



Metropolitan Development Commission Hearing Examiner (February 27, 2025) Meeting Agenda

Meeting Details

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

Date: Thursday, February 27, 2025

Time: 1:00 PM

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

Business:

Special Requests

PETITIONS REQUESTING TO BE CONTINUED:

1. 2025-MOD-001 | 4021 West 71st Street

Pike Township, Council District #6

I-1

Turner Adventures LLC, by Rebekah Phillips

Modification of Commitments related to 2023-ZON-078 to terminate commitment #3 to provide for an agreement for contribution in lieu of sidewalk construction along 71st Street (previous commitment required the sidewalk to be installed within one year of zoning approval).

****Remonstrator request for continuance for cause to April 10, 2025**

2. 2024-ZON-083 (Amended) | 1627, 1631 and 1635 Woodlawn Avenue

Center Township, Council District #18

Indy Real Estate Consulting, LLC, by David Kingen and Emily Duncan

Rezoning of 0.51-acre from the D-5 (TOD) district to the D-5II (TOD) district to allow for residential development.

****Staff request for continuance for cause to March 27, 2025**

3. 2024-ZON-126 | 1602 and 1604 Arsenal Avenue and 1426 East 16th Street

Center Township, Council District #13

Elizabeth & Micheal Simmons, by Reinhard Pollach

Rezoning of 0.18-acre from the C-5 district to the D-8 district to provide for residential uses.

****Petitioner request for continuance for cause to March 13, 2025**

4. 2025-ZON-005 | 8830 and 8850 Rockville Road

Wayne Township, Council District #17

HKZ Properties, LLC, by Ron Sears

Rezoning of 1.527 acres from the D-A and D-3 districts to the C-3 district to provide for commercial uses.

****Staff request for continuance for cause to March 13, 2025**

5. 2024-CZN-850 (Withdrawn) / 2024-CVR-850 (Amended) | 601 South Tibbs Avenue

Wayne Township, Council District #17

D-5 (FF)
Dave's Mechanic Shop, LLC, by David Kingen and Justin Kingen

Rezoning of 0.93-acre from the D-5 (FF) district to the I-2 (FF) district to provide for an auto repair shop.

Variance of Use and Development Standards of the Consolidated Zoning and Subdivision Ordinance to allow Automobile, Motorcycle, and Light Vehicle Service or Repair in a D-5 (FF) district (not permitted) and outdoor storage of six 40-foot by eight-foot shipping containers and two commercial vehicles; a five-foot south side transitional yard (10 feet required), and a three-foot rear transitional yard (10 feet required).

****Petitioner request for continuance for cause to March 13, 2025, with Notice**

6. 2024-CZN-853 / 2024-CVR-853 | 420 West 40th Street

Washington Township, Council District #7
Edith Glover, by Lester Wiley Carver

Rezoning of 0.38-acre from the D-5 district to the C-3 district.

Variance of use and development standards of the Consolidated Zoning and Subdivision Ordinance to legally establish an existing surface parking lot, with a zero-foot front transitional yard setback, with landscaping within the right-of-way (minimum ten-foot transitional yard with landscaping on subject parcel required), and a nine-foot east transitional yard setback (minimum ten-foot transitional yard required).

****Petitioner request for continuance for cause to March 13, 2025**

7. 2024-CVR-855 / 2024-CPL-855 | 1527 East 12th Street

Center Township, Council District #13
D-8 (FF) (FW)
Tyler and Natalie Sadek, by Paul J. Lambie

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

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

****Staff request for continuance for cause to March 27, 2025**

8. 2025-CAP-800 / 2025-CVR-800 | 1525 Shelby Street, 1133 Cottage Avenue and 1510 Olive Street

Center Township, Council District #18
SU-34 (TOD) (FF) and D-5 (TOD) (FF)
Fraternal Order of Police, Indianapolis Lodge #86 by Will Gooden and Elizabeth Bentz Williams

Modification of Commitments related to 2009-ZON-013 to terminate Commitment #2, which required a site plan indicating a ten-foot landscaped transitional yard; terminate Commitment #3, which required an opaque fence abutting the dwelling at 1129 Cottage Avenue; and to modify Commitment #5, to read "owners agree to complete all fence changes within six months of the grant of this petition" (originally stated to require all site improvements to be completed within one year of approval of 2009-ZON-013).

Variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for a 6.5-foot-tall fence and electronic gate, with a portion of the fence within the clear-sight triangle of Shelby Street and Cottage Avenue (maximum height of 3.5 feet permitted, not permitted within the clear-sight triangle of the abutting streets).

****Automatic continuance to March 27, 2025, filed by Registered Neighborhood Organization**

9. 2025-CAP-808 / 2025-CVR-808 | 4360 North Keystone Avenue

Washington Township, Council District #8
C-5 (FF) (W-1)
Emay Ayad, by Russell L. Brown

Modification of Commitments, related to 2019-ZON-027, to modify commitment #4 to read: "there shall be no storage of inoperable, wrecked or junk vehicles. The storage of automobile parts outside shall be prohibited.

Such prohibition shall not prohibit the use of Portable Storage Containers for storage of automobile parts” (previous commitment #4 stated that “there shall be no storage of inoperable, wrecked or junk vehicles, and the outside storage of automobile parts shall be prohibited”).

Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for a variance of use to provide for a truck rental business (not permitted), one portable permanent storage container for storage of materials, and one portable temporary storage container for storage of materials (portable storage containers not permitted for more than 30 days).

****Automatic continuance to March 27, 2025, filed by Petitioner**

10. 2025-CZN-809 / 2025-CVR-809 | 8800 East Raymond Street

Warren Township, Council District #20

Alexander Construction and Landscape, by David Retherford

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

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

****Automatic continuance to March 27, 2025, filed by Registered Neighborhood Organization**

Petitions for Public Hearing

PETITIONS TO BE EXPEDITED:

11. 2025-ZON-004 | 6700 West Ralston Road

Decatur Township, Council District #21

Gretchen Willkie, Earl Swart, and Gwen Swart, by David Gilman

Rezoning of 61.13 acres from the D-A (FF) district to the D-S (FF) district to provide for a nine-lot single-family detached residential development.

12. 2025-ZON-010 | 2352 South West Street

Center Township, Council District #18

Working Man’s Roadhouse, by Clark P. Kirkman

Rezoning of 1.15 acres from the D-5 (FF) and I-3 (FF) districts to the C-5 (FF) district to provide for commercial uses, including a bar/tavern, with outdoor entertainment.

13. 2024-CVR-841 (Amended) / 2024-CPL-841 | 3359 Carrollton Avenue

Center Township, Council District #8

D-5

INDYCHEN, LLC., by David Gilman

Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for a multi-unit dwelling with a five-foot corner side yard for the dwelling along 34th Street on Lot 1 (minimum eight-foot corner side yard required).

Approval of a Subdivision Plat, to be known as Osgood Carrollton Estate, subdividing 0.27-acre into two lots.

14. 2025-CPL-805 / 2025-CVR-805 | 7515 Camby Road

Decatur Township, Council District #21

D-3 (FF)
Abigail Wojciechowski, by David Gilman

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

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

PETITIONS FOR PUBLIC HEARING (Continued Petitions):

15. 2024-MOD-016 | 3401 East New York Street

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

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

16. 2024-ZON-040 | 6000, 6012, 6020, 6180, and 6206 East 46th Street

Lawrence Township, Council District #9
Indianapolis Re Management LLC, 600-B East 46th Street LLC, by Emily Duncan and David Kingen

Rezoning of 35.8 acres from the C-3 (FF) and C-4 (FF) districts to the MU-2 (FF) district.

17. 2024-ZON-102 | 525 South East Street

Center Township, Council District #18
Mark and Kim Crouch

Rezoning of 0.07-acre from the I-3 (RC) (TOD) district to the CBD-2 (RC) (TOD) district to construct a three-unit multi-family residential building.

18. 2024-ZON-131 | 5820 South Emerson Avenue

Perry Township, Council District #24
IN Indianapolis Emerson, LLC, by Joseph D. Calderon

Rezoning of 21.23 acres from the C-1, C-3, and D-A districts to the D-5II district to provide for townhome and duplex development.

19. 2024-ZON-144 | 7500 South Sherman Drive

Perry Township, Council District #24
Eugene and Elsie J. Daulton, by Elizabeth Bentz Williams and Russell L. Brown

Rezoning of 61.55 acres from the D-A district to the D-3 district.

20. 2024-ZON-147 | 10550 and 10100 Maze Road, 10535 East McGregor Road, and 8351 South Mitthoefer Road

Franklin Township, Council District #25
Maze Family Farm, LLC, Paul L. Walton, Cheryl H. Walton, Christopher D. Reed, and Kimberly K. Reed, by Tony Bagato

Rezoning of 195.766 acres from the D-A (FF) (FW) district to the D-4 (FF) (FW) classification to provide for a single-family residential development.

21. 2024-CZN-843 / 2024-CAP-843 / 2024-CPL-843 | 6243 East Washington Street

Warren Township, Council District #14
Tallen Capital Partners, LLC, by Joseph D. Calderon

Rezoning of 6.91 acres from the C-4 district to the MU-2 district to provide for a mixed-use development.

Modification of Commitments related to 2023-PLT-064 to strike them in their entirety and replace them with the following commitments:

1. The following primary uses, as described in Table 743-1 of the City of Indianapolis Consolidated Zoning/Subdivision Ordinance, shall not be permitted on the Subject Property: Club or Lodge; Emergency Shelter, Daily; Methadone Clinic or Treatment Facility; Plasma (Blood) Center; Substance Abuse Treatment

Facility; Check Cashing or Validation Service; Mortuary, Funeral Home; Outdoor Advertising Off-Premises Sign; Adult Entertainment Business; Adult Entertainment Business: Retail; Bar that does not offer food service; Indoor Spectator Venue; Night Club or Cabaret; Commercial and Building Contractors; Hotel, Motel, or Hostel; Logistics R&D; Firearm Sales; Fireworks Sales, On-going or Temporary; Liquor store, except for a retail store, warehouse store or big box store selling beer, wine and spirits of 10,000 square feet of gross leasable area or larger, including, but not limited to retailers: Bev Mo, Binny's, Total Wine, etc., will be allowed to operate upon the Property. In addition, any pharmacy and/or grocery store, hybrid market, mass merchandiser and/or big box retailer such as Target, Walmart, Meijer's, etc., may sell beer, wine and spirits; Pawn Shop, provided that the existing tenant, EZPawn Indiana, Inc. or permitted successors/assigns may complete the term of the lease in the shopping center located on the Subject Property. In the event that EZPawn or its successors in interest vacate the Property then no Pawn Shops will be permitted thereafter.; Automobile and Light Vehicle Wash; Automobile Fueling Station; Automobile, Motorcycle, and Light Vehicle Service or Repair; Parking Lot, Commercial; Parking Garage, Commercial unless it is a component of the residential or mixed-use component of the Property; and Recycling Station, unless it is a component of the residential component of the property; and

2. Temporary Outdoor Events are prohibited with the exception of farmer's markets, food and wine or beer tasting event, live music events, outdoor plays, cultural, civic and charitable events which are all permitted uses. Limited to any residential component of the Property outdoor seating, dining, out door grills, birthday, pickleball, basketball games, outdoor exercise, yoga, recreational and other residential tenant parties, uses and events are permitted uses; and

3. A Recycling Collection Point shall only be permitted on Lot Block A, and only in conjunction with any residential component of the Property as shown on the plat, and shall be limited to glass, metal, newspaper and cardboard collections only. Other collected items such as, but not limited to, clothes, shoes, books and furniture shall not be permitted; and

4. A connection point between the Subject Property and the Pennsy Trail to the south shall be established, and shall feature at least a bench, a green area and a bicycle rack.

Approval of a Subdivision Plat to be known as Amended Irvington Plaza Redevelopment Primary Plat, dividing 15.75 acres into seven lots.

PETITIONS FOR PUBLIC HEARING (New Petitions):

22. 2025-ZON-006 | 5335 Madison Avenue

Perry Township, Council District #23
James W. and Dawn E. Horner, by Christian C. Badger

Rezoning of 0.37-acre from the C-3 (TOD) and C-4 (TOD) districts to the C-7 (TOD) district to provide for automobile repair and outdoor storage of inoperable vehicles.

23. 2025-CZN-806 / 2025-CPL-806 | 5433 Shelbyville Road

Franklin Township, Council District #24
Sarabjit Singh and Baljit Kaur, by Pat Rooney

Rezoning of 9.109 acres from the D-A (FW) district to the D-1 (FW) district to provide for residential uses.

Approval of a Subdivision Plat to be known as Singh Minor Subdivision, dividing 9.109 acres into three lots.

Additional Business:

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



METROPOLITAN DEVELOPMENT COMMISSION **February 27, 2025**
HEARING EXAMINER

Case Number: 2025-MOD-001

Property Address: 4021 West 71st Street (approximate address)

Location: Pike Township, Council District #6

Petitioner: Turner Adventures LLC, by Rebekah Phillips

Current Zoning: I-1

Request: Modification of Commitments related to 2023-ZON-078 to terminate commitment #3 to provide for an agreement for contribution in lieu of sidewalk construction along 71st Street (previous commitment required the sidewalk to be installed within one year of zoning approval).

Current Land Use: Commercial Contractor Business

Staff Recommendations: Denial

Staff Reviewer: Marleny Iraheta, Senior Planner

PETITION HISTORY

This petition was continued for cause from the February 20, 2025 hearing to the February 27, 2025 hearing date with mailed notice at the request of staff to allow additional time to meet the notice requirements due to a technical error preventing the legal notice information from being sent to the petitioner in a timely manner prior to the hearing.

The petitioner and a remonstrator have agreed to a **continuance for cause request from the February 27, 2025 hearing date to the April 10, 2025 hearing** to allow them additional time to discuss the request.

STAFF RECOMMENDATION

Staff recommends denial of the request.

PETITION OVERVIEW

LAND USE

The subject site is developed with a commercial building and associated parking area. It is bordered to the west, south, and east by undeveloped land, zoned I-2, and commercial and industrial properties to the north, zoned C-S and I-1.



MODIFICATON

The request would terminate commitment #3 related to a rezoning petition, 2023-ZON-078, that required sidewalk installation within one year of approval along 71st Street.

Instead, the petitioner proposes that an agreement for contribution in lieu of sidewalk construction be accepted.

STAFF ANALYSIS

When the rezoning petition was considered, staff provided a conditional approval. The sidewalk installation commitment could have disputed at that time, but the petitioner agreed to it knowing it included a one-year deadline for installation.

The sidewalk installation request was due to staff’s concern regarding the high volume of traffic and pedestrian activity along 71st Street, which could have been mitigated in the long run with the sidewalk.

Staff noted that if additional time for the sidewalk installation was needed, then staff would be willing to consider an extension of the timeframe in the future through a modification petition. The option to install the sidewalk in sections over time was also proposed during conversations prior to the filing of this request.

It is unfortunate that the commitment has not been fulfilled to date considering the rezoning was approved by the City-County Council on December 4, 2023, but staff is not supportive of the request for contribution in lieu of sidewalk installation.

This type of request is only considered in locations where site conditions cause extreme difficulty in the construction of sidewalks. Examples of extreme difficulty include, but are not limited to, waterway crossings, significant elevation change, existing deep drainage swales in the right-of-way, and grades steeper than 3:1. The request is required to include supporting documentation.

The petitioner provided documentation noting difficulty in receiving responses from engineering companies and included the cost associated with the installation. Unfortunately, neither are adequate reasons to warrant a waiver of the sidewalks.

Furthermore, no site difficulties exist to prevent the installation of sidewalks since there is more than adequate right-of-way to locate the sidewalks south of the drainage ditches along the street frontage.

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

GENERAL INFORMATION

Existing Zoning	I-1
Existing Land Use	Commercial Contractor Business
Comprehensive Plan	Light Industrial



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Surrounding Context	Zoning	Land Use
North:	C-S / I-1	Commercial / Industrial
South:	I-2	Undeveloped
East:	I-2	Undeveloped
West:	I-2	Undeveloped
Thoroughfare Plan		
71 st Street	Primary Arterial Street	119-foot proposed right-of-way and 90-foot existing right-of-way.
Context Area	Metro	
Floodway / Floodway Fringe	No	
Overlay	Yes	
Wellfield Protection Area	No	
Site Plan	N/A	
Site Plan (Amended)	N/A	
Elevations	N/A	
Elevations (Amended)	N/A	
Landscape Plan	N/A	
Findings of Fact	N/A	
Findings of Fact (Amended)	N/A	
C-S/D-P Statement	N/A	

COMPREHENSIVE PLAN ANALYSIS

Comprehensive Plan

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

Pattern Book / Land Use Plan

- The Comprehensive Plan recommends light industrial development for this site.
- 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.



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Current Planning**

- **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.
- The site falls within the Industrial Reserve (IR) overlay. It 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.
- This overlay removes the Small-Scale Offices, Retailing, and Personal or Professional Services and Heavy Commercial Uses.

Red Line / Blue Line / Purple Line TOD Strategic Plan

- Not Applicable to the Site.

Neighborhood / Area Specific Plan

- Not Applicable to the Site.

Infill Housing Guidelines

- Not Applicable to the Site.

Indy Moves

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

- The Indy Bike Master Plan 2011 proposed the Northtown Trail, which is an existing on-street bike lane along 71st Street from Winton Drive to Spring Mill Road.
- A complete street greenway is proposed along 71st Street known as the Northtown Trail from Georgetown Road to Michigan Road per the FullCIRCLE Indy Greenways Master Plan 2014 and Indy Thoroughfare Plan 2016. This proposed multi-use path would be on the south side of the road and is considered a high priority project.



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- The 71st Street Complete Street & Northtown Trail will provide a key east-west multimodal connection on the Northwest side of Indianapolis, while establishing continuity in roadway configuration with a consistent three-lane typical section. Although this corridor already includes bike lanes, much of it is lacking pedestrian infrastructure. The Northtown Trail provides continuity for people walking along the corridor, while also providing an off-street facility for bicyclists. People walking along the north side of 71st Street (opposite the Northtown Trail) will benefit from new sidewalks for the length of the project. A consistent three-lane typical section, with one travel lane in each direction and a two-way center turn lane, will be created by relocating and consolidating the existing bike lanes with the Northtown Trail to minimize right-of-way acquisition.



ZONING HISTORY

Zoning History – Site

2023-ZON-078; 4021 West 71st Street (subject site), Rezoning of 0.53 acre from the C-1 district to the I-1 district to provide for a commercial contractor, **approved.**

78-Z-35; 4021 West 71st Street (subject site), Rezoning of the site being in the A-2 district to the C-1 classification to permit real estate office, **approved.**

Zoning History - Vicinity

2017-ZON-084; 4040 and 4042 West 71st Street (north of site), Rezoning of 3.14 acres from the C-S district to the C-S classification to provide for C-1 uses, I-1 uses, warehouse and event center, **approved.**

2003-ZON-187; 4040 and 4042 West 71st Street (north of site), Rezoning of 3.139 acres from the I-1-S District to the C-S classification to provide for C-1 and I-1-S uses, including an expansion of existing contractor offices and warehouses, **approved.**

2002-ZON-179; 4212 West 71st Street (northwest of site), Rezoning of 9.974 acres from I-1-S to I-3-S, to provide for industrial uses within an existing structure, **approved.**

2001-ZON-131; 3980 West 71st Street (northeast of site), Rezoning of 2.08 acres from the C-P District to the SU-1 classification to provide for religious uses, **approved.**

98-Z-115; 4202 West 71st Street (northwest of site), Rezoning of 1.939 acres from I-1-S(FF) to I-2-S(FF), **approved.**

96-CP-22Z / 96-CP-22P; 3840 West 71st Street (northeast of site), Rezoning of 13.77 acres from the D-S District to the C-P classification to provide for single-family residential, commercial, and industrial development and plan approval dividing 13.77 acres into 28 residential lots and three commercial blocks, **approved.**

86-Z-256; 4002 West 71st Street (northeast of site), Rezoning of 12.77 acres, being in the A-2 district, to the D-S classification, to provide for residential development, **approved.**

86-Z-38; 4102 West 71st Street (north of site), Rezoning of 16.32 acres, being in the A-2 district, to the I-1-S classification, to provide for light industrial use, **approved.**

70-Z-247; 4202 West 71st Street (northwest of site), Rezoning of 16.25 acres, being in the A-2 district, to the I-1-S classification, to provide for light industrial use, **approved.**

EXHIBITS





Department of Metropolitan Development
Division of Planning
Current Planning

2023-ZON-078 COMMITMENTS

A202300100918

12/06/2023 08:19 AM
FAITH KIMBROUGH
MARION COUNTY IN RECORDER
FEE: \$ 35.00
PAGES: 6
By: JN

STATEMENT OF COMMITMENTS

**M.I. COMMITMENTS CONCERNING THE USE OR DEVELOPMENT OF REAL ESTATE
MADE IN CONNECTION WITH A REZONING OF PROPERTY OR PLAN APPROVAL**

In accordance with I.C. 36-7-4-1015, the owner of the real estate located in Marion County, Indiana, which is described below, makes the following COMMITMENTS concerning the use and development of that parcel of real estate:

Legal Description: A part of the West half of the Northeast Quarter of Section 31, Township 17 North, Range 3 East of the Second Principal Meridian, Marion County, Indiana, more particularly described as follows, to-wit: Beginning on the North line of the said West Half of the Northeast Quarter of said Section 31, at a point 431.5 feet East of the Northwest corner thereof; running thence South parallel to the West line of the said Half Quarter Section, 205.0 feet to a point; thence East parallel to the North line aforesaid 150.0 feet to a point; thence North parallel to the said West line 205.0 feet to a point in the North line aforesaid; thence West on and along the said North line 150.0 feet to the place of beginning.

Statement of COMMITMENTS:

1. The owner agrees to abide by the Open Occupancy and Equal Employment Opportunity Commitments required by Metropolitan Development Commission Resolution No. 85-R-69, 1985, which commitments are attached hereto and incorporated herein by reference as Attachment "A".
2. A 59.5-foot half right-of-way shall be dedicated along the frontage of 71st 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).
3. A sidewalk shall be installed within one year of approval along 71st Street in accordance with Section 744-302 of the Zoning and Subdivision Ordinance.

MDC's Exhibit B -- page 1 of 6





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4. Owner agrees that should they decide to display seasonal lights, display shall be limited to the following dates with the following listed restrictions:
- Thanksgiving to January 6. Lighting display shall be limited to the primary structure, walkway, and drive on these dates.
 - February 14. Lighting display shall be limited to the primary structure and the light colors limited to red, pink, and white on this date.
 - March 17. Lighting display shall be limited to the primary structure and the light colors limited to green and white on this date.
 - Memorial Day Weekend. Lighting display shall be limited to the primary structure and the light colors limited to red, white, and blue on these dates.
 - July 4. Lighting display shall be limited to the primary structure and the light colors limited to red, white, and blue on this date.
 - September 11. Lighting display shall be limited to the primary structure and the light colors limited to red, white and blue on this date.
 - October 31. Lighting display shall be limited to the primary structure and the light colors limited to orange and black on this date.
 - The Tuesday before Thanksgiving through Thanksgiving. Lighting display shall be limited to the primary structure and the light colors limited to red, orange, and yellow on these dates.
 - Should the Indianapolis Colts make the Super Bowl, blue and white lights on the primary structure are permitted the week preceding the Super Bowl through the week following the Super Bowl.
5. The following uses in Table 743-1: Use Table, of the Consolidated Zoning and Subdivision Ordinance, I-1 district, shall be prohibited:
- Auctioneering and Liquidating Services
 - Dry Cleaning Plant or Industrial Laundry
 - Outdoor Advertising Off-Premise Sign (Billboard)
 - Firearm Sales
 - Power Generating Facility, Local
 - Substations and Utility Distribution Nodes
 - Wireless Communications Facility
 - Automobile Fueling Station
 - Heliport or Helistop
 - Transit Center
 - Recycling Station



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These COMMITMENTS shall be binding on the owner, subsequent owners of the real estate and other persons acquiring an interest therein; provided that Commitment #1 (Open Occupancy and Equal Opportunity Commitments) shall not be binding on an owner, subsequent owners or other person acquiring an interest therein if such persons are exempt persons or are engaged in an exempt activity as defined on Attachment "A" which is attached hereto and incorporated herein by reference. These COMMITMENTS may be modified or terminated by a decision of the Metropolitan Development Commission made at a public hearing after proper notice has been given.

COMMITMENTS contained in this instrument shall be effective upon:

- (a) the adoption of rezoning petition # 2023-ZON-078 by the City-County Council changing the zoning classification of the real estate from a C-1 zoning classification to a I-1 zoning classification; or

and shall continue in effect for as long as the above-described parcel of real estate remains zoned to the I-1 zoning classification or until such other time as may be specified herein.

These COMMITMENTS may be enforced jointly or severally by:

1. The Metropolitan Development Commission;
2. Owners of all parcels of ground adjoining the real estate to a depth of two (2) ownerships, but not exceeding six-hundred-sixty (660) feet from the perimeter of the real estate, and all owners of real estate within the area included in the petition who were not petitioners for the rezoning or approval. Owners of real estate entirely located outside Marion County are not included, however. The identity of owners shall be determined from the records in the offices of the various Township Assessors of Marion County which list the current owners of record. (This paragraph defines the category of persons entitled to receive personal notice of the rezoning or approval under the rules in force at the time the commitment was made);
3. Any person who is aggrieved by a violation of either of the Commitments contained in Commitment #1 (Open Occupancy and Equal Employment Opportunity Commitments); and

The undersigned hereby authorizes the Division of Planning of the Department of Metropolitan Development to record this Commitment in the office of the Recorder of Marion County, Indiana, upon final approval of petition # 2023-ZON-078.



Department of Metropolitan Development
Division of Planning
Current Planning

IN WITNESS WHEREOF, owner has executed this instrument this 30 day of OCT, 2023.

Signature: *Capricia Turner*
 Printed: Capricia Turner
 Title / Organization: Turner Adventures, LLC, Member
 Name: _____

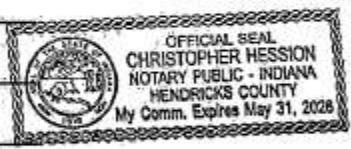
Signature: _____
 Printed: _____
 Title / Organization: _____
 Name: _____

STATE OF INDIANA)
) SS:
 COUNTY OF Hendricks)

Before me, a Notary Public in and for said County and State, personally appeared Capricia Turner, Member of Turner Adventures, LLC, owner of the real estate who acknowledged the execution of the foregoing instrument and who, having been duly sworn, stated that any representations therein contained are true.

Witness my hand and Notarial Seal this 30th day of October, 2023

[Signature]
 Notary Public
Christopher Hession
 Printed Name of Notary Public
 My Commission expires: 5/31/2026
 My County of residence: Hendricks



I affirm under the penalties for perjury, that I have taken reasonable care to redact each social security number in this document unless required by law.

This instrument was prepared by Rebekah L. Phillips, 13 N. State St., Ste. 241, Greenfield, IN 46140



PROPOSED COMMITMENTS

STATEMENT OF MODIFICATION OR TERMINATION
OF COVENANTS OR COMMITMENTS

COVENANTS OR COMMITMENTS MODIFYING OR TERMINATING EXISTING COVENANTS OR
COMMITMENTS CONCERNING THE USE OR DEVELOPMENT OF REAL ESTATE MADE IN
CONNECTION WITH AN APPROVAL PETITION, REZONING OF PROPERTY, A VARIANCE PETITION
OR SPECIAL EXCEPTION PETITION

In accordance with I.C. 36-7-4-918.8 and I.C. 36-7-4-1015, the owner of the real estate located in Marion County, Indiana, which is described below, makes the following modification(s) or termination(s) of covenants or commitments concerning the use and development of that parcel of real estate:

Legal Description:

A part of the West half of the Northeast Quarter of Section 31, Township 17 North, Range 3 East of the Second Principal Meridian, Marion County, Indiana, more particularly described as follows, to-wit: Beginning on the North line of the said West Half of the Northeast Quarter of said Section 31, at a point 431.5 feet East of the Northwest corner thereof; running thence South parallel to the West line of the said Half Quarter Section, 205.0 feet to a point; thence East parallel to the North line aforesaid 150.0 feet to a point; thence North parallel to the said West line 205.0 feet to a point in the North line aforesaid; thence West on and along the said North line 150.0 feet to the place of beginning.

Statement of MODIFICATION OR TERMINATION of Covenants or Commitments:

1. Commitment Number 3 shall be terminated and petitioner shall enter into an agreement for contribution in lieu of sidewalk construction with the Department of Metropolitan Development, City of Indianapolis.
2. All other commitments subject to 2023-ZON-078 and recorded in Instrument #A202300100918 shall remain in full force and effect.
3. The owner agrees to abide by the Open Occupancy and Equal Employment Opportunity Commitments required by Metropolitan Development Commission Resolution No. 85-R-69, 1985, which commitments are attached hereto and incorporated herein by reference as Attachment "A".

MDC's Exhibit C -- page 1 of 3



Department of Metropolitan Development
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4021 W. 71st Street, Indianapolis, IN 46268
Civil Engineering Inquiries for Installation of Sidewalk

These inquiries are for engineering work only and are in addition to an estimated \$11,000 for the concrete work to install the sidewalk.

Company/Individual Contacted	Response
Joel Brane Kruse Consulting, Inc. 7384 Business Center Dr.	They do not work in that area
Dan Kovert Wilcox Environmental Engineering	Received no response
Maurer Surveying	Received no response
Benjamin Houle Landworx Engineering	Originally agreed to do the project but then failed to respond to additional inquiries
Roger Ward Engineering	Too small of a project for them to do
Fritz Engineering	Provided an estimate for boundary retracement and topographic survey, preliminary site layout, site construction plans, stormwater management analysis and design, and agency review assistance for a total of \$22,365. These services do not include labor and materials for the actual sidewalk installation.
Silver Creek Engineering Inc.	No response received
Shive Hattery Architecture + Engineering	No response received
Bowen Engineering	No response received
Weihe Engineers Inc.	No response received
JPS Engineers	No response received
WGI Services	They stated they would not be the appropriate fit for their needs.
Keeler Webb	No response received
Circle Design Group	No response received
Jessica Hartman Align Civil Engineering	They were not interested in the work because there was too much red tape.
Greg Snelling Snelling Engineering	Estimated the cost for civil engineering services alone would be \$20,000-\$30,000
Matthew Holbrook	Originally agreed to take a look at the project, but no response after two months of waiting.



Department of Metropolitan Development
Division of Planning
Current Planning



14020 Mississinewa Drive
Carmel, IN 46033
P: 317-324-8695
www.Fritz-Eng.com

December 19, 2023

Ms. Capricia Turner, Member
Ethan & Caprica Turner, LLC
1888 W. CR 571 South
Clayton, IN 46118

RE: Mosquito Squad Site Improvements
4021 W. 71st Street
FES Proposal # 231205

Dear Ms. Turner,

Thank you for your consideration of Fritz Engineering Services, LLC ("FES") and the opportunity to provide Ethan & Caprica Turner, LLC ("Client") this proposal for services related to the Mosquito Squad Site Improvements project generally located at 4021 W. 71st Street in Indianapolis, Indiana.

A Contract for Professional Services is provided on the following page including a summary of costs. Our detailed proposed scope of services is provided in Attachment A. Attachment B provides a list of staff hourly rates and reimbursable expenses. Services will be provided in accordance with the General Terms and Conditions provided in Attachment C.

We look forward to the opportunity to review this proposal with your team. Please feel free to contact us if additional information is needed or there are any questions regarding this proposal.

Sincerely,

Fritz Engineering Services, LLC

Ashton L. Fritz, P.E., CFM, CPESC
Principal

ashton@Fritz-Eng.com

(PE Licensed in Indiana, Ohio, Michigan, Kentucky, Alabama, Maine, New Hampshire, Colorado)





Department of Metropolitan Development
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CONTRACT FOR PROFESSIONAL SERVICES

Date:	December 19, 2023	By:	Ashton Fritz	FES Proposal #:	231205
CLIENT CONTACT INFORMATION					
Client:	Ethan & Caprica Turner, LLC	Tel. #:			
Representative:	Capricia Turner	Mobile #:	317-750-4737		
Title:	Member	E-mail:	Capricia.turner@mosquitosquad.com		
Billing Address:	1888 W. CR 571 South	Fax #:			
City, State Zip:	Clayton, IN 46118				
PROJECT INFORMATION					
Project Name:	Mosquito Squad Site Improvements	Common Location:	4021 W. 71st Street		
State:	Indiana	County:	Marion		
City:	Indianapolis	Subdivision:	---		
SCOPE OF SERVICES:					
Fritz Engineering Services, LLC will provide the various services outlined in our proposal #231205 dated December 19, 2023 (attached) for the Mosquito Squad Site Improvements project located at 4021 W. 71st Street. The Scope of Services is more specifically outlined in Attachment A. This proposal is valid for a period of 90 days from the date listed above. If not authorized to proceed within that period, FES reserves the right to review and revise any scope and/or fees after that period.					
COST OF SERVICES SUMMARY:					
<u>LUMP SUM SERVICES:</u>					
BOUNDARY RETRACEMENT & TOPOGRAPHIC SURVEY			\$	5,515	
PRELIMINARY SITE LAYOUT			\$	850	
SITE CONSTRUCTION PLANS			\$	9,800	
STORMWATER MANAGEMENT ANALYSIS AND DESIGN			\$	3,700	
AGENCY REVIEW ASSISTANCE			\$	2,500	
			TOTAL	\$ 22,365	
			DOWN PAYMENT REQUIRED, 20%	\$ 4,473	
<u>HOURLY SERVICES:</u>					
CONSTRUCTION ADMINISTRATION (Hourly by Staff Classification)					
AS REQUESTED SERVICES (Hourly by Staff Classification)					
Note: All invoices paid by credit card or virtual card shall be subject to a 3% processing fee.					
Services not listed in the above Scope may be provided on a mutually agreed fee or on an hourly basis as requested by Client. Services provided on an hourly rate will be performed and billed by Staff Classification as provided in Attachment B. Reimbursable expenses will be in addition to the fees noted above. Reimbursable expenses will be billed on an as-used basis in accordance with the rates provided in Attachment B. Please note that we assume Ethan & Caprica Turner, LLC will provide FES with checks required for plan submittal, plan review and other required fees.					
Ethan & Caprica Turner, LLC hereby agrees to the Scope of Services outlined in Attachment A, the Billing Rates provided in Attachment B and the contract terms and conditions provided in Attachment C. Please return a copy of the signed contract via one of the following methods:					
Email:	ashton@Fritz-Eng.com				
Fax:	(317) 324-8717				
Mail:	Fritz Engineering Services, LLC 14020 Mississinewa Drive Carmel, IN 46033				
SIGNATURE:		DATE:			
PRINTED NAME:	Capricia Turner	TITLE:	Member		





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Silvers Concrete & Paving

Capricia Turner
 4021 W 71st St
 Indianapolis, IN 46268

(317) 750-4737
 capricia.turner@gmail.com

ESTIMATE	#7062
ESTIMATE DATE	Sep 8, 2023
TOTAL	\$10,820.00

CONTACT US

1311 W. 96th Street
 Indianapolis, IN 46260

(463) 777-1302
 office@silverscap.com

Service completed by: Joe Large

ESTIMATE

Services	amount
<p>Brushed Project 960 sf (6x160) sidewalk. No excavation besides needed for sidewalk backfill, forming etc.not responsible for utility relocation</p> <p>1. If necessary, lay plywood down for equipment mobilization so damage to your yard is kept at a minimum. Depending on the equipment being used this is not always the case.</p> <p>2. Demo earth and any other materials and haul away debris. Re-establish sub grade. Includes checking existing sub grade. Add additional compacted #53 stone as needed. If necessary, use a laser to grade. This covers removal of concrete/asphalt up to 5" in depth. Anything greater than this is subject to an additional fee.</p> <p>3. Form, pour and finish new concrete at a depth of 4" at 4500PSI(INDOT Class A)</p> <p>4. Fiber mesh reinforced.</p> <p>5. Brush finish.</p> <p>6. If needed, any public utilities will be marked for the customer.</p> <p>7. If needed, any permit required for the job will be obtained for the customer. Building permits and projects in Zionsville excluded.</p> <p>8. We typically ask for \$500 at the time of signing the contract unless discussed otherwise.</p>	\$10,820.00











Photo of the property east of the subject site.



Photo of the subject site.



Photo of the property west of the subject site.



Photo of the street frontage west of the entrance drive.



Photo of the street frontage east of the entrance drive.



METROPOLITAN DEVELOPMENT COMMISSION **February 27, 2025**
Hearing Examiner

Case Number: 2024-ZON-083

Property Address: 1627, 1631 and 1635 Woodlawn Avenue

Location: Center Township, Council District #18

Petitioner: Indy Real Estate Consulting, LLC, by David Kingen and Emily Duncan

Current Zoning: D-5

Request: Rezoning of 0.51 acres from the D-5 district to the D-8 district to allow for multi-family structures.

Current Land Use: Residential development

Staff Recommendations: Denial.

Staff Reviewer: Kathleen Blackham, Senior Planner

PETITION HISTORY

The Hearing Examiner continued this petition from the August 15, 2024 hearing, to the September 12, 2024 hearing, at the request of staff to provide additional time for the petitioner’s representative to submit additional information.

The Hearing Examiner continued this petition from the September 12, 2024 hearing, to the October 24, 2024 hearing, to the December 19, 2024 hearing, and to the January 23, 2025 hearing, at the request of the petitioner’s representative to submit additional information.

On December 9, 2024, the petitioner’s representative submitted an amended site plan that would provide for a duplex with a detached garage on each of the three lots. Discussions between staff and the petitioner’s representative have occurred but nothing new has been submitted to the file.

The Hearing Examiner continued this petition from the December 19, 2024 hearing, to the January 23, 2025 hearing, at the request of the petitioner’s representative to provide additional time for consideration of the request.

The Hearing Examiner continued this petition from the January 23, 2025 hearing, to the February 27, 2025 hearing, at the request of staff and the petitioner’s representative to provide required notice for the amended request.

The most recent submitted documents, file dated December 19, 2024, provide for each of the three lots to be developed with a duplex that is supportable but has concerns related to the site plan and whether variances would be necessary. Staff, therefore, is requesting a **continuance from the February 27, 2025 hearing, to the March 27, 2025 hearing.**



STAFF RECOMMENDATION

Denial. But if approved, staff would request that 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:

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

PETITION OVERVIEW

This 0.51-acre site, zoned D-5, is comprised of three parcels each developed with a single-family dwelling (according to the Assessor's Office). It is surrounded by single- and multi-family dwellings to the north, across Woodlawn Avenue, zoned D-5; undeveloped land, a vacant commercial structure and a single-family dwelling to the south, zoned C-4; and single-family dwellings to the east and west, zoned D-5.

Petition 2021-DV2-017 requested variances of development standards to provide for five lots with reduced lot area, lot width, street frontage and separation between structures. The petition was denied.

This request would rezone all three parcels to the D-8 (Walkable Neighborhood) 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."

The Comprehensive Plan recommends traditional neighborhood typology, which is a living typology that is primarily residential neighborhoods - places where people live. They may have some other uses mixed in, such as small shops, schools, or places of worship, but homes are the priority in these typologies.

Site Plan

The site plan, file-dated August 20, 2024, provides for two buildings consisting of four townhomes on the easternmost and westernmost parcels. Two detached garages with four spaces would be located south of each of these buildings with access from the east / west alley.

A duplex would be constructed on the middle parcel with attached garages accessed from the alley. This building would be located on the southern portion of the parcel with open space on the northern portion of the parcel resulting in a courtyard configuration. There would be a total of 10 dwelling units, 10 off-street parking spaces and seven on-street parking spaces along Woodlawn Avenue.



Analysis

The request would be consistent with the Comprehensive Plan but not the recommendations and guidelines of the Pattern Book. The design and site plan provide for development that would not be consistent with the neighborhood character of primarily one and two-story single-and two-family dwellings. The introduction and mass of three-story townhomes and would, in fact, be detrimental to the surrounding land uses.

Staff believes that this site would be representative of a terrace frontage that would lend itself to single-family dwellings and duplexes within this neighborhood, rather than the proposed courtyard with attached townhomes that would be classified as neighborhood yard frontage located along higher speed or higher volume streets.

In other words, as proposed this development would be contrary to the Pattern Book, Infill Housing Guidelines and the intent of the transit-oriented overlay and would be disruptive to the existing neighborhood architectural pattern.

Staff also believes that the two proposed four-space detached garages would not be functional in terms appropriate space for maneuverability.

Staff believes that proposed site plan providing for ten dwelling units with two detached four-space garages represent over development of this site originally platted for three single-family dwellings.

GENERAL INFORMATION

Existing Zoning	D-5	
Existing Land Use	Single-family dwellings	
Comprehensive Plan	Traditional Neighborhood Typology	
Surrounding Context	<u>Zoning</u>	<u>Land Use</u>
	North:	D-5 Single-family dwellings
	South:	C-4 Vacant land / commercial building / single-family dwelling
	East:	D-5 Single-family dwelling
	West:	D-5 Single-family dwelling
Thoroughfare Plan		
Woodlawn Avenue	Local Street	Existing 60-foot right-of-way and proposed 48-foot right-of-way.
Context Area	Compact	
Floodway / Floodway Fringe	No	
Overlay	Transit-Oriented Development	
Wellfield Protection Area	No	



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Site Plan	June 13, 2024
Site Plan (Amended)	August 20, 2024 and December 19, 2024
Elevations	June 13, 2024
Elevations (Amended)	N/A
Landscape Plan	N/A
Findings of Fact	N/A
Findings of Fact (Amended)	N/A
C-S/D-P Statement	N/A

COMPREHENSIVE PLAN ANALYSIS

Comprehensive Plan

The Comprehensive Plan recommends Traditional Neighborhood typology. The Traditional Neighborhood typology includes a full spectrum of housing types, ranging from single family homes to large-scale multifamily housing. The development pattern of this typology should be compact and well-connected, with access to individual parcels by an alley when practical. Building form should promote the social connectivity of the neighborhood, with clearly defined public, semi-public, and private spaces. Infill development should continue the existing visual pattern, rhythm, or orientation of surrounding buildings when possible. A wide range of neighborhood-serving businesses, institutions, and amenities should be present. Ideally, most daily needs are within walking distance. This typology usually has a residential density of five to 15 dwelling units per acre, but a higher density is recommended if the development is within a quarter mile of a frequent transit line, greenway, or park.

Pattern Book / Land Use Plan

The Comprehensive Plan consists of two components that include The Marion County Land Use Pattern Book (2019) and the land use map. The Pattern Book provides a land use classification system that guides the orderly development of the county and protects the character of neighborhoods while also being flexible and adaptable to allow neighborhoods to grow and change over time.

The Pattern Book serves as a policy guide as development occurs. Below are the relevant policies related to this request:

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



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- *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.
- *Attached Housing (defined Duplexes, triplexes, quads, townhouses, row houses, stacked flats, and other, similar legally complete dwellings joined by common walls and typically with each unit on its own lot or part of a condominium.)*
 - **Duplexes should be located on corner lots**, with entrances located on different sides of the lot.
 - It is preferred that **townhomes should be organized around intersections of neighborhood collector streets, greenways, parks or public squares, or neighborhood-serving retail.**
 - If the above conditions are not met, individual buildings of attached housing (not part of a complex) may be interspersed with single-family homes but should not make up more than 25% of the primary residential structures on a block.
- *Modified Uses – Transit-Oriented Development Overlay*
 - Attached Housing - A residential density of 15+ units per acre is recommended.

Red Line / Blue Line / Purple Line TOD Strategic Plan

- The Red Line Transit-Oriented Development Strategic Plan (2021)
- This site is also located within an overlay, specifically the Transit Oriented Development (TOD). “Overlays are used in places where the land uses that are allowed in a typology need to be adjusted. They may be needed because an area is environmentally sensitive, near an airport, or because a certain type of development should be promoted. Overlays can add uses, remove uses, or modify the conditions that are applied to uses in a typology.”
- The Transit-Oriented Development (TOD) overlay is intended for areas within walking distance of a transit station. The purpose of this overlay is to promote pedestrian connectivity and a higher density than the surrounding area.



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- This site is located within a ½ mile walk of a transit stop (Fountain Square) located at the intersection of Virginia Avenue and Woodlawn Avenue with a District Center typology.
- District Center stations are located at the center of regionally significant districts with several blocks of retail or office at their core. Development opportunities include infill and redevelopment, dense residential, employment near transit stations, neighborhood retail and a focus on walkability and placemaking.

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

Neighborhood / Area Specific Plan

- Not Applicable to the Site.

Infill Housing Guidelines

The Infill Housing Guidelines (2021)

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

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

- Site Configuration
 - Front Setbacks
 - Building Orientation
 - Building Spacing
 - Open Space
 - Trees, Landscaping, and the Outdoors
- Aesthetic Considerations
 - Building Massing
 - Building Height
 - Building Elevations and Architectural Elements
- Additional Topics
 - Secondary Dwelling Units, Garages, and Accessory Structures
 - Adapting to the Future



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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.”

Indy Moves

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

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



ZONING HISTORY

2021-DV2-017, 1627, 1631 and 1635 Woodlawn Avenue, requested a variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for five 4,300-square foot lots with 24 feet of street frontage and lot width and six feet between dwellings, **denied**.

VICINITY

2020-HOV-002; 1528 Woodlawn Avenue (northwest of site), requested a variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for a covered deck over an existing porch with a seven-foot front setback (18-foot front setback or average), **granted**.

2019-PLT-024; 1021 South State Avenue (east of site), requested approval of a Subdivision Plat to be known as State Avenue Subdivision, A replat of Lot Seven in Morris and Mills Subdivision, dividing 0.15 acre into two single-family attached lots, **granted**.

2018-DV3-036; 1529 Woodlawn Avenue (west), requested a variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for two single-family dwelling lots with 4,208 square-foot lot sizes and 22.5-foot lot widths (minimum lot size of 5,000 square feet required, minimum lot width of 50 feet required), to legally establish existing single-family dwelling on each lot with front yard setbacks of 4.8 feet, side yard setbacks of ranging from one-two feet, and distance between dwellings ranging from 1.7 feet to three feet (front yard setback of 18 feet or average required, three-foot side yard setback required, minimum 10 feet between dwellings required), and to provide for a detached garage at 1531 Woodlawn Avenue with west side setback of 2.6 feet (three-foot side yard setback required), **granted**.

2018-DV1-041; 1715 Woodlawn Avenue (northeast of site), requested variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for a single-family dwelling, with five feet between dwellings (10 feet between dwellings), **granted**.

2018-HOV-053; 1724 Prospect Street (southeast of site), requested a variance of use and development standards of the Consolidated Zoning and Subdivision Ordinance to legally establish and provide for primary and accessory single-family residential uses (not permitted), including, but not limited to a single-family dwelling with a zero-foot west side transitional yard and a detached garage with an eight-foot west side transitional yard and a two-foot north rear transitional yard, (10-foot side transitional yard and eight-foot north rear transitional yard required), **granted**.

2018-HOV-090; 935 Spruce Street (northwest of site), requested a variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for a detached garage, creating an open space of 50% (60% required), **granted**.

2018-PLT-071; 1529 and 1531 Woodlawn Avenue (west of site), requested approval of a Subdivision Plat, to be known as Replat of Lot 246 in ET SK & AE Fletcher's Woodlawn Suburb, dividing 0.20 acre into two lots, **granted**.



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2018-ZON-136; 1622 Prospect Street (southwest of site), requested rezoning of 0.16 acre from the C-4 district to the D-5 classification, **approved**.

2017-UV1-024; 1618 Prospect Street (southwest of site), requested a variance of use and development standards of the Consolidated Zoning and Subdivision Ordinance to provide for primary and accessory single-family residential uses, including, but not limited to, a single-family dwelling, with a secondary dwelling above a detached garage (not permitted), **withdrawn**.

2017-ZON-092; 1618 Prospect Street (southwest of site), requested rezoning of 0.18 acre from the C-4 district to the D-5 classification, **approved**.

2016-DV1-024; 939 Spruce Street (northwest of site), requested a variance of development standards of the Consolidated Zoning and Subdivision Ordinance, to permit the construction of a dwelling and porch addition and a detached garage, with a five-foot front setback from Woodlawn Avenue and three-foot rear setback (18-foot front setback and five-foot rear setback required), creating a 36% open space (60% open space required), **granted**.

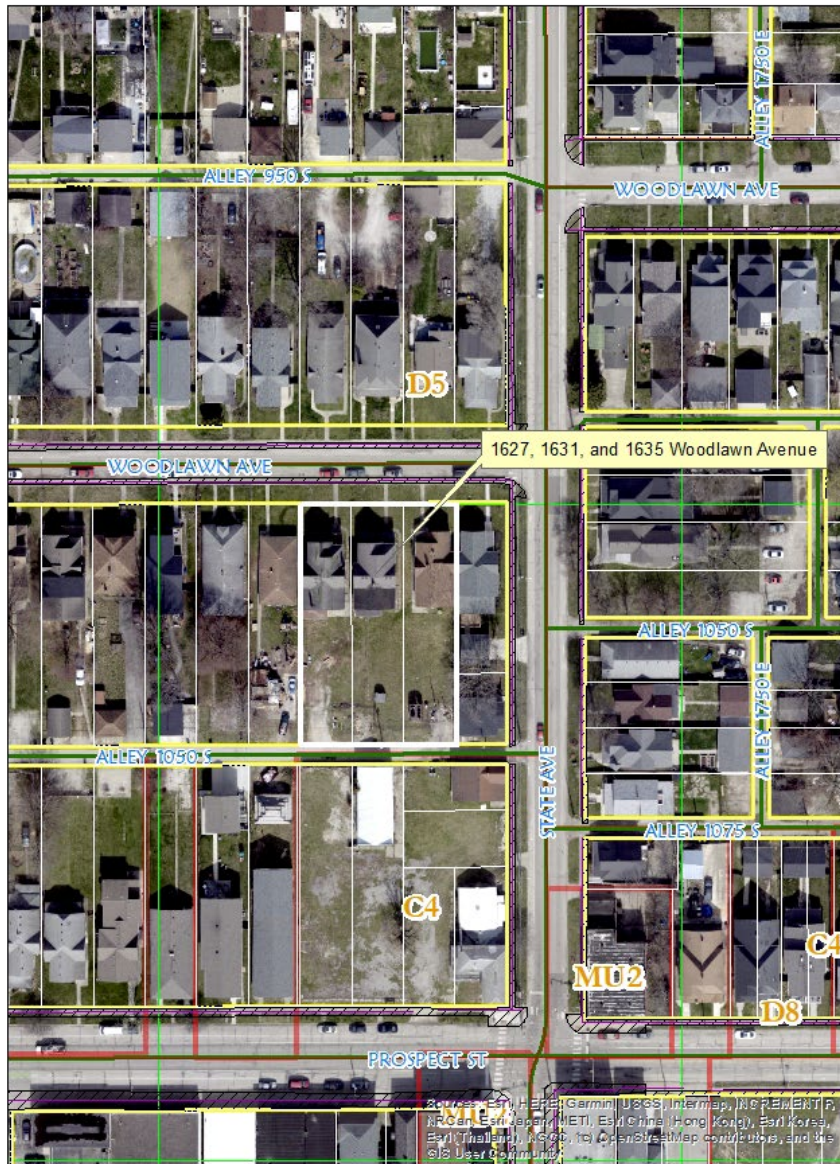
2016-PLT-044; 1714 and 1720 Prospect Street (southeast of site), Approval of a Subdivision Plat, to be known as Replat of Lots Three and Four in D.B. Hosbrooks Subdivision in Dunlap's Addition, dividing 0.26 acre, into four single-family attached lots, **granted**.

2016-ZON-045; 1714 Prospect Street (southeast of site), requested rezoning of 0.13 acre from the C-4 district to the D-8 classification, **approved**.

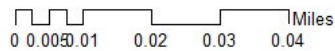
2014-ZON-031; 1702 Prospect Street (southeast of site), requested rezoning of a property, being in the C-4 District, to the C-3C classification, **approved**.

97-Z-95; 1542, 1602-1610 East Prospect Street (southwest of site), requested rezoning of 0.69 acre, being in the C-4 District, to the D-8 classification to provide for residential uses, **approved**.

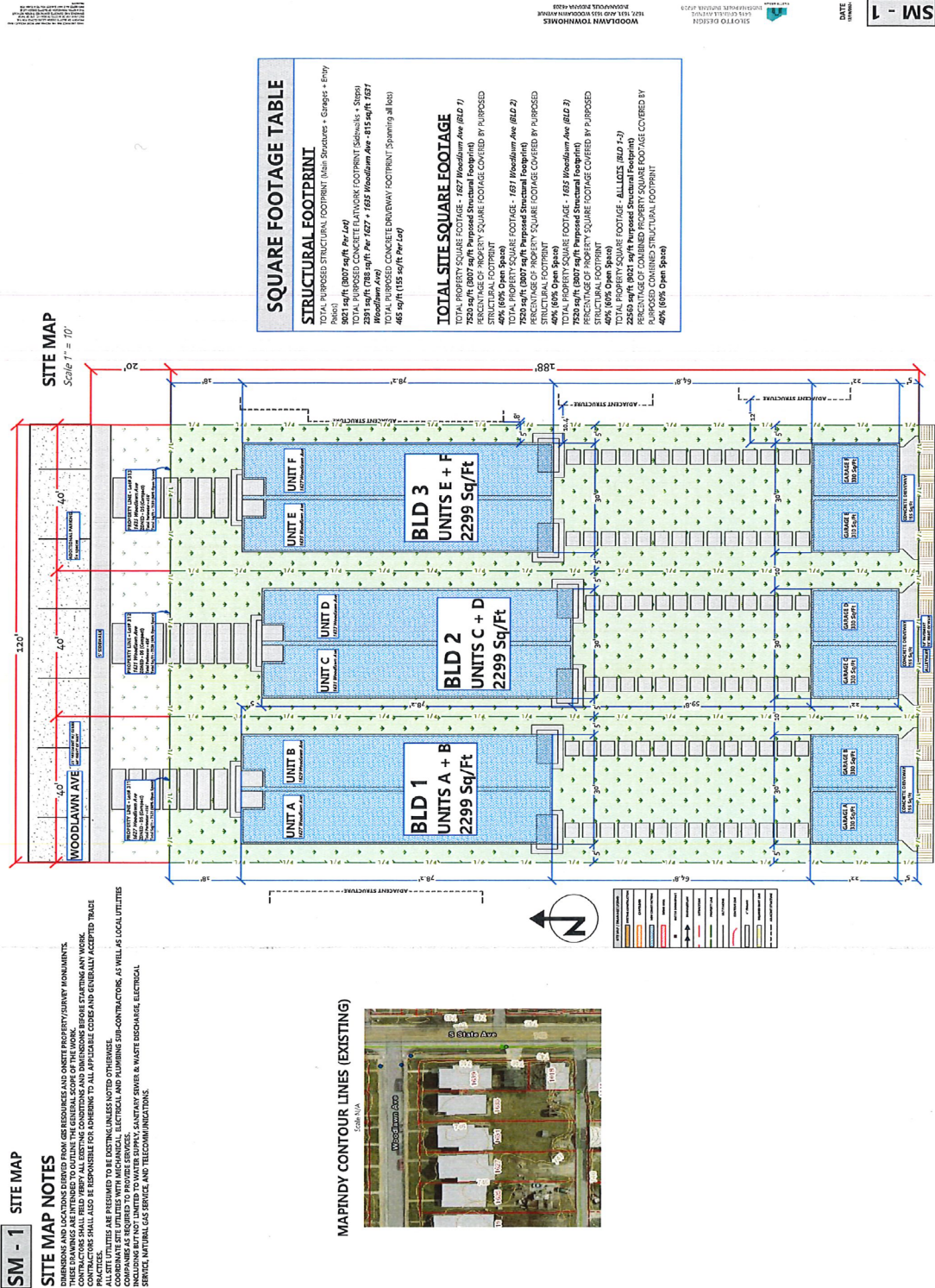
EXHIBITS

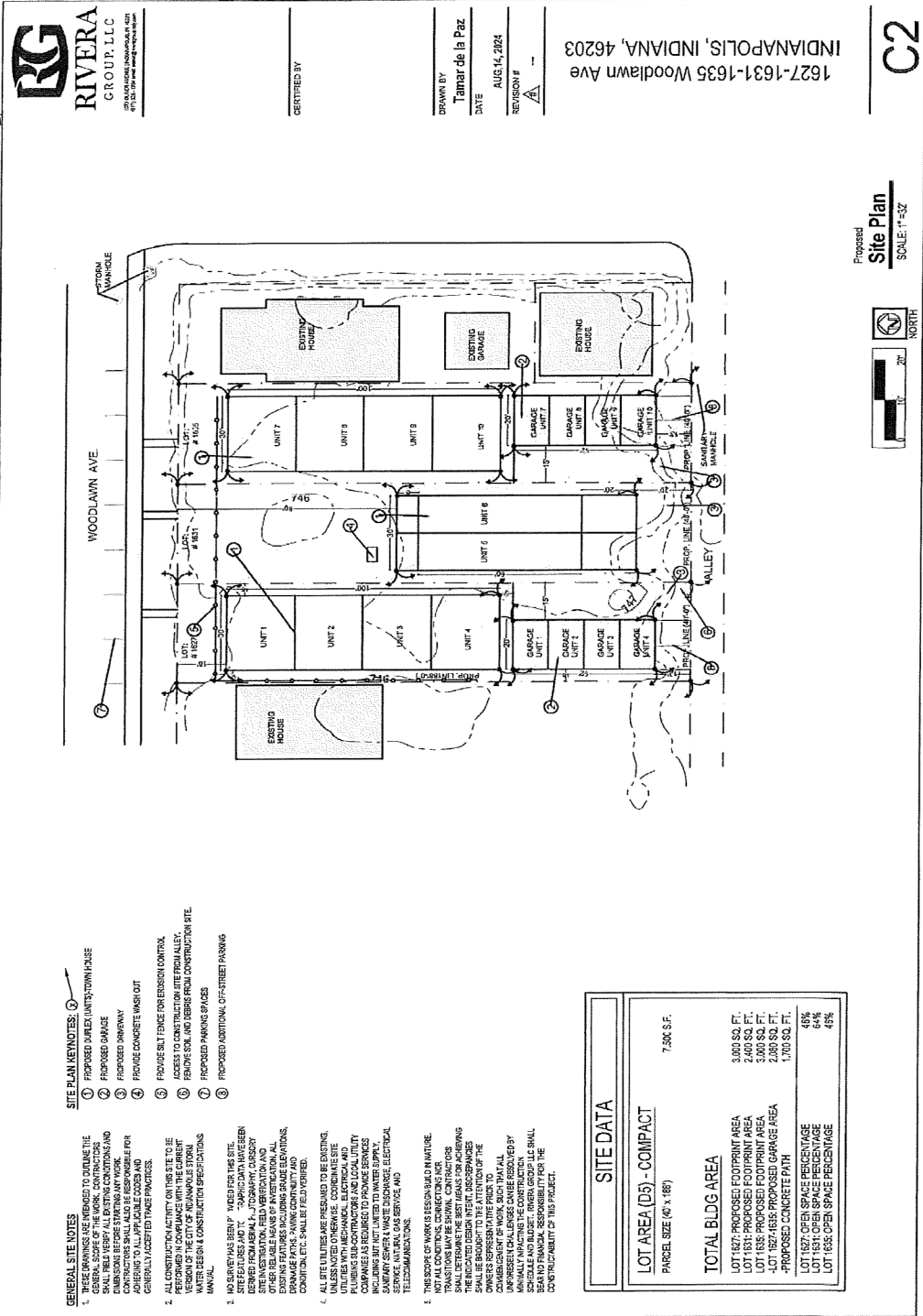


1627 1631 and 1635 Woodlawn Avenue



Updated Site Plan - December 19, 2024





- SITE PLAN KEYNOTES:**
- 1. PROPOSED DUREX UNIT/STOWNHOUSE
 - 2. PROPOSED GARAGE
 - 3. PROPOSED DRIVEWAY
 - 4. PROPOSED CONCRETE WALK OUT
 - 5. PROPOSED SILL TENCE DIMENSION CONTROL
 - 6. SUBJECT TO CONSTRUCTION SITE PROXIMITY, REVISIONS TO CONSTRUCTION SITE
 - 7. PROPOSED PARKING SPACES
 - 8. PROPOSED ADDITIONAL OFF-STREET PARKING

GENERAL SITE NOTES:

- THESE DRAWINGS ARE PREPARED TO OBTAIN THE GENERAL SCOPE OF THE WORK. CONTRACTORS SHALL VERIFY ALL EXISTING CONDITIONS AND UTILITIES PRIOR TO CONSTRUCTION. CONTRACTORS SHALL ALSO BE RESPONSIBLE FOR ADHERING TO ALL APPLICABLE CODES AND GENERALLY ACCEPTED TRADE PRACTICES.
- ALL CONSTRUCTION ACTIVITY ON THIS SITE TO BE PERFORMED IN COMPLIANCE WITH THE CURRENT CITY OF INDIANAPOLIS CONSTRUCTION SITE WATER DESIGN CONSTRUCTION SPECIFICATIONS MANUAL.
- NO SURVEY HAS BEEN MADE FOR THIS SITE. SITE FEATURES AND "C" MARKED DATA HAVE BEEN DERIVED FROM AERIAL P.H., "D" MARKED, OR SPOD. OTHER RELIABLE MEANS OF INVESTIGATION. ALL EXISTING FEATURES INCLUDING GRADE ELEVATIONS, UTILITIES, AND CONCRETE SHALL BE FIELD VERIFIED.
- ALL UTILITIES ARE PREPARED TO BE EXISTING. CONTRACTORS SHALL VERIFY THE LOCATION AND DEPTH OF UTILITIES WITH MECHANICAL, ELECTRICAL, AND PLUMBING SUB-CONTRACTORS AND LOCAL UTILITY COMPANIES PRIOR TO CONSTRUCTION. UTILITIES INCLUDING BUT NOT LIMITED TO WATER SUPPLY, SANITARY SEWER, WASTE DISCHARGE, ELECTRICAL, AND GAS SHALL BE FIELD VERIFIED FOR THE PROJECT.
- THE SCOPE OF WORK IS DESIGN BUILT IN NATURE. TRANSITIONS MAY BE SHOWN. CONTRACTORS SHALL DETERMINE THE BEST MEANS FOR ACHIEVING THE DESIGN INTENT. ALL CONSTRUCTION SHALL BE BROUGHT TO THE ATTENTION OF THE OWNER'S REPRESENTATIVE PRIOR TO COMMENCEMENT OF WORK. BIDDING SHALL BE MANUALLY AWARDED. THE CONSTRUCTION SCHEDULE AND BUDGET. RIVER GROUP LLC SHALL BE RESPONSIBLE FOR THE PROJECT FOR THE COMPLETION OF THIS PROJECT.

SITE DATA	
LOT AREA (DG) - COMPACT	7,300 S.F.
TOTAL BLDG AREA	
LOT 1627 PROPOSED FOOTPRINT AREA	3,000 SQ. FT.
LOT 1631 PROPOSED FOOTPRINT AREA	2,400 SQ. FT.
LOT 1635 PROPOSED GARAGE AREA	2,000 SQ. FT.
-PROPOSED CONCRETE PATH	1,700 SQ. FT.
LOT 1627 OPEN SPACE PERCENTAGE	68%
LOT 1631 OPEN SPACE PERCENTAGE	64%
LOT 1635 OPEN SPACE PERCENTAGE	45%


Proposed
Site Plan
SCALE: 1" = 32'

C2

CERTIFIED BY _____
DRAWN BY
Tamar de la Paz
DATE
AUG 14, 2024
REVISION #
A

1627-1631-1635 Woodlawn Ave
INDIANAPOLIS, INDIANA, 46203

RIVERA GROUP, LLC
200 N. ALABAMA AVENUE, SUITE 200
INDIANAPOLIS, INDIANA 46202-4400
TEL: 317.254.1000 FAX: 317.254.1001



RIVERA
 GROUP, LLC
1025 S. UNIVERSITY AVENUE, SUITE 400, INDIANAPOLIS, IN 46202
 317.326.1000 | www.riveragroup.com

CERTIFIED BY

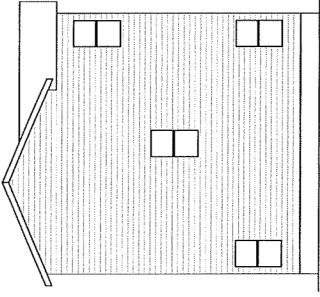
DRAWN BY
Tamar de la Paz

DATE
MAY 01, 2024

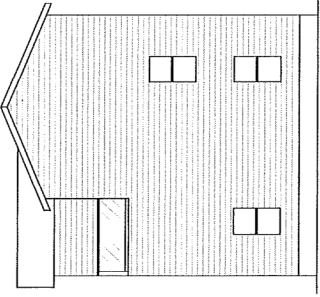
REVISION #
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1635 Woodlawn Ave.
 INDIANAPOLIS, INDIANA, 46203

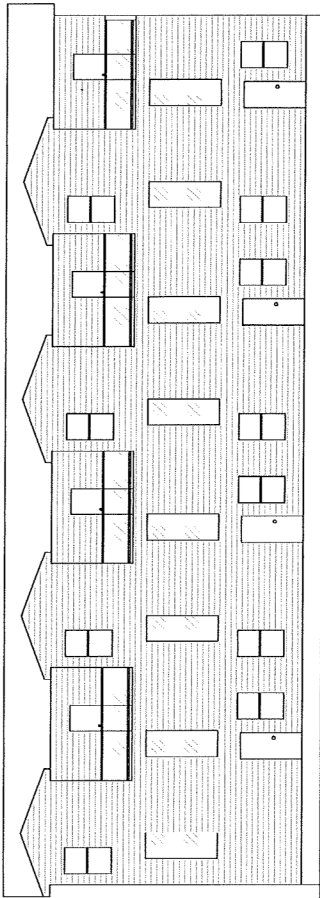
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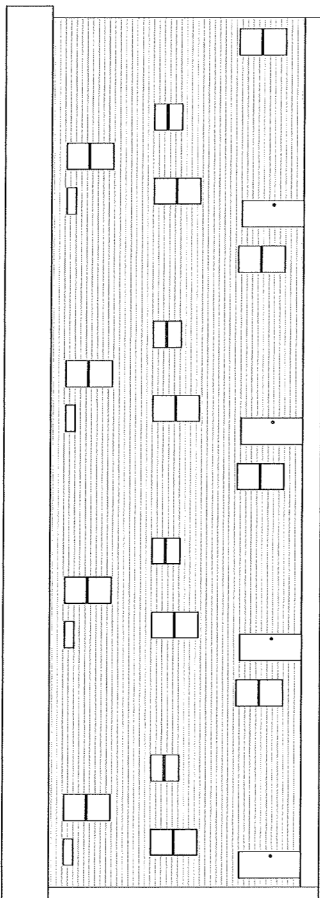
PROPOSED NORTH ELEVATION



PROPOSED SOUTH ELEVATION

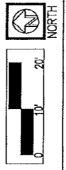



PROPOSED WEST ELEVATION



PROPOSED EAST ELEVATION

Proposed Elevations
 SCALE 3" = 32'





RIVERA
 GROUP, LLC
 12345678901 (INDIANAPOLIS, IN 46201)
 (317) 234-5678 | www.riveragroup.com

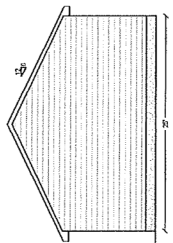
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Tamar de la Paz

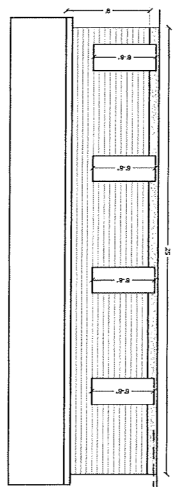
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 MAY 01, 2024

REVISION #
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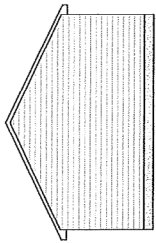
1635 Woodlawn Ave.
 INDIANAPOLIS, INDIANA, 46203



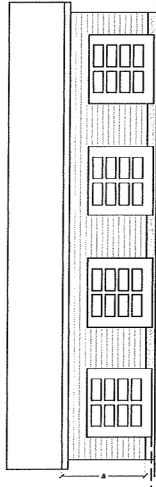
PROPOSED NORTH ELEVATION



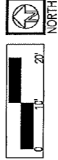
PROPOSED EAST ELEVATION



PROPOSED SOUTH ELEVATION



PROPOSED WEST ELEVATION



0 10 20
 NORTH

Proposed Elevations
Garage
 SCALE: 3" = 32'

A7



View looking east along Woodlawn Avenue



View looking west along Woodlawn Avenue



View of existing dwelling (1627 Woodlawn Avenue) looking south



View of existing dwelling (1635 Woodlawn Avenue) looking south



View of existing dwelling (1631 Woodlawn Avenue) looking southeast ac



METROPOLITAN DEVELOPMENT COMMISSION
HEARING EXAMINER **February 27, 2025**

Case Number: 2024-ZON-126

Property Address: 1602 & 1604 Arsenal Avenue & 1426 East 16th Street (Approximate Addresses)

Location: Center Township, Council District #13

Petitioner: Elizabeth & Micheal Simmons., by Reinhard Pollach

Current Zoning: C-5

Request: Rezoning of 0.18 acres from the C-5 district to the D-8 district to provide for residential uses

Current Land Use: Undeveloped

Staff Recommendations: Approval with a commitment.

Staff Reviewer: Marleny Iraheta, Senior Planner

PETITION HISTORY

ADDENDUM FOR FEBRUARY 27, 2025 HEARING EXAMINER

The petitioner submitted a written continuance for cause request to **continue this matter from the February 27, 2025, hearing to the March 13, 2025 hearing** to allow additional time for staff to review new information provided to the case file.

ADDENDUM FOR JANUARY 23, 2025 HEARING EXAMINER

This petition was continued for cause from the December 19, 2024 hearing to the January 23, 2025 hearing at the request of the petitioner to allow them additional time to discuss the right-of-way dedication request with the Department of Public Works (DPW).

After the petitioner had additional discussions with the Department of Public Works, the commitment language was revised by DPW and agreed upon by the petitioner.

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

1. Additional right-of-way shall be dedicated along the frontage of 16th Street per the request of the Department of Public Works (DPW) Engineering Division. The right-of-way shall be of sufficient width to provide for a sidewalk 5 feet in width, and a buffer space 5 feet in width between the sidewalk and the back of the existing curb. 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)."



Department of Metropolitan Development
Division of Planning
Current Planning

December 19, 2024

This is the first public hearing for this petition.

STAFF RECOMMENDATION

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

A 39-foot half right-of-way shall be dedicated along the frontage of 16th 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

LAND USE

The 0.18-acre subject site is comprised of three undeveloped parcels (1059577, 1013307, and 1071807) to be combined.

The sites are surrounded to the west by an undeveloped lot across the alley, zoned C-5, to the north by a single-family dwelling, zoned C-5, to the east by an undeveloped lot, zoned D-8, and to the south by a commercial building, zoned C-5.

REZONING

This petition would rezone the parcels from the C-5 district to the D-8 district to allow for single-family residential development.

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

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



DEPARTMENT OF PUBLIC WORKS

The Department of Public Works, Traffic Engineering Section, has requested the dedication and conveyance of a 39-foot half right-of-way along 16th Street. This dedication would also be consistent with the Marion County Thoroughfare Plan.

STAFF ANALYSIS

Staff is supportive of the rezoning to the D-8 district because it would allow for the development of a residential dwelling that would fit with the context of the surrounding area and would increase the housing stock.

Additionally, the proposed D-8 district and residential use would align with the traditional neighborhood recommendation of the of the Comprehensive Plan.

GENERAL INFORMATION

Existing Zoning	C-5	
Existing Land Use	Undeveloped	
Comprehensive Plan	Traditional Neighborhood	
Surrounding Context	<u>Zoning</u>	<u>Land Use</u>
North:	C-5	Residential (Single-family dwelling)
South:	C-5	Commercial Building
East:	D-8	Undeveloped
West:	C-5	Undeveloped
Thoroughfare Plan		
Arsenal Avenue	Local Street	48-foot proposed right-of-way and 61-foot existing right-of-way.
16 th Street	Primary Arterial Street	78-foot proposed right-of-way and 60-foot existing right-of-way.
Context Area	Compact	
Floodway / Floodway Fringe	No	
Overlay	No	
Wellfield Protection Area	No	
Site Plan	N/A	
Site Plan (Amended)	N/A	
Elevations	N/A	
Elevations (Amended)	N/A	
Landscape Plan	N/A	
Findings of Fact	N/A	
Findings of Fact (Amended)	N/A	
C-S/D-P Statement	N/A	



COMPREHENSIVE PLAN ANALYSIS

Comprehensive Plan

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

Pattern Book / Land Use Plan

- The Marion County Land Use Plan Pattern Book (2019) recommends traditional neighborhood development of the site.
- 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.
 - 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.
- **Detached Housing**
 - The house should extend beyond the front of the garage. Garages should be loaded from an alley or side street when possible and should be detached if located on the side of the house.
 - Secondary units are encouraged.
 - Lots should be no larger than one and a half times the adjacent lots.



Red Line / Blue Line / Purple Line TOD Strategic Plan

- Not Applicable to the Site.

Neighborhood / Area Specific Plan

- Not Applicable to the Site.

Infill Housing Guidelines

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



Department of Metropolitan Development
Division of Planning
Current Planning

- **7. Materials Used Should Reflect the Context of the Neighborhood:** Introducing new materials that are not used in the existing context should be done in a way where those materials are not the dominant material and make up less than 30% of the overall façade design.
- **8. Consider Unique Neighborhood Features:** In addition to the architectural features mentioned above, consider other common features like chimneys, dormers, gables, and overhanging eaves that shape the character of a neighborhood. When possible, include these features into new construction.

Indy Moves

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

- The site falls within the Indy Greenways Full Circle Master Plan, Part One (2014).
- There is a proposed multi-use greenway, called the Monon-Pogue's Connector -16th St to Commerce from Dr. A J Brown Avenue to Pogue's Run Greenway.



ZONING HISTORY

Zoning History – Vicinity

2022-CZN-837 / 2022-CVR-837; 1450 East 16th Street and 1607 North Arsenal Avenue (east of site), Rezoning of 0.31 acre from the C-5 district to the D-8 district to provide for residential uses and Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for the development of eight residential townhome lots with five-foot front building lines (ten feet required), five-foot corner side setbacks (eight feet required), five-foot rear setbacks (fifteen feet required), a floor area ratio of 0.87 (maximum 0.6 required), a livability space ratio of 0.35 (minimum 0.55 required), with four of the units without public street frontage (not permitted), with front-loaded garages (not permitted), and encroachment into the clear-sight triangles of the abutting streets and alley (not permitted), **approved and granted.**

2022-ZON-088 / 2022-VAR-008; 1449 East 16th Street and 1549 & 1553 North Arsenal Avenue (southeast of site), Rezoning of 0.47 acre from the C-5 district to the D-9 district to provide for a multi-family development and Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for a multi-family development with a five-foot rear setback (10 feet required) with a floor area ratio of 0.87 (maximum floor area ratio 0.50 required) and a minimum livability space ratio of 0.31 (minimum 0.75 ratio required), **approved and granted.**

2021-CZN-862A; 1609 Dr A J Brown Avenue (northwest of site), Rezoning of 0.097 acre from the C-5 district to the D-8 classification, **withdrawn.**

2021-CZN-862B; 1601 and 1605 Dr A J Brown Avenue (west of the site), Rezoning of 0.208 acre from the C-5 district to the MU-2 classification, **withdrawn.**

2018-CZN-840; 1554 Arsenal Avenue (south of the site), Rezoning of 0.15 acre from the C-5 district to the D-8 classification, **approved.**

EXHIBITS





Photo of the subject site looking west from Arsenal Avenue.



Photo of the subject site looking north from 16th Street.



Photo of the alley and undeveloped lot west of the site.



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



Photo of an undeveloped lot east of the site.



Photo of the commercial property south of the site.



METROPOLITAN DEVELOPMENT COMMISSION **February 27, 2025**
HEARING EXAMINER

Case Number: 2025-ZON-005

Property Address: 8830 and 8850 Rockville Road (*Approximate Addresses*)

Location: Wayne Township, Council District #17

Petitioner: HKZ Properties, LLC, by Ron Sears

Current Zoning: D-A

Request: Rezoning of 1.527 acres from the D-A and D-3 districts to the C-3 district to provide for commercial uses.

Current Land Use: Residential Use

Staff Recommendations: **To be determined.**

Staff Reviewer: Desire Irakoze, Principal Planner II

PETITION HISTORY

Staff has requested a continuance for cause, continuing this petition from the February 27, 2025, hearing to the March 13, 2025 hearing. This would require acknowledgement from the Hearing Examiner.

STAFF RECOMMENDATION

Staff recommendation to be determined.

PETITION OVERVIEW

This petition is to be continued to the March 13, 2025, hearing.



METROPOLITAN DEVELOPMENT COMMISSION **February 27, 2025**
HEARING EXAMINER

Case Number: 2024-CZN-850 (withdrawn) / 2024-CVR-850 (amended)

Property Address: 601 South Tibbs Avenue

Location: Wayne Township, Council District #17

Petitioner: Dave’s Mechanic Shop, LLC, by David Kingen and Justin Kingen

Request: Variance of Use and Development Standards of the Consolidated Zoning and Subdivision Ordinance to allow Automobile, Motorcycle, and Light Vehicle Service or Repair in a D-5 (FF) district (not permitted) and outdoor storage of six 40-foot by eight-foot shipping containers and two commercial vehicles; a five-foot south side transitional yard (10 feet required), and a three-foot rear transitional yard (10 feet required).

Staff Reviewer: Kathleen Blackham, Senior Planner

PETITION HISTORY

The Hearing Examiner acknowledged the timely automatic continuance filed by a City County Councilor that continued these petitions from the December 19, 2024 hearing, and to the January 23, 2025 hearing.

The Hearing Examiner continued these petitions from the January 23, 2025 hearing, to the February 27, 2025 hearing, at the request of staff and the petitioner’s representative. Subsequently, the petitions have been amended to include withdrawal of the rezoning request and amending the variance request. Consequently, the amended request will need to be continued to the March 13, 2024 hearing, with notice.

The withdrawal of the rezoning request will be acknowledged by the Hearing Examiner.



METROPOLITAN DEVELOPMENT COMMISSION **February 27, 2025**
HEARING EXAMINER

Case Number: 2024-CZN-853 / 2024-CVR-853

Property Address: 420 West 40th Street (Approximate Address)

Location: Washington Township, Council District #7

Petitioner: Edith Glover, by Lester Wiley Carver

Current Zoning: D-5
Rezoning of 0.38-acre from the D-5 district to the C-3 district.

Request: Variance of use and development standards of the Consolidated Zoning and Subdivision Ordinance to legally establish an existing surface parking lot, with a zero-foot front transitional yard setback, with landscaping within the right-of-way (minimum ten-foot transitional yard with landscaping on subject parcel required), and a nine-foot east transitional yard setback (minimum ten-foot transitional yard required).

Current Land Use: Parking Lot

Staff Recommendations: To be determined.

Staff Reviewer: Marleny Iraheta, Senior Planner

PETITION HISTORY

This petition was continued for cause from the January 23, 2025, hearing to the February 27, 2025 hearing at the request of staff to allow time for the petitioner to provide staff with additional information for review.

The petitioner submitted a written continuance for cause request to **continue this matter from the February 27, 2025, hearing to the March 13, 2025 hearing** to allow additional time for staff to review new information provided to the case file.

STAFF RECOMMENDATION

Staff recommendation to be determined.

PETITION OVERVIEW

This petition is to be continued to the March 13, 2025 hearing.



METROPOLITAN DEVELOPMENT COMMISSION **February 27, 2025**
HEARING EXAMINER

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

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

Location: Center Township, Council District #13

Petitioner: Tyler and Natalie Sadek, by Paul Lambie

Current Zoning: D-8 (FF) (FW)

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

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

Current Land Use: Undeveloped

Staff Recommendations: **TBD**

Staff Reviewer: Desire Irakoze, Principal Planner II

PETITION HISTORY

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

Staff is requesting a **continuance for cause** to continue this matter from the **February 27, 2025**, hearing to the **March 27, 2025**, hearing to allow additional time to review the building plans and if new notice is needed.

STAFF RECOMMENDATION

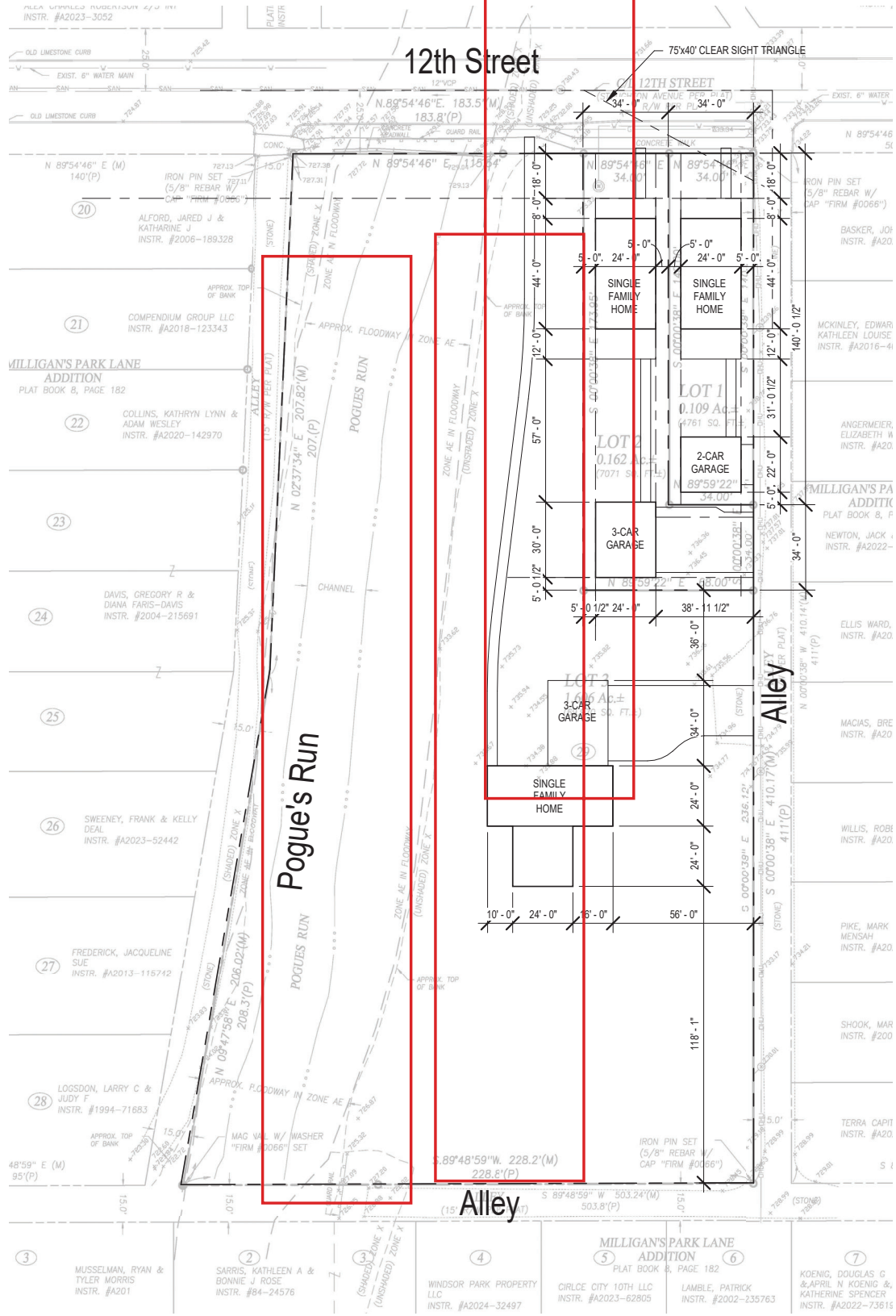
Staff **recommends continuance** of the variance request and the plat request allow the applicant time to revise the site plan.

PETITION OVERVIEW

LAND USE

The 19.89-acre subject is currently an undeveloped lot within the Near Eastside neighborhood. The surrounding zoning designations and land uses are as follows:

North: Zoned D-8 Residential Use (Single-family Residential)
South: Zoned MU-1 Residential Use (Single-family Residential)

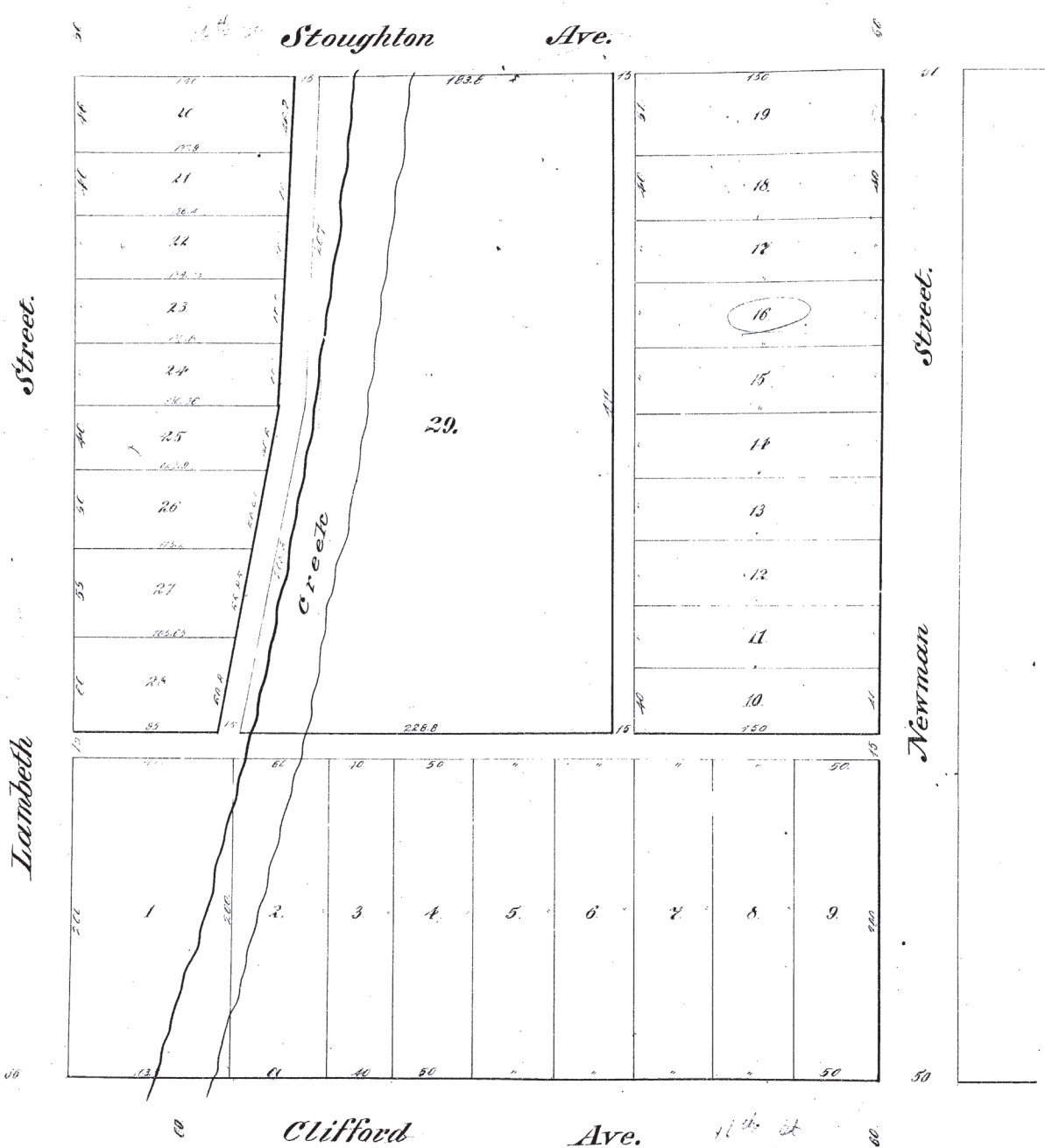


Floor Plan
1 Site Plan
 1" = 40'-0"

182

Item 7.

Milligan's Park Lane Addition.



276
353287

5405.

Milligan's Park Lane Addition.

B 57 435

Harry J. Milligan Trustee's Subdivision of a part of the south west quarter of Section 31, Township 16. North of Range Four (4) East, Marion County, Indiana, described as follows, to wit:

Beginning at a point 30 feet north of a point 1869, 81 feet east of the south west corner of section 31, aforesaid, thence east along the north line of Clifford Avenue 503.80 feet to Newman Street, thence north along the west line of Newman Street 626 feet to the south line of Stoughton Avenue, thence west along the south line of Stoughton Avenue and parallel with Clifford 503.80 feet to a Street, thence south along the east line of said Street and parallel with the east line of said tract 626 feet to the place of beginning

Into 29 Lots, numbered from 1 to 29 inclusive, the same to be known as "Milligan's Park Lane Addition," being an Addition to the City of Indianapolis, made in pursuance of an Order of the Marion Circuit Court of Indiana, entered 1887.

The measurements are given in feet and the alleys are dedicated to the public.

In Witness Whereof said Harry J. Milligan Trustee under the voluntary assignment of Stoughton A. Fletcher has hereunto set his hand and seal this 27th day of April 1887.

Harry J. Milligan Trustee —
Under the assignment of Stoughton A. Fletcher.

City of Indpls Apl 26/87.

The attached plat was approved by the Common Council and Board of Alderman of the City of Indianapolis, Ind, respectively on April 18 & 25th 1887.

Michael J. Shields
City Clerk.

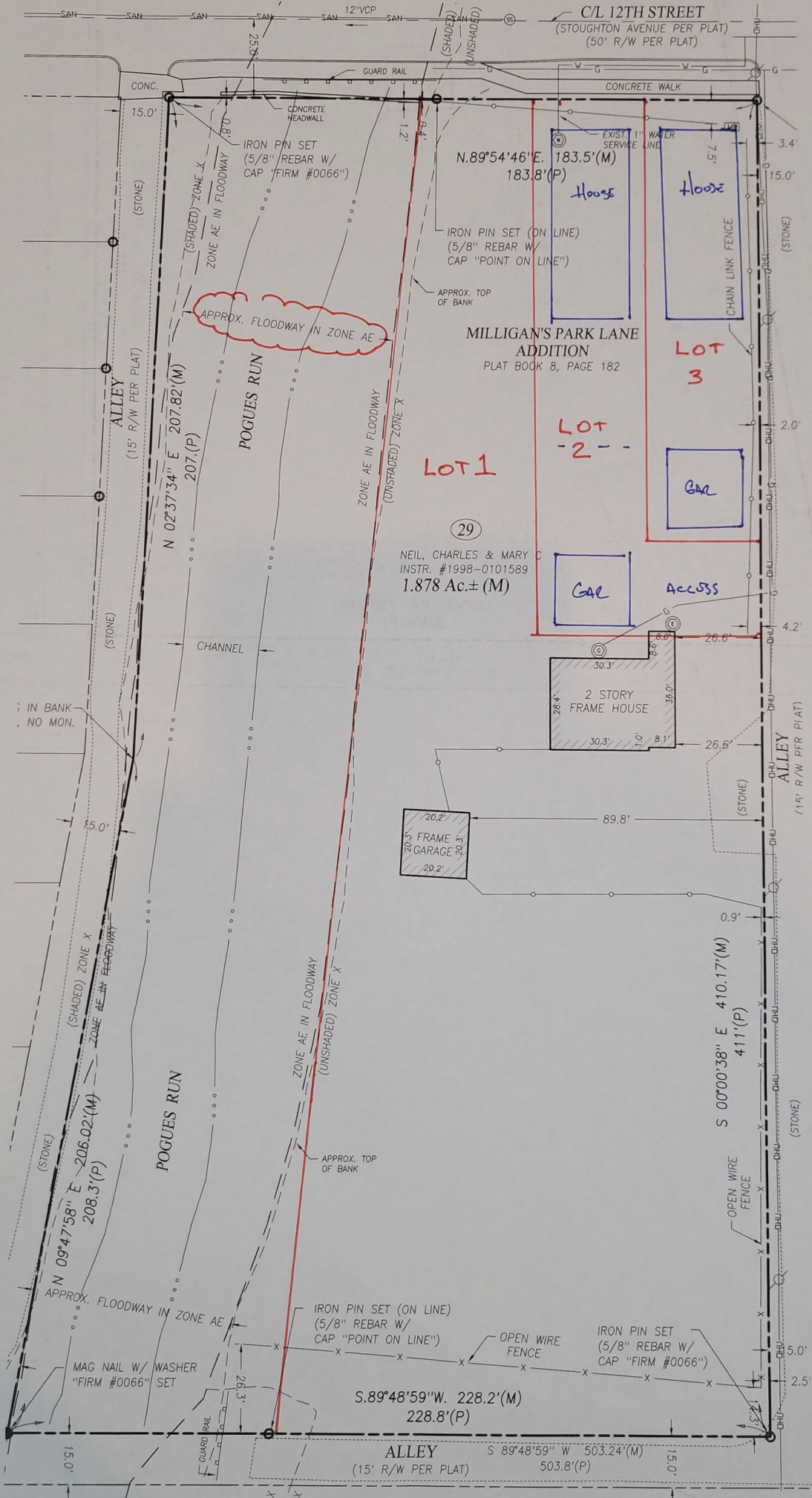
Examined and approved in open Court this 27th day of April A.D. 1887.
Alexander C. Ayers.
Judge.

State of Indiana }
Marion County } ss.

Before me Robert B. Keith a Notary Public in and for said County this 27th day of April 1887, personally appeared Harry J. Milligan Trustee under the voluntary assignment of S. A. Fletcher and acknowledged the execution of the annexed Plat.

Witness my hand and Notarial seal this 27th day of April 1887.
Robert B. Keith
Notary Public

Recorded Apl 29. 1887. at 10^{1/4} o'clock A.M.
Geo. J. Keay
Recorder Marion County.





METROPOLITAN DEVELOPMENT COMMISSION **February 27, 2025**
HEARING EXAMINER

Case Number: 2025-CAP-800 / 2024-CVR-800

Property Address: 1525 Shelby Street, 1133 Cottage Avenue, and 1510 Olive Street

Location: Center Township, Council District # 18

Petitioner: Fraternal Order of Police, Indianapolis Lodge #86, by Will Gooden and Elizabeth Bentz Williams

Request: Modification of Commitments related to 2009-ZON-013 to terminate Commitment #2, which required a site plan indicating a ten-foot landscaped transitional yard; terminate Commitment #3, which required an opaque fence abutting the dwelling at 1129 Cottage Avenue; and to modify Commitment #5, to read “owners agree to complete all fence changes within six months of the grant of this petition” (originally stated to require all site improvements to be completed within one year of approval of 2009-ZON-013).

Variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for a 6.5-foot-tall fence and electronic gate, with a portion of the fence within the clear-sight triangle of Shelby Street and Cottage Avenue (maximum height of 3.5 feet permitted, not permitted within the clear-sight triangle of the abutting streets).

Staff Reviewer: Kathleen Blackham, Senior Planner

PETITION HISTORY

A timely automatic continuance was filed by a registered neighborhood organization that would continue these petitions from the February 27, 2025 hearing, to the March 27, 2025 hearing. This would require acknowledgement from the Hearing Examiner.



METROPOLITAN DEVELOPMENT COMMISSION **February 27, 2025**
HEARING EXAMINER

Case Number: 2025-CAP-808 / 2024-CVR-808

Property Address: 4360 North Keystone Avenue

Location: Washington Township, Council District # 8

Petitioner: Emay Ayad by Russell L. Brown

Request: Modification of Commitments, related to 2019-ZON-027, to modify commitment #4 to read: “there shall be no storage of inoperable, wrecked or junk vehicles. The storage of automobile parts outside shall be prohibited. Such prohibition shall not prohibit the use of Portable Storage Containers for storage of automobile parts” (previous commitment #4 stated that “there shall be no storage of inoperable, wrecked or junk vehicles, and the outside storage of automobile parts shall be prohibited”).

Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for a variance of use to provide for a truck rental business (not permitted), one portable permanent storage container for storage of materials, and one portable temporary storage container for storage of materials (portable storage containers not permitted for more than 30 days).

Staff Reviewer: Kathleen Blackham, Senior Planner

PETITION HISTORY

A timely automatic continuance was filed by the petitioner’s representative that would continue these petitions from the February 27, 2025 hearing, to the March 27, 2025 hearing. This would require acknowledgement from the Hearing Examiner.



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**METROPOLITAN DEVELOPMENT COMMISSION
HEARING EXAMINER**

February 27, 2025

Case Number:	2025-CZN-809 / 2025-CVR-809
Property Address:	8800 East Raymond Street (Approximate Address)
Location:	Warren Township, Council District #20
Petitioner:	Alexander Construction and Landscape, by David Retherford
Current Zoning:	C-5
Request:	<p>Rezoning of 4.37 acres from the C-5 district to the I-2 district to provide for a commercial and building contractor's business.</p> <p>Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for outdoor storage and operations comprising of 225% of the total gross floor area of enclosed buildings (maximum 25% permitted), to provide for a gravel parking and storage area, (not permitted), with a 52-foot front transitional yard (minimum 100-foot front transitional yard required), with a 15-foot east side transitional yard (minimum 50-foot side transitional yard required), with a 10-foot north rear yard (minimum 30-foot rear yard required), without interior and exterior landscaping (minimum 9% of lot covered with landscaping required), to permit for outdoor loading and unloading of equipment and material 15 feet from a protected district (minimum 500 feet required), and to allow a six-foot tall aluminum fence with masonry columns in the front yard (maximum 3.5-foot tall fence permitted in the front yard).</p>
Current Land Use:	Undeveloped
Staff Recommendations:	To be determined.
Staff Reviewer:	Marleny Iraheta, Senior Planner

PETITION HISTORY

A timely **automatic continuance request** was filed by a registered neighborhood organization, **continuing this petition from the February 27, 2025 hearing to the March 27, 2025 hearing**. This would require acknowledgement from the Hearing Examiner.

STAFF RECOMMENDATION

Staff recommendation to be determined.

PETITION OVERVIEW

This petition is to be continued to the March 27, 2025 hearing.



METROPOLITAN DEVELOPMENT COMMISSION **March 27, 2025**
HEARING EXAMINER

Case Number: 2025-ZON-004

Property Address: 6700 West Ralston Road (Approximate Address)

Location: Decatur Township, Council District #21

Petitioner: Gretchen Willkie, Earl Swart, and Gwen Swart, by David Gilman

Current Zoning: D-A (FF)

Request: Rezoning of 61.13 acres from the D-A (FF) district to the D-S (FF) district to provide for a nine-lot single-family detached residential development.

Current Land Use: Agricultural

Staff Recommendations: **Approval**

Staff Reviewer: Desire Irakoze, Principal Planner II

PETITION HISTORY

This is the first public hearing for this petition.

STAFF RECOMMENDATION

Staff **recommends approval** of the request.

PETITION OVERVIEW

LAND USE

The 61.13-acre subject site is in the West Newton Neighborhood. The proposed rezone would allow.

The surrounding zoning designation and land uses are as follows:

- North:** Zoned D-A Residential Use (Single-family residential)
- South:** Zoned D-A Residential Use (Single-family residential)
- East:** Zoned D-A Residential Use (Single-family residential)
- West:** Zoned D-A/D-P Residential Use (Parks at Decatur subdivision)

The petitioner seeks to rezone this property from the **D-A** district (Dwelling Agriculture) (FF) to the **D-S** (Dwelling Suburban) (FF) to build 10 lots (nine (9) residential and one (1) to remain agricultural).

Zoning District Overview:



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

D-S (Dwelling Suburban District): Permits single-family residential development with a typical density of 0.4 units per acre. The D-S district is intended for suburban areas of extreme topography, areas conducive to estate development, or areas where it is desirable to permit only low-density development.

FF (Floodway Fringe District): Secondary zoning district that overlays the primary zoning district. FF indicates a 1% chance for significant flooding as well as shallow flooding in a given year. FF is based upon hydrological data and is delineated on the FEMA maps.

DIMENSIONAL STANDARDS			
	D-A	D-S	Proposed
LOT STANDARDS			
Min lot area	3 acres	1 acre	3 acres
Min lot width	250 ft.	150 ft	150 ft
Min street frontage	125 ft.	75 ft	150 ft.
Min open space	85%	85%	N/A
SETBACKS			
		METRO	
Min depth front yard	35 ft.	40 ft < = > Avg Setback	N/A
Min width of side yard	30 ft.	15 ft	N/A
Min width of side yard (aggregate)	75 ft.	35 ft.	N/A
Min depth of rear yard	75 ft.	25 ft.	N/A
BUILDING STANDARDS			
Max height of primary building	35 ft.	35 ft	N/A
Max height of accessory building	24 ft.	24 ft	N/A
Min main floor area (1-story)	1200 sq. ft.	1200 sq. ft	N/A
Min main floor area (above 1-story)	800 sq. ft.	800 sq. ft.	N/A

At this time the applicant is only rezoning. The site is subject to the subdivision control regulations on the zoning ordinance.

The proposed lots are 150 ft wide by 885 deep for 132,750 sq. ft. or 3.04 acres. The density of the subdivision would be 0.33 units per acre.

Tributary Quack Branch which is considered a Category Two stream. In the Metro Context this will require a 50 feet Stream Protection Corridor



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GENERAL INFORMATION

Existing Zoning	D-A	
Existing Land Use	Agricultural	
Comprehensive Plan	Rural or Estate Neighborhood	
Surrounding Context	Zoning	Land Use
	North:	D-A Residential (Single-family dwellings)
	South:	D-A Residential (Single-family dwellings)
	East:	D-A Residential (Single-family dwellings)
	West:	D-A Residential (Single-family dwellings)
Thoroughfare Plan		
West Ralston Road	Primary Collector	80-foot right-of way existing and a 140-foot right-of way proposed
Context Area	Metro	
Floodway / Floodway Fringe	No	
Overlay	No	
Wellfield Protection Area	No	
Site Plan	N/A	
Site Plan (Amended)	N/A	
Elevations	N/A	
Elevations (Amended)	N/A	
Landscape Plan	N/A	
Findings of Fact	N/A	
Findings of Fact (Amended)	N/A	
C-S/D-P Statement	N/A	

COMPREHENSIVE PLAN ANALYSIS

Comprehensive Plan

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

Pattern Book / Land Use Plan

- The Marion County Land Use Plan Pattern Book (2019) recommends office commercial development of the site.
- The Marion County Land Use Plan Pattern Book (2019) recommends:
- **RURAL OR ESTATE NEIGHBORHOOD**



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- The **Rural or Estate Neighborhood** typology applies to both rural or agricultural areas and historic, urban areas with estate-style homes on large lots. In both forms, this typology prioritizes the exceptional natural features – such as rolling hills, high quality woodlands, and wetlands – that make these areas unique. Development in this typology should work with the existing topography as much as possible. Typically, this typology has a residential density of less than one dwelling unit per acre unless housing is clustered to preserve open space.
 - **Detached Housing**
 - Should preserve open space.
 - In older, established historic areas, lots should be deep and narrow with deep setbacks. This allows for city services such as streets and sewer lines to be used more efficiently. Mature trees should be preserved whenever possible.
 - In more rural areas, the protection of open space is even more critical. Lots should be both deep and wide.
- **AGRICULTURAL PRESERVATION**
- The Agricultural Preservation land use is intended for areas that should be protected for agricultural use. These areas may also be appropriate for 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)

- Not Applicable to the Site.

ZONING HISTORY

Zoning History – Vicinity

2021ZON048; 7610 West County Line Road (west of subject site) Rezoning of 165 acres from the D-A and UQ-1 districts to the D-P district to provide for a maximum of 400 single-family and two-family dwelling units at a density of 2.42 units per acre. **Approved.**

2017ZON002; 8025 Paddock Road (north of subject site) Rezoning of 27.34 acres from the D-A district to the SU-10 classification for a cemetery, including a funeral home and mausoleums. **Withdrawn.**

2006ZON039; 8136 Hayworth Road (north of subject site) Rezoning of 19.88 acres, from the D-A District to the D-P classification to provide for the construction of three single-family dwellings for a total of four single-family dwellings on individual lots, with two lots having no frontage on a public street, with access provided by two separate access easements. **Approved.**

94-Z-200; 8800 Paddock Road (west of subject site) Rezone 164.99 acres from the D-a to SU-7 Raising and maintenance of animals and livestock for biological research purposes, related to Indiana University. **Approved.**

93-Z-66; 6279 Ralston Road, Lot #4 (east of subject site) Requests the rezoning of 4.0 acres, being in the D-A District, to the D-S classification to provide for residential development. The details of this petition are on file. **Approved.**



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EXHIBITS

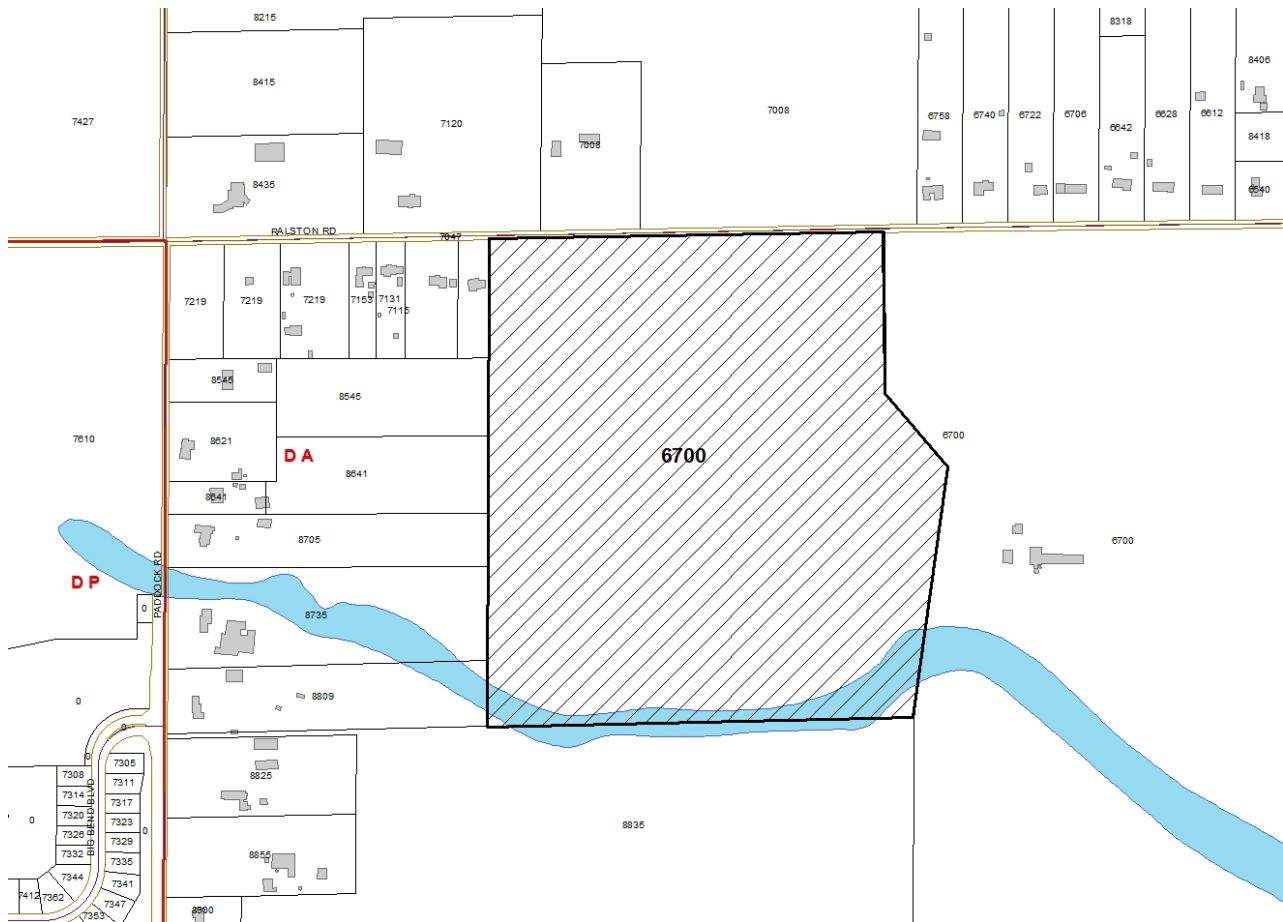


PHOTO EXHIBITS



On subject Site looking across the road



On subject site looking east



Subject property Vacant



On subject site looking west



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**METROPOLITAN DEVELOPMENT COMMISSION
HEARING EXAMINER**

February 27, 2025

Case Number:	2024-ZON-010
Property Address:	2352 South West Street
Location:	Center Township, Council District #18
Petitioner:	Working Man's Roadhouse, by Clark P. Kirkman
Current Zoning:	D-5 (FF) / I-3 (FF)
Request:	Rezoning of 1.15 acres from the D-5 (FF) and I-3 (FF) districts to the C-5 (FF) district to provide for commercial uses, including a bar / tavern, with outdoor entertainment.
Current Land Use:	Commercial uses
Staff Recommendations:	Approval, subject to the commitment noted below:
Staff Reviewer:	Kathleen Blackham, Senior Planner

PETITION HISTORY

This is the first public hearing on this petition.

STAFF RECOMMENDATION

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

The site and improved areas within the site shall be maintained in a reasonably neat and orderly manner during and after development of the site with appropriate areas and containers / receptacles provided for the proper disposal of trash and other waste.

PETITION OVERVIEW

This 2.16-acre site, zoned D-5 (FF) and I-3 (FF), is developed with a bar / tavern and parking. It is surrounded by industrial uses to the north, south, west and east, across South West Street, all zoned I-3 (FF)

Beginning with petition 83-UV1-98 that provided for a restaurant on this site, there have been subsequent petitions that granted expansions. See Zoning History.



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REZONING

The request would rezone the split-zoned site from the D-5 (FF) and I-3 (FF) districts to the C-5 (General Commercial (FF) district to provide for commercial uses that would include a bar / tavern and outdoor entertainment. “The C-5 District is designed to provide areas for those retail sales and service functions whose operations are typically characterized by automobiles, outdoor display, or sales of merchandise; by major repair of motor vehicles; by outdoor commercial amusement and recreational activities; or by activities or operations conducted in buildings or structures not completely enclosed. The types of uses found in this district tend to be outdoor functions, brightly lit, noisy, etc. Therefore, to provide a location where such uses can operate in harmony with the vicinity, the C-5 district should be located on select heavy commercial thoroughfares and should avoid locating adjacent to protected districts.”

The Comprehensive Plan recommends light industrial typology for the site.

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

However, recommended land uses within this typology include small-scale offices, retailing, and personal or professional services.

Overlays

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

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

The entire site is located within the floodway fringe of White River.

Floodway / Floodway Fringe

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



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

The designation of the FF District is to guide development in areas subject to potential flood damage, but outside the Floodway (FW) District. Unless otherwise prohibited, all uses permitted in the primary zoning district (C-5 in this request) are permitted, subject to certain development standards of the Flood Control Secondary Zoning Districts Ordinance.

Environmental Public Nuisances

The purpose of the Revised Code of the Consolidated City and County, Sec.575 (Environmental Public Nuisances) is to protect public safety, health and welfare and enhance the environment for the people of the city by making it unlawful for property owners and occupants to allow an environmental public nuisance to exist.

All owners, occupants, or other persons in control of any private property within the city shall be required to keep the private property free from environmental nuisances.

Environmental public nuisance means:

1. Vegetation on private or governmental property that is abandoned, neglected, disregarded or not cut, mown, or otherwise removed and that has attained a height of twelve (12) inches or more;
2. Vegetation, trees or woody growth on private property that, due to its proximity to any governmental property, right-of-way or easement, interferes with the public safety or lawful use of the governmental property, right-of-way or easement or that has been allowed to become a health or safety hazard;
3. A drainage or stormwater management facility as defined in Chapter 561 of this Code on private or governmental property, which facility has not been maintained as required by that chapter; or
4. Property that has accumulated litter or waste products, unless specifically authorized under existing laws and regulations, or that has otherwise been allowed to become a health or safety hazard.

Staff would request a commitment that emphasizes the importance of maintaining the site in a neat and orderly manner at all times and provide containers and receptacles for proper disposal of trash and other waste.



Planning Analysis

This rezoning request would result in a zoning district that would be consistent with and allow for a use that was permitted by a 1983 variance of use 42 years ago, with expansions through the intervening years that resulted in minimal negative impact on surrounding land uses.

Furthermore, The Pattern Book recommends small scale and low intense commercial uses. Staff believes that the proposed “outdoor entertainment” would be an increase in intensity but given the surrounding industrial and commercial uses, the use would not be detrimental to those uses.

Staff supports this rezoning request because of the historical commercial use of this site that has not caused an adverse impact on the surrounding industrial and commercial uses.

GENERAL INFORMATION

Existing Zoning	D-5 (FF) / I-3 (FF)	
Existing Land Use	Bar / Restaurant	
Comprehensive Plan	Light Industrial	
Surrounding Context	<u>Zoning</u>	<u>Land Use</u>
North:	I-3 (FF)	Industrial uses
South:	I-3 (FF)	Industrial uses
East:	I-3 (FF)	Industrial uses
West:	I-3 (FF)	Industrial uses
Thoroughfare Plan		
South West Street	Primary arterial	Existing 80-foot right-of-way and proposed 56-foot right-of-way.
Context Area	Compact	
Floodway / Floodway Fringe	Yes – White River	
Overlay	Yes – 100-year floodplain	
Wellfield Protection Area	No	
Site Plan	January 29, 2025	
Site Plan (Amended)	February 3, 2025	
Elevations	N/A	
Elevations (Amended)	N/A	
Landscape Plan	N/A	
Findings of Fact	N/A	
Findings of Fact (Amended)	N/A	
C-S/D-P Statement	N/A	



COMPREHENSIVE PLAN ANALYSIS

Comprehensive Plan

The Comprehensive Plan recommends Light Industrial. These industrial uses create minimal emissions of light, odor, noise, or vibrations. Examples include warehousing and logistics facilities. These land uses do not use, store, produce, emit, or transport hazardous materials.

Pattern Book / Land Use Plan

The Comprehensive Plan consists of two components that include The Marion County Land Use Pattern Book (2019) and the land use map. The Pattern Book provides a land use classification system that guides the orderly development of the county and protects the character of neighborhoods while also being flexible and adaptable to allow neighborhoods to grow and change over time.

The Pattern Book serves as a policy guide as development occurs. Below are the relevant policies related to this request:

- *Light Industrial Uses*
 - Industrial truck traffic should not utilize local, residential streets.
 - Streets internal to industrial development must feed onto an arterial street.
 - Removed as a recommended land use where they would be adjacent to a living or mixed-use typology.
- *Small-Scale Offices, Retailing, and Personal or Professional Services (defined as Commercial uses with minimal outdoor operations, storage, or display on lots of less than 1.5 acres and a height of less than 35 feet).*
 - 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.

Red Line / Blue Line / Purple Line TOD Strategic Plan

Not Applicable to the Site.

Neighborhood / Area Specific Plan

Not Applicable to the Site.



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Infill Housing Guidelines

Not Applicable to the Site.

Indy Moves

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

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



ZONING HISTORY

88-UV2-7; 2352 South West Street, requested a variance of use of the Industrial Zoning Ordinance and the Dwelling Districts Zoning Ordinance to provide for the expansion of an existing restaurant, **granted**.

85-UV1-1; 2352 South West Street, requested a variance of use of the Industrial Zoning Ordinance and the Dwelling Districts Zoning Ordinance to provide for an addition to an existing restaurant previously established by variance, **granted**.

83-UV1-98; 2352 South West Street, requested a variance of use and development standards of the Industrial Zoning Ordinance to allow for the construction and operation of a restaurant in an I-3-U district, **granted**.

VICINITY

2002-UV3-002; 2402 South California Street (west of site), requested a variance of use of the Industrial Zoning Ordinance to provide for the retail sales of commercial tractors within an existing building, **granted**.

2001-Z-111; 2446 South Meridian Street (south of site), requested a rezoning of 90 acres, being in the C-1 (FF) and D-5 (FF) Districts to the SU-10 (FF) classification, to conform zoning to existing cemetery, **approved**.

97-Z-44; 2405 South West Street (south of site), requested a rezoning of 7.391 acres, being in the D-5 (FF) District to the I-3-U (FF) classification, to conform zoning to the existing truck terminal, **approved**.

93-UV1-70; 2529 South California Street (west of site), requested a variance of use of the Dwelling Districts Zoning Ordinance to provide for three vacant lots for employee parking, **granted**.

90-V1-123; 2341 South West Street (north of site), requested a variance of development standards of the Industrial Zoning Ordinance to provide an addition to an existing building with parking located within the required front yard, **granted**.

89-UV1-93; 2302 South West Street (north of site), requested a variance of use of the Industrial Zoning Ordinance to provide for an auto towing service with limited outdoor storage, **granted**.

88-UV1-44; 2410 South West Street (south of site), requested a variance of use of the Industrial Zoning Ordinance to provide for wholesale and retail sales of automotive paints and supplies in an existing structure, **granted**.

81-UV2-127; 2506 South California Street (west of site), requested a variance of floodplain and development standards to permit the erection of a loading dock, **granted**.

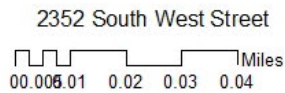
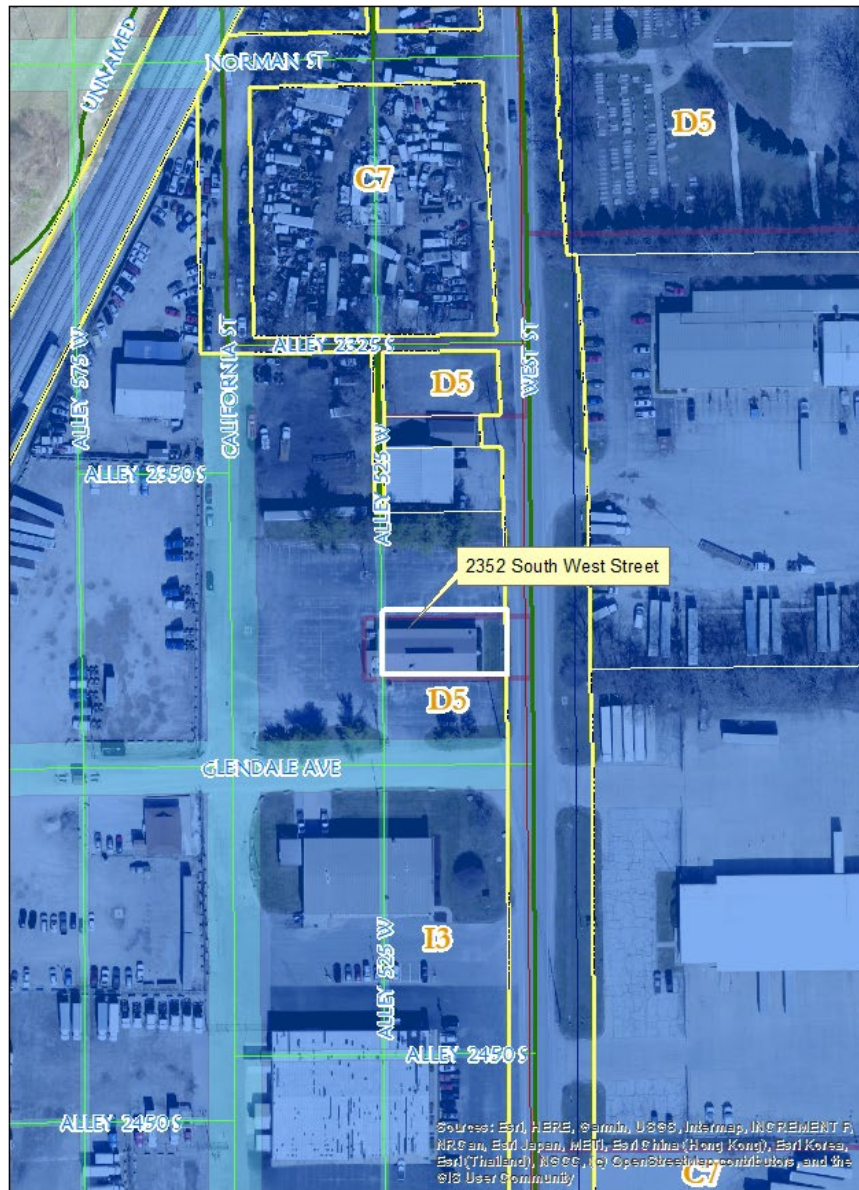


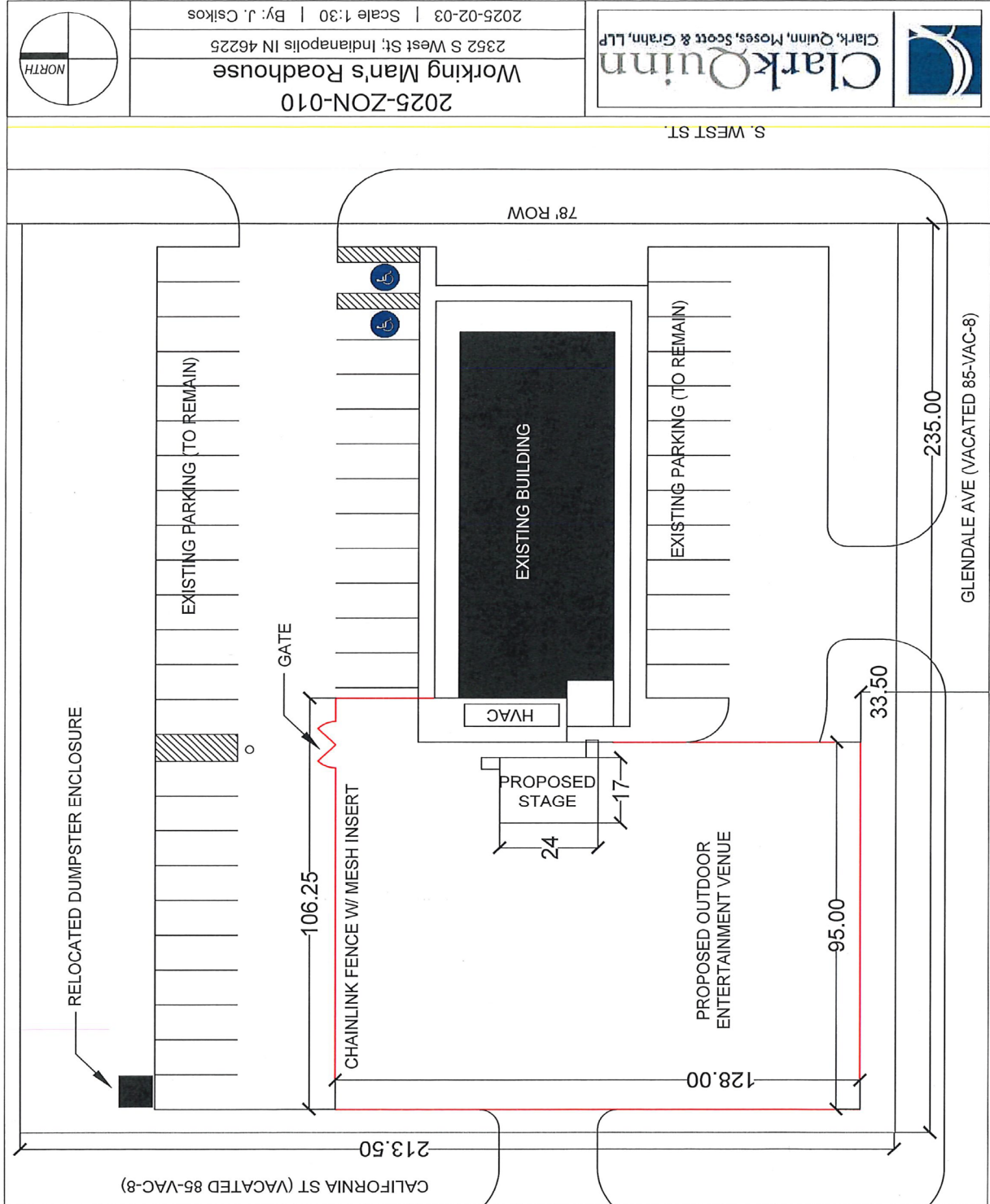
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80-Z-154; 2411-2415 South Dakota Street, 510 Glendale Avenue, 2348-2354 and 2404-2418 South West Street, and 2353-2359, 2362-2464, 2407-2425 South California Street, requested rezoning of 1.85 acres, being in the D-5 district, to the I-3-U classification to provide for industrial use, **approved.**

80-Z-136; 2428 South Dakota Street, 2424 California Street, 2362, 2363, 2366 California Street, requested rezoning of 1.893 acre, being in the D-5 district to the I-3 U classification to provide for industrial uses, **approved.**

EXHIBITS







View looking south along South West Street



View looking north along South West Street



View of site looking southwest across South West Street



View of site looking south



View of site looking south



View from site looking south



View of southern portion of site looking east



View of site looking north from Glendale Avenue (private street)



View looking east along Glendale Avenue (private street)



View of site looking north from Glendale Avenue (private street)



View from site looking west



View from site looking northwest



View of site looking north at adjacent property



METROPOLITAN DEVELOPMENT COMMISSION **February 27, 2025**
HEARING EXAMINER

Case Number: 2024-CVR-841 (Amended) / 2024-CPL-841

Property Address: 3359 Carrollton Avenue (Approximate Address)

Location: Center Township, Council District #8

Petitioner: INDYCHEN, LLC., by David Gilman

Current Zoning: D-5

Request: Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for a multi-unit dwelling with a five-foot corner side yard for the dwelling along 34th Street on Lot 1 (minimum eight-foot corner side yard required).

Approval of a Subdivision Plat, to be known as Osgood Carrollton Estate, subdividing 0.27-acre into two lots.

Current Land Use: Undeveloped

Staff Recommendations: Approval

Staff Reviewer: Marleny Iraheta, Senior Planner

PETITION HISTORY

ADDENDUM FOR FEBRUARY 27, 2025 HEARING EXAMINER

This petition was continued for cause from the January 23, 2025 hearing to the February 27, 2025 hearing at the request of the petitioner.

Staff **recommends approval** of the variance request as amended.

Staff continues to recommend that the Hearing Examiner **approve** and find that the plat, file-dated September 19, 2024 complies with the standards of the Subdivision regulations, subject to the following conditions:

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



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7. That the Sanitary Sewer Covenant (Section 741-704, of the Consolidated Zoning and Subdivision Ordinance) be affixed to the final plat prior to recording.
8. That the Storm Drainage Covenant (Section 741-703, of the Consolidated Zoning and Subdivision Ordinance) be affixed to the final plat prior to recording.
9. That the plat restrictions and covenants, done in accordance with the rezoning commitments, be submitted prior to recording the final plat.
10. That all the standards related to secondary plat approval listed in Sections 741-207 and 741-208 of the Consolidated Zoning and Subdivision Ordinance be met prior to recording the final plat.

ADDENDUM FOR JANUARY 23, 2025 HEARING EXAMINER

This petition was continued from the November 21, 2024 hearing to the January 23, 2025 hearing at the request of the petitioner.

The petitioner withdrew the variances to provide for the zero-foot corner side yard for the sidewalk and parking space along 34th Street on Lot 1 (minimum eight-foot corner side yard required), zero-foot north and south side setbacks for sidewalks on Lot 2 (two-foot side setbacks required for minor residential features), and the zero-foot rear setback on Lot 2 for the detached garage (minimum five feet required).

The variance that remained is the five-foot corner side yard for the dwelling along 34th Street on Lot 1.

Staff **recommends approval** of the variance for a five-foot corner side yard for the dwelling along 34th Street on Lot 1.

All other variances will need to be withdrawn since the petitioner confirmed they would no longer be needed.

Staff recommends that the Hearing Examiner **approve** and find that the plat, file-dated September 19, 2024 complies with the standards of the Subdivision regulations, subject to the following conditions:

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



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10. That all the standards related to secondary plat approval listed in Sections 741-207 and 741-208 of the Consolidated Zoning and Subdivision Ordinance be met prior to recording the final plat.

November 21, 2024

This petition was continued for cause from the October 24, 2024 hearing to the November 21, 2024 hearing at the request of the petitioner to allow additional time for the petitioner to present at a registered neighborhood organization meeting.

STAFF RECOMMENDATION

Staff **recommends approval** of the variance for a five-foot corner side yard for the dwelling along 34th Street on Lot 1.

All other variances will need to be withdrawn since the petitioner confirmed they would no longer be needed.

Staff recommends that the Hearing Examiner **approve** and find that the plat, file-dated September 19, 2024 complies with the standards of the Subdivision regulations, subject to the following conditions:

1. Subject to the Standards and Specifications of Citizens Energy Group, Sanitation Section.
2. Subject to the Standards and Specifications of the Department of Public Works, Drainage Section.
3. Subject to the Standards and Specifications of the Department of Public Works, Transportation Section.
4. That addresses and street names, as approved by the Department of Metropolitan Development, be affixed to the final plat prior to recording.
5. That the Enforcement Covenant (Section 741-701, of the Consolidated Zoning and Subdivision Ordinance) be affixed to the final plat prior to recording
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8. That the Storm Drainage Covenant (Section 741-703, of the Consolidated Zoning and Subdivision Ordinance) be affixed to the final plat prior to recording.
9. That the plat restrictions and covenants, done in accordance with the rezoning commitments, be submitted prior to recording the final plat.
10. That all the standards related to secondary plat approval listed in Sections 741-207 and 741-208 of the Consolidated Zoning and Subdivision Ordinance be met prior to recording the final plat.

PETITION OVERVIEW

LAND USE



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The 0.27-acre subject site is an undeveloped residential lot located in the Mapleton / Fall Creek neighborhood. Surrounded by single-family dwellings to the south, west, and north, zoned D-5, and an undeveloped lot to the east across the alley, zoned D-5.

VARIANCE OF DEVELOPMENT STANDARDS

The initial request was to provide for two, multi-unit dwellings, with a five-foot corner side yard for the dwelling and zero-foot corner side yard for the sidewalk and parking space along 34th Street on Lot 1 where a minimum eight-foot corner side yard is required, and zero-foot north and south side setbacks for sidewalks on Lot 2 where two-foot side setbacks are required for minor residential features, with a zero-foot rear setback on Lot 2 for the detached garage where a minimum of five feet is required.

The petitioner submitted a revised site plan that eliminated the zero-foot north and south side setbacks for sidewalks on Lot 2 and the zero-foot rear setback on Lot 2 for the detached garage. With further discussions, the petitioner has agreed to eliminate the zero-foot corner side yard for the sidewalk and parking space along 34th Street on Lot 1 with the removal of the northern sidewalk and northern most parking space. The fourth tenant will park along the available street parking on Carrollton Avenue.

Once all the requests that would no longer apply are officially withdrawn, the remainder of the variance request would be for a five-foot corner side yard for the dwelling on Lot 1.

PLAT

The subject site is an undeveloped lot zoned D-5 in the Osgood's Forest Park subdivision. This proposed plat would divide the existing parcel into two lots. Lot 1 would contain a four-unit multi-house with a surface parking area at the rear and Lot 2 would contain a two-unit multi-unit house with a detached garage.

STREETS

Both Lot 1 and 2 would front on Carrollton Avenue. No new streets are proposed.

SIDEWALKS

Sidewalks are existing along Carrollton Avenue and 34th Street.

STAFF ANALYSIS

Staff is supportive of the variance request to be amended to only include a five-foot corner side yard setback for the dwelling because there is a significant existing right-of-way along 34th Street that measures approximately 17 feet from the edge of the curb to the northern property boundary of Lot 1. Therefore, the reduced corner side yard setback would not significantly impact the street frontage.

Staff is supportive of the subdivision plat because it will meet the D-5 standards apart from the one variance for the dwelling setback.



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GENERAL INFORMATION

Existing Zoning	D-5		
Existing Land Use	Undeveloped		
Comprehensive Plan	5 to 8 Residential Units per Acre		
Surrounding Context	Zoning	Land Use	
	North:	D-5	Residential (Single-family dwelling)
	South:	D-5	Residential (Single-family dwelling)
	East:	D-5	Undeveloped
	West:	D-5	Residential (Single-family dwelling)
Thoroughfare Plan			
34 th Street	Primary Collector Street	56-foot proposed right-of-way and 60-foot existing right-of-way.	
Carrollton Avenue	Local Street	48-foot proposed right-of-way and 50-foot existing right-of-way.	
Context Area	Compact		
Floodway / Floodway Fringe	No		
Overlay	Yes		
Wellfield Protection Area	No		
Site Plan	September 19, 2024		
Site Plan (Amended)	October 30, 2024		
Elevations	N/A		
Elevations (Amended)	N/A		
Landscape Plan	N/A		
Findings of Fact	September 27, 2024		
Findings of Fact (Amended)	N/A		
C-S/D-P Statement	N/A		

COMPREHENSIVE PLAN ANALYSIS

Comprehensive Plan

- Mapleton-Fall Creek Neighborhood Land Use Plan (2013)
- Infill Housing Guidelines (2021)

Pattern Book / Land Use Plan



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

Red Line / Blue Line / Purple Line TOD Strategic Plan

- Not Applicable to the Site.

Neighborhood / Area Specific Plan

- The subject site falls within the Mapleton-Fall Creek Neighborhood Land Use Plan (2013) and is recommended for 5 to 8 residential units per acre development.
- In suburban and rural areas this is a common multi-family density and typically the highest density single-family category in suburban areas. In urban areas, it is common for both single-family and multi-family development. Development at this density is appropriate along bus corridors but should not take place in proximity to planned light rail transit stops.

Infill Housing Guidelines

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



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- **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)

- Not Applicable to the Site.

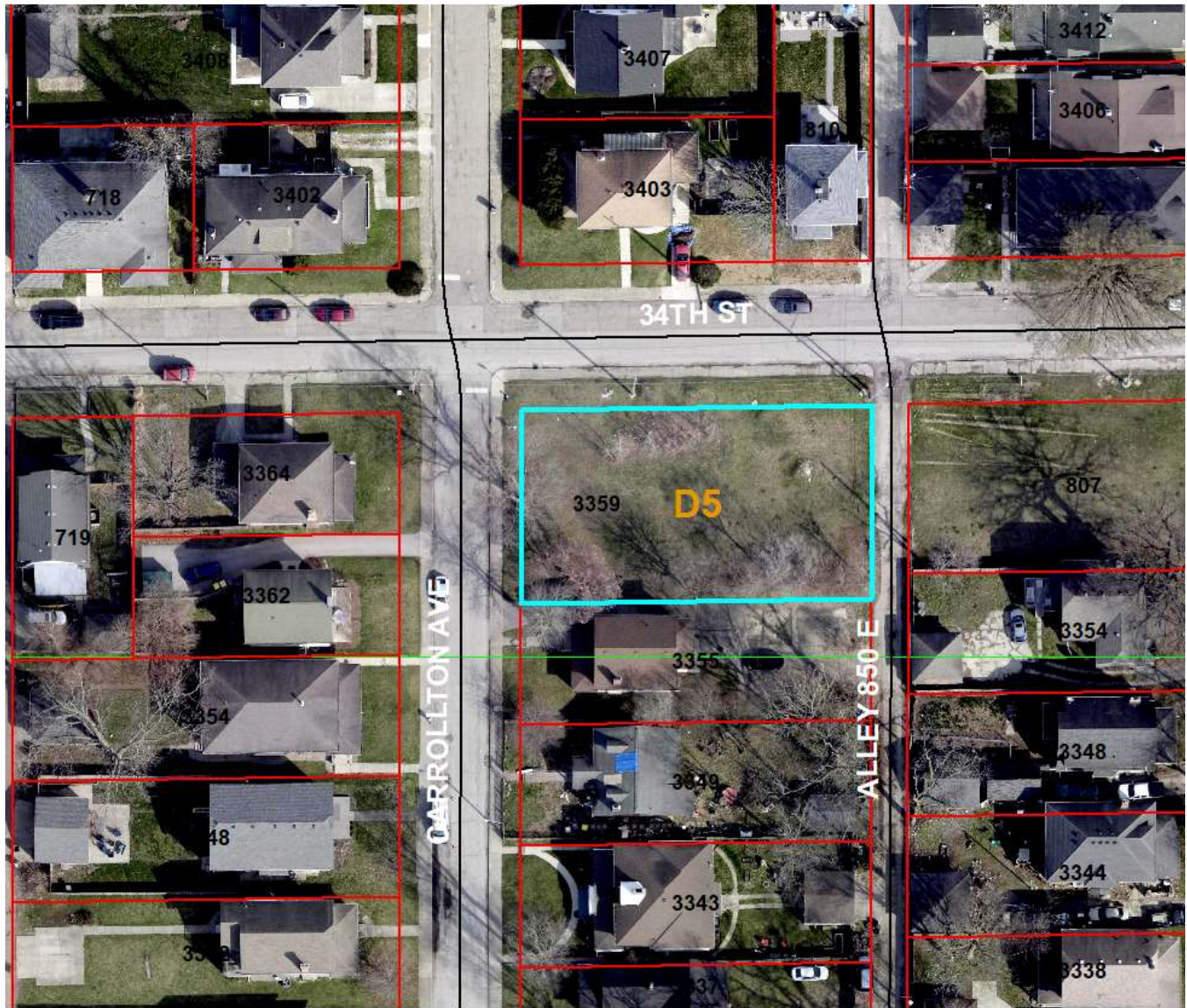


ZONING HISTORY

Zoning History – Vicinity

2021-PLT-036; 3419 Carrollton Avenue (north of site), Approval of a Subdivision Plat, to be known as Fast's Carrollton Avenue Addition, dividing 0.13 acre into two single-family attached lots, **approved**.

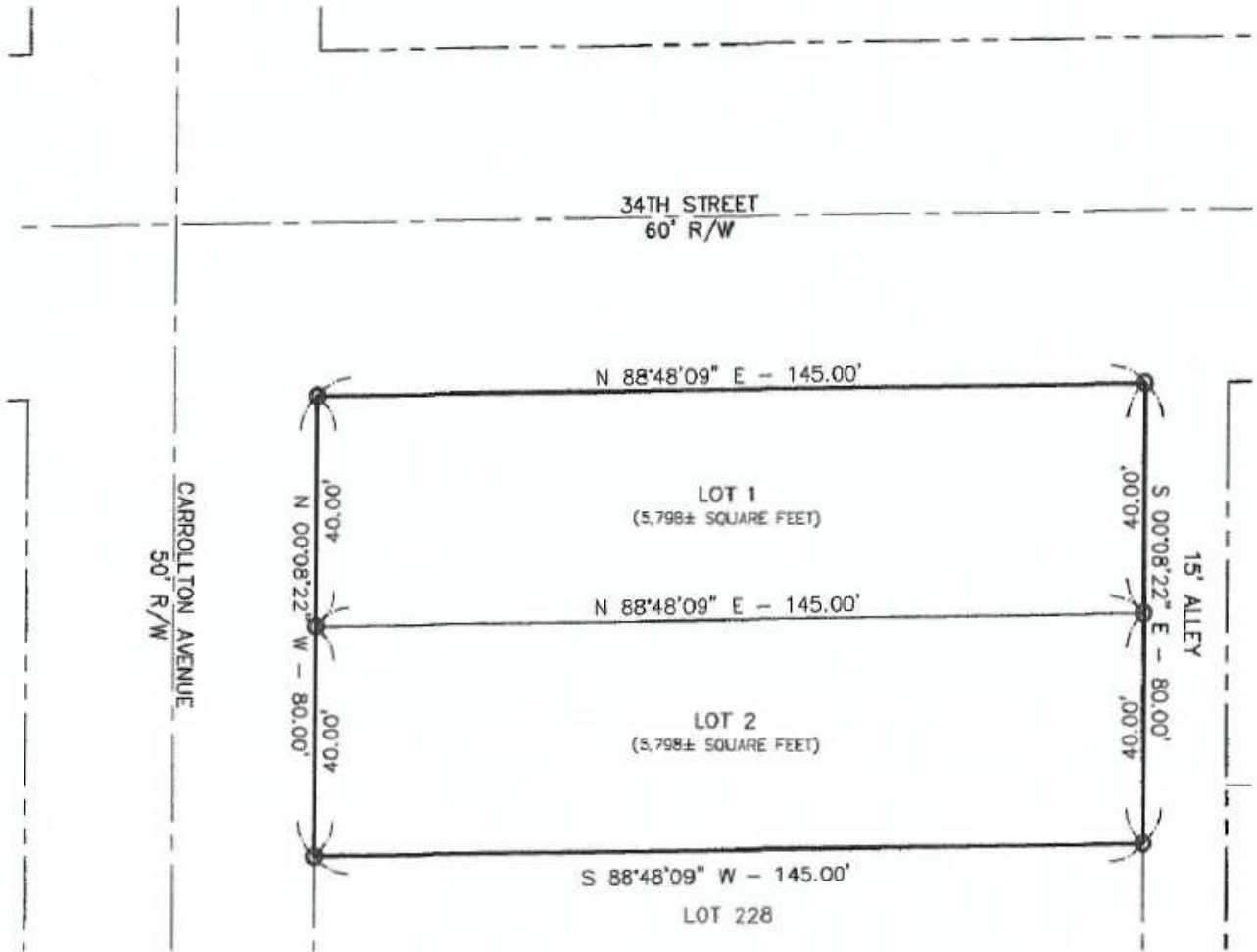
EXHIBITS

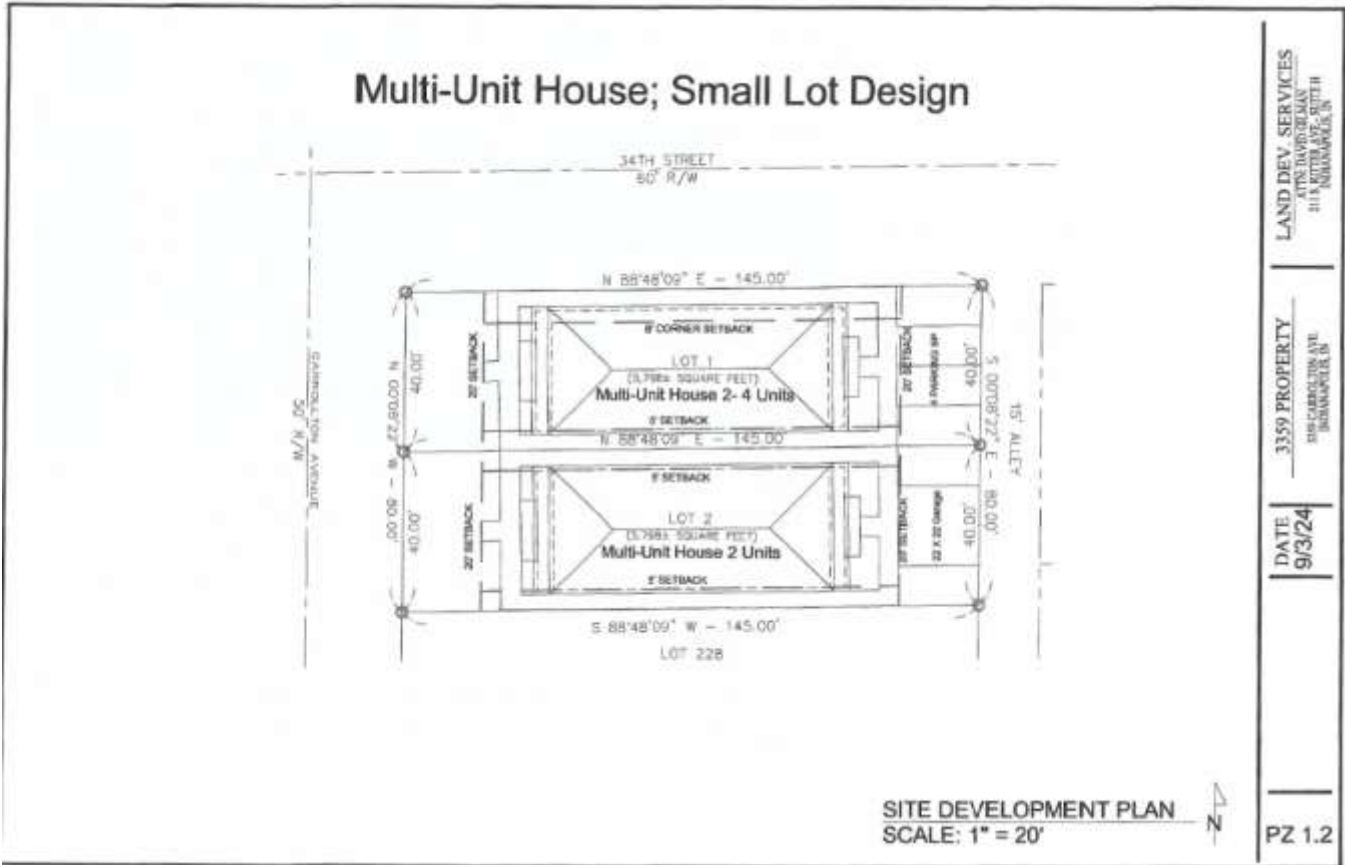




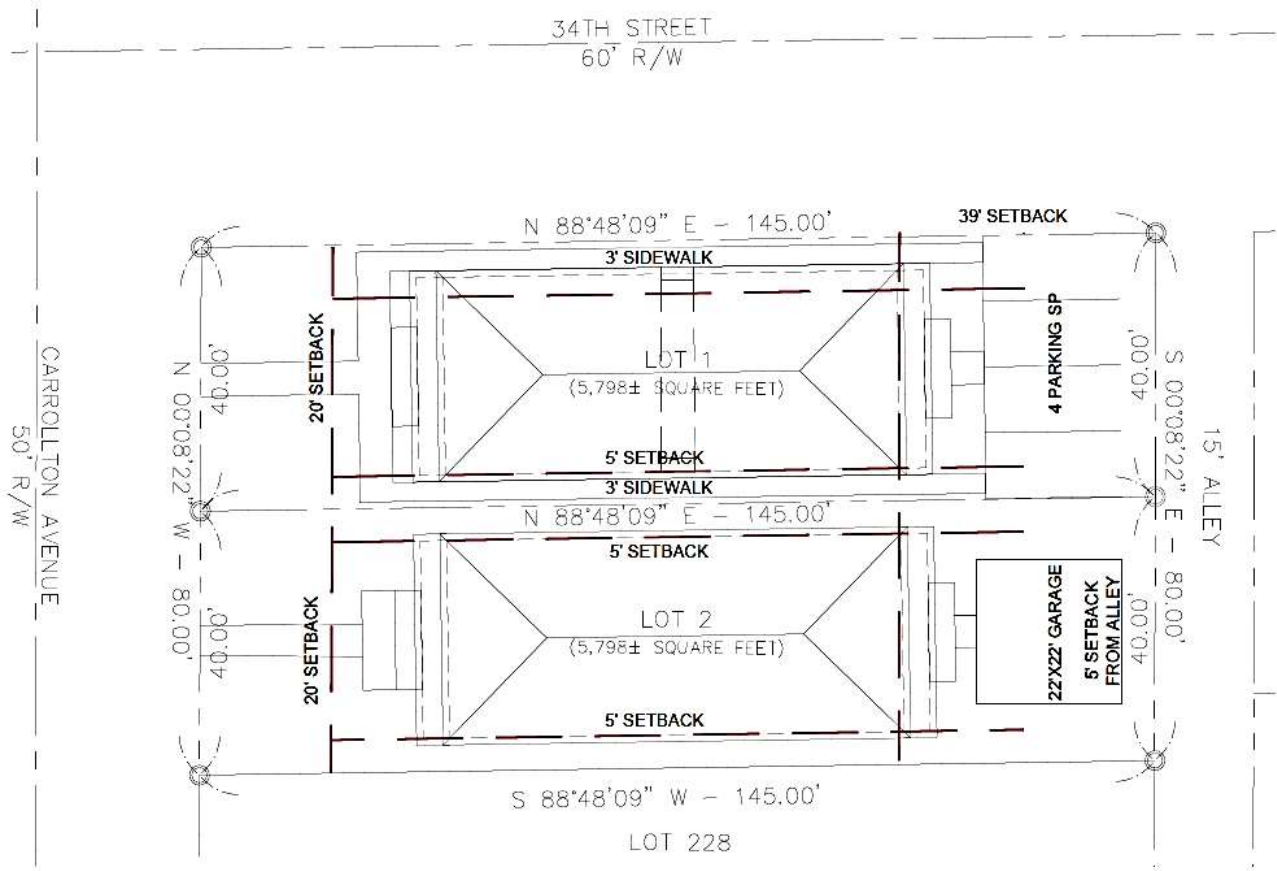
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Preliminary Plat (Close-Up)





AMENDED SITE PLAN

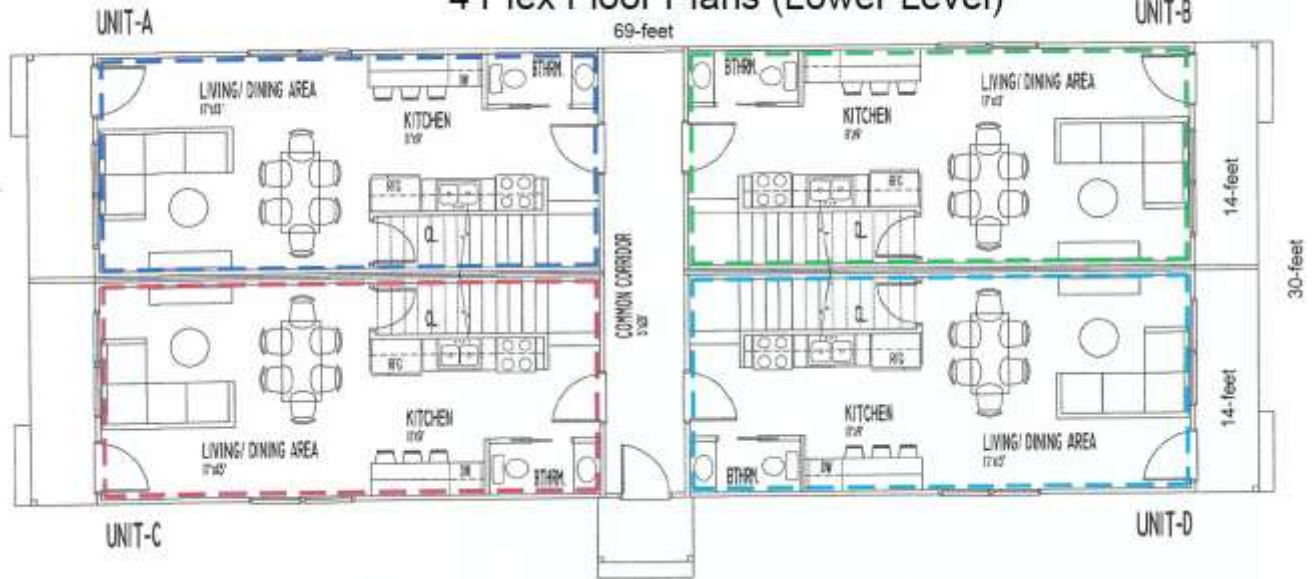


43% OPEN SPACE

SITE DEVELOPMENT PLAN
SCALE: 1" = 20'



4 Plex Floor Plans (Lower Level)



4 Plex Floor Plans (Upper Level)





PETITION FOR VARIANCE OF DEVELOPMENT STANDARDS

FINDINGS OF FACT

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

The proposed residential buildings will be constructed to meet all applicable building codes and health department standards.

The site has direct access to a public street and has all utilities readily available.

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 use of the site is compatible with the developed area and general neighborhood.

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

The request to the side yard encroachments and a slight reduction to a corner setback are minor deviations to the Walkable Design Standards. The sidewalks provide a safe pathway to the entrances and the parking meets the minimal amount required by the ordinance.



Photo of proposed Lot 1 looking east from Carrollton Avenue.



Photo of proposed Lot 2 looking east from Carrollton Avenue.



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



Photo of single-family dwellings west of the site.



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



Photo of an undeveloped lot east of the site.



Photo of the subject site looking south from 34th Street.



Photo of the subject site looking southeast from 34th Street.



Photo of the abutting alley east of the site looking south from 34th Street.



Photo of the sidewalk along 34th Street looking west from the alley.



METROPOLITAN DEVELOPMENT COMMISSION **February 27, 2025**
HEARING EXAMINER

Case Number: 2025-CPL-805/ 2025-CVR-805
Property Address: 7515 Camby Road (Approximate Address)
Location: Decatur Township, Council District #21
Petitioner: Abigail Wojciechowski, by David Gilman
Current Zoning: D-3
Approval of a Subdivision Plat to be known as Speer’s Camby Retreat, dividing 6.686 acres into three lots.
Request: Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for a 45-foot lot width for proposed Lot Two (minimum 70-foot lot with required), and to provide for on-site septic systems for each lot (public sewer facility required).
Current Land Use: Residential
Staff Recommendations: Approval
Staff Reviewer: Desire Irakoze, Principal Planner II

PETITION HISTORY

This is the first public hearing for this petition.

STAFF RECOMMENDATION

Staff **recommends approval** of the plat and variance request subject to the following commitment.

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

PETITION OVERVIEW

LAND USE

The project address of 7515 Camby Road. The surrounding property is zoned D-3 and is used as single-family residential.

PLAT

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



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Should the variance request be granted the plat would comply with the subdivision control ordinance.

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

1. That the applicant provides a bond, as required by Section 741-210, of the Consolidated Zoning and Subdivision Ordinance.
2. Subject to the Standards and Specifications of Citizens Energy Group, Sanitation Section.
3. Subject to the Standards and Specifications of the Department of Public Works, Drainage Section.
4. Subject to the Standards and Specifications of the Department of Public Works, Transportation Section.
5. That addresses and street names, as approved by the Department of Metropolitan Development, be affixed to the final plat prior to recording.
6. That the Enforcement Covenant (Section 741-701, of the Consolidated Zoning and Subdivision Ordinance) be affixed to the final plat prior to recording.
7. That the Site Distance Covenant (Section 741-702, of the Consolidated Zoning and Subdivision Ordinance) be affixed to the final plat prior to recording.
8. That the Sanitary Sewer Covenant (Section 741-704, of the Consolidated Zoning and Subdivision Ordinance) be affixed to the final plat prior to recording.
9. That the Storm Drainage Covenant (Section 741-703, of the Consolidated Zoning and Subdivision Ordinance) be affixed to the final plat prior to recording.
10. That the plat restrictions and covenants, done in accordance with the rezoning commitments, be submitted prior to recording the final plat.
11. That all the standards related to secondary plat approval listed in Sections 741-207 and 741-208 of the Consolidated Zoning and Subdivision Ordinance, be met prior to recording the final plat.
12. That all standards related to 741.201.A-C – Primary Plat Requirements be met prior to recording the final plat.
13. That all standards related to 741-303.B – Through Connectivity (Metro Context Area), be met prior to recording the final plat.
14. That all standards related to 741.305 – Numbering and naming be met prior to recording the final plat.
15. That an amended plat with sidewalks compliant with Section 741-306 of the Consolidated Zoning and Subdivision Ordinance be submitted prior to recording the final plat.
16. That all standards related to 741.310 – Common Areas, Open Space and Public Sites (Compact Context Area) be subject to the waiver request.
17. That a street lighting plat compliant with Section 741-316 of the Consolidated Zoning and Subdivision Ordinance be submitted prior to recording the final plat.
18. That the approval shall be in accordance with the variances requested.

VARIANCE OF DEVELOPMENT STANDARDS

Request #1 : To provide for a 45-foot lot width for proposed Lot Two (minimum 70-foot lot with required)

Ordinance: **742-103. F.1 Table 742-103-5**

TABLE 742-103-5 D-3 DIMENSIONAL STANDARDS



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Lot Standards	
Minimum lot area, single-family	10,000 sq. ft.
Minimum lot area, two-family	15,000 sq. ft.
Minimum lot width, single-family	70 ft.
Minimum lot width, two-family	105 ft.
Minimum street frontage	35 ft.
Minimum open space	70%

Findings of Fact:

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

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

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

The use of the adjacent property would not change in the granting of this variance.

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

The practical difficulty is brought by the unique site conditions. The subject properties topography only allows for these three sites as buildable areas. Under normal conditions D-3 would allow for a density of 2.6 units per acre, or 17 lots.

Request #2 : To provide for on-site septic systems for each lot (public sewer facility required).

Ordinance:

741-102.F “Coordinate the development of each parcel of land with the existing community and facilitate adequate and efficient transportation, water, sewerage, and other public requirements and facilities with adjoining land.”

742-103. A.4 “Attachment to public or semipublic water and sanitary sewer facilities shall be mandatory for development in any dwelling district except for the DA, D-S, and D-1 districts.”

Findings of Fact:



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

The proposed lot sizes are comparable to the D-S districts, which allow for the exemption of the public water and sewer connections. The applicant has agreed that to the condition that when connection to the public line across Camby Road because available to lot 1, all three lots with connect.

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 granting of this variance would not affect the adjacent property.

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

The applicant does not own the property required to bring the public connections across Camby Road and neighboring properties.

Definitions:

Lot Width: The horizontal distance between side lot lines measured along a line that is parallel to the front lot line. The lot width shall be measured at the front building setback line.

GENERAL INFORMATION

Existing Zoning	D-3	
Existing Land Use	Residential	
Comprehensive Plan	Rural or Estate Neighborhood	
Surrounding Context	Zoning	Land Use
	North:	D-3 Residential (Single-family dwellings)
	South:	D-3 Residential (Single-family dwellings)
	East:	D-3 Residential (Single-family dwellings)
	West:	D-A Residential (Single-family dwellings)
Thoroughfare Plan		
Camby Road	Primary Arterial	80-foot proposed right-of-way.
Context Area	Metro	
Floodway / Floodway Fringe	No	
Overlay	Yes, Airspace secondary Zoning District	
Wellfield Protection Area	No	
Site Plan	1/15/2025	
Site Plan (Amended)	N/A	
Elevations	N/A	
Elevations (Amended)	N/A	
Landscape Plan	N/A	



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Findings of Fact	1/15/2025
Findings of Fact (Amended)	N/A
C-S/D-P Statement	N/A

COMPREHENSIVE PLAN ANALYSIS

741-203 Required Documents for Approval EVALUATION

<p>741.201.A-C – Primary Plat Requirements:</p> <ul style="list-style-type: none"> • Plat name, Legal Description, Surveyor Seal, Scale. • Boundary Lines, Existing Street Names and dimensions. • Layout of Proposed Streets – names, widths, classifications. • Layout of all easements and purpose thereof. • Layout of lots with numbering and dimensions. • Floodway/Floodplain Delineation. • Topographic Map. • Area Map. 	<p>Satisfied if variance is approved.</p>
<p>741-203.D – Traffic Control Plan</p> <ul style="list-style-type: none"> • Traffic control street signs and devices. • Traffic calming devices. • Bicycle facilities. • Sidewalks and pedestrian facilities. • Transit facilities, such as bus stops pads or shelter. • Street lighting. 	<p>Not required for a Minor Plat</p>
<p>741-203.E– Natural infrastructure plan (major plats containing more than 20 lots)</p> <ul style="list-style-type: none"> • Placement of all proposed drainage facilities for the subdivision, indicating type of facility and if the facility is to be designed to be wet or dry • Location of Open Space Areas of the open space common area, indicating size and general improvements • Location of any Stream Protection Corridors in accordance with Section 744-205 (Stream Protection Corridors) 	<p>Not required for a Minor Plat</p>



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<p>741-205 – Waivers</p> <ul style="list-style-type: none"> • <i>The granting of the waiver or modification will not be detrimental to the public health, safety, or welfare or injurious to other property</i> • <i>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;</i> • <i>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;</i> • <i>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; and</i> • <i>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.</i> 	<p>No waiver requested.</p>
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<p>741-300 Design and Installation Standards</p> <p><i>All proposed plats submitted for Committee approval under the provisions of these regulations shall meet these standards to the satisfaction of the Committee unless waived by the Committee.</i></p>	<p>EVALUATION</p>
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<p>741-302.A – Lots:</p> <ul style="list-style-type: none"> • <i>Comply with zoning district and any cluster approval or variance grant.</i> • <i>Lots must have positive drainage away from buildings.</i> • <i>No more than 25% of lot area may be under water.</i> • <i>Side lots lines at right angles to streets or radial to curving street line.</i> • <i>Layout of lots with numbering and dimensions.</i> • <i>Floodway/Floodplain Delineation.</i> • <i>Topographic Map.</i> 	<p>Satisfied</p>
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<p>741-302.B – Frontage and Access:</p> <ul style="list-style-type: none"> • <i>Through lots should be avoided except where necessary for primary arterial separation and topography challenges.</i> • <i>Triple frontage lots are prohibited.</i> • <i>Lots abutting alleys must have vehicular access exclusively from alley.</i> • <i>Lots shall not have direct access to arterial streets.</i> • <i>Non-residential plats shall provide cross-access easements to limits points of access to existing street network to no more than one per 500 feet.</i> 	<p>Satisfied</p>
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<p>741-302.C – Blocks:</p> <ul style="list-style-type: none"> • <i>Shall not exceed maximum block lengths per Table 741-302.1</i> • <i>If exceeded, it must be demonstrated that:</i> <ul style="list-style-type: none"> ○ <i>There are improved pedestrian easements at intervals of 400 feet or less.</i> ○ <i>Adequate traffic calming provisions are made.</i> ○ <i>The block length must be exceeded because of physical conditions of the land.</i> 	<p>Satisfied</p>
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<p>741-303 Streets and Connectivity</p> <p>All proposed plats shall allocate adequate areas for streets in conformity with the Comprehensive Plan and Official Thoroughfare Plan for Marion County, Indiana, and these regulations.</p>	<p>EVALUATION</p>
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<p>741-303.A – <i>General:</i></p> <ul style="list-style-type: none"> Subdivisions shall provide a logical street layout in relation to topographical conditions, public convenience, safety, multi-modal use and the proposed use of the land to be served by such streets. <i>Triple frontage lots are prohibited.</i> Streets shall intersect as nearly as possible at right angles. No street shall intersect another at an angle of less than 75 degrees. Not more than two streets shall intersect at any one point. Bicycle lanes meeting the Indiana Manual on Uniform Traffic Control Devices (IMUTCD) for location, width, and marking shall be provided along collector streets. All streets shall be dedicated to the public. Alleys may be private. Turn lanes or other improvements recommended by the Department of Public Works shall be added to the existing street system to minimize the impact of the connection upon the existing street system. 	Satisfied
<p>741-303.B – <i>Through Connectivity (Metro Context Area):</i></p> <ul style="list-style-type: none"> Emergency vehicles must not have to use more than two different local streets (any street other than a primary arterial, a secondary arterial or a collector street) to reach their destination. Permanently dead-ended streets and alleys, except for cul-de-sac streets, are prohibited. All existing or platted streets that terminate at the property boundary line of a proposed subdivision shall be continued into the proposed subdivision to provide street connections to adjoining lands and streets within the proposed subdivision. Streets entering opposite sides of another street shall be laid out either directly opposite one another or with a minimum offset of 125 ft. between their centerlines. Whenever cul-de-sac streets are created, a 15-foot-wide pedestrian access/public utility easement shall be provided between the cul-de-sac head or street. Subdivisions with 30 or more lots shall have more than one entrance to the existing street network. 	Satisfied
<p>741-303.D – <i>Cul-de-sacs (Metro Context Area):</i></p> <ul style="list-style-type: none"> In the Metro Context Area, cul-de-sac lengths shall not exceed 500 feet or serve more than 20 dwelling units. 	Satisfied
<p>741-304-316 Additional Development Items</p>	EVALUATION
<p>741.304.A-C – <i>Traffic Control Devices:</i></p> <ul style="list-style-type: none"> <i>Street name signs, traffic control signs, bike route signs.</i> <i>Traffic control devices for streets exceeding 900 feet in length.</i> <i>Bicycle Facilities for subdivisions with a collector street serving more than 100 dwelling units.</i> 	Not Required for a Minor plat
<p>741.305 – <i>Numbering and naming:</i></p> <ul style="list-style-type: none"> <i>Street numbering per adopted addressing guidelines.</i> <i>Streets that are extensions or continuations of existing or approved streets must bear the name of such existing street.</i> 	Street naming and numbering not submitted
<p>741.306 – <i>Sidewalks:</i></p> <ul style="list-style-type: none"> <i>Sidewalks shall be provided along all internal and external streets.</i> 	Not Satisfied



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<p>741.307-309 – Easements, Utilities, Stream Protection Corridors:</p> <ul style="list-style-type: none"> Utility easements shall be located along lot lines and shall be a minimum of 10 feet. All BMPs and drainage facilities must be located within an easement. The easement must accommodate adequate access for maintenance. Generally, pedestrian easements shall be 15 feet in width and be considered open to the public unless specifically declared otherwise. All utilities shall be located underground. All subdivisions must be designed in accordance with the Stream Protection Corridor requirements of Section 744-205. 	<p>Satisfied</p>
<p>741.310 – Common Areas, Open Space and Public Sites (Compact Context Area):</p> <ul style="list-style-type: none"> Required for subdivisions with more than 20 dwelling units. Access easements shall be provided to connect all common areas to a public street right-of-way. The minimum width of such access must be at least 15 feet. Basic Open Space Requirements: Multi-purpose path, natural landscaping area, entrance landscaping. Additional Open Space Requirements: Community garden, dog park, game court, picnic area, playground, pool, etc. Additional component required for every 30 additional dwelling units overall. Reservation of land for public/semi-public purpose. 	<p>Waiver Requested</p>
<p>741-312 – Monuments</p> <ul style="list-style-type: none"> Permanent reference monuments shall be placed in the subdivision by a Professional Surveyor. Where no existing permanent monuments are found, monuments must be installed no more than 600 feet apart in any straight line and in accordance with the schedule in Table 741-312-1. 	<p>Satisfied</p>
<p>741.313 – Flood Control:</p> <ul style="list-style-type: none"> All development shall comply with all provisions of Section 742-203 (Flood Control Zoning District). Floodway and Floodway Fringe zones shall be delineated and labeled on the primary plat and the plat to be recorded. For Zone AE areas, the plat must show the BFE topographic line. For Zone A areas, the plat must show the delineation study with the floodway and floodway fringe lines shown on the FIRM maps. 	<p>Satisfied</p>
<p>741.316 – Street Lighting:</p> <ul style="list-style-type: none"> All subdivisions must be designed and constructed in accordance with the Street Lighting requirements of Section 744-600 (Street and Exterior Lighting). 	<p>Street lighting not submitted</p>

ZONING HISTORY

Zoning History – Site

83-UV1-106A 7515 Camby Road (subject site) Approved.

Zoning History -Vicinity

East of site
 88-UV3-20



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

North of site

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

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

2003-PLT-069; 7500 Camby Road, Approval of a Approval of a Subdivision Plat, to be known as Camby Woods, dividing 74.745 acres into 269 lots. **Withdrawn**

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

South of site

96-P-71; 7720 Reynolds Road, plat approval to subdivide 2.038 acres into two single family lots. **Approved.**

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

West of site

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

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

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

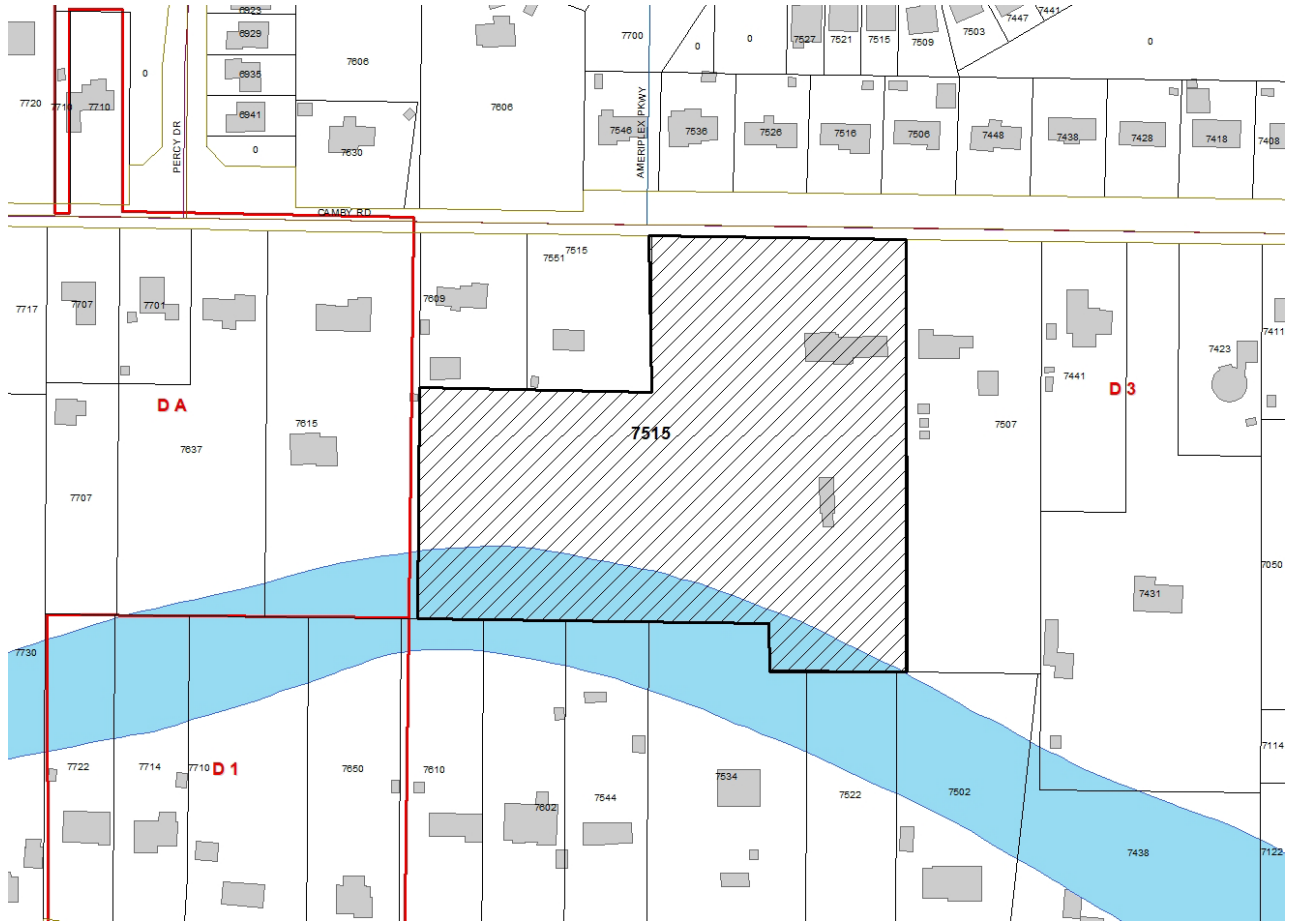
Approved

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



Department of Metropolitan Development
Division of Planning
Current Planning

EXHIBITS



SECONDARY PLAT OF:
SPEER'S CAMBY RETREAT
 A SUBDIVISION OF PART OF THE NE 1/4, SEC. 15, T14N, R2E
 INDIANAPOLIS, CENTER TOWNSHIP, MARION COUNTY, INDIANA

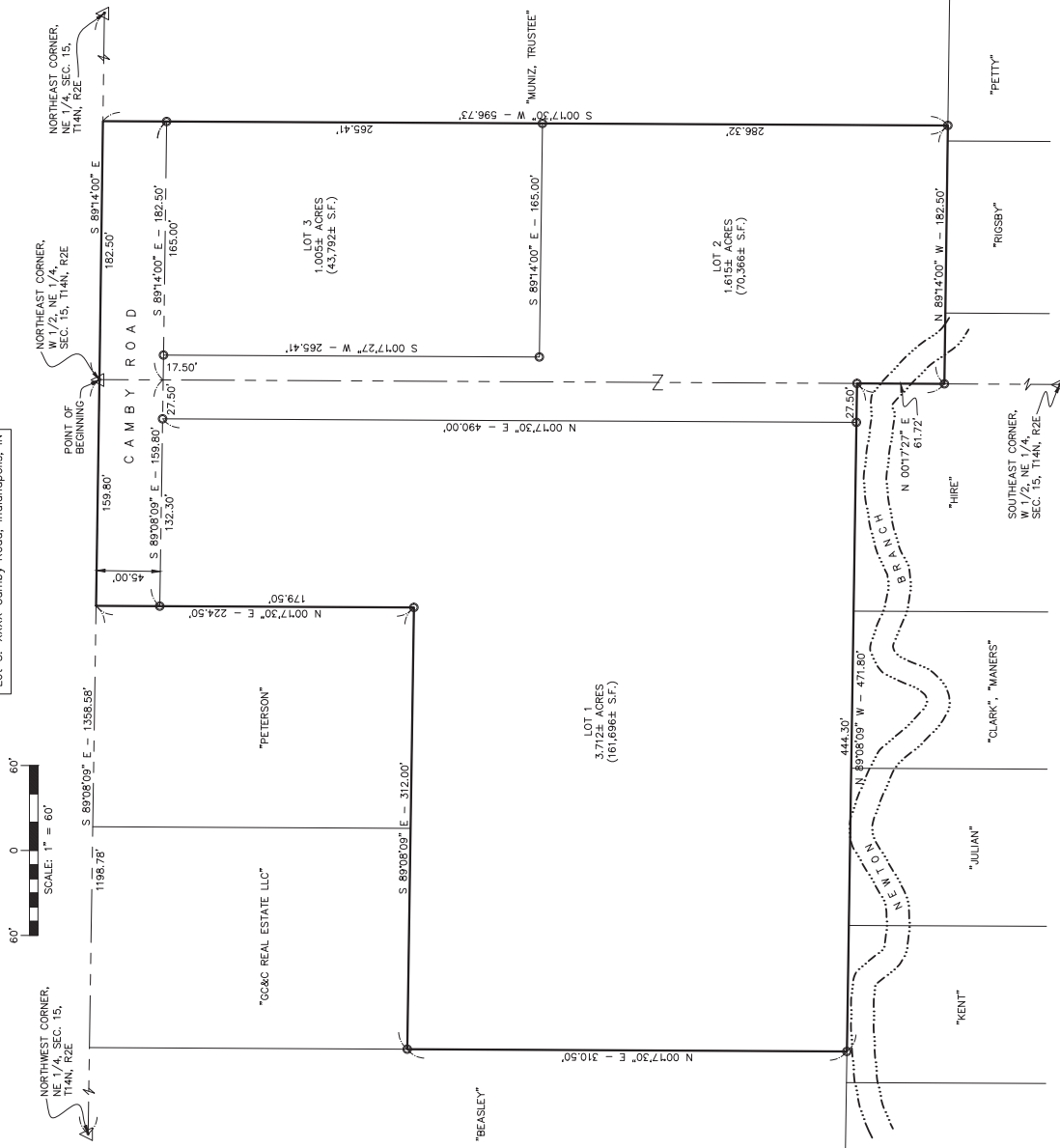


VICINITY MAP
 (NOT TO SCALE)

LEGEND

- DENOTES 5/8" x 24" STEEL REBAR WITH YELLOW PLASTIC CAP ARE SHOWN FROM #2037

- LOT ADDRESSES:
 Lot 1: XXXX Camby Road, Indianapolis, IN
 Lot 2: XXXX Camby Road, Indianapolis, IN
 Lot 3: XXXX Camby Road, Indianapolis, IN



SURVEYOR CERTIFICATION
 This subdivision consists of 3 lots, Numbered 1 through 3 inclusive, all as shown on the within plat. The size of each lot and the width of the streets and alleys are given in dimensions denoting feet and decimal parts thereof.
 This plat is based on a retracement survey of the above Subject Property, said retracement survey performed by _____ in the Office of the Recorder of Marion County, Indiana.

Witness my signature this 18th day of December, 2024.



Prepared by: R. Eric Browning
 Indiana Professional Surveyor No. LS20000001
 I affirm under the penalties of perjury, that I have taken reasonable care to reflect each Social Security Number in this document, unless required by law. - R. Eric Browning

DECLARANT

The Undersigned, XXXXXXXX, the owner of record of the real estate described hereon, does hereby certify that he has laid off, platted and subdivided and does hereby lay off, plat and subdivided said real estate as shown hereon in accordance with the within plat.

This subdivision shall be known and designated as SPEER'S CAMBY RETREAT, a subdivision for single family residences in Decatur Township, Marion County, Indiana.

SITE DISTANCE COVENANT

Sight obstruction: No fence, wall, hedge or shrub planting that obstructs sight lines at elevations between 2.5 and 9 feet above the street shall be placed or permitted to remain on any corner lot within the triangular area formed by the street and the street right-of-way. The same sight line limitations shall apply to any lot within 10 feet from the intersection of a street right-of-way line with the edge of the driveway pavement or alley line. No tree shall be permitted to remain within such distances of such intersections unless the foliage is maintained at a sufficient height to prevent obstruction of the sight lines.

STORM DRAINAGE COVENANT

It shall be the responsibility of the owner of any lot or parcel of land within the area of this plat to comply with all requirements of all drainage permits issued for this plat by the City of Indianapolis and the requirements of all drainage permits issued for this plat.

SANITARY SEWER COVENANT

It shall be the responsibility of the owner of any lot or parcel of land within the area of this plat to comply with all times with the provisions of the sanitary sewer construction approved by the municipality and the requirements of all sanitary sewer construction permits issued for this plat. Owner further covenants that no building, structure, tree or other obstruction shall be erected, maintained, or allowed to continue on the portion of the owner's real estate in violation of the sanitary sewer construction requirements of the municipality. The municipality shall have the right to ingress and egress, for temporary periods only, over the owner's real estate adjoining such easement and right-of-way, when necessary to construct, repair or maintain sanitary sewer facilities.

ENFORCEMENT COVENANT

Metropolitan Development Commission: The Metropolitan Development Commission, its successors and assigns shall have the right, power or authority to enforce the terms, conditions, covenants, restrictions and other provisions of this plat. The Metropolitan Development Commission shall have the right to enforce the terms, conditions, covenants, restrictions and other provisions of this plat. My Commission: provided that nothing herein shall be construed to prevent the Metropolitan Development Commission from enforcing any provision of this article, or any conditions attached to approval of this plat by the Plat Committee.

This subdivision has been designed to include a stormwater quality best management practice BMP(s) that must be maintained by the BMP(s) Owner. Said BMP(s) is currently maintained by the developer; however, upon the activation of the homeowners association, the Operations and Maintenance Manual for BMP(s) shall become the responsibility of said association subject to all fees and other city requirements.

Subject to the Standards and Specifications of the Citizens Energy Group, Sanitation Section.
 Subject to the Standards and Specifications of the Department of Public Works, Drainage Section.
 Subject to the Standards and Specifications of the Department of Public Works, Transportation Section.

OWNERS CERTIFICATION

Owner of the lots in this subdivision shall take title to said lot, subject to the easements, covenants, and other restrictions as shown on the within plat.

Dated this _____ day of _____, 2025.

XXXXXXXXXXXX

STATE OF INDIANA

SS: MARION COUNTY

Before me, the undersigned Notary Public, in and for said County and State, personally appeared XXXXXXXX, who acknowledged the execution of the foregoing as a voluntary act and deed for the purposes herein express and affixed his signature thereto.

Witness my hand and Notary Seal this _____ day of _____, 2025.

Signature: _____

Printed Name: _____

My County of Residence: _____

My Commission Expires: _____

Source of Title: Inst. #2018-32365

DRAWING: 08-054-DWG

JOB NO.: 08-054

DATE: 07/03/08

DRAWN: REB CHECKED: BY: RLW

SHEET: 1 OF 1

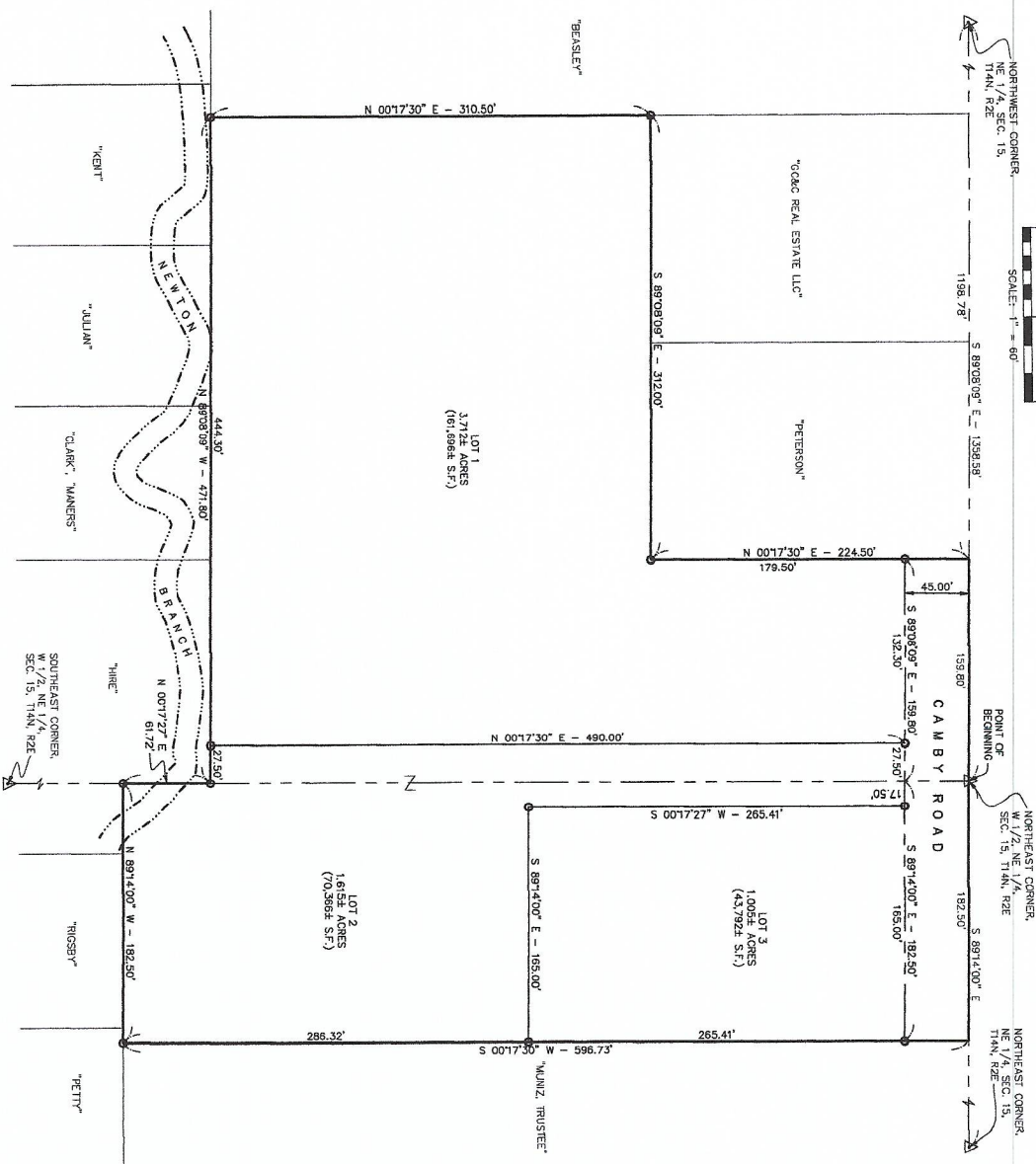
Item 14.



ARE SURVEYING CON
 129 SOUTH AVENUE
 INDIANAPOLIS, IN 46202
 (317) 407-8800
 WWW.ARESURVEYING.COM

LOT ADDRESSES:
 XXXX Camby Road, Indianapolis, IN
 Lot 2: XXXX Camby Road, Indianapolis, IN
 Lot 3: XXXX Camby Road, Indianapolis, IN

LEGEND
 BONES 5/8" OR 3/4" SIZE BARS WITH BELOW
 PLANES OR "X" MARKS SURVIVAL FROM 2007



SECONDARY PLAT OF:
SPEER'S CAMBY RETREAT
 A SUBDIVISION OF PART OF THE NE 1/4, SEC. 15, T14N, R2E
 INDIANAPOLIS, CENTER TOWNSHIP, MARION COUNTY, INDIANA

DECLARANT

The undersigned, XXXXXXXX, the owner of record of the real estate described herein, does hereby certify that the
 has not off, placed any, and destroyed by or for, plot and subdivided said real estate as shown herein in
 accordance with the within plat.

The subdivision shall be known and designated as SPEER'S CAMBY RETREAT, a subdivision for single family residences
 in Decatur Township, Marion County, Indiana.

SITE DISTANCE COVENANT
 No fence, wall, hedge or other structure shall obstruct the sight lines of airplanes between 2 1/2 and 9
 feet above the ground surface of the site. The sight lines shall be measured from the ground surface to the
 top of the structure. The sight lines shall be measured from the ground surface to the top of the structure.
 The sight lines shall be measured from the ground surface to the top of the structure.

STORM DRAINAGE COVENANT
 The owner of any lot or parcel of land within the area of this plat is to comply with all
 requirements of the drainage plan approved for this plat by the City of Indianapolis and the
 requirements of all drainage permits issued for this plat.

SANITARY SEWER COVENANT
 It shall be the responsibility of the owner of any lot or parcel of land within the area of this plat to comply with all
 requirements of the sanitary sewer plan approved for this plat by the City of Indianapolis and the
 requirements of all sanitary sewer permits issued for this plat.

ENFORCEMENT COVENANT
 The Metropolitan Development Commission, its successors and assigns shall
 have the right, power or authority to enforce any covenants, restrictions or other limitations contained herein other
 than those covenants, restrictions or limitations which are specifically mentioned in this plat. The Metropolitan Development Commission
 shall have the right, power or authority to enforce any provision of this article, if any conditions attached to approval of this plat by the Plat
 Committee.

OWNERS CERTIFICATION
 Owners of the lots in this subdivision shall be liable to said plat, subject to the easements, covenants, and
 restrictions as shown on the within plat.

Dated this _____ day of _____, 2025.

XXXXXXXXXX
 STATE OF INDIANA
 SS. MARION COUNTY

Witness my hand and Notary Seal this _____ day of _____, 2025.

Signature: _____
 My County of Residence: _____
 My Commissioner Expires: _____

Source of Title: Inst. #2018-23265

REVISED: 08-05-2018
 08-05-2018
 07/20/2008
 03/01/2008
 01/01/2008

PREPARED BY: ARE SURVEYING CONSULTANTS, INC.
 120 South 8th Avenue
 Beach Grove, IN 46107
 317-497-8888
 WWW.ARESURVING.COM

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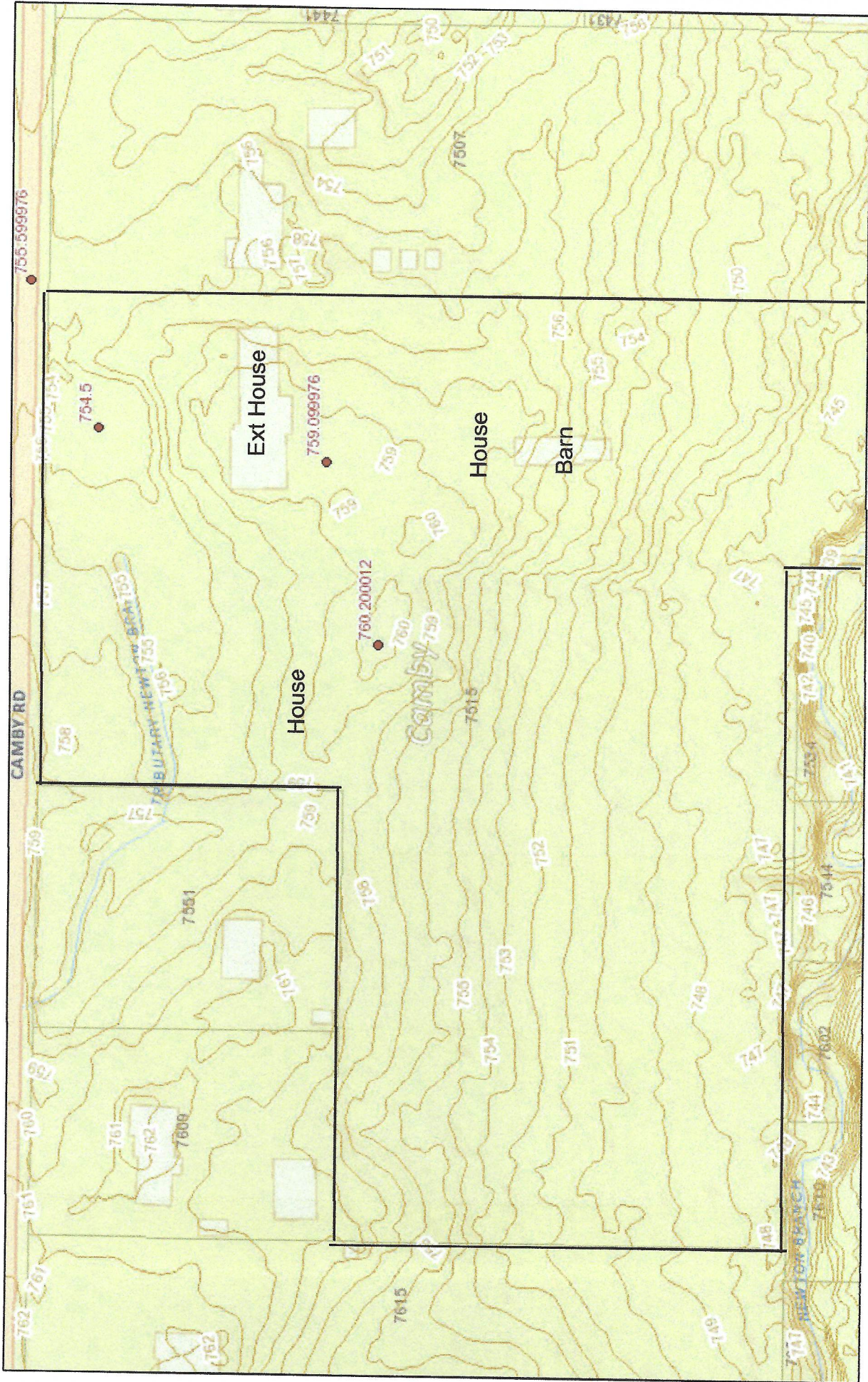
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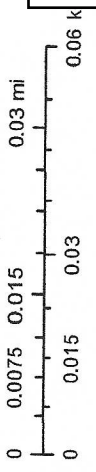
7515 Topo Map



1/9/2025

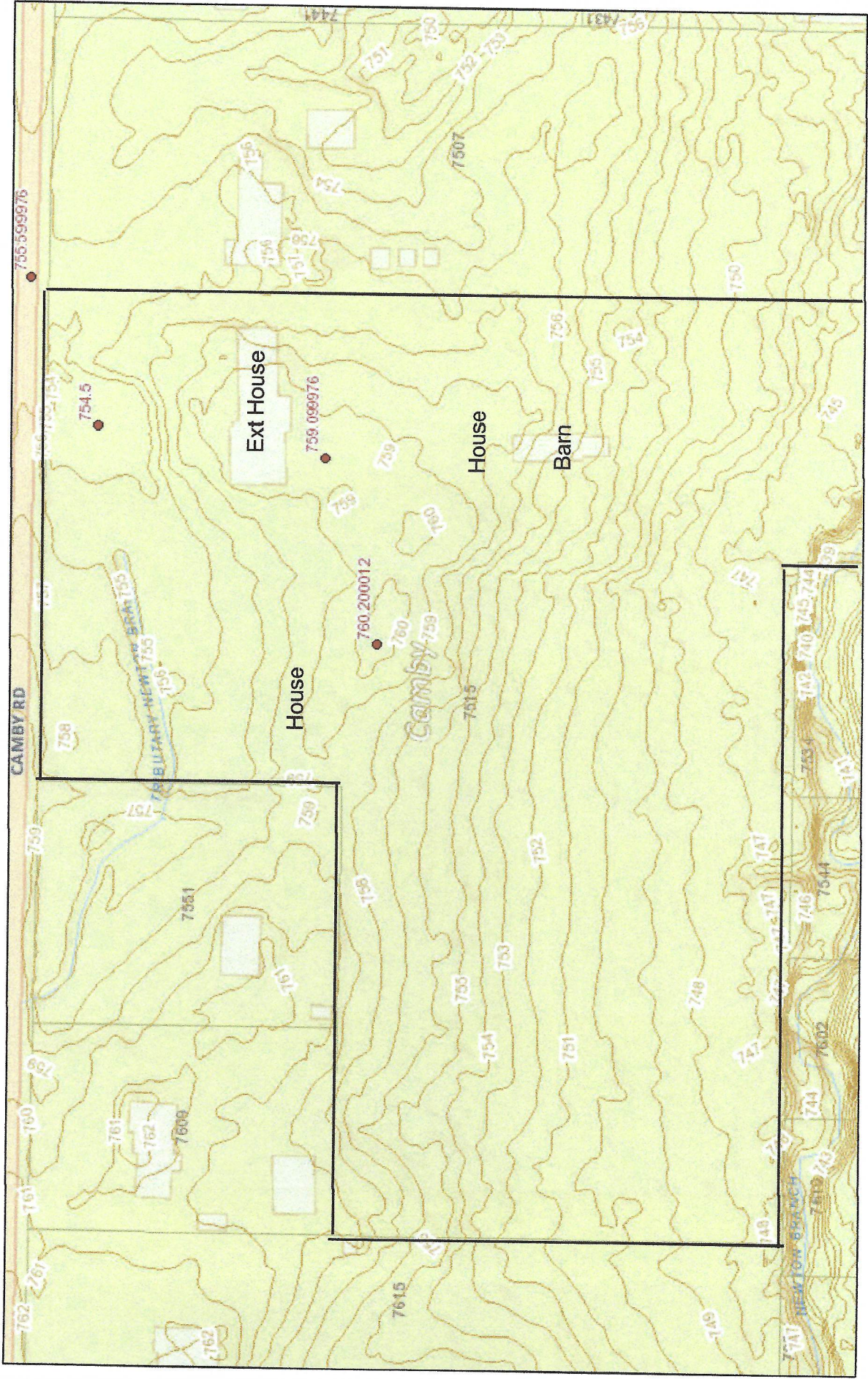
- 2016 Contour Lines
- 2016 Spot Elevations

1:1,128



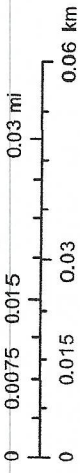
Item 14.

7515 Topo Map



1/9/2025

1:1,128



- 2016 Contour Lines
- 2016 Spot Elevations

Item 14.

Petition Number _____

**METROPOLITAN DEVELOPMENT COMMISSION
HEARING EXAMINER
METROPOLITAN BOARD OF ZONING APPEALS, Division _____
OF MARION COUNTY, INDIANA**

PETITION FOR VARIANCE OF DEVELOPMENT STANDARDS

FINDINGS OF FACT

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

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

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

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

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

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

DECISION

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

Adopted this _____ day of _____, 20 ____



METROPOLITAN DEVELOPMENT COMMISSION **February 27, 2025**
HEARING EXAMINER

Case Number: 2024-MOD-016

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

Location: Center Township, Council District #18

Petitioner: One Way Auto Parts by Joseph D. Calderon

Current Zoning: C-S (TOD)

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

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

Staff Recommendations: Denial

Staff Reviewer: Marleny Iraheta, Senior Planner

PETITION HISTORY

ADDENDUM FOR FEBRUARY 27, 2025 HEARING EXAMINER

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

December 19, 2024

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

This is the first public hearing for this petition.

STAFF RECOMMENDATION

Staff **recommends denial** of the request.

PETITION OVERVIEW

LAND USE

The 3.16-acre subject site is developed with two commercial buildings and an outdoor storage area at the rear of the site.

It is bordered to the north by a single-family dwelling, zoned D-8, and a towing business, zoned I-4. To the east it is bordered by a railroad and industrial use further east, zoned I-4. To the west the site is



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bordered by single-family dwellings, zoned I-4, undeveloped residential land, zoned D-5, and a self-storage facility, zoned C-S. Lastly, an electrical contractor business is bordered to the south, zoned C-S.

The site was issued a zoning violation, VIO24-002594, for the following:

1. The conduct of any activity in a zoning district, not specifically enumerated as a permitted primary or accessory use in that zoning district; (Table 743-1: - A salvage yard/junk yard is not a permitted use in a C-S zoning district...One Way Auto Parts Inc.).
2. Failure to comply with use-specific standards and zoning district development standards for the C-S district; (744-404.D.7.a. - The parking spaces lack 4 inch durable painted lines, curbs or signage), (744-404.A.6.e – Parking lots used for access or maneuverability shall be maintained in good condition and free of chuckholes, weeds, dirt, trash and debris), (Table 744-402-1: - Failure to provide the required off-street parking spaces for other vehicle-related operations - used parts reclamation center... 5 off-street parking spaces are required), and (Table 744-402-2: - Failure to provide the required ADA parking...1 handicap parking space is required).
3. The failure to comply with the terms, provisions, conditions or commitments of a variance grant, special exception, ordinance, or other approval grant; (Failure to comply with petition #91-Z-64; specifically, maximum number of vehicles stored on the site at any one time shall be 54; and landscaping shall be installed & maintained along New York St).
4. The conduct of any activity in a zoning district, not specifically enumerated as a permitted primary or accessory use in that zoning district; (Table 743-1: - A salvage yard/junk yard is not a permitted use in a C-S zoning district...One Way Auto Parts Inc.).
5. Failure to comply with use-specific standards and zoning district development standards for the C-S district; (744-404.D.7.a. - The parking spaces lack 4 inch durable painted lines, curbs or signage), (744-404.A.6.e – Parking lots used for access or maneuverability shall be maintained in good condition and free of chuckholes, weeds, dirt, trash and debris), (Table 744-402-1: - Failure to provide the required off-street parking spaces for other vehicle-related operations - used parts reclamation center... 5 off-street parking spaces are required), and (Table 744-402-2: - Failure to provide the required ADA parking...1 handicap parking space is required).
6. The failure to comply with the terms, provisions, conditions or commitments of a variance grant, special exception, ordinance, or other approval grant; (Failure to comply with petition #91-Z-64; specifically, maximum number of vehicles stored on the site at any one time shall be 54; and landscaping shall be installed & maintained along New York St).

MODIFICATION

In 1991, the subject site was rezoned to the C-S classification to provide for automobile parts reclamation and sales of the reclaimed parts. There were five commitments that needed to be upheld and one of them is that “vehicle storage shall be kept south of the extended south line of Lot 12. The maximum number of vehicles stored on the site at any one time shall be 54”.

In 1995, a northern portion of the site was rezoned from C-S to C-S to provide for outdoor display and sale of vehicles, associated with an existing automobile parts reclamation and automobile part sales operation. There three commitments that limited vehicle sales and display to the property owner and



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family at that time, limited the number of vehicles to be displayed for sale at any one time to five vehicles, and prohibited signs advertising vehicle sales on site and on the vehicles except for a side window sticker.

This petition would modify Commitment #2 of the development statement for 91-Z-64 to increase the number of vehicles stored on site at any one time since it is limited to a maximum of 54 vehicles.

STAFF ANALYSIS

Based on the modification request, it would not provide a cap to the number of vehicles to be stored on site, which is very concerning to staff since the number of stored vehicles on site could be increased causing an excessive amount of vehicle storage on site than already exists.

During the site visit, a crusher was found to be on site and is part of the business operation according to the property owner. However, Commitment #1 of 91-Z-64 notes that “vehicles shall not be flattened on site” and Commitment #3 notes that “outdoor activity shall be limited to vehicle storage and the removal of parts”.

The current use of the crusher on site is a violation of the commitment that was not called out in the initial zoning violation. The crusher must be removed from the premises and not used on site to comply with the commitments, or the termination of Commitment #1 and modification of Commitment #3 will be required. The petitioner’s representative was notified that the crusher was not permitted to be used on site, yet staff has not received confirmation regarding how this will be addressed.

Additionally, Commitment #4 that states “landscaping shall be installed and maintained along New York Street, with the landscape plan subject to Administrator’s approval” is currently not being met.

Lastly, the front area fence contains bared and razor wire that is not permitted and would need to be removed.

Staff is recommending denial of the request since the rezoning to the C-S classification to provide for automobile parts reclamation and sales of the reclaimed parts, was granted with the intent of there being a limitation on the number of vehicles to be stored on site. Staff did not find that the number of stored vehicles on site should be increased due to the lack of due diligence by the new property owner.

Approval of the request should not be granted on the basis that the violation already exists and due to the negative impact upon the immediate and adjacent neighborhood.

GENERAL INFORMATION

Existing Zoning	C-S (TOD)		
Existing Land Use	Auto Parts Reclamation, Auto Parts Sales, Auto Storage		
Comprehensive Plan	Heavy Industrial		
Surrounding Context	Zoning	Land Use	
	North:	D-8 / I-4	Towing Business
	South:	C-S	Electrical Contractor Business



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East:	I-4	Railroad / Industrial
West:	I-4 / D-5/ C-S	Residential / Undeveloped / Self-Storage Facility
Thoroughfare Plan		
New York Street	Primary Arterial Street	78-foot proposed right-of-way and 63-foot existing right-of-way.
Context Area	Compact	
Floodway / Floodway Fringe	No	
Overlay	Yes	
Wellfield Protection Area	No	
Site Plan	September 2, 2024	
Site Plan (Amended)	N/A	
Elevations	N/A	
Elevations (Amended)	N/A	
Landscape Plan	N/A	
Findings of Fact	N/A	
Findings of Fact (Amended)	N/A	
C-S/D-P Statement	September 5, 2024	

COMPREHENSIVE PLAN ANALYSIS

Comprehensive Plan

- Marion County Land Use Plan Pattern Book (2019)
- Blue Line Transit-Oriented Development Strategic Plan (2018)
- The Near Eastside Quality of Life Plan (2020)

Pattern Book / Land Use Plan

- The Marion County Land Use Plan Pattern Book (2019) recommends heavy industrial development of the site.
- The Heavy Industrial typology provides for industrial, production, distribution, and repair uses that are intense and may create emissions of light, odor, noise, or vibrations. This typology is characterized by freestanding buildings or groups of buildings, often within industrial parks. Outdoor operations and storage are common. Typical uses include food processing, milling, storage of petroleum products, recycling, welding, and concrete mixing. Industrial or truck traffic should be separated from local/residential traffic.
- **Heavy Industrial Uses**
 - The primary entrance should be served by an arterial street.
 - Industrial truck traffic should not utilize local, residential streets.
 - Streets internal to industrial development must feed onto an arterial street.



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- Removed as a recommended land use where they would be adjacent to a living or mixed-use typology.
- **Heavy Commercial Uses**
 - Recommended without additional conditions.
- **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 heavy industrial typology.
 - Should be located and served in such a way that the use will not interfere with industrial traffic or loading.
- **TRANSIT-ORIENTED DEVELOPMENT (TOD)**
 - The Transit-Oriented Development (TOD) overlay is not appropriate in this typology.
- **Heavy Industrial Uses**
 - Found only in the Heavy Industrial District, these industrial uses create emissions of light, odor, noise, or vibrations. All uses requiring an air permit and/or wastewater permit from the Indiana Department of Environmental Management (IDEM) is considered Heavy Industrial, but not all Heavy Industrial uses necessary require an IDEM permit.
- Heavy Industrial uses are removed as a recommended land use when adjacent to a living typology, which is the case to the northwest and west of the site which are recommended for traditional neighborhood development.

Red Line / Blue Line / Purple Line TOD Strategic Plan

- The subject site falls within the Blue Line Transit-Oriented Development Strategic Plan (2018).
- The property falls within ¼ mile of the closest transit station at Lasalle street & Washington Street, which is classified as a community center typology that calls for a dense mixed-use neighborhood center, minimum of 2 stories at core, no front or side setbacks at core, zero to 10-foot front setbacks and zero to 10-foot side setbacks at the periphery, with multi-family housing with a minimum of 3 units and structured parking at the core and attractive surface parking at the periphery.

Neighborhood / Area Specific Plan

- The subject site falls within The Near Eastside Quality of Life Plan (2020).

Infill Housing Guidelines

- Not Applicable to the Site.



Indy Moves

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

- An on-street bike lane was recently reconstructed along New York Street to a protected on-street bike lane with planted concrete medians.



ZONING HISTORY

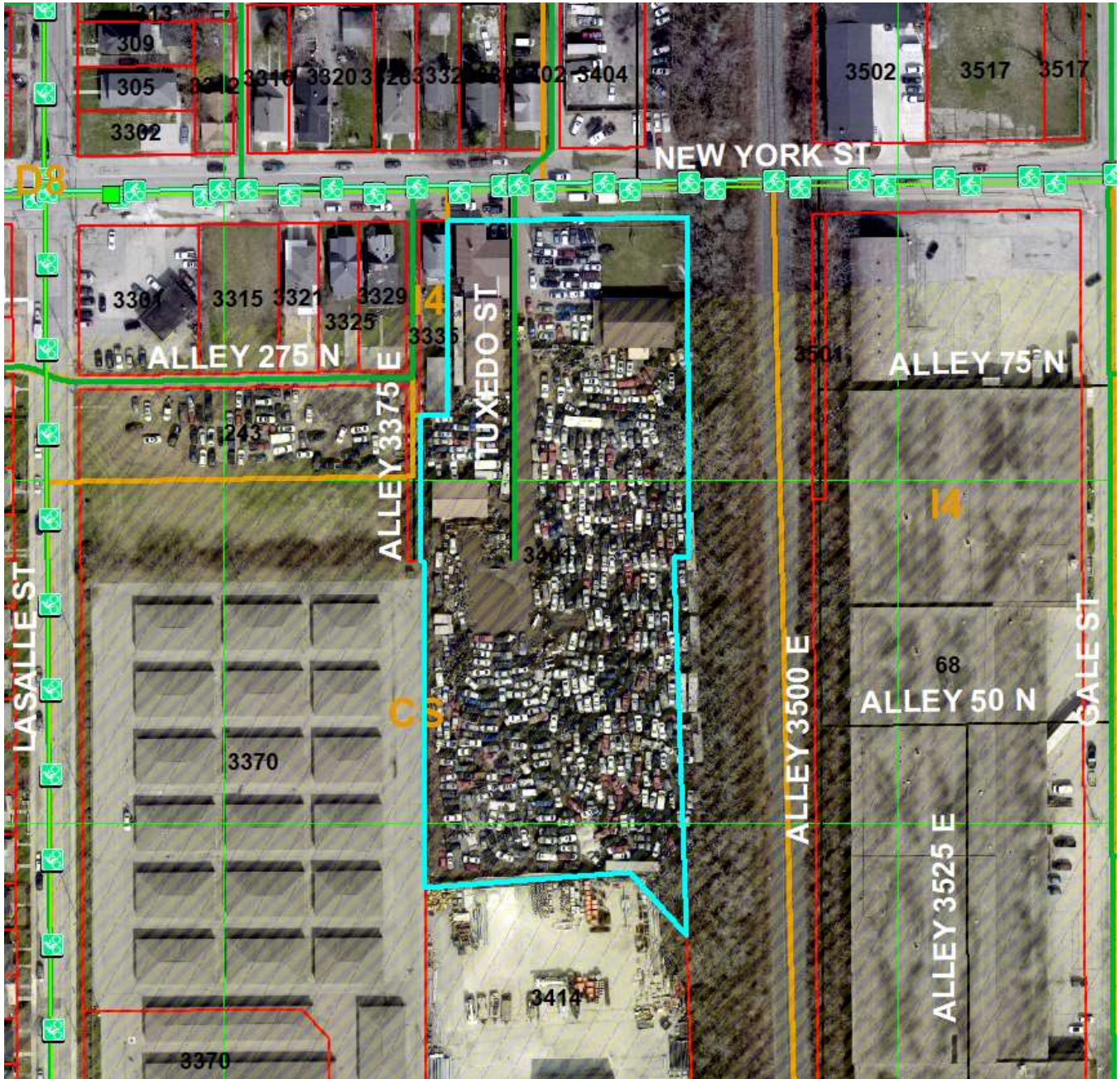
Zoning History - Site

95-Z-52; 3401 East New York Street (subject site), Rezoning of 1.6 acres, being in the C-S District, to the C-S classification to provide for the outdoor display and sale of vehicles associated with an existing automobile parts reclamation and automobile parts sales operation, **approved**.

91-Z-64; 3401 East New York Street (subject site), Rezoning of 3.16 acres, being in the I-4-U District, to the C-S classification to provide for automobile parts reclamation and sales of the reclaimed parts, **approved**.

90-Z-190; 3401 East New York Street (subject site), Rezoning of 3.16 acres, being in the I-4-U District, to the C-S classification to provide for automobile parts reclamation and used automobile sales, **withdrawn**.

EXHIBITS





Department of Metropolitan Development
Division of Planning
Current Planning

PROPOSED MODIFICATION

STATEMENT OF MODIFICATION OR TERMINATION
OF COVENANTS OR COMMITMENTS

COVENANTS OR COMMITMENTS MODIFYING OR TERMINATING EXISTING COVENANTS OR
COMMITMENTS CONCERNING THE USE OR DEVELOPMENT OF REAL ESTATE MADE IN
CONNECTION WITH AN APPROVAL PETITION, REZONING OF PROPERTY, A VARIANCE PETITION
OR SPECIAL EXCEPTION PETITION

In accordance with I.C. 36-7-4-918.8 and I.C. 36-7-4-1015, the owner of the real estate located in Marion County, Indiana, which is described below, makes the following modification(s) or termination(s) of covenants or commitments concerning the use and development of that parcel of real estate:

Legal Description: See Exhibit "A" Attached Hereto And Incorporated By Reference (the "Subject Property").

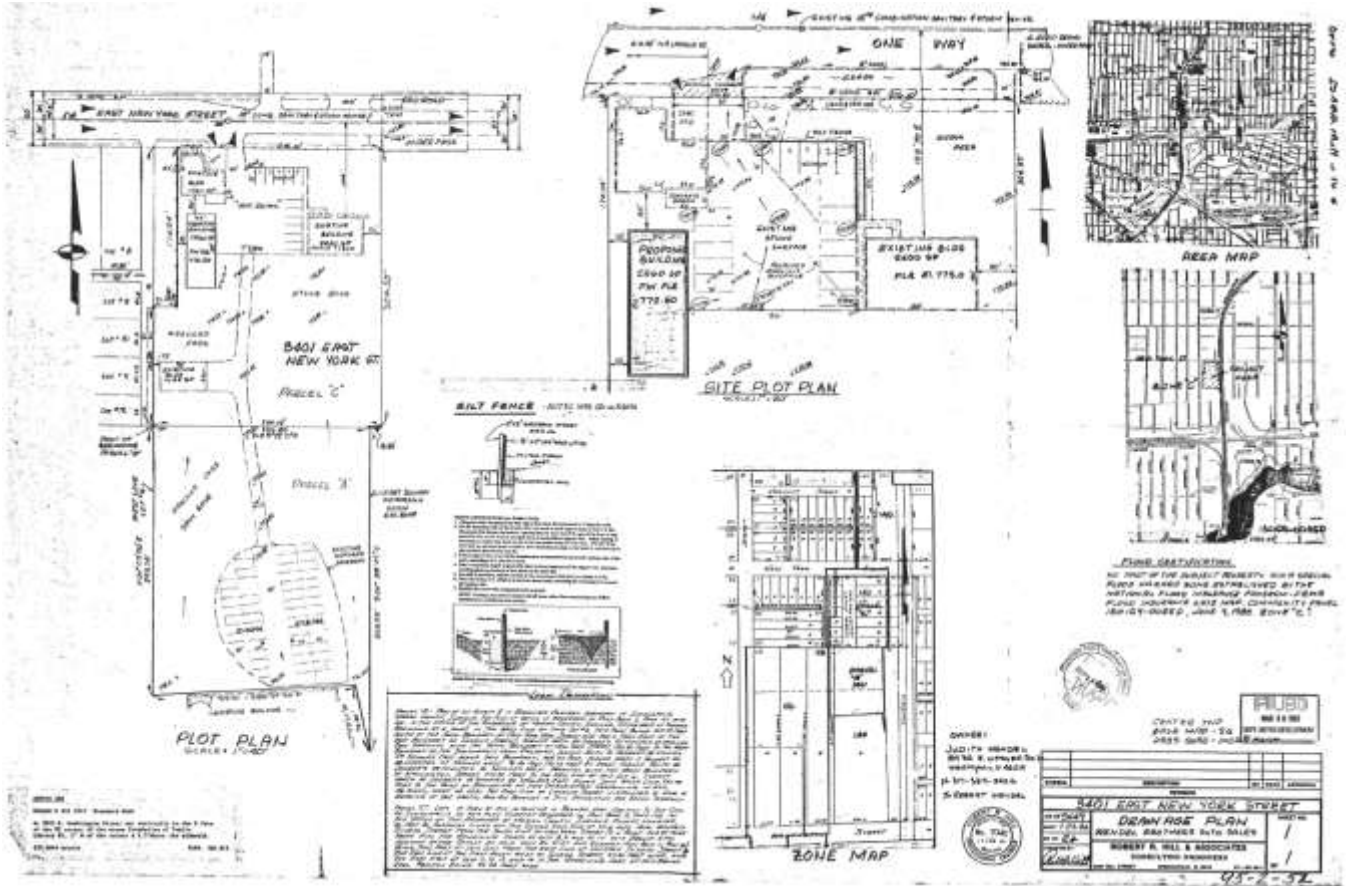
Statement of MODIFICATION OR TERMINATION of Covenants or Commitments:

1. Commitment Number 2. In IV, Proposed Commitments as set forth in the "Plan of Operation for 3401 East New York Street", is hereby modified to read as follows:
 - "2. Vehicle storage shall be kept south of the extended south line of Lot 12."

These COVENANTS or COMMITMENTS shall be binding on the owner, subsequent owners of the real estate and other persons acquiring an interest therein. These COVENANTS or COMMITMENTS may be modified or terminated by a decision of the Metropolitan Development Commission made at a public hearing after proper notice has been given.

COVENANTS or COMMITMENTS contained in this instrument shall be effective upon the adoption of modification or termination approved by the Metropolitan Development Commission in petition 2024-MOD-___.

91-Z-64 SITE PLAN





91-Z-64 DEVELOPMENT STATEMENT

91-Z-64
FILED
JUL 10 1991
DEPT. METRO DEVELOPMENT
BY _____

PLAN OF OPERATION
For 3401 E. New York Street

I.

Introduction

Petitioner requests the rezoning of 3.16 acres from the I-4-U classification to the C-S Special Commercial classification to provide for the sale of new and used auto parts and for a used parts reclamation center.

The site is an abandoned coal yard bounded on the east by an elevated railroad track, on the south by a large industrial facility, on the southwest by a mini-warehouse project, on the northwest by single family homes, and on the north by C & C Fiberglass Products.

II.

Permitted Uses

The permitted uses shall be a combination of new and used auto parts sales, used parts reclamation center and auto storage area for vehicles awaiting parts reclamation.

The used parts reclamation center shall remove parts from existing vehicles, clean and recondition those parts and offer them for sale. The parts shall be removed from the vehicles located within the totally screened storage area, reconditioned in the new building to be erected on the site and then offered for sale.

III.

Site Development

Petitioner proposes to construct a 40' x 60' building on the northeast corner of the site, along the New York Street frontage. A paved customer and employee parking area shall be located adjacent to the building off the driveway from New York Street. A 6' high solid screening fence shall be erected along the western property line, and a 6' high chain link security fence shall be erected along the remaining property lines. Setbacks, side yards, transitional yards and parking shall be provided in compliance with the Commercial Districts Zoning Ordinance.

Vehicles awaiting parts reclamation shall be stored in rows at the rear of the site and no vehicle stacking shall be allowed. The average stay for a vehicle on the lot is expected to be approximately 120 days. Once fully utilized for parts, the remainder of the vehicles shall be transported from the site to a salvage yard. All tires shall be sold or removed from the site.



91-Z-64 DEVELOPMENT STATEMENT (CONTINUED)

IV.

Proposed Commitments

1. Vehicles shall not be flattened on the site.
2. Vehicle storage shall be kept south of the extended south line of Lot 12. The maximum number of vehicles stored on the site at any one time shall be 54.
3. Outdoor activity shall be limited to vehicle storage and the removal of parts.
4. Landscaping shall be installed and maintained along New York Street, with the landscape plan subject to Administrator's approval.
5. A 40 foot half right-of-way shall be dedicated along New York Street for all of the site at such time as requested by the Department of Transportation, except within the location of the existing structure and a distance five feet from that structure. When the structure is removed, a 40 foot half right-of-way shall be dedicated along the remainder of the frontage of the site.

FILED
 JUL 10 1991
 DEPT. METRO DEVELOPMENT
 BY _____



Photo of the subject site looking southeast.



Photo of the subject site looking south.

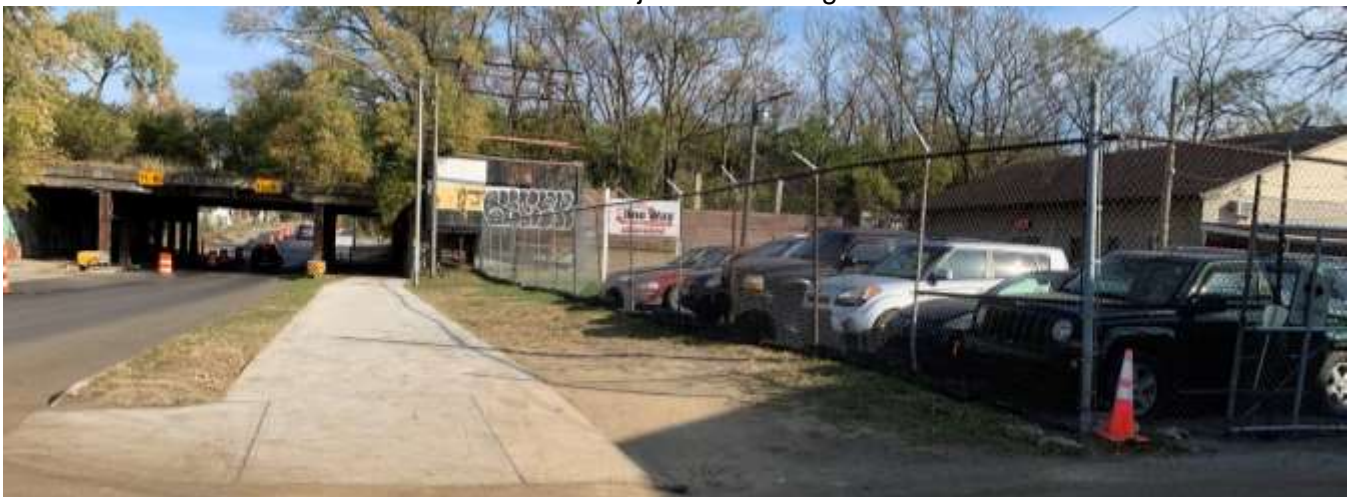


Photo of the subject site's street frontage looking east.



Photo of single-family dwellings north of the site.



Photo of a towing business north of the site.



Photo of vehicle storage in the front yard looking east.



Photo of vehicle storage in the front yard looking east.



Photo of vehicle storage in front of the rear storage gate.



Photo of the gate to the rear vehicle storage area.



Subject site looking southwest from the entrance.



Subject site looking south from the entrance gate to the storage area.



Subject site looking east from the entrance gate to the storage area.

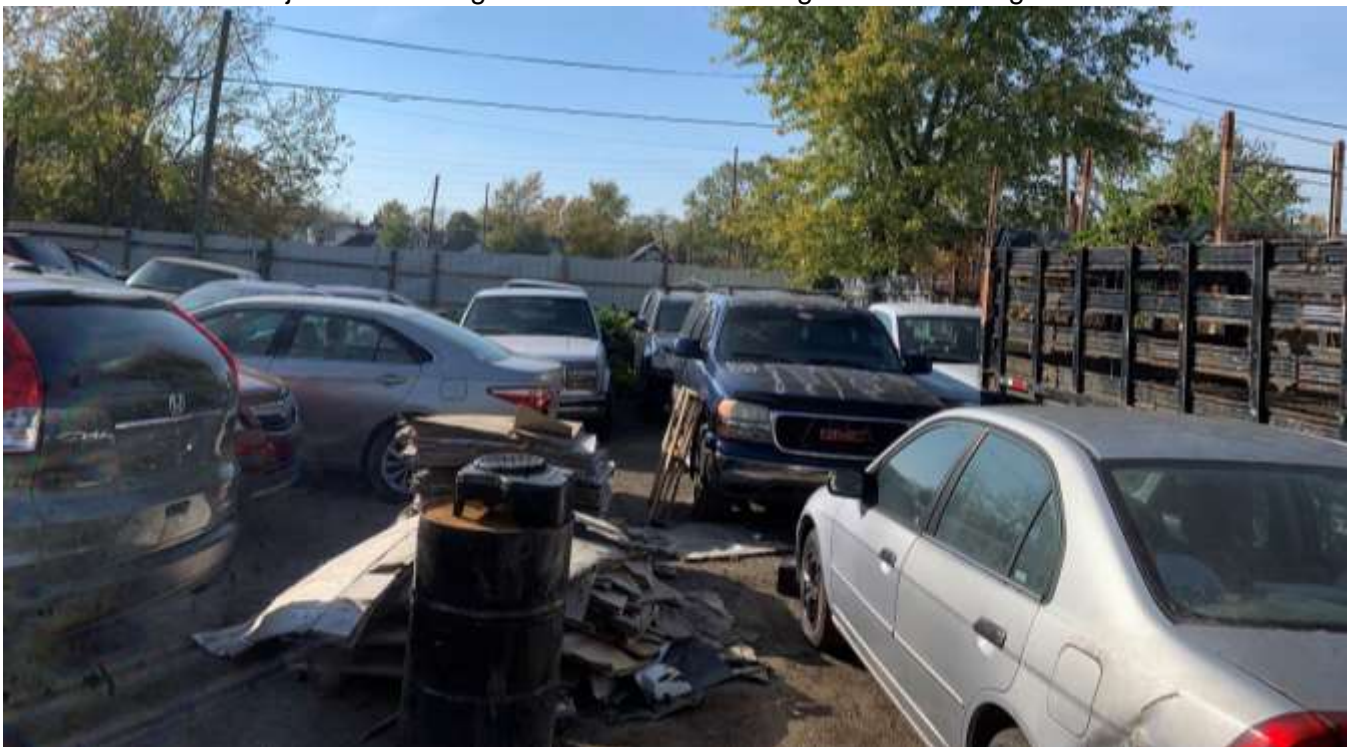


Photo of the storage area looking west towards the property owners additional lot west of the fence.



Photo of the crusher on site.



Photo of additional vehicle storage looking southwest.



Photo of additional vehicle storage looking east.



Photo of the storage area looking north.



Photo of the property owner's additional property west of the subject site.



METROPOLITAN DEVELOPMENT COMMISSION **February 27, 2025**
HEARING EXAMINER

Case Number: 2024-ZON-040

Property Address: 6000, 6012, 6020, 6180 and 6206 East 46th Street

Location: Lawrence Township, Council District #9

Petitioner: Indianapolis RE Management LLC, and 600-B East 46th Street, by Emily Duncan and David Kingen

Current Zoning: C-3 (FF) and C-4 (FF)

Request: Rezoning of 35.8 acres from the C-3 (FF) and C-4 (FF) districts to the MU-2 (FF) district.

Current Land Use: Vacant commercial property

Staff Recommendations: Denial.

Staff Reviewer: Kathleen Blackham, Senior Planner

PETITION HISTORY

The Hearing Examiner continued this petition from the June 27, 2024 hearing, to the July 25, 2024 hearing, to the August 29, 2024 hearing, and to the September 26, 2024 hearing, at staff’s request, to provide additional time for the petitioner’s representative to provide additional information and details regarding this request, including a Traffic Impact Study (TIS).

The Hearing Examiner continued this petition from the September 26, 2024 hearing, to the October 24, 2024 hearing, at the request of a neighborhood organization and to the December 19, 2024 hearing, at the request of the petitioner’s representative.

The Hearing Examiner continued this petition from the December 19, 2024 hearing, to the February 27, 2025 hearing, at the request of the petitioner’s representative.

As additional information has been submitted to the file from interested parties other than petitioner or their representative, staff requested additional information from the petitioner’s representative to reconsider and reevaluate the request.

On December 6, 2024, staff requested (via e-mail) more detailed information on the proposed development because of the impact of this project on the neighborhood and the surrounding land uses in area. Nothing new has been submitted and no communication has been received from the petitioner or their representative.

After further consideration and without more requested information, staff is **recommending denial** of this request. If approved, staff would request that approval be subject to the five commitments listed below.



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 site plan, building elevations, landscape plan and a pedestrian connection system / amenities plan shall be submitted for Administrator Approval prior to the issuance of an Improvement Location Permit (ILP). The pedestrian connection system / amenities plan shall include connectivity (and coordination with IndyGo) to any and all of the bus stops along the perimeter of the site.
2. A 51-foot half right-of-way shall be dedicated along the frontage of East 46th 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).
3. Upon request by the DPW the property owner shall construct a west bound, right turn lane at the west access drive along East 46th Street, in accordance with the regulations and standards of the DPW. Such infrastructure improvement shall be completed prior to occupation of any structure on the site.
4. Sidewalks within the right-of-way that are disturbed during construction shall be reconstructed with a buffer between the sidewalk and curbs and shall be depicted on the site plan submitted for Administrator Approval.
5. The site and improved areas within the site shall be maintained in a reasonably neat and orderly manner during and after development of the site with appropriate areas and containers / receptacles provided for the proper disposal of trash and other waste.

PETITION OVERVIEW

This 35.8-acre site, zoned C-3 (FF) and C-4 (FF), is comprised of six parcels and developed with a vacant commercial strip center and associated parking. It is surrounded by educational uses to the north, zoned SU-2; multi-family dwellings and religious uses to the south, zoned D-7 and SU-1, respectively; single-family dwellings to the east, zoned D-3; and multi-family dwellings and religious uses to the west, across North Arlington Avenue, zoned D-7 and SU-1, respectively.

Rezoning

The request would rezone all parcels to the MU-2 (Walkable Neighborhood) (FF) District that is intended to create compact, walkable places at a variety of scales and intensity, appropriate to their contexts. These districts advance their Livability Principles of this code, further the mixed-use intent of the Comp Plan and rely on a connected network of slow or multi-modal streets, and a fine grain of human-scale buildings that line and activate the streetscapes.



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“The purpose of the MU-2 district is 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.”

The Comprehensive Plan recommends community commercial typology for the site.

As proposed, the rezoning would generally be consistent with the Plan recommendation of community commercial but would include residential uses that would support the proposed commercial uses.

Conceptual Site Plan

Mixed-use buildings (commercial / residential) are proposed along North Arlington Avenue, with entertainment amenities to the east of these buildings, along with parking associated with the uses.

Apartments and townhomes are proposed in the central portion of the site and fronting on East 46th Street, with public spaces along the eastern portion of the site.

Because the site plan and uses are conceptual with few details, staff would request a commitment that final site plans, landscaping plans and building elevations be submitted for Administrator Approval prior to the issuance of an Improvement Location Permit (ILP).

Site access would be gained from an existing drive along North Arlington Avenue and two existing drives along East 46th Street.

Traffic Impact Study (TIS)

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

Based upon staff’s request for a Traffic Impact Study (TIS), a preliminary Trip Generation Analysis, file-dated July 12, 2024, was submitted. Based upon very preliminary information the Department of Public Works (DPW) staff felt the proposed site would have less traffic than the original shopping center but requested pedestrian and bus connectivity around and through the site. See Exhibit A.

The TIS, file-dated September 9, 2024, was based upon 32 townhomes community recreation center, a business hotel, a daycare center, four food trucks and 51,000 square feet of retail. See Exhibit B.



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Intersections that were studied included: North Arlington Avenue at the Driveway, East 46th Street at Arlington Avenue, East 46th Street at West Driveway and East 46th Street at East Driveway.

Capacity analysis occurred for three different scenarios. Scenario One was based on the existing traffic volumes. Scenario Two was based on 2028 Devington Plaza Shopping Center and Scenario Three was based on the 2028 Devington Plaza Mixed-use Development.

Recommended Improvements:

- Scenario One (Existing Conditions) – The westbound pedestrian indication for the south cross walk at East 46th Street should be relocated on a separate pole at the southwest corner to improve visibility and retiming the traffic signal would improve operations.
- Scenario Two (Devington Plaza Shopping Center – Three driveways should be one lane in and two lanes out with stop sign control for the driveways).
 - A northbound right turn lane is recommended at the North Arlington Avenue Driveway.
 - Retiming the traffic signal would improve operations at the East 46th Street and North Arlington Avenue intersection.
 - A westbound right turn lane is recommended at East 46th Street and West Driveway.
 - No changes are recommended at East 46th Street and East Driveway.
- Scenario Three (Devington Plaza Mixed-Use Development – Three driveways should be one lane in and two lanes out with stop sign control for the driveways).
 - No changes are recommended at the North Arlington Avenue Driveway
 - Retiming the traffic signal would improve operations at East 46th Street and Arlington Avenue intersection.
 - A westbound right turn lane is recommended at East 46th Street and West Driveway.
 - No changes are recommended at East 46th Street and the East Driveway.

It was concluded that traffic in the study area should not be unreasonable delayed due to the construction of the mixed-use development and that the mixed-use development would generate less daily and PM peak hour traffic than the shopping center it would replace.

Department of Public Works

The Department of Public Works, Traffic Engineering Section, has requested the dedication and conveyance of a 51-foot half right-of-way along East 46th Street. This dedication would also be consistent with the Marion County Thoroughfare Plan.



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Floodway Fringe

This site has a secondary zoning classification of a Floodway Fringe (FF), which is the portion of the regulatory floodplain that is not required to convey the 100-year frequency flood peak discharge and lies outside of the floodway. The floodway fringe is located along the eastern portion of the site.

The designation of the FF District is to guide development in areas subject to potential flood damage, but outside the Floodway (FW) District. Unless otherwise prohibited, all uses permitted in the primary zoning district (MU-2 in this request) are permitted, subject to certain development standards of the Flood Control Secondary Zoning Districts Ordinance.

Environmental Public Nuisances

The purpose of the Revised Code of the Consolidated City and County, Sec.575 (Environmental Public Nuisances) is to protect public safety, health and welfare and enhance the environment for the people of the city by making it unlawful for property owners and occupants to allow an environmental public nuisance to exist.

All owners, occupants, or other persons in control of any private property within the city shall be required to keep the private property free from environmental nuisances.

Environmental public nuisance means:

1. Vegetation on private or governmental property that is abandoned, neglected, disregarded or not cut, mown, or otherwise removed and that has attained a height of twelve (12) inches or more;
2. Vegetation, trees or woody growth on private property that, due to its proximity to any governmental property, right-of-way or easement, interferes with the public safety or lawful use of the governmental property, right-of-way or easement or that has been allowed to become a health or safety hazard;
3. A drainage or stormwater management facility as defined in Chapter 561 of this Code on private or governmental property, which facility has not been maintained as required by that chapter; or
4. Property that has accumulated litter or waste products, unless specifically authorized under existing laws and regulations, or that has otherwise been allowed to become a health or safety hazard.

Staff would request a commitment that emphasizes the importance of maintaining the site in a neat and orderly manner at all times and provide containers and receptacles for proper disposal of trash and other waste.



Planning Analysis

As proposed staff supports the rezoning request to the MU-2 district, despite the Comprehensive Plan recommendation of community commercial.

Staff believes the Plan recommendation of community commercial was generally supportive of the existing shopping center use but believes the introduction of residential and entertainment uses as elements of mixed-use redevelopment of this site would bring activity to support the proposed commercial uses. Additionally, proposed uses would expand services to the surrounding residential land uses to the east, west and south.

Because this site is located at the intersection of two primary arterials, staff believes a strong pedestrian connection to the perimeter of the site should be provided. Staff also believes this project should provide a strong pedestrian connection system throughout the site, along with pedestrian amenities (benches, lighting, trash containers, etc.). Staff would also request that landscaping be enhanced that would exceed the minimum Ordinance requirements, along with providing green spaces throughout the site.

This redevelopment project is conceptual at this time and full build out would likely be phased over many years. Staff would anticipate that as development moves forward that the architectural character of the buildings would be harmonious and compatible throughout the site, as well as surrounding development. Staff would also encourage that a sign program be developed in the early stages to maintain sign consistency throughout the site as development occurs.

Administrator Approval should be required as development occurs that would include site plans, landscaping plans, photometric plans and building elevations. Staff would also request Administrator Approval for a pedestrian / amenity plan.

GENERAL INFORMATION

Existing Zoning	C-3 (FF) / C-4 (FF)	
Existing Land Use	Vacant commercial uses / parking lot	
Comprehensive Plan	Community Commercial	
Surrounding Context	Zoning	Land Use
	North: SU-2	School
	South: D-7 / SU-1	Multi-family dwellings / religious uses
	East: D-3	Single-family dwellings
	West: SU-1 / D-7	Religious uses / multi-family dwellings
Thoroughfare Plan		
North Arlington Avenue	Primary arterial	Existing 90-foot right-of-way and proposed 102-foot right-of-way.
East 46th Street	Primary arterial	Existing 90-foot right-of-way and proposed 102-foot right-of-way.



Context Area	Metro
Floodway / Floodway Fringe	Yes, unregulated 500-year floodplain
Overlay	No
Wellfield Protection Area	No
Site Plan	May 27, 2024
Site Plan (Amended)	August 8, 2024
Elevations	N/A
Elevations (Amended)	N/A
Landscape Plan	N/A
Findings of Fact	N/A
Findings of Fact (Amended)	N/A
C-S/D-P Statement	N/A

COMPREHENSIVE PLAN ANALYSIS

Comprehensive Plan

- The Comprehensive Plan recommends Community Commercial 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.

Pattern Book / Land Use Plan

The Comprehensive Plan consists of two components that include The Marion County Land Use Pattern Book (2019) and the land use map. The Pattern Book provides a land use classification system that guides the orderly development of the county and protects the character of neighborhoods while also being flexible and adaptable to allow neighborhoods to grow and change over time.

The Pattern Book serves as a policy guide as development occurs. Below are the relevant policies related to this request:

- *Conditions for All Land Use Types – Community Commercial 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.



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- Small-Scale Offices, Retailing, and Personal or Professional Services (*defined as Commercial uses with minimal outdoor operations, storage, or display on lots of less than 1.5 acres and a height of less than 35 feet.*)
 - Outdoor display of merchandise should be limited.
 - If adjacent to residential uses or a Living Typology, outdoor display of merchandise is not recommended.
 - Should be located along an arterial or collector street.
 - 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.

Red Line / Blue Line / Purple Line TOD Strategic Plan

Not Applicable to the Site.

Neighborhood / Area Specific Plan

Not Applicable to the Site.

Infill Housing Guidelines

Not Applicable to the Site.

Indy Moves

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

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

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

- Classify roadways based on their location, purpose in the overall network and what land use they serve.
- 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

2002-ZON-807 / 2002-VAR-807; 4825 North Arlington Avenue (north of site), requested rezoning of 23.572 acres from the D-3 district to the SU-2 classification to legally establish educational uses and a variance of use and development standards of the Sign Regulations to provide for a 23-foot-tall, 156-square-foot pylon sign, with 36 square feet devoted to an electronic variable message board located 110 feet from a protected district, **approved and granted**.

90-UV3-44; 6010 East 46th Street (south of site), requested a variance of use of the Commercial Zoning Ordinance to provide for the rental of six panel trucks, **granted**.

88-UV3-135; 4570 North Arlington Avenue (south of site), requested a variance of use of the Dwelling Districts Zoning Ordinance to provide for the conversion of a single-family residence into a real estate office, **denied**.

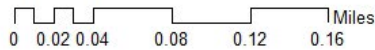
86-V1-135; 5930 Laurel Hall Drive (north of site), requested a variance of development standards of the Dwelling Districts Zoning Ordinance to provide for a garage addition to a single-family residence located at 3 feet, 8 inches from the side property line (7 feet required), **denied**.

60-V-12; 4825 North Arlington Avenue (north of site), requested a variance of use to provide for a school, **granted**.

EXHIBITS



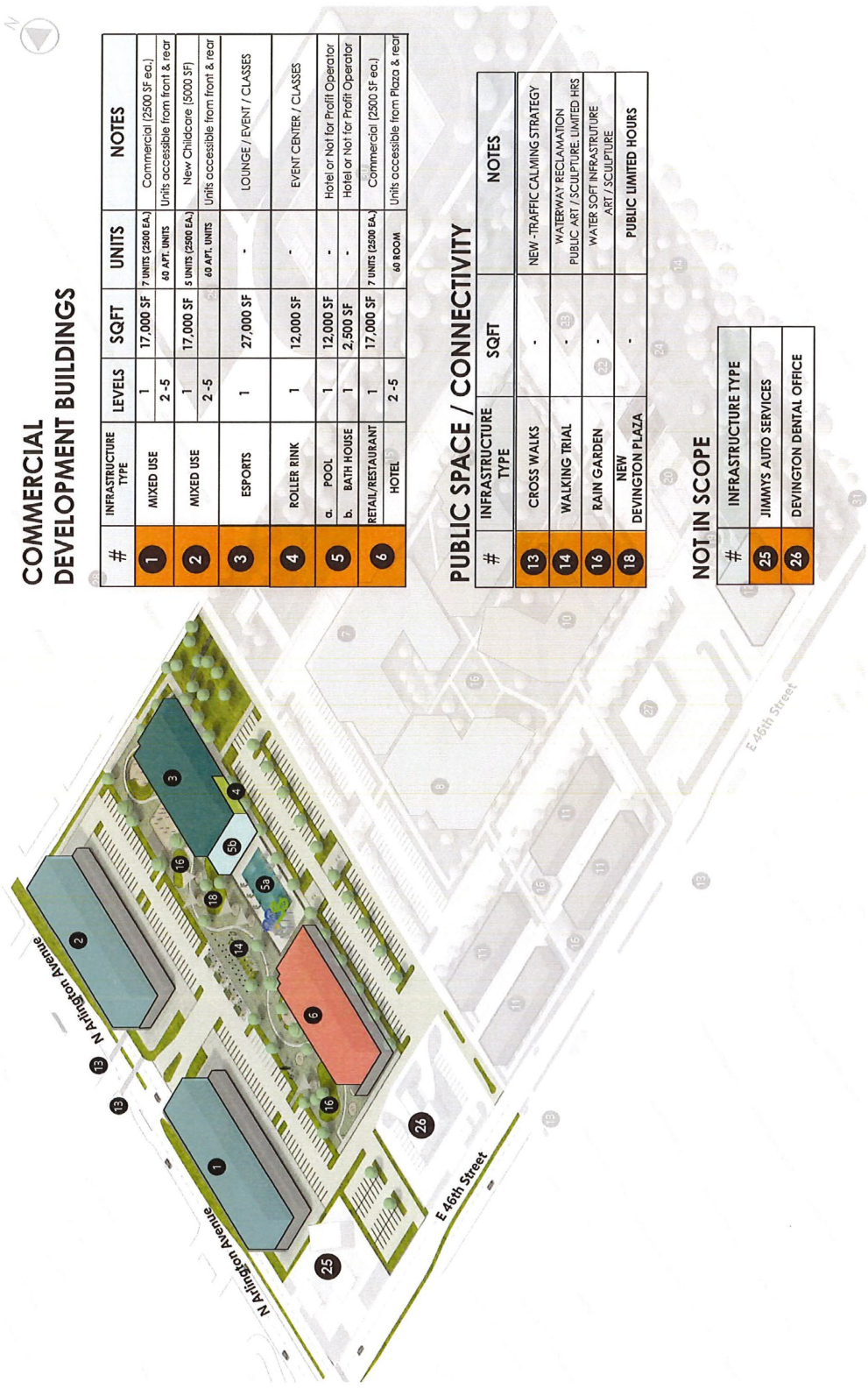
6000, 6012, 6020, 6180 and 6206 East 46th Street



#DESTINATION DEVINGTON



COMMERCIAL / COMMUNITY PLAZA



COMMERCIAL DEVELOPMENT BUILDINGS

#	INFRASTRUCTURE TYPE	LEVELS	SQFT	UNITS	NOTES
1	MIXED USE	1 2-5	17,000 SF	7 UNITS (2500 EA.) 60 APT. UNITS	Commercial (2500 SF ea.) Units accessible from front & rear
2	MIXED USE	1 2-5	17,000 SF	5 UNITS (2500 EA.) 60 APT. UNITS	New, Childcare (5000 SF) Units accessible from front & rear
3	ESPORTS	1	27,000 SF	-	LOUNGE / EVENT / CLASSES
4	ROLLER RINK	1	12,000 SF	-	EVENT CENTER / CLASSES
5	a. POOL b. BATH HOUSE	1	12,000 SF 2,500 SF	-	Hotel or Not for Profit Operator
6	RETAIL/RESTAURANT HOTEL	1 2-5	17,000 SF	7 UNITS (2500 EA.) 60 ROOM	Hotel or Not for Profit Operator Commercial (2500 SF ea.) Units accessible from Plaza & rear

PUBLIC SPACE / CONNECTIVITY

#	INFRASTRUCTURE TYPE	SQFT	NOTES
13	CROSS WALKS	-	NEW - TRAFFIC CALMING STRATEGY
14	WALKING TRIAL	-	WATERWAY RECLAMATION PUBLIC ART / SCULPTURE LIMITED HRS
16	RAIN GARDEN	-	WATER SOFT INFRASTRUCTURE ART / SCULPTURE
18	NEW DEVINGTON PLAZA	-	PUBLIC LIMITED HOURS

NOT IN SCOPE

#	INFRASTRUCTURE TYPE
25	JIMMY'S AUTO SERVICES
26	DEVINGTON DENTAL OFFICE



HOUSING & AMENITIES

COMMERCIAL DEVELOPMENT BUILDINGS

#	INFRASTRUCTURE TYPE	LEVELS	SQFT	UNITS
7	APARTMENTS	FIVE	N/A	100 UNITS
8	APARTMENTS	FIVE	N/A	100 UNITS
9	APARTMENTS (TAX CREDIT)	FOUR	N/A	100 UNITS
10	APARTMENTS (TAX CREDIT)	FOUR	N/A	100 UNITS
11	TOWN HOMES (8)	TWO	8,320 SF	
12	FUTURE DEVELOPMENT	ONE	8,500 SF	

NOT IN SCOPE

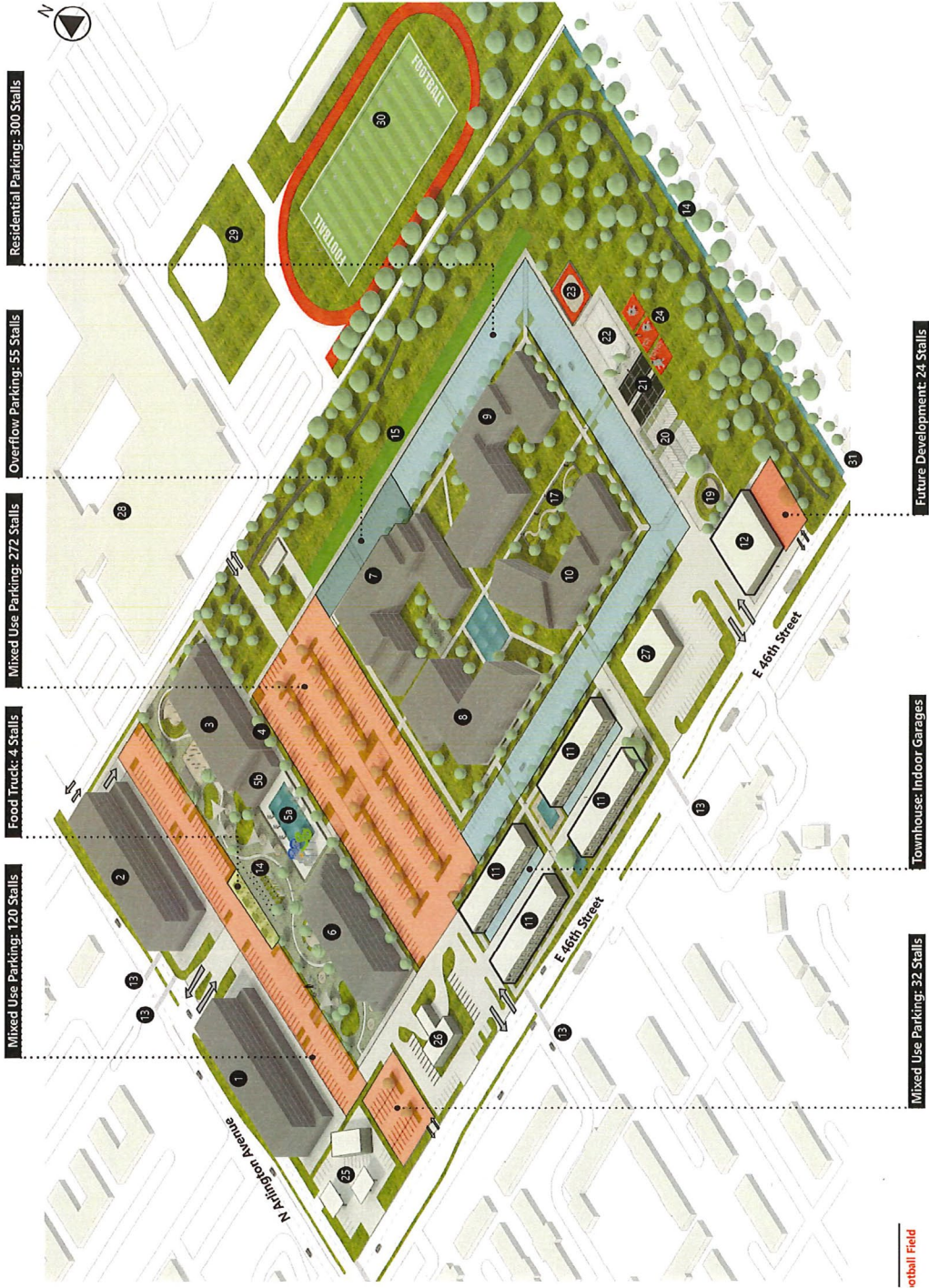
#	INFRASTRUCTURE TYPE
25	JIMMYS AUTO SERVICES
27	AUTO ZONE PARTS
28	ARLINGTON MIDDLE SCHOOL
29	ARLINGTON FOOTBALL FIELD
30	ARLINGTON BASEBALL FIELD
31	DEVON CREEK

PUBLIC SPACE / CONNECTIVITY

#	INFRASTRUCTURE TYPE	NOTES
13	CROSSWALK	
14	WALKING TRAIL	PUBLIC LIMITED HOURS
15	WATER RETENTION SYSTEM	
16	RAIN GARDEN	
17	PLAY GROUND	PRIVATE (RESIDENT ONLY)
19	AMPHITHEATER	PUBLIC LIMITED HOURS
20	COMMUNITY GARDEN	PUBLIC LIMITED HOURS
21	TENNIS COURTS	PUBLIC LIMITED HOURS
22	BASKETBALL COURT	PUBLIC LIMITED HOURS
23	DOG PARK	PUBLIC LIMITED HOURS
24	PLAY GROUND	PUBLIC LIMITED HOURS



#DESTINATION DEVINGTON MASTERPLAN - PARKING



PARKING SCHEDULE

Tag	Function	Level	Square Footage or Units	Min Off-Street Vehicle Parking Spaces Required	Max Off-Street Vehicle Parking Spaces Permitted	Proposed Off-Street Vehicle Parking Spaces	Location (Refer to drawing)
1	Commercial (All retail sales uses)	1	17,000	49 (1 per 350 sf if under 200,000 sf)	85 (1 per 200 sf)	49	Mixed Use Parking
1	Market Rental Housing (Multifamily dwellings 5 or more)	2,3,4,5	60	45 0.75 (if over 3 stories)	None	45	Mixed Use Parking
2	Commercial (All retail sales uses)	1	10,000	29 (1 per 350 sf if under 200,000 sf)	50 (1 per 200 sf)	29	Mixed Use Parking
2	Daycare (Daycare Center or Nursery School)	1	7,000	18 (1 per 400 sf)	35 (1 per 200 sf)	18	Mixed Use Parking
2	Market Rental Housing (Multifamily dwellings 5 or more)	2,3,4,5	60	45 0.75 (if over 3 stories)	None	45	Mixed Use Parking
3	ESports (Community Center)	1,2	33,000	83 (1 per 400 sf)	165 (1 per 200 sf)	83	Mixed Use Parking
4	Rollerskating (Indoor recreation & Entertainment)	1	5,000	13 (1 per 400 sf)	25 (1 per 250 sf)	13	Mixed Use Parking
5	Swimming Pool (Recreational Facility)	1	14,500	36 (1 per 400 sf)	72.5 (1 per 250 sf)	36	Mixed Use Parking
6	Commercial (All retail sales uses)	1	17,000	49 (1 per 350 sf if under 200,000 sf)	85 (1 per 200 sf)	49	Mixed Use Parking
6	Hotel (Lodging - Hotel)	2,3,4,5	60	60 (1 per guest room)	90 (1.5 per guest room)	60	Mixed Use Parking
				424	608	424	Mixed Use Parking (120-32-272)
7	Market Rental Housing (Multifamily dwellings 5 or more)	1,2,3,4,5	100	75 0.75 (if over 3 stories)	None	75	Residential Parking
8	Market Rental Housing (Multifamily dwellings 5 or more)	1,2,3,4,5	100	75 0.75 (if over 3 stories)	None	75	Residential Parking
9	Tax Credit Housing (Multifamily dwellings 5 or more)	1,2,3,4	100	75 0.75 (if over 3 stories)	None	75	Residential Parking
10	Tax Credit Housing (Multifamily dwellings 5 or more)	1,2,3,4	100	75 0.75 (if over 3 stories)	None	75	Residential Parking
				300	-	300	Residential Parking (300)
11	Townhouses (Single family Attached Dwellings)	1,2	8	8 (1 per dwelling Unit)	None	8	Indoor Garage
12	Future Development (Office)	1	8,500	24 (1 per 350 sf)	43 (1 per 200 sf)	24	Future Development Parking
				24	43	24	





Department of Metropolitan Development
 Division of Planning
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EXHIBIT A



*1 Cor. 10:31
 ...whatever you do,
 do it all for the glory of God.*

Clark Katz
 Principal
 Skysoar Capital Partners, LLC
 400 Rella Blvd, Suite 100
 Montebello, NY, 10901

July 11, 2024

Re: Trip Generation Comparison
 Devington Plaza
 6000 East 46th Street
 Indianapolis, Indiana 46226
 Yarger Engineering Job Number: 20240702

Dear Mr. Katz;

Per your request, we have estimated the trips generated by Devington Plaza, before as a shopping center, and after as mixed-use. As can be seen in the tables below, the before case had more daily and afternoon traffic. Since many businesses in shopping centers are typically not open in the morning peak periods between 7:00 and 9:00 AM, the morning before traffic is lower than the after case with the mixed-uses, which includes uses with more balanced traffic through-out the day. The second and third tables contain the individual land uses.

Trip Generation Before and After Comparison			
Land Use	Daily	AM Street Peak	PM Street Peak
Before – Shopping Center	12,801	368	1,063
After – Mixed-Use	7,880	491	681

The second and third tables contain the individual land uses.

Trip Generation Before - Shopping Center						
Land Use	ITE Code	Size	Units	Daily	AM Street Peak	PM Street Peak
Shopping Center	820	178	KSFT	10,519	239	856
Liquor Store	899	1.5	KSFT	161	1	60
Gas with Convenience Market, 2 – 4 KSFT	945	8	Fueling Positions	2,121	128	147
Total				12,801	368	1,063



Mr. Katz
 July 11, 2024
 Page 2

Trip Generation Mixed-Use						
Land Use	ITE Code	Size	Units	Daily	AM Street Peak	PM Street Peak
Townhomes	215	32	Dwelling Units	193	11	15
Mid-Rise Apartments	221	520	Dwelling Units	2,434	217	203
Business Hotel	312	38	Rooms	326	25	25
Community Center	495	60	KSFT	1,150	73	95
Day Care	565	7	KSFT	333	77	78
Shopping Plaza Without Supermarket	821	51	KSFT	3,444	88	265
Total				7,880	491	681

The Esports, roller skating rink, and pool were calculated using the recreational community center as the closest fit for the land use in the ITE Trip Generation Manual.

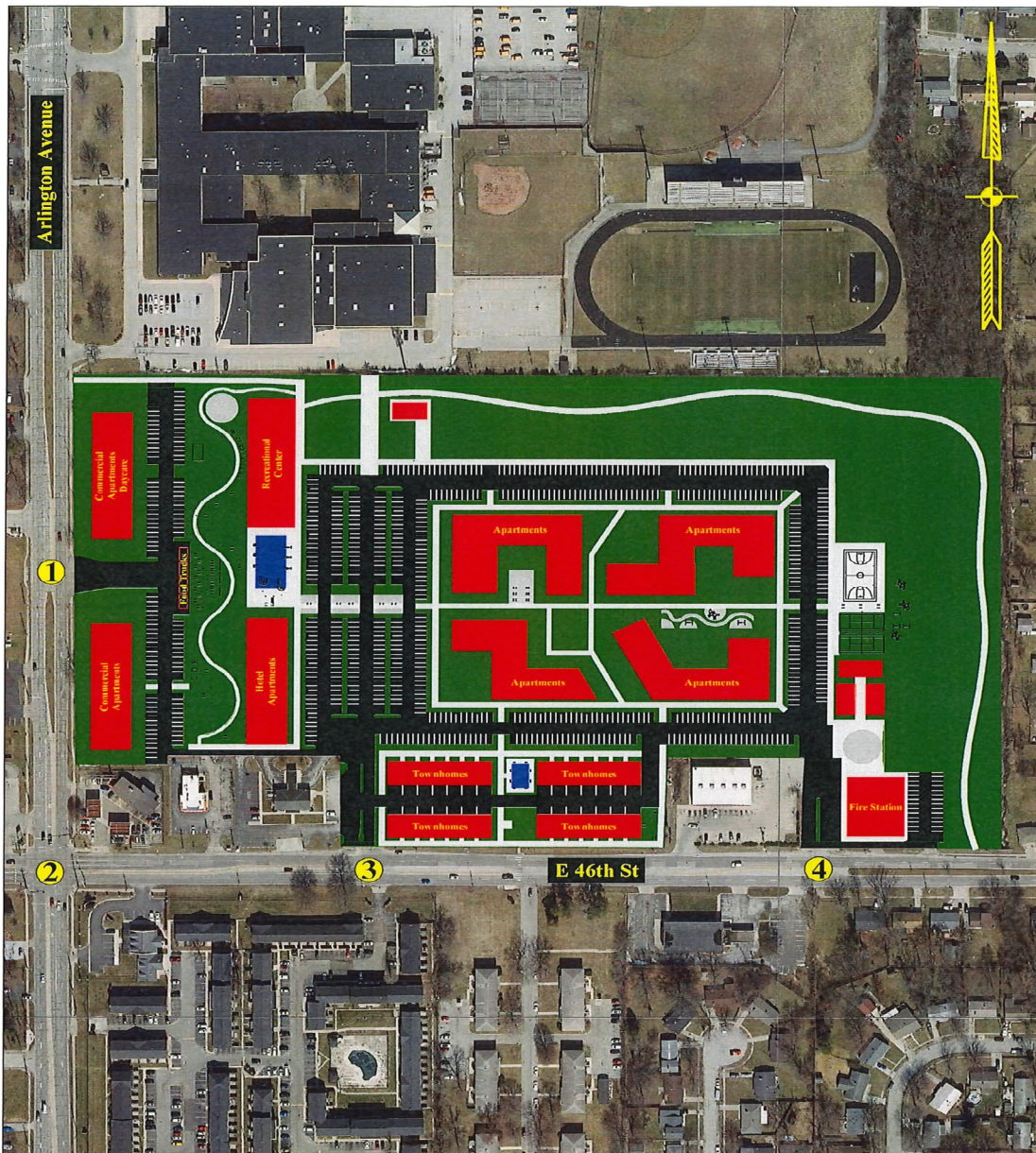
If you have any questions or comments, please call me at (317) 475-1100. You may also email me at bwyarger@yargerengineering.com.



Sincerely,
 Yarger Engineering, Inc.
Bradley W. Yarger
 Bradley William Yarger, P.E.
 President

BWY/bwy

EXHIBIT B



YARGER ENGINEERING
 Specializing In Traffic Engineering

Figure 7, Mixed-Use Development Site Plan
 Indianapolis, Indiana, Approximate Scale: 1" = 250'
 Prepared by Yarger Engineering, Inc.©
 1401 Alimingo Drive, Indianapolis, IN 46260-4058
 317-475-1100, Fax: 317-475-0100 September 6, 2024



View looking north along North Arlington Avenue



View looking east along East 46th Street



View looking west along East 46th Street



View of site looking north



View of site looking east along existing structure



View of site looking north



View from site looking east at adjacent property



View of site looking southeast



View of site looking east



View from site looking south



View from site looking south



From site looking west along southern boundary



View from site looking west across North Arlington Avenue



View from site looking northwest across North Arlington Avenue



METROPOLITAN DEVELOPMENT COMMISSION **February 27, 2025**
HEARING EXAMINER

Case Number: 2024-ZON-102

Property Address: 525 South East Street

Location: Center Township, Council District #18

Petitioner: Mark and Kim Crouch

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

Request: Rezoning of 0.07 acre from the I-3 (RC) (TOD) district to the CBD-2 (RC) (TOD) district to construct a three-unit multi-family residential building.

Current Land Use: Vacant property

Staff Recommendations: Denial.

Staff Reviewer: Kathleen Blackham, Senior Planner

PETITION HISTORY

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

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

Because no new information has been submitted to the file, including the Consent Form required for a subsequent representative, **staff would request a dismissal** of this rezoning request.

STAFF RECOMMENDATION

Denial.

PETITION OVERVIEW

This 0.07-acre site, zoned I-3 (RC) (TOD), is vacant and surrounded by a single-family dwelling to the north, zoned I-3 (RC) (TOD); a two-family dwelling to the south, zoned CBD-2 (RC) (TOD); a single-family dwelling to the east, zoned D-8; and an industrial complex to the west, across South East Street, zoned I-3 (RC) (TOD).



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

The Comprehensive Plan recommends traditional neighborhood typology. According to historical maps, this site was originally developed with a two-family dwelling but has remained vacant for many years.

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

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

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

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

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

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

GENERAL INFORMATION

Existing Zoning	I-3 (RC) (TOD)
Existing Land Use	Vacant
Comprehensive Plan	Traditional Neighborhood



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Surrounding Context	Zoning	Land Use
North:	I-3 (RC) (TOD)	Single-family dwelling
South:	CBD-2 (RC) (TOD)	Two-family dwelling
East:	D-8 (RC) (TOD)	Single-family dwelling
West:	I-3 (RC) (TOD)	Industrial uses
Thoroughfare Plan		
South East Street	Primary Arterial	Existing 80-foot right-of-way and proposed 78-foot right-of-way.
Context Area	Compact	
Floodway / Floodway Fringe	No	
Overlay	Yes, Regional Center and Transit Oriented Development (TOD)	
Wellfield Protection Area	No	
Site Plan	August 2, 2024	
Site Plan (Amended)	N/A	
Elevations	August 2, 2024	
Elevations (Amended)	N/A	
Landscape Plan	N/A	
Findings of Fact	N/A	
Findings of Fact (Amended)	N/A	
C-S/D-P Statement	N/A	

COMPREHENSIVE PLAN ANALYSIS

Comprehensive Plan

- The Comprehensive Plan recommends Traditional Neighborhood typology. The Traditional Neighborhood typology includes a full spectrum of housing types, ranging from single family homes to large-scale multifamily housing. The development pattern of this typology should be compact and well-connected, with access to individual parcels by an alley when practical. Building form should promote the social connectivity of the neighborhood, with clearly defined public, semi-public, and private spaces. Infill development should continue the existing visual pattern, rhythm, or orientation of surrounding buildings when possible. A wide range of neighborhood-serving businesses, institutions, and amenities should be present. Ideally, most daily needs are within walking distance. This typology usually has a residential density of five to 15 dwelling units per acre, but a higher density is recommended if the development is within a quarter mile of a frequent transit line, greenway, or park.
- Indianapolis Regional Center Plan 2020 (2004).
 - This Plan recommends residential development (garden apartment and townhouses) at 16-26 dwelling units per acre.



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

Pattern Book / Land Use Plan

The Comprehensive Plan consists of two components that include The Marion County Land Use Pattern Book (2019) and the land use map. The Pattern Book provides a land use classification system that guides the orderly development of the county and protects the character of neighborhoods while also being flexible and adaptable to allow neighborhoods to grow and change over time.

The Pattern Book serves as a policy guide as development occurs. Below are the relevant policies related to this request:

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



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- *Attached Housing (defined as duplexes, triplexes, quads, townhouses, row houses, stacked flats, and other, similar legally complete dwellings joined by common walls and typically with each unit on its own lot or part of a condominium.)*
 - Duplexes should be located on corner lots, with entrances located on different sides of the lot.
 - It is preferred that townhomes should be organized around intersections of neighborhood collector streets, greenways, parks or public squares, or neighborhood-serving retail.
 - If the above conditions are not met, individual buildings of attached housing (not part of a complex) may be interspersed with single-family homes but should not make up more than 25% of the primary residential structures on a block.
- *Modified Uses – Transit-Oriented Development Overlay*
 - Attached Housing - A residential density of 15+ units per acre is recommended.

Red Line / Blue Line / Purple Line TOD Strategic Plan

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

- This site is also located within an overlay, specifically the Transit Oriented Development (TOD). “Overlays are used in places where the land uses that are allowed in a typology need to be adjusted. They may be needed because an area is environmentally sensitive, near an airport, or because a certain type of development should be promoted. Overlays can add uses, remove uses, or modify the conditions that are applied to uses in a typology.”
- The Transit-Oriented Development (TOD) overlay is intended for areas within walking distance of a transit station. The purpose of this overlay is to promote pedestrian connectivity and a higher density than the surrounding area.
- This site is located within a ¼ mile walk (approximately 585 feet) of Fletcher Place transit stop located at the intersection of Virginia Avenue and Merrill Street with a District Center typology.
- District Center stations are located at the center of regionally significant districts with several blocks of retail or office at their core. Development opportunities include infill and redevelopment, dense residential, employment near transit stations, neighborhood retail and a focus on walkability and placemaking.

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

- Modifications - The Pattern Book also provides guidance related to overlays and whether an overlay adds, modifies, or removes the recommended land uses within the base typology.
 - This site lies within the Transit-Oriented Development overlay that recommends a density of 15+ units per acre for attached housing.

Neighborhood / Area Specific Plan

- Not Applicable to the Site.

Infill Housing Guidelines

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

Site Configuration

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

Aesthetic Considerations

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



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Additional Topics

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

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

Indy Moves

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

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

ZONING HISTORY

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

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

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

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

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

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

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

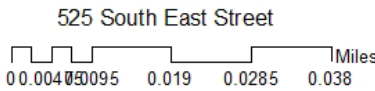
96-Z-127; 701-703 South East Street (south of site), requested rezoning from the I-3-U district to the SU-1 district to provide for religious uses, **approved**.

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

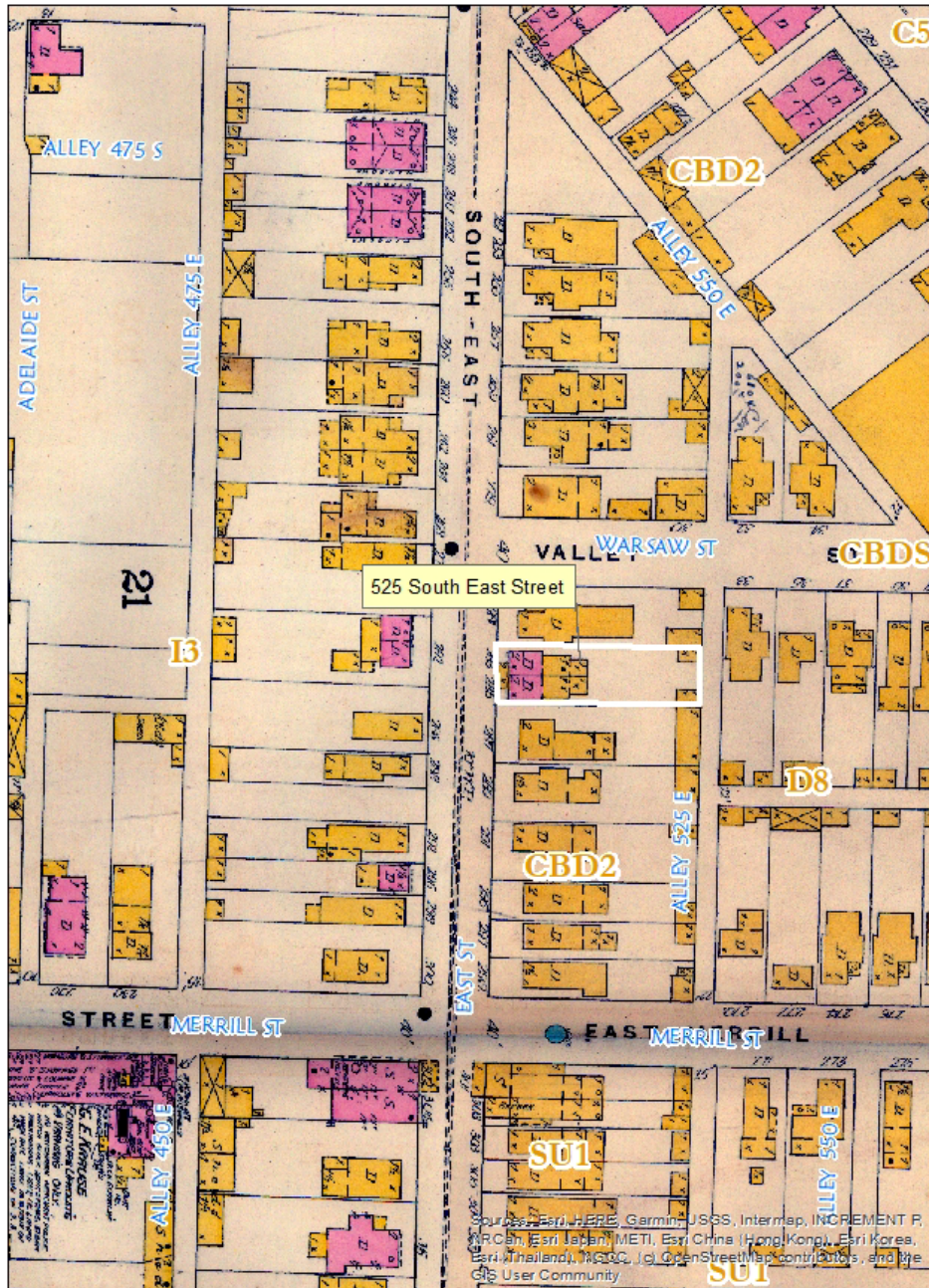
EXHIBITS



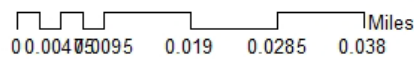
Source: Esri, HERE, Garmin, USGS, Imagery, Mapbox, NPS, Microsoft, AirCntrl, IGN, Intermap, Inc, Swisstopo, Esri, Japan, METI, Esri (China), Swisstopo, Esri Korea, Esri (Thailand), NOAA, IGN, CNRS, IGN, OpenStreetMap contributors, and the GIS User Community



1887 Sanborn Map



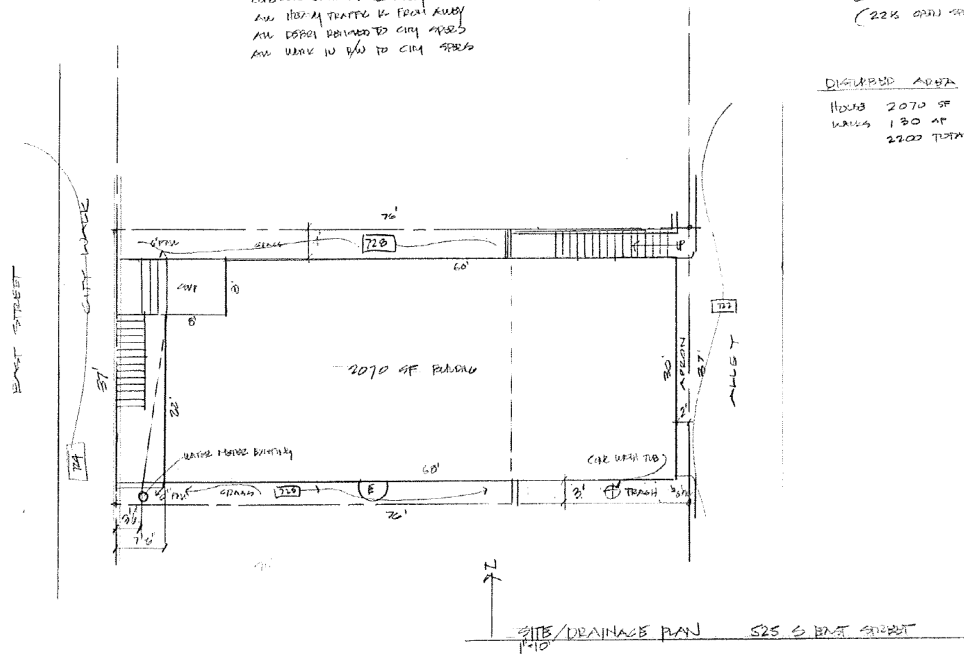
525 South East Street

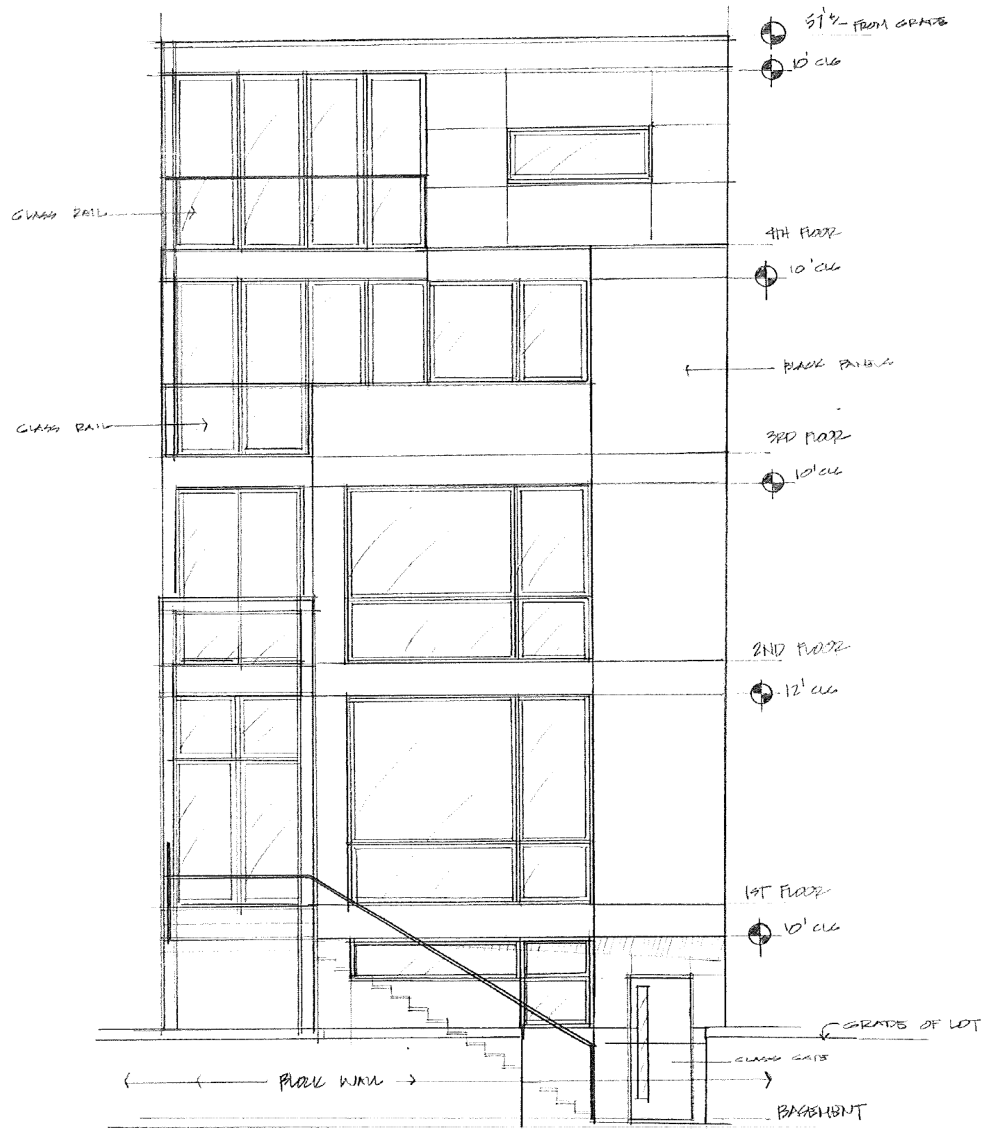


EXPLANATION: ALL DEPOT TO BE BUILT ON 1/2 ACRE VACATED TO N
 CAR DRIVE UPST TYP @ 1000
 ALL DEPOT TRAFFIC TO BE FROM ALLEY
 ALL DEPOT DRIVEN TO CITY STREETS
 ALL WARE TO 1/2 TO CITY STREETS

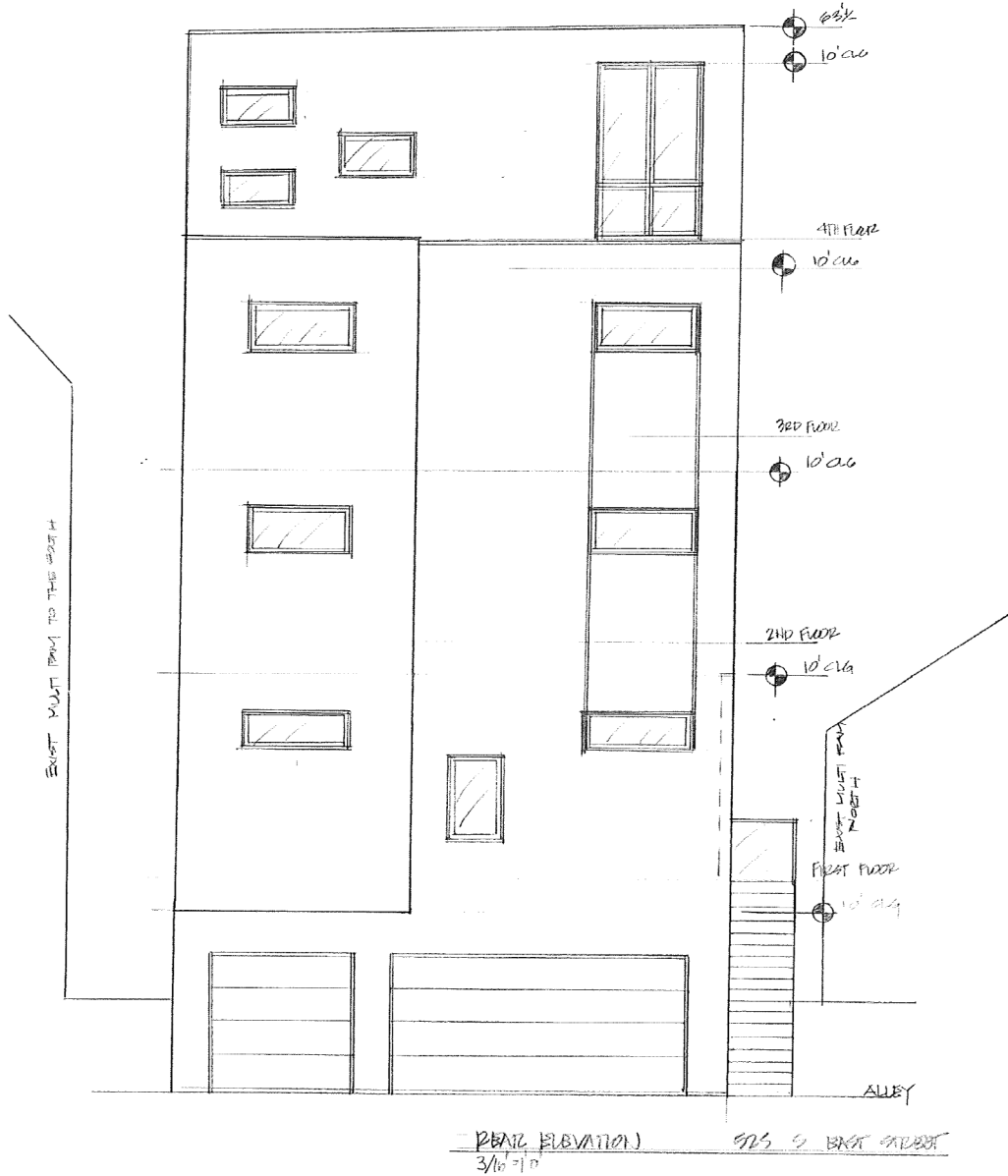
LOT OUTLINE
 2812 SF LOT
 2200 SF HOUSE/CAR
 612 SF OF SF
 (22% OPEN SPACE)

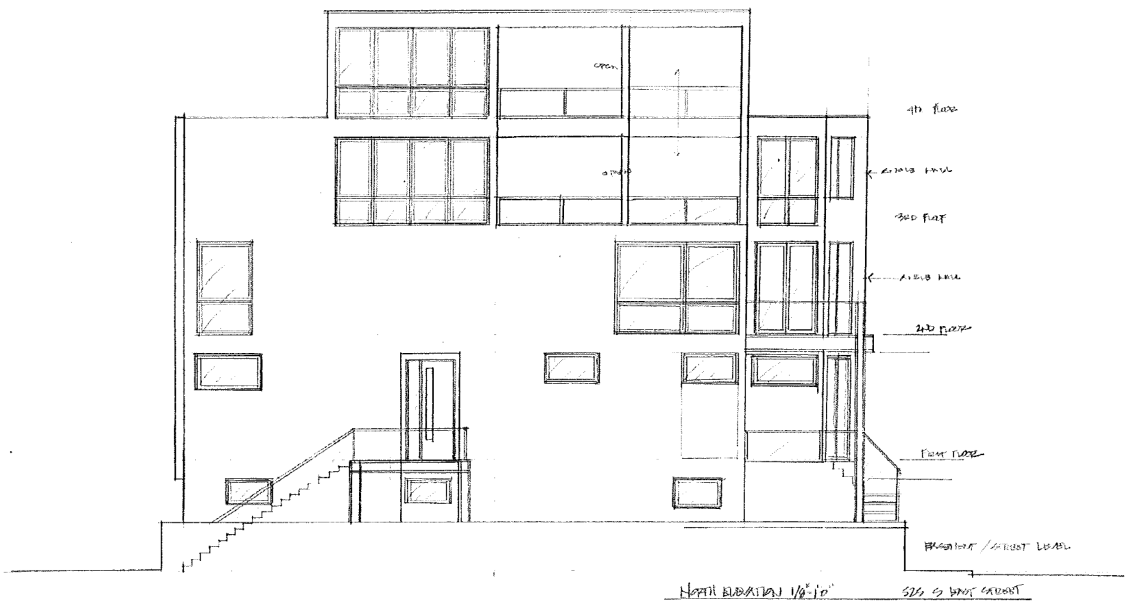
DISBURSED AREA
 HOUSE 2070 SF
 WALK 180 SF
 2250 TOTAL

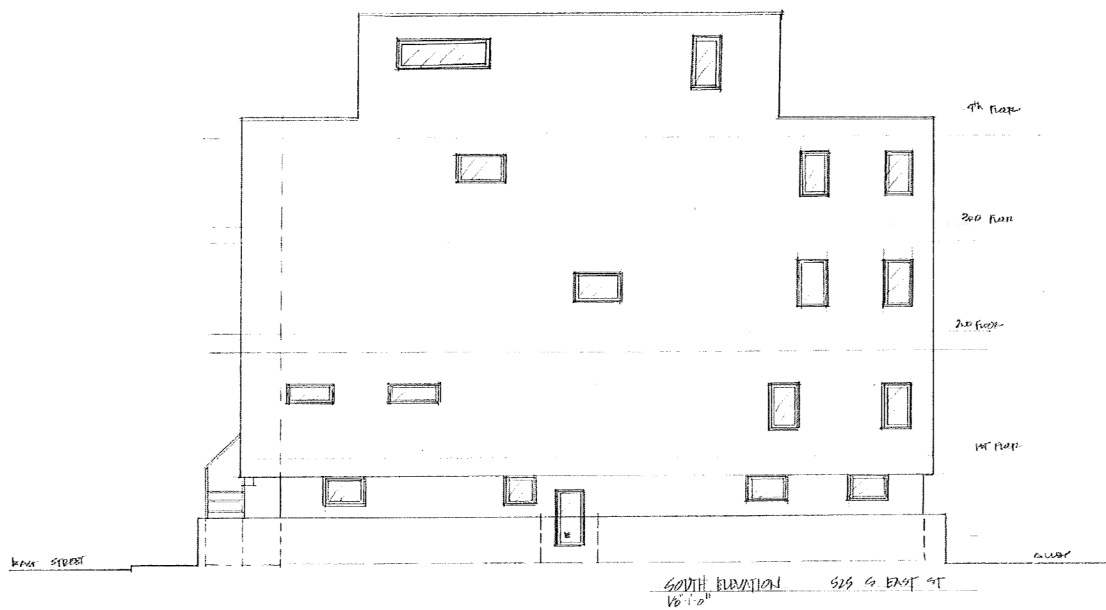




FRONT ELEVATION 525 S EAST STREET
 3/4" = 1'-0"









View looking south along South East Street



View looking north along South East Street



View looking north along north / south alley



View looking south along north / south alley



View of site looking east



View of site looking east over the wall



View looking northeast at adjacent single-family dwelling



View looking southeast at adjacent two-family dwelling



View of site looking west from the North / south alley



View of site looking west from the North / south alley



METROPOLITAN DEVELOPMENT COMMISSION **February 27, 2025**
HEARING EXAMINER

Case Number: 2024-ZON-131

Property Address: 5820 South Emerson Avenue

Location: Perry Township, Council District #24

Petitioner: IN Indianapolis Emerson, LLC, by Joseph D. Calderon

Current Zoning: C-1, C-3, and D-A

Request: Rezoning of 21.23 acres from the C-1, C-3, and D-A districts to the D-511 district to provide for townhome and duplex development.

Current Land Use: Undeveloped land

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

Staff Reviewer: Kathleen Blackham, Senior Planner

PETITION HISTORY

The Hearing Examiner continued this petition from the December 12, 2024 hearing, to the January 9, 2025 hearing, and to the January 23, 2025 hearing, at staff’s request, to provide time for the petitioner’s representative to submit additional information requested by staff.

The Hearing Examiner acknowledged a timely automatic continuance filed by a registered neighborhood organization that continued this petition from the January 23, 2025 hearing, to the February 27, 2025 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 site plan, landscape plan and elevations shall be submitted for Administrator Approval prior to the issuance of an Improvement Location Permit.
2. A minimum 43-foot half right-of-way shall be dedicated along the frontage of East Edgewood Avenue, including abutting the parcel to the west of the site, 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. 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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4. A tree inventory, tree assessment and preservation plan prepared by a certified arborist shall be submitted for Administrator Approval prior to preliminary plat approval and prior to any site preparation activity or disturbance of the site. This plan shall, at a minimum: a) indicate proposed development; b) delineate the location of the existing trees, c) characterize the size and species of such trees, d) indicate the wooded areas to be saved by shading or some other means of indicating tree areas to be preserved and e) identify the method of preservation (e.g. provision of snow fencing or staked straw bales at the individual tree's dripline during construction activity). All trees proposed for removal shall be indicated as such.
5. Additional DPW commitments installed prior to occupation of any of the dwelling units:
 - A. Install a passing blister at the easternmost access drive along East Edgewood Avenue.
 - B. Sidewalks and ADA-compliant curb ramps shall be installed along both frontages, including extension of perpendicular ramps to the northwest corner of East Edgewood Avenue and South Emerson Avenue intersection to facilitate pedestrian crossing.
 - C. Install continental crosswalk markings to the north leg and west leg of East Edgewood Avenue and south Emerson Avenue.
 - D. Modify the existing curb ramps on the northeast corner and southwest corner of East Edgewood Avenue and South Emerson Avenue to receive the north and west leg crossings.
 - E. Install an ADA-compliant bus boarding pad along the South Emerson Avenue frontage. Such pad shall be paved and eight feet perpendicular to the curb by 5 feet parallel to the curb (may include sidewalk area).
 - F. Install pedestrian heads and push buttons at the northeast, northwest and southwest corners of the intersection to accommodate the north leg and west leg crossings. DPW's approved signal contractor shall be required. DPW will provide the timings.
 - G. Install 5-section head for the east bound and west bound to allow for protected / permitted phasing. DPW's approved signal contractor shall be required. DPW will provide timings.
 - H. Install a south bound right-turn lane on South Emerson Avenue at East Edgewood Avenue with a 300-foot-long length, plus taper within the right-of-way and in accordance with DPW standards.

PETITION OVERVIEW

This 21.23-acre site, zoned D-A, C-1, and C-3 is comprised of four parcels. It is undeveloped and surrounded by single-family dwellings, a retention pond and undeveloped land to the north, zoned D-3, D-A and C-1, respectively; single-family dwellings, to the south, across East Edgewood Avenue, zoned D-A; undeveloped land to the east, zoned C-3; and a single-family dwelling to the west, zoned D-A.

Petitions 2022-CZN-872 / 2022-CVR-872 requested rezoning of 21.232 acres from the D-A, C-1 and C-3 districts to the D-6 district to provide for single-family attached dwellings (townhomes) and multi-family residential development and a variance of development standards to provide for a building height of 49.5 feet and a minimum livability ratio of 1.33. These petitions were denied.



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Petitions 2021-ZON-125 / 2022-VAR-001 requested rezoning of 19.82 acres from the D-A, C-1 and C-3 districts to the D-6 classification to provide for multi-family residential development and variance of the development standards to provide for multi-family development with a building height of 56 feet and a minimum livability ratio of 0.51. These petitions were withdrawn.

Petitions 2006-ZON-133 and 2006-ZON-134 rezoned the central portion of the site to the C-1 District and the frontages along South Emerson Avenue and East Edgewood Avenue to the C-3 District.

REZONING

This request would rezone the site to the D-5II classification to provide 44 duplexes / attached garages, 36 duplexes / no garages, and 146 townhomes. “The D-5II district is intended for small-lot housing formats, primarily for small, detached houses, but also including a mix of small-scale multi-unit building types. This district can be used for new, walkable suburban neighborhoods or for infill situations in established urban areas, including both low density and medium density residential recommendations of the Comprehensive Plan, and the Suburban Neighborhood or Traditional Neighborhood Typologies of the Land Use Pattern Book.”

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

The Comprehensive Plan recommends Suburban Neighborhood for a majority of the site and Office Commercial for southeast corner of the site.

Traffic Impact Study (TIS)

A Traffic Impact Study, file-dated January 10, 2022, was conducted for the previous petitions and remains valid for this petition because the overall number of units would be reduced from 332 to 226.

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

Capacity analysis occurs for four different scenarios. Scenario One is based on existing conditions. Scenario Two is based on 2023 forecasted (full build-out). Scenario Three is based on 2033 no-build conditions, reflecting additional background growth. Scenario Four is based on the 2033 build conditions, with the proposed development.



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The study analyzed the portion of the site proposed for residential development and the four commercial out parcels (zoned C-3), which would generate a total of approximately 433 and 520 trips during the weekday morning and afternoon peak hours, respectively.

Below are the recommended improvements surrounding the Edgewood Avenue and Emerson Avenue intersection related to the proposed development.

- Install a southbound right-turn lane on Emerson Avenue
- Add left-turn arrows and implement protected-plus-permitted phasing for the eastbound and westbound approaches
- Adjust signal timings to account for the new phasing

It was also recommended that the City plan for a future northbound right-turn lane on Emerson Avenue, perhaps in conjunction with the development of the southeast quadrant of the intersection.

The study noted failing conditions during the P.M. peak period at the Edgewood Avenue and Shelbyville Road intersection located to the east of this site. It was recommended that the City consider the installation of traffic signals or a round-about, independent of the proposed development.

Department of Public Works

The Department of Public Works, Traffic Engineering Section, has requested the dedication and conveyance of a 43-foot half right-of-way along East Edgewood Avenue. This dedication would also be consistent with the Marion County Thoroughfare Plan.

Staff would note that the right-of-way along this portion East Edgewood Avenue varies from 37 feet to 140 feet. Consequently, only those portions of the frontage where a 43-foot right-of-way does not exist would be required to be dedicated. Additionally, the right-of-way dedication should continue along the abutting property to the west for approximately 150 feet.

The DPW has requested the additional following traffic and pedestrian infrastructure improvements:

1. Install a passing blister at the easternmost access drive along East Edgewood Avenue.
2. Sidewalks and ADA-compliant curb ramps shall be installed along both frontages, including extension of perpendicular ramps to the northwest corner of East Edgewood Avenue and South Emerson Avenue intersection to facilitate pedestrian crossing. The sidewalk along the East Edgewood Avenue frontage shall connect to the sidewalk to the west of this site.
3. Install continental crosswalk markings to the north leg and west leg of East Edgewood Avenue and south Emerson Avenue.
4. Modify the existing curb ramps on the northeast corner and southwest corner of East Edgewood Avenue and South Emerson Avenue to receive the north and west leg crossings.



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5. Install an ADA-compliant bus boarding pad along the South Emerson Avenue frontage. Such pad shall be paved eight feet perpendicular to the curb by 5 feet parallel to the curb (may include sidewalk area).
6. Install pedestrian heads and push buttons at the northeast, northwest and southwest corners of the intersection to accommodate the north leg and west leg crossings. DPW's approved signal contractor shall be required. DPW will provide the timings.
7. Install 5-section head for the east bound and west bound to allow for protected / permitted phasing. DPW's approved signal contractor shall be required. DPW will provide timings.
8. Install a south bound right-turn lane on South Emerson Avenue at East Edgewood Avenue with a 300-foot-long length, plus taper within the right-of-way and in accordance with DPW standards.

Tree Preservation / Heritage Tree Conservation

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

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

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

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

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



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Environmental Public Nuisances

The purpose of the Revised Code of the Consolidated City and County, Sec.575 (Environmental Public Nuisances) is to protect public safety, health and welfare and enhance the environment for the people of the city by making it unlawful for property owners and occupants to allow an environmental public nuisance to exist.

All owners, occupants, or other persons in control of any private property within the city shall be required to keep the private property free from environmental nuisances.

Environmental public nuisance means:

1. Vegetation on private or governmental property that is abandoned, neglected, disregarded or not cut, mown, or otherwise removed and that has attained a height of twelve (12) inches or more;
2. Vegetation, trees or woody growth on private property that, due to its proximity to any governmental property, right-of-way or easement, interferes with the public safety or lawful use of the governmental property, right-of-way or easement or that has been allowed to become a health or safety hazard;
3. A drainage or stormwater management facility as defined in Chapter 561 of this Code on private or governmental property, which facility has not been maintained as required by that chapter; or
4. Property that has accumulated litter or waste products, unless specifically authorized under existing laws and regulations, or that has otherwise been allowed to become a health or safety hazard.

Staff would request a commitment that emphasizes the importance of maintaining the site in a neat and orderly manner at all times and provide containers and receptacles for proper disposal of trash and other waste.

Planning Analysis

As proposed this request would generally be consistent with the Comprehensive Plan recommendation of suburban neighborhood typology. The density for this proposed development would be 10.65 units per acre. Staff would note that this rezoning is part of a larger site that includes a C-3 district along the South Emerson Avenue frontage that would remain commercial and be developed at some future date.

This density exceeds the recommended density for the suburban neighborhood typology, but the Pattern Book recommends a higher density if the development is within a quarter mile of a frequent transit line, greenway, or park. IndyGo Route 16 serves this site and the DPW is requesting a bus boarding pad along the South Emerson Avenue frontage. Consequently, staff believes the increased density would be acceptable, with the infrastructure improvements requested by the Department of Public Works.

Due to the visibility and the need to comply with the Green Factor, staff is requesting that a landscape plan and building elevations be submitted for Administrator Approval prior to the issuance of an Improvement Location.

GENERAL INFORMATION

Existing Zoning	D-A / C-1 / C-3	
Existing Land Use	Undeveloped	
Comprehensive Plan	Suburban Neighborhood / Office Commercial	
Surrounding Context	<u>Zoning</u>	<u>Land Use</u>
North:	D-3 / C-1 / C-3	Single-family dwellings / retention pond / undeveloped
South:	D-A	Single-family dwellings
East:	C-3	Undeveloped
West:	D-A	Single-family dwelling
Thoroughfare Plan		
East Edgewood Avenue	Primary arterial	Existing 37-140-foot right-of-way and proposed 80-foot right-of-way.
South Emerson Avenue	Primary Arterial I	Existing 140-foot right-of-way and proposed 86-foot right-of-way.
Context Area	Metro	
Floodway / Floodway Fringe	No	
Overlay	No	
Wellfield Protection Area	No	
Site Plan	October 28, 2024	
Site Plan (Amended)	January 9, 2025	
Elevations	January 9, 2025	
Elevations (Amended)	N/A	
Landscape Plan	N/A	
Findings of Fact	N/A	
Findings of Fact (Amended)	N/A	
C-S/D-P Statement	N/A	

COMPREHENSIVE PLAN ANALYSIS

Comprehensive Plan

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

The Comprehensive Plan recommends Office Commercial for southeast corner of the site. “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.”

Pattern Book / Land Use Plan

The Comprehensive Plan consists of two components that include The Marion County Land Use Pattern Book (2019) and the land use map. The Pattern Book provides a land use classification system that guides the orderly development of the county and protects the character of neighborhoods while also being flexible and adaptable to allow neighborhoods to grow and change over time.

The Pattern Book serves as a policy guide as development occurs. Below are the relevant policies related to this request:

Conditions for All Land Use Types

- 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.



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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 located on corner lots, with entrances located on different sides of the lot or otherwise interspersed with detached housing.
- Duplexes should be architecturally harmonious with adjacent 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 describe the purpose, policies and tools:

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



ZONING HISTORY

2022-CZN-872 / 2022-CVR-872; 4822 East Edgewood Avenue and 5820 South Emerson Avenue, rezoning of 21.232 acres from the D-A, C-1 and C-3 districts to the D-6 district to provide for single-family attached dwellings (townhomes) and multi-family residential development and a variance of development standards to provide for a building height of 49.5 feet, **denied**.

2021-ZON-125 / 2022-VAR-001; 4822 East Edgewood Avenue and 5820 South Emerson Avenue, requested rezoning of 19.92 acres from the D-A, C-1 and C-3 districts to the D-6 district to provide for multi-family residential development and a variance of development standards to provide for a building height of 56 feet and a minimum livability ratio of 0.51, **withdrawn**.

2006-ZON-133; 5820 South Emerson Avenue; requested rezoning of 11.027 acres from D-A to C-3 and C-1 to provide for neighborhood commercial uses and office uses, **approved**.

2006-ZON-134; 5820 South Emerson Avenue, rezoning of 4.698 acres from D-A to C-1 to provide for office uses, **approved**.

VICINITY

2004-ZON-049; 5800 South Emerson Avenue (north of site), rezoning of 1.997 acres from D-A to C-1 to provide for office uses, **approved**

2002-UV1-004; 5800 South Emerson Avenue (north of site), variance of use to provide for the construction of a single-family dwelling, with an attached recording studio in D-A, **granted**.

2002-ZON-012; 5935 South Emerson Avenue (east of site), rezoning of 5.23 acres from D-A to C-S to provide for all C-1 uses and limited C-3 uses, **approved**.

2005-APP-002; 5905-5935 South Emerson Avenue (east of site), modification of commitments and site plan to provide for construction of a 12,600-square foot building that does not fit within the footprint indicated on the approved site plan from 2000-ZON-012, **approved**.

2005-ZON-857/2005-APP-857/2005-VAR-857; 5901-5935 South Emerson Avenue (east of site), rezoning of 6.556 acres from D-A to C-S to provide for expansion of an office/commercial center with C-1 uses, limited C-3 uses, and a fitness center; a variance of development standards to provide for a second freestanding identification sign with inadequate street frontage and sign separation; a modification of commitments to provide for additional signage, **approved**.

2005-ZON-215; 5640 South Emerson Avenue (north of site), rezoning of 2.087 acres from D-A to C-1 to provide for office uses, **approved**.

2004-ZON-078; 5500 and 5640 South Emerson Avenue (north of site), rezoning of 25.539 acres from D-P and D-A to D-P to provide for the construction of townhouses and two-family dwellings with a total of 104 units, and a density of 4.10 units per acre, **approved**.



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95-Z-183; 5728 South Emerson Avenue (west of site), rezoning of 0.407 acre from D-A to D-3 to provide for single-family residential development, **approved**.

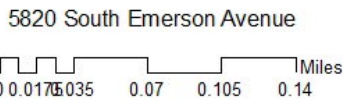
95-Z-73; 4684 East Edgewood Avenue (west of site), rezoning of 11.38 acres from D-A to D-3 to provide for single-family residential development, **approved**.

95-Z-35; 4784 East Edgewood Avenue (west of site), rezoning of 19.99 acres from D-A to D-3 to provide for single-family residential development, **approved**.

EXHIBITS



Sources: Esri, HERE, Garmin, USGS, Intermap, INCREMENT P, NRCan, Esri Japan, METI, Esri China (Hong Kong), Esri Korea, Esri (Thailand), NGCC, for OpenStreetMap contributors, and the GIS User Community











View looking south along South Emerson Avenue



View looking north along South Emerson Avenue



View looking east along East Edgewood Avenue



View looking west along East Edgewood Avenue



View looking west along East Edgewood Avenue



View of site looking west across South Emerson Avenue



View of site looking west across South Emerson Avenue



View of site looking southwest across South Emerson Avenue



View of site looking northwest across East Edgewood Avenue



View of site looking north across East Edgewood Avenue



View of site looking northeast across East Edgewood Avenue

METROPOLITAN DEVELOPMENT COMMISSION **February 27, 2025**
HEARING EXAMINER

Case Number: 2024-ZON-144
Property Address: 7500 South Sherman Drive
Location: Perry Township, Council District #24
Petitioner: Eugene and Elsie J. Daulton, by Elizabeth Bentz Williams
Current Zoning: D-A
Request: Rezoning of 61.55 acres from the D-A district to the D-3 district
Current Land Use: Undeveloped land
Staff Recommendations: Approval, subject to the commitments noted below:
Staff Reviewer: Kathleen Blackham, Senior Planner

PETITION HISTORY

The Hearing Examiner acknowledged the timely automatic continuance filed by a remonstrator that continued this petition from the January 23, 2025 hearing, to the February 27, 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. A tree inventory, tree assessment and preservation plan prepared by a certified arborist shall be submitted for Administrator Approval prior to preliminary plat approval and prior to any site preparation activity or disturbance of the site. This plan shall, at a minimum: a) indicate proposed development; b) delineate the location of the existing trees, c) characterize the size and species of such trees, d) indicate the wooded areas to be saved by shading or some other means of indicating tree areas to be preserved and e) identify the method of preservation (e.g. provision of snow fencing or staked straw bales at the individual tree's dripline during construction activity). All trees proposed for removal shall be indicated as such.
2. A technical assessment shall be conducted prior to the issuance of an Improvement Location Permit to provide for a wetlands delineation to determine the type and quality and how the area could be preserved and integrated into the development as an amenity.
3. 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 61.55-acre site, zoned D-A, is undeveloped and surrounded by single-family dwellings to the north, zoned D-3; two-family dwellings and single-family dwellings to the south, zoned D-5II and D-P, respectively; single-family dwellings and amenity area to the east, zoned D-3; and single-family dwellings to the west, zoned D-A.

REZONING

The request would rezone the site from the D-A district 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.

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.

Overlays

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



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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.

Much of this site is covered by high quality woodlands, specifically identified as Forest Alliance Woodlands, with wetlands scattered throughout the site.

Traffic Operation Analysis (TOA)

Because the proposed development would not meet the threshold for a Traffic Impact Study (TIS), a TOA was prepared. A TOA evaluates the performance of a road network or specific intersection, analyzing traffic flow, congestion levels, delays, and safety issues. See Exhibit A.

Based on the number of vehicles at each of the study intersections, the new development would not cause a negative effect to the existing neighborhoods or street system.

Tree Preservation / Heritage Tree Conservation

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

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

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

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



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

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

Wetland Preservation

The aerial indicates possible wetlands located throughout the site.

The Environmental Protection Agency defines wetlands “as areas where water covers the soil or is present either at or near the surface of the soil all year or for varying periods of time during the year, including during the growing season. Water saturation (hydrology) largely determines how the soil develops and the types of plant and animal communities living in and on the soil. Wetlands may support both aquatic and terrestrial species. The prolonged presence of water creates conditions that favor the growth of specially adapted plants (hydrophytes) and promote the development of characteristic wetland (hydric) soils.”

The State of Indiana defines wetlands as “areas that are inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include: (1) swamps; (2) marshes; (3) bogs; and (4) similar areas.”

Staff believes that a technical assessment that would include a wetlands delineation would determine the type and quality of the wetland based on the presence or absence of wetlands characteristics, as determined with the *Wetlands Delineation Manual, Technical Report Y-81-1* of the United States Army Corps of Engineers.

If approved, staff would recommend that approval be subject to the following commitment:

A technical assessment shall be conducted prior to the issuance of an Improvement Location Permit to provide for a wetlands delineation to determine the type and quality and how the area could be preserved and integrated into the development as an amenity.



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Environmental Public Nuisances

The purpose of the Revised Code of the Consolidated City and County, Sec.575 (Environmental Public Nuisances) is to protect public safety, health and welfare and enhance the environment for the people of the city by making it unlawful for property owners and occupants to allow an environmental public nuisance to exist.

All owners, occupants, or other persons in control of any private property within the city shall be required to keep the private property free from environmental nuisances.

Environmental public nuisance means:

1. Vegetation on private or governmental property that is abandoned, neglected, disregarded or not cut, mown, or otherwise removed and that has attained a height of twelve (12) inches or more;
2. Vegetation, trees or woody growth on private property that, due to its proximity to any governmental property, right-of-way or easement, interferes with the public safety or lawful use of the governmental property, right-of-way or easement or that has been allowed to become a health or safety hazard;
3. A drainage or stormwater management facility as defined in Chapter 561 of this Code on private or governmental property, which facility has not been maintained as required by that chapter; or
4. Property that has accumulated litter or waste products, unless specifically authorized under existing laws and regulations, or that has otherwise been allowed to become a health or safety hazard.

Staff would request a commitment that emphasizes the importance of maintaining the site in a neat and orderly manner at all times and provide containers and receptacles for proper disposal of trash and other waste.

Planning Analysis

The proposed rezoning to the D-3 district to provide for 137 lots for single-family dwellings would be consistent with the Comprehensive Plan recommendation of suburban neighborhood typology. The typical density of this typology is one to five units per acre. This proposed cluster development would provide 2.22 units per acre. It would also be compatible with the surrounding residential neighborhoods.



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Because of the woodlands, wetlands, and 175-foot-wide power line easement (southeast corner), a cluster subdivision is proposed. A cluster subdivision is defined as “a form of development for single-family residential subdivisions that permits a reduction in the minimum lot: area, width, setback and open space requirements and to concentrate development in specific areas of the subdivision while the remaining land is reserved in perpetuity. Recreational purposes, common open space and preservation of environmentally sensitive features are examples of some purposes of the remaining land.”

“Cluster subdivisions are intended to allow greater flexibility in design and development of subdivisions, in order to produce innovative residential environments, provide for more efficient use of land, protect topographical features, and permit common area and open space. To accomplish this purpose, the following regulations and exceptions shall apply only to cluster subdivisions.

The following criteria must all be fulfilled to be eligible for a cluster subdivision.

- Unique topographical features on the site, including but not limited to slopes, streams, and natural water features, are protected and preserved.
- Wooded areas, individual trees of significant size, wetlands, or other environmentally sensitive features are protected and preserved.
- Common open space and recreational areas accessible to residents of the subdivision including provisions for walkways and bikeways are provided.
- Innovative residential environment is produced.
- Alteration of the natural site features is minimized through the design and situation of individual lots, streets, and buildings.
- Diversity and originality in lot layout and individual building design achieves the best possible relationship between development and the land.
- The land area devoted to motor vehicle access is minimized.

Because the proposed rezoning supports and is consistent with the Comprehensive Plan recommendation of suburban neighborhood, compatible with the surrounding residential development, and would protect and preserve the woodlands and wetlands, staff supports this request.

GENERAL INFORMATION

Existing Zoning	D-A	
Existing Land Use	Undeveloped land	
Comprehensive Plan	Suburban Neighborhood	
Surrounding Context	Zoning	Land Use
North:	D-3	Single-family dwellings
South:	D-5II / D-P	Two-family / single-family dwellings
East:	D-3	Single-family dwellings
West:	D-A	Single-family dwellings



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Thoroughfare Plan		
South Sherman Drive	Primary Collector	Existing 70-foot right-of-way and proposed 90-foot right-of-way.
Context Area	Metro	
Floodway / Floodway Fringe	No	
Overlay	Yes – Environmentally Sensitive Areas	
Wellfield Protection Area	No	
Site Plan	December 13, 2024	
Site Plan (Amended)	N/A	
Elevations	N/A	
Elevations (Amended)	N/A	
Landscape Plan	N/A	
Findings of Fact	N/A	
Findings of Fact (Amended)	N/A	
C-S/D-P Statement	N/A	

COMPREHENSIVE PLAN ANALYSIS

Comprehensive Plan

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

Pattern Book / Land Use Plan

The Comprehensive Plan consists of two components that include The Marion County Land Use Pattern Book (2019) and the land use map. The Pattern Book provides a land use classification system that guides the orderly development of the county and protects the character of neighborhoods while also being flexible and adaptable to allow neighborhoods to grow and change over time.

The Pattern Book serves as a policy guide as development occurs. Below are the relevant policies related to this request:



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- *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 5 dwelling units per acre should have design character compatible with adjacent properties. Density intensification should be incremental with higher density housing types located closer to frequent transit lines, greenways or parks.

- *Detached Housing (Detached housing refers to detached single-family homes. While this type of housing may include a secondary dwelling unit (such as a mother-in-law suite or carriage house), the secondary dwelling unit is usually smaller than the primary home and the entire property is under a single ownership.)*
 - The house should extend beyond the front of the garage.
 - Lots should be no more than 1.5 times the size (larger or smaller) of adjacent/surrounding lots, except in cases where lots abut existing residential lots of one acre or more in size. In those cases, lots should be no smaller than 10,000 square feet and no larger than 1.5 times the size of the abutting lot.

Red Line / Blue Line / Purple Line TOD Strategic Plan

Not Applicable to the Site.



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Neighborhood / Area Specific Plan

Not Applicable to the Site.

Infill Housing Guidelines

Not Applicable to the Site.

Indy Moves

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

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

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

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



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ZONING HISTORY

2004-ZON-054; 4226 Stop 11 Road (south of site), requested rezoning of 21.48 acres, being in the D-A district, to the D-5II classification to provide for residential development, **approved**.

99-Z-217 / 99-DP-34; 4620 East Stop 11 Road (south of site), requested rezoning of 68.8 acres from the D-A district to the D-P classification to provide for single-family residential development, **approved**.

88-Z-3; 4802 East Stop 11 Road (north and east of site), requested rezoning of 174.73 acres, being in the A-2 district, to the D-3 classification, to provide for single-family residences, **approved**.

EXHIBITS

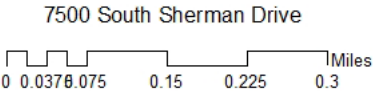
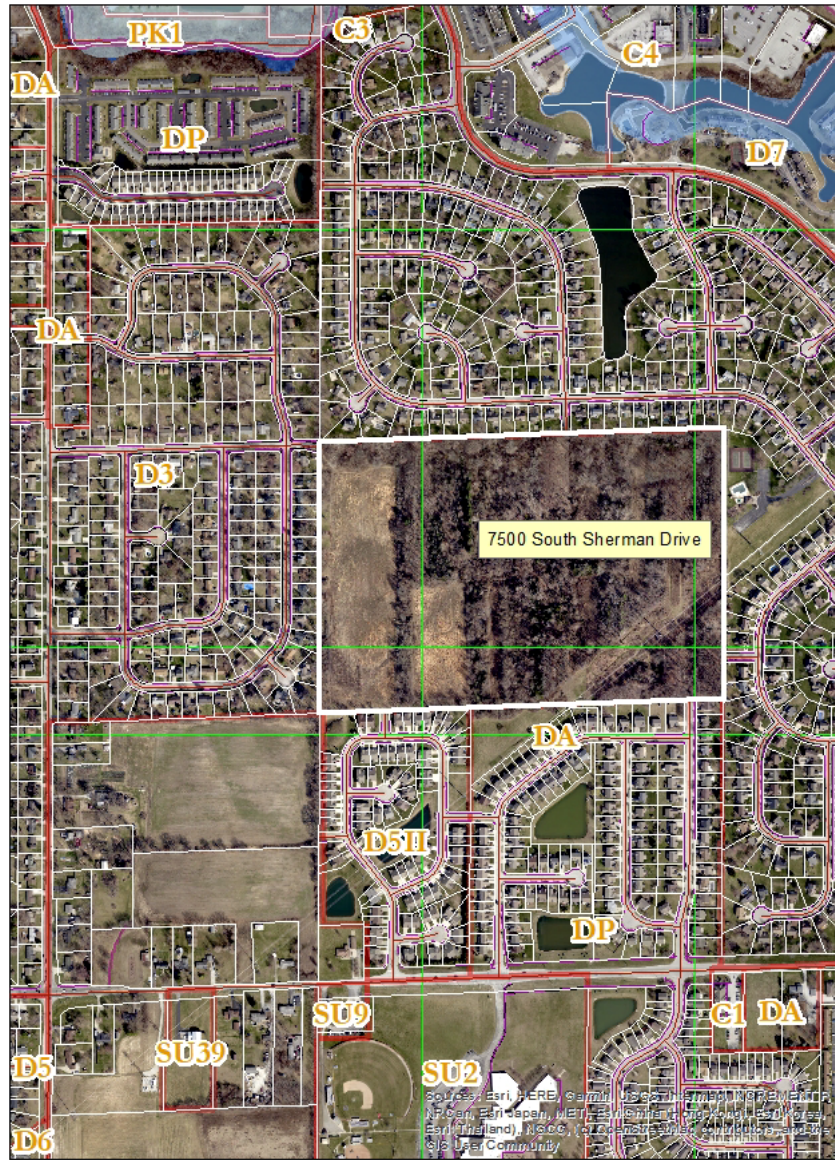








EXHIBIT A – Traffic Operational Analysis



8365 Keystone Crossing, Suite 201
 Indianapolis, Indiana 46240
 (317) 202-0864
 www.af-eng.com

February 7, 2025

Mr. Mark St. John
 Administrator – Planning & Compliance
 DPW, City of Indianapolis
 200 E. Washington Street
 Indianapolis, IN 46204
 mark.stjohn@indy.gov

Re: McFarland Farms
 Traffic Analysis

Dear Mr. St. John,

The purpose of this analysis will be to determine the increased traffic at the following study area intersections:

- Sherman Drive & E. Stop 10 Road
- Southport Road & McFarland Boulevard
- Emerson Avenue & McFarland Boulevard

Scope of Work

In order to determine the effect of the traffic generated by the new subdivision will have on the above-mentioned study intersections, the following tasks were conducted:

- Traffic counts were conducted at study area intersections during AM peak hour and PM peak hour. The AM peak hours that were counted were 6Am-9AM and PM peak hours were counted were 2:30PM – 7:30PM.
- The number of trips that will be anticipated from the additional single-family residences were calculated. The following table illustrates those trips

Land Use	Trip Generation				
	Size	AM Peak		PM Peak	
		Entry	Exit	Entry	Exit
Single-Family / Detached Housing	130 Dwelling Units	24	71	80	47

- New calculated trips will be assigned to each of the study intersections to determine a new volume of traffic that will be added at those locations.

EXPERIENCE. REPUTATION. RELATIONSHIPS



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Existing Traffic Volumes

The following tables are the summary of the existing traffic volumes that were counted at each of the study intersections. The highest volumes at each of the intersections were used for this analysis. The count summaries are enclosed with this memorandum.

Sherman Drive & E. Stop 10 Road									
	Northbound			Southbound			Westbound		
	L	T	R	L	T	R	L	T	R
AM Peak Hour (7:30 AM – 8:30 PM)	-	304	4	11	264	-	7	-	14
PM Peak Hour (3:30 PM – 4:30 PM)	-	360	6	14	459	-	6	-	17

Southport Road & McFarland Boulevard												
	Northbound			Southbound			Eastbound			Westbound		
	L	T	H	L	T	R	L	T	R	L	T	R
AM Peak Hour (7:30 AM – 8:30 PM)	69	38	197	60	35	7	9	580	106	89	543	50
PM Peak Hour (4:30 PM – 5:30 PM)	132	81	178	50	39	19	19	711	186	325	967	91

Emerson Avenue & McFarland Boulevard												
	Northbound			Southbound			Eastbound			Westbound		
	L	T	R	L	T	R	L	T	R	L	T	R
AM Peak Hour (7:15 AM – 8:15 PM)	24	520	62	104	678	74	107	48	96	11	5	5
PM Peak Hour (4:15 PM – 5:15 PM)	97	991	24	48	703	123	106	19	136	85	50	91

Percentage Increase of Traffic

The following table is a summary of the percentage of traffic and new vehicles that will be increased at each of the study intersections:

Increase of Traffic				
Intersection	Percentage Increase		New Vehicles	
	AM	PM	AM	PM
Sherman Drive & E. Stop 10 Road	3.1%	2.9%	19	25
Southport Road & McFarland Boulevard	2.9%	2.4%	51	68
Emerson Avenue & McFarland Boulevard	1.6%	1.4%	25	34



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Conclusion

Based on the number of vehicles at each of the study intersections, the new development will not cause a negative effect to the existing neighborhoods or street system.

Sincerely,
A&F Engineering Co., LLC


Steven J. Fehribach, P.E.
President
/cmc

/enclosed



Exhibit B

Heritage Tree Conservation

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

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

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



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View of site looking east from Stop 10 Road



View of site looking northeast from Stop 10 Road



View of site looking northeast from Lascala Boulevard



View of site looking northeast from Lascala Boulevard



View of site looking north along Whitaker Valley Boulevard



View of site looking west along Mint Drive



View of site looking northwest from Mint Drive



View of site looking south from Tarragon Drive



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METROPOLITAN DEVELOPMENT COMMISSION **February 27, 2025**
HEARING EXAMINER

Case Number: 2024-ZON-147
Property Address: 6900 Milhouse Road (Approximate Address)
Location: Franklin Township, Council District #25
Petitioner: D. R. Horton – Indiana, LLC, by Brian. J. Tuohy
Current Zoning: D-A
Request: Maze Family Farm, LLC, Paul L. Walton, Cheryl H. Walton, Christopher D. Reed, and Kimberly K. Reed, by Tony Bagato
Current Land Use: Agricultural
Staff Recommendations: Approval
Staff Reviewer: Desire Irakoze, Principal Planner II

PETITION HISTORY

This is the first public hearing for this petition.

STAFF RECOMMENDATION

Staff **recommends approval** of the request.
If approved staff’s recommendation, approval shall be subject to the following commitment.

1. The proposed dwelling count does not exceed 304 dwelling units.

PETITION OVERVIEW

LAND USE

The petitioner request rezoning of the 195.776-acre subject site to provide for 304 single family homes. This would be a density of 1.55 units per acre. This is a similar request to the Harmony Subdivision to the east of subject site, which was rezoned to D-P and was approved for 380 single family homes on 148.8 acres for a density of 3.7 units per acre.

The surrounding zoning designations and land uses are as follows:

- North:** Zoned D-A Agricultural & Residential Uses.
- South:** Zoned D-A Agricultural Use & Residential Uses.
- East:** Zoned D-P Residential Use (Harmony Subdivision)
- West:** Zoned D-A Agricultural & Residential Uses.

The Comprehensive Land Use Plan recommends the Suburban Neighborhood typology for the area. The predominate land use in this typology is single-family detached dwellings at a typical density range of to five units per acre.

REZONING REQUEST

This petition seeks to rezone this site from the D-A district to the D-4 district to provide for a 304 single-family subdivision.

Zoning District Overview:

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

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

FF (Floodway Fringe District): Secondary zoning district that overlays the primary zoning district. FF indicates a 1% chance for significant flooding as well as shallow flooding in any given year. FF is based upon hydrological data and is delineated on the FEMA maps.

FW (Floodway District): Secondary zoning district that overlays the primary zoning district. FW indicates the channel of a river or stream and portions adjoining the channels that are necessary to carry the waters of a base flood. FW is based upon hydrological data and is delineated on the FEMA maps.

Zoning District	D-A	D-4
LOT STANDARDS		
Min Lot Area, Single-Family	3 acres (130,680 sq. ft.)	7,200 sq. ft.
Min Lot Area, Two-Family	N/A	10,000 sq. ft.
Min Lot Width, Single-Family	250 ft	60 ft.
Min Lot Width, Two-Family	N/A	90 ft.
Min Lot Frontage	125 ft	30 ft.
Min Open Space	85 %	65%
SETBACKS		
Min Depth Front Yard		
Min Width of Side Yard	30 ft.	5 ft.
Min Width of Side Yard (Aggregate)	75 ft.	13 ft.
Min Depth of Rear Yard	75 ft.	20 ft.
BUILDING STANDARDS		
Max Height Of Primary Building	35 ft.	35 ft.
Max Height Of Accessory Building	24 ft.	24 ft.
Min Main Floor Area (1-Story)	1200 sq. ft.	900 sq. ft.
Min Main Floor Area (Above 1-Story)	800 sq. ft.	660 sq. ft.



STAFF ANALYSIS

The comprehensive plan shows this area as The **Rural or Estate Neighborhood and Suburban Neighborhood** typologies, The typical density of this typology is 1 dwelling unit per acre (1.00) and 5 units per acre respectively. The submitted site plan shows a density of 1.55 units per acre. While the rezone is for D-4, the proposed density is more in line with D-2 zoning direct.

The proposed rezone has a similar density and development to the Harmony Subdivision to the east.

IndyMoves 2018 designates McGregor Road for a proposed Multi-Use Path, which would enhance connectivity for pedestrian and cyclists, Linking the neighborhood to the broader pedestrian network and supporting further development of the trail system. In compliance with the Section of 741-304.C Bicycle Facilities, the petitioner is required to provide bicycle connections throughout the subdivision.

Traffic Analysis:

Traffic Impact Study dated September 18th, 2024.

The conclusions that follow are based on existing traffic volume data, trip generation, assignment, and distribution of generated traffic, and the capacity analyses/level of service results. Based on the analysis and the resulting conclusions of this study, the following recommendations are formulated to ensure that the roadway system will accommodate the increased traffic volumes from the proposed development.

1. Mitthoefer Road & McGregor Road
 - a. **Recommendation:**
 - i. No improvements are necessary at this intersection.
2. Mitthoefer Road & Maze Road
 - a. **Recommendation:**
 - i. No improvements are necessary at this intersection.
3. Acton Road & McGregor Road
 - a. **Recommendation:**
 - i. No improvements are recommended at this time. However, further evaluation may be required based on future traffic conditions.
4. McGregor Road & Proposed Access Drive
 - a. **Recommendations:**
 - i. Construct a northbound full-access drive with one inbound lane and one outbound lane.
 - ii. Install stop control at the access drive, requiring vehicles to stop before entering McGregor Road.
5. Maze Road & Proposed West Access Drive
 - a. **Recommendations:**
 - i. Construct a southbound full-access drive with one inbound lane and one outbound lane.
 - ii. Install stop control at the access drive, requiring vehicles to stop before entering Maze Road.
6. Maze Road & Proposed East Access Drive
 - a. **Recommendations:**



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- i. Construct a southbound full-access drive with one inbound lane and one outbound lane.
- ii. Install stop control at the access drive, requiring vehicles to stop before entering Maze Road

Staff understands that the site plan is conceptual and would note that the landscape requirements of the Ordinance would need to be met at the platting stage of development.

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

GENERAL INFORMATION

Existing Zoning	D-A		
Existing Land Use	Agricultural		
Comprehensive Plan	Rural or Estate Neighborhood & Suburban Neighborhood		
Surrounding Context	Zoning	Land Use	
	North:	D-A	Residential (Single-family dwellings)
	South:	D-A	Residential (Single-family dwellings)
	East:	D-P	Residential (Single-family dwellings)
	West:	D-A	Agricultural (Single-family dwellings)
Thoroughfare Plan			
Maze Road	Secondary Arterial	80-foot existing right-of-way 104-foot proposed right-of-way	
Mitthoefer Road	Primary Arterial	80-foot existing right-of-way 91-foot proposed right-of-way	
McGregor Road	Primary Arterial	80-foot existing right-of-way 90-foot proposed right-of-way.	
Context Area	Metro		
Floodway / Floodway Fringe	Floodway & Floodway Fringe		
Overlay	No		
Wellfield Protection Area	No		
Site Plan	11/13/2024		
Site Plan (Amended)	2/18/2025		
Elevations	N/A		
Elevations (Amended)	N/A		
Landscape Plan	N/A		
Findings of Fact	N/A		
Findings of Fact (Amended)	N/A		
C-S/D-P Statement	N/A		



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

Pattern Book / Land Use Plan

- The Marion County Land Use Plan Pattern Book (2019) recommends Community Commercial development for the subject site.
- The **Rural or Estate Neighborhood** typology applies to both rural or agricultural areas and historic, urban areas with estate-style homes on large lots. In both forms, this typology prioritizes the exceptional natural features – such as rolling hills, high quality woodlands, and wetlands that make these areas unique. Development in this typology should work with the existing topography as much as possible. Typically, this typology has a residential density of less than one dwelling unit per acre unless housing is clustered to preserve open space.
 - **Detached Housing**
 - *Should preserve open space.*
In older, established historic areas, lots should be deep and narrow with deep setbacks. This allows for city services such as streets and sewer lines to be used more efficiently. Mature trees should be preserved whenever possible. In more rural areas, the protection of open space is even more critical. Lots should be both deep and wide. Denser development is appropriate only if the houses are clustered together and public open space is provided.
 - **Modified Uses Detached Housing** - Should be oriented to minimize impact on the natural environment, including trees, wetlands, and exceptional topography. Housing is significantly discouraged in floodplains. Additionally, development should preserve or **add at least 30% of** the entire parcel as tree canopy or naturalized area.
- 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 Housing**
 A mix of housing types is encouraged.

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 2018-Pedal Indy 2018 McGregor Road is proposed a Multi-Use Path



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ZONING HISTORY

Zoning History – Site

2002-ZON-085 / 2002-DP-006; 8020 Acton Road (East of Subject Site), rezone 148.8 acres from D-A to D-P, to provide for single-family residential development with a density of 3.7 units per acre. **Approved**

90-SE-5; 11039 Exchange Street (east of site), request a special exception to legally establish an existing church and allow a roofline change. **Granted**

90-UV3-48; 1101 Virgill Street (east of site), request a variance of use a development standards of the Commercial Zoning Ordinance to Provide for the Use of an Existing building and parking lot for small engine and farm equipment repair with office. **Granted.**



METROPOLITAN DEVELOPMENT COMMISSION **February 27, 2025**

Case Number: 2024-CZN-843 / 2024-CAP-843 / 2024-CPL-843
Property Address: 6243 East Washington Street (Approximate Address)
Location: Warren Township, Council District #14
Petitioner: Tallen Capital Partners, LLC, by Joseph D. Calderon
Current Zoning: C-4
Rezoning of 6.91 acres from the C-4 district to the MU-2 district to provide for a mixed-use development.

Modification of Commitments related to 2023-PLT-064 to strike them in their entirety and replace them with the following commitments:

Request:

1. The following primary uses, as described in Table 743-1 of the City of Indianapolis Consolidated Zoning/Subdivision Ordinance, shall not be permitted on the Subject Property: Club or Lodge; Emergency Shelter, Daily; Methadone Clinic or Treatment Facility; Plasma (Blood) Center; Substance Abuse Treatment Facility; Check Cashing or Validation Service; Mortuary, Funeral Home; Outdoor Advertising Off-Premises Sign; Adult Entertainment Business; Adult Entertainment Business: Retail; Bar that does not offer food service; Indoor Spectator Venue; Night Club or Cabaret; Commercial and Building Contractors; Hotel, Motel, or Hostel; Logistics R&D; Firearm Sales; Fireworks Sales, On-going or Temporary; Liquor store, except for a retail store, warehouse store or big box store selling beer, wine and spirits of 10,000 square feet of gross leasable area or larger, including, but not limited to retailers: Bev Mo, Binny’s, Total Wine, etc., will be allowed to operate upon the Property. In addition, any pharmacy and/or grocery store, hybrid market, mass merchandiser and/or big box retailer such as Target, Walmart, Meijer’s, etc., may sell beer, wine and spirits; Pawn Shop, provided that the existing tenant, EZPawn Indiana, Inc. or permitted successors/assigns may complete the term of the lease in the shopping center located on the Subject Property. In the event that EZPawn or its successors in interest vacate the Property then no Pawn Shops will be permitted thereafter.; Automobile and Light Vehicle Wash; Automobile Fueling Station; Automobile, Motorcycle, and Light Vehicle Service or Repair; Parking Lot, Commercial; Parking Garage, Commercial unless it is a component of the residential or mixed-use component of the



Property; and Recycling Station, unless it is a component of the residential component of the property; and

2. Temporary Outdoor Events are prohibited with the exception of farmer’s markets, food and wine or beer tasing event, live music events, outdoor plays, cultural, civic and charitable events which are all permitted uses. Limited to any residential component of the Property outdoor seating, dining, out door grills, birthday, pickleball, basketball games, outdoor exercise, yoga, recreational and other residential tenant parties, uses and events are permitted uses; and

3. A Recycling Collection Point shall only be permitted on Lot Block A, and only in conjunction with any residential component of the Property as shown on the plat, and shall be limited to glass, metal, newspaper and cardboard collections only. Other collected items such as, but not limited to, clothes, shoes, books and furniture shall not be permitted; and

4. A connection point between the Subject Property and the Pennsy Trail to the south shall be established, and shall feature at least a bench, a green area and a bicycle rack.

Approval of a Subdivision Plat to be known as Amended Irvington Plaza Redevelopment Primary Plat, dividing 15.75 acres into seven lots.]

Waiver Requested: None
Current Land Use: Commercial Integrated Center
Staff Recommendations: Staff recommends approval, With Commitments
Staff Reviewer: [Eddie Honea, Interim Current Planning Administrator]

PETITION HISTORY

[This petition was scheduled for initial hearing on November 21, 2024. Staff requested a continuance to the December 19, 2024, in order to provide for payment and publication of notice.

For the December 19, 2024 hearing, an automatic continuance was filed by a registered neighborhood organization, continuing this petition to the January 23, 2025 hearing of the Hearing Examiner.

For the January 23rd, 2025 hearing, an automatic continuance was filed by the Petitioner, continuing this to todays February 27, 2025 hearing of the Hearing Examiner.]

STAFF RECOMMENDATION



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REZONING

The request, as proposed, would rezone a 6.91-acre portion of the overall 15.75-acre lot, proposed as Block A below, from the C-4 District to the MU-2 District.

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. It is also intended to incorporate employment hubs, institutional and residential uses that complement the intended compact, walkable development pattern.

This use is intended to be applied as a small node or along a busy corridor within the Traditional Neighborhood or City Neighborhood Typologies of the Land Use Pattern Book, or as a Village Mixed Use typology. This district should be applied for projects which range from 2 to 20 acres but may factor in its context and what district integrates best into surrounding neighborhoods and existing zoning districts.

A conceptual site plan, file-dated February 14, 2025, indicates that Block A proposes five, five-story multi-family dwelling buildings, a detention area, 225 surface parking spaces, an additional connection point to the Pennsy Trail, two outdoor grilling areas, two multi-use fitness courts and an outdoor park space.

Staff would note that any integration to the Pennsy Trail require the approval of DPW, subject to their Indy Greenways Full Circle design standards.

While Staff would note that the filed site plan is conceptual, Staff is concerned about the amount of hard surfacing proposed to remain, the absence of trail activating first floor mixed-use space and the modular footprint and orientation of the structure.

Given these concerns, Staff would request that final site plan and elevations be subject to Administrator's Approval, by commitment, addressing these concerns to include the following:

- Elevations will use the filed "Precedent Imagery and Design Inspiration" document (see Exhibits) as a guide to reflect similar material, fenestration and outdoor seating where appropriate.
- A reduction in surface parking area with enhanced parking lot landscaping, with final surface parking area for Block A not containing greater than 25 percent of the minimum parking spaces required by Ordinance.
- That failure to include commercial space within the first floor along the Pennsy Trail require use of the Green Factor landscaping standards as a guide for the overall landscaping requirement of Block A.

In addition, Staff requests a commitment that an overall property agreement that guarantees tenant signage on the two permitted freestanding signs that could be permitted along the Washington Street frontage be secured to prevent the necessity of a future filing of a variance of development standards for additional non-permitted freestanding signs. Staff would note that the Kenyon Street frontage could be improved with a third freestanding sign by-right.

Staff **recommends approval** of the request, subject to the above language being reflected in commitments.



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MODIFICATION OF COMMITMENTS

The subject site was the subject of a previous plat petition (2023-PLT-064), which sought to plat the property into six lots. This request was approved by the Plat Committee on October 11, 2023, and was subsequently appealed by remonstrators, to the Metropolitan Development Commission.

The appeal was denied, and approval of the plat affirmed, after the petitioner agreed to several commitments requested by area residents. These commitments are now requested to be modified to strike them in their entirety and replace them with those outlined in the request.

A substantial element of those commitments included a prohibition of uses that would otherwise be permitted by the C-4 District, and some of which by the MU-2 District. Staff would note that the proposed prohibitive uses largely mirror those that are being stricken, with five exceptions:

1. The previous commitments prohibited bars outright. As proposed, the new commitments would prohibit bars that do not offer food service;
2. The previous commitments prohibited liquor stores outright. As proposed, the new commitments would allow for liquor stores that contain at least 10,000 square feet, as well as retailers to sell alcohol in an accessory capacity;
3. The previous commitments prohibited commercial parking garages, whereas the proposed commitments would allow them in association with a residential or mixed-use use;
4. The previous commitments prohibited recycling stations outright, whereas the proposed commitments would allow them as a component of a residential development of the site; and
5. The previous commitments prohibited Temporary Outdoor Events, while permitted Temporary Outdoor Sales and Display. The proposed commitments maintain this prohibition, but introduce language allowing for farmers markets, food and wine or beer tasting events, live music events, outdoor plays and cultural, civic and charitable events. It also clearly indicates that outdoor amenity space and their use would not be subject to prohibition.

In Staff's opinion, the nature of the modifications outlined above are conducive to the intent of the MU-2 District.

The proposed commitments also strike a commitment that would have prohibited drive-throughs within 600 feet of a proposed Blue Line transit station. The commitment being deleted read as follows:

"The following accessory use as described in Table 743-1 of the Zoning Ordinance shall be restricted as follows:

There shall be no accessory drive through along the Washington Street frontage or within 600 feet of the proposed Blue Line transit station. If a commitment modification or change is needed in the future to allow for a drive through within the TOD, then the application and enforcement of this is to be through a modification of the commitments, and not through the variance process."

Staff would note that the underlined portion above would not be regulatory, and that if the commitment remains in effect – inclusion of a drive through as part of future development would require both a modification of commitments and a variance of development standards. An applicant cannot use the Commissions commitment form to bypass the established regulatory path to deviate from the Ordinance.



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Staff would note that the proposed and approved Ridgeway Road Station will be located within 35 feet of the subject site. The Transit Oriented Development Overlay does not outright prohibit drive throughs within 600 feet of a transit station but does require them to be wholly located behind or beside a building. Staff would impress that it would likely vehemently oppose any future such variance filing given the intent of the TOD overlay, the comprehensive plan (see below) and the redevelopment nature of this significant site.

Given these factors, particularly the inapplicable nature of the previous commitment regarding drive throughs, Staff recommends **approval** of this portion of the request.

PLAT

Staff recommends that the Hearing Examiner **approve** and find that the plat, file-dated February 11, 2025, complies with the standards of the Subdivision Regulations, subject to the following conditions:

1. Subject to the Standards and Specifications of Citizens Energy Group, Sanitation Section.
2. Subject to the Standards and Specifications of the Department of Public Works, Drainage Section.
3. Subject to the Standards and Specifications of the Department of Public Works, Transportation Section.
4. That addresses and street names, as approved by the Department of Metropolitan Development, be affixed to the final plat prior to recording.
5. That the Enforcement Covenant (Section 741-701, of the Consolidated Zoning and Subdivision Ordinance) be affixed to the final plat prior to recording
6. That the Site Distance Covenant (Section 741-702, of the Consolidated Zoning and Subdivision Ordinance) be affixed to the final plat prior to recording.
7. That the Sanitary Sewer Covenant (Section 741-704, of the Consolidated Zoning and Subdivision Ordinance) be affixed to the final plat prior to recording.
8. That the Storm Drainage Covenant (Section 741-703, of the Consolidated Zoning and Subdivision Ordinance) be affixed to the final plat prior to recording.
9. That the plat restrictions and covenants, done in accordance with the rezoning commitments, be submitted prior to recording the final plat.
10. That all the standards related to secondary plat approval listed in Sections 741-207 and 741-208 of the Consolidated Zoning and Subdivision Ordinance be met prior to recording the final plat.

Site Plan and Design

The site is currently zoned C-4, with the proposed Block A requesting to be rezoned to the MU-2 District as part of this request. It is improved with a five-building commercial integrated center. The proposed plat would subdivide the property into seven lots to provide for the redevelopment of the overall subject site, anticipated to include adaptive reuse of existing structures and new structures contingent upon the approval of the rezoning of the proposed 6.91-acre Block A. Lots one through six meet the standards of the C-4 Districts, whereas Block A meets requirements of the MU-2 District, and future development



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would be required to meet these standards. All future development of the overall site must comply with the Transit-Oriented Development Overlay district standards.

Streets

Lots One, Three, Four and Five would front along East Washington Street. Lots Two, Six and Block A would be accessed via easements as shown on the preliminary plat. Block A has a small frontage on South Kenyon Street to the East. An alley runs the length of the west property line, abutting Lots One, Two and Block A, but is only partially improved. No new streets are proposed as part of this petition.

Sidewalks

Sidewalks are existing along Washington Street. Future construction of sidewalks along the frontage of Kenyon Street would be required upon construction of a freestanding building within Block A.

PETITION OVERVIEW

GENERAL INFORMATION

Existing Zoning	C-4	
Existing Land Use	Commercial Integrated Center	
Comprehensive Plan	Community Commercial	
Surrounding Context	Zoning	Land Use
North:	D-5	Single and two-family residential
South:	D-5 / I-2	Single and two-family residential / Industrial
East:	C-4 / D-5 / I-2	Commercial / Multi-family / Industrial
West:	D-5 / SU-9	Single and two-family residential / Fire Station
Thoroughfare Plan		
Washington Street	Primary Arterial	80-foot existing and proposed
Kenyon Street	Local Street	25-feet existing and 48-feet proposed
Context Area	Compact	
Floodway / Floodway Fringe	No	
Overlay	Yes: Transit-Oriented Development	
Wellfield Protection Area	No	
Site Plan	February 4, 2025	
Site Plan (Amended)	February 14, 2025	
Elevations	N/A	
Elevations (Amended)	N/A	
Landscape Plan	N/A	
Findings of Fact	N/A	
Findings of Fact (Amended)	N/A	
C-S/D-P Statement	N/A	



COMPREHENSIVE PLAN ANALYSIS

Comprehensive Plan

- [Blue Line Strategic Plan, the Irvington Neighborhood Plan, various elements of Indy Moves, Throughfare Plan 2019]

Pattern Book / Land Use Plan

- [Not applicable to the Site. Please see Neighborhood / Area Specific Plan below. Neighborhood Plans that were recently adopted prior to the adoption of the Land Use Pattern Book (2019) or were the product of extensive neighborhood input and deemed viably strategic for future land use policy guidance were excluded from the initial version of the Pattern Book.]

Red Line / Blue Line / Purple Line TOD Strategic Plan

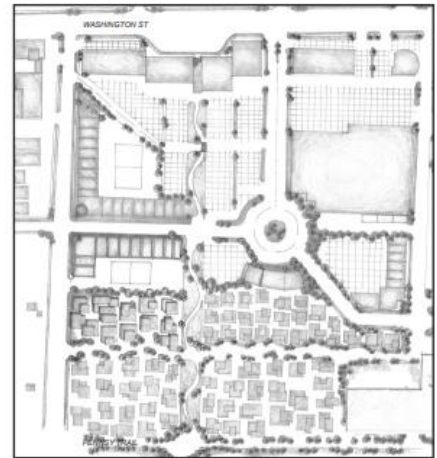
- [The Blue Line Transit-Oriented Development Strategic Plan (2018) classifies the area immediately around the future Ridgeline Drive TOD potential as at the level of “Catalyze + Connect”. This classification is designated for station areas that offer some physical and market foundation for supporting TOD and are characterized by either strong urban form with limited Market Strength, or limited urban form with more robust mark strength.
 - This classification promotes projects that help catalyze future private development and increase activity levels through density and the use of urban amenities. Staff would note that of the nodes within this classification, the Ridgeview Station area is the closest to being reclassified as an “Infill + Enhance” area, which represent the most TOD ready areas along the BRT lines.
 - Staff would note that the TOD Investment Framework Scoring element of this plan specifically states that the strongest TOD potential, along the Blue Line, is specifically between the Central Green Boulevard and Ridgeview Drive stations.
- The Ridgeview Drive Station is categorized as a District Center typology. This typology recommends dense mixed-use hubs for multiple neighborhoods with tall buildings. It promotes a minimum of three stores at core with no front or side setbacks, while promoting multi-family housing with a minimum of five units. It also recommends structured parking only with an active first floor.
- Of note, this plan modifies the land use recommendation for the subject site to Neighborhood Commercial.

]



Neighborhood / Area Specific Plan

- The Irvington Neighborhood Plan (2008) recommends community commercial development for the subject site.
 - The Irvington Neighborhood Plan does not expressly outline guidance on the criteria for establishing land use plan recommendations, instead relying on the Zoning Ordinance in effect at the time to indicate appropriate uses. While a new Zoning Ordinance, Indy Rezone (2016), has been adopted since the implementation of this plan, the Community Commercial uses and general policy regarding its application remain largely the same. This land use category is generally indicative of the C-3 and C-4 Districts, depending on site contexts. Of note, however, are some uses have been removed or included in districts more intense than those previously permissible. In addition, use-specific standards, specifically those related to spacing and separation, have been enacted for uses where they previously did not apply.
- The Irvington Neighborhood Plan goes into great length outlining the importance of the redevelopment of Irvington Plaza in regard to the overall vitality of Irvington, that Staff views it as what would be considered a Critical Area element that is common within comprehensive planning.
 - The Economic Development subcommittee of the Steering Committee was tasked primarily with the evaluation of Irvington Plaza. The Committee recognized the importance of the potential of the Plaza to serve as an extension of the then burgeoning main strip of Washington Street, west of the Plaza.
 - At that time, the steering committee expressly stated that a long-term concern was its total redevelopment through removal and restoration. As a result of its review, the Committee placed an emphasis on attracting new business, promoting business expansion, and encouraging the renovation of the now destroyed Marsh grocery store. Staff would note that there are various notes about improving the quality of the former Marsh, in hopes of providing a stronger grocery retail for the community.
 - The Irvington Neighborhood Plan recognized that the Plaza was one of the earliest auto-oriented retail developments in the City, but expressly envisioned its redevelopment would result in a more urban friendly integral component along the Washington Corridor. The Committee even produced three sketches that promoted different approaches to redeveloping the plaza, ranging from improving landscaping in the parking lots to complete renovation. A common theme of these visions included connections to the then proposed Pennsy Trail, improved integration of public transit and visually improving the parking lots with medians and extensive landscaping. Staff would note that the Pennsy Trail is now improved, and the TOD Overlay District has been adopted, and the Blue Line approved for construction



Infill Housing Guidelines

- [Not applicable to the Site.]

Indy Moves

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

- [The Indy Moves – Final Plan (2018) proposed a Post Road Multi-Use Path, apart of Phase Two of Penny Trail connectivity. This plan proposes to connect the Penny Trail to 38th Street along Post Road. This trail is expressly intended to provide a safe means of access for multi-modal users along the Penny Trail and provide access to the Irvington area for underserved pedestrians and cyclists. It is also intended to provide enhanced access to the Blue Line as well as connectivity to the Post Road multi-use path leading into F
- The Marion County Pedestrian Plan (2016) characterizes Irvington as a Growth Village, which is generally defined as an area focused on outer ring commercial village centers that are not within walking distance of downtown. They are typically characterized by segregated land uses, resulting in substantial walking distance between destinations, as well as limited street connectivity forcing people to walk further between destinations, transit stops and neighborhood streets. This imposes a substantial challenge to people using mobility devices. These areas are often characterized by limited street lighting, missing sidewalks and curb ramps. Given these elements, projects that support pedestrian land use typology allocation targets are given a high score. At the time of adoption, Irvington was in the midst of preparing for a significant streetscape project.
- The Indy Greenways Full Circle Master Plan (2014) expressly acknowledged the Penny Trail as an essential east-west connection on the City's East side, providing connectivity between Irvington, the Town of Cumberland, Hancock County and various east-side neighborhoods. This plan specifically called for integrating the trail and neighborhoods and its neighborhood centers, as well as providing connections to transit stations along the Blue Line.]



ZONING HISTORY

Subject Site:

2023-PLT-064; 6243 East Washington Street; requests Approval of a Subdivision Plat, to be known as Irvington Plaza, dividing 15.75 acres into six lots and one block; **approved.**

2006-DV1-006; 6243 East Washington Street; requests variance of development standards of the Commercial Zoning Ordinance to legally establish a 350-square foot fenced in outdoor storage and trash area with barbed wire (not permitted) with a 0.5-foot west side transitional yard; **withdrawn.**

2003-DV1-040; 6243 East Washington Street; requests variance of the Commercial Zoning Ordinance to legally establish a tras container and compactor without the required screening; **granted.**

93-HOV-105; 6241 East Washington Street; requests variance of development standards of the Sign Regulations to provide for an awning sign with a sign copy indicating products and services available; **granted.**

87-SE3-6; 6301 East Washington Street; requests a Special Exception of the Zoning Ordinance to allow twelve coin-operated arcade gaming machines; **granted.**]

Vicinity:

2019-DV1-006; 6127 East Washington Street; requests variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for a tattoo parlor within 50 feet of the nearest protected district; **denied.**

2017-CVR-810; 6201 East Washington Street; requests variance of development standards of the Consolidated Zoning and Subdivision Ordinance to legally establish a one-foot front transitional yard, without landscaping; **granted.**

2017-CZN-810; 6201 East Washington Street; requests rezoning to the C-4 classification; **approved.**

2003-UV2-026; 6138 East Washington Street; requests variance of use and development standards of the Commercial Zoning Ordinance to provide for automobile sales and display with a zero-foot east transitional yard along North Sheridan Avenue; **dismissed.**

2000-ZON-078; 25 and 17 South Sheridan Avenue; rezoning of 0.44-acre from the D-5 District to the SU-9 classification; **granted.**

98-UV1-1; 6201 East Washington Street; requests variance of use of the Dwelling Districts Zoning Ordinance to provide for the construction of a building, being 12 by 32 feet, for the environmental remediation purposes; **granted.**



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96-UV3-32; 6511 Julian Avenue; requests variance of use of the Industrial Zoning Ordinance to provide for the operation of a test market retail beauty salon within a portion of an existing 6,000 square foot building; **granted.**

95-V1-76; 6201 East Washington Street; requests variance of development standards of the Sign Regulations to provide for the placement of eight signs at an existing gasoline station, including: one illuminated awning of 24 square feet each, two non-illuminated wall signs of 20 square feet each, two illuminated service island canopy signs of 9.38 square feet each, and three non-illuminated spandrel signs of 8.05 square feet each; **granted.**

95-UV1-156 6110 East Washington Street; requests variance of use of the Commercial Zoning Ordinance to provide for a church within an existing building; **granted.**

93-HOV-31; 6201 East Washington Street; requests variance of development standards of the Sign Regulations of Marion County to provide for the construction of a pole sign with less than the require 15 foot setback from the right-of-way and to allow the placement of gasoline pricing panels; **granted.**

90-UV2-27; 6101 East Washington Street; requests variance of use of the Commercial Zoning Ordinance and Dwelling District Zoning Ordinance to legally establish a fire protection company; **granted.**

90-UV2-9; 6202 East Washington Street; requests variance of use and development standards of the Dwelling Districts Zoning Ordinance to permit an addition to an existing single-family residence to provide for the sales of lift chairs and beds for the handicapped with one parking space; variance of use **approved;** variance of development standards **withdrawn.**

90-UV3-2; 6525 East Washington Street; requests variance of use of the Commercial Zoning Ordinance to permit that portion of an existing building presently used for the service and repair of rental equipment to be used as a rental storage facility; **granted.**

88-SE1-7; 126 South Sheridan Avenue; requests special exception to provide for the placement and use of a manufactured home; **granted.**

85-Z-94; 6501 Julian Avenue; requests rezoning of 2.1 acres, being in the D-5 and C-4 Districts, to the I-2-S classification, to provide for manufacturing; **approved.**

85-UV1-117; 6507 Julian Avenue; requests variance of use of the Dwelling Districts Zoning Ordinance to provide for the use of an existing building for the design and manufacturing of aircraft tooling and component parts; **granted.**

85-UV2-90; 6501 East Washington Street; requests variance of use of the Dwelling Districts Zoning Ordinance to provide for the use of an existing building for government offices; **granted.**

84-UV1-122; 6201 East Washington Street; requests variance of use of the Dwelling Districts Zoning Ordinance to provide for the erection of gasoline station canopy over the existing pump islands; **granted.**



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83-UV2-65; 6401 Julian Avenue; requests variance of use and development standards to allow off-street parking and loading in the front yard of a hair-care products distribution facility; **granted.**

82-UV1-14; 6401 Julian Avenue; requests variance of use to provide for an addition to a building for the processing, storage and distribution of hair care and cosmetic products; **granted.**

76-UV2-36; 6501 Julian Avenue; request variance of use, front setback and rear yard requirements, to erect an addition to warehouse for limited retail and wholesale of merchandise; **granted.**

75-UV2-129; 6501 Julian Avenue; requests variance of use and development standards to expand warehouse on street requested to be vacated; **granted.**

73-UV1-38; 6501 East Washington Street; requests variance of use to provide for a restaurant; **granted.**

66-V1-11; 6505 Julian Avenue; requests variance of use, front setbacks, and rear yard requirements to permit erection and operation of a 50 foot by 200 foot warehouse; **granted.**

EXHIBITS

Exhibit A: Context Map:

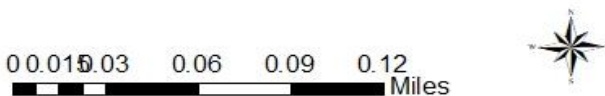
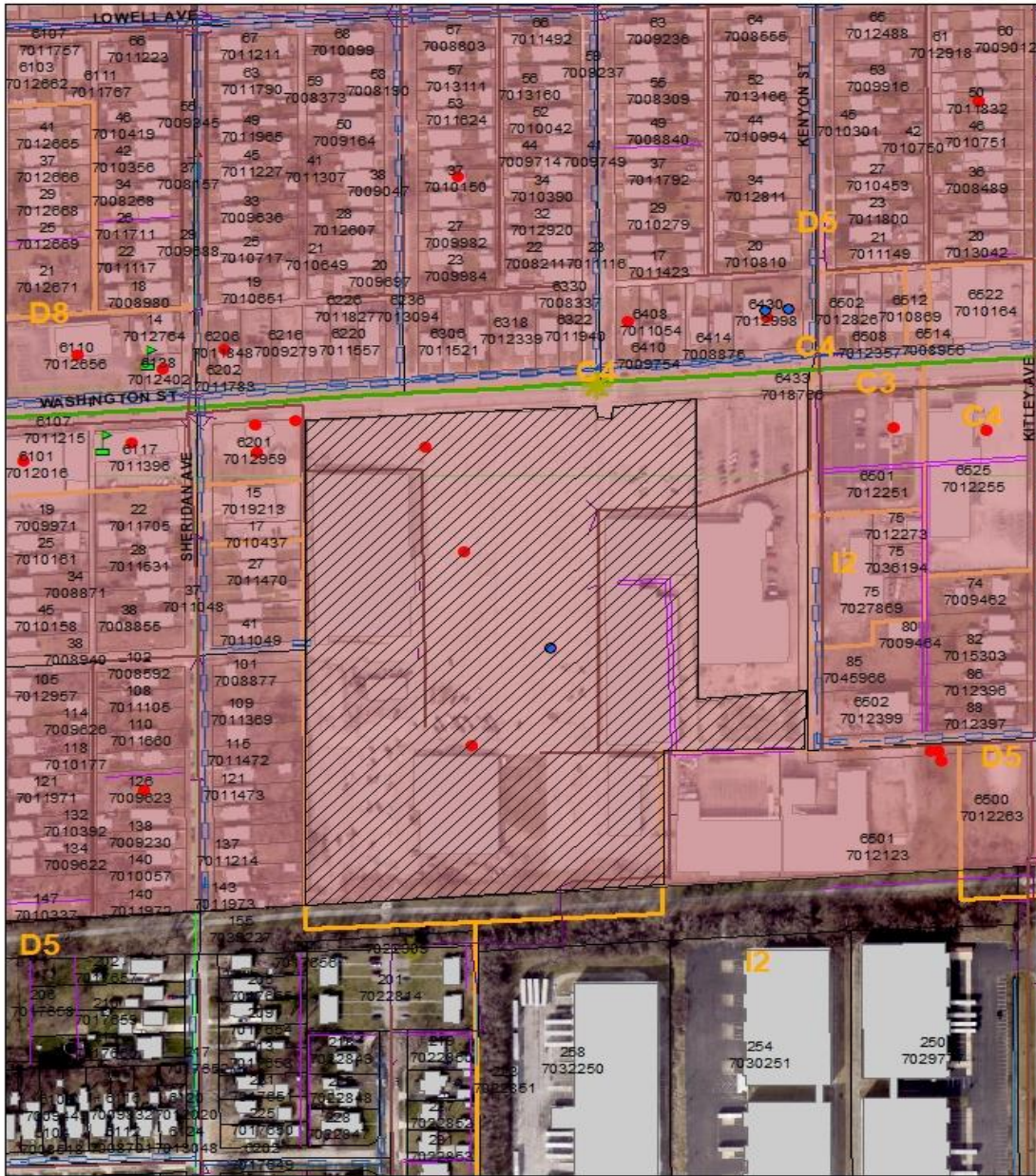




Exhibit B: Original Commitments:

A202300093415

11/08/2023 02:13 PM

**FAITH KIMBROUGH
MARION COUNTY IN RECORDER**

FEE: \$ 35.00

PAGES: 6

By: JN

STATEMENT OF COMMITMENTS

AR

COMMITMENTS CONCERNING THE PRIMARY APPROVAL OF A SUBDIVISION PLAT, DEVELOPMENT PLAN, APPROVAL OF A VACATION OF ALL OR PART OF A PLAT, OR VACATION OF PUBLIC WAYS, EASEMENTS, PUBLIC PLACES OR PARTS THEREOF

In accordance with IC 36-7-4-1015, the owner of the real estate located in Marion County, Indiana, which is described below, makes the following COMMITMENTS concerning the use and development of that parcel of real estate:

Legal Description: See Exhibit "A" Attached Hereto (the "Subject Property").

Statement of COMMITMENTS:

1. The owner agrees to abide by the Open Occupancy and Equal Employment Opportunity Commitments required by Metropolitan Development Commission Resolution No. 85-R-69, 1985, which commitments are attached hereto and incorporated herein by reference as Attachment "A".
2. The following primary uses, as described in Table 743-1 of the City of Indianapolis Consolidated Zoning Ordinance (the "Zoning Ordinance"), shall not be permitted on the Subject Property:
 - a) Club or Lodge
 - b) Emergency Shelter, Daily
 - c) Methadone Clinic or Treatment Facility
 - d) Plasma (Blood) Center
 - e) Substance Abuse Treatment Facility
 - f) Check Cashing or Validation Service
 - g) Mortuary, Funeral Home
 - h) Outdoor Advertising Off-Premises Sign
 - i) Adult Entertainment Business
 - j) Adult Entertainment Business: Retail
 - k) Bar or Tavern
 - l) Indoor Spectator Venue
 - m) Night Club or Cabaret
 - n) Commercial and Building Contractors

Plat Exhibit A -- page 1 of 6



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- o) Hotel, Motel, or Hostel
- p) Logistics R&D
- q) Firearm Sales
- r) Fireworks Sales, On-going or Temporary
- s) Liquor Store
- t) Pawn Shop, provided that the existing tenant, EZPawn Indiana, Inc. or permitted successors/assigns may complete the term of its lease, including any existing renewal terms.
- u) Automobile and Light Vehicle Wash
- v) Automobile Fueling Station
- w) Automobile, Motorcycle, and Light Vehicle Service or Repair
- x) Parking Lot, Commercial
- y) Parking Garage, Commercial
- z) Recycling Station

3. The following accessory use as described in Table 743-1 of the Zoning Ordinance shall be restricted as follows:
There shall be no accessory drive through along the Washington Street frontage or within 600 feet of the proposed Blue Line transit station. If a commitment modification or change is needed in the future to allow for a drive through within the TOD, then the application and enforcement of this to be through a modification of the commitments, and not through the variance process.
4. Temporary Outdoor Events are prohibited. Temporary Outdoor Display and Sales are permitted.
5. A Recycling Collection Point, shall be permitted only on Block "A" as shown on the plat, and shall be limited to glass, metal, newspaper and cardboard collections only. Other collected items such as, but not limited to: clothes, shoes, books, and furniture, shall not be permitted.

These COMMITMENTS shall be binding on the owner, subsequent owners of the real estate and other persons acquiring an interest therein; provided that Commitment #1 (Open Occupancy and Equal Opportunity Commitments) shall not be binding on an owner, subsequent owners or other person acquiring an interest therein if such persons are exempt persons or are engaged in an exempt activity as defined on Attachment "A" which is attached hereto and incorporated herein by reference. These COMMITMENTS may be modified or terminated by a decision of the Metropolitan Development Commission made at a public hearing after proper notice has been given.

COMMITMENTS contained in this instrument shall be effective upon:

Plat Exhibit A -- page 2 of 6



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Exhibit C: Proposed Plat:

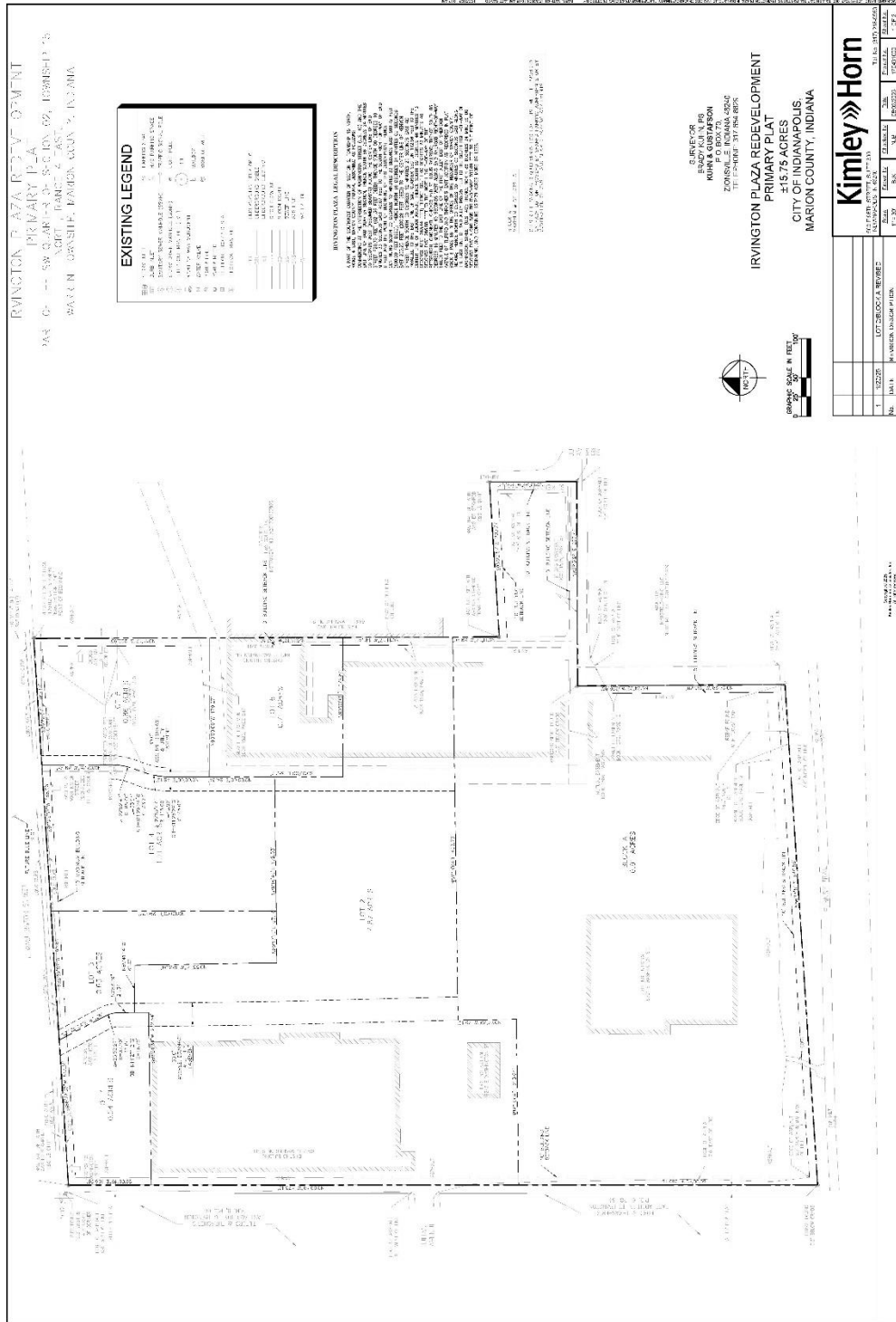


Exhibit D: Conceptual Site Plan:

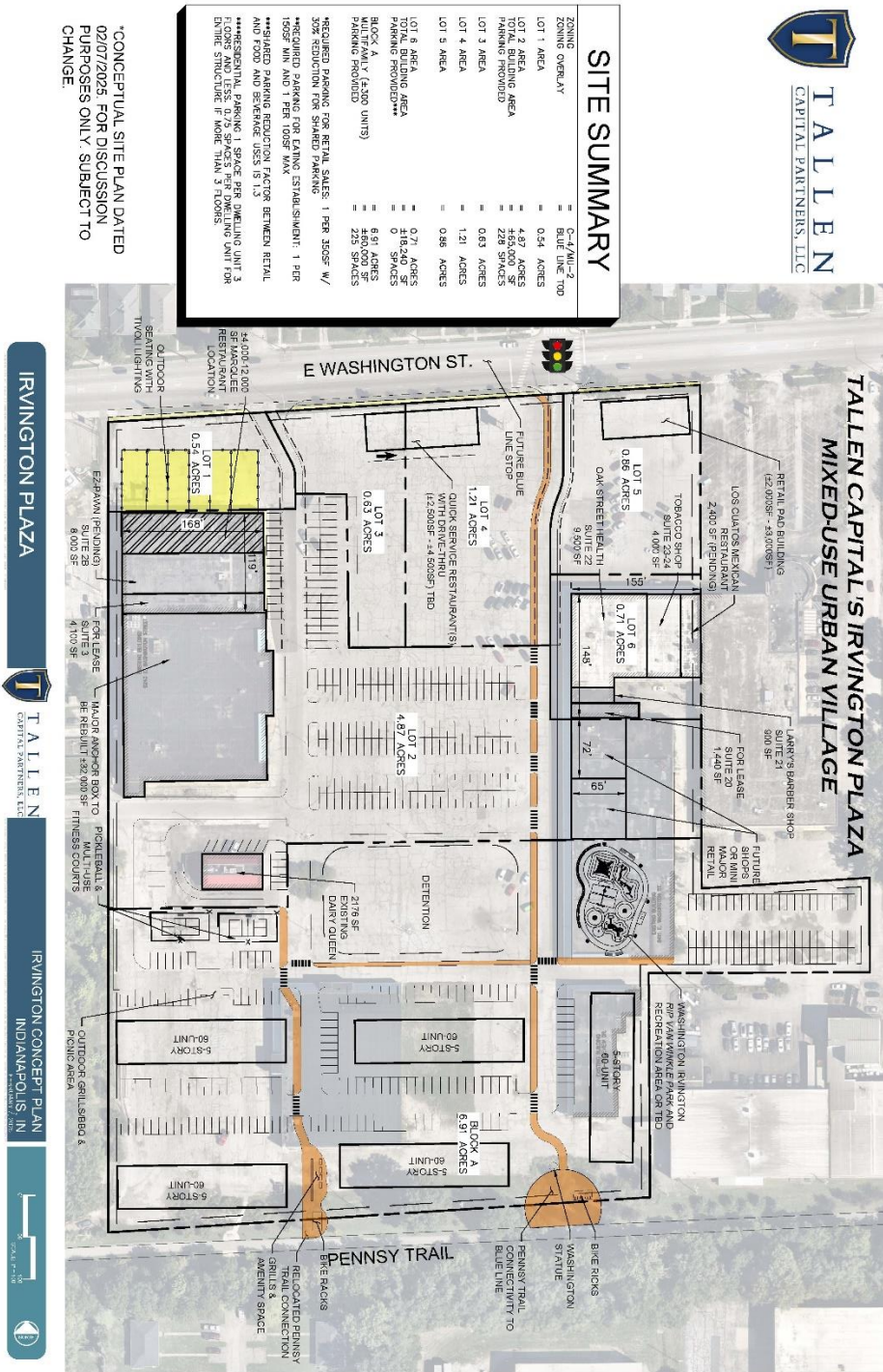


Exhibit E: Precedent Imagery and Design Inspiration

IRVINGTON PLAZA DESIGN PRECEDENTS

02.03.2025 | PRECEDENT STUDIES | PAGE 2



BLACKLINE
 T ALLEN
 CAPITAL PARTNERS, LLC

DESIGN INSPIRATION
 SINGLE STORY RETAIL EXAMPLES

IRVINGTON PLAZA DESIGN PRECEDENTS

02.03.2025 | PRECEDENT STUDIES | PAGE 3



BLACKLINE TALEN
 ARCHITECTS

DESIGN INSPIRATION
 BIG BOX RETAIL AND MULTIFAMILY EXAMPLES

Exhibit F: Photos:



Photo One: Facing East along Washington Street



Photo Two: Facing West Along Washington Street



Photo Three: General Area of Proposed Transit Station at Intersection



Photo Four: Dwellings Located North, Across Washington Street



Photo Five: Looking South, Towards Structures Along Eastern Portion of Site; Existing Signage



Photo Six: Looking Southwest Across Site, Towards Structures On Western Portion of Site



Photo Seven: Façade of Eastern Structures



Photo Eight: Vacant Former Dairy Queen, Located Within Southwest Portion of Site



Photo Nine: Rear of Former Marsh Supermarket, After Fire Damage



Photo Ten: Looking West, Along Julian Avenue



Photo Eleven: Looking West, Southernmost Structure to the Left



Photo Twelve: Looking South, Towards Pennsy Trail



Photo Thirteen: Looking North From Rear of Site, Washington Street in Far Background



Photo Fourteen: Looking East, Across Kenyon Street



METROPOLITAN DEVELOPMENT COMMISSION
HEARING EXAMINER **February 27, 2025**

Case Number: 2025-ZON-006

Property Address: 5335 Madison Avenue (Approximate Address)

Location: Perry Township, Council District #23

Petitioner: James W. and Dawn E. Horner, by Christian C. Badger

Current Zoning: C-3 (TOD) and C-4 (TOD)

Request: Rezoning of 0.37-acre from the C-3 (TOD) and C-4 (TOD) districts to the C-7 (TOD) district to provide for automobile repair and outdoor storage of inoperable vehicles.

Current Land Use: Auto Repair

Staff Recommendations: Denial.

Staff Reviewer: Marleny Iraheta

PETITION HISTORY

This is the first public hearing for this petition.

STAFF RECOMMENDATION

Staff **recommends denial** of the request.

If approved against staff’s recommendation, approval shall be subject to the following commitment being reduced to writing on the Commission’s Exhibit "B" forms at least three days prior to the MDC hearing:

1. A 46-foot half right-of-way shall be dedicated along the frontage of Madison Avenue, as per the request of the Department of Public Works (DPW), Engineering Division. Additional easements shall not be granted to third parties within the area to be dedicated as public right-of-way prior to the acceptance of all grants of right-of-way by the DPW. The right-of-way shall be granted within 60 days of approval and prior to the issuance of an Improvement Location Permit (ILP).

PETITION OVERVIEW

LAND USE

The 0.37-acre subject site is developed with a commercial building and associated parking lot.



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The site is surrounded by a single-family dwelling, zoned C-3, and mobile home park, zoned D-11, to the north, a commercial property to the east, zoned C-S, commercial strip center to the south, split zoned C-4 and C-3, and commercial properties to the west, zoned C-1 and C-3.

REZONING

The request would rezone the property from the C-3 (TOD) and C-4 (TOD) districts to the C-7 (TOD) district to provide for automobile repair and outdoor storage of inoperable vehicles.

The C-3 District is for the development of an extensive range of retail sales and personal, professional and business services required to meet the demands of a fully developed residential neighborhood, regardless of its size. Examples of such types of uses include neighborhood shopping centers, sales of retail convenience or durable goods, shopping establishments, retail and personal and professional service establishments. At this neighborhood scale of retail, a fine-grain of accessibility requisite for all modes of travel must be provided and maintained. It does not make provision, however, for those businesses that draw customers in significant numbers from well beyond a neighborhood boundary and are, therefore, unusually heavy traffic generators, such as theaters. It does not allow those businesses that require the outdoor display, sale or storage of merchandise; or require outdoor operations. In general, to achieve maximum flexibility of permitted land use, the C-3 District makes possible a highly varied grouping of indoor retail and business functions.

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

The C-7 District is designed to provide specific areas for commercial uses which have unusually incompatible features relative to other commercial uses, such as major outdoor storage or display of sizeable merchandise and the outdoor parking and storage of trucks, materials or equipment essential to the operation of these uses. Many of these uses generally are not visited by customers, but rather involve service operations from headquarters with some on-site fabrication of parts. The nature of operation or appearance are more compatible with industrial than retail commercial activities. Because of the character and intensity of these uses, this district should be appropriately located on major commercial arterial thoroughfares and near interstate freeways, but not in close association with those commercial activities involving shopping goods, professional services, restaurants, food merchandising, and the like. Due to the intensity of uses, location of this district should never be adjacent to protected districts.

DEPARTMENT OF PUBLIC WORKS

The Department of Public Works, Traffic Engineering Section, has requested the dedication and conveyance of a 46-foot half right-of-way along Madison Avenue. This dedication would be less than



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what the Marion County Thoroughfare Plan calls for, but enough to implement the infrastructure plans of the Department of Public Works.

STAFF ANALYSIS

The request would rezone the site the C-7 district to allow for outdoor storage of inoperable vehicles in relation to an automobile repair facility.

The proposed district is the most intense commercial district, which staff does not find would be appropriate to border the D-3 and D-11 protected districts to the north with residential dwellings that should be protected.

The C-7 district permits unlimited outdoor storage that could result in the full coverage of the entire site or unordered outdoor storage on a site with limited space. The aerial map in the staff report shows that outdoor storage of vehicles on site already crosses past the eastern property boundary onto the adjacent property.

Automobile repair is permitted within the existing C-4 district so the business could continue to operate on site just without the outdoor storage. The use-specific standards require that all servicing, motor repair, or body repair be conducted within an enclosed building. This prevents the overspill of vehicles on site awaiting repair.

If the business requires outdoor storage due to the growth of the business, then a new location should be sought instead of rezoning the site to the C-7 district. The petitioner proposed the option of rezoning to the C-5 district instead, but staff would not be supportive of that request either due to the proximity of the residential dwellings and secondary Transit Oriented Development Secondary District.

The intent of the Transit Oriented Development (TOD) Secondary District is to coordinate more compact, walkable and urban development patterns with public investment in the transit system. These development patterns ensure that walking and biking are viable options for short trips and transit is a priority for longer trips. Development patterns and site designs that prioritize automobile travel undermine these public and private investments. This district follows the policies and principles of the comprehensive plan, the transit-oriented development strategic plans, and the Livability Principles in this code, and has the following specific design objectives:

1. Place a wide range of housing types within walking distance of commercial centers and transit stops or stations, and at a critical mass that supports these places.
2. Create connections through many different modes of transportation between neighborhoods and places for commercial services and employment.
3. Provide a concentration of many different and small-scale uses with a fine-grained pattern that integrates and transitions well with the neighborhoods they support.
4. Ensure human-scale design that prioritizes relationships of sites and buildings to the streetscapes.



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The Transit Oriented Development Secondary District aims to reduce auto related businesses along transit lines. Although automobile repair is permitted and limited to no larger than half an acre, approval of this rezoning would allow for an auto related business to expand its operations and be counter to the intent of the district and design objectives.

There is an open violation, VIO24-00882, on site for the following items:

1. The location, erection, or maintenance of any sign not specifically permitted by the Zoning Ordinance; (744-910. C.1. - Pedestrian sign shall be within 20 feet of a pedestrian entrance).
2. The location, erection, or maintenance of any sign not specifically permitted by the Zoning Ordinance; (744-910. C.2. - Pedestrian sign shall only be displayed during business or operating hours).
3. The conduct of any activity in a zoning district, not specifically enumerated as a permitted primary or accessory use in that zoning district; (Table 743-1: - Outdoor storage and operations is not a permitted accessory use in a C-4 zoning district...Tires, seats, bumper, vehicles awaiting repair).
4. The conduct of any activity in a zoning district, not specifically enumerated as a permitted primary or accessory use in that zoning district; (Table 743-1: - Vehicle sales is not a permitted use in a C-4 zoning district).
5. Failure to comply with use-specific standards and zoning district development standards for the C-4 district; (Table 744-201-3: - A minimum 20ft. transitional yard is required in a Metro context area C-4 zoning district).
6. Failure to comply with use-specific standards and zoning district development standards for the C-4 district; (744-404. D.6.a. - The parking area lacks hard surface and durability).
7. Failure to comply with use-specific standards and zoning district development standards for the C-4 district; (744-404. D.7.a. - The parking spaces lack 4 inch durable painted lines, curbs or signage).
8. Failure to comply with use-specific standards and zoning district development standards for the C-4 district; (Table 744-402-1: - Failure to provide the required off-street parking spaces for light automotive repair...7 off-street parking spaces are required).
9. Failure to comply with use-specific standards and zoning district development standards for the C-4 district; (Table 744-402-2: - Failure to provide the required ADA parking...1 handicap parking space is required).
10. Failure to comply with use-specific standards and zoning district development standards for the C-4 district; (744-404. D.2.b - The parking space dimensions for all non-residential uses shall not be less than 9ft. in width and 18ft. in length and have at least 180sq. feet of usable parking area).
11. Failure to comply with use-specific standards and zoning district development standards for the C-4 district; (744-508. B.1.a. - Failure to enclose dumpster with a solid wall at least the height of the service area on 3 sides with the 4th side having a solid gate).
12. The outdoor storage of inoperable vehicles in any zoning district, the provisions of which do not specifically permit such a use; (Any motor vehicle, racing vehicle, recreational vehicle, trailer, camper, boat, airplane, bus, truck, or similar vehicle, that cannot be driven, towed or hauled on a city street without being subject to the issuance of a traffic citation by reason of its operating condition or the lack of a valid license plate, or flat tires; or that is otherwise partially dismantled or mechanically inoperable...multiple vehicles with no plate).



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All the violations can be corrected without the need to rezone the site since the automobile repair business can be limited to what is permitted by right. Additionally, there appear to be issues with meeting the necessary parking requirements of the business already so those should be addressed instead of proposing additional outdoor storage of vehicles that would make it harder to provide the required parking on site.

The proposed C-7 district in the Metro Context Area would require a 40-foot north transitional yard which would not be able to be met with the existing location of the building and would require a variance. Currently, the C-4 district requires a 20-foot north transitional yard, but if left as is the northern transitional yard would be considered legally non-conforming.

A site plan was not submitted to the case file, which would have provided the limited lot area to work with and would have provided a depiction of the site with the required parking standards.

In staff's opinion, approval of the request would be inappropriate and would not align with the context of the surround area.

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

GENERAL INFORMATION

Existing Zoning	C-3 (TOD) and C-4 (TOD)	
Existing Land Use	Auto Repair Facility	
Comprehensive Plan	Light Industrial and Suburban Neighborhood	
Surrounding Context	Zoning	Land Use
	North:	D-3 / D-11 Residential (Single-family dwellings and Mobile Homes)
	South:	C-4 and C-3 Commercial
	East:	C-S Commercial
	West:	C-1 / C-3 Commercial
Thoroughfare Plan		
Madison Avenue	Secondary Arterial	112-foot proposed right-of-way and 110-foot existing right-of-way.
Context Area	Metro	
Floodway / Floodway Fringe	No	
Overlay	Yes	
Wellfield Protection Area	No	
Site Plan	N/A	
Site Plan (Amended)	N/A	
Elevations	N/A	
Elevations (Amended)	N/A	
Landscape Plan	N/A	
Findings of Fact	N/A	



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

Comprehensive Plan

- Marion County Land Use Plan Pattern Book (2019)
- Red Line Transit-Oriented Development Strategic Plan (2021)
- Indy Greenways Full Circle Master Plan, Part One (2014)

Pattern Book / Land Use Plan

- The Comprehensive Plan recommends light industrial and suburban neighborhood development of the site.
- 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.
- **Conditions for All Land Use Types**
 - Master-planned developments in excess of 2 acres should include pedestrian amenities for passive and active recreation internal to the development.
- **Small-Scale 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 business park.
 - Should be located and served in such a way that the use will not interfere with industrial traffic or loading.
- The Transit-Oriented Development (TOD) overlay is intended for areas within walking distance of a rapid transit station. The purpose of this overlay is to promote pedestrian connectivity and a higher density than the surrounding area. This overlay modifies the Small-Scale Offices, Retailing, and Personal or Professional Services recommendation to note that 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.)
- 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,



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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.

Red Line / Blue Line / Purple Line TOD Strategic Plan

- The site falls within the Red Line Transit-Oriented Development Strategic Plan (2021).
- The closest transit station is located on the University of Indianapolis campus near Hanna Avenue and Shelby Street.
- Although there isn't a transit station within $\frac{1}{4}$ mile or $\frac{1}{2}$ mile of the subject site, the plan notes to discourage or otherwise prohibit uses that rely solely on automobile trips, such as gas stations, car washes, storage facilities, motels, low-intensity industrial uses, or any other such use that is not likely to contribute to the pedestrian environment. These facilities should be located outside the primary focus area to the extent possible.

Neighborhood / Area Specific Plan

- Not Applicable to the Site.

Infill Housing Guidelines

- Not Applicable to the Site.

Indy Moves

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

- The Indy Greenways Full Circle Master Plan, Part One (2014) proposes a multi-use greenway named the Interurban Trail from Hanna Avenue to County Line Road along Madison Avenue.
- The Indy Bike Master Plan (2011) proposes an on-street bike lane from Troy Avenue to County Line Road along Shelby Street and Madison Avenue.



ZONING HISTORY

Zoning History – Vicinity

98-Z-74; 1515 – 1555 East Hunstead Lane (east of site), Rezone 2.14 acres from C-3 to C-S to provide for C-3 uses (retail commercial uses) and loading and unloading operations related to a building supply company, **approved**.

89-Z-68; 5309 Madison Avenue (north of site), Rezoning of 3.72 acres, being in the C-4 district, to the D-11 classification to permit the development of a mobile home project, **approved**.

81-Z-36; 5340 Madison Avenue (west of site), Rezoning of 0.746 acre, being in the C-1 district, to the C-3 classification, to allow for retail sales in an existing building, **approved**.

71-Z-198; 5330-5350 Madison Avenue (west of site), Rezoning of 1.49 acres being in D-1 district to the C-1 classification to provide for general offices and retail sales, **approved**.

63-Z-126; 5302 and 5304 Madison Avenue (west of site), Rezoning of 1.26 acre, being in R-3 district to B-2 classification to provide for the construction and operation of a flower shop, **approved**.

EXHIBITS

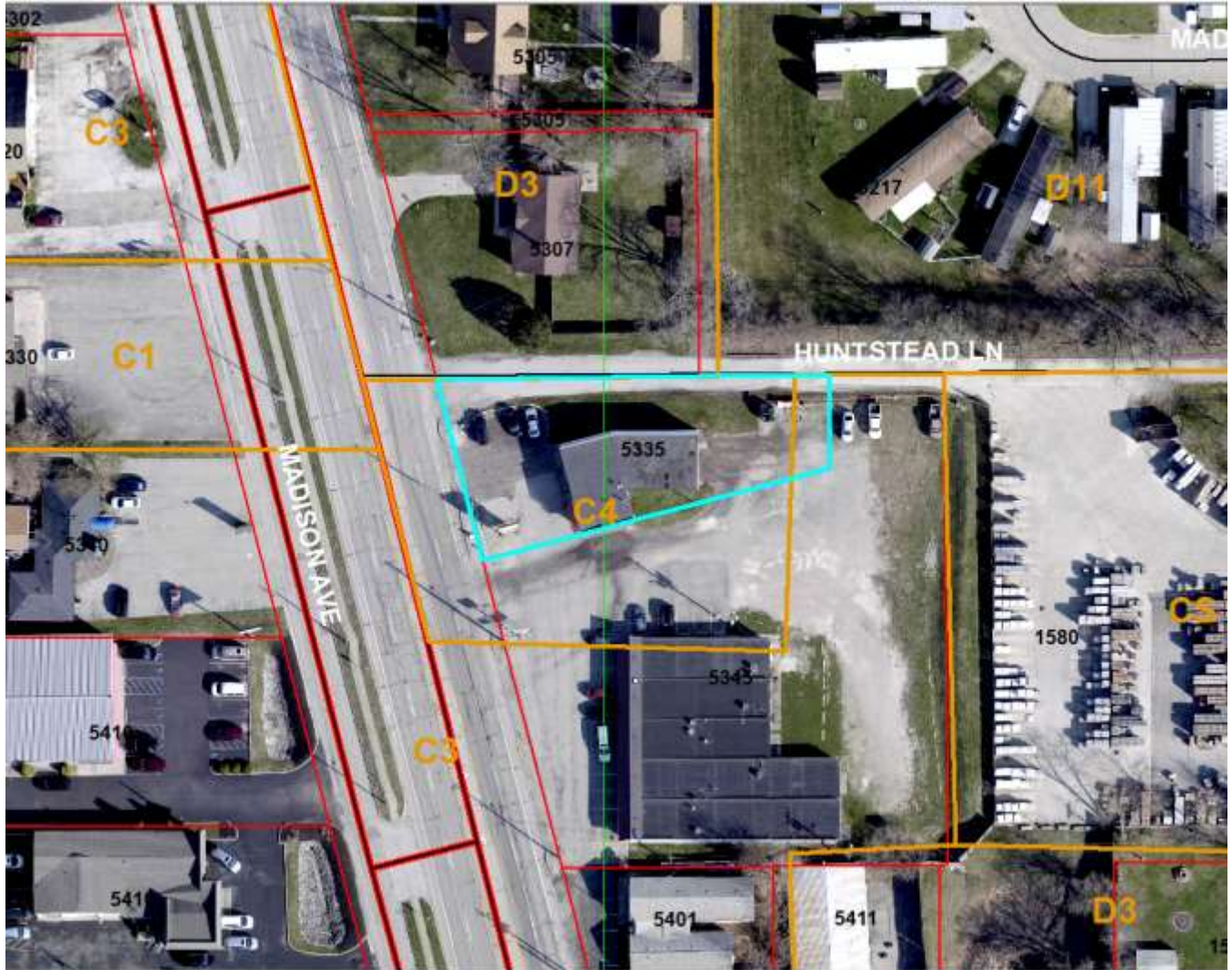




Photo of the subject site.



Photo of the storage of vehicles in the front yard.



Photo of Huntstead Lane looking east with the subject site to the right.



Photo of the subject site to the left looking west along Huntstead Lane.



Photo of the removed building addition on the north side of the building.

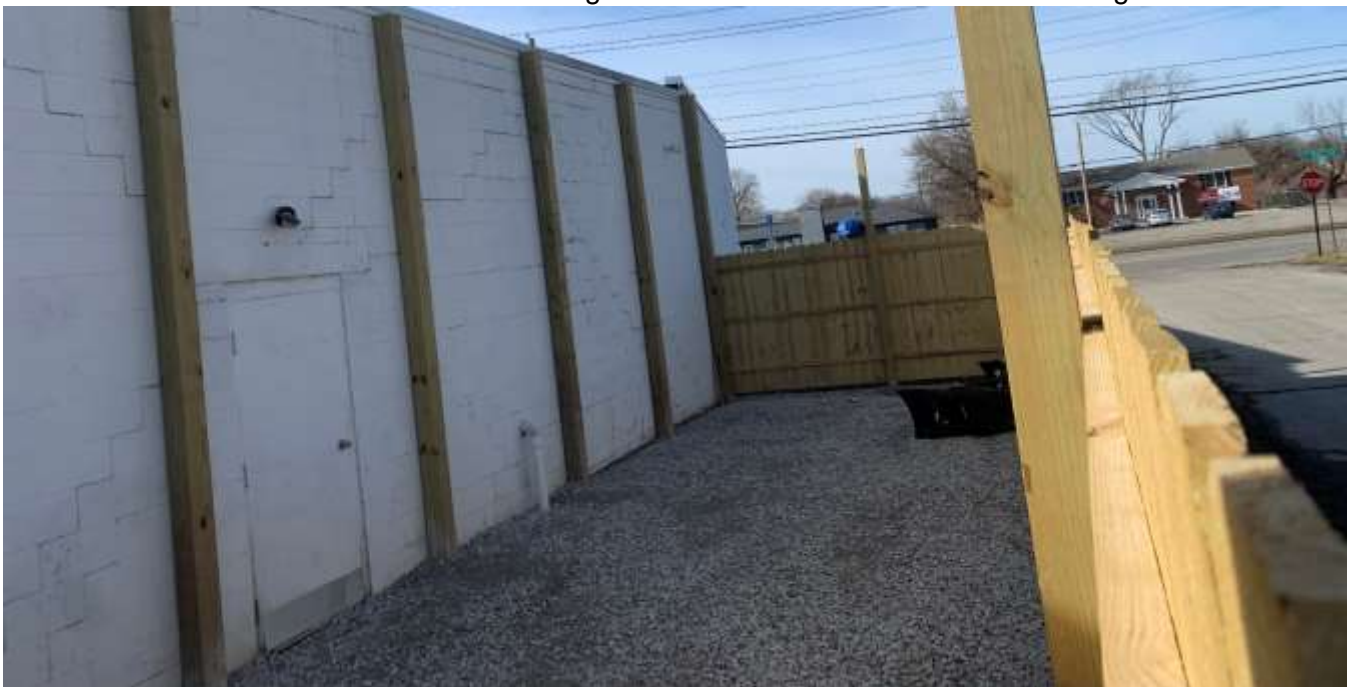


Photo of the fenced in area.



Photo of mobile dwellings north of the subject site.



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



Photo of the subject site street frontage.

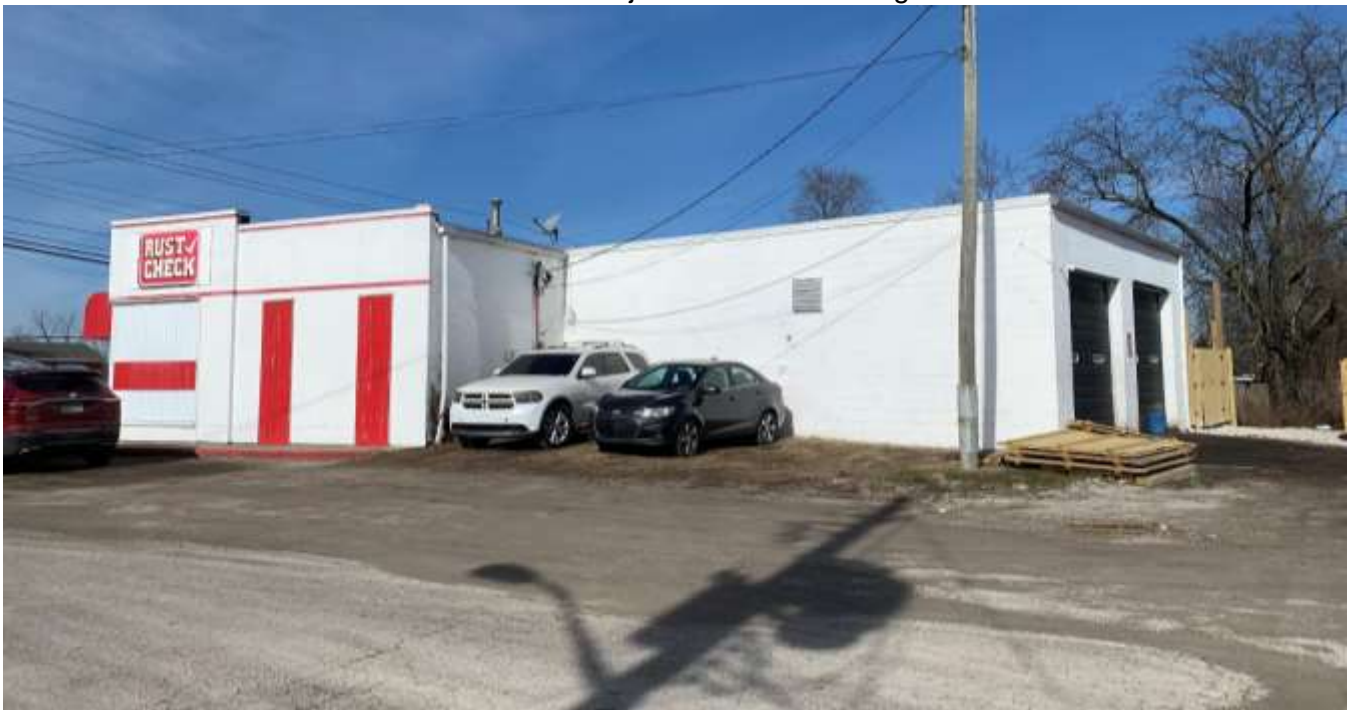


Photo of the commercial building on site looking north.



Photo of the rear vehicle storage area.



Photo of the property east of the site.



Commercial property south of the site.



Commercial properties west of Madison Avenue.



METROPOLITAN DEVELOPMENT COMMISSION **February 27, 2025**
HEARING EXAMINER

Case Number: 2025-CZN-806 / 2025-CPL-806

Property Address: 5433 Shelbyville Road

Location: Franklin Township, Council District #24

Petitioner: Sarabjit Singh and Baljit Kaur, by Pat Rooney

Current Zoning: D-A (FW)

Request: Rezoning 9.109 acres from the D-A (FW) district to the D-1 (FW) district to provide for residential uses.

Current Land Use: Single-family dwelling and accessory buildings.

Staff Recommendations: Approval of the rezoning request, subject to the commitments noted below:
Approval of the plat request, subject to the conditions noted below:

Staff Reviewer: Kathleen Blackham, Senior Planner

PETITION HISTORY

This is the first public hearing on this petition.

STAFF RECOMMENDATION

Staff recommends that the Hearing Examiner approve and find that the plat, file dated December 2, 2024, 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.



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

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

1. A 45-foot half right-of-way shall be dedicated along the frontage of Shelbyville Road and a 40-foot half right-right-of-way along East Edgewood Avenue, 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 tree inventory, tree assessment and preservation plan prepared by a certified arborist shall be submitted for Administrator Approval prior to secondary plat approval and prior to any site preparation activity or disturbance of the site. This plan shall, at a minimum: a) indicate proposed development; b) delineate the location of the existing trees, c) characterize the size and species of such trees, d) indicate the wooded areas to be saved by shading or some other means of indicating tree areas to be preserved and e) identify the method of preservation (e.g. provision of snow fencing or staked straw bales at the individual tree's dripline during construction activity). All trees proposed for removal shall be indicated as such.
3. A technical assessment shall be conducted prior to the issuance of an Improvement Location Permit to provide for a wetlands delineation to determine the type and quality and how the area could be preserved and integrated into the development as an amenity.

PETITION OVERVIEW

This 9.1096-acre site, zoned D-A (FW), is developed with a single-family dwelling and accessory buildings. It is surrounded by a floodway and floodplain to the north, across Shelbyville Road, zoned SU-1 (FW)(FF); single-family dwellings to the south, across East Edgewood Avenue, zoned D-A; and single-family dwellings to the east and west, zoned D-A.



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PLAT

Site Plan

The request would provide for a subdivision plat known as Singh Minor Subdivision that would divide the parcel into three lots. Presumably each lot would be developed with a single-family dwelling. It should be noted that a single-family dwelling exists on the proposed Lot 3 located at the northwest corner of the site.

Streets

All three lots front on public streets (Shelbyville Road and East Edgewood Avenue). Therefore, no new streets would be necessary.

Sidewalks

Sidewalks do not exist but would be required as development occurs. A Performance Bond would also be required during the platting process.

Waivers

None requested.

REZONING

The request would rezone the site to the D-1 (FW) district to provide for residential uses. “The D-1 district is intended for use in suburban areas. The D-1 district has a typical density of 0.9 units per gross acre which fulfills the lowest density residential classification of the Comprehensive General Land Use Plan. The D-1 District provides for estate-style development characterized by generous front yards for trees and a bucolic atmosphere, appropriately served by gently curving roadways. Under most circumstances, public water and sewer facilities should be present but are not mandatory. Development plans 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. Use of the cluster option when subdividing would maximize site advantages.”

The Comprehensive Plan recommends rural and estate typology and floodway for the site. “The Rural or Estate Neighborhood typology applies to both rural or agricultural areas and historic, urban areas with estate-style homes on large lots. In both forms, this typology prioritizes the exceptional natural features – such as rolling hills, high quality woodlands, and wetlands – that make these areas unique. Development in this typology should work with the existing topography as much as possible. Typically, this typology has a residential density of less than one dwelling unit per acre unless housing is clustered to preserve open space.”



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The Floodway recommendation is a non-typology land use. It is a standalone land use that is mapped outside of the typology system due to the scale or the nature of the use and is “a category that delineates areas that exhibit a great potential for property loss and damage from severe flooding, or for water quality degradation. **No development should occur within the floodway.** Nonconforming uses currently within a floodway should not be expanded or altered.”

As proposed, this request would be consistent with the Comprehensive Plan recommendation for the rural or estate neighborhood typology, but no development would be permitted in the floodway.

Floodway / Floodway Fringe

This site has a secondary zoning classification of a Floodway (FW). The Floodway (FW) is the channel of a river or stream, and those portions of the floodplains adjoin the channels which are reasonably required to efficiently carry and discharge the peak flood flow of the base flood of any river or stream.

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

The northeast corner of the site lies within the floodway of Buck Creek.

Stream Protection Corridor

A stream protection corridor consists of a strip of land, extending along both sides of all streams, with measurements taken from the top of the bank on either side. The width of the corridor is based upon whether the stream is designated as a Category One or Category Two. Category One streams have a corridor width of 60 feet in the compact context area and 100 feet in the metro context area. Category Two streams have a corridor width of 25 feet in the compact context area and 50 feet in the metro context area.

The vegetative target for the Stream Protection Corridor is a variety of mature, native riparian tree and shrub species that can provide shade, leaf litter, woody debris, and erosion protection to the stream, along with appropriate plantings necessary for effective stream bank stabilization.

The Stream Protection Corridor is defined as:

“A vegetated area, including trees, shrubs, and herbaceous vegetation, that exists or is established to protect a stream system, lake, or reservoir, and where alteration is strictly limited. Functionally, stream protection corridors provide erosion control, improve water quality (lower sedimentation and contaminant removal) offer flood water storage, provide habitat, and improve aesthetic value.”

Stream is defined as “a surface watercourse with a well-defined bed and bank, either natural or artificial that confines and conducts continuous or periodic flowing water.”



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Stream Bank is defined as “the sloping land that contains the stream channel and the normal flows of the stream.”

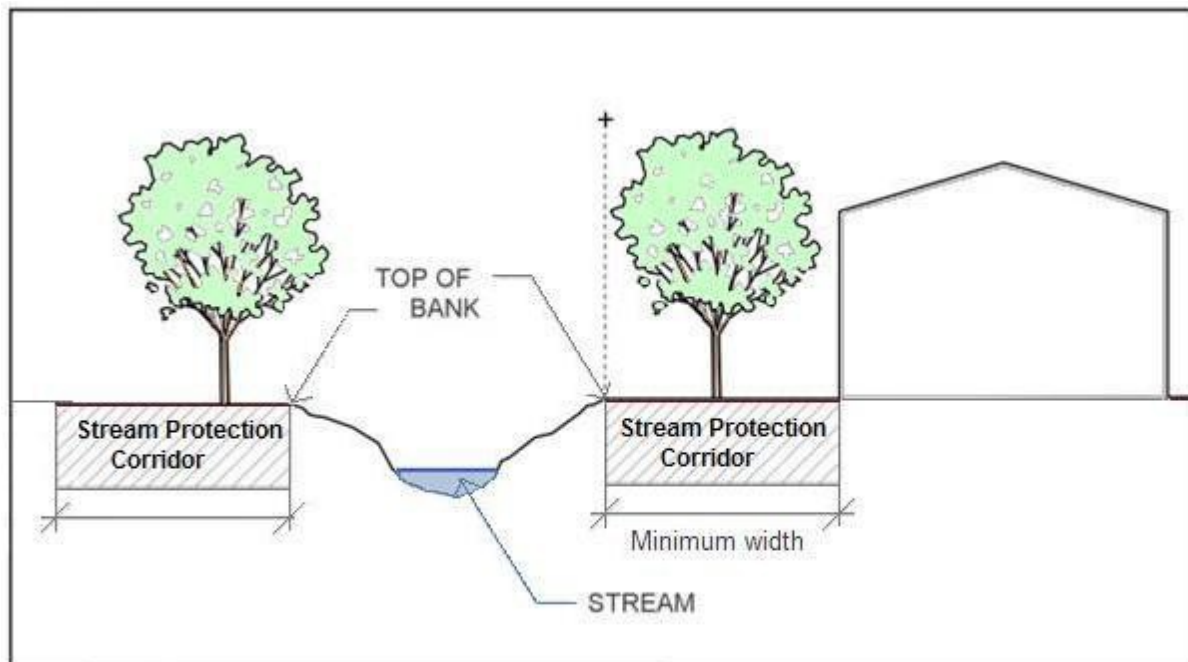
Stream Channel is defined as “part of a watercourse that contains an intermittent or perennial base flow of groundwater origin.”

There are two types of categories of Streams: Category One Streams and Category Two Streams. Category One Stream is defined as: “A perennial stream that flows in a well-defined channel throughout most of the year under normal climatic conditions. Some may dry up during drought periods or due to excessive upstream uses. Aquatic organism such as some fish are normally present and easily found in these streams. The Category One Streams are listed in Table 744-205-2: Category One Streams.”

A Category Two Stream is defined as: “An intermittent stream that flows in a well-defined channel during wet seasons of the year but not necessarily for the entire year. These streams generally exhibit signs of water velocity sufficient to move soil, material, litter, and fine debris. Aquatic organisms, such as fish, are often difficult to find or not present at all in these streams. These streams are identified on the United States Geological Survey (USGS) topographic maps and on the Department of Natural Resources Conservation Service (NRCS) soils maps.”

There are 34 Category One streams listed in the Ordinance. The stream protection corridor is a strip of land on both sides of the stream whose width varies according to whether it is within the Compact or Metro Context Area and whether it is a Category One or Category Two Stream.

Harting Ditch lies within the Metro Context Area and is located at the northeast corner of the site. It is designated as a Category One stream requiring a 50-foot-wide stream protection corridor on both sides of the stream, as measured parallel from the top of the bank. Top of the bank is not defined by the Ordinance, other than by Diagram UU, Stream Protection Corridor Cross-section, as shown below.



Stream Protection Corridor

Department of Public Works

The Department of Public Works, Traffic Engineering Section, has requested the dedication and conveyance of a 45-foot half right-of-way along Shelbyville Road and 40-foot half right-of-way along East Edgewood Avenue. This dedication would also be consistent with the Marion County Thoroughfare Plan.

Overlays

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

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

Much of this site is covered by high quality woodlands, specifically identified as Forest Alliance Woodlands and what appears to be wetlands scattered throughout the site.



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Tree Preservation / Heritage Tree Conservation

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

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

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

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

Wetland Preservation

The aerial indicates possible wetlands located throughout the site.

The Environmental Protection Agency defines wetlands “as areas where water covers the soil or is present either at or near the surface of the soil all year or for varying periods of time during the year, including during the growing season. Water saturation (hydrology) largely determines how the soil develops and the types of plant and animal communities living in and on the soil. Wetlands may support both aquatic and terrestrial species. The prolonged presence of water creates conditions that favor the growth of specially adapted plants (hydrophytes) and promote the development of characteristic wetland (hydric) soils.”

The State of Indiana defines wetlands as “areas that are inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include: (1) swamps; (2) marshes; (3) bogs; and (4) similar areas.”

Staff believes that a technical assessment that would include a wetlands delineation would determine the type and quality of the wetland based on the presence or absence of wetlands characteristics, as determined with the *Wetlands Delineation Manual, Technical Report Y-81-1* of the United States Army Corps of Engineers.

If approved, staff would recommend that approval be subject to the following commitment:

A technical assessment shall be conducted prior to the issuance of an Improvement Location Permit to provide for a wetlands delineation to determine the type and quality and how the area could be preserved and integrated into the development as an amenity.

Planning Analysis

As proposed the rezoning request complies with the Comprehensive Plan recommendation of rural and estate neighborhood. Staff supports the rezoning but as development occurs on this site, consideration should be given to the existing floodway / stream protection corridor, wetlands, Forest Alliance Woodlands, and dedication of rights-of-way.

GENERAL INFORMATION

Existing Zoning	D-A (FW)	
Existing Land Use	Single-family dwelling / accessory buildings	
Comprehensive Plan	Rural or Estate Neighborhood / Floodway	
Surrounding Context	Zoning	Land Use
	North: SU-1 (FW)(FF)	Floodway / Floodway Fringe
	South: D-A	Single-family dwellings
	East: D-A	Single-family dwellings
	West: D-A	Single-family dwellings
Thoroughfare Plan		
Shelbyville Road	Secondary Arterial	Existing 60-foot right-of-way and proposed 90-foot right-of-way.
East Edgewood Avenue	Secondary Arterial	Existing 25-foot right-of-way and proposed 80-foot right-of-way.
Context Area	Metro	
Floodway / Floodway Fringe	Yes – Harting Ditch	
Overlay	Yes – Environmentally Sensitive Areas	
Wellfield Protection Area	No	
Site Plan	January 29, 2025	
Site Plan (Amended)	N/A	
Elevations	N/A	
Elevations (Amended)	N/A	
Landscape Plan	N/A	



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

COMPREHENSIVE PLAN ANALYSIS

Comprehensive Plan

The Comprehensive Plan recommends Rural or Estate Neighborhood. “The Rural or Estate Neighborhood typology applies to both rural or agricultural areas and historic, urban areas with estate-style homes on large lots. In both forms, this typology prioritizes the exceptional natural features – such as rolling hills, high quality woodlands, and wetlands – that make these areas unique. Development in this typology should work with the existing topography as much as possible. Typically, this typology has a residential density of less than one dwelling unit per acre unless housing is clustered to preserve open space.”

The Comprehensive Plan recommends Floodway, a non-typology land use.

Pattern Book / Land Use Plan

The Comprehensive Plan consists of two components that include The Marion County Land Use Pattern Book (2019) and the land use map. The Pattern Book provides a land use classification system that guides the orderly development of the county and protects the character of neighborhoods while also being flexible and adaptable to allow neighborhoods to grow and change over time.

The Pattern Book serves as a policy guide as development occurs. Below are the relevant policies related to this request:

- *Detached Housing (Detached housing refers to detached single-family homes. While this type of housing may include a secondary dwelling unit (such as a mother-in-law suite or carriage house), the secondary dwelling unit is usually smaller than the primary home and the entire property is under a single ownership.)*
 - Should preserve open space.
 - In older, established historic areas, lots should be deep and narrow with deep setbacks. This allows for city services such as streets and sewer lines to be used more efficiently. Mature trees should be preserved whenever possible.
 - In more rural areas, the protection of open space is even more critical. Lots should be both deep and wide.
 - Denser development is appropriate only if the houses are clustered together and public open space is provided.



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- “Flag lots” (lots that are behind other lots, buildings, or otherwise not visible from the road) should be avoided.
- Lots should be no larger than one and a half times the adjacent lots.

Red Line / Blue Line / Purple Line TOD Strategic Plan

Not Applicable to the Site.

Neighborhood / Area Specific Plan

Not Applicable to the Site.

Infill Housing Guidelines

Not Applicable to the Site.

Indy Moves

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

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

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

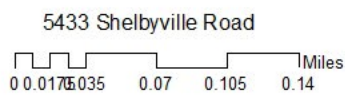
- Classify roadways based on their location, purpose in the overall network and what land use they serve.
- Provide design guidelines for accommodating all modes (automobile, transit, pedestrians, bicycles) within the roadway.
- Set requirements for preserving the right-of-way (ROW)
- Identify roadways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

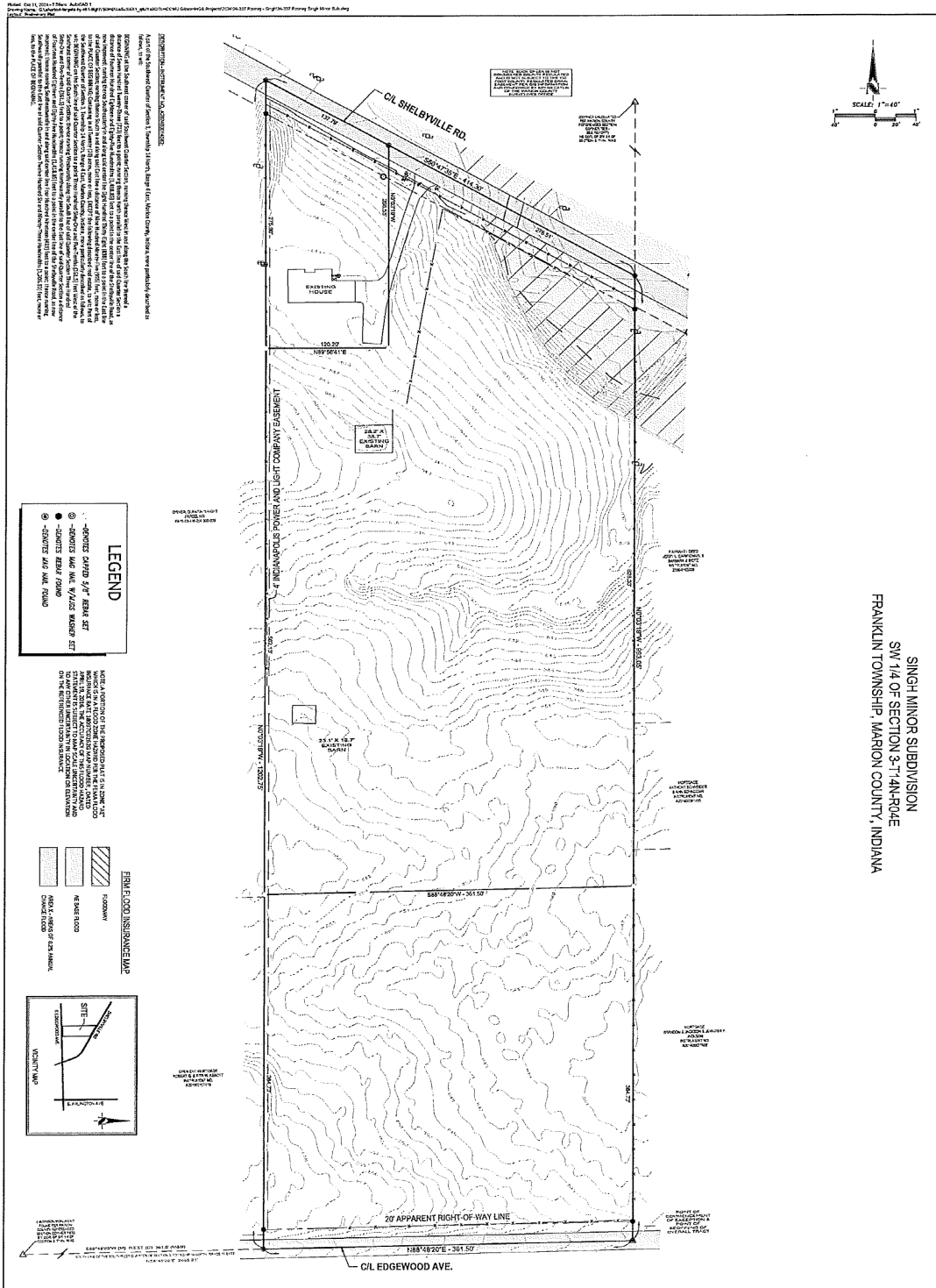


ZONING HISTORY

None.

EXHIBITS





Notes:
 1. All dimensions are in feet and inches.
 2. All bearings are in degrees, minutes and seconds.
 3. All distances are in feet and inches.
 4. All areas are in square feet.
 5. All volumes are in cubic feet.
 6. All elevations are in feet above sea level.
 7. All bearings and distances are as shown on the map.
 8. All areas and volumes are as shown on the map.
 9. All elevations are as shown on the map.
 10. All bearings and distances are as shown on the map.

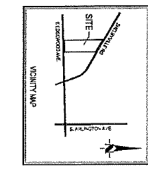
LEGEND

- ADJUSTED 20' APPARENT RIGHT-OF-WAY LINE
- ADJUSTED 20' APPARENT RIGHT-OF-WAY LINE
- ADJUSTED 20' APPARENT RIGHT-OF-WAY LINE
- ADJUSTED 20' APPARENT RIGHT-OF-WAY LINE
- ADJUSTED 20' APPARENT RIGHT-OF-WAY LINE

NOTES:
 1. ALL DIMENSIONS ARE IN FEET AND INCHES.
 2. ALL BEARINGS ARE IN DEGREES, MINUTES AND SECONDS.
 3. ALL DISTANCES ARE IN FEET AND INCHES.
 4. ALL AREAS ARE IN SQUARE FEET.
 5. ALL VOLUMES ARE IN CUBIC FEET.
 6. ALL ELEVATIONS ARE IN FEET ABOVE SEA LEVEL.
 7. ALL BEARINGS AND DISTANCES ARE AS SHOWN ON THE MAP.
 8. ALL AREAS AND VOLUMES ARE AS SHOWN ON THE MAP.
 9. ALL ELEVATIONS ARE AS SHOWN ON THE MAP.
 10. ALL BEARINGS AND DISTANCES ARE AS SHOWN ON THE MAP.

FROM FLOOD INSURANCE MAP

- FLOOD HAZARD
- FLOOD HAZARD
- FLOOD HAZARD
- FLOOD HAZARD
- FLOOD HAZARD



SHEET NO.	DATE:	11-1-2024	Project Name:	PATRICK ROONEY SINGH	Prepared For: PATRICK ROONEY 1633 SHELBYVILLE BL. SUITE 101 INDIANAPOLIS, IN 46223 Phone 317-466-9999		DATE:		REVISION NO.:	
	DRAWN BY:	MSV	Sheet Title:	PRELIMINARY PLAT			DATE:	1 / 1	REVISION NO.:	
	CHECKED BY:	HG					DATE:		REVISION NO.:	
	SCALE:	1" = 40'					DATE:		REVISION NO.:	
	PROJECT ID:	24-137					DATE:		REVISION NO.:	



View looking east along East Edgewood Avenue



View of site looking north across East Edgewood Avenue



View of site looking north across East Edgewood Avenue



View of site looking south across Shelbyville Road



View of site looking southwest across Shelbyville Road



View of site looking south across Shelbyville Road