



# Metropolitan Development Commission Hearing Examiner (February 29, 2024) Meeting Agenda

## Meeting Details

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

**Date:** Thursday, February 29, 2024

**Time:** 1:00 PM

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

## Business:

### Special Requests

#### PETITIONS REQUESTING TO BE CONTINUED:

**1. 2023-ZON-106 / 2024-VAR-004 (Amended) | 2620 and 2710 Wicker Road**

Perry Township, Council District #20  
Reid Litwack, by Joseph D. Calderon

Rezoning of 6.39 acres from the D-A (W-1) district to the C-4 (W-1) district to provide for a commercial parking lot for a fleet truck parking facility.

Special Exception of the Consolidated Zoning and Subdivision Ordinance to provide for a commercial parking lot in the C-4 district. Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for a commercial parking lot on 6.39 acres (maximum of two acres permitted) and a fence in the front yard exceeding the permitted 3.5-foot height.

**\*\*Petitioner request for continuance for cause to March 28, 2024**

**2. 2023-ZON-124 | 5252 Hickory Road**

Franklin Township, Council District #25  
Grand Communities, LLC, by Joseph D. Calderon

Rezoning of 31.63 acres from the D-A (FW) (FF) district to the D-4 (FW) (FF) district, to provide for single-family residential development.

**\*\*Staff request for continuance for cause to March 28, 2024**

**3. 2024-ZON-007 | 3000 North German Church Road**

Warren Township, Council District #15  
Hession Properties, LLC, by Silvia B. Miller

Rezoning of 9.8 acres from the C-3 (FW) (FF) district to the C-5 (FW) (FF) district to provide for heavy commercial uses.

**\*\*Automatic Continuance to March 28, 2024, filed by a Registered Neighborhood Organization**

**4. 2023-CZN-828 / 2023-CVR-828 (Amended) | 3416, 3420 and 3520 South Post Road**

Franklin Township, Council District #18  
Quicktrip Corporation, by J. Murray Clark

Rezoning of 12.269 acres from the C-S and C-7 districts to the C-7 district to provide for a truck stop.

Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for no street trees along the northern portion of the Post Road frontage (street trees required), no planting beds/shrubs along the entire Post Road frontage (landscaping required), three parking lot trees (17 required), to provide for a 50-foot tall, 391-square-foot pole sign (maximum 20-foot tall, 300 square foot pole sign permitted), to provide for a 23-foot tall, 109-square-foot freestanding incidental sign (maximum eight-foot tall, 32 square feet permitted) and to provide for a truck stop located within 425 feet of a protected district (500-foot separation required).

**\*\*Petitioner withdrawal of Petition**

**5. 2023-CZN-869 / 2023-CAP-869 | 4105 and 4151 East 96th Street**

Washington Township, Council District #4  
96th Street Developers, LLC, by Joseph D. Calderon

Rezoning of 30.64 acres from the C-S (FW) (FF) district to the C-S (FW) (FF) district to provide for the following uses: Commercial and Building Contractor, Offices, Light Manufacturing, Artisan Manufacturing, Recycling Station, Research and Development, Warehousing, Wholesaling and Distribution (including showroom with retail), Consumer Services, repair of Consumer Goods, Medical or Dental Office, Center or Clinic, Hair and Body Care Salon or Service, Financial and Insurance Services, Eating Establishment or Food Preparation, including brewery, distillery or tap room, Indoor Recreation/Entertainment, Retail, Light and Heavy General, Automobile Fueling Station, Automobile, Motorcycle, and Light Vehicle Service, Sales or Repair, Automobile and Light Vehicle Wash, Hotel or Motel, Food Trucks, Vocational, Technical or Industrial School or Training Facility, Day Care Center or Nursery School and other Accessory Uses.

Modification of Commitments related to 85-Z-128 and 98-Z-76 to terminate all existing commitments related to these two rezoning petitions.

**\*\*Petitioner request for continuance for cause to March 14, 2024**

## Petitions for Public Hearing

### PETITIONS TO BE EXPEDITED:

**6. 2024-ZON-005 | 977 Roache Street**

Center Township, Council District #12  
Inno Properties, LLC, by Anthony Morman

Rezoning of 0.086 acre from the C-1 district to the D-5II district to provide for residential uses.

**7. 2024-ZON-008 | 8560 North College Avenue**

Washington Township, Council District #2  
Blake and Associates, by Jonathan Blake

Rezoning of 0.64 acre from the SU-7 district to the SU-1 district to provide for religious uses.

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

**8. 2023-ZON-086 / 2024-VAR-003 (Amended) | 6185, 6421, 6423, 6441 and 6531 East 34th Street**

Warren Township, Council District #13  
Ben Singh Bashal, by David Gilman

Rezoning of 6.32 acres from the D-3 and C-S districts to the C-7 district to provide for truck/trailer parking and repair.

Special Exception of the Consolidated Zoning and Subdivision Ordinance to provide for a commercial parking lot in the C-7 district.

**9. 2023-ZON-102 | 117 (119) North Sherman Drive**

Center Township, Council District #12  
Verma Properties, Inc., by Sharmin Frye

Rezoning of 0.11 acre from the D-5 (TOD) district to the C-3 (TOD) district.

**10. 2023-ZON-109 | 5136 Michigan Road**

Washington Township, Council District #8  
Paramount Schools of Excellence, Inc., by Timothy Ochs

Rezoning of 10.13 acres from the SU-1 district to the SU-2 district to provide for educational uses.

**11. 2023-ZON-119 | 7725 Kentucky Avenue**

Decatur Township, Council District #20 (#21 Beginning 2024)  
Lennar Homes of Indiana, LLC, by Brian J. Tuohy

Rezoning of 60.22 acres from the C-4 and C-S districts to the D-4 district to provide for single-family residential development.

**12. 2024-ZON-001 | 7110 and 7120 US 31**

Perry Township, Council District #22  
J & A Homes, Inc. and Jiries Ishak, by David Gilman

Rezoning of 3.04 acres from the D-A and C-1 districts to the C-3 district to provide for neighborhood commercial uses.

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

**13. 2024-ZON-006 | 1573 East 73rd Street**

Washington Township, Council District #2  
Charles and Victoria Huffstutler, by Thadeus Starsiak

Rezoning of 0.17 acre from the C-3 (FF) district to the D-4 (FF) district to allow for residential development.

**14. 2024-CAP-805 / 2024-CVR-805 | 3507 North Hawthorne Lane**

Warren Township, Council District #9  
PK-1  
Indianapolis Parks and Recreation, by Andre Denman

Park District One approval to provide for the development of basketball courts, bleachers, walking trails and shade structures.

Variance of Development Standards to permit the park improvements without the installation of perimeter sidewalks (sidewalks required).

**Additional Business:**

\*\*The addresses of the proposals listed above are approximate and should be confirmed with the Division of Planning. Copies of the proposals are available for examination prior to the hearing by emailing [planneroncall@indy.gov](mailto:planneroncall@indy.gov). Written objections to a proposal are encouraged to be filed via email at [dmdpubliccomments@indy.gov](mailto:dmdpubliccomments@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) 327-5654, at least 48 hours prior to the meeting. Department of Metropolitan Development - Current Planning Division.

STAFF REPORT

Item 1.

Department of Metropolitan Development  
Division of Planning  
Current Planning Section

**Case Number:** 2023-ZON-106 / 2024-VAR-004 (Amended)  
**Address:** 2620 and 2710 Wicker Road (*Approximate Address*)  
**Location:** Perry Township, Council District #20  
**Petitioner:** Reid Litwack, by Joseph D. Calderon  
**Request:** Rezoning of 6.39 acres from the D-A (W-1) district to the C-4 (W-1) district to provide for a commercial parking lot for a fleet truck parking facility.  
**Special Exception of the Consolidated Zoning and Subdivision Ordinance to provide for a commercial parking lot in the C-4 district.**  
**Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for a commercial parking lot on 6.39 acres (maximum of two acres permitted) and a fence in the front yard exceeding the permitted 3.5-foot height.**

The Hearing Examiner continued this petition from the December 14, 2023 hearing, and to the January 25, 2024 hearing, at the request of staff to provide time for further discussions with the petitioner and possibly provide new notice.

The Hearing Examiner continued the petition from the January 25, 2024, hearing, to the February 29, 2024 hearing, to provide time for the petitioner's representative to submit an amended petition and send new notice.

These petitions will need to be **continued from the February 29, 2024 hearing, to the March 28, 2024 hearing**, at the request of the petitioner and his representative for further discussions related to amending the request and sending new notice.

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**STAFF REPORT**

Item 2.

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

**Case Number: 2023-ZON-124**  
**Address: 5252 Hickory Road (approximate address)**  
**Location: Franklin Township, Council District #25**  
**Petitioner: Grand Communities, LLC, by Joseph D. Calderon**  
**Request: Rezoning of 31.63 acres from the D-A (FW) (FF) district to the D-4 (FW) (FF) district, to provide for single-family residential development.**

The Hearing Examiner acknowledged an automatic continuance filed by a registered neighborhood organization that continued this petition from the January 25, 2024 hearing, to the February 29, 2024 hearing.

Because of the past and ongoing residential development in the area and the increase of traffic generated by these developments, staff requested an updated Traffic Impact Study (TIS) that would review previous traffic studies to determine a cumulative traffic impact on the existing streets in this area of the county.

Staff is requesting a **continuance from the February 29, 2024 hearing, to the March 28, 2024 hearing**, to provide time for the TIS to be completed and submitted for review by staff.

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**STAFF REPORT**

Item 3.

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

**Case Number:** 2024-ZON-007  
**Address:** 3000 North German Church Road (*Approximate Address*)  
**Location:** Warren Township, Council District #15  
**Petitioner:** Hession Properties, LLC, by Silvia B. Miller  
**Request:** Rezoning of 9.8 acres from the C-3 (FW) (FF) district to the C-5 (FW) (FF) district to provide for heavy commercial uses.

A registered neighborhood organization filed a timely automatic continuance that would **continue this petition from the February 29, 2024 hearing, to the March 28, 2024 hearing**. This would require acknowledgement from the Hearing Examiner.

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STAFF REPORT

Department of Metropolitan Development  
Division of Planning  
Current Planning Section

**Case Number:** 2023-CZN-828 / 2023-CVR-828 (Amended)  
**Address:** 3416, 3420 and 3520 South Post Road (approximate address)  
**Location:** Franklin Township, Council District #18  
**Petitioner:** Quicktrip Corporation, by J. Murray Clark  
**Request:** Rezoning of 12.269 acres from the C-S and C-7 districts to the C-7 district to provide for a truck stop.

**Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for no street trees along the northern portion of the Post Road frontage (street trees required), no planting beds/shrubs along the entire Post Road frontage (landscaping required), three parking lot trees (17 required), to provide for a 50-foot tall, 391-square-foot pole sign (maximum 20-foot tall, 300 square foot pole sign permitted), to provide for a 23-foot tall, 109-square-foot freestanding incidental sign (maximum eight-foot tall, 32 square feet permitted) and to provide for a truck stop located within 425 feet of a protected district (500-foot separation required).**

The Hearing Examiner continued these petitions from the October 26, 2023 hearing, to the January 11, 2024 hearing, and to the February 29, 2024, at the request of the petitioner’s representative to provide additional time to address some issues. The petitioner’s representative has stated that this **request is being withdrawn**. This will require acknowledgement by the Hearing Examiner.

The petitioner’s representative has requested a continuance from the October 26, 2023 hearing, to the November 16, 2023 hearing, to provide additional time to review the Traffic Operations Analysis (TOA) and research right-of-way jurisdiction at Post Road / Interstate 74 interchange.

The Hearing Examiner continued these petitions from the August 24, 2023 hearing, to the October 26, 2023 hearing, at the petitioner’s representative request to provide time for completion of the TOA and continued discussions with the neighborhood organization. Staff would have no objection to the continuance.

The Hearing Examiner continued these petitions from the July 27, 2023 hearing, to the August 24, 2023 hearing, at the request of staff to provide additional time for a Traffic Operations Analysis (TOA) to be conducted and submitted for review.

The Hearing Examiner acknowledged the timely automatic continuance filed by a registered neighborhood organization that continued these petitions from the June 29, 2023 hearing, to the July 27, 2023 hearing.

The Hearing Examiner continued these petitions from the from the June 15, 2023 hearing, to the June 29, 2023 hearing to provide additional time to amend the variance request and provide required notice.

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STAFF REPORT

Department of Metropolitan Development  
Division of Planning  
Current Planning Section

**Case Number:** 2023-CZN-869 / 2023-CAP-869  
**Address:** 4105 and 4151 East 96<sup>th</sup> Street (*Approximate Addresses*)  
**Location:** Washington Township, Council District #4  
**Petitioner:** 96<sup>th</sup> Street Developers, LLC, by Joseph D. Calderon  
**Request:** Rezoning of 30.64 acres from the C-S (FW) (FF) district to the C-S (FW) (FF) district to provide for the following uses: Commercial and Building Contractor, Offices, Light Manufacturing, Artisan Manufacturing, Recycling Station, Research and Development, Warehousing, Wholesaling and Distribution (including showroom with retail), Consumer Services, repair of Consumer Goods, Medical or Dental Office, Center or Clinic, Hair and Body Care Salon or Service, Financial and Insurance Services, Eating Establishment or Food Preparation, including brewery, distillery or tap room, Indoor Recreation/Entertainment, Retail, Light and Heavy General, Automobile Fueling Station, Automobile, Motorcycle, and Light Vehicle Service, Sales or Repair, Automobile and Light Vehicle Wash, Hotel or Motel, Food Trucks, Vocational, Technical or Industrial School or Training Facility, Day Care Center or Nursery School and other Accessory Uses.  
**Modification of Commitments related to 85-Z-128 and 98-Z-76 to terminate all existing commitments related to these two rezoning petitions.**

This petition was automatically continued from the January 25, 2024 hearing, to the February 29, 2024 hearing at the request of a registered neighborhood organization.

It is staff's understanding that the petitioner will be requesting a **continuance for cause from the February 29, 2024 hearing to the March 14, 2024 hearing**. Staff has no objection to this continuance request. A staff report will be available prior to that hearing.

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**METROPOLITAN DEVELOPMENT COMMISSION  
HEARING EXAMINER**

February 29, 2024

**Case Number:** 2024-ZON-005

**Property Address:** 977 Roache Street

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

**Petitioner:** Inno Properties, LLC, by Anthony Morman

**Current Zoning:** C-1

**Request:** Rezoning of 0.086 acre from the C-1 district to the D-5ll district to provide to residential uses

**Current Land Use:** Commercial use (vacant)

**Staff Recommendations:** Approval, subject to commitments

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

**PETITION HISTORY**

This is the first public hearing on this petition

**STAFF RECOMMENDATION**

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

1. The site and improved areas within the site shall be maintained in a reasonably neat and orderly manner during and after development of the site with appropriate areas and containers / receptables provided for the proper disposal of trash and other waste.
2. The site shall be developed in substantial compliance with the site plan, file-dated January 19, 2024. If the existing structure would be demolished and the site redeveloped, the site plan and elevations shall be submitted for Administrator Approval prior to the issuance of an Improvement Location Permit (ILP).

**PETITION OVERVIEW**

This 0.086-acre site zoned C-1, is developed with a commercial structure. It is surrounded by a single-family dwelling to the north across Roach Street, zoned C-1; undeveloped land to the south, zoned D-5 and C-1; a single-family dwelling to the east, zoned D-5; and a day care facility to the west, across Rader Street, zoned C-1.



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## Rezoning

As proposed, this request would rezone the site from the C-1 district to the D-5II district to provide for conversion of the commercial structure to a two-family dwelling. “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.”

According to the Assessor’s Office records, the existing structure was constructed in 1910. Historical aerials indicate that this site was initially developed as a store.

Even though this request would be a higher density than recommended by the Neighborhood Plan, staff supports this request because it would maintain a historical structure that is well-integrated into the neighborhood character and generally consistent with the Plan recommendation of residential uses. If the existing structure would be demolished, however, staff would request that the site plan and elevations be submitted for Administrator Approval prior to the issuance of an Improvement Location Permit for the new structure that would be reviewed to assure consistency with the Infill Housing Guidelines. Otherwise, the appropriate permits would be required for interior renovations within the existing structure to provide for two dwelling units.

## Environmental Public Nuisances

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

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

Environmental public nuisance means:

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



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4. Property that has accumulated litter or waste products, unless specifically authorized under existing laws and regulations, or that has otherwise been allowed to become a health or safety hazard.

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

**GENERAL INFORMATION**

<b>Existing Zoning</b>	C-1	
<b>Existing Land Use</b>	Commercial use	
<b>Comprehensive Plan</b>	Residential at 3.5 – 5 units per acre	
<b>Surrounding Context</b>	<b>Zoning</b>	<b>Land Use</b>
North:	C-1	Single-family dwelling
South:	C-1 / D-5	Undeveloped
East:	D-5	Single-family dwelling
West:	C-1	Day care facility
<b>Thoroughfare Plan</b>		
Roach Street	Marion County Thoroughfare Plan (2019)	This portion of Roach Street is designated as a local street with an existing 60-foot right-of-way and a proposed 56-foot right-of-way
Rader Street		This portion of Rader Street is designated as a local street with an existing 60-foot right-of-way and a proposed 48-foot right-of-way
<b>Context Area</b>	Compact	
<b>Floodway / Floodway Fringe</b>	No	
<b>Overlay</b>	No	
<b>Wellfield Protection Area</b>	No	
<b>Site Plan</b>	January 19, 2024	
<b>Site Plan (Amended)</b>	N/A	
<b>Elevations</b>	N/A	
<b>Elevations (Amended)</b>	N/A	
<b>Landscape Plan</b>	N/A	
<b>Findings of Fact</b>	N/A	
<b>Findings of Fact (Amended)</b>	N/A	
<b>C-S/D-P Statement</b>	N/a	

## COMPREHENSIVE PLAN ANALYSIS

### Comprehensive Plan

- Not Applicable to the Site

### Pattern Book / Land Use Plan

- Not Applicable to the Site. Please see Neighborhood / Area Specific Plan (etc.) below.

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

- Not Applicable to the Site.

### Neighborhood / Area Specific Plan

- United Northwest Neighborhood Plan (2008) recommends low density residential development of 3.5 - 5 units per acre of single-family dwellings, with zoning recommendations of D-5, D-8 and D-P for residential areas. The D-5 district is the recommendation for this site.
- The Neighborhood Plan viewed this area as a “prime area for new residential development” with “no expansion of industrial and higher intensity commercial land uses into established residential areas to minimize the impact of industrial uses and intense commercial uses with outdoor storage

### Infill Housing Guidelines

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

#### Site Configuration

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



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**Aesthetic Considerations**

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

**Additional Topics**

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

**Indy Moves**

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

- Not Applicable to the Site.



## ZONING HISTORY

**2022-AP2-002; 977 Roach Street**, requested waiver of the refiling rule to permit the filing of a rezoning petition, for a duplex, subsequent to the denial of 2022-UV1-037 on November 15, 2022, for the conversion of an existing structure to a fourplex, and prior to the expiration of the twelve-month waiting period, **withdrawn**.

**2022-UV1-037; 977 Roache Street**, requested a variance of use and development standards of the Consolidated Zoning and Subdivision Ordinance to provide for the conversion of an existing structure into a four-unit apartment building and to legally establish a structure with a zero-foot front setback along Rader Street, a three-foot setback along Roache Street and a zero-foot west-side transitional yard, **denied**.

## VICINITY

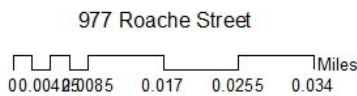
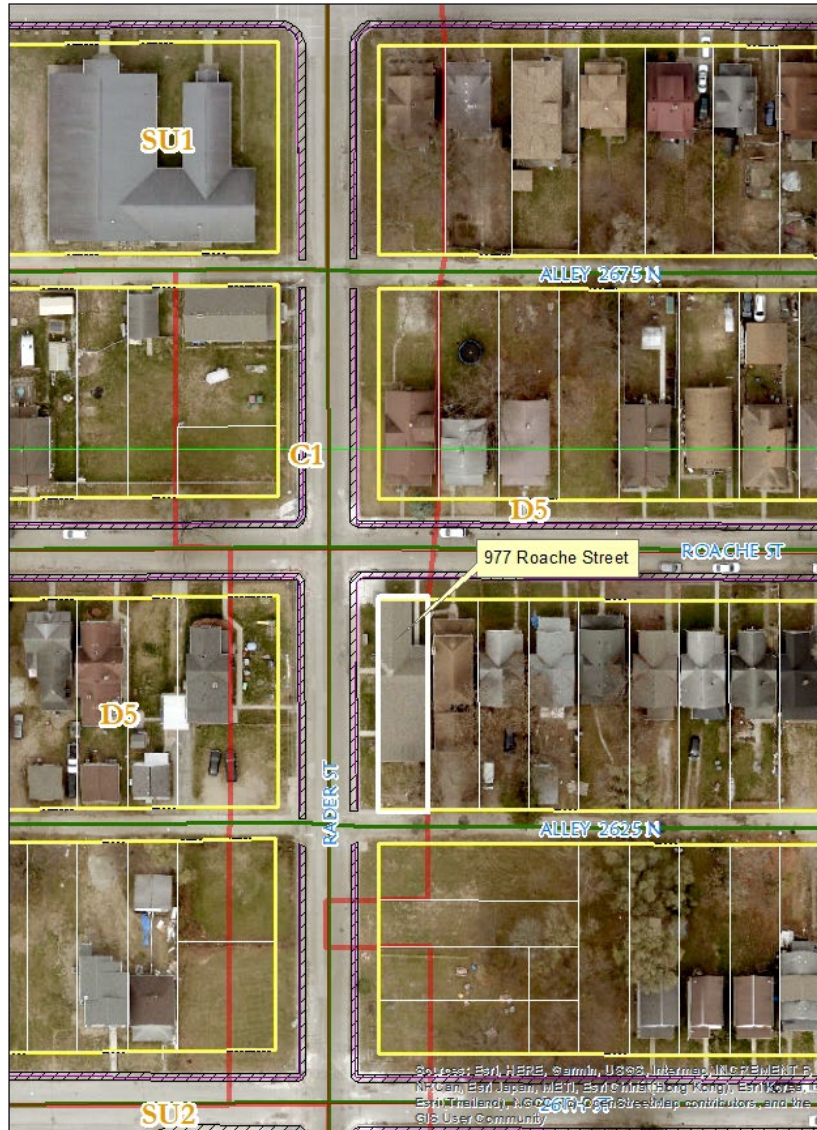
**2006-UV3-041; 2634 Rader Street**, requested a variance of use and development standards of the Commercial Zoning Ordinance to provide for the retail sales of clothing, furniture, small appliances, shoes, candy, pop and chips, provide for zero off-street parking spaces, legally establish the existing one-story, 2,000-square foot building with a zero-foot front setback from the existing right-of-way of Rader and Roache Streets, legally establish the existing one-story, 2,000-square foot building with a 1.5-foot north side setback, **approved**.

**2006-DV2-033, 856, 1059, and 1063 Udell Street, 938, 1026, and 1353 Roache Street, 838 West 25<sup>th</sup> Street, 811 West 26<sup>th</sup> Street, 925, 1110 and 1155 West 27<sup>th</sup> Street, 528, 561, 961, and 1105 West 28<sup>th</sup> Street, 879 and 942 West 29<sup>th</sup> Street, 1042 West 33<sup>rd</sup> Street, 2623, 2627, and 2630 Ethel Avenue, and 1043 and 1116 Eugene Street**; requested a variance of development standards of the Dwelling Districts Zoning Ordinance to provide for the construction of 24, two-story, single-family dwellings with a main floor area of 586 square feet, and a total living area of 1,199 square feet; **approved**.

**2002-DV3-048; 430, 431, 434, and 438, and 625 West 28<sup>th</sup> Street, 842, 846, and 917 West 29<sup>th</sup> Street, 1141 West 27<sup>th</sup> Street, 530 West 26<sup>th</sup> Street, 538, 542, and 754 West 25<sup>th</sup> Street, 1021 and 1141 West 30<sup>th</sup> Street, 850, 854, 858, and 1139, 1241, and 1245 Eugene Street, and 806 Udell Street**, requested a variance of development standards for the construction of townhomes with 580 square feet of main floor area (660 square feet of main floor area required), **approved**.

**98-HOV-19 through 98-HOV-41; 870, 946, 950, 958, 965, 1032, 1053, 1009, 1121, 1166, 1229, 1246, and 1262 West 29<sup>th</sup> Street, 909, 913, 926, and 934 West 26<sup>th</sup> Street, 859, 933, 964, 1039, 1048, 1066, 1050, and 1066 Eugene Street**, requested a variance of development standards to provide for the construction of a single-family dwelling with (a) a front yard setback of 10 feet (minimum 40 feet required); and (b) a minimum main floor area of 560 square feet (660 square feet required), **approved**.

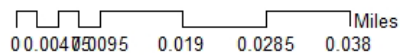
**EXHIBITS**



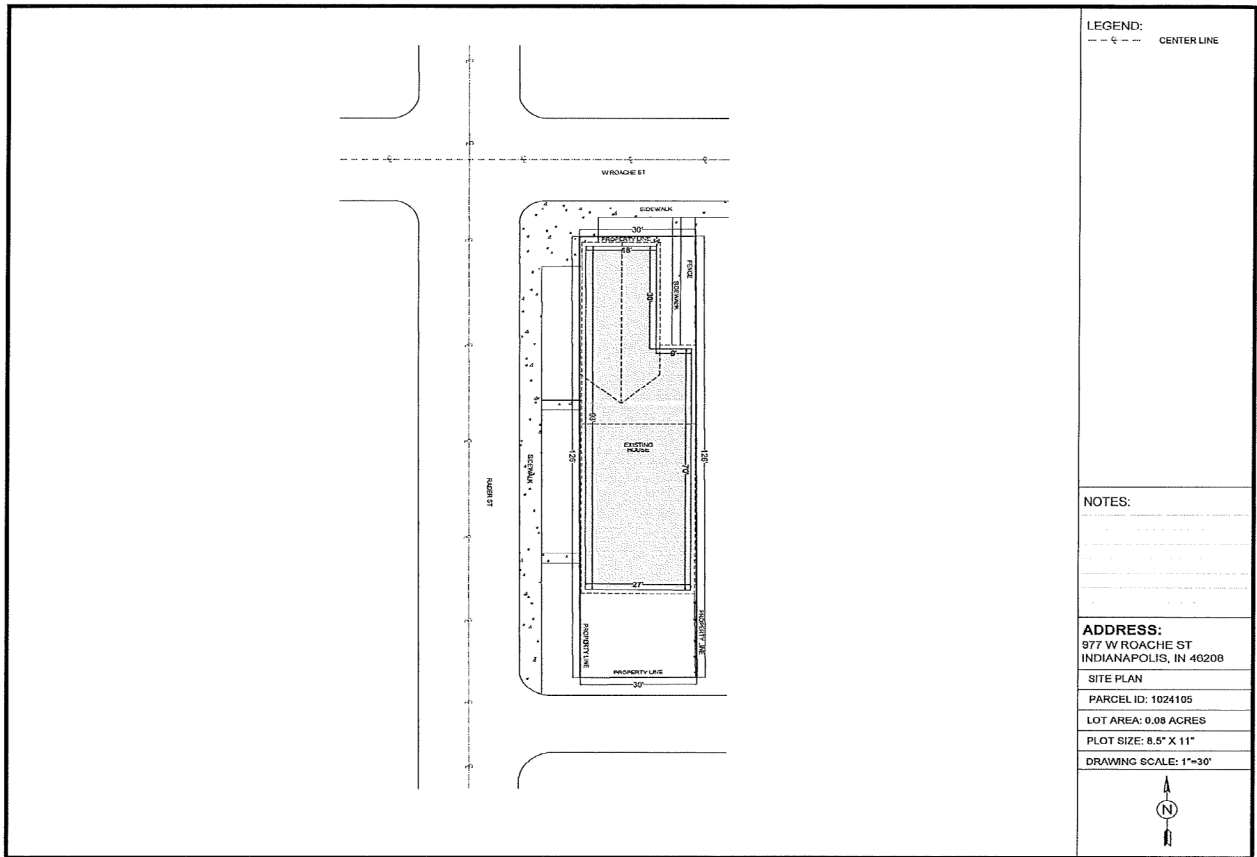


Sources: Esri, HERE, Garmin, USGS, Intermap, INCREMENT P, NRCan, Esri Japan, METI, Esri China (Hong Kong), Esri Korea, Esri (Thailand), NGCC, (c) OpenStreetMap contributors, and the GIS User Community

977 Roach Street







LEGEND:  
 ---+--- CENTER LINE

NOTES:

**ADDRESS:**  
 977 W ROACHE ST  
 INDIANAPOLIS, IN 46208

**SITE PLAN**

PARCEL ID: 1024105  
 LOT AREA: 0.08 ACRES  
 PLOT SIZE: 8.5" X 11"  
 DRAWING SCALE: 1"=30'





View looking east along Roache Street



View looking west along Roache Street



View looking south along Rader Street



View looking north along Rader Street



View of site looking south across Roache Street



View of site looking southeast from the intersection of Roache Street and Rader Street



View of site looking southeast across Rader Street



View of site looking east across Rader Street



View of site looking north into rear yard of site



View of east / west alley along the southern site boundary



**METROPOLITAN DEVELOPMENT COMMISSION** **February 29, 2024**  
**HEARING EXAMINER**

**Case Number:** 2024-ZON-008

**Property Address:** 8560 North College Avenue (Approximate Address)

**Location:** Washington Township, Council District #2

**Petitioner:** Blake and Associates, by Jonathan Blake

**Current Zoning:** SU-7

**Request:** Rezoning of 0.64 acre from the SU-7 district to the SU-1 district to provide for religious uses.

**Current Land Use:** Vacant Building

**Staff Recommendations:** Staff **recommends approval** subject to one commitment.

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

**PETITION HISTORY**

This is the first hearing for this petition.

**STAFF RECOMMENDATION**

Staff **recommends approval** of the rezone petition, 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 existing building shall be maintained and operations should take place within the existing building.

**PETITION OVERVIEW**

**LAND USE**

The 0.64-acre subject site consists of two parcels that are developed with a vacant building and associated parking area. The site is in the Meridian Hills/Williams Creek Neighborhood and College Avenue Highlands Subdivision platted July 10, 1923. It is bordered to the north by a church, zoned SU-1, single-family dwellings to the west and south, zoned D-3, and a bank to the east, zoned C-1.

**REZONING**

The request would rezone the site from the SU-7 district to the SU-1 district to provide for residential religious uses.



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The current SU-7 district is only intended for charitable, philanthropic, and not-for-profit institutional uses where the SU-1 District is intended for religious uses.

**Staff Analysis**

Staff determined that the proposed SU-1 district aligns with the Comprehensive Plan recommendation of suburban neighborhood development since the religious use is permitted within residential areas.

Staff would not want the existing building to be demolished for the construction of a different building since the one that exists is residential in nature and fits within the surrounding neighborhood context.

Therefore, a commitment to operate within the existing building is requested by staff.

**GENERAL INFORMATION**

<b>Existing Zoning</b>	SU-7	
<b>Existing Land Use</b>	Vacant Building	
<b>Comprehensive Plan</b>	Suburban Neighborhood and Linear Park	
<b>Surrounding Context</b>	<b>Zoning</b>	<b>Land Use</b>
	North:	SU-1 Church
	South:	D-3 Residential (Single-family dwellings)
	East:	C-1 Bank
	West:	D-3 Residential (Single-family dwellings)
<b>Thoroughfare Plan</b>		
College Avenue	Primary Arterial Street	Proposed 80-foot right-of-way and 71-foot existing right-of-way.
86 <sup>th</sup> Street	Primary Arterial Street	Proposed 112-foot right-of-way and 107-foot existing right-of-way.
<b>Context Area</b>	Metro	
<b>Floodway / Floodway Fringe</b>	No	
<b>Overlay</b>	Yes	
<b>Wellfield Protection Area</b>	No	
<b>Site Plan</b>	N/A	
<b>Site Plan (Amended)</b>	N/A	
<b>Elevations</b>	N/A	
<b>Elevations (Amended)</b>	N/A	
<b>Landscape Plan</b>	N/A	
<b>Findings of Fact</b>	N/A	
<b>Findings of Fact (Amended)</b>	N/A	
<b>C-S/D-P Statement</b>	N/A	





## COMPREHENSIVE PLAN ANALYSIS

### Comprehensive Plan

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

### Pattern Book / Land Use Plan

- The Comprehensive Plan recommends suburban neighborhood development for the majority of the site and a portion of the site is recommended as a linear park. The site also has a Residential Corridor Reserve Overlay.
- 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 Small-Scale Schools, Places of Worship, Neighborhood Serving Institutions/Infrastructure, and Other Places of Assembly**
  - Should be located along an arterial 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. Schools should not be within 1000 feet of a highway, freeway, or expressway. Should be located within one-half mile of a bus or rapid transit stop, unless there is no or limited bus service within the institution's service area.
- The linear park land use category is intended for public or private property designated for active or passive recreation and is primarily used for the passage of people or wildlife. Examples are greenways, parkways, trails, off-street paths, and conservation areas.
- The Residential Corridor Reserve (RR) overlay is intended for areas where the residential nature of a corridor is at risk due to encroachment from other land uses. An example might be residential areas that are being overtaken by school, hospital, or corporate campuses.



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- The site was previously used for a group home, which was in line with the residential nature of the Residential Corridor Reserve. However, keeping the existing building that has a residential appearance would ensure that future use of the site could always be reverted to a residential use if the proposed use were to no longer be operated on site.
- Therefore, staff is requesting a commitment for the existing building to be maintained and for the religious use to be operated within the existing building.
- The site also falls within a Transit-Oriented Development (TOD) overlay within the Pattern Book, but it does not remove the use included in this request.

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

- The site is located within the Red Line TOD Strategic Plan (2021) and is located within the Transit Oriented Development Secondary Zoning District. However, with this being an existing building on an already developed lot the standards would not apply to this site.

**Neighborhood / Area Specific Plan**

- Not Applicable to the Site.

**Infill Housing Guidelines**

- Not Applicable to the Site.

**Indy Moves**

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

- Indy Moves Transportation Integration Plan (2018) has this portion of 86<sup>th</sup> Street recommended as a greenway from Northwest Boulevard to Hague Road as a high priority project.
- The existing right-of-way dedication meets the proposed right-of-way required by the Thoroughfare Plan.



## ZONING HISTORY

### ZONING HISTORY – SITE

**90-SE2-1; 8560 North College Avenue** (subject site), Special Exception of the Dwelling District Zoning Ordinance to permit the development of a group home for children, **granted**.

**90-UV2-4; 8560 North College Avenue** (subject site), Variance of use to permit a group home for children, **denied**.

**90-Z-124; 8560 North College Avenue** (subject site), Rezoning of 0.6 acre, being in the D-3 District, to the SU-7 classification to provide for the development of a children's group house, **approved**.

### ZONING HISTORY – VICINITY

**2012-ZON-084; 8515 Cedar Place Drive** (east of site), Rezoning 2.44 acres, from the C-S District to the C-2 classification to provide for office use and up to 14 multifamily dwelling units, **approved**.

**2003-HOV-048; 611 East 86<sup>th</sup> Street** (west of site), Variance of development standards of the Dwelling Districts Zoning Ordinance to legally establish a 680 square foot accessory structure with a 5.5-foot south side yard setback (minimum six-foot side yard setback required), **granted**.

**91-Z-165; 8550 North College Avenue** (south of site), Rezoning of 0.322 acre, being in the D-3 District, to the C-1 classification to provide for office use, **withdrawn**.

**90-AP2-3; 8560 North College Avenue** (south of site), Waiver of the 12-month refiling rule after an adverse decision of the Board (petition 90-UV2-4), **granted**.

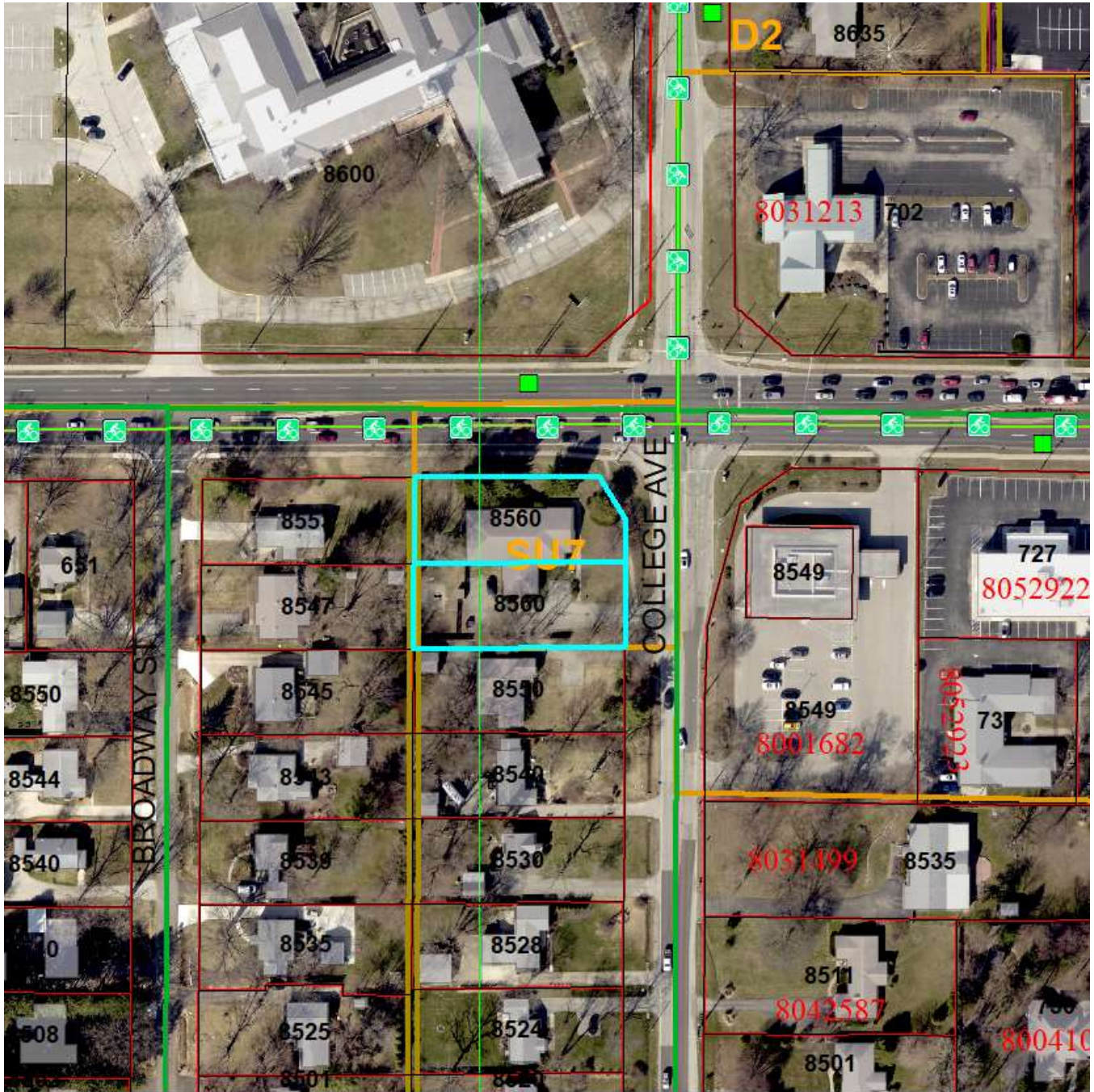
**88-UV3-104; 651 East 86<sup>th</sup> Street** (west of site), Variance of use to permit an art gallery, **denied**.

**87-SE2-3; 8647 North College Avenue** (northeast of site), Special Exception of the Dwelling Districts Zoning Ordinance to provide for a group home for the developmentally disabled, **withdrawn**.

**84-UV2-57; 740 East 86<sup>th</sup> Street** (northeast of site), Variance of use and development standards of the Dwelling Districts Zoning Ordinance and the Commercial Zoning Ordinance to provide for accessory parking for a mortuary on the lot zoned for residential development and to allow the erection of a 20 x 20-foot accessory structure on the commercial property. The proposed parking lot will not provide sufficient transitional yards and the proposed accessory structure will be placed within the required setbacks, **granted**.

**83-Z-167; 757 East 86<sup>th</sup> Street** (east of site), Rezoning of 2.03 acres, being in the C-S District, to the C-1 classification, **approved**.

EXHIBITS





**EXHIBIT "A"**

**DETAILED STATEMENT OF REASONS**

Petitioner seeks to rezone the real estate commonly known as 8560 N. College Ave., (the "Real Estate") from the SU7 "Charitable, Philanthropic, and Not-for-profit Institution" to the SU1 "Religious Use" classification for the purpose of starting a small community congregation. The property, located on the southwest corner of E. 86<sup>th</sup> Street and N. College Ave., is located in a transitional area from heavier commercial retail uses east of the site, to lower density single family and institutional uses to the west and south of the site.

Although the Real Estate has been vacant for an unknown length of time however, the most recent recorded use of the property was as a Childrens Group Home, compliant with the present SU7 zoning classification approved by the City on August 27, 1990 (Case 90-Z-124).

The local neighborhood is characterized by a mix of residential (single-family attached, and single-family detached), institutional, retail, senior living and educational land uses, including Fifth Third Bank, DL Lowry Salon, Chase Bank, First Baptist Church, City of Lights Church and The Commons on Meridian.

Petitioner is under contract to purchase said Real Estate, subject to and conditioned upon approval of this rezoning petition by the City to SU1 for the purpose of establishing a small community congregation. Petitioner's operations will include two services per week, one mid-week and one on Saturday, with normal attendance not exceeding 20-25 individuals at any given service, and a peak attendance of up to 50 individuals once a year.

Petitioner's proposed use is less intense than the site's former use as Childrens Group Home, and the neighboring commercial uses to the east, as operations will generally be limited to two days per week. Furthermore, the proposed use is consistent with the existing uses north, east and west of the Real Estate, particularly the neighboring religious uses (First Baptist Church and City of Lights Church).

If Petitioner is successful in changing the zoning of the property, it will engage an architect and contractor to renovate the interior of the facility, and complete exterior façade repairs, to support their use. However, it should be noted that no expansion of the building footprint is anticipated at this time.



**Community Benefits**

Religious organizations contribute positively to the social, cultural and humanitarian aspects of the local community, including community advocacy, expanded social services and outreach, cultural diversity, social justice, and economic cooperation.

Community Advocacy: Religious organizations not only serve their parishioners, they also serve as advocates for the broader community, hosting activities and gatherings that bring people together, fostering a sense of belonging and community cohesion.

Social Services and Outreach: As an outward facing element of its organization, they seek to make a positive impact on their community through outreach to vulnerable populations.

Cultural Diversity: Faith-based organizations reach followers from diverse ethnic, cultural, and linguistic backgrounds, leading to a rich tapestry of cultural traditions and experiences.

Social Justice: Religious organizations emphasize principles of justice, fairness, and ethical conduct, encouraging followers to advocate for social justice and engage in ethical behavior in their personal and community lives.

Economic Cooperation: Adhering to principles of fairness and ethical conduct in economic transactions, faith-based organizations contribute to the development of a community where economic activities are conducted with integrity and social responsibility.

**Traffic + Parking**

The Real Estate includes paved parking with access to/from N. College Avenue. The Indianapolis-Marion County Consolidated Zoning and Subdivision Ordinance (the "Ordinance") establishes minimum off-street parking space thresholds for various land uses.

Pursuant to Chapter 744, Article IV, Section 01, Subsection C of the Ordinance, *"Whenever the type of land use of a building, structure or premises is hereafter changed to a new type of land use permitted by this ordinance, parking spaces and areas shall be provided as required by the provisions of this chapter for such new type of land use, subject to the exception noted in Section 744-401.B[.]"*

According to Table 744-402-1: Required Parking Table, on page 510 of the Ordinance, the Minimum Off-Street Parking Spaces Required for 'Religious Uses' is as follows:

***1 per 4 seats in the place of worship, or 1 per 1,000 sf, whichever is greater***

*~ plus ~*

***3 Bicycle Parking Spaces***



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The present Gross Floor Area of the existing building is 4,656 sq. ft., and the proposed occupancy of the facility will be up to 25 individuals on any given day of worship. Based on these assumptions, the Minimum Off-Street Vehicle Parking Spaces required by the Ordinance is as follows:

**Table 744-402-1**

Land Use	1 per 4 seats in the pnce of worship	1 per 1,000 sf
Religious Use	25 persons/4 = 6 spaces	4,656 sf/1,000 = 5 spaces

As presently configured, the existing parking area has sufficient space to accommodate up to six (6) parking stalls (9' x 20').

**Conclusion**

Petitioner has been searching for a new property for more than two years and is extremely excited by the potential of this building to help them grow their organization and build strong relationships with the local neighborhood. Petitioner's use is compatible as a transitional use between the higher intensity commercial uses to the east and the lower density residential uses to the south and west.



Photo of the subject site looking west from College Avenue



Photo of the front building façade facing College Avenue.



Photo of the existing parking lot on site.





Two parking spots on site that would need to be restriped.



Three other parking spaces on site that would need to be restriped.



Photo of the fenced in yard along the western property boundary.



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



Photo of the church north of the site across 86<sup>th</sup> Street.



Photo of the bank east of the site across College Avenue.

**STAFF REPORT**

Item 8.

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

**Case Number:** 2023-ZON-086 / 2024-VAR-003 (Amended)  
**Address:** 6185, 6421, 6423, 6441 and 6531 East 34<sup>th</sup> Street (*approximate addresses*)  
**Location:** Warren Township, Council District #13  
**Petitioner:** Ben Singh Bashal, by David Gilman  
**Request:** Rezoning of 6.32 acres from the D-3 and C-S districts to the C-7 district to provide for truck/trailer parking and repair.  
**Special Exception of the Consolidated Zoning and Subdivision Ordinance to provide for a commercial parking lot in the C-7 district.**

**ADDENDUM FOR FEBRUARY 29, 2024, HEARING EXAMINER**

The petitioner’s representative filed an amended rezoning request from the D-3 and C-S districts to the C-7 district to provide for truck / trailer parking and repair, along with a Special Exception to provide for a commercial parking lot in the C-7 district. Petition 2023-ZON-085 (6531 East 34th Street) was withdrawn and the parcel added to this request, along with another parcel on the southern portion of the site for a total of five parcels and an increase in acreage.

“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.”

The C-7 district would be classified by the Comprehensive Plan as a heavy commercial use. The Pattern Book states that this use be located along arterial or collector streets. This portion of East 34th Street is classified as a local street with an approximately existing 20-foot-wide-pavement.

The Ordinance limits the size of commercial parking lots to two acres. The site plan / renderings that have been filed do not indicate any limitation on the commercial parking lot or the area for truck, trailer parking and repair on this approximately 6.32-acre site. Additionally, the commercial parking lot would be subject to the landscaping and screening provisions of the Ordinance, along with compliance with the Green Factor.

(Continued)

Admittedly, the request is generally consistent with the Comprehensive Plan recommendation, but staff believes that the location of this rather extensive heavy commercial use would not be appropriate for this area because of the impact on surrounding land uses. Consequently, staff continues to **recommend denial** and would request the commitments listed below if the request would be approved.

**ADDENDUM FOR JANUARY 11, 2024, HEARING EXAMINER**

An amended petition has not been submitted for review. Consequently, this petition will need to be **continued from the January 11, 2024 hearing, to the February 29, 2024 hearing.**

**ADDENDUM FOR DECEMBER 14, 2023, HEARING EXAMINER**

The Hearing Examiner continued this petition from the October 26, 2023 hearing, to the December 14, 2023 hearing, at the request of the petitioner's representative.

This petition will need to be **continued from the December 14, 2023 hearing, to the January 11, 2024 hearing,** to provide time to amend the petition and provide required notice.

**ADDENDUM FOR OCTOBER 26, 2023, HEARING EXAMINER**

The Hearing Examiner continued this petition from the September 28, 2023 hearing, to the October 26, 2023 hearing, at the request of the neighborhood organization.

**September 28, 2023**

**RECOMMENDATIONS**

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

1. The site and improved areas within the site shall be maintained in a reasonably neat and orderly manner during and after development of the site with appropriate areas and containers / receptables provided for the proper disposal of trash and other waste.
2. A 24-foot half right-of-way shall be dedicated along the frontage of East 34<sup>th</sup> Street, as per the request of the Department of Public Works (DPW), Engineering Division. Additional easements shall not be granted to third parties within the area to be dedicated as public right-of-way prior to the acceptance of all grants of right-of-way by the DPW. The right-of-way shall be granted within 60 days of approval and prior to the issuance of an Improvement Location Permit (ILP).
3. Access drives, internal drives and parking areas shall be paved and striped prior to the operation of the proposed use.

(Continued)

**SUMMARY OF ISSUES**

The following issues were considered in formulating the recommendation:

**LAND USE**

- ◇ This 4.30-acre site, zoned D-3 and C-S is developed with a single-family dwelling and accessory buildings. It is surrounded by a single-family dwelling to the north across East 34<sup>th</sup> Street, zoned D-3; a single-family dwelling to the south, zoned D-A; single-family dwellings to the east, zoned D-3; and industrial uses to the west zoned I-3 and C-S.

**REZONING**

- ◇ This request would rezone the site from the D-3 and C-S Districts to the I-3 (Medium Industrial) classification. “The I-3 district is an intermediate district for industries that present moderate risks to the general public. Wherever practical, this district should be away from protected districts and buffered by intervening lighter industrial districts. Where this district abuts protected districts, setbacks are large, and enclosure of activities and storage is required.”
- ◇ The Comprehensive Plan recommends heavy commercial typology for the northern portion of the site and light industrial typology for the southern portion of the site.
- ◇ The following elements of the Pattern Book apply to this site:
  - ◇ “The Heavy Commercial typology provides for consumer-oriented general commercial, and office uses that tend to exhibit characteristics that are not compatible with less intensive land uses. They are often dominated by exterior operations, sales, and display of goods. Examples include vehicle sales and commercial lumber yards.”
  - ◇ “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.”
- ◇ The Pattern Book lays out a land use classification system that guides the orderly development of the county, protects the character of neighborhoods, and serves as a policy guide for development or redevelopment of a site.

*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.

(Continued)

*Light Industrial Uses* (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)

- 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* (Heavy commercial uses generally include outdoor operations, storage, and/or display.)

- Should be located along an arterial or collector streets.

## **Overlays**

- ◇ The eastern portion of this site is also located within an overlay, specifically the Industrial Reserve 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 Industrial Reserve (IR) overlay 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.

## **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;

(Continued)

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.

**Department of Public Works**

- ◇ The Department of Public Works, Traffic Engineering Section, has requested the dedication and conveyance of a 24-foot half right-of-way along East 34<sup>th</sup> Street. This dedication would also be consistent with the Marion County Thoroughfare Plan.

**Planning Analysis**

- ◇ The request would generally be consistent with the Comprehensive Plan recommendation of heavy commercial and light industrial uses, but The Pattern Book expressly states that both uses should not be located adjacent to living typologies, not use local streets and feed onto arterial streets.
- ◇ Residential uses are located directly north of this site, East 34<sup>th</sup> Street is classified as a local street and this site does not feed onto an arterial street. Additionally, the pavement width of East 34<sup>th</sup> Street in this area is 20 feet, which would not be able to appropriately accommodate large trucks and trailers.
- ◇ The site plan, file dated August 22, 2023, provides for stone surface of the access drives and all parking areas. The Ordinance requires paved surfaces consisting of bricks, concrete or compacted aggregate base and surface with an asphaltic pavement. This would be particularly important given the proposed use involving heavy equipment and vehicles.
- ◇ As development on this site occurs, recommendations of the Pattern Book should be considered, as well as compliance with the Ordinance to mitigate negative impacts on surrounding residential development. In other words, development standards variances should be minimal and based on practical difficulty in the use of the property, rather than desires of the developer.

**GENERAL INFORMATION**

**EXISTING ZONING AND LAND USE**

D-3 / C-S          Single-family dwelling / accessory buildings

(Continued)



**SURROUNDING ZONING AND LAND USE**

North -	D-3	Single-family dwelling
South -	D-A	Single-family dwelling
East -	D-3	Single-family dwelling
West -	I-3 / C-S	Industrial uses

**COMPREHENSIVE PLAN** The Comprehensive Land Use Plan for Indianapolis and Marion County (2018) recommends heavy commercial and light industrial typologies.

Marion County Land Use Pattern Book (2019).

**THOROUGHFARE PLAN** This portion of East 34<sup>th</sup> Street is designated in the Marion County Thoroughfare Plan as a local street, with an existing 40-foot right-of-way and a proposed 48-foot right-of-way.

**CONTEXT AREA** This site is located within the compact context area.

**OVERLAY** The eastern portion of the site is located within the Industrial Reserve Overlay.

**SITE PLAN** File-dated August 22, 2023

**RENDERINGS** File-dated December 4, 2023

**FINDINGS OF FACT** File-dated January 23, 2024

**ZONING HISTORY**

**2023-ZON-085; 6531 East 34<sup>th</sup> Street (included in site)**, requested rezoning of one acre from the D-3 district to the I-2 district to provide for light industrial uses, **withdrawn**.

**99-Z-77; 6147-6423 East 34<sup>th</sup> Street (west of site)**, requested rezoning of 6.51 acres from the D-3 District to the C-S classification to provide for a construction business, **approved**.

**99-V1-34; 6423 East 34<sup>th</sup> Street (west of site)**, requested a variance of use to provide for a construction business with outdoor storage and parking of six commercial vehicles, three equipment trailers, and a backhoe, **withdrawn**.

**97-Z-206; 6105 East 34<sup>th</sup> Street (west of site)**, requested rezoning of five acres from the D-3 District, to the C-S classification to provide for an excavating and sewer construction business, **approved**.

(Continued)

**95-Z-87 / 95-CV-17; 6361 East 34<sup>th</sup> Street (east of site)**, requested rezoning of 35.748 acres, being in the D-A District, to the C-S classification to provide for heavy construction equipment sales, rental and service and other I-2-@ industrial uses and a variance of development standards of the Commercial Zoning Ordinance to provide for development of a heavy construction equipment sales, rental and service and other I-2-S industrial use operations, with access to be gained by way of an easement to Elizabeth Street, **approved and granted**.

**94-UV3-2; 6423 East 34<sup>th</sup> Street (west of site)**, requested a variance of use of the Dwelling Districts Zoning Ordinance to provide for the continued operation of an existing construction business with outside storage of materials and the construction of a 50- by 30-foot garage resulting in the square footage devoted to the accessory buildings exceeding the square footage of the primary building, **granted**.

**93-Z-94; 6141 East 34<sup>th</sup> Street, (west of site)**, requested rezoning of 5.14 acres, being in the D-A District to the C-S classification to provide for a combination self-storage facility and existing contractor office / utility building, **approved**.

**91-UV3-16; 6607 East 34<sup>th</sup> Street (east of site)**, required a variance of use and development standards of the Dwelling Districts Zoning Ordinance to permit the continued operation of a plumbing business within an existing garage with outdoor storage, **granted**.

**89-Z-140; 6669 East 34<sup>th</sup> Street (east of site)**, requested rezoning of 34 acres, being in the A-2 District, to the I-2-S classification to provide for light industrial uses, **withdrawn**.

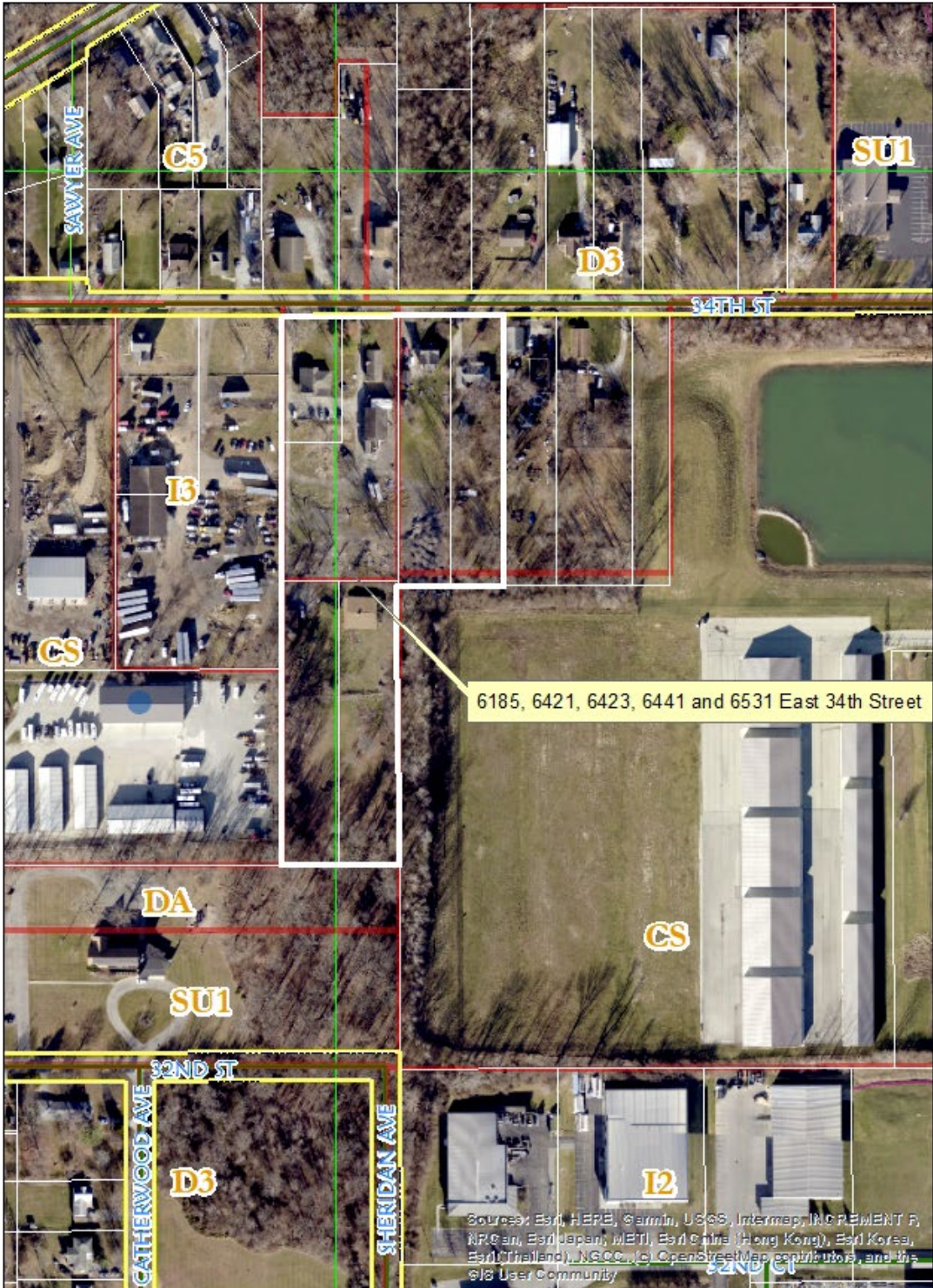
**88-UV1-90; 6141 East 34<sup>th</sup> Street (west of site)**, requested a variance of use to permit construction of a utility building for the storage of equipment and vehicles related to a concrete construction business, **granted**.

**86-Z-340; 6601 East 34<sup>th</sup> Street (east of site)**, requested rezoning office acres, being in the I-3 U District, to the C-ID classification to provide for outside storage of fences and an office and warehouse, **approved**.

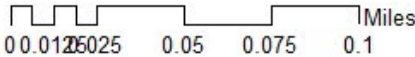
**79-Z-150; 6105 East 34<sup>th</sup> Street (west of site)**, requested rezoning of five acres, being in the D-3 District to the C-7 classification to provide for an office building with a shop for heavy and light equipment rental, **denied**.

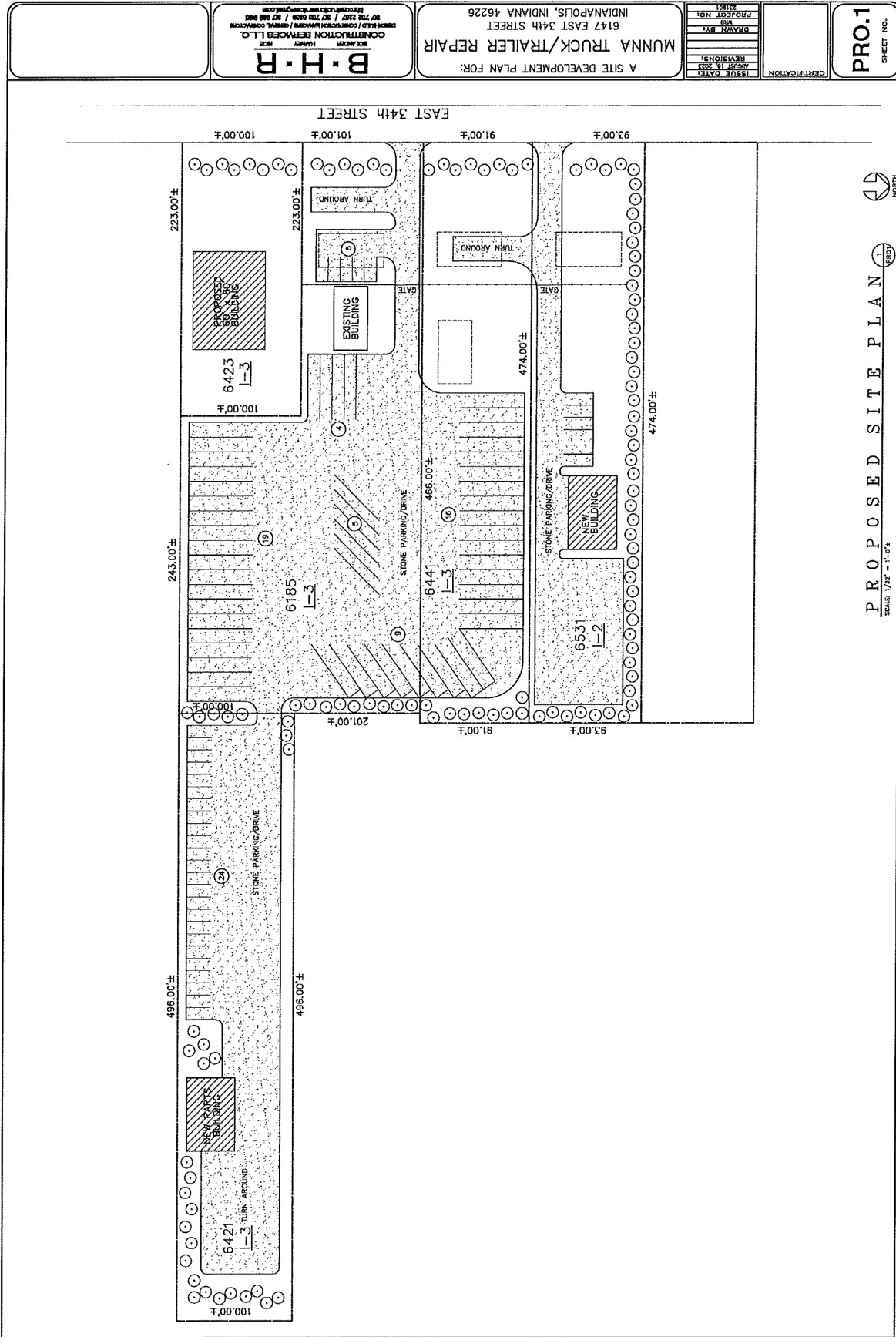
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6185, 6421, 6423, 6441, and 6531 East 34th Street





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

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

**PETITION FOR SPECIAL EXCEPTION  
FINDINGS OF FACT**

1. The proposed use meets the definition of that use in Chapter 740, Article II because  
The proposed use meets the definition of a commercial parking lot to allow for short and long term lease parking spaces  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

2. The proposed use will not injure or adversely affect the adjacent area or property values in that area because  
The area is predominately developed with heavy commercial and industrial uses. The only remaining residences are well screened and buffered from the proposed use with wooded and landscaped transitional yards and a dry detention basin.  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

3. The grant will not materially and substantially interfere with the lawful use and enjoyment of adjoining property because  
The proposed use will be for a quite parking lot that will be secured and landscaped from view.  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

4. The proposed use will be compatible with the character of the district, land use authorized therein and the Comprehensive Plan for Marion County because  
The proposed use is consistent with the heavy commercial and light industrial recommendation of the Land Use Plan.  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

5. The proposed use conforms to the development standards in Chapter 744 applicable to the zoning district in which it is located because  
The proposed use would not require any variances to development standards to the C7 District.  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

6. The proposed use conforms to all provisions of the Zoning Ordinance, including the performance standards in Chapter 740 and the development standards in Chapter 744 applicable to the zoning district in which it is located because

The proposed use would meet the applicable performance standards so as not to produce noxious fumes, noise, heat or glare.

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

7. The proposed use conforms to all of the use-specific standards in Chapter 743 for that use, including any Special Exception standards for that use because

The proposed commercial parking lot would meet the use specific standards to the C7 district.

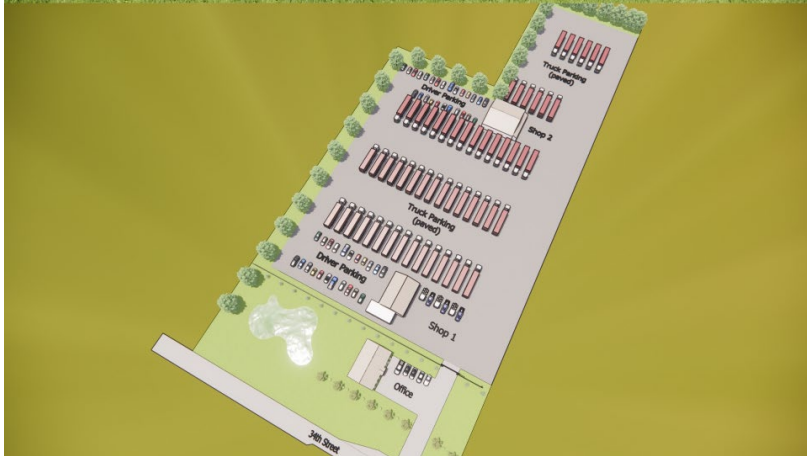
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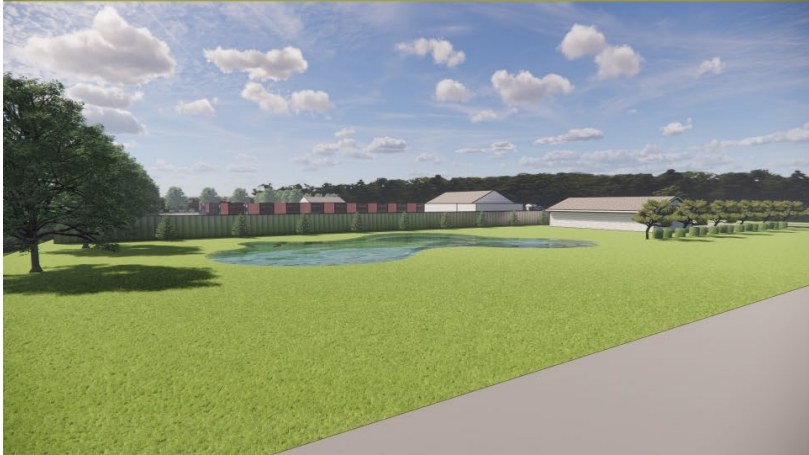
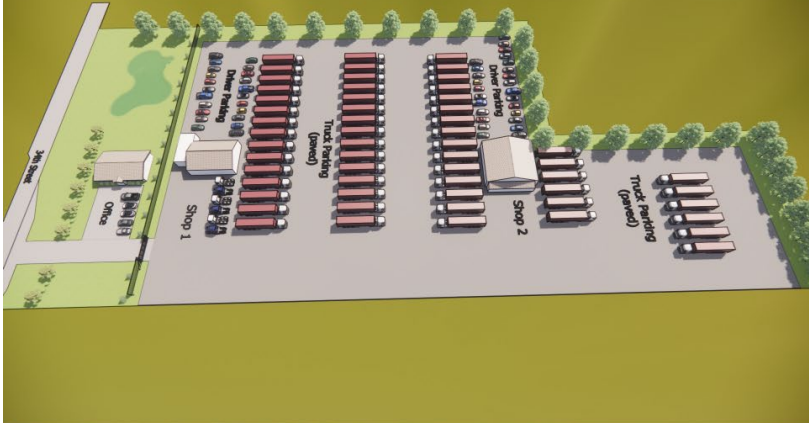
**DECISION**

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

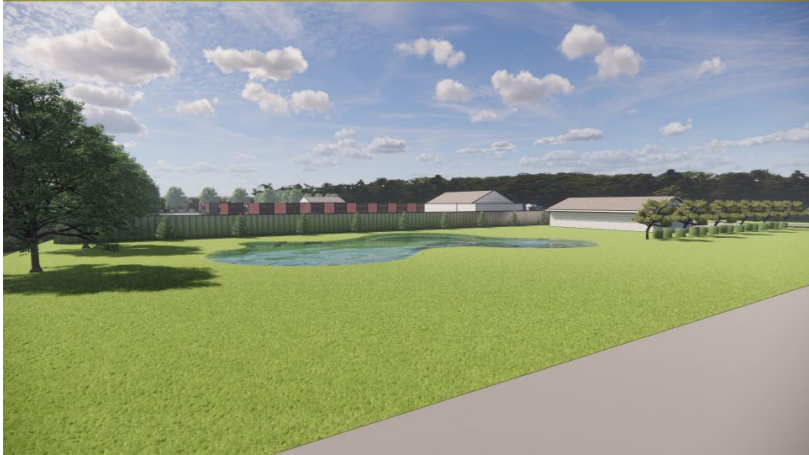
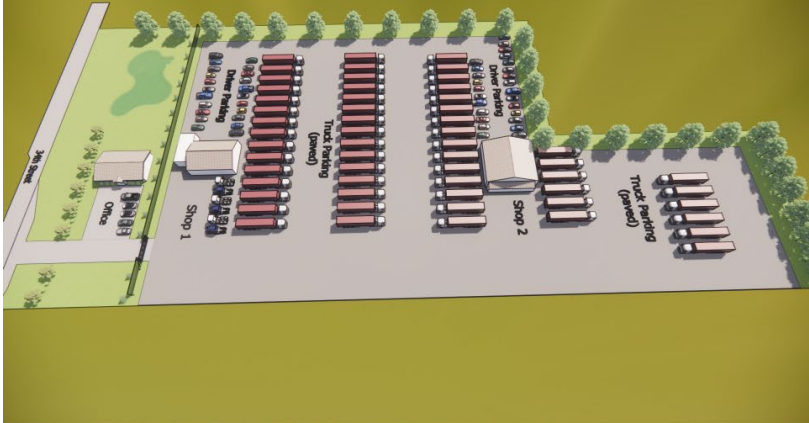
Adopted this \_\_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_

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











View looking east along East 34<sup>th</sup> Street



View looking east along East 34<sup>th</sup> Street



View looking west along East 34<sup>th</sup> Street



View from site looking east at adjacent single-family dwellings



View of site looking northeast



View looking east



View looking east



View of site looking east



View of site looking south



View from site looking west at adjacent uses

## STAFF REPORT

Item 9.

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

**Case Number:** 2023-ZON-102  
**Address:** 117 (119) North Sherman Drive (Approximate Addresses)  
**Location:** Center Township, Council District #12  
**Petitioner:** Verma Properties, Inc., by Sharmin Frye  
**Request:** Rezoning of 0.11 acre from the D-5 (TOD) district to the C-3 (TOD) district.

#### **ADDENDUM FOR FEBRUARY 29, 2024 HEARING EXAMINER**

This petition was continued from the February 15, 2024 hearing to the February 29, 2024 hearing at the request of staff due to the petitioner's absence at the hearing.

Staff **continues to recommend denial of the request.**

#### **ADDENDUM FOR FEBRUARY 15, 2024 HEARING EXAMINER**

This petition was continued from the January 11, 2024 hearing to the February 15, 2024 hearing at the request of the petitioner to allow more time for staff to review a revised site plan submitted on January 2, 2024.

The amended site plan notes additions in two phases. Phase I would be a 775 square-foot building addition that would be maintained within the 3801 East New York Street address to the north of the subject site. Phase II would propose a 1,400 square foot addition to be constructed into the subject site to be rezoned.

Because the site plan confirms staff's concerns with future commercial encroachment into the property recommended for traditional neighborhood development, staff **continues to recommend denial of the request.**

If approved, staff would recommend approval 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:

A 44-foot half right-of-way shall be dedicated along the frontage of Sherman Drive, 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).

#### **ADDENDUM FOR JANUARY 11, 2024 HEARING EXAMINER**

This petition was continued from the December 14, 2023 hearing to the January 11, 2024 hearing at the request of the petitioner to allow more time to provide additional information to staff for review. A revised site plan was submitted on January 2, 2024 which did not allow sufficient time for staff to review.

(Continued)

The petitioner intends to request a final continuance to the January 25, 2024 hearing. Staff has no objection to this final continuance request but will not support any additional continuances.

**December 14, 2023**

This petition was continued from the November 16, 2023 hearing to the December 14, 2023 hearing at the request of the petitioner to allow additional time for the mailing of the notice requirement to be fulfilled.

**RECOMMENDATIONS**

Staff **recommends denial** of this request.

If approved, staff would recommend approval 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:

A 44-foot half right-of-way shall be dedicated along the frontage of Sherman Drive, 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).

**SUMMARY OF ISSUES**

**LAND USE**

- ◇ The 0.11 acres subject site is an undeveloped residential lot. It abuts a gas station and convenience store to the north, zoned C-3, a vacant four-unit building to the west, zoned D-5, a single-family dwelling to the south, zoned D-5, and an undeveloped residential lot to the east, zoned D-5.

**REZONING**

- ◇ The request would rezone the parcel from the D-5 district to the C-3 district to allow for the expansion of the convenience store located north at 3801 New York Street and for the required transitional yard to be provided.
- ◇ The site is zoned D-5, which is intended for medium and large-lot housing formats, primarily for detached houses, but may incorporate small-scale multi-unit building types in strategic locations. This district can be used for new, walkable suburban neighborhoods or for infill situation in established urban areas, including both low density and medium density residential recommendations of the Comprehensive Plan, and the Suburban Neighborhood and Traditional Neighborhood Typologies of the Land Use Pattern Book.



- ◇ The 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.
- ◇ The Comprehensive Plan recommends traditional neighborhood development for 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.
- ◇ The site is located within the Blue Line TOD Strategic Plan and falls within the Transit Oriented Development Secondary Zoning District. It falls within a Transit-Oriented Development (TOD) overlay within the Pattern Book, but it does not remove the proposed convenience store use and excludes automotive uses such as gas stations.
- ◇ The closest station to the site is located within a ¼ mile south at the intersection of Sherman Drive and Washington Street. This station is categorized as a Community Center, which calls for a dense mixed-use neighborhood center, minimum of two stories at core, no front or side setbacks at core: zero to 10 feet front setbacks and zero to ten-foot side setbacks at periphery, multi-family housing with a minimum of 3 units and structured parking at the core and attractive surface parking at the periphery.

**Department of Public Works**

- ◇ The Department of Public Works, Traffic Engineering Section, has requested the dedication and conveyance of a 44-foot half right-of-way along Sherman Drive. This dedication would also be consistent with the Marion County Thoroughfare Plan.

**Staff Analysis**

- ◇ The rezoning of the site to a commercial district would not be appropriate at this location since it zoned residentially, aligns with the traditional neighborhood recommendation of the Comprehensive Plan, and could be developed with a residential use as intended to ensure the availability of housing options.

(Continued)

- ◇ If approved, this would be a commercial encroachment into the residential area which could negatively impact the residents in the immediate area.
- ◇ Staff understands that the site plan submitted only shows that the required transitional yard would be located at this site, but it would not prevent any future building or parking expansions onto the site since it would be zoned for the use.
- ◇ For these reasons, staff is recommending denial of the request.

**GENERAL INFORMATION**

**EXISTING ZONING AND LAND USE**

D-5	Compact	Undeveloped
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**SURROUNDING ZONING AND LAND USE**

North	C-3	Gas station and convenience store
South	D-5	Residential (Single-family dwelling)
East	D-5	Undeveloped Residential Lot
West	D-5	Vacant Residential Building

**COMPREHENSIVE PLAN**

The Comprehensive Plan recommends traditional neighborhood development.

**OVERLAY**

This site is in a Transit-Oriented Development (TOD) overlay, specifically the Bus Rapid Transit Blue Line.

**THOROUGHFARE PLAN**

Sherman Drive is classified in the Official Thoroughfare Plan for Marion County, Indiana as a primary arterial street, with a 62-foot existing right-of-way and an 88-foot proposed right-of-way.

**CERTIFIED PLAN**

The site falls within a Certified Plan, specifically the Near Eastside Quality of Life Plan.

**FLOODWAY / FLOODWAY FRINGE**

This site is not located within a floodway or floodway fringe.

**WELLFIELD PROTECTION DISTRICT**

This site is not located within a wellfield protection district.

**SITE PLAN**

File-dated October 11, 2023.

**AMENDED SITE PLAN**

File-dated January 2, 2024.

**ZONING HISTORY – SITE**

**EXISTING VIOLATIONS**

None.

PREVIOUS CASES

None.

**ZONING HISTORY – VICINITY**

**2012-ZON-077; 305 North Sherman Drive** (north of site), Rezoning of 0.25 acre, from the D-5 and C-3 District, to the C-3C classification to provide for residential and commercial development, **approved.**

**95-AP1-6; 3740 East New York Street** (northwest of site), Modification of conditions and site plan, related to 94-UV1-2, to permit 49 display vehicles on-site with 9 additional spaces for parking (33 display vehicles permitted pr the 94-UV1-2 petition) for an existing automobile sales business, **denied.**

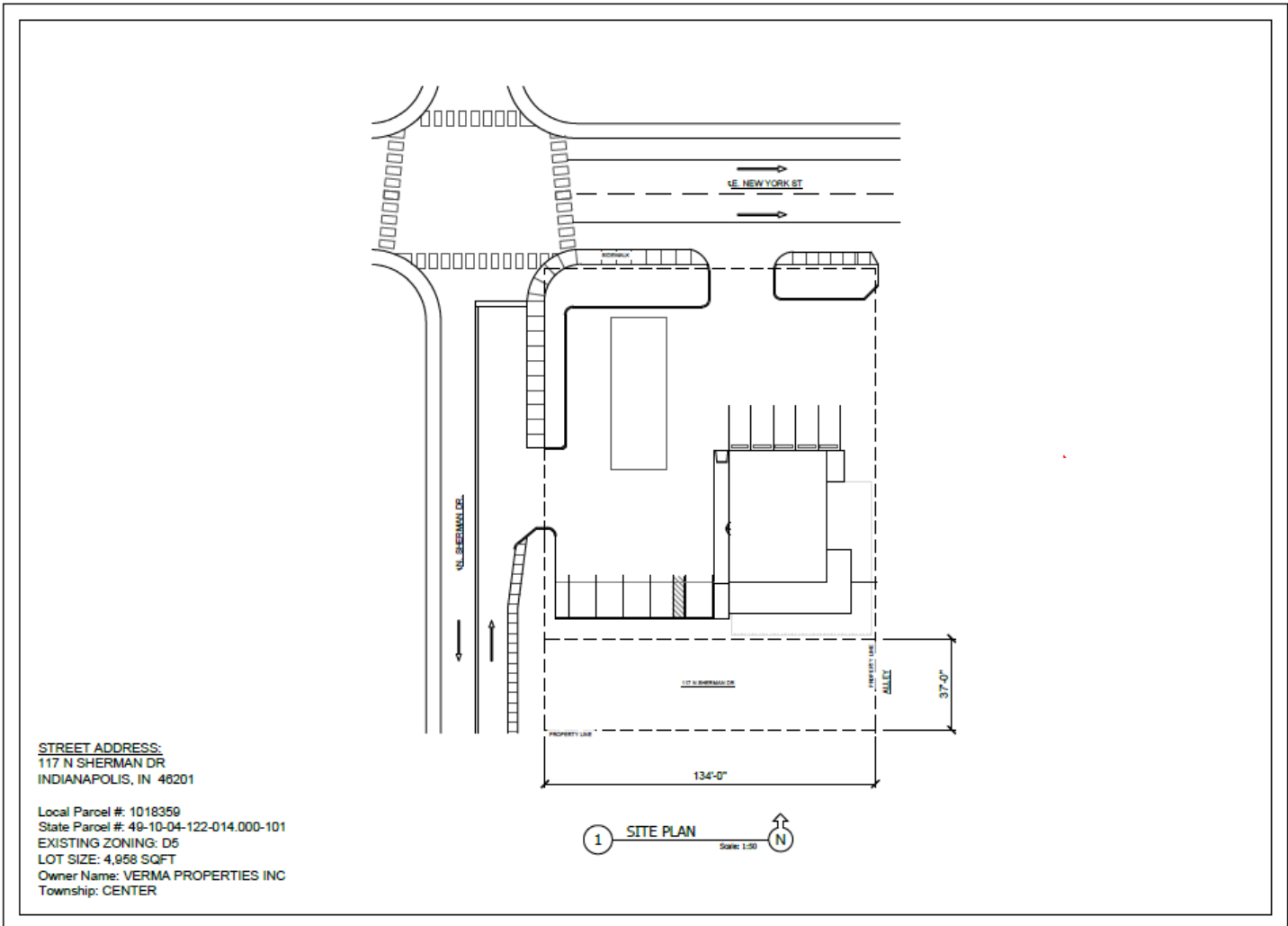
**87-Z-169; 3757 East New York Street** (northwest of site), Rezoning of 0.71 acre, being in the D-5 district, to the C-3 classification, to provide for retail use of an existing commercial building, **approved.**

**85-Z-146; 3801 East New York Street** (north of site), Rezoning 0.45 acre, from the D-5 district, to the C-3 classification, **approved.**

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**STREET ADDRESS:**  
117 N SHERMAN DR  
INDIANAPOLIS, IN 46201

Local Parcel #: 1018359  
State Parcel #: 48-10-04-122-014.000-101  
EXISTING ZONING: D5  
LOT SIZE: 4,958 SQFT  
Owner Name: VERMA PROPERTIES INC  
Township: CENTER

1 SITE PLAN Scale: 1:50 N

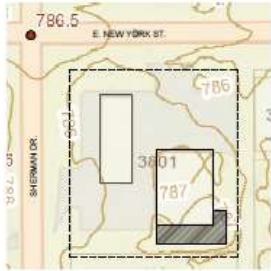
STREET ADDRESS  
 3801 E NEW YORK ST  
 INDIANAPOLIS, IN 46201

Local Parcel #: 8002238  
 State Parcel #: 49-10-04-122-018-000-101

PRIMARY ZONING: C2  
 COMPACT CONTEXT AREA: COMPACT

LOT SIZE: 19,988 SQFT

PROPOSED COVERAGE: 2,662 SQFT (13.3%)  
 PROPOSED TOTAL OPEN SPACE: 17,326 SQFT (86.7%)



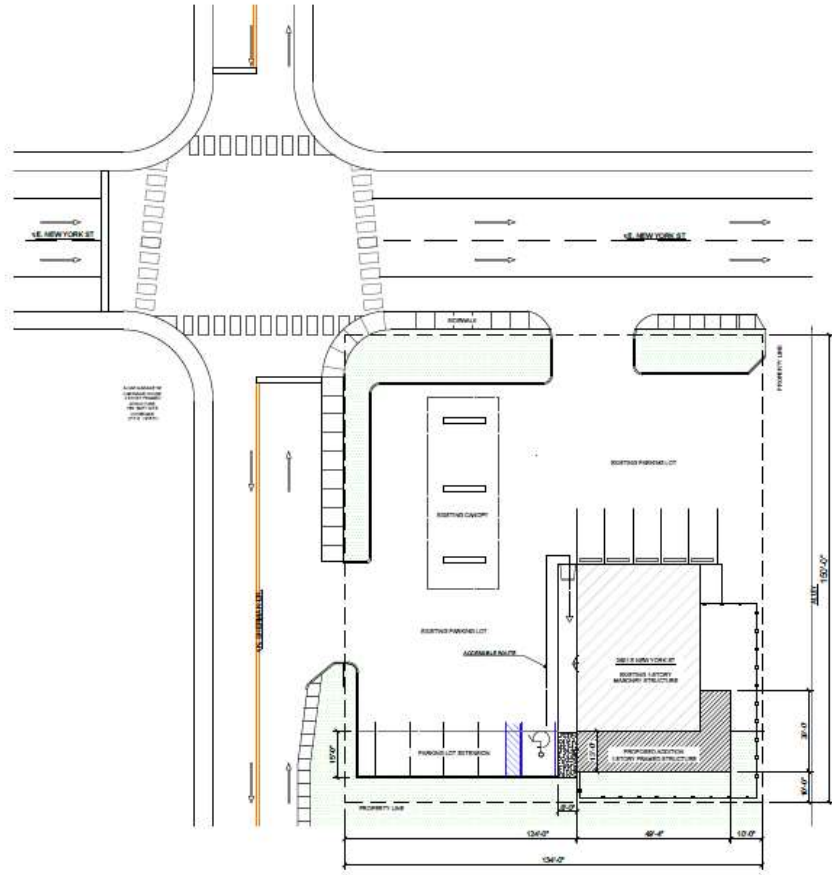
2 DRAINAGE MAP  
 SCALE: 1:50

**PRELIMINARY NOTES:**

- INSURANCE COVERAGE MUST BE IN PLACE PRIOR TO CONSTRUCTION AND REMAIN THROUGHOUT CONSTRUCTION AND FINISH WORK.
- CONCRETE AND PAINT INGRESS/EGRESS MUST BE PLACED ON SITE AND REMAIN THROUGHOUT CONSTRUCTION.
- STORM DRAIN LOCATED WITHIN 10 FEET OF SITE TO BE PROTECTED WITH BRICKWORK BARRIERS.
- SITE DRAINS AWAY FROM THE EXISTING BUILDING AT A SLOPE OF - 1.5%



AERIAL VIEW



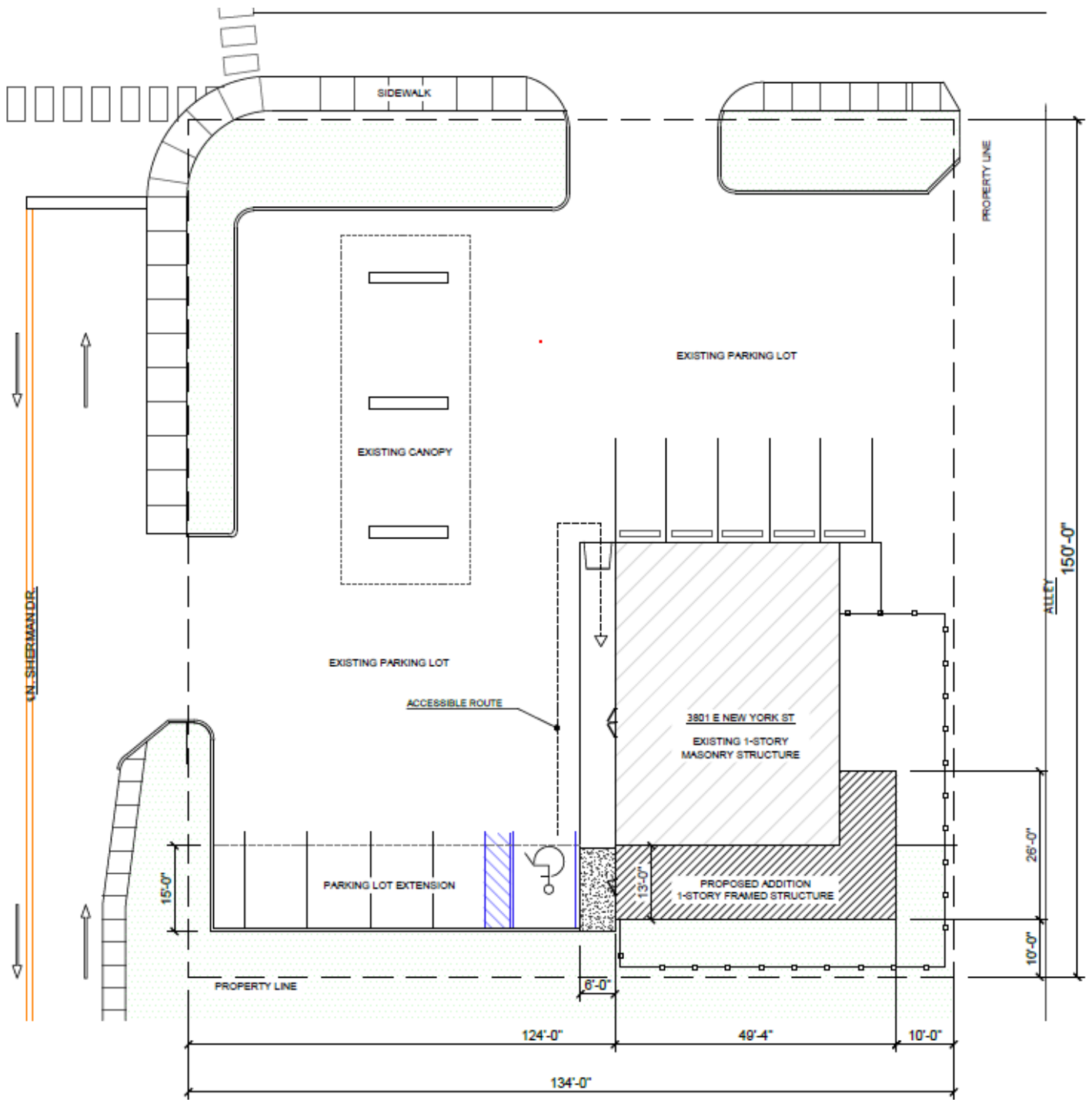
1 SITE PLAN  
 SCALE: 1:50

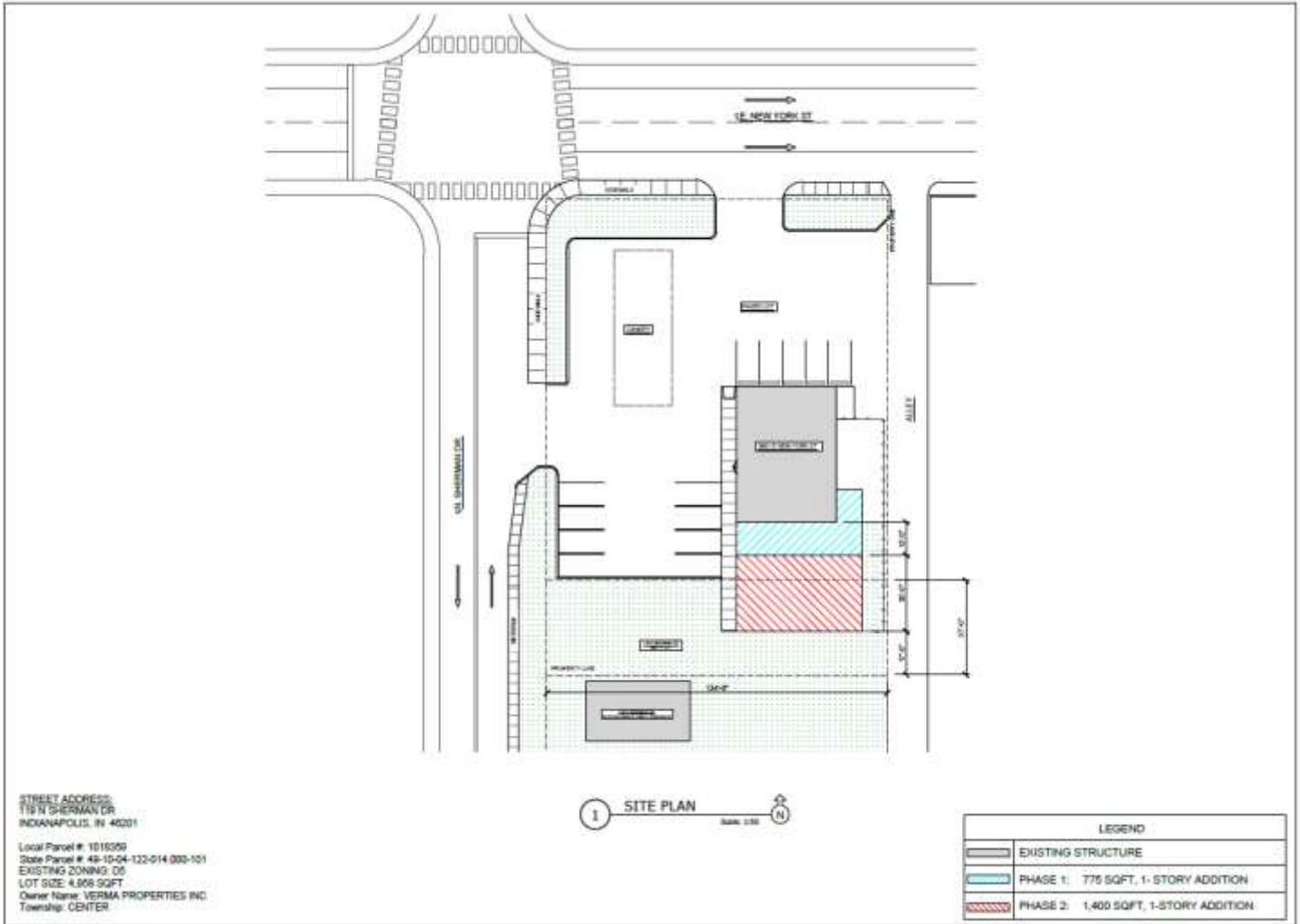


**VERMA PROPERTIES**  
 GAS STATION ADDITION - RETAIL SHOP  
 3801 E. NEW YORK ST.  
 INDIANAPOLIS, IN 46201

DATE	
BY	
FOR	
PROJECT	

PROJECT NO. 2023-001	
3801 E NEW YORK ST INDIANAPOLIS, IN 46201	
DATE	11/15/23
SCALE	C1.1
DATE	
PROJECT	







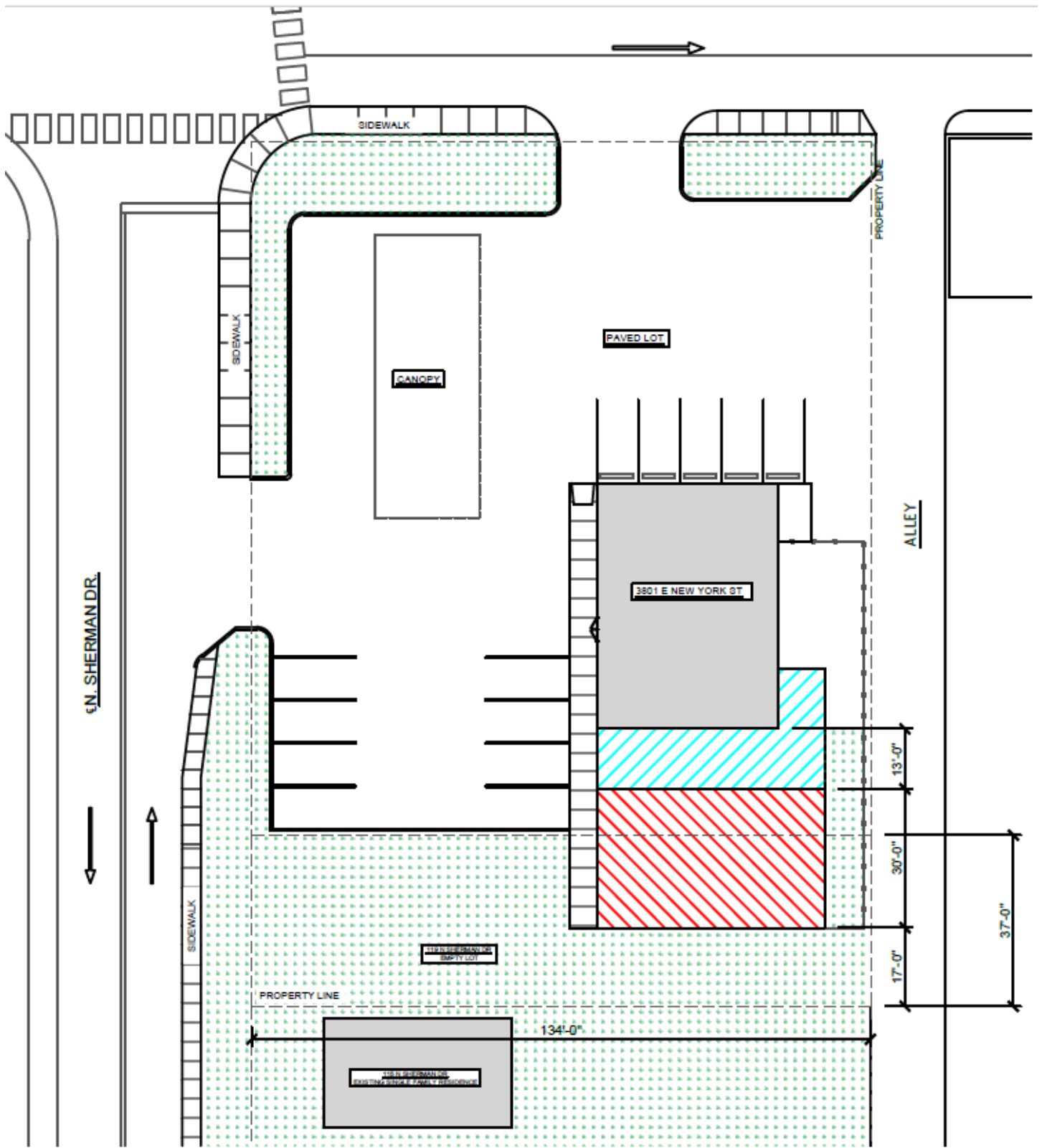




Photo of the Subject Property: 117 (119) North Sherman Drive



Photo of the gas station and convenience store to be expanded.



Photo of the existing convenience store north of the site.



Photo of the existing southern building façade.



Photo of the existing east building façade looking north.



Photo of the existing east building façade looking south.



Photo of the alley east of the site looking south.



Photo of the a single-family dwelling across the alley.



Photo of the undeveloped residential lot east of the site.



Photo of the vacant building north of the gas station.



Photo of the commercial building west of the gas station.



Photo of the vacant residential building west of the subject site.

## STAFF REPORT

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

**Case Number:** 2023-ZON-109  
**Address:** 5136 Michigan Road (*Approximate Address*)  
**Location:** Washington Township, Council District #8  
**Petitioner:** Paramount Schools of Excellence, Inc., by Timothy Ochs  
**Request:** Rezoning of 10.13 acres from the SU-1 district to the SU-2 district to provide for educational uses.

#### ADDENDUM FOR FEBRUARY 29, 2024 HEARING EXAMINER

This petition was continued from the February 15, 2024 hearing to the February 29, 2024 hearing at the request of a registered neighborhood organization.

Traffic impact studies were submitted to staff on February 5, 2024 and were provided to the Department of Public Works for comments. The petitioner's traffic study results showed that delays in service would drop during the morning and evening peak time and during the school dismissal peak time. It was determined that the existing Michigan Road right-of-way has adequate width to have northbound and southbound turn lanes added. DPW did not see that a traffic control signal would be necessary at this location. There is concern with a traffic control officer being on this street, but a left turn lane would allow space for an officer's vehicle to park.

A traffic study was provided by the remonstrator, with slightly similar recommendations, but the study results or references will need to be addressed by the remonstrator at the hearing.

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

1. The driveway shall be constructed with one lane entering and two lanes exiting per commercial driveway standards within 12 months of issuance of an Improvement Location Permit (ILP).
2. A north bound left turn lane and south bound right turn lane shall be installed per DPW and INDOT standards. Traffic study figures should be used to determine storage length. The turn lanes shall be installed within 12 months of issuance of an Improvement Location Permit (ILP).
3. An arrival/dismissal traffic control plan prepared by or consulting with a school safety officer shall be provided to the Program Manager – Multi-Modal for the Department of Public Works – Engineering.
4. A queuing plan shall be provided to Program Manager – Multi-Modal for the Department of Public Works – Engineering that demonstrates adequate storage for parent drop off/pick up vehicles on site without overflow onto Michigan Road.

#### ADDENDUM FOR FEBRUARY 15, 2024 HEARING EXAMINER

This petition was continued from the January 11, 2024 hearing to the February 15, 2024 hearing at the request of a registered neighborhood organization.

(Continued)



The same registered neighborhood organization submitted a written request for a **continuance for cause from the February 15, 2024 hearing to the February 29, 2024 hearing**. The petitioner has agreed to the proposed continuance date. However, last month's continuance request was stated to be the final continuance request. Unless an additional continuance is granted, staff is prepared to go forward with the hearing.

**January 11, 2024**

This petition was automatically continued from the December 14, 2023 hearing, to the January 11, 2024 hearing at the request of a registered neighborhood organization.

It is staff's understanding that a registered neighborhood organization will request a continuance for cause from the January 11, 2024 hearing to the February 15, 2024 hearing to allow additional time for discussions to take place. Staff has no objection to this additional continuance request but will be prepared to move forward.

**RECOMMENDATIONS**

Staff **recommends approval** of the rezoning.

**SUMMARY OF ISSUES**

**LAND USE**

- ◇ The 10.13-acre subject site is developed with a large church, associated parking areas, and an accessory structure. It is surrounded by single-family dwellings in each direction, zoned D-2 and D-S, except for a multi-family development to the north, zoned D-6.

**REZONING**

- ◇ The property has historically been used as a church since 1972, per an historical aerial map depicted in the staff report. The religious use was permitted in 1967 through rezone petition 67-Z-103 that rezoned the property from the D-5 district to the SU-1 district for the construction of a church.
- ◇ The site is zoned SU-1, which is only intended for religious uses where the proposed SU-2 district is only intended for school uses.
- ◇ The Comprehensive Plan recommends rural or estate neighborhood development. 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

**Staff Analysis**

- ◇ Staff determined that rezoning the site to the SU-2 district would allow for the adaptive reuse of the existing church building into a school and would allow the construction of an additional building on site for more classrooms.
- ◇ Although the rural or estate neighborhood typology does not specifically call out educational uses, it is common to see schools and places of worship mixed in primarily residential neighborhoods. Thus, staff did not find the proposed school use to be out of line with the context of the surrounding area considering that the previous religious use had limited business hours and days when events, gatherings, and the like would take place.
- ◇ For these reasons, staff is recommending approval of the request.

**GENERAL INFORMATION**

**EXISTING ZONING AND LAND USE**

SU-1	Metro	Church
------	-------	--------

**SURROUNDING ZONING AND LAND USE**

North	D-6 / D-S	Residential (Multi-family and Single-family dwellings)
South	D-S	Residential (Single-family dwellings)
East	D-3	Residential (Single-family dwellings)
West	D-2	Residential (Single-family dwellings)

**COMPREHENSIVE PLAN**

The Comprehensive Plan recommends rural or estate neighborhood development.

**THOROUGHFARE PLAN**

Michigan Road is classified in the Official Thoroughfare Plan for Marion County, Indiana as a primary arterial street, with a 100-foot existing right-of-way and a 102-foot proposed right-of-way.

**FLOODWAY / FLOODWAY FRINGE**

This site is not located within a floodway or floodway fringe.

**WELLFIELD PROTECTION DISTRICT**

This site is not located within a wellfield protection district.

**SITE PLAN**

File-dated November 13, 2023.

**TRAFFIC STUDY**

File-dated February 5, 2024.

**ZONING HISTORY – SITE**

**EXISTING VIOLATIONS**

None.

PREVIOUS CASES

**67-Z-103;** (subject site), Rezoning of approximately 10.126 acres being in D-5 district to Special Use (1) classification to provide for the construction of a church, **approved.**

**ZONING HISTORY – VICINITY**

**2006-SE2-001; 5210 and 5212 Michigan Road** (north of site), Special Exception of the Dwelling Districts Zoning Ordinance to provide for the construction of a 10,491 square-foot church building, with 34 off-street parking spaces, and with a four-foot tall,30-square foot ground sign encroaching into the right-of-way of Michigan Road (minimum fifteen-foot front setback required), **denied.**

**93-Z-70; 1836 West 51<sup>st</sup> Street** (west of site), Rezoning of 13.79 acres, being in the D-S district, to the D-2 classification to provide for the development of a single-family residential subdivision, **approved.**

**89-SE1-3; 5210 Michigan Road** (north of site), Special exception of the Dwelling Districts Zoning Ordinance to provide for religious uses within an existing dwelling structure, with proposed hard surfaced and striped off-street parking areas and a sanitary sewer connection; **granted.**

**88-Z-245; 5210 Michigan Road** (north of site), Rezoning of approximately 0.5 acre from SU-1 to D-S to comply with a commitment that the zoning of the property would revert to the D-S classification five years after the adoption of rezoning petition 74-Z-150; **approved.**

**86-Z-237; 5105 Grandview Drive** (southeast of site), Rezoning of 4.62 acres, being in the D-S district, to the D-P classification, to provide for the construction of seven residential structures containing two living units each, **dismissed.**

**85-UV1-78; 5210 Michigan Road** (north of site), Variance of use to provide for the continued use of a day care center within an existing building; **granted.**

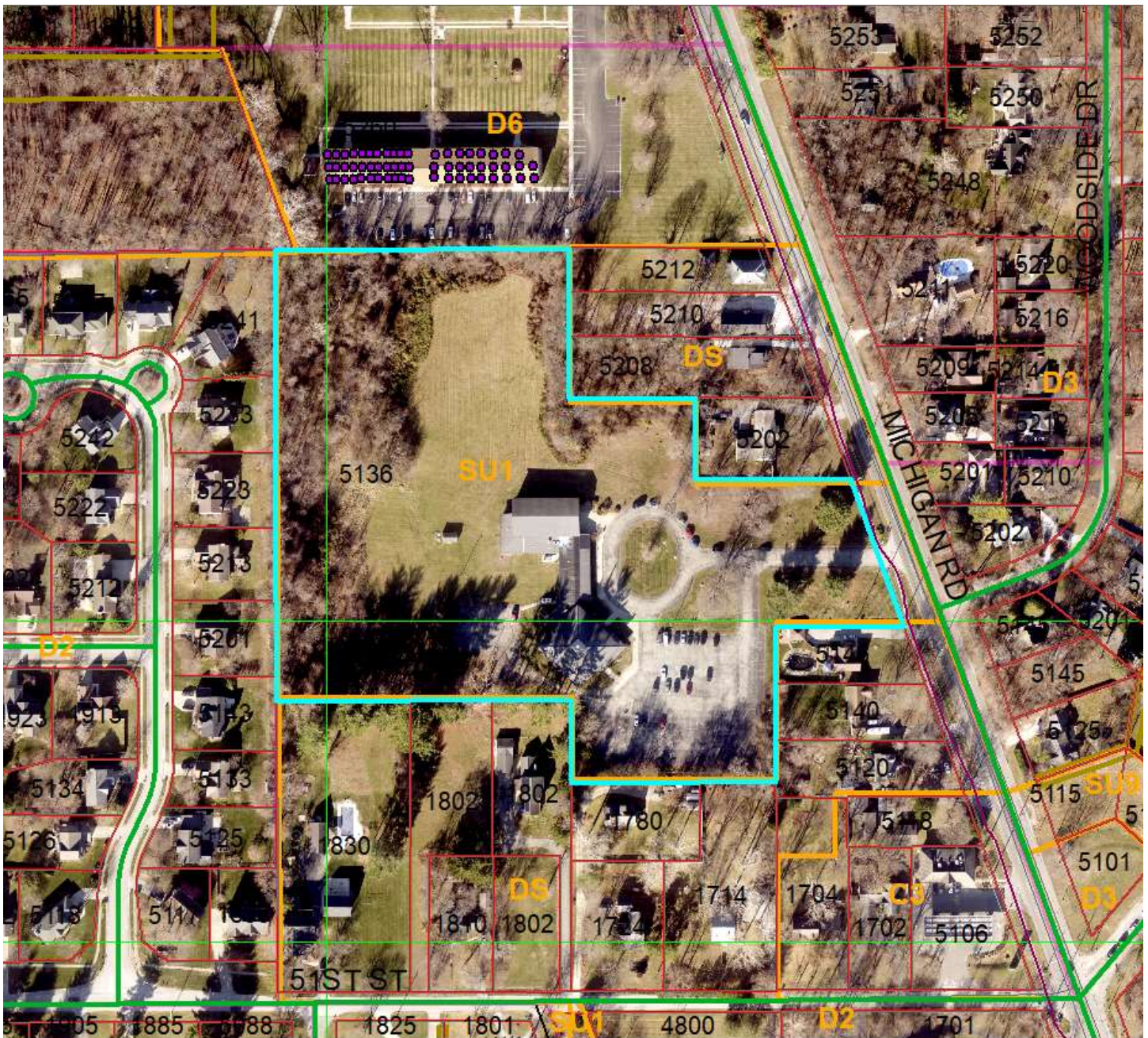
**84-Z-5; 5117 Michigan Road** (southeast of site), Rezoning of 0.48 acre from the D-3 to SU-9 to conform the zoning to its current use as a fire station and to correct a mapping error, **approved.**

**81-Z-15; 5210 Michigan Road** (north of site), Rezoning of approximately 0.5 acre from SU-1 to C-1 to provide for the continued use of a daycare center; **withdrawn.**

**74-Z-150; 5210 Michigan Road** (north of site), Rezoning of approximately 0.5 acre from D-S to SU-1 to provide for a daycare center; **approved.**

MI

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1 PROPOSED SITE PLAN  
1" = 30'

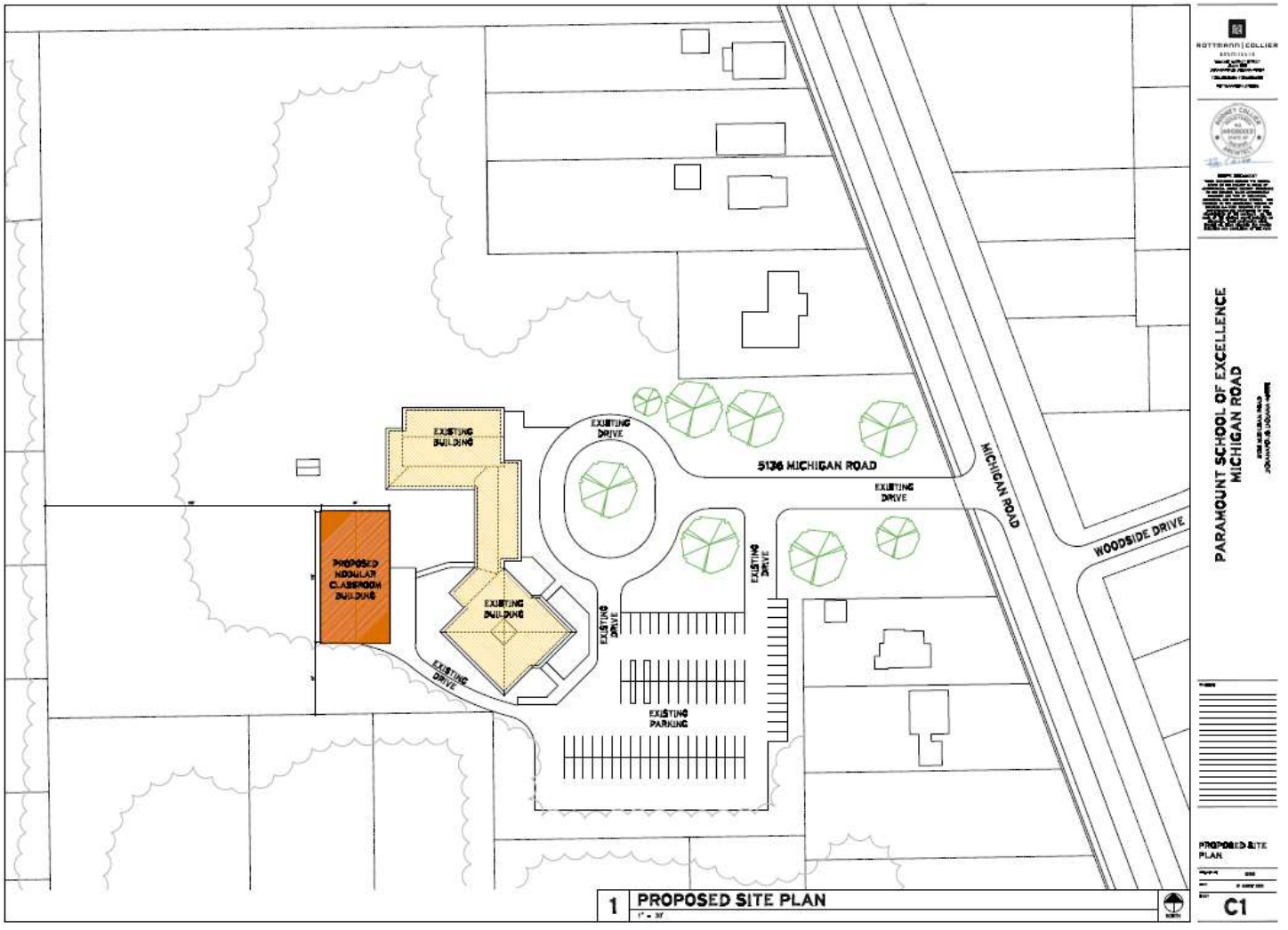
ROTHBORN COLLIER  
ARCHITECTS  
10000 WOODBRIDGE DRIVE  
DUBLIN, OHIO 43017  
TEL: 614.885.1100  
WWW.ROTHBORNCOLLIER.COM

PLANNING DEPARTMENT  
CITY OF DUBLIN, OHIO

PARAMOUNT SCHOOL OF EXCELLENCE  
MICHIGAN ROAD  
DUBLIN, OHIO 43017  
JOHN W. B. JOHNSON, OWNER

PROPOSED SITE PLAN  
DATE: 02/20/2024  
SCALE: AS SHOWN  
BY: JWB

C1



Paramount Schools of Excellence  
Indianapolis, Indiana 46228

Traffic Study  
Title Page

Traffic Study  
Paramount Schools of Excellence  
5136 Michigan Road  
Indianapolis, Indiana 46228

Applicant:  
Tommy Redicks  
Chief Executive Officer  
Paramount Schools of Excellence  
1203 East Saint Clair Street  
Indianapolis, Indiana 46202  
317-519-4588  
[treddicks@paramountindy.org](mailto:treddicks@paramountindy.org)

Yarger Engineering Job Number: 20231001

By:  
Yarger Engineering, Inc. ©  
1401 Alimingo Drive  
Indianapolis, Indiana 46260  
317-475-1100  
[bwvarger@yargerengineering.com](mailto:bwvarger@yargerengineering.com)  
[www.yargerengineering.com](http://www.yargerengineering.com)

I certify that this Traffic Study has been prepared by me or under my immediate supervision and that I have experience and training in the field of traffic and transportation engineering.



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

Saturday, November 25, 2023



Paramount Schools of Excellence  
Indianapolis, Indiana 46228

Traffic Study  
Executive Summary

arterial. The southbound right turn traffic warrants a right turn lane when considered as unsignalized.

The Driveway at Michigan Road intersection warrants a traffic signal with the peak hour warrant, and would operate at level of service B or better. See [Table 7](#) on pages 25 for more information.

## VI. Recommendations

### A. Existing

No changes are recommended.

### B. 2029 with Paramount Schools of Excellence

Michigan Road at the Driveway should have a northbound left turn lane, a southbound right turn lane, and two exit lanes with a traffic signal for full build-out. Per Indiana Codes and MUTCD, the signal should not be installed until there is sufficient traffic forecasted to satisfy at least one of the warrants. Until then, uniformed traffic control, preferable police, should control the Michigan Road intersection during the three peak periods. Given the high traffic volume and multiple through lanes on Michigan Road, and the offset approach for Woodside Drive, at least two people will be needed to control traffic. See [Figure 20](#) on page 40.

Queuing within the site for picking up students with full occupancy could be 850 to 1,125 feet long at school dismissal time, with shorter queues at the other times. The range in queue length reflects the possibility that some parents may park in the lot and walk up to the door instead of using the curb side loading. Some parents parked and walked up at the Cottage Home site, both on the site and the adjacent streets, and were included in the traffic counts. No on-street parking is assumed for the Michigan Road site. Queuing for the exit to Michigan Road also needs to be provided so that it doesn't back in to the vehicles leave the curb side pickup zone. The site plan in [Figure 21](#) on page 41 shows an example of how the lengths could be accomplished, but other options that provide adequate queue storage are possible. The blue line is the loading zone queue storage length, while the yellow line is the queue storage at Michigan Road. The blue and yellow lines are comprised of both existing and new pavement.

## VII. Conclusions

Traffic in the study area should not be unreasonably delayed due to the construction of Paramount Schools of Excellence with the recommended road improvements.

With flagging traffic there is a risk to the flaggers due to higher speeds and potentially limited sight distance for those following large vehicles. A traffic signal is preferred due to it being there all the time so motorists become accustomed to it, and that people don't need to stand in the pavement to control traffic. The signal heads would also be much more visible than vehicle mounted lights due to mounting them overhead.

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**C. Capacity and Level of Service**

Capacity and level of service are interrelated. This section deals directly with level of service and therefore indirectly with capacity. In the 2000 Highway Capacity Manual, delay per vehicle is the primary method of determining level of service. Unsignalized intersections are analyzed based on estimated delay using movement flow rate and capacity that provides a level of service by movement. Signalized intersections also use capacity and flow rates to determine level of service for movements and for the overall intersection.

The following tables summarize levels of service definitions for signalized and unsignalized intersections.

<b>Table 5 – Levels of Service Definitions</b>		
<b>Level of Service (LOS)</b>	<b>Unsignalized (Second of Delay Per Vehicle)</b>	<b>Signalized (Second of Delay Per Vehicle)</b>
<b>A</b>	0 – 10.0	0 – 10.0
<b>B</b>	10.1 – 15.0	10.1 – 20.0
<b>C</b>	15.1 – 25.0	20.1 – 35.0
<b>D</b>	25.1 – 35.0	35.1 – 55.0
<b>E</b>	35.1 – 50.0	55.1 – 80.0
<b>F</b>	Over 50 or V/C > 1.0*	Over 80 or V/C > 1.0*

*V/C is volume to capacity ratio. V/C criteria is applicable only to movements, not approaches or intersections.*

Levels of service for this project were calculated using the peak 15-minute forecasts multiplied times four to get an equivalent hourly flow rate. Level of service E has been assumed to be the minimum acceptable level of service for individual movements and approaches, and level of service D for intersections.

**1. Existing Conditions**

With the geometry and traffic control shown in [Figure 4](#) on page 8, the levels of service are as shown on the following table. While there was some construction traffic during the counts, the driveway movements were set to zero since they will not be there when the school opens. Some movements had less than 0.05 second of delay and more than zero, but show up as 0.0 in the table. When a single zero is shown, that movement had zero delay due to having no traffic that was delayed.

**Table 6 – Level of Service and Delay  
2023 Existing**

Intersection	AM Street Peak					School Dismissal					PM Street Peak				
	EB	WB	NB	SB	AB	EB	WB	NB	SB	AB	EB	WB	NB	SB	AB
Michigan Road at Driveway	A	B	A	A	A	A	A	A	A	A	A	A	A	A	A
	0	11	0	0	0	0	0	0.0	0.0	0	0	0	0.0	0	0

**2. 2029 with Paramount Schools of Excellence**

With the geometric and traffic control improvements shown in [Figure 10](#) through [Figure 13](#) on pages 25 - 29, the levels of service are as shown on the following table. The stop sign control assumes that there is no one flagging traffic and side street drivers are on their own to find gaps in the Michigan Road traffic. With someone flagging traffic, delay and levels of service should be similar to with a traffic signal.

**Table 7 – Level of Service and Delay  
2029 with Paramount Schools of Excellence**

Intersection	AM Street Peak					Dismissal Peak					PM Street Peak				
	EB	WB	NB	SB	AB	EB	WB	NB	SB	AB	EB	WB	NB	SB	AB
Michigan Road at Driveway Stop, No Additional Lanes <a href="#">Figure 10</a>	F*	B	A	A	F*	F	A	A	A	F	F	A	A	A	C
		11	4	0		353	0	2	0.0	52	262	0	1	0.0	15
Michigan Road at Driveway Stop, EBLT, NBLT, SBRT <a href="#">Figure 11</a>	F*	B	A	A	F*	F	A	A	A	B	F	A	A	A	A
		11	2	0		136	0	1	0.0	20	141	0	0.3	0	8
Michigan Road at Driveway Signal, No Additional Lanes <a href="#">Figure 12</a>	D	D	B	A	B	D	A	A	A	B	D	A	A	A	A
	43	43	11	9	13	44	0	5	5	11	39	0	3	3	5
Michigan Road at Driveway Signal, EBLT, NBLT, SBRT <a href="#">Figure 13</a>	D	D	A	A	A	D	A	A	A	A	D	A	A	A	A
	36	43	6	6	9	38	0	3	3	8	39	0	3	3	5

\* - The movement is severely over capacity causing a calculation error, and the delay will continue to grow until the situation changes.

### **D. Queuing Analyses**

Queuing analyses for the intersections comes from the level of service analyses for the Michigan Road alternative, and from calculations of the Cottage Home school data adjusted for 300 students at Michigan Road. As mentioned before, the level of service was analyzed using Synchro with its internal methods as well as Highway Capacity Manual methods. The queue lengths shown are the longer forecasted for the three peak periods. These queue lengths do not include deceleration or tapers.

#### **1. Existing**

[Figure 14](#) on page 32 shows the calculated peak queue lengths in blue and the existing storage lengths in red.

#### **2. 2029 with School – Stop Sign, No Turn Lanes Alternative**

[Figure 15](#) on page 33 shows the calculated peak queue lengths in blue and the longer of the existing or recommended storage lengths in red. Due to the eastbound lane being overcapacity, its queue will continue to grow until the situation changes.

#### **3. 2029 with School – Stop Sign, EBLT, NBLT, & SBRT Alternative**

[Figure 16](#) on page 34 shows the calculated peak queue lengths in blue and the longer of the existing or recommended storage lengths in red. Due to the eastbound left turn lane being overcapacity, its queue will continue to grow until the situation changes.

#### **4. 2029 with School – Signal, No Turn Lanes Alternative**

[Figure 17](#) on page 35 shows the calculated peak queue lengths in blue and the longer of the existing or recommended storage lengths in red.

#### **5. 2029 with School – Signal, EBLT, NBLT, & SBRT Alternative**

[Figure 18](#) on page 36 shows the calculated peak queue lengths in blue and the longer of the existing or recommended storage lengths in red.

#### **6. 2029 with School – Loading Zone**

Using total entering and exiting vehicle data from Cottage Home school taken in one-minute increments, and accounting for vehicles parked on Highland Avenue and Saint Clair Street, plus accounting for pedestrian activity during the drop off and dismissal times, the peak period for the queue was 3:05 PM for the first dismissal wave. Other times had shorter queues. Some of the calculated queued vehicles at Cottage Home were parked and the parents walked up to the door to get their children. This may have been in preference to waiting in line, or in some cases, a desire not to queue in Saint Clair Street when the queue length extended outside the school's property.

The Michigan Road site's main door for drop-off and dismissal will be at the southeast corner of the existing building so drivers will pull up to the door leaving as much curb space as possible behind them. See [Figure 19](#) on page 37. The sidewalk along the east side of the building will be used for loading, but students will have to walk from the southeastern door to their parents'

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cars. During peak times, traffic control will be needed on-site in addition to in the Michigan Road intersection, and cones will be needed to force drivers to take the queuing loop.

The Cottage Home school uses a wireless data base and placard system to call the students to the door for loading, and the same system is anticipated for the new school.

For the dismissal time loading, the estimated queue length was a minimum of 850 feet to a maximum of 1,125 feet. The existing pavement does not provide enough queuing length, and it is too narrow to have two queue lanes plus a bypass lane, so addition pavement for queuing is needed. [Figure 19](#) on page 37 shows the potential queuing with a loop to the north of the building with 1,400 feet in blue. This is only an example of what is possible on-site to show that the maximum queue can be accommodated. The yellow shows the available length for the queue at Michigan Road to show that it has 700 feet of queuing storage space to accommodate that queue without interfering with the loading zone.

**V. RECOMMENDED IMPROVEMENTS****A. Existing Conditions****1. Michigan Road at Driveway & Woodside Drive**

No changes are recommended.

**B. 2029 with Paramount Schools of Excellence**

See [Figure 20](#) on page 40 for recommended geometrics and traffic control, and [Figure 21](#) on page 41 for queue lengths.

**1. Michigan Road at Driveway & Woodside Drive**

A signal with two exit lanes on the school driveway, one eastbound left turn lane and a shared eastbound through and right turn lane, a northbound left turn lane with a transition shift to provide space for the police cruiser until a signal is warranted, and southbound right turn lane are recommended. The signal should be split phased due to the offset between the driveway and Woodside Drive.

**2. On-Site Driveway Queue Storage & Parking**

The driveway needs to provide sufficient queue space for the curbside loading zone such that vehicles never queue into Michigan Road. The driveway option shown in the site plan in [Figure 21](#) on page 41 provides 1,400 feet of queue space shown in blue, and has available parking in excess of staff needs such that if there were a queuing problem, vehicles could be directed to park. Assuming no parking during the dismissal loading, the maximum queue length is calculated to be 1,125 feet. The maximum queue length at other times would be shorter, and the loop to the north of the building might not be needed, so drivers could use the existing pavement loop to access the curbside loading zone. Additional storage on the new loop could be provided, but this would likely mean the removal of mature trees. The queue storage pavement needs to provide a bypass lane so that vehicles can leave the queue once loaded. A bypass lane also will address the issue of vehicles breaking down in the queue.

The yellow line shows over 600 feet of queue storage available to the vehicles leaving the school and stopped at Michigan Road. The calculated maximum length of the queue at Cottage Home was 10 vehicles, but that length was not observed since Highland Avenue has so little traffic, that 10 vehicles could leave within the one-minute interval used for the counts. The exit to Highland Avenue also has two exit lanes. With the signal and turn lanes, the calculated 95<sup>th</sup> percentile queue length at Michigan Road was 132 feet, which is less than the 200 feet back to the parking lot exit lane where the queue would become a single lane.

Since there will be buses and other heavy vehicles using the driveway, lanes should be at least 12 feet wide. Narrow lanes could have the bus or other heavy vehicle mirrors colliding with each other due to the narrow lanes.



Figure 20, 2029 with Signal and Turn Lanes Alternative  
Indianapolis, Indiana, Approximate Scale: 1" = 200'  
Prepared by Yarger Engineering, Inc.©  
1401 Alimingo Drive, Indianapolis, IN 46260-4058  
317-475-1100, Fax: 317-475-0100

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Figure 21, Recommended Alternative Queue and Storage Lengths  
Indianapolis, Indiana, Approximate Scale: 1" = 200'  
Prepared by Yarger Engineering, Inc.©  
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317-475-1100, Fax: 317-475-0100

Queue, Storage

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**VI. CONCLUSION**

Traffic in the study area should not be unreasonably delayed due to Paramount Schools of Excellence traffic with the recommended road improvements.

With flagging traffic there is a risk to the flaggers due to higher speeds on Michigan Road and potentially limited sight distance for those following large vehicles. A traffic signal is preferred due to it being there all the time so motorists become accustom to it being there, and that people don't need to stand in the pavement to control traffic. The signal heads would also be much more visible than vehicle mounted lights due to mounting the signal heads overhead instead of at vehicle height, where tall vehicles could block the view of trailing vehicles.



Photo of the Subject Property: 5136 Michigan Road



Photo of the parking area looking south on the site.



Photo of the existing church building looking west on the site.



Photo of the north property boundary and existing drive.



Photo of the rear yard where the proposed building will be located.



Photo of the rear yard and existing accessory structure looking north.



Photo of the rear of the existing building looking north.



Photo of the rear building façade looking east on the site.



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



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



Michigan Road looking northeast from the site.



Michigan road looking east from the entrance drive.



**METROPOLITAN DEVELOPMENT COMMISSION** **February 29, 2024**  
**HEARING EXAMINER**

**Case Number:** 2023-ZON-119

**Property Address:** 7725 Kentucky Avenue

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

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

**Current Zoning:** C-4 and C-S

**Request:** Rezoning of 60.22 acres from the C-4 and C-S districts to the D-4 district to provide for single-family residential development.

**Current Land Use:** Undeveloped

**Staff Recommendations:** Approval

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

**PETITION HISTORY**

The Hearing Examiner continued this petition from the January 11, 2024 hearing, to the January 25, 2024 hearing, the February 15, 2024 hearing, and to the February 29, 2024 hearing, to provide time for discussions regarding the need for a Traffic Impact Study (TIS) and / or the need for a traffic signal at the intersection of Kentucky Avenue and Camby Village Boulevard. Because the Indiana Department of Transportation (INDOT) has jurisdiction of Kentucky Avenue in this area, the decision would be made by that office.

**STAFF RECOMMENDATION**

Approval, subject to substantial compliance with the site plan, filed-dated December 7, 2023.

**PETITION OVERVIEW**

This 60.22-acre site, zoned C-4 and C-S is undeveloped. It is surrounded by undeveloped land to the north, zoned C-S; religious uses and single-family dwellings to the south, zoned SU-1 and D-4; multi-family dwellings to the east, zoned D-7 and single-family dwellings and undeveloped land to the west, across Kentucky Avenue, zoned D-A and SU-46 (Airport).

**Rezoning**

This request would rezone the site from the C-4 and C-S districts to the D-4 district. “The D-4 district is intended for low or medium intensity single-family and two-family residential development. Land in this district needs good thoroughfare access, relatively flat topography, and nearby community and neighborhood services and facilities with pedestrian linkages. Provisions for recreational facilities serving





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the neighborhood within walking distance are vitally important. Trees fulfill an important cooling and drainage role for the individual lots in this district. The D-4 district has a typical density of 4.2 units per gross acre. This district fulfills the low-density residential classification of the Comprehensive General Land Use Plan. All public utilities and facilities must be present. Development plans, which may include the use of clustering, should incorporate, and promote environmental and aesthetic considerations, working within the constraints and advantages presented by existing site conditions, including vegetation, topography, drainage, and wildlife.”

As proposed this request would be consistent with the Comprehensive Plan recommendation of suburban neighborhood. The development would consist of 168 single-family dwellings on 80-foot by 120-foot lots (minimum lot area of 7,200 square feet), with an approximately 2,879-square-foot building pad. An amenity area would be located near the development entrance proposed along Camby Village Boulevard. Three retention / detention ponds would occupy approximately 7.23 acres of the site.

Given the number of proposed units, staff inquired about the need for a Traffic Impact Study (TIS) and the possibility for a traffic signal at the Kentucky Avenue intersection. Kentucky Avenue (SR 67) lies within jurisdiction of the State of Indiana Department of Transportation (INDOT). Staff understands attempts have been made to engage INDOT but at this time, no document has been submitted to the file regarding the need for a TIS or a traffic signal. If information would be filed prior to the hearing, staff will provide an update at the hearing.

The density of this development would be 2.79 units per acres when the typical density of the D-4 district would be 4.2 units per acre. Staff believes the proposed reduction in density would be acceptable and more compatible given the surrounding land uses in this area.

**GENERAL INFORMATION**

<b>Existing Zoning</b>	C-4 and C-S	
<b>Existing Land Use</b>	Undeveloped	
<b>Comprehensive Plan</b>	Suburban Neighborhood	
<b>Surrounding Context</b>	<b>Zoning</b>	<b>Land Use</b>
North:	C-S	Undeveloped land
South:	SU-1 / D-4	Religious uses / single-family dwellings
East:	D-7	Multi-family dwellings
West:	D-A / SU-46	Single-family dwellings / undeveloped land
<b>Thoroughfare Plan</b>		
Kentucky Avenue	Marion County Thoroughfare Plan (2019)	This portion of Kentucky Road is designated in the Marion County Thoroughfare Plan as a primary arterial, with an existing and proposed 215-foot right-of-way.



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Camby Village Boulevard		This portion of Camby Village Boulevard is designated in the Marion County Thoroughfare Plan as a local street, with an existing and proposed 70-foot right-of-way
<b>Context Area</b>	Metro	
<b>Floodway / Floodway Fringe</b>	No	
<b>Overlay</b>	No	
<b>Wellfield Protection Area</b>	No	
<b>Site Plan</b>	December 7, 2023	
<b>Site Plan (Amended)</b>	N/A	
<b>Elevations</b>	N/A	
<b>Elevations (Amended)</b>	N/A	
<b>Landscape Plan</b>	N/A	
<b>Findings of Fact</b>	N/A	
<b>Findings of Fact (Amended)</b>	N/A	
<b>C-S/D-P Statement</b>	N/A	

**COMPREHENSIVE PLAN ANALYSIS**

**Comprehensive Plan**

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

**Pattern Book / Land Use Plan**

- The Comprehensive Plan consists of two components that include the Pattern Book and the land use map. The Pattern Book provides a land use classification system that guides the orderly



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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.

*Conditions for All Housing*

- A mix of housing types is encouraged.
- Developments of more than 30 housing units must have access to at least one arterial street of 3 or more continuous travel lanes between the intersections of two intersecting arterial streets.
- Should be within a one-mile distance (using streets, sidewalks, and/or off-street paths) of a school, playground, library, public greenway, or similar publicly accessible recreational or cultural amenity that is available at no cost to the user
- Should be oriented towards the street with a pedestrian connection from the front door(s) to the sidewalk. Driveways/parking areas do not qualify as a pedestrian connection.
- Developments with densities higher than 5 dwelling units per acre should have design character compatible with adjacent properties. Density intensification should be incremental with higher density housing types located closer to frequent transit lines, greenways or parks.

*Detached Housing*

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



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

- Not Applicable to the Site.

**Neighborhood / Area Specific Plan**

- Not Applicable to the Site.

**Infill Housing Guidelines**

- Not Applicable to the Site.

**Indy Moves**

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

- Not Applicable to the Site.

## ZONING HISTORY

**2022-ZON-112; 7305 Kentucky Avenue (north of site)**, requested Rezoning of 58.5 acres from the C-4 district to the C-S district to provide for certain uses permitted in the C-3 and all uses permitted in the D-4 and D-5II districts, **approved**.

**2019-ZON-036; 8900 Mooresville Road (included site)**, requested rezoning of 121.1 acres from the C-4 and C-S Districts to the C-S classification to provide for all Manufacturing, Research and Development, Utilities, Wholesale Distribution uses permitted by the I-1 District; all Group Living, Community, cultural and Educational Facilities, and Office Uses permitted in the C-1 district; Vocational, Technical or Industrial Training School or Training Facility; Hospital; Animal Care, Boarding and Veterinary Services; Farmer's Market; Artisan Food and Beverage; Business, Home and Personal Services or Repair; Bar or Tavern; Eating Establishment or Food Preparation; Indoor Recreation and Entertainment; Indoor Spectator Venue; Hotel or Motel; Department Store; Grocery Store; Liquor Store; Light and Heavy General Retail; Automobile and Light Vehicle Wash; Automobile Fueling Station; Automobile, Motorcycle, and Light Vehicle Service or Repair; Commercial Parking Lot; Transit Center; and Recycling Station and the following accessory uses: wireless communications facility; game courts; outdoor storage; temporary outdoor display and sales; outdoor seating and patio; recycling collection point; renewable energy facility, solar, geothermal or wind; satellite dish antenna; signs; temporary construction yard, office or equipment storage; temporary outdoor event; and outside vending machines/self-serve kiosk, **denied**.

**2005-APP-167; 8900 Mooresville Road (included site)**, requested modification of commitments related to petitions 96-Z-76A, 96-Z-76B and 97-Z-76C to modify Commitment Number Four to eliminate the following sentence, "The development of this 10 acres shall not comment until all of the adjacent DO real estate within the Camby Crossing Development has been developed; however, this 10 acres may be developed simultaneously with the final phase of said DO development.", **withdrawn**.

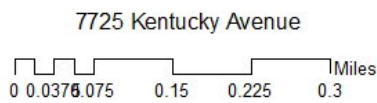
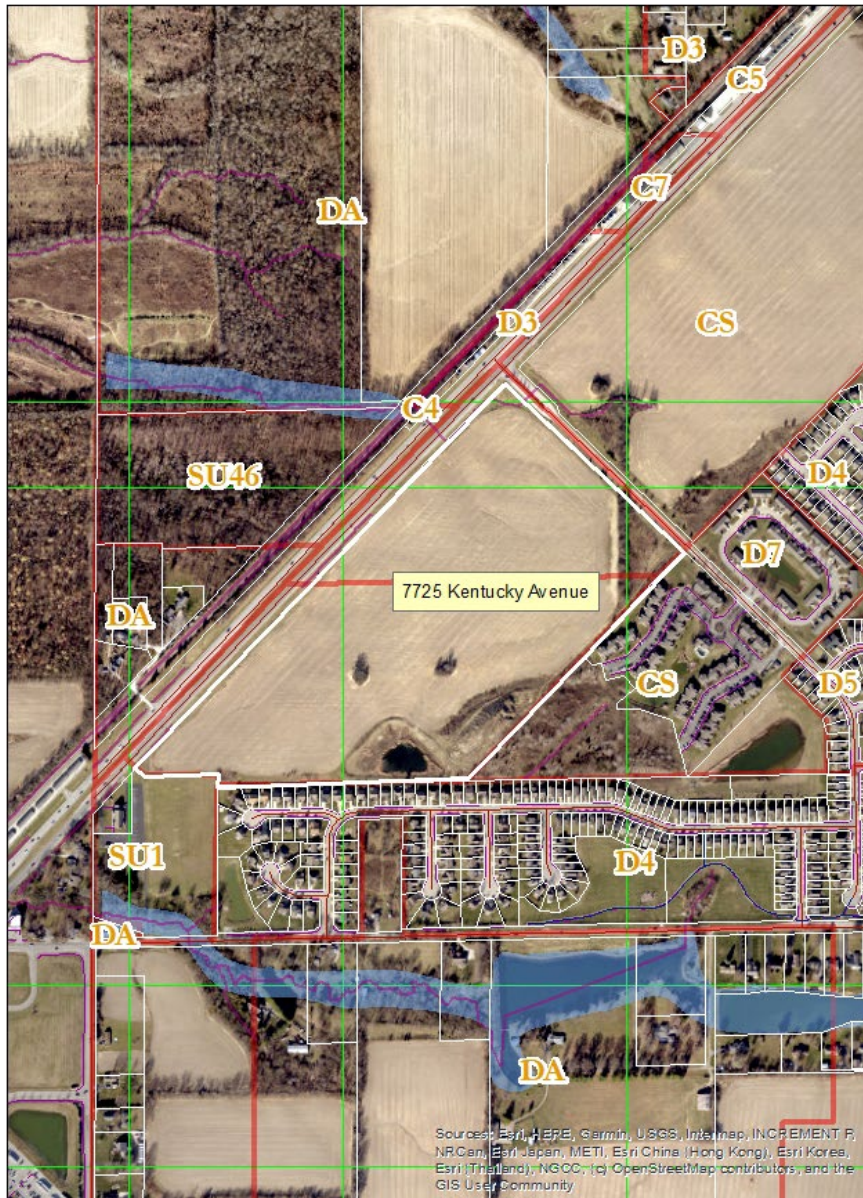
**96-Z-76 A; 7401 Kentucky Avenue (included site)**, requested rezoning of 10.99 acres, being in the D-3 and C-4 Districts, to the D-7 classification to provide for multi-family development, **approved**.

**96-Z-76 B; 7401 Kentucky Avenue (included site)**, requested rezoning of 82.04 acres, being the D-3 and D-7 Districts, to the C-4 classification to provide a community-regional commercial development, **approved**.

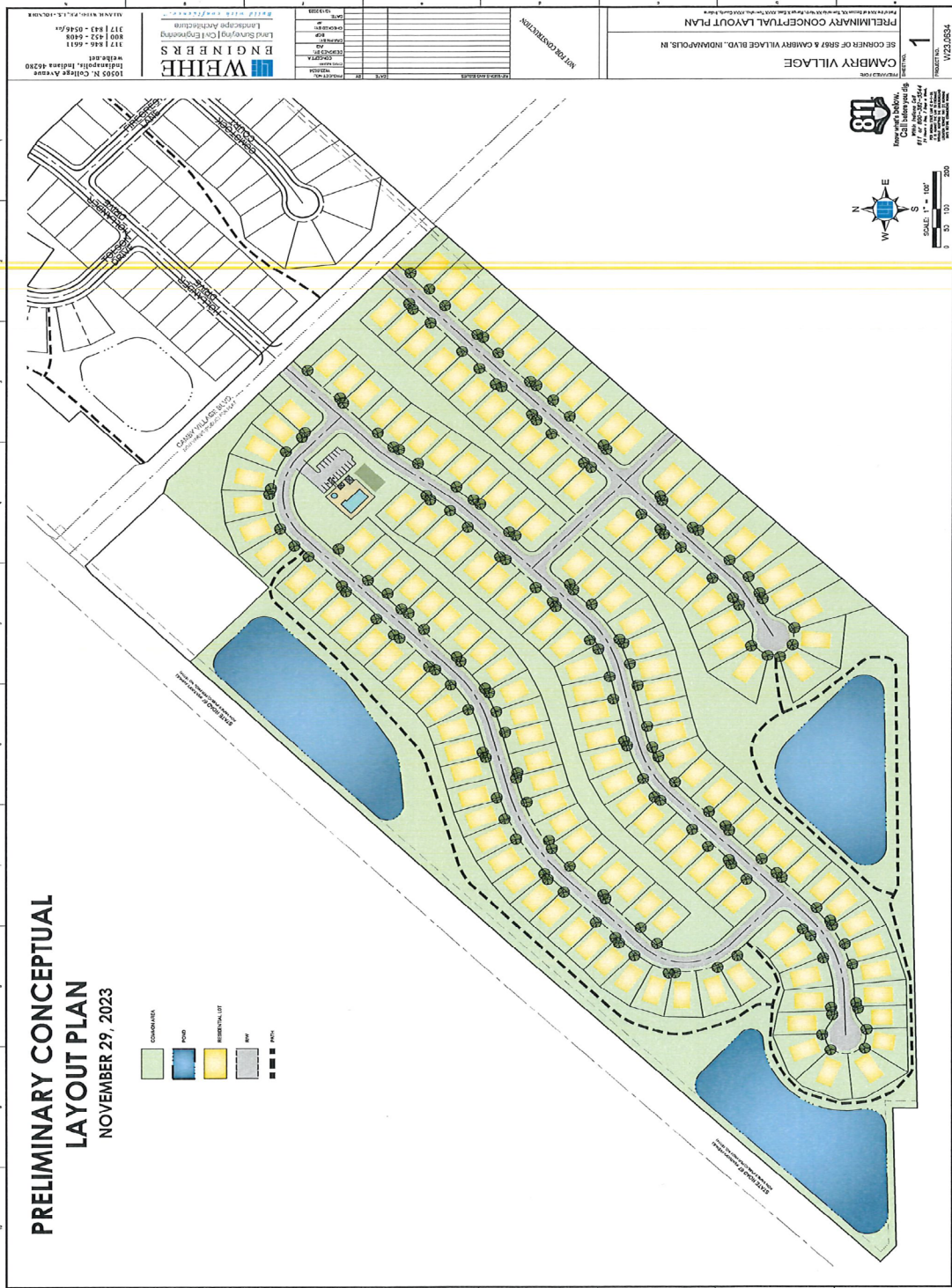
**96-Z-76 C; 8201 Camby Road (included site)**, requested rezoning of 52.62 acres, being in the D-3 and D-7 Districts, to the C-S classification to provide for the construction of a self-storage facility, with ancillary uses, including an office and resident manager; office, commercial, multi-family, industrial research and park uses, **approved**.

**96-Z-76 D; 8302 Trotter Road (included site)**, requested rezoning of 120 acres, being in the D-A District, to the D-3 classification to provide for the construction of single-family residential development at 2.6 units per acre, **approved**.

**EXHIBITS**











View looking south along Kentucky Avenue



View looking north along Kentucky Avenue



View of site looking north across Camby Village Boulevard



View of site looking north across Camby Village Boulevard



View of site looking north across Camby Village Boulevard



View looking northeast at adjacent residential development to the east



View of site looking north from single-family development to the east



View of site looking northwest from single-family development to the east



View of site looking northwest from multi-family development to the east



View of site looking northwest from multi-family development to the east



View of multi-family dwellings looking south across Camby Village Boulevard



View of site looking south across Camby Village Boulevard



View of site looking south across Camby Village Boulevard



View of site looking south across Camby Village Boulevard



View of site looking southwest across Camby Village Boulevard





**METROPOLITAN DEVELOPMENT COMMISSION** **February 29, 2024**  
**2024 HEARING EXAMINER**

**Case Number:** 2024-ZON-001

**Property Address:** 7110 and 7112 US 31

**Location:** Perry Township, Council District #22

**Petitioner:** J & A Homes, Inc. and Jiries Ishak, by David Gilman

**Current Zoning:** D-A and C-1

**Request:** Rezoning of 3.04 acres from the D-A and C-1 districts to the C-3 district to provide for neighborhood commercial uses

**Current Land Use:** Residential and undeveloped land

**Staff Recommendations:** Approval

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

**PETITION HISTORY**

The Hearing Examiner continued this petition from the February 15, 2024 hearing, to the February 29, 2024 hearing, to provide additional time for discussions between the petitioner’s representative and the surrounding neighbors. The continuance was requested by the petitioner’s representative.

**February 15, 2024**

**STAFF RECOMMENDATION**

Approval, subject to the following commitment subject 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 3.04-acre site, is comprised of three parcels, two of which are developed with single-family dwellings and zoned D-A. The third parcel is undeveloped and zoned C-1. The site is surrounded by commercial office uses to the north, zoned C-1, multi-family residential uses to the south, zoned C-1; single-family dwellings to the east, across US 31, zoned D-3 and C-1; and religious uses and a single-family dwelling to the west, zoned SU-1 and DA, respectively.



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## Rezoning

This request would rezone three contiguous lots from the D-A and C-1 districts to the C-3 district (Neighborhood Commercial District). "The C-3 District is for the development of an extensive range of retail sales and personal, professional, and business services required to meet the demands of a fully developed residential neighborhood, regardless of its size. Examples of such types of uses include neighborhood shopping centers, sales of retail convenience or durable goods, shopping establishments, retail, and personal and professional service establishments. At this neighborhood scale of retail, a fine-grain of accessibility requisite for all modes of travel must be provided and maintained. It does not make provision, however, for those businesses that draw customers 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."

As proposed, this request would be consistent with the Comprehensive Plan recommendation of community commercial typology. The C-3 or C-4 district would generally be contemplated as acceptable uses within this typology depending upon the surrounding land uses.

Because of the of the residential uses to the west and south and the religious uses to the north, the less intense C-3 district would be more appropriate and supportable at this location. Furthermore, the required development standards would minimize the impact of the commercial uses on the adjacent land uses to the north, south and west. In other words, staff would not support any variances from the required development standards for the C-3 district.

## 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



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use of the governmental property, right-of-way or easement or that has been allowed to become a health or safety hazard;

3. A drainage or stormwater management facility as defined in Chapter 561 of this Code on private or governmental property, which facility has not been maintained as required by that chapter; or

4. Property that has accumulated litter or waste products, unless specifically authorized under existing laws and regulations, or that has otherwise been allowed to become a health or safety hazard.

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

**GENERAL INFORMATION**

<b>Existing Zoning</b>	D-A and C-1	
<b>Existing Land Use</b>	Single-family dwellings / undeveloped	
<b>Comprehensive Plan</b>	Community Commercial	
<b>Surrounding Context</b>	<b>Zoning</b>	<b>Land Use</b>
	North: C-1	Office use (converted dwelling)
	South: C-1	Multi-family dwellings
	East: D-3 / C-1	Single-family dwellings / commercial office use (converted dwelling)
	West: D-A / SU-1	Single-family dwelling / religious uses
<b>Thoroughfare Plan</b>		
US 31	The Marion County Thoroughfare Plan (2019)	This portion of US 31 is designated as a primary arterial with an existing 150-foot right-of-way and a proposed 124-foot right-of-way.
<b>Context Area</b>	Metro	
<b>Floodway / Floodway Fringe</b>	No	
<b>Overlay</b>	No	
<b>Wellfield Protection Area</b>	No	
<b>Site Plan</b>	N/A	
<b>Site Plan (Amended)</b>	N/A	
<b>Elevations</b>	N/A	
<b>Elevations (Amended)</b>	N/A	
<b>Landscape Plan</b>	N/A	
<b>Findings of Fact</b>	N/A	
<b>Findings of Fact (Amended)</b>	N/A	

**C-S/D-P Statement** N/A

**COMPREHENSIVE PLAN ANALYSIS**

**Comprehensive Plan**

- The Comprehensive Plan recommends Community Commercial. The Community Commercial typology provides for low-intensity commercial, and office uses that serve nearby neighborhoods. These uses are usually in freestanding buildings or small, integrated centers. Examples include small-scale shops, personal services, professional and business services, grocery stores, drug stores, restaurants, and public gathering spaces.

**Pattern Book / Land Use Plan**

- The Pattern Book lays out a land use classification system that guides the orderly development of the county, protects the character of neighborhoods, and serves as a policy guide for development or redevelopment of a site.
- The following elements of the Pattern Book apply to this site:

*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.

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

- Should be located along an arterial street.
- Outdoor display of merchandise should be limited.
- If adjacent to residential uses or a Living Typology, outdoor display of merchandise is not recommended.
- If proposed within one-half mile along an adjoining street of an existing or approved residential development, then connecting, continuous pedestrian infrastructure between the proposed site and the residential development (sidewalk, greenway, or off-street path) should be in place or provided.
- Should be no larger than 25 acres with 125,000 square feet of floor space and no more than three out 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)

- Not Applicable to the Site.



## ZONING HISTORY

**2017-ZON-014; 7110 and 7020 US 31 South**, requested rezoning of three acres, from the D-A and C-1 Districts to the C-S classification to provide for C-1 uses and a self-storage facility, **withdrawn**.

**2005-ZON-026; 7110 US 31 South**, requested rezoning of 1.026 acres from the D-A District to the C-1 classification to provide for office commercial uses, **approved**.

## VICINITY

**2005 DV1-019; 7007 U.S. 31 South**, requested a variance of development standards of the Commercial Zoning Ordinance to provide for a 378-square foot off-premises advertising sign on the south façade of an existing one-sided off-premises advertising sign located 112 feet from a protected district (off-premises advertising signs not permitted with 300 feet of a protected District), **approved**.

**2002-ZON-052; 7117 US 31 South (east of site)**, requested rezoning of 0.519 acres, from the D-3 District to the C-1 classification to provide for an office, **approved**.

**2002-ZON-034; 7030 South East Street (north of site)**, requested the rezoning of 2.093 acres from the D-A District to the SU-1 Classification to provide for religious uses., **approved**.

**2001-ZON-018, 7013 and 7015 U.S. 31 South (east of site)**, requested rezoning of 1.12 acres from the D-3 District to the C-3 classification to provide for neighborhood commercial uses, **approved**.

**99-CP-14Z; 7301 US 31 South (south of site)**, requested rezoning of 0.225 acre, being in the D-3 District to the C-4 classification to provide for the expansion of a department store facility, **approved**.

**99-V2-087; 7301 US 31 South (south of site)**, requested a variance of development standard of the Commercial Zoning Ordinance to provide for an addition 22,039 square feet of outdoor display and sale of merchandise, exceeding permitted square footage, **granted**.

**97-UV3-23; 6950 U.S. 31 South (north of site)**, requested a variance of use of the Commercial Zoning Ordinance to provide for the expansion of an existing veterinary hospital, **granted**.

**94-Z-115; 7119 US 31 South (east of site)**, requested rezoning of 1.0 acre from the D-3 District to the C-1 classification to provide for office use, **approved**.

**93-UV2-45, 6950 U.S. 31 South (north of site)**, requested a variance of use and development standards to provide for the construction of a model home viewing center with an interior access drive 9.64 feet from the west property line (minimum 15-foot setback required), **granted**.

**93-Z-89, 6950 U.S. 31 South (north of site)**, requested a rezoning from the D-A District to the C-1 classification for commercial office use, **approved**.



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**89-Z-173, 7104 U.S. 31 South (north of site)**, requested a rezoning of 1.46 acres to the C-1 classification to provide for office uses, **approved**.

**89-Z-81; 7210 US 31 South (south of site)**, requested rezoning of 4.08 acres, being in the A-2 District to the C-3 classification, to provide for retail sales, **approved**.

**89-Z-3; 7219 US 31 South (south of site)**, requested rezoning of 0.56 acre, being in the D-3 District, to the C-1 classification, to provide for office uses, **approved**.

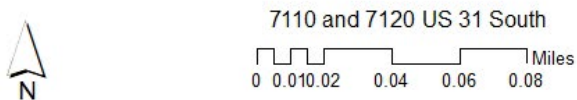
**86-UV1-17; 7218 US 31 South (east of site)**, requested a variance of use to provide for office use, **granted**.

**83-Z-133, 6950 U.S. 31 South (north of site)**, requested the rezoning of 1.01 acres, from the D-5 District, to the C-1 classification to provide for commercial development, **approved**.

**82-UV2-125, 6950 U.S. 31 South (north of site)**, requested a variance of use for the construction of and use of a veterinary hospital, **granted**.

kb

**EXHIBITS**







View looking north across US 31



View looking northeast across US 31



View of site looking southeast across South East Street from adjacent property to the north



View of site (addressed as 7110 US 31) looking west across US 31



View of site (addressed as 7110 US 31-undeveloped) looking west across US 31



View of site (addressed as 7112) looking west across US 31



**METROPOLITAN DEVELOPMENT COMMISSION**  
**HEARING EXAMINER** **February 29, 2024**

**Case Number:** 2024-ZON-006

**Property Address:** 1573 East 73rd Street (Approximate Address)

**Location:** Washington Township, Council District #2

**Petitioner:** Charles and Victoria Huffstutler, by Thadeus Starsiak

**Current Zoning:** C-3 (FF)

**Request:** Rezoning of 0.17 acre from the C-3 (FF) district to the D-4 (FF) district to allow for residential development.

**Current Land Use:** Undeveloped

**Staff Recommendations:** Approval

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

**PETITION HISTORY**

This is the first hearing for this petition.

**STAFF RECOMMENDATION**

Staff **recommends approval** of the request.

**PETITION OVERVIEW**

**LAND USE**

The 0.17-acre subject site is a vacant commercial parcel located in the Ravenswood Neighborhood and Ravenswood Subdivision platted May 2, 1914. It is bordered to the north and west by single-family dwellings, to the zoned D-4, a single-family dwelling to the south, split zoned C-3 and D-4, and a single-family dwelling to the east, zoned C-3.

**REZONING**

The request would rezone a commercial lot from the C-3 district to the D-4 district to provide for residential development.

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



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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 D-4 district is intended for low or medium intensity single-family and two-family residential development. Land in this district needs good thoroughfare access, relatively flat topography, and nearby community and neighborhood services and facilities with pedestrian linkages. Provisions for recreational facilities serving the neighborhood within walking distance are vitally important. Trees fulfill an important cooling and drainage role for the individual lots in this district. The D-4 district has a typical density of 4.2 units per gross acre. This district fulfills the low-density residential classification of the Comprehensive General Land Use Plan. All public utilities and facilities must be present. Development plans, which may include the use of clustering, should incorporate and promote environmental and aesthetic considerations, working within the constraints and advantages presented by existing site conditions, including vegetation, topography, drainage and wildlife.

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

The entire site is within floodway fringe. This is the area where water is likely to sit during a flood of such intensity that there is a 1% chance of it occurring in any given year. This compares to the floodway where floodwater would flow during a flood of the same intensity. Generally, buildings are not permitted in the floodway, while, with exception of certain land uses, they are permitted in the floodway fringe, but must be constructed at least two feet above the base flood elevation.

### **Staff Analysis**

Staff determined that the proposed D-4 district would be in line with the surrounding residential development and would allow for a new dwelling to be proposed on site.

Additionally, staff did not find that the continued commercial development of the site would have been appropriate at this location seeing that it is surrounding by single-family dwellings.



**GENERAL INFORMATION**

<b>Existing Zoning</b>	C-3	
<b>Existing Land Use</b>	Undeveloped	
<b>Comprehensive Plan</b>	Community commercial development	
<b>Surrounding Context</b>	<b>Zoning</b>	<b>Land Use</b>
	North:	D-4 Residential (Single-family dwelling)
	South:	D-4 / C-3 Residential (Single-family dwelling)
	East:	C-3 Residential (Single-family dwelling)
	West:	D-4 Residential (Single-family dwelling)
<b>Thoroughfare Plan</b>		
73 <sup>rd</sup> Street	Local Street	48-foot proposed right-of-way and 50-foot existing.
Ralston Avenue	Local Street	48-foot proposed right-of-way and 50-foot existing.
<b>Context Area</b>	Compact	
<b>Floodway / Floodway Fringe</b>	Yes	
<b>Overlay</b>	Yes	
<b>Wellfield Protection Area</b>	Yes	
<b>Site Plan</b>	N/A	
<b>Site Plan (Amended)</b>	N/A	
<b>Elevations</b>	N/A	
<b>Elevations (Amended)</b>	N/A	
<b>Landscape Plan</b>	N/A	
<b>Findings of Fact</b>	N/A	
<b>Findings of Fact (Amended)</b>	N/A	
<b>C-S/D-P Statement</b>	N/A	

**COMPREHENSIVE PLAN ANALYSIS**

**Comprehensive Plan**

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

**Pattern Book / Land Use Plan**

- The Comprehensive Plan recommends community commercial development.



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- The Community Commercial typology provides for low-intensity commercial, and office uses that serve nearby neighborhoods. These uses are usually in freestanding buildings or small, integrated centers. Examples include small-scale shops, personal services, professional and business services, grocery stores, drug stores, restaurants, and public gathering spaces.
- Although residential uses are not contemplated in the community commercial typology, the immediate area zoned commercially has been converted or developed residentially over time.

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

- Not Applicable to the Site.

**Neighborhood / Area Specific Plan**

- Not Applicable to the Site.

**Infill Housing Guidelines**

- The Infill Housing Guidelines apply to this site, but no specifics can be addressed since a site plan and elevation were not provided.

**Indy Moves**

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

- Not Applicable to the Site.



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## ZONING HISTORY

### ZONING HISTORY – VICINITY

**98-SE3-1; 1607-1613 Haynes Avenue** (southeast of site), Special Exception of the Dwelling Districts Zoning Ordinance to provide for the development of a church with a 4'x5' sign, **granted**.

**98-V3-13; 1607-1613 Haynes Avenue** (southeast of site), Variance of development standards of the Sign Regulations to provide for a 4 by 8-foot freestanding sign associated with a church (freestanding sign not permitted), granted.

**84-UV1-67; 1567 East 73<sup>rd</sup> Street** (west of site), Variance of use of the Dwelling Districts Zoning Ordinance to provide for an accessory garage to be located on a lot separate from the primary residential use, **denied**.



**EXHIBITS**

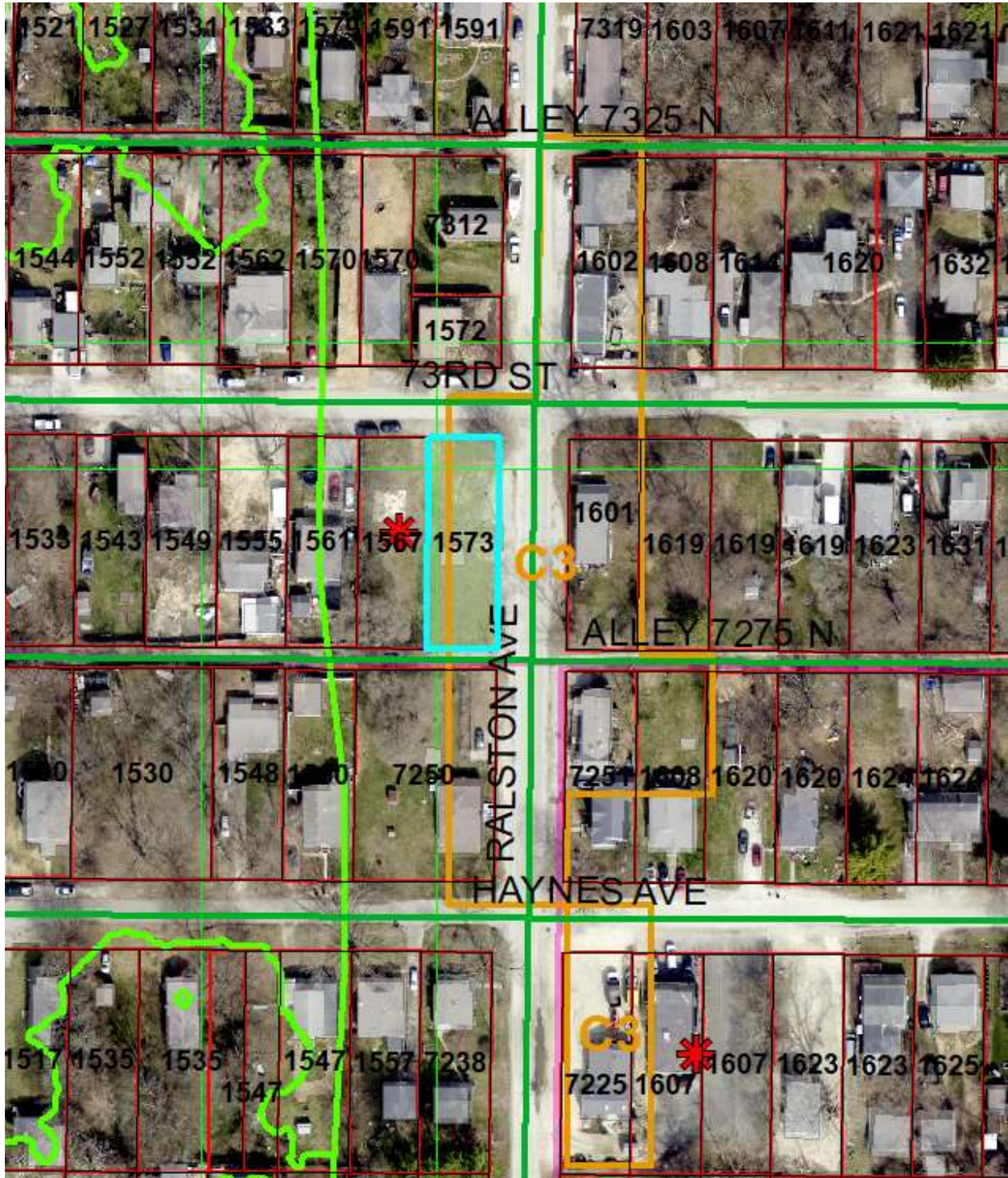




Photo of the subject site looking south.



Photo of the subject site looking north.



Photo of the single-family dwelling south of the site across the alley.



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



Photo of the commercial lot northeast of the site.



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



**METROPOLITAN DEVELOPMENT COMMISSION** **February 29, 2024**  
**HEARING EXAMINER**

**Case Number:** 2024-CAP-805 / 2024-CVR-805

**Property Address:** 3507 North Hawthorne Lane

**Location:** Warren Township, Council District #9

**Petitioner:** Indianapolis Parks and Recreation by Andre Denman

**Current Zoning:** PK-1 (TOD)

**Request:** Park District One approval to provide for the development of basketball courts, bleachers, walking trails and shade structures  
Variance of Development Standards to permit the park improvements without the installation of perimeter sidewalks, (sidewalks required).

**Current Land Use:** Park

**Staff Recommendations:** Approval, subject to substantial compliance with the site plan file-dated January 26, 2024

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

**PETITION HISTORY**

This is the first hearing on these petitions.

**STAFF RECOMMENDATION**

Approval of the approval petition and the petition for a variance of development standards.

**PETITION OVERVIEW**

This approximately 30.89-acre site is developed with a park. It is surrounded by single-family dwellings to the north, east and west, across Hawthorne Lane, all zoned D-4 (TOD) and single-family dwellings and religious uses to the south, across East 34th Street, zoned D-4 (TOD) and SU-1.

**Park District One Approval**

The Ordinance classifies Park District One and Two as Development Plan Districts. “No use, building or structure shall hereafter be established, constructed or used on any land in a Development Plan district for any purpose, until a Site and Development Plan for such land, including the proposed use or uses, has been filed with and approved by the Commission in accordance with this zoning ordinance.”



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“The Commission may consider and act upon any such proposed use and Site and Development Plan, approve the same in whole or in part, and impose additional development standards, requirements, conditions, or commitments thereon at any public hearing of the Commission.”

Land in the development plan districts is subject to the following site and development requirements. In review of the proposed Site and Development Plan, the Commission must assess whether the Site and Development Plan, proposed use, buildings and structures must:

- a. Be so designed as to create a superior land development plan, in conformity with the Comprehensive Plan;
- b. Create and maintain a desirable, efficient and economical use of land with high functional and aesthetic value, attractiveness and compatibility of land uses, within the development plan district and with adjacent uses;
- c. Provide sufficient and adequate multi-modal access, such as parking and loading areas, transit provisions, and bicycle facilities;
- d. Integrate a multi-modal transportation network using active and passive traffic control with the existing and planned public streets and interior roads;
- e. Provide adequately for sanitation, drainage and public utilities in a sustainable, low-impact manner;
- f. Allocate adequate sites for all uses proposed - the design, character, grade, location and orientation thereof to be appropriate for the uses proposed, logically related to existing and proposed topographical and other conditions, and consistent with the Comprehensive Plan; and
- g. Provide pedestrian accessibility and connectivity, which may be paths, trails, sidewalks, or combination thereof. Pedestrian accessibility to available public transit must be provided. Sidewalks along eligible public streets consisting of the walkway and any curb ramps or blended transitions must be provided. If sidewalks are required to be installed, the Administrator or the Commission must be guided by the provisions of Section 744-304 for the installation of sidewalks.

The Site and Development Plan must include layout and elevation plans for all proposed buildings and structures, and must indicate:

- a. Proposed uses, buildings and structures.
- b. All existing uses, buildings, and structures, in addition to any proposed to be demolished.
- c. Proposed buildings and structures and the use of each.
- d. Elevations of all sides of each building.
- e. Zoning and existing land uses of adjacent properties.
- f. Off-street vehicle and bicycle parking layouts with summary table of the number of required off-street parking, loading, and stacking spaces.

The request would replace existing facilities and upgrade the public facilities within this park that would expand and improve recreation opportunities for the surrounding residential neighborhood, resulting higher quality of life for the park users and surrounding land uses.



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The proposed improvements for Park District One approval would provide for the replacement of one (southwest) of the three existing baseball fields with two new full court basketball courts and two half-court basketball courts. Additional amenities would include the installation of bleachers, a shade structure over the bleachers and pedestrian paths that would provide connections to the existing parking lot and the existing walking trail. The existing basketball court would be removed if dedicated project funds would be available after construction of the basketball courts, shelters and walking paths.

**Variance of Development Standards**

This request would permit the park improvements without the installation of perimeter sidewalks when the Ordinance requires perimeter sidewalks.

Staff supports the waiver of sidewalks because the existing perimeter path throughout the park complies with the spirit of the sidewalk requirement. Additionally, internal pedestrian connections would be installed with the new improvements and supplement the existing pedestrian pathway system that connects the existing park amenities and features with the surrounding neighborhood.

**GENERAL INFORMATION**

<b>Existing Zoning</b>	PK-1 (TOD)	
<b>Existing Land Use</b>	Park	
<b>Comprehensive Plan</b>	Large Scale Park	
<b>Surrounding Context</b>	<u><b>Zoning</b></u>	<u><b>Land Use</b></u>
North:	D-4 (TOD)	Single-family dwellings
South:	D-4 / SU-1 (TOD)	Single-family dwellings / religious uses
East:	D-4 (TOD)	Single-family dwellings
West:	D-4 (TOD)	Single-family dwellings
<b>Thoroughfare Plan</b>		
North Hawthorne Lane	Marion County Thoroughfare Plan (2019)	This portion of North Hawthorne Lane is designated as a local street with an existing 50-foot right-of-way and a 48-foot right-of-way.
East 34th Street		This portion of East 34th Street is designated as a local street with an existing 70-foot right-of-way and a 48-foot right-of-way
<b>Context Area</b>	Compact	
<b>Floodway / Floodway Fringe</b>	No	
<b>Overlay</b>	Yes - Purple Line Transit Oriented Development Strategic Plan	
<b>Wellfield Protection Area</b>	No	



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Site Plan	January 26, 2024
Site Plan (Amended)	N/A
Elevations	January 26, 2024
Elevations (Amended)	N/A
Landscape Plan	N/A
Findings of Fact	January 26, 2024
Findings of Fact (Amended)	N/A
C-S/D-P Statement	N/A

## COMPREHENSIVE PLAN ANALYSIS

### Comprehensive Plan

- The Comprehensive Land Use Plan for Indianapolis and Marion County (2018) recommends large scale park.

### Pattern Book / Land Use Plan

- The Comprehensive Plan consists of two components that include the Pattern Book 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 is the relevant policy related to this request:

Large-Scale Parks are generally over 10 acres in size and considered a non-typology land use that is defined as a stand-alone land use that is mapped outside of the typology system due to its scale or the nature of its use.

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

- This site is located within an overlay, specifically the Purple Line Transit Oriented Development Strategic Plan (2020). “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 two proposed transit stops located at the intersection of East 38th Street and Emerson Avenue with a District Center typology and the intersection of East 38th Street and Layman Avenue, with a Walkable Neighborhood typology.
- District Center stations are located at the center of regionally significant districts with several blocks of retail or office at their core. Development opportunities include infill and redevelopment, dense residential, employment near transit stations, neighborhood retail and a focus on walkability and placemaking.
- Characteristics of the District Center typology are:
  - A dense mixed-use hub for multiple neighborhoods with tall buildings
  - Minimum of 3 stories at core with no front or side setbacks
  - Multi-family housing with a minimum of 5 units
  - Structured parking only with active first floor
- Walkable Neighborhood stations are located in well-established, walkable, primarily residential neighborhoods, with a small amount of retail and office at the intersection nearest the station, or the potential for it. Development opportunities include projects that improve neighborhood stability and encourage transit use.
- Characteristics of the Walkable Neighborhood typology are:
  - Walkable areas that are primarily residential but may have a commercial node of one to two city blocks
  - Mix of uses at station with stabilized residential beyond
  - Off-street parking is discouraged and should be limited to garages



**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

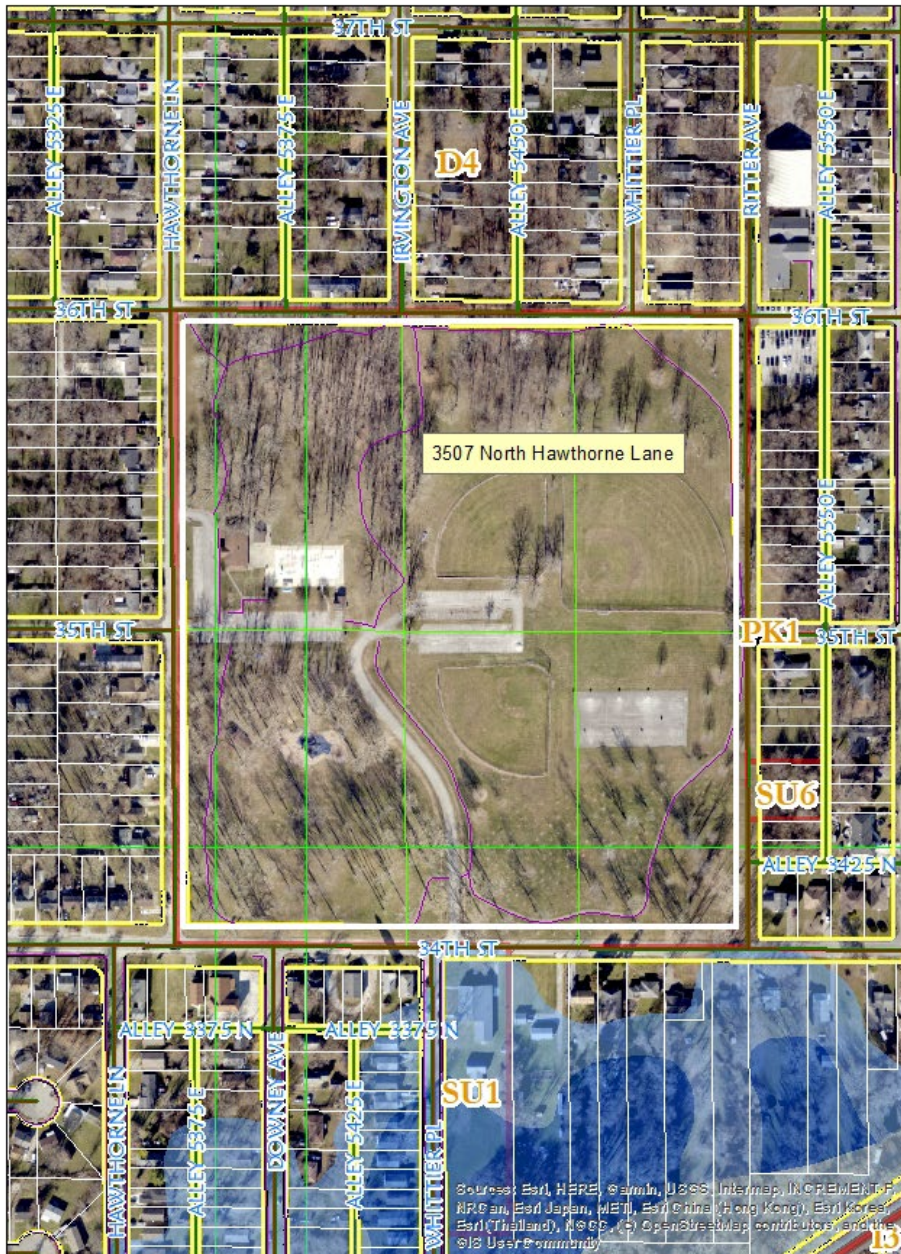


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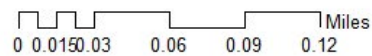
**ZONING HISTORY**

None.

**EXHIBITS**



3507 Hawthorne Lane



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**JQOL**

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**PROJECT**  
**NEW BASKETBALL COURTS AND SHELTER**  
**INDIANAPOLIS INDIANASPORTS PARK**

**ADDRESS**  
**8400 N HAMTHORNE LANE**  
**INDIANAPOLIS IN 46228**

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**CONTRACT DOCUMENTS**  
June 30, 2022  
Revisions  
Drawn by: JLS  
Checked by: JLS  
Project No: 211053  
Sheet Title:  
SITE DEVELOPMENT PLAN  
Sheet Number: SD101

**1 SITE DEVELOPMENT PLAN**  
SCALE: 1" = 100'-0"

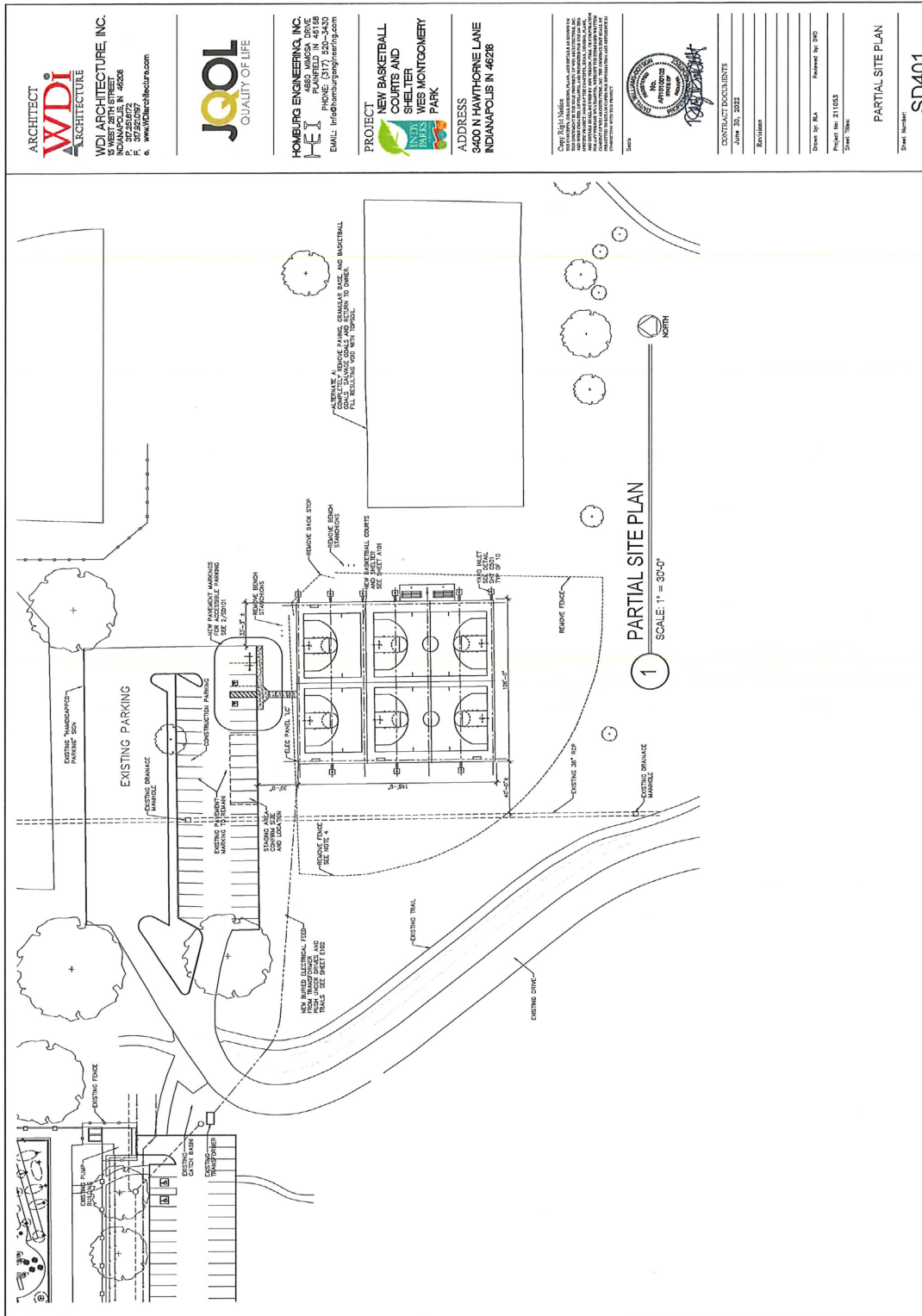
**SITE PLAN NOTES**

- SEE GENERAL NOTES SHEET 001.
- SEE SITE/CIVIL DRAWINGS FOR ADDITIONAL INFORMATION.
- EXISTING BASKETBALL COURTS WILL REMAIN IN USE DURING CONSTRUCTION.
- CONTRACTOR SHALL MAINTAIN EXISTING UTILITIES AND PROVIDE PROTECTION FOR ALL UTILITIES. CONTRACTOR SHALL MAINTAIN EXISTING UTILITIES AND PROVIDE PROTECTION FOR ALL UTILITIES.
- SEE ALL LANA AREAS DISTURBED BY CONSTRUCTION.

**A SIGN DETAIL**  
SCALE: NONE

**B BICYCLE RACK**  
SCALE: 3/4" = 1'-0"

**2 ACCESSIBLE PARKING**  
SCALE: 1/8" = 1'-0"



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 EMAIL: info@henrich.com

PROJECT  
**NEW BASKETBALL  
 COURTS AND  
 SHELTER  
 INDIANAPOLIS  
 WES MONTGOMERY  
 PARK**

ADDRESS  
 3400 N HAWTHORNE LANE  
 INDIANAPOLIS IN 46218

City of Indianapolis  
 Department of Metropolitan Development  
 Division of Planning  
 Current Planning  
 Project No: 211053  
 Sheet Title:  
 PARTIAL SITE PLAN  
 SD401

CONTRACT DOCUMENTS  
 June 25, 2022  
 Title Block  
 Drawn by: BJA  
 Reviewed by: MDO  
 Project No: 211053  
 Sheet Title:  
 PARTIAL SITE PLAN  
 SD401

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PROJECT  
**NEW BASKETBALL  
 COURTS AND  
 SHELTER  
 AT  
 WES MONTGOMERY  
 PARK**

ADDRESS  
**3400 N HAWTHORNE LANE  
 INDIANAPOLIS IN 46226**

5/28/20

5/28/20

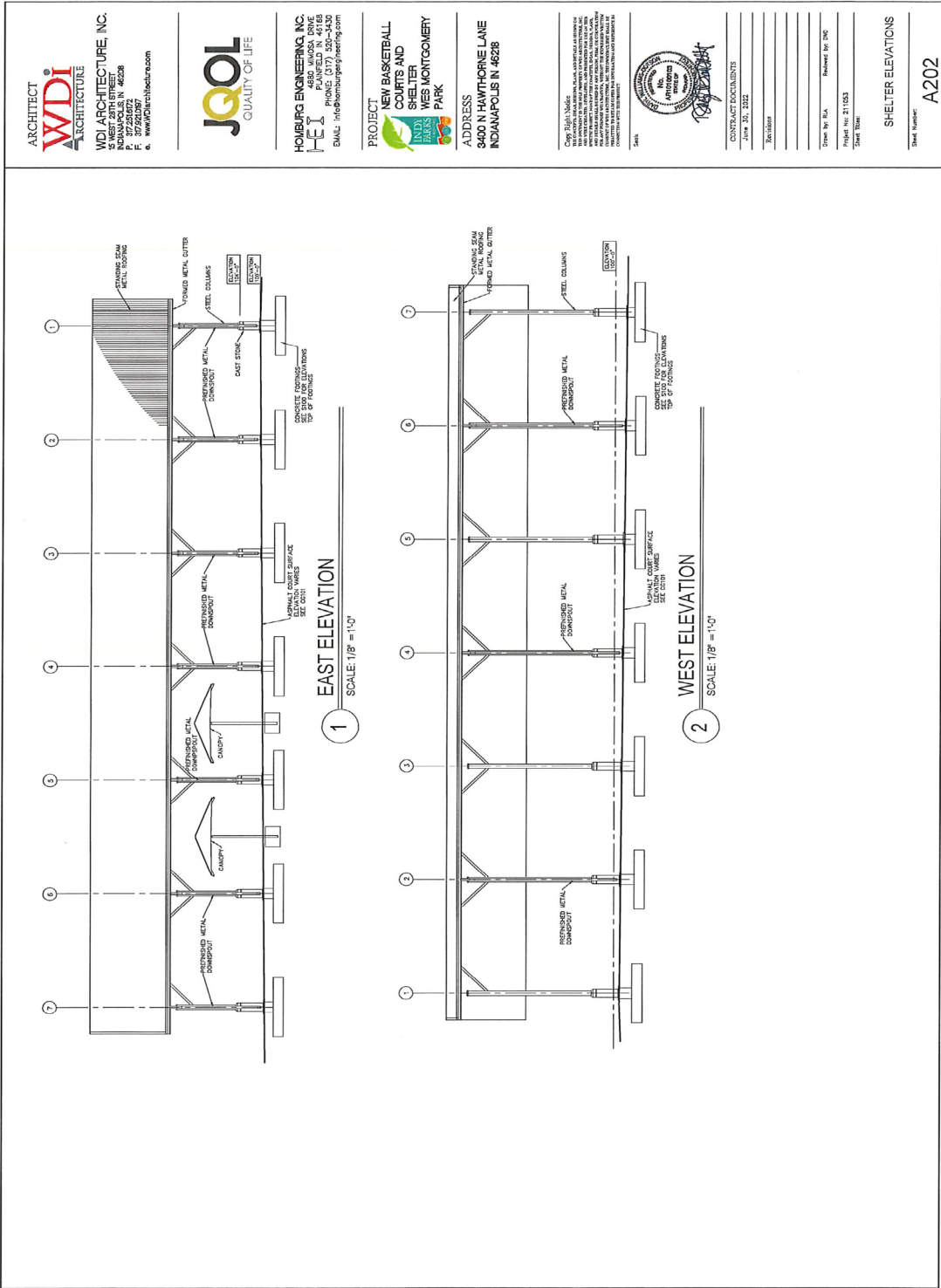
CONTRACT DOCUMENTS  
 DATE: JULY 30, 2022  
 DIVISION:  
 DRAWN BY: ISA  
 REVIEWED BY: DND  
 PROJECT NO.: 2110053  
 SHEET NO.:

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

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

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

**A CAST STONE ELEV.**  
 SCALE: 1/2" = 1'-0"



ARCHITECT  
**WDI**  
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PROJECT  
 NEW BASKETBALL  
 COURTS AND  
 SHELTER  
 WES MONTGOMERY  
 PARK

ADDRESS  
 3400 N HAWTHORNE LANE  
 INDIANAPOLIS IN 46228

City of Indianapolis  
 Department of Metropolitan Development  
 Division of Planning  
 Current Planning  
 Project No. 211033  
 Sheet Name:



CONTRACT DOCUMENTS  
 June 25, 2022  
 Revisions  
 Drawn By: EA  
 Reviewed By: JMC  
 Project No: 211033  
 Sheet Name:

SHELTER ELEVATIONS  
 Sheet Number:  
**A202**





View looking south along North Hawthorne Lane



View looking north along North Hawthorne Lane



View looking east along East 34th Street



View looking east at community center



View looking north at community center



View looking east at spray pool



View looking northwest at community center and spray pool



View looking south at playground



View looking south at baseball field that would be removed



View looking south at proposed location of the improvements



View looking east at proposed location of the improvements



View looking north at proposed location of the improvements



View looking east at perimeter path along the southern portion of the park



View looking east at perimeter path along the southern portion of the park



View looking east at perimeter path along the southern portion of the park



View looking west at perimeter path along the southern portion of the park





View looking north at perimeter path along the northern portion of the park



View looking north at perimeter path along the northern portion of the park