



# Metropolitan Development Commission Hearing Examiner (March 28, 2024) Meeting Agenda

## Meeting Details

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

**Date:** Thursday, March 28, 2024

**Time:** 1:00 PM

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

## Business:

### Special Requests

#### PETITIONS REQUESTING TO BE CONTINUED:

**1. 2023-ZON-124 | 5252 Hickory Road**

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

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

**\*\*Petitioner request for continuance for cause to April 11, 2024**

**2. 2024-ZON-021 | 3500 Sutherland Avenue**

Center Township, Council District #8  
Monon 35, LLC, by Chris White

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.

**\*\*Automatic Continuance to April 25, 2024, filed by a registered neighborhood organization**

**3. 2024-ZON-022 | 1102 Pleasant Street**

Center Township, Council District #18  
Boomerang, LLC, by David Kingen

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

**\*\*Automatic Continuance to April 25, 2024, filed by a registered neighborhood organization**

**4. 2024-ZON-023 | 3801 North Raceway Road**

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

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

**\*\*Automatic Continuance to April 25, 2024, filed by a registered neighborhood organization**

**5. 2024-ZON-025 | 7500 East 30th Street**

Warren Township, Council District #9  
Calumet Civil Contractors, Inc., by John Cross

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

**\*\*Automatic Continuance to April 25, 2024, filed by a registered neighborhood organization**

**6. 2024-CZN-802 / 2024-CAP-802 | 6740 South Franklin Road**

Franklin Township, Council District #25  
DRGSF Self Storage, LLC, by Russell L. Brown

Rezoning of 12.5 acres from the C-S District to the C-S District to add for short-term parking/storage of semi-trucks and semi-trailers as a permitted use.

Modification of Commitments related to 2014-CZN-824C to modify Commitment #1 to add short-term parking/storage of semi-trucks and semi-trailers to the list of permitted uses.

**\*\*Petitioner withdrawal of both Petitions**

**7. 2024-CAP-807 / 2024-CVR-807 | 8235 Crawfordsville Road**

Wayne Township, Council District #11  
Elcan and Associates, Inc., by Donna Jo Smithers

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

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

**\*\*Automatic Continuance to April 25, 2024, filed by a registered neighborhood organization**

**8. 2024-CZN-811 / 2024-CPL-811 | 35 East Morris Street**

Center Township, Council District #18  
Living Log Aquatic Services, LLC., by Matthew Kerkof

Rezoning of 0.42-acre from the D-5 district to the MU-2 district for a restaurant.

Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for outdoor seating area with a zero-foot south side yard transitional yard (minimum 15-foot required), a trash enclosure within the front yard along Union Street (not permitted), to establish a surface parking lot in front of the building along Morris Street (25-foot setback required and 40% maximum of lot width behind front building line), a barbeque pit with a five-foot front yard setback from Charles Street, located in front of the primary building (accessory structures not permitted within the front yard).

**\*\*Staff request for continuance for cause to April 11, 2024**

## Petitions for Public Hearing

### PETITIONS TO BE EXPEDITED:

**9. 2024-ZON-012 | 1170 Kentucky Avenue**

Center Township, Council District #18  
KM23 Property, LLC, by David Kingen

Rezoning of 1.38 acres from the C-1 district to the I-3 district to provide for industrial uses.

**10. 2024-ZON-019 | 337 Lincoln Street**

Center Township, Council District #18  
Josh and Rebecca Plemon, by Mark and Kim Crouch

Rezoning of 0.12 acre from the C-1 district to the D-5II district to provide for residential uses.

**11. 2024-ZON-020 | 3838, 3840, 3852 and 3862 East Washington Street**

Center Township, Council District #13  
Shepherd Community, Inc., by Mindy Westrick Brown

Rezoning of 0.82 acre from the C-S (TOD) district to the MU-2 (TOD) district to provide for residential and commercial uses.

**12. 2024-ZON-024 | 1836 Gent Avenue**

Center Township, Council District #12  
Stonecroft, LLC, by David Kingen

Rezoning of 0.88 acre from the I-2-(W-1) district to the D-8 (W-1) district to provide for residential uses.

**13. 2024-CZN-806 / 2024-CVR-806 | 4896 Kentucky Avenue**

Decatur Township, Council District #21  
Taco Bell of America, LLC, by Josh Graber

Rezoning of 0.6735 acre from the C-5 district to the C-4 district to provide for a restaurant use.

Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for a drive-through within the front yard of High School Road without the required exclusive bypass lane, (not permitted within front yards along rights-of-way greater than 30 feet wide, exclusive bypass aisle required).

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

**14. 2024-APP-001 | 1621, 1625 and 1631 West 86th Street**

Washington Township, Council District #2  
HD-2  
Dinneen – Ward – Shelley, LLC, by Aaron Reynolds

Hospital District-Two Approval to provide for an office building and associated parking.

**15. 2023-ZON-125 | 4027 West 10th Street**

Wayne Township, Council District #15 (#16 Beginning 2024)  
Insight Engineering, by Don Fisher

Rezoning of 1.75 acres from the I-3 and I-4 districts to the C-4 district to provide for community commercial uses.

**16. 2024-ZON-007 | 3000 North German Church Road**

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

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

**17. 2024-ZON-010 | 8235 Bash Street**

Lawrence Township, Council District #4  
Sohum Hotels, Castleton, LLC, by David Kingen

Rezoning of 1.793 acres from the C-3 and C-4 districts to the C-4 district to provide for regional commercial uses.

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

**18. 2024-CZN-809 / 2024-CVR-809 | 2457 Barnes Avenue**

Center Township, Council District #12  
MSR Development Group, LLC, by Joseph D. Calderon

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

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

**19. 2024-CZN-810 / 2024-CVR-810 | 2460, 2502, 2514, 2520, and 2524 North Delaware Street and 164 East 25th Street**

Center Township, Council District #12  
Chatham Park Development, LLC, by Andi M. Metzel

Rezoning of 0.94 acre from the D-8, MU-2, and SU-7 (TOD) districts to the MU-2 (TOD) district for a proposed mixed-use development, consisting of 46 dwelling units and approximately 5,000 square feet of retail space.

Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for front building line of 41.3% and 42.4% along 25th Street (minimum of 80% required), parking and maneuvering that extends beyond the building and less than required minimum setback (not permitted beyond the building and a minimum of 50-foot setback required), parking space dimensions of 8.5-foot by 18-foot (minimum of 9-foot by 18-foot and 180 square feet required), alley curb cut and pavement of 14 feet (minimum of 15 feet required), clear sight triangle encroachment for the proposed buildings at the intersection of Delaware Street and 25th Street (not permitted), clear sight triangle encroachment of a proposed trash enclosure at the intersection of 25th Street and an alley (not permitted), two-foot side transitional yard for parking areas (minimum 15-foot required) and a two-foot rear transitional yard for parking areas and a trash enclosure (minimum of 10 feet required).

**Additional Business:**

\*\*The addresses of the proposals listed above are approximate and should be confirmed with the Division of Planning. Copies of the proposals are available for examination prior to the hearing by emailing [planneroncall@indy.gov](mailto:planneroncall@indy.gov). Written objections to a proposal are encouraged to be filed via email at [dmdpubliccomments@indy.gov](mailto:dmdpubliccomments@indy.gov) before the hearing and such objections will be considered. At the hearing, all interested persons will be given an opportunity to be heard in reference to the matters contained in said proposals. The hearing may be continued from time to time as may be found necessary. For accommodations needed by persons with disabilities planning to attend this public hearing, please call the Office of Disability Affairs at (317) 327-5654, at least 48 hours prior to the meeting. Department of Metropolitan Development - Current Planning Division.

STAFF REPORT

Item 1.

Department of Metropolitan Development  
Division of Planning  
Current Planning Section

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

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

The Hearing Examiner continued this petition from the February 29, 2024 hearing to the March 28, 2024 hearing, at the request of staff because of the past and ongoing residential development in the area and the increase of traffic generated by these developments, staff requested an updated Traffic Impact Study (TIS) that would review previous traffic studies to determine a cumulative traffic impact on the existing streets in this area of the county.

The petitioner's representative is requesting a **continuance from the March 28, 2024, hearing, to the April 11, 2024 hearing**, to provide time for further discussions with the neighborhood and staff. Staff supports this continuance request.

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**METROPOLITAN DEVELOPMENT COMMISSION** **March 28, 2024**  
**HEARING EXAMINER**

**Case Number:** 2024-ZON-021  
**Property Address:** 3500 Sutherland Avenue (Approximate Address)  
**Location:** Center Township, Council District #8  
**Petitioner:** Monon 35, LLC, by Chris White  
**Current Zoning:** D-5 (FW (FF) (TOD))

**Request:** Rezoning of 26.132 acres from the D-5 (FW (FF) (TOD) district to the D-9 D-9 (FW (FF) (TOD) district to provide for residential development.

**Current Land Use:** Vacant

**Staff Recommendations:** Denial

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

**PETITION HISTORY**

A timely automatic continuance request was filed by a registered neighborhood organization, **continuing this petition from the March 28, 2024, hearing to the April 25, 2024, hearing.** This would require acknowledgement from the Hearing Examiner. A staff report will be available prior to that hearing.

**STAFF RECOMMENDATION**

Staff **recommends denial** of the request.

**PETITION OVERVIEW**

This petition is to be continued to the April 25, 2024, hearing.



**METROPOLITAN DEVELOPMENT COMMISSION  
HEARING EXAMINER**

March 28, 2024

**Case Number:** 2024-ZON-022

**Property Address:** 1102 Pleasant Street (Approximate Address)

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

**Petitioner:** Boomerang, LLC, by David Kingen

**Current Zoning:** C-5 (TOD)

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

**Current Land Use:** Residential

**Staff Recommendations:** Staff has no recommendation for this request.

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

**PETITION HISTORY**

A timely automatic continuance request was filed by a registered neighborhood organization, **continuing this petition from the March 28, 2024 hearing to the April 25, 2024 hearing**. This would require acknowledgement from the Hearing Examiner.

**STAFF RECOMMENDATION**

Staff has no recommendation for this request.

**PETITION OVERVIEW**

This petition is to be continued to the April 25, 2024 hearing.

STAFF REPORT

Item 4.

Department of Metropolitan Development  
Division of Planning  
Current Planning Section

**Case Number:** 2024-ZON-023  
**Address:** 3801 North Raceway Road (*Approximate Address*)  
**Location:** Pike Township, Council District #11  
**Petitioner:** D.R. Horton – Indiana, LLC, by Brian J. Tuohy  
**Request:** Rezoning of 8.16 acres from the D-A district to the D-6 district to provide for a townhome development.

A registered neighborhood organization filed an automatic that would continue this petition **from the March 28, 2024 hearing, to the April 25, 2024 hearing**. This would require acknowledgement from the Hearing Examiner.

kb

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**STAFF REPORT**

Item 5.

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

**Case Number:** 2024-ZON-025  
**Address:** 7500 East 30<sup>th</sup> Street (*Approximate Address*)  
**Location:** Warren Township, Council District #9  
**Petitioner:** Calumet Civil Contractors, Inc., by John Cross  
**Request:** Rezoning of 68.45 acres from the C-S (FF) (FW) district to the C-S (FF) (FW) district to provide for uses permitted under 2006-ZON-110, in addition to commercial and building contractors and outdoor storage and operations.

A registered neighborhood organization filed an automatic that would continue this petition **from the March 28, 2024 hearing, to the April 25, 2024 hearing**. This would require acknowledgement from the Hearing Examiner.

kb

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**STAFF REPORT**

Item 6.

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

**Case Number:** 2024-CZN-802 / 2024-CAP-802  
**Address:** 6740 South Franklin Road (*Approximate Address*)  
**Location:** Franklin Township, Council District #25  
**Petitioner:** DRGSF Self Storage, LLC, by Russell L. Brown  
**Request:** Rezoning of 12.5 acres from the C-S District to the C-S District to add for short-term parking/storage of semi-trucks and semi-trailers as a permitted use.

**Modification of Commitments related to 2014-CZN-824C to modify Commitment #1 to add short-term parking/storage of semi-trucks and semi-trailers to the list of permitted uses.**

The petitioner's representative sent an e-mail on March 13, 2024, withdrawing these petitions.

kb

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**METROPOLITAN DEVELOPMENT COMMISSION** **March 28, 2024**  
**HEARING EXAMINER**

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

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

**Current Land Use:** Undeveloped  
**Staff Reviewer:** Michael Weigel, Senior Planner

**PETITION HISTORY**

A timely automatic continuance request was filed by a registered neighborhood organization to continue this request from the March 28, 2024 hearing to the April 25, 2024 hearing. A full staff report will be made available in advance of the April hearing.

STAFF REPORT

Department of Metropolitan Development  
Division of Planning  
Current Planning Section

**Case Number:** 2024-CZN-811 / 2024-CPL-811  
**Address:** 35 East Morris Street (approximate address)  
**Location:** Center Township, Council District #18  
**Zoning:** D-5  
**Petitioner:** Living Log Aquatic Services, LLC, by Matthew Kerkhof  
**Request:** Rezoning of 0.42-acre from the D-5 district to the MU-2 district for a restaurant.

Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for outdoor seating area with a zero-foot south side yard transitional yard (minimum 15-foot required), a trash enclosure within the front yard along Union Street (not permitted), to establish a surface parking lot in front of the building along Morris Street (25-foot setback required and 40% maximum of lot width behind front building line), a barbeque pit with a five-foot front yard setback from Charles Street, located in front of the primary building (accessory structures not permitted within the front yard).

Staff requests a **continuance of this matter from the March 28, 2024 hearing to the April 11, 2024 hearing** to allow time to revise the site plan and the Findings of Fact.

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**METROPOLITAN DEVELOPMENT COMMISSION** **MARCH 28, 2024**  
**HEARING EXAMINER**

**Case Number:** 2024-ZON-012  
**Property Address:** 1170 Kentucky Avenue (Approximate Address)  
**Location:** Center Township, Council District #18  
**Petitioner:** KM23 Property, LLC, by David Kingen  
**Current Zoning:** C-1  
**Request:** Rezoning of 1.38 acres from the C-1 district to the I-3 district to provide for industrial uses.  
**Current Land Use:** Commercial  
**Staff Recommendations:** Approval  
**Staff Reviewer:** Marleny Iraheta, Senior Planner

**PETITION HISTORY**

This petition was continued from the March 13, 2024 hearing to the March 28, 2024 hearing at the request of the petitioner.

**STAFF RECOMMENDATION**

Staff **recommends approval** of the request.

**PETITION OVERVIEW**

**LAND USE**

The 1.38-acre subject site is in the West Indianapolis neighborhood and is part of the Davis' Nordyke subdivision. The site is developed with a vacant commercial building and associated parking lot.

The site abuts I-3 industrial properties on three sides and is across from heavy commercial properties, zoned C-7, to the east.

**REZONING**

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



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

**STAFF ANALYSIS**

The grant of the request would allow for the commercial site to be rezoned to I-3 for industrial use. The petitioner noted that the subject site would be combined with the parcel to the south at 1176 Kentucky Avenue that is currently zoned I-3.

The site was originally zoned I-3-U in 1972 and was changed to the C-1 district through rezone petition 72-Z-102. Staff is supportive of the rezoning to the I-3 district because it would allow for continued industrial uses in an area that is bordered by a predominately industrially zoned block, with the subject site being an outlier.

**GENERAL INFORMATION**

<b>Existing Zoning</b>	C-1	
<b>Existing Land Use</b>	Commercial	
<b>Comprehensive Plan</b>	Community Commercial	
<b>Surrounding Context</b>	<b>Zoning</b>	<b>Land Use</b>
	North:	I-3 Industrial
	South:	C-7 Undeveloped
	East:	C-7 Enter Land Use
	West:	I-3 Industrial
<b>Thoroughfare Plan</b>		
Kentucky Avenue	Primary Arterial	104-foot existing right-of-way and 88-foot proposed right-of-way.
<b>Context Area</b>	Compact	
<b>Floodway / Floodway Fringe</b>	No	
<b>Overlay</b>	No	
<b>Wellfield Protection Area</b>	No	
<b>Site Plan</b>	N/A	
<b>Site Plan (Amended)</b>	N/A	
<b>Elevations</b>	N/A	
<b>Elevations (Amended)</b>	N/A	
<b>Landscape Plan</b>	N/A	



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

**COMPREHENSIVE PLAN ANALYSIS**

**Comprehensive Plan**

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

**Pattern Book / Land Use Plan**

- The Marion County Land Use Plan Pattern Book (2019) recommends traditional neighborhood development for the subject site.
- The Community Commercial typology provides for low-intensity commercial, and office uses that serve nearby neighborhoods. These uses are usually in freestanding buildings or small, integrated centers. Examples include small-scale shops, personal services, professional and business services, grocery stores, drug stores, restaurants, and public gathering spaces.
- Although the Comprehensive Plan does not contemplate industrial uses in this typology, the context of the adjacent industrial properties is conducive for industrial use of the site as well.

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

- Not Applicable to the Site.

**Neighborhood / Area Specific Plan**

- Not Applicable to the Site.

**Infill Housing Guidelines**

- Not Applicable to the Site.

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

- Not Applicable to the Site.



## ZONING HISTORY

### SUBJECT SITE ZONING HISTORY

**99-NC-44; 1170-1180 Kentucky Avenue** (subject site), Certificate of Legal Non-Conforming Use for development standards to include side yard and rear yard setbacks of zero feet, **approved**.

**99-V1-134; 1170 Kentucky Avenue** (subject site), Variance of development standards of the Commercial Zoning Ordinance to legally establish an existing building, and to provide for a 5,700 square foot, two-story addition, having a zero rear yard setback (minimum 10 feet required), **granted**.

**93-AP-118; 1170 Kentucky Avenue** (subject site), Regional Center Approval to remove all INB identification signs from site and install one (1) 3-foot by 3-foot single-faced wall sign with 18-inch non-illuminated letters on the south elevation; install (1) 24-inch by 24-inch single-faced wall sign at the south elevation entry; and, install two (2) 5-foot by 5-foot single-faced walls, on each, on the east and west elevations, respectively. The two existing directional signs will remain and be refaced with the "NBD Bank" logo, **approved**.

**81-V3-136; 1170 Kentucky Avenue** (subject site), Variance of Sign Regulations Ordinance, 71-AO-4, as amended, to provide for new standardized signage replacing existing signage, as per filed, **granted**.

**76-UV3-54; 1170 Kentucky Avenue** (subject site), Variance of use of the Industrial Zoning Ordinance to provide for a bank drive through and canopy, and a parking lot, **granted**.

**72-Z-102; 1170 Kentucky Avenue** (subject site), Rezoning of 1.45 acres from I-3-U to C-1 to provide for a branch bank and service center, **approved**.



**EXHIBITS**





Photo of the subject site looking north along the Kentucky Avenue Street frontage.



Photo of the subject site looking west at the existing building.



Photo of the subject site looking south along the Kentucky Avenue street frontage.



Photo of the existing building looking south from the property to the north.



Photo of the industrial property north of the subject site.

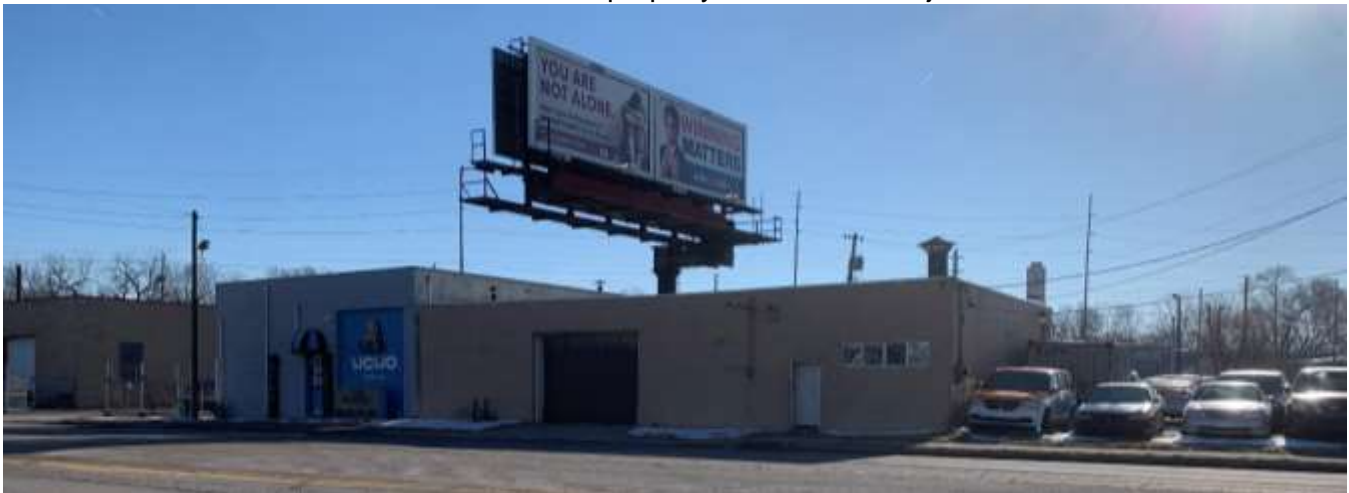


Photo of the commercial businesses east of the site across Kentucky Avenue.



Photo of the undeveloped lot southeast of the site.



**METROPOLITAN DEVELOPMENT COMMISSION** **March 28, 2024**  
**HEARING EXAMINER**

**Case Number:** 2024-ZON-019

**Property Address:** 337 Lincoln Street (Approximate Address)

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

**Petitioner:** Josh and Rebecca Plemon, by Mark and Kim Crouch

**Current Zoning:** C-1

**Request:** Rezoning of 0.12 acre from the C-1 district to the D-5II district to provide for residential uses.

**Current Land Use:** Residential (Single-family dwelling)

**Staff Recommendations:** Approval

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

**PETITION HISTORY**

This is the first public hearing for this petition.

**STAFF RECOMMENDATION**

Staff **recommends approval** of the request.

**PETITION OVERVIEW**

**LAND USE**

The 0.12-acre subject site is developed with a single-family dwelling. The subject site is in the Near Southside Neighborhood and is part of the Herman W Fenneman’s subdivision. It is surrounded by single-family dwellings west and east, zoned C-1, and single-family dwellings north and south, zoned D-5.

**REZONING**

This petition would rezone this site from the C-1 district to the D-5II district.

The C-1 District is designed to perform two functions: act as a buffer between uses, and provide for a freestanding area that office uses, compatible office-type uses, such as medical and dental facilities, education services, and certain public and semipublic uses may be developed with the assurance that retail and other heavier commercial uses with incompatible characteristics will not impede or disrupt. Since the buildings for office, office-type and public and semipublic uses are typically much less commercial in appearance, landscaped more fully and architecturally more harmonious with residential



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

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

**STAFF ANALYSIS**

Staff is supportive of the rezoning to the D-5II district because it would allow for residential uses to be permitted in line with the context of the surrounding area and historical residential use of the site per an 1898 Sanborn Map. The dwelling district would also align with the traditional neighborhood recommendation of the Comprehensive Plan.

**GENERAL INFORMATION**

<b>Existing Zoning</b>	C-1	
<b>Existing Land Use</b>	Residential (Single-family dwelling)	
<b>Comprehensive Plan</b>	Traditional Neighborhood	
<b>Surrounding Context</b>	<b>Zoning</b>	<b>Land Use</b>
	North:	C-1 Residential (Single-family dwelling)
	South:	D-5 Residential (Single-family dwelling)
	East:	C-1 Residential (Single-family dwelling)
	West:	C-1 Residential (Single-family dwelling)
<b>Thoroughfare Plan</b>		
Lincoln Street	Local Street	48-foot proposed right-of-way with an existing 66-foot right-of-way.
<b>Context Area</b>	Compact	
<b>Floodway / Floodway Fringe</b>	No	
<b>Overlay</b>	No	
<b>Wellfield Protection Area</b>	No	
<b>Site Plan</b>	February 15, 2024	
<b>Site Plan (Amended)</b>	N/A	
<b>Elevations</b>	February 15, 2024	
<b>Elevations (Amended)</b>	N/A	
<b>Landscape Plan</b>	N/A	
<b>Findings of Fact</b>	N/A	
<b>Findings of Fact (Amended)</b>	N/A	



C-S/D-P Statement

N/A

## COMPREHENSIVE PLAN ANALYSIS

### Comprehensive Plan

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

### Pattern Book / Land Use Plan

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

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

- Not Applicable to the Site.

**Neighborhood / Area Specific Plan**

- Not Applicable to the Site.

**Infill Housing Guidelines**

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





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materials are not the dominant material and make up less than 30% of the overall façade design.

- **8. Consider Unique Neighborhood Features:** In addition to the architectural features mentioned above, consider other common features like chimneys, dormers, gables, and overhanging eaves that shape the character of a neighborhood. When possible, include these features into new construction.

**Indy Moves**

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

- Not Applicable to the Site.

## ZONING HISTORY

**2023-UV1-009; 409 Lincoln Street** (east of site), Variance of use and development standards of the Consolidated Zoning and Subdivision Ordinance to provide for an addition to an existing single-family dwelling (not permitted) resulting in a two-foot west transitional side yard (10-foot transitional side yards required), **granted**.

**2020-ZON-096; 405 Lincoln Street** (east of site), Rezoning of 0.12 acre from the C-1 district to the D-5 district, **approved**.

**2018-UV1-020; 334 Lincoln Street** (northwest of site), Variance of use and development standards of the Consolidated Zoning and Subdivision Ordinance to provide for primary and accessory single-family residential uses, including, but not limited to a single-family dwelling and detached garage, with a six-foot front setback and a four-foot side transitional setback, **granted**.

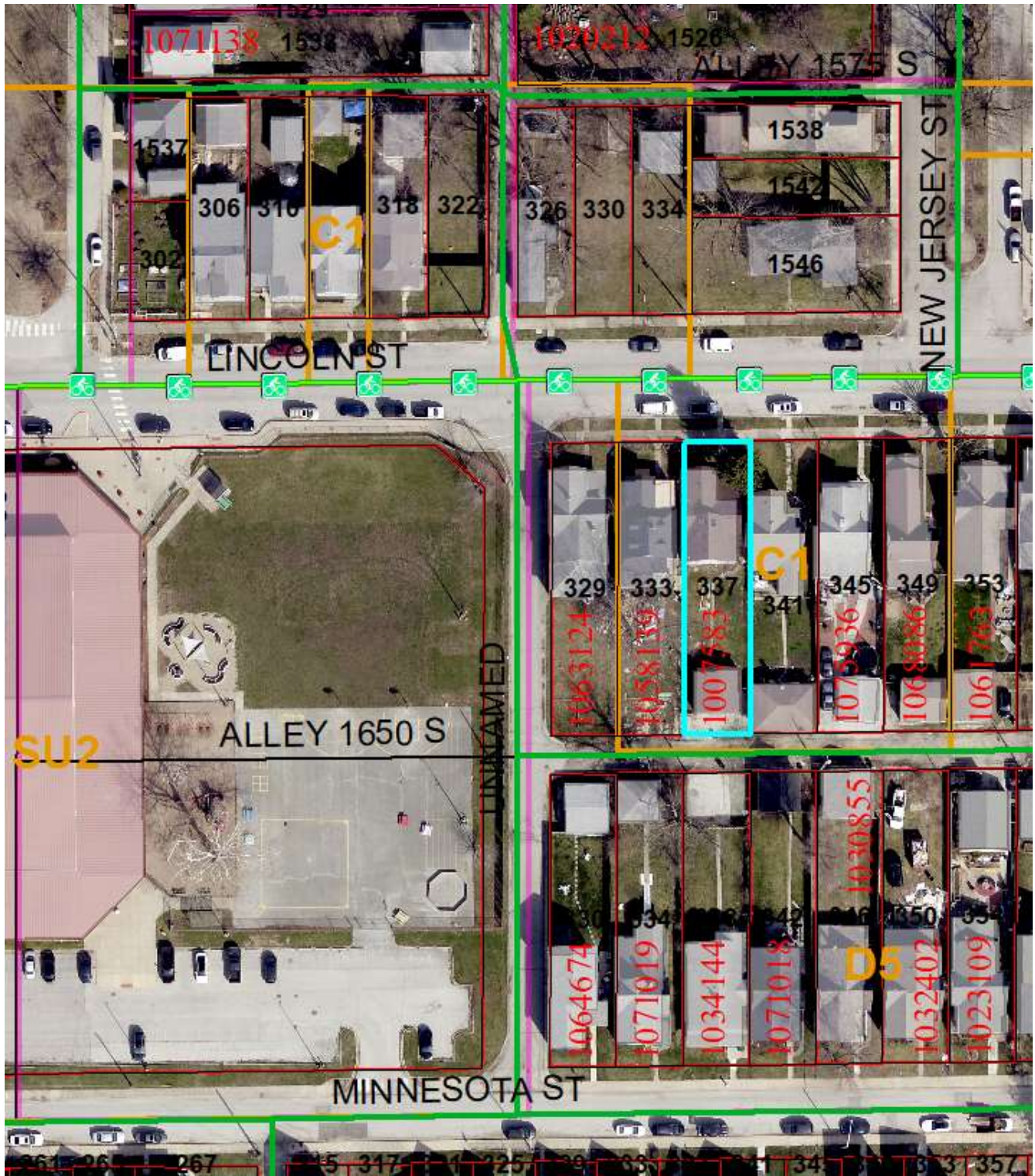
**2017-ZON-016; 1401, 1425, 1441, 1460, 1462, 1464, 1502, 1816 and 1827 South East Street; 828 Beecher Street; 306, 310, 318, 322, 329, 353 and 401 Lincoln Street; 510 East Morris Street; 1538, 1542, 1551 and 1555 South New Jersey Street; 438 Orange Street; 445 and 446 Parkway Avenue (includes sites south, east and west of site)** (surrounding the site), Rezoning of 1.95 acres, from the C-1, C-3, C-5 and I-4 districts, to the D-5 classification, **approved**.

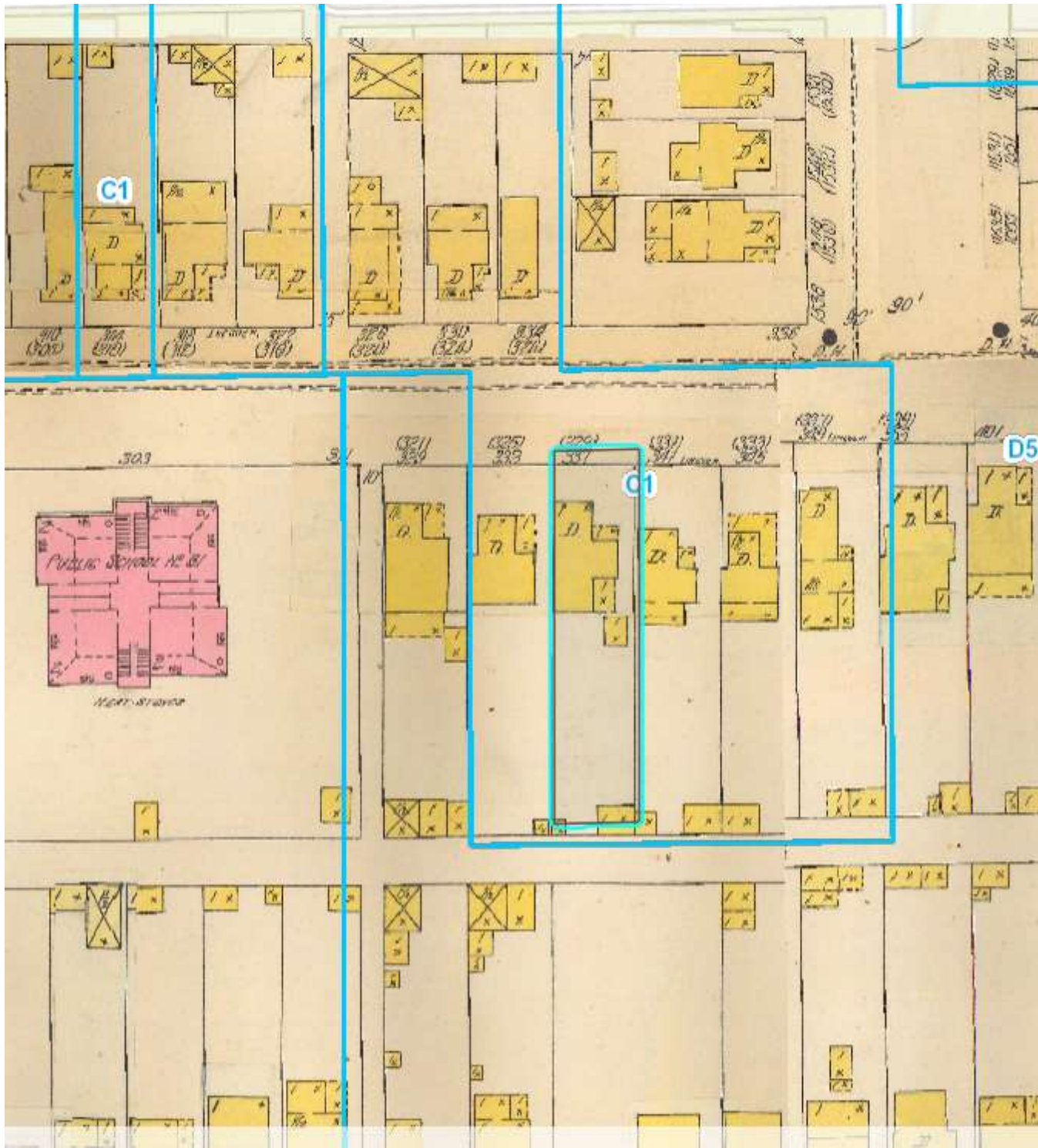
**2015-UV3-018; 1533 South Alabama Street** (northwest of site), Variance of use of the Dwelling Districts Zoning Ordinance to convert a detached garage into a second dwelling, **denied**.

**94-UV1-129; 341 Lincoln Street** (east of site), variance of use of the Commercial Zoning Ordinance to provide for construction of a 140-square foot room addition for an existing single-family residence, **granted**.

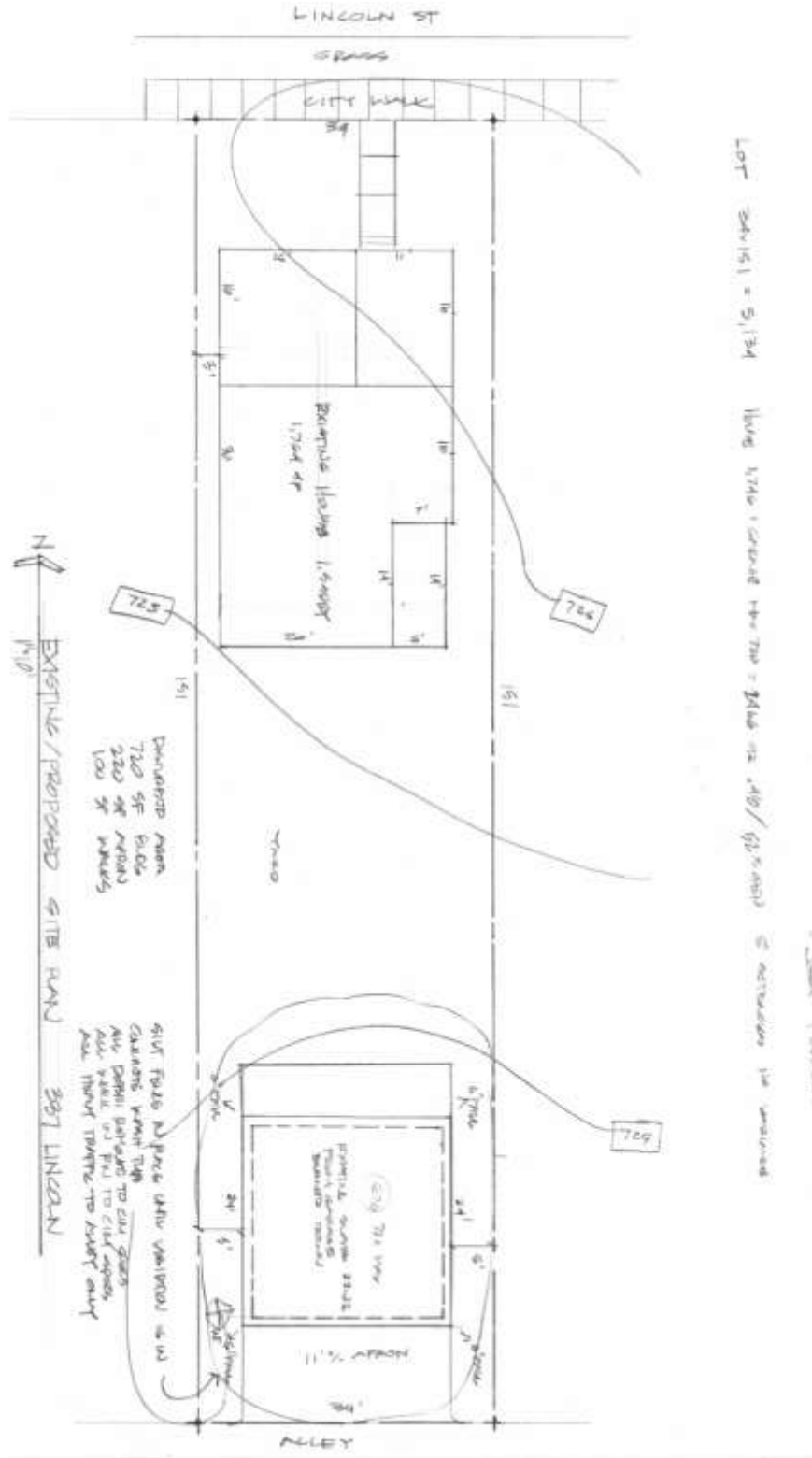
**87-Z-131; 307 Lincoln Street** (west of site), Rezoning 3.01 acres, being in the SU-1 and I-4-U districts, to the SU-2 classification, to provide for the construction of an elementary school to replace the existing schools, **approved**.

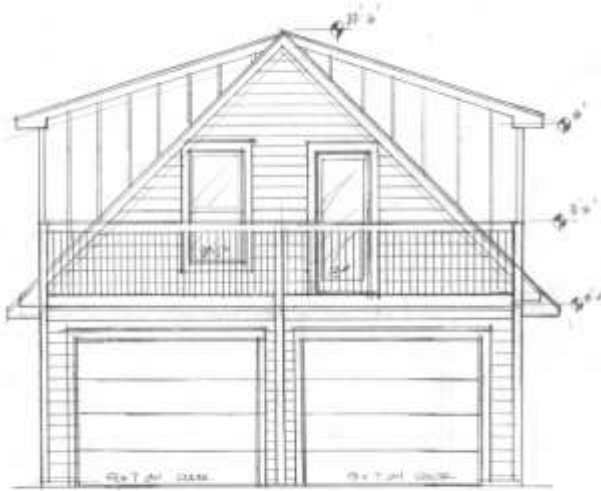
EXHIBITS



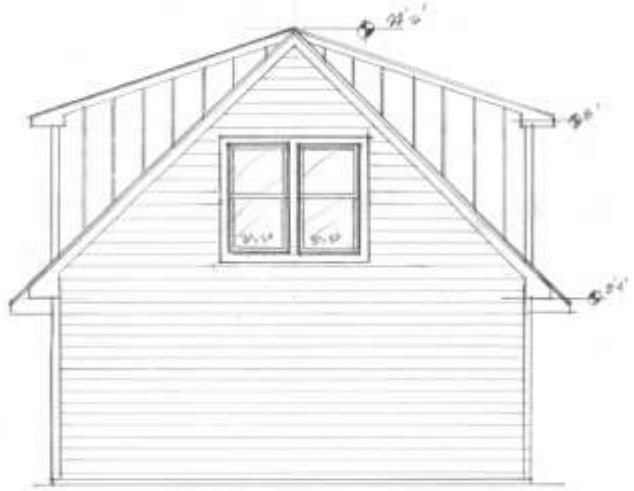


Sanborn Map 1898





WEST ELEVATION  
1/4"-1"0"



NORTH ELEVATION  
1/4"-1"0"

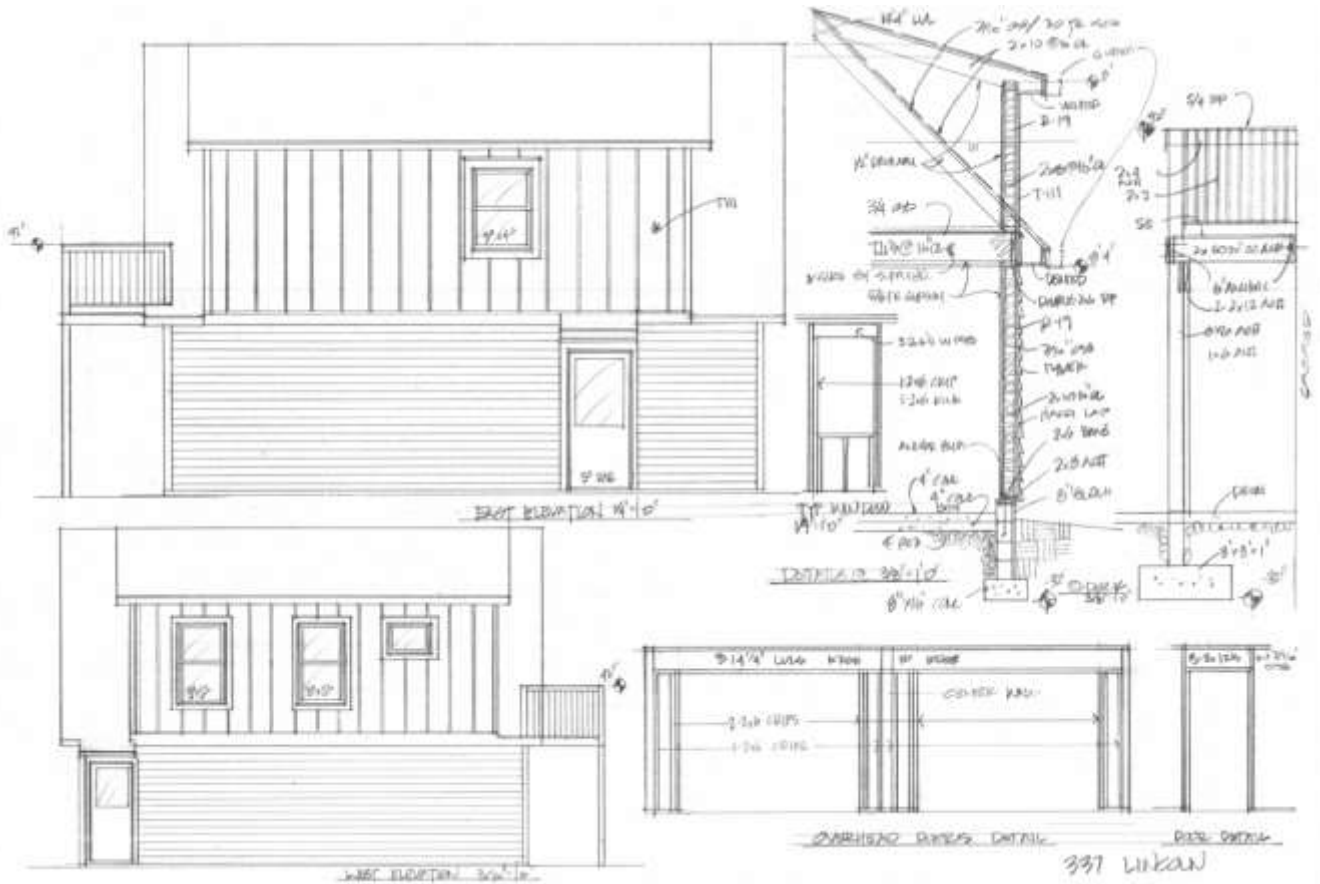




Photo of the existing single-family dwelling on site.



Photo of the existing single-family dwelling on site.



Photo of the rear yard.



Photo of the east side yard.





Photo of the west side yard.



Photo of the alley south of the site.



**METROPOLITAN DEVELOPMENT COMMISSION** **March 28, 2024**  
**HEARING EXAMINER**

**Case Number:** 2024-ZON-020

**Property Address:** 3838, 3840, 3852 and 3862 East Washington Street

**Location:** Center Township, Council District #13

**Petitioner:** Shepherd Community, Inc., by Mindy Westrick Brown

**Current Zoning:** C-S (TOD)

**Request:** Rezoning of 0.82 acre from the C-S (TOD) district to the MU-2 (TOD) district to provide for residential and commercial uses.

**Current Land Use:** Vacant land

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

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

**PETITION HISTORY**

This is the first public hearing on this petition.

**STAFF RECOMMENDATION**

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

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

**PETITION OVERVIEW**

This 0.82-acre site, zoned C-S (TOD) is comprised of five vacant parcels. It is surrounded by single-family dwellings to the north, zoned D-5 (TOD); commercial uses to the south, across East Washington Street; commercial uses to the west, across North Bradley Avenue; and commercial uses to the east, all zoned C-5.

Prior to 1984 and the intervening years, this site was used as a laboratory, with expansions to the use through 1987. Except for the existing structure, all the structures were demolished in 2019.



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## REZONING

This request would rezone the site from the C-S (TOD) district to the MU-2 (TOD) classification to provide for residential and commercial uses.

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.

The two-story residential component would consist of 11 one-, two- and three-bedroom dwelling units, along with a one-story approximately 3,000 square-foot commercial space.

Proposed access would be from North Bradley Avenue. Following discussions with the petitioner's representative, however, it was agreed that access would be relocated on the east / west alley along the northern boundary in accordance with the Ordinance that requires alley access if the alley is improved.

Parking would be located behind the proposed building and provide 27 parking spaces. Staff is concerned with the number of parking spaces because of the proximity of a proposed transit station to the west at Sherman Drive, but is willing to work with the petitioner and their representative to resolve this concern.

Because of the design standards related to the TOD overlay, staff would request Administrator Approval of the final site plan, landscaping plan and elevations prior to the issuance of an Improvement Location Permit (ILP).

Because the proposed rezoning is consistent with the Comprehensive Plan recommendation of village mixed-use typology and generally consistent with the TOD Plan, staff supports this request. The TOD Plan recommends 15+ dwelling units per acre and this request would result in 13.4 units per acre. This density is less than the recommended density but is supportable because of the mixed-use redevelopment of the site.

### Overlay

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."



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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.

#### Environmental Public Nuisances

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

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

Environmental public nuisance means:

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

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



**GENERAL INFORMATION**

<b>Existing Zoning</b>	C-S (TOD)	
<b>Existing Land Use</b>	Vacant land / garage	
<b>Comprehensive Plan</b>	Village Mixed-Use typology	
<b>Surrounding Context</b>	<b>Zoning</b>	<b>Land Use</b>
	North:	D-5 (TOD) Single-family dwellings
	South:	C-5 (TOD) Commercial uses
	East:	C-5 (TOD) Commercial uses
	West:	C-5 (TOD) Commercial uses
<b>Thoroughfare Plan</b>		
East Washington Street	Primary arterial	Existing 80-foot right-of-way and a proposed 78-foot right-of-way
Bradley Avenue	Local Street	Existing 520-foot right-of-way and a proposed 48-foot right-of-way
<b>Context Area</b>	Compact	
<b>Floodway / Floodway Fringe</b>	No	
<b>Overlay</b>	Yes – Transit-Oriented Development	
<b>Wellfield Protection Area</b>	No	
<b>Site Plan</b>	March 1, 2024	
<b>Site Plan (Amended)</b>	N/A	
<b>Elevations</b>	N/A	
<b>Elevations (Amended)</b>	N/A	
<b>Landscape Plan</b>	N/A	
<b>Findings of Fact</b>	N/A	
<b>Findings of Fact (Amended)</b>	N/A	
<b>C-S/D-P Statement</b>	N/A	

**COMPREHENSIVE PLAN ANALYSIS**

**Comprehensive Plan**

- The Comprehensive Plan recommends 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



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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 Pattern Book and the land use map. The Pattern Book provides a land use classification system that guides the orderly development of the county and protects the character of neighborhoods while also being flexible and adaptable to allow neighborhoods to grow and change over time.

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

The Pattern Book also provides guidance related to overlays and whether an overlay adds, modifies, or removes the recommended land uses within the base typology. This site lies within the Transit-Oriented Development overlay.

- *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.
  - 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.



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- *Small-Scale Multi-Family Housing (defined as single or multiple buildings each with five or more legally complete dwelling units in a development of less than two acres and at a height of less than 40 feet).*
  - Mixed-Use structures are preferred.
  - Parking should be either behind or interior to the development.
- *Modified Uses – Transit-Oriented Development Overlay*
  - Small-Scale Multi-Family Housing - A residential density of 15+ units per acre is recommended.

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

- This site is also located within an overlay, specifically the Blue Line Transit Oriented Development Strategic Plan (2018).
- This site is located within a ¼ mile walk (approximately 337 feet) of a proposed transit stop located at the intersection of East Washington Street and Sherman Drive with a Community Center typology.
- Community Center typology stations 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.
- Characteristics of the District Center typology are
  - A dense mixed-use neighborhood center
  - Minimum of 2 stories at core
  - No front or side setbacks at core; 0-10 feet front setbacks and 0-10-foot 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

### **Neighborhood / Area Specific Plan**

- Not Applicable to the Site.

### **Infill Housing Guidelines**

- Not Applicable to the Site.



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### Indy Moves

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

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





## ZONING HISTORY

**96-CP-1A / 96-CP-IV; 3862 East Washington Street**, requested modification of the site plan associated with petition 84-Z-2 to permit the construction of an addition to an existing laboratory and a variance of development standards of the Commercial Zoning Ordinance to provide for the construction of an addition to an existing laboratory being located 49 feet from the centerline of East Washington Street, **approved and granted.**

**87-AP-263; 3862 East Washington Street**, requested a modification of the site plan approved as part of rezoning petition 84-Z-2 to allow a second story addition to an existing warehouse, **approved.**

**86-AP-15; 3802 East Washington Street**, requested modification of commitments to permit an addition to the existing laboratory, **approved.**

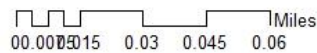
**86-HOV-10; 3902 East Washington Street**, requested a variance of development standards to provide for a laboratory addition without the required front and side yards, **granted.**

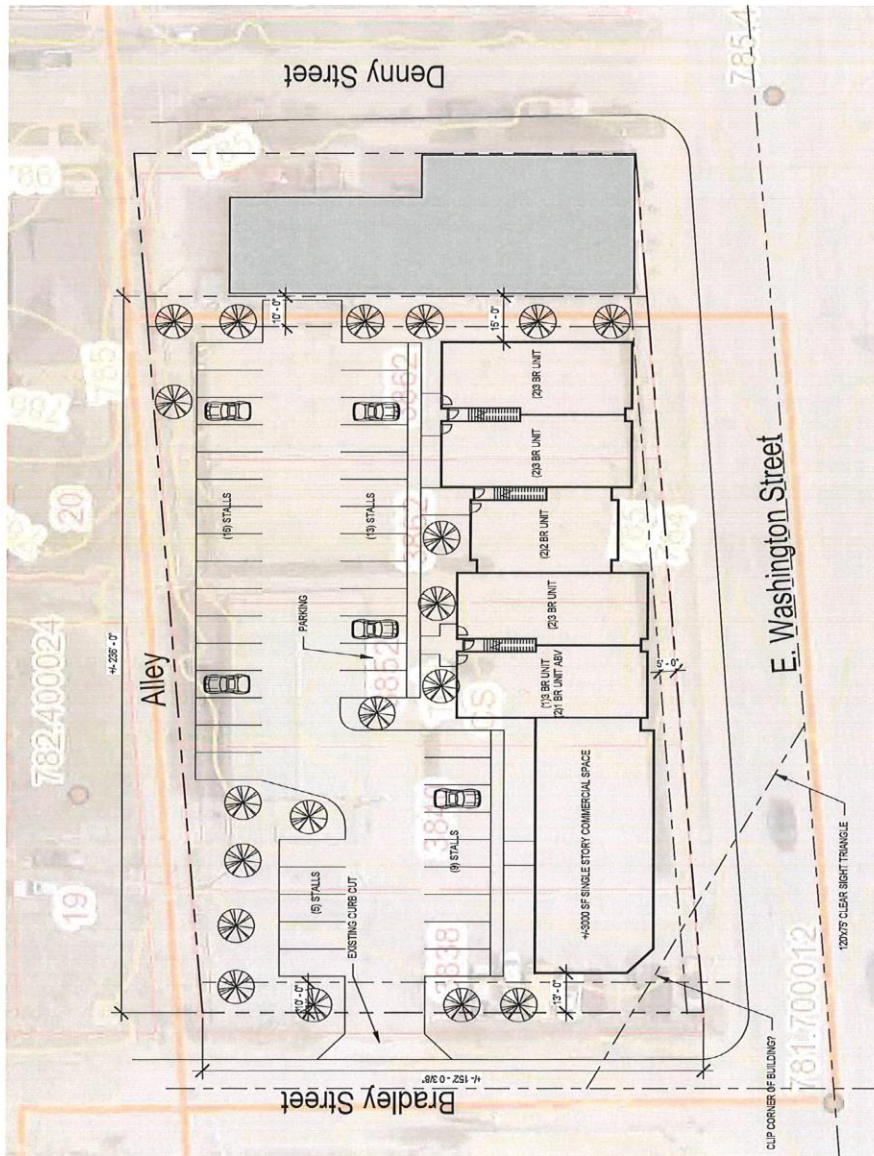
**84-Z-2; 3820 East Washington Street**, requested rezoning of 0.99 acre from C-5 and D-5 districts to the C-S classification to conform zoning to the use as a laboratory and to permit construction of a garage, **approved.**

**EXHIBITS**



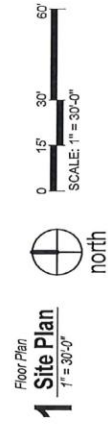
3838, 3840, 3852 and 3862 East Washington Street





Floor Areas	
Name	Area
Commercial Space	46,000 SF
201 BR UNIT	1,940 SF
202 BR UNIT	1,940 SF
203 BR UNIT	1,940 SF
204 BR UNIT	1,940 SF
<b>Overall Building</b>	<b>51,760 SF</b>

**Warrick Place SD001**  
 3862-3838 E. Washington Street  
 03.01.24



Floor Plan  
**1** Site Plan  
 1" = 30'-0"

**WAVE**  
 ARCHITECTURE + DESIGN



View looking east along East Washington Street



View looking west along East Washington Street



View looking south along North Bradley Avenue



View looking north along North Bradley Avenue



View of site looking east



View of site looking northeast



View looking east along the east / west alley



View from site looking west across North Bradley Avenue



View from site looking west across North Bradley Avenue



View from site looking northeast





View from site looking northwest across North Bradley Avenue



**METROPOLITAN DEVELOPMENT COMMISSION** **March 28, 2024**  
**HEARING EXAMINER**

**Case Number:** 2024-ZON-024  
**Property Address:** 1836 Gent Avenue (approximate address)  
**Location:** Center Township, Council District #12  
**Petitioner:** Stonecroft, LLC, by David Kingen  
**Current Zoning:** I-2 (W-1)  
**Request:** Rezoning of 0.88 acre from the I-2-(W-1) district to the D-8 (W-1) district to provide for residential uses.  
**Current Land Use:** Vacant Lot  
**Staff Recommendations:** Approval  
**Staff Reviewer:** Marleny Iraheta, Senior Planner

**PETITION HISTORY**

This is the first public hearing on this petition.

**STAFF RECOMMENDATION**

Staff **recommends approval** of the request.

**PETITION OVERVIEW**

**LAND USE**

The 0.88-acre site falls within the Near Northwest-Riverside Neighborhood and the Marion Park Subdivision platted on April 25, 1892. The site is an undeveloped industrial lot that is surrounded to the north by vacant industrial land, zoned I-2, industrial land east, zoned I-3, single-family dwellings and garden are south, zoned D-5 and I-2, and single-family dwellings west, zoned D-5.

**REZONING**

This petition would rezone this site from the I-2 (W-1) district to the D-8 (W-1) district.

The I-2 district is for those industries that present minimal risk and typically do not create objectionable characteristics (such as dirt, noise, glare, heat, odor, etc.) that extend beyond the lot lines. Outdoor operations and storage are completely screened if adjacent to protected



districts and are limited throughout the district to a percentage of the total operation. This Wherever possible, this district is located between a protected district and a heavier industrial area to serve as a buffer. For application to the older industrial districts within the central city, standards specifically accommodate the use of shallow industrial lots.

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.

**Wellfield Protection Secondary Zoning**

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

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

This site is specifically located within the White River W-1 Wellfield Protection District. Unless exempted by Section 742-204.D Technically Qualified Person review requirement, a Site and Development Plan shall be filed with and be subject to approval on behalf of the Commission by the Technically Qualified Person (TQP).

**Staff Analysis**

The existing I-2 zoning district does not align with the United Northwest Neighborhood Plan (2008) recommendation for residential development. Furthermore, the parcel has historically been developed residentially based on an 1898 Sanborn Map.

Therefore, staff supports this rezoning request because it would be consistent with the neighborhood plan, recognize the residential use that was present in the past and would allow the site zoning to reflect the proposed residential development.

**GENERAL INFORMATION**

<b>Existing Zoning</b>	I-2 (W-1)
<b>Existing Land Use</b>	Vacant
<b>Comprehensive Plan</b>	3.5 to five dwelling units per acre



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<b>Surrounding Context</b>	<b>Zoning</b>	<b>Land Use</b>
North:	I-2	Vacant
South:	I-2 / D-5	Residential (Single-family dwellings)
East:	I-3	Industrial
West:	D-5	Residential (Single-family dwellings)
<b>Thoroughfare Plan</b>		
19 <sup>th</sup> Street	Local Street	50-foot existing right-of-way with 48-foot proposed.
Gent Avenue	Local Street	50-foot existing right-of-way with 48-foot proposed.
Herbert Street	Local Street	48-foot existing right-of-way with 48-foot proposed.
<b>Context Area</b>	Compact	
<b>Floodway / Floodway Fringe</b>	No	
<b>Overlay</b>	No	
<b>Wellfield Protection Area</b>	Yes	
<b>Site Plan</b>	N/A .	
<b>Site Plan (Amended)</b>	N/A .	
<b>Elevations</b>	N/A .	
<b>Elevations (Amended)</b>	N/A .	
<b>Landscape Plan</b>	N/A .	
<b>Findings of Fact</b>	N/A .	
<b>Findings of Fact (Amended)</b>	N/A .	
<b>C-S/D-P Statement</b>	N/A .	

## COMPREHENSIVE PLAN ANALYSIS

### Comprehensive Plan

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

### Pattern Book / Land Use Plan

- Not Applicable to the Site.

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

- Not Applicable to the Site.

### Neighborhood / Area Specific Plan

- The United Northwest Neighborhood Plan (2008) recommends 3.5 to five dwelling units per acre development.

### Infill Housing Guidelines

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



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materials are not the dominant material and make up less than 30% of the overall façade design.

- **8. Consider Unique Neighborhood Features:** In addition to the architectural features mentioned above, consider other common features like chimneys, dormers, gables, and overhanging eaves that shape the character of a neighborhood. When possible, include these features into new construction.

- 

**Indy Moves**

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

- Not Applicable to the Site.



## ZONING HISTORY

**2022-ZON-013; 1248, 1250, 1251, and 1253 West 19th Street** (northwest of site), Rezoning of 0.529 acre from the C-1 (W-1) and C-3 (W-1) districts to the D-5 (W-1) to allow for the construction of single-family homes, **approved.**

**2021-CZN-856 / 2021-CVR-856 / 2021-CPL-856; 1159 West 18th Street** (southeast of site), Rezoning of 0.533 acre from the C-1 district to the D-5 district, Variance of use and development standards to provide for a single-family dwelling with a twelve-foot front setback and 40-foot minimum lot width (residential not permitted in C-1, eighteen-foot setback required, 50-foot lot width required), and Approval of a subdivision plat to be known as Replat of Lots Four Through Seven in Kothe and Lieber's Addition, dividing 0.53 acre into three lots, approved.

**2020-ZON-093; 1113 West 18th Street** (southeast of site), Rezoning of 0.13 acre from the C-1 and C-3 district to the D-5 district, **approved.**

**2020-ZON-039; 1051, 1052, 1056, 1060 and 1206 West 18<sup>th</sup> Street; 1707, 1717, 1731 and 1805 Montcalm Street and 1205 Herbert Street** (south of site), Rezoning of 0.95 acre from the C-1 (W-1), C-3 (W-1) and I-2 (W-1) districts to the D-5 (W-1) district, **approved.**

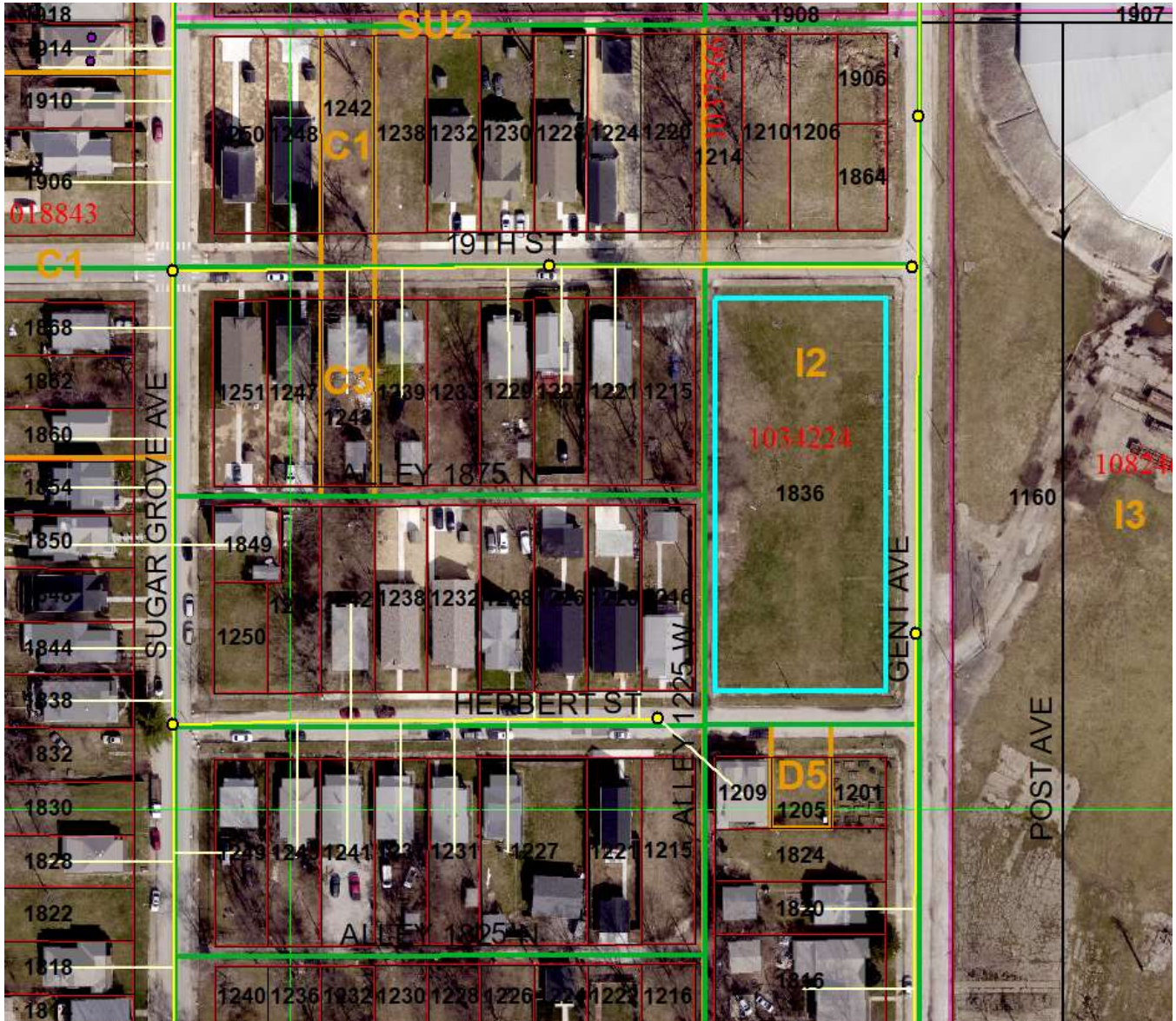
**2019-HOV-008; 1209 Herbert Street** (south of site), Variance of use and development standards of the Consolidated Zoning and Subdivision Ordinance to legally establish a two-family dwelling (not permitted), with deficient front, side, rear, and side transitional yards (20-foot front, 10-foot side and rear yards and 30-foot transitional yards required), **granted.**

**2005-HOV-031; 1818 Grant Avenue** (south of site), Variance of use of the Industrial Zoning Ordinance to legally establish a one-story single-family dwelling and related accessory uses and structures an to provide for the construction of a 1,330-square foot addition to the existing single-family dwelling (residential uses and structures are not permitted), **granted.**

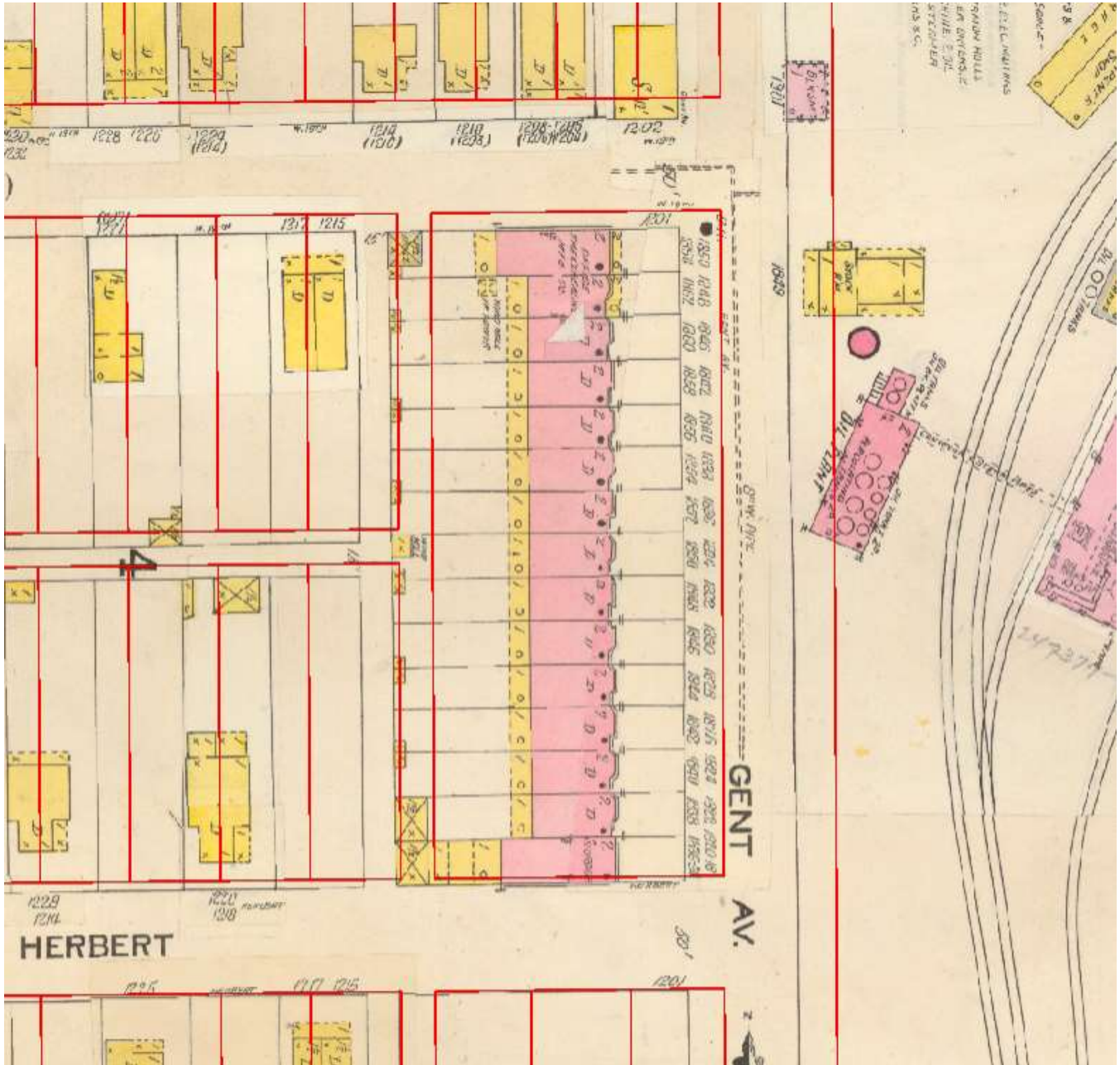
**2003-ZON-138; 1209 and 1223 West 20<sup>th</sup> Street** (north of site), Rezone of 0.10 acres from D-5 (W-1) to SU-2 (W-1) to provide for educational uses, **approved.**

**2003-ZON-084; 1917 to 2043 Sugar Grove Avenue, 1212 to 1220 and 1226 to 1235 West 20th Street** (northwest of site) Rezoning of 4.80 acres, being in the D-5 District, to the SU-2 classification to provide for educational uses, **approved.**

**EXHIBITS**







1898 Sanborn Map



Photo of the subject site to the left and street frontage along Gent Avenue looking north.



Photo of the subject site to the left and street frontage along Herbert Street to the south.



Photo of the subject site to the right and street frontage along Gent Avenue looking south.



Photo of the subject site to the right and street frontage along 19<sup>th</sup> Street to the north.



Photo of the alley west of the site looking north from Herbert Street.



Photo of the alley west of the site looking south from 19<sup>th</sup> Street.



Photo of single-family dwellings west of the site.



Photo of the undeveloped industrial land north of the site.



Photo of the I-3 industrial use east of the site.



Photo of the single-family dwellings and urban garden south of the site.



**METROPOLITAN DEVELOPMENT COMMISSION** **March 28, 2024**  
**HEARING EXAMINER**

**Case Number:** 2024-CZN-806 / 2004-CVR-806

**Property Address:** 4896 Kentucky Avenue

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

**Petitioner:** Taco Bell of America, LLC, by Josh Graber

**Current Zoning:** C-5

Rezoning of 0.6735 acres from the C-5 district to the C-4 district to provide for a restaurant use.

**Request:** Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for a drive-through within the front yard of High School Road without the required exclusive bypass lane, (not permitted within front yards along rights-of-way greater than 30 feet wide, exclusive bypass aisle required).

**Current Land Use:** Commercial uses (used car sales)

**Staff Recommendations:** Approval, subject to the following commitment:

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

**PETITION HISTORY**

The Hearing Examiner continued these petitions from the March 14, 2024 hearing, to the March 28, 2024 hearing, with notice, at the request of staff.

**STAFF RECOMMENDATION**

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

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



## PETITION OVERVIEW

### REZONING

This 0.18-acre site, zoned C-5, is developed with a used car dealership. It is surrounded by commercial uses to the north, zoned C-4; commercial uses to the south, across South High School Road, zoned C-4; commercial uses to the east, across Kentucky Avenue, zoned C-5; and railroad right-of-way to the west, zoned C-5.

This request would be consistent with the Comprehensive Plan recommendation of Community Commercial typology. This typology is contemplated to be located within the C-3 or C-4 districts, depending upon the location and surrounding land uses. This area is heavily commercial and the proposed rezoning to the C-4 district would have minimal impact on surrounding uses. Furthermore, the C-4 district would be less detrimental than the existing C-5 district. Staff, therefore, supports this request.

### Environmental Public Nuisances

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

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

Environmental public nuisance means:

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





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

#### VARIANCE OF DEVELOPMENT STANDARDS

This request would allow a drive-through within the front yard of High School Road without the required exclusive bypass lane.

The Ordinance prohibits drive-throughs within the front yard along rights-of-way greater than 30 feet wide and requires an exclusive bypass aisle.

Staff supports these variances due to the configuration of the parcel, the elevation of the existing railroad right-of-way (approximately seven feet) and the drainage feature associated with the intersecting streets. This results in a practical difficulty in the use and development of the property.

#### GENERAL INFORMATION

<b>Existing Zoning</b>	C-5	
<b>Existing Land Use</b>	Commercial uses	
<b>Comprehensive Plan</b>	Community Commercial typology	
<b>Surrounding Context</b>	<b><u>Zoning</u></b>	<b><u>Land Use</u></b>
	North:	C-4 Commercial uses
	South:	C-4 Commercial uses
	East:	C-5 Commercial uses
	West:	C-5 Railroad right-of-way
<b>Thoroughfare Plan</b>		
Kentucky Avenue	Primary arterial	Existing 160-foot right-of-way and a proposed 102-foot right-of-way (Indiana State jurisdiction)
South High School Road	Secondary arterial	Existing 100-277-foot right-of-way and a proposed 80-foot right-of-way
<b>Context Area</b>	Metro	
<b>Floodway / Floodway Fringe</b>	Yes – 500-year unregulated floodway fringe of Little Dollar Hide Creek	
<b>Overlay</b>	No	
<b>Wellfield Protection Area</b>	No	
<b>Site Plan</b>	February 7, 2024	
<b>Site Plan (Amended)</b>	N/A	
<b>Elevations</b>	N/A	
<b>Elevations (Amended)</b>	N/A	



<b>Landscape Plan</b>	February 7, 2024
<b>Findings of Fact</b>	February 7, 2024
<b>Findings of Fact (Amended)</b>	N/A
<b>C-S/D-P Statement</b>	N/A

**COMPREHENSIVE PLAN ANALYSIS**

**Comprehensive Plan**

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

**Pattern Book / Land Use Plan**

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

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

- Not Applicable to the Site.



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**Neighborhood / Area Specific Plan**

- Not Applicable to the Site.

**Infill Housing Guidelines**

- Not Applicable to the Site.

**Indy Moves**

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

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



## ZONING HISTORY

**2009-APP-093 / 2009-VAR-006; 4896 Kentucky Avenue**, requested modification of Commitments, related to petition 2004-ZON-163, to terminate commitments S9xteen requiring installation of permanent concrete curbs along the Kentucky Avenue right-of-way line and a variance of use to legally establish a single-family dwelling, **approved and granted**.

**2004-ZON-163; 4896 Kentucky Avenue**, requested rezoning of 0.88 acre from the D-3 district to the C-5 classification, **approved**.

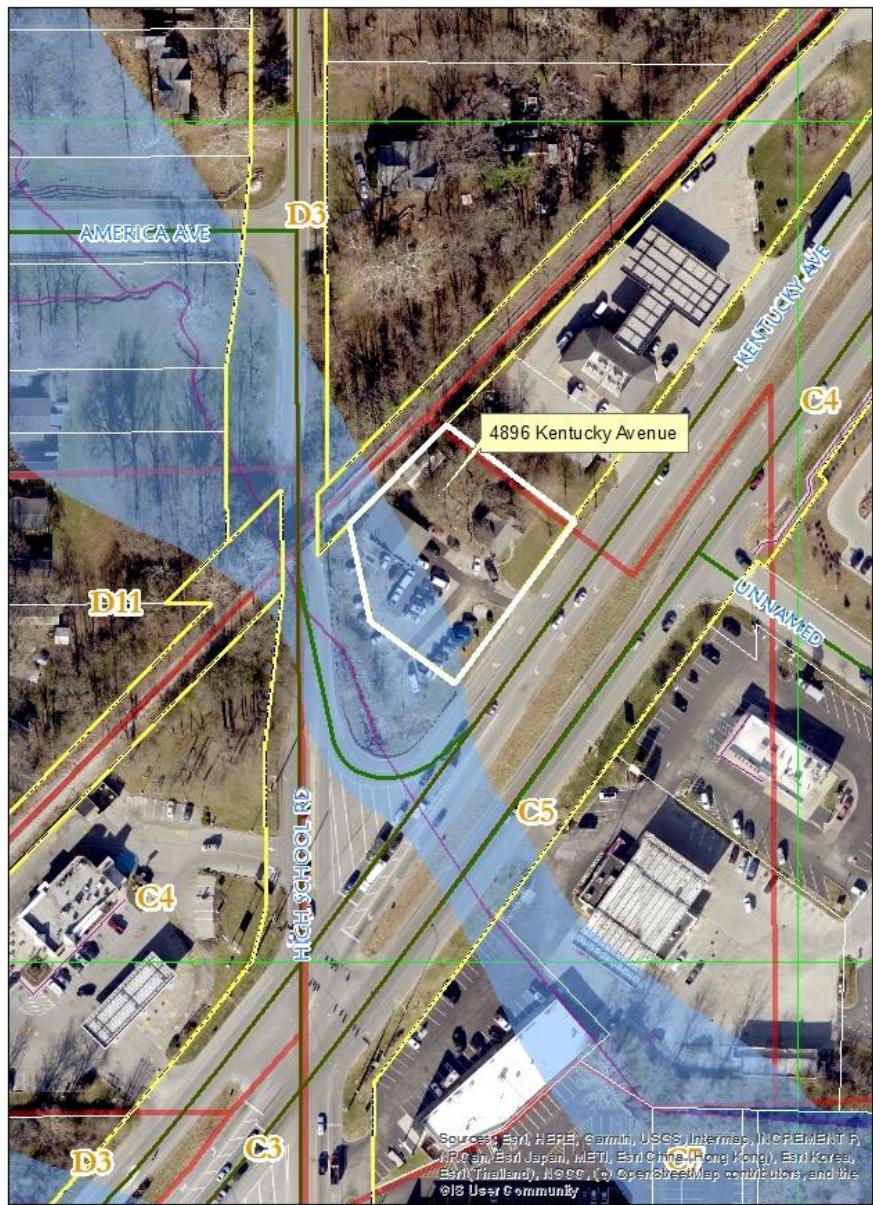
**71-UV3-130; 4896 Kentucky Avenue**, requested variance to provide for pole sign, to identify nearby bank building, **granted**.

### Vicinity

**2006-ZON-023; 4892 Kentucky Avenue (abutting site to northeast)**, requested rezoning of 0.38 acre from D-3 to C-1, **approved**.

**2001-ZON-020; 4884 Kentucky Avenue (northeast of site)**, requested rezoning from D-3 to C-4, **approved**.

**EXHIBITS**





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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:

As discussed in more detail within the enclosed narrative, it is our position that the deviations requested to the standards better promote public health, safety, and general welfare of the community than if the standards were strictly adhered to in this context. The site as proposed maximizes efficiency of the drive thru to maintain site circulation. Additionally, the site layout maximizes drive thru stack to not affect Kentucky Ave, which is a thoroughfare. Due to site characteristics, the primary driveway for access to the site is set and thus informs the site layout.

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:

As discussed in more detail within the enclosed narrative, the adjacent uses are currently as follows: to the west is a large ROW width for High School Rd and an INDOT drainage ditch, to the south is Kentucky Ave with a guardrail and partial INDOT drainage ditch, to the east is a currently unused parcel owned by Speedway (that is proposed to eventually have a connection point to the Speedway for vehicles traveling north), and to the north are railroad tracks owned by Indiana Southern Railroad. As proposed, we are limiting the effect to all property sides. Additionally, the businesses at the intersection of High School Rd and Kentucky Ave consist of a BP gas station/McDonald's, a Speedway gas station, a Burger King, a Subway restaurant, and a Wal-Mart, among others. Taco Bell fits the context of the area and its uses.

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

As discussed in more detail within the enclosed narrative, the existing site size, characteristics, and layout constraints due to an INDOT drainage ditch, gas easement through the property, and two frontages preclude the site from being designed practically while maintaining ideal and safe traffic circulation, traffic stack, and drive thru operation efficiency. In context with the adjacent property uses and overall layout, the proposed site is designed to meet the intent of the ordinance as much as possible while designing for safety as the primary objective.

DECISION

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

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

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









View looking south along Kentucky Avenue



View looking north along Kentucky Avenue



View looking north along North High School Road



View of site looking north across South High School Road



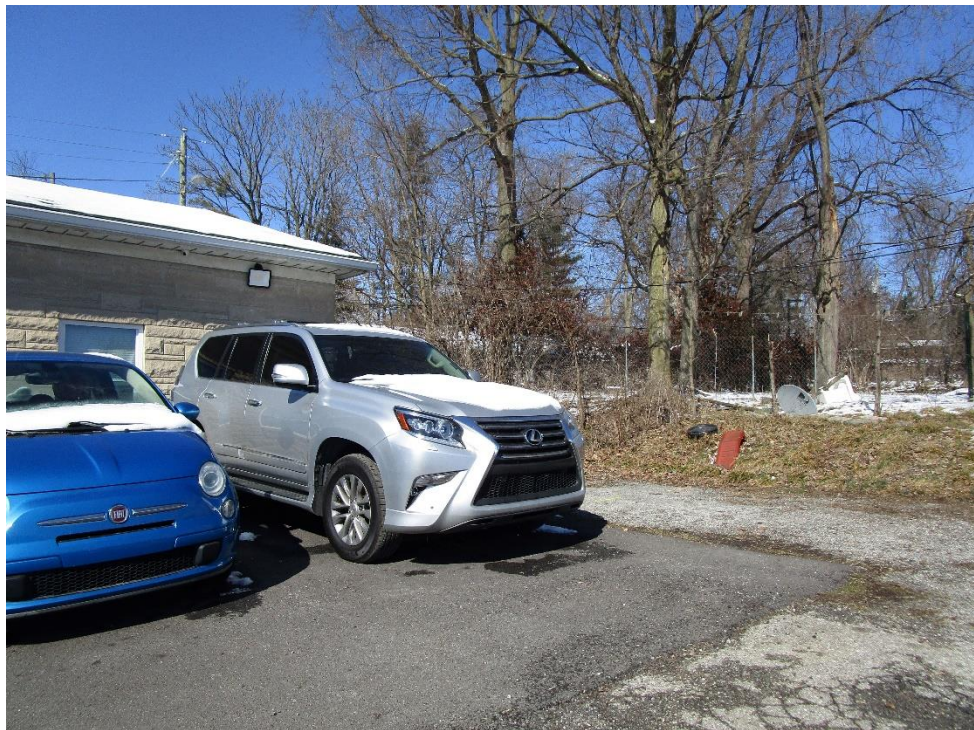
View looking north across intersection of South High School Road and Kentucky Avenue



View of site looking west across Kentucky Avenue



View from site looking south



View from site looking northwest



View from site looking southeast across intersection of Kentucky Avenue & South High School Road



View from site looking south across South High School Road



**METROPOLITAN DEVELOPMENT COMMISSION** **MARCH 28, 2024**  
**HEARING EXAMINER**

**Case Number:** 2024-APP-001

**Property Address:** 1621, 1625 and 1631 West 86th Street

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

**Petitioner:** Dinneen-Ward-Shelley, LLC, by Aaron Reynolds

**Current Zoning:** HD-2

**Request:** Hospital District-Two Approval to provide for an office building and associated parking.

**Current Land Use:** Vacant single-family dwellings and office building

**Staff Recommendations:** Approval of Phase 1 development, subject to the following commitment.

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

**PETITION HISTORY**

The Hearing Examiner acknowledged the automatic continuance filed by a registered neighborhood organization that continued this petition from the February 15, 2024 hearing, to the March 14, 2024 hearing, and continued the petition, at staff's request, from the March 14, 2024 hearing, to the March 28, 2024 hearing to provide additional time to address site access.

**STAFF RECOMMENDATION**

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

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

## PETITION OVERVIEW

This site 3.225-acre site is comprised of three parcels developed with two vacant single-family dwellings and a vacant office building. It is surrounded by single-family dwellings and religious uses to the north, across West 86th Street, zoned D-P and SU-1, respectively; multi-family dwellings to the south, zoned D-7; commercial uses to the east, zoned C-4; and multi-family dwellings to the west, zoned HD-2.

Petitions 2022-ZON-017 and 2022-VAR-002 rezoned the site to the HD-2 district and granted encroachment of a parking lot and trash enclosure into the stream protection corridor along the southern boundary of the site.

## HOSPITAL DISTRICT TWO APPROVAL

This request would provide for Hospital District Two Approval to provide for Phase 1 development of the site consisting of a 10,050-square foot medical office building and associated parking.

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.



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

The amended site plan, file dated March 18, 2024, depicts a 10,050 square foot building (labeled as Phase 1) and 118 parking spaces. Site access would be via the existing shared drive at northeast corner of the site.

Building elevations provide for a 32-foot tall, two-story building with a six-foot tall roof-top mechanical screen. The second building (Phase 2) located to the west of this building would be 29.75 feet tall.

Staff is concerned about the proposed second building that is shown in the landscape plan and building elevations, file-dated January 31, 2024 and January 11, 2024, respectively. Although staff supported the 2022 variance for a 15-foot encroachment of a portion of a proposed parking lot and trash enclosure into the stream protection corridor along the southern boundary, staff would not support further encroachments into the stream protection corridor and the existing vegetation along the western boundary. In staff's opinion, this would result in over development of the site.

The Development Statement and building elevations file-dated January 11, 2024, proposes two medical office buildings but the amended site plan provides for only one building.

The Plan of Operation file-dated January 11, 2024, provides some details related to workforce (undetermined), hours of operation (no information on the days of the week), clients / customers, material that would be used, shipping / receiving and handling of waste.

Three signs are proposed that would include a 12-foot-tall monument sign, a six-foot-tall parking sign, and a one-foot by 1.25-foot projecting building sign.

As proposed this request would be consistent with the Comprehensive Plan recommendation of office commercial typology. Staff, however, recommends approval of only the larger building and not the smaller building to the west. The smaller building would likely impact the existing trees and stream protection corridor.

### *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.





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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.”

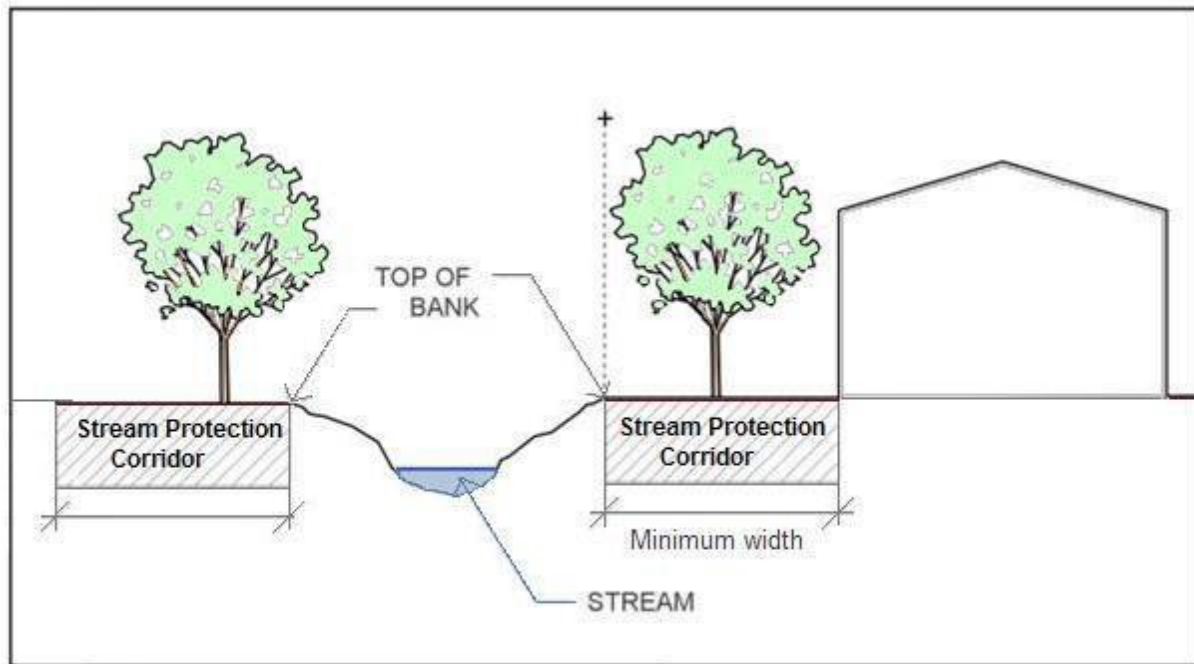
Stream Channel is defined as “part of a watercourse that contains an intermittent or perennial base flow of groundwater origin.”

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.

A tributary of Howard Johnson Ditch lies within this Metro Context Area and is located along the western and southern boundaries 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**

#### *Tree Preservation / Heritage Tree Conservation*

There are significant amounts of natural vegetation and trees located along the western and southern boundaries of the site that generally follow the stream protection corridor. Due to their inherent ecological, aesthetic, and buffering qualities, the maximum number of these existing trees should be preserved on the site.

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

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

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



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

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

**GENERAL INFORMATION**

<b>Existing Zoning</b>	HD-2	
<b>Existing Land Use</b>	Vacant single-family dwellings / office	
<b>Comprehensive Plan</b>	Office Commercial typology	
<b>Surrounding Context</b>	<b><u>Zoning</u></b>	<b><u>Land Use</u></b>
	North:	D-P / SU-1 Single-family dwellings / religious uses
	South:	D7 Multi-family dwellings
	East:	C-4 Commercial uses
	West:	HD-2 Multi-family dwellings
<b>Thoroughfare Plan</b>		
West 86th Street	Primary arterial	Existing 120-foot right-of-way and proposed 112-foot right-of-way
<b>Context Area</b>	Metro	
<b>Floodway / Floodway Fringe</b>	No	
<b>Overlay</b>	No	
<b>Wellfield Protection Area</b>	No	
<b>Site Plan</b>	January 11, 2024	
<b>Site Plan (Amended)</b>	March 18, 2024	
<b>Elevations</b>	January 11, 2024	
<b>Elevations (Amended)</b>	N/A	
<b>Landscape Plan</b>	January 31, 2024	
<b>Findings of Fact</b>	January 11, 2024	
<b>Findings of Fact (Amended)</b>	N/A	
<b>C-S/D-P Statement</b>	January 11, 2024	

## COMPREHENSIVE PLAN ANALYSIS

### Comprehensive Plan

- 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

- *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.
  - Master-planned developments in excess of 2 acres should include pedestrian amenities for passive and active recreation internal to the development.
- *Large-Scale Offices (defined as commercial uses with minimal outdoor operations, storage, or display on lots of more than 1.5 acres and a height of more than 35 feet)*
  - Pedestrian connections between buildings should be provided.
  - Street connections to perimeter roads should be provided.

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

- Not Applicable to the Site.

### Neighborhood / Area Specific Plan

- Not Applicable to the Site

### Infill Housing Guidelines

- Not Applicable to the Site

### Indy Moves

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

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



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



## ZONING HISTORY

**2022-ZON-017 / 2022-VAR-002; 1621, 1625 and 1631 West 86th Street**, requested rezoning from the C-4 and C-7 districts to the HD-2 district to allow for a 160-unit multi-family senior housing development and a variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for the location of parking area and trash enclosure within the stream protection corridor, **approved and granted.**

**93-UV1-132; 1631 West 86th Street**, requested a variance of use to provide for a second single-family dwelling in a multi-family district, **approved.**

**64-Z-118; 1631 West 86th Street**, requested the rezoning of 0.69 acre from the A-2 district to the B-6 district, **approved.**

**64-Z-117; 1631 West 86th Street**, requested the rezoning of 3.3 acres from the A-2 district to the R-6 district, **approved.**

## VICINITY

**2021-DV2-048; 1445 West 86th Street (east of site)**, requested a variance of development standards to provide for drive-thru lanes in the front yard, **approved.**

**2021-DV2-029; 1445 West 86th Street (east of site)**, requested a variance of development standards to provide for excess signage, deficient sign separation and excess drive-thru signage, **approved.**

**2018-CAP-822 / 2018-CVR-822; 1703, 1705, & 1707 West 86th Street (west of site)**, requested HD-Two approval to provide for ten garden homes and a club house on 12.5 acres, a modification of commitments to provide for reduced front and side setbacks and a variance of use to provide for a deficient number of units per building, **approved.**

**2016-DV2-031; 8619 Lancaster Road, 8952 & 9002 Butternut Court and 1402 & 1415 Brewster Road (north of site)**, requested a variance of development standards to provide for signs within the right-of-way and with excessive height and area, **approved.**

**2012-APP-023; 1707 West 86th Street (west of site)**, requested HD-Two approval to provide for temporary living quarters for firefighters and a tent for the storage of fire trucks, **approved.**

**2001-APP-042; 1707 West 86th Street (west of site)**, requested HD-Two approval to provide for a maintenance shed, **approved.**

**91-V3-23; 1502 West 86th Street (northeast of site)**, requested a variance of development standards to provide for signs with deficient setback, **approved.**

**88-Z-12; 1502 West 86th Street (northeast of site)**, requested the rezoning of 10.2 acres from the SU-1 district to the C-3 district, **approved.**



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**88-UV1-45; 1502 West 86<sup>th</sup> Street (northeast of site)**, requested a variance of use to provide for a shopping center in a SU-1 district, **approved**.

**86-AP-182; 8479 Office Park Drive (west of site)**, requested HD-Two approval of a long-term care facility for children and adolescents, **approved**.

**85-UV1-103; 1670 West 86<sup>th</sup> Street (north of site)**, requested a variance of use to provide for a medical office in the A-2 district, **approved**.

**84-Z-36; 1670 West 86<sup>th</sup> Street (north of site)**, requested the rezoning of 1.3 acre from the A-2 district to the C-1 district, **approved**.

**67-Z-55; 1802 West 86<sup>th</sup> Street (north of site)**, requested the rezoning of 241 acres from the S-U, D-2, and D-3 districts to the P-D district, **approved**.

**65-Z-22; 1551 West 85<sup>th</sup> Street (east of site)**, requested the rezoning of 11.6 acres from the B-2 and R-6 districts to the B-2 district, **approved**.

**63-Z-129; 1445 West 86<sup>th</sup> Street (east of site)**, requested the rezoning 7.9 acres from the A-2 district to the B-2 district, **approved**.

**63-Z-128; 1551 West 86<sup>th</sup> Street (east of site)**, requested the rezoning 11.9 acres from the A-2 district to the R-6 district, **approved**.

**63-Z-127; 8444 Ditch Road (south of site)**, requested the rezoning 16.2 acres from the A-2 district to the R-2 district, **approved**.

**EXHIBITS**



1621, 1625 and 1631 West 86th Street

0.00075015 0.03 0.045 0.06 Miles





**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.

<b>Table 744-503-3: Replacement Trees</b>		
<b>Size of tree removed or dead (inches)</b>	<b>Number of Trees to be planted to replace a Heritage Tree</b>	<b>Number of Trees to be planted to replace an existing tree</b>
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



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:

the petitioner is proposing to redevelop properties within the site that are currently occupied by vacant buildings. The proposed use of the property is for medical office buildings which aligns with the Comprehensive Plan use of Office Commercial for the property.

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 petitioner's planned use of the property for medical office buildings will put the property to use to provide needed medical services to the general public. This use aligns with the intended use of property located within the HD-2 zoning district. The proposed buildings will replace the current vacant buildings on the property with new buildings designed to attract the general public to use the provided services within the buildings.

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

the proposed site plan provides connections to both the public sidewalks along 86th Street for pedestrian traffic and also directly to 86th Street for passenger vehicles. The proposed site plan has been planned to conform with the City of Indianapolis requirements that govern the design and layout of the parking and loading. The site will provide connections to the existing IndyGo public transit system and the site will be designed to allow for access for pedestrians and passenger vehicles as well.

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 proposed development plan will utilize the existing access available to the public sidewalks for pedestrian traffic and the the existing public roadway access for passenger vehicles. Additionally, the site will be accessible from two existing public IndyGo busstop locations that are located within approximately 300 feet of the property both to the east and west of the site along 86th Street.

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

the proposed development plan in the petition will utilize the existing sanitary sewer available to the site as well as the other public utilities. The stormwater drainage system will be developed in compliance with the City of Indianapolis requirements to control the runoff rates as well as address the stormwater quality aspects of the runoff from the proposed development.

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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 site plan has been created using guidelines for development of the site to be in compliance with the City of Indianapolis requirements for comparable uses and similar properties. Detailed civil engineering construction plans will be created to provide acceptable site grading to meet the needs of accessing the site and the proposed buildings. These plans will take into account all design elements which must be considered and meshed to provide for successful development of the proposed buildings and site improvements.

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:

the petitioner's site plan will connect to the existing public sidewalks that are located in the public right-of-way adjacent to the property along 86th Street. The connection to this existing public sidewalk is within approximately 300' of IndyGo busstops that are located to both the east and west sides of the property. A detailed engineered development plan will be created to comply with accessibility requirements of the City of Indianapolis as well as ADA requirements.

DECISION

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

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

Commission President/ Secretary



**86TH STREET  
 REDEVELOPMENT  
 DP STATEMENT**

**INTRODUCTION**

Dinneen – Ward - Shelley, LLC (the “Petitioner”), proposes to redevelop the approximately 3.33 acre site located at 86th Street, just west of Ditch Road in the North Willow Farms/Nora Neighborhood. The site currently has 2 single family homes (3 buildings) and a closed veterinary office. These existing 4 buildings will be torn down to make way for this project. The proposed project will consist of two medical office buildings, and associated site improvements.

This site has convenient access to IndyGo's 86th Street Crosstown route. The nearest busstop that serves the development is on the northern property border. With access to the 86th Street crosstown route, residents will easily be able to access the many retail, entertainment and dining options mentioned above. Eighty-Sixth Street is a pedestrian-friendly street, being lined on both sides in either direction with sidewalks.

The North Willow Farms/ Nora Area is a thriving part of Indianapolis. This redevelopment aims to help improve the property value of the site and put the properties into productive use in providing the medical office services that will be offered in the proposed buildings.

The development will be constructed in substantial compliance with the approved Site Plan, Site Lighting Plan, and Site Landscape Plan.

**PERMITTED USES**

The Petitioner proposes two medical office buildings with associated site improvements.

**DEVELOPMENT STANDARDS/SETBACKS**

Improvements on the property shall be located in substantially the manner as depicted on the approved Site Plan.

**UTILITIES/DRAINAGE**

All utilities are available to the site. Storm drainage will be served with a surface detention pond (and potential underground detention) and professionally engineered to meet the intent of the City of Indianapolis requirements with respect to run-off rate, quantity, and water quality.



**LANDSCAPING**

Landscaping shall be located in substantial compliance with the approved landscape plan.

**ACCESS AND PARKING**

Access to the site will be from 86<sup>th</sup> Street to the north. Parking will consist of approximately 140 parking stalls. The parking ratio will provide a minimum of 1 parking space per every 150 square feet of gross building floor area.

Dr. Annette Dinneen – Plan of Operation

Workforce.

- There will be an undetermined number of employees on site daily. Hours of operation are 8am-6 pm. Employees are responsible for their own transportation to and from work. There is parking available on the property.

Clients & Customers.

- The main level will consist of a dermatology office with waiting room, exam rooms, lab and supply storage, staff areas, and auxiliary building support rooms. Visitors to the practice will be there generally during the normal hours of operation. The visitor parking will be on the north side of the building, with overflow parking on the south side.
- The upper level will be a dark warm shell for future tenant space. It is assumed that the user will be a complementary medical-related use.

Materials Used.

- There will be a variety of topical and injectable dermatology products used, as well as PPE and paper products. Sharps containers will be used.

Shipping & Receiving:

- Materials will be shipped/received to the facility either by employees or by delivery vans/trucks. Stocking of materials should occur once a week.

Waste:

- Type of waste: Food trash, paper, plastic wrapping - generated by clients and employees. Local trash pickup service will be scheduled once a week for pickup.

















View looking west along West 86th Street



View looking east along West 86th Street



View looking south from western boundary



View of site looking southeast from western boundary



View of site looking southeast



View of site looking south



View of site looking southeast along West 86th Street



View from site looking north across West 86th Street





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**METROPOLITAN DEVELOPMENT COMMISSION**  
**HEARING EXAMINER**

**March 28, 2024**

<b>Case Number:</b>	2023-ZON-125
<b>Property Address:</b>	4027 West 10th Street
<b>Location:</b>	Wayne Township; Council District #16
<b>Petitioner:</b>	Insight Engineering by Don Fisher
<b>Current Zoning:</b>	I-3 / I-4
<b>Request:</b>	Rezoning of 1.75 acres from the I-3 and I-4 districts to the C-4 district to provide for community commercial uses.
<b>Current Land Use:</b>	Commercial use (vacant)
<b>Staff Recommendations:</b>	Recommends Approval, subject to commitments
<b>Staff Reviewer:</b>	Kathleen Blackham, Senior Planner

**PETITION HISTORY**

The Hearing Examiner continued this petition from the February 15, 2024 hearing, to the March 28, 2024 hearing to provide additional time to resolve the property boundary issue.

It has been determined that as initially proposed, existing improvements (trash enclosure, asphalt and curbs) encroach into the trail property. Consequently, those existing features shall be removed as this site is redeveloped. An amended site plan, file-dated March 19, 2024, has been submitted that depicts the new property boundary abutting the trail but does not show removal of these items. Staff will be requesting Administrator Approval of the final site plan that removes these items and restores the area prior to the opening of the new proposed use.

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

1. The site and improved areas within the site shall be maintained in a reasonably neat and orderly manner during and after development of the site with appropriate areas and containers / receptables provided for the proper disposal of trash and other waste.
2. A final site plan shall be submitted for Administrator Approval prior to the issuance of an Improvement Location Permit that depicts removal of existing items (trash enclosure, asphalt and curbs) encroaching into the abutting property and the area restored by: 1) Backfilling with top soil to match surrounding grade to ensure positive drainage; and 2) Applying seed and straw to the finished grade



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The Hearing Examiner continued this petition from the January 25, 2024 hearing, to the February 15, 2024 hearing, at the request of staff to provide additional time for discussions with staff related to the B&O Trail along the southern boundary of this site.

Due to inconsistencies in the legal description of this site and the legal description associated with the B&O Trail, staff is requesting a **continuance from the February 15, 2024 hearing to the March 14, 2024 hearing**. Staff has requested that the Marion County Surveyor conduct a survey of the site to determine and establish the site boundaries of this requested rezoning.

### STAFF RECOMMENDATION

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

1. The site and improved areas within the site shall be maintained in a reasonably neat and orderly manner during and after development of the site with appropriate areas and containers / receptacles provided for the proper disposal of trash and other waste.
2. Development of the site shall be in substantial compliance with the amended site plan file-dated January 11, 2024

### PETITION OVERVIEW

This 1.75-acre site is comprised of two parcels developed with a one-story commercial building with a drive through and associated parking. It is surrounded by industrial uses to the north, across West 10th Street, zoned SZ-2 (Town of Speedway); the B & O Trail / industrial uses to the south, zoned I-4; industrial uses to the east, zoned I-4; and industrial uses to the west, zoned I-3.

### Rezoning

The C-4 District (Community - Regional) is designed to provide for the development of major business groupings and regional-size shopping centers to serve a population ranging from a community or neighborhoods to a major segment of the total metropolitan area. These centers may feature a number of large traffic generators such as home improvement stores, department stores, and theatres. Even the smallest of such freestanding uses in this district, as well as commercial centers, require excellent access from major thoroughfares. While these centers are usually characterized by indoor operations, certain permitted uses may have limited outdoor activities, as specified.

As proposed, the rezoning request would not be consistent with the Comprehensive Plan recommendation of office commercial but given the surrounding industrial uses, staff believes that a more intense commercial use would not be detrimental to the surrounding land uses. Additionally, the plan recommendation may have considered the previous use as a credit union during the planning process.



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Staff would note that the Comprehensive Plan recommends heavy industrial typology to the north, south and west of the site with community commercial typology. The community commercial typology contemplates C-3 and C-4 uses, depending on the surrounding land uses.

The amended site plan provides for a 4,500-square-foot building at the southeast corner of the site. Four fueling stations (eight gas pumps) would be available and located north of the new structure and east of the existing structure, with a new access drive to the east of the two existing access drives. No information has been submitted regarding proposed uses of the existing building.

The B&O Trail Corridor abuts this site along the southern boundary. The amended site plan, file-dated January 11, 2024, responded to staff requests related to appropriate integration between the proposed use of this site and the B&O Trail, that included relocation of the trash enclosure and a small picnic area adjacent to the bike parking, north of the trail.

### **Environmental Public Nuisances**

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

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

Environmental public nuisance means:

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

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



**GENERAL INFORMATION**

<b>Existing Zoning</b>	I-3 / I-4	
<b>Existing Land Use</b>	Commercial uses (vacant)	
<b>Comprehensive Plan</b>	Office Commercial	
<b>Surrounding Context</b>	<u><b>Zoning</b></u>	<u><b>Land Use</b></u>
North:	SZ-2 (Town of Speedway)	Industrial uses
South:	I-3 / I-4	B & O Trail / Industrial uses
East:	I-3	Industrial uses
West:	I-4	Industrial uses
<b>Thoroughfare Plan</b>		
West 10th Street	Marion County Thoroughfare Plan (2019)	This portion of West 10th Street is designated as a primary arterial with an existing 100-105-foot right-of-way and a proposed 78-foot right-of-way.
<b>Context Area</b>	Compact	
<b>Floodway / Floodway Fringe</b>	The southwestern area of the site is located within the unregulated 500-year floodplain.	
<b>Overlay</b>	This site is not located within an overlay.	
<b>Wellfield Protection Area</b>	This site is not located within a wellfield protection area.	
<b>Site Plan</b>	January 3, 2024	
<b>Site Plan (Amended)</b>	January 11, 2024	
<b>Elevations</b>	N/A	
<b>Elevations (Amended)</b>	N/A	
<b>Landscape Plan</b>	N/A	
<b>Findings of Fact</b>	N/A	
<b>Findings of Fact (Amended)</b>	N/A	
<b>C-S/D-P Statement</b>	N/A	

**COMPREHENSIVE PLAN ANALYSIS**

**Comprehensive Plan**

- The Comprehensive Land Use Plan for Indianapolis and Marion County (2018) recommends office commercial typology for the site.
- The Office Commercial typology provides for single and multi-tenant office buildings. It is often a buffer between higher intensity land uses and lower intensity land uses. Office commercial development can range from a small freestanding office to a major employment center. This typology is intended to facilitate establishments such as medical and dental facilities, education services,



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insurance, real estate, financial institutions, design firms, legal services, and hair and body care salons.

### Pattern Book / Land Use Plan

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

#### *Conditions for All Land Use Types*

- All land use types except small-scale parks and community farms/gardens in this typology must have adequate municipal water and sanitary sewer.
- All development should include sidewalks along the street frontage.
- Master-planned developments in excess of 2 acres should include pedestrian amenities for passive and active recreation internal to the development
- The Pattern Book does not provide guidance in this typology for the contemplated use as a fueling station / convenience store that would generally be appropriate in a community commercial typology.

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

- Not Applicable to the Site.

### Neighborhood / Area Specific Plan

- Not Applicable to the Site.

### Infill Housing Guidelines

- Not Applicable to the Site.

### Indy Moves

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

- Both the Pedal Indy Bicycle Plan (2018) and Indy Greenways Full Circle Plan (2014) identify the B&O Trail Corridor as an opportunity to provide a key east / west connection from Hendricks County to downtown.



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## ZONING HISTORY

**2006-UV1-001; 4027 West 10th Street**, variance of use to provide for a drive-through banking facility in I-4-U, **granted**.

### VICINITY

**2008-ZON-119; 1045, 1201, 1245, 1255, & 1555 MAIN STREET, 1304 Olin Avenue, 1111, 1400, & 1500 Polco Street, 3970, 3980, 4000, 4200, 4300, 4520, And 4700 West 10<sup>th</sup> Street, 3805, 4501, 4513, 4601, 4665, 4725, 4745, 4747, and 4790 West 16<sup>th</sup> Street (north of site)**, requested rezoning of 53 lots (382 acres) from D3, C3, C4, CS and I4U to SZ2, **approved**.

**98-Z-59; 3971 West 10th Street (east of site)**, requested the rezoning of 0.269 acre, being in the D-5 District, to the C-ID classification to provide for commercial-industrial uses including the operation of a welding shop, **approved**.

**94-Z-24; 3977 West 10th Street (east of site)**, requested the rezoning of 0.98-acre, being in the D-5 District, to the C-ID classification to provide for commercial and / or industrial uses, **approved**.

kb



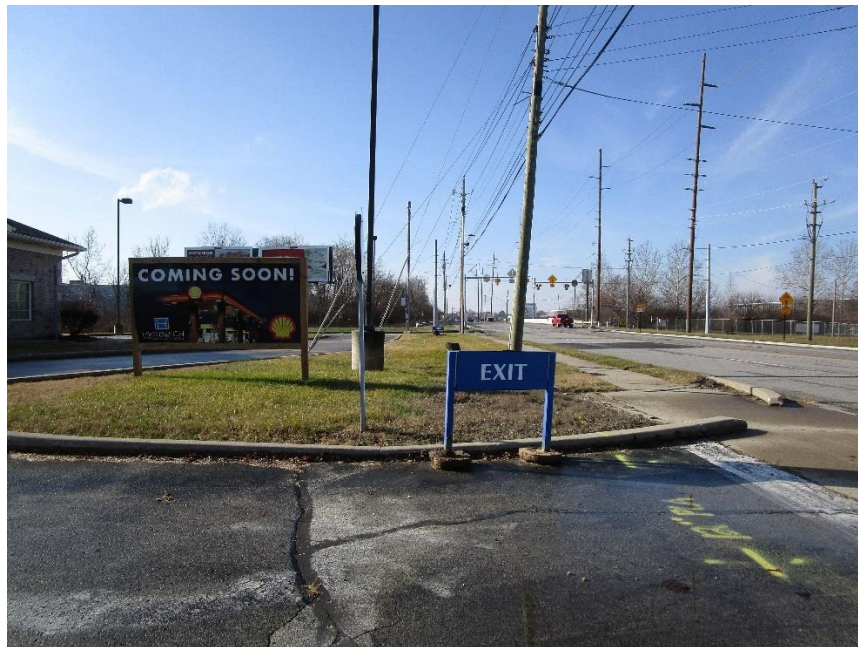








View looking east along West 10th Street



View looking west along West 10th Street



View of site looking east



View of site looking northeast



View of canopy to be removed looking south



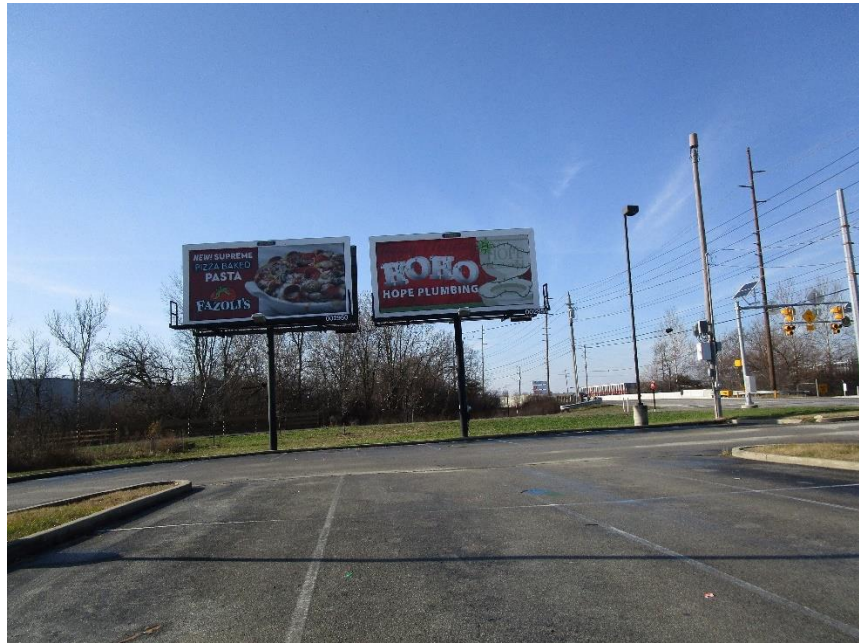
View from site looking north across West 10th Street



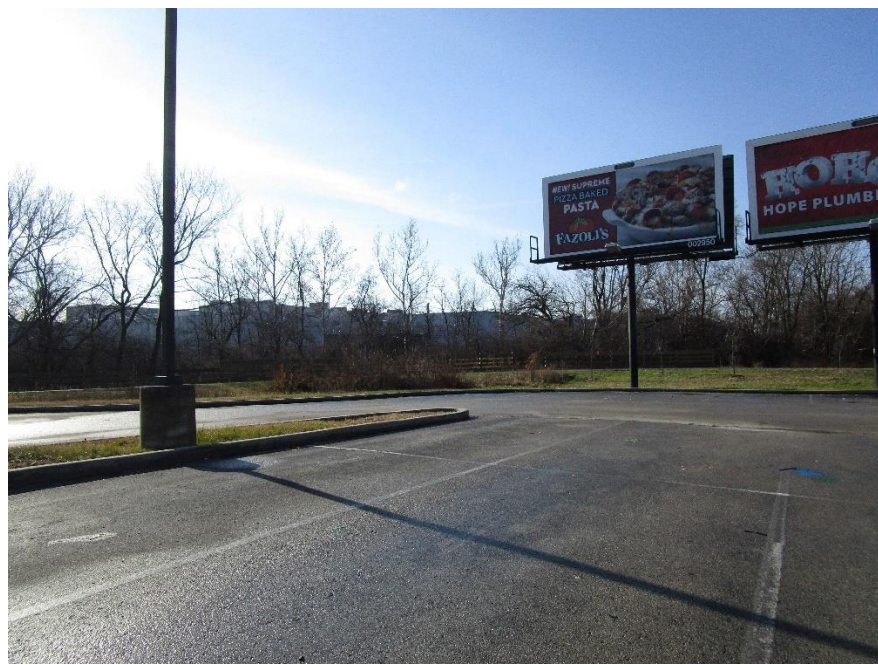
View from site looking north across West 10th Street



View of site looking west



View from site looking west



View from site looking southwest



View from site looking southwest



View from site looking south



View from site looking east



View from site looking southeast





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**METROPOLITAN DEVELOPMENT COMMISSION  
HEARING EXAMINER**

March 28, 2024

<b>Case Number:</b>	2024-ZON-007
<b>Property Address:</b>	3000 North German Church Road
<b>Location:</b>	Warren Township, Council District #15
<b>Petitioner:</b>	Hession Properties, LLC, by Silvia B. Miller
<b>Current Zoning:</b>	C-3 (FW)(FF)
<b>Request:</b>	Rezoning of 9.8 acres from the C-3 (FW)(FF) district to the C-5 (FW)(FF) district to provide for heavy commercial uses.
<b>Current Land Use:</b>	Undeveloped land)
<b>Staff Recommendations:</b>	Denial, subject to the following commitments, if approved:
<b>Staff Reviewer:</b>	Kathleen Blackham, Senior Planner

**PETITION HISTORY**

The Hearing Examiner acknowledged the automatic continuance filed by a registered neighborhood organization that continued this petition from the February 29, 2024 hearing, to the March 28, 2024 hearing.

**STAFF RECOMMENDATION**

Denial. If approved, staff would request the following commitments being reduced to writing on the Commission's Exhibit "B" forms at least three days prior to the MDC hearing:

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



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3. A 59.5-foot half right-of-way shall be dedicated along the frontage of North German Church Road, as per the request of the Department of Public Works (DPW), Engineering Division. Additional easements shall not be granted to third parties within the area to be dedicated as public right-of-way prior to the acceptance of all grants of right-of-way by the DPW. The right-of-way shall be granted within 60 days of approval and prior to the issuance of an Improvement Location Permit (ILP).

## PETITION OVERVIEW

This 9.8-acre site, zoned C-3 (FW)(FF), is undeveloped and surrounded by a single-family dwelling to the north, zoned D-A (FF); undeveloped land to the south, across East 30th Street, zoned C-3 (FW)(FF); residential uses to the east, across North German Church Road, zoned D-3 and D-5II; and public park land to the west, zoned D-A (FW).

## REZONING

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

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

## Overlays

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



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

Much of this site is covered by high quality woodlands, specifically identified as Forest Alliance Woodlands.

#### Tree Preservation / Heritage Tree Conservation

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

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

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

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

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

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



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### 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.

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

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

### Department of Public Works

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

Staff strongly recommends denial of this request for several reasons. The Comprehensive Plan recommends suburban neighborhood, and the request would be for an intense commercial use that would have a negative impact on the surrounding area that includes a much less intense commercial use, residential uses and an abutting public park.

The request would in total conflict with the Pattern Book recommendations related to commercial uses within the suburban neighborhood typology.

The C-5 district would also have a detrimental and negative impact on the high-quality woodlands and floodplain that cover most of the site. It would be reasonable to assume that, if approved, the site would be cleared and the trees destroyed.

The only commercial use in this primarily residential area is the commercial strip center located at the southeast corner of the intersection of North German Church Road and East 30th Street. That commercial center is included in the D-P located to the east and south and limited to C-3 uses, with 28 excluded commercial uses. In other words, the existing commercial uses are low intense, serve the surrounding residential uses and are minimally intrusive. A C-5 district in this area would be wholly inappropriate and unacceptable.



**GENERAL INFORMATION**

<b>Existing Zoning</b>	C-3 (FW)(FF)	
<b>Existing Land Use</b>	Undeveloped	
<b>Comprehensive Plan</b>	Suburban Neighborhood typology	
<b>Surrounding Context</b>	<b>Zoning</b>	<b>Land Use</b>
	North:	D-A ((FF) Single-family dwelling
	South:	C-3 (FF) Undeveloped land
	East:	D-3 / D-5II Residential development
	West:	D-A (FW)(FF) Public park land
<b>Thoroughfare Plan</b>		
North German Church Road	Primary Arterial	Existing 105-foot right-of-way and a proposed 119-foot right-of-way.
East 30th Street	Secondary Arterial	Existing 90-foot right-of-way and a proposed 80-foot right-of-way.
<b>Context Area</b>	Metro	
<b>Floodway / Floodway Fringe</b>	Yes Grassy Creek	
<b>Overlay</b>	Yes - Environmentally sensitive overlay	
<b>Wellfield Protection Area</b>	No	
<b>Site Plan</b>	N/A	
<b>Site Plan (Amended)</b>	N/A	
<b>Elevations</b>	N/A	
<b>Elevations (Amended)</b>	N/A	
<b>Landscape Plan</b>	N/A	
<b>Findings of Fact</b>	N/A	
<b>Findings of Fact (Amended)</b>	N/A	
<b>C-S/D-P Statement</b>	N/A	

**COMPREHENSIVE PLAN ANALYSIS**

**Comprehensive Plan**

- The Comprehensive Plan recommends suburban neighborhood typology. The Suburban Neighborhood typology is predominantly made up of single-family housing but is interspersed with attached and multifamily housing where appropriate. This typology should be supported by a variety of neighborhood-serving businesses, institutions, and amenities. Natural Corridors and natural

features such as stream corridors, wetlands, and woodlands should be treated as focal points or organizing systems for development. Streets should be well-connected, and amenities should be treated as landmarks that enhance navigability of the development. This typology generally has a residential density of 1 to 5 dwelling units per acre, but a higher density is recommended if the development is within a quarter mile of a frequent transit line, greenway, or park.

### Pattern Book / Land Use Plan

- The Comprehensive Plan consists of two components that include the Pattern Book and the land use map. The Pattern Book provides a land use classification system that guides the orderly development of the county and protects the character of neighborhoods while also being flexible and adaptable to allow neighborhoods to grow and change over time.
- The Pattern Book serves as a policy guide as development occurs. Below are the relevant policies related to this request:
- *Conditions for All Land Use Types*
  - All land use types except small-scale parks and community farms/gardens in this typology must have adequate municipal water and sanitary sewer.
  - All development should include sidewalks along the street frontage.
  - Hydrological patterns should be preserved wherever possible.
  - Curvilinear streets should be used with discretion and should maintain the same general direction.
  - In master-planned developments, block lengths of less than 500 feet, or pedestrian cut-throughs for longer blocks, are encouraged.
- *Small-Scale Offices, Retailing, and Personal or Professional Services (defined as commercial uses with minimal outdoor operations, storage, or display on lots of less than 1.5 acres and a height of less than 35 feet).*
  - 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 the intersections of arterial streets and should be no closer than one mile to another commercial node with one acre or more of commercial uses except as reuse of a historic building.
  - Should be limited to an aggregate of 3.5 acres per intersection, with no one corner having more than 1.5 acres.
  - 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.



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- 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

- Not Applicable to the Site.

#### Infill Housing Guidelines

- Not Applicable to the Site.

#### Indy Moves

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

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



## ZONING HISTORY

**2021-ZON-046; 3125 North German Church Road (east of site)**, requested rezoning of 18 acres from the D-3 district to the D-5II district, **approved**.

**2019-CZN-812 / 2019-CPL-812; 3130 North German Church Road (east of site)**, requested rezoning of two acres from the D-3 district to the C-S district to provide for a convenience store / gasoline station, C-1, MU-1 and C-3 uses, with the following excluded uses: daily emergency shelter; check cashing or validation service; outdoor advertising sign; tattoo parlor; bar or tavern; pawn shop; wireless communications facility; plasma blood center; vape shops; bed and breakfast; liquor store; club or lodge; substation and utility distribution facility; amateur radio antenna; group home; artisan manufacturing; light manufacturing; temporary outdoor display and sales (not including produce sales); portable storage; and temporary outdoor event and approval of a Subdivision Plat to be known as Re-plat of Lots One and Two in Brinkman Farms Subdivision, dividing 20 acres into two lots, **withdrawn**.

**2009-ZON-081; 2800 German Church Road (south of site)**, requested the rezoning of 24 acres from the SU-3 district to the SU-1 district, **withdrawn**.

**2007-ZON-027; 2825 German Church Road (south of site)**, requested the rezoning of 27 acres from the D-P district to the D-P district to provide for 60 units in four-unit buildings and 40 single-family dwellings for a density of 3.7 units per acre, **approved**.

**2003-ZON-164; 2825 German Church Road (south of site)**, requested the rezoning of 32 acres from the D-A district to the D-P district to provide for five acres of commercial development and 27 acres of multi-family dwellings for a density of four units per acre, **approved**.

**2000-ZON-844 / 2000-VAR-844; 10990 East 30<sup>th</sup> Street (southwest of site)**, requested the rezoning of 0.448 acre from the D-A district to the C-3 district and variances of development standards to provide for a sign with a deficient setback and within the clear sight triangle, vehicle maneuvering in the right-of-way of 30<sup>th</sup> Street, parking in the front transitional yard and to legally establish a building in the proposed right-of-way, **approved**.

**950-Z-100; 11550 East 30<sup>th</sup> Street (east of site)**, requested rezoning of 119.4 acres from the D-A (FF) district to the D-3 (FF) classification to provide for single-family residential development, **approved**.

**94-Z-186; 10870 East 30<sup>th</sup> Street (southwest of site)**, requested the rezoning of 12 acres from the D-A district to the C-3 district, **denied**.





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**92-Z-128; 2702 German Church Road (southeast of site)**, requested the rezoning of 24.26 acres from the D-A and SU-1 districts to the SU-3 district, **approved**.

**88-Z-124; 11128 East 30<sup>th</sup> Street (east of site)**, requested the rezoning of 17.5 acres from the A-2 district to the D-4 district, **approved**.

**72-Z-310; 10920 East 30<sup>th</sup> Street (west of site)**, requested the rezoning of 9.79 acres from the A-2 district to the C-3- district, **approved**.



**EXHIBITS**

**EXHIBIT A**

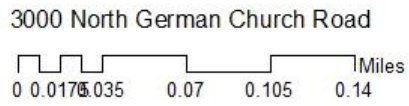
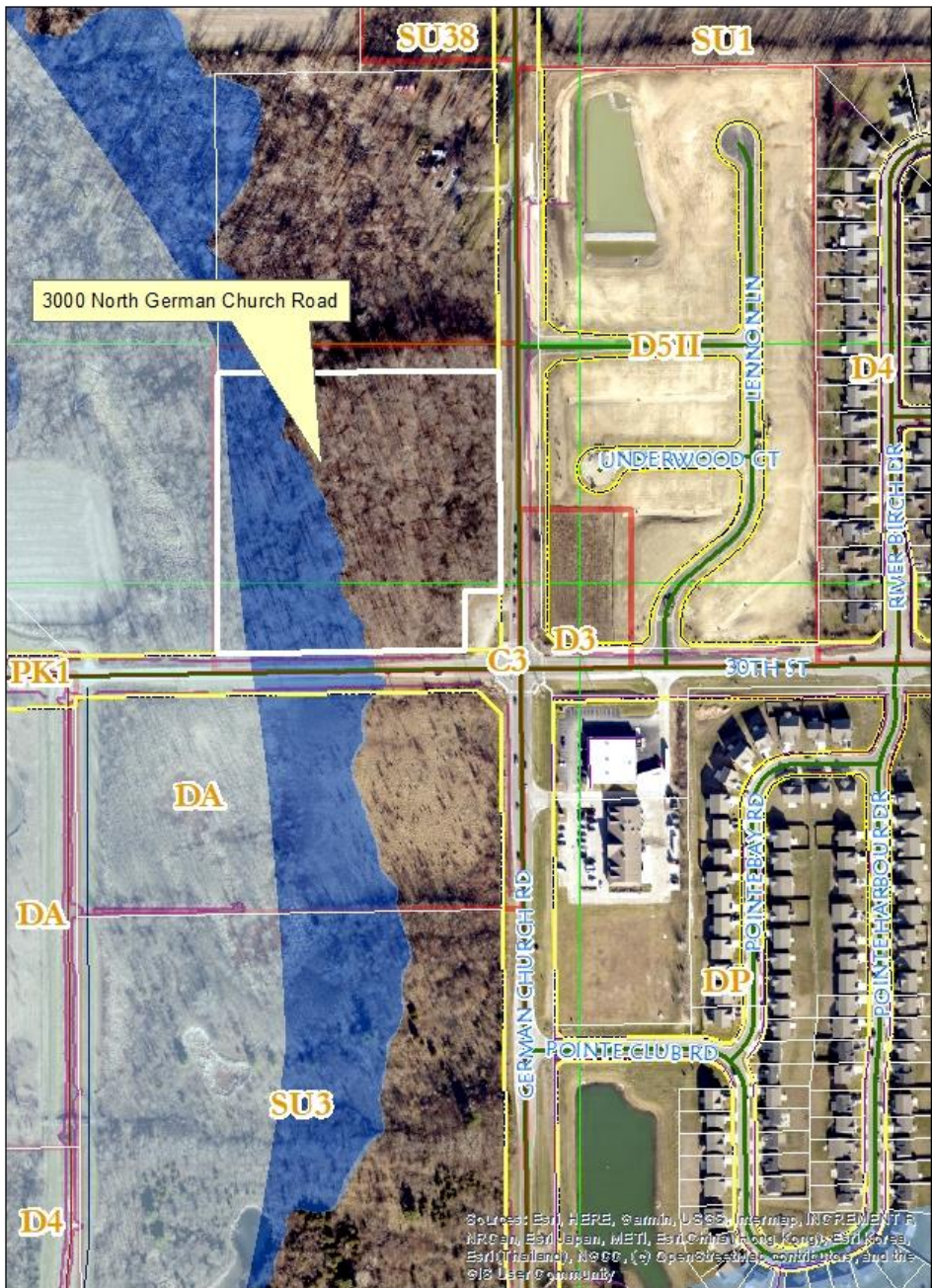
**Heritage Tree Conservation**

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**

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





View looking south along North German Church Road



View looking northwest across intersection of North German Church Road and East 30th Street



View of site looking west across North German Church Road



View of site looking north across East 30th Street



**METROPOLITAN DEVELOPMENT COMMISSION  
HEARING EXAMINER**

March 28, 2024

<b>Case Number:</b>	2024-ZON-010
<b>Property Address:</b>	8235 Bash Street
<b>Location:</b>	Lawrence Township, Council District #4
<b>Petitioner:</b>	Sohum Hotels, Castleton, LLC, by David Kingen
<b>Current Zoning:</b>	C-3 and C-4
<b>Request:</b>	Rezoning of 1.793 acres from the C-3 and C-4 districts to the C-4 district to provide for regional commercial uses.
<b>Current Land Use:</b>	Vacant land
<b>Staff Recommendations:</b>	Approval, subject to the following commitment.
<b>Staff Reviewer:</b>	Kathleen Blackham, Senior Planner

**PETITION HISTORY**

The Hearing Examiner continued this petition from the March 14, 2024 hearing, to the March 28, 2024 hearing, at the request of the petitioner's representative.

**STAFF RECOMMENDATION**

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

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

**PETITION OVERVIEW**

This site, zoned C-3 and C-4 is vacant and surrounded by commercial uses to the north, south (across Cresco Street), east and west (across Bash Street), all zoned C-4.

**Rezoning**

As proposed this request would be consistent with the Comprehensive Plan recommendation of community commercial typology. The community commercial typology would be contemplated to be either the C-3 or C-4 district, depending upon the surrounding land uses and the potential impact.



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This site was historically developed residentially but the dwellings were demolished between 1995 and 1997. The site has remained vacant and undeveloped for almost 27 years.

A portion of the site is currently zoned C-4 and surrounded by commercial uses all zoned C-4. Furthermore, this site is located within a large solidly commercial area. Consequently, the rezoning would be compatible with the area with minimal impact on surrounding commercial uses.

#### Environmental Public Nuisances

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

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

Environmental public nuisance means:

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

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



**GENERAL INFORMATION**

<b>Existing Zoning</b>	C-3 and C-4	
<b>Existing Land Use</b>	Vacant land	
<b>Comprehensive Plan</b>	Community Commercial typology	
<b>Surrounding Context</b>	<u><b>Zoning</b></u>	<u><b>Land Use</b></u>
	North:	C-4 Commercial uses
	South:	C-4 Commercial uses
	East:	C-4 Commercial uses
	West:	C-4 Commercial uses
<b>Thoroughfare Plan</b>		
Bash Street	Primary Collector	Existing and proposed 80-foot right-of-way
<b>Context Area</b>	Metro	
<b>Floodway / Floodway Fringe</b>	Yes – 500-year unregulated floodway fringe	
<b>Overlay</b>	No	
<b>Wellfield Protection Area</b>	No	
<b>Site Plan</b>	N/A	
<b>Site Plan (Amended)</b>	N/A	
<b>Elevations</b>	N/A	
<b>Elevations (Amended)</b>	N/A	
<b>Landscape Plan</b>	N/A	
<b>Findings of Fact</b>	N/A	
<b>Findings of Fact (Amended)</b>	N/A	
<b>C-S/D-P Statement</b>	N/A	

**COMPREHENSIVE PLAN ANALYSIS**

**Comprehensive Plan**

- The Comprehensive Land Use Plan (2018) recommends community commercial typology. “The Community Commercial typology provides for low-intensity commercial, and office uses that serve nearby neighborhoods. These uses are usually in freestanding buildings or small, integrated centers. Examples include small-scale shops, personal services, professional and business services, grocery stores, drug stores, restaurants, and public gathering spaces.”





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- “The C-4 (Regional) District is designed to provide for the development of major business groupings and regional-size shopping centers to serve a population ranging from a community or neighborhoods to a major segment of the total metropolitan area. These centers may feature a number of large traffic generators such as home improvement stores, department stores, and theatres. Even the smallest of such freestanding uses in this district, as well as commercial centers, require excellent access from major thoroughfares. While these centers are usually characterized by indoor operations, certain permitted uses may have limited outdoor activities, as specified.”

**Pattern Book / Land Use Plan**

- The Comprehensive Plan consists of two components that include the Pattern Book and the land use map. The Pattern Book provides a land use classification system that guides the orderly development of the county and protects the character of neighborhoods while also being flexible and adaptable to allow neighborhoods to grow and change over time.
- The Pattern Book serves as a policy guide as development occurs. Below are the relevant policies related to this request:
  - *Conditions for All Land Use Types*
    - All land use types except small-scale parks and community farms/gardens in this typology must have adequate municipal water and sanitary sewer.
    - All development should include sidewalks along the street frontage.

**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.



Department of Metropolitan Development  
Division of Planning  
Current Planning

### Indy Moves

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

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



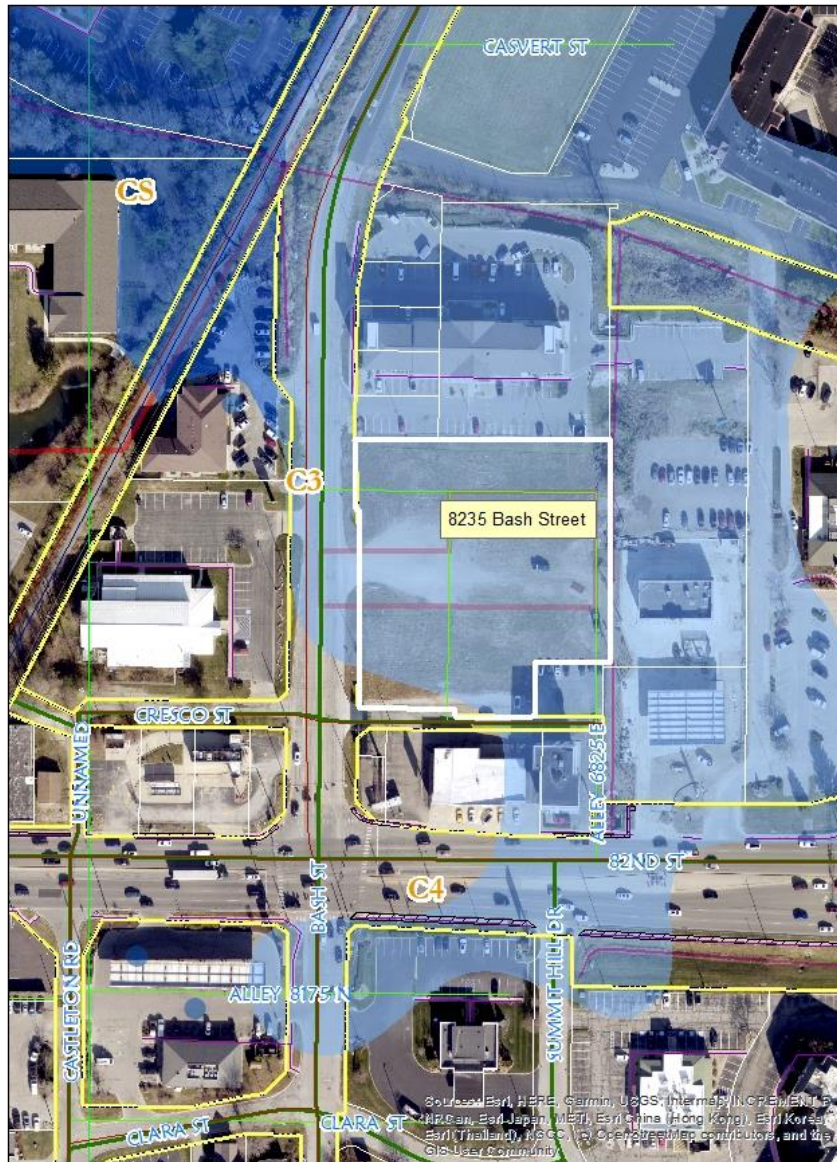
Department of Metropolitan Development  
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Current Planning

## ZONING HISTORY

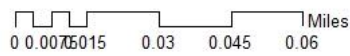
**86-Z-251; 8257 Bash Street (north of site)**, requested rezoning of 1.49 acres, being in the C-4 district, to the C-5 classification, to provide for a miniature golf course, **withdrawn**.

**80-Z-103; Various parcels (east of site)**, requested rezoning of various D-5 district parcels located in the Town of Castleton, Marion County, Indiana, to the C-4 classification, **approved**.

**EXHIBITS**

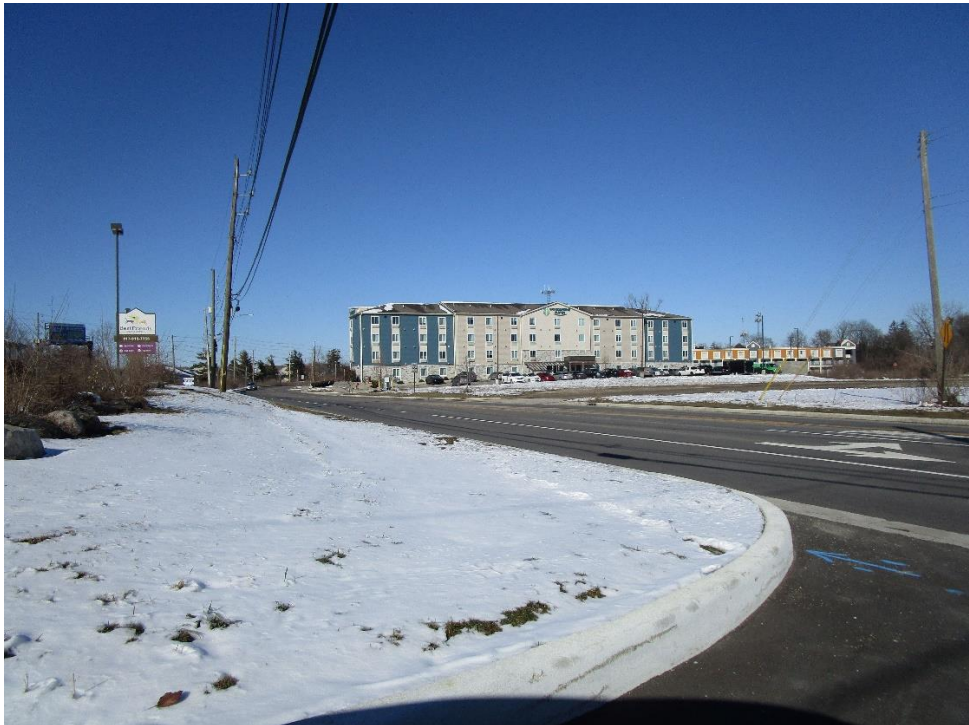


8235 Bash Street





View looking south along Bash Street



View looking north along Bash Street



View of site looking east across Bash Street



View from site looking north



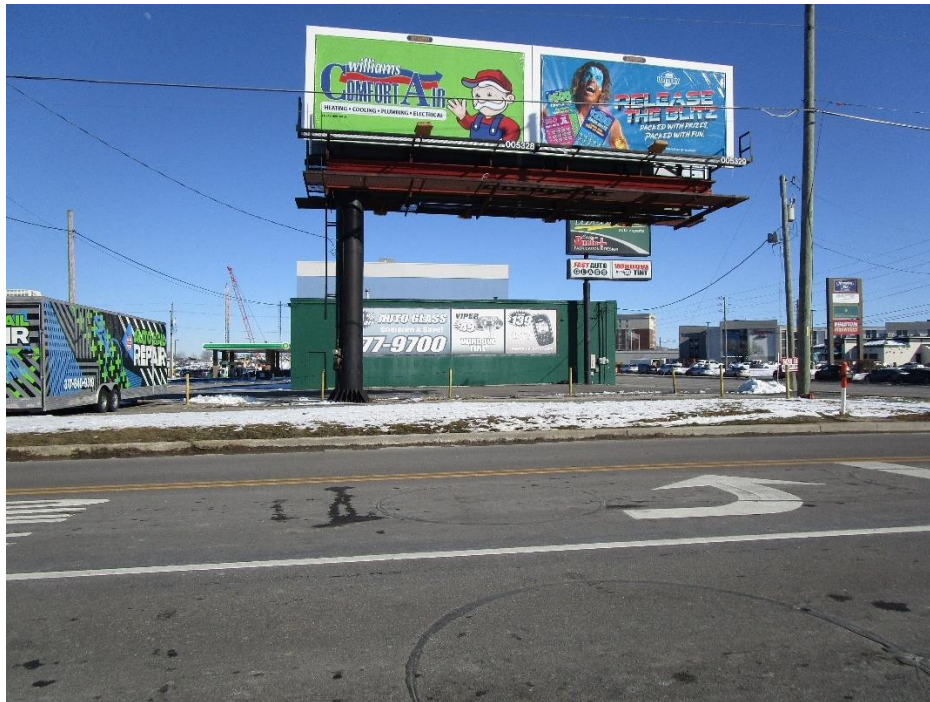
View from site looking east



View from site looking southeast



View of site looking northeast across Bash Street



View of adjacent property to the south looking east across Bash Street





**METROPOLITAN DEVELOPMENT COMMISSION** **March 28, 2024**  
**HEARING EXAMINER**

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

**Property Address:** 2457 Barnes Avenue (Approximate Address)

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

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

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

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

**Current Land Use:** Vacant with a residential accessory structure

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

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

**PETITION HISTORY**

This is the first public hearing on this petition.

**STAFF RECOMMENDATION**

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

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

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

**PETITION OVERVIEW**



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

## **LAND USE**

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

## **REZONING**

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

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

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

## **DEPARTMENT OF PUBLIC WORKS**

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

## **VARIANCE OF DEVELOPMENT STANDARDS**

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

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

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

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



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

**WELLFIELD PROTECTION SECONDARY ZONING**

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

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

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

**STAFF ANALYSIS**

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

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

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

**GENERAL INFORMATION**

<b>Existing Zoning</b>	D-5	
<b>Existing Land Use</b>	Vacant with a residential accessory structure	
<b>Comprehensive Plan</b>	3.5 to 5 units per acre	
<b>Surrounding Context</b>	<b><u>Zoning</u></b>	<b><u>Land Use</u></b>
	North:	D-5 Residential (Single-family dwelling)
	South:	D-5 Church
	East:	D-5 Residential (Single-family dwellings)
	West:	D-5 Residential (Single-family dwellings)
<b>Thoroughfare Plan</b>		
Barnes Avenue	Local Street	48-foot proposed right-of-way with a 45-foot existing right-of-way.
Edgemont Avenue	Local Street	



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

**COMPREHENSIVE PLAN ANALYSIS**

**Comprehensive Plan**

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

**Pattern Book / Land Use Plan**

- Not Applicable to the Site. Please see United Northwest Neighborhood Plan (2008) below.

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

- Not Applicable to the Site.

**Neighborhood / Area Specific Plan**

- United Northwest Neighborhood Plan (2008) recommends 3.5 to 5 units per acre development.

## Infill Housing Guidelines

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



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**Indy Moves**

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

- Not Applicable to the Site.



## ZONING HISTORY

### ZONING HISTORY – VICINITY

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

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

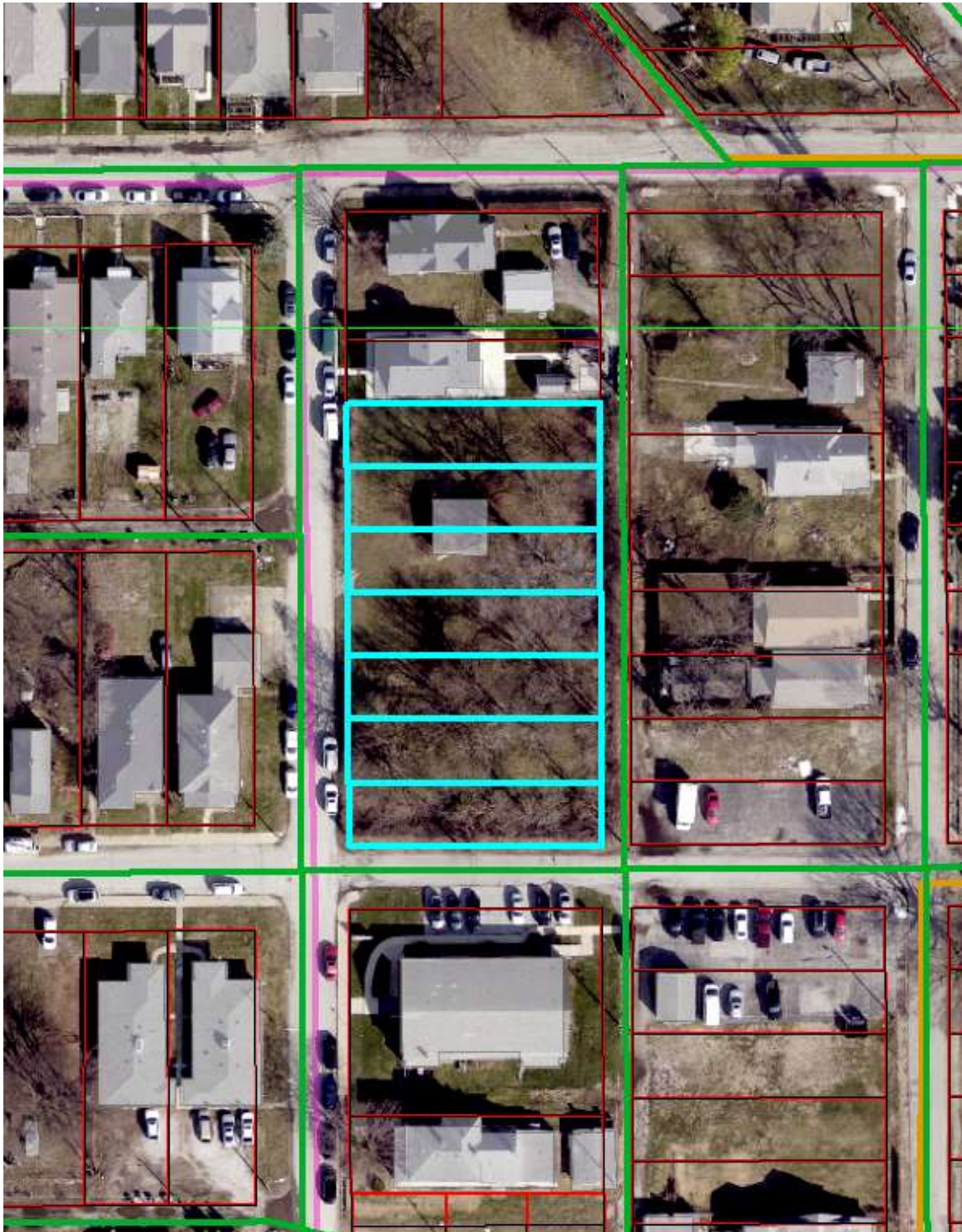
**2006-ZON-828 / 2006-VAC-828; 1104 Burdsal Parkway and 2413, 2417, 2421, 2425, 2433, 2439, 2443 and 2447 Bond Street** (southeast of site), Rezoning of 1.06 acres from the D-5 (W-1) (W-5) and I-3-U (W-1) (W-5) Districts, to the SU-1 classification to provide for religious uses and requests a vacation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

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

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

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

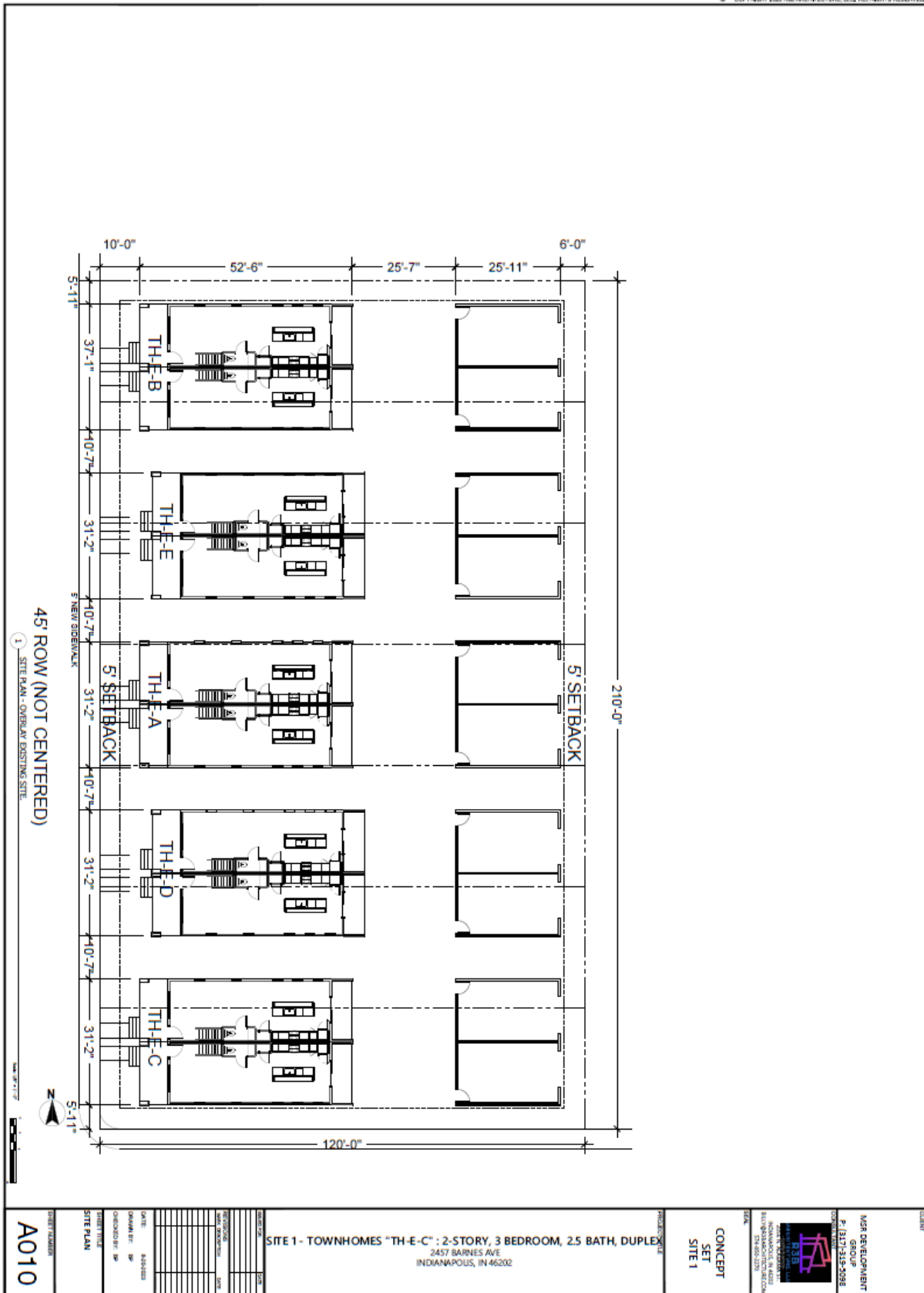
**EXHIBITS**

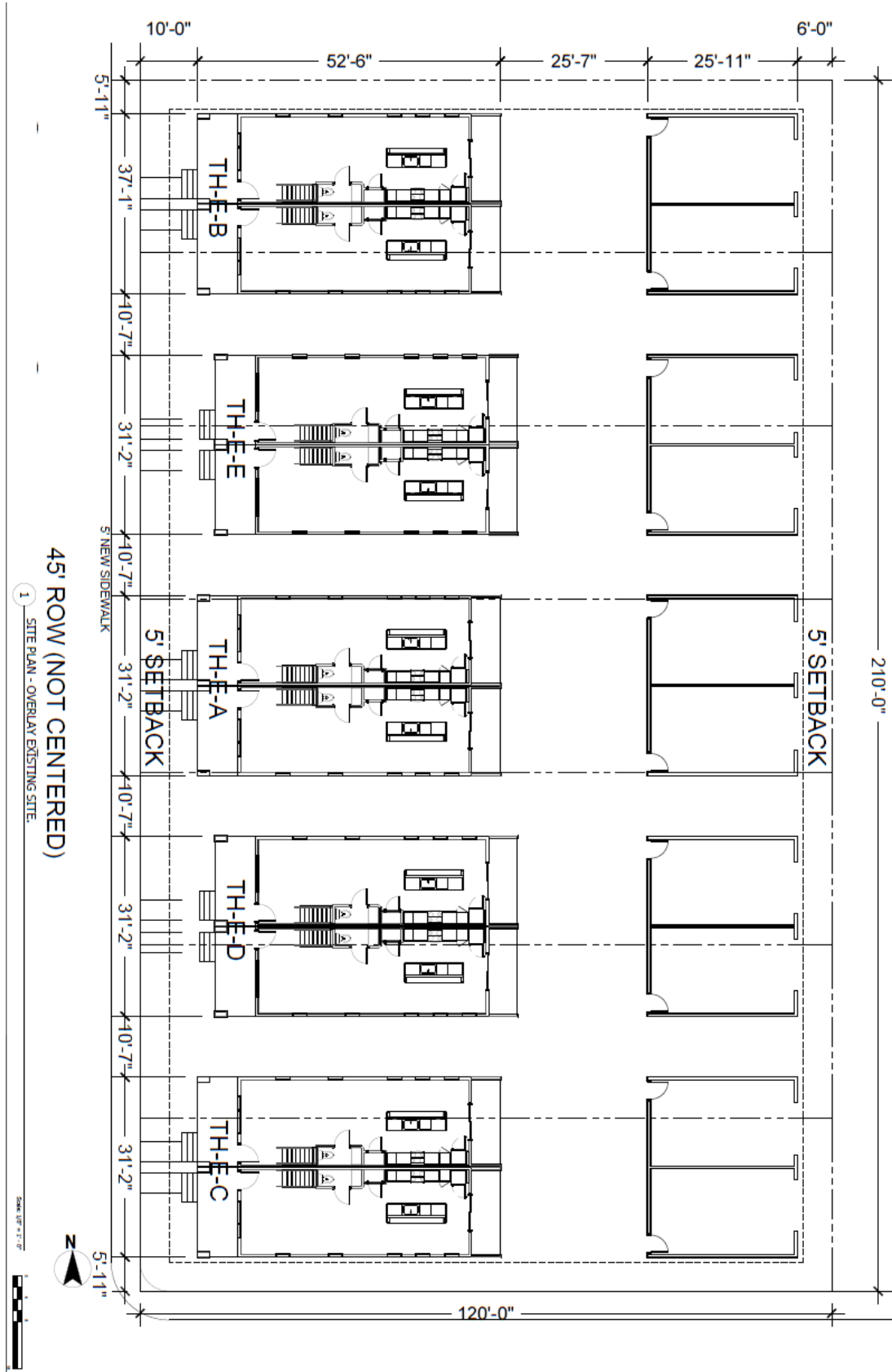


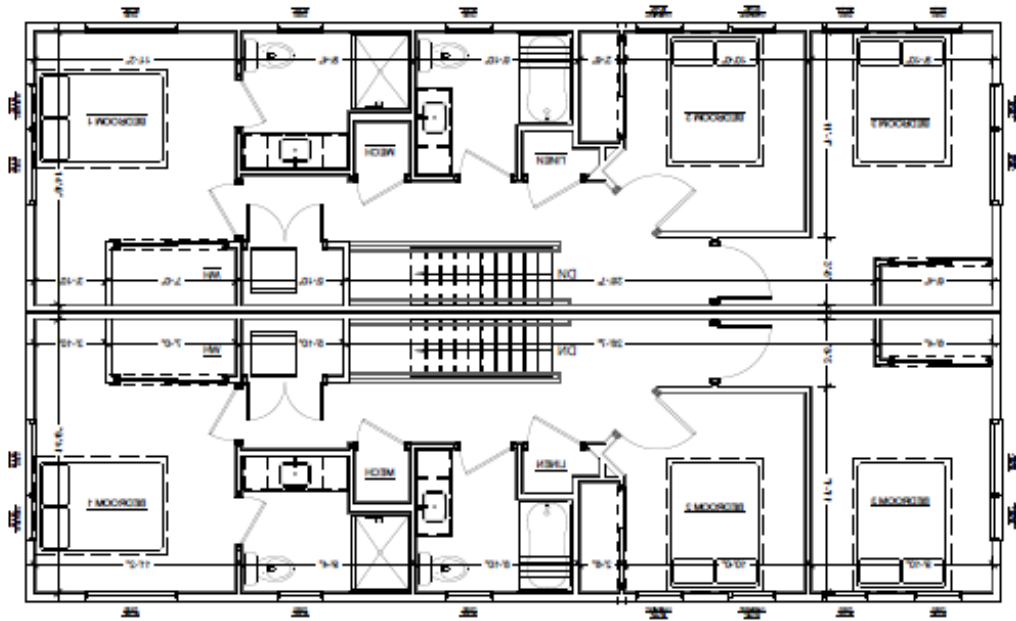




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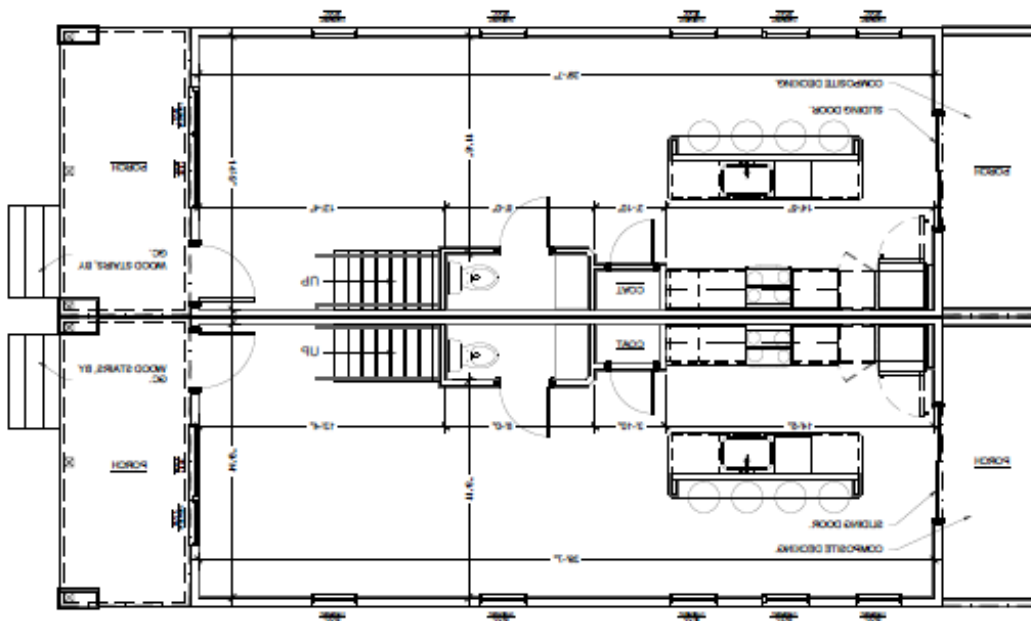






2 FLOOR PLAN - SECOND

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



1 FLOOR PLAN - GROUND

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



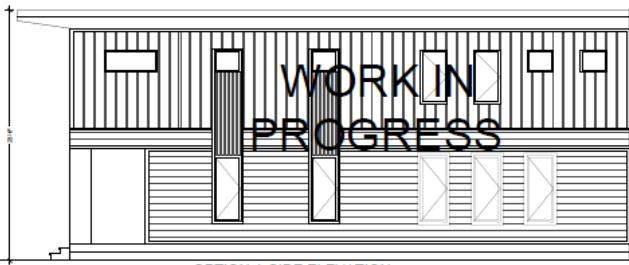
3 SITE RENDERING



2 SITE RENDERING



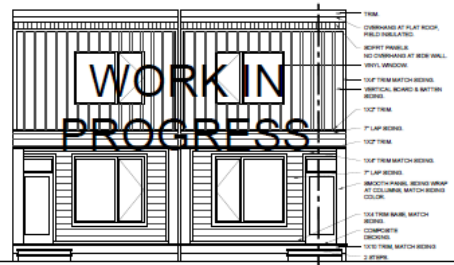
1 SITE RENDERING



OPTION A SIDE ELEVATION

4 ELEVATIONS: SIDE TH-E-A

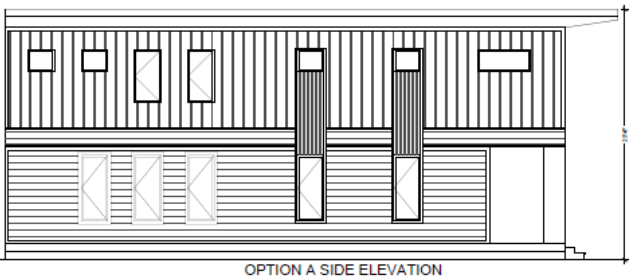
Scale: 1/8" = 1'-0"



OPTION A

3 ELEVATIONS: REAR TH-E-A

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



OPTION A SIDE ELEVATION

1 ELEVATIONS: SIDE TH-E-A

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



OPTION A

1 ELEVATIONS: FRONT TH-E-A

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



4 ELEVATION: SIDE

444-0711-02

3 ELEVATION: REAR

444-0711-02



1 ELEVATION: SIDE

444-0711-02

1 ELEVATION: FRONT

444-0711-02



4 ELEVATION: SIDE

444-0711-02

3 ELEVATION: REAR

444-0711-02



1 ELEVATION: SIDE

444-0711-02

1 ELEVATION: FRONT

444-0711-02



4 ELEVATIONS: SIDE

1 ELEVATIONS: FRONT



4 ELEVATIONS: SIDE

1 ELEVATIONS: FRONT



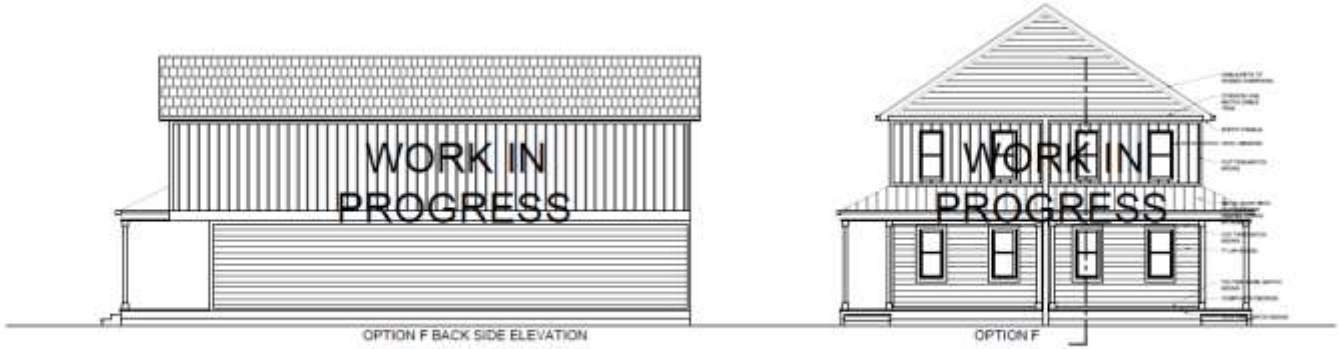
4 ELEVATIONS: SIDE

1 ELEVATIONS: FRONT



4 ELEVATIONS: SIDE

1 ELEVATIONS: FRONT



4 ELEVATIONS: SIDE

3 ELEVATIONS: REAR



1 ELEVATIONS: SIDE

2 ELEVATIONS: FRONT





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

PETITION FOR VARIANCE OF DEVELOPMENT STANDARDS

FINDINGS OF FACT

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

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

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

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

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

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

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Photo of the subject site looking northeast.



Photo of the street frontage along Edgemont Avenue.



Photo of the street frontage along Barnes Avenue.



Photo of the existing detached garage on the subject site.



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



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



Photo of the alley east of the site looking south from 25<sup>th</sup> Street.



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



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



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



Photo of the church south of the site.



**METROPOLITAN DEVELOPMENT COMMISSION  
HEARING EXAMINER**

March 28, 2024

<b>Case Number:</b>	2024-CZN-810 / 2024-CVR-810
<b>Property Address:</b>	2460, 2502, 2514, 2520, and 2524 North Delaware Street and 164 East 25th Street (Approximate Addresses)
<b>Location:</b>	Center Township, Council District #12
<b>Petitioner:</b>	Chatham Park Development, LLC, by Andi M. Metzler
<b>Current Zoning:</b>	MU-2 / SU-7 / D-8
<b>Request:</b>	<p>Rezoning of 0.94 acre from the D-8, MU-2, and SU-7 (TOD) districts to the MU-2 (TOD) district for a proposed mixed-use development, consisting of 46 dwelling units and approximately 5,000 square feet of retail space.</p> <p>Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for front building line of 41.3% and 42.4% along 25th Street (minimum of 80% required), parking and maneuvering that extends beyond the building and less than required minimum setback (not permitted beyond the building and a minimum of 50-foot setback required), parking space dimensions of 8.5-foot by 18-foot (minimum of 9-foot by 18-foot and 180 square feet required), alley curb cut and pavement of 14 feet (minimum of 15 feet required), clear sight triangle encroachment for the proposed buildings at the intersection of Delaware Street and 25th Street (not permitted), clear sight triangle encroachment of a proposed trash enclosure at the intersection of 25th Street and an alley (not permitted), two-foot side transitional yard for parking areas (minimum 15-foot required) and a two-foot rear transitional yard for parking areas and a trash enclosure (minimum of 10 feet required).</p>
<b>Current Land Use:</b>	Vacant
<b>Staff Recommendations:</b>	<p><b>Denial</b> of the clear sight triangle encroachment for the trash enclosure.</p> <p><b>Approval</b> of the rezoning and remaining variances subject to commitments.</p>
<b>Staff Reviewer:</b>	Marleny Iraheta, Senior Planner

**PETITION HISTORY**

This is the first public hearing on this petition.

**STAFF RECOMMENDATION**

Staff **recommends denial** of the variance request for clear sight triangle encroachment of a proposed trash enclosure at the intersection of 25th Street and an alley.





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

1. A final landscape plan shall be submitted for Administrator's Approval showing the street frontage landscaping and screening for transformers and relocation of the dumpster at 2460 Delaware Street prior to the issuance of an Improvement Location Permit.
2. Final building elevations shall be submitted for review and approval by the City Architect.
3. A 39-foot half right-of-way along Delaware Street and a 28-foot half right-of-way along 25th Street shall be dedicated, as per the request of the Department of Public Works (DPW), Engineering Division. Additional easements shall not be granted to third parties within the area to be dedicated as public right-of-way prior to the acceptance of all grants of right-of-way by the DPW. The right-of-way shall be granted within 60 days of approval and prior to the issuance of an Improvement Location Permit (ILP).

## PETITION OVERVIEW

### LAND USE

The 0.94-acre subject site consists of six parcels that fall within the Near Northside Neighborhood. The northern parcels are part of the Douglass Park Subdivision, and the southern parcel is part of the E B Martindale's Lincoln Park Subdivision.

The site consists of undeveloped lots with a gravel surface parking lot at 2502 Delaware Street. The sites are surrounded by single-family dwellings to the south, west, and north, zoned D-8, and mixed-use development, zoned D-P, and single-family dwellings, zoned D-8, to the east.

### REZONING

The request would rezone the properties to the MU-2 (TOD) district for a proposed mixed-use development, consisting of 46 dwelling units and approximately 5,000 square feet of retail space.

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 SU-7 district is intended for charitable, philanthropic, and not-for-profit institution uses.

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



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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.

### **Department of Public Works**

The Department of Public Works, Traffic Engineering Section, has requested the dedication and conveyance of a 39-foot half right-of-way along Delaware Street and a 28-foot half right-of-way along 25<sup>th</sup> Street. This dedication would also be consistent with the Marion County Thoroughfare Plan.

### **VARIANCE OF DEVELOPMENT STANDARDS / STAFF ANALYSIS**

The subject sites fall within the Transit Oriented Development Secondary Zoning District and Red Line Transit-Oriented Development Strategic Plan (2021). Development within this area would allow for high density and/or mixed-use development to ensure the viability of more housing types and job creating opportunities.

Per Table 744-702-3: Private Frontage Design Standards, 25<sup>th</sup> Street would be classified as a Pedestrian/Urban frontage type and Delaware Street would be classified as a Connector frontage type.

The variances requested along 25<sup>th</sup> Street as a Pedestrian/Urban street frontage include a front building line of 41.3% and 42.4% along 25<sup>th</sup> Street where a minimum of 80% required, for parking and maneuvering to extend beyond the building which is not permitted and less than required minimum setback for surface parking.

There is a practical difficulty with meeting the 80% required front building line at 25<sup>th</sup> Street because the lot is narrow and would not allow for the parking requirements to be met for the mixed-use development otherwise. Additionally, in order to provide sufficient parking for the two proposed buildings, the parking area would not meet the 50-foot setback and areas for maneuverability would extend beyond the front building line. To reduce the visibility of the parking area, staff is requesting a final landscape plan to be submitted for Administrative Approval that shows street frontage landscaping and screening along Delaware Street and 25<sup>th</sup> Street.

In order to meet the parking requirements, the size of the parking spaces were reduced to 8.5-foot by 18-foot where a minimum of 9-foot by 18-foot and 180 square feet is required. This slight reduction is supportable by staff.

Staff saw the proposed alley curb cut and pavement of 14 feet where 15 feet is required as a small deviation.

The proposal would also request reduced transitional yards since the overall development would abut protected districts. Two-foot side transitional yards for parking areas would be requested south of 2460 Delaware Street and north of 2524 Delaware Street where 15 feet is required. A two-foot rear transitional yard would be proposed for the parking area and trash enclosure where 10 feet is required. Ultimately, the approval of these setback reductions would allow for the type of development that should be located along Transit-Oriented development nodes, which is why staff is supportive of the requests.



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### Clear Sight Triangle

The clear-sight triangle requirement is to provide for sight visibility for pedestrians, cyclists, and motorists, at an intersection. Reduction in visibility at intersections would increase the possibility of traffic conflicts and accidents.

A map showing the clear sight triangles per the Zoning Ordinance is provided in the report. Due to the proposal for the conversion of Delaware Street from a one-way street to two-way street, staff asked the Department of Public Works (DPW) to comment on the proposed clear sight triangle encroachment. DPW has a clear sight triangle of their own to determine what would be adequate for visibility based on speed. An aerial map was provided by DPW that shows the clear sight triangle that they would be most concerned about.

When comparing the clear sight triangle from DPW and the proposed location of the buildings, it shows that the development would be outside of their parameters. Therefore, staff is comfortable with the clear sight triangle variance for the buildings. Staff is not supportive of the dumpster encroachment into the clear sight triangle because that could easily be relocated on site.

### GENERAL INFORMATION

<b>Existing Zoning</b>	MU-2 / SU-7 / D-8	
<b>Existing Land Use</b>	Vacant	
<b>Comprehensive Plan</b>	Traditional Neighborhood	
<b>Surrounding Context</b>	<b>Zoning</b>	<b>Land Use</b>
North:	D-8	Residential (Single-family dwelling)
South:	D-8	Residential (Single-family dwelling)
East:	D-P	Enter Land Use
West:	D-8	Residential (Single-family dwellings)
<b>Thoroughfare Plan</b>		
Delaware Street	Primary Arterial Street	78-foot proposed right-of-way and 60 to 65-foot existing right-of-way range.
25 <sup>th</sup> Street	Secondary Arterial Street	56-foot proposed right-of-way and 50-foot existing right-of-way.
<b>Context Area</b>	Compact	
<b>Floodway / Floodway Fringe</b>	No	
<b>Overlay</b>	Yes	
<b>Wellfield Protection Area</b>	No	
<b>Site Plan</b>	February 23, 2024	
<b>Site Plan (Amended)</b>	N/A	
<b>Elevations</b>	February 23, 2024	
<b>Elevations (Amended)</b>	N/A	
<b>Landscape Plan</b>	N/A	



<b>Findings of Fact</b>	February 23, 2024
<b>Findings of Fact (Amended)</b>	N/A
<b>C-S/D-P Statement</b>	N/A

**COMPREHENSIVE PLAN ANALYSIS**

**Comprehensive Plan**

- Marion County Land Use Plan Pattern Book (2019)
- Red Line Transit-Oriented Development Strategic Plan (2021)

**Pattern Book / Land Use Plan**

- The Marion County Land Use Plan Pattern Book (2019) recommends Traditional Neighborhood development for the subject site.
- The Traditional Neighborhood typology includes a full spectrum of housing types, ranging from single family homes to large-scale multifamily housing. The development pattern of this typology should be compact and well-connected, with access to individual parcels by an alley when practical. Building form should promote the social connectivity of the neighborhood, with clearly defined public, semi-public, and private spaces. Infill development should continue the existing visual pattern, rhythm, or orientation of surrounding buildings when possible. A wide range of neighborhood-serving businesses, institutions, and amenities should be present. Ideally, most daily needs are within walking distance. This typology usually has a residential density of 5 to 15 dwelling units per acre, but a higher density is recommended if the development is within a quarter mile of a frequent transit line, greenway, or park.
- **Conditions for All Land Use Types**
  - All land use types except small-scale parks and community farms/gardens in this typology must have adequate municipal water and sanitary sewer.
  - All development should include sidewalks along the street frontage.
  - In master-planned developments, block lengths of less than 500 feet, or pedestrian cut-throughs for longer blocks, are encouraged.
- **Conditions for All Housing**
  - A mix of housing types is encouraged.
  - Should be within a one-mile distance (using streets, sidewalks, and/or off-street paths) of a school, playground, library, public greenway, or similar publicly-accessible recreational or cultural amenity that is available at no cost to the user.
  - Primary structures should be no more than one and a half times the height of other adjacent primary structures.
  - Should be oriented towards the street with a pedestrian connection from the front door(s) to the sidewalk. Driveways/parking areas do not qualify as a pedestrian connection.



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- 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.
- **Attached Housing**
  - Duplexes should be located on corner lots, with entrances located on different sides of the lot.
  - It is preferred that townhomes should be organized around intersections of neighborhood collector streets, greenways, parks or public squares, or neighborhood-serving retail.
  - If the above conditions are not met, individual buildings of attached housing (not part of a complex) may be interspersed with single-family homes but should not make up more than 25% of the primary residential structures on a block.
- **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 site falls within the Transit-Oriented Development (TOD) overlay, which is intended for areas within walking distance of a rapid transit station. The purpose of this overlay is to promote pedestrian connectivity and a higher density than the surrounding area.
- This overlay modifies attached housing to a residential density of 15+ units per acre.

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

- The site is located within the Red Line Transit-Oriented Development Strategic Plan (2021).
- The closest station to the site is located within a ¼ mile northwest at the intersection of Meridian Street and Fall Creek Parkway North Drive. This station is categorized as a Community Center with the potential for a dense mixed-use neighborhood center with a minimum of 2 stories at core, no front or side setbacks at core, zero to 10-foot front setbacks and zero to 10-foot side setback at the periphery. Multi-family housing with a minimum of three units and structured parking at the core and attractive surface parking at the periphery could be proposed.



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- The proposed development would meet the front and side setbacks anticipated in this plan in addition to providing mixed-use development.

**Neighborhood / Area Specific Plan**

- Not Applicable to the Site.

**Infill Housing Guidelines**

- Not Applicable to the Site.

**Indy Moves**

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

- Not Applicable to the Site.

## ZONING HISTORY

### Site Zoning History

**2014-ZON-017; 2460 North Delaware Street** (subject site), Rezoning 0.36 acres from the D-8 district to the C-3C classification to provide for mixed-use development, **approved**.

**91-AP2-14; 2502 Delaware Street** (subject site), Modification of conditions pursuant to 65-V-60 to permit the placement of a 30-square foot pole sign and pursuant to Petition 84-UV2-51 to permit the continued use of the outdoor advertising signs, **granted**.

**91-UV3-41; 2502 North Delaware Street** (subject site), Variance of use to permit vending machines and existing wall signs, **granted**.

**85-Z-53; 2542 North Delaware Street** (subject site), rezoning from the D-8 District to the SU-7 classification to provide for narcotics treatment, youth education and rehabilitation, **approved**.

**84-UV2-51; 2502 North Delaware Street** (subject site), Variance of use to permit an addition to a liquor store, **granted**,

**65-V-60; 2502 North Delaware Street** (subject site), Variance of use to permit a package liquor store, **granted**.

**64-V-475; 2502 North Delaware Street** (subject site), Variance of use to permit an automobile seat cover business, **granted**.

**64-V-400; 2502 North Delaware Street** (subject site), Variance of use to permit the sale of alcoholic beverages and a wall sign, **withdrawn**.

**60-V-125; 2502 North Delaware Street** (subject site), Variance of use to permit an automobile seat cover business, **granted for temporary period of one year**.

**59-V-403; 2502 North Delaware Street** (subject site), Variance of use to permit an automobile seat cover business, **denied**.

**59-V-151; 2502 North Delaware Street** (subject site), Variance of use to permit the outdoor display and sale of automobiles, **granted**.

### Surrounding Zoning History

**2016-CZN-814 / 2016-CVR-814; 2542 North Delaware Street**, (north of site), Rezoning of 0.84 acre from the SU-7 district to the D-8 classification to provide for single-family residential uses and Variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for eight single-family dwellings, with a five-foot front setback (25-foot front setback required), with two-foot side setbacks and 6.5 feet between dwellings (minimum four-foot side setback and 10 feet between buildings required), and with accessory buildings, with two-foot and three-foot side setbacks (minimum



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four-foot side setbacks required), and to provide for 47% open space (55% open space required), **approved.**

**2015-ZON-062; 2449-2457 North Delaware Street** (east of site), Rezoning of 0.06 acre from the D-P district to the D-P classification to provide for a tavern with outdoor seating.

**2014-ZON-042; 2501 North Talbott Street** (west of site), Rezone 0.15 acre from the SU-7 and D-8 districts to the D-8 classification, to provide for single-family residential development,

**2005-ZON-122; 2519 North Delaware Street** (east of site), Rezoning of 0.17 acre, being in the C-3 District, to the D-8 classification to provide for the construction of a single-family dwelling, **approved.**

**2005-ZON-140; 2449 through 2509 North Delaware Street** (east of site), Rezoning of 0.64-acre from D-8 and C-3 to D-P to provide for the construction of two mixed-use buildings, **approved.**

**2002-ZON-137; 2505 and 2513 North Talbott Street** (west of site), Rezoning of 0.25 acre from SU-7 to D-8, to provide for single-family residential development, **approved.**

**95-HOV-26; 236 East 25<sup>th</sup> Street** (east of site), Variance of development standards of the Dwelling Districts Zoning Ordinance to provide for the construction of single-family residences, associated with the Fall Creek Proper Subdivision, with reduced front yard setbacks, **approved.**

**85-Z-53; 2452 North Delaware Street** (west and north of site), Rezoning of 1.8 acres from D-8 to SU-7 to provide for non-profit Christian treatment facility and to permit the construction of a small shed, **approved.**

**83-Z-3; 2501 North Delaware Street** (east of site), Rezoning of 0.26 acre, being in the D-8 district, to the C-3 classification, to provide for commercial use, **approved.**

**76-UV1-52; 2542 North Delaware Street** (north of site), Variance of use and development standards to permit the construction of a youth education and rehabilitation organization with live-in facilities, **granted.**



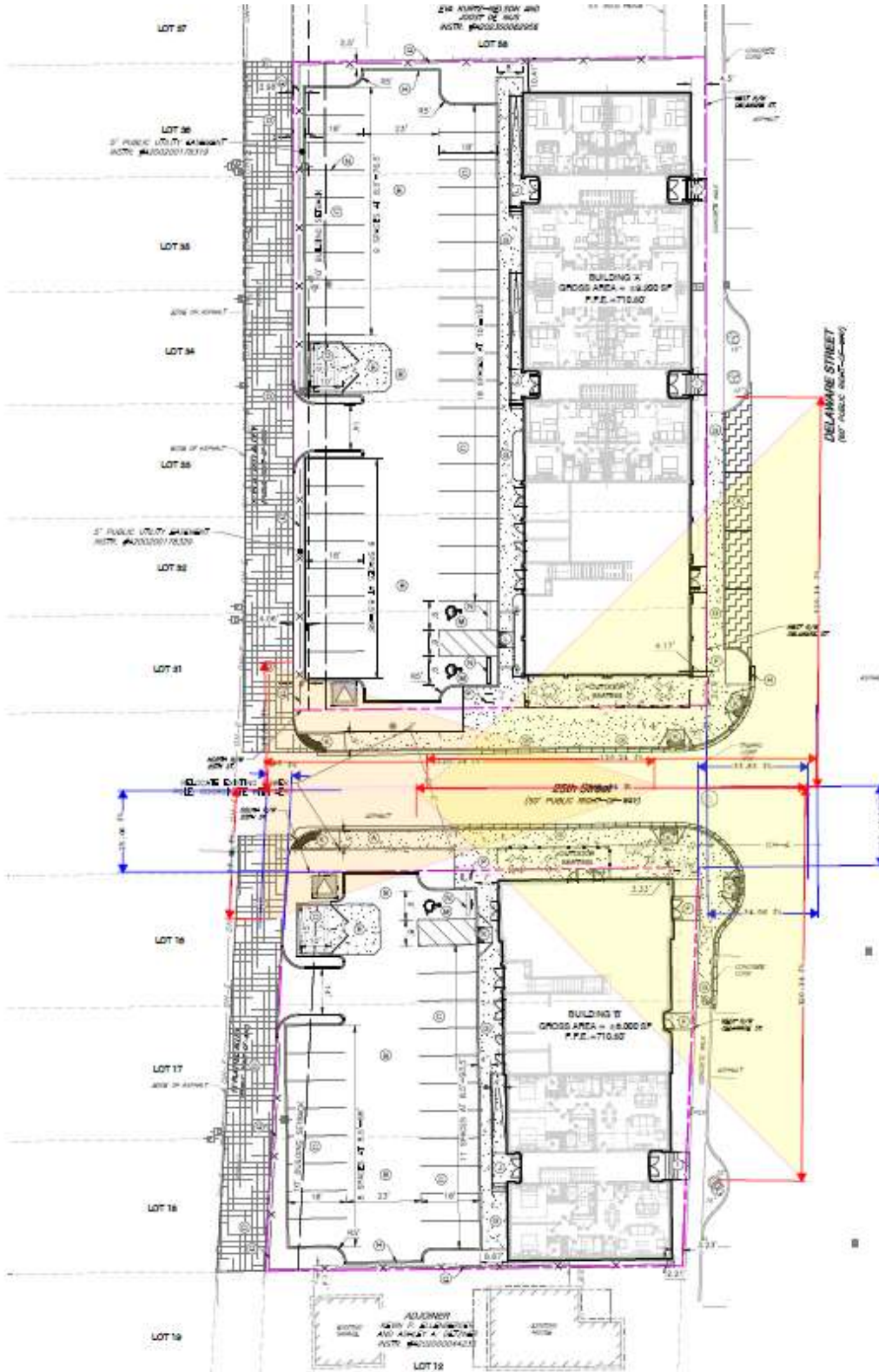
**EXHIBITS**



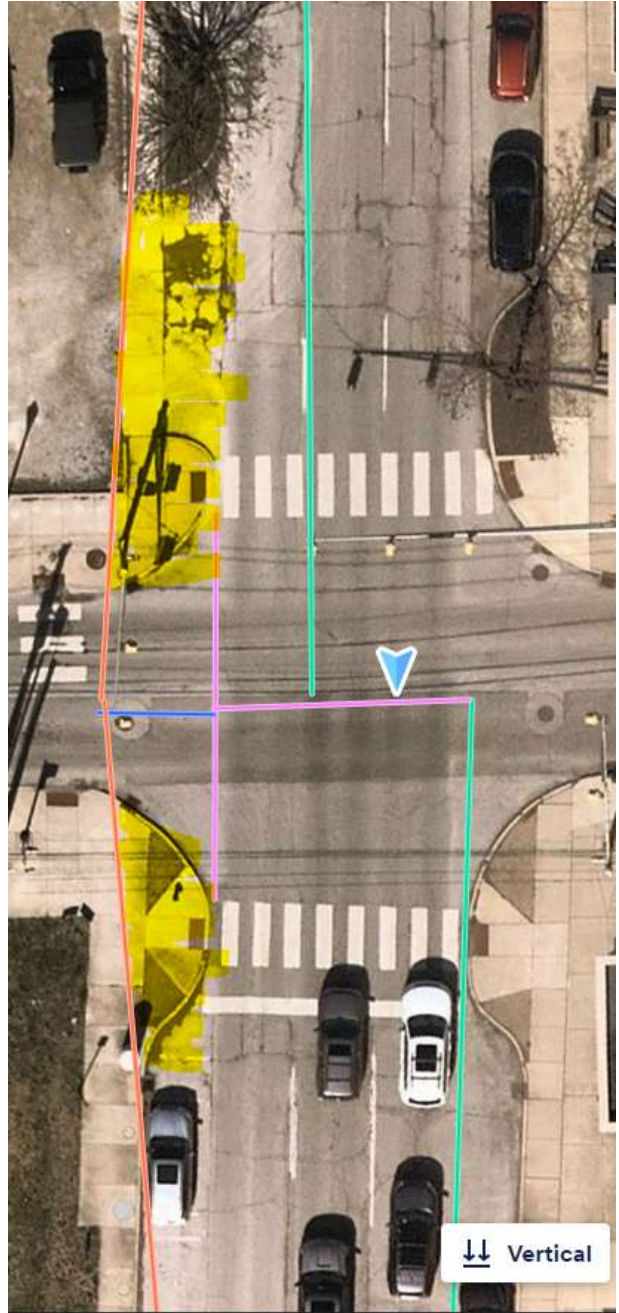
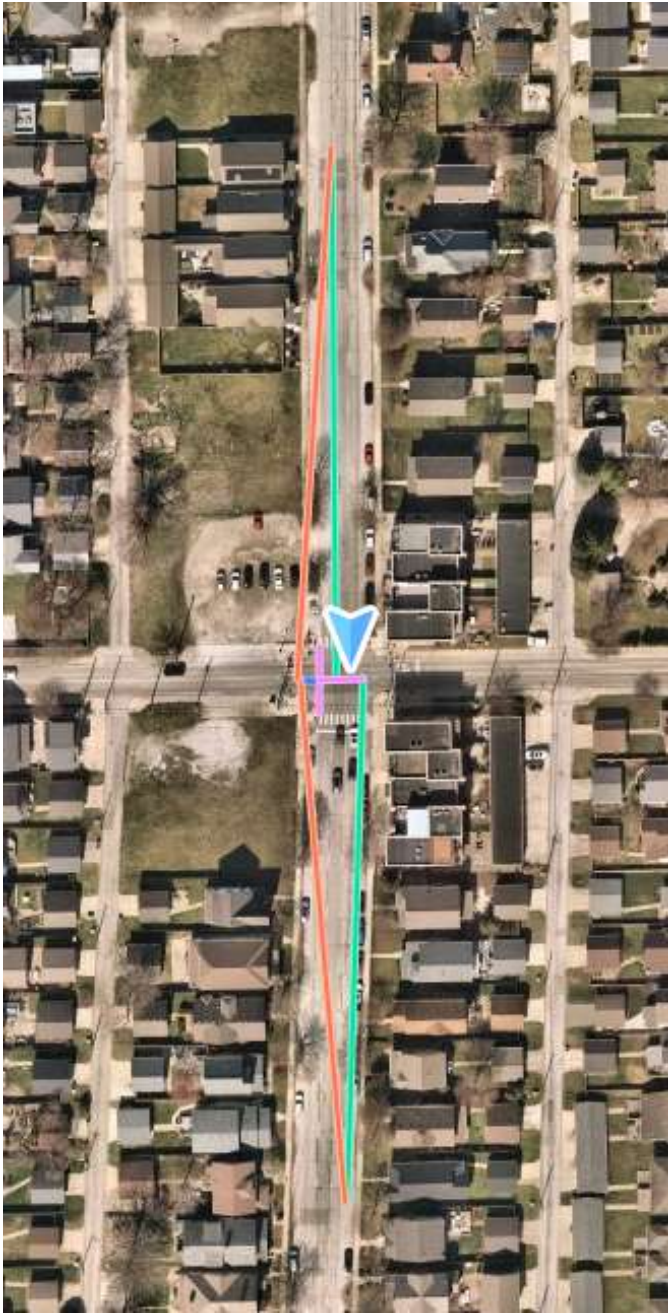








Clear Sight Triangles



DPW Clear Sight Triangle



Signage locations are conceptual in nature.

Conceptual Exterior Elevations - North Building

Scale: 1/8" = 1'-0" February 21, 2014



Signage locations are conceptual in nature.

Conceptual Exterior Elevations - South Building

Scale: 1/8" = 1'-0" February 21, 2014



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STUDIO M ARCHITECTURE & PLANNING CHATHAM PARK DEVELOPMENT

Conceptual Model View 5  
February 22, 2024



STUDIO M ARCHITECTURE & PLANNING CHATHAM PARK DEVELOPMENT

Conceptual Model View 6  
February 22, 2024





**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:  
granting the reduced clear sight triangle variance will allow for the construction of a 3-story, walk-up style, 46 unit mixed use development with 5,000+ sf. of retail amenity space on underutilized lots. The buildings are intentionally oriented and situated in a manner that is consistent with existing area structures and their set-back positioning. The existing traffic light at 25th and Delaware Street has a traffic calming effect and helps to ensure the safety of the intersection.

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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 clear sight triangle variance will allow for the construction of a 3-story, walk-up style, 46 unit mixed use development with 5,000+ sf. of retail amenity space on underutilized lots. The project will activate, improve and clean up the properties and will bring amenities that improve the value of these and adjacent area properties.

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3. The strict application of the terms of the zoning ordinance will result in practical difficulties in the use of the property because:  
the proposed mixed-use development would not be viable without the ability to build into the clear sight triangle by maximizing the space of the compact lots with high-quality design and construction elements. The proposed development compliments and is consistent with the reduced clear sight triangle areas for existing structures at this same intersection.

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**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 Oxford Row proposed frontages, set backs, yards, parking and building area are consistent with area structures and have been thoughtfully designed to bring high-quality housing and amenity construction to transform this underutilized segment of the neighborhood into a vibrant and contributing part of the community  
The variances will not interfere with traffic and will allow the project to be developed with an active, walkable street-scape while still providing sufficient spaces for off-street parking. The development design is appropriate in the Traditional Neighborhood typology.

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 variances will allow for the construction of mixed use buildings on vacant and underutilized sites which will help to activate, improve and clean up the properties and to bring amenities that contribute to and add value to the immediate area.

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

The proposed development would not be possible without the ability to maximize the compact lot spaces for housing, retail and parking areas, having the highest quality architectural effect that compliments existing structures in the vicinity.



Photo of the subject site looking north along Delaware Street.



Photo of 2460 North Delaware Street.



Photo of the street frontage along 25<sup>th</sup> Street at 2460 North Delaware Street.



Photo of the alley west of 2460 North Delaware Street.



Photo of 2502 North Delaware Street and 164 East 25th Street.



Photo of the subject site at 3542 and 2520 North Delaware Street.



Photo of the alley west of 2502, 2514, 2520, and 2524 North Delaware Street and 164 East 25th Street.



Street frontage along Delaware Street looking south.



Photo of the subject site at ,2502, 2514, 2520, and 2524 North Delaware Street and 164 East 25th Street.



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



Photo of the mixed-use development east of the site.



Photo of the mixed-use development at the northeast corner of Delaware and 25<sup>th</sup> Street.





Photo of the mixed-use development at the southeast corner of Delaware and 25th Street.



Photo of the southern property boundary at 2460 North Delaware Street and abutting dwelling.