



Metropolitan Development Commission Hearing Examiner (December 11, 2025) Meeting Agenda

Meeting Details

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

Date: Thursday, December 11, 2025 **Time:** 1:00 PM

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

Business:

Special Requests

PETITIONS REQUESTING TO BE CONTINUED:

1. 2025-ZON-110 | 10302 East 38th Street

Lawrence Township, Council District #15
Desmonde Monroe, by Lindsey Wikstrom

Rezoning of 7.726 acres from the SU-1 (FF) district to the D-7 (FF) classification to provide for a multi-family residential development.

****Petitioner request for continuance for cause to January 15, 2026**

2. 2025-ZON-112 | 641 Langsdale Avenue and 2110, 2058 Dr. Martin Luther King Jr. Street

Center Township, Council District #12
2058 Property Group LLC, by Joel Bruns

Rezoning of 12.6 acres from the C-7 and I-4 (W-1) districts to the C-S (W-1) districts to provide for C-7 and I-4 uses.

****Staff request for continuance for cause to January 15, 2026**

3. 2025-ZON-116 (Amended) / 2025-VAR-009 | 7701 Walnut Drive

Pike Township, Council District #1
ATC Watertown LLC, by Kate Duncan

Rezoning of 7.01 acres from the SU-35 district to the C-S district to provide for a data center. Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for a front setback of 140 feet (maximum 85 feet required).

Variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for a front setback of 140 feet (maximum 85 feet required).

****Automatic continuance to January 15, 2026, filed by a Registered Neighborhood Organization**

4. 2025-ZON-124 / 2025-VAR-012 | 2505 North Sherman Drive

Center Township, Council District #8
Metrobloks, LLC, by Tyler Ochs

Rezoning of 13.68 acres from the I-2 district to the C-S district, to provide for a data center, business, professional or government offices, and all uses in the I-2 zoning classification.

Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for a 70-foot-tall building height (maximum 38-foot building height permitted), no maximum front yard setback (maximum 65-foot front setback permitted), and to provide for 60 parking spaces (minimum one parking space for each 1,500 square feet of floor area required).

****Automatic continuance to January 15, 2026, filed by a Registered Neighborhood Organization**

5. 2025-ZON-125 | 9700 East Thompson Road

Franklin Township, Council District #25

Forestar (USA) Real Estate Group, Inc., by Brian J. Tuohy

Rezoning of 39.85 acres from the D-A (FF) district to the D-4 (FF) district to provide for a single-family residential development.

****Automatic continuance to January 15, 2026, by a Registered Neighborhood Organization**

Petitions for Public Hearing

PETITIONS TO BE EXPEDITED:

6. 2025-APP-017 | 8075 North Shadeland Avenue

Lawrence Township, Council District #3

HD-1

Community Health Network and Community Health Network Foundation, Inc., by Timothy H. Button

Hospital District One Approval to provide for two building additions, including a 10,587-square-foot emergency department expansion, and a 19,004-square-foot expansion of the existing lab, surgery, imaging, and pharmacy portion of the hospital.

7. 2025-MOD-022 | 5110 East 82nd Street

Washington Township, Council District #3

C-S (FF)

Garrett Acquisitions, LLC, by Joseph D. Calderon

Modification of Commitments and Site Plan related to rezoning petition 2023-CZN-816, to modify commitment #3, to provide for the development to comply with the site plan, file-dated October 31, 2025 (previous commitment required compliance with the site plan, file-dated March 23, 2023).

8. 2025-ZON-120 / 2025-VAR-013 | 2901 East 10th Street and 959 North Oxford Street

Center Township, Council District #13

Evan Marshall, by Lucas Brown

Rezoning of 0.16-acre from the C-3 district to the MU-2 district.

Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for five parking spaces (minimum 32 parking spaces required), to provide for two 8-foot by 16-foot, or 128-square-foot parking spaces (minimum 9-foot by 18-foot, or 180 square feet required), to provide for one ADA parking space at 8-foot by 16-foot, or 128-square-foot (minimum 8-foot by 20-foot required), to provide for an 18'11" aisle width (20-foot aisle width required for small vehicles) and to provide for a three-foot south side transitional yard setback (minimum 15-foot transitional yard setback required).

9. 2025-CZN-844 (Amended) / 2025-CVR-844 (Amended) | 127 East 34th Street

Center Township, Council District #8

Hoosier Outreach, Inc., by Craig McCormick

Rezoning of 0.11-acre from the C-1 (TOD) district to the D-8 (TOD) district to provide for a small apartment consisting of four units.

Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for a small apartment with zero-foot east side yard and rear yard setbacks for a surface parking area (minimum five-foot side yard and 10-foot rear yard setbacks required).

10. 2025-CVR-848 / 2025-CPL-848 | 3001-3065 Sardonyx Street (odd) and 3022 and 3028 Sardonyx Street

Pike Township, Council District #1

D-5

Apex Realty Group, by David A. Retherford

Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for:

- a. Construction of not more than 20% of dwelling units, depending on the home model, at three stories in height (maximum 2.5 stories in height permitted),
- b. Minimum lot size ranging from 4,995 square feet to 4,999 square feet (minimum lot size of 5,000 square feet required),
- c. Side yard setback of four feet for Lots 7 – 8 in Block P and lots 13-22 in Block Q (minimum side yard setback of five feet required),
- d. Corner side yard setbacks of five feet for all corner lots (minimum corner side yard setback of eight feet required),
- e. Construction of some dwelling units, depending on the home model, with front-loaded garages of up to 67% of the front façade (maximum 30% of the front façade, if within 12 feet of the front building line, or 45% of the front façade if behind 12 feet of the front building line permitted),
- f. 60% landscaped living material in the front yard (minimum 65% landscaped living material in the front yard required),
- g. Minimum main floor area of 550 square feet of livable space on the main floor of a dwelling over one story in height (minimum 660 square feet of livable space on the main floor of a dwelling over one story in height required).

Approval of a Subdivision Plat, to be known as Augusta Heights, Phase 2A, dividing 1.68 acres into 14 lots.

11. 2025-CPL-851 / 2025-CVR-851 | 3500 Sutherland Avenue

Center Township, Council District #8

D-9 (FF) (TOD)

Sullivan Development, LLC, by Travis Vencel

Approval of a subdivision plat, to be known as Monon 35, dividing 27.2 acres into 3 lots, with a waiver to provide for access to the site without direct frontage to a public street.

Variance of Use and Development Standard of the Consolidated Zoning and Subdivision Ordinance to provide for:

- a. 54-unit and 60-unit apartment buildings (not permitted - unit range of 13 to 50 units per building permitted),
- b. floor area ratio of 0.75 (maximum 0.5 permitted),
- c. living space ratio of 0.64 (minimum LSR of 0.75 permitted),
- d. 200 surface parking spaces (maximum of 150 spaces, or 0.75 spaces per unit permitted),
- e. a five-foot front setback along a railroad right-of-way (minimum 50-foot setback required), and,
- f. to provide for 25-foot-wide stream protection corridor from a category one stream (minimum 60-foot-wide stream protection corridor width required).

PETITIONS FOR PUBLIC HEARING (Continued Petitions):

12. 2025-ZON-062 (Amended) / 2025-VAR-007 | 5709 Five Points Road and 7340 East Edgewood Avenue

Franklin Township, Council District #25

Grand Communities, LLC, by Brian J. Tuohy

Rezoning of 64.64 acres from the D-A (FF) district to the D-4 (FF) district to provide for residential development.

Variance of Development Standards of the of the Consolidated Zoning and Subdivision Ordinance to provide for reduced lot width of 68 feet and lot area of 8,500 square feet for duplexes (90-foot lot width and 10,000-square foot lot area required), 56% reduced open space (65% required), and to provide for three monument signs (maximum of two monument signs for each residential community permitted).

13. 2025-CZN-845 / 2025-CVR-845 | 1032 and 1040 South East Street

Center Township, Council District #18

1032 1040 LLC, by David and Justin Kingen

C-5

Rezoning of 0.34 acres from the C-5 district to the D-8 classification to provide for residential development.

Variance of Use and Development Standards of Consolidate Zoning and Subdivision Ordinance to provide for the construction of three townhomes containing a total of nine units across two lots (one primary building permitted per lot, each townhome unit required to be on its own platted lot), with each unit providing less than 100 square feet of main floor area (minimum 660-square-feet of main floor area required) with

- a) one three-unit townhome structure providing a three-foot corner side yard setback from I-70, a 60-foot front yard setback from East Street, a 10-foot rear yard setback and no front entry feature (eight-foot corner side setback, 15-foot rear setback, front entry required, maximum 19.9-foot front yard setback permitted);
- b) one two-unit building providing a three-foot corner side yard setback; and
- c) one four unit building with a 35-foot front yard setback from East Street.

PETITIONS FOR PUBLIC HEARING (New Petitions):

14. 2025-ZON-126 | 3441 West Washington Street

Wayne Township, Council District #17

Jesus Ivan Ibarra Tamayo

Rezoning of 0.76-acre from the I-3 (FF) (TOD) district to the C-5 (FF) (TOD) district to provide for general commercial uses.

Additional Business:

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

Any decision of the Hearing Examiner may be **appealed** to the Metropolitan Development Commission (MDC), subject to deadlines prescribed by the MDC Rules of Procedure. Please contact the Current Planning staff, **317-327-5155**, or planneroncall@indy.gov, within one to two days after the hearing, to determine the appropriate appeal process. Please see this link for the Appeal form: [REQUEST FOR APPEAL](#)

HEARING EXAMINER

for

METROPOLITAN DEVELOPMENT COMMISSION (MDC)

Contractual Zoning Professional	Approving Authority	Term
Judy Weerts Hall	MDC	01/01/2025-12/31/2025
David DiMarzio (Alternate)	MDC	01/01/2025-12/31/2025

This meeting can be viewed live at <https://www.indy.gov/activity/channel-16-live-web-stream>. The recording of this meeting will also be archived (along with recordings of other City/County entities) at <https://www.indy.gov/activity/watch-previously-recorded-programs>.



Department of Metropolitan Development
Division of Planning
Current Planning

**METROPOLITAN DEVELOPMENT COMMISSION
HEARING EXAMINER**

December 11, 2025

Case Number: 2025-ZON-110
Property Address: 10302 East 38th Street
Location: Lawrence Township, Council District #15
Petitioner: Desmond Monroe, by Lindsey Wikstrom
Request: Rezoning of 7.726 acres from the SU-1 (FF) district to the D-7 (FF) district to provide for a multi-family residential development.
Staff Reviewer: Kathleen Blackham, Senior Planner

PETITION HISTORY

The Hearing Examiner continued this petition from the October 23, 2025 hearing, to the November 13, 2025 hearing, at the request of petitioner's representative, to provide additional time for discussions with staff.

The Hearing Examiner continued this petition from the from the November 13, 2025 hearing, to December 11, 2025 hearing, at the request of staff, to provide additional time for clarification and confirmation of the request.

The petitioner's representative is requesting a **continuance from the December 11, 2025 hearing, to the January 15, 2026 hearing**, to provide additional time to amend the request to the D-6 (FF) district, along with the site plan and building elevations.



Department of Metropolitan Development
Division of Planning
Current Planning

**METROPOLITAN DEVELOPMENT COMMISSION
HEARING EXAMINER**

December 11, 2025

Case Number: 2025-ZON-112
Property Address: 641 Langsdale Avenue and 2110, 2058 Dr. Martin Luther King Jr. Street
Location: Center Township, Council District #12
Petitioner: 2058 Property Group LLC, Joel Bruns
Request: Rezoning of 12.6 acres from the C-7 (W-1) and I-4 (W-1) districts to the C-S (W-1) district to provide for C-7 and I-4 uses.
Staff Reviewer: Kathleen Blackham, Senior Planner

PETITION HISTORY

The Hearing Examiner continued this petition from the November 13, 2025 hearing, to December 11, 2025 hearing, to provide additional time to conduct a Traffic Impact Study (TIS) and for further discussions regarding the request.

Staff is requesting a **continuance from the December 11, 2025 hearing, to the January 15, 2026 hearing**, to provide additional time to review the TIS and for continued discussions with the petitioner and their representative.



Department of Metropolitan Development
Division of Planning
Current Planning

**METROPOLITAN DEVELOPMENT COMMISSION
HEARING EXAMINER**

December 11, 2025

Case Number: 2025-ZON-116 (Amended) / 2025-VAR-009

Property Address: 7701 Walnut Drive

Location: Pike Township, Council District # 1

Petitioner: ATC Watertown LLC, by Kate Duncan

Request: Rezoning of 7.01 acres from the SU-35 district to the C-S district to provide for a data center.

Variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for a front setback of 140 feet (maximum 85 feet required).

Staff Reviewer: Kathleen Blackham, Senior Planner

PETITION HISTORY

The Hearing Examiner continued these petitions from the November 13, 2025 hearing, to the December 11, 2025 hearing, with notice, to provide additional time to provide required published notice of this amended petition.

A timely automatic continuance was filed by a registered neighborhood organization that would **continue these petitions from the December 11, 2025 hearing, to the January 15, 2026 hearing.** This would require acknowledgment from the Hearing Examiner.



Department of Metropolitan Development
Division of Planning
Current Planning

**METROPOLITAN DEVELOPMENT COMMISSION
HEARING EXAMINER**

December 11, 2025

Case Number: 2024-ZON-124 / 2025-VAR-012

Property Address: 2505 North Sherman Drive

Location: Center Township, Council District #8

Petitioner: Metrobloks, LLC, by Tyler Ochs

Request: Rezoning of 13.68 acres from the I-2 district to the C-S district, to provide for a data center, business, professional or government offices, and all uses in the I-2 zoning classification.

Variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for a 70-foot-tall building height (maximum 38-foot building height permitted), no maximum front yard setback (maximum 65-foot front setback permitted), to provide for 60 parking spaces (minimum one parking space for each 1,500 square feet of floor area required).

Staff Reviewer: Kathleen Blackham, Senior Planner

PETITION HISTORY

A timely automatic **continuance was filed by a registered neighborhood organization that would continue these petitions from the December 11, 2025 hearing, to the January 15, 2026 hearing.** This would require acknowledgement from the Hearing Examiner.



Department of Metropolitan Development
Division of Planning
Current Planning

**METROPOLITAN DEVELOPMENT COMMISSION
HEARING EXAMINER**

December 11, 2025

Case Number: 2025-ZON-125
Property Address: 9700 East Thompson Road (Approximate Address)
Location: Franklin Township, Council District #25
Petitioner: Forestar (USA) Real Estate Group, Inc., by Brian J. Tuohy
Current Zoning: D-A (FF)
Request: Rezoning of 39.85 acres from the D-A (FF) district to the D-4 (FF) district to provide for a single-family residential development.
Current Land Use: Undeveloped
Staff Recommendations: To be determined.
Staff Reviewer: Marleny Iraheta, Senior Planner

PETITION HISTORY

A timely **automatic continuance** request was filed by a registered neighborhood organization, continuing this petition **from the December 11, 2025 hearing to the January 15, 2026 hearing**. This would require acknowledgement from the Hearing Examiner.

STAFF RECOMMENDATION

Staff recommendation to be determined.

PETITION OVERVIEW

This petition is to be continued to the January 15, 2026 hearing.



Department of Metropolitan Development
Division of Planning
Current Planning

**METROPOLITAN DEVELOPMENT COMMISSION
HEARING EXAMINER**

December 11, 2025

Case Number: 2025-APP-017

Property Address: 8075 North Shadeland Avenue (approximate address)

Location: Lawrence Township, Council District #3

Petitioner: Community Health Network and Community Health Network Foundation, Inc., by Timothy H. Button

Current Zoning: HD-1

Request: Hospital District One Approval to provide for two building additions, including a 10,587-square foot emergency department expansion, and a 19,004-square-foot expansion of the existing lab, surgery, imaging, and pharmacy portion of the hospital.

Current Land Use: Hospital

Staff Recommendations: Approval with commitment

Staff Reviewer: Marleny Iraheta, Senior Planner

PETITION HISTORY

This is the first hearing for this petition.

STAFF RECOMMENDATION

Staff is **recommending approval** subject to the following commitment being reduced to writing on the Commission's Exhibit "B" forms at least three (3) days prior to the MDC hearing:

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

PETITION OVERVIEW

LAND USE

The 11.56-acre subject site is developed with a hospital and associated parking areas.



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

It is part of an overall hospital campus that extends to the east, zoned HD-2, medical offices to the south, zoned HD-2, a hotel to the north, zoned C-4, and hotels, clinics and retail store to the west, zoned C-4 and C-S.

HOSPITAL DISTRICT-ONE APPROVAL

The HD-1 zoning category is designed to permit and facilitate the development, expansion, and modernization of a major hospital complex or campus, in which a diversity of uses, functions, and facilities is necessary to best perform the hospital's various services to the public; and further to permit appropriate land use modifications as necessary to facilitate the highest level of such service.

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

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

“The Commission may consider and act upon any such proposed use and Site and Development Plan, approve the same in whole or in part, and impose additional development standards, requirements, conditions, or commitments thereon at any public hearing of the Commission. The Commission must, also make written findings concerning any decision to approve or disapprove a Site and Development Plan.”



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

DEPARTMENT OF PUBLIC WORKS

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

STAFF ANALYSIS

The approval of the request would allow for two building additions, including a 10,587-square foot emergency department expansion, and a 19,004-square-foot expansion of the existing lab, surgery, imaging, and pharmacy portion of the hospital.

The proposed expansion would align with the Comprehensive Plan recommendation of Regional Special Use development for a hospital campus.

Vehicle and bike parking requirements will be met even with the planned removal of some parking spaces. New landscaping and lighting plans are proposed as well.

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

GENERAL INFORMATION

Existing Zoning	HD-1	
Existing Land Use	Hospital	
Comprehensive Plan	Regional Special Use	
Surrounding Context	<u>Zoning</u>	<u>Land Use</u>
North:	C-4	Hotel
South:	HD-2	Medical Office
East:	HD-2	Hospital
West:	C-4 / C-S	Hotel / Clinics / Retail
Thoroughfare Plan		
Shadeland Avenue	Primary Arterial Street	112-foot proposed right-of-way and 108 -140-foot existing right-of-way range.
Clear Vista Drive	Local Street	50-foot proposed right-of-way and 79-foot existing right-of-way.
Context Area	Metro	
Floodway / Floodway Fringe	No	
Overlay	No	
Wellfield Protection Area	No	
Site Plan	November 10, 2025	
Site Plan (Amended)	December 4, 2025	
Elevations	November 10, 2025	



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Division of Planning
Current Planning**

Elevations (Amended)	N/A
Landscape Plan	November 10, 2025
Findings of Fact	November 10, 2025
Findings of Fact (Amended)	N/A
C-S/D-P Statement	N/A

COMPREHENSIVE PLAN ANALYSIS

Comprehensive Plan

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

Pattern Book / Land Use Plan

- The Comprehensive Plan recommends Regional Special Use development of the site.
- The Regional Special Use is a non-typology land use, which is a stand-alone land use mapped outside of the typology system due to its scale or the nature of its use.
- This category provides for public, semi-public and private land uses that serve a specific institutional purpose for a significant portion of the county. Examples are large-scale, generally stable institutional uses such as cemeteries, hospitals, universities, high schools, government complexes, large museums, the Indiana State Fairgrounds, and the Indianapolis Motor Speedway. Long Range Planning staff should provide guidance regarding any property use changes in this typology. Partial property changes should remain thematically or economically supportive of the special use while also being contextually sensitive to adjacent existing development and land use plans. Redevelopment, use changes, or other significant changes to the entire property must be informed by a planning study conducted by Department of Metropolitan Development to determine Land Use Plan recommendations.

Red Line / Blue Line / Purple Line TOD Strategic Plan

- Not Applicable to the Site.

Neighborhood / Area Specific Plan

- Not Applicable to the Site.

Infill Housing Guidelines



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

- Not Applicable to the Site.

Indy Moves

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

- Indy Moves Transportation Integration Plan (2018) proposes a Complete Streets upgrade for an off-street multi-use path along Shadeland Avenue / 71st Street from Johnson Road / Fall Creek to Hague Road / 82nd Street.



Department of Metropolitan Development
Division of Planning
Current Planning

ZONING HISTORY

Zoning History – Site

2024-APP-032; 8075 North Shadeland Avenue (subject site), Hospital District-One and Hospital District-Two Approval for reconfiguration of existing parking areas to provide for additional ADA-compliant spaces, construction of a proposed 400-space surface parking lot, consolidation of two service drives into one service drive, and replacement of existing brine and bulk oxygen tanks, **approved**.

2019-APP-007; 8075 North Shadeland Avenue (subject site), Hospital District-One Approval to provide for three wall signs, **approved**.

2018-APP-027; 8075 North Shadeland Avenue (subject site), Hospital District Two Approval to provide for an addition to an existing hospital, with miscellaneous site modifications, **approved**.

2012-APP-003; 8075 North Shadeland Avenue (subject site), Hospital District-One Approval to provide for a 4,640-square foot addition to an existing hospital, **approved**.

2012-CAP-816 and 2012-CVR-816; 7150, 7229, 7343 and 7250 Clearvista Drive, 8101, 8103, 8177, and 8180 Clearvista Parkway and 8075, 8100, and 8181 North Shadeland Avenue (subject site), Hospital District One and Hospital District Two Approval to provide for a campus-wide sign program including replacement and new building identification wall signs, and replacement and new identification and incidental freestanding signs and Variance of Development Standards of the Sign Regulations to provide for: a) one southwest-facing, 441-square foot wall sign with a sign area 12% of the façade area to which it is attached, and one northeast-facing, 435-square foot wall sign with a sign area 5.2% of the façade area to which it is attached (maximum wall sign area of 3% of associated façade area permitted in Hospital Districts), b) a package of nine freestanding incidental/identification signs along Clearvista Parkway and Clearvista Drive which do not meet separation requirements, as indicated on the site plan, file-dated July 16, 2012 (minimum 300-foot separation required between freestanding identification signs located on a single lot), c) a package of 28 freestanding directional incidental signs with sign areas up to 108.4 square feet, and heights up to 16.25 feet (maximum six-square foot sign area and 2.5-foot height permitted for directional incidental signs), and d) a package of freestanding parking and loading incidental signs with heights up to six feet (maximum four-foot height permitted for parking and loading incidental signs), **approved and granted**.

2007-APP-864; 8075 North Shadeland Avenue (subject site), Hospital District-One and Hospital District-Two Approval for a 27.62-square foot, address numeral wall sign on the south building elevation; a 36.06-square foot address numeral wall sign on the west building elevation; two, five-square foot, address numeral wall signs above building entrances on the west building elevation; three, 5.5-foot tall 13.75-square foot freestanding incidental signs; seven, six-foot tall, 7.5-square foot freestanding incidental signs; a 16.66-square foot wall sign reading “emergency” on the south building elevation, **approved**.



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

2007-VAR-864; 8075 North Shadeland Avenue (subject site), Variance of Development Standards of the Sign Regulations to provide for three, four-foot tall, eight-square foot freestanding incidental signs, and seven, four-foot tall, five-square foot freestanding incidental signs, **granted**.

2001-APP-052; 8160 Clearvista Way (subject site), Hospital District-One Approval to provide for the construction of an office 253,000 square-foot, four-story, cardiac care hospital and physician's office building, with 528 new parking spaces, associated with the Community Hospital North Campus.

2001-ZON-028; 8160 Clearvista Way (subject site), Rezoning of 11.5 acres, from HD-2 to HD-1, to provide for a hospital, approved.

2000-APP-819 / 2000-VAR-819; 8075 North Shadeland Avenue (subject site), Hospital District-One Approval and Variance of Development Standards of the Sign Regulations to provide for the placement of two directional signs, each measuring four feet in height, one containing 19.5-square feet and one containing 41.33-square feet, not located along an ingress or egress point on the lot, **approved and granted**.

81-Z-59A; 8101 North Shadeland Avenue (subject site), Rezoning of 35 acres, being in the C-4/D-P district, to the C-S classification, to provide for special commercial uses and the termination of previous commitments or covenants, recorded or not, and any oral representations restricting and running with the land, **denied**.

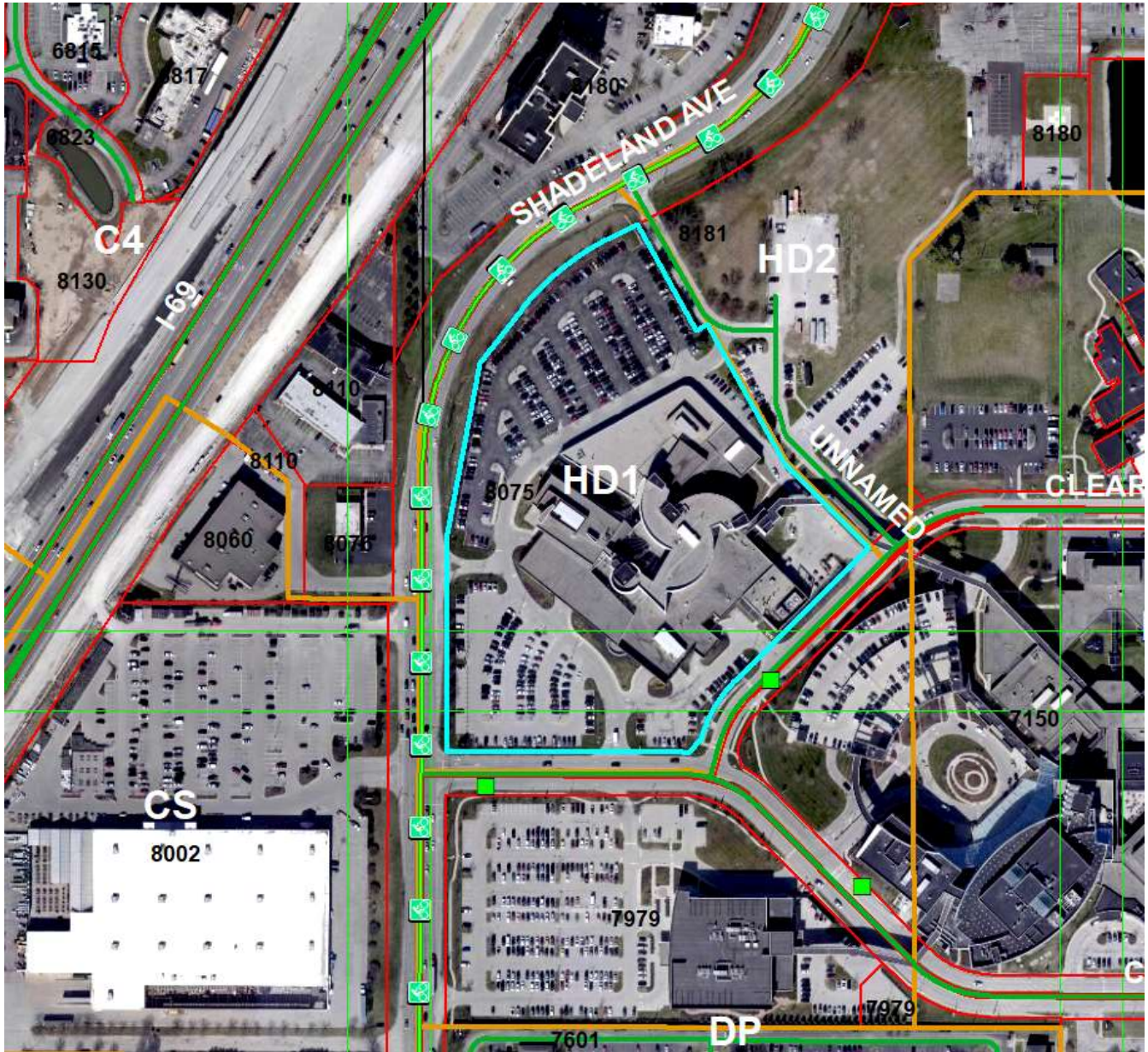
81-Z-154A; 8101 North Shadeland Avenue (subject site), Rezoning to the HD-2 classification, **approved**.

78-Z-85; 8111 North Shadeland Avenue (subject site), Rezoning 6.00 acres, being in the C-4 district, to C-7 classification to permit construction of a hardware, lumber and building supply sales center, **denied**.

73-Z-264; 7250 East 82nd Street (subject site), Rezoning of 269.40-acres, being in A-2, D-2, D-3, D-7, C-2, and C-4 districts, to D-P classification to permit Planned Unit Development, **approved**.

63-Z-13; Southeast corner of 82nd Street (subject site), Rezoning of 40 acres, being in A-2 district, to B-2 classification, to provide for the construction and operation of a retail shopping center, **approved**.

EXHIBITS

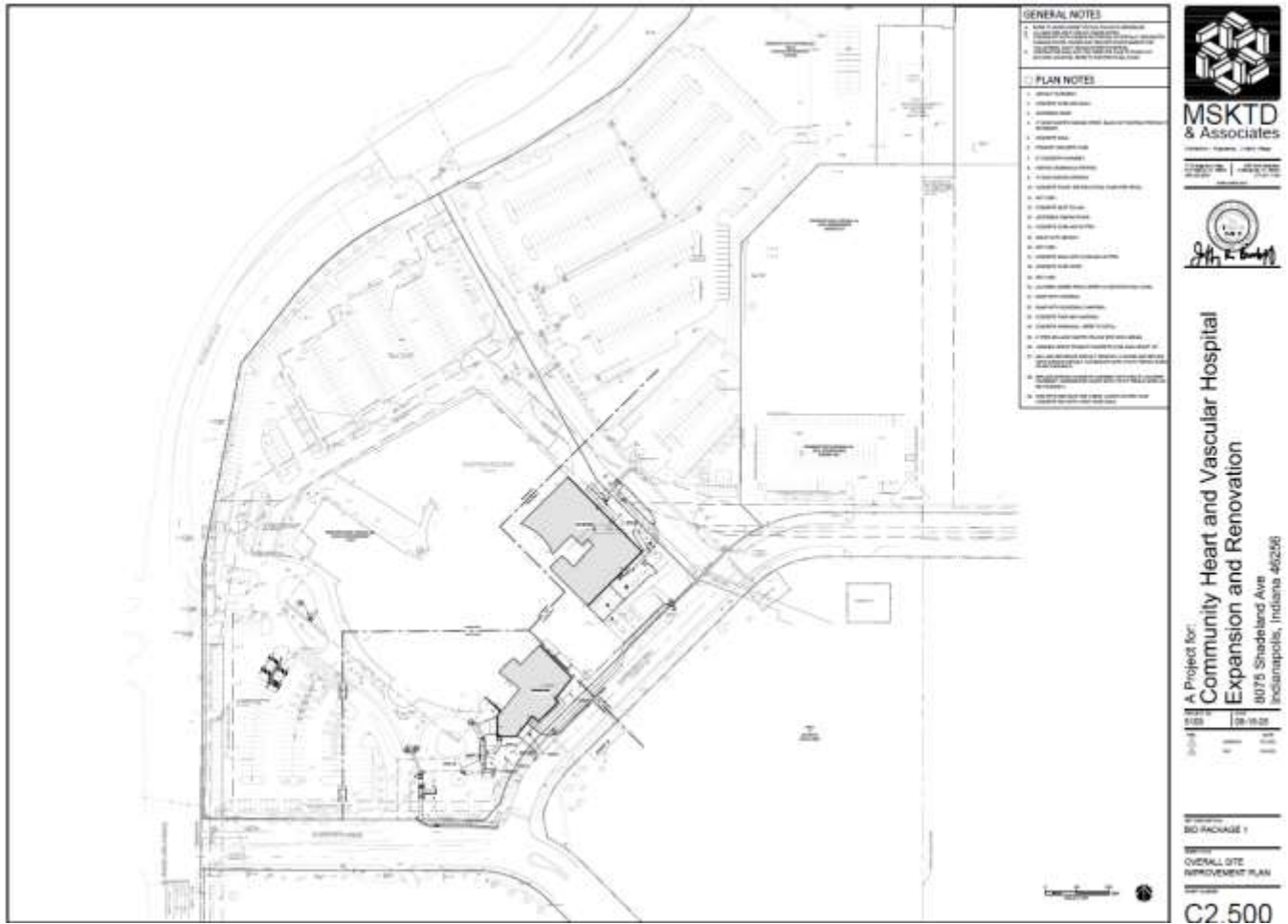


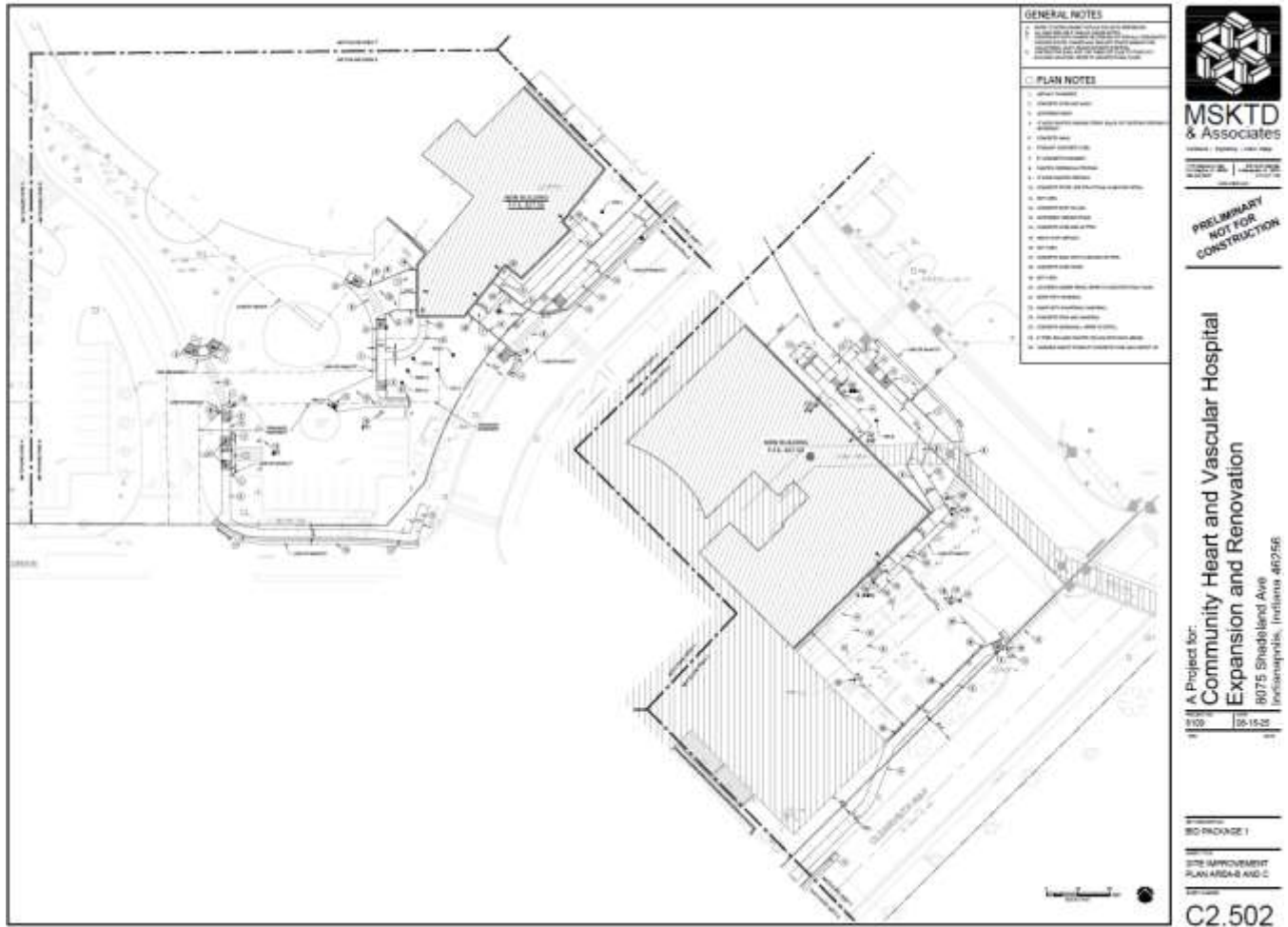
AERIAL MAP

LOCATION MAP

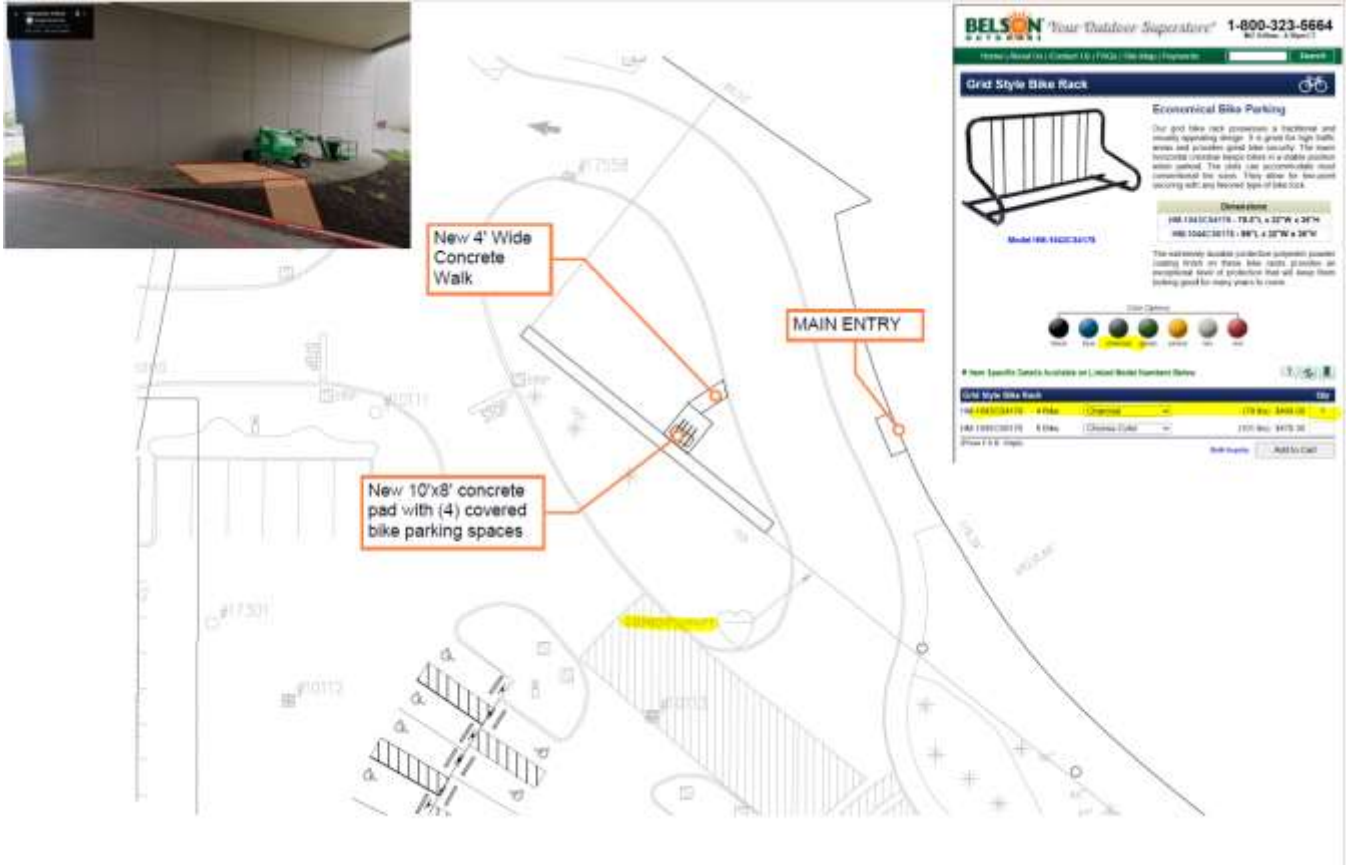


AMENDED SITE PLAN





BIKE PARKING LOCATION





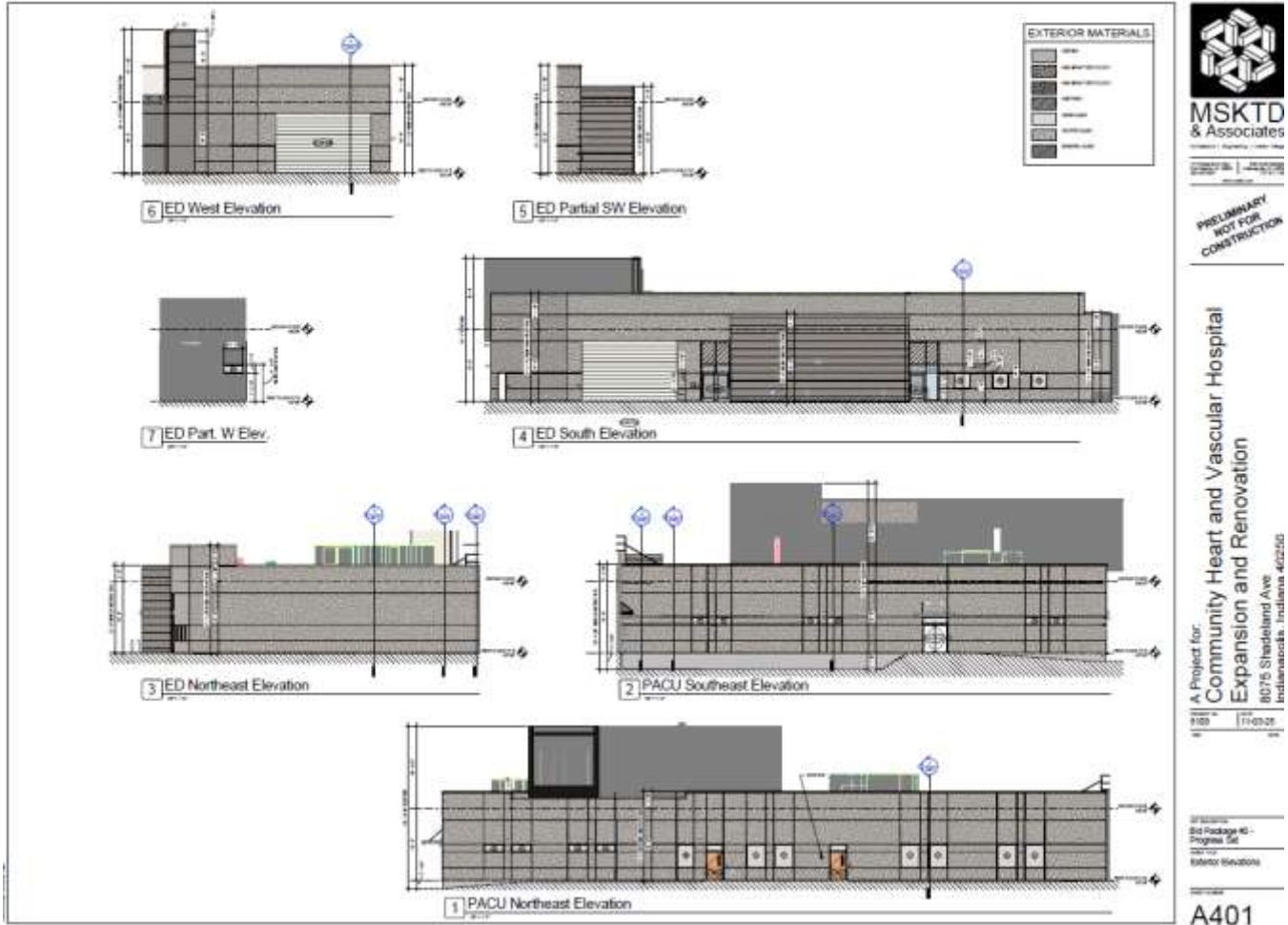
GREEN FACTOR SHEET

Table 744-509-1: Green Factor Calculation				
Project Name or Address:		CHN MFP		
Column A	Column B	Column C	Column D	Column E
Type of Area or Element	Number of Plants	Measured Area or Area Equivalent in Sq. Ft.	Multiplier	Score
Parcel Size		187,216		
Landscaped areas with uncompacted soil depth less than 24 inches				
Area of lawn, grass pavers, ground covers, or other plants typically less than 3 ft tall at maturity		17,334	0.2	3,467
Large shrubs or ornamental grasses [1]	514	16 sq. ft. per	0.3	2,467
Landscaped areas with uncompacted soil depth of 24 in. or more				
Required Yards with mulch, ground covers, grass pavers, or other plants typically less than 3 ft tall at maturity		-	1.0	-
Areas other than required yards with mulch, ground covers, grass pavers, or other plants typically less than 3 ft tall at maturity		-	0.7	-
Large shrubs or ornamental grasses [1]	380	16 sq. ft. per	0.3	1,824
Small trees [2]	1	50 sq. ft. per	0.3	15
Medium trees [3]	13	100 sq. ft. per	0.4	520
Large trees [4]	3	200 sq. ft. per	0.4	240
Undisturbed Areas [5]				
Undisturbed areas less than 10,000 sf		8,900	0.8	7,120
Undisturbed contiguous areas 10,000 sf or more		16,313	1.5	24,470
Significant Trees over 10 in. DBH preserved	3	250 sq. ft. per	0.5	375
Heritage Tree over 8 in. DBH preserved	3	250 sq. ft. per	0.5	375
Tree Preservation Credits as per Sec. 503.L for preserved Significant or Heritage Trees	0	250 sq. ft. per	0.5	-
Building or Structural Features				
Permeable paving for walkways, parking lots, etc		-	1.2	-
Photocatalytic pavement or building exterior		-	1.5	-
White roof area		-	0.1	-
Vegetated walls - area of wall covered		-	0.7	-
Infiltration areas, underground chambers or surface, such as sand filters		-	1.5	-
Green roofs				
Area of green roof with less than 2 in. but not more than 4 in. growing depth		-	1.2	-
Area of green roof with over 4 in. growing depth		-	1.4	-
Off-site improvements				
Tree credit to the Tree Fund [6]	0	100 sq. ft. per	0.4	-
Bonuses applied to factors above				
Bioretention areas such as rain gardens, stormwater planters, and bioretention swales		-	1.5	-
Landscaping that consists entirely of drought-tolerant or native species, as defined by the Administrator		-	0.4	-
Landscaped areas where at least 50% of annual irrigation needs are met through the use of harvested rainwater or grey water		-	0.2	-
Landscaping visible to passersby (adjoining & up to 85 ft depth)		4,530	0.1	453
Landscaping to be maintained in food cultivation		-	0.2	-
Landscape area utilizing structural soil		-	0.4	-
Total Green Factor Score				0.2207

FLOOR PLAN



ELEVATIONS







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

Petition Number _____

**METROPOLITAN DEVELOPMENT COMMISSION
OF MARION COUNTY, INDIANA
PETITION FOR UNIVERSITY QUARTER ONE/TWO APPROVAL
PETITION FOR PARK DISTRICT ONE/TWO APPROVAL
PETITION FOR HOSPITAL DISTRICT ONE/TWO APPROVAL**

FINDINGS OF FACT

The Metropolitan Development Commission finds that the site and development plan file-dated _____, 20____

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

This proposed expansion and renovation of the Community Heart and Vascular Hospital is a part of a major hospital campus.

Such use is compatible with nearby existing land uses, which are predominantly HD-1 and HD-2, and in conformity with the land uses for such area under the Comprehensive Plan of Marion County, Indiana.

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 expansion and renovation of the Community Heart and Vascular Hospital is the most efficient and economical use of the land. The design and aesthetics of the expanded Community Heart and Vascular Hospital, in conjunction with the new landscaping plan, will enhance the aesthetic value of the site and the surrounding hospital facilities.

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

Sufficient access to the expanded Community Heart and Vascular Hospital is provided via the existing access from both Clearvista Drive and Shadeland Avenue including public transit. A recently completed parking expansion project ensures that parking needs for this expansion are more than sufficient.

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

The expanded hospital will continue to be easily accessible from Clearvista Drive, which has access to both Shadeland Avenue and 82nd Street, and IndyGo bus service via Routes 4, 19 and 86.

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

The Community Heart and Vascular Hospital expansion will utilize the existing underground water retention system that is sized to adequately handle the addition to the existing hospital.



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Division of Planning
Current Planning**

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 proposed use of the site is consistent with the land uses for overall hospital campus as called for under the Comprehensive Plan and is designed in a manner to blend into the existing hospital campus.

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:

Pedestrian accessibility already exists within the interior and exterior of the Community Health Network North campus, including connectivity from the main hospital building via the existing skybridge.

DECISION

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

Adopted this _____ day of _____, 20 ____

Commission President/ Secretary



Photo of the subject site at the northeast intersection of Shadeland Avenue and Clear Vista Drive.



Photo of the existing emergency department.



Photo of the proposed emergency department addition looking northeast.



Photo of the proposed emergency department addition looking southwest.



Photo of the proposed emergency department addition looking southwest.



Photo of the proposed emergency department addition looking west.



Photo of the proposed lab, surgery, imaging, and pharmacy addition looking northwest.



Photo of the connection between hospital buildings to remain.



Photo of the proposed lab, surgery, imaging, and pharmacy addition looking northwest.



Department of Metropolitan Development
Division of Planning
Current Planning

**METROPOLITAN DEVELOPMENT COMMISSION
HEARING EXAMINER**

December 11, 2025

Case Number: 2025-MOD-022
Property Address: 5110 East 82nd Street
Location: Washington Township, Council District #3
Petitioner: Garrett Acquisitions, LLC, by Joseph D. Calderon
Current Zoning: C-S (FF)
Request: Modification of Commitments and Site Plan related to rezoning petition 2023-CZN-816, to modify commitment #3, to provide for the development to comply with the site plan, file-dated October 29, 2025 (previous commitment required compliance with the site plan, file-dated March 23, 2023).
Current Land Use: Undeveloped.
Staff Recommendations: Approval.
Staff Reviewer: Kathleen Blackham, Senior Planner

PETITION HISTORY

This is the first hearing on this petition.

STAFF RECOMMENDATION

Approval, subject to the C-S Statement and substantial compliance with the site plan and elevations, file dated October 29, 2025.

PETITION OVERVIEW

This 10.5-acre site, zoned C-S (FF), is undeveloped and surrounded by the White River to the north; multi-story office buildings to the south and east; and an event center to the west, all zoned C-S (FF).

MODIFICATION

The request would modify commitments and site plan related to rezoning petition 2023-CZN-816 to modify commitment #3, that required development of the site to comply with the site plan, file-dated October 29, 2025.

The 2023 rezoning provided for one building consisting of 313 units, with 488 parking spaces. This modification reduces the number of units and parking spaces. Four buildings are proposed for a total of 240 multi-family dwellings, with 304 parking spaces, some of which would be within garages. A club house and pool, dog park, mail kiosk and maintenance building would also be provided.



Department of Metropolitan Development Division of Planning Current Planning

Overlays

This site is also located within an overlay, specifically the Environmentally Sensitive overlay (ES). “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.

Most of this site is located within the 100-year floodplain, with the remainder of the site within the unregulated 500-year floodplain.

Floodway Fringe

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

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

Planning Analysis

Staff supports the modification because minimal changes are proposed. No additional uses are requested and the reduction in the number of units and parking spaces would result in a less impactful development on the surrounding land uses and public infrastructure.

GENERAL INFORMATION

Existing Zoning	C-S (FF)	
Existing Land Use	Undeveloped	
Comprehensive Plan	Office Commercial	
Surrounding Context	<u>Zoning</u>	<u>Land Use</u>
North:	C-S (FF)	White River
South:	C-S (FF)	Commercial office building
East:	C-S (FF)	Commercial office building
West:	C-S (FF)	Event Center

Thoroughfare Plan		
East 82 nd Street	Primary arterial	Existing 134-foot right-of-way and proposed 134-foot right-of-way.
Allison Pointe Boulevard	Local Street	Existing 70-foot right-of-way and proposed 50-foot right-of-way.
Context Area	Metro	
Floodway / Floodway Fringe	Yes. White River	
Overlay	Environmentally Sensitive Areas (ES)	
Wellfield Protection Area	No	
Site Plan	October 29, 2025	
Site Plan (Amended)	N/A	
Elevations	October 29, 2025	
Elevations (Amended)	N/A	
Landscape Plan	N/A	
Findings of Fact	N/A	
Findings of Fact (Amended)	N/A	
C-S/D-P Statement	October 29, 2025	

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

Pattern Book / Land Use Plan

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

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



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

- *Conditions for All Land Use Types – Office 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.

Red Line / Blue Line / Purple Line TOD Strategic Plan

Not Applicable to the Site.

Neighborhood / Area Specific Plan

Not Applicable to the Site.

Infill Housing Guidelines

Not Applicable to the Site.

Indy Moves

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

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

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

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



Department of Metropolitan Development
Division of Planning
Current Planning

ZONING HISTORY

2023-CZN-816 / 2023-CVR-8156, 5110 East 82nd Street, requested rezoning of 10.5 acres from the C-S (FF) district to the C-S (FF) district to provide for a multi-family uses and a variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for a 62-foot-tall multi-family building, **approved and granted**.

2018-ZON-115; 8580 Allison Pointe Boulevard and 5110 East 82nd Street, requested rezoning of 13.79 acres from the C-S (FF) district to the C-S (FF) classification to provide for multi-family residential uses, in addition to the uses previously approved by 86-Z-81, **withdrawn**.

2000-ZON-132; 8580 Allison Point Boulevard, requested rezoning of 4.73 acres from the C-S District to the C-S classification to provide for the reuse of an existing restaurant building for a banquet hall and catering facility, **approved**.

86-Z-81 / 86-CV-17, 5252 East 82nd Street, requested rezoning of 111 acres, from the A-2 and C-S Districts to the C-S classification to provide for a mixed-use business park with office buildings, hotels, restaurants, health club, branch bank and heliport and a variance of a reduction in required parking, **approved and granted**.

80-Z-1377; 5102 East 82nd Street, requested rezoning of 180.0 acres, being in the A-2 and C-4 districts, to the C-S classification, to provide for commercial office and residential complex, **approved**.

EXHIBITS





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

**C-S Development Statement
5110 East 82nd Street**

Introduction: Petitioner, Garrett Acquisitions, LLC ("Garrett") seeks to acquire approximately 10.5 acres of property commonly known as 5110 East 82nd Street (collectively, the "Subject Property") and develop it as a multifamily complex, consistent with the concept plans submitted with this Approval Petition.

Zoning: The Subject Property is currently zoned C-S, which allowd for offices, hotels (collectively, the "Original C-S Uses"), pursuant to that certain Development Statement filed with Zoning Case 86-Z-81 (the "Original Development Statement") and more recently, Mutlifamily Dwellings, in conjunction with Zoning Case 2023-CZN/CVR-816. Proposed Permitted Uses of the Subject Property shall remain as follows:

- 1) Multifamily dwellings, as defined in the City of Indianapolis Consolidated Zoning/Subdivision Ordinance in affect as of October 30, 2025 (the "Zoning Ordinance") and
- 2) Original C-S Uses, under the Original Development Statement.

Permitted Accessory Uses of the Subject Property shall include all permitted accessory uses allowed under the D-8 zoning classification as set forth in Table 743-1 of the Zoning Ordinance.

Development Standards:

The Site Plan shall control all setbacks and bulk standards for the Subject Property; however, if the Site Plan is silent as to a standard required by the Zoning Ordinance, the Zoning Ordinance shall apply.

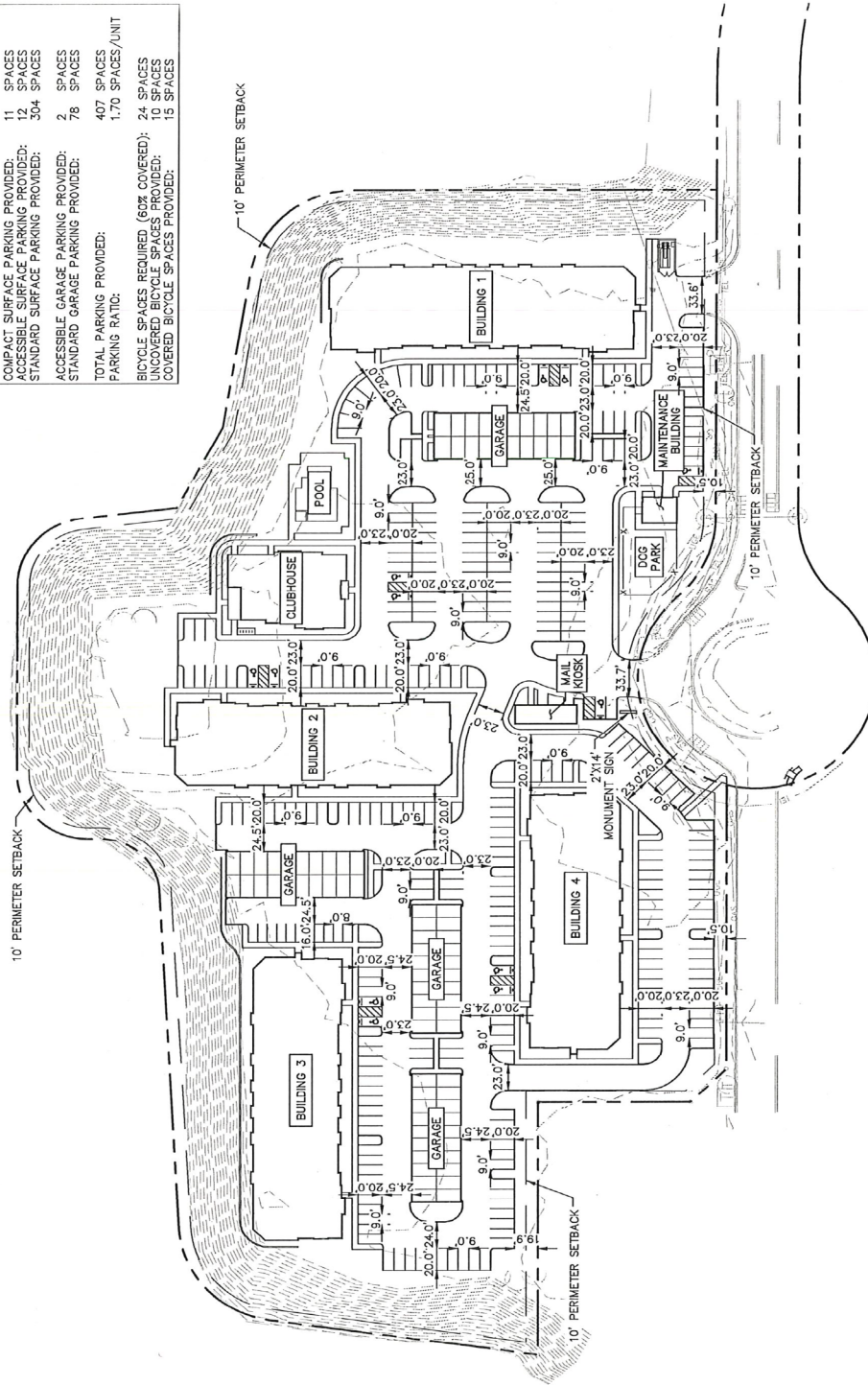
Landscaping:

Landscaping of the proposed multifamily project on the Subject Property shall be substantially compliant with the Preliminary Landscaping Plan submitted with the Approval Petition. Final landscaping plans shall be submitted for Administrator's Approval prior to application for an Improvement Location Permit.

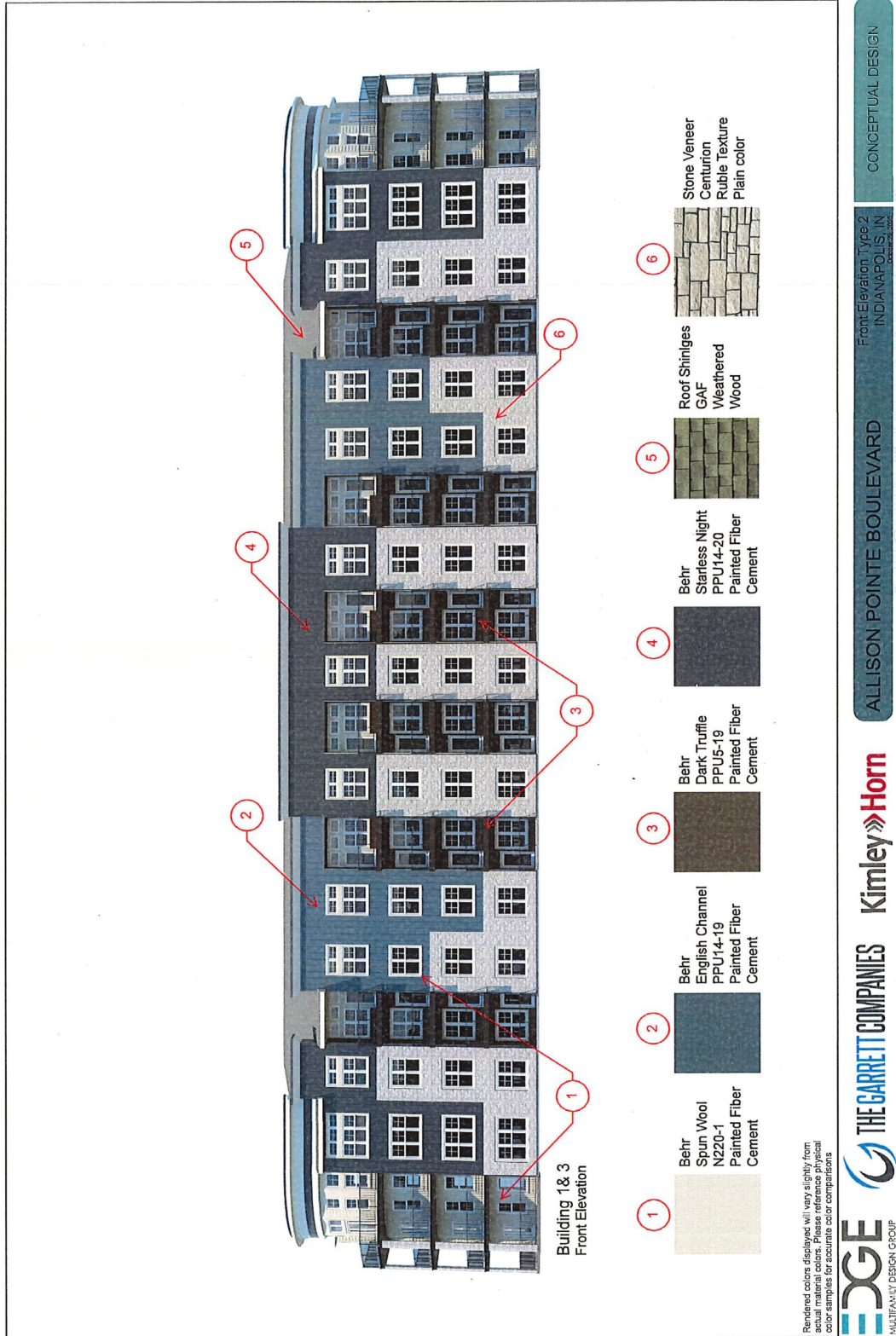
Signs:

There are sign criteria applicable to the Subject Property as a part of Zoning Case 86-Z-81. Garrett has not yet developed a sign program for its proposed use of the Subject Property. Therefore, Garrett proposes to prepare a proposed sign program for the Subject Property for Administrator's Approval prior to application for any sign permit.

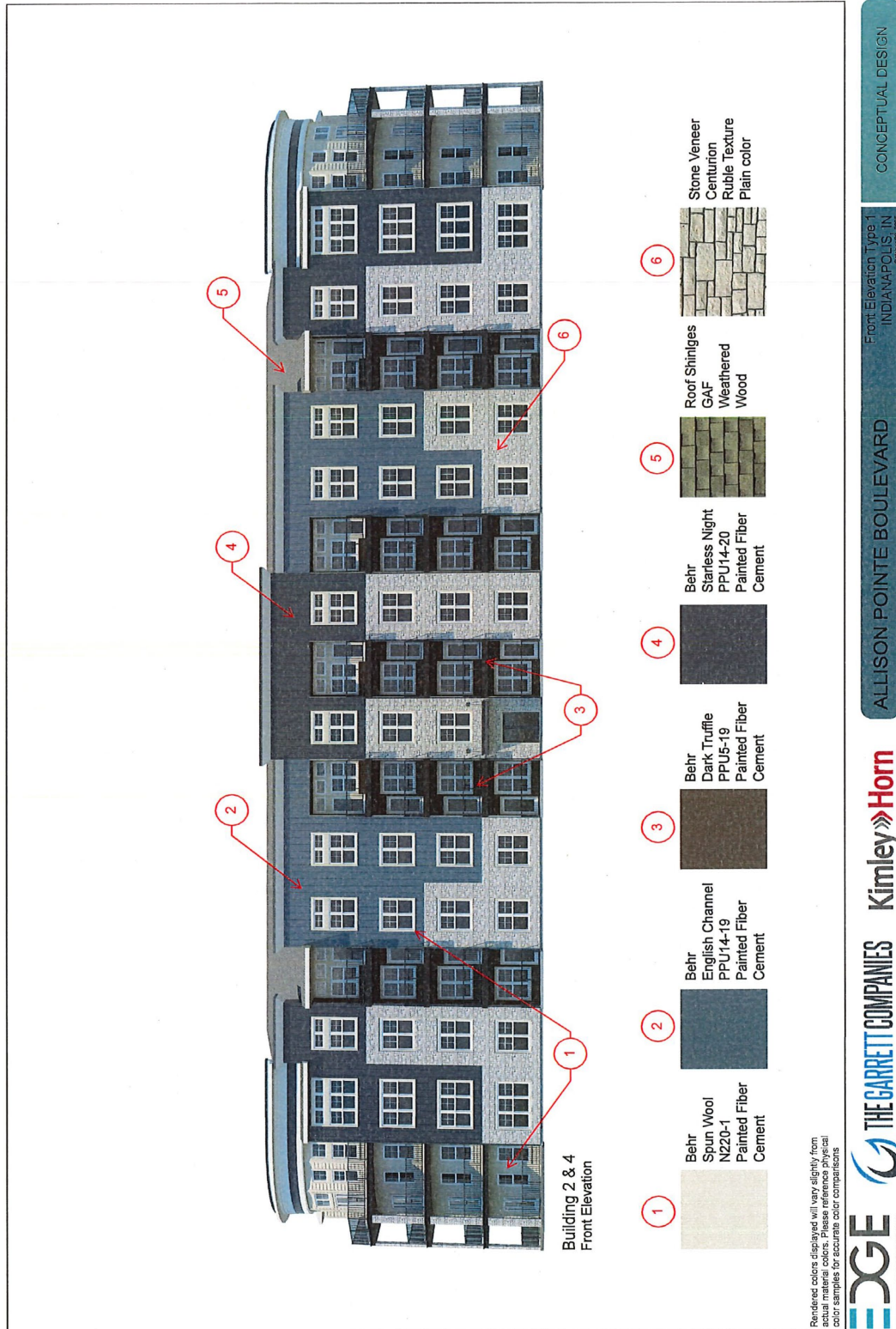
TOTAL SITE AREA:	10.5 AC
MULTIFAMILY UNITS:	240 UNITS
COMPACT SURFACE PARKING PROVIDED:	11 SPACES
ACCESSIBLE SURFACE PARKING PROVIDED:	12 SPACES
STANDARD SURFACE PARKING PROVIDED:	304 SPACES
ACCESSIBLE GARAGE PARKING PROVIDED:	2 SPACES
STANDARD GARAGE PARKING PROVIDED:	78 SPACES
TOTAL PARKING PROVIDED:	407 SPACES
PARKING RATIO:	1.70 SPACES/UNIT
BICYCLE SPACES REQUIRED (60% COVERED):	24 SPACES
UNCOVERED BICYCLE SPACES PROVIDED:	10 SPACES
COVERED BICYCLE SPACES PROVIDED:	15 SPACES














Building 2 & 4
Rear Elevation

1
Behr
Spun Wool
N220-1
Painted Fiber
Cement

2
Behr
English Channel
PPU14-19
Painted Fiber
Cement

3
Behr
Dark Truffle
PPU5-19
Painted Fiber
Cement

4
Behr
Starless Night
PPU14-20
Painted Fiber
Cement

5
Roof Shingles
GAF
Weathered
Wood

6
Stone Veneer
Centurion
Ruble Texture
Plain color

Rendered colors displayed will vary slightly from actual material colors. Please reference physical color samples for accurate color comparisons.

DGE MULTIFAMILY DESIGN GROUP

THE GARRETT COMPANIES

Kimley»Horn

ALLISON POINTE BOULEVARD

**Rear Elevation Type 1
INDIANAPOLIS, IN**

CONCEPTUAL DESIGN



Clubhouse
South Elevation

Clubhouse
East Elevation

Rendered colors displayed will vary slightly from actual material colors. Please reference physical color samples for accurate color comparisons.

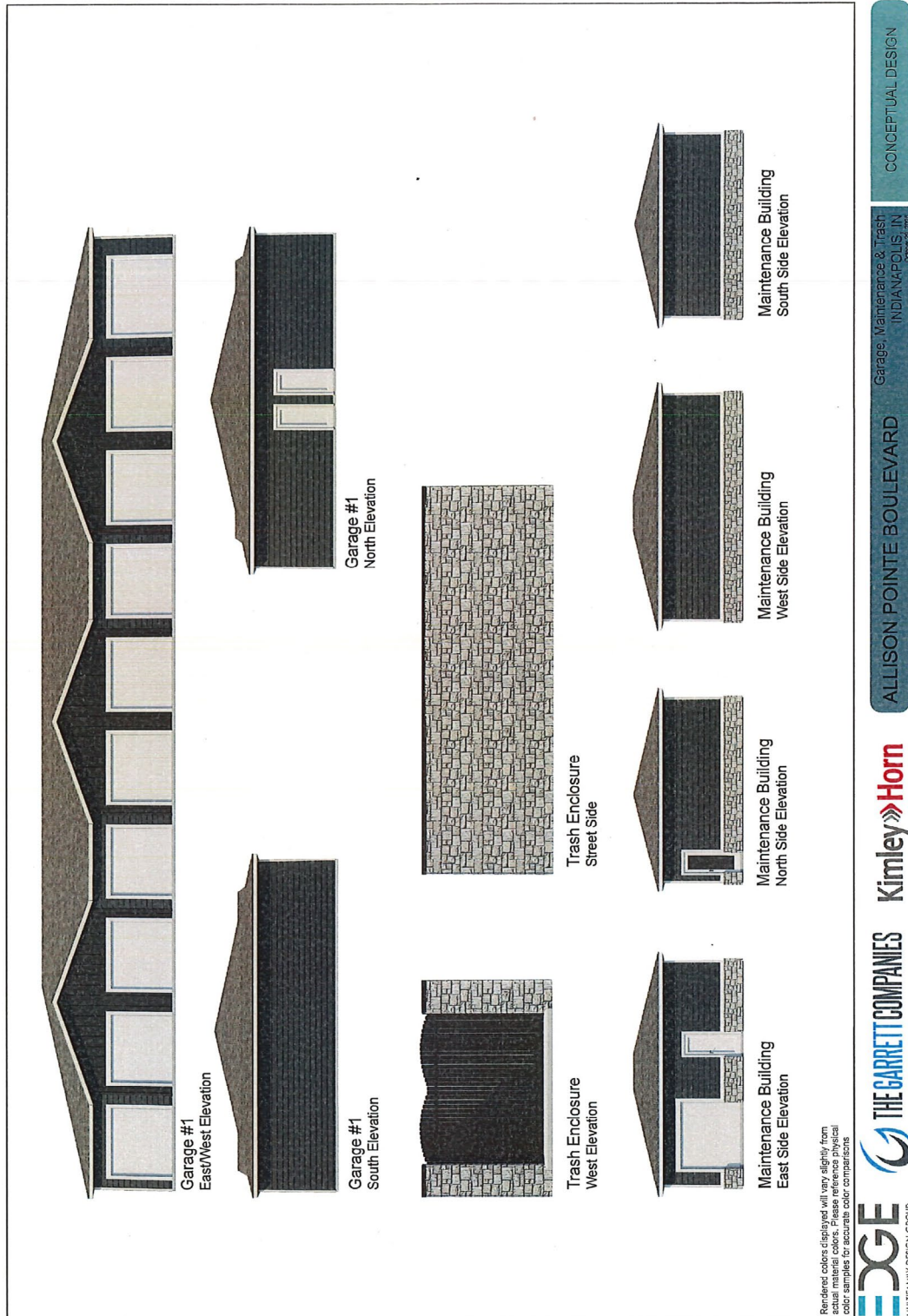


ALLISON POINTE BOULEVARD

Clubhouse
INDIANAPOLIS, IN
October 2022

CONCEPTUAL DESIGN







View looking east along Allison Pointe Boulevard



View looking west along Allison Pointe Boulevard



View looking east along Allison Pointe Boulevard



View looking east along Allison Pointe Boulevard



View of site looking northwest across Allison Pointe Boulevard circle



View of site looking north across Allison Pointe Boulevard



View of site looking north from adjacent property to the west



View of site looking north across Allison Pointe Boulevard



View of site looking north across Allison Pointe Boulevard



View of site looking north across Allison Pointe Boulevard



View of site looking north across Allison Pointe Boulevard



View from site looking southwest across Allison Pointe Boulevard



View from site looking south across Allison Pointe Boulevard



View of adjacent property looking west



Department of Metropolitan Development
Division of Planning
Current Planning

**METROPOLITAN DEVELOPMENT COMMISSION
HEARING EXAMINER**

December 11, 2025

Case Number: 2025-ZON-120 / 2025-VAR-013

Property Address: 2901 East 10th Street and 959 North Oxford Street (Approximate Address)

Location: Center Township, Council District #13

Petitioner: Evan Marshall, by Lucas Brown

Current Zoning: C-3

Request: Rezoning of 0.16-acre from the C-3 district to the MU-2 district.
Variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for five parking spaces (minimum 32 parking spaces required), to provide for two 8-foot by 16-foot, or 128-square-foot parking spaces (minimum 9-foot by 18-foot, or 180 square feet required), to provide for one ADA parking space at 8-foot by 16-foot, or 128-square-foot (minimum 8-foot by 20-foot required), to provide for an 18'11" aisle width (20-foot aisle width required for small vehicles) and to provide for a three-foot south side transitional yard setback (minimum 15-foot transitional yard setback required).

Current Land Use: Vacant Commercial Building and Undeveloped Lot

Staff Recommendations: Approval

Staff Reviewer: Marleny Iraheta, Senior Planner

PETITION HISTORY

This petition was previously continued from the November 13, 2025 hearing to the December 11, 2025 hearing at the request of the petitioner.

STAFF RECOMMENDATION

Staff **recommends approval** of the requests.

PETITION OVERVIEW

LAND USE

The 0.16-acre subject site is developed with a commercial building and an undeveloped lot.

It is surrounded by a commercial parking lot to the north associated with a vacant building, zoned C-3, commercial and residential uses to the west, zoned C-3 and MU-2, a single-family dwelling to the south, zoned D-3, and a commercial use to the east, zoned C-3.



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

REZONING

The request would rezone the property from the C-3 district to the MU-2 district to allow for retail, restaurant, and residential uses.

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

VARIANCE OF DEVELOPMENT STANDARDS

Variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for five parking spaces (minimum 32 parking spaces required), to provide for two 8-foot by 16-foot, or 128-square-foot parking spaces (minimum 9-foot by 18-foot, or 180 square feet required), to provide for one ADA parking space at 8-foot by 16-foot, or 128-square-foot (minimum 8-foot by 20-foot required), to provide for an 18'11" aisle width (20-foot aisle width required for small vehicles) and to provide for a three-foot south side transitional yard setback (minimum 15-foot transitional yard setback required).

Per Table 744-402-1: Required Parking Table, the proposed 4,900 square feet of restaurant space would require 32 minimum parking spaces. The proposed 725 square feet of retail space would require two (2) minimum parking spaces. The singular proposed residential unit would require one (1) minimum parking space. In total, the minimum required parking spaces for the proposal would be 35.

The Ordinance permits a 10% parking reduction for proximity to an IndyGo Transit Emphasis Corridor transit stop. The bus stop at the Rural Street and 10th Street intersection would allow this reduction to apply to the subject site. Thus, the total required number of parking spaces would then be 32.



Department of Metropolitan Development
Division of Planning
Current Planning

Because the site has limited undeveloped area with much of it already containing a commercial building, staff determined that there is a practical difficulty with meeting the parking requirements.

The three proposed parking spaces on site and two proposed street parking would be the extent of parking spaces that could be accommodated at this property. However, to provide this number of spaces, the small vehicle dimensions would be used instead of the standard vehicle dimensions which staff can support to provide an ADA parking space and one for the dwelling unit.

The narrow area available for parking also prevents the full 20-foot aisle width required for small vehicles and the 15-foot transitional yard requirement to be met. Instead, an 18-foot 11-inch aisle width and three-foot south side transitional yard would be proposed.

STAFF ANALYSIS

The request would rezone the site to allow for a mixed-use building that would include retail space and an apartment unit.

The proposal would align with the Comprehensive Plan recommendations for Traditional Neighborhood and Village Mixed-Use which contemplate residential uses and neighborhood serving businesses.

The reuse of the existing building and proposed small addition limits the ability to provide the parking requirements of the Ordinance on site. Because this is no fault of the property owner, staff determined that the rezoning and variances requested for this mixed-use development are supportable and recommends approval of the requests.

GENERAL INFORMATION

Existing Zoning	C-3	
Existing Land Use	Commercial Building	
Comprehensive Plan	Traditional Neighborhood and Village Mixed-Use	
Surrounding Context	<u>Zoning</u>	<u>Land Use</u>
North:	C-3	Surface parking lot
South:	D-5	Residential (Single-family dwelling)
East:	C-3	Commercial
West:	C-3 / MU-2	Commercial / Residential
Thoroughfare Plan		
10 th Street	Primary Arterial Street	56-foot proposed right-of-way and 49-foot existing right-of-way.
Oxford Street	Local Street	48-foot proposed right-of-way and 40-foot existing right-of-way.
Context Area	Compact	
Floodway / Floodway Fringe	No	
Overlay	No	



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

Wellfield Protection Area	No
Site Plan	November 3, 2025
Site Plan (Amended)	November 4, 2025
Elevations	N/A
Elevations (Amended)	N/A
Landscape Plan	N/A
Findings of Fact	November 17, 2025
Findings of Fact (Amended)	December 1, 2025
C-S/D-P Statement	N/A

COMPREHENSIVE PLAN ANALYSIS

Comprehensive Plan

- Marion County Land Use Plan Pattern Book (2019)
- The Near Eastside Quality of Life Plan (2020)

Pattern Book / Land Use Plan

- The Comprehensive Plan recommends Traditional Neighborhood and Village Mixed-Use development of the site.
- The Traditional Neighborhood typology includes a full spectrum of housing types, ranging from single family homes to large-scale multifamily housing. The development pattern of this typology should be compact and well-connected, with access to individual parcels by an alley when practical. Building form should promote the social connectivity of the neighborhood, with clearly defined public, semi-public, and private spaces. Infill development should continue the existing visual pattern, rhythm, or orientation of surrounding buildings when possible. A wide range of neighborhood serving businesses, institutions, and amenities should be present. Ideally, most daily needs are within walking distance. This typology usually has a residential density of 5 to 15 dwelling units per acre, but a higher density is recommended if the development is within a quarter mile of a frequent transit line, greenway, or park.
- **Conditions for All Land Use Types**
 - All land use types except small-scale parks and community farms/gardens in this typology must have adequate municipal water and sanitary sewer.
 - All development should include sidewalks along the street frontage.
 - In master-planned developments, block lengths of less than 500 feet, or pedestrian cut-throughs for longer blocks, are encouraged.
- **Conditions for All Housing**
 - A mix of housing types is encouraged.



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

- Should be within a one-mile distance (using streets, sidewalks, and/or off-street paths) of a school, playground, library, public greenway, or similar publicly accessible recreational or cultural amenity that is available at no cost to the user.
- Primary structures should be no more than one and a half times the height of other adjacent primary structures.
- Should be oriented towards the street with a pedestrian connection from the front door(s) to the sidewalk. Driveways/parking areas do not qualify as a pedestrian connection.
- Developments with densities higher than 15 dwelling units per acre should have design character compatible with adjacent properties. Density intensification should be incremental with higher density housing types located closer to frequent transit lines, greenways, or parks.
- **Small-Scale Offices, Retailing, and Personal or Professional Services**
 - If proposed within one-half mile along an adjoining street of an existing or approved residential development, then connecting, continuous pedestrian infrastructure between the proposed site and the residential development (sidewalk, greenway, or off-street path) should be in place or provided.
 - Should be located at intersections and limited to an aggregate of 1 acre per intersection.
 - Should be limited to areas and parcels with adequate space for required screening and buffering.
 - Automotive uses (such as gas stations and auto repair) and uses requiring a distance of separation of greater than 20 feet under the zoning ordinance (such as liquor stores, adult uses, and drive-through lanes) are excluded.
 - Mixed-use structures are preferred. Should not include outdoor display of merchandise.
- The Village Mixed-Use typology creates neighborhood gathering places with a wide range of small businesses, housing types, and public facilities. This typology is intended to strengthen existing, historically small-town centers as well as to promote new neighborhood centers. Businesses found in this typology serve adjacent neighborhoods, rather than the wider community. This typology is compact and walkable, with parking at the rear of buildings. Buildings are one to four stories in height and have entrances and large windows facing the street. Pedestrian-scale amenities such as lighting, landscaping, and sidewalk furniture also contributes to a walkable environment in this typology. Uses may be mixed vertically in the same building or horizontally along a corridor. Public spaces in this typology are small and intimate, such as pocket parks and sidewalk cafes. This typology has a residential density of 6 to 25 dwelling units per acre.
- **Conditions for All Land Use Types**
 - All land use types except small-scale parks and community farms/gardens in this typology must have adequate municipal water and sanitary sewer.
 - All development should include sidewalks along the street frontage.
 - In master-planned developments, block lengths of less than 500 feet, or pedestrian cut-throughs for longer blocks, are encouraged.
 - Where possible, contributing historic buildings should be preserved or incorporated into new development.
- **Conditions for All Housing**
 - Should be within a one-quarter-mile distance (using streets, sidewalks, and/or off-street paths) of a school, playground, library, public greenway, or similar publicly accessible recreational or cultural amenity that is available at no cost to the user.



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

- 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.
- **Small-Scale Offices, Retailing and Personal or Professional Services**
 - Mixed-Use structures are preferred.
 - Automotive uses (such as gas stations and auto repair) and uses with drive-through lanes are excluded.
 - Should not include outdoor display of merchandise.

Red Line / Blue Line / Purple Line TOD Strategic Plan

- Not Applicable to the Site.

Neighborhood / Area Specific Plan

- The site falls within The Near Eastside Quality of Life Plan (2020).
- The 2020 Near Eastside Quality of Life planning process has culminated in the creation of nine neighborhood focus areas which includes Economic & Workforce Development and Housing.
- Economic & Workforce Development: The Near Eastside mobilizes existing assets and attracts new investment in our local residents, businesses, and places in order to maximize their full potential as we create abundant and productive linkages to our city, state, and beyond.
- Housing: The Near Eastside is a place that promotes fair, equitable, and affordable housing for all, without regard to income, race, ethnicity, housing status, or class and that improves the community as a whole while not forcing others out.

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.



Department of Metropolitan Development
Division of Planning
Current Planning

ZONING HISTORY

Zoning History – Site

94-UV3-130; 2905 East 10th Street (subject site), Variance of Use of the Commercial Zoning Ordinance to provide for church use, with a food pantry (not permitted), **dismissed**.

Zoning History – Vicinity

2022-DV2-010; 2827 East 10th Street (west of site) Variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for the conversion of parking spaces into an outdoor seating area resulting in one ADA parking space (minimum seventeen parking spaces, one ADA space required), **granted**.

2013-DV1-032; 2902 East 10th Street (northeast of site), Variance of development standards of the Commercial Zoning Ordinance to legally establish a 24-seat restaurant, with zero parking spaces (eight total parking spaces required, one handicapped parking space required), carryout food service within 92 feet of a protected district (minimum 100 feet required) and a trash enclosure in front of the building line within the right-of-way of Oxford Street (trash enclosure must be behind the front building line and located outside of the right-of-way), **granted**.

2010-DV3-029; 2828-2834 East 10th Street and 1012 North Oxford Street (north of site), Variance of Development Standards of the Commercial Zoning Ordinance to provide for a grocery store, with a pergola having a 27.583-foot setback from the centerline of 10th Street, with parking spaces having a 26.16-foot setback from the centerline of 10th Street, with 19 parking spaces, with a zero-foot rear yard setback, with a freestanding sign with a 2.33-foot front setback, with outdoor seating proposed under the wood pergolas, and with carry-out food provided within 35 feet of a protected district, **granted**.

2008-DV1-058; 1001 and 1011 North Rural Street and 2914 East 10th Street (northwest of site), Variance of Development Standards of the Commercial Zoning Ordinance to provide for an additional gas pump and a 480-square foot gas station canopy addition with a 50.9-foot front setback from the centerline of North Rural Street (minimum 70 foot front setback required), a 17-foot wide, two-way drive aisle south and west of the gas station canopy addition (minimum 20-foot side drive aisle required), and to provide for a zero-foot front landscape yard along a portion of Rural Street frontage of the site and to legally establish a five-foot front landscape strip, (minimum ten-foot front landscape strip required) and Variance of Development Standards of the Sign Regulations to provide for pylon sign, with a one-foot front setback from the rights-of-way of East 10th Street and Rural Street (minimum fifteen-foot front setback required), **granted**.

2005-HOV-011; 2811 East 10th Street (west of site), Variance of Development Standards of the Sign Regulations to provide for the placement of four, fourteen-square foot projecting banner signs located ten feet above grade on an existing mixed-use building (banner signs not permitted), **granted**.

2001-ZON-802/2001-VAR-802; 2811-2819 East 10th Street and 946 and 956 North Oxford Street (west of site), Rezoning of 0.30 acre from the C-3 District to the C-3C classification to provide for



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

commercial and residential uses and Variance of Development Standards of the Commercial Zoning Ordinance, to provide for off-street parking and an interior access drive located within the rear transitional yard, and 25 off-street parking spaces, **approved and granted.**

89-HOV-9; 1001 North Rural Street (northwest of site), Variance of Development Standards of the Sign Regulations to provide for a canopy sign with a setback of forty-five feet from the center line of Rural Street and fifty-three feet from the center line of 10th Street (seventy feet required), **granted.**

88-HOV-35; 1001 North Rural Street (northwest of site), Variance of Development Standards of the Commercial Zoning Ordinance to provide for a transitional yard of six feet (twenty feet required) and to provide for an addition to an existing structure and Variance of Development Standards of the Sign Regulations to provide for a pole sign to be located in the right-of-way, **granted.**

87-UV3-116; 1001 North Rural Street (northwest of site), Variance of Development Standards of the Commercial Zoning Ordinance to provide for a building addition to a convenience store without provision of the required transitional yard or parking, **granted.**

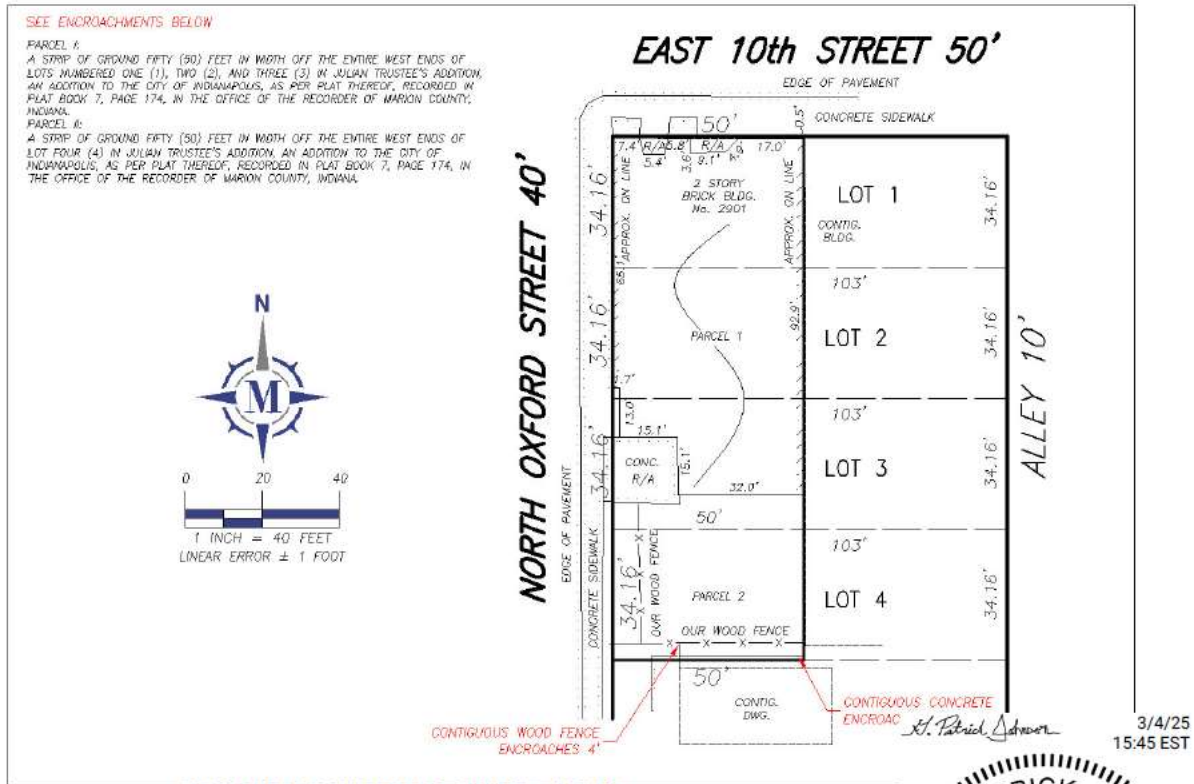
87-V3-69; 1001 North Rural Street (northwest of site), Variance of Development Standards of the Commercial Zoning Ordinance to provide for the construction of an addition to a convenience store without the require amount of parking and with a trash dumpster located in the transitional yard, **denied.**

EXHIBITS



AERIAL MAP

SURVEY



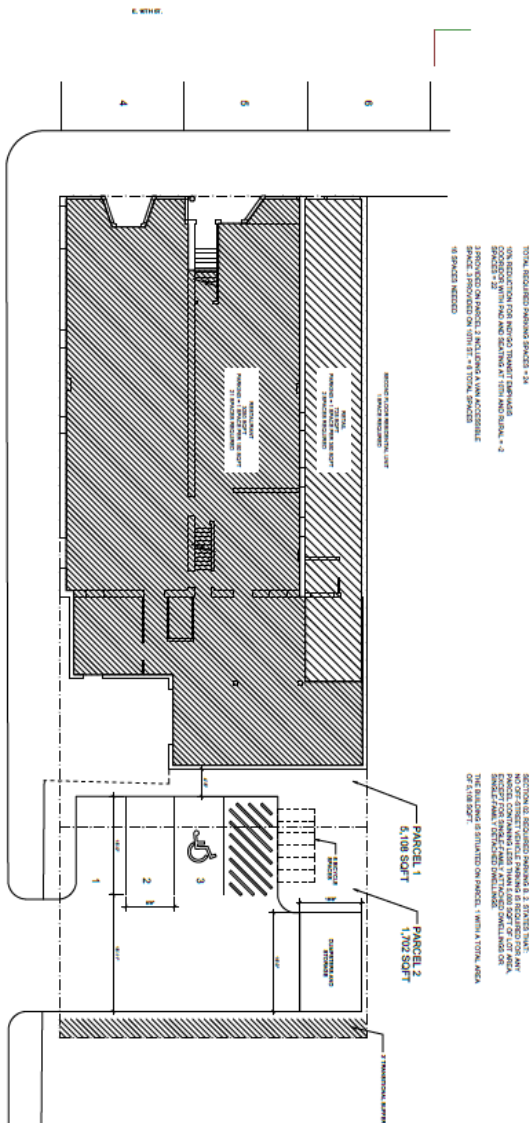
PROUDLY SERVING SINCE 1970

I HEREBY CERTIFY TO THE PARTIES NAMED ABOVE THAT THE REAL ESTATE DESCRIBED HEREIN WAS
 INSPECTED UNDER MY SUPERVISION ON THE DATE INDICATED AND THAT, TO THE BEST OF MY
 KNOWLEDGE AND BELIEF, THIS REPORT CONFORMS WITH THE REQUIREMENTS CONTAINED IN SECTIONS
 27 THROUGH 29 OF 865 IAC 1-12 FOR A SURVEYOR LOCATION REPORT. THE ACCURACY OF ANY FLOOD
 HAZARD STATEMENT SHOWN ON THIS REPORT IS SUBJECT TO MAP SCALE UNCERTAINTY AND TO ANY
 OTHER UNCERTAINTY IN LOCATION OR ELEVATION ON THE REFERENCED FLOOD INSURANCE RATE MAP.
 THIS REPORT IS DESIGNED FOR USE BY A TITLE INSURANCE COMPANY WITH RESIDENTIAL LOAN
 POLICIES. NO CORNER MARKERS WERE SET AND THE LOCATION DATA HEREIN IS BASED ON LIMITED
 ACCURACY MEASUREMENTS. THEREFORE, NO LIABILITY WILL BE ASSUMED FOR ANY USE OF THE DATA
 FOR CONSTRUCTION OF NEW IMPROVEMENTS OR FENCES.




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

1 SITE PLAN



FOR REVIEW ONLY. NOT FOR
CONSTRUCTION.

 BROWN & CALDWELL CONSULTANTS, INC. 2055 W. MOUNTAIN VIEW, PMB 100 INDIANAPOLIS, IN 46221-4600 317-446-1170 bcal@brownandcaldwell.com	2901 E. 10TH ST. INDIANAPOLIS, IN	CERTIFICATION REVISIONS	SHEET NUMBER AS101
	PRELIMINARY SITE PLAN 11-03-25 PRINT 24 X 36 FULL SIZE OR 12 X 18 HALF SIZE		

[illegible]

FOR REVIEW ONLY. NOT FOR
CONSTRUCTION


 brown & caldwell environmental design inc. 2400 W. MONTGOMERY, PM. DR. SUITE 200 INDIANAPOLIS, IN 46202 317-442-1179 bci@brownandcaldwell.com	2901 E. 10TH ST. INDIANAPOLIS, IN	CERTIFICATION	REVISIONS	SHEET NUMBER AS101
			PRELIMINARY SITE PLAN 11-04-25 PRINT 24 X 36 FULL SIZE OR 12X18 HALF SIZE	



Photo of the subject site looking south from 10th Street.



Photo of the subject site at 2901 East 10th Street looking east from Oxford Street.



Photo of the subject site at 959 Oxford Street looking east from Oxford Street.



Photo of a single-family and two-family dwelling south of the subject site.



Photo of the commercial property east of the subject site.



Photo of the commercial property west of the subject site.



Photo of the surface parking lot west of the subject site.



Photo of the commercial property north of the site.



Department of Metropolitan Development
Division of Planning
Current Planning

**METROPOLITAN DEVELOPMENT COMMISSION
HEARING EXAMINER**

December 11, 2025

Case Number: 2025-CZN-844 (Amended) / 2025-CVR-844 (Amended)

Property Address: 127 East 34th Street (approximate address)

Location: Center Township, Council District #8

Petitioner: Hoosier Outreach, Inc., by Craig McCormick

Current Zoning: C-1 (TOD)

Rezoning of 0.11-acre from the C-1 (TOD) district to the D-8 (TOD) district to provide for a small apartment consisting of four units.

Request: Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for a small apartment with zero-foot east side yard and rear yard setbacks for a surface parking area (minimum five-foot side yard and 10-foot rear yard setbacks required).

Current Land Use: Undeveloped

Staff Recommendations: Approval with commitment.

Staff Reviewer: Marleny Iraheta, Senior Planner

PETITION HISTORY

ADDENDUM FOR DECEMBER 11, 2025 HEARING EXAMINER

This petition was continued from the November 13, 2025 hearing to the December 11, 2025 hearing at the request of the petitioner to amend the request.

Amendment: The request was amended to rezone the site to the D-8 district instead of the previously requested D-5 district for a proposed small apartment consisting of four units. An additional zero-foot rear yard setback variance was added to address the relocation of the surface parking area.

The small apartment building typology would be permitted in the proposed D-8 district and would align with the Mapleton-Fall Creek Neighborhood Land Use Plan (2013) recommendation for residential development.

Staff now **recommends approval of the request as amended** subject to one commitment proposed by the petitioner that parked cars on the property shall not encroach upon or impede the east alley. This commitment shall be reduced in writing on the Commission's Exhibit "B" forms at least three (3) days prior to the MDC hearing.



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

ADDENDUM FOR NOVEMBER 13 2025 HEARING EXAMINER

Due to the petitioner's absence at the October 23, 2025 hearing, this petition was continued to the November 13, 2025 hearing by the Hearing Examiner. If the petitioner fails to attend this hearing, the Hearing Examiner will dismiss the case.

The petitioner notified staff that they intend to amend the request and will be requesting a continuance for cause at the November 13, 2025 hearing. In order for notice requirements to be met, the petition will need to be continue to the December 11, 2025 hearing.

October 23, 2025

This is the first public hearing for this petition.

STAFF RECOMMENDATION

Staff **recommends denial** of the request.

PETITION OVERVIEW

LAND USE

The 0.11-acre subject site is an undeveloped commercial lot. It is surrounded by an art gallery to the west, zoned C-1, a 4-unit residential building to the east, zoned D-5, a church to the north, zoned D-9 and D-3, and an electrical substation to the south, zoned C-1.

REZONING

The request would rezone the property from the C-1 district to the D-5 district to allow the construction of a multi-unit house consisting of four (4) units.

The C-1 District is designed to perform two (2) functions: act as a buffer between uses, and provide for a freestanding area that office uses, compatible office-type uses, such as medical and dental facilities, education services, and certain public and semipublic uses may be developed with the assurance that retail and other heavier commercial uses with incompatible characteristics will not impede or disrupt. 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 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



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

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.

VARIANCE

The grant of the Variance of Development Standards would permit a zero-foot east side yard setback for a surface parking area where a minimum 3-foot side yard setback is required.

STAFF ANALYSIS

The Mapleton-Fall Creek Neighborhood Land Use Plan (2013) recommends five to eight residential unit per acre development at this location.

If the submitted plans represented a multi-unit house, which is defined by Current Planning staff as a residential building with a common entrance and exit with interior access to the units, then staff would support the rezoning and variance request associated with said multi-unit house.

However, the floor plans and elevation that were submitted at staff's request resulted in the discovery that the proposed building type would not be a multi-unit building as defined by staff. Instead, each individual unit would have its own exterior entrance and would therefore be classified as a small apartment.

Staff informed the petitioner of this discrepancy and recommended they amend the request to rezone the site to the D-8 district for a small apartment, which staff would support.

The Administrator's interpretation of the multi-unit house classification should not be discussed during the hearing since there is a separate procedure to appeal the Administrator's Interpretation.

Approval of the request as currently noticed would not allow for the issuance of an Improvement Location Permit of the filed plan set. Therefore, staff is recommending denial of the requests since the final product would not be a multi-unit house as requested.

Lastly, the petitioner was made aware that per TABLE 744-701-2: PRIVATE FRONTAGE DESIGN STANDARDS, any front entry feature cannot extend further than five (5) feet into the 10-foot required front yard setback. The final site plan will need to be adjusted to meet this standard unless a variance is sought at a later time.

GENERAL INFORMATION

Existing Zoning	C-1 (TOD)	
Existing Land Use	Undeveloped	
Comprehensive Plan	5 to 8 Residential Units Per Acre	
Surrounding Context	<u>Zoning</u>	<u>Land Use</u>
	North: D-9 / D-3	Church
	South: C-1	Electrical Substation



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

East:	D-5	Residential
West:	C-1	Commercial Art Gallery
Thoroughfare Plan		
34 th Street	Primary Collector Street	78-foot proposed right-of-way and 60-foot existing right-of-way.
Context Area	Compact	
Floodway / Floodway Fringe	No	
Overlay	Yes	
Wellfield Protection Area	No	
Site Plan	September 5, 2025	
Site Plan (Amended)	November 3, 2025	
Elevations	October 3, 2025	
Elevations (Amended)	N/A	
Landscape Plan	N/A	
Findings of Fact	September 23, 2025	
Findings of Fact (Amended)	November 25, 2025	
C-S/D-P Statement	N/A	

COMPREHENSIVE PLAN ANALYSIS

Comprehensive Plan

- Mapleton-Fall Creek Neighborhood Land Use Plan (2013)
- Red Line Transit-Oriented Development Strategic Plan (2021)
- Infill Housing Guidelines (2021)
- Indy Moves Transportation Integration Plan (2018)

Pattern Book / Land Use Plan

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

Red Line / Blue Line / Purple Line TOD Strategic Plan

- The subject site falls within the Red Line Transit-Oriented Development Strategic Plan (2021).



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

- The subject site is within a ¼ mile from the nearest transit station located west at the 34th Street and Meridian Street intersection, which is classified as a community center typology.
- Characteristics of this typology include a dense mixed-use neighborhood center, minimum of two stories at core, no front or side setback at core, with zero to ten-foot front setbacks and zero to ten-foot side setback at periphery. Multi-family housing with a minimum of three units should be proposed with structured parking at the core and attractive surface parking at the periphery.

Neighborhood / Area Specific Plan

- The subject site falls within the Mapleton-Fall Creek Neighborhood Land Use Plan (2013) and recommends residential development greater than five (5) and equal to or less than eight (8) 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.
- Rezoning to a dwelling district would align with the Neighborhood Plan.

Infill Housing Guidelines

- The Infill Housing Guidelines (2021) should be considered when developing the site.
- **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,



Department of Metropolitan Development
Division of Planning
Current Planning

- but uncommon in others. Balconies along the street should be used when appropriate. When a balcony is used, consider the appropriate door access for the type of balcony. For example, Juliet balconies, which are intended to bring the outside in, make the most sense when French doors are used.
- **5. Consider Nearby Roof Styles:** The basic outline of a new building should reflect building outlines typical of the area. Roof selection and overall height contribute to the building outline. Select roof shapes that are frequently used in the neighborhood.
 - **6. Fenestration Should Relate to the Surrounding Context:** Windows and doors should be arranged on buildings so as not to conflict with the basic fenestration patterns in the neighborhood. The proportion of glass (windows) to solid materials (wood, bricks, and other materials) which is found within the surrounding context should be reflected in new construction. Every elevation (sides and rear) should have windows on each story to help break up the monotony of the façade.
 - **7. Materials Used Should Reflect the Context of the Neighborhood:** Introducing new materials that are not used in the existing context should be done in a way where those materials are not the dominant material and make up less than 30% of the overall façade design.
 - **8. Consider Unique Neighborhood Features:** In addition to the architectural features mentioned above, consider other common features like chimneys, dormers, gables, and overhanging eaves that shape the character of a neighborhood. When possible, include these features into new construction.

Indy Moves

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

- The Indy Moves Transportation Integration Plan (2018) proposes a protected bike lane along 34th Street from 38th Street to Boulevard Avenue.



Department of Metropolitan Development
Division of Planning
Current Planning

ZONING HISTORY

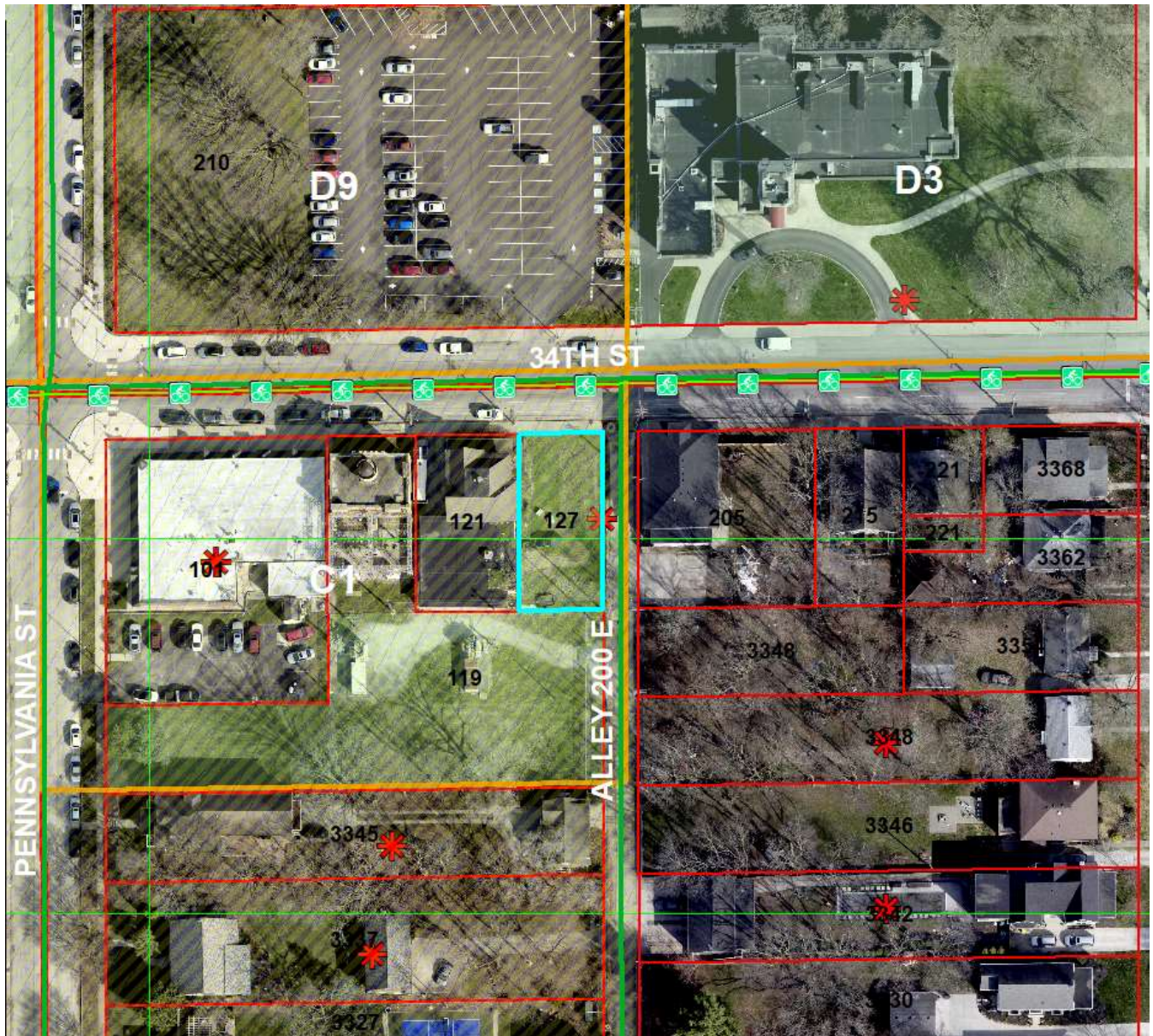
Zoning History - Vicinity

2005-ZON-087; 3401 N Meridian Street (northwest of site), Rezoning of 14.71 acres from the D-9 Dwelling Districts to the SU-2 classification to legally establish a middle school and to provide for future improvements that are outside the scope of the dwelling districts zoning ordinance, **approved**.

85-Z-219; 3600 Washington Boulevard (northeast of site), Rezoning of 46 acres to the D-3 classification to correct a mapping error, **approved**.

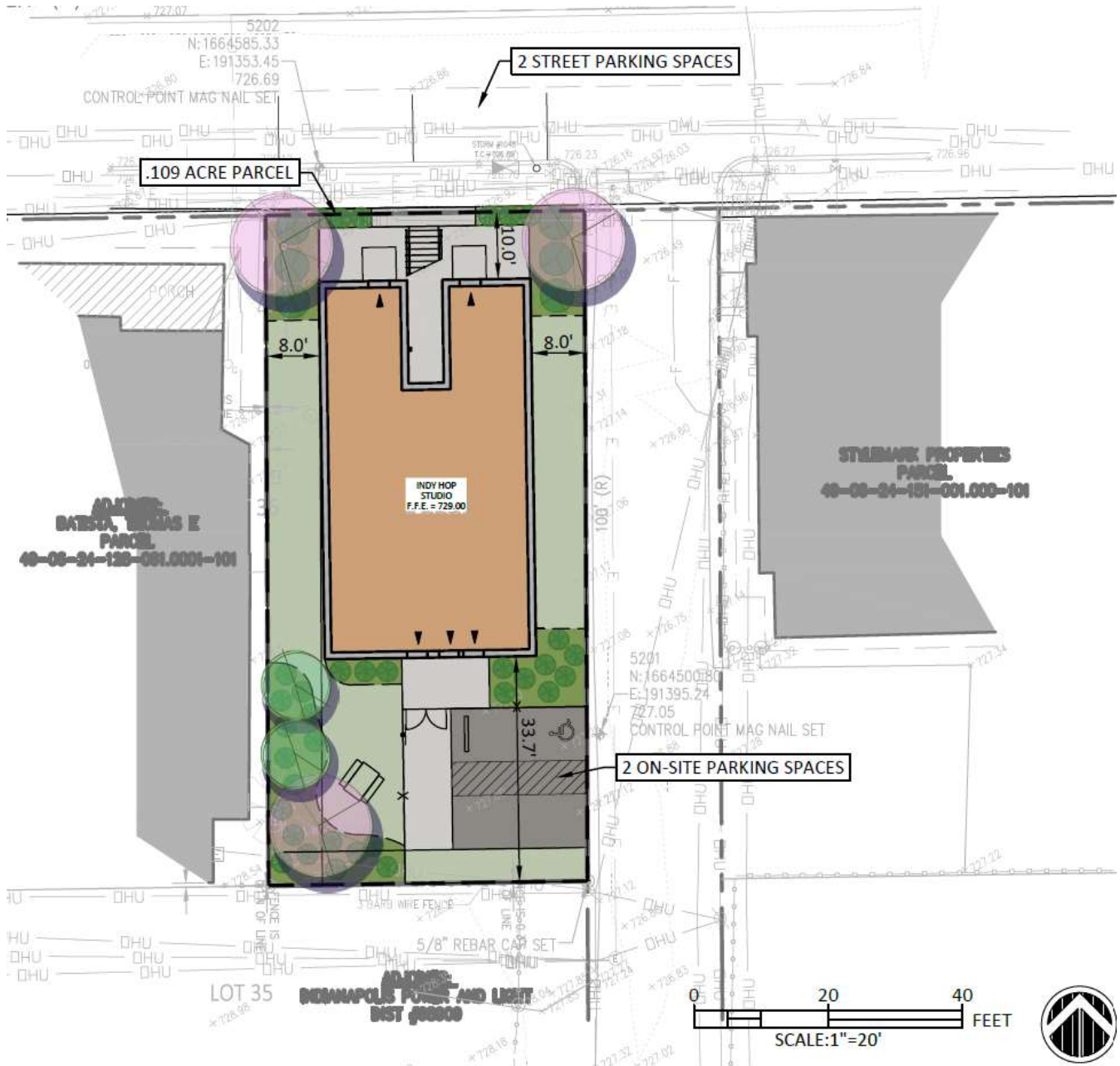
66-Z-39; Rear part of 3355 North Pennsylvania and 3350-3351 North Pennsylvania (south of site), Rezoning of 0.50 acre being in U1-H1-A1 district to U3-H1-A1 classification to provide for the expansion of the existing substation, **approved**.

EXHIBITS

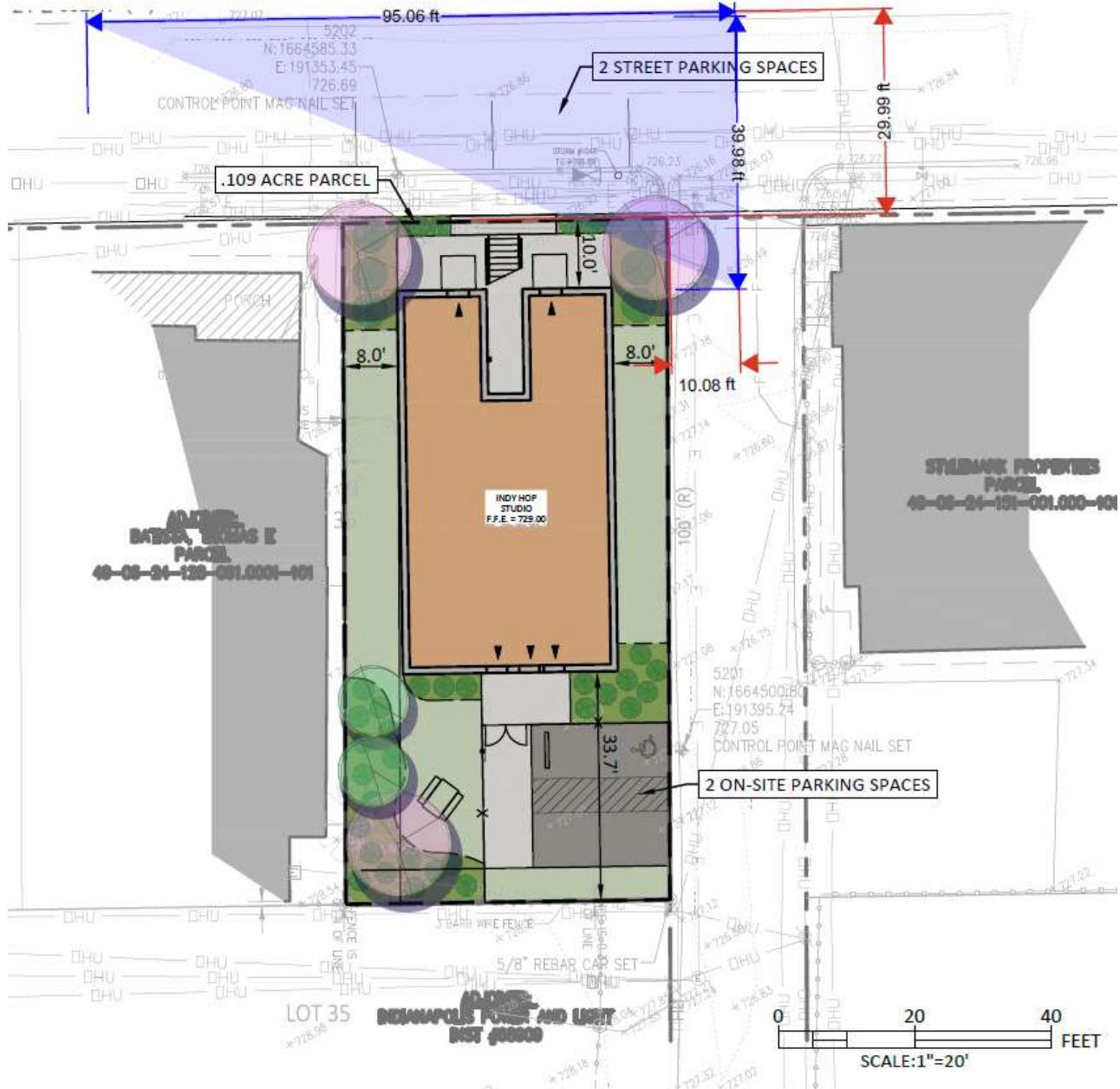


AERIAL MAP

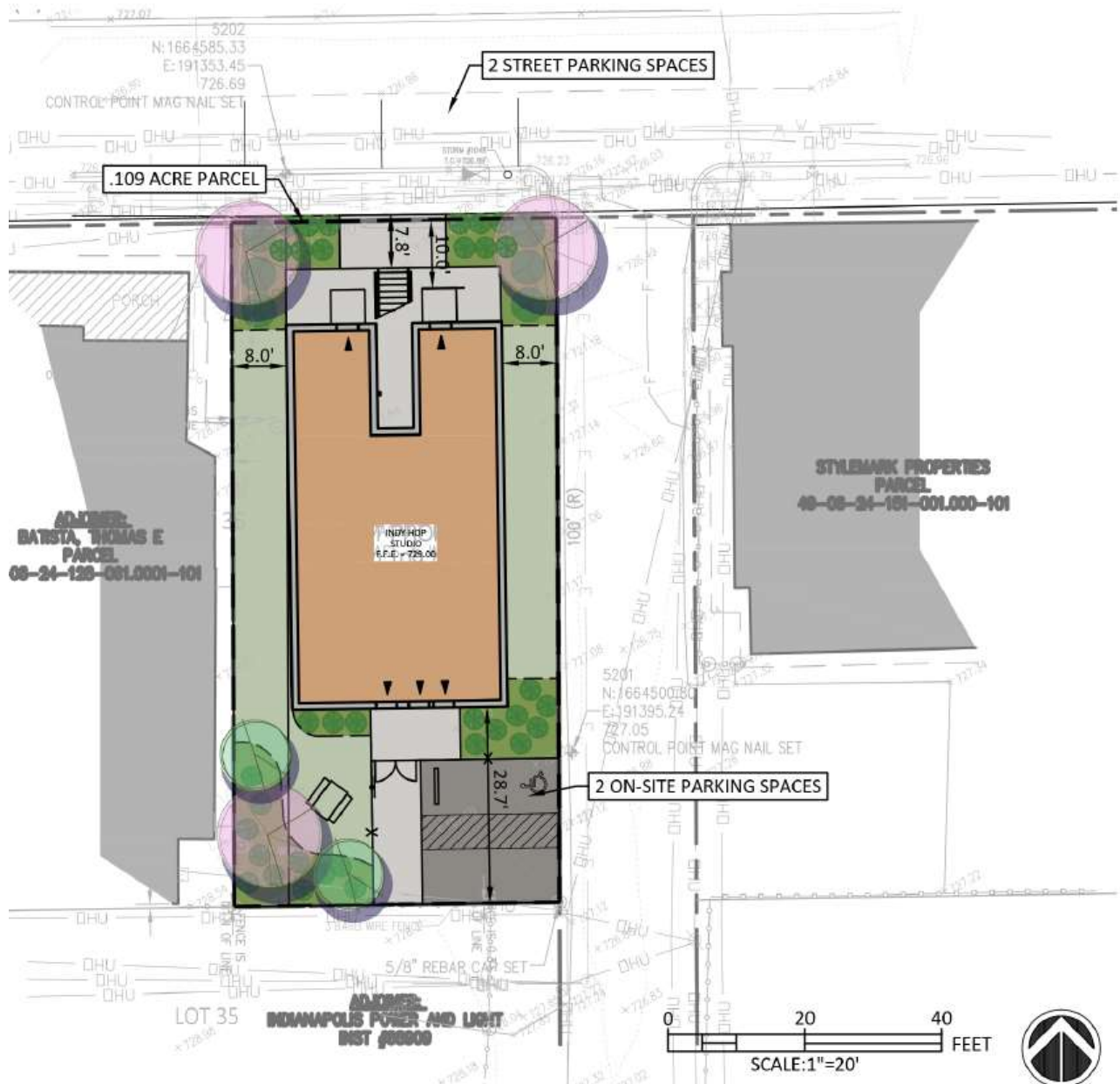
SITE PLAN



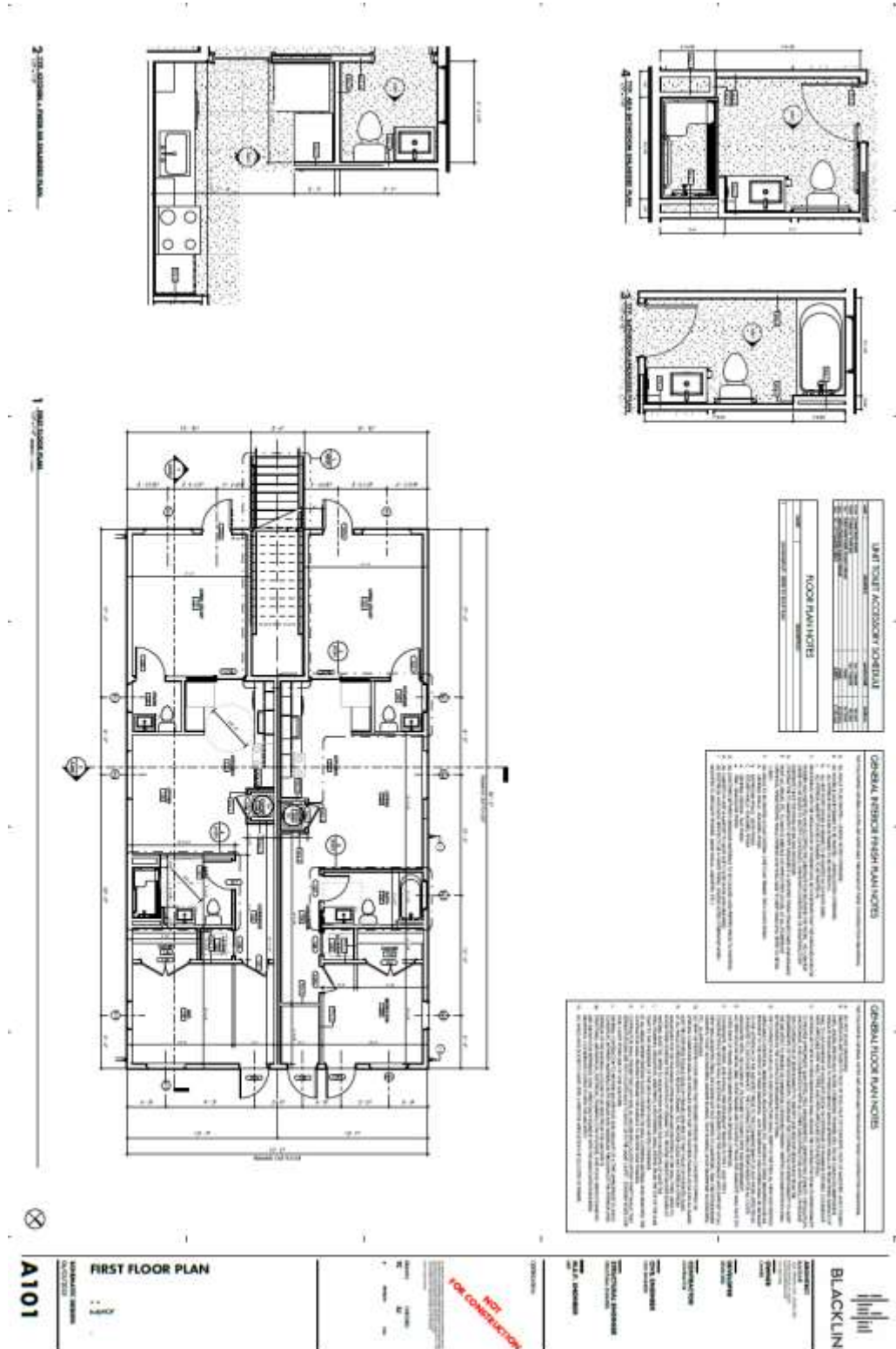
CLEAR SIGHT TRIANGLE.



AMENDED SITE PLAN

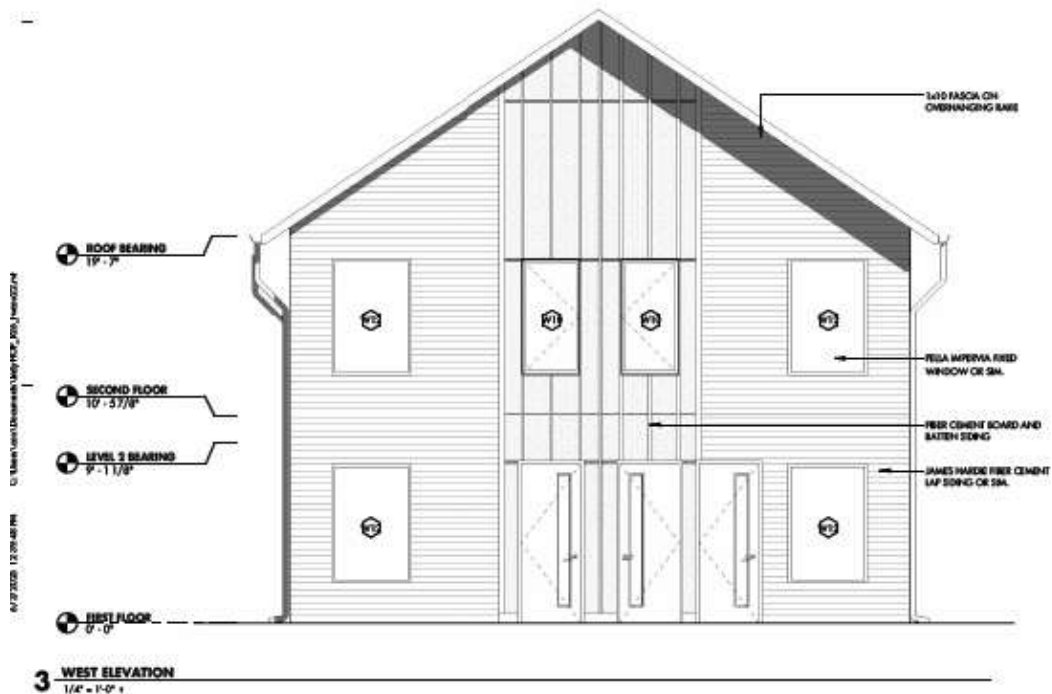
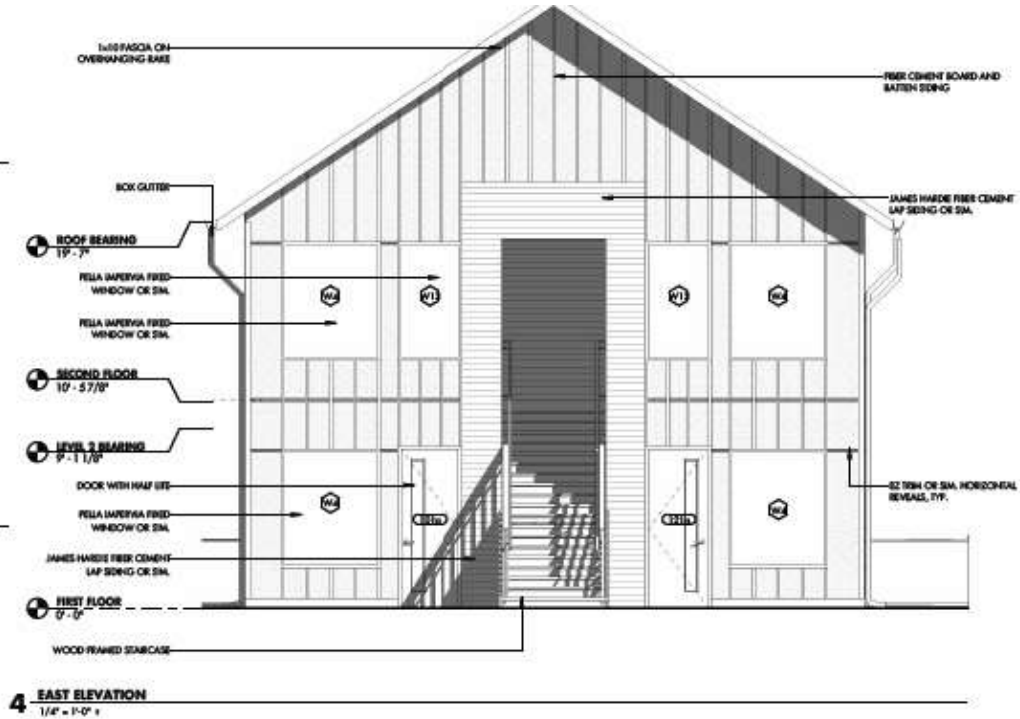


FIRST FLOOR PLAN

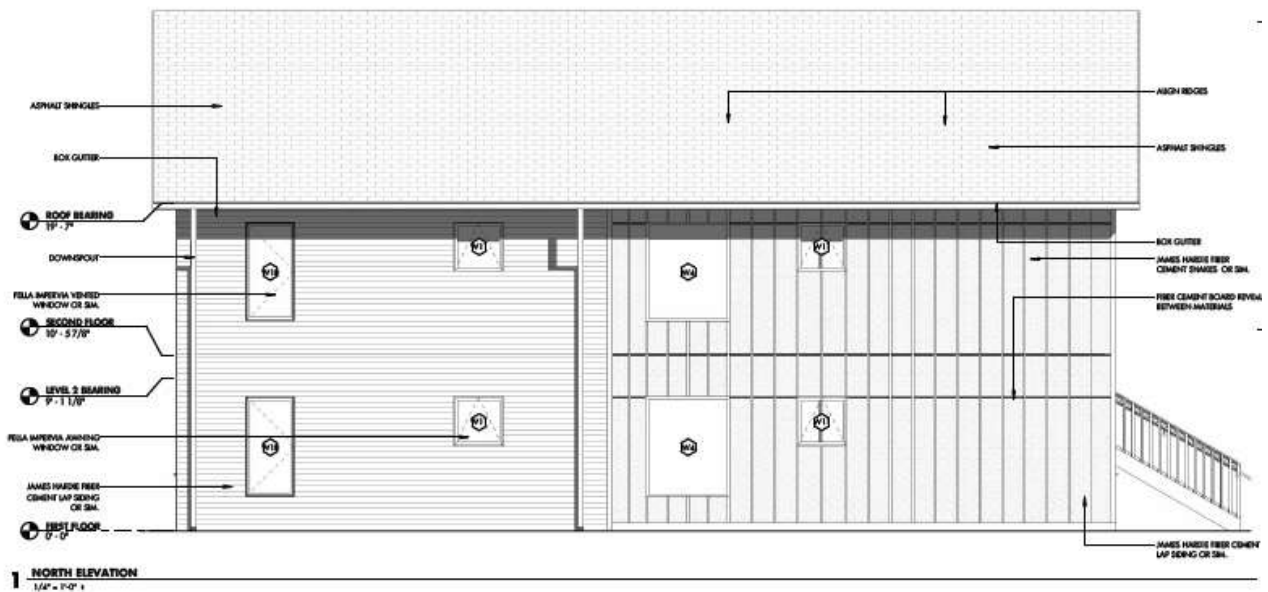
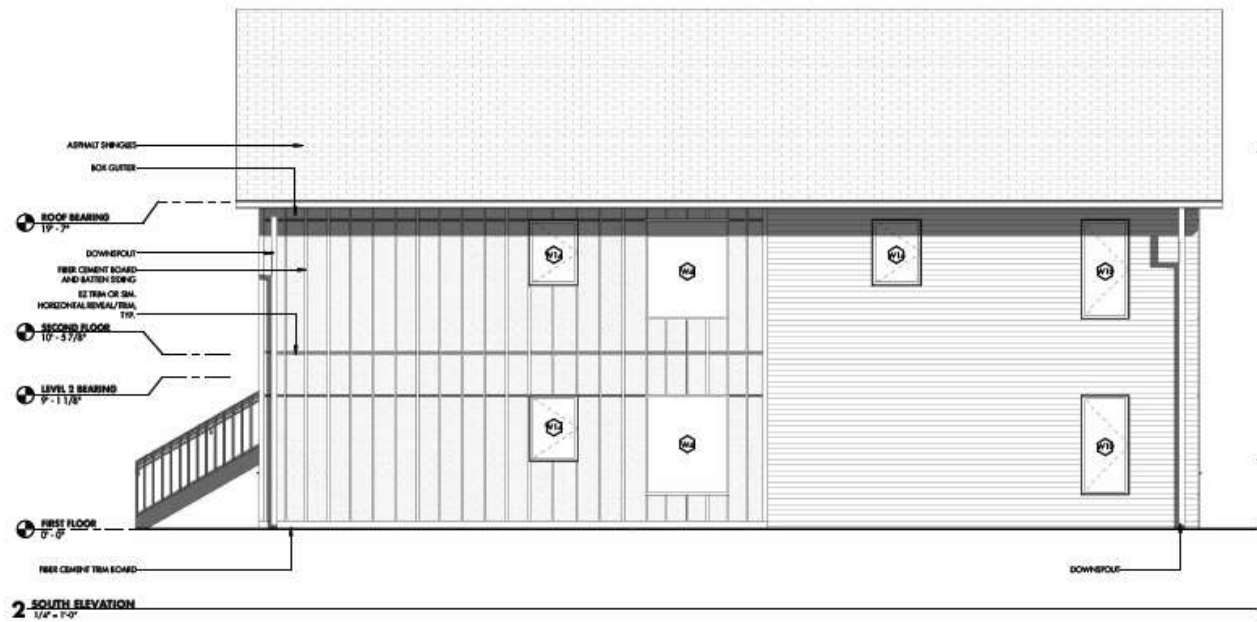




ELEVATIONS



ELEVATIONS (Continued)





Department of Metropolitan Development
Division of Planning
Current Planning

STATEMENT OF COMMITMENTS

COMMITMENTS CONCERNING THE USE OR DEVELOPMENT OF REAL ESTATE MADE IN CONNECTION WITH A VARIANCE PETITION OR SPECIAL EXCEPTION PETITION

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

Legal Description:

47 ½ feet by parallel lines off the East end of Lot No. 36, in Atkins and Perkins University Place Addition to the City of Indianapolis, as per plat thereof, recorded in Plat Book 9, page 193, in the Office of the Recorder of Marion County, Indiana. Parcel # 1067996/49-06-24-128-059.000-101, 127 East 34th Street

Statement of COMMITMENTS:

1. The owner agrees to abide by the Open Occupancy and Equal Employment Opportunity Commitments required by Metropolitan Development Commission Resolution No. 85-R-69, 1985, which commitments are attached hereto and incorporated herein by reference as Attachment "A".
2. The Owner agrees that parked cars on the property shall not encroach upon or impede the east alley with a variance of development standards reduction of parking buffer from 5' to zero feet.
3. _____
4. _____
5. _____

MDC's Exhibit D -- page 1 of 3



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 will allow handicapped parking immediately adjacent to the handicapped unit entrance.

This will provide safe access for disabled persons within the property rather than in a public right-of-way.

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 immediately to the south of the property is a power utility station and there is an alley

immediately east. Therefore, zero foot side and rear yard setbacks for parking will not negatively impact any adjacent property.

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

A handicapped parking space is needed adjacent to the rear entrance, and four total spaces are needed for four units.

DECISION

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

Adopted this _____ day of _____, 20 ____



Photo of the subject site.



Photo of the subject site looking northwest from the alley.



Photo of the property east of the site.



Photo of the property west of the site.



Photo of the parking lot and associated church to the north.



Photo of an electrical substation south of the site.

**METROPOLITAN DEVELOPMENT COMMISSION
HEARING EXAMINER**

December 11, 2025

Case Number: 2025-CVR-848 / 2025-CPL-848

Property Address: 3001-3065 Sardonyx Street (odd) and 3022 and 3028 Sardonyx Street (Approximate Addresses)

Location: Pike Township, Council District #1

Petitioner: Apex Realty Group, by David A. Retherford

Zoning: D-5

Request: Variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for:

- a. Construction of not more than 20% of dwelling units, depending on the home model, at three stories in height (maximum 2.5 stories in height permitted),
- b. Minimum lot size ranging from 4,995 square feet to 4,999 square feet (minimum lot size of 5,000 square feet required),
- c. Side yard setback of four feet for Lots 7 – 8 in Block P and lots 13-22 in Block Q (minimum side yard setback of five feet required),
- d. Corner side yard setbacks of five feet for all corner lots (minimum corner side yard setback of eight feet required),
- e. Construction of some dwelling units, depending on the home model, with front loaded garages of up to 67% of the front façade (maximum 30% of the front façade, if within 12 feet of the front building line, or 45% of the front façade if behind 12 feet of the front building line permitted),
- f. 60% landscaped living material in the front yard (minimum 65% landscaped living material in the front yard required),
- g. Minimum main floor area of 550 square feet of livable space on the main floor of a dwelling over one story in height (minimum 660 square feet of livable space on the main floor of a dwelling over one story in height required).

Approval of a Subdivision Plat, to be known as Augusta Heights, Phase 2A, dividing 1.68 acres into 14 lots.

Current Land Use: Undeveloped

Staff Reviewer: Marleny Iraheta, Senior Planner |

PETITION HISTORY

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

Staff recommends that the Hearing Examiner **approves** and find that the plat, file-dated November 20, 2025 complies with the standards of the Subdivision regulations, subject to the following conditions:

1. That the applicant provide a bond, as required by Section 741-210, of the Consolidated Zoning and Subdivision Ordinance.
2. Subject to the Standards and Specifications of Citizens Energy Group, Sanitation Section.
3. Subject to the Standards and Specifications of the Department of Public Works, Drainage Section.
4. Subject to the Standards and Specifications of the Department of Public Works, Transportation Section.
5. That addresses and street names, as approved by the Department of Metropolitan Development, be affixed to the Final Plat prior to recording.
6. That the Enforcement Covenant (Section 741-701, of the Consolidated Zoning and Subdivision Ordinance) be affixed to the Final Plat prior to recording.
7. That the Site Distance Covenant (Section 741-702, of the Consolidated Zoning and Subdivision Ordinance) be affixed to the Final Plat prior to recording.
8. That the Sanitary Sewer Covenant (Section 741-704, of the Consolidated Zoning and Subdivision Ordinance) be affixed to the Final Plat prior to recording.
9. That the Storm Drainage Covenant (Section 741-703, of the Consolidated Zoning and Subdivision Ordinance) be affixed to the Final Plat prior to recording.
10. That the plat restrictions and covenants, done in accordance with the rezoning commitments, be submitted prior to recording the Final Plat.
11. That all the standards related to Secondary Plat approval listed in Sections 741-207 and 741-208 of the Consolidated Zoning and Subdivision Ordinance be met prior to recording the Final Plat.
12. That all standards related to 741.201.A-C – Primary Plat Requirements be met prior to recording the Final Plat.
13. That a Traffic Control Plan compliant with Section 741-203.D of the Consolidated Zoning and Subdivision Ordinance be submitted prior to recording the Final Plat.
14. That a Natural Infrastructure Plan compliant with Section 741-203.E of the Consolidated Zoning and Subdivision Ordinance be submitted prior to recording the Final Plat.
15. That all standards related to 741.305 – Numbering and naming be met prior to recording the Final Plat.
16. That an amended plat with sidewalks compliant with Section 741-306 of the Consolidated Zoning and Subdivision Ordinance be submitted prior to recording the Final Plat.
17. That all standards related to 741.310 – Common Areas, Open Space and Public Sites (Compact Context Area) be met prior to recording the Final Plat.

18. That a Monumentation plan compliant with Section 741-312 of the Consolidated Zoning and Subdivision Ordinance be submitted prior to recording the Final Plat.
19. That a street lighting plat compliant with Section 741-316 of the Consolidated Zoning and Subdivision Ordinance be submitted prior to recording the Final Plat.
20. That the approval shall be in accordance with the variances requested. |

PETITION OVERVIEW

HISTORY

The subject site contains 14 lots of the Augusta Heights subdivision as recorded in the 1920's. None of the 14 lots have been developed. The original Augusta Heights subdivision consists of 456 lots and extends from Michigan Road on the west, Walnut Drive on the east, 79th Street on the north and Crooked Creek on the south.

Within the portion of the plat that is the subject of this petition, a portion of Sardonyx Street was improved. There are a few existing dwellings that access Sardonyx Street which are not part of the 14 lots within the subject site.

Because the streets were already dedicated as right-of-way and the individual lots were subdivided with the original plat, the purpose of this request is not to subdivide lots or dedicate right-of-way. The developer is planning to construct portions of the undeveloped streets within the existing right-of-way and have them dedicated as public streets. The 14 lots would then be available for development within the D-5 classification.

Staff requested the developer file this plat to add drainage easements that will be needed for some of the lots and to also require the submission of surety bonds for the construction of the infrastructure. Since the right-of-way already exists, the streets could be built and the lots developed without this plat approval, provided the Department of Public Works would accept the streets.

VARIANCES

The grant of the request would allow for deviations from the 2.5 stories in height limitation for 3-story buildings, minimum lot size ranging from 4,995 square feet to 4,999 square feet for up to 14 lots where 5,000 square feet is required, 4-foot side yard setbacks for Lots 7 – 8 in Block P and lots 13-22 in Block Q where five (5) feet are required, 5-foot corner yard setbacks for all corner lots where eight (8) feet are required, some dwelling units with up to 67% of the front façade with front loaded garages which are limited to 30% or 45% based on the front building line, 60% landscape living material where 65% is required, and minimum main floor area of 550 square feet of livable space on the main floor of dwellings over one story in height where 660 square feet are required.

The standards that address setbacks and minimum lot sizes are requested to allow for the existing lots that were previously platted to be maintained and used for residential development.

The requests for the 3-story buildings, garage width increase on the façade, reduced living material, and reduced main floor area are due to the intent to develop the remaining lots with similar products as



Department of Metropolitan Development
Division of Planning
Current Planning

was proposed in Phase One in the 2020 plat petition (2020-PLT-042) and Phase 2 and 3 in the 2024 plat petitions (2024-CPL-838A and 2024-CPL-838B).

Staff is supportive of the variances as requested.

STREETS

Vehicular access would be via West 78th Street, Walnut Drive, Sardonyx Street, Diamond Avenue, Amethyst Avenue, and Sapphire Boulevard. Portions of two (2) previously platted public streets would be constructed with this plat petition.

All the interior streets included in the plat are local streets. Sapphire Boulevard intersects with Michigan Road to the west and Amethyst Avenue and Walnut Drive connect to 78th Street to the north. Walnut Drive continues further north to connect to 79th Street.

SIDEWALKS

Sidewalks would be required along all internal streets.

STAFF ANALYSIS

The proposed plats for Phases 2A would consist of an additional 14 lots to the overall subdivision. The new subdivision plat would not trigger the requirement of additional amenity space and would be covered by the previously approved amenity spaces in Augusta Heights, Phases Two and Three since it does not meet the 30-dwelling unit threshold.

Staff recommends approval of the plat petition. |

Existing Zoning	D-5	
Existing Land Use	Undeveloped	
Comprehensive Plan	Suburban Neighborhood	
Surrounding Context		
North:	D-5	Undeveloped/Single-family dwellings
South:	D-5	Single-family dwellings
East:	D-5	Single-family dwellings
West:	D-5	Single-family dwellings
Thoroughfare Plan		
Sardonyx Street	Local Street	50-foot proposed and existing right-of-way.
Amethyst Avenue	Local Street	50-foot proposed and existing right-of-way.
Diamond Street	Local Street	50-foot proposed and existing right-of-way.
Petition Submittal Date	October 28, 2025	

Final Plat Submittal
Date

November 20, 2025

SUBDIVISION PLAT REGULATIONS

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

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

	<p>741-205 – Waivers</p> <ul style="list-style-type: none"> <i>The granting of the waiver or modification will not be detrimental to the public health, safety, or welfare or injurious to other property</i> <i>The conditions upon which the request is based are individual to the property for which the relief is sought and are not applicable generally to other property;</i> <i>Because of the particular physical surroundings, shape, or topographical conditions of the specific property involved, a particular hardship would result, as distinguished from a mere inconvenience, if the strict letter of these regulations is carried out;</i> <i>The resulting subdivision fulfills the purpose and intent of these regulations at an equal or higher standard than what would have been possible without the deviation; and</i> <i>The relief sought shall not in any manner vary from the provisions of the Zoning Ordinance, or official zoning base maps, except as those documents may be amended in the manner prescribed by law.</i> 	None Requested
741-300 Design and Installation Standards	<i>All proposed plats submitted for Committee approval under the provisions of these regulations shall meet these standards to the satisfaction of the Committee unless waived by the Committee.</i>	EVALUATION
	<p>741-302.A – Lots:</p> <ul style="list-style-type: none"> <i>Comply with zoning district and any cluster approval or variance grant.</i> <i>Lots must have positive drainage away from buildings.</i> <i>No more than 25% of lot area may be under water.</i> <i>Side lots lines at right angles to streets or radial to curving street line.</i> <i>Layout of lots with numbering and dimensions.</i> <i>Floodway/Floodplain Delineation.</i> <i>Topographic Map.</i> 	Not Satisfied
	<p>741-302.B – Frontage and Access:</p> <ul style="list-style-type: none"> <i>Through lots should be avoided except where necessary for primary arterial separation and topography challenges.</i> <i>Triple frontage lots are prohibited.</i> <i>Lots abutting alleys must have vehicular access exclusively from alley.</i> <i>Lots shall not have direct access to arterial streets.</i> <i>Non-residential plats shall provide cross-access easements to limits points of access to existing street network to no more than one per 500 feet.</i> 	Satisfied

	<p>741-302.C – Blocks:</p> <ul style="list-style-type: none"> Shall not exceed maximum block lengths per Table 741-302.1 If exceeded, it must be demonstrated that: <ul style="list-style-type: none"> There are improved pedestrian easements at intervals of 400 feet or less. Adequate traffic calming provisions are made. The block length must be exceeded because of physical conditions of the land. 	Satisfied
741-303 Streets and Connectivity	All proposed plats shall allocate adequate areas for streets in conformity with the Comprehensive Plan and Official Thoroughfare Plan for Marion County, Indiana, and these regulations.	EVALUATION
	<p>741-303.A – General:</p> <ul style="list-style-type: none"> Subdivisions shall provide a logical street layout in relation to topographical conditions, public convenience, safety, multi-modal use and the proposed use of the land to be served by such streets. <i>Triple frontage lots are prohibited.</i> Streets shall intersect as nearly as possible at right angles. No street shall intersect another at an angle of less than 75 degrees. Not more than two streets shall intersect at any one point. Bicycle lanes meeting the Indiana Manual on Uniform Traffic Control Devices (IMUTCD) for location, width, and marking shall be provided along collector streets. All streets shall be dedicated to the public. Alleys may be private. Turn lanes or other improvements recommended by the Department of Public Works shall be added to the existing street system to minimize the impact of the connection upon the existing street system. 	Satisfied
	<p>741-303.B – Through Connectivity (Metro Context Area):</p> <ul style="list-style-type: none"> Emergency vehicles must not have to use more than two different local streets (any street other than a primary arterial, a secondary arterial or a collector street) to reach their destination. Permanently dead-ended streets and alleys, except for cul-de-sac streets, are prohibited. All existing or platted streets that terminate at the property boundary line of a proposed subdivision shall be continued into the proposed subdivision to provide street connections to adjoining lands and streets within the proposed subdivision. Streets entering opposite sides of another street shall be laid out either directly opposite one another or with a minimum offset of 125 ft. between their centerlines. Whenever cul-de-sac streets are created, a 15-foot-wide pedestrian access/public utility easement shall be provided between the cul-de-sac head or street. Subdivisions with 30 or more lots shall have more than one entrance to the existing street network. 	Satisfied
	<p>741-303.D – Cul-de-sacs (Metro Context Area):</p> <ul style="list-style-type: none"> In the Metro Context Area, cul-de-sac lengths shall not exceed 500 feet or serve more than 20 dwelling units. 	Satisfied

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

741-304-316

Additional
Development Items

EVALUATION

	<p>741.304.A-C – Traffic Control Devices:</p> <ul style="list-style-type: none"> • <i>Street name signs, traffic control signs, bike route signs.</i> • <i>Traffic control devices for streets exceeding 900 feet in length.</i> • <i>Bicycle Facilities for subdivisions with a collector street serving more than 100 dwelling units.</i> 	Not Satisfied
	<p>741.305 – Numbering and naming:</p> <ul style="list-style-type: none"> • <i>Street numbering per adopted addressing guidelines.</i> • <i>Streets that are extensions or continuations of existing or approved streets must bear the name of such existing street.</i> 	Satisfied
	<p>741.306 – Sidewalks:</p> <ul style="list-style-type: none"> • <i>Sidewalks shall be provided along all internal and external streets.</i> 	Satisfied
	<p>741.307-309 – Easements, Utilities, Stream Protection Corridors:</p> <ul style="list-style-type: none"> • <i>Utility easements shall be located along lot lines and shall be a minimum of 10 feet.</i> • <i>All BMPs and drainage facilities must be located within an easement. The easement must accommodate adequate access for maintenance.</i> • <i>Generally, pedestrian easements shall be 15 feet in width and be considered open to the public unless specifically declared otherwise.</i> • <i>All utilities shall be located underground.</i> • <i>All subdivisions must be designed in accordance with the Stream Protection Corridor requirements of Section 744-205.</i> 	Satisfied
	<p>741.310 – Common Areas, Open Space and Public Sites (Compact Context Area):</p> <ul style="list-style-type: none"> • <i>Required for subdivisions with more than 20 dwelling units.</i> • <i>Access easements shall be provided to connect all common areas to a public street right-of-way. The minimum width of such access must be at least 15 feet.</i> • <i>Basic Open Space Requirements: Multi-purpose path, natural landscaping area, entrance landscaping.</i> • <i>Additional Open Space Requirements: Community garden, dog park, game court, picnic area, playground, pool, etc. Additional component required for every 30 additional dwelling units overall.</i> • <i>Reservation of land for public/semi-public purpose.</i> 	Satisfied
	<p>741-312 – Monuments</p> <ul style="list-style-type: none"> • <i>Permanent reference monuments shall be placed in the subdivision by a Professional Surveyor. Where no existing permanent monuments are found, monuments must be installed no more than 600 feet apart in any straight line and in accordance with the schedule in Table 741-312-1.</i> 	Not Satisfied.

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

	<p><i>741.313 – Flood Control:</i></p> <ul style="list-style-type: none"> <i>All development shall comply with all provisions of Section 742-203 (Flood Control Zoning District).</i> <i>Floodway and Floodway Fringe zones shall be delineated and labeled on the primary plat and the plat to be recorded.</i> <i>For Zone AE areas, the plat must show the BFE topographic line.</i> <i>For Zone A areas, the plat must show the delineation study with the floodway and floodway fringe lines shown on the FIRM maps.</i> 	<p>Satisfied</p>
	<p><i>741.316 – Street Lighting:</i></p> <ul style="list-style-type: none"> <i>All subdivisions must be designed and constructed in accordance with the Street Lighting requirements of Section 744-600 (Street and Exterior Lighting).</i> 	<p>Not Satisfied</p>

EXHIBITS

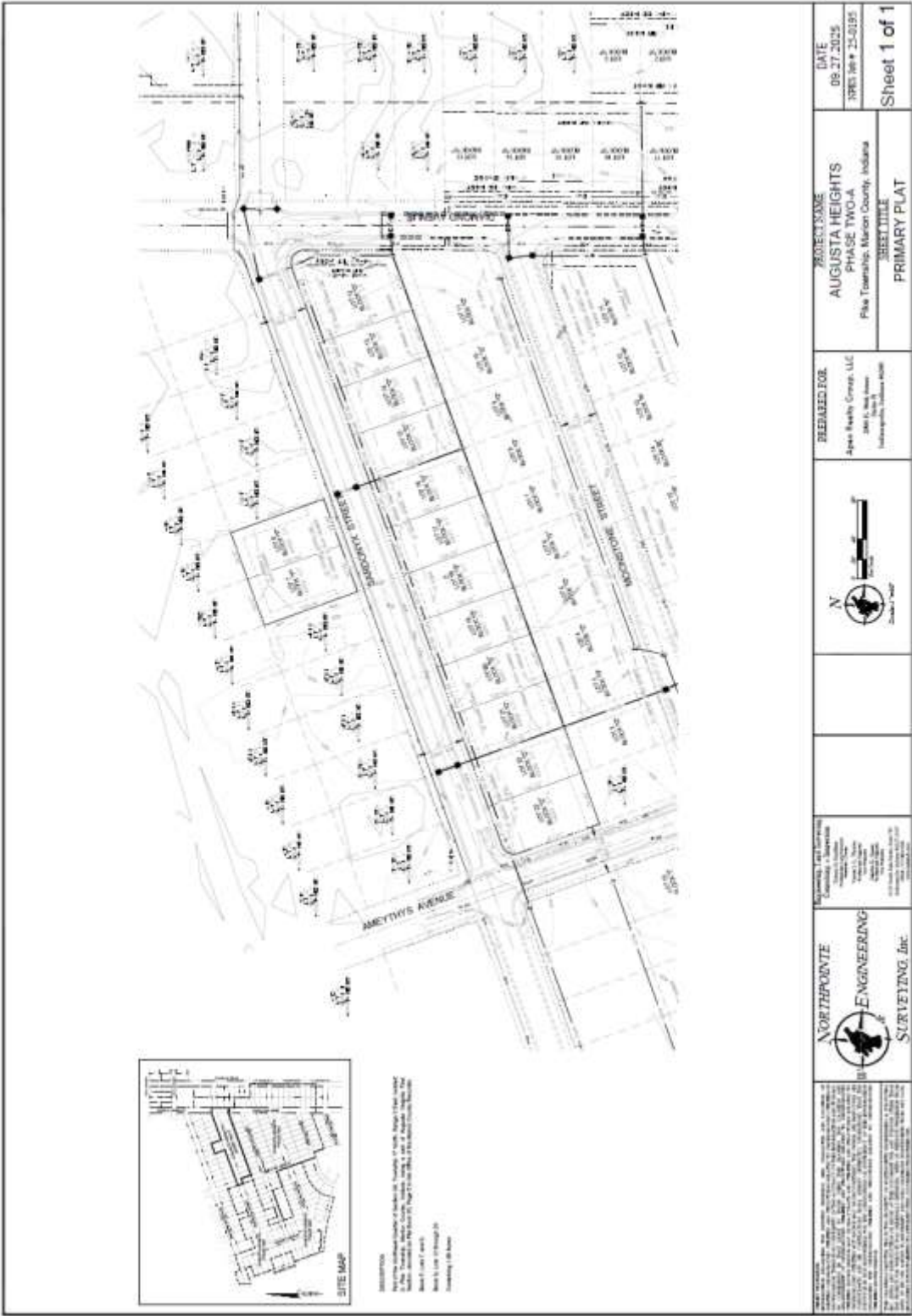


AERIAL MAP



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PRIMARY PLAT



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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

742.103.3 – Variances of Lot Area, Bldg. Height, first floor livable space, and side yard setbacks

1. The grant will not be injurious to the public health, safety, morals, and general welfare of the community because: The requested variances are necessary simply to permit Phase 2A of this unique redevelopment project to be developed using the same housing product which has been successfully utilized for the first three phases without creating any such injuries; and as result of the redevelopment of this 102 year old subdivision critical missing public and private infrastructure and utilities will be brought to this previously unserved area which have actually improved public safety and the general welfare of the impacted areas without cost to the City.
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 adjacent areas are either vacant lots or lots containing existing single family homes similar to what is proposed by the Petitioner, all of which are within the larger subdivision platted as Augusta Heights in 1923. The development of the subject lots as proposed with the product allowed by the grant of the requested variances is likely to result in critical missing or substandard streets, sidewalks, and utilities being made more available to the adjacent areas which are not part of Phase 2 or 3, which will likely raise their property values and also allow them to be used as fully served residential subdivision lots for the first time.
3. The strict application of the terms of the zoning ordinance will result in practical difficulties in the use of the property because: Applying current development standards for first floor livable area, building area, lot area and side yard setbacks to a partially developed subdivision platted in 1923 results in housing product that will be smaller, less valuable, and less creative than the existing older homes in the subdivision; and without these variances the same successful product used in Phases 1, 2 and 3 could not be used in these remaining Phases. It is not practically possible to solve the lot area and side yard setback non conformances due to the existing platted/dedicated public rights of way granted in 1923, and the fact that vacant and developed lots owned by others already exist sporadically through and abutting the entire larger area being replatted.

DECISION

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

Adopted this _____ day of _____ 202 5

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

744.701.2 – Variances of Private Frontage Design Standards

1. The grant will not be injurious to the public health, safety, morals, and general welfare of the community because: The requested variances are necessary simply to permit Phase 2A of this unique redevelopment project to be developed using the same housing product which has been successfully utilized for the first three phases without creating any such injuries; and as result of the redevelopment of this 102 year old subdivision critical missing public and private infrastructure and utilities will be brought to this previously unserved area which have actually improved public safety and the general welfare of the impacted areas without cost to the City. In addition, the variances permit two car garages to be utilized, decreasing the need for on street parking and improving public safety.
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 adjacent areas are either vacant lots or lots containing existing single family homes similar to what is proposed by the Petitioner, all of which are within the larger subdivision platted as Augusta Heights in 1923. The development of the subject lots as proposed with the product allowed by the grant of the requested variances is likely to result in a nicer and higher valued product, to significantly reduce on street parking by permitting two car garages, and in the larger picture will result in critical missing or substandard streets, sidewalks, and utilities being made more available to the adjacent areas which are not part of Phase 2 or 3, all of which will likely raise the property values and will also allow the abutting area to be used as fully served residential subdivision lots for the first time.
3. The strict application of the terms of the zoning ordinance will result in practical difficulties in the use of the property because: Applying current development standards for the private frontage design standards to this development, which was zoned and platted in 1923, and is already partially redeveloped using single family product with two car front facing garages, results in housing product that will be smaller, less valuable, and less creative than the existing older homes in the subdivision; and without these variances the same successful product used in Phases 1, 2 and 3 could not be used in these remaining Phases. The private frontage design standards for D-5 zoned property were designed more for attached product or alley load garages, which in this case would require only one car garages when the zoning commitments require two car garages; and the three prior Phases are all approved to use 2 car garages to reduce on-street parking.

DECISION

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

Adopted this _____ day of _____ 202 5



Photo looking south along Walnut Drive which is the access street to 79th Street for the subdivision.



Photo looking west along Sardonyx Street towards the existing single-family dwellings north of site.

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



Photo of Sardonyx Street looking west towards the street extension to connect with Amethyst Avenue.



Photo looking southwest along Sardonyx Street towards 3011 and 3005 Sardonyx Street.



Photo looking east along Sardonyx Street towards the Diamond Street intersection.



Photo looking north towards the undeveloped portion of Diamond Street.



Photo looking south towards the Diamond Street extension proposed.



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



Photo looking west from Diamond Street towards the undeveloped lots to be proposed.



Photo looking north along Diamond Street towards the street extension to Sardonyx Street.



Photo of the subject site looking northwest.



Photo of the single-family dwellings south of the subject site.



Photo of Amethyst Avenue looking north from the Moonstone Street intersection.



Photo of the single-family dwelling north of 3665, 2659, and 3053 Sardonyx Street.



Photo looking east towards the Sardonyx Street extension and subject site to the right.

**METROPOLITAN DEVELOPMENT COMMISSION
HEARING EXAMINER**

December 11, 2025

Case Number: 2025-CPL-851 / 2025-CVR-851

Property Address: 3500 Sutherland Avenue

Location: Center Township, Council District #8

Petitioner: Sullivan Development, LLC, by Travis Vencel

Current Zoning: D-9 (FF) (TOD)

Approval of a subdivision plat, to be known as Monon 35, dividing 27.2 acres into three lots, with a waiver to provide for access to the site without direct frontage to a public street.

Variance of Use and Development Standard of the Consolidated Zoning and Subdivision Ordinance to provide for:

Request:

- a. 54-unit and 60-unit apartment buildings (not permitted - unit range of 13 to 50 units per building permitted),
- b. floor area ratio of 0.75 (maximum 0.5 permitted),
- c. living space ratio of 0.64 (minimum LSR of 0.75 permitted),
- d. 200 surface parking spaces (maximum of 150 spaces, or 0.75 spaces per unit permitted),
- e. a five-foot front setback along a railroad right-of-way (minimum 50-foot setback required), and,
- f. to provide for 25-foot-wide stream protection corridor from a category one stream (minimum 60-foot-wide stream protection corridor width required).

Current Land Use: Undeveloped

Staff Recommendations: Approval of the plat request and the variance requests, subject to substantial compliance with the site plan file dated December 2, 2025.

Staff Reviewer: Kathleen Blackham, Senior Planner

PETITION HISTORY

This is the first hearing on these petitions.

STAFF RECOMMENDATION

Staff recommends that the Hearing Examiner approve and find that the plat, file dated November 10, 2025, complies with the standards of the Subdivision regulations, subject to the following conditions:

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

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

PETITION OVERVIEW

This 27.2-acre site, zoned D-9 (FW) (TOD), is an undeveloped parcel along the east bank of Fall Creek between Sutherland Avenue and East 38th Street. It is surrounded by East 38th Street right-of-way and Fall Creek floodway to the north, zoned D-5 (FW) (TOD); the Monon Trail to the south, zoned D-9 (FW) (TOD); railroad right-of-way, and industrial / commercial / residential uses to the east, across Sutherland Avenue; zoned I-2 (TOD), I-3 (TOD), C-3 (TOD), D-5 (TOD), and C-7; and Fall Creek floodway to the west, zoned PK-1.

Petition 2024-ZON-021 rezoned this site to the D-9 (FF) (TOD) district for residential uses.

Overlays

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

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

The Transit-Oriented Development (TOD) overlay is intended for areas within walking distance of a transit station. The purpose of this overlay is to promote pedestrian connectivity and a higher density than the surrounding area.

This site is located within a ¼ mile walk (approximately 800 feet) of a transit stop located at the intersection of East 38th Street and Orchard Avenue with a Community Center typology.

Community Center stations are located in commercial hubs with varying types of commercial developments, from large strip centers to shopping malls, along arterial corridors. Development opportunities vary from redevelopment into mixed-use, walkable patterns to multi-family residential infill development.

Characteristics of the District Center typology are:

- A mix of retail, entertainment, office, and residential as desired.
- Surface parking should be consolidated and placed behind buildings, allowing a pedestrian orientation at the street, while still supporting drive-to business.

Traffic Impact Study (TIS) – Memorandum dated December 3, 2025

A draft TIS, dated January 30, 2023, was prepared based on 480 dwelling units. The current proposal would provide for approximately 198 dwelling units, with two access drive. The two intersecting access drives would operate at or above acceptable levels of service.

It is recommended that a north bound passing blister be provided with pavement markings along the existing Sutherland Avenue pavement. See Exhibit A

PLAT

Site Plan

This request would divide 27.2 acres into three lots for residential development. Four multi-family buildings consisting of a total of 198 dwelling units are proposed on Lot 2, with approximately 200 parking spaces interior to the site.

Two access drives would be located at approximately at East 36th Street and East 37th Street.

The plat request includes a waiver to provide for access to the site without direct frontage to a public street.

Staff supports this waiver because the 40-foot-wide railroad right-of-way that forms the entire eastern boundary of this site, eliminates the ability to gain direct access to a public street and allow for development of the property.

Streets and Traffic

No new streets are proposed as part of this petition.

Sidewalks

No sidewalks are proposed along Sutherland Avenue due to the railroad right-of-way. Staff would, however, note that this right-of-way is planned for a future greenway / trail.

VARIANCES OF USE AND DEVELOPMENT STANDARDS

The request would provide for a variance of use for a 54-unit and a 60-unit apartment building when the Ordinance limits the unit range of 13-50 units per building. The remaining two buildings would provide for 48 units and 36 units.

Staff supports this variance due to the proximity of the transit station located at the intersection of East 38th Street and Orchard Avenue with a Community Center typology that recommends clusters of multi-family infill development with one to three-story buildings.

The request would allow for a floor area ratio of 0.75 and living space ratio of 0.64 when the Ordinance requires a floor area ratio of 0.5 and a living space ratio of 0.75. Staff believes the reductions in the ratios would be acceptable and have minimal impact on the residents, while contributing to fulfilling the need for housing options.

The development would provide for approximately 200 parking spaces, which would be approximately 50 more parking spaces than the minimum required by the Ordinance. Because the Ordinance does not provide a maximum number of parking spaces and the amended site plan removes parking spaces fronting on Sutherland, staff supports this variance.

The request would provide for a five-foot front setback along the railroad right-of-way when the Ordinance requires a 50-foot setback. Staff supports this reduction because future plans for this right-of-way would include greenway that would connect to the Monon Trail to the south of this site. The reduced setback would ham minimal impact on surrounding land uses.

The final variance would allow for reduction in the stream protection corridor for a category one stream from the required 60 feet to 25 feet. Despite staff's concern for the protecting the stream corridor, the required 60 feet would render the site undevelopable because of the configuration of the site (Lot 2 of the proposed plat). Furthermore, encroachment into the corridor would be minimal.

GENERAL INFORMATION

Existing Zoning	D-9 (FW) (TOD)
Existing Land Use	Undeveloped
Comprehensive Plan	Village Mixed-Use

Surrounding Context	<u>Zoning</u>	<u>Land Use</u>
North:	D-5 (FW) (TOD)	Floodway
South:	D-9 (FW) (TOD)	Monon Trail
East:	I-2 (TOD), I-3 (TOD), C-3 (TOD), D-5 (TOD), and C-7	Single-family dwellings / Commercial uses / Industrial uses
West:	PK-1	Fall Creek Floodway
Thoroughfare Plan		
Sutherland Avenue	Primary arterial	Existing 50-foot right-of-way and proposed 80-foot right-of-way.
Context Area	Compact	
Floodway / Floodway Fringe	Yes. Fall Creek floodway	
Overlay	Yes. Transit-Oriented Overlay	
Wellfield Protection Area	No	
Site Plan	November 10, 2025	
Site Plan (Amended)	December 2, 2025	
Elevations	November 10, 2025	
Elevations (Amended)	N/A	
Landscape Plan	N/A	
Findings of Fact	November 10, 2025	
Findings of Fact (Amended)	N/A	
C-S/D-P Statement	N/A	

COMPREHENSIVE PLAN ANALYSIS

Comprehensive Plan

The Comprehensive Plan recommends Village Mixed-Use. “The Village Mixed-Use typology creates neighborhood gathering places with a wide range of small businesses, housing types, and public facilities. This typology is intended to strengthen existing, historically small-town centers as well as to promote new neighborhood centers. Businesses found in this typology serve adjacent neighborhoods, rather than the wider community. This typology is compact and walkable, with parking at the rear of buildings. Buildings are one to four stories in height and have entrances and large windows facing the street. Pedestrian-scale amenities such as lighting, landscaping, and sidewalk furniture also contributes to a walkable environment in this typology. Uses may be mixed vertically in the same building or horizontally along a corridor. Public spaces in this typology are small and intimate, such as pocket parks and sidewalk cafes. This typology has a residential density of 6 to 25 dwelling units per acre.”

Pattern Book / Land Use Plan

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

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

Conditions for All Land Use Types – Village Mixed-Use Typology

- All land use types except small-scale parks and community farms/gardens in this typology must have adequate municipal water and sanitary sewer.
- All development should include sidewalks along the street frontage.
- In master-planned developments, block lengths of less than 500 feet, or pedestrian cut-throughs for longer blocks, are encouraged.
- Where possible, contributing historic buildings should be preserved or incorporated into new development.

Conditions for All Housing

- Should be within a one-quarter-mile distance (using streets, sidewalks, and/or off-street paths) of a school, playground, library, public greenway, or similar publicly accessible recreational or cultural amenity that is available at no cost to the user.
- Should be oriented towards the street with a pedestrian connection from the front door(s) to the sidewalk. Driveways/parking areas do not qualify as a pedestrian connection.

Large-Scale Multi-Family Housing (defined as single or multiple buildings each with five or more legally complete dwelling units in a development of more than two acres and at a height greater than 40 feet.)

- Should be located along an arterial or collector street.
- Mixed-Use structures are preferred.
- Parking should be either behind or interior to the development.

Red Line / Blue Line / Purple Line TOD Strategic Plan

Purple Line Transit-Oriented Development Strategic Plan (2021)

Neighborhood / Area Specific Plan

Not Applicable to the Site.

Infill Housing Guidelines

Not Applicable to the Site.

Indy Moves

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

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

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

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

ZONING HISTORY

2024-ZON-021; 3500 Sutherland Avenue, requested rezoning of 26.132 acres from the D-5 (FW) (FF) (TOD) district to the D-9 (FW) (FF) (TOD) district to provide for residential development, **approved**.

2022-ZON-056; 3500 Sutherland Avenue, requested rezoning of 6.8 acres, from the D-5 (FW) district to the D-8 (FW) district to provide for multi-family residential development, consisting of approximately 480 dwelling units, **withdrawn**.

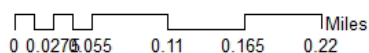
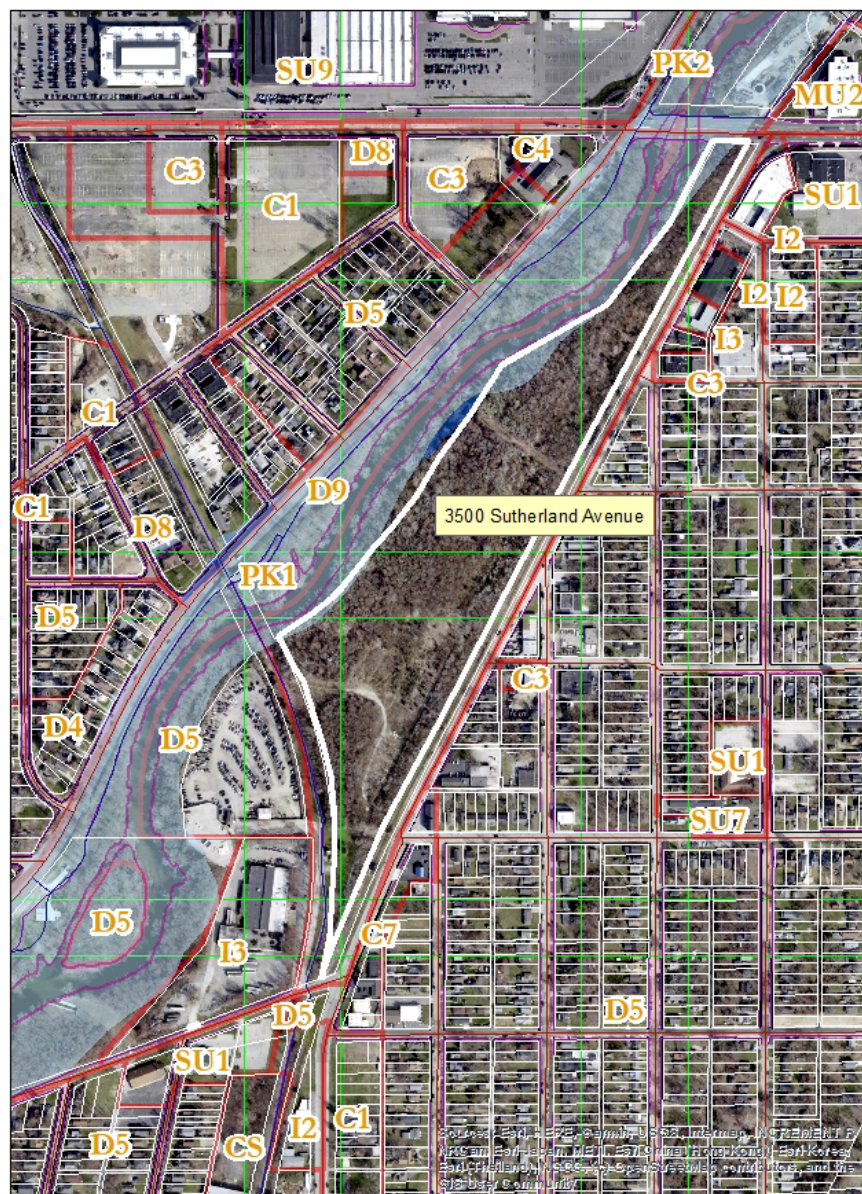


EXHIBIT A



Memorandum

To: Mr. Travis Vencel, Sullivan Development LLC
Jill Palmer, City of Indianapolis DPW

From: Amanda Johnson, EMCS

Date: December 3, 2025

RE: Monon 35 TIS – Update for 200 Units

EMCS Inc. (EMCS) prepared a draft Traffic Impact Study (TIS) dated January 30, 2023 for a proposed development consisting of 480 dwelling units of income restricted affordable housing with two proposed access points, named Monon 35. Since that time, a new development has been proposed including only 200 dwelling units of income restricted affordable housing with two proposed access points. This memorandum discusses the implications of the change in size of the development to the study intersections and surrounding roadways. The original TIS is included after this memorandum including all appendices.

Summary of development differences

	Original	Current
Number of Access Points	2	2
Number of Dwelling Units	480	200
Land Use	Affordable housing	Affordable housing

Because the proposed number of dwelling units has decreased by more than half and the associated trips due to the proposed development will also decrease, the impacts to the surrounding roadways are expected to be the same or less as identified in the original analysis. Specific improvements are detailed below.

Public Street Study Intersections

All study intersections operated at or above acceptable levels of service for all scenarios with the exception of 38th Street & Orchard Avenue. This intersection will operate below acceptable levels of service in the horizon year with all additional background traffic due to adjacent anticipated developments. However, this intersection is adjacent to the Purple Line bus rapid transit route and traffic signal timings are controlled by the mainline. Additionally, although the northbound approach is striped for only a single lane, it is wide enough to accommodate two vehicles and field observations confirm this. No additional improvements are recommended at this intersection due to this project.



Proposed Access Point Intersections

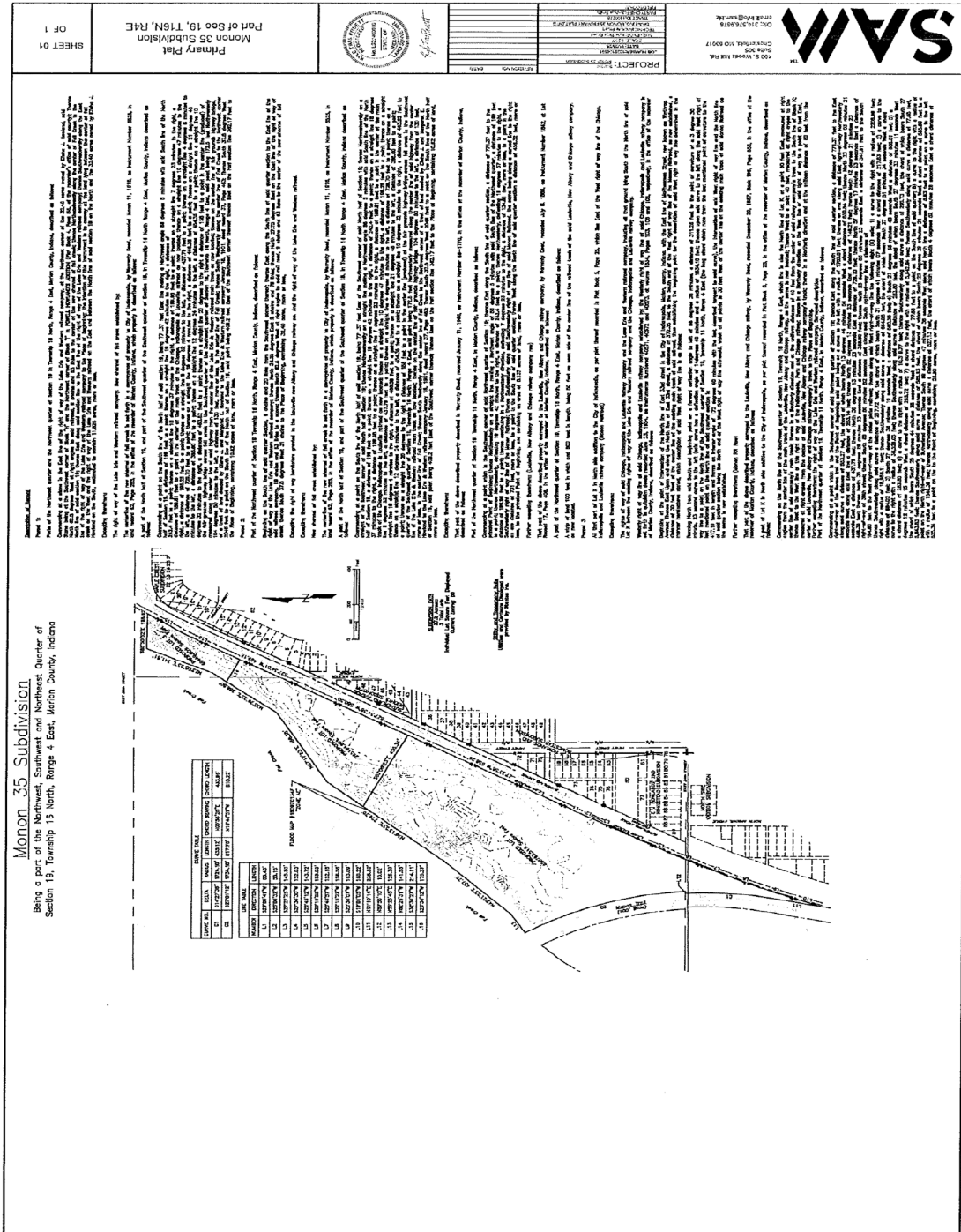
The two proposed intersections are shown to operate at or above acceptable levels of service with the following configurations:

- Two exiting eastbound lanes
- Single northbound lane
- Single southbound lane
- Turn lane warrants are not met at this intersection, however passing blisters should be considered for the northbound approaches to avoid rear end crashes. This can be achieved with pavement markings along the existing cross section of Sutherland Avenue

Draft

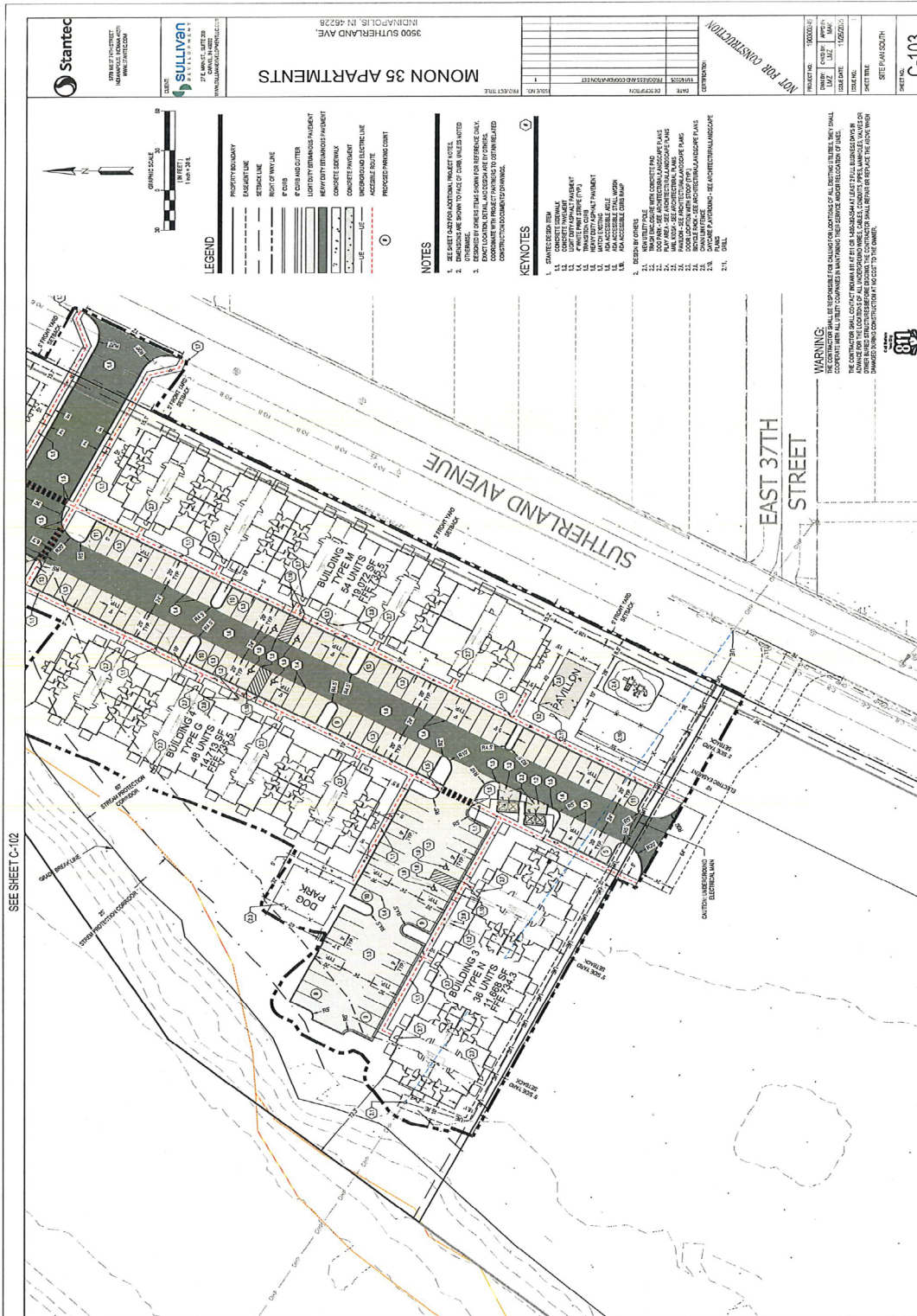


Department of Metropolitan Development
Division of Planning
Current Planning









**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 proposed subdivision design provides safe and adequate access to all lots through a recorded ingress/egress easement built to City standards for width, construction, and emergency vehicle access.
All lots will be served by appropriate utilities, drainage, and infrastructure improvements consistent with public health and safety objectives.
The waiver does not alter land use or density and will not create traffic or environmental hazards.

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 subject property is uniquely affected by its lack of frontage on a public right-of-way, a condition resulting from historic parcel division and surrounding development patterns.
This circumstance prevents direct access without creating undue disturbance or reconfiguration of neighboring lots. Such a condition is specific to this parcel and not shared by adjacent properties, which possess standard frontage and access. Relief addresses an individual hardship arising from the property's unique physical characteristics rather than a general condition.

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:

The subject property lacks any frontage along a public right-of-way, creating a unique physical condition that prevents direct vehicular and pedestrian access.
This condition is not the result of any action by the property owner but rather the result of the parcel's historic subdivision and surrounding development patterns.
The property's irregular configuration and lack of access make it impossible to comply with current zoning or subdivision regulations requiring frontage on a public street.
Strict application of the regulations would effectively deny the owner any reasonable or practical use of the property, as no legal or physical access could be established without relief.

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:

All lots will be served by appropriate utilities, drainage, and public services, maintaining compliance with health, safety, and welfare objectives.
The subdivision design minimizes land disturbance, respects existing topography, and complements surrounding development patterns, consistent with the City's goals for orderly and coordinated growth.
Access is provided through the RR RoW via an existing agreement, and driveways will be designed to meet public safety and service standards.
By meeting the underlying intent of the ordinance through alternative but equivalent means, the subdivision achieves an equal or higher standard than would result from strict application of the frontage requirement.

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 requested relief applies only to the subdivision frontage requirement and does not alter the property's zoning classification, permitted uses, or boundaries established by the Indianapolis-Marion County Consolidated Zoning Ordinance or zoning base maps. All proposed lots meet applicable zoning standards for area, setbacks, and use, except where additional variances are being proposed. The deviation merely allows access through a recorded ingress/egress easement, consistent with ordinance intent, and does not modify or conflict with existing zoning provisions or maps as adopted by law.

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 USE

FINDINGS OF FACT

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

The public health, safety and morals and the general welfare of the community will not be adversely affected as a result of these variances. They will allow for the redevelopment of an underutilized vacant property and provide quality housing for the community. These variances will improve the property and the surrounding area.

2. THE USE AND VALUE OF THE AREA ADJACENT TO THE PROPERTY INCLUDED IN THE VARIANCE WILL NOT BE AFFECTED IN A SUBSTANTIALLY ADVERSE MANNER BECAUSE

The surrounding area is residential in nature, and these variances will allow for affordable housing to be constructed and improve the value of the area and the adjacent properties.

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

The site is irregular in shape with constraints on the east and west (Fall Creek, Street and Trail) which provide difficulty in development to the code and require the requested variances.

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

The code would require a less dense development and additional buildings, cause additional cost to be added to this affordable project. The community believes this is a better development plan.

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

The site is consistent with the comprehensive plan as it brings quality affordable housing to the area. The plan illustrates developments of this type; however, the code does not reflect all of these elements.

DECISION

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

Adopted this _____ day of _____, 20 ____



Department of Metropolitan Development
Division of Planning
Current Planning

Petition Number _____

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

PETITION FOR VARIANCE OF DEVELOPMENT STANDARDS

FINDINGS OF FACT

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

The proposed development will meet all applicable safety and utility standards, including drainage, fire access, and emergency response requirements.

The variance does not alter permitted land use, increase density, or create traffic hazards. The project complements adjacent residential development within the D-9 district and enhances neighborhood continuity.

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

The proposed design maintains appropriate setbacks, scale, and visual compatibility consistent with D-9 development standards.

Improvements such as defined access, landscaping, and drainage control will enhance the property's appearance and functionality, supporting surrounding property values.

The variance facilitates a logical and context-sensitive development pattern that preserves the character of the neighborhood and avoids adverse environmental or aesthetic impacts.

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

It places constraints on the total property that rendering the developable area on the property to an unusable amount. The property

is bounded by Fall Creek to the west and Sutherland Ave to the east. The Nickle Plate RR is between the property and

Sutherland Ave. A 60' Stream Protection Corridor and a 50' RR ROW setback encompass, and in some locations overlap, limiting the developable

area available. Units/building variance is necessary to meet the intent of the IHTC application and achieve building rents that are amenable to low-income family.

LSR and FAR variance are necessary due to the limited buildable area of the M35 subdivision created by topography and right of way constraints

DECISION

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

Adopted this _____ day of _____, 20 ____





Department of Metropolitan Development
Division of Planning
Current Planning



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View looking north along Sutherland Avenue



View looking east along East 34th Street

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



View looking northwest across intersection of Sutherland Avenue and East 36th Street



View looking north across intersection of Sutherland Avenue and East 37th Street

Department of Metropolitan Development
Division of Planning
Current Planning



View looking northeast across intersection of Sutherland Avenue and East 37th Street



View looking northwest across intersection of Sutherland Avenue and Trumbull Street



View looking southwest across intersection of Sutherland Avenue and Trumbull Street



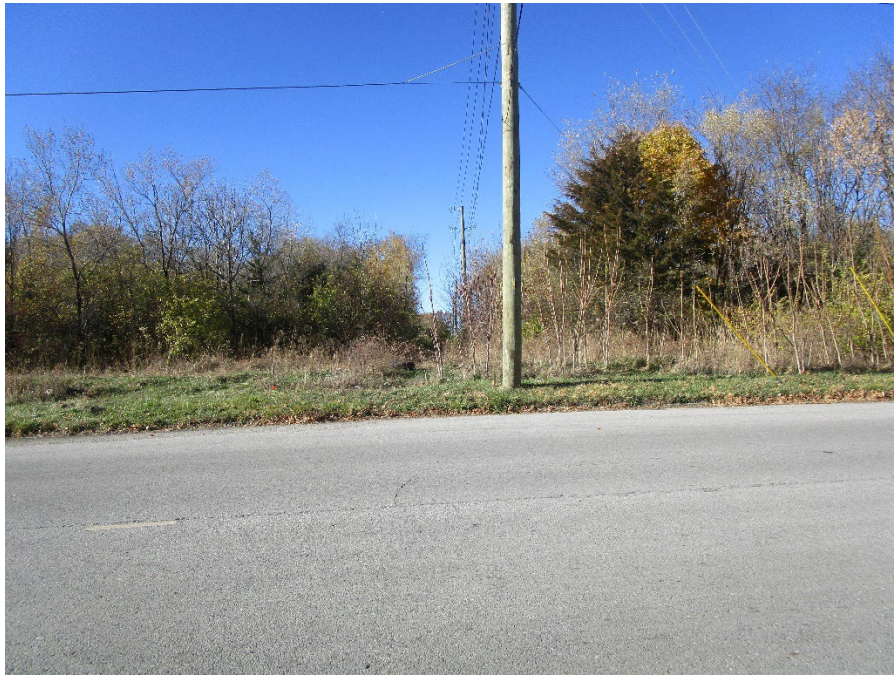
View of site looking west across Sutherland Avenue



View of site looking west across Sutherland Avenue



View of site looking northwest across Sutherland Avenue



View of site looking west across Sutherland Avenue



View of site looking west across Sutherland Avenue

**METROPOLITAN DEVELOPMENT COMMISSION
HEARING EXAMINER**

December 11, 2025

Case Number: 2025-ZON-062 (Amended) / 2025-VAR-007

Property Address: 5709 Five Points Road and 7340 East Edgewood Avenue

Location: Franklin Township, Council District #25

Petitioner: Grand Communities, LLC, by Brian J. Tuohy

Current Zoning: D-A (FF)

Request: Rezoning of 64.84 acres from the D-A (FF) district to the D-4 (FF) district to provide for residential development.

Current Land Use: Single-family dwelling / accessory buildings / agricultural uses

Staff Recommendations: Variance of Development Standards of the of the Consolidated Zoning and Subdivision Ordinance to provide for reduced lot width of 68 feet and lot area of 8,500 square feet for duplexes (90-foot lot width and 10,000-square foot lot area required), 56% reduced open space (65% required), and to provide for three monument signs (maximum of two monument signs for each residential community permitted).

Staff Reviewer: Approval of the rezoning request and variance requests.
Kathleen Blackham, Senior Planner

PETITION HISTORY

The Hearing Examiner continued these petitions from the from the July 10, 2025 hearing, to the August 14, 2025 hearing, to provide additional time for further discussions and submittal of the Traffic Impact Study (TIS).

The Hearing Examiner continued these petitions from the August 14, 2025 hearing, to the September 11, 2025 hearing, to provide additional time for continued discussions with the petitioner and their representative, along with submittable and review of the TIS.

The Hearing Examiner continued these petitions from the September 11, 2025 hearing, to the October 9, 2025 hearing, to provide additional time to amend the request and provide new notice.

The Hearing Examiner continued these petitions from the October 9, 2025 hearing, to the November 13, 2025 hearing, at the request of staff to provide additional time for the TIS to be submitted and reviewed.

STAFF RECOMMENDATION

Approval of these requests, 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.

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

1. A 40-foot half right-of-way shall be dedicated along the frontage of Five Points Road and a 40-foot half right-of-way shall be dedicated along the frontage of East Edgewood Avenue, as per the request of the Department of Public Works (DPW), Engineering Division. Additional easements shall not be granted to third parties within the area to be dedicated as public right-of-way prior to the acceptance of all grants of right-of-way by the DPW. The right-of-way shall be granted within 60 days of approval and prior to the issuance of an Improvement Location Permit (ILP).
2. A southbound left-turn lane along Five Points Road at Entrance A shall be constructed in accordance with the recommendations of the TIS and the DPW.
3. A tree inventory, tree assessment and preservation plan of all existing trees over 2.5 inches in diameter, shall be prepared by a certified arborist and shall be submitted for Administrator Approval prior to preliminary plat approval and / or 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) identify all heritage trees, e) indicate the wooded areas to be saved by shading or some other means of indicating tree areas to be preserved and f) 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.
4. A technical assessment shall be conducted prior to the issuance of an Improvement Location Permit to provide for a wetlands delineation to determine the type and quality and how the area could be preserved and integrated into the development as an amenity.

PETITION OVERVIEW

This 64.84-acre site, zoned D-A (FF), is developed with a single-family dwelling, accessory buildings, and agricultural uses. It is surrounded by single-family dwellings to the north, zoned D-3 (FF); single-family dwellings to the south, zoned D-P (FF); undeveloped land to the east, zoned SU-2; and open space to the west, across Five Points Road, zoned D-P.

REZONING

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

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The Comprehensive Plan recommends suburban neighborhood typology for the western portion of the site and rural or estate neighborhood for the eastern portion of the site.

Recommended land uses in the suburban neighborhood typology include detached housing; attached housing; multi-family housing; assisted living facilities / nursing homes; group homes; bed and breakfast; small-scale offices, retailing, and personal or professional services; small-scale schools, places of worship, neighborhood-serving institutions / infrastructure, and other places of assembly; large-scale schools, places of worship; community-serving institutions / infrastructure, and other places of assembly; small-scale parks; and community farms / gardens.

Recommended land uses in the rural or estate neighborhood typology include detached housing, working farms, groups homes, bed / breakfast, and wind / solar farms.

As proposed, the rezoning request would be consistent with Comprehensive Plan recommendations, including but not limited to housing type and density.

Site Plan

The site plan, file dated September 8, 2025, provides for 176 lots consisting of 100 single-family dwellings and 76 duplexes (paired patio homes).

Access would be from East Edgewood Avenue and Five Points Road, both of which would be boulevard entrances. One stub street along the northern boundary and two stub streets along the southern boundary would provide additional access connections to the subdivision to the north and south.

Staff would note that support of the rezoning request does not include approval of the site plan that would be required to go through the platting process.

Overlays

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

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

The eastern portion of the site is located within the ES overlay because of high quality woodlands, Horn Creek floodplain and wetlands.

Tree Preservation / Heritage Tree Conservation

The eastern portion of the site is heavily wooded and covered by high quality woodlands, specifically identified as Forest Alliance Woodlands. There are other scattered areas of trees throughout the site. Due to their inherent ecological, aesthetic, and buffering qualities, the maximum number of these existing trees should be preserved on the site.

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

A tree inventory, tree assessment and preservation plan of all existing trees over 2.5 inches in diameter, shall be prepared by a certified arborist and shall be submitted for Administrator Approval prior to preliminary plat approval and / or 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) identify all heritage trees, e) indicate the wooded areas to be saved by shading or some other means of indicating tree areas to be preserved and f) 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 Permit (ILP) issuance date. See Exhibit A, 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.

**Department of Metropolitan Development
Division of Planning
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 (D-4 in this request) are permitted, subject to certain development standards of the Flood Control Secondary Zoning Districts Ordinance and all other applicable City Ordinances.

Stream Protection Corridor

A stream protection corridor consists of a strip of land, extending along both sides of all streams, with measurements taken from the top of the bank on either side. The width of the corridor is based upon whether the stream is designated as a Category One or Category Two. Category One streams have a corridor width of 60 feet in the compact context area and 100 feet in the metro context area. Category Two streams have a corridor width of 25 feet in the compact context area and 50 feet in the metro context area.

Construction projects over one (1) acre are subject to the requirements of the Environmental Protection Agency (EPA) General Permit and Indiana Department of Environmental Management (IDEM) Construction Stormwater General Permit (CSGP).

The vegetative target for the Stream Protection Corridor is a variety of mature, native riparian tree and shrub species that can provide shade, leaf litter, woody debris, and erosion protection to the stream, along with appropriate plantings necessary for effective stream bank stabilization.

The Stream Protection Corridor is defined as:

“A vegetated area, including trees, shrubs, and herbaceous vegetation, that exists or is established to protect a stream system, lake, or reservoir, and where alteration is strictly limited. Functionally, stream protection corridors provide erosion control, improve water quality (lower sedimentation and contaminant removal) offer flood water storage, provide habitat, and improve aesthetic value.”

Stream is defined as “a surface watercourse with a well-defined bed and bank, either natural or artificial that confines and conducts continuous or periodic flowing water.”

Stream Bank is defined as “the sloping land that contains the stream channel and the normal flows of the stream.”

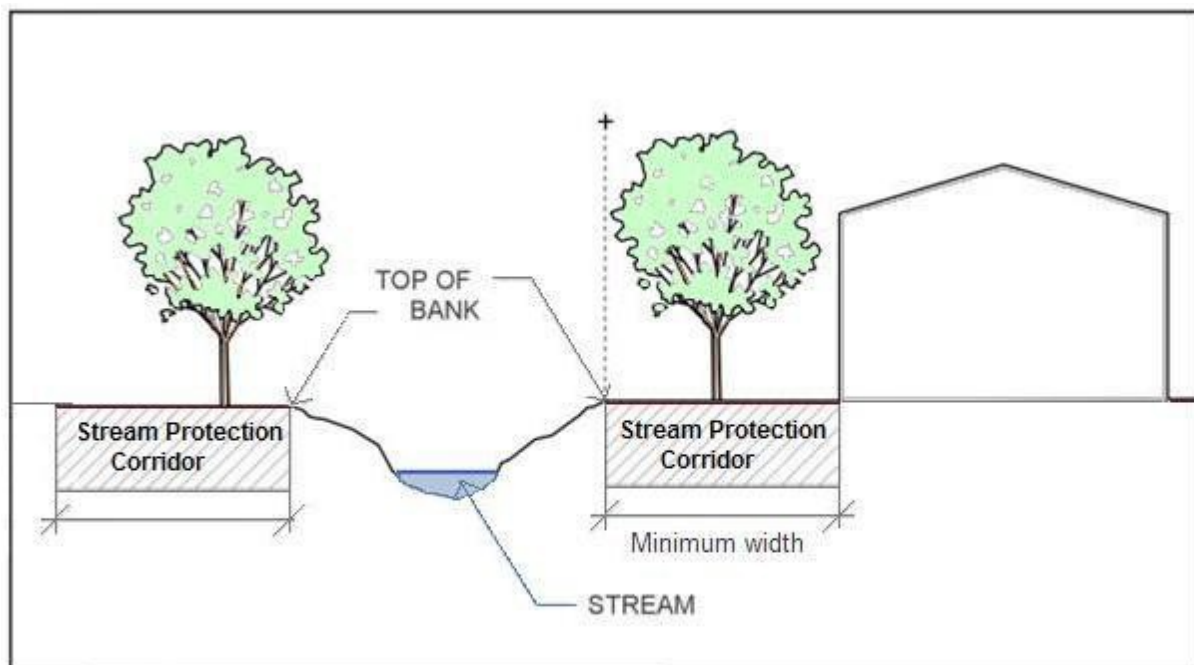
Stream Channel is defined as “part of a watercourse that contains an intermittent or perennial base flow of groundwater origin.”

There are two types of categories of Streams: Category One Streams and Category Two Streams. Category One Stream is defined as: “A perennial stream that flows in a well-defined channel throughout most of the year under normal climatic conditions. Some may dry up during drought periods or due to excessive upstream uses. Aquatic organism such as some fish are normally present and easily found in these streams. The Category One Streams are listed in Table 744-205-2: Category One Streams.”

A Category Two Stream is defined as: “An intermittent stream that flows in a well-defined channel during wet seasons of the year but not necessarily for the entire year. These streams generally exhibit signs of water velocity sufficient to move soil, material, litter, and fine debris. Aquatic organisms, such as fish, are often difficult to find or not present at all in these streams. These streams are identified on the United States Geological Survey (USGS) topographic maps and on the Department of Natural Resources Conservation Service (NRCS) soils maps.”

There are 34 Category One streams listed in the Ordinance. The stream protection corridor is a strip of land on both sides of the stream whose width varies according to whether it is within the Compact or Metro Context Area and whether it is a Category One or Category Two Stream.

Horn Creek lies within the Metro Context Area and is located along the eastern portion of the site. It is designated as a Category Two stream requiring a 50-foot-wide stream protection corridor on both sides of the stream, as measured parallel from the top of the bank. Top of the bank is not defined by the Ordinance, other than by Diagram UU, Stream Protection Corridor Cross-section, as shown below.



Stream Protection Corridor

Wetland Preservation

The aerial indicates a possible wetlands located along the entire length of Horn creek.

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

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

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

Department of Public Works

The Department of Public Works, Traffic Engineering Section, has requested the dedication and conveyance of a 40-foot half rights-of-way along Five Points Road and East Edgewood Avenue. This dedication would also be consistent with the Marion County Thoroughfare Plan.

Traffic Impact Study (TIS)

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

The purpose of the study is to assess the traffic impacts the proposed development would have on operations of the surrounding roadways within the study area, including impacts to the entrances at Edgewood Intermediate School.

The study area included Edgewood Avenue from its intersection with Shelbyville Road to the west and the Edgewood Intermediate School (EIS) east entrance to the east. Additionally, Five Points Road from its intersection with Kidwell Drive / Lily Pad Lane to the north and Edgewood Avenue to the south is included in the study area.

The following intersections were analyzed as part of the study:

1. Five Points Road at Kidwell Drive
2. Edgewood Avenue at Five Points Road Roundabout
3. Edgewood Avenue at Edgewood Intermediate School West Entrance/Moonstruck Parkway
4. Edgewood Avenue at Edgewood Intermediate School East Entrance
5. Edgewood Avenue at Arlington Avenue Roundabout
6. Edgewood Avenue at Shelbyville Road

Capacity analysis occurs for three different scenarios. Scenario One is based on the 2025 existing traffic volumes. Scenario Two is based on 2028 background traffic volumes, including 1% annual growth rate for forecasting existing traffic volumes out to the 2028 horizon year and trips generated from the remaining build-out of Sapphire Ridge. Scenario Three is based on the Year 2028 Combined Traffic, including background traffic volumes plus projected site traffic from the development at full build-out.

Conclusions and Recommendations

1. Five Points Road at Kidwell Drive / Lily Pad Lane

The eastbound and westbound stop-controlled approaches of Lily Pad Lane / Kidwell Drive at Five Points Road operate at LOS “D” and “F” respectively under year 2025 existing and 2028 background PM peak hour traffic conditions. With the additional of the development site traffic to Five Points Road, the eastbound approach level of service decreases to LOS “E”. Unsatisfactory levels of service are anticipated for stop-controlled approaches to major collector streets for short durations during peak traffic periods. It is anticipated that the Kidwell Drive and Lily Pad Lane approaches will continue to operate satisfactory with acceptable gaps to safely turn onto Five Points Road the majority of the day when Five Points Road volumes are not at peak levels.

2. Edgewood Avenue at Five Points Road

The single-lane roundabout was observed operating well with minimal delay during both the existing AM and PM peak hours. With the added development site traffic in year 2028, all peak hour turning movements are still projected to operate at LOS “C” or better. As a result, no improvements are recommended at the Edgewood Avenue and Five Points Road Intersection.

3. Edgewood Avenue at Edgewood Intermediate School West Entrance

The northbound and southbound stop-controlled approaches of Moonstruck Parkway and the Edgewood Intermediate School west entrance both currently operate at LOS “F” during the AM peak hour. This is typical for short durations of time during peak traffic periods for stop-controlled approaches to a minor arterial such as Edgewood Avenue. This is especially true with increased school traffic using the west entrance for student drop-off when volumes exiting the Glen Ridge residential subdivision to the south and along Edgewood Avenue are the highest of the morning. During the afternoon peak hour, all turning movements at the west entrance operate satisfactory at LOS “C” or better in year 2028 with the additional development site traffic. It should be noted that the west entrance for Edgewood Elementary School is also used for passenger car access during student drop-off and pick-up. The car rider line originates around the rear (west side) of the school building and extends south along the western drive toward Edgewood Avenue. During afternoon pick-up, once

the car-rider line extends to a point close to Edgewood Avenue, additional lanes are used along the west edge of the parking lot to store additional vehicles on-site as necessary to avoid impacting traffic operations on Edgewood Avenue. Edgewood Intermediate School Principal Dr. Michael Gaines and a school resource officer also both confirmed their car rider line operates very well to ensure there is minimal to no impact on traffic progression along Edgewood Avenue at the western school entrance.

4. Edgewood Avenue at Edgewood Intermediate School West Entrance

The northbound and southbound stop-controlled approaches of Moonstruck Parkway and the Edgewood Intermediate School west entrance both currently operate at LOS “F” during the AM peak hour. This is typical for short durations of time during peak traffic periods for stop-controlled approaches to a minor arterial such as Edgewood Avenue. This is especially true with increased school traffic using the west entrance for student drop-off when volumes exiting the Glen Ridge residential subdivision to the south and along Edgewood Avenue are the highest of the morning. During the afternoon peak hour, all turning movements at the west entrance operate satisfactory at LOS “C” or better in year 2028 with the additional development site traffic. It should be noted that the west entrance for Edgewood Elementary School is also used for passenger car access during student drop-off and pick-up. The car rider line originates around the rear (west side) of the school building and extends south along the western drive toward Edgewood Avenue. During afternoon pick-up, once the car-rider line extends to a point close to Edgewood Avenue, additional lanes are used along the west edge of the parking lot to store additional vehicles on-site as necessary to avoid impacting traffic operations on Edgewood Avenue. Edgewood Intermediate School Principal Dr. Michael Gaines and a school resource officer also both confirmed their car rider line operates very well to ensure there is minimal to no impact on traffic progression along Edgewood Avenue at the western school entrance.

5. Edgewood Avenue at Arlington Avenue

The existing single-lane roundabout at Arlington Avenue and Edgewood Avenue operates at satisfactory levels of service of “C” or better for all peak hour turning movements other than the northbound approach. The northbound turn movements are projected to operate at LOS “D” under year 2028 PM peak hour background traffic volumes. Some queuing was already observed on the south approach of the roundabout during the PM peak hour. With the additional site traffic from the development, the PM peak hour northbound approach will continue to operate at LOS “D” in year 2028. Although no improvements are recommended as part of this study, the intersection should continue to be monitored to determine when a dedicated northbound right turn lane should be added to ensure the south approach continues to operate satisfactorily.

6. Edgewood Avenue at Shelbyville Road

The multi-way stop-controlled intersection is presently experiencing significant delay and unsatisfactory operations for the westbound and northbound approaches in the AM peak hour and all approaches during the PM peak hour. With five other existing roundabouts already in place along the Edgewood Avenue corridor east of Madison Avenue, conversion of this intersection to a single-lane roundabout is recommended to mitigate the current operational issues at the intersection. A roundabout produces satisfactory operations of LOS “B” or better in all year 2028 combined peak hour traffic scenarios with the development fully built-out. Additionally, the pavement condition is poor within the intersection limits having been patched numerous times before and in need of full-depth

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

reconstruction. It should be noted that the proposed development is projected to add very minimal volume to this intersection based on the existing traffic patterns within the study area.

Entrance A along Five Points Road

All peak hour turning movement at full build-out of the development are projected to operate at LOS “C” or better with one travel lane exiting the site. Based on turn lane criteria outlined in the Indiana Design Manual 6, Figures 46-4A and 46-4C, a northbound right-turn lane is not required for the intersection, but a southbound left-turn lane is warranted.

Entrance B along Edgewood Avenue

Based on the conceptual site plan, a higher density of residential lots is in closer proximity to Entrance A. As a result, less volume is ultimately projected to utilize entrance B along Edgewood. No turn lanes are warranted and all peak hour turning movement volumes will operate at LOS “C” or better in 2028 when the development is complete.

VARIANCE OF DEVELOPMENT STANDARDS

Four variances are requested related to lot width, lot area and open space of the duplex lots, and an additional monument sign.

The Ordinance requires a lot width of 90 feet and lot area of 10,000 square feet for duplexes. This request would allow for a reduced lot width of 68 feet and a reduced lot area of 8,500 square feet. Because the proposed development would offer two housing typologies, along with the development limitations present with the environmentally sensitive area, staff believes the reduction of the lot width and lot area would be supportable in exchange for limited encroachment into the eastern portion of the site.

The request would reduce the required open space to 56% when the Ordinance requires 65% open space. Staff believes the reduced open space would be supportable.

The Ordinance allows for a maximum of two monument signs for each residential community. This request would allow for three monument signs.

Monument signs are proposed at each of the entrances along Five Points Road and East Edgewood Avenue. Due to the configuration of the site and its boundaries abutting the residential community to the south and west, a third monument sign would be allowed in the interior of the site to identify this proposed development.

GENERAL INFORMATION

Existing Zoning	D-A (FF)	
Existing Land Use	Single-family dwelling / accessory buildings / agricultural uses	
Comprehensive Plan	Suburban Neighborhood / Rural or Estate Neighborhood	
Surrounding Context	<u>Zoning</u>	<u>Land Use</u>
North:	D-3 (FF)	Single family dwellings
South:	D-P	Single-family dwellings
East:	Undeveloped land	Educational uses
West:	D-P	Open space
Thoroughfare Plan		
East Edgewood Avenue	Secondary Arterial	Existing 82-102-foot right-of-way and proposed 80-foot right-of-way.
Five Points Road	Primary Collector	Existing 45-65-foot right-of-way and proposed 80-foot right-of-way.
Context Area	Metro	
Floodway / Floodway Fringe	Yes. 500-year floodplain (unregulated) of Horn Creek	
Overlay	Yes. Environmentally Sensitive Areas (ES)	
Wellfield Protection Area	No	
Site Plan	June 1, 2025	
Site Plan (Amended)	September 8, 2025	
Elevations	N/A	
Elevations (Amended)	N/A	
Landscape Plan	N/A	
Findings of Fact	September 11, 2025	
Findings of Fact (Amended)	N/A	
C-S/D-P Statement	N/A	

COMPREHENSIVE PLAN ANALYSIS

Comprehensive Plan

The Comprehensive Plan recommends Suburban Neighborhood typology for the western portion of the site. "The Suburban Neighborhood typology is predominantly made up of single-family housing but is interspersed with attached and multifamily housing where appropriate. This typology should be supported by a variety of neighborhood-serving businesses, institutions, and amenities. Natural Corridors and natural features such as stream corridors, wetlands, and woodlands should be treated as focal points or

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

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

The Comprehensive Plan also recommends the rural or estate neighborhood typology for the eastern portion of the site. “The Rural or Estate Neighborhood typology applies to both rural or agricultural areas and historic, urban areas with estate-style homes on large lots. In both forms, this typology prioritizes the exceptional natural features – such as rolling hills, high quality woodlands, and wetlands – that make these areas unique. Development in this typology should work with the existing topography as much as possible. Typically, this typology has a residential density of less than one dwelling unit per acre unless housing is clustered to preserve open space.”

Pattern Book / Land Use Plan

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

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

Conditions for All Land Use Types – Suburban Neighborhood Typology

- All land use types except small-scale parks and community farms/gardens in this typology must have adequate municipal water and sanitary sewer.
- All development should include sidewalks along the street frontage.
- Hydrological patterns should be preserved wherever possible.
- Curvilinear streets should be used with discretion and should maintain the same general direction.
- In master-planned developments, block lengths of less than 500 feet, or pedestrian cut-throughs for longer blocks, are encouraged.

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

Conditions for All Housing - Suburban Neighborhood Typology

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

Detached Housing - Suburban Neighborhood Typology

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

Attached Housing - Suburban Neighborhood Typology

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

Modified Uses (Environmentally Sensitive Areas)- Suburban Neighborhood Typology

- Detached Housing - Should be oriented to minimize impact on the natural environment, including trees, wetlands, and exceptional topography. Housing is significantly discouraged in floodplains. Additionally, development should preserve or add at least 30% of the entire parcel as tree canopy or naturalized area.
- Attached Housing - Any development impacting wetlands or high-quality woodlands should include a one-for-one replacement of such features. Housing is significantly discouraged in floodplains. Additionally, development should preserve or add at least 20% of the entire parcel as tree canopy or naturalized area.

Detached Housing – Rural or Estate Neighborhood Typology

- Should preserve open space.
 - In older, established historic areas, lots should be deep and narrow with deep setbacks. This allows for city services such as streets and sewer lines to be used more efficiently. Mature trees should be preserved whenever possible.
 - In more rural areas, the protection of open space is even more critical. Lots should be both deep and wide.
- Denser development is appropriate only if the houses are clustered together and public open space is provided.
- “Flag lots” (lots that are behind other lots, buildings, or otherwise not visible from the road) should be avoided.
- Lots should be no larger than one and a half times the adjacent lots.

Modified Uses (Environmentally Sensitive Areas)- Rural or Estate Neighborhood Typology

- Detached Housing - Should be oriented to minimize impact on the natural environment, including trees, wetlands, and exceptional topography. Housing is significantly discouraged in floodplains. Additionally, development should preserve or add at least 30% of the entire parcel as tree canopy or naturalized area.

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.”

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

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

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

ZONING HISTORY

2021-ZON-142; 7340 East Edgewood Avenue (south of site), requested rezoning of 52.19 acres from the D-A (FW) district to the D-P (FW) classification to provide for 115 single-family dwellings, **approved**.

2005-ZON-210; 7510 East Edgewood Avenue (east of site), requested the rezoning of 82 acres from the D-A district to the SU-2 district, **approved**.

2005-ZON-139; 7510 East Edgewood Avenue (east of site), requested the rezoning of 82 acres from the D-A district to the D-3 district, **withdrawn**.

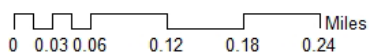
2002-ZON-845; 7420 East Edgewood Avenue (east of site), requested the rezoning of 5.3 acres from the D-A district to the D-P district to provide for a single-family dwelling and two two-family dwellings, **approved**.

2001-ZON-089; 6730 East Edgewood Avenue (west of site), requested the rezoning of 115 acres from the D-A district to the D-P district to provide for 275 single-family dwellings at a density of 2.39 units/acre, **approved**.

2000-ZON-048; 6250 Five Points Road (southeast of site), requested the rezoning of 64 acres from the D-2 district to the D-P district to provide for 167 single-family dwellings, **withdrawn**.

96-Z-121; 7601 East Thompson Road and 5401 Five Points Road (north of site), requested the rezoning of 238 acres from the I-2-S and I-4-S districts to the D-3 district, **approved**.

95-Z-30; 7601 East Thompson Road (north of site), requested the rezoning of 238 acres from the I-2-S and I-4-S districts to the D-3 district, **denied**.



Site Plan – September 8, 2025

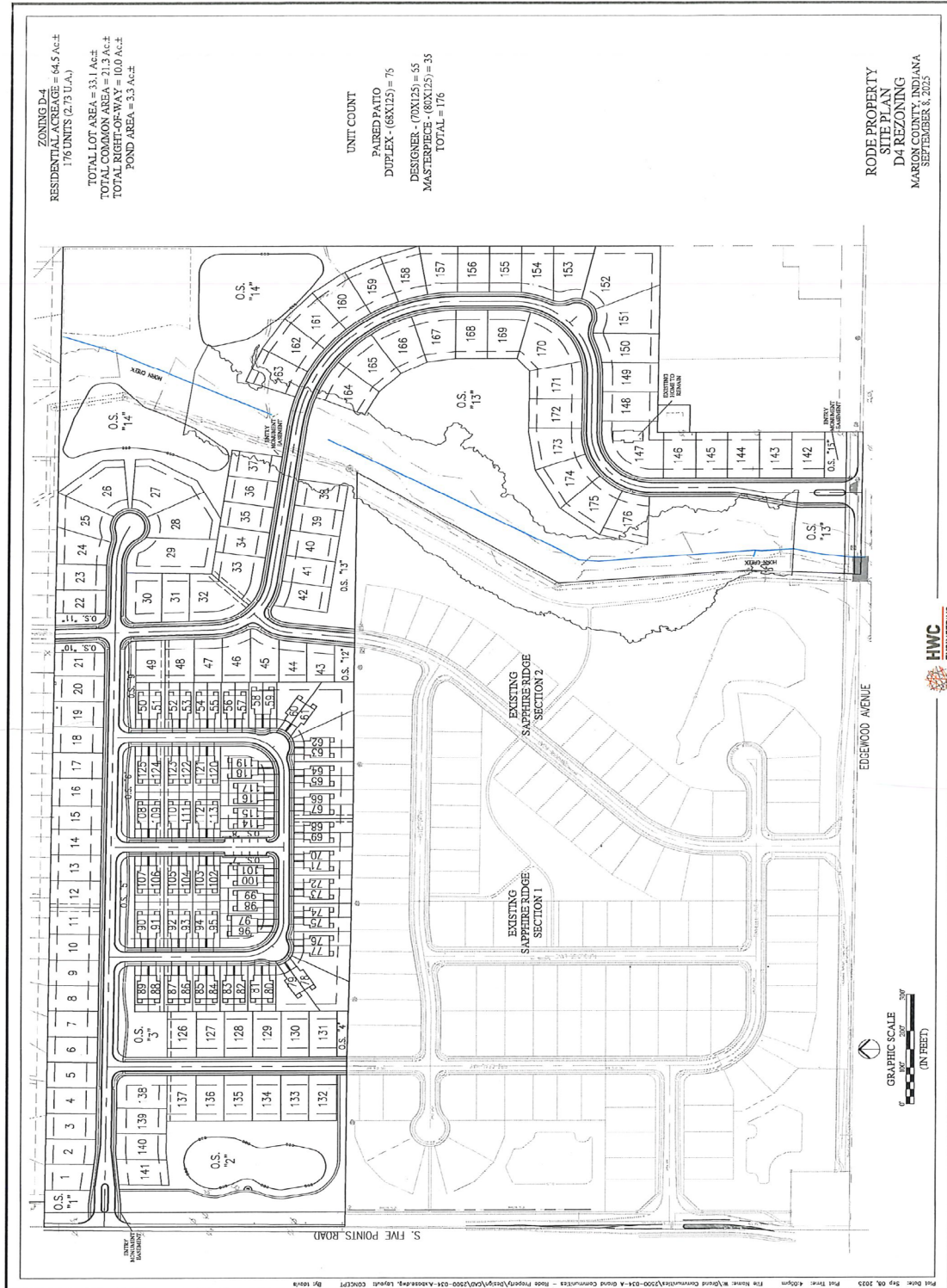


EXHIBIT A

Heritage Tree Conservation

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

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

Table 744-503-3: Replacement Trees		
Size of tree removed or dead (inches)	Number of Trees to be planted to replace a Heritage Tree	Number of Trees to be planted to replace an existing tree
Over 36 DBH	15	10
25.5 to 36 DBH	11	8
13 to 25 DBH	8	6
10.5 to 12.5 DBH	6	4
8.5 to 10 DBH	5	4
6.5 to 8	3	2
4 to 6	2	2
2.5 to 3.5	1	1

**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 site is an infill site located adjacent to residential neighborhoods to the north and south and an intermediate school to the east. The proposed residential development is compatible with nearby residential uses. The proposed development includes lots of varying sizes and widths, including approximately 56% of the proposed lots being wider and larger than the D4 minimum requirements. The smaller paired patio lots are interior and are not located along Edgewood Ave or Five Points Rd. Ample common areas are provided within the neighborhood and the slight reduction of open space applies only to a portion of the paired patio lots. A creek separates two portions of the neighborhood with different styles of home in each portion. The additional sign will help to notify visitors of the continuation of the neighborhood across the creek and to demarcate the portions of the neighborhood with different home styles. The variances will not be injurious to the general welfare of the community.

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

The proposed residential development is compatible with nearby residential and school uses. The smaller lot widths and lot sizes of the paired patio lots do not result in the development having a density that is greater than the typical D4 density. The proposed density of approximately 2.8 units per acre is nearly the typical density for a D3 zoned site (which is approximately 2.6 units per acre). The lots with the slight reduction in open space are located interiorly within the site. The variances will not adversely affect the use or value of the area adjacent to the property. The development of this infill site will result in a significantly higher assessed value for this area. The additional sign will allow for identification of the continuation of the proposed neighborhood across the creek, which will assist visitors and delivery vehicles.

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

Buck Creek runs through the eastern portion of the site and certain acreage adjacent to the creek will not be improved with homes. In part, due to the location of Buck Creek and the preservation of such acreage, smaller lot sizes and widths for the paired patio lots will allow for development of the site that is consistent with nearby neighborhoods and with a density that is more similar to the typical D3 density than D4 density. Additionally, the location of a large portion of the site is between two existing neighborhoods, it has one entrance along Five Points and one along Edgewood Ave, and a creek separates portions of the neighborhood, which contains three different types of housing. Allowing a third sign to identify the proposed neighborhood across the creek will lessen confusion and assist visitors to the site. Without the variances, the development of this infill site with three different types of housing will be difficult.

DECISION

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

Adopted this _____ day of _____, 20____



View looking west along East Edgewood Avenue



View looking east along East Edgewood Avenue



View looking east at intersection of East Edgewood Avenue and entrance to school



View of site looking west from adjacent property to the east (school)



View of site looking west from adjacent property to the east (school)



View of site looking west from adjacent property to the east (school)



View of site looking north at Sandstone Road stub street



View of site looking east across Sandstone Road



View of site looking east across Sandstone Road



View of site looking northeast across East Edgewood Avenue

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



View looking north along Horn Creek across East Edgewood Avenue

**METROPOLITAN DEVELOPMENT COMMISSION
HEARING EXAMINER**

December 11, 2025

Case Number: 2025-CZN-845 / 2025-CVR-845

Property Address: 1032 and 1040 South East Street

Location: Center Township, Council District #18

Petitioner: 1032 1040 LLC, by David and Justin Kingen

Current Zoning: C-5

Rezoning of 0.34 acres from the C-5 district to the D-8 classification to provide for residential development.

Request:

Variance of Use and Development Standards of Consolidate Zoning and Subdivision Ordinance to provide for the construction of three townhomes containing a total of nine units across two lots (one primary building permitted per lot, each townhome unit required to be on its own platted lot), with each unit providing less than 100 square feet of main floor area (minimum 660-square-feet of main floor area required) with

- a) one three-unit townhome structure providing a three-foot corner side yard setback from I-70, a 60-foot front yard setback from East Street, a 10-foot rear yard setback and no front entry feature (eight-foot corner side setback, 15-foot rear setback, front entry required, maximum 19.9-foot front yard setback permitted);
- b) one two-unit building providing a three-foot corner side yard setback; and
- c) one four-unit building with a 35-foot front yard setback from East Street.

Current Land Use: Small commercial building

**Staff
Recommendations:** Denial.

Staff Reviewer: Kathleen Blackham, Senior Planner

PETITION HISTORY

The Hearing Examiner continued this petition from the November 20, 2025 hearing, to the December 11, 2025 hearing, at the request of staff.

STAFF RECOMMENDATION

Denial.

PETITION OVERVIEW

This 0.34-acre site, zoned C-5, is comprised of two lots with a small commercial building. It is surrounded by Interstate 70 right-of-way to the north, zoned C-5; a parking lot to the south, zoned SU-1; residential uses to the east, across South East Street, zoned C-5; and religious uses and a parking lot to the west, zoned SU-1.

REZONING

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

The Comprehensive Plan recommends village mixed use typology for the site.

Recommended land uses in this typology include detached housing; attached housing; small-scale and large-scale multi-family housing; assisted living facilities / nursing homes; group homes; bed and breakfast; small-scale offices, retailing, and personal or professional services; small- and large- scale schools, places of worship, neighborhood serving institutions / infrastructure, and other places of assembly; small-scale parks; artisan manufacturing and food production; structured parking; and community farms / gardens.

As proposed, this request would be consistent with the Comprehensive Plan recommendations of village mixed-use but the need for six variances is a strong argument against land use intensity and over development of the site.

Walkable Neighborhood

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

The purpose of the Walkable Neighborhood design standards and objectives is to advance the Livability Principles of this code, and to promote walkable neighborhoods. Any exceptions to the standards in the Ordinance, or discretionary review processes related to a specific application, shall be judged against these design objectives, in addition to any other criteria in this code for the application.

VARIANCES OF USE AND DEVELOPMENT STANDARDS

This proposed development would require six variances, both use and development variances.

The Ordinance permits one primary building on one lot. This proposed development would allow three townhomes consisting of nine dwelling units on two lots. Staff believes this represents an intense land use development that would not be appropriate for the neighborhood and surrounding land uses.

The Ordinance requires a minimum 660-square feet of main floor living area. As proposed the main floor would be less than 100 square feet that would be shared with an attached garage. Staff believes the required minimum square footage is directly related to quality of life for the residents.

One three-unit townhome (Units 1,2, and 3) would have a three-foot corner side yard setback from Interstate 70, a 60-foot front yard setback from East Street, a 10-foot rear yard setback and no front entry feature. The Ordinance requires an eight-foot corner side setback, a 15-foot rear setback, a maximum 19.9-foot front yard setback, and a front entry feature.

Staff believes the reduced side and rear setbacks, increased front setback and no entry feature results in over development of the site and raises safety concerns.

The two-unit building (Units 4 and 5) would have a reduced three-foot corner side yard when the Ordinance requires an eight-foot corner side yard. Staff believes this represents over development of the site.

The four-unit townhome (Units 6 through 9) would have a 35-foot front setback from East Street when the Ordinance would allow a maximum of 19.9-foot front setback. Staff believes this contributes to and supports intense land use and over development of the site.

The Pattern Book suggests that resiliency within our communities contribute to a lasting and durable quality of life and offers the following guidelines and recommendations:

“Orienting uses towards the streets and other public spaces and activating sidewalks and the ground floors of buildings through window transparency and externalized front doors increases the number of people that have their eye on our public spaces. This ultimately creates a safer pedestrian environment where people can watch out for each other, and wrong doers feel less shielded from witnesses. Neighborhood streets are not the only streets that need to be activated – while busier arterial streets are used by more people, they are often less activated. This makes them uncomfortable for pedestrians, and it means that businesses, homes, and parked cars are more vulnerable.”

Staff believes the residential development on this site would be appropriate but the need for all the variances results in a development that would not be appropriate or well-integrated into the neighborhood and surrounding and land uses.

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

GENERAL INFORMATION

Existing Zoning	C-5	
Existing Land Use	Commercial building	
Comprehensive Plan	Village Mixed-Use	
Surrounding Context	<u>Zoning</u>	<u>Land Use</u>
North:	C-5	Interstate 70 right-of-way
South:	SU-1	Parking lot
East:	C-5	Multi-family dwelling / commercial building
West:	SU-1	Religious uses / parking lot
Thoroughfare Plan		
South East Street	Primary Arterial	Existing 86-foot right-of-way and proposed 78-foot right-of-way.
Context Area	Compact	
Floodway / Floodway Fringe	No	
Overlay	No	
Wellfield Protection Area	No	
Site Plan	October 26, 2025	
Site Plan (Amended)	December 1, 2025	
Elevations	October 26, 2025	
Elevations (Amended)	December 1, 2025	
Landscape Plan	N/A	
Findings of Fact	October 26, 2025	
Findings of Fact (Amended)	N/A	
C-S/D-P Statement	N/A	

COMPREHENSIVE PLAN ANALYSIS

Comprehensive Plan

The Comprehensive Plan recommends Village Mixed-Use typology. “The Village Mixed-Use typology creates neighborhood gathering places with a wide range of small businesses, housing types, and public facilities. This typology is intended to strengthen existing, historically small-town centers as well as to promote new neighborhood centers. Businesses found in this typology serve adjacent neighborhoods, rather than the wider community. This typology is compact and walkable, with parking at the rear of buildings. Buildings are one to four stories in height and have entrances and large windows facing the street. Pedestrian-scale amenities such as lighting, landscaping, and sidewalk furniture also contributes to a walkable environment in this typology. Uses may be mixed vertically in the same building or

horizontally along a corridor. Public spaces in this typology are small and intimate, such as pocket parks and sidewalk cafes. This typology has a residential density of 6 to 25 dwelling units per acre.”

Pattern Book / Land Use Plan

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

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

Conditions for All Land Use Types – Village Mixed-Use Typology

- All land use types except small-scale parks and community farms/gardens in this typology must have adequate municipal water and sanitary sewer.
- All development should include sidewalks along the street frontage.
- In master-planned developments, block lengths of less than 500 feet, or pedestrian cut-throughs for longer blocks, are encouraged.
- Where possible, contributing historic buildings should be preserved or incorporated into new development.

Conditions for All Housing

- Should be within a one-quarter-mile distance (using streets, sidewalks, and/or off-street paths) of a school, playground, library, public greenway, or similar publicly accessible recreational or cultural amenity that is available at no cost to the user.
- Should be oriented towards the street with a pedestrian connection from the front door(s) to the sidewalk. Driveways/parking areas do not qualify as a pedestrian connection.

Attached Housing

- Recommended without additional conditions.

Red Line / Blue Line / Purple Line TOD Strategic Plan

Not Applicable to the Site.

Neighborhood / Area Specific Plan

Not Applicable to the Site.

Infill Housing Guidelines

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

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

Site Configuration

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

Aesthetic Considerations

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

Additional Topics

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

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

Indy Moves

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

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

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

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

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

ZONING HISTORY

2006-DV2-014, 1032 South East Street, requested a variance of development standards of the Commercial Zoning Ordinance to provide for the construction of a family restaurant with reduced front and side setback and parking, **granted**.

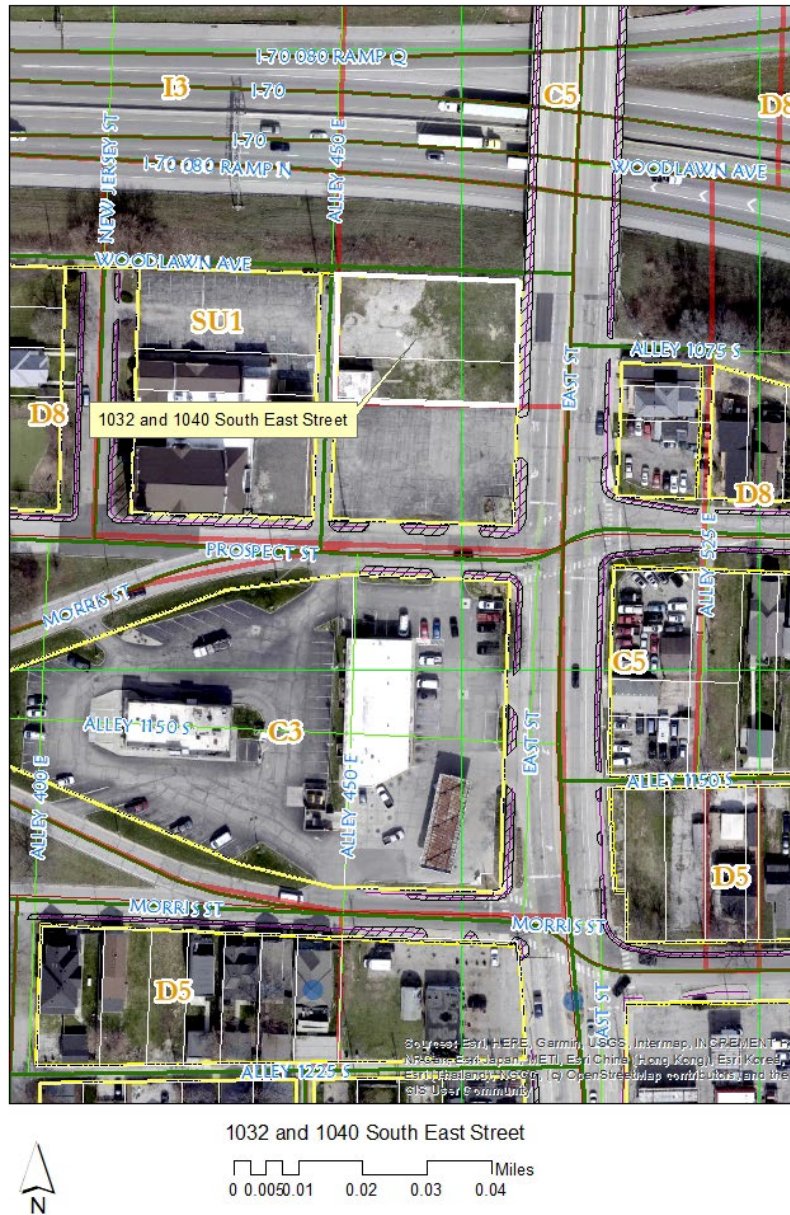
VICINITY

99-Z-136; 402 East Prospect Street, 1048 South East Street and 1035 South New Jersey Street (west and south of site), requested rezoning of 0.8 acres from the C-5 and D-8 districts to the SU-1 classification to provide for religious uses, **approved**.

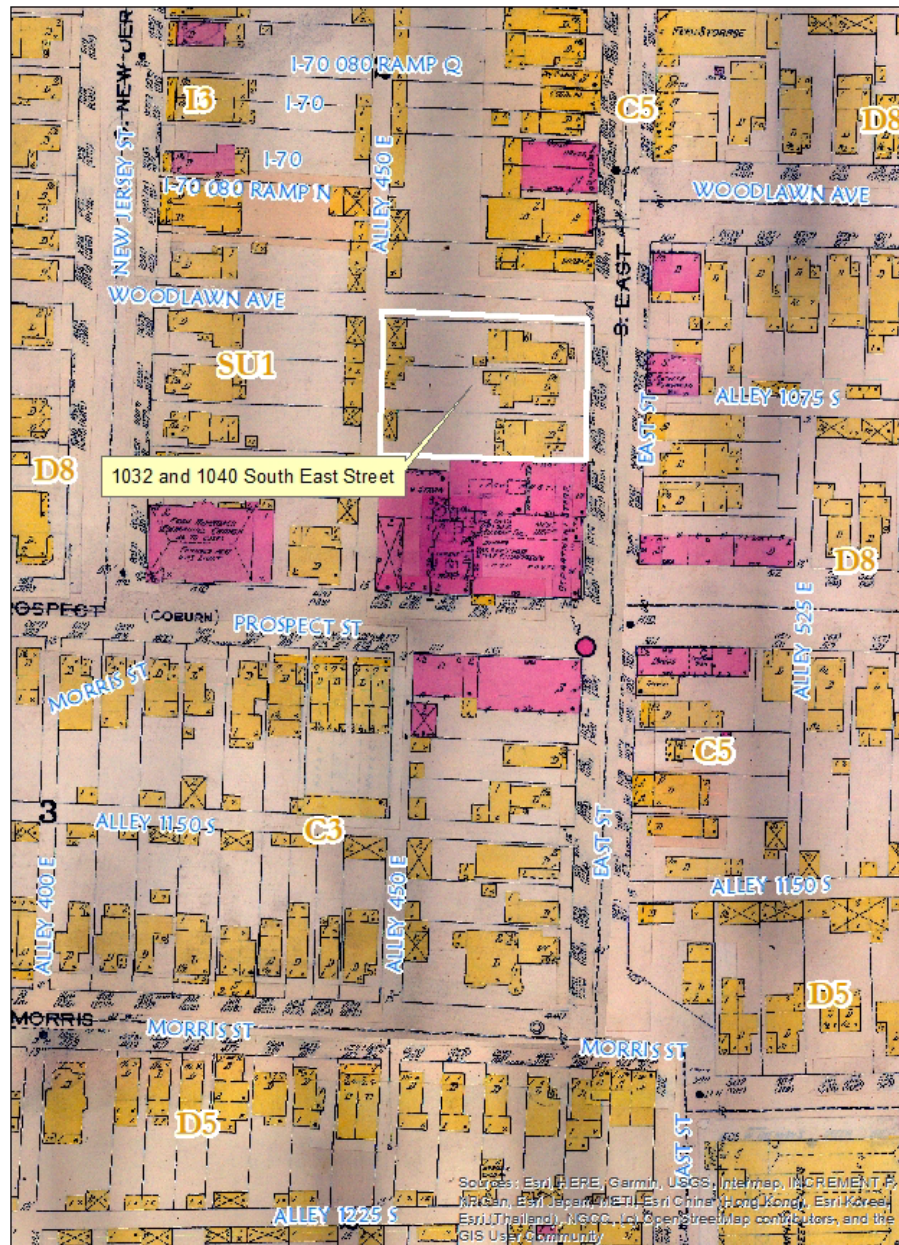
96-Z-113; 382 East Morris Street, and 1104 South East Street (south of site), requested rezoning of 2.148 acres from the D-5 and D-8 districts to the C-3 classification to provide for a restaurant, gasoline station, check cashing and video store, **approved**.

EXHIBITS

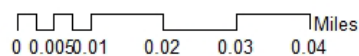
Aerial Map



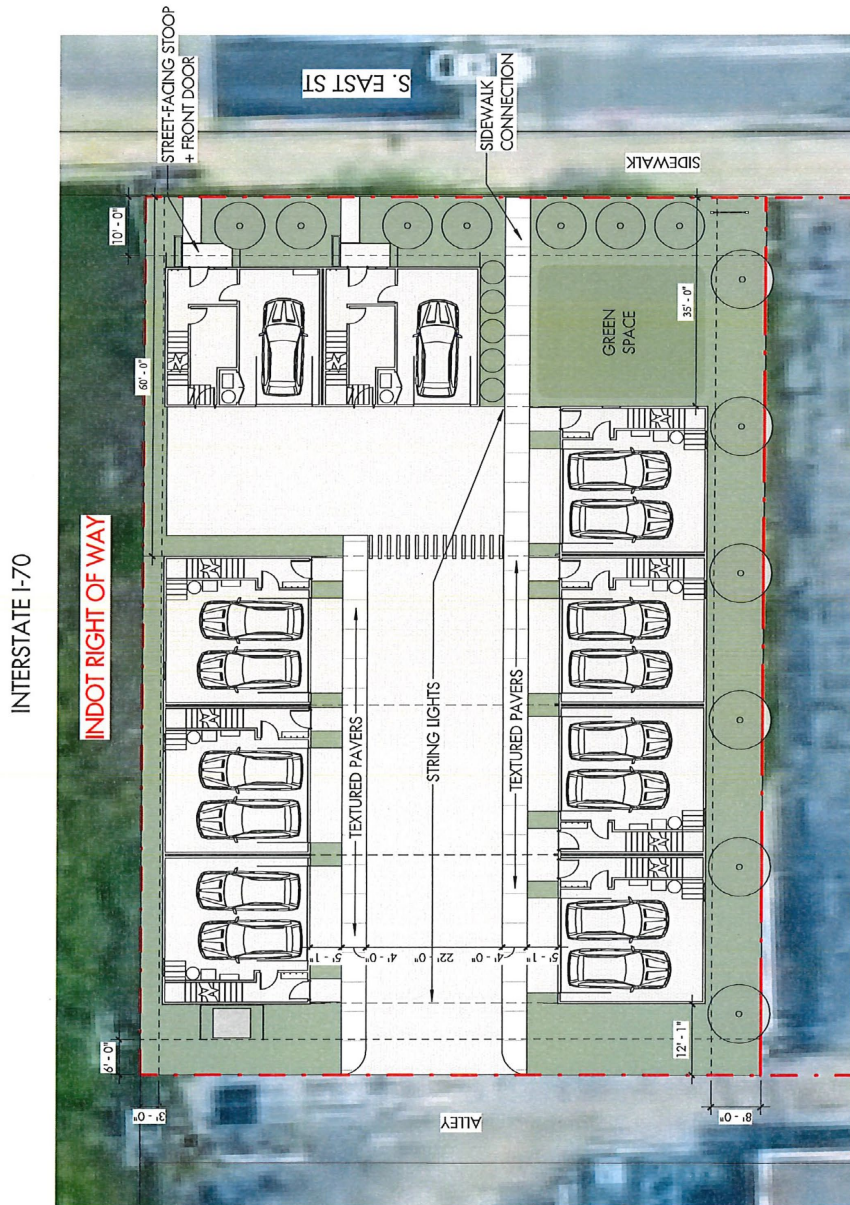
1898 Sanborn Map



1032 and 1040 South East Street



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



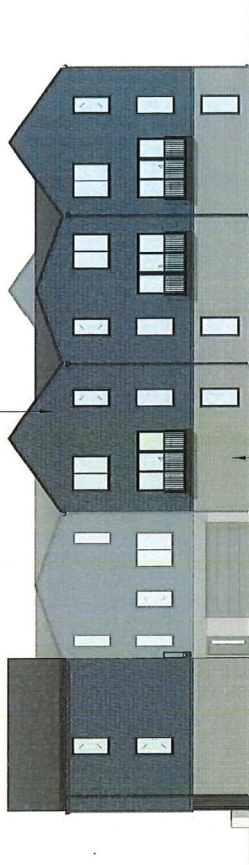
1 SITE PLAN
 1/16" = 1'-0"

1032 S. East St

SITE PLAN - CONCEPTUAL DESIGN
 09/03/25

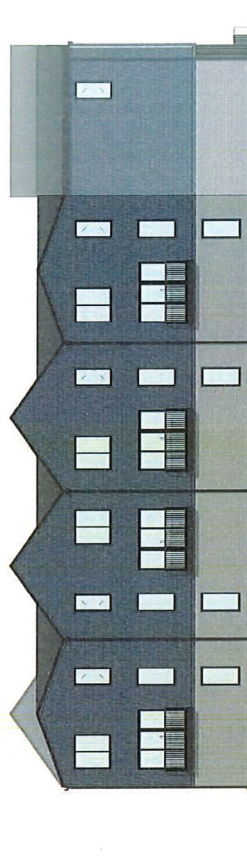
Department of Metropolitan Development
 Division of Planning
 Current Planning

HARDIE
SHINGLE SIDING

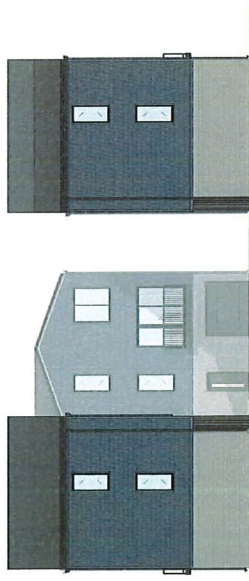


1 North Elevation
 1/16" = 1'-0"

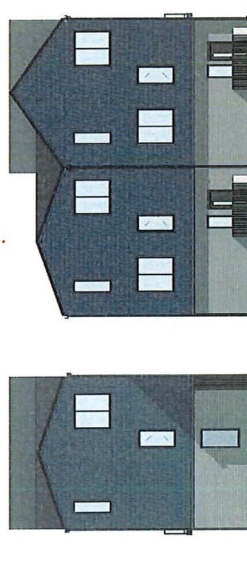
HARDIE LAP SIDING



2 South Elevation
 1/16" = 1'-0"



4 West Elevation
 1/16" = 1'-0"

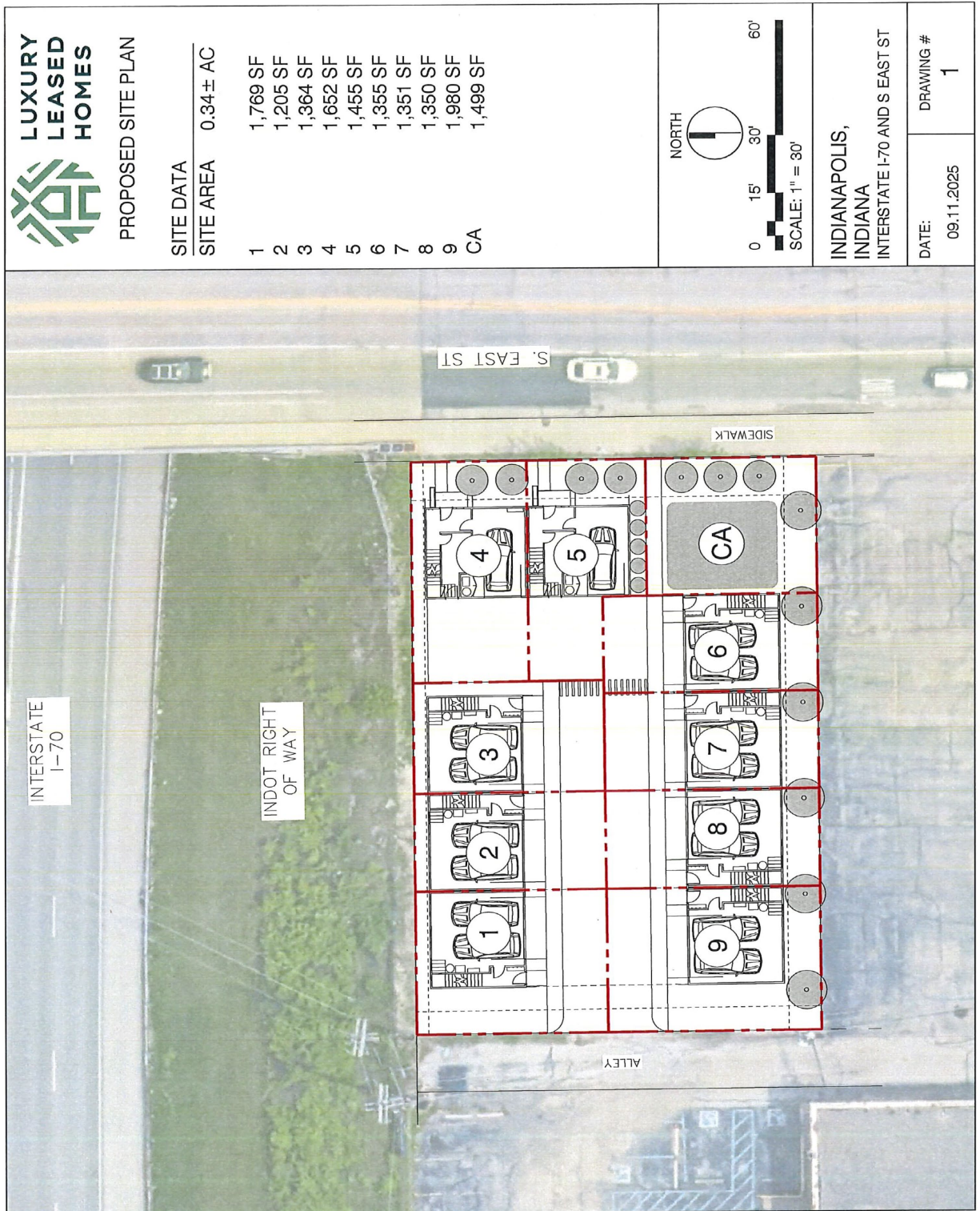


3 S. East St Elevation
 1/16" = 1'-0"

1032 S. East St

EXTERIOR ELEVATIONS - CONCEPTUAL DESIGN
 09/03/25

BLACKLINE







**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:

There was previously a commercial structure that existed on the site with a similar northside setback as that being requested with this proposed variance petition. Also, there are several structures within this part of the Bates-Hendricks neighborhood that front along the I-70 corridor, contain similar setbacks to the highway, and that have not historically been injurious to the public health, safety, etc.

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

The majority of the subject site is currently vacant, with one vacant, dilapidated commercial structure still remaining on the property, which provides no use or value to the area. The approval of the proposed variance petition would allow for the site to be redeveloped with newly constructed single-family homes which will increase the use and value of the site, the immediate vicinity, and the Bates-Hendricks neighborhood overall.

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

Even though these parcels are setback a great distance from the I-70 corridor, the northern property line of the lots does front along that thoroughfare, making it a front-yard, which requires a greater setback than that of a typical side-yard. It would be practically difficult to redevelop these lots with any type of dense residential type that fits the character of the neighborhood and would not require variances.

DECISION

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

Adopted this _____ day of _____, 20 ____



View site along South East Street looking north



View looking south along South East Street

Department of Metropolitan Development
Division of Planning
Current Planning



View of abutting north / south alley looking south



View of site looking east from north /south alley



View from north / south alley looking east



View of existing building looking north



View of existing building and north / south alley looking north



View of northwest corner of site looking southeast

**METROPOLITAN DEVELOPMENT COMMISSION
HEARING EXAMINER**

December 11, 2025

Case Number: 2025-ZON-126
Property Address: 3441 West Washington Street (Approximate Address)
Location: Wayne Township, Council District #17
Petitioner: Jesus Ivan Ibarra Tamayo
Current Zoning: I-3 (FF) (TOD)
Request: Rezoning of 0.76-acre from the I-3 (FF) (TOD) district to the C-5 (FF) (TOD) district to provide for general commercial uses.
Current Land Use: Commercial
Staff Recommendations: Denial
Staff Reviewer: Marleny Iraheta, Senior Planner

PETITION HISTORY

This is the first public hearing for this petition.

STAFF RECOMMENDATION

Staff **recommends denial** of the request.

If approved against staff's recommendation, approval shall be subject to the following commitments being reduced to writing on the Commission's Exhibit "B" forms at least three (3) days prior to the MDC hearing:

A 44-foot half right-of-way shall be dedicated along the frontage of Washington Street, as per the request of the Department of Public Works (DPW), Engineering Division. Additional easements shall not be granted to third parties within the area to be dedicated as public right-of-way prior to the acceptance of all grants of right-of-way by the DPW. The right-of-way shall be granted within 60 days of approval and prior to the issuance of an Improvement Location Permit (ILP).

PETITION OVERVIEW

LAND USE

The subject site is comprised of three (3) parcels and consists of approximately 0.76-acre developed with a commercial building and associated parking areas. The site abuts the public right-of-way of West Washington Street to the north with a commercial property across the street, zoned C-5, an auto repair business to the east, zoned I-3, railroad tracks to the south, zoned I-3, and Eagle Creek Stream to the west, zoned I-3 and D-5.

REZONING

The grant of the request would rezone the property from the I-3 district to the C-5 district to provide for general commercial uses, but specifically a used car dealership.

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

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

Department of Public Works

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

FLOODWAY FRINGE

This site has a Secondary Zoning classification of a Floodway Fringe (FF), which is the portion of the regulatory floodplain that is not required to convey the 100-year frequency flood peak discharge and lies outside of the floodway.

The designation of the FF District is to guide development in areas subject to potential flood damage, but outside the Floodway (FW) District. Unless explicitly prohibited by ordinance, all uses allowed by the primary zoning would also be allowable within the FF secondary zoning layer and subject to certain development standards of the Flood Control Districts Zoning Ordinance.

This site lies partially within the floodway fringe of Eagle Creek, which runs outside of the site's west property boundary line. Aerial imagery does not indicate development within these areas.

However, runoff water with oil or other contaminants would be detrimental to the waterways.

STAFF ANALYSIS

The site falls within the Transit Oriented Development (TOD) Secondary District which is intended to coordinate more compact, walkable, and urban development patterns with public investment in the transit system. These development patterns ensure that walking and biking are viable options for short trips and transit is a priority for longer trips. Development patterns and site designs that prioritize automobile travel

undermine these public and private investments. This district follows the policies and principles of the comprehensive plan, the transit-oriented development strategic plans, and the Livability Principles in this code, and has the following specific design objectives:

1. Place a wide range of housing types within walking distance of commercial centers and transit stops or stations, and at a critical mass that supports these places.
2. Create connections through many different modes of transportation between neighborhoods and places for commercial services and employment.
3. Provide a concentration of many different and small-scale uses with a fine-grained pattern that integrates and transitions well with the neighborhoods they support.
4. Ensure human-scale design that prioritizes relationships of sites and buildings to the streetscapes.

The Ordinance notes that Automobile, Motorcycle, and Light Vehicle Sales or Rental use in its typical form as well as other vehicular related uses when concentrated in areas have a detrimental effect on the intent and design objectives of the Transit Oriented Development Secondary District. Where these uses are enabled by the primary zoning district, they shall be further limited in the TOD Secondary District as stated in Table 742- 707-2 Location and Limitation of Specific Uses.

An automobile dealership would be limited to lots no larger than 0.5-acre in the TOD Secondary District. If the intended use of an automobile dealership as noted in the application form were proposed, a variance of use would be required. This information was relayed to the petitioner.

To allow for general commercial uses to be permitted on site, staff would support a rezoning to the C-3 district which would align with the Community Commercial Uses recommendation of the West Washington Street Corridor Plan (2012).

In staff's opinion, the C-5 district at this location within the newly proposed Blue Line Bus Rapid Transit Corridor would be counterintuitive to the purpose of the Transit Oriented Secondary District which promotes walkable development with a variety of services for the community.

One final item to note is that the dumpster on site would need to be enclosed per the Ordinance standards.

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

GENERAL INFORMATION

Existing Zoning	I-3 (FF) (TOD)	
Existing Land Use	Commercial	
Comprehensive Plan	Community Commercial Uses and Park	
Surrounding Context	<u>Zoning</u>	<u>Land Use</u>
North:	C-5	Auto Dealer
South:	I-3	Railroad
East:	I-3	Auto Repair Shop

West:	I-3	Eagle Creek Stream
Thoroughfare Plan		
Washington Street	Primary Arterial	88-foot proposed right-of-way and 73-foot existing right-of-way.
Context Area	Compact	
Floodway / Floodway Fringe	Yes	
Overlay	Yes	
Wellfield Protection Area	No	
Site Plan	N/A	
Site Plan (Amended)	N/A	
Elevations	N/A	
Elevations (Amended)	N/A	
Landscape Plan	N/A	
Findings of Fact	N/A	
Findings of Fact (Amended)	N/A	
C-S/D-P Statement	N/A	

COMPREHENSIVE PLAN ANALYSIS

Comprehensive Plan

- Blue Line Transit-Oriented Development Strategic Plan (2024)
- West Washington Street Corridor Plan (2012)
- Indy Moves Transportation Integration Plan (2018)

Pattern Book / Land Use Plan

- Not Applicable to the Site. Please see West Washington Street Corridor Plan (2012) below.

Red Line / Blue Line / Purple Line TOD Strategic Plan

- The site falls within the Blue Line Transit-Oriented Development Strategic Plan (2024).
- It falls within a ½ mile from the Hole Road and Washington Street station to the west and Central Greens Boulevard station to the east.
- The Community Center station typology to the west calls for the following:

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

- A dense mixed-use neighborhood center
 - Minimum of 2 stories at core
 - No front or side setbacks at core; 0-10 ft. front setbacks and 0-10 ft. side setbacks at the periphery
 - Multi-family housing with a minimum of 3 units
 - Structured parking at the core and attractive surface parking at the periphery
- This typology would have varying types of commercial developments, from large strip centers to shopping malls, along arterial corridors. Development opportunities vary from redevelopment into mixed-use, walkable patterns to multi-family residential infill development.
 - The District Center station typology to the east calls for the following:
 - A dense mixed-use hub for multiple neighborhoods with tall buildings
 - Minimum of 3 stories at core with no front or side setbacks
 - Multi-family housing with a minimum of 5 units
 - Structured parking only with active first floor
 - This typology is located at the center of regionally significant districts with several blocks of retail or office at their core. Development opportunities include infill and redevelopment, dense residential, employment near transit stations, neighborhood retail and a focus on walkability and placemaking.

Neighborhood / Area Specific Plan

- West Washington Street Corridor Plan (2012) recommends Community Commercial Uses along the eastern two-thirds of the site and Park development on the western third.
- The Community Commercial Uses land use category is for low-intensity retail commercial and office uses, which serve a predominantly residential market adjacent to or very near, the location of the use. The uses in this land use category are designed to fulfill a broad range of retail, personal, professional and business services and are either freestanding or part of a small integrated center typically anchored by a grocery store. These centers contain no, or extremely limited, outdoor display of merchandise. Generally, these uses are consistent with the following characteristics:
 - Maximum Gross Floor Area: 125,000 square feet
 - Maximum Acreage: 25 acres
 - Service Area Radius: 2 miles
 - Location: On an arterial or at the intersection of an arterial with a collector.
 - Maximum out lots: 3
- The Park land use category consists of public or private property designated for active and/or passive recreational amenities. It also includes publicly and privately held conservation and preservation areas.
- The plan anticipated that the future needs of the pedestrian will reverse the proliferation of automotive uses and continue to increase the need for transit and pedestrian connections to transit facilities.

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

- For the West Washington Street corridor, Bus Rapid Transit is proposed for the length of West Washington Street, connecting from downtown to the airport.

Infill Housing Guidelines

- Not Applicable to the Site.

Indy Moves

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

- Indy Moves Transportation Integration Plan (2018) proposes a Complete Streets Upgrade of an off-street multi-use path along Washington Street from Eagle Creek to Koehne Street.
- Right-of-way dedication would ensure that these projects would be possible to complete.

ZONING HISTORY

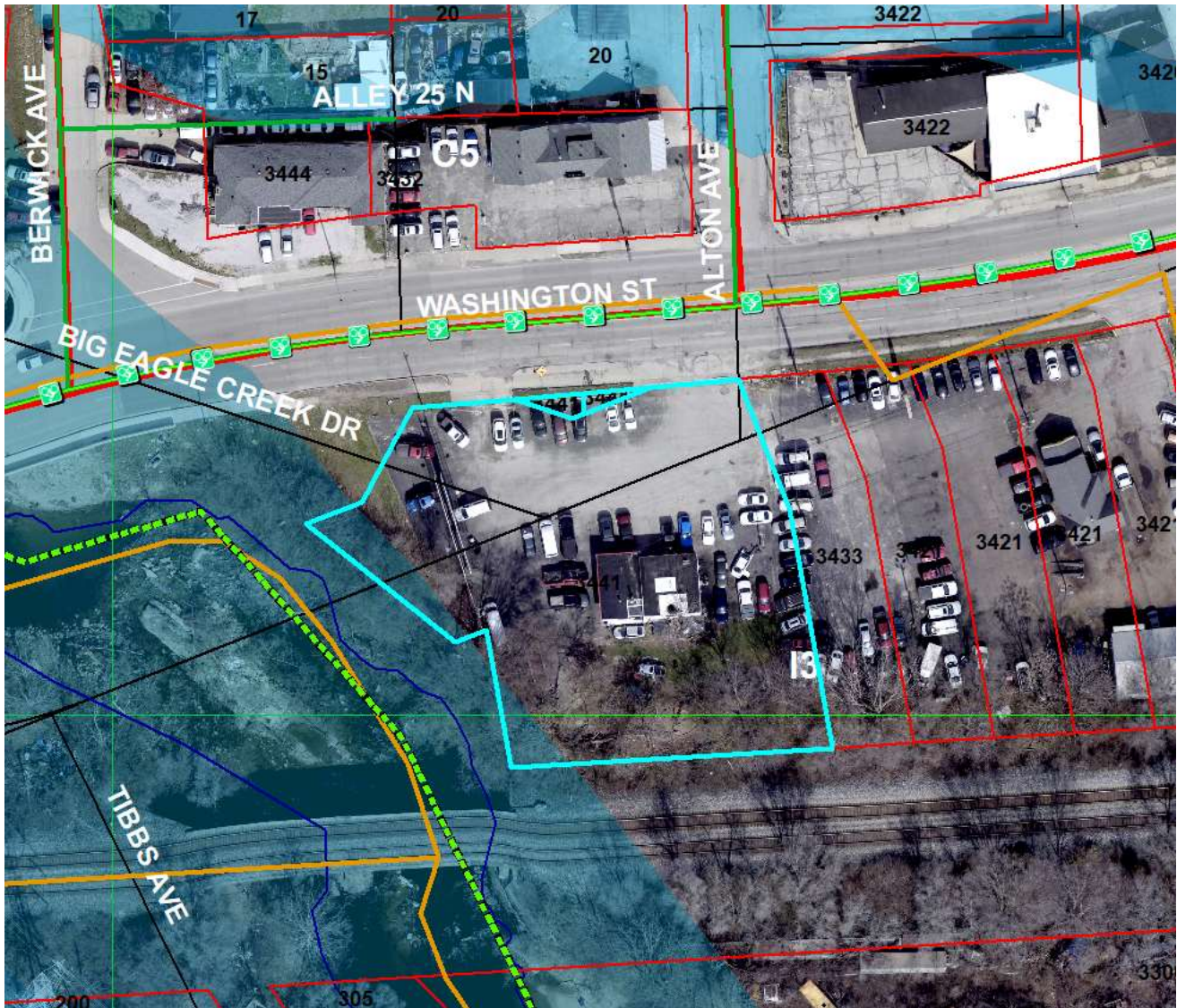
Zoning History - Vicinity

2004-ZON-164; 3409-3415 West Washington Street (east of site), Rezoning of 1.2 acres, being in the I-3-U District, to the C-5 classification to provide for commercial uses, **approved**.

93-UV1-31; 3421- 3429 West Washington Street (east of site), Variance of Use of the Industrial Zoning Ordinance to provide for the expansion of an existing automobile sales lot with parking in the front yard (10% permitted only), **granted**.

90-UV1-91; 3241 West Washington Street (east of site), Variance of Use and Development Standards to permit the outdoor display and sales of automobiles with parking in the front yard, **granted**.

EXHIBITS



AERIAL MAP

196

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Photo of the subject site looking south on Washington Street.



Photo of the subject site looking southwest.



Photo of the wooded area around Eagle Creek Stream west of the site.



Photo of an auto repair shop east of the site.



Photo of a used car dealer north of the site.



Photo of the subject site's rear yard.



Photo of the subject site's front parking area looking west.



Photo of the site's western side yard and unenclosed dumpster.



Subject site's street frontage looking west along Washington Street.