



Metropolitan Development Commission Hearing Examiner (April 25, 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, April 25, 2024

Time: 1:00 PM

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

Business:

Special Requests

1. 2024-ZON-033 | 1802 and 1808 West Morris Street

****Petitioner request for a two-day waiver of the 23-day written and posted notice requirement**

2. 2024-ZON-037 | 2362 English Avenue

****Petitioner request for a one-day waiver of the 23-day posted notice requirement**

PETITIONS REQUESTING TO BE CONTINUED:

1. 2024-APP-008 | 2801 Dr. A. J. Brown Avenue

Center Township, Council District #8
PK-1

City of Indianapolis, Department of Parks and Recreation, by Kate Warpool, AIA

Park District One Approval to provide for a restored multi-purpose playing field, new youth baseball, sand volleyball and soccer fields, and walking paths.

****Automatic continuance to May 23, 2024, filed by a Registered Neighborhood Organization**

2. 2024-ZON-026 | 7405 and 7425 Westfield Boulevard

Washington Township, Council District #2
7425 Westfield Boulevard LLC and 7405 LLC, by Michael Lang

Rezoning of 1.13 acres from the D-4 (TOD) (FF) district to the C-1 (TOD) (FF) district to provide for a mental health treatment facility and office use.

****Automatic continuance to May 23, 2024, filed by a Registered Neighborhood Organization**

3. 2024-ZON-029 | 9401 and 9415 East Southport Road, and 9404 and 9510 East McGregor Road

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

Rezoning of 112.2 acres from the D-A and D-1 districts to the D-4 district to provide for single-family residential development.

***Automatic continuance to May 23, 2024, filed by a Registered Neighborhood Organization**

4. 2024-ZON-030 | 1362 and 1368 North Olney Street

Center Township, Council District #13

Read Investment Trust / Brookside Community Development Corp., by Emily Duncan and David Kingen

Rezoning of 0.29-acre from the C-3 district to the MU-1 district to provide for a mixed-use development.

****Petitioner request for continuance to May 23, 2024**

5. 2024-ZON-032 | 2255 North LaSalle Street and 3350 Roosevelt Avenue

Center Township, Council District #8

Heart Change Ministries, by Emily Duncan and David Kingen

Rezoning of 0.97-acre from the D-5 and C-1 districts to the SU-7 district to provide for training, education and housing related to a not-for-profit organization.

****Automatic continuance to May 23, 2024, filed by a Registered Neighborhood Organization**

6. 2024-ZON-036 | 365 South Franklin Road

Warren Township, Council District #20

Just Add Water, by Russell L. Brown and Elizabeth Bentz Williams

Rezoning of three acres from the D-2 district to the C-S district to provide for light industrial uses including indoor storage of boats, trailers, and other recreational vehicles within a proposed 11,760-square foot storage building, and a single-family dwelling for a caretaker or on-site employee.

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

7. 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.

****Staff request for continuance to May 23, 2023**

8. 2024-CZN-809 / 2024-CVR-809 | 2457 Barnes Avenue

Center Township, Council District #12

MSR Development Group, LLC, by Joseph D. Calderon

Rezoning of 0.56 acre from the D-5 (W-5) district to the D-8 (W-5) district to provide for a townhome development.

Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for 15.6-foot wide lots (minimum 16-foot wide lots required), 5.9-foot corner side yard setback (eight feet required), and a main floor area of 583 square feet (600 square feet required).

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

9. 2024-CPL-814 / 2024-CVR-814 | 8840 East Edgewood Avenue

Franklin Township, Council District #25

D. R. Horton – Indiana, LLC, by Rick Ellis

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

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

Petitions for Public Hearing

PETITIONS TO BE EXPEDITED:

10. 2024-APP-006 | 8801 East Edgewood Avenue

Franklin Township, Council District #25

PK-1

City of Indianapolis, Department of Parks and Recreation, by Kate Warpool, AIA

Park District One Approval to provide for new playground equipment and play surfaces, game courts, shelters, and walking paths.

11. 2024-APP-007 | 3110 Moller Road

Wayne Township, Council District #11

PK-1 (FF) (FW)

City of Indianapolis, Department of Parks and Recreation, by Kate Warpool, AIA

Park District One Approval to provide for a restored football field and bleachers, new multi-purpose playing field, new playing courts, bridge repair and walking paths.

12. 2024-ZON-033 | 1802 and 1808 West Morris Street

Center Township, Council District #18

West Indianapolis Development Corporation, by Lisa Laflin

Rezoning of 0.31-acre from the C-4 district to the D-5 district to provide for two, single-family dwellings.

13. 2024-ZON-034 | 412 West McCarty Street, and 717 and 721 Chadwick Street

Center Township, Council District #18

TWG Development, LLC, by Joseph D. Calderon

Rezoning of 1.97 acres from the I-3 (RC) district to the CBD-2 (RC) district to provide for a mixed-use development.

PETITIONS FOR PUBLIC HEARING (Continued Petitions):

14. 2024-ZON-022 | 1102 Pleasant Street

Center Township, Council District #18

Boomerang, LLC, by David Kingen

Rezoning of 0.10 acre from the C-5 (TOD) district to the D-8 (TOD) district to legally establish residential uses.

15. 2024-ZON-023 | 3801 North Raceway Road

Pike Township, Council District #11

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

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

16. 2024-ZON-025 | 7500 East 30th Street

Warren Township, Council District #9

Calumet Civil Contractors, Inc., by John Cross

Rezoning of 68.45 acres from the C-S (FF) (FW) district to the C-S (FF) (FW) district to provide for uses permitted under 2006-ZON-110, in addition to commercial and building contractors and outdoor storage and operations.

17. 2024-CAP-807 / 2024-CVR-807 | 8235 Crawfordsville Road

Wayne Township, Council District #11

Elcan and Associates, Inc., by Donna Jo Smithers

Modification of Commitments related to 94-Z-39 and 94-CV-11 (Amended) to modify Commitment #3 to allow for a single-use site (current commitment requires development as an integrated center).

Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for a loading area within the front yard along Country Club Road (not permitted). (Amended)

PETITIONS FOR PUBLIC HEARING (New Petitions):

18. 2024-ZON-031 | 5312 South Emerson Avenue

Perry Township, Council District #24
Ranveer Singh Khangura

Rezoning of 1.02 acres from the D-A district to the C-1 district to provide for office uses.

19. 2024-ZON-037 | 2362 English Avenue

Center Township, Council District #18
Miguel Villasol, by Kim and Mark Crouch

Rezoning of 0.112-acre from the C-3 district to the D-5II district to provide for residential uses.

Additional Business:

20. ADOPTION OF NEGATIVE FINDINGS OF FACT FOR VARIANCE PETITION DENIED ON FEBRUARY 15, 2024

2024-CVR-803 | 2051 Columbia Avenue

Center Township, Council District #13
Padbros, LLC (Brian Maire), by Mark and Kim Crouch

Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for three-foot side setbacks (five feet required).

**The addresses of the proposals listed above are approximate and should be confirmed with the Division of Planning. Copies of the proposals are available for examination prior to the hearing by emailing planneroncall@indy.gov. Written objections to a proposal are encouraged to be filed via email at 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: 2024-APP-008
Address: 2801 D. A.J. Brown Avenue (approximate address)
Location: Center Township, Council District #8
Zoning: PK-1
Petitioner: City of Indianapolis, Department of Parks and Recreation, by Kate Warpool, AIA
Request: Park District One Approval to provide for a restored multi-purpose playing field, new youth baseball, sand volleyball and soccer fields, and walking paths.

On April 10, 2024, Staff received a timely request for automatic continuance of this petition from the April 25, 2024 hearing to the May 23, 2024 hearing. This will require acknowledgement by the Hearing Examiner.



METROPOLITAN DEVELOPMENT COMMISSION **April 25, 2024**
HEARING EXAMINER

Case Number: 2024-ZON-026

Property Address: 7405 and 7425 Westfield Boulevard (Approximate Address)

Location: Washington Township, Council District #2

Petitioner: 7425 Westfield Boulevard LLC and 7405 LLC, by Michael Lang

Current Zoning: D-4 (TOD) (FF)

Request: Rezoning of 1.13 acres from the D-4 (TOD) (FF) district to the C-1 (TOD) (FF) district to provide for a mental health treatment facility and office use.

Current Land Use: Mental health treatment facility and office use

Staff Recommendations: Staff has no recommendation for this request.

Staff Reviewer: Marleny Iraheta, Senior Planner

PETITION HISTORY

A timely automatic continuance request was filed by a registered neighborhood organization, **continuing this petition from the April 25, 2024 hearing to the May 23, 2024 hearing**. This would require acknowledgement from the Hearing Examiner.

STAFF RECOMMENDATION

Staff has no recommendation for this request.

PETITION OVERVIEW

This petition is to be continued to the May 23, 2024 hearing.

STAFF REPORT

Item 3.

Department of Metropolitan Development
Division of Planning
Current Planning Section

Case Number: 2024-ZON-029
Address: 9401 and 9415 East Southport Road, and 9404 and 9510 East McGregor Road (*approximate addresses*)
Location: Franklin Township, Council District #25
Petitioner: Lennar Homes of Indiana, LLC., by Brian J. Tuohy
Request: Rezoning of 112.2 acres from the D-A and D-1 districts to the D-4 district to provide for single-family residential development.

A timely automatic continuance has been filed by a registered neighborhood organization **continuing this petition from the April 25, 2024 hearing, to the May 23, 2024 hearing.** This will require acknowledgement from the Hearing Examiner.

The Hearing Examiner continued this petition, at staff's request, from the April 11, 2024 hearing, to the April 25, 2024 hearing, to provide additional time for the recently submitted Traffic Impact Study (TIS) to be reviewed by staff and any concerns with the study addressed.

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STAFF REPORT

Item 4.

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

Case Number: 2024-ZON-030
Address: 1362 and 1368 North Olney Street (approximate addresses)
Location: Center Township, Council District #13
Petitioner: Read Investment Trust / Brookside Community Development Corp., by
Emily Duncan and David Kingen
Request: Rezoning of 0.29-acre from the C-3 district to the MU-1 district to provide
for a mixed-use development.

The petitioner's representative is requesting a continuance from the April 25, 2024 hearing, to the May 23, 2024 hearing, to provide additional time to meet with the neighborhood organization. Staff would have no objection to the request because this is the first request for this petition.

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METROPOLITAN DEVELOPMENT COMMISSION HEARING EXAMINER **April 25, 2024**

Case Number: 2024-ZON-032

Property Address: 2255 North LaSalle Street and 3350 Roosevelt Avenue (approximate addresses)

Location: Center Township, Council District #8

Petitioner: Heart Change Ministries, by Emily Duncan and David Kingen

Current Zoning: D-5 and C-1

Request: Rezoning of 0.97-acre from the D-5 and C-1 districts to the SU-7 district to provide for training, education and housing related to a not-for-profit organization.

Current Land Use: Vacant Residential and Commercial buildings

Staff Recommendations: Staff has no recommendation for this request.

Staff Reviewer: Marleny Iraheta, Senior Planner

PETITION HISTORY

A timely automatic continuance request was filed by a registered neighborhood organization, **continuing this petition from the April 25, 2024 hearing to the May 23, 2024 hearing.** This would require acknowledgement from the Hearing Examiner.

STAFF RECOMMENDATION

Staff has no recommendation for this request.

PETITION OVERVIEW

This petition is to be continued to the May 23, 2024 hearing.

STAFF REPORT

Item 6.

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

Case Number: 2024-ZON-036
Address: 365 South Franklin Road (approximate address)
Location: Warren Township, Council District #20
Petitioner: Just Add Water, by Russell L. Brown and Elizabeth Bentz Williams
Request: Rezoning of three acres from the D-2 district to the C-S district to provide for light industrial uses including indoor storage of boats, trailers, and other recreational vehicles within a proposed 11,760-square foot storage building, and a single-family dwelling for a caretaker or on-site employee.

Staff is requesting a continuance **from the April 25, 2024 hearing, to the May 23, 2024 hearing**, with notice. Due to issues related to the preparation of the legal notice and forwarding the documents to the petitioner's representative, the additional time will be necessary to provide required legal notice.

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STAFF REPORT

Item 7.

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, 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.

The Hearing Examiner continued these petitions from the February 29, 2024 hearing, to the April 25, 2024 hearing, at the request of the petitioner's representative to provide additional time to reconsider the request and send new notice.

Because no new information has been submitted to the files, these petitions should be **continued from the April 25, 2024 hearing, to the May 23, 2024 hearing.** Staff understands that a new site plan is being prepared that will likely require new notice.

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**METROPOLITAN DEVELOPMENT COMMISSION
HEARING EXAMINER**

April 25, 2024

Case Number: 2024-CZN-809 / 2024-CVR-809

Property Address: 2457 Barnes Avenue (Approximate Address)

Location: Center Township, Council District #12

Petitioner: MSR Development Group, LLC, by Joseph D. Calderon

Current Zoning: D-5 (W-5)
Rezoning of 0.56 acre from the D-5 (W-5) district to the D-8 (W-5) district to provide for a townhome development.

Request: Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for 15.6-foot wide lots (minimum 16-foot wide lots required), 5.9-foot corner side yard setback (eight feet required), and a main floor area of 583 square feet (600 square feet required).

Current Land Use: Vacant with a residential accessory structure

Staff Recommendations: **Approval** of the rezoning subject to a commitment.
Denial of the variance requests.

Staff Reviewer: Marleny Iraheta, Senior Planner

PETITION HISTORY

This petition was continued from the March 28, 2024 hearing to the April 25, 2024 hearing at the request of the petitioner. Additional notice was to be provided since the petitioner intended to make amendments to the request. However, no new information has been provided to the case file.

This petition **should be continued to the May 23, 2024 hearing date** if the petitioner still anticipates to amend this request. Additionally, the petitioner is working with DPW regarding the right-of-way dedication, which is subject to change from the initial dedication requested.

STAFF RECOMMENDATION

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

Staff **recommends approval** of the rezoning 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:

A 24-foot half right-of-way along Barnes Avenue and a 24-foot half right-of-way along Edgemont Avenue shall be dedicated, as per the request of the Department of Public Works (DPW), Engineering Division. Additional easements shall not be granted to third parties within the area to be dedicated as public right-of-way prior to the acceptance of all grants of right-of-way by the DPW. The right-of-way shall be granted within 60 days of approval and prior to the issuance of an Improvement Location Permit (ILP).



PETITION OVERVIEW

LAND USE

The 0.56-acre subject site is comprised of seven parcels that are primarily undeveloped except for a detached garage located across the property line between two parcels. The site is surrounded by single-family dwellings west, north, and east, zoned D-5, and a church to the south, zoned D-5.

REZONING

The request would rezone the property from the D-5 (W-5) district to the D-8 (W-5) district for townhome development.

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

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

DEPARTMENT OF PUBLIC WORKS

The Department of Public Works, Traffic Engineering Section, has requested the dedication and conveyance of a 24-foot half right-of-way along Barnes Avenue and a 24-foot half right-of-way along Edgemont Avenue. This dedication would also be consistent with the Marion County Thoroughfare Plan.

VARIANCE OF DEVELOPMENT STANDARDS

The grant of the request would allow for deficient lot widths, a deficient corner side yard setback, and main floor areas less than the minimum requirement.

Table 742.103.03 notes that Row-House-Small Lot development in the D-8 district requires 16-foot wide lot widths and an eight-foot corner side setback. The request would propose a 15.6-foot lot width and a 5.9-foot corner side setback.

Staff determined that due to the nature of the two-unit townhouse proposal it would be possible for the lot lines to be adjusted to meet the 16-foot lot width by eliminating one of the buildings since six are proposed. The removal of one of the buildings would ensure that the corner side setback could be met as well.



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Considering that DPW is requesting a right-of-way dedication for this site, the layout of the development would need to be adjusted to take this into account providing more reason to eliminate one of the buildings.

With regards to the reduced main floor area, the floor area could be increased to meet or exceed the minimum floor area of 600 square feet since there is sufficient room on site to have this accomplished.

WELLFIELD PROTECTION SECONDARY ZONING

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

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

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

STAFF ANALYSIS

The United Northwest Neighborhood Plan (2008) recommends 3.5 to five dwelling units per acre development. The proposal would have a 17 unit per acre density. Staff is willing to consider a density higher than the neighborhood plan recommendation since the development of each existing parcel would be a density of 12.5 if developed as is in the proposed D-8 district.

However, development of the site could meet the D-8 development standards because this would be all new construction in a neighborhood that could otherwise be developed for single-family dwellings or the townhomes with slight changes to the site and building layouts.

For these reasons, staff determined there is no practical difficulty at the site to warrant the variances to be granted.

GENERAL INFORMATION

Existing Zoning	D-5	
Existing Land Use	Vacant with a residential accessory structure	
Comprehensive Plan	3.5 to 5 units per acre	
Surrounding Context	Zoning	Land Use
North:	D-5	Residential (Single-family dwelling)
South:	D-5	Church
East:	D-5	Residential (Single-family dwellings)
West:	D-5	Residential (Single-family dwellings)
Thoroughfare Plan		



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Barnes Avenue	Local Street	48-foot proposed right-of-way with a 45-foot existing right-of-way.
Edgemont Avenue	Local Street	48-foot proposed right-of-way with a 30-foot existing right-of-way.
Context Area	Compact	
Floodway / Floodway Fringe	No	
Overlay	No	
Wellfield Protection Area	Yes	
Site Plan	February 23, 2024.	
Site Plan (Amended)	N/A.	
Elevations	February 23, 2024.	
Elevations (Amended)	N/A.	
Landscape Plan	N/A.	
Findings of Fact	February 23, 2024.	
Findings of Fact (Amended)	N/A.	
C-S/D-P Statement	N/A.	

COMPREHENSIVE PLAN ANALYSIS

Comprehensive Plan

- United Northwest Neighborhood Plan (2008)
- Infill Housing Guidelines (2021)

Pattern Book / Land Use Plan

- Not Applicable to the Site. Please see United Northwest Neighborhood Plan (2008) 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 3.5 to 5 units per acre development.

Infill Housing Guidelines

- **BUILDING ELEVATIONS AND ARCHITECTURAL ELEMENTS**
 - **1. Utilize Foundation Styles and Heights that are Consistent with Nearby Houses:** The height of the foundation affects where doors, porches, and windows are located. Unless there are special circumstances that require additional height, such as the location is in or near a floodplain, the foundation height for new construction should be consistent with nearby buildings.
 - **2. Be Consistent with Surrounding Entry Locations:** Main entries should be visible from the street. Entries should not be hidden, obscured, or missing from the main street elevation (front). The entry should reflect a similar characteristic to those that surround it, such as formal or casual, recessed or flush, narrow or wide.
 - **3. Where Appropriate, Include Porches or Stoops:** Use context to determine if front porches are consistent elements used in the neighborhood. If so, add porches or stoops to new construction.
 - **4. Coordinate the Location and Door Style of Balconies with the Surrounding Neighborhood:** Balconies are common architectural elements in some neighborhoods, but uncommon in others. Balconies along the street should be used when appropriate. When a balcony is used, consider the appropriate door access for the type of balcony. For example, Juliet balconies, which are intended to bring the outside in, make the most sense when French doors are used.
 - **5. Consider Nearby Roof Styles:** The basic outline of a new building should reflect building outlines typical of the area. Roof selection and overall height contribute to the building outline. Select roof shapes that are frequently used in the neighborhood.
 - **6. Fenestration Should Relate to the Surrounding Context:** Windows and doors should be arranged on buildings so as not to conflict with the basic fenestration patterns in the neighborhood. The proportion of glass (windows) to solid materials (wood, bricks, and other materials) which is found within the surrounding context should be reflected in new construction. Every elevation (sides and rear) should have windows on each story to help break up the monotony of the façade.
 - **7. Materials Used Should Reflect the Context of the Neighborhood:** Introducing new materials that are not used in the existing context should be done in a way where those materials are not the dominant material and make up less than 30% of the overall façade design.
 - **8. Consider Unique Neighborhood Features:** In addition to the architectural features mentioned above, consider other common features like chimneys, dormers, gables, and



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overhanging eaves that shape the character of a neighborhood. When possible, include these features into new construction.

Indy Moves

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

- Not Applicable to the Site.



ZONING HISTORY

ZONING HISTORY – VICINITY

2019-HOV-010; 1235 and 1250 West 25th Street and 1338 and 1363 West 27th Street (west of site), Variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for four single-family dwellings with 637 square feet of main floor area (660 square feet required), **granted**.

2018-UV2-013; 1164 Burdsal Parkway (south of site), Variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for a 45-foot-wide lot, a 38-foot wide lot, and a 37-foot wide lot (50 feet of width required), and 22.5-foot front yard setbacks (25-foot front yard setbacks required), **granted**.

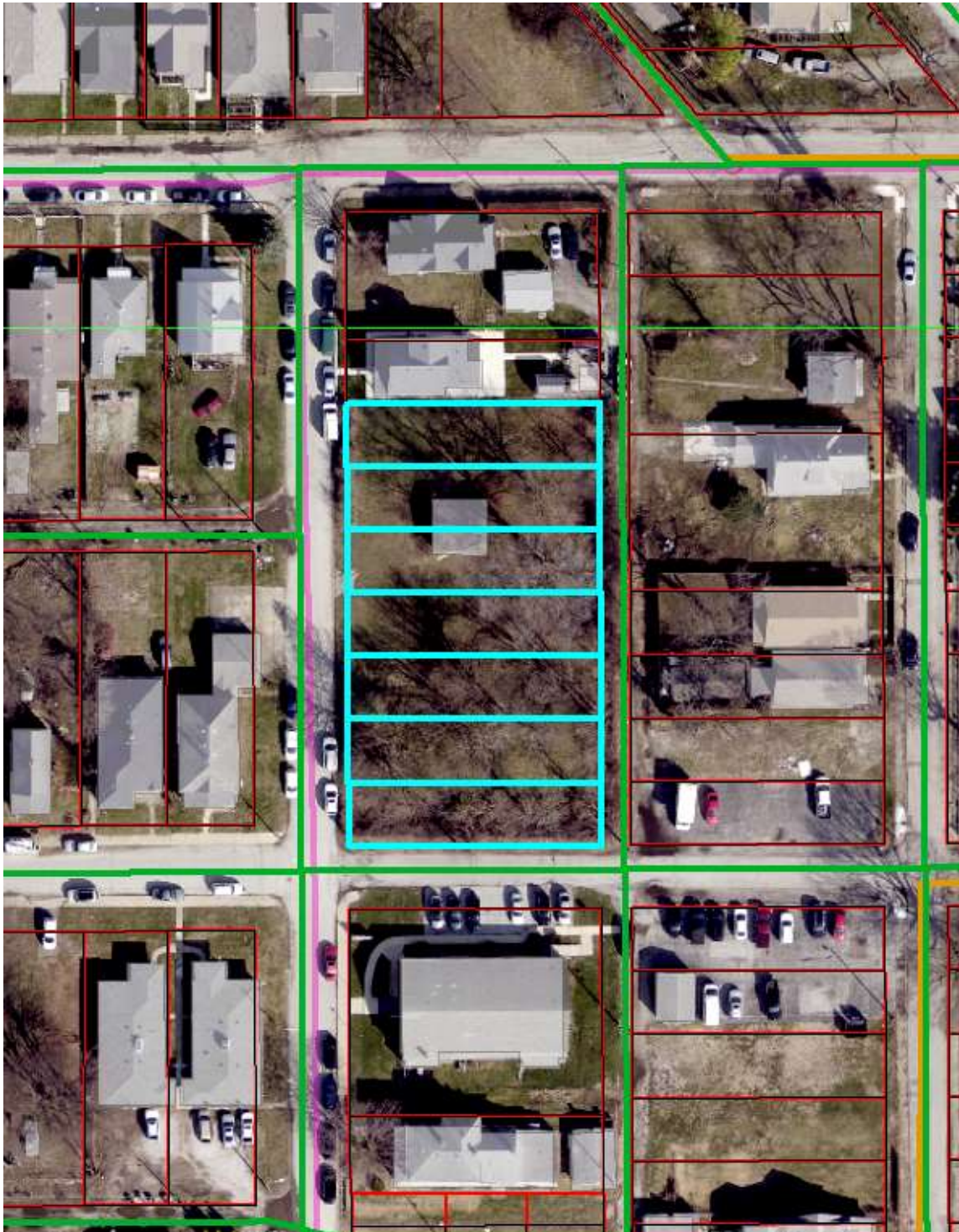
2006-ZON-828 / 2006-VAC-828; 1104 Burdsal Parkway and 2413, 2417, 2421, 2425, 2433, 2439, 2443 and 2447 Bond Street (southeast of site), Rezoning of 1.06 acres from the D-5 (W-1) (W-5) and I-3-U (W-1) (W-5) Districts, to the SU-1 classification to provide for religious uses and requests a vacation of portion of Edgemont Avenue, being 30 feet in width and a vacation of the first north-south alley east of Bond Street, being fourteen in width, **approved**.

65-V-399; 2425-2435 Barnes Avenue (south of site), Variance of use of the Dwelling District Zoning Ordinance to provide for the construction of a church, **granted**.

59-V-400; 2424-2434 Barnes Avenue (a/ka/ 1201 and 1205 Edgemont Avenue) (south of site), Variance of lot area, front building line, and off-street parking requirements to permit erection of three 2-family dwelling houses, with partial off-street requirements provided; **granted by the Board of Zoning Appeals, reversed, and denied by the Metropolitan Board of Zoning Appeals**.

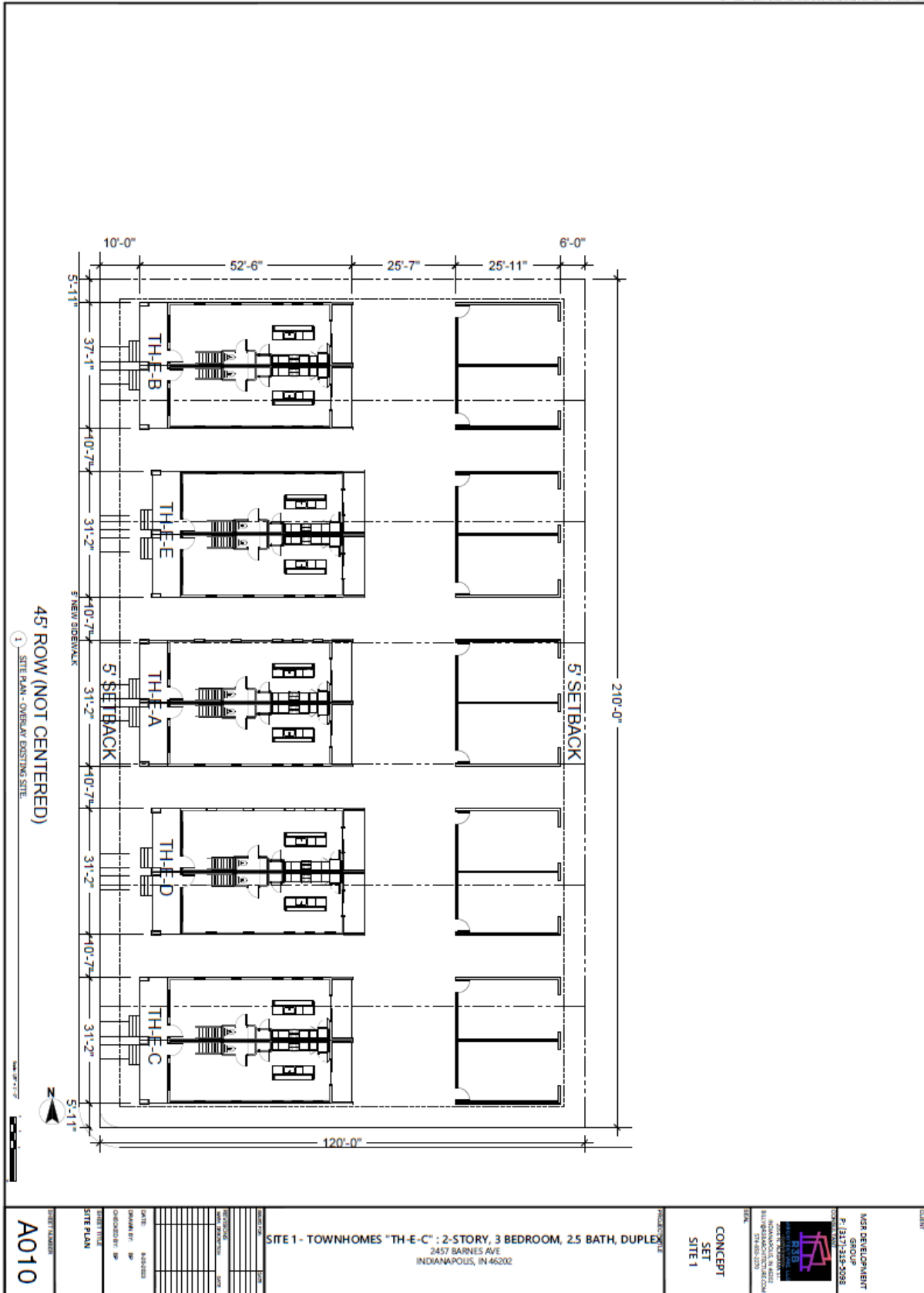
55-V-299; 2421 Bond Street (southeast of site), Variance to park and occupy an old trolley for an ice cream and barbecue business, **denied**.

EXHIBITS

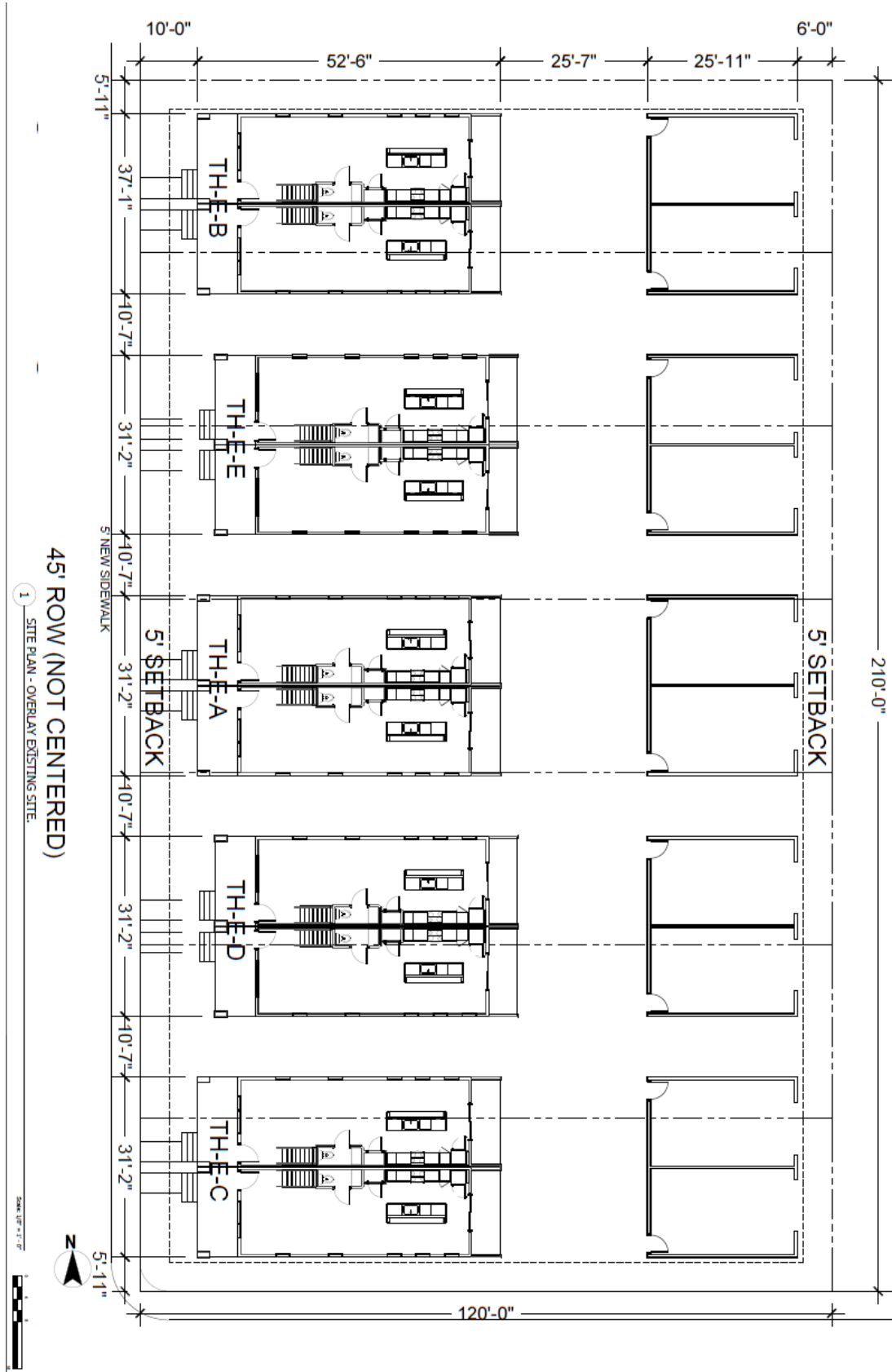


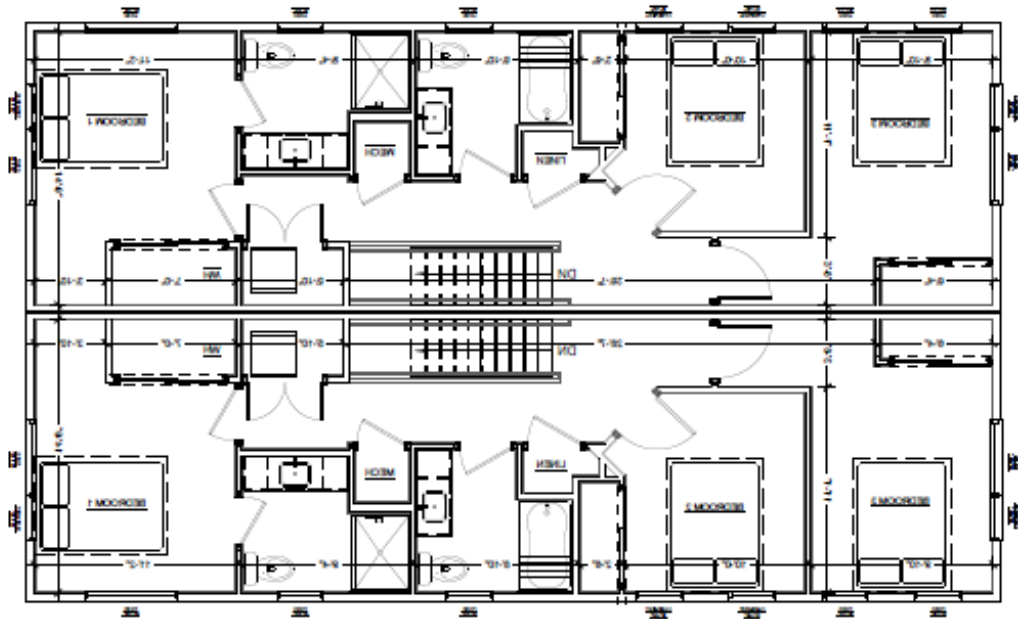


Department of Metropolitan Development
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 Current Planning



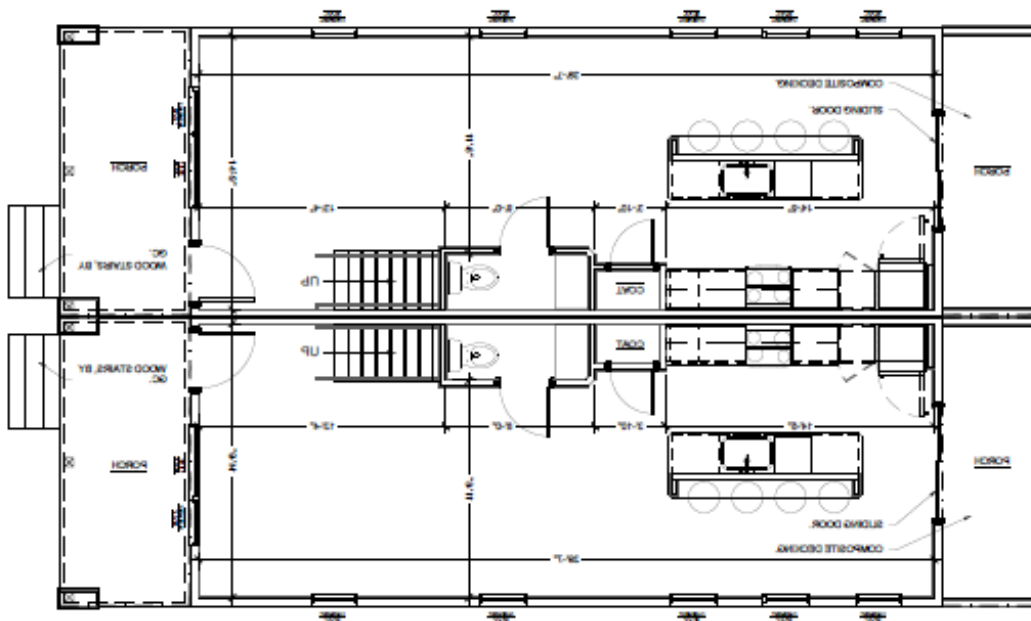
<p>A010</p> <p>DATE: 8/20/2020 DRAWN BY: BP CHECKED BY: BP PROJECT NAME: SITE PLAN</p>	<p>PROJECT TITLE</p> <p>SITE 1 - TOWNHOMES "TH-E-C" : 2-STORY, 3 BEDROOM, 2.5 BATH, DUPLEX 2457 BARNES AVE INDIANAPOLIS, IN 46202</p>	<p>PROJECT CLIENT</p> <p>CONCEPT SET SITE 1</p>	<p>DATE</p> <p>INDIANAPOLIS, IN 46202 311 E. WASHINGTON AVENUE INDIANAPOLIS, IN 46202 TEL: (317) 496-3270 FAX: (317) 496-3271</p>	<p>CLIENT</p> <p>M&R DEVELOPMENT GROUP P: (317) 318-9988</p>
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2 FLOOR PLAN - SECOND

Scale: 1/4" = 1'-0"



1 FLOOR PLAN - GROUND

Scale: 1/4" = 1'-0"



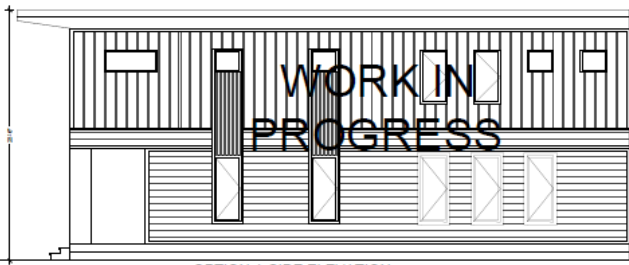
3 SITE RENDERING



2 SITE RENDERING



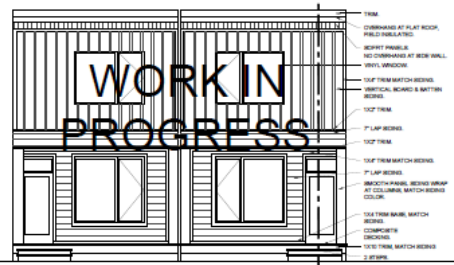
1 SITE RENDERING



OPTION A SIDE ELEVATION

4 ELEVATIONS: SIDE TH-E-A

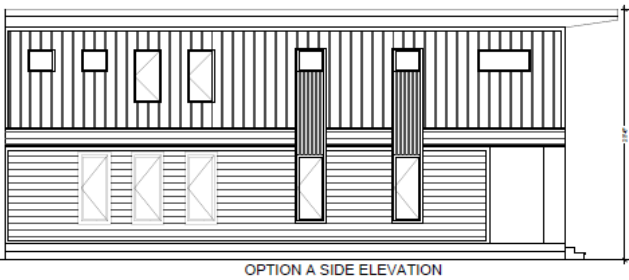
Scale: 1/8" = 1'-0"



OPTION A

3 ELEVATIONS: REAR TH-E-A

Scale: 1/8" = 1'-0"



OPTION A SIDE ELEVATION

1 ELEVATIONS: SIDE TH-E-A

Scale: 1/8" = 1'-0"



OPTION A

1 ELEVATIONS: FRONT TH-E-A

Scale: 1/8" = 1'-0"



4 - ELEVATION, SIDE 3 - ELEVATION, REAR



1 - ELEVATION, SIDE 1 - ELEVATION, FRONT



4 - ELEVATION, SIDE 3 - ELEVATION, REAR



1 - ELEVATION, SIDE 1 - ELEVATION, FRONT



1 ELEVATIONS: SIDE

2 ELEVATIONS: FRONT



1 ELEVATIONS: SIDE

2 ELEVATIONS: FRONT



1 ELEVATIONS: SIDE

2 ELEVATIONS: FRONT



1 ELEVATIONS: SIDE

2 ELEVATIONS: FRONT



4 ELEVATIONS: SIDE

3 ELEVATIONS: REAR



1 ELEVATIONS: SIDE

2 ELEVATIONS: FRONT



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

PETITION FOR VARIANCE OF DEVELOPMENT STANDARDS

FINDINGS OF FACT

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

the variances will provide for adequate front setbacks with sidewalks as well as a sidewalk on the corner side yard to make up for reduced corner side yard, there is more than adequate total floor area and ground level porch area to mitigate the variance for main level living area, and here is adequate side yards between lots to mitigate the variance for lot width.

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

the new housing units will provide new investment on a block which has several vacant lots, which will actually improve property values of adjoining nearby properties.

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

the standards for this type of development, if applied, would result in the loss of housing units and result in a more suburban versus urban/compact feel.



Photo of the subject site looking northeast.



Photo of the street frontage along Edgemont Avenue.



Photo of the street frontage along Barnes Avenue.



Photo of the existing detached garage on the subject site.



Photo of the subject site street frontage looking south on Barnes Avenue.



Photo of the alley east of the site looking north from Edgemont Avenue.



Photo of the alley east of the site looking south from 25th Street.



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



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



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



Photo of the church south of the site.



METROPOLITAN DEVELOPMENT COMMISSION **April 25, 2024**
HEARING EXAMINER

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

Property Address: 8840 East Edgewood Avenue

Location: Franklin Township, Council District #25

Petitioner: D.R. Horton – Indiana, LLC, by Rick Ellis

Current Zoning: D-4

Request: Approval of a Subdivision Plat to be known as Edgewood Farms West - Section 1, dividing 33.73 acres into 77 lots, with a waiver to allow emergency vehicles to use three different local streets to reach their destination (must not utilize more than two different local streets to reach their destination).
Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for five-foot wide sidewalks along all streets (minimum six-foot wide sidewalks permitted along all streets). .

Current Land Use: Vacant land)

Staff Recommendations: Denial of the plat, waiver, and variance, subject to the following conditions noted below, if approved.

Staff Reviewer: Kathleen Blackham, Senior Planner

PETITION HISTORY

ADDENDUM FOR APRIL 25, 2024, HEARING EXAMINER

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

April 11, 2024

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

STAFF RECOMMENDATION

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



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

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

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

PETITION OVERVIEW

Site Plan and Design / Waiver

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

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

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



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

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

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

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

Variance of Development Standards

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

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

GENERAL INFORMATION

Existing Zoning	D-4	
Existing Land Use	Undeveloped	
Comprehensive Plan	Suburban neighborhood typology	
Surrounding Context	Zoning	Land Use
	North: D-P	Single-family / duplex dwellings
	South: D-4	Under development
	East: D-4	Under development
	West: I-2	Undeveloped
Thoroughfare Plan		
East Edgewood Avenue	Secondary Arterial	Existing 30-foot right-of-way and proposed 90-foot right-of-way
Context Area	Metro	
Floodway / Floodway Fringe	No	
Overlay	No	
Wellfield Protection Area	No	



Site Plan	March 5, 2024 - Plat Documents
Site Plan (Amended)	N/A
Elevations	N/A
Elevations (Amended)	N/A
Landscape Plan	N/A
Findings of Fact	March 5, 2024
Findings of Fact (Amended)	March 14, 2024
C-S/D-P Statement	N/A

COMPREHENSIVE PLAN ANALYSIS

Comprehensive Plan

- Not Applicable to the Site.

Pattern Book / Land Use Plan

- Not Applicable to the Site

Red Line / Blue Line / Purple Line TOD Strategic Plan

- Not Applicable to the Site.

Neighborhood / Area Specific Plan

- Not Applicable to the Site.

Infill Housing Guidelines

- Not Applicable to the Site.

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

- Not Applicable to the Site.



ZONING HISTORY

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

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

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

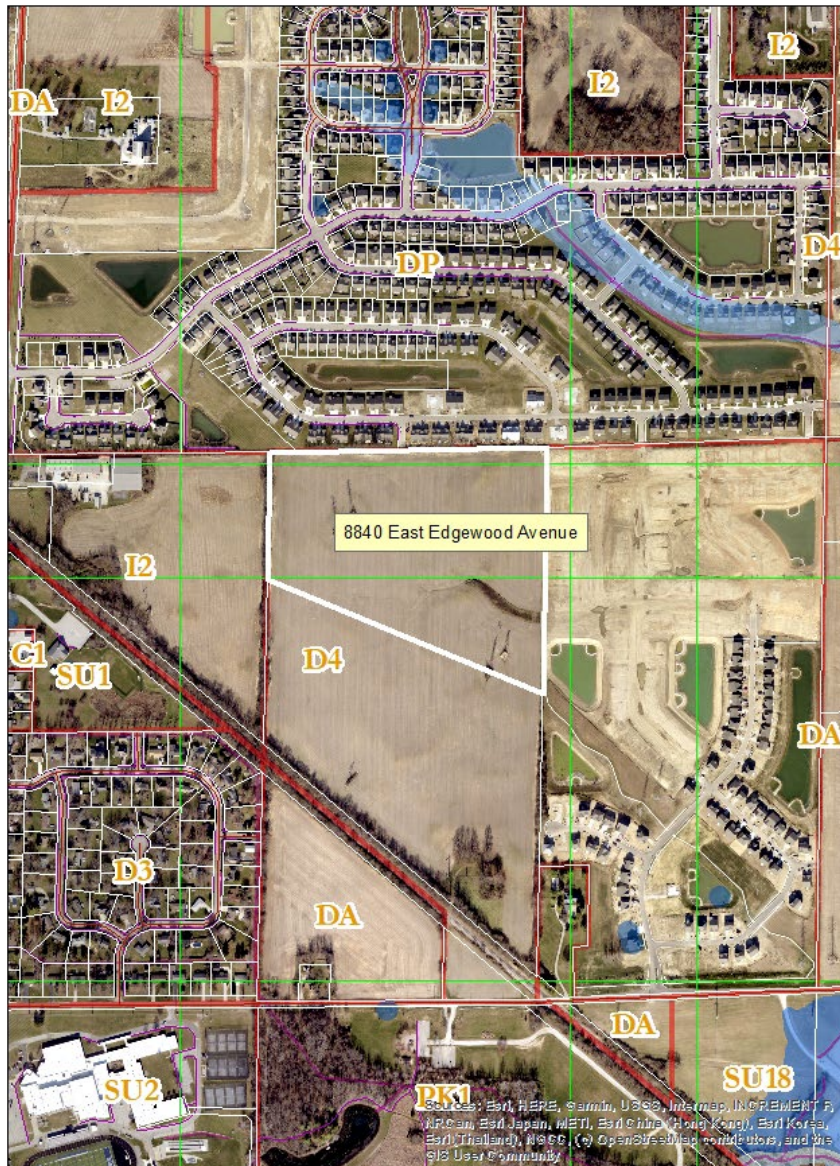
2014-ZON-020; 8701 and 9107 East Thompson Road (north of site), requested rezoning of 126 acres from the D-P District to the D-P classification to provide for 61, two-family dwellings (122 dwelling units) and 298 single-family dwellings (previously approved by 2002-ZON-10 (2002-DP-21), as amended by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

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

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

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

EXHIBITS





Department of Metropolitan Development
Division of Planning
Current Planning

Petition Number _____

REQUESTED WAIVER:

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

WAIVER OF THE SUBDIVISION REGULATIONS
FINDINGS OF FACT

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

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

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

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

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

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

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

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

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

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

DECISION

IT IS THEREFORE the decision of this body that this WAIVER of the Subdivision Regulations be granted, subject to any conditions stated in the minutes (which conditions are incorporated herein by reference and made a part of this decision).

Adopted this _____ day of _____, 20 _____



Department of Metropolitan Development
Division of Planning
Current Planning

Petition Number _____

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

PETITION FOR VARIANCE OF DEVELOPMENT STANDARDS

FINDINGS OF FACT

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

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

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

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

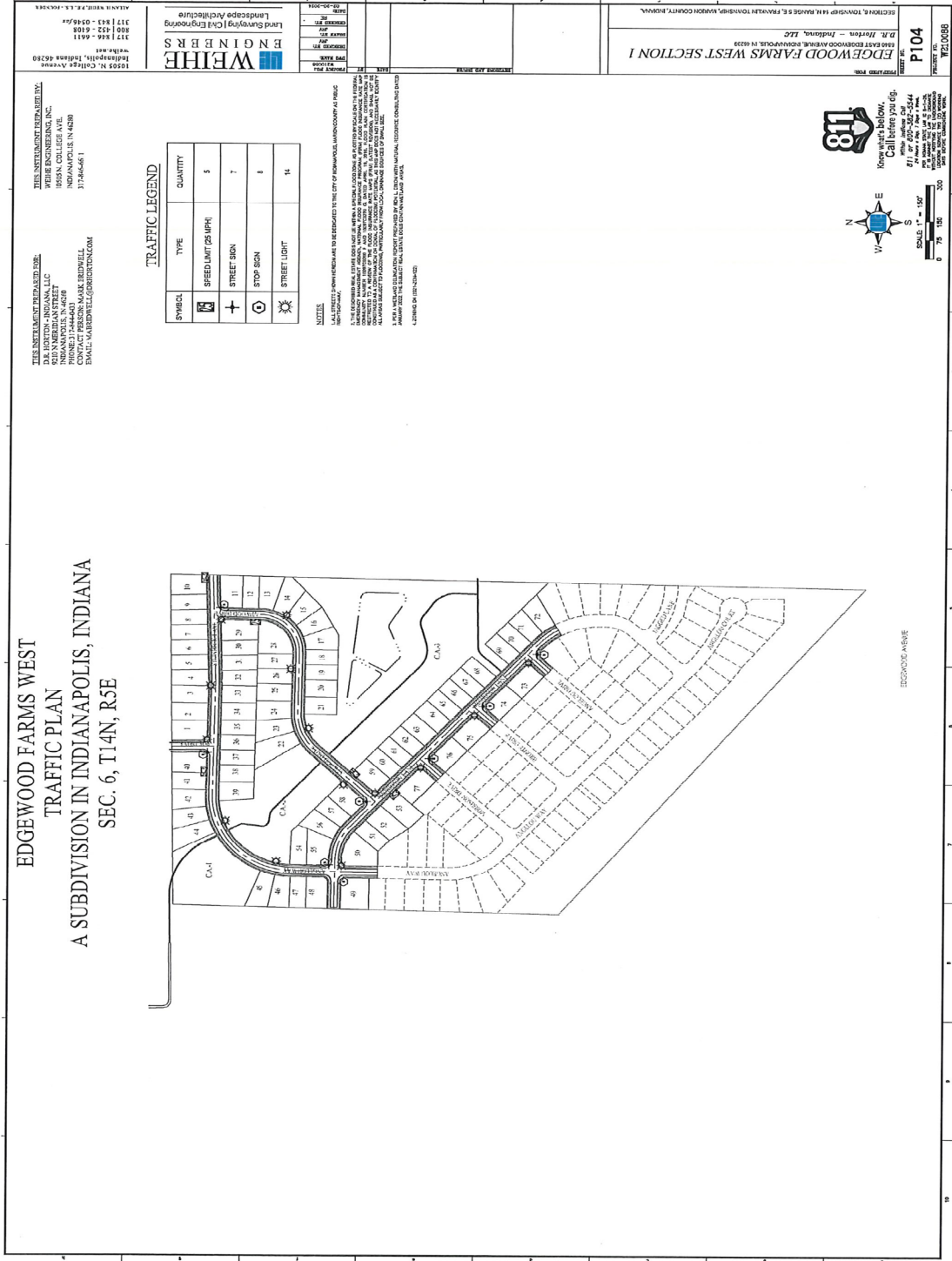
3. The strict application of the terms of the zoning ordinance will result in practical difficulties in the use of the property because:

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

DECISION

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

Adopted this _____ day of _____, 20 ____





View looking north across East Edgewood Avenue



View looking north across East Edgewood Avenue

STAFF REPORT

Item 10.

Department of Metropolitan Development Division of Planning Current Planning Section

Case Number: 2024-APP-006
Address: 8801 East Edgewood Avenue (approximate address)
Location: Franklin Township, Council District #25
Zoning: PK-1
Petitioner: City of Indianapolis, Department of Parks and Recreation, by Kate Warpool, AIA
Request: Park District One Approval to provide for new playground equipment and play surfaces, game courts, shelters, and walking paths.

RECOMMENDATIONS

Staff **recommends approval** of this request.

SUMMARY OF ISSUES

The following issues were considered in formulating the recommendation:

PARK DISTRICT-ONE APPROVAL

- ◇ This petition would provide for a new pavilion structure which will include common space, new playground equipment, game courts, shelters, multi-purpose paths, and other improvements at an existing park within the Indy Parks and Recreation System: Franklin Township Community Park.
- ◇ The park is zoned PK-1; however, no use, building or structure is permitted for any purpose until a site and development plan for such land, including the proposed use, has been filed with and approved by the Commission in accordance with the Zoning Ordinance.
- ◇ 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;

(Continued)

- 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 Comprehensive Plan recommends large-scale park typology for the site.
- ◇ The Franklin/Edgewood Park Master Plan (1991) recommends basketball courts, a pavilion, parking and play fields. The proposal exceeds the recommendations found in the master plan by adding an upgraded playground, drainage plan, more play fields/courts and improved parking areas.
- ◇ The site plan indicates the proposed improvements would be limited to the northern portion of the park, within the park boundaries. Staff supports this request.

FINDINGS OF FACT

A. Has been designed to create a superior land development plan, in conformity with the Comprehensive Plan because:

The Land Use Plan identifies that the parcel is a Large-Scale Park. The site development plan improves the condition of the park through the development of new pickleball courts, an outdoor fitness area, multiple playgrounds, a basketball court, walking paths, shelters, and parking. The site development plan also plans for landscaping improvements. The surrounding suburban and rural neighborhoods as well as the school will benefit from this improvement.

B. Creates and maintains a desirable, efficient and economical use of land with high functional and aesthetic value, attractiveness and compatibility of land uses, within the development plan district and with adjacent uses because:

The site development plan calls for creating new recreation courts, landscaping, and the development of new walking paths that will connect amenities. Additional improvements called for are the construction of new playgrounds and additional parking. These recommendations will improve the current conditions of the park.

C. Provides sufficient and adequate multi-modal access, such as parking and loading areas, transit provisions, and bicycle facilities because:

Existing paths are already included in the existing park; New paths are included as part of the project, and new paths are planned for future park and/or infrastructure projects; and new parking spaces will be included on the east side of the park.

STAFF REPORT 2024-APP-006 (Continued)

D. Integrates a multi-modal transportation network using active and passive traffic control with the existing and planned public streets and interior roads because:

Existing controls are already included in and adjacent to the existing park;
and new additional pedestrian and bike paths with necessary controls are planned for future park and/or infrastructure projects.

E. Provides adequately for sanitation, drainage, and public utilities in a sustainable, low-impact manner because:

The park is serviced by the owner (Indy Parks) and the Department of Public Works. Property drainage is being designed by a professional engineer and incorporates appropriate low-impact designs.

F. Allocates adequate sites for all uses proposed, - the design, character, grade, location, and orientation thereof to be appropriate for the uses proposed, logically related to existing and proposed topographical and other conditions, and consistent with the Comprehensive Plan, because:

The property is currently a large-scale neighborhood park that includes a playground and green space.
The proposed design replaces existing park structures and adds connectivity and functions complimentary to its continued use as a park.

G. Provides pedestrian accessibility and connectivity, which may be paths, trails, sidewalks (If sidewalks are required to be installed, the Administrator or the Commission must be guided by provisions of Section 744-304 for the installation of sidewalks), or combination thereof; provides pedestrian accessibility to available public transit; and provides sidewalks along eligible public streets consisting of the walkway and any curb ramps or blended transitions because:

Existing paths are already included in the existing park; and existing paths will be replaced and improved as part of this project; and/or new paths are planned for future park and/or infrastructure projects.

GENERAL INFORMATION

EXISTING ZONING AND LAND USE

PK-1

Large-scale Park

SURROUNDING ZONING AND LAND USE

North - D-4 / D-A

Single-family dwellings / Agriculture

South - SU-2 / D-A

School / Single-family dwellings

East - D-A / SU-18

Single-family dwellings

West - SU-2

School (Franklin Central High School)

COMPREHENSIVE LAND USE PLAN

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

THOROUGHFARE PLAN

Edgewood Avenue is designated in the Marion County Thoroughfare Plan as a secondary arterial with an existing 30-foot right-of-way and proposed 90-foot right-of-way.

CONTEXT AREA

This site is located within the metro context area.

OVERLAY

There are no overlays for this site.

ZONING HISTORY

SITE

None.

VICINITY

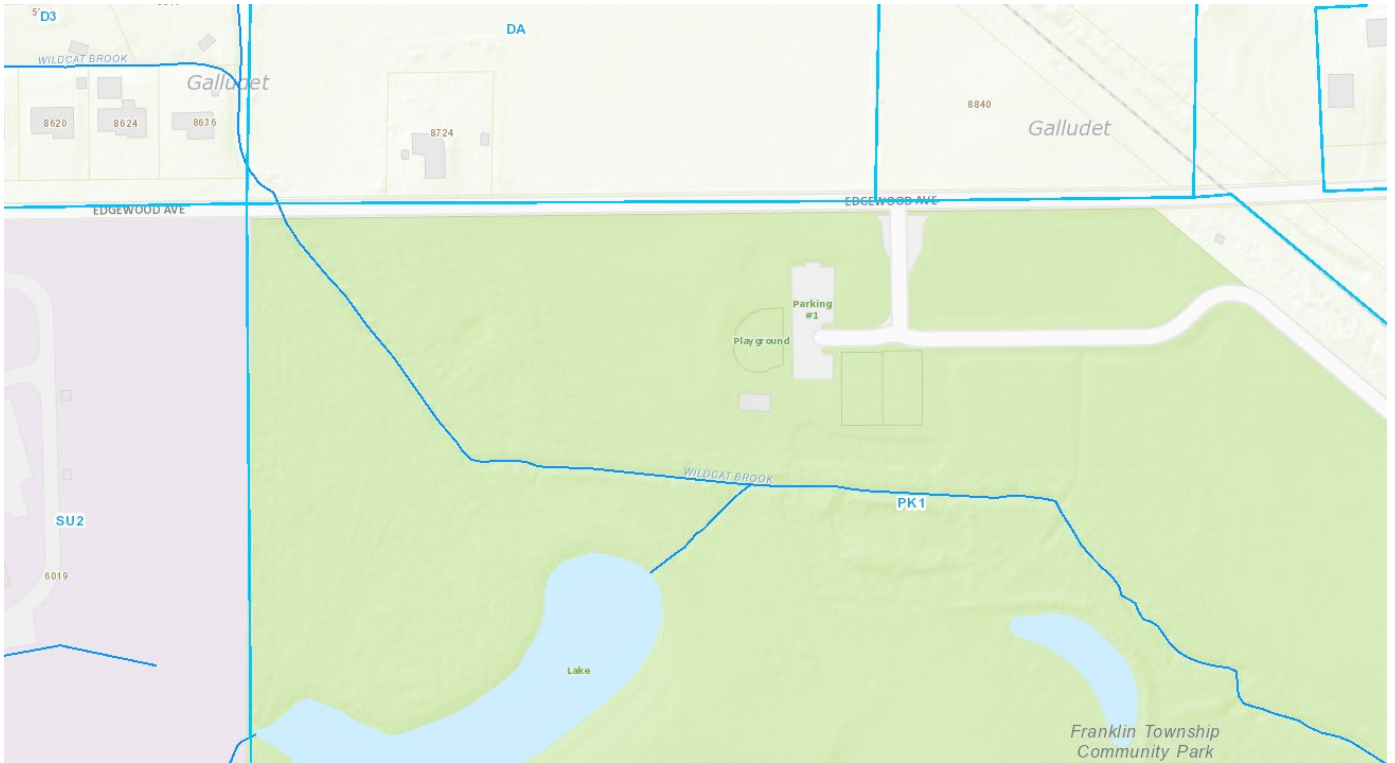
2021-ZON-122, 8840 E. Edgewood Avenue, (north of site) rezoning of 62.82 acres from I-2 to D-4 to provide for residential development, **approved**.

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

2006-ZON-124, 6215 S. Franklin Road and 8934 S. Indian Creek Road, (south of site) rezoning of 9.09 acres from D-A to SU-2 to provide for school uses, **approved**.

2001-ZON-042, 8710-8822 Indian Creek Road South, (south of site) rezoning of 29.61 acres from D-A to SU-2 to provide for school uses, **approved**.

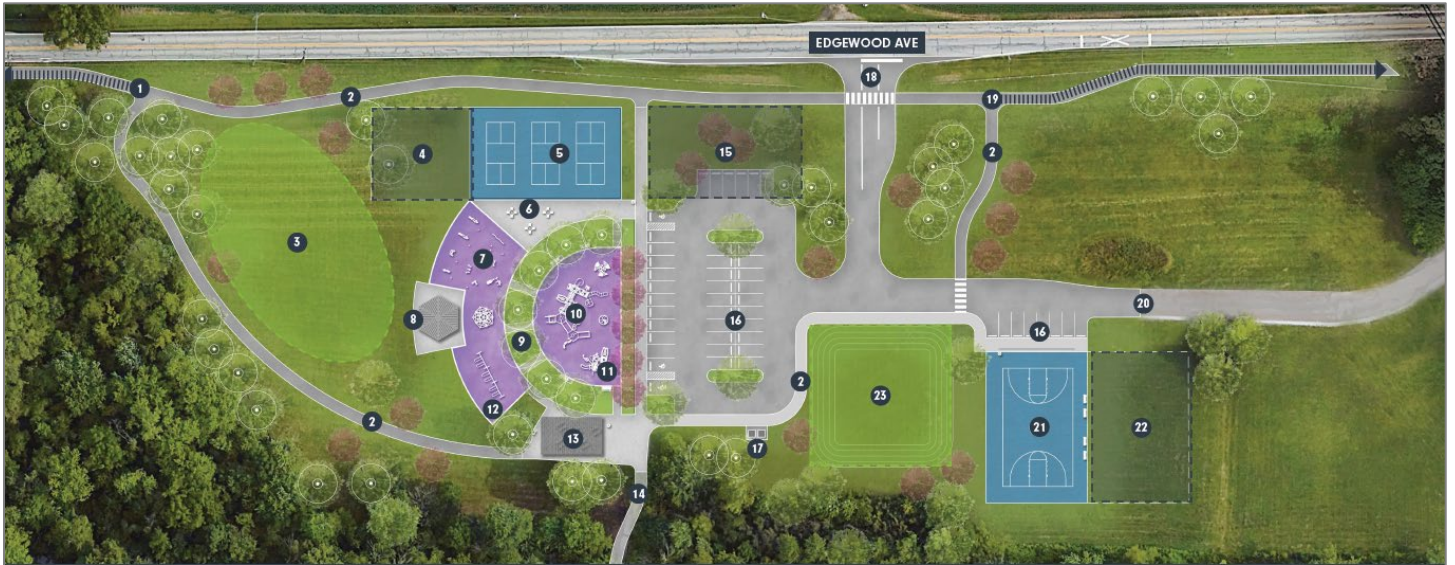
BB



Location Map, Franklin Twp Community Park



Aerial view, Franklin Twp Community Park (area of improvements)



Overall Site Plan, Franklin Twp Community Park



Site photo: View from northwest along Edgewood Ave



Site photo: View from southwest pavilion



Site photo: View of existing pavilion and foot bridge over Wildcat Brook



Site photo: View of existing playground



Site photo: View of parking area and basketball courts

STAFF REPORT

Item 11.

Department of Metropolitan Development Division of Planning Current Planning Section

Case Number: 2024-APP-007
Address: 3110 Moller Road (approximate address)
Location: Wayne Township, Council District #11
Zoning: PK-1 (FF) (FW) (W-5)
Petitioner: Indy Parks and Recreation, by Kate Warpool
Request: Park District One Approval to provide for a restored football field and bleachers, new multi-purpose playing field, new playing courts, bridge repair and walking paths.

RECOMMENDATIONS

Staff **recommends approval** of this request.

SUMMARY OF ISSUES

The following issues were considered in formulating the recommendation:

PARK DISTRICT-ONE APPROVAL

- ◇ This petition would provide for a new pavilion structure which will include common space, restrooms, concessions, office, access road and other improvements at an existing park within the Indy Parks and Recreation System: Gustafson Park.
- ◇ The park is zoned PK-1; however, no use, building or structure is permitted for any purpose until a site and development plan for such land, including the proposed use, has been filed with and approved by the Commission in accordance with the Zoning Ordinance.
- ◇ 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;

(Continued)

- 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 Comprehensive Plan recommends large-scale park typology for the site.
- ◇ The site plan indicates the proposed improvements would be within the park boundaries. Staff supports this request.

FINDINGS OF FACT

A. Has been designed to create a superior land development plan, in conformity with the Comprehensive Plan because:

The land use plan identifies that the property is a large-scale park, that the land is currently used as a park, that the land use pattern book recommends parks without additional concerns, the plan improves the condition of the park, and the surrounding traditional neighborhood benefits from the park improvements.

B. Creates and maintains a desirable, efficient and economical use of land with high functional and aesthetic value, attractiveness and compatibility of land uses, within the development plan district and with adjacent uses because:

The plan calls for refurbishing the existing football field, creating a new multi-purpose athletic field, adding a parking location, replacing equipment and surfaces for play and recreation functions that currently exist, adding courts, addressing drainage, and new access walking pathways. These additions will improve the current state of the park.

C. Provides sufficient and adequate multi-modal access, such as parking and loading areas, transit provisions, and bicycle facilities because:

New paths are included as part of the project, and new parking spaces will be included on the northwest side of the park.

D. Integrates a multi-modal transportation network using active and passive traffic control with the existing and planned public streets and interior roads because:

Existing controls are already included in and adjacent to the existing park; and new multiuse paths with necessary controls are recommended in the development plan.

E. Provides adequately for sanitation, drainage, and public utilities in a sustainable, low-impact manner because:

The park is serviced by the owner, Indy Parks, and the Department of Public Works, property drainage has been designed by a professional engineer and incorporates appropriate sustainable designs.

F. Allocates adequate sites for all uses proposed, - the design, character, grade, location, and orientation thereof to be appropriate for the uses proposed, logically related to existing and proposed topographical and other conditions, and consistent with the Comprehensive Plan, because:

The property is currently a large-scale park and the proposed plan replaces existing park structures and adds connectivity and functions complimentary to its continued use as a park.

G. Provides pedestrian accessibility and connectivity, which may be paths, trails, sidewalks (If sidewalks are required to be installed, the Administrator or the Commission must be guided by provisions of Section 744-304 for the installation of sidewalks), or combination thereof; provides pedestrian accessibility to available public transit; and provides sidewalks along eligible public streets consisting of the walkway and any curb ramps or blended transitions because:

Existing paths are already included in the existing park; and existing paths will be replaced and improved as part of this project; and/or new paths are planned for future park and/or infrastructure projects.

GENERAL INFORMATION

EXISTING ZONING AND LAND USE

PK-1

Large-scale Park

SURROUNDING ZONING AND LAND USE

North - SU-2

School

South - SU-1

Religious use

East - D-4 / D-6ii

Single-family dwellings / multi-family dwellings

West - D-4

Single-family dwellings

COMPREHENSIVE LAND USE PLAN

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

THOROUGHFARE PLAN

Moller Road is designated in the Marion County Thoroughfare Plan as a primary arterial with an existing 90-foot right-of-way and proposed 112-foot right-of-way. Patton Drive is designated in the Marion County Thoroughfare Plan as a local street with an existing and proposed 50-foot right-of-way.

CONTEXT AREA

This site is located within the metro context area.

OVERLAY

Part of the site is within the W-5 Wellfield Protection district. The site is located within the Floodway (FW) and Floodplain (FF) districts.

ZONING HISTORY

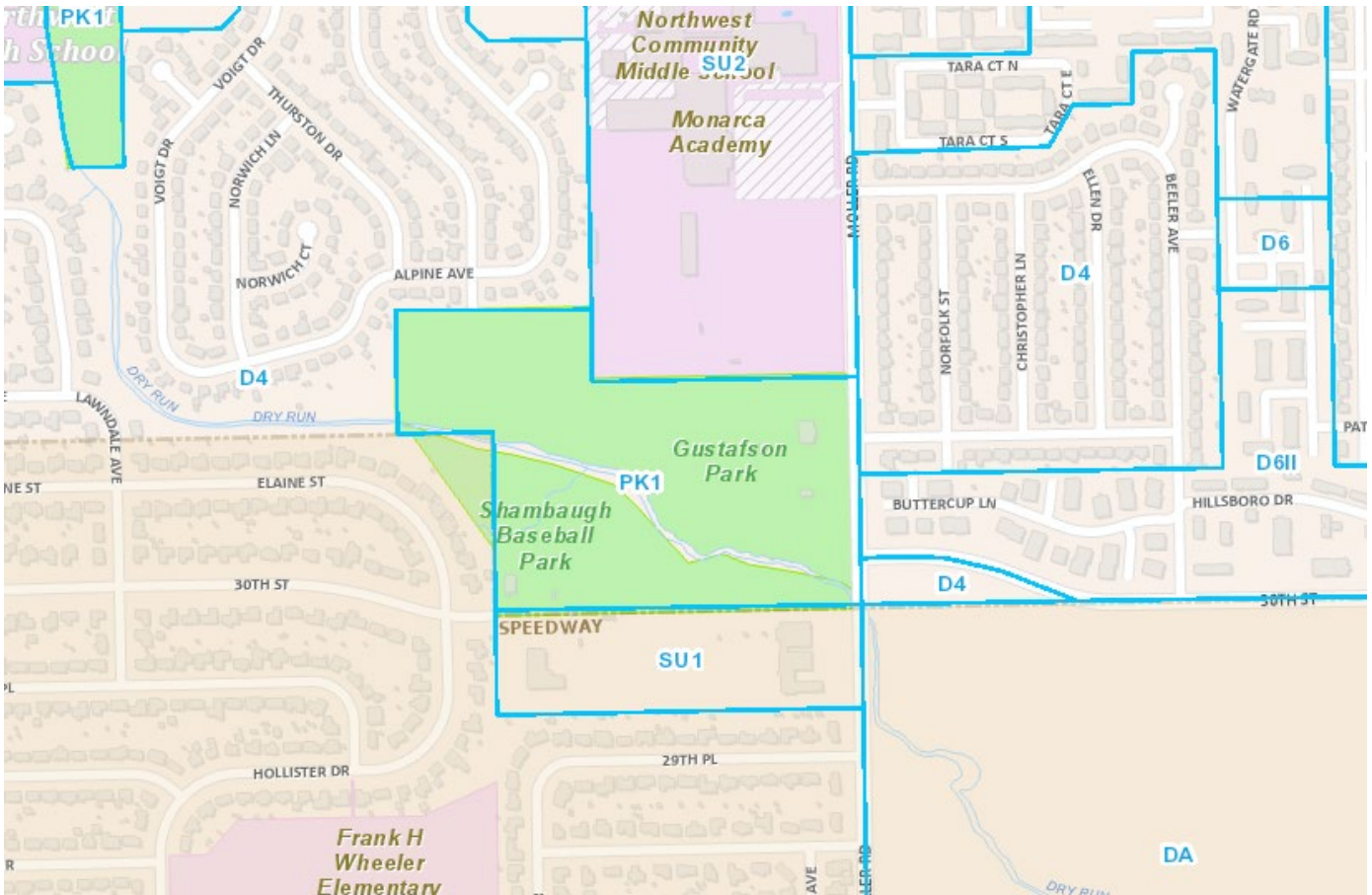
SITE

None.

VICINITY

2009-ZON-809, 5525 West 34th Street, (north of site) rezoning of 35 acres from D-4 to SU-2 to provide for office school uses, **approved**.

BB



Location Map, Gustafson Park



Aerial view (2022), Gustafson Park

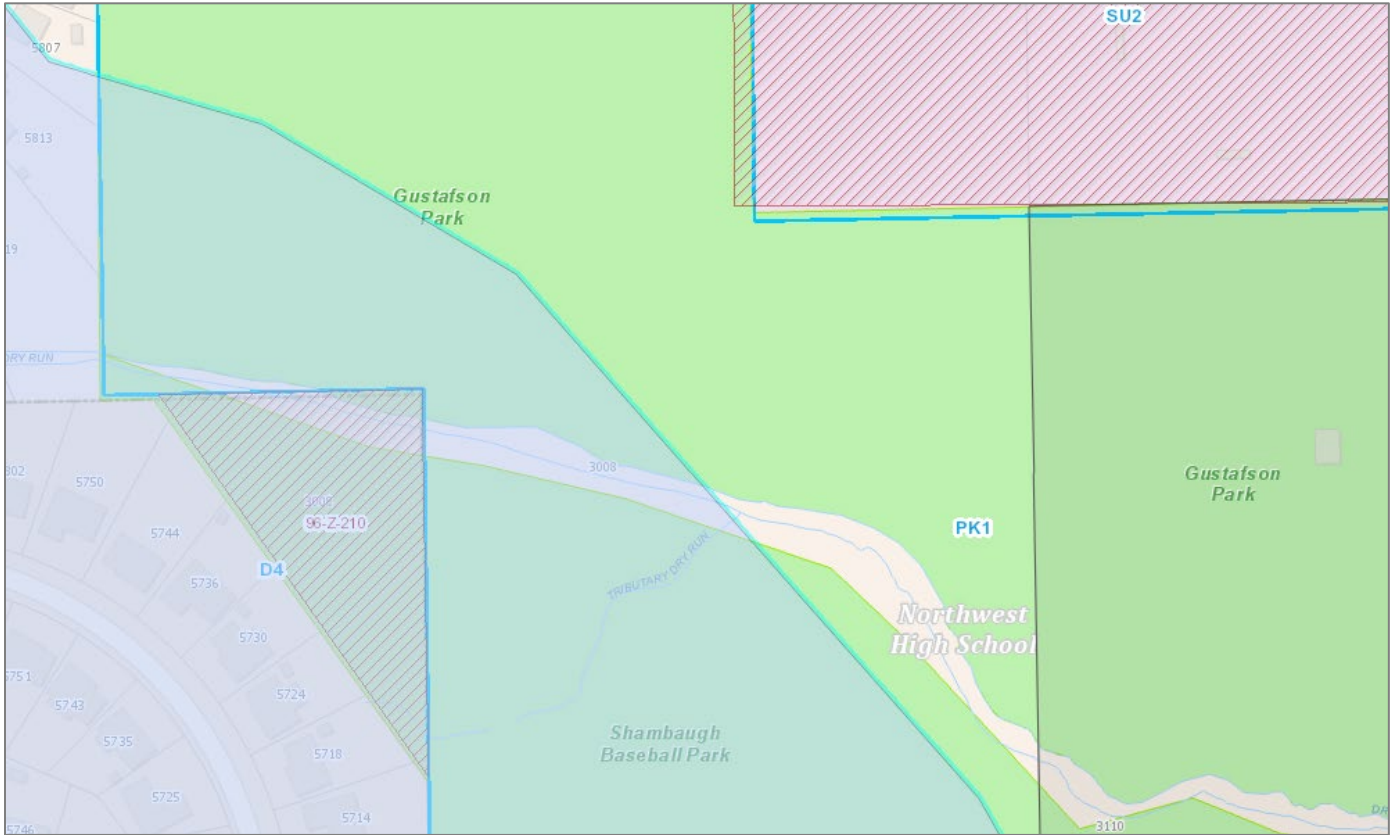


Aerial view (1986), Gustafson Park



Flood Map, Gustafson Park

STAFF REPORT 2024-APP-007, Enclosures (cont'd)



Wellfield protection district map, Gustafson Park



Site plan, Gustafson Park



View from Moller Road



View of area of ongoing 'Basketball Project' (NE area of park)

(Continued)



View of area of ongoing 'Playground Project' (SE area of park)



**METROPOLITAN DEVELOPMENT COMMISSION
HEARING EXAMINER**

April 25, 2024

Case Number: 2024-ZON-033

Property Address: 1802 and 1808 West Morris Street

Location: Center Township, Council District #18

Petitioner: West Indianapolis Development Corporation, by Lisa Laflin

Current Zoning: C-4

Request: Rezoning of 0.31-acre from the C-4 district to the D-5 district to provide for two, single-family dwellings.

Current Land Use: Vacant land

Staff Recommendations: Approval

Staff Reviewer: Kathleen Blackham, Senior Planner

PETITION HISTORY

This is the first public hearing on this petition.

STAFF RECOMMENDATION

Approval, subject to substantial compliance with the site plan, file-dated March 28, 2024.

PETITION OVERVIEW

This 0.31-acre site, zoned C-4, is comprised of two vacant parcels surrounded by single-family dwellings to the north, zoned D-5; single-family dwellings to the south, across West Morris Street, zoned C-4; a single-family dwelling to the east, across Lee Street, zoned C-4; and a single-family dwelling to the west, zoned C-4.

Petition 96-UV1-67 legally established a pillow manufacturing facility with a zero-foot transitional side yard along the north property line.



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Rezoning

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

The West Indianapolis Neighborhood Land Use Plan recommends residential uses at five to eight dwelling units per acre.

As proposed, this request would be consistent with the Neighborhood Plan, including a density at 6.45 units per acre. Furthermore, these residential-sized parcels were developed with residential and commercial uses before the turn of the century, which were demolished around 2004. The current zoning district does not reflect the long-time residential use on the western parcel, as well as the surrounding residential uses.

Staff supports this rezoning because it would match the zoning classification with the proposed residential use and support the historical residential use in this area.

GENERAL INFORMATION

Existing Zoning	C-4		
Existing Land Use	Vacant land		
Comprehensive Plan	Residential development at five to eight units per acre		
Surrounding Context	Zoning	Land Use	
	North:	D-5	Single family dwellings
	South:	C-4	Single-family dwellings
	East:	C-4	Single-family dwelling
	West:	C-4	Single-family dwelling
Thoroughfare Plan			
West Morris Street	Primary arterial	Existing 62-foot right-of-way and proposed 78-foot right-of-way.	
Lee Street	Local Street	Existing 36-foot right-of-way and proposed 48-foot right-of-way.	
Context Area	Compact		
Floodway / Floodway Fringe	No		
Overlay	No		
Wellfield Protection Area	No		
Site Plan	March 28, 2024		



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

COMPREHENSIVE PLAN ANALYSIS

Comprehensive Plan

- Not Applicable to the Site.

Pattern Book / Land Use Plan

- *Conditions for All Land Use Types – Traditional Neighborhood Typology*
 - All land use types except small-scale parks and community farms/gardens in this typology must have adequate municipal water and sanitary sewer.
 - All development should include sidewalks along the street frontage.
 - In master-planned developments, block lengths of less than 500 feet, or pedestrian cut-throughs for longer blocks, are encouraged.
- *Conditions for All Housing*
 - A mix of housing types is encouraged.
 - Should be within a one-mile distance (using streets, sidewalks, and/or off-street paths) of a school, playground, library, public greenway, or similar publicly accessible recreational or cultural amenity that is available at no cost to the user.
 - Primary structures should be no more than one and a half times the height of other adjacent primary structures.
 - Should be oriented towards the street with a pedestrian connection from the front door(s) to the sidewalk. Driveways/parking areas do not qualify as a pedestrian connection.
 - Developments with densities higher than 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.



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- *Detached Housing (defined as detached housing refers to detached single-family homes. While this type of housing may include a secondary dwelling unit (such as a mother-in-law suite or carriage house), the secondary dwelling unit is usually smaller than the primary home and the entire property is under a single ownership.*
 - The house should extend beyond the front of the garage. Garages should be loaded from an alley or side street when possible and should be detached if located on the side of the house.
 - Secondary units are encouraged.
 - Lots should be no larger than one and a half times the adjacent lots.

Red Line / Blue Line / Purple Line TOD Strategic Plan

- Not Applicable to the Site.

Neighborhood / Area Specific Plan

- West Indianapolis Neighborhood Land Use Plan (2011) recommends residential development at five to eight units per acre. In suburban and rural areas this is a common multi-family density and typically the highest density single family category in suburban areas. In urban areas, it is common for both single family and multi-family development. Development at this density is appropriate along bus corridors but should not take place in proximity to planned light rail transit stops.

Infill Housing Guidelines

- 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)

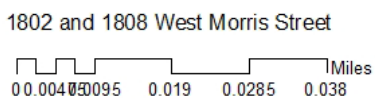
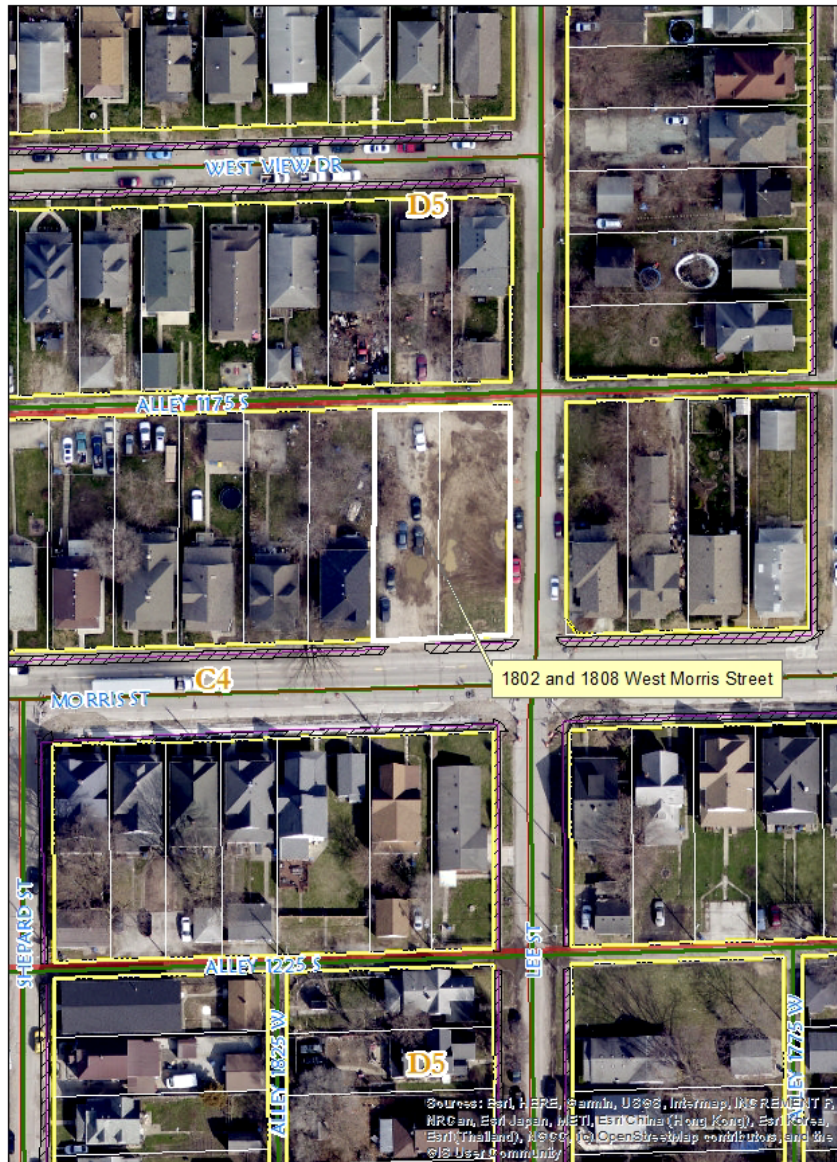
- The Marion County Thoroughfare Plan (2019) “is a long-range plan that identifies the locations classifications and different infrastructure elements of roadways within a defined area.”
- The following listed items describes the purpose, policies and tools:
 - Classify roadways based on their location,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



ZONING HISTORY

96-UV1-67; 1802-1806 West Morris Street, requested a variance of use and development standards of the Commercial Zoning Ordinance to legally establish a pillow manufacturing facility with a zero-foot transitional side yard along the north property line, **granted**.

EXHIBITS

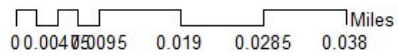


Sanborn Map 1898



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

1802 and 1808 West Morris Street





View looking west along West Morris Street



View looking east along West Morris Street



View looking north along Lee Street



View looking south along Lee Street



View of site looking north across West Morris Street



View of site looking northwest across West Morris Street / Lee Street



View looking northeast across intersection of West Morris Street and Lee Street



METROPOLITAN DEVELOPMENT COMMISSION **April 25, 2024**
HEARING EXAMINER

Case Number: 2024-ZON-034

Property Address: 412 West McCarty Street, and 717 and 721 Chadwick Street (Approximate Addresses)

Location: Center Township, Council District #18

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

Current Zoning: I-3 (RC)

Request: Rezoning of 1.97 acres from the I-3 (RC) district to the CBD-2 (RC) district to provide for a mixed-use development.

Current Land Use: Two single-family dwellings and two industrial buildings

Staff Recommendations: Approval

Staff Reviewer: Jeffrey York, Principal Planner

PETITION HISTORY

This is the first hearing for this petition.

STAFF RECOMMENDATION

Staff **recommends approval** of the request.

PETITION OVERVIEW

The 1.97-acre subject site is a developed with two single-family dwellings and two industrial buildings, at the northwest corner of Missouri Street and McCarty Street. Two unimproved alleys lie within the site. The site is across the street from Lucas Oil Stadium, with a mix of commercial and industrial sites to the north, east and south.

This petition would rezone this site from the I-3 (RC)) district to the CBD-2 (RC) district to provide for a mixed-use development. A site plan was filed with this petition and is below.

The I-3 district is an intermediate district for industries that present moderate risks to the general public. Whenever practical, this district should be away from the 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 CBD-2 district is Central Business District Two for the general downtown area of Indianapolis, surrounding the CBD-1 and CBD-3 districts. The district represents the typical urban core of Indianapolis to be developed at very high density. It is a pedestrian oriented environment with a diverse mixture of



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uses such as residential, retail, restaurants, entertainment, major public facilities, major convention facilities, sports venues, hotels, and memorials.

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

The site is recommended for Urban Mixed-Use development, which provides dense, pedestrian-oriented development with a wide range of businesses, services, and institutions that serve both adjacent neighborhoods and the broader Indianapolis community. Buildings are four to eight stories in height with entrances and large windows facing the street. Where possible, sidewalks and other pedestrian spaces should be activated as places to gather or otherwise spend time, such as sidewalk cafes and plazas. Public spaces may also be programmable for community events. Off-street parking should be behind buildings or in garages. Where block lengths are longer than 500 feet, public pedestrian paths should be provided as cut throughs. This typology has a residential density of at least 25 to 75 units per acre.

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

GENERAL INFORMATION

Existing Zoning	I-3 (RC)	
Existing Land Use	Two single-family dwellings and two industrial buildings	
Comprehensive Plan	Urban Mixed Use	
Surrounding Context	Zoning	Land Use
North:	I-3 (RC)	Industrial
South:	I-3 (RC)	Commercial
East:	I-3 (RC) / CBD-2 (RC)	Lucas Oil Stadium
West:	CBD-2 (RC)	Office building
Thoroughfare Plan		
Missouri Street	Primary Arterial Street	78-foot existing and proposed right-of-way.
McCarty Street	Primary Arterial Street	88-foot existing and proposed right-of-way.
Context Area	Compact	
Floodway / Floodway Fringe	No	
Overlay	Yes – Regional Center	
Wellfield Protection Area	No	
Site Plan	Yes, filed March 20, 2024	
Site Plan (Amended)	N/A	
Elevations	N/A	
Elevations (Amended)	N/A	
Landscape Plan	N/A	
Findings of Fact	N/A	



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

Comprehensive Plan

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

Pattern Book / Land Use Plan

- The Marion County Land Use Plan Pattern Book (2019) recommends urban mixed-use neighborhood development for the subject site.
- The Comprehensive Plan recommends Urban Mixed-Use development, which provides dense, pedestrian-oriented development with a wide range of businesses, services, and institutions that serve both adjacent neighborhoods and the broader Indianapolis community. Buildings are four to eight stories in height with entrances and large windows facing the street. Where possible, sidewalks and other pedestrian spaces should be activated as places to gather or otherwise spend time, such as sidewalk cafes and plazas. Public spaces may also be programmable for community events. Off-street parking should be behind buildings or in garages. Where block lengths are longer than 500 feet, public pedestrian paths should be provided as cut throughs. This typology has a residential density of at least 25 to 75 units per acre.
- **Conditions for All Housing**
 - Should be within a one-quarter-mile distance (using streets, sidewalks, and/or off-street paths) of a school, playground, library, public greenway, or similar publicly accessible recreational or cultural amenity that is available at no cost to the user.
 - Should be oriented towards the street with a pedestrian connection from the front door(s) to the sidewalk. Driveways/parking areas do not qualify as a pedestrian connection.
- **Attached Housing**
 - Should have a minimum 10 units per acre.
- **Small-Scale Multi-Family Housing**
 - Should be located along an arterial or collector street.
 - The primary entrance should be served by an arterial or collector street.
 - Mixed-Use structures are preferred.
 - Parking should be either behind or interior to the development.
- **Large-Scale Multi-Family Housing**
 - Should be located along an arterial or collector street.



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- Mixed-Use structures are preferred.
- Parking should be either behind or interior to the development.

Red Line / Blue Line / Purple Line TOD Strategic Plan

- Not Applicable to the Site.

Neighborhood / Area Specific Plan

- Not Applicable to the Site.

Infill Housing Guidelines

- Not Applicable to the Site.

Indy Moves

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

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



ZONING HISTORY

ZONING HISTORY – SITE

None.

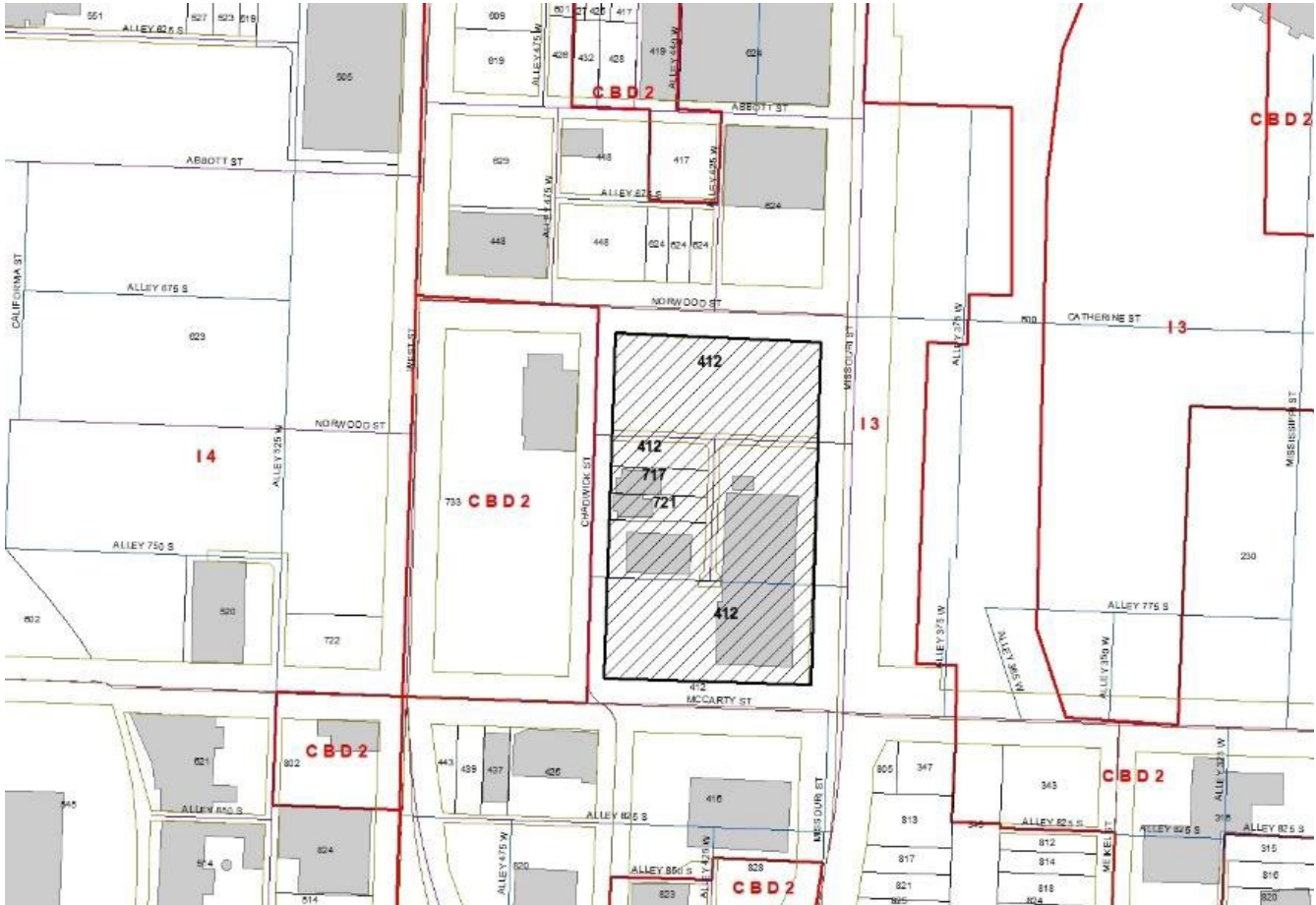
ZONING HISTORY – VICINITY

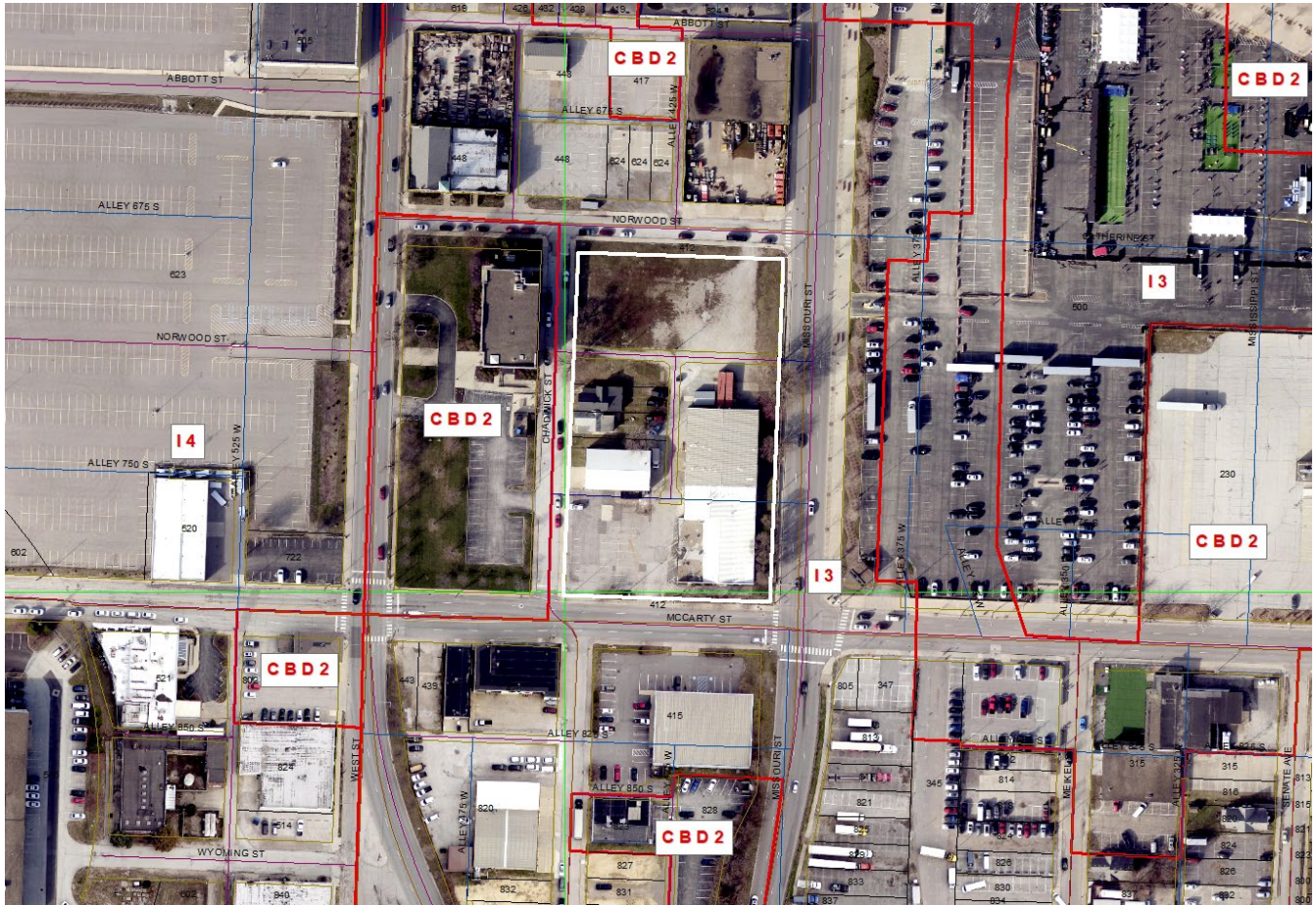
None.



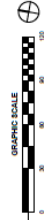
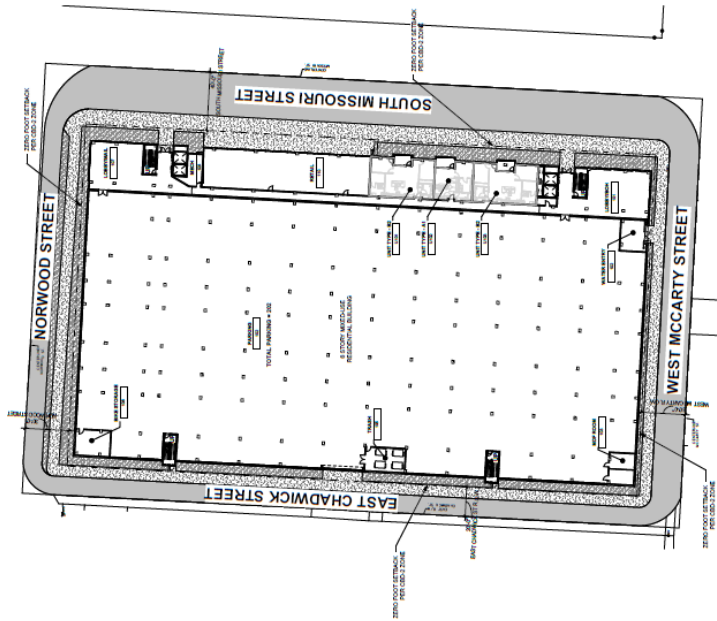
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EXHIBITS





PARKING SCHEDULE	
CONCEPT SITE PLAN	10%
PRELIMINARY PLAN	20%
FINAL SITE PLAN	30%
CONSTRUCTION PERMITS	40%



CONCEPT - SITE PLAN
 1/8" = 30'-0"

ARCHITECTURAL SITE PLAN
 03/29/2024

STU DIO
 3675 RINGSBY COURT - DENVER, CO - 80210
 WWW.THESTUDIOARCHITECTURE.COM

Indianapolis, IN
 412 W. McCarty
 CONTACT: @studioidioarchitect.com



Views of the site from Missouri Street



Views of the site from Missouri Street (top); and from Norwood Street



Office building west of the subject site (top); view of northern portion of the site and Lucas Oil Stadium across Missouri Street, looking east



Views of existing buildings on the site



METROPOLITAN DEVELOPMENT COMMISSION **April 25, 2024**
HEARING EXAMINER

Case Number: 2024-ZON-022

Property Address: 1102 Pleasant Street (Approximate Address)

Location: Center Township, Council District #18

Petitioner: Boomerang, LLC, by David Kingen

Current Zoning: C-5 (TOD)

Request: Rezoning of 0.10 acre from the C-5 (TOD) district to the D-8 (TOD) district to legally establish residential uses.

Current Land Use: Residential

Staff Recommendations: Approval

Staff Reviewer: Marleny Iraheta, Senior Planner

PETITION HISTORY

This petition was automatically continued from the March 28, 2024 hearing to the April 25, 2024 hearing at the request of a registered neighborhood organization.

STAFF RECOMMENDATION

Staff recommends approval of the request.

PETITION OVERVIEW

LAND USE

The 0.10-acre subject site is developed with a residential building that contains three dwelling units. In 1998, a Certificate of Non-Conforming use was issued for the site to continue having three dwelling units in one building in the C-5 district.

The site is bordered the north by a single-family dwelling, zoned C-5, single-family dwellings to the west across Shelby Street, zoned C-5, a multi-service center south, zoned SU-38, and a commercial property to the east with a garage, zoned C-5.

REZONING

The C-5 District is designed to provide areas for those retail sales and service functions whose operations are typically characterized by automobiles, outdoor display, or sales of merchandise; by major repair of motor vehicles; by outdoor commercial amusement and recreational activities; or by activities or



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operations conducted in buildings or structures not completely enclosed. The types of uses found in this district tend to be outdoor functions, brightly lit, noisy, etc. Therefore, to provide a location where such uses can operate in harmony with the vicinity, the C-5 district should be located on select heavy commercial thoroughfares and should avoid locating adjacent to protected districts.

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

Staff Analysis

Staff is supportive of the request to down zone the property from the C-5 district to the D-8 district since it will continue to be used residentially without evidence of it ever being used commercially.

The rezoning would correct the residential use of the site with the corresponding zoning district and would align with the traditional neighborhood recommendation of the Comprehensive Plan.

Lastly, the rezoning of the site would ensure the protection allotted to residential dwellings in protected districts by the Ordinance could be upheld.

GENERAL INFORMATION

Existing Zoning	C-5 (TOD)	
Existing Land Use	Residential	
Comprehensive Plan	Traditional Neighborhood	
Surrounding Context	<u>Zoning</u>	<u>Land Use</u>
North:	C-5	Residential (Single-family dwelling)
South:	SU-38	Multi-Service Center
East:	C-5	Commercial Garage
West:	C-5	Residential (Single-family dwellings)
Thoroughfare Plan		
Shelby Street	Primary Arterial Street	60-foot existing right-of-way and 56-foot proposed right-of-way.
Pleasant Street	Local Street	55-foot existing right-of-way and 48-foot proposed right-of-way.
Context Area	Compact	
Floodway / Floodway Fringe	No	
Overlay	Yes	
Wellfield Protection Area	No	
Site Plan	N/A.	
Site Plan (Amended)	N/A.	



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

COMPREHENSIVE PLAN ANALYSIS

Comprehensive Plan

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

Pattern Book / Land Use Plan

- The Marion County Land Use Plan Pattern Book (2019) recommends traditional neighborhood development for the subject site.
- The Traditional Neighborhood typology includes a full spectrum of housing types, ranging from single family homes to large-scale multifamily housing. The development pattern of this typology should be compact and well-connected, with access to individual parcels by an alley when practical. Building form should promote the social connectivity of the neighborhood, with clearly defined public, semi-public, and private spaces. Infill development should continue the existing visual pattern, rhythm, or orientation of surrounding buildings when possible. A wide range of neighborhood serving businesses, institutions, and amenities should be present. Ideally, most daily needs are within walking distance. This typology usually has a residential density of 5 to 15 dwelling units per acre, but a higher density is recommended if the development is within a quarter mile of a frequent transit line, greenway, or park.
- **Conditions for All Housing**
 - A mix of housing types is encouraged.
 - Should be within a one-mile distance (using streets, sidewalks, and/or off-street paths) of a school, playground, library, public greenway, or similar publicly accessible recreational or cultural amenity that is available at no cost to the user.
 - Primary structures should be no more than one and a half times the height of other adjacent primary structures.
 - Should be oriented towards the street with a pedestrian connection from the front door(s) to the sidewalk. Driveways/parking areas do not qualify as a pedestrian connection.
 - Developments with densities higher than 15 dwelling units per acre should have design character compatible with adjacent properties. Density intensification should be incremental with higher density housing types located closer to frequent transit lines, greenways or parks.



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- **Detached Housing**

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

Red Line / Blue Line / Purple Line TOD Strategic Plan

- The property falls within the Red Line Transit-Oriented Development Strategic Plan (2021). The closest station within a ¼ mile southwest at the intersection of Woodlawn Avenue and Virginia Avenue.
- This station is classified as a District Center Typology that would promote 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, and structured parking only with active first floor.

Neighborhood / Area Specific Plan

- Not Applicable to the Site.

Infill Housing Guidelines

- Not Applicable to the site since the structure already exists.

Indy Moves

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

- Indy Moves Transportation Integration Plan (2018), specifically IndyMoves PedalIndy 2018 proposes an active transportation system, neighborway, along Shelby Street from Prospect Street to Southeastern Avenue.
- Neighborways are slow-speed, low-volume streets shared by people driving and bicycling. They include improvements that calm traffic and give people walking and bicycling priority: 20 MPH speed limit signs, stop signs for side streets crossing the neighborway, speed humps and traffic circles, wayfinding signs and pavement markings, and easier crossings of busy streets with crosswalks, flashing beacons, or traffic signals.
- Pedal Indy strives to:
 - Improve low-stress conditions for biking
 - Support active transportation options to improve health outcomes



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- Build support and collaboration for multimodal transportation options
- Lay the groundwork for planning, design, implementation, and evaluation of existing and proposed bike infrastructure



ZONING HISTORY

Zoning History- Site

98-NC-47; 1102 Pleasant Street (subject site), Certificate of Legal Non-Conforming Use that permitted three dwelling units, in a building located in a C-5 District, **granted**.

Zoning History- Vicinity

2018-UV3-001; 828 Shelby Street (northwest of site), Variance of use and development standards of the Consolidated Zoning and Subdivision Ordinance to provide for two single-family townhomes (not permitted), within the clear sight triangle of the abutting streets, with a three-foot front setback from Shelby Street, a five-foot front setback from Elm Street and a three-foot side setback (10-foot front and side setbacks required, clear sight triangle encroachment not permitted), **approved**.

2003-ZON-096; 1049 Elm Street (west of site), Rezoning of 1,962 square feet from the C-5 classification to the D-8 classification to provide for residential uses, **granted**.

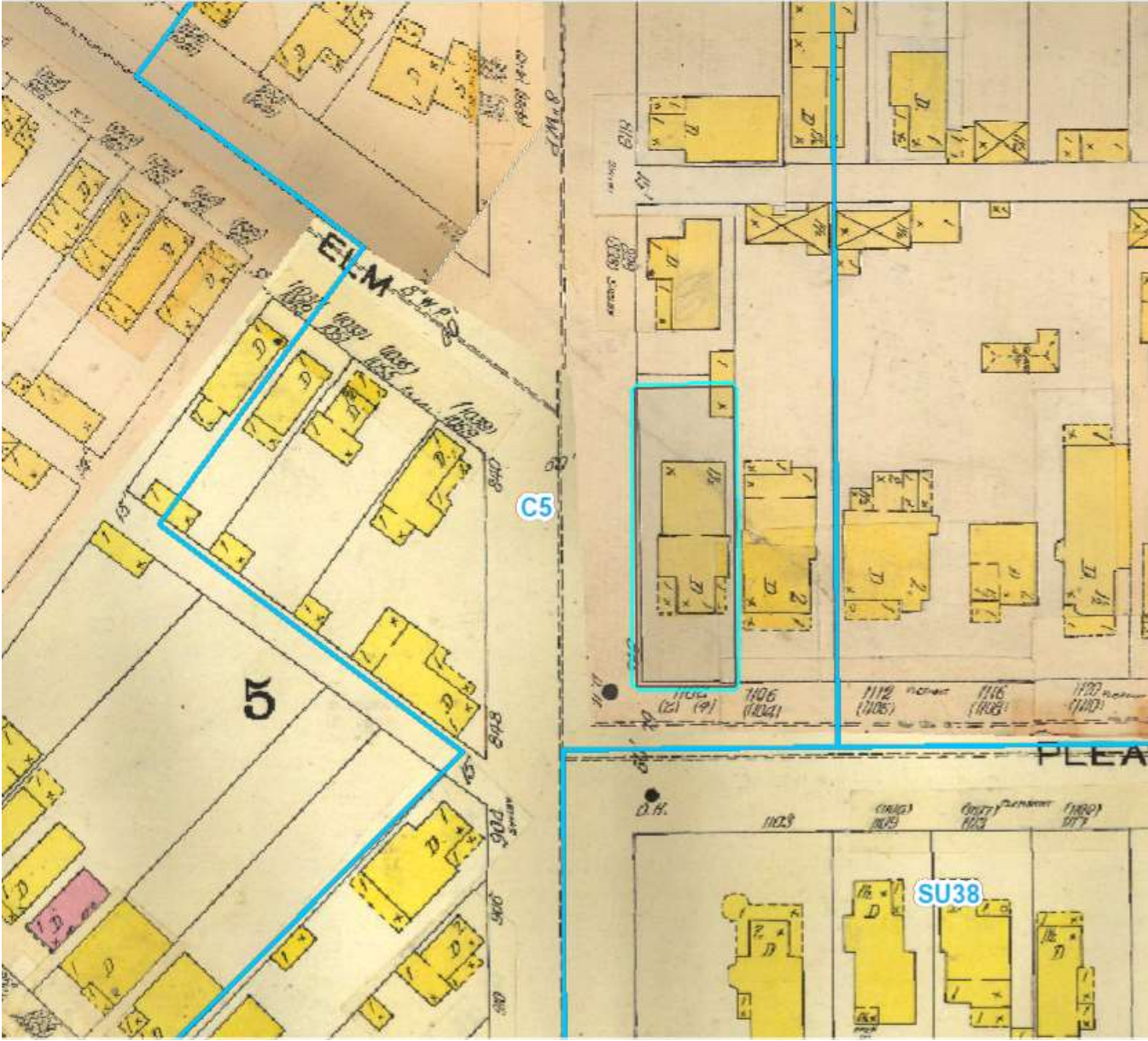
2002-UV1-024; 904 South Shelby Street (southwest of site), Variance of use of the Commercial Ordinance to provide for a three-unit multi-family residence (not permitted), **granted**.

2001-ZON-827; 901 South Shelby Street, 1109, 1113, 1117, 1121, 1125, and 1131 East Pleasant Street, and 1118 and 1122 Woodlawn Avenue (south of site), Rezoning of 1.8 acres being in the C-5 and D-5 Districts, to the SU-39 classification to provide for the expansion of a community center into a proposed three story, 30,000 square foot building, **approved**.

85-UV1-12; 901 Shelby Street (south of site), Variance of use of the Dwelling Districts Zoning Ordinance to provide for the use of two lots off-site parking for an adjacent commercial property, **granted**.

EXHIBITS





1898 Sanborn Map



Photo of the subject site looking north.



Photo of the subject site looking east.



Photo of the street frontage along Shelby Street.



Photo of the rear yard of the subject site.



Photo of the rear building façade.



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



Photo of a social services building south of the site across Pleasant Street.



Photo of the property east of the site with a garage in the rear.



Single-family dwellings west of the site across Shelby Street.



METROPOLITAN DEVELOPMENT COMMISSION **April 25, 2024**
HEARING EXAMINER

Case Number: 2024-ZON-023

Property Address: 3801 North Raceway Road

Location: Pike Township, Council District #11

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

Current Zoning: D-A

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

Current Land Use: Agricultural uses

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

Staff Reviewer: Kathleen Blackham, Senior Planner

PETITION HISTORY

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

STAFF RECOMMENDATION

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

1. Final building elevations shall be submitted for Administrator Approval prior to the issuance of an Improvement Location Permit (ILP).
2. The site and improved areas within the site shall be maintained in a reasonably neat and orderly manner during and after development of the site with appropriate areas and containers / receptables provided for the proper disposal of trash and other waste.
3. A 53-foot half right-of-way shall be dedicated along the frontage of North Raceway Road, as per the request of the Department of Public Works (DPW), Engineering Division. Additional easements shall not be granted to third parties within the area to be dedicated as public right-of-way prior to the acceptance of all grants of right-of-way by the DPW. The right-of-way shall be granted within 60 days of approval and prior to the issuance of an Improvement Location Permit (ILP).



PETITION OVERVIEW

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

Rezoning

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

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

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

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

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

Department of Public Works

The Department of Public Works, Traffic Engineering Section, has requested the dedication and conveyance of a 53-foot half right-of-way along North Raceway Road. This dedication would also be consistent with the Marion County Thoroughfare Plan.



Environmental Public Nuisances

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

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

Environmental public nuisance means:

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

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

GENERAL INFORMATION

Existing Zoning	D-A	
Existing Land Use	Agricultural uses	
Comprehensive Plan	Suburban Neighborhood	
Surrounding Context	Zoning	Land Use
North:	D-A	Single-family dwelling
South:	D-6 / SU-1	Single-family dwellings/ religious uses
East:	D-A / D-6	Railroad right-of-way / single-family dwellings



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West:	Hendricks County	Residential uses
Thoroughfare Plan		
North Raceway Road	Primary Collector	Existing 56-foot right-of-way and 106 foot proposed right-of-way.
Context Area	Metro	
Floodway / Floodway Fringe	No	
Overlay	No	
Wellfield Protection Area	No	
Site Plan	February 22, 2024	
Site Plan (Amended)	N/A	
Elevations	N/A	
Elevations (Amended)	N/A	
Landscape Plan	N/A	
Findings of Fact	N/A	
Findings of Fact (Amended)	N/A	
C-S/D-P Statement	N/A	

COMPREHENSIVE PLAN ANALYSIS

Comprehensive Plan

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

Pattern Book / Land Use Plan

- *Conditions for All Land Use Types – Suburban Neighborhood Typology*
 - All land use types except small-scale parks and community farms/gardens in this typology must have adequate municipal water and sanitary sewer.

- All development should include sidewalks along the street frontage.
 - Hydrological patterns should be preserved wherever possible.
 - Curvilinear streets should be used with discretion and should maintain the same general direction.
 - In master-planned developments, block lengths of less than 500 feet, or pedestrian cut-throughs for longer blocks, are encouraged.
- *Conditions for All Housing*
 - A mix of housing types is encouraged.
 - Developments of more than 30 housing units must have access to at least one arterial street of three or more continuous travel lanes between the intersections of two intersecting arterial streets.
 - Should be within a one-mile distance (using streets, sidewalks, and/or off-street paths) of a school, playground, library, public greenway, or similar publicly accessible recreational or cultural amenity that is available at no cost to the user.
 - Should be oriented towards the street with a pedestrian connection from the front door(s) to the sidewalk. Driveways/parking areas do not qualify as a pedestrian connection.
 - Developments with densities higher than five dwelling units per acre should have design character compatible with adjacent properties. Density intensification should be incremental with higher density housing types located closer to frequent transit lines, greenways, or parks.
 - *Attached Housing (defined as duplexes, triplexes, quads, townhouses, row houses, stacked flats, and other, similar legally complete dwellings joined by common walls and typically with each unit on its own lot or part of a condominium).*
 - Duplexes should be architecturally harmonious with adjacent housing.
 - Duplexes should be located on corner lots, with entrances located on different sides of the lot or otherwise interspersed with detached housing.
 - Townhomes should be organized around intersections of neighborhood collector streets, greenways, parks or public squares, or neighborhood-serving retail.

Red Line / Blue Line / Purple Line TOD Strategic Plan

- Not Applicable to the Site.

Neighborhood / Area Specific Plan

- Not Applicable to the Site.

Infill Housing Guidelines



Department of Metropolitan Development
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Current Planning

- Not Applicable to the Site.

Indy Moves

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

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



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ZONING HISTORY

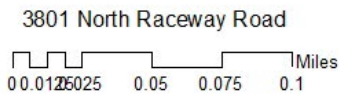
99-Z-114; 3621 Raceway Road (south of site), requested rezoning of 4.31 acres from the C-1 district to the SU-1 classification to provide for construction of a church, **approved**.

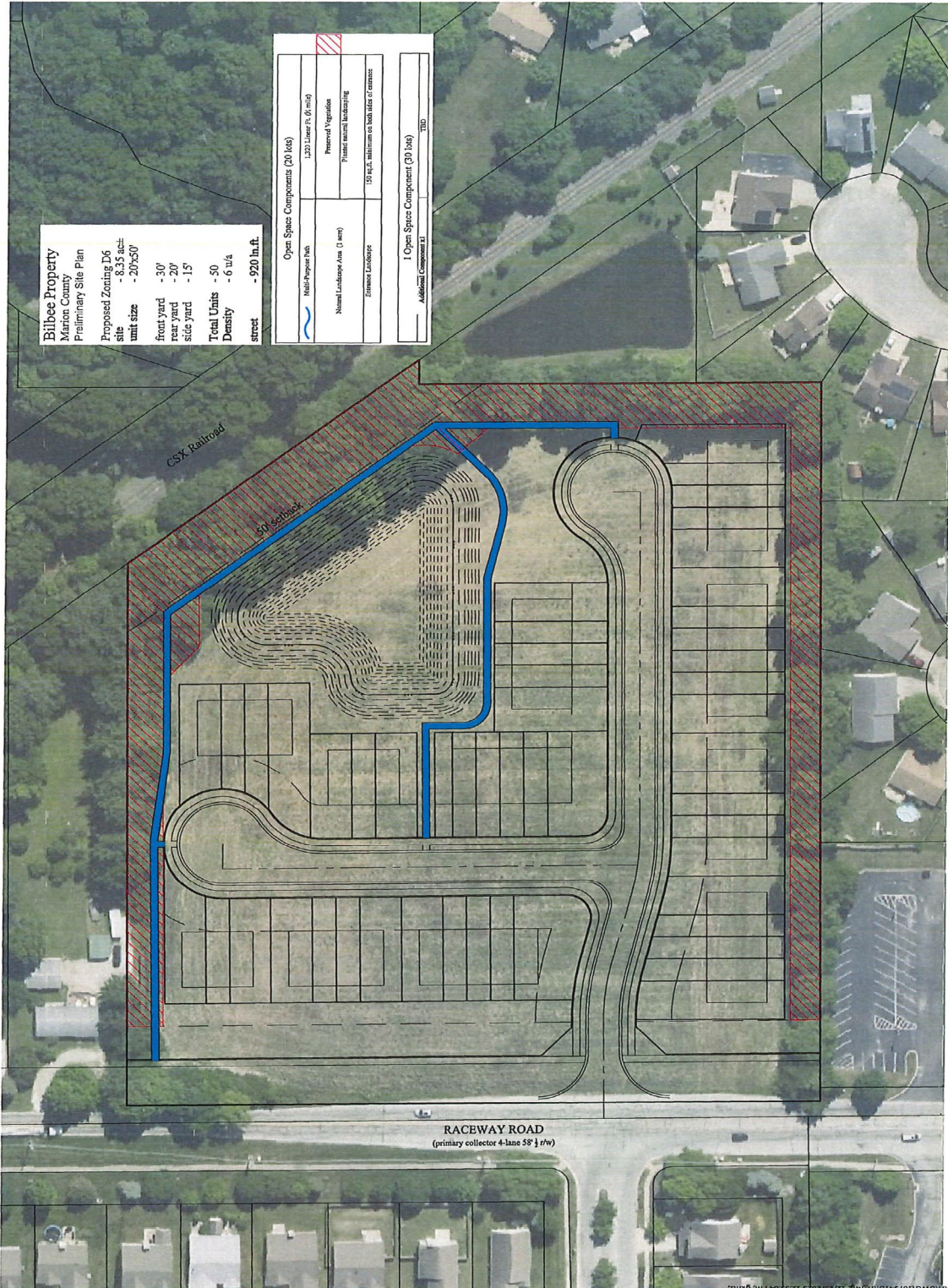
83-Z-226A; 3751 Raceway Road (south of site), requested rezoning of 4.31 acres, being in the A-2 district to the C-1 classification to provide for commercial development, **approved**.

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

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

EXHIBITS





5/10/2023 12:34 PM gshz



View looking south along North Raceway Road



View looking north along North Raceway Road



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



View of site looking northeast across Raceway Road



View of site looking east, across North Raceway Road



View of site looking southeast across North Raceway Road



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



METROPOLITAN DEVELOPMENT COMMISSION **April 25, 2024**
HEARING EXAMINER

Case Number: 2024-ZON-025

Property Address: 7500 East 30th Street

Location: Warren Township, Council District #9

Petitioner: Calumet Civil Contractors, Inc., by John Cross

Current Zoning: C-S (FF)(FW)

Request: Rezoning of 68.45 acres from the C-S (FF)(FW) district to the C-S (FF)(FW) district to provide for uses permitted under 2006-ZON-110, in addition to commercial and buildings contractors and outdoor storage and operations.

Current Land Use: Undeveloped

Staff Recommendations: Denial

Staff Reviewer: Kathleen Blackham, Senior Planner

PETITION HISTORY

The Hearing Examiner acknowledged the automatic continuance filed by a registered neighborhood organization that continued this petition from the March 28, 2024 hearing, to the April 25, 2024, hearing.

STAFF RECOMMENDATION

Denial. If approved, staff would request 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. Final site plan and elevations of any future structures shall be submitted for Administrator Approval prior to the issuance of an Improvement Location Permit (ILP).
2. The site and improved areas within the site shall be maintained in a reasonably neat and orderly manner during and after development of the site with appropriate areas and containers / receptables provided for the proper disposal of trash and other waste.
3. A tree inventory, tree assessment and preservation plan prepared by a certified arborist shall be submitted for Administrator Approval prior to preliminary plat approval and prior to any site preparation activity or disturbance of the site. This plan shall, at a minimum: a) indicate proposed development; b) delineate the location of the existing trees, c) characterize the size and species of such trees, d) indicate the wooded areas to be saved by shading or some other means of indicating tree areas to be preserved and e) identify the method of preservation (e.g. provision of snow fencing or staked straw bales at the individual tree's dripline during construction activity). All trees proposed for removal shall be indicated as such.



PETITION OVERVIEW

This 68.45 acre-acre site, zoned C-S (FF)(FW) is undeveloped, except for three off-premises signs (billboards) oriented to Interstate 465. It is surrounded by single-family dwellings to the north, zoned D-5; industrial uses to the south, across East 30th Street, zoned I-3; Interstate I-465 right-of-way to the east, zoned C-S (FF); and single-family dwellings uses to the west, zoned D-3.

Beginning in 1991 this site has been the subject of several petitions, including rezonings and variances. The rezonings requested industrial uses and the variances allowed for off-premises signs (billboards).

Rezoning

The request would rezone both parcels to the C-S (Commercial Special) District. The purpose of the C-S District is to:

1. Encourage:
 - a. A more creative approach in land planning.
 - b. Superior site and structural design and development.
 - c. An efficient and desirable use of open space.
2. Provide for a use of land with high functional value.
3. Assure compatibility of land uses, both within the C-S District and with adjacent areas.
4. Permit special consideration of property with outstanding feature, including, but not limited to, historical, architectural or social significance, unusual topography, landscape amenities, and other special land characteristics.
5. Provide maximum adaptability and flexibility in zoning and development controls to meet the changing and diverse needs of the metropolitan area.

The amended C-S Statement, dated March 19, 2024, states that commercial / building contractors and outdoor storage / operations would be additional permitted uses.

The Comprehensive Plan recommends light industrial typology for the site that would be contemplated to be consistent with the I-1 and I-2 districts.

The C-S Statement describes typical materials of crushed concrete, clean dirt and other similar materials used by civil contractors that would be stored on site. Staff asked whether the concrete would be processed on site, but no information has been provided. If this operation would occur on this site, the result would be noise and dust that would negatively impact the air quality and quality of life for the surrounding residential land uses.

Staff also asked how the stored materials would be contained to avoid encroachment into the floodplain areas. No response has been provided.



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Division of Planning
Current Planning**

It is, however, clear that the commitments from the 2006 rezoning would be eliminated and all protections for the neighborhood removed. See Exhibit A.

Staff would note that no commitments have been submitted by the petitioner's representative.

As proposed, this request would not be consistent with the Comprehensive Plan recommendation and the Pattern Book removes this use as a recommended land use when adjacent to living typologies, which in this situation abuts the entire western and eastern boundaries. Staff would note that operations in light industrial typologies would be enclosed. Because approximately half of the site would provide for outdoor storage as a primary use, the use would be consistent with the heavy industrial typology.

In staff's opinion, the commitments associated with the 2006 rezoning provided the appropriate buffer from the residential neighborhood that required a 200-foot "non-disturbance area" along the northern boundary and a 200-foot "non-disturbance area" along the western boundary to the southern terminus of the storage area and a 100-foot area from this southern terminus of the storage area to 30th Street. However, this request would eliminate that buffer and replace it with a 50-foot buffer. Staff believes this reduction is wholly inappropriate and unacceptable. Approximately 34 residences would be negatively impacted by the proposed use of the site.

This request would substantially increase the intensity of the use of the site and eliminate the buffer area protecting the residential uses abutting this site.

Overlays

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

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

Much of this site is covered by high quality woodlands (specifically identified as Forest Alliance Woodlands), 100-year floodplain and a large wetland. Based on the amended site plan, the northern portion (approximately 28 acres) of the site (Forest Alliance Woodlands) would be clear cut to provide for outdoor storage of materials along with an additional four acres at the southeast corner of the site. In other words, almost half of the site would be used for outdoor storage.



Tree Preservation / Heritage Tree Conservation

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

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

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

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

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

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

Floodway / Floodway Fringe

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



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Current Planning**

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

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

Environmental Public Nuisances

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

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

Environmental public nuisance means:

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

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



GENERAL INFORMATION

Existing Zoning	C-S (FF)(FW)		
Existing Land Use	Undeveloped / off premises signs (billboards)		
Comprehensive Plan	Light Industrial		
Surrounding Context	Zoning	Land Use	
	North:	D-5	Single-family dwellings
	South:	I-3	Industrial uses
	East:	C-S (FF)(FW)	Interstate 465 right-of-way
	West:	C-S (FF)(FW)	Single-family dwellings
Thoroughfare Plan			
East 30th Street	Primary Collector	Existing 90-foot right-of-way and proposed 56-foot right-of-way.	
Context Area	Metro		
Floodway / Floodway Fringe	Yes		
Overlay	Environmental Sensitive Areas (ES)		
Wellfield Protection Area	No		
Site Plan	March 1, 2024		
Site Plan (Amended)	March 25, 2024		
Elevations	N/A		
Elevations (Amended)	N/A		
Landscape Plan	N/A		
Findings of Fact	N/A		
Findings of Fact (Amended)	N/A		
C-S/D-P Statement	March 19, 2024 (Updated)		

COMPREHENSIVE PLAN ANALYSIS

Comprehensive Plan

- The Comprehensive Plan recommends Light Industrial typology. “The Light Industrial typology provides for industrial production, distribution, and repair uses conducted within enclosed structures and unlikely to create emissions of light, odor, noise, or vibrations. This typology is characterized by freestanding buildings or groups of buildings, often within industrial parks. Typical uses include warehousing, self-storage, assembly of parts, laboratories, wholesaling, and printing. Industrial or truck traffic should be separated from local/residential traffic”.

Pattern Book / Land Use Plan

- *Light Industrial Uses*
 - Industrial truck traffic should not utilize local, residential streets.
 - Streets internal to industrial development must feed onto an arterial street.
 - Removed as a recommended land use where they would be adjacent to a living or mixed-use typology.

Red Line / Blue Line / Purple Line TOD Strategic Plan

- Not Applicable to the Site.

Neighborhood / Area Specific Plan

- Not Applicable to the Site.

Infill Housing Guidelines

- Not Applicable to the Site.

Indy Moves

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

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



ZONING HISTORY

2006-ZON-110; 7500-7534 East 30th Street, requested rezoning of 69.174 acres, being in the I-2-S (FF)(FW) District, to the C-S (FF)(FW) classification to provide for all I-2 uses and the sale, rental, service, and repair of heavy construction equipment, **approved**.

2000-ZON-122; 7522, 7530, and 7534 East 30th Street, rezoning of 0.35 acre from D-4 to I-2-S to provide for light industrial uses, **approved**.

97-AP-32; 7702 East 30th Street, termination of commitments related to petition 91-Z-137, to delete erroneously recorded commitments, **approved**.

93-V3-54; 7702 East 30th Street, variance of development standards to provide for the erection of a 50-foot tall off-premises advertising sign, within 250 feet of a Protected District, and within one-mile of another off-premises advertising sign, **granted**.

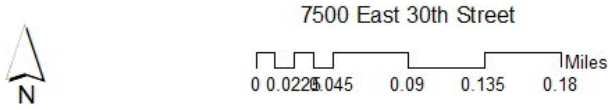
93-V3-53; 7702 East 30th Street, variance of development standards to provide for the erection of an off-premises advertising sign, within 250 feet of a Protected District, and within one-mile of another off-premises advertising sign, **granted**.

93-V3-52; 7702 East 30th Street, variance of development standards to provide for the erection of an off-premises advertising sign, within 250 feet of a Protected District, and within one-mile of another off-premises advertising sign, **granted**.

92-Z-50; 7522, 7530, and 7534 East 30th Street, rezoning of 1.1 acres from D-4 to I-2-S to provide for light industrial uses, **approved**.

91-Z-137; 7702 East 30th Street, rezoning of 68 acres from D-4 and D-A to I-2-S to provide for light industrial uses, **approved**.

EXHIBITS





C-S DEVELOPMENT STATEMENT

Introduction: The Petitioner, Calumet Civil Contractors, Inc., is under contract to purchase the subject property. The property was rezoned to CS in 2007 under Case No. 2006-ZON-110 to provide for all I-2 uses and the sale, rental, service, and repair of heavy construction equipment. The then-owner also agreed to certain commitments recorded on January 31, 2007 as Instrument No. 2007-0019683. Petitioner seeks to rezone to C-S to permit all current uses as well as (1) Commercial and Building Contractors and (2) Outdoor Storage and Operations as primary uses.

Petitioner intends to use the property to store materials prior to use at jobs or sale to clients. Petitioner anticipates using 40 acres of the property as temporary storage. Staging areas would be used for storage locations. No permanent construction is currently anticipated. The entire perimeter is fenced. Business operations would be from 8-4 and sales are business-to-business. Typical materials stored would be crushed concrete, clean dirt, and other similar materials used for the civil contractor business.

Zoning: The property is currently zoned C-S.

Permitted Uses: Proposed Permitted Primary Uses of the Subject Property are all current permitted uses under Case No. 2006-ZON-110 as well as (1) Commercial and Building Contractors and (2) Outdoor Storage and Operations as primary uses.

Permitted Accessory Uses of the Subject Property shall include all accessory uses permitted in the I-2 zoning district, for Commercial and Building Contractors and Outdoor Storage.

Developmental Standards: Petitioner hereby incorporates the Lot and Building Dimensions for properties in the C-S zoning district set forth in Chapter 744, Art. II, Section 01.C, Table 744-201-3 of the Zoning Ordinance.

Landscaping plans are not yet fully developed as the site has not been fully engineered or site planned; however, the landscaping plans for each building, if any erected, shall be consistent with the Concept Plan tendered for Administrative Approval prior to obtaining an Improvement Location Permit. The property is already adequately screened for outdoor storage uses.

Signs: The following sign types shall be permitted on the Subject Property:

1. Three billboards along 465 shown on the site plan.

All signs shall meet the requirements for signs otherwise located in an Industrial zoning district.

Phasing of Development: The Subject Property may be used as generally shown on the site plan submitted with the C-S rezoning petition and this C-S Development Statement. Prior to applying for an Improvement Location Permit required in conjunction with any new development or redevelopment of the Subject Property, a final site and development plan, consistent with the standards contains in this C-S Statement, shall be tendered for Administrator’s Approval.



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STATEMENT OF INTENT

7500 E. 30TH ST., INDIANAPOLIS, IN 46226

The Petitioner, Calumet Civil Contractors, Inc., is under contract to purchase the subject property. The property was rezoned to CS in 2007 under Case No. 2006-ZON-110 to provide for all I-2 uses and the sale, rental, service, and repair of heavy construction equipment. The then- owner also agreed to certain commitments recorded on January 31, 2007 as Instrument No. 2007- 0019683. Petitioner seeks to rezone to C-S to permit all current uses as well as (1) Commercial and Building Contractors and (2) Outdoor Storage and Operations as primary uses.

Petitioner further seeks to terminate the commitments for the purpose or reevaluating any needed commitments with planning staff.

Request:

Petitioner, Calumet Civil Contractors, Inc., has existed for over 40 years. Petitioner is involved in all phases of site development and road construction including Asphalt Paving, Earthwork, Sewer and Underground Utility Installation, and Concrete Construction. Petitioner intends to use the property to store materials prior to use at jobs or sale to clients. Petitioner anticipates using 40 acres of the property as temporary storage. Staging areas would be used for storage locations. No permanent construction is currently anticipated. The entire perimeter is fenced. Business operations would be from 8-4 and sales are business-to-business. Typical materials stored would be crushed concrete, clean dirt, and other similar materials used for the civil contractor business.

The property is currently unimproved. The property and area will benefit if the property can be utilized. The comprehensive land plan recommends the property be light industrial. Commercial and Building Contractors use is permitted in all Industrial zoning districts. Outdoor Storage and Operations is listed as an accessory use in all Industrial zoning districts. The property is already adequately screened for outdoor storage uses. The outdoor storage use would be a primary use of the property.



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EXHIBIT A

2006-20N-110
7500 E. 30th St.

JAN 17 2007



STATEMENT OF COMMITMENTS

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

In accordance with I.C. 36-7-4-613 or I.C. 36-7-4-614, the owner of the real estate located in Marion County, Indiana, which is described below, makes the following COMMITMENTS concerning the use and development of that parcel of real estate:

Legal Description: See Attachment "B"

Statement of COMMITMENTS:

1. The owner agrees to abide by the Open Occupancy and Equal Employment Opportunity Commitments required by Metropolitan Development Commission Resolution No. 85-R-69, 1985, which commitments are attached hereto and incorporated herein by reference as Attachment "A".
2. Access to the Real Estate shall be limited to 30th Street, including all construction traffic and all utilities except (i) drainage using Pleasant Run North Branch, (ii) the existing 10 inch VCP sanitary sewer which exists the Real Estate in the right-of-way of the Renfrew Drive sub street, (iii) telephone, electric, water and gas which may need to enter the Real Estate at the northwest corner of the site from the sub street located between 33rd and 34th streets, and (v) one additional point of perpendicular access for electric along the west property line.
3. A natural buffer area, to be designated as a Non-Disturbance Area, shall be maintained to a minimum depth of (i) Two Hundred (200) feet along the north perimeter property line and (ii) Two Hundred (200) feet along the west perimeter line to the southern terminus of the storage area and (iii) One Hundred (100) feet from the southern terminus of the storage area to 30th Street. This natural buffer area shall be preserved in its natural state but shall be maintained in an attractive and professional manner including supplemental plantings to provide effective screening and cutting of invasive, undesirable or low quality shrubs, woods or trees. No improvements (other than a fence) shall be erected or maintained within or upon such Non-Disturbance Area and no trees, bushes, shrubbery or other vegetation shall be removed from the Non-Disturbance Area except those which are minimally required by the public utility companies, governmental agencies, developer or the Department of Public Works of the City of Indianapolis in connection with such entity's use of Utility Easements and/or Drainage Easements or for erection of a fence. In addition, a minimum six (6) foot tall fence shall be installed prior to occupancy of a building constructed on the Real Estate along a line at or within approximately 12 feet from (unless otherwise requested by the adjacent neighbors), the north and west perimeter property lines, except along the west property line where the fence may turn east and run toward the building at such location as Developer desires. Said fence shall be maintained in good repair at all times. Maintenance, attention or removal of vegetation (primarily for dead, dying or diseased vegetation) within the natural buffer area shall be the obligation of Owner and any removal of vegetation shall only be as the result of a request approved by the Administrator, except where such removal is required to assure the health and safety of the general public.
4. Any building constructed on the Real Estate and any equipment storage area established on the Real Estate shall be a minimum of Two Hundred (200) feet from the west and north property lines.

MDC's Exhibit B -- page 1 of 4

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Invt # 2007-0019683



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5. No accessory lighting provided on the Real Estate shall cause illumination at or beyond the west and north perimeter property lines in excess of 0.1 foot-candles of light. All lights mounted on poles shall be limited to a pole height of thirty (30) feet and the fixtures shall be a "shoe box" type fixture.
6. Loading doors shall not be permitted along the south (front) or west facades of the building.
7. The east perimeter of any equipment storage area established on the Real Estate shall be buffered by a staggered double row of conifer trees, each row being planted twenty feet (20') on center. The species of the conifers shall be from the City's approved landscape list. The conifers shall be 5 to 6 feet in height at the time of planting. The buffer shall be located in a twenty-five foot (25') area located immediately west of a vertical plane created by the west edge of the existing three advertising signs located on the Real Estate. The buffer may include existing hard-wood deciduous trees that may exist in this buffer area. All healthy hardwood trees in this buffer area, such as oak, maple and ash, which are greater than 2.5 inches in diameter, will be preserved and included in the buffer landscaping. The landscape plan and hard-wood preservation plan for this buffer area shall be subject to the review and approval of the Administrator.
8. Within Sixty days (60) after approval of the rezoning, Petitioner shall dedicate a sixty foot (60') half right-of-way along 30th Street. 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 Department of Public Works.
9. Commitments with the Department of Public works related to general infrastructure, storm water management, and sanitary sewer and wastewater management as set forth in Attachment "C".

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

COMMITMENTS contained in this instrument shall be effective upon:

- (a) the adoption of rezoning petition # 2006-ZON-110 by the City-County Council changing the zoning classification of the real estate from a L-2-S zoning classification to a CS zoning classification; or
- (b) the adoption of approval petition # _____ by the Metropolitan Development Commission;

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

These COMMITMENTS may be enforced jointly or severally by:

1. The Metropolitan Development Commission;
2. Owners of all parcels of ground adjoining the real estate to a depth of two (2) ownerships, but not exceeding six-hundred-sixty (660) feet from the perimeter of the real estate, and all owners of real estate within the area included in the petition who were not petitioners for the rezoning or approval.



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Owners of real estate entirely located outside Marion County are not included, however. The identity of owners shall be determined from the records in the offices of the various Township Assessors of Marion County which list the current owners of record. (This paragraph defines the category of persons entitled to receive personal notice of the rezoning or approval under the rules in force at the time the commitment was made);

- 3. Any person who is aggrieved by a violation of either of the Commitments contained in Commitment #1 (Open Occupancy and Equal Employment Opportunity Commitments); and
- 4. Warren Township Development Association
- 5. Thirty-Eighth & Community Improvement Association

The undersigned hereby authorizes the Division of Planning of the Department of Metropolitan Development to record this Commitment in the office of the Recorder of Marion County, Indiana, upon final approval of petition #2006-ZON-110.

IN WITNESS WHEREOF, owner has executed this instrument this 2nd day of JANUARY, 2007.

SMC PNEUMATICS, INC.

Signature: [Signature]
Printed: Yoshiaki TAKADA

STATE OF INDIANA)
) SS:
COUNTY OF MARION)

Before me, a Notary Public in and for said County and State, personally appeared YOSHIKI TAKADA, owner(s) of the real estate who acknowledged the execution of the foregoing instrument and who, having been duly sworn, stated that any representations therein contained are true.



Witness my hand and Notarial Seal this 2nd day of January, 2007
Mark W. Slaton
Notary Public
Printed Name of Notary Public: MARK W. SLATON
My Commission expires: AUG 28, 2014
My County of residence: JOHNSON

This Instrument prepared by Philip A. Nicely, Attorney at Law, Bose McKinney & Evans LLP, 301 Pennsylvania Parkway, Suite 300, Indianapolis, Indiana 46280.



EXHIBIT B

Heritage Tree Conservation

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

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

Table 744-503-3: Replacement Trees

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



View looking west along East 30th Street



View looking east along East 30th Street



View looking south along Richardt Avenue



View looking east from intersection of Richardt Avenue and East 30th Street



View of site looking northwest across East 30th Street



View of site looking northwest across East 30th Street



View of site looking northeast across East 30th Street



View of site looking east across Richardt Avenue from the neighborhood



View of site looking east across Richardt Avenue from the neighborhood



View of site looking east across Richardt Avenue from the neighborhood



View of site looking east across Richardt Avenue from the neighborhood



View of site looking east across Richardt Avenue from the neighborhood



View of site looking east across Richardt Avenue from the neighborhood



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View of site looking east across Richardt Avenue from the neighborhood



View of site looking east across Richardt Avenue from the neighborhood



METROPOLITAN DEVELOPMENT COMMISSION **April 25, 2024**
HEARING EXAMINER

Case Number: 2024-CAP-807 / 2024-CVR-807 (Amended)
Property Address: 8235 Crawfordsville Road (approximate address)
Location: Wayne Township, Council District #11
Petitioner: Elcan and Associates, Inc., by Donna Jo Smithers
Current Zoning: C-4

Request: Modification of Commitments related to 94-Z-39 and 94-CV-11 (Amended) to modify Commitment #3 to allow for a single-use site (current commitment requires development as an integrated center).
Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for a loading area partially within the front yard along Country Club Road (not permitted). (Amended)

Current Land Use: Undeveloped
Staff Recommendations: Staff recommends **approval** of the modification request and the variance request subject to the commitment below.
Staff Reviewer: Michael Weigel, Senior Planner

PETITION HISTORY

A timely automatic continuance request was filed by a registered neighborhood organization to continue this request from the March 28, 2024 hearing to the April 25, 2024 hearing. During the intervening period, the scope of the request was altered from a dumpster and loading area fully within the western front yard to just a loading area partially within the western front yard.

STAFF RECOMMENDATION

Staff recommends **approval** of the modification request and the variance request subject to the following commitment being reduced to writing on the Commission’s Exhibit “B” forms at least three days prior to the MDC hearing: A landscape plan and a tree preservation plan, prepared by a certified arborist, shall be submitted and subject to Administrator’s Approval prior to the issuance of an Improvement Location Permit.

PETITION OVERVIEW

- The subject site is currently undeveloped. The southern half of the parcel is subject to a severe reduction in grade and contains environmentally sensitive areas at the southern edge, and power lines cross the property near the western property line. The area is surrounded by commercial zoning and uses to the north and west, and a country club to the south.
- In 1994, the petition 94-Z-39 was approved to rezone this site and the neighboring parcel to the east to the C-4 designation to allow for commercial development. One of the commitments associated with approval of that rezone was that the property “shall be developed and considered an integrated center”, meaning that development of a stand-alone business at this site would require a modification of the previous commitments establishing this property as C-4 for community-regional uses.
- In late 2023, applications were made for permits to construct a stand-alone Dollar Tree at the site with service areas (dumpster and loading zone) to be in the front yard between the proposed building and Country Club Road. The violation case VIO19-007894 was opened in 2019 for regrading of land without the required drainage permit. The applicant is seeking both a modification of the commitments of 94-Z-39 as well as a variance to allow for a layout with a service area partially within a front yard.
- The Comprehensive Plan recommends this site for the Office Commercial working typology. This typology allows for commercial development ranging from small freestanding offices to major employment centers and is often a buffer between higher and lower intensity land uses; the Pattern Book makes no specific comment on placement of service areas. The site is also bordered on the west by an area set aside for future expansion of the Eagle Creek Trail.
- Additionally, the southern portion of the parcel is partially within the Environmentally Sensitive overlay designated by the Pattern Book due to its proximity to a tributary of Mario Creek. The portion of the property to be developed does not fall within the stream protection corridor, and the proposed development would likely not result in less than 20% of the subject site being comprised of tree canopy or naturalized areas per Pattern Book recommendations. However, provided plans indicate placement of a large detention area within the heavily wooded area to the south that could potentially contain heritage trees that would be removed by development.
- The origin of the commitment for the site to be developed as an integrated center is unclear; archived documents indicate the request did not originate with a neighborhood group. Staff has no objection to removal of the language from 94-Z-39 preventing development of each parcel as a stand-alone site and would recommend approval of the modification request.
- 744-508 of the Indianapolis Zoning Ordinance provides regulation on the required placement and screening of service areas (including but not limited to garbage dumpsters and loading zones). These rules are in place to maintain orderly and attractive development patterns that present minimal risk to patrons and pedestrians that may utilize front yards.



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- The narrowness of the existing lot and grade reduction on the southern half of this parcel create constraints on site design. Maneuverability diagrams provided by the applicant indicate the path that would be taken by trucks utilizing the front yard for loading and trash pickup if the proposed layout were to be approved.
- The severe drop in grading to the south and narrow width of the site presents material challenges to developing the site with alternate layouts. Potential options discussed by staff with the applicant (i.e. placing the building in the southwest corner of the lot instead of the southeast) would create substantial maneuverability issues for delivery trucks at the site and might require them to pull into the proposed porkchop intersection proposed along Crawfordsville Road when backing in for deliveries (see alternate layout maneuverability in Exhibits below).
- The applicant has also reduced the intensity of their request from a full loading dock and dumpster within the front yard to solely a portion of the loading area within the front yard and has indicated their willingness to submit a landscaping plan for administrative approval to ensure an adequate buffer between the Country Club frontage and portions of the service areas that might be visible from right-of-way.
- Given the legitimate practical difficulty caused by the geographic layout of this property and the maneuverability issues that might be caused by utilizing an alternate site plan, staff feels this request for relief would be appropriate and that the findings of fact would be met. Staff would recommend approval of the variance request on the condition that both a landscape plan and tree preservation plan are granted administrative approval prior to the issuance of permits to ensure appropriate buffering of the western yard and to protect any heritage trees that might exist within the southern portion of the property.



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GENERAL INFORMATION

Existing Zoning	C-4	
Existing Land Use	Undeveloped	
Comprehensive Plan	Office Commercial	
Surrounding Context	Zoning	Land Use
North:	C-1	Office Commercial
South:	SU-34	Regional Special Use
East:	C-4	Office Commercial
West:	C-4	Linear Park
Thoroughfare Plan		
Crawfordsville Road	Primary Arterial	97-foot right-of-way existing and 119-foot right-of-way proposed
Country Club Road	Secondary Arterial	137-foot right-of-way existing and 90-foot right-of-way proposed
Context Area	Metro	
Floodway / Floodway Fringe	No	
Overlay	Yes	
Wellfield Protection Area	No	
Site Plan	02/13/2024	
Site Plan (Amended)	04/16/2024	
Elevations	02/13/2024	
Elevations (Amended)	N/A	
Landscape Plan	04/16/2024	
Findings of Fact	02/13/2024	
Findings of Fact (Amended)	N/A	
C-S/D-P Statement	N/A	



COMPREHENSIVE PLAN ANALYSIS

Comprehensive Plan

- Enter all comprehensive plans applicable to this proposal.

Pattern Book / Land Use Plan

- The Marion County Land Use Plan Pattern Book indicates that this site would fall within the Office Commercial working typology. This typology allows for commercial development ranging from small freestanding offices to major employment centers and is often a buffer between higher and lower intensity land uses.
- The southern portion of the property is located within an Environmentally Sensitive Overlay which is intended for areas containing high quality woodlands, wetlands, or other natural resources that should be protected. The comprehensive plan recommends that that any development affecting these areas should include a one-for-one replacement of such features and that 20% or more of the full parcel should be comprised of tree canopy or naturalized areas.

Red Line / Blue Line / Purple Line TOD Strategic Plan

- Not Applicable to the Site.

Neighborhood / Area Specific Plan

- Not Applicable to the Site.

Infill Housing Guidelines

- Not Applicable to the Site.

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

- Not Applicable to the Site.



ZONING HISTORY

ZONING HISTORY – SITE

94-Z-39, rezoning of 2.78 acres to the C-4 zoning designation, **approved**.

94-CV-11, variance of development standards of the Commercial Zoning Ordinance to permit construction of a drive-through service unit 37 feet from a protected district (100 feet required), **approved**.

ZONING HISTORY – VICINITY

2016UV1030 ; 8135 Crawfordsville Road (east of site), variance of use and development standards of the Consolidated Zoning and Subdivision Ordinance to provide for the rental and storage of party/carnival equipment and the fabrication, repair, assembly and storage of race cars (approved) and to legally establish zero-foot side setbacks and a 30-foot rear setback (30-foot side and 75-foot aggregate side and 75-foot rear setback required), **approved**.

2015UV2028 ; 8155 Crawfordsville Road (east of site), variance of use of the Dwelling Districts Zoning Ordinance to provide for a race car assembly business (50 by 60-foot building approved by 70-V3-51), **approved**.

2002UV2053 ; 3150 Dandy Trail (northwest of site), variance of use and development standards of the Dwelling Districts Zoning Ordinance to provide for a parking lot expansions for an adjacent commercial use (not permitted), **approved**.

97-AP-138 ; 8330 Crawfordsville Road (northwest of site), modify commitments #2, 3, 4 and 5 of 95-Z-74 pertaining to: the development of the property in accordance with a modified site plan which includes a drive-through; using finished facades with similar materials and colors on all sides of the building except the front entrance would be per the elevation submitted; the initial use of the property only for a Revco or CVS Drug Store for a time period of 10 years, currently limited to a Revco Drug Store for a time period of 15 years; and, the elimination of interior landscape islands in the parking lot, **approved**.

97-AP2-3 ; 8311 Crawfordsville Road (west of site), modify site plan related to petition 96-V2-104 to provide for a reduction in the landscape strip from 10 feet to 5 feet along Crawfordsville Road, **approved**.

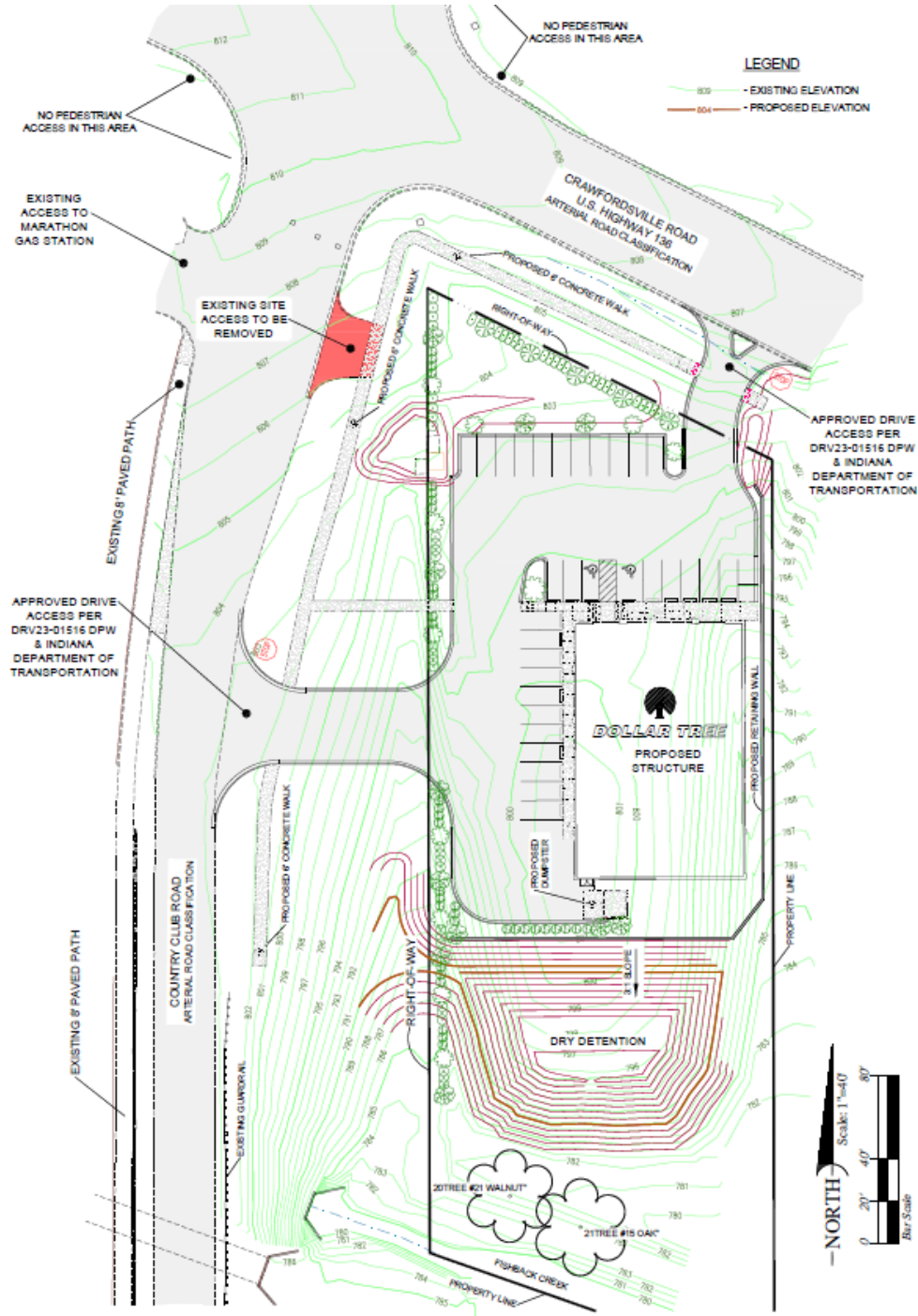
96-V2-104 ; 8311 Crawfordsville Road (west of site), variance of development standards of the Commercial Zoning Ordinance and the Sign Regulations to provide for the reconfiguration of the gasoline pump with a) front yard setback of 30 feet from Crawfordsville Road and 20 feet from Country Club Road (minimum 50 or 10 feet from the proposed right-of-way of Crawfordsville Road required); b) a 5 foot landscape strip along Crawfordsville Road and a zero foot landscape strip along Country Club Road (minimum 10 foot landscape strip for each required); and c) the placement of a pole sign with a zero foot setback for the corner-cut intersection of Crawfordsville and Country Clube Road (minimum 15 feet required), **approved**.

EXHIBITS

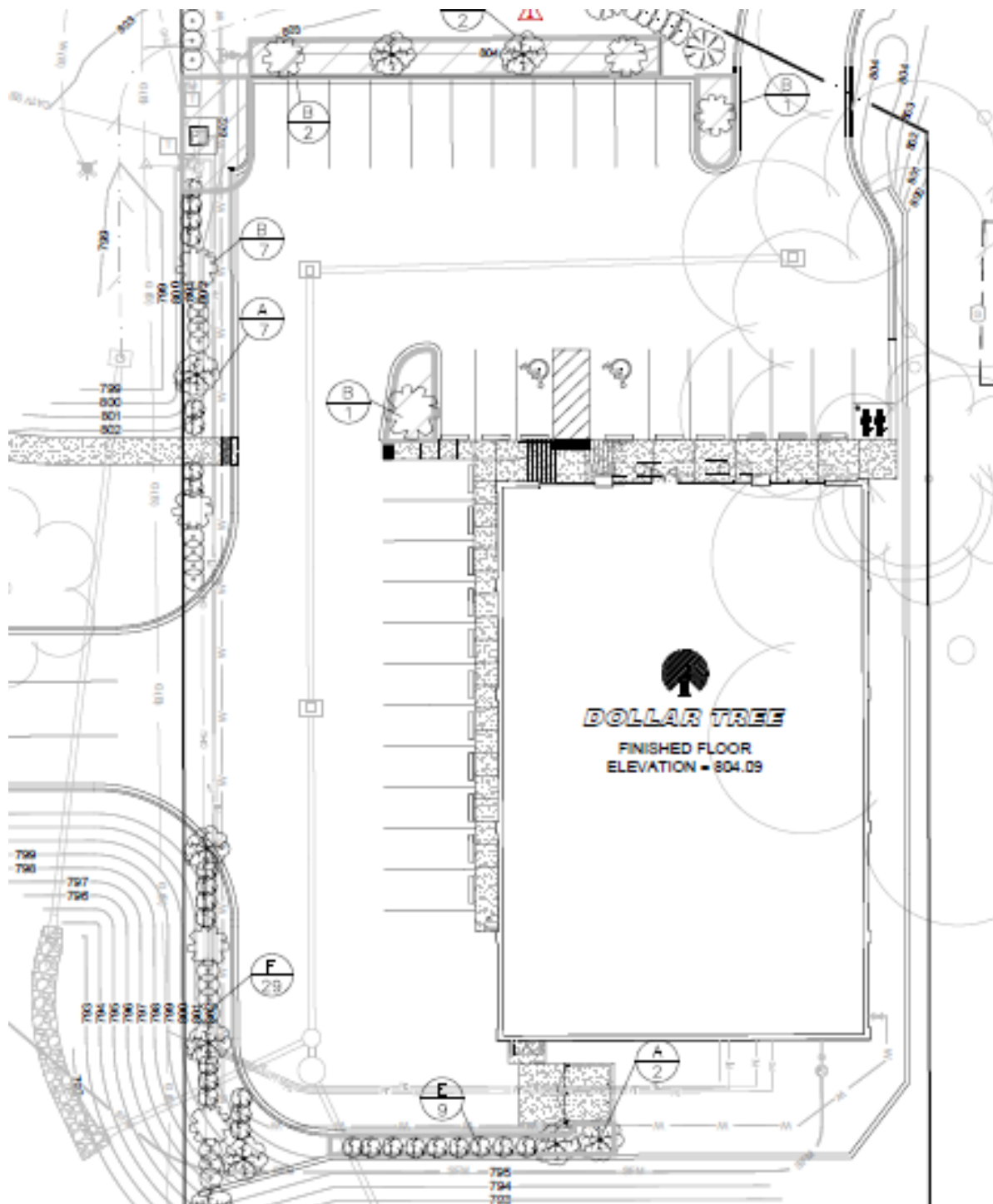
2024CAP807 / 2024CVR807 ; Aerial Map



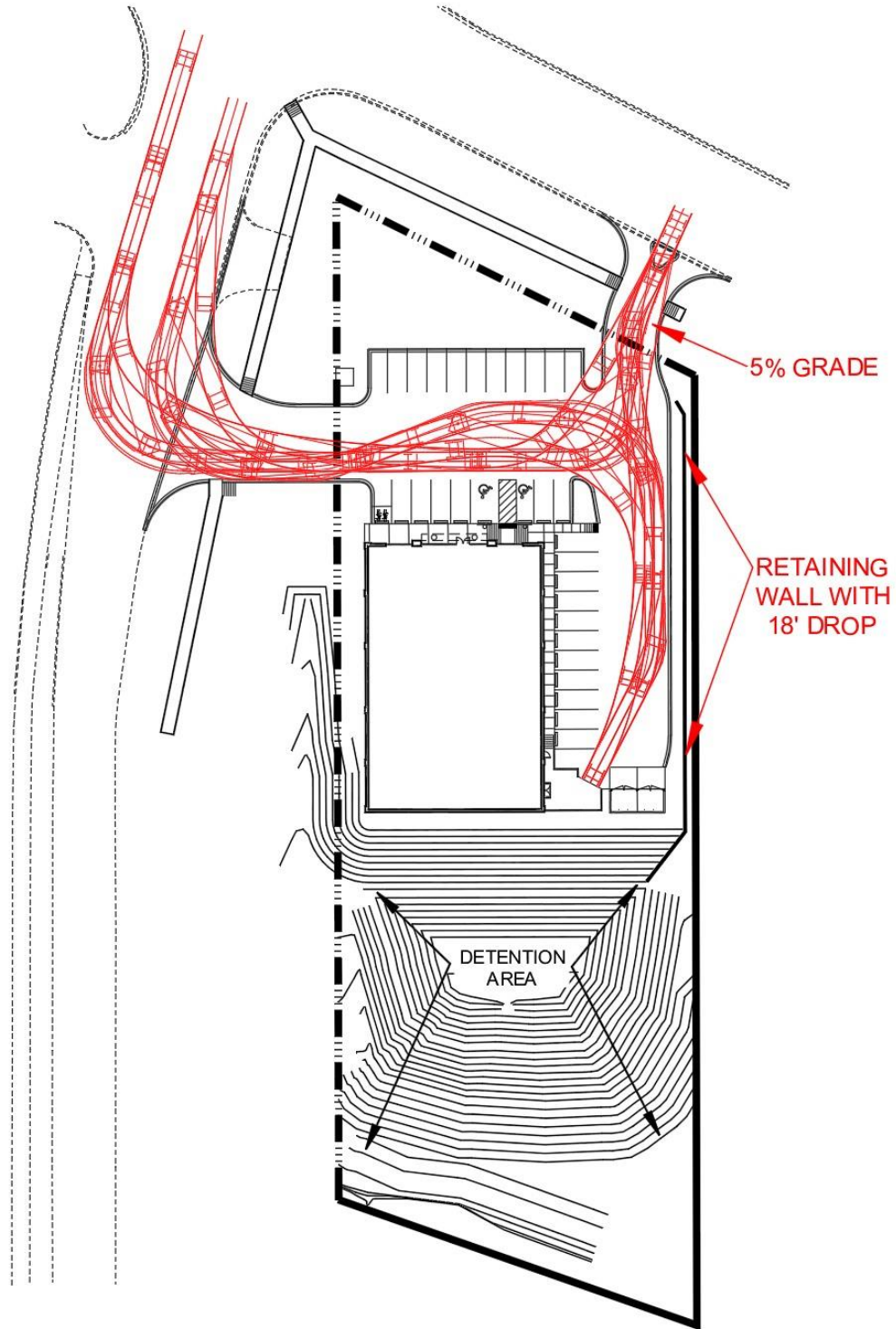
2024CAP807 / 2024CVR807 ; Site Plan



2024CAP807 / 2024CVR807 ; Landscape Plan (partial)



2024CAP807 / 2024CVR807 ; Alternate Layout Maneuverability





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2024CAP807 / 2024CVR807 ; Findings of Fact

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

The dumpster will be located 114' east of the east edge of the pavement of Country Club Road, with the dock lying 142' east of the east edge of the pavement. Landscaping will buffer the west and south sides of these areas. The site is pushed back from Country Club Road, with the east side of the Dollar Tree building lying parallel and 12.9' west of the east property line. The east edge of the building will provide a buffer from the average 13-foot drop from the east building edge to the east property line. The proposed site layout and design provide safe access for the public and utilize the best design to provide maneuverability for the site's semi and trash truck access. This request, if granted, would not be injurious to the community's public health, safety, morals, and general welfare.

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

The Dollar Tree development will be beneficial to the area. The grant of this variance will not affect the adjacent properties but will enhance the area.

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

With the narrow site and steep elevations, the east side of the Dollar Tree building lying parallel and 12.9' west of the east property line provides a buffer from the average 13-foot drop from the east building edge to the east property line. INDOT requires the Crawfordsville Road access to be a right-in and right-out only, with a concrete porkchop feature to ensure this entry and exit from the site. Open and clear access is provided onto Country Club Road, along with the wider drive isles along the north side and west side of the structure, providing safe access for the public and utilizing the best design to provide maneuverability for the site's semi and trash truck access. Open and clear access is provided onto Country Club Road. The position of the building and overall layout provide the benefits listed above, along with providing stormwater detention and water quality to the south. A change in the overall layout would prohibit the development to proceed and meet all other State and City Ordinances.

2024CAP807 / 2024CVR807 ; Photographs



Photo 1: View of Subject Site Looking South from Crawfordsville



Photo 2: View of Subject Site and Power Lines Looking Northeast from Country Club

2024CAP807 / 2024CVR807 ; Photographs (continued)



Photo 3: Adjacent Property to North of Subject Site



Photo 4: Adjacent Property to West of Northern Portion of Subject Site

2024CAP807 / 2024CVR807 ; Photographs (continued)



Photo 5: Adjacent Property to West of Southern Portion of Subject Site



Photo 6: Southern Detention Area Portion of Property

2024CAP807 / 2024CVR807 ; Photographs (continued)



Photo 7: Adjacent Property to East of Subject Site



Photo 8: View of Subject Site from Neighboring Properties to East



METROPOLITAN DEVELOPMENT COMMISSION **April 25, 2024**
HEARING EXAMINER

Case Number: 2024-ZON-031
Property Address: 5312 South Emerson Avenue
Location: Perry Township, Council District #24
Petitioner: Ranveer Singh Khangura
Current Zoning: D-A
Request: Rezoning of 1.02-acres from the D-A district to the C-1 district to provide for office uses.
Current Land Use: Office uses and associated parking
Staff Recommendations: Approval, subject to the following 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 property shall be brought into compliance with the Ordinance, including, but not limited to the filing of an Improvement Location Permit (ILP), Drainage Permit, and Driveway Permit to provide for a paved, striped, and landscaped parking lot. The parking lot shall be installed, paved, striped, and landscaped in accordance with the Ordinance by October 1, 2024. The required site landscaping shall also be installed by October 1, 2024.
2. The site and improved areas within the site shall be maintained in a reasonably neat and orderly manner during and after development of the site with appropriate areas and containers / receptacles provided for the proper disposal of trash and other waste.
3. A 56-foot half right-of-way shall be dedicated along the frontage of South Emerson Avenue, as per the request of the Department of Public Works (DPW), Engineering Division. Additional easements shall not be granted to third parties within the area to be dedicated as public right-of-way prior to the acceptance of all grants of right-of-way by the DPW. The right-of-way shall be granted within 60 days of approval and prior to the issuance of an Improvement Location Permit (ILP).
4. Operation of the site shall comply with the Plan of Operation, file-dated March 7, 2024.



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PETITION OVERVIEW

This 1.02-acre site, zoned D-A is comprised of two parcels developed with a single-family dwelling and parking lot that have been converted to office uses. It is surrounded by single-family dwellings to the north and south, zoned D-A; multi-family dwellings and commercial office uses to the east, across South Emerson Avenue, zoned D-7 and C-1, respectively; and a single-family dwelling to the west, zoned D-A.

Petition 2024-UV3-002 was filed as a variance of use to provide for the operation of an insurance agency office and real estate brokers office. The petitioner withdrew the petition and filed a rezoning petition after staff recommended that a rezoning petition be filed.

Rezoning

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

The Comprehensive Plan recommends office commercial typology for the site.

As proposed, this request would be consistent with the Comprehensive Plan recommendation of office commercial typology.

During the site visit staff observed that the site had been converted to office uses and the parking lot expanded. Staff was unable to locate the issuance of an Improvement Location Permit, Drainage Permit for the parking lot, along with a Driveway Permit. Staff also observed that the required site landscaping had not been installed, including the parking lot. Consequently, staff’s approval is subject to the filing of the appropriate permits with the Department Business and Neighborhood Services for the parking lot expansion, site access, and landscaping as required by the Ordinance for commercial uses.

Staff would also note that the site plan, file-dated March 14, 2024, does not include the parking lot.



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Plan of Operation

The Plan of Operation, file-dated March 7, 2024, states that the office would be used as an insurance agency and real estate broker office with office hours from 9:00 a.m. to 5:00 p.m. and closed on Saturday and Sunday.

The maximum number of employees at any one time would be three employees.

Staff believes that the proposed Plan of Operation would represent low intensity office use that would have minimal impact on the surrounding residential uses and should be included in the commitments.

Department of Public Works

The Department of Public Works, Traffic Engineering Section, has requested the dedication and conveyance of a 56-foot half right-of-way along South Emerson Avenue. This dedication would also be consistent with the Marion County Thoroughfare Plan.

Environmental Public Nuisances

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

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

Environmental public nuisance means:

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



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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

Existing Zoning	D-A	
Existing Land Use	Office, with associated parking lot	
Comprehensive Plan	Office Commercial	
Surrounding Context	<u>Zoning</u>	<u>Land Use</u>
North:	D-A	Single-family dwelling
South:	D-A	Single-family dwelling
East:	D-7 / C-1	Multi-family dwellings / Commercial Office
West:	D-A	Single-family dwelling
Thoroughfare Plan		
South Emerson Avenue	Primary arterial	Existing 100-foot right-of-way and proposed 112-foot right-of-way.
Context Area	Metro	
Floodway / Floodway Fringe	No	
Overlay	No	
Wellfield Protection Area	No	
Site Plan	March 14, 2024	
Site Plan (Amended)	N/A	
Elevations	N/A	
Elevations (Amended)	N/A	
Landscape Plan	N/A	
Findings of Fact	N/A	
Findings of Fact (Amended)	N/A	
C-S/D-P Statement	N/A	

COMPREHENSIVE PLAN ANALYSIS

Comprehensive Plan

- The Comprehensive Plan recommends Office Commercial typology. "The Office Commercial typology provides for single and multi-tenant office buildings. It is often a buffer between higher intensity land uses and lower intensity land uses. Office commercial development can range from a small freestanding office to a major employment center. This typology is intended to facilitate



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establishments such as medical and dental facilities, education services, insurance, real estate, financial institutions, design firms, legal services, and hair and body care salons.”

Pattern Book / Land Use Plan

- *Conditions for All Land Use Types – Community Commercial Typology*
 - All land use types except small-scale parks and community farms/gardens in this typology must have adequate municipal water and sanitary sewer.
 - All development should include sidewalks along the street frontage.
 - Master-planned developments in excess of two acres should include pedestrian amenities for passive and active recreation internal to the development.
- *Small-Scale Offices, Retailing, and Personal or Professional Services (defined as commercial uses with minimal outdoor operations, storage, or display on lots of less than 1.5 acres and a height of less than 35 feet.)*
 - Appropriate as a primary use only in major employment centers.
 - Outdoor display of merchandise should be limited.
 - If adjacent to residential uses or a Living Typology, outdoor display of merchandise is not recommended.
 - Should be located along an arterial or collector street.
 - If proposed within one-half mile along an adjoining street of an existing or approved residential development, then connecting, continuous pedestrian infrastructure between the proposed site and the residential development (sidewalk, greenway, or off-street path) should be in place or provided.

Red Line / Blue Line / Purple Line TOD Strategic Plan

- Not Applicable to the Site.

Neighborhood / Area Specific Plan

- Not Applicable to the Site.

Infill Housing Guidelines

- Not Applicable to the Site.

Indy Moves

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

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



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



ZONING HISTORY

2024-UV3-002; 5312 South Emerson Avenue, requested a variance of use of the Consolidated Zoning and Subdivision Ordinance to provide for the operation of an insurance agency office and real estate brokers office to provide for an office use, **withdrawn**.

PLAN OF OPERTATION

5312 S EMESON AVE

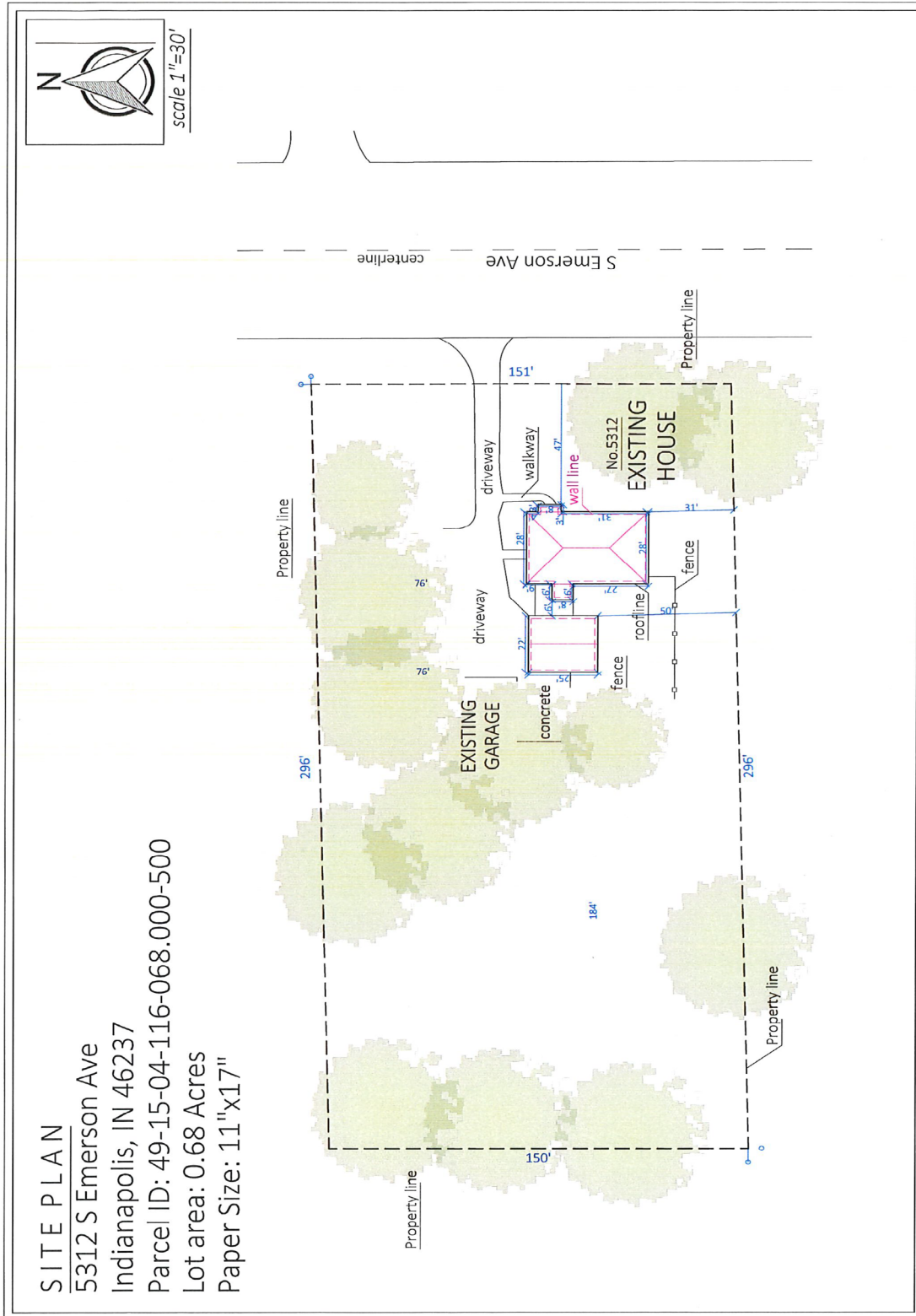
INDIANAPOLIS, IN 46237

1. INSURANCE AGENCY OFFICE
 2. REAL ESTATE MANAGING BROKER OFFICE
- OFFICE DAYS/HOUR OF OPERATION FOR BOTH OFFICE
MONDAY-FRIDAY FROM 0900 AM- 0500PM
SAT.-SUN. BOTH OFFICE CLOSED

THE MAXIMUM NUMBERS OF EMPLOYEES AT ANY GIVEN TIME IS THREE (3) PEOPLE AS EMPLOYEES.

SIGNAGE REQUIEMENT IS DEPENDS ON APPORVAL AND WE CAN GO WITH ANY PROPOSED AND APPROVED SIGN.

It would be low intensity operations.





View looking south along South Emerson Avenue



View looking north along South Emerson Avenue



View of site looking northwest across South Emerson Avenue



View of site looking west across South Emerson Avenue



View of adjacent residential uses to the south, looking across South Emerson Avenue



View of adjacent residential uses to the north, looking across South Emerson Avenue



METROPOLITAN DEVELOPMENT COMMISSION **April 25, 2024**
HEARING EXAMINER

Case Number: 2024-ZON-037

Property Address: 2362 English Avenue (approximate address)

Location: Center Township, Council District #18

Petitioner: Miguel Villasol, by Kim and Mark Crouch

Current Zoning: C-3

Request: Rezoning of 0.112-acre from the C-3 district to the D-5II district to provide for residential uses.

Current Land Use: Undeveloped

Staff Recommendations: Approval, subject to a commitment.

Staff Reviewer: Marleny Iraheta, Senior Planner

PETITION HISTORY

This is the first public hearing for this petition.

STAFF RECOMMENDATION

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

The Department of Public Works (DPW), Engineering Division, has requested the dedication and conveyance up to a one-foot right-of-way dedication past the sidewalk so that ownership of the sidewalk is granted to DPW. 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). If the sidewalk is found to be within the existing right-of-way, then additional dedication of right-of-way will not be required.

PETITION OVERVIEW

LAND USE

The 0.11-acre subject site is an undeveloped commercial lot. It is surrounded by single-family dwellings west and east, zoned C-3, a single-family dwelling to the north, zoned SU-1, and a vacant commercial building south, zoned C-3.



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REZONING

This petition would rezone this site from the C-3 district to the D-5II 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.

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.

Department of Public Works

The Department of Public Works, Traffic Engineering Section, has requested the dedication and conveyance up to a one-foot right-of-way dedication past the sidewalk so that ownership of the sidewalk is granted to DPW.

The Thoroughfare Plan notes a proposed 78-foot right-of-way along English Avenue, however DPW confirmed that there are no plans to widen English Avenue.

Staff Analysis

Staff is supportive of the rezoning to the D-5II district because it would allow for residential uses to be permitted in line with the context of the surrounding area and historical residential use of the site per a 1915 Sanborn Map. The dwelling district would also align with the traditional neighborhood recommendation of the Comprehensive Plan.

The petitioner would need to address the issue with an accessory structure crossing over the western property boundary onto the site, but that would be addressed with the neighboring property owner.



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GENERAL INFORMATION

Existing Zoning	C-3	
Existing Land Use	Undeveloped	
Comprehensive Plan	Traditional Neighborhood	
Surrounding Context	<u>Zoning</u>	<u>Land Use</u>
	North:	SU-1 Residential (Single-family dwelling)
	South:	C-3 Commercial
	East:	C-3 Residential (Single-family dwelling)
	West:	C-3 Residential (Single-family dwelling)
Thoroughfare Plan		
English Avenue	Primary Arterial Street	78-foot proposed right-of-way with a 59-foot existing right-of-way.
Context Area	Compact	
Floodway / Floodway Fringe	No	
Overlay	No	
Wellfield Protection Area	No	
Site Plan	March 22, 2024.	
Site Plan (Amended)	N/A	
Elevations	N/A	
Elevations (Amended)	N/A	
Landscape Plan	N/A	
Findings of Fact	N/A	
Findings of Fact (Amended)	N/A	
C-S/D-P Statement	N/A	

COMPREHENSIVE PLAN ANALYSIS

Comprehensive Plan

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

Pattern Book / Land Use Plan

- The Marion County Land Use Plan Pattern Book (2019) recommends traditional neighborhood development for the subject 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.



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Building form should promote the social connectivity of the neighborhood, with clearly defined public, semi-public, and private spaces. Infill development should continue the existing visual pattern, rhythm, or orientation of surrounding buildings when possible. A wide range of neighborhood serving businesses, institutions, and amenities should be present. Ideally, most daily needs are within walking distance. This typology usually has a residential density of 5 to 15 dwelling units per acre, but a higher density is recommended if the development is within a quarter mile of a frequent transit line, greenway, or park

- **Conditions for All Housing**

- A mix of housing types is encouraged.
- Should be within a one-mile distance (using streets, sidewalks, and/or off-street paths) of a school, playground, library, public greenway, or similar publicly accessible recreational or cultural amenity that is available at no cost to the user.
- Primary structures should be no more than one and a half times the height of other adjacent primary structures.
- Should be oriented towards the street with a pedestrian connection from the front door(s) to the sidewalk. Driveways/parking areas do not qualify as a pedestrian connection.
- Developments with densities higher than 15 dwelling units per acre should have design character compatible with adjacent properties. Density intensification should be incremental with higher density housing types located closer to frequent transit lines, greenways or parks.

- **Detached Housing**

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

Red Line / Blue Line / Purple Line TOD Strategic Plan

- Not Applicable to the Site

Neighborhood / Area Specific Plan

- Not Applicable to the Site.

Infill Housing Guidelines

- **BUILDING ELEVATIONS AND ARCHITECTURAL ELEMENTS**
 - **1. Utilize Foundation Styles and Heights that are Consistent with Nearby Houses:** The height of the foundation affects where doors, porches, and windows are located. Unless there are special circumstances that require additional height, such as the location is in or near a floodplain, the foundation height for new construction should be consistent with nearby buildings.



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- **2. Be Consistent with Surrounding Entry Locations:** Main entries should be visible from the street. Entries should not be hidden, obscured, or missing from the main street elevation (front). The entry should reflect a similar characteristic to those that surround it, such as formal or casual, recessed or flush, narrow or wide.
- **3. Where Appropriate, Include Porches or Stoops:** Use context to determine if front porches are consistent elements used in the neighborhood. If so, add porches or stoops to new construction.
- **4. Coordinate the Location and Door Style of Balconies with the Surrounding Neighborhood:** Balconies are common architectural elements in some neighborhoods, but uncommon in others. Balconies along the street should be used when appropriate. When a balcony is used, consider the appropriate door access for the type of balcony. For example, Juliet balconies, which are intended to bring the outside in, make the most sense when French doors are used.
- **5. Consider Nearby Roof Styles:** The basic outline of a new building should reflect building outlines typical of the area. Roof selection and overall height contribute to the building outline. Select roof shapes that are frequently used in the neighborhood.
- **6. Fenestration Should Relate to the Surrounding Context:** Windows and doors should be arranged on buildings so as not to conflict with the basic fenestration patterns in the neighborhood. The proportion of glass (windows) to solid materials (wood, bricks, and other materials) which is found within the surrounding context should be reflected in new construction. Every elevation (sides and rear) should have windows on each story to help break up the monotony of the façade.
- **7. Materials Used Should Reflect the Context of the Neighborhood:** Introducing new materials that are not used in the existing context should be done in a way where those materials are not the dominant material and make up less than 30% of the overall façade design.
- **8. Consider Unique Neighborhood Features:** In addition to the architectural features mentioned above, consider other common features like chimneys, dormers, gables, and overhanging eaves that shape the character of a neighborhood. When possible, include these features into new construction.

Indy Moves

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

- Not Applicable to the Site.



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ZONING HISTORY

99-NC-36; 2372 English Avenue (east of site), Certificate of Legal Non-Conforming Use for the establishment of a single-family residence within a C-5 District, **granted**.

98-Z-67; 430-450 South Keystone Avenue, 2335- 2339 Southeastern Avenue, and 2330 English Avenue (west and north of site), Rezoning of 1.1 acre, being in the D-5 District, to the SU-1 classification to provide for the expansion of a church and a church school, **approved**.

95-Z-157; 2409 and 2411 English Avenue (southeast of site), Rezoning of 0.6 acre, being in the C-7 District, to the C-4 classification to conform existing commercial uses, **approved**.

79-Z-30; 431 and 442 St. Peter Street (northwest of site), Rezoning of 1.84 acres, being in D-5 District, to SU-1 classification to permit church use and accessory parking, **approved**.

EXHIBITS





Department of Metropolitan Development
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Current Planning

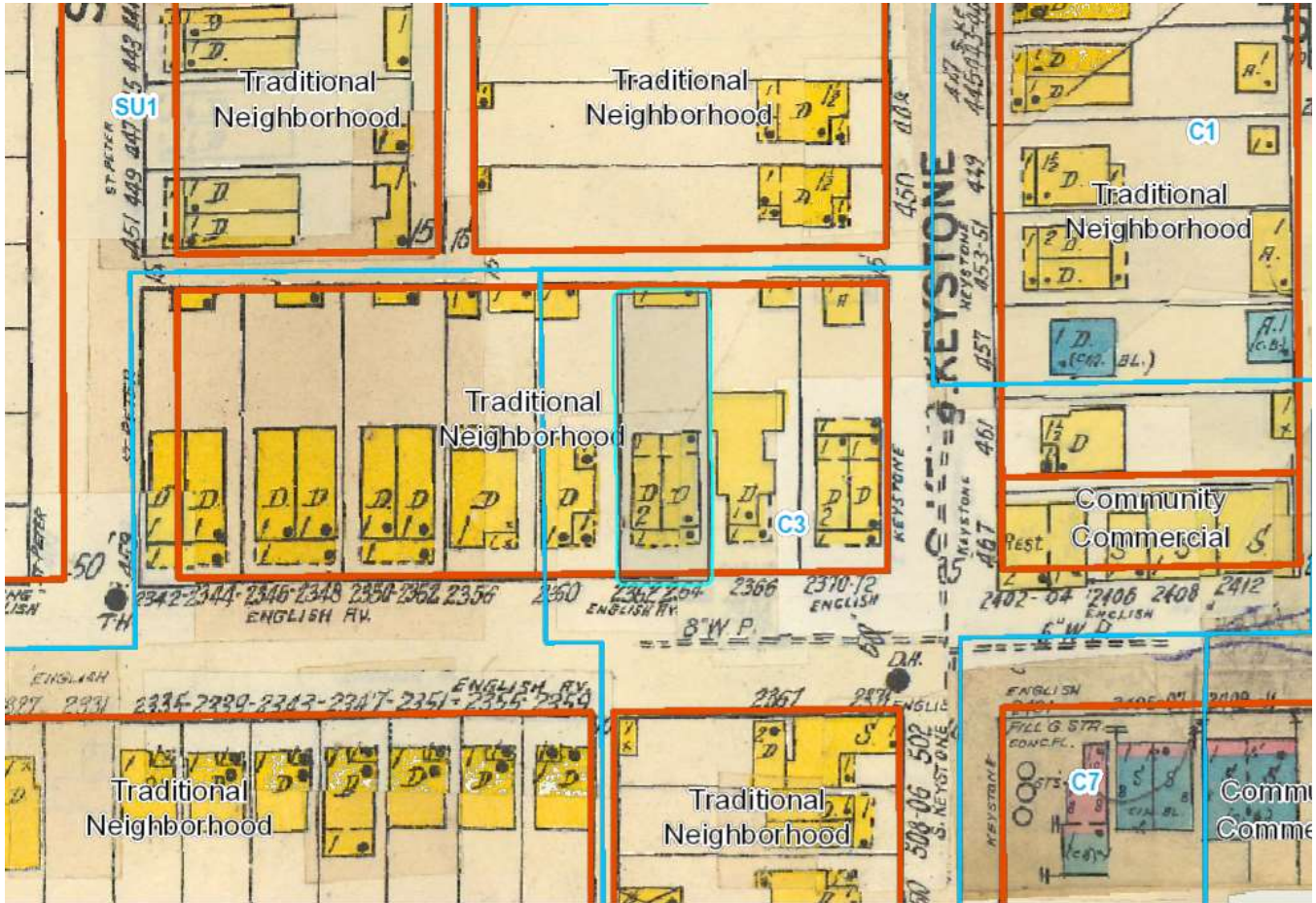




Photo of the subject site.

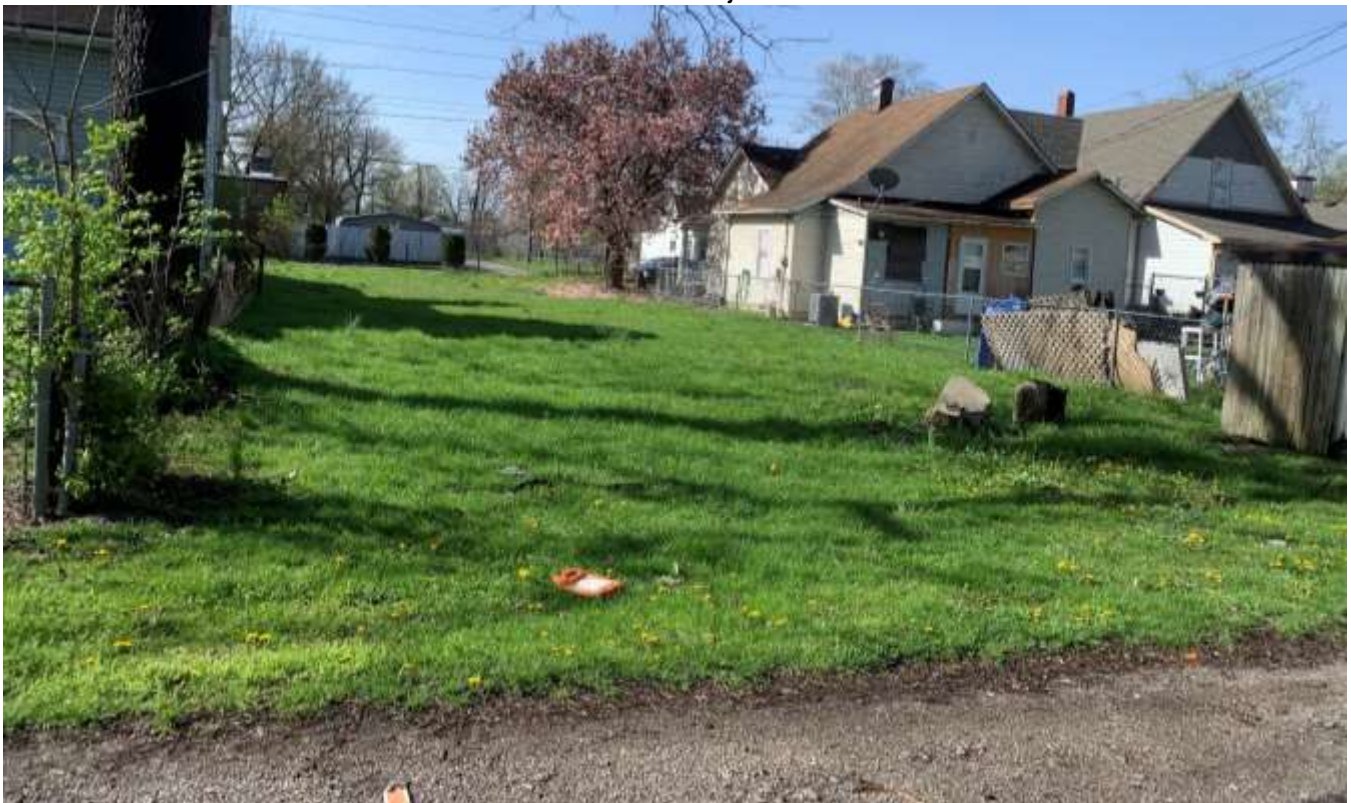


Photo of the rear yard of the subject site.



Photo of an existing shed that crosses into the subject site.



Photo of the commercial property south of English Avenue.



Single-family dwellings west of the site.



Single-family dwelling east of the site.

**METROPOLITAN DEVELOPMENT COMMISSION
OF MARION COUNTY, INDIANA
PETITION FOR VARIANCE OF DEVELOPMENT STANDARDS
NEGATIVE FINDINGS OF FACT**

- 1. BASED ON THE EVIDENCE SUBMITTED THE PETITIONER FAILED TO MEET ITS BURDEN OF PROOF TO SHOW THAT THE STRICT APPLICATION OF THE TERMS OF THE ZONING ORDINANCE WILL RESULT IN PRACTICAL DIFFICULTIES IN THE USE OF THE PROPERTY BECAUSE the width of the proposed units could be reduced to meet the five-foot side setbacks or there are options for single-family dwellings or multi-unit houses to be constructed instead that would allow for the development standards to be met with out the need for variances.

DECISION

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

Adopted this _____ day of _____, 20 ____

