to the D-2 district.

The D-A district holds the agricultural lands of Marion County and provides for a variety of agricultural uses. It is intended to provide for animal and poultry husbandry, farming, cultivation of crops, dairying, pasturage, floriculture, horticulture, viticulture, apiaries, aquaculture, hydroponics, together with necessary, accompanying accessory uses, buildings, or structures for housing, packing, treating, or storing said products; or lands devoted to a soil conservation or forestry management program. A single-family dwelling is intended to be permitted as a part of such agricultural uses. A secondary provision of this district is large estate development of single-family dwellings. This district fulfills the very low density residential classification of the Comprehensive General Land Use Plan. This district does not require public water and sewer facilities.

The D-2 district is intended for use in suburban areas. Ample yards, trees and passive open spaces easily serving each individual lot are envisioned for this district. The D-2 district has a typical density of 1.9 units per gross acre. Two- family dwellings are permitted on corner lots in this district. This district fulfills the lowest density recommendation of the Comprehensive General Land Use Plan. Public water and sewer 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 conditions, including vegetation, topography, drainage, and wildlife.

**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 Five Points Road. This dedication would also be consistent with the Marion County Thoroughfare Plan.

**Staff Analysis**

The rezoning of the entire site to the D-2 district is compatible with the Suburban Neighborhood recommendation of the Comprehensive Plan. Furthermore, the D-2 district is present west and south of the site and the larger lots would meet the development standards needed for this zoning district.

Development of the proposed southernmost lot could take into account the future development of a greenway in this area although nothing is being requested for the proposed greenway at this time.

**GENERAL INFORMATION**

<b>Existing Zoning</b>	D-A / D-2	
<b>Existing Land Use</b>	Residential (Single-family dwelling)	
<b>Comprehensive Plan</b>	Suburban Neighborhood and Linear Park	
<b>Surrounding Context</b>	<u><b>Zoning</b></u>	<u><b>Land Use</b></u>
North:	D-A	Residential (Single-family dwelling)



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South:	D-2	Residential (Single-family dwelling)
East:	D-A	Residential (Single-family dwellings)
West:	D-2	Residential (Single-family dwellings)
<b>Thoroughfare Plan</b>		
Five Points Road	Primary Collector Street	80-foot proposed right-of-way and 30-foot existing right-of-way.
<b>Context Area</b>	Metro	
<b>Floodway / Floodway Fringe</b>	No	
<b>Overlay</b>	No	
<b>Wellfield Protection Area</b>	No	
<b>Site Plan</b>	April 9, 2024.	
<b>Site Plan (Amended)</b>	N/A	
<b>Elevations</b>	N/A	
<b>Elevations (Amended)</b>	N/A	
<b>Landscape Plan</b>	N/A	
<b>Findings of Fact</b>	N/A	
<b>Findings of Fact (Amended)</b>	N/A	
<b>C-S/D-P Statement</b>	N/A	

**COMPREHENSIVE PLAN ANALYSIS**

**Comprehensive Plan**

- Marion County Land Use Plan Pattern Book (2019)
- Indy Greenways Full Circle Master Plan, Part One (2014)
- Infill Housing Guidelines (2021)

**Pattern Book / Land Use Plan**

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



- **Detached Housing**
  - The house should extend beyond the front of the garage.
  - Lots should be no more than 1.5 times the size (larger or smaller) of adjacent/surrounding lots, except in cases where lots abut existing residential lots of one acre or more in size. In those cases, lots should be no smaller than 10,000 square feet and no larger than 1.5 times the size of the abutting lot.
- The Linear Park recommendation is a Non-Typology Land Use. These stand-alone land uses are mapped outside of the typology system due to their scale or the nature of their use.
- This land use category is intended for public or private property designated for active or passive recreation and is primarily used for the passage of people or wildlife. Examples are greenways, parkways, trails, off-street paths, and conservation areas.

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

- Not Applicable to the Site

**Neighborhood / Area Specific Plan**

- Not Applicable to the Site

**Infill Housing Guidelines**

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



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

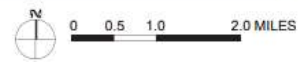
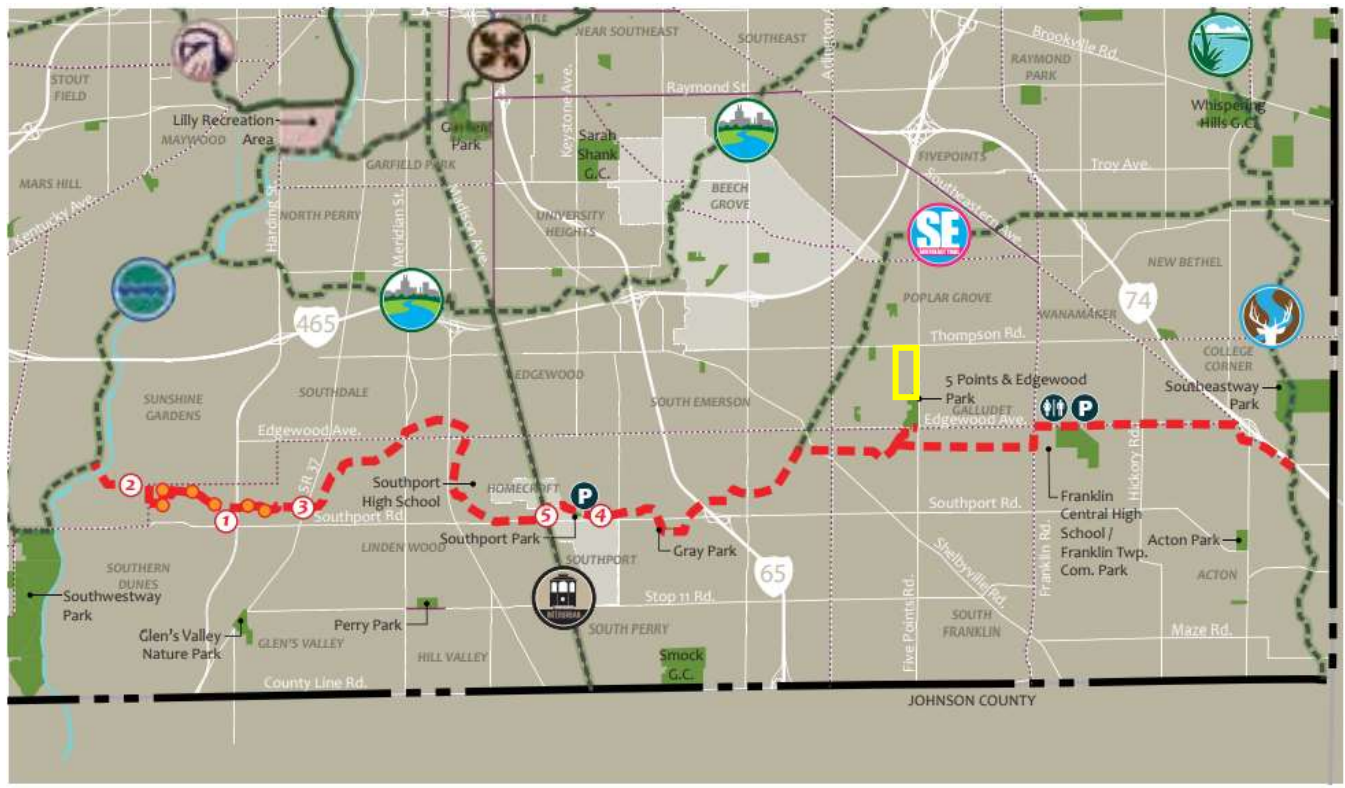
- **5. Consider Nearby Roof Styles:** The basic outline of a new building should reflect building outlines typical of the area. Roof selection and overall height contribute to the building outline. Select roof shapes that are frequently used in the neighborhood.
- **6. Fenestration Should Relate to the 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)

- Indy Greenways Full Circle Master Plan, Part One (2014) notes that the Little Buck Creek Greenway is proposed across the property going east to west.
- This plan seeks to establish the Little Buck Creek Greenway as an 18.3-mile greenway for the south side of Indianapolis.
- This route also provides a connection to a newly acquired park property at the Edgewood and Five Points Road intersection. Near Five Points Road, the route will turn south for approximately .3 miles to meet with a second overhead utility easement.
- The importance of this route cannot be overstated as it will become the dominate east-west greenway across the southern townships completing the southern leg of the circle. It's also one of the greenways that will be constructed in areas of the city that are still undeveloped allowing for potential partnership opportunities with developers to construct new greenway routes (similar to the process that led to the construction of the existing Little Buck Creek segments).

Map of the proposed Little Buck Creek Greenway.



The subject site is approximately located in yellow.



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## ZONING HISTORY

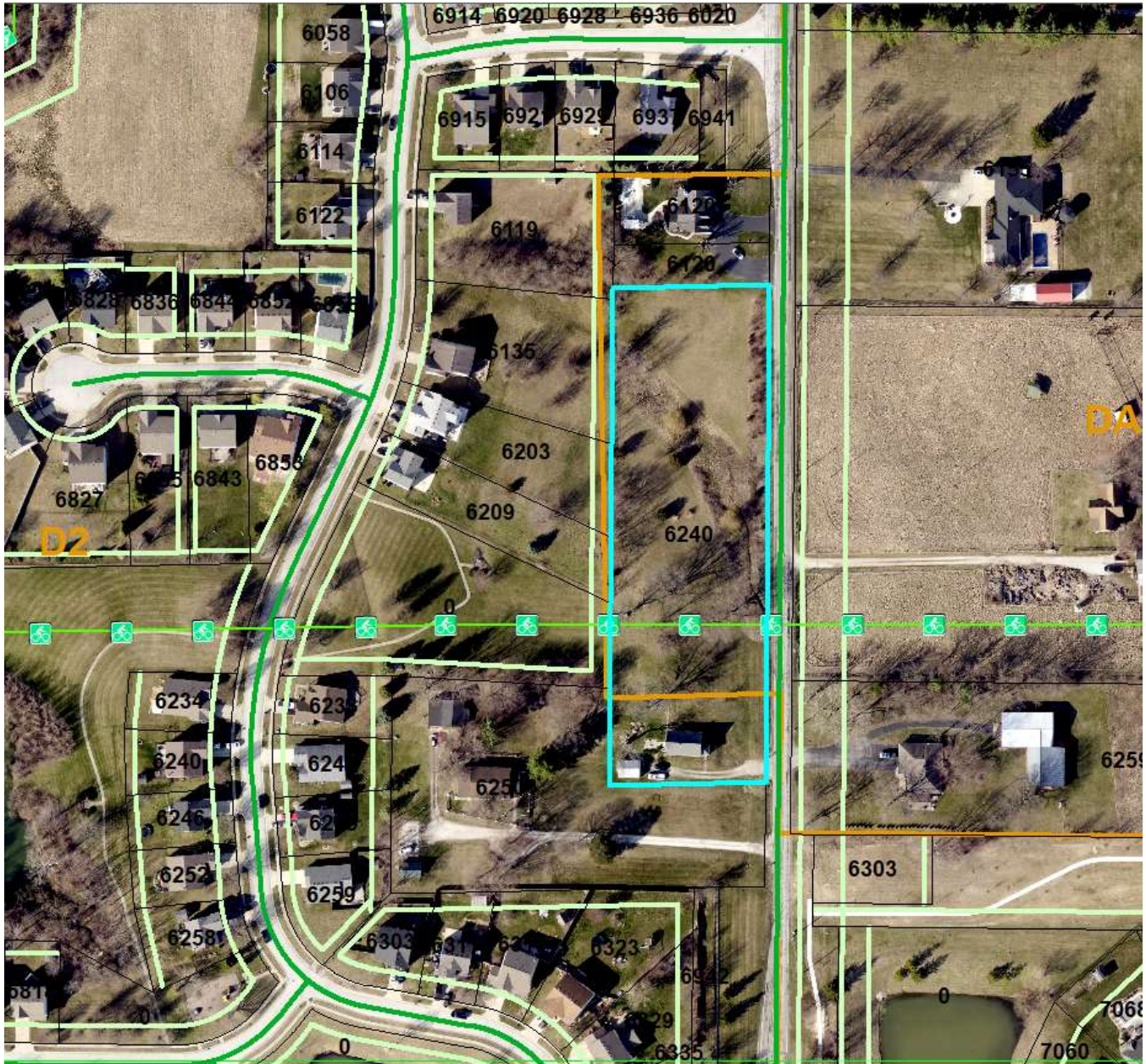
### Zoning History - Vicinity

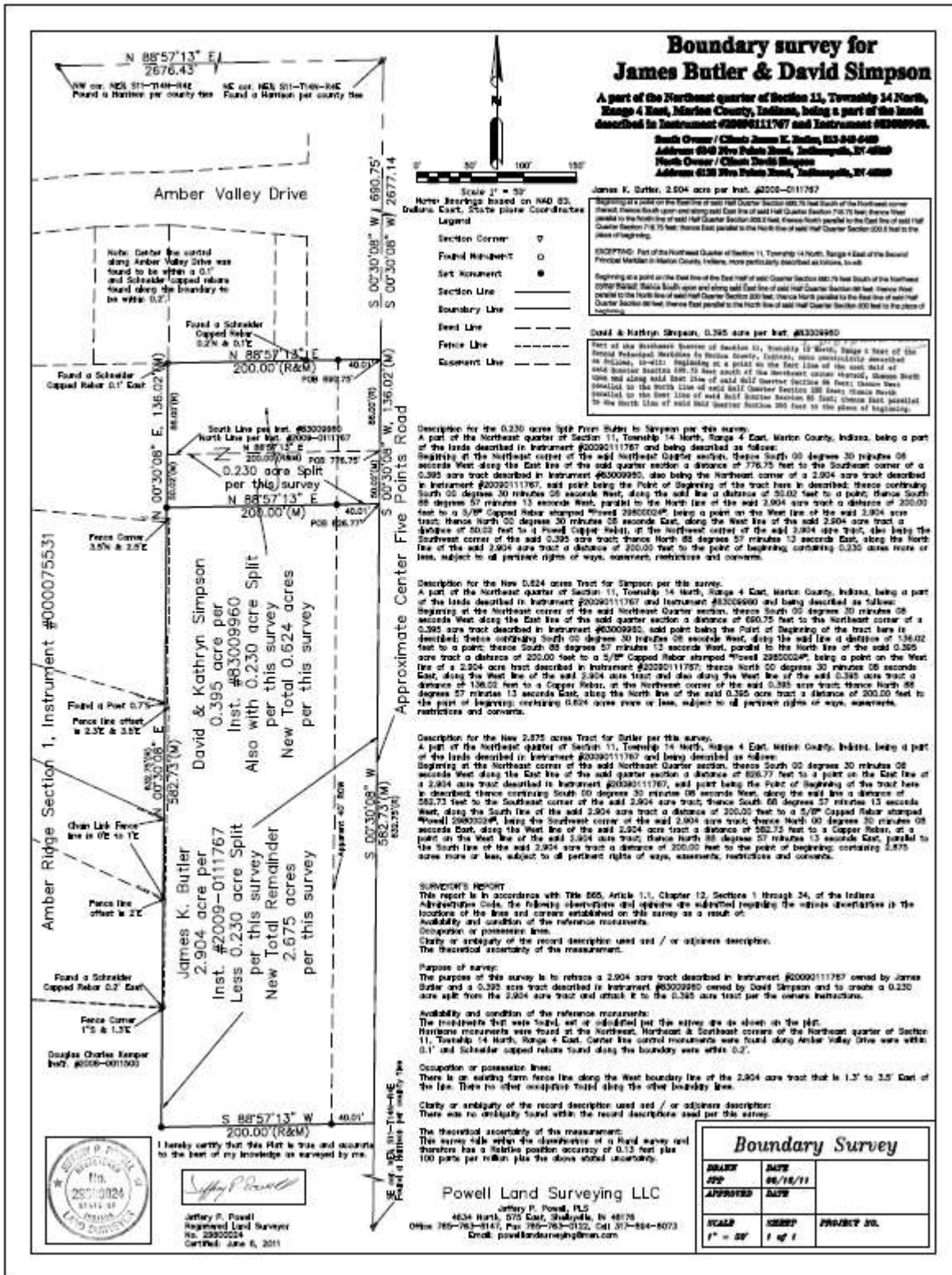
**2020-ZON-026; 6259 Five Points Road** (southeast of site), Rezoning of 36.39 acres from the D-A district to the D-3 district, **approved**.

**2000-ZON-048; 6250 Five Points Road** (west of site), Rezoning of 63.96 acres, being in the D-2 district, to the D-P classification to provide for single-family residential development, **withdrawn**.

**93-Z-13; 6351 Five Points Road** (southeast of site), Rezoning of 66.34 acres from D-A to D-3 to provide for single-family residential development, **approved**.

**EXHIBITS**





S





Photo of the subject site looking north.



Photo of the subject site looking west.





Photo of the subject site looking east.



Photo of the subject site looking north.



Photo of the subject site looking west.



Photo of the subject site looking west.



Photo of the subject site looking west.



Photo of the subject site looking west.



Photo of the subject site looking west.



Photo of the single-family dwelling north of the site.



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



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



**METROPOLITAN DEVELOPMENT COMMISSION** **May 9, 2024**  
**HEARING EXAMINER**

**Case Number:** 2024-ZON-044

**Property Address:** 918 East 27th Street, 2735, 2739, 2743, 2747, 2751 and 2755 Guilford Avenue (odd), 2712, 2716, 2720, 2724, 2728, 2732, 2736, 2740, 2748, 2752, and 2756 Winthrop Avenue (even)

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

**Petitioner:** Historic Grandview LLC, by Paul J. Lambie

**Current Zoning:** D-5

**Request:** Rezoning of 2.4 acres from the D-5 district to the D-8 district for residential development.

**Current Land Use:** Vacant land

**Staff Recommendations:** Approval, subject to the commitments listed below.

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

**PETITION HISTORY**

This is the first public hearing on this petition.

**STAFF RECOMMENDATION**

Approval, subject to the following commitments being reduced to writing on the Commission's Exhibit "B" forms at least three days prior to the MDC hearing:

1. Final elevations shall be submitted for Administrator Approval prior to the issuance of an Improvement Location Permit (ILP).
2. The site and improved areas within the site shall be maintained in a reasonably neat and orderly manner during and after development of the site with appropriate areas and containers / receptables provided for the proper disposal of trash and other waste.

**PETITION OVERVIEW**

This 2.4-acre site, zoned D-5, is comprised of eighteen parcels. It is surrounded by single-family dwellings to the north, across East 28th Street, zoned D-5; single-family dwellings to the south, zoned D-5 and D-8, across East 27th Street; vacant land to the east, across Winthrop Avenue, zoned I-2; and single-family dwellings to the west, across Guilford Avenue, zoned D-5.



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The request would rezone all the parcels to the D-8 (Walkable Neighborhood) District to provide for walkable neighborhood development including two-unit row houses with potential future platting for individual unit sale. “The D-8 district is intended for a variety of housing formats, with a mix of small-scale multi-unit building types. This district can be used as a part of new mixed-use areas, or for infill situations in established urban areas, including medium and high-density residential recommendations of the Comprehensive Plan, and the Traditional Neighborhood, City Neighborhood, and Village or Urban Mixed-Use Typologies of the Land Use Pattern Book.”

The D-8 district is one of five dwelling districts that would “implement walkable, compact neighborhoods within a well-connected street network and block structure, using slow neighborhood streets, walkable connectors, and multi-mode thoroughfares.” These districts require urban public and community facilities and services to be available. Additionally, these districts may be used to support nearby commercial and transit investments.

The Comprehensive Plan recommends traditional neighborhood typology for the site. As proposed, this request would be consistent with Plan recommendation as well as the historical residential use of the land. This request would also support the ongoing redevelopment and renewal efforts in this neighborhood.

#### 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



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- 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.

**GENERAL INFORMATION**

<b>Existing Zoning</b>	D-5	
<b>Existing Land Use</b>	Vacant land	
<b>Comprehensive Plan</b>	Traditional neighborhood typology	
<b>Surrounding Context</b>	<b>Zoning</b>	<b>Land Use</b>
North:	D-5	Single-family dwellings
South:	D-5 / D-8	Single-family dwellings
East:	I-2	Vacant land
West:	D-5	Single-family dwellings
<b>Thoroughfare Plan</b>		
East 27th Street	Local Street	Existing 50-foot right-of-way and proposed 48-foot right-of-way.
Winthrop Avenue	Local Street	Existing 50-foot right-of-way and proposed 48-foot right-of-way.
East 28th Street	Local Street	Existing 50-foot right-of-way and proposed 48-foot right-of-way.
Guilford Avenue	Local Street	Existing 58-foot right-of-way and proposed 48-foot right-of-way
<b>Context Area</b>	Compact	
<b>Floodway / Floodway Fringe</b>	No	
<b>Overlay</b>	No	
<b>Wellfield Protection Area</b>	No	
<b>Site Plan</b>	N/A	
<b>Site Plan (Amended)</b>	N/A	
<b>Elevations</b>	N/A	
<b>Elevations (Amended)</b>	N/A	
<b>Landscape Plan</b>	N/A	
<b>Findings of Fact</b>	N/A	



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

## COMPREHENSIVE PLAN ANALYSIS

### Comprehensive Plan

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

- *Conditions for All Land Use Types*
  - All land use types except small-scale parks and community farms/gardens in this typology must have adequate municipal water and sanitary sewer.
  - All development should include sidewalks along the street frontage.
  - In master-planned developments, block lengths of less than 500 feet, or pedestrian cut-throughs for longer blocks, are encouraged.
- *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.

- 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.

**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



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- “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.”
- Because no elevations were submitted for review to confirm that the proposed dwellings would architecturally be compatible and harmonious with the surrounding land uses and neighborhood character, staff would request that elevations be submitted for Administrator Approval prior to the issuance of an Improvement Location Permit (ILP).

### **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 describes 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

**2022-ZON-018; 2602, 2634, and 2640 Winthrop Avenue (south of site)**, requested rezoning 0.40 acre from the I-2 district to the D-8 district to allow for single-family residential, **approved**.

**2022-DV3-023; 2703 Guilford Avenue (west of site)**, requested a variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for single-family detached dwelling with a reduced rear setback, **granted**.

**2021-CZN-850 / 2021-CVR-850; 2606 Winthrop Avenue (south of site)**, requested rezoning of 0.13 acre from the I-2 district to the D-8 district and variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for a single-family dwelling and detached garage with reduced open space, **approved and granted**.

**2021-ZON-015; 2614 and 2618 Winthrop Avenue (south of site)**, requested rezoning of 0.26 acre from the I-2 district to the D-8 district, **approved**.

**2020-CZN-830 / 2020-CVR-830; 2626 Winthrop Avenue (south of site)**, requested rezoning of 0.251 acre from the I-2 district to the D-8 district and variances of developments standards provide for two, two-family dwellings, with reduced setbacks and open space, **approved and granted**.

**2020-ZON-048; 1123 East 25<sup>th</sup> Street (south of site)**, requested rezoning of 1.435 acres from the I-4 district to the D-8 district, **approved**.

**2020-CZN-830 / 2021-CVR-830; 2625 Winthrop Avenue (south of site)**, requested rezoning of 0.25 acre from the I-2 district to the D-8 district and a variance of development standards to provide for deficient front and side setbacks, distance between dwellings and open space, **approved and granted**.

**98-V1-32; 2744 North Guilford Avenue (west of site)**, requested a variance of development standards of the Dwelling Districts Zoning Ordinance to provide for the construction of a two-family residence with reduced parking spaces, lot area and lot width, **granted**.

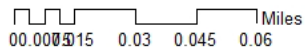
**98-V1-31; 2720 North Guilford Avenue (west of site)**, requested a variance of development standards of the Dwelling Districts Zoning Ordinance to provide for the construction of a two-family residence with reduced parking spaces, lot area and lot width, **granted**.

**84-UV3-99; 2610 and 2612 Winthrop Avenue (south of site)**, requested a variance of use to provide for a two-family dwelling in an industrial district, **granted**.

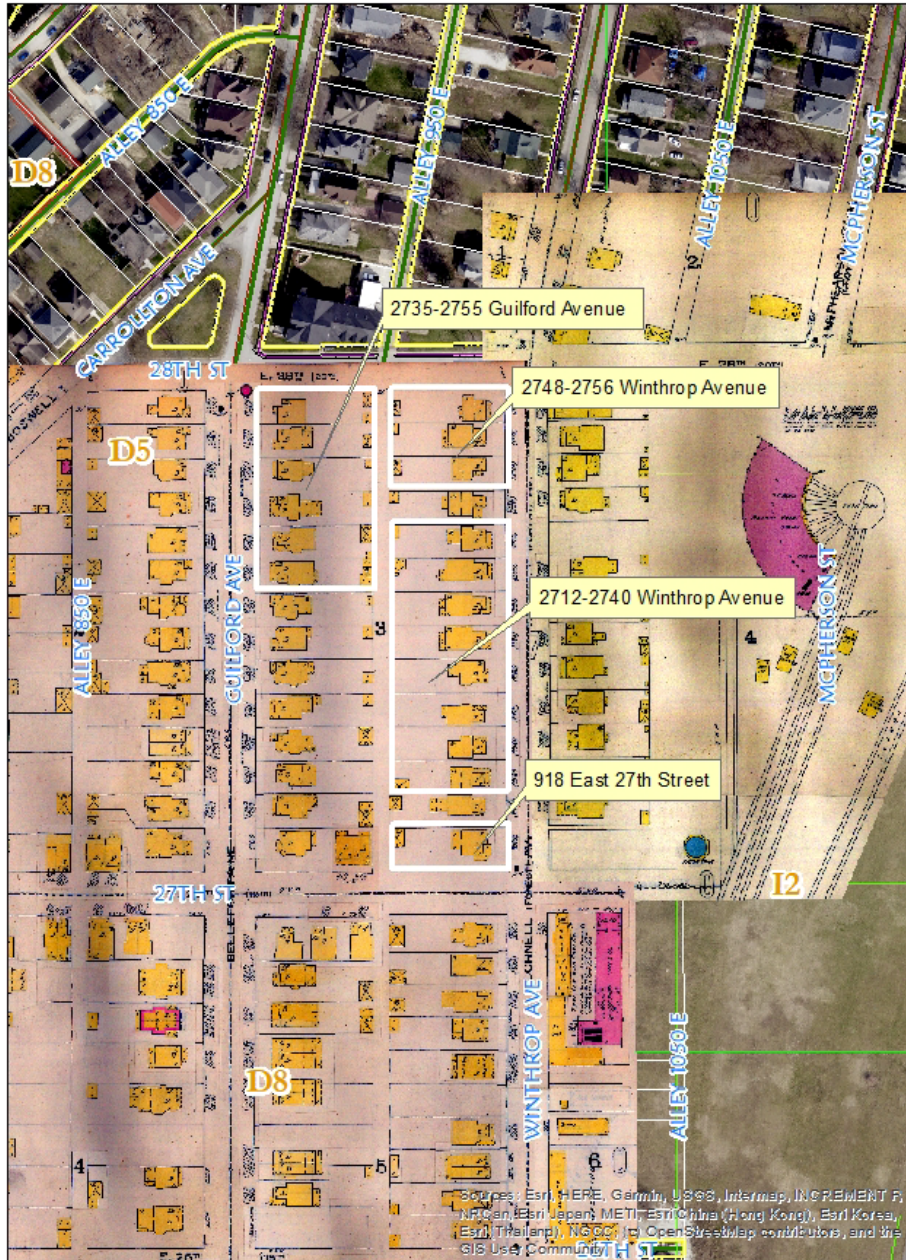
**EXHIBITS**



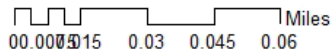
918 East 27th Street, 2735-2755 Guilford Avenue and 2712-2756 Winthrop Avenue



Sanborn Map - 1898



918 East 27th Street, 2735-2755 Guilford Avenue and 2712-2756 Winthrop Avenue





View looking north along Winthrop Avenue



View looking south along Winthrop Avenue



View looking north along Guilford Avenue



View looking south along Guilford Avenue





View looking northeast across intersection of Winthrop Avenue and East 27th Street



View of site looking west across Winthrop Avenue



View of site looking west across Winthrop Avenue



View of site looking west across Winthrop Avenue



View of site looking west across Winthrop Avenue



View of site looking west across Winthrop Avenue



View looking northwest across intersection of Winthrop Avenue and East 28th Street



View looking south on north/south alley west of Winthrop Avenue



View of site looking east across Guilford Avenue



View of site looking east across Guilford Avenue



**METROPOLITAN DEVELOPMENT COMMISSION** **May 9, 2024**  
**HEARING EXAMINER**

**Case Number:** 2024-CZN-817 / 2024-CVR-817

**Property Address:** 1103 and 1115 East 52nd Street (Approximate Addresses)

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

**Petitioner:** Fineberg and Solomon, Inc., by Russell Brown

**Current Zoning:** D-5 (W-5)  
Rezoning of 1.05 acres from the D-5 (W-5) district to the MU-2 (W-5) district to legally establish existing uses and to provide for a potential mixed-use development.

**Request:** Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for multiple dwelling units on the southside of an existing two-story building without orientation to a public street (dwelling units must orient and be visible to a public street).

**Current Land Use:** Commercial and Residential

**Staff Recommendations:** Approval with commitment.

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

**PETITION HISTORY**

This is the first public hearing on this petition.

**STAFF RECOMMENDATION**

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

A 28-foot half right-of-way shall be dedicated along the frontage of 52<sup>nd</sup> Street, as per the request of the Department of Public Works (DPW), Engineering Division. Additional easements shall not be granted to third parties within the area to be dedicated as public 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**



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## **LAND USE**

The 1.05-acre subject site is located in the Monticello Subdivision and part of the Fairground Neighborhood. The site is developed with two commercial buildings and associated parking lot with various tenants and a previously approved dwelling unit and garage within the southern building. It is bordered south and east by single-family dwellings, zoned D-5, industrial uses north, zoned I-2, and commercial and single-family dwellings to the west, zoned D-5.

## **ZONING**

The request would rezone the site from the D-5 district to the MU-2 district.

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

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.

## **VARIANCE**

The variance request would allow the proposed dwelling units to not have primary entrances oriented to and clearly visible from a public street frontage as required.

Staff determined that the request would be supportable since the proposal would redevelop and existing building with one unit into a total of three units where access facing the street is not possible due to the existing commercial units on the first floor.

## **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.



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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 Fall Creek 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).

**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 52<sup>nd</sup> Street. This dedication would also be consistent with the Marion County Thoroughfare Plan.

**Staff Analysis**

The request to rezone the site from the D-5 district to the MU-2 district would be consistent with the traditional neighborhood recommendation of the Comprehensive Plan because it allows for a full spectrum of housing types where a wide range of neighborhood serving businesses, institutions, and amenities should be present.

The MU-2 district allows for triplex, fourplex, multifamily dwellings, and live/work units and would also allow the existing commercial uses that were previously located in a dwelling district to be permitted in the proposed MU-2 district.

For these reasons, staff is recommending approval of the variance and rezone petitions.

Staff will note that the dumpster on site needs to be enclosed per the Screening of Facilities and Equipment section of the Ordinance. Otherwise, a variance will need to be sought.

**GENERAL INFORMATION**

<b>Existing Zoning</b>	Commercial and Residential	
<b>Existing Land Use</b>	D-5	
<b>Comprehensive Plan</b>	Traditional Neighborhood	
<b>Surrounding Context</b>	<b><u>Zoning</u></b>	<b><u>Land Use</u></b>
	North:	I-2 Industrial
	South:	D-5 Residential (Single-family dwelling)
	East:	D-5 Residential (Single-family dwellings)
	West:	D-5 Residential (Single-family dwellings) / Commercial
<b>Thoroughfare Plan</b>		
52 <sup>nd</sup> Street	Primary Collector Street	56-foot proposed right-of-way and 109-foot existing right-of-way.





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<b>Context Area</b>	Compact
<b>Floodway / Floodway Fringe</b>	No
<b>Overlay</b>	Yes
<b>Wellfield Protection Area</b>	Yes
<b>Site Plan</b>	April 3, 2024.
<b>Site Plan (Amended)</b>	N/A
<b>Elevations</b>	N/A
<b>Elevations (Amended)</b>	N/A
<b>Landscape Plan</b>	N/A i
<b>Findings of Fact</b>	N/A i
<b>Findings of Fact (Amended)</b>	N/A i
<b>C-S/D-P Statement</b>	N/A i

## COMPREHENSIVE PLAN ANALYSIS

### Comprehensive Plan

- Marion County Land Use Plan Pattern Book (2019).
- Red Line Transit-Oriented Development Strategic Plan (2021).
- Indy Moves Transportation Integration Plan (2018).

### Pattern Book / Land Use Plan

- 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.
- **Conditions for All Land Use Types**
  - All land use types except small-scale parks and community farms/gardens in this typology must have adequate municipal water and sanitary sewer.
  - All development should include sidewalks along the street frontage.



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- 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.
- **Small-Scale Multi-Family Housing**
  - It is preferred that multi-family housing should be organized around intersections of neighborhood collector streets, parks or public squares, or neighborhood-serving retail.
  - If the above conditions are not met, individual buildings of small-scale multi-family 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.
  - In predominantly platted, single-family neighborhoods, site layouts should be similar in site- and building-orientation as the surrounding single-family homes.
  - 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.
- **Small-Scale Offices, Retailing, and Personal or Professional Services**
  - If proposed within one-half mile along an adjoining street of an existing or approved residential development, then connecting, continuous pedestrian infrastructure between the proposed site and the residential development (sidewalk, greenway, or off-street path) should be in place or provided.
  - Should be located at intersections and limited to an aggregate of 1 acre per intersection.
  - Should be limited to areas and parcels with adequate space for required screening and buffering.
  - Automotive uses (such as gas stations and auto repair) and uses requiring a distance of separation of greater than 20 feet under the zoning ordinance (such as liquor stores, adult uses, and drive-through lanes) are excluded.
  - Mixed-use structures are preferred.
  - Should not include outdoor display of merchandise.

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

- The subject site falls within the Red Line Transit-Oriented Development Strategic Plan (2021), but does not fall within the Transit Oriented Development Secondary Zoning District (TOD).



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

- The closest station is within ½ mile west located midblock along College Avenue between 51<sup>st</sup> Street and 52<sup>nd</sup> Street. This node is classified as a Walkable Neighborhood typology which recommends a mix of uses at station area and primarily residential beyond, maximum of 3 stories throughout, no front or side setbacks at core with zero to 15-foot front setbacks and zero to 20-foot side setbacks at periphery, a mix of multi-family and single-family housing, and structured parking at the core and attractive surface parking at the periphery.

**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)

- 52<sup>nd</sup> Street has an existing on-street bike lane that starts from College Avenue to Keystone Avenue for this segment.
- The Monon Trail is a multi-purpose trail classified as a Greenway Corridor that runs north and south along the western property boundary.



## ZONING HISTORY

### Zoning History – Site

**2014-HOV-050; 1103 and 1115 East 52<sup>nd</sup> Street** (subject site), Variance of development standards of the Dwelling Districts Zoning Ordinance to provide for a dwelling unit (1103) and garage, with a 290-square foot main floor area (minimum 660 square feet required) and an 18-foot rear setback (minimum 20-foot rear setback required), **granted**.

### Zoning History – Vicinity

**2016-HOV-006; 5228 Winthrop Avenue** (northwest of site), Variance of Use of the Commercial Zoning Ordinance to provide for primary and accessory residential uses, including the expansion of an attached garage (not permitted), **granted**.

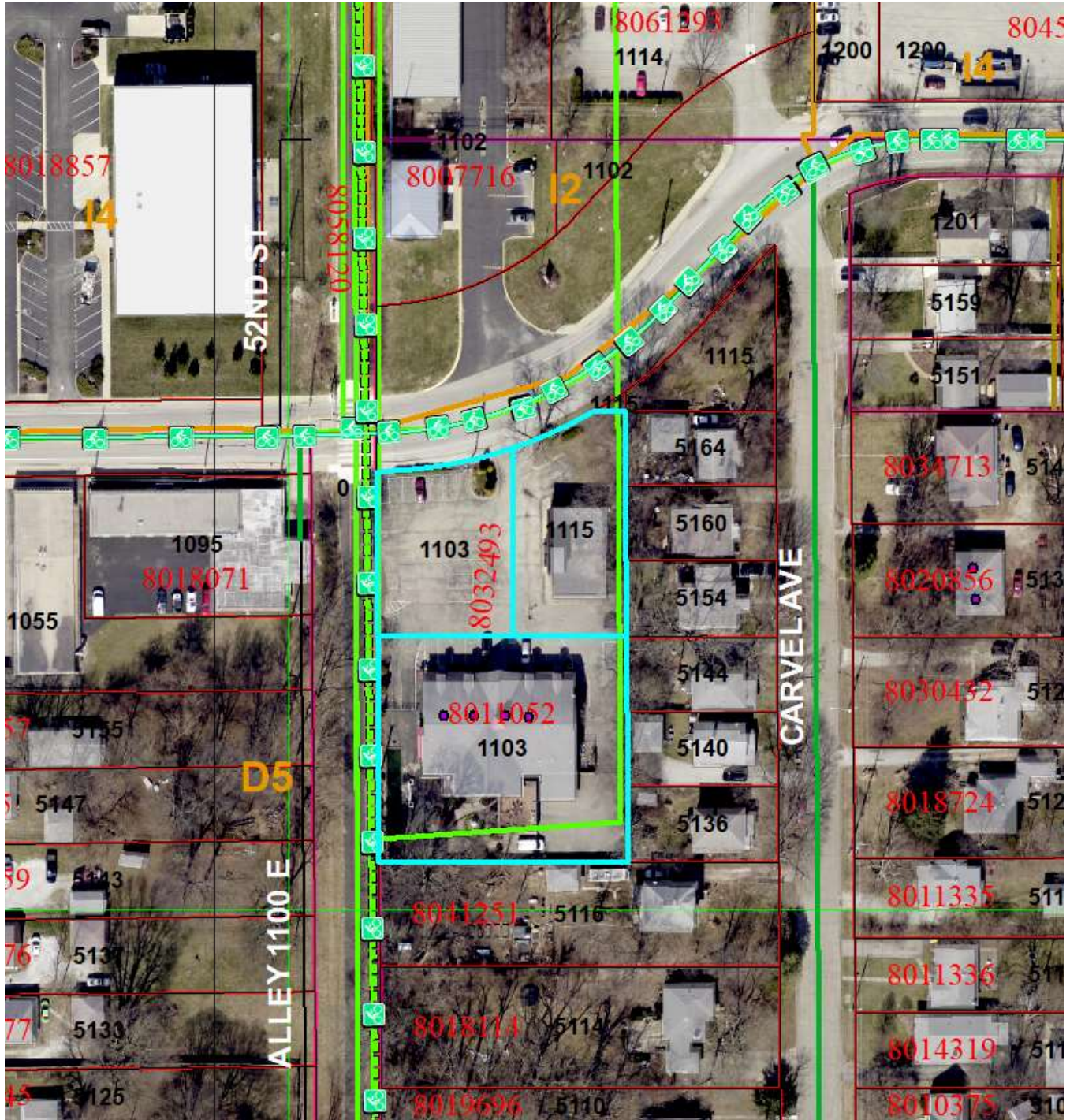
**2015-UV3-029; 1022 East 52<sup>nd</sup> Street** (northwest of site), Variance of use and development standards of the Industrial Zoning Ordinance to provide for offices and restaurants (not permitted), to provide for a parking lot with a 10-foot front setback from Winthrop Avenue and to legally establish a building, with an 11-foot front setback from Winthrop Avenue (20-foot front setback required) and an 80-foot front transitional setback from the centerline of 52<sup>nd</sup> Street (110-foot front transitional setback from the centerline of 52<sup>nd</sup> Street required), **granted**.

**99-UV2-8; 1102 East 52<sup>nd</sup> Street** (north of site), Variance of use of the Industrial Zoning Ordinance to provide for a 12,000 square foot coffee roasting and blending plant with 660 feet of retail coffee sales (not permitted), **granted**.

**97-CP-36Z / 97-CP-36V / 97-CP-36VAC; 1102-1115 East 52<sup>nd</sup> Street** (north of site), Rezoning of 7.035 acres from I-4-U (W-5) to I-2-U (W-5) to provide for an industrial park development, with a variance of use of the Industrial Zoning Ordinance to provide for an on-site resident manager for the proposed industrial park, and a vacation of a portion of “Old 52<sup>nd</sup> Street”, **approved**.

**89-UV1-21; 1002 East 52<sup>nd</sup> Street** (northwest of site), Variance of use and development standards of the Industrial Zoning Ordinance to provide for the construction of a window manufacturing facility, office and showroom with parking in the front transitional yard, **granted**.

EXHIBITS









**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 intention of the applicant is to convert one existing residential unit into up to three residential units. The current unit is accessed from an entry way on the south side of the building, which is not adjacent to, or visible from, 52nd Street. The additional units would be accessed from the same direction. The unit entries will be well marked and because this is the historic way in which residential unit(s) have been accessed it will not create confusion for those needing to locate the exiting and/or proposed units.

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 conversion will not require any modification to the footprint of the building, which has been used as a mixed use building for many years. The presence of more than one residential unit will not impact the adjoining residential users, only one of which has visibility to the facade in question. The additional dwelling units will allow the property to continue to be profitable and in good repair.

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

The building is already multi-use and all access points located on the northern facade, which is visible from 52nd Street, serve the existing first floor commercial uses. This proposed reuse is not new construction where significant modifications like reorientating entry points can be made during the design process. A residential unit already exists which is accessed from the southern facade. Eliminating the opportunity to repurpose this large rental unit into multiple units solely because of the entry orientation would eliminate future repurposing of the site.

**DECISION**





Photo of the subject site.



Photo of the subject site.



Photo of the existing commercial tenants on the first floor.



Photo of the east building façade.



Photo of the west building façade and entrance to one of the units upstairs.



Photo of the rear yard and other units at the rear.



Photo of the Monon Trail that borders the subject site to the west and commercial building.





Photo of a dwelling and self-storage facility north of the site.



Photo of a coffee company north of the site



Photo of a single-family dwelling east of the site.



Photo of the unenclosed dumpster on site.