



Metropolitan Development Commission Hearing Examiner (April 11, 2024) Meeting Agenda

Meeting Details

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

Date: Thursday, April 11, 2024

Time: 1:00 PM

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

Business:

Special Requests

1. 2024-ZON-009 | 5252 West 52nd Street

****Request for a three-day waiver of the 23-day written notice period**

2. 2024-ZON-015 | 2053 Yandes Street

****Motion to dismiss petition (pursuant to Article VI, Section 9, MDC Rules of Procedure), filed by remonstrator**

PETITIONS REQUESTING TO BE CONTINUED:

1. 2024-APP-005 | 1616 East 25th Street

Center Township, Council District #8

PK-1

City of Indianapolis, Department of Parks and Recreation, by Mistie Nigh

Park District One Approval to provide for building signage for Frederick Douglass Park Family Center.

****Petitioner request for continuance to April 25, 2024**

2. 2023-ZON-129 | 3050 North Illinois Street

Center Township, Council District #8

The Children's Museum of Indianapolis, by Jamilah Mintze

Rezoning of 3.31 acres from the C-S (TOD) district to the C-S (TOD) district to provide for a storage building.

Modification of Site Plan related to 2003-ZON/VAR-805 and 2004-APP-041 to provide for an updated site plan to include the proposed storage building.

****Staff request for continuance to May 9, 2024, with Notice**

3. 2024-ZON-028 | 5332 South Franklin Road

Franklin Township, Council District #25

Lennar Homes of Indiana, LLC., by Brian J. Tuohy

Rezoning of 75.3 acres from the D-A district to the D-4 district to provide for single-family residential development.

****Automatic Continuance to May 9, 2024, filed by a Registered Neighborhood Organization**

4. 2024-ZON-029 | 9401 and 9415 East Southport Road, and 9404 and 9510 East McGregor Road

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

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

****Staff request for continuance for cause to April 25, 2024**

Petitions for Public Hearing

PETITIONS TO BE EXPEDITED:

5. 2024-ZON-009 | 5252 West 52nd Street

Pike Township, Council District #6
Bethel United Methodist Church

Rezoning of 0.724 acre from the SU-1 district to the D-4 district to provide for residential uses.

6. 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.

7. 2024-CZN-811 / 2024-CVR-811 (Amended) | 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 10-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).

PETITIONS FOR PUBLIC HEARING (Continued Petitions):

8. 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.

9. 2024-ZON-003 | 4338 and 4339 Cartwright Drive and 4324 South State Avenue

Perry Township, Council District #23
Jason West, by Mark and Kim Crouch

Rezoning of 1.07 acres from the D-3 district to the D-8 district to provide for residential uses.

10. 2024-ZON-015 | 2053 Yandes Street

Center Township, Council District #13
Hollister Properties, LLC, by Kristin Hollister

Rezoning of 0.13 acres from the I-3 district to the D-8 district to provide for residential uses.

11. 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.

PETITIONS FOR PUBLIC HEARING (New Petitions):

12. 2024-ZON-027 | 1101 and 1117 South Sherman Drive

Center Township, Council District #19
Liberty Commercial Investors, LLC., by Donald W. Fisher

Rezoning of 0.68-acre from the D-5 and C-3 districts to the C-5 district to provide for automobile sales.

13. 2024-CPL-814 / 2024-CVR-814 | 8840 East Edgewood Avenue

Franklin Township, Council District #25
D. R. Horton – Indiana, LLC, by Rick Ellis

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

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

Additional Business:

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



METROPOLITAN DEVELOPMENT COMMISSION **April 11, 2024**
HEARING EXAMINER

Case Number: 2024-APP-005

Property Address: 1616 East 25th Street (approximate address)

Location: Center Township, Council District #8

Petitioner: City of Indianapolis, Department of Parks and Recreation, by Mistie Nigh

Current Zoning: PK-1

Request: Park District One Approval to provide for building signage for Frederick Douglass Park Family Center.

Current Land Use: Park

Staff Recommendations: Approval

Staff Reviewer: Marleny Iraheta, Senior Planner

PETITION HISTORY

This is the first hearing for this petition.

However, this petition will need to be **continued to the April 25, 2024 hearing** to allow for the minimum 23-day notice requirement to be met and for the findings of fact to be submitted to the case file.

It is staff’s understanding that the petitioner will be making this continuance request.

STAFF RECOMMENDATION

Staff **recommends approval** of the request.

PETITION OVERVIEW

LAND USE

The 0.66-acre site is developed with a family center in a park. It is surrounded by single-family dwellings in each direction of the overall park property.

The family center was approved in 2022 through 2022-CAP-831.

PARK DISTRICT-ONE APPROVAL

The PK-1 district requires an approval petition be filed for signs other than incidental signs. An incidental sign is defined as “a permanent sign which has a purpose that is secondary and incidental to the use of the lot on which it is located, such as “hours of operation”, “loading zone only,” “air,” “building directory“



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and “visitor parking,” and which carries no commercial message that is legible beyond the lot on which the sign is located, except for a registered logo on a premises with two or more separately-operating businesses.

The proposed sign is classified as a canopy sign, which is defined as any building sign that is part of or attached to a canopy as an accessory to the primary use of the land, made of fabric, plastic, or structural protective cover over a door, entrance, or window. A canopy/awning sign is not a marquee and is different from pump island canopy signs.

STAFF ANALYSIS

The proposed canopy sign is permitted in the PK-1 district and meets the sign regulations of the Ordinance.

The canopy measures approximately 97.75 feet wide. A canopy sign would be limited to 80% of the width which would be a maximum 78.12 feet wide. The proposed signage width will measure approximately 63.33 feet wide, which is less than the maximum allowed. It would also fall below the 45% sign area limit for a canopy sign measuring approximately 126.66 square feet where 131.83sf would be the maximum.

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

GENERAL INFORMATION

Existing Zoning	PK-1	
Existing Land Use	Park	
Comprehensive Plan	Large-Scale Park	
Surrounding Context	Zoning	Land Use
North:	D-5	Residential (Single-family dwellings)
South:	MU-2 / C-1 / D-5	Parking Lot / Residential (Single-family dwellings)
East:	D-5 / SU-1	Residential (Single-family dwellings) / Church
West:	C-3 / D-5 /	Non-Profit Organization / Residential (Single-family dwellings)
Thoroughfare Plan		
Ralston Avenue	Local Street	48-foot proposed right-of-way and 59-foot existing right-of-way.
25 th Street	Secondary Arterial Street	56-foot proposed right-of-way and 47 to 72-foot existing right-of-way.
Dr. A J Brown Avenue	Primary Arterial Street	100-foot existing right-of-way and a 56-foot proposed right-of-way.
Arsenal Avenue	Local Street	48-foot proposed right-of-way and a 50-foot existing right-of-way.



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30 th Street	Primary Arterial Street	66-foot proposed right-of-way and a 50-foot existing right-of-way.
Context Area	Compact	
Floodway / Floodway Fringe	No	
Overlay	No	
Wellfield Protection Area	No	
Site Plan	February 27, 2024.	
Site Plan (Amended)	N/A.	
Elevations	March 11, 2024	
Elevations (Amended)	N/A.	
Landscape Plan	N/A.	
Findings of Fact	Not yet submitted.	
Findings of Fact (Amended)	N/A.	
C-S/D-P Statement	N/A.	

COMPREHENSIVE PLAN ANALYSIS

Comprehensive Plan

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

Pattern Book / Land Use Plan

- The Comprehensive Plan recommends large-scale park development.
- Large-Scale Parks are a non-typology land use that is a stand-alone land use mapped outside of the typology system due to their scale or nature of their use. Large-scale parks are generally over 10 acres in size.

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



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- Not Applicable to the Site.

Indy Moves

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

- Not Applicable to the Site.



ZONING HISTORY

ZONING HISTORY – SITE

2022-CAP-831 / 2022-CVR-831; 1616 East 25th Street (subject site), Park District One Approval to provide for a 45,000-square foot recreation center with associated accessory uses including parking, playground, shelters, sidewalks and signage and Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide sidewalks only adjacent to the proposed structure along 25th Street and Ralston Avenue (additional sidewalks required along perimeter of park site based on proposed size of building), **approved**.

2018-ADM-238; 2801 Dr. A. J. Brown Avenue (subject site), Approval of a pool in the PK-1 district., **approved**.

2011-ADM-050; 2801 Ralston Avenue (subject site), Approval for renovation of the existing tennis courts, **approved**.

ZONING HISTORY - VICINITY

2020-CZN-842 / 2020-CVR-842; 2450 & 2458 Arsenal Avenue (south of site), Rezoning of 1.32 acre from the C-1 district to the MU-2 district and a variance of development standards to provide for obstruction of the clear sight triangle, deficient transitional yard, excess width of front setback, vehicular access from an alley where an alley is available and curb cuts with excess width, **rezoning approved, variance denied**.

2006-ZON-067; 2451 Dr. A. J. Brown Avenue (south of site), Rezoning of 1.25 acre from the C-3 and D-5 districts to the C-1 district, **approved**.

2004-ZON-064; 2461 Ralston Avenue (southeast of site), Rezoning of 0.10 acre from the SU-1 district to the D-5 district, **approved**.

93-Z-142; 1691 East 25th Street (south of site), Rezoning of 8.44 acres from the D-7 and SU-1 districts to the D-5 district, **approved**.

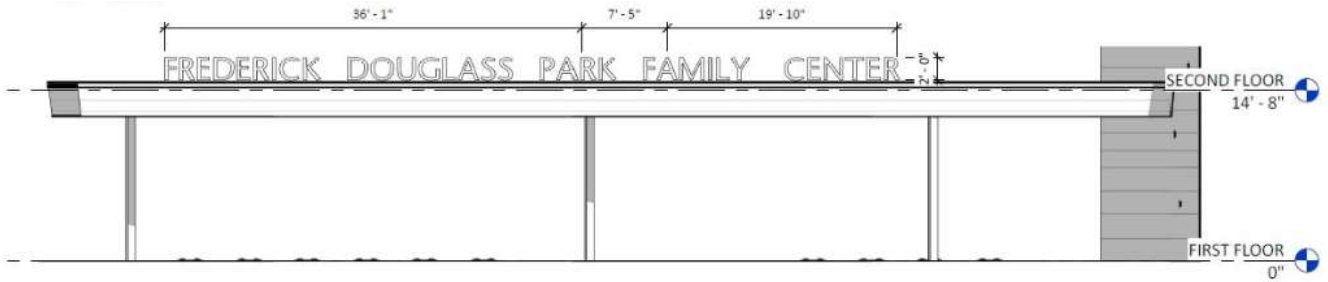
93-Z-87; 1740 East 30th Street (northeast of site), Rezoning of 13 acres from the C-1 and D-5 districts to the SU-2 district, **approved**.

86-Z-65; 1701 East 25th Street (southeast of site), Rezoning of 16.54 acres, being in the D-7 district, to the SU-1 classification, to provide for the construction of a church, **approved**.

EXHIBITS

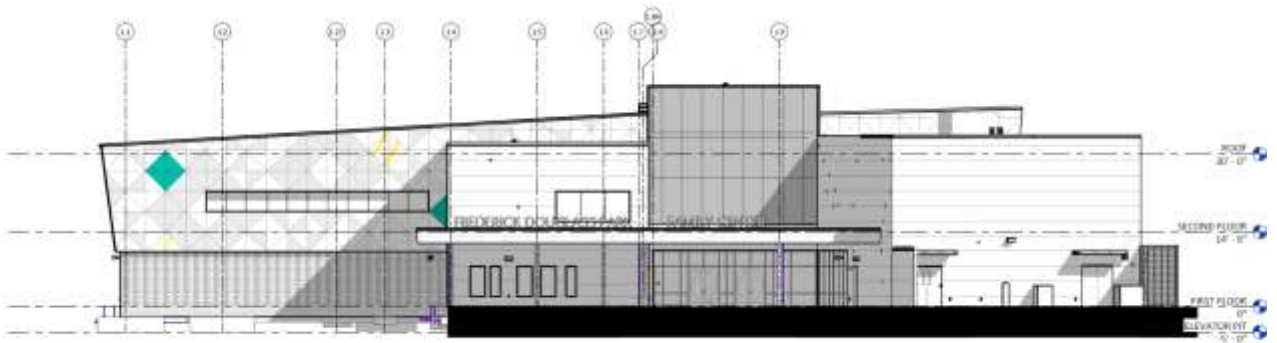






3 EAST CANOPY ELEVATION

A-210 1/8" = 1'-0"



3 EAST ELEVATION



2 SOUTH ELEVATION



Photo of the canopy and proposed sign location looking west.



Photo of the canopy and proposed sign location looking north.



View of the site from across



METROPOLITAN DEVELOPMENT COMMISSION **April 11, 2024**
HEARING EXAMINER

Case Number: 2023-ZON-129

Property Address: 3050 North Illinois Street (Approximate Address)

Location: Center Township, Council District #8

Petitioner: The Children’s Museum of Indianapolis, by Jamilah Mintze

Current Zoning: C-S

Request: Rezoning of 3.31 acres from the C-S (TOD) district to the C-S (TOD) district to provide for a storage building.
Modification of Site Plan related to 2003-ZON/VAR-805 and 2004-APP-041 to provide for an updated site plan to include the proposed storage building.

Current Land Use: Commercial

Staff Recommendations: Staff has no recommendation for this request.

Staff Reviewer: Marleny Iraheta, Senior Planner

PETITION HISTORY

This petitioner was automatically continued from the February 15, 2024 hearing to the March 14, 2024 hearing.at the request of the petitioner.

This petition was continued for cause from the March 14, 2024 hearing to the April 11, 2024 hearing to allow additional time for updated plans to be provided and reviewed by staff.

Staff requests this petition be **continued from the April 11, 2024 hearing to the May 9, 2024 hearing** with new notice, if needed, to allow additional time for revised plans to be submitted for review. A variance petition will likely be required per the Commercial Design Standards applicable in the Transit-Oriented Development Secondary District, which would require new mailed notices to be sent and the publication of the amended request to be completed.

STAFF RECOMMENDATION

Staff has no recommendation for this request.

PETITION OVERVIEW

This petition is to be continued to the May 9, 2024 hearing.



METROPOLITAN DEVELOPMENT COMMISSION HEARING EXAMINER **April 11, 2024**

Case Number: 2024-ZON-028

Property Address: 5332 South Franklin Road (approximate address)

Location: Franklin Township, Council District #25

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

Current Zoning: D-A

Request: Rezoning of 75.3 acres from the D-A district to the D-4 district to provide for single-family residential development.

Current Land Use: Agricultural Land.

Staff Recommendations: Staff has no recommendation for this request.

Staff Reviewer: Marleny Iraheta, Senior Planner

PETITION HISTORY

A timely automatic continuance request was filed by a registered neighborhood organization, **continuing this petition from the April 11, 2024 hearing to the May 9, 2024 hearing.** This would require acknowledgement from the Hearing Examiner.

STAFF RECOMMENDATION

Staff has no recommendation for this request.

PETITION OVERVIEW

This petition is to be continued to the May 9, 2024 hearing.

STAFF REPORT

Item 4.

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

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

Staff is requesting a **continuance from the April 11, 2024 hearing, to the April 25, 2024 hearing**, to provide additional time for the recently submitted Traffic Impact Study (TIS) to be reviewed by staff and any concerns with the study addressed.

kb



**METROPOLITAN DEVELOPMENT COMMISSION
HEARING EXAMINER**

April 11, 2024

Case Number: 2024-ZON-009

Property Address: 5252 West 52nd Street (Approximate Address)

Location: Pike Township, Council District #6

Petitioner: Bethel United Methodist Church

Current Zoning: SU-1

Request: Rezoning of 0.724 acre from the SU-1 district to the D-4 district to provide for residential uses.

Current Land Use: Church Parsonage

Staff Recommendations: Approval with commitment.

Staff Reviewer: Marleny Iraheta, Senior Planner

PETITION HISTORY

This petition was automatically continued from the March 14, 2024 hearing to the April 11, 2024 hearing at the request of a registered neighborhood organization. New notice was required for deficient mailing of notice.

STAFF RECOMMENDATION

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

A 40-foot half right-of-way shall be dedicated along the frontage of Bethel 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

LAND USE

The 0.724-acre subject site is developed with a single-family dwelling that was built in 1948 according to the Assessor's Property Card information. The site also includes a garage and wooded shed. The property consists of portions of three parcels that will be subdivided and platted to create the subject site noted as Parcel B in the survey.



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In 1998, the subject site was part of a rezone petition that rezoned it from the D-4 district to the SU-1 classification. The property is owned by the church, but the parsonage will be sold separating it from the church.

REZONING

The request would rezone the site from the SU-1 district to the D-4 district to provide for residential uses.

The SU-1 district is only intended for religious uses.

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

Department of Public Works

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

Staff Analysis

Staff determined that the proposed D-4 district would be in line with the surrounding residential development, align with the Comprehensive Plan recommendation for suburban neighborhood development and would allow for a single-family dwelling to be used apart from the religious use to the east.

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

GENERAL INFORMATION

Existing Zoning	SU-1	
Existing Land Use	Church Parsonage	
Comprehensive Plan	Suburban Neighborhood Development	
Surrounding Context	<u>Zoning</u>	<u>Land Use</u>
	North:	SU-1
	South:	D-4
		Church Property
		Residential (Single-family dwellings)



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East:	SU-1 / SU-10	Church / Cemetery
West:	D-4	Residential (Single-family dwellings)
Thoroughfare Plan		
52 nd Street	Primary Collector Street	60-foot existing and 80-foot proposed right-of-way.
Bethel Road	Primary Collector Street	25-foot existing and 80-foot proposed right-of-way.
Ruelling Drive	Local Street	50-foot existing and proposed right-of-way.
Context Area	Metro	
Floodway / Floodway Fringe	No	
Overlay	No	
Wellfield Protection Area	No	
Site Plan	January 26, 2024.	
Site Plan (Amended)	N/A.	
Elevations	N/A.	
Elevations (Amended)	N/A.	
Landscape Plan	N/A.	
Findings of Fact	N/A.	
Findings of Fact (Amended)	N/A.	
C-S/D-P Statement	N/A.	

COMPREHENSIVE PLAN ANALYSIS

Comprehensive Plan

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

Pattern Book / Land Use Plan

- The Pattern Book recommends suburban neighborhood development.
- The Suburban Neighborhood typology is predominantly made up of single-family housing but is interspersed with attached and multifamily housing where appropriate. This typology should be supported by a variety of neighborhood-serving businesses, institutions, and amenities. Natural Corridors and natural features such as stream corridors, wetlands, and woodlands should be treated as focal points or organizing systems for development. Streets should be well-connected,



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and amenities should be treated as landmarks that enhance navigability of the development. This typology generally has a residential density of 1 to 5 dwelling units per acre, but a higher density is recommended if the development is within a quarter mile of a frequent transit line, greenway, or park.

- **Conditions for All Housing**

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

- **Detached Housing**

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

Red Line / Blue Line / Purple Line TOD Strategic Plan

- Not Applicable to the Site.

Neighborhood / Area Specific Plan

- Not Applicable to the Site.

Infill Housing Guidelines

- Not Applicable to the Site.

Indy Moves

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

- Indy Moves Transportation Integration Plan (2018), specifically IndyMoves PedalIndy 2018 proposes an active transportation system, neighborhood, along 52nd Street from High School Road to Guion Road.



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- Neighborways are slow-speed, low-volume streets shared by people driving and bicycling. They include improvements that calm traffic and give people walking and bicycling priority: 20 MPH speed limit signs, stop signs for side streets crossing the neighborway, speed humps and traffic circles, wayfinding signs and pavement markings, and easier crossings of busy streets with crosswalks, flashing beacons, or traffic signals.
- Pedal Indy strives to:
 - Improve low-stress conditions for biking
 - Support active transportation options to improve health outcomes
 - Build support and collaboration for multimodal transportation options
 - Lay the groundwork for planning, design, implementation, and evaluation of existing and proposed bike infrastructure
- The requested dedication of right-of-way by DPW would ensure that this proposal could be possible in the future once funding becomes available.



ZONING HISTORY

ZONING HISTORY - SITE

98-Z-126; 5210 -5252 West 52nd Street and 5241 Ruelling Drive (subject site), Rezone 2.324 acres from D-A and D-4 to the SU-1 classification, **approved.**

ZONING HISTORY – VICINITY

97-Z-8; 5101 West 52nd Street (southeast of site), Rezoning of 28 acres, being in the D-7 (FF)(FW) and D-A (FF)(FW) districts to the D-5 (FF)(FW) classification to provide for a single-family residential development, **approved.**

95-Z-215; 5351 Moller Road (north of site), Rezoning 27.761 acres from the D-A (FF)(FW) and SU-43 (FF)(FW) to the D-P (FF)(FW) to provide for 41 attached two-family residential dwellings, **approved.**

66-Z-116; North side of West 52nd Street (east of site), Rezoning of 7.383 acres being in A-2 and SU districts to SU-1 classification to provide for the construction of a church, **approved.**

		<p>BECA ORIGINAL BOUNDARY SURVEY DRAWING AND REPORT</p>		<table border="1"> <tr> <td>DATE</td> <td>11/1/2023</td> </tr> <tr> <td>DRAWN BY</td> <td>CP-B</td> </tr> <tr> <td>CHECKED BY</td> <td>CP-B</td> </tr> <tr> <td>PROJECT NO.</td> <td></td> </tr> <tr> <td>SHEET NO.</td> <td>1/11</td> </tr> </table>	DATE	11/1/2023	DRAWN BY	CP-B	CHECKED BY	CP-B	PROJECT NO.		SHEET NO.	1/11
DATE	11/1/2023													
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ORIGINAL BOUNDARY SURVEY

MMD—DEPT. METRO. DEV.
STREET NAMES AND
ADDRESSES APPROVED
By CP-B
DATE 11/1/2023

LEGEND

Parcel Boundary	Red line
Property Line	Black line
Street Right-of-Way	Grey shaded area
Easement	Blue shaded area
Survey Station	Black dot
Iron Nail	Black dot with 'I' symbol
Survey Monument	Black square
Adjacent Property	Thin black line
Survey Error	Red 'X' mark

NOTES

1. This survey was conducted in accordance with the provisions of the Surveying Act, R.S. 48:101-48:117, and the rules and regulations of the Board of Surveyors and Land Surveyors, State of Louisiana.
2. The survey was conducted by the undersigned, a Licensed Professional Land Surveyor, State of Louisiana, No. 12345.
3. The survey was conducted on the day and date specified on the title block of this drawing.
4. The survey was conducted in accordance with the provisions of the Surveying Act, R.S. 48:101-48:117, and the rules and regulations of the Board of Surveyors and Land Surveyors, State of Louisiana.
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Photo of the single-family dwelling on site.



Photo of the street frontage along Bethel Road.



Photo of the street frontage along 52nd Street.



Photo of the street frontage along Ruelling Drive.



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



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



Photo of the church east of the site.



Photo of the cemetery east of the site.



**METROPOLITAN DEVELOPMENT COMMISSION
HEARING EXAMINER**

April 11, 2024

Case Number: 2023-ZON-124

Property Address: 5252 Hickory Road

Location: Franklin Township #25

Petitioner: Grand Communities, LLC, by Joseph D. Calderon

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

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.

Current Land Use: Agricultural land

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

Staff Reviewer: Kathleen Blackham, Senior Planner

PETITION HISTORY

This petition was automatically continued from the from the January 25, 2024 hearing, to the February 29, 2024 hearing.

The petition was continued from the February 29, 2024 hearing, to the March 28, 2024 hearing, at the request of staff for additional time to conduct a Traffic Impact Study (TIS). Because of the past and ongoing residential development in the area and the increase of traffic generated by these developments, staff believed 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 petition was continued from the March 28, 2024 hearing, to the April 11, 2024, at the request of the petitioner’s representative to provide additional time for further discussions with the neighborhood organization.

STAFF RECOMMENDATION

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

1. A 40-foot half right-of-way shall be dedicated along the frontage of Hickory 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).



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2. Raised pedestrian crossings shall be installed at the northwest corner of the site at the point of connection with Hemingway Drive and at the proposed pedestrian crossing along the proposed internal north / south drive. Installation of the raised crossings shall be in accordance with the Department of Public Works standards.
3. Recommended Infrastructure improvements identified in the Traffic Impact Study shall be installed in accordance with the Department of Public Works standards.

PETITION OVERVIEW

This 31.63-acre site, zoned D-A (FW)(FF) is developed with agricultural uses, including a single-family dwelling and accessory buildings. It is surrounded by single-family dwellings to the north, zoned D-A; a single-family dwellings and agricultural land to the south, zoned D-A (FW)(FF); single-family dwellings to the east, across Hickory Road, zoned D-2; and single-family dwellings to the west, zoned D-4 (FW)(FF)

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

As proposed, this request would be consistent with the Comprehensive plan recommendation of suburban neighborhood typology.

The amended conceptual site plan, file-dated March 19, 2024, indicates that development of the site would include 76 single-family dwellings. This would result in a density of 2.4 units per acre, which would be less than the typical density of the D-4 district and within the range of the suburban neighborhood density.

Access to the site would be from a boulevard entrance drive along Hickory Road with a connection to Hemingway Drive to the west. A stub street to the south would also be provided to accommodate future development.

Staff would clarify that the site plan submitted with this request is conceptual and approval of the requested rezoning does constitute approval of the site plan.

Additionally, to assure pedestrian safety, staff would request that raised pedestrian crossings be installed at the northwest corner of the site at the point of connection with Hemingway Drive and at the proposed pedestrian crossing along the proposed internal north / south drive. Such raised crossings shall be in accordance with the Department of Public Works standards.



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Overlay

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

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

A large area of this site is located within the floodway and floodway fringe of Hunter Ditch.

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 (D-4 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 40-foot half right-of-way along Hickory Road. This dedication would also be consistent with the Marion County Thoroughfare Plan.



Traffic Impact Study

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

Capacity analysis occurs for three different scenarios. Scenario One is based on existing peak hour traffic volumes. Scenario Two - 2034 background traffic volumes - based on the sum of existing traffic volumes and generated traffic volumes from near-by future and partially built developments. Scenario Three - total development traffic volumes - based on the sum of year 2034 background traffic volumes and generated traffic volumes from the proposed development.

The study included following developments that would be fully constructed in the near future and would contribute to traffic growth at the study intersections: See Exhibit A.

- Maze Development
- Caito Development
- Fields at New Bethel Development
- Edgewood Farms Development
- Writt-Sikh Development
- Edgewood Farms West Development
- Cottage Station Ranches Development

Conclusions and Recommendations

Thompson Road & Southeastern Avenue

Capacity analyses have shown that this intersection currently operates and will continue to operate at acceptable levels of service during both AM and PM peak hours for all traffic scenarios. Therefore, no improvements are recommended at this location.

Southeastern Avenue & Hickory Road

Capacity analyses have shown that all approaches at this intersection currently operate and will continue to operate at acceptable levels of service during both AM and PM peak hours for all traffic scenarios. Therefore, no improvements are recommended at this location.

Edgewood Avenue & Hickory Road

Capacity analyses have shown that this intersection currently operates and will continue to operate at acceptable levels of service during both AM and PM peak hours for all traffic scenarios. Therefore, no improvements are recommended at this location.



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Hickory Road & Proposed Access Drive

Capacity analyses have shown that this intersection will operate at acceptable levels of service during both AM and PM peak hours with the following intersection conditions:

- Construction of an eastbound approach with one inbound and one outbound lane.
- The intersection should be stop-controlled with the drive stopping for Hickory Road.

GENERAL INFORMATION

Existing Zoning	D-A	
Existing Land Use	Agricultural uses	
Comprehensive Plan	Suburban Neighborhood	
Surrounding Context	Zoning	Land Use
North:	D-A	Single-family dwellings
South:	D-A	Agricultural uses
East:	D-2	Single-family dwellings
West:	D-4	Single-family dwellings
Thoroughfare Plan		
Hickory Road	Secondary Collector	Existing 40-foot right-of-way and proposed 80-foot right-of-way
Context Area	Metro	
Floodway / Floodway Fringe	Yes	
Overlay	Yes	
Wellfield Protection Area	No	
Site Plan	December 21, 2023	
Site Plan (Amended)	March 19, 2024	
Elevations	N/A	
Elevations (Amended)	N/A	
Landscape Plan	N/A	
Findings of Fact	N/A	
Findings of Fact (Amended)	N/A	
C-S/D-P Statement	N/A	

COMPREHENSIVE PLAN ANALYSIS

Comprehensive Plan

- The Comprehensive Plan recommends 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

- *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.
 - Where possible, contributing historic buildings should be preserved or incorporated into new development.
 - Curvilinear streets should be used with discretion and should maintain the same general direction.
 - In master-planned developments, block lengths of less than 500 feet, or pedestrian cut-throughs for longer blocks, are encouraged.

- *Conditions for All Housing*
 - A mix of housing types is encouraged.
 - Developments of more than 30 housing units must have access to at least one arterial street of 3 or more continuous travel lanes between the intersections of two intersecting arterial streets.
 - Should be within a one-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.
 - Developments with densities higher than 5 dwelling units per acre should have design character compatible with adjacent properties. Density intensification should be incremental with higher density housing types located closer to frequent transit lines, greenways or parks.



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- *Detached Housing (refers to detached single-family homes. While this type of housing may include a secondary dwelling unit (such as a mother-in-law suite or carriage house), the secondary dwelling unit is usually smaller than the primary home and the entire property is under a single ownership.)*
 - The house should extend beyond the front of the garage.
 - Lots should be no more than 1.5 times the size (larger or smaller) of adjacent/surrounding lots, except in cases where lots abut existing residential lots of one acre or more in size. In those cases, lots should be no smaller than 10,000 square feet and no larger than 1.5 times the size of the abutting lot.
- *Modified Uses – Environmentally Sensitive Areas*
 - Detached Housing - Should be oriented to minimize impact on the natural environment, including trees, wetlands, and exceptional topography. Housing is significantly discouraged in floodplains. Additionally, development should preserve or add at least 30% of the entire parcel as tree canopy or naturalized area.

Red Line / Blue Line / Purple Line TOD Strategic Plan

- Not Applicable to the Site.

Neighborhood / Area Specific Plan

- Not Applicable to the Site.

Infill Housing Guidelines

- Not Applicable to the Site.

Indy Moves

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

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

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

2019-ZON-059; 9024 East Edgewood Avenue (south of site) requested rezoning of 79-56 acres from the D-A District to the D-4 classification to provide for 196 single-family dwellings at a density of 2.46 units per acre, **approved**.

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

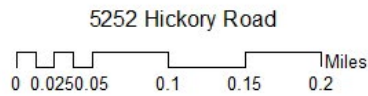
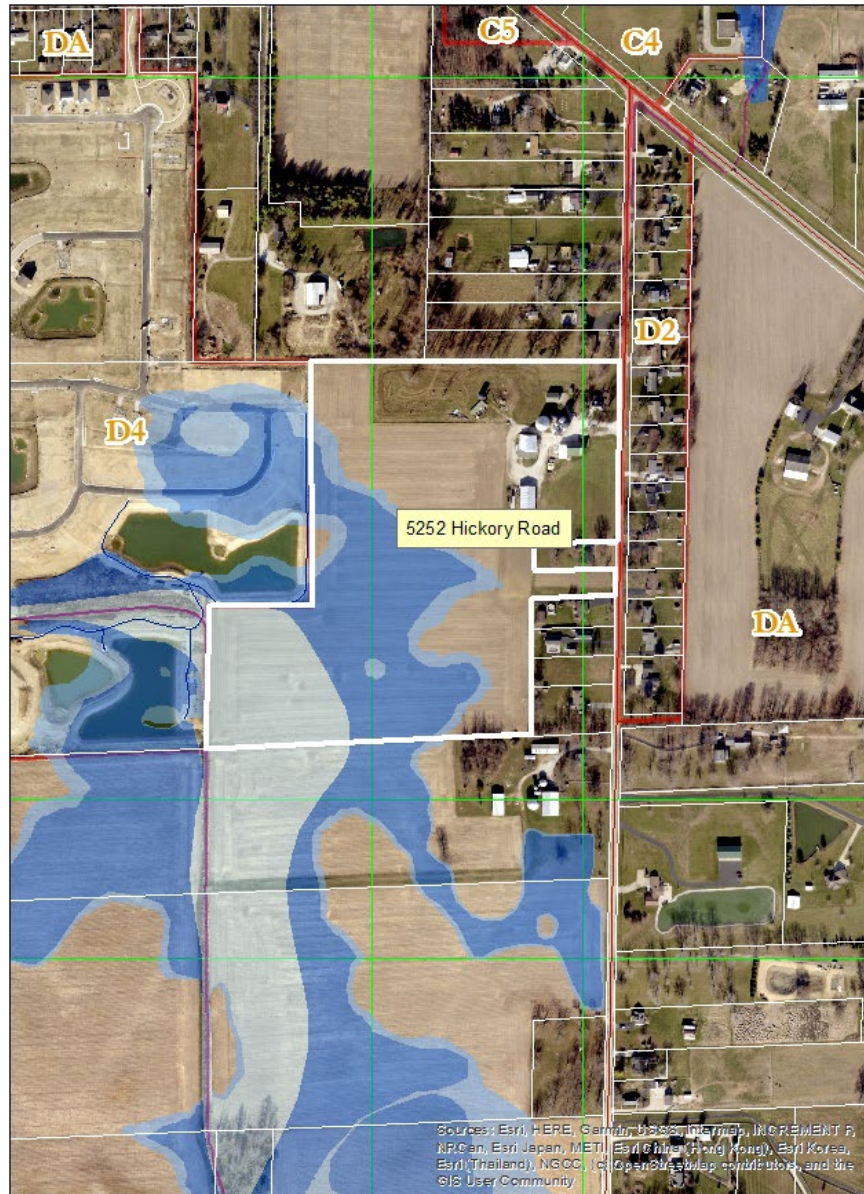
2010-MOD-008; 8701 and 9107 East Thompson Road (west of site), requested modification of development statement and site plan of 2003-ZON-802, as amended by 2007-APP-094 to limit the number of lots to 150, to eliminate the proposed church, to provide differing development standards and add and remove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

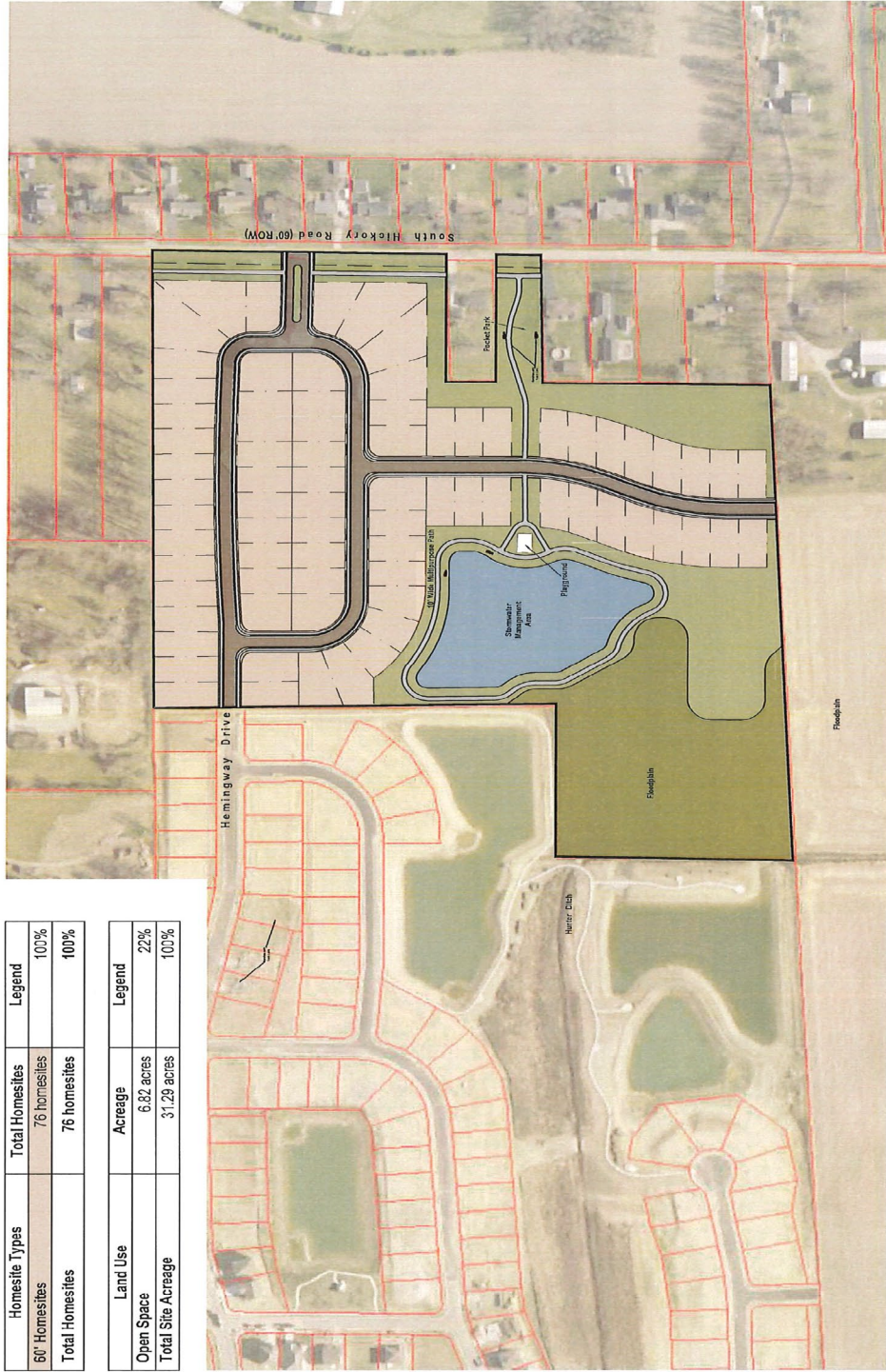
2007-APP-094; 8701 and 9107 East Thompson Road (west of site), requested modification of development statement to terminate commitment requiring side-loaded garages, **approved**.

2002-DV3-055; 9020 East Edgewood Avenue (south of site), requested a variance of development standards of Dwelling Districts Zoning Ordinance to legally establish a three-acre lot with 28.81 feet of frontage on a public street and 28.81 feet of lot width at the required front setback line, **granted**.

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

EXHIBITS





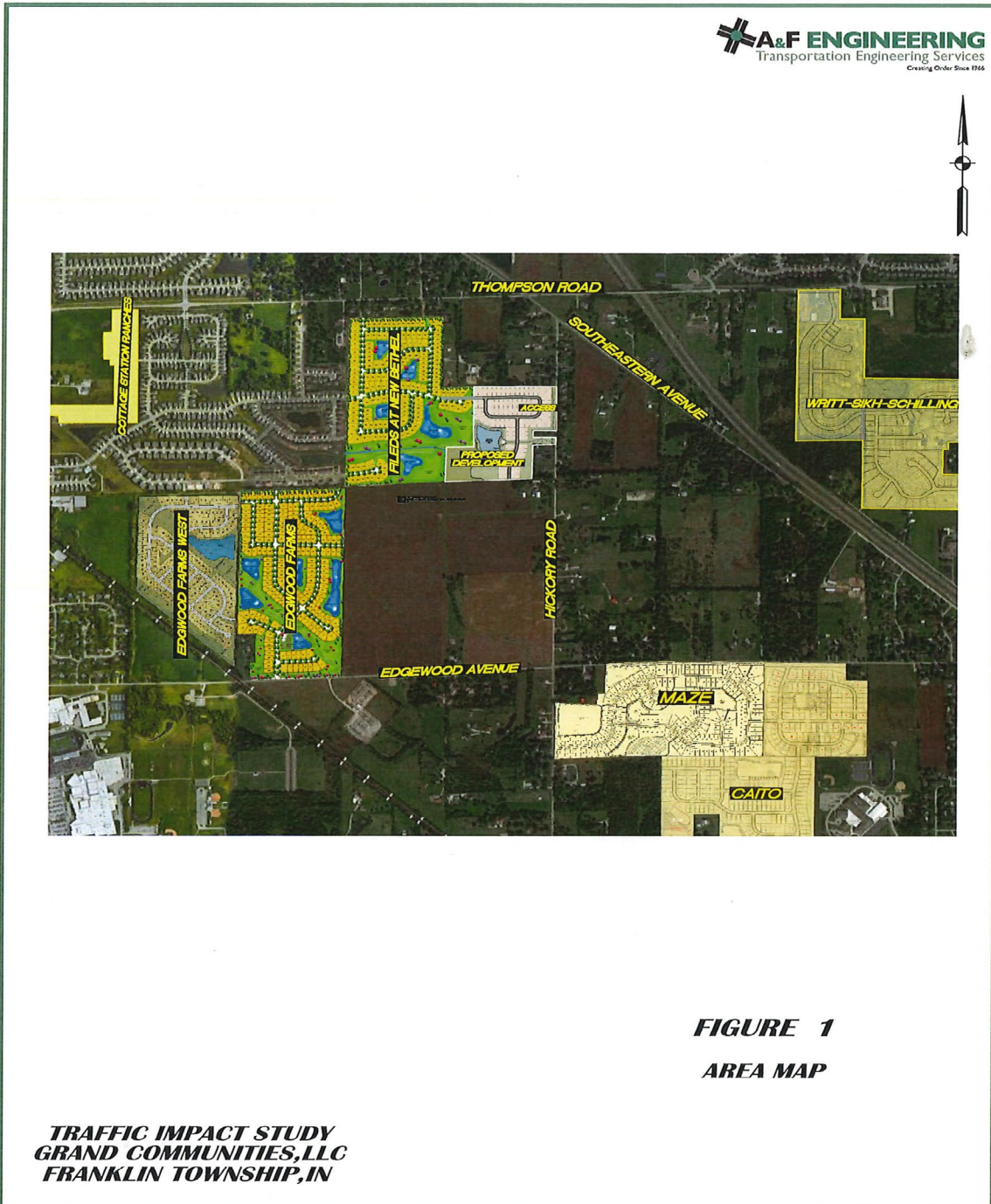
Homestead Types	Total Homesteads	Legend
60' Homesteads	76 homesteads	100%
Total Homesteads	76 homesteads	100%

Land Use	Acreage	Legend
Open Space	6.82 acres	22%
Total Site Acreage	31.29 acres	100%



Grand Communities, LLC
Marlin Franklin Township, Indiana
 Concept Plan

EXHIBIT A



Z:\2024\240725-Grand Comm., IS, Marlin Property, Franklin Township\240725-EXH.dwg 1=1 2024-02-08 SK



View of site looking west across Hickory Road



View of site looking west across Hickory Road



View of site looking west across Hickory Road



View of site looking west across Hickory Road



**METROPOLITAN DEVELOPMENT COMMISSION
HEARING EXAMINER**

April 11, 2024

Case Number:	2024-CZN-811 / 2024-CVR-811 (Amended)
Property Address:	35 East Morris (<i>Approximate address</i>)
Location:	Center Township, Council District #18
Petitioner:	Living Log Aquatic Services, LLC, by Matthew Kerkhof
Current Zoning:	D-5
Request:	<p>Rezoning of 0.42-acre from the D-5 district to the MU-2 district for a restaurant.</p> <p>Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for outdoor seating area with a 10-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).</p>
Current Land Use:	Vacant Gas/Service Station
Staff Recommendations:	Approval
Staff Reviewer:	Brandon Badger, Senior Planner

PETITION HISTORY

At the March 28, 2024, hearing, the Hearing Examiner granted staff's request for continuance to the April 11, 2024 hearing to allow time for staff to review revised plans.

STAFF RECOMMENDATION

Staff recommends approval of this request to repurpose the existing structure as a restaurant.

PETITION OVERVIEW

The 0.42-acre site was platted in 1871 (McCarty's South Addition) and developed with a single-family home in the late 19th century. The original home was removed and replaced with a gas/service station prior to 1956. The service station was in use until the early 2000s. It has remained vacant since.



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Petitioner plans to repurpose the remaining structure into a restaurant. The location is suitable for a neighborhood commercial node as proposed in the comprehensive plan. The MU-2 district is intended for compact, walkable places that serve as neighborhood gathering places, including restaurants.

Adaptive reuse of commercial property benefits both the local community and the environment. Because the existing structure was built under different (or nonexistent) standards, variances from the current ordinance are necessary to realize the benefits of this commercial reuse. Staff supports the necessary development standards variances. Petitioner has committed to creating a site that is a welcoming gathering place for the community. Petitioner has also received support from community organizations.

GENERAL INFORMATION

Existing Zoning	D-5	
Existing Land Use	Commercial (Vacant Gas/Service Station)	
Comprehensive Plan	Urban Mixed-Use	
Surrounding Context	Zoning	Land Use
	North:	D-8 Auto Sales
	South:	D-5 Single-Family Dwellings
	East:	D-5 Single-Family Dwellings
	West:	C-4 Vacant Commercial/Industrial
Thoroughfare Plan		
Morris Street	Primary Arterial	60-foot existing and 78-foot proposed right-of-way
Charles Street	Local Street	30-foot existing and 48-foot proposed right-of-way
Union Street	Local Street	60-foot existing and 48-foot proposed right-of-way
Context Area	Compact	
Floodway / Floodway Fringe	No	
Overlay	No	
Wellfield Protection Area	No	
Site Plan	February 27, 2024	
Site Plan (Amended)	March 25, 2024	
Elevations	February 27, 2024	
Elevations (Amended)	N/A	
Landscape Plan	March 25, 2024	
Findings of Fact	February 27, 2024	
Findings of Fact (Amended)	March 25, 2024	
C-S/D-P Statement	N/A	



COMPREHENSIVE PLAN ANALYSIS

Comprehensive Plan

- The Comprehensive Plan recommends 'Urban Mixed-Use' development.

Pattern Book / Land Use Plan

- 'Urban Mixed-Use' typology provides for pedestrian-oriented development with a wide range of businesses that serve both the adjacent neighborhood and the broader community. Pedestrian spaces should be activated as gathering places such as sidewalk cafes and plazas. The planned site includes outdoor seating as well as space for outdoor special events.

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

SITE

None.

VICINITY

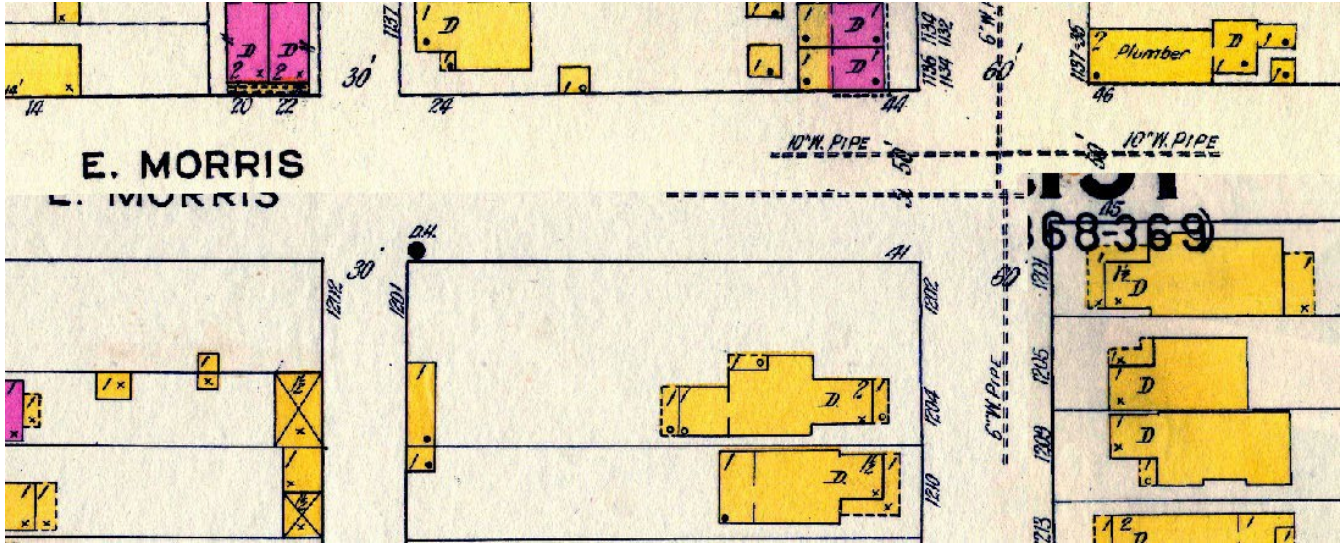
2019-ZON-034: 1202 S. Meridian St and 17, 31, 35, 39, and 41 W. Morris St, rezoning of 1.11 acres from the C-S and C-4 districts to the MU-2 district, **approved**.

2012-CZN-831 / 2012-CVR-831: 1202 S. Meridian St, rezoning of .39 acres from the C-4 district to the C-3 district to provide for a convenience store / fueling station and variances of development standards to provide for reduced front yard setbacks, reduced building setback and reduced canopy setback, **denied**.

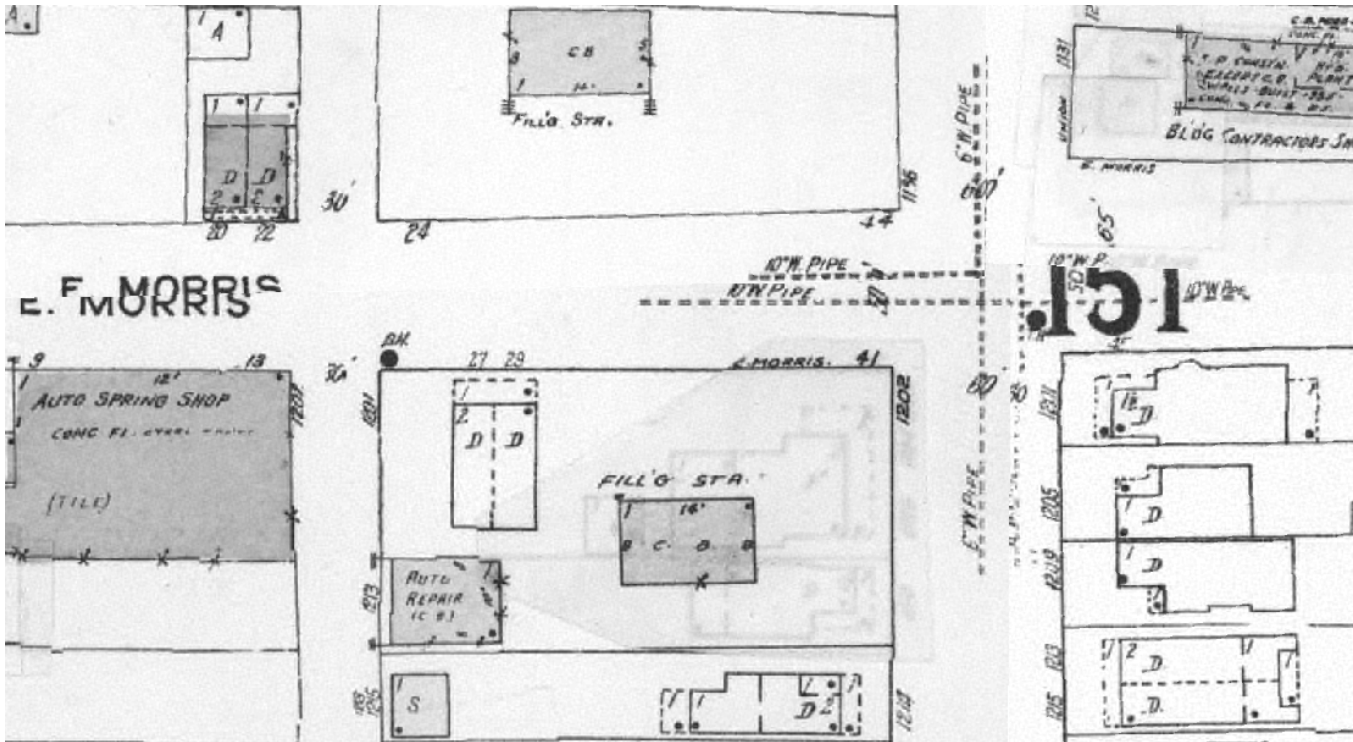
99-UV3-20: 30 E. Morris St, variance of use of the Dwelling Districts Zoning Ordinance to legally establish an outdoor automobile sales facility (not permitted), **approved**.

99-Z-25: 30 E. Morris St, rezoning of .286 acres from the D-8 district to the C-5 district to provide for retail auto sales, **withdrawn**.

EXHIBITS



Sanborn Map, 1898



Sanborn Map, 1956



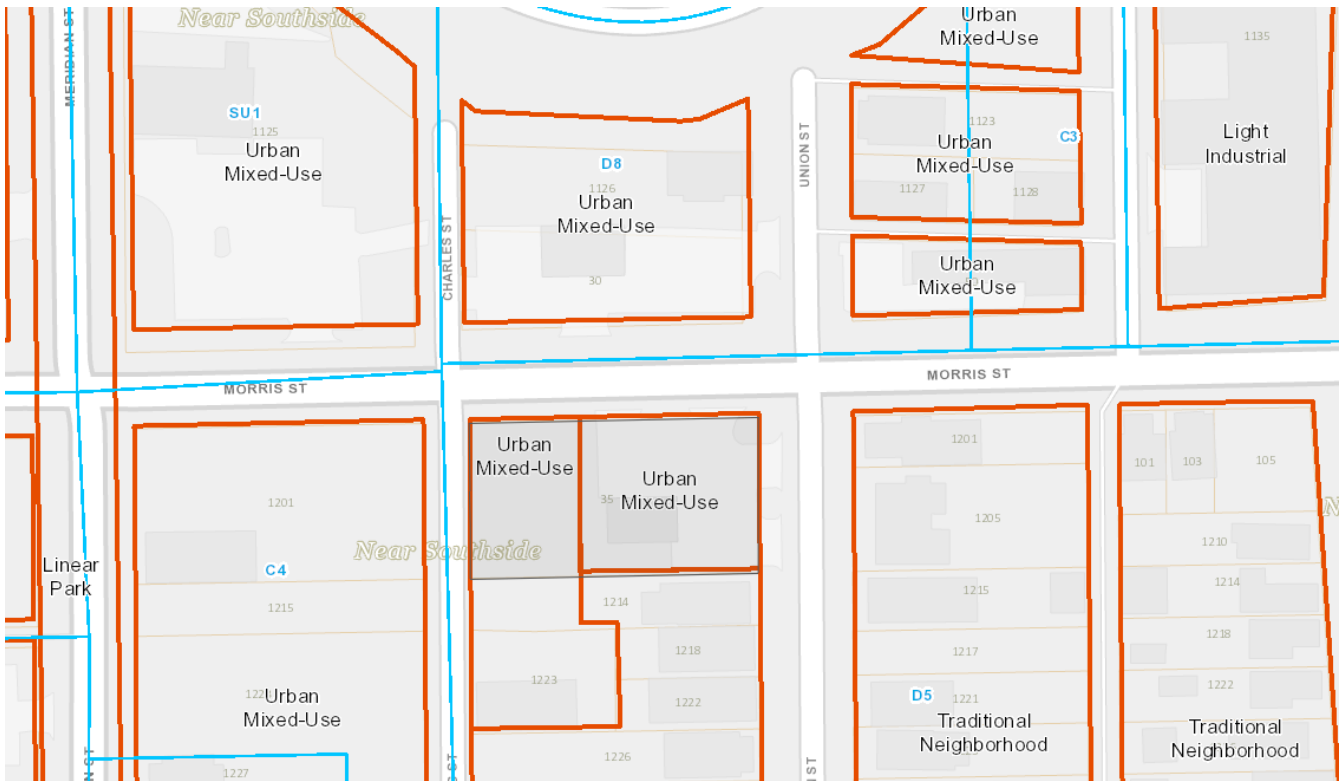
Vicinity aerial, 1986



Aerial view of site, 2020



Location map



Land Use map



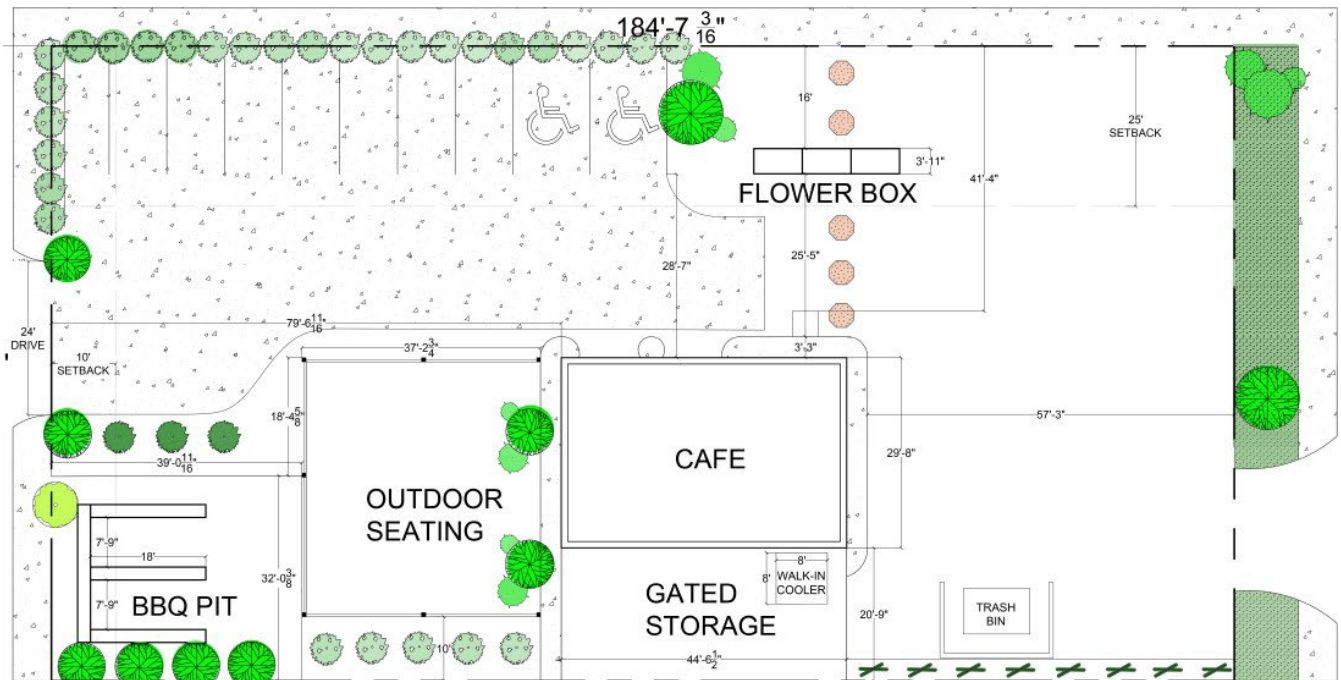
Site photo (Morris St view)



Site photo (Union St view)



Site photo (Charles St view)



Site plan



**METROPOLITAN DEVELOPMENT COMMISSION
HEARING EXAMINER**

April 11, 2024

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.

The Hearing Examiner continued this petition from the March 28, 2024 hearing, to the April 11, 2024 hearing, at the request of a remonstrator.

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.”

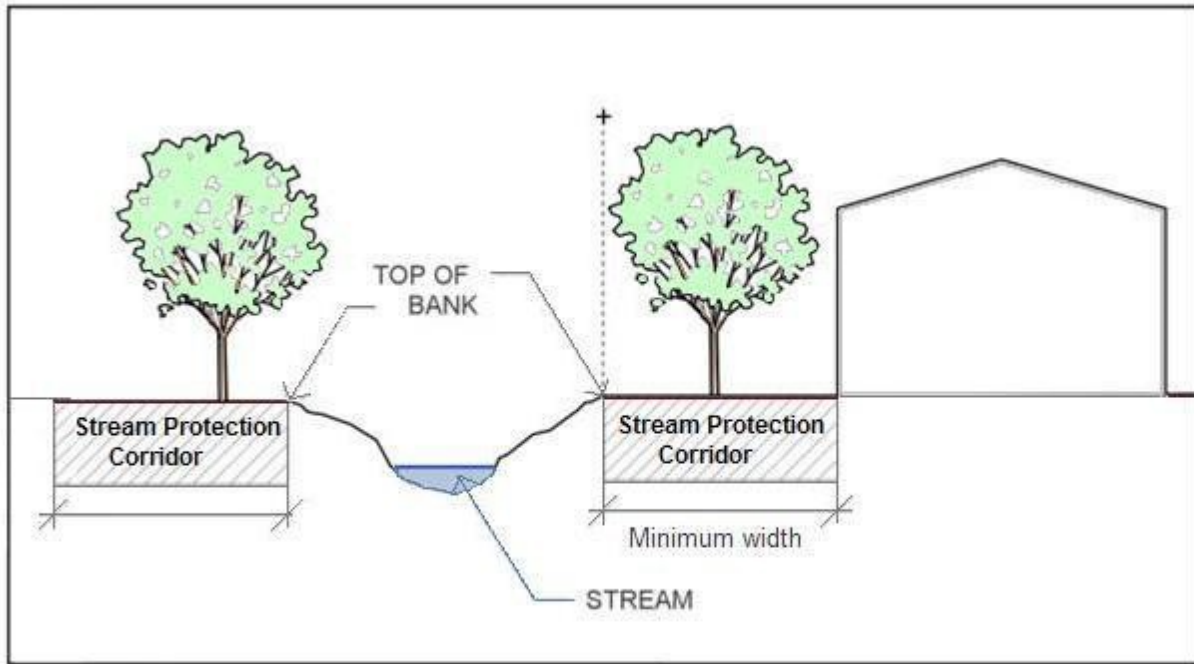
Stream Channel is defined as “part of a watercourse that contains an intermittent or perennial base flow of groundwater origin.”

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

Existing Zoning	HD-2		
Existing Land Use	Vacant single-family dwellings / office		
Comprehensive Plan	Office Commercial typology		
Surrounding Context	<u>Zoning</u>	<u>Land Use</u>	
	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
Thoroughfare Plan			
West 86th Street	Primary arterial	Existing 120-foot right-of-way and proposed 112-foot right-of-way	
Context Area	Metro		
Floodway / Floodway Fringe	No		
Overlay	No		
Wellfield Protection Area	No		
Site Plan	January 11, 2024		
Site Plan (Amended)	March 18, 2024		
Elevations	January 11, 2024		
Elevations (Amended)	N/A		
Landscape Plan	January 31, 2024		
Findings of Fact	January 11, 2024		
Findings of Fact (Amended)	N/A		
C-S/D-P Statement	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 86th 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 86th 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 86th 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 86th 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 85th 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 86th 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 86th 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



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1621, 1625 and 1631 West 86th Street

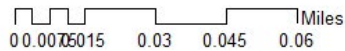




Exhibit A

Heritage Tree Conservation

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

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

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



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 86th 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.

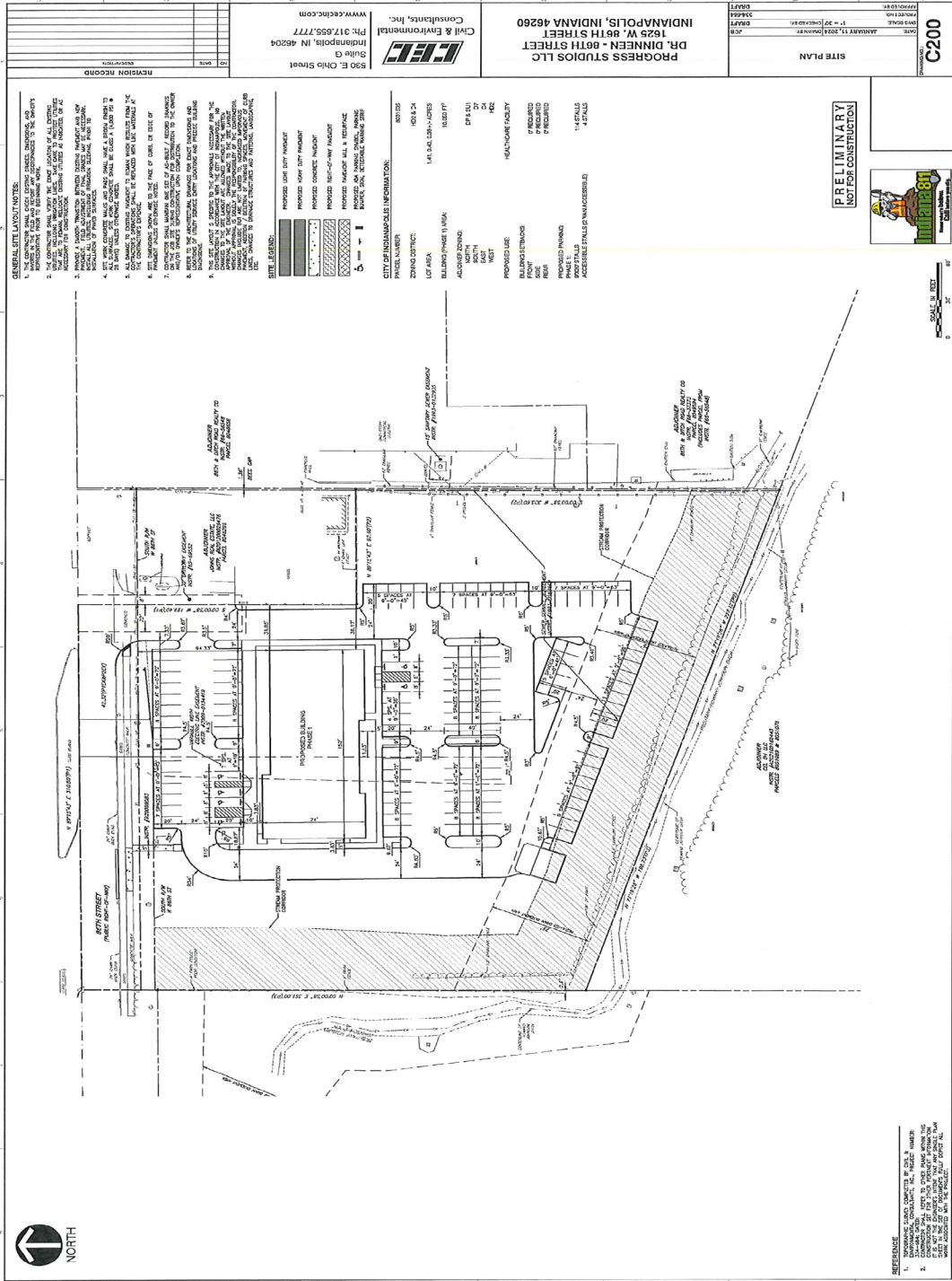
Shipping & Receiving:

- 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.

Stream Protection Corridor





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



METROPOLITAN DEVELOPMENT COMMISSION **April 11,, 2024**
HEARING EXAMINER

Case Number: 2024-ZON-003

Property Address: 4338 and 4339 Cartwright Drive

Location: Perry Township, Council District #23

Petitioner: Jason West by Mark and Kim Crouch

Current Zoning: D-3

Request: Rezoning of 1.07 acres from the D-3 district to the D-8 district to provide for residential uses.

Current Land Use: Undeveloped

Staff Recommendations: Recommends Approval, subject to commitments.

Staff Reviewer: Kathleen Blackham, Senior Planner

PETITION HISTORY

The Hearing Examiner continued this petition from the February 15, 2024 hearing, to the April 11, 2024 hearing at the request of the petitioner’s representative and the neighborhood organization.

The petitioner’s representative submitted an amended site plan on February 28, 2024. Staff would note that variances would be required for development of the site pursuant to this amended site plan and notified the petitioner’s representative on March 27, 2024, via e-mail.

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



PETITION OVERVIEW

This 1.07-acre site, zoned D-3, is comprised of three undeveloped parcels on either side of Cartwright Drive. It is surrounded by single-family dwellings to the north; undeveloped land to the south; a single-family dwelling to the east; and undeveloped land to the west, all zoned D-3.

Rezoning

As proposed, the rezoning request would be consistent with the Comprehensive Plan recommendation of suburban neighborhood typology.

The site plan, file-dated January 3, 2024, only provided a depiction of the three parcels. A subsequent site plan, file-dated February 1, 2024, would provide for five duplexes and one detached house (single-family dwelling).

Because this is an undeveloped site, staff would not support any subsequent requests for variances of development standards. In fact, the petitioner's representative has stated in two e-mails, dated February 1, 2024, and January 31, 2024, that development of the site would comply with the development standards of the D-8 district.

Staff would, therefore, request Administrator Approval of the final site plan to confirm compliance with the D-8 district development standards, including but not limited to, lot area, lot width, setbacks, open space and walkable neighborhood design standards.

Because no elevations for the site were submitted, staff would request that building elevations be submitted for Administrator Approval prior to the issuance of an Improvement Location Permit (ILP) to confirm that the proposed dwellings would be consistent with the Infill Housing Guideline and architecturally compatible and harmonious with the surrounding land uses and neighborhood character.

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.



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Environmental public nuisance means:

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

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

GENERAL INFORMATION

Existing Zoning	D-3	
Existing Land Use	Undeveloped land	
Comprehensive Plan	Suburban Neighborhood	
Surrounding Context	<u>Zoning</u>	<u>Land Use</u>
	North:	D-3 Single-family dwellings
	South:	D-3 Undeveloped land
	East:	D-3 Single-family dwelling
	West:	D-3 Undeveloped land
Thoroughfare Plan		
Cartwright Drive	Marion County Thoroughfare Plan (2019)	This portion of Cartwright Drive is designated as a local street with an existing and proposed 50-foot right-of-way.
Context Area	Compact	
Floodway / Floodway Fringe	This site is not located within a floodplain.	
Overlay	This site is not located within an overlay.	
Wellfield Protection Area	This site is not located within a wellfield protection area.	



Site Plan	January 3, 2024
Site Plan (Amended)	February 28, 2024
Elevations	N/A
Elevations (Amended)	N/A
Landscape Plan	N/A
Findings of Fact	N/A
Findings of Fact (Amended)	N/A
C-S/D-P Statement	N/A

COMPREHENSIVE PLAN ANALYSIS

Comprehensive Plan

- The Comprehensive Land Use Plan for Indianapolis and Marion County (2018) recommends suburban neighborhood typology for the site.
- The Suburban Neighborhood typology is predominantly made up of single-family housing but is interspersed with attached and multifamily housing where appropriate. This typology should be supported by a variety of neighborhood-serving businesses, institutions, and amenities. Natural Corridors and natural features such as stream corridors, wetlands, and woodlands should be treated as focal points or organizing systems for development. Streets should be well-connected, and amenities should be treated as landmarks that enhance navigability of the development. This typology generally has a residential density of 1 to 5 dwelling units per acre, but a higher density is recommended if the development is within a quarter mile of a frequent transit line, greenway, or park.

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.
- Curvilinear streets should be used with discretion and should maintain the same general direction.
- In master-planned developments, block lengths of less than 500 feet, or pedestrian cut-throughs for longer blocks, are encouraged.



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Conditions for All Housing

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

Detached Housing (defined as detached housing refers to detached single-family homes. While this type of housing may include a secondary dwelling unit (such as a mother-in-law suite or carriage house), the secondary dwelling unit is usually smaller than the primary home and the entire property is under a single ownership.)

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

Attached Housing (defined as duplexes, triplexes, quads, townhouses, row houses, stacked flats, and other, similar legally complete dwellings joined by common walls and typically with each unit on its own lot or part of a condominium.)

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

Red Line / Blue Line / Purple Line TOD Strategic Plan

- Not Applicable to the Site.

Neighborhood / Area Specific Plan

- Not Applicable to the Site.



Infill Housing Guidelines

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

Site Configuration

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

Aesthetic Considerations

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

Additional Topics

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

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

Indy Moves

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

- Not applicable to the Site.



ZONING HISTORY

2019-ZON-011; 1200 Lawrence Avenue (west of site), requested rezoning of 6.194 acres from the D-3 and C-3 Districts to the SU-18 classification to provide for a wireless communications facility on the site of the existing substation, **approved**.

2018-DV1-027; 1266 Lawrence Avenue (north of site), requested a variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for a seven-foot-tall fence, **granted**.

2008-DV1-022; 4401 State Avenue (north of site), requested a variance of development standards of the Dwelling Districts Zoning Ordinance to provide for a 700-square foot front porch addition, a 385-square foot carport, conversion of an attached garage to living space and a two-story, 510-square foot room addition to a single-family dwelling, resulting in an accessory building area of 1,583 square feet or 78.27 percent of the main floor area of the primary structure, and an accessory use area of 4,252 square feet or 100.89 percent of the total living area of the primary structure, **granted**.

2006-DV1-020; 1701 East Lawrence Avenue (east of site), requested a variance of development standards of the Dwelling Districts Zoning Ordinance to provide for the construction of a 14-foot tall, 720-square foot detached garage resulting in an accessory building area 1,440 square feet, or 102 percent of the main floor area of the primary dwelling, in D-3, **granted**.

2003-UV3-009; 4401 Asbury (north of site), requested a variance of use and development standards of the Dwelling Districts Zoning Ordinance to legally establish a construction contractor's business in a 2,204-square foot accessory structure, an 80-square foot storage shed with a zero-foot east side yard setback, with accessory structures being 108.74 percent of the main floor area of the primary structure, an accessory use area of 164.07 percent of the total floor area of the primary dwelling, and being located on a parcel with twenty feet of street frontage, in D-2 (FF) (FW), **granted**.

96-UV1-80; 1247 Lawrence Avenue (north of site), requested a variance of use of the Dwelling Districts Zoning Ordinance to legally establish a living unit within a detached accessory building, for an existing single-family residence, **granted**.

87-AP3-2; 1147 Lawrence Avenue (north of site), requested approval to modify the conditions of variance petition 86-UV3-37 to allow the required hard surfacing of parking and driving areas to be completed prior to July 30, 1987, **granted**.



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86-UV3-37; 1147 Lawrence Avenue (north of site), requested a variance of use of the Dwelling Districts Zoning Ordinance to provide for an addition to the existing building and the use of the premises to operate a communications business, **granted**.

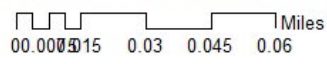
62-Z-131; 1200 Lawrence Avenue (west of site), requested rezoning of 5.08 acres from the U-1, H-1 and A-2 Districts to the U-3, H-1 and A-2 classification to permit the construction, maintenance and operation of an electric substation, **approved**.

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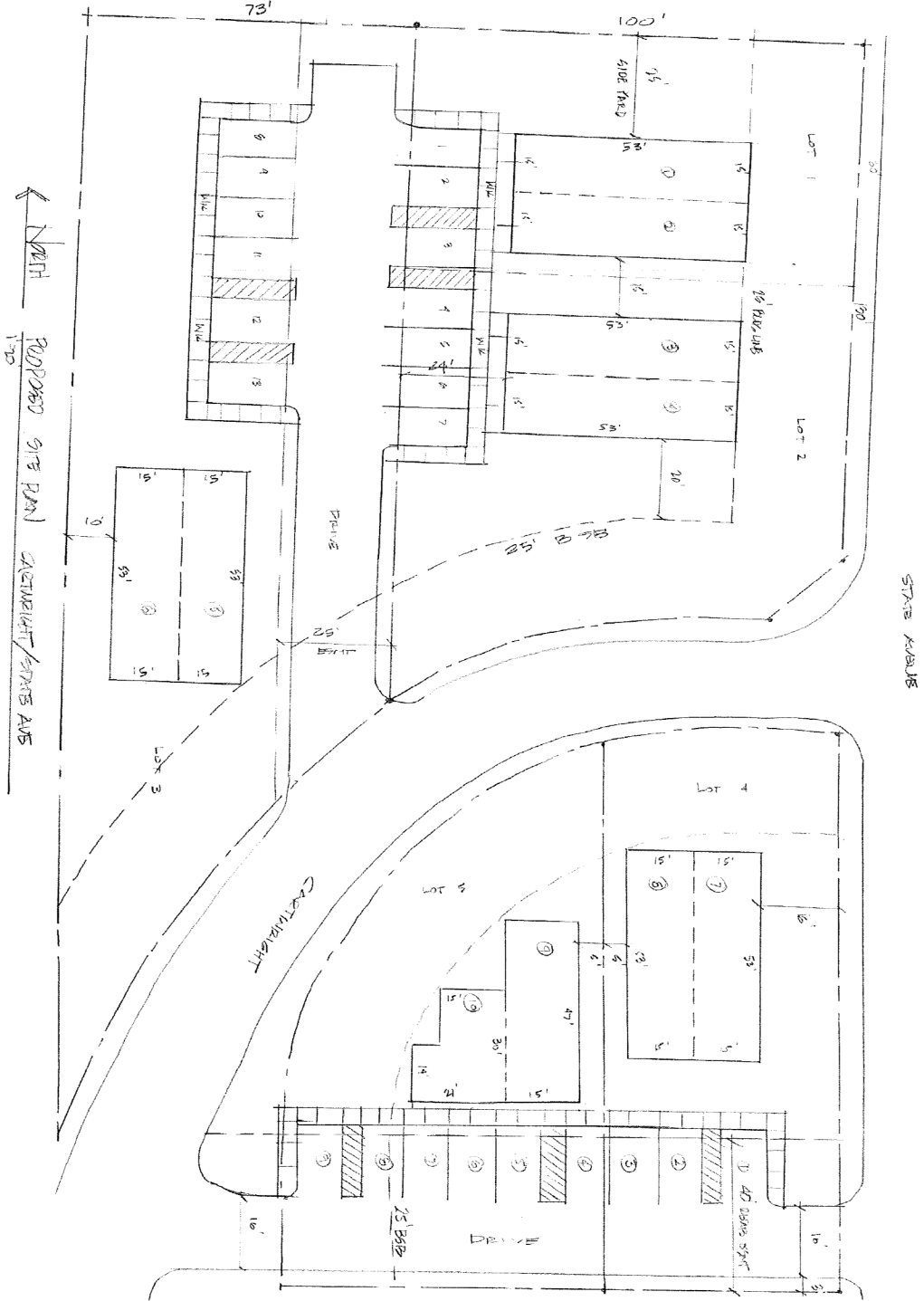
EXHIBITS



4338 and 4339 Cartwright Drive

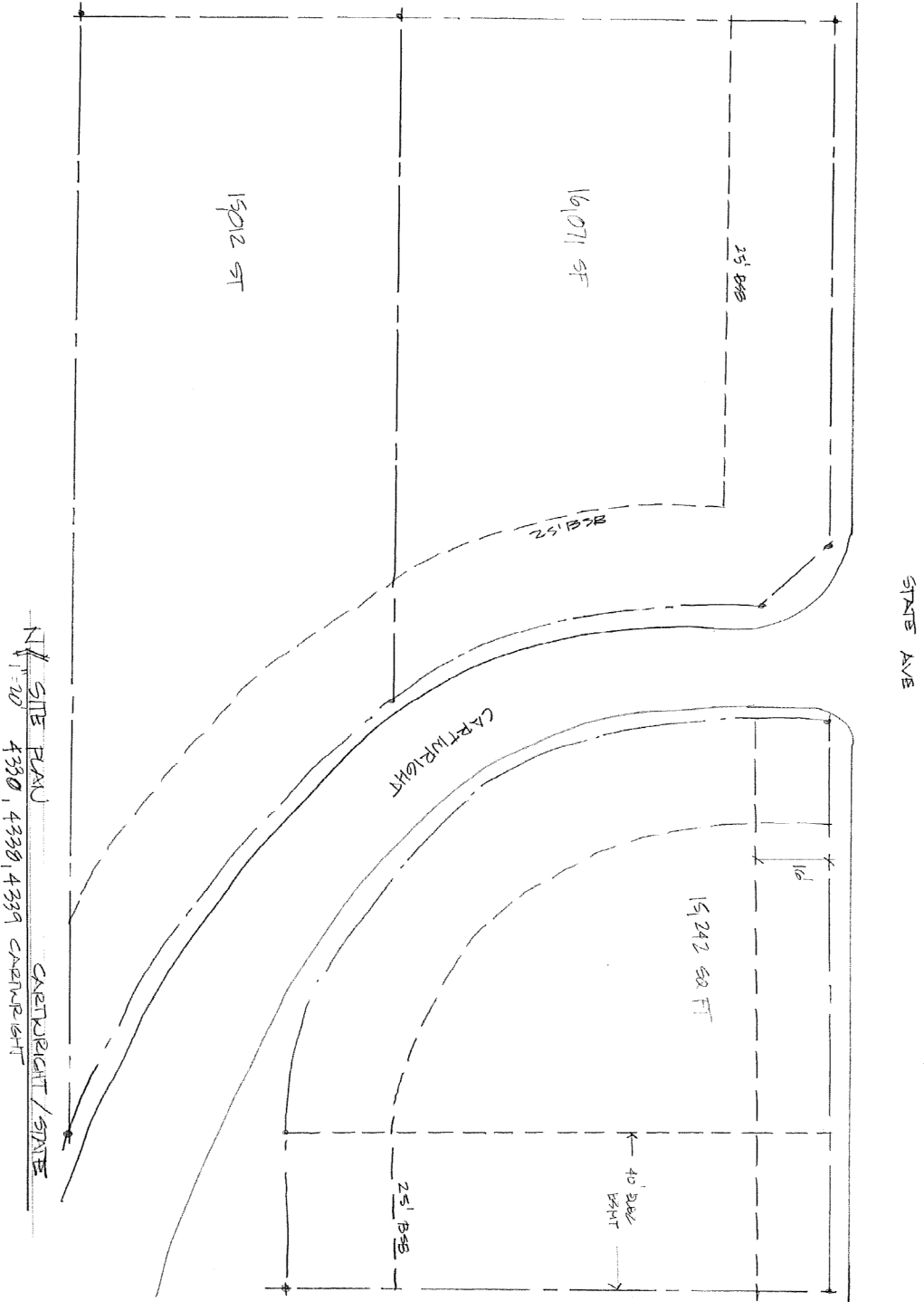


Amended Site Plan- February 28, 2024





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View looking north along State Avenue



View looking south at intersection of State Avenue and Cartwright Drive



View northeast along Cartwright Drive



View of site looking south along Cartwright Drive



View southern portion of site looking east across Cartwright Drive



View southern portion of site looking south across Cartwright Drive



View of southern portion of site looking east across Cartwright Drive



View of southern portion of site looking east across Cartwright Drive



View of northern portion of site looking north across Cartwright Drive



View of northern portion of site looking north across Cartwright Drive



View of northern portion of site looking north across Cartwright Drive (State Avenue)



METROPOLITAN DEVELOPMENT COMMISSION **April 11, 2024**
HEARING EXAMINER

Case Number: 2024-ZON-015

Property Address: 2053 Yandes Street (Approximate Address)

Location: Center Township, Council District #13

Petitioner: Hollister Properties, LLC, by Kristin Hollister

Current Zoning: I-3

Request: Rezoning of 0.13 acres from the I-3 district to the D-8 district to provide for residential uses.

Current Land Use: Vacant

Staff Recommendations: Approval

Staff Reviewer: Marleny Iraheta, Senior Planner

PETITION HISTORY

This petition was automatically continued from the March 14, 2024 hearing to the April 11, 2024 hearing at the request of a remonstrator.

STAFF RECOMMENDATION

Staff **recommends approval** of the request.

PETITION OVERVIEW

LAND USE

The 0.13-acre subject site is an undeveloped industrial lot located in the Martindale- Brightwood Neighborhood and is part of the S A Fletcher Jr. North East subdivision. It is surrounded by a single-family dwelling north, zoned D-8, a vacant commercial building west, zoned D-P, an undeveloped lot south, zoned I-3 and an industrial building east, zoned I-3.

REZONING

This petition would rezone this site from the I-3 district to the D-8 district for a single-family dwelling and detached garage.

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.



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

STAFF ANALYSIS

Staff is supportive of the rezoning to the D-8 district because it would allow for residential development to occur 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

Existing Zoning	I-3	
Existing Land Use	Undeveloped	
Comprehensive Plan	Traditional Neighborhood	
Surrounding Context	<u>Zoning</u>	<u>Land Use</u>
	North:	D-8 Residential (Single-family dwelling)
	South:	I-3 Undeveloped
	East:	I-3 Industrial
	West:	D-P Vacant Commercial Building
Thoroughfare Plan		
Yandes Street	Local Street	61-foot existing right-of-way and a 48-foot proposed right-of-way.
Context Area	Compact	
Floodway / Floodway Fringe	No	
Overlay	No	
Wellfield Protection Area	No	
Site Plan	N/A	
Site Plan (Amended)	N/A	
Elevations	N/A	
Elevations (Amended)	N/A	
Landscape Plan	N/A	
Findings of Fact	N/A	
Findings of Fact (Amended)	N/A	
C-S/D-P Statement	N/A	

COMPREHENSIVE PLAN ANALYSIS

Comprehensive Plan

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

Pattern Book / Land Use Plan

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

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 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



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

Indy Moves

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

- Not Applicable to the Site.

ZONING HISTORY

ZONING HISTORY – VICINITY

2024-CZN-803; 2051 Columbia Avenue (southeast of site), Rezoning of 0.26 acres from the I-3 district to the D-8 district to provide for two, two-unit row homes, **pending**.

2024-CVR-803; 2051 Columbia Avenue (southeast of site), Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for three-foot side setbacks (five feet required), **pending**.

2023-CZN-848 / 2023-CPL-848; 2069 Yandes Street (northeast of site), Rezoning of 0.42 acre from the I-3 district to the D-8 district and Approval of a Subdivision Plat to be known as Starks Minor Subdivision, dividing 0.42 acre into four lots, **approved**.

2022-CZN-835; 2069 Yandes Street (northeast of site), Rezoning of 0.42 acre from the I-3 district to the D-8 district, **withdrawn**.

2022-ZON-005; 2024 Columbia Avenue (southeast of site), Rezoning of 0.129 acre from the I-3 district to the D-8 district to allow for the construction of a single-family house, **approved**.

2021-CZN-819; 2021-CVR-819 (south of site),

2021-CZN-816 / 2021-CVR-816; 2035, 2039, 2043 and 2047 Columbia Avenue (southeast of site), Rezoning of 0.47 acre from the I-3 district to the D-8 district and a variance of development standards to provide for a deficient front setback, **approved**.

2021-ZON-104; 2060 Yandes Street (northwest of site) Rezoning of 3.6 acres from the I-3 district to the D-P district to provide for 54 total units consisting of 50 single-family attached dwellings and four single-family detached dwellings for a density of 15 units per acre, **approved**.

2021-ZON-063; 2057 Yandes Street (north of site), Rezoning of 0.13 acre from the I-3 district to the D-8 district, **approved**.

2021-ZON-059; 2020 Columbia Avenue (southeast of site), Rezoning of 0.13 acre from the I-3 district to the D-8 district, **approved**.

2021-ZON-028; 2018, 2024 and 2032 Yandes Street (southwest of site), Rezoning of 0.39 acre from the I-3 district to the D-8 district, **approved**.

2020-CZN-835 / 2020-CVR-835; 2005 and 2011 Columbia Avenue; 1314 East 20th Street (southeast of site), Rezoning of 0.29 acre from the I-3 district to the D-8 classification and Variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for the construction of three single-family dwellings, with one single-family dwelling within the clear sight triangle of the abutting

streets, with three-foot side setbacks and 47% open space (four-foot side setback and 55% open space), **approved and granted.**

2020-CZN-829 / 2020-CVR-829: 2030 Yandes Street (southwest of site), Rezoning of 0.13 acre from the I-3 district to the D-8 district and a variance of development standards to provide for deficient space between dwellings and deficient open space, **approved.**

2020-ZON-076; 2019 and 2023 Yandes Street (south of site), Rezoning of 0.26 acre from the I-3 district to the D-8 district, **approved.**

2020-ZON-038; 2028 Columbia Avenue (southeast of site), Rezoning of 0.1 acre from the I-3 district to the D-8 classification, **approved.**

2019-HOV-020; 2015 Columbia Avenue (southeast of site), Variance of use to provide for a single-family dwelling in an industrial district, and variances of development standards to provide for deficient setbacks, **approved.**

2019-ZON-030; 2010 Yandes Street (southwest of site), Rezoning of 0.13 acre from the I-3 District to the D-8 classification, **approved.**

2019-ZON-029; 2007 Columbia Avenue (southeast of site), Rezoning of 0.1 acre from the I-3 district to the D-8 district, **approved.**

2019-ZON-028; 2032, 2038, and 2042 Columbia Avenue (southeast of site), Rezoning of 0.39 acre from the I-3 district to the D-8 classification, **approved.**

2018-UV1-030; 2018 Yandes Street (southwest of site), Variance of use and development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for primary and accessory residential uses, including a single-family dwelling and detached garage, with deficient front and rear transitional setbacks and north side setback (30-foot front and rear transitional setbacks and 10-foot side setback required), **granted.**

2017-ZON-030; 2001-2044 Alvord Street (southwest of site), Rezoning of 2.57 acres, from the I-3 district to the D-8 classification, **approved.**

2001-LNU-024; 2016 Columbia Avenue (southeast of site), Certificate of Legal Non-Conforming Use of a single-family dwelling in the I-3-U district, **approved.**

97-UV3-34; 2002 Alvord Street (southeast of site), Variance of use of the Industrial Zoning Ordinance to provide for the repair of passenger automobiles and trucks, **denied.**

95-UV3-1; 2002 Alvord Street (southeast of site), Variance of use of the Industrial Zoning Ordinance to provide for an automobile and truck repair operation (not permitted), **granted for one year.**



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93-UV3-31; 2016 Columbia Avenue (southeast of site), Variance of use to provide for an addition to a single-family dwelling in an industrial district, **approved**.

92-Z-133; 2001 Yades Street (south of site), Rezoning of 2.640 acres from I-3-U District to the SU-1 classification to provide for a church, **approved**.

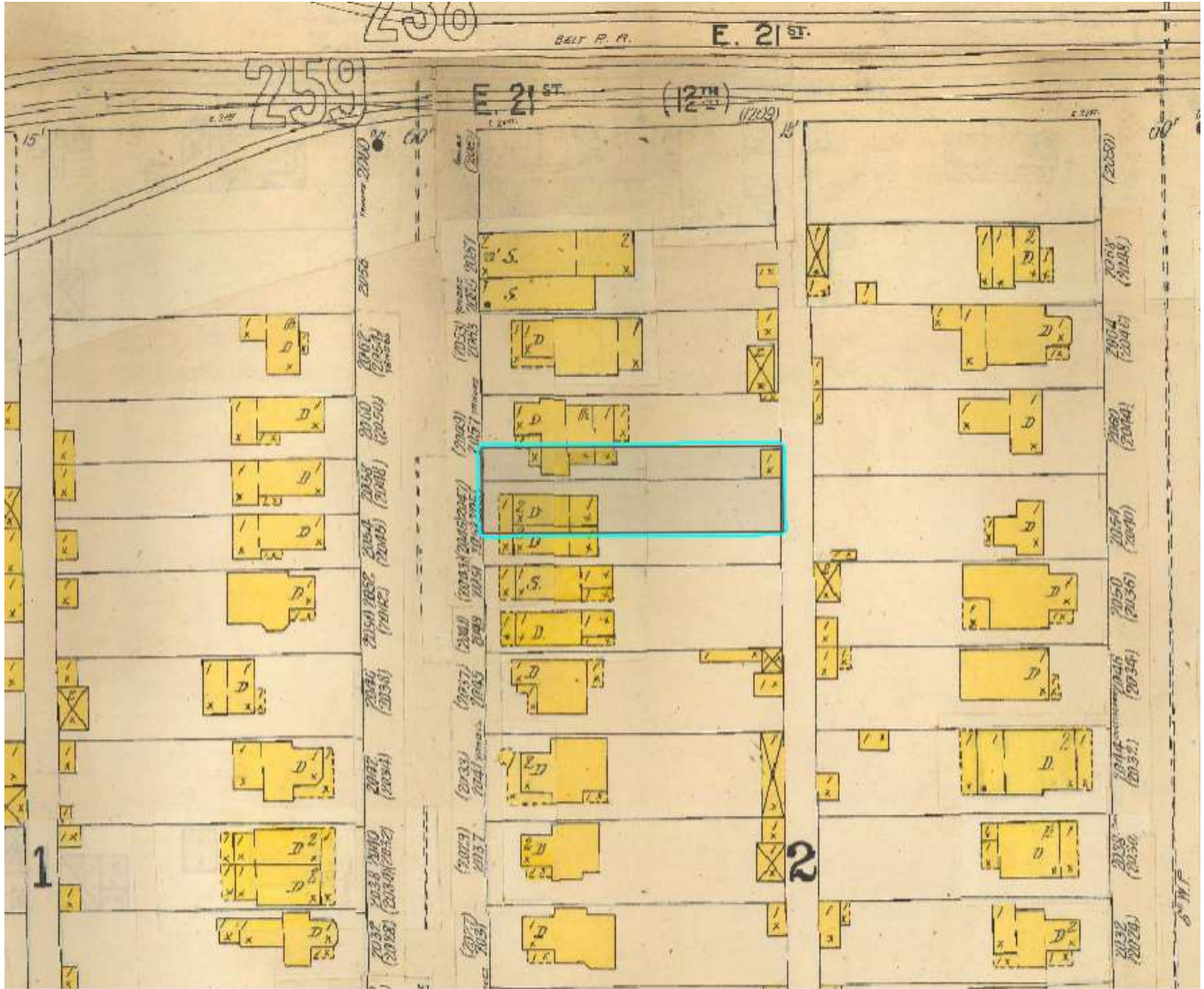
85-UV3-14; 2022 Columbia Avenue (southeast of site), Variance of use to provide for a single-family dwelling in an industrial district and a variance of development standards to provide for deficient setbacks, **approved**.

82-V3-13; 2002-2012 Alvord Street (southwest of site), Variance of development standards to permit the outside storage of a trash container at the northwest corner of the subject property, **granted**.

58-V-429; 2017-2019 Alvord Street (southwest of site) Variance of use to permit erection of a church, **approved**.

EXHIBITS





1898 Sanborn Map



Photo of the subject site.



Photo of the sidewalk conditions in front of the property.



Photo of the rear of the property looking west.



Photo of the alley east of the site.



Photo of the undeveloped lot and single-family dwellings south of the site.



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



METROPOLITAN DEVELOPMENT COMMISSION **April 11, 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-5 (FW (FF) (TOD) district to provide for residential development.
Current Land Use: Vacant
Staff Recommendations: Denial
Staff Reviewer: Jeffrey York, Principal Planner

PETITION HISTORY

This petition was continued from the March 29, 2024, hearing to the April 11, 2024, hearing, by request of staff. No new information has been submitted to the file.

STAFF RECOMMENDATION

Staff **recommends denial** of the request.

PETITION OVERVIEW

The 26.132-acre subject site is an undeveloped parcel, located along the east bank of Fall Creek, from Sutherland Avenue, north to 38th Street. The Monon Trail abuts the site to the southwest from Sutherland Avenue to Fall Creek. East of the site, across Sutherland Avenue, is a mix of commercial, light industrial, and a long-established single-family residential neighborhood, zoned D-5, C-3, C-7, and I-2. South of the site is undeveloped, zoned I-2, with further south, a developing commercial and residential development. To the north and west is Fall Creek and Fall Creek Greenway. Additionally, a former rail bed abuts the site to the east, between the subject site and Sutherland Avenue. The rail bed is within the Sutherland Avenue right-of-way.

This petition would rezone this site from the D-5 (FW (FF) (TOD) district to the D-9 (FW (FF) (TOD) district to provide for residential 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



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new, walkable suburban neighborhoods or for infill situation in established urban areas, including both low density and medium density residential.

The D-9 district is intended for higher density housing formats, with a mix of small- and moderate-scale multi-unit building types. This district can be used at transitions to walkable, commercial areas, transit stations and urban and suburban corridors, including the high-density residential recommendations of the Comprehensive Plan, and the Traditional Neighborhood, City Neighborhood, or Village or Urban Mixed-Use typologies.

The site is recommended for Village-Mixed-Use development, which recommends a density of 6 to 25 units per acre, for residential development. **This recommendation suggests a mixed-use development, which to provide services to the surrounding neighborhood and promotes a walkable and compact development.**

A site plan was not submitted for staff and the public to review the proposed development. The site lies along the east bank of Fall Creek, with portions of the site within the Floodway and floodway fringe. The northern-most portion of the site is within the Transit-Oriented Development overlay, which would support higher density development, but, without a site and development plan to review, staff has considerable concerns regarding pedestrian access, location, and type of parking (surface lot or garage), vehicular access to the site, building placement, and tree preservation. The site has significant tree coverage.

For these reasons, Staff is not supportive of the rezoning to the D-9 (FW (FF) (TOD) district.

GENERAL INFORMATION

Existing Zoning	D-5 (FW) (FF) (TOD)		
Existing Land Use	Undeveloped		
Comprehensive Plan	Village Mixed Use / Floodway		
Surrounding Context	Zoning	Land Use	
	North:	D-5	Undeveloped
	South:	C-7	Undeveloped
	East:	D-5 / C-3 / C-7	Single-family dwellings / commercial
	West:	PK-1 / D-5	Monon Trail / Greenway – Fall Creek
Thoroughfare Plan			
Sutherland Avenue	Secondary Arterial Street	56-foot existing and proposed right-of-way.	
Context Area	Compact		
Floodway / Floodway Fringe	Yes		
Overlay	Yes – Transit-Oriented Development		
Wellfield Protection Area	No		
Site Plan	N/A		
Site Plan (Amended)	N/A		
Elevations	N/A		
Elevations (Amended)	N/A		

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

COMPREHENSIVE PLAN ANALYSIS

Comprehensive Plan

- Marion County Land Use Plan Pattern Book (2019)
- Overlays
 - This site is also located within 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.”

Pattern Book / Land Use Plan

- The Marion County Land Use Plan Pattern Book (2019) recommends village mixed-use neighborhood development for most of the subject site. A portion of the site, along the west back of Fall Creek, is recommended for Floodway.
- The Comprehensive Plan recommends village mixed-use development for these sites. The Village Mixed-Use typology creates neighborhood gathering places with a wide range of small businesses, housing types, and public facilities. This typology is intended to strengthen existing, historically small-town centers as well as to promote new neighborhood centers. Businesses found in this typology serve adjacent neighborhoods, rather than the wider community. This typology is compact and walkable, with parking at the rear of buildings. Buildings are one to four stories in height and have entrances and large windows facing the street. Pedestrian-scale amenities such as lighting, landscaping, and sidewalk furniture also contributes to a walkable environment in this typology. Uses may be mixed vertically in the same building or horizontally along a corridor. Public spaces in this typology are small and intimate, such as pocket parks and sidewalk cafes. This typology has a residential density of 6 to 25 dwelling units per acre.
- **Conditions for All 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.
- **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.
- **Small-Scale Multi-Family Housing**
 - Mixed-Use structures are preferred.
 - Parking should be either behind or interior to the development.
- **Large-Scale Multi-Family Housing**
 - Should be located along an arterial or collector street.
 - Mixed-Use structures are preferred.
 - Parking should be either behind or interior to the development.

Red Line / Blue Line / Purple Line TOD Strategic Plan

- The Transit-Oriented Development (TOD) overlay is intended for areas within walking distance of a transit station. The purpose of this overlay is to promote pedestrian connectivity and a higher density than the surrounding area.
- This site lies within two proposed transit stops identified in the Purple Line Transit-Oriented Development Strategic Plan (2021) with a Community Center typology.
- This site is located within a ¼ mile walk of a transit station located at the intersection of 38th Street and Orchard Avenue with a Community Center typology and within a ½ mile walk of a transit station located at the State Fairgrounds entrance, along 38th Street with a Community Center typology.
- Community Center stations are located in commercial hubs with varying types of commercial developments, from large strip centers to shopping malls, along arterial corridors. Development opportunities vary from redevelopment into mixed-use, walkable patterns to multi-family residential infill development.
- Characteristics of the Community Center typology are:
 - Walkable commercial centers with range of commercial types – aging to new strip commercial, office, shopping malls, big box
 - Mix of retail, entertainment, office, and residential as desired
 - Buildings of 1-3 stories in station area, with contiguous sidewalks, parking with a minimum of 20% reduction

Neighborhood / Area Specific Plan

- Not Applicable to the Site.

Infill Housing Guidelines

- Not Applicable to the Site.

Indy Moves

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

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



ZONING HISTORY

ZONING HISTORY – SITE

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

ZONING HISTORY – VICINITY

None.





Views of Monon Trail and site from Sutherland Avenue and Dr. A J Brown intersection



View of the site from Sutherland Avenue



Views of the site from Sutherland Avenue



Views of the site from Sutherland Avenue (top); view of Sutherland Avenue



View of former rail bed looking north, abutting the site to the east (this rail bed is part of the existing Sutherland Avenue right-of-way)



View of Fall Creek Greenway and Fall Creek Parkway, North Drive, west of the subject site



View of Fall Creek and subject site beyond



METROPOLITAN DEVELOPMENT COMMISSION **April 11, 2024**
HEARING EXAMINER

Case Number: 2024-ZON-027

Property Address: 1101 and 1117 South Sherman Drive

Location: Center Township, Council District #19

Petitioner: Liberty Commercial Investors, LLC, by Donald W. Fisher

Current Zoning: D-5 and C-3

Request: Rezoning of 0.68-acre from the D-5 and C-3 districts to the C-5 district to provide for automobile sales.

Current Land Use: Automobile sales / vacant property

Staff Recommendations: Denial, subject to the commitments noted below, if approved:

Staff Reviewer: Kathleen Blackham, Senior Planner

PETITION HISTORY

This is the first public hearing on this petition.

STAFF RECOMMENDATION

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

1. A 40-foot half right-of-way shall be dedicated along the frontages of South Sherman Drive and East Prospect Street, as per the request of the Department of Public Works (DPW), Engineering Division. Additional easements shall not be granted to third parties within the area to be dedicated as public right-of-way prior to the acceptance of all grants of right-of-way by the DPW. The right-of-way shall be granted within 60 days of approval and prior to the issuance of an Improvement Location Permit (ILP).
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

Rezoning

This 0.68-acre site, zoned D-5 and C-3, is comprised of two parcels. The northern parcel is developed with a used car sales business and the southern parcel is vacant. It is surrounded by industrial uses to the north, across Prospect Street, zoned I-4; industrial uses to the east, zoned C-S; commercial uses to the west, across South Sherman Drive, zoned C-5; and a single-family dwelling to the south, zoned D-5. Petition 90-UV1-39 provided for open air automobile sales on the northern parcel of this site. Petition 64-V-308 granted the use of the site (northern parcel) for a gasoline service station with reduced yards and signage. Subsequently, petition 2012-ZON-012 rezoned the northern parcel to the C-3 district to provide for commercial retail uses.

The request would rezone both parcels to the C-5 (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 community commercial typology for the northern parcel and suburban neighborhood typology for the southern parcel.

As proposed, this request would not be consistent with either of the Comprehensive Plan recommendations. Community commercial typology is contemplated to be consistent with the C-3 (neighborhood commercial) or the C-4 (community-regional) zoning districts, depending upon the location and the surrounding land uses. The suburban neighborhood typology is comprised primarily of single-family dwellings with a variety of neighborhood serving commercial businesses.

Not factoring in permitted accessory uses, approximately 62 primary uses would be permitted. Staff believes the request should be limited to neighborhood serving uses, rather than permitting uses that would not be appropriate for this site, would be detrimental to the surrounding land uses, particularly the residential neighborhood to the south and would allow for further commercial encroachment into the residential neighborhood.

Department of Public Works

The Department of Public Works, Traffic Engineering Section, has requested the dedication and conveyance of a 40-foot half right-of-way along South Sherman Drive and East Prospect Street. This dedication would also be consistent with the Marion County Thoroughfare Plan.



Environmental Public Nuisances

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

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

Environmental public nuisance means:

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

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

GENERAL INFORMATION

Existing Zoning	C-3 / D-5	
Existing Land Use	Automobile vehicle sales / vacant land	
Comprehensive Plan	Community Commercial / Suburban Neighborhood	
Surrounding Context	Zoning	Land Use
North:	I-4	Industrial uses
South:	D-5	Single-family dwelling
East:	C-S	Single-family dwelling
West:	C-5	Commercial uses

Thoroughfare Plan		
South Sherman Drive	Primary arterial	Existing 50-foot right-of-way and proposed 80-foot right-of-way.
East Prospect Street	Primary arterial	Existing 60-foot right-of-way and proposed 80-foot right-of-way.
Context Area	Metro	
Floodway / Floodway Fringe	No	
Overlay	No	
Wellfield Protection Area	No	
Site Plan	N/A	
Site Plan (Amended)	N/A	
Elevations	N/A	
Elevations (Amended)	N/A	
Landscape Plan	N/A	
Findings of Fact	N/A	
Findings of Fact (Amended)	N/A	
C-S/D-P Statement	N/A	

COMPREHENSIVE PLAN ANALYSIS

Comprehensive Plan

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

Pattern Book / Land Use Plan

- *Conditions for All Land Use Types – Community Commercial Typology*
 - All land use types except small-scale parks and community farms/gardens in this typology must have adequate municipal water and sanitary sewer.
 - All development should include sidewalks along the street frontage.
- *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.
- *Conditions for All Land Use Types – Suburban Neighborhood Typology*
 - All land use types except small-scale parks and community farms/gardens in this typology must have adequate municipal water and sanitary sewer.
 - All development should include sidewalks along the street frontage.
 - Hydrological patterns should be preserved wherever possible.
 - Where possible, contributing historic buildings should be preserved or incorporated into new development.
 - Curvilinear streets should be used with discretion and should maintain the same general direction.
 - In master-planned developments, block lengths of less than 500 feet, or pedestrian cut-throughs for longer blocks, are encouraged.
- *Conditions for All Housing*
 - A mix of housing types is encouraged.
 - Developments of more than 30 housing units must have access to at least one arterial street of 3 or more continuous travel lanes between the intersections of two intersecting arterial streets.
 - Should be within a one-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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- Should be oriented towards the street with a pedestrian connection from the front door(s) to the sidewalk. Driveways/parking areas do not qualify as a pedestrian connection.
- Developments with densities higher than 5 dwelling units per acre should have design character compatible with adjacent properties. Density intensification should be incremental with higher density housing types located closer to frequent transit lines, greenways or parks.
- *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.
 - 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.



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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

2012-ZON-012; 1101 South Sherman Drive, requested rezoning of 0.27-acres, from the D-5 District, to the C-3 classification to provide for commercial retail uses, **approved**.

90-UV1-30; 1101 South Sherman Drive, requested a variance of use and development standards of the Dwelling Districts Zoning Ordinance to permit open air automobile sales, **granted**.

64-UV1-39; 1101 South Sherman Drive, requested a variance of use and development standards to provide for a gasoline service station with reduced yards and signage, **granted**.

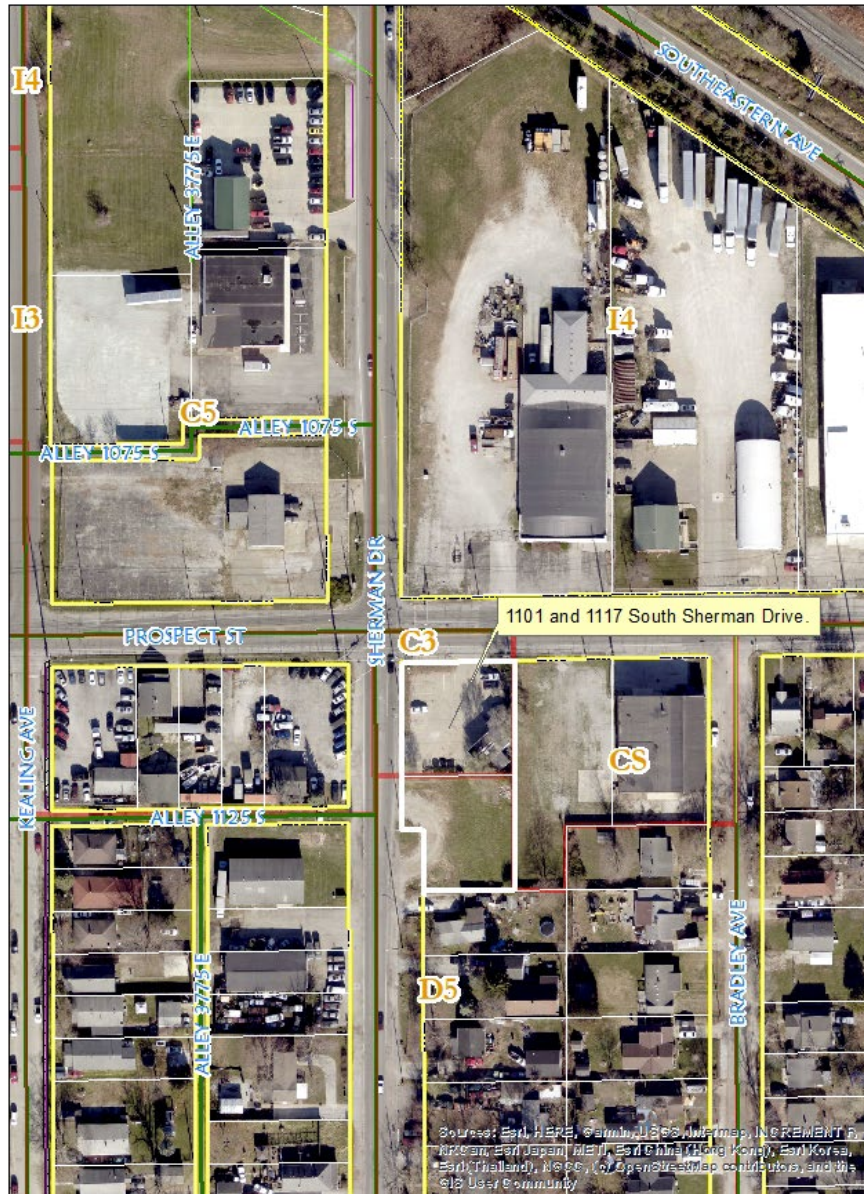
VICINITY

2018-CZN-833 / 2018-CVR-833; 3833 East Prospect Street, requested rezoning of 0.96 acre from the D-5 district to the C-S classification to provide for I-2 uses and a variance of development standards of the Consolidated Zoning and Subdivision Ordinance to legally establish zero-foot front transitional, front, side transitional and side setbacks, without landscaping, **approved and granted**.

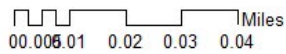
81-UV1-101; 3831-38-33 Prospect Street (east of site), requested a variance of use and development standards to permit the operation of an office for a scavenger service, with truck storage and inside truck and equipment repair, **granted**.

69-V2-192; 3833 Prospect Street (east of site), requested a variance of use and setback requirement to permit an addition to the existing building for warehouse use, **granted**.

EXHIBITS



1101 and 1117 South Sherman Drive





View looking north along South Sherman drive



View looking south along South Sherman Drive



View looking west along East Prospect Street



View looking east along East Prospect Street



View of site looking south across East Prospect Street



View of site looking south across East Prospect Street



View of site looking east across South Sherman Drive



View of site looking east across South Sherman Drive



View of site looking east across South Sherman Drive

Enter any photographs or site plans



METROPOLITAN DEVELOPMENT COMMISSION **April 11, 2024**
HEARING EXAMINER

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

Property Address: 8840 East Edgewood Avenue

Location: Franklin Township, Council District #25

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

Current Zoning: D-4

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

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

Current Land Use: Vacant land)

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

Staff Reviewer: Kathleen Blackham, Senior Planner

PETITION HISTORY

This is the first public hearing on this petition.

STAFF RECOMMENDATION

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

1. That the applicant provides a bond as required by Section 741-210, of the Consolidated Zoning and Subdivision Ordinance.
2. Subject to the Standards and Specifications of Citizens Energy Group, Sanitation Section.
3. Subject to the Standards and Specifications of the Department of Public Works, Drainage Section.
4. Subject to the Standards and Specifications of the Department of Public Works, Transportation Section.
5. That addresses and street names, as approved by the Department of Metropolitan Development, be affixed to the final plat prior to recording.



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6. That the Enforcement Covenant (Section 741-701, of the Consolidated Zoning and Subdivision Ordinance) be affixed to the final plat prior to recording
7. That the Site Distance Covenant (Section 741-702, of the Consolidated Zoning and Subdivision Ordinance) be affixed to the final plat prior to recording.
8. That the Sanitary Sewer Covenant (Section 741-704, of the Consolidated Zoning and Subdivision Ordinance) be affixed to the final plat prior to recording.
9. That the Storm Drainage Covenant (Section 741-703, of the Consolidated Zoning and Subdivision Ordinance) be affixed to the final plat prior to recording.
10. That the plat restrictions and covenants, done in accordance with the rezoning commitments, be submitted prior to recording the final plat.
11. That all the standards related to secondary plat approval listed in Sections 741-207 and 741-208 of the Consolidated Zoning and Subdivision Ordinance be met prior to recording the final plat.

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

PETITION OVERVIEW

Site Plan and Design / Waiver

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

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

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

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

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



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

Variance of Development Standards

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

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

GENERAL INFORMATION

Existing Zoning	D-4	
Existing Land Use	Undeveloped	
Comprehensive Plan	Suburban neighborhood typology	
Surrounding Context	Zoning	Land Use
	North:	D-P Single-family / duplex dwellings
	South:	D-4 Under development
	East:	D-4 Under development
	West:	I-2 Undeveloped
Thoroughfare Plan		
East Edgewood Avenue	Secondary Arterial	Existing 30-foot right-of-way and proposed 90-foot right-of-way
Context Area	Metro	
Floodway / Floodway Fringe	No	
Overlay	No	
Wellfield Protection Area	No	
Site Plan	March 5, 2024 - Plat Documents	
Site Plan (Amended)	N/A	
Elevations	N/A	
Elevations (Amended)	N/A	
Landscape Plan	N/A	
Findings of Fact	March 5, 2024	
Findings of Fact (Amended)	March 14, 2024	
C-S/D-P Statement	N/A	



COMPREHENSIVE PLAN ANALYSIS

Comprehensive Plan

- Not Applicable to the Site.

Pattern Book / Land Use Plan

- Not Applicable to the Site

Red Line / Blue Line / Purple Line TOD Strategic Plan

- Not Applicable to the Site.

Neighborhood / Area Specific Plan

- Not Applicable to the Site.

Infill Housing Guidelines

- Not Applicable to the Site.

Indy Moves

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

- Not Applicable to the Site.



ZONING HISTORY

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

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

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

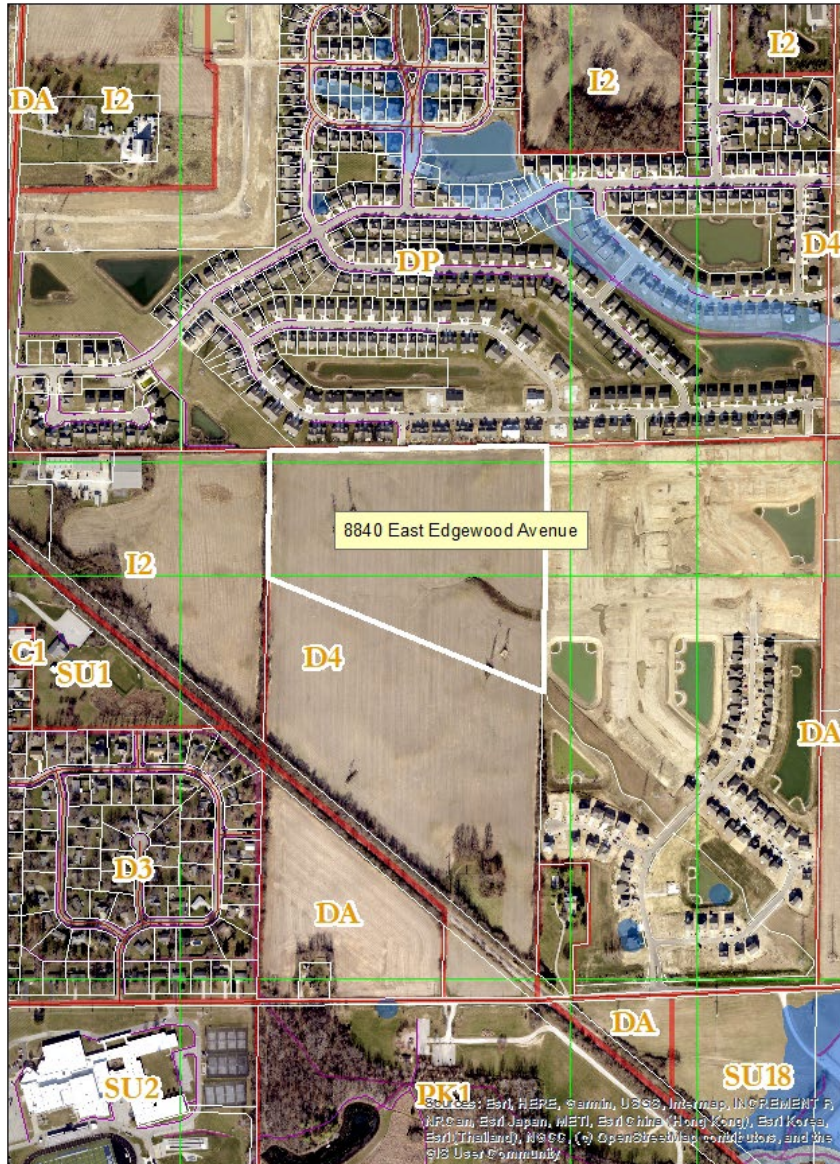
2014-ZON-020; 8701 and 9107 East Thompson Road (north of site), requested rezoning of 126 acres from the D-P District to the D-P classification to provide for 61, two-family dwellings (122 dwelling units) and 298 single-family dwellings (previously approved by 2002-ZON-10 (2002-DP-21), as amended by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

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

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

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

EXHIBITS





Department of Metropolitan Development
Division of Planning
Current Planning

Petition Number _____

REQUESTED WAIVER:

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

WAIVER OF THE SUBDIVISION REGULATIONS
FINDINGS OF FACT

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

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

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

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

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

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

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

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

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

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

DECISION

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

Adopted this _____ day of _____, 20 _____



Department of Metropolitan Development
Division of Planning
Current Planning

Petition Number _____

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

PETITION FOR VARIANCE OF DEVELOPMENT STANDARDS

FINDINGS OF FACT

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

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

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

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

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

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

DECISION

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

Adopted this _____ day of _____, 20 ____



View looking north across East Edgewood Avenue



View looking north across East Edgewood Avenue