

**METROPOLITAN DEVELOPMENT COMMISSION
HEARING EXAMINER**

April 24, 2025

Case Number: 2024-ZON-102 (Amended)
Property Address: 501 and 525 South East Street
Location: Center Township, Council District #18
Petitioner: David Kingen and Justin Kingen
Current Zoning: I-3 (RC) (TOD)
Request: Rezoning of 0.13 acre from the I-3 (RC) (TOD) district to the CBD-2 (RC) (TOD) district to construct a three-unit multi-family residential building.
Current Land Use: Vacant property / Two-family dwelling
Staff Recommendations: Denial.
Staff Reviewer: Kathleen Blackham, Senior Planner

PETITION HISTORY

The Hearing Examiner acknowledged a timely automatic continuance from a registered neighborhood organization that continued this petition from the September 26, 2024 hearing, to the October 24, 2024 hearing.

The Hearing Examiner continued this petition from the October 24, 2024 hearing to the January 9, 2025 hearing and to the February 27, 2025 hearing, with notice, at the request of the petitioner. The petitioner requested additional time to engage a representative and amend the petition. No new information has been submitted to the file.

The Hearing Examiner continued this petition from the February 27, 2025, hearing to the April 24, 2025 hearing, at the request of the petitioner's representative.

STAFF RECOMMENDATION

Denial. The request was amended to include the abutting parcel to the north, addressed as 501 South East Street. Updated documents, including a site plan, building elevations and renderings were submitted on April 16, 2025. Staff, however, continues to recommend denial of the rezoning.

PETITION OVERVIEW

This 0.13-acre site, zoned I-3 (RC) (TOD), is vacant and surrounded by a single-family dwelling to the north, zoned I-3 (RC) (TOD); a two-family dwelling to the south, zoned CBD-2 (RC) (TOD); a single-family dwelling to the east, zoned D-8; and an industrial complex to the west, across South East Street, zoned I-3 (RC) (TOD).

The request would rezone the site to the CBD-2 (Central Business District). “The CBD-2 district is for the general downtown area of Indianapolis, surrounding the CBD-1 and CBD-3 districts. The district represents the typical urban core of Indianapolis to be developed at very high density. It is a pedestrian oriented environment that is also the focus of the City’s transit system providing excellent accessibility. The grid pattern of streets are mostly high-volume arterials which function efficiently due to the service areas being accessed by a thorough network of alleys. The CBD-2 district accommodates a diverse mixture of uses including residential, retail, restaurants, entertainment, major public facilities, major convention facilities, sports venues, hotels and memorials.”

The Comprehensive Plan recommends traditional neighborhood typology. According to historical maps, this site was originally developed with a two-family dwelling but has remained vacant for many years.

As proposed, this request would not be consistent with the Plan recommendation of traditional neighborhood with a typical density of five to 15 units per acre. The density of this residential project would be 42.85 units per acre.

The CBD-2 district is intended to serve as a buffer surrounding the CBD-1 and CBD-3 districts, which are those areas of monuments, large plazas, and government buildings. This site is not in proximity of any of these features and is, therefore, not appropriate for this area. Staff would note that staff recommended denial of petition 2003-ZON-047 that requested rezoning to the CBD-2 district that abuts this site to the south.

The Transit Oriented Development overlay recommends a higher density; however, The Pattern Book guidelines recommend that attached housing be located “around intersections of neighborhood collector streets, greenways, parks or public squares, or neighborhood-serving retail.” This site is located mid-block along a primary arterial between a single-family dwelling and a two-family dwelling.

The approximate 63-foot tall, four-story structure would not be compatible with the surrounding land uses and would be wholly inappropriate development along this corridor. Furthermore, the architecture character and building mass would be a dominate feature, rather than harmonious infill development that would respect the existing character in the area.

Staff would reconsider this rezoning if the request would be amended to the D-8 district. Staff, however, believes the Regional Center Guidelines should also be met.

During the site visit, staff observed that the real estate sign indicates this site is zoned CBD-2.

GENERAL INFORMATION

Existing Zoning	I-3 (RC) (TOD)	
Existing Land Use	Vacant	
Comprehensive Plan	Traditional Neighborhood	
Surrounding Context	Zoning	Land Use
North:	I-3 (RC) (TOD)	Single-family dwelling
South:	CBD-2 (RC) (TOD)	Two-family dwelling
East:	D-8 (RC) (TOD)	Single-family dwelling
West:	I-3 (RC) (TOD)	Industrial uses
Thoroughfare Plan		
South East Street	Primary Arterial	Existing 80-foot right-of-way and proposed 78-foot right-of-way.
East Warsaw Street	Local Street	Existing 40-foot right-of-way and proposed 48-foot right-of-way
Context Area	Compact	
Floodway / Floodway Fringe	No	
Overlay	Yes, Regional Center and Transit Oriented Development (TOD)	
Wellfield Protection Area	No	
Site Plan	August 2, 2024	
Site Plan (Amended)	N/A	
Elevations	August 2, 2024	
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 Traditional Neighborhood typology. The Traditional Neighborhood typology includes a full spectrum of housing types, ranging from single family homes to large-scale multifamily housing. The development pattern of this typology should be compact and well-connected, with access to individual parcels by an alley when practical. Building form should promote the social connectivity of the neighborhood, with clearly defined public, semi-public, and private spaces. Infill development should continue the existing visual pattern, rhythm, or orientation of surrounding buildings when possible. A wide range of neighborhood-serving businesses,

institutions, and amenities should be present. Ideally, most daily needs are within walking distance. This typology usually has a residential density of five 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.

- Indianapolis Regional Center Plan 2020 (2004).
 - This Plan recommends residential development (garden apartment and townhouses) at 16-26 dwelling units per acre.
- Indianapolis Regional Center Guidelines (2008).
 - These design guidelines provide a community standard for urban design. They were developed to encourage creativity, interest, and variety, and to build upon local heritage and character. The guidelines are intended to protect the investments of stakeholders by maintaining downtown Indianapolis as an efficient, sustainable, and vital place in which to live, work, learn and spend free time.
 - The purpose of these Guidelines is to set standards that will produce a more thoughtful design response to Regional Center development projects. They focus on a wide range of characteristics of the built environment.
 - This proposed development would be required to file an approval petition for Regional Center that would require design review in accordance with the Guidelines.

Pattern Book / Land Use Plan

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

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

- *Conditions for All Land Use Types – Traditional Neighborhood Typology*
 - All land use types except small-scale parks and community farms/gardens in this typology must have adequate municipal water and sanitary sewer.
 - All development should include sidewalks along the street frontage.
 - In master-planned developments, block lengths of less than 500 feet, or pedestrian cut-throughs for longer blocks, are encouraged
- *Conditions for All Housing*
 - A mix of housing types is encouraged.
 - Should be within a one-mile distance (using streets, sidewalks, and/or off-street paths) of a school, playground, library, public greenway, or similar publicly accessible recreational or cultural amenity that is available at no cost to the user.

- Primary structures should be no more than one and a half times the height of other adjacent primary structures
- Should be oriented towards the street with a pedestrian connection from the front door(s) to the sidewalk. Driveways/parking areas do not qualify as a pedestrian connection.
- Developments with densities higher than 15 dwelling units per acre should have design character compatible with adjacent properties. Density intensification should be incremental with higher density housing types located closer to frequent transit lines, greenways, or parks.
- *Attached Housing (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.
 - 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.
- *Modified Uses – Transit-Oriented Development Overlay*
 - Attached Housing - A residential density of 15+ units per acre is recommended.

Red Line / Blue Line / Purple Line TOD Strategic Plan

The Red Line Transit-Oriented Development Strategic Plan (2021)

- This site is also located within an overlay, specifically the Transit Oriented Development (TOD). “Overlays are used in places where the land uses that are allowed in a typology need to be adjusted. They may be needed because an area is environmentally sensitive, near an airport, or because a certain type of development should be promoted. Overlays can add uses, remove uses, or modify the conditions that are applied to uses in a typology.”
- The Transit-Oriented Development (TOD) overlay is intended for areas within walking distance of a transit station. The purpose of this overlay is to promote pedestrian connectivity and a higher density than the surrounding area.
- This site is located within a ¼ mile walk (approximately 585 feet) of Fletcher Place transit stop located at the intersection of Virginia Avenue and Merrill Street with a District Center typology.

- District Center stations are located at the center of regionally significant districts with several blocks of retail or office at their core. Development opportunities include infill and redevelopment, dense residential, employment near transit stations, neighborhood retail and a focus on walkability and placemaking.
- Characteristics of the District Center typology are:
 - A dense mixed-use hub for multiple neighborhoods with tall buildings
 - Minimum of three stories at core with no front or side setbacks
 - Multi-family housing with a minimum of five units
 - Structured parking only with active first floor
- Modifications - The Pattern Book also provides guidance related to overlays and whether an overlay adds, modifies, or removes the recommended land uses within the base typology.
 - This site lies within the Transit-Oriented Development overlay that recommends a density of 15+ units per acre for attached housing.

Neighborhood / Area Specific Plan

- Not Applicable to the Site.

Infill Housing Guidelines

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

Site Configuration

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

Aesthetic Considerations

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

Additional Topics

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

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

Indy Moves

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

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

ZONING HISTORY

2019-CZN-858 / 2019-CVR-858; 501-511 (odd) South East Street (north of site), requested rezoning of 0.20 acre from the I-3 (RC) and CBD-2 (RC) districts to the D-8 (RC) district and a variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for four, 38-foot tall single-family dwellings with attached garages, with reduced setbacks, separation between dwellings, open space and encroachment into the clear sight triangle, **approved and granted**.

2019-CZN-832 / 2019-CVR-832; 514 East Warsaw Street (east of site), requested a rezoning of 0.07 acre, from the I-3 (RC) district to the D-8 (RC) district and a variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for a zero-foot west side yard setback for an existing single-family dwelling, additions to the existing single-family dwelling, with a three-foot east side yard setback for a proposed covered patio and 47.9% open space, **approved and granted**.

2017-HOV-069; 514 East Warsaw Street (east of site), requested a variance of use of the Consolidated Zoning and Subdivision Ordinance to legally establish primary and accessory single-family residential uses, **granted**.

2018-DV3-033; 509-535 East Warsaw Street (east of site), requested a variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for five dwellings, with front, side and between building setback reductions and for 49% open space, **granted**.

2018-ZON-008; 713 and 909 South East Street, 705, 709, 713, 725, 812 and 814 Greer Street, 605, 613, 617, 636, 637, 718, 727, 743, 747 and 751 East McCarty Street, 515, 526, 532, 534, 535 and 607 East Merrill Street, 710, 722, 730, 742 and 747 South Noble Street, 521, 612 and 633 Stevens, 812, 815 and 821 Wright Street and 316 South College Avenue (east of site), requested rezoning from the I-3-U (RC) and I-4-U (RC) districts, to the D-8 (RC) classification, **approved**.

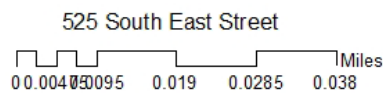
2003-ZON-047; 529, 533 and 537 South East Street (south of site), requested rezoning of 0.32 acres from the D-8 (RC) and I-3-U (RC) districts to the CBD-2 (RC) district to provide for residential development, **approved**.

99-CP-16Z / 99-CP-16V; 529-531 South East Street (south of site), requested rezoning of 0.12 acres from the I-3 U (RC) district to the C-8 (RC) classification to provide for construction of two-family dwelling and a variance of development standards of the Dwelling districts Zoning Ordinance to provide for construction of a two-family dwelling with reduced setbacks and open space, **approved and granted**.

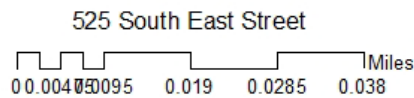
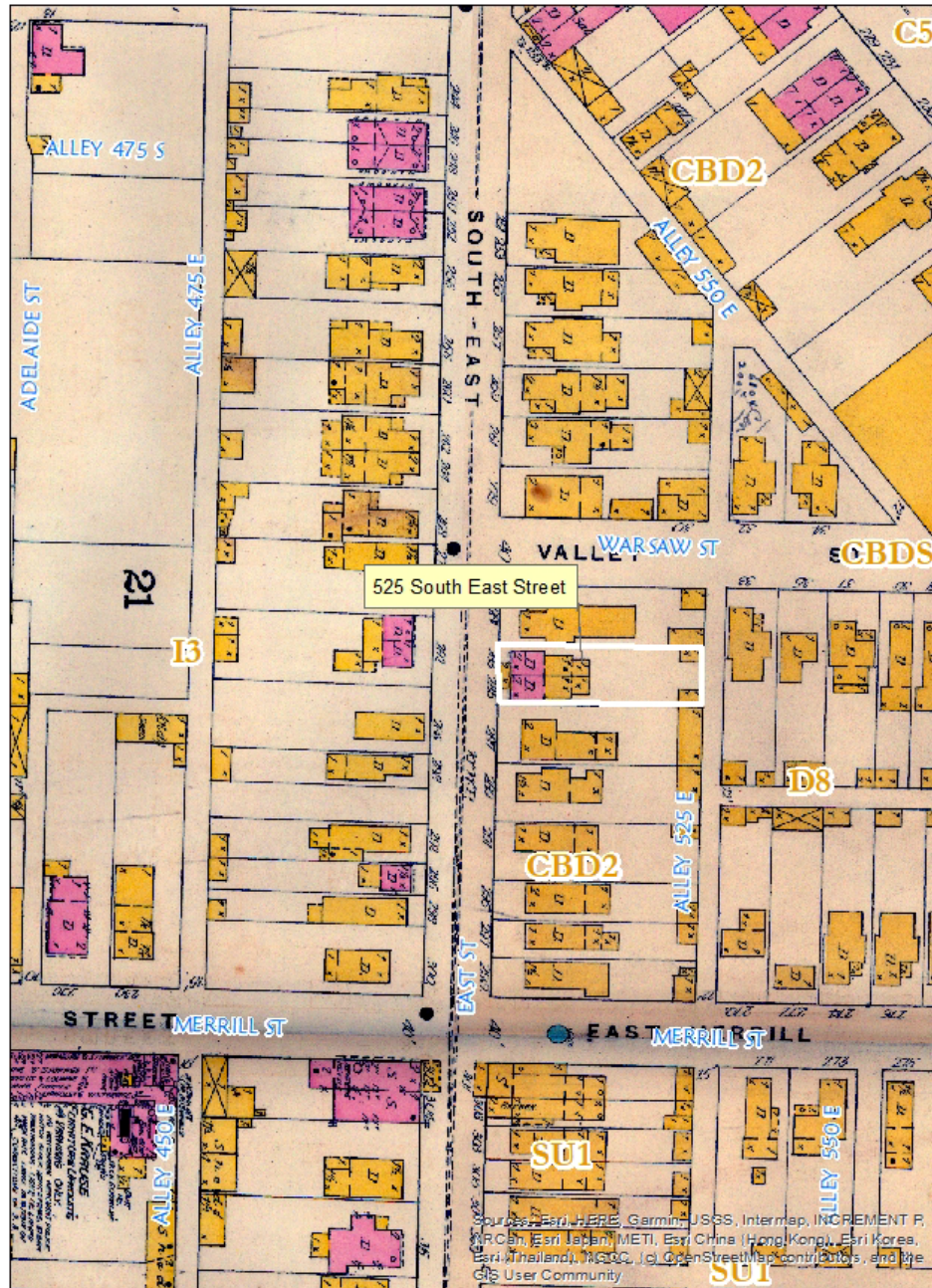
96-Z-127; 701-703 South East Street (south of site), requested rezoning from the I-3-U district to the SU-1 district to provide for religious uses, **approved**.

80-UV1-14; 545 South East Street (south of site), requested a variance of development standards of the Industrial Zoning Ordinance to provide for an addition to an existing electrical contractor, **granted**.

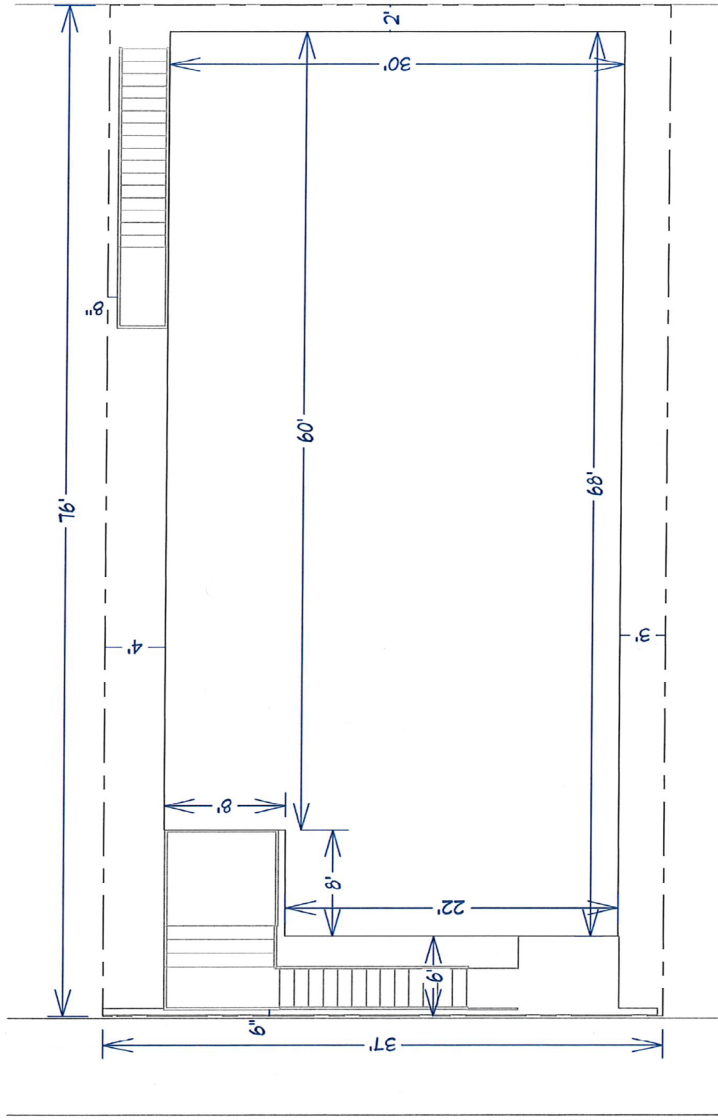
EXHIBITS



1887 Sanborn Map



Site Plan – April 16, 2025



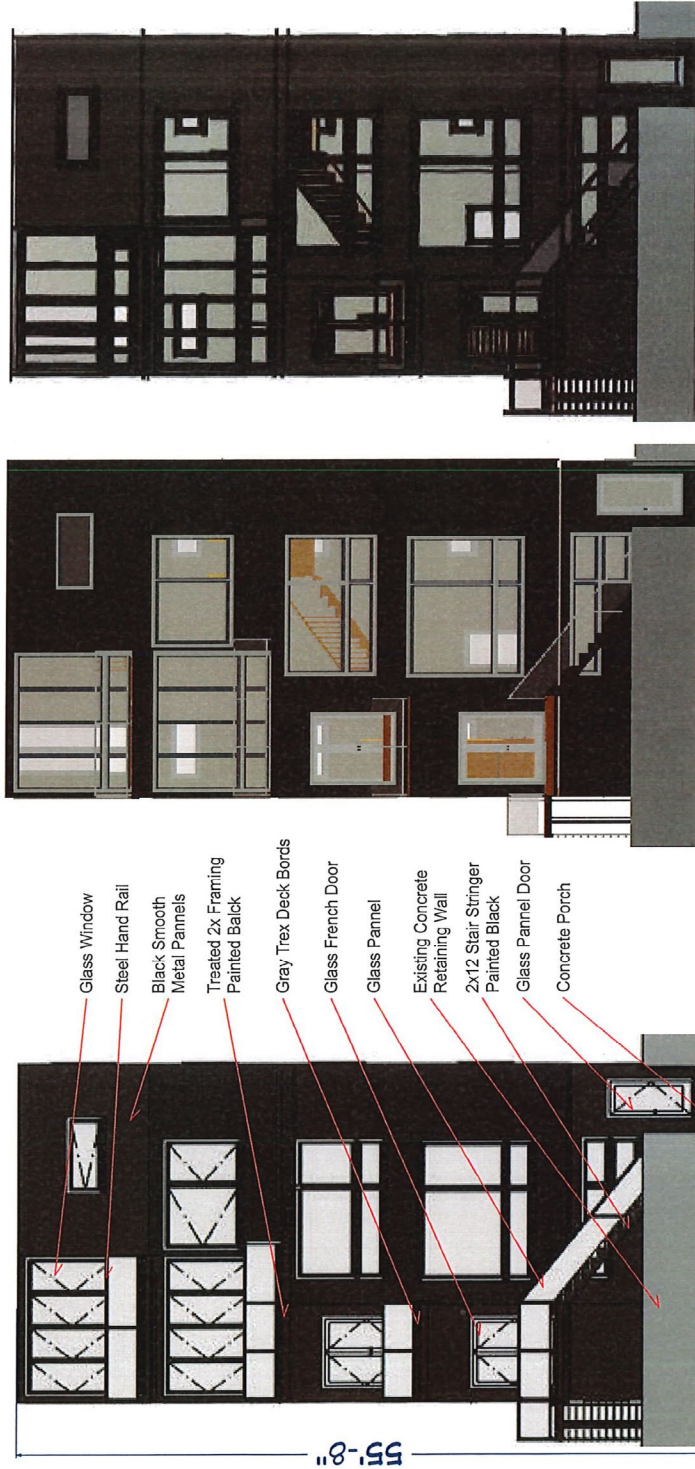
S EAST STREET

Scale= 1/8"=1'

Site Plan

525 S East st

Elevations – April 16, 2025



Water Color

Standard View

Vector View

Scale= 1/8"=1'

Front

Proposed

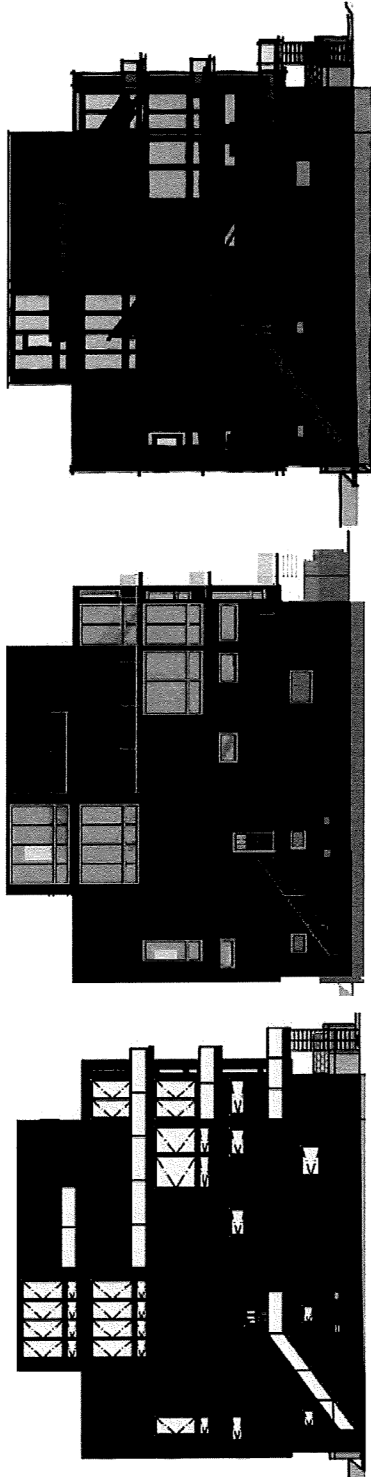
1 525 South East St

3D Model



<https://3d-viewer.offierarchitect.com/go?share=123165951602335>

Elevations – April 16, 2025



North

South

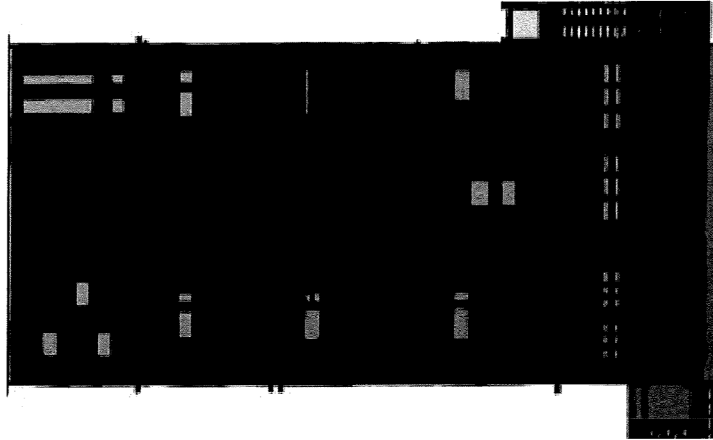
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Side Elevations

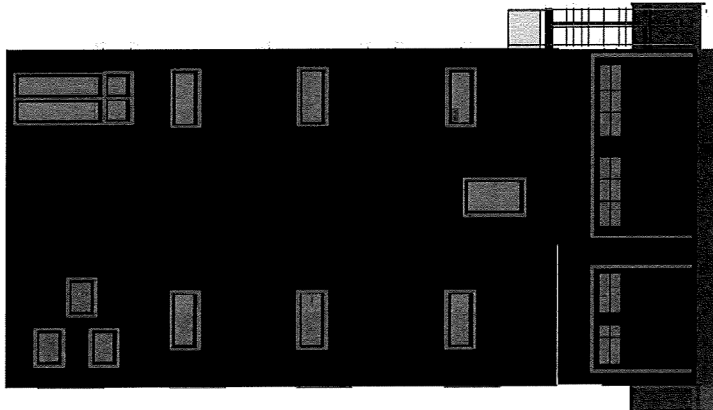
Proposed

2 525 South East St

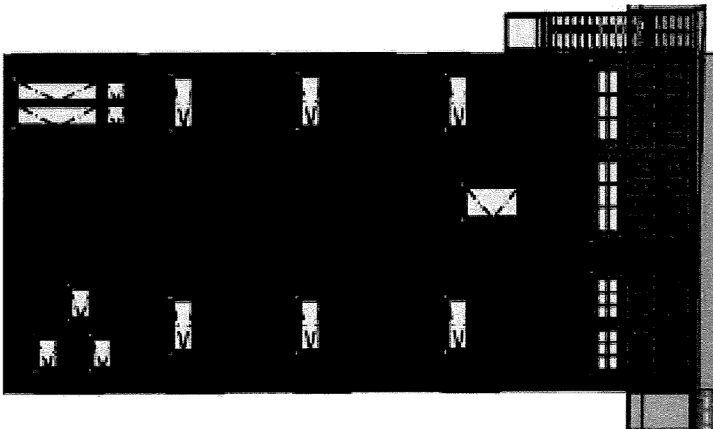
Elevations – April 16, 2025



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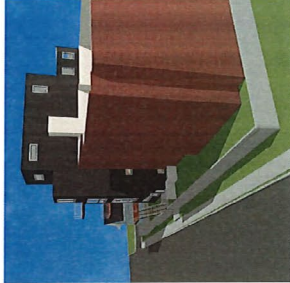
Rear



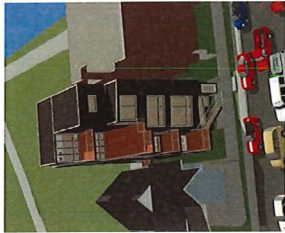
Proposed

3 525 South East St

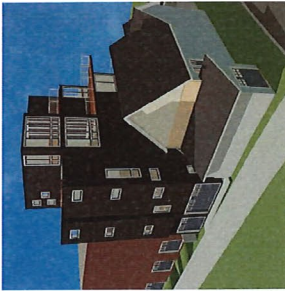
Renderings – April 16, 2025



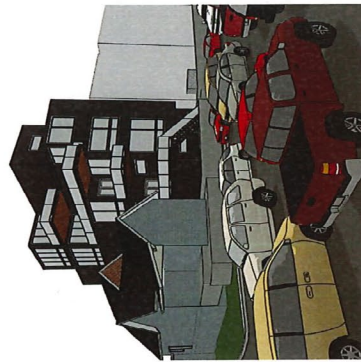
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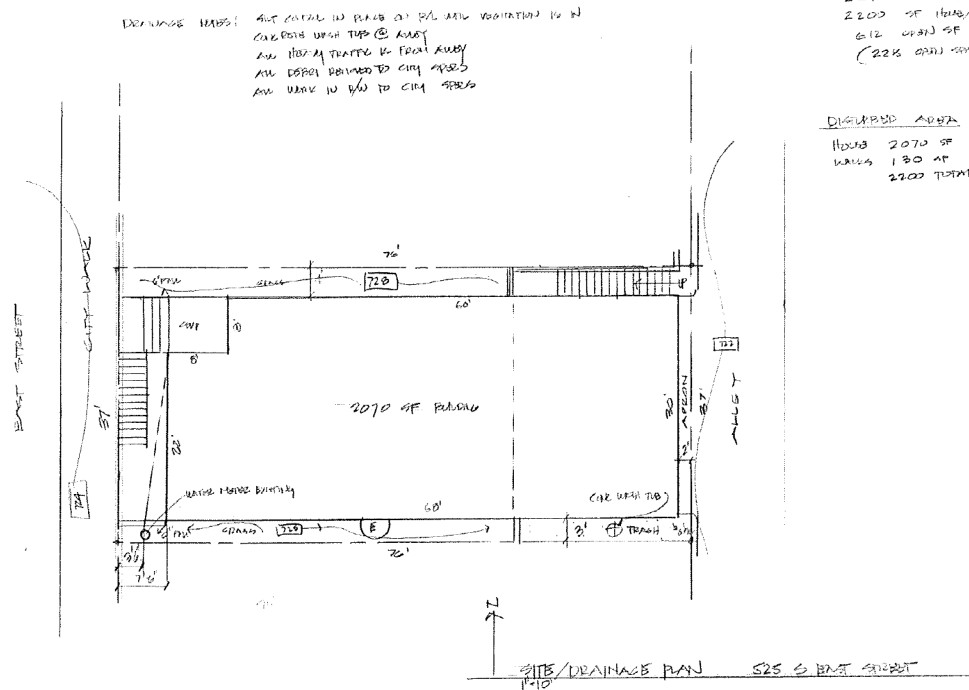
Photos

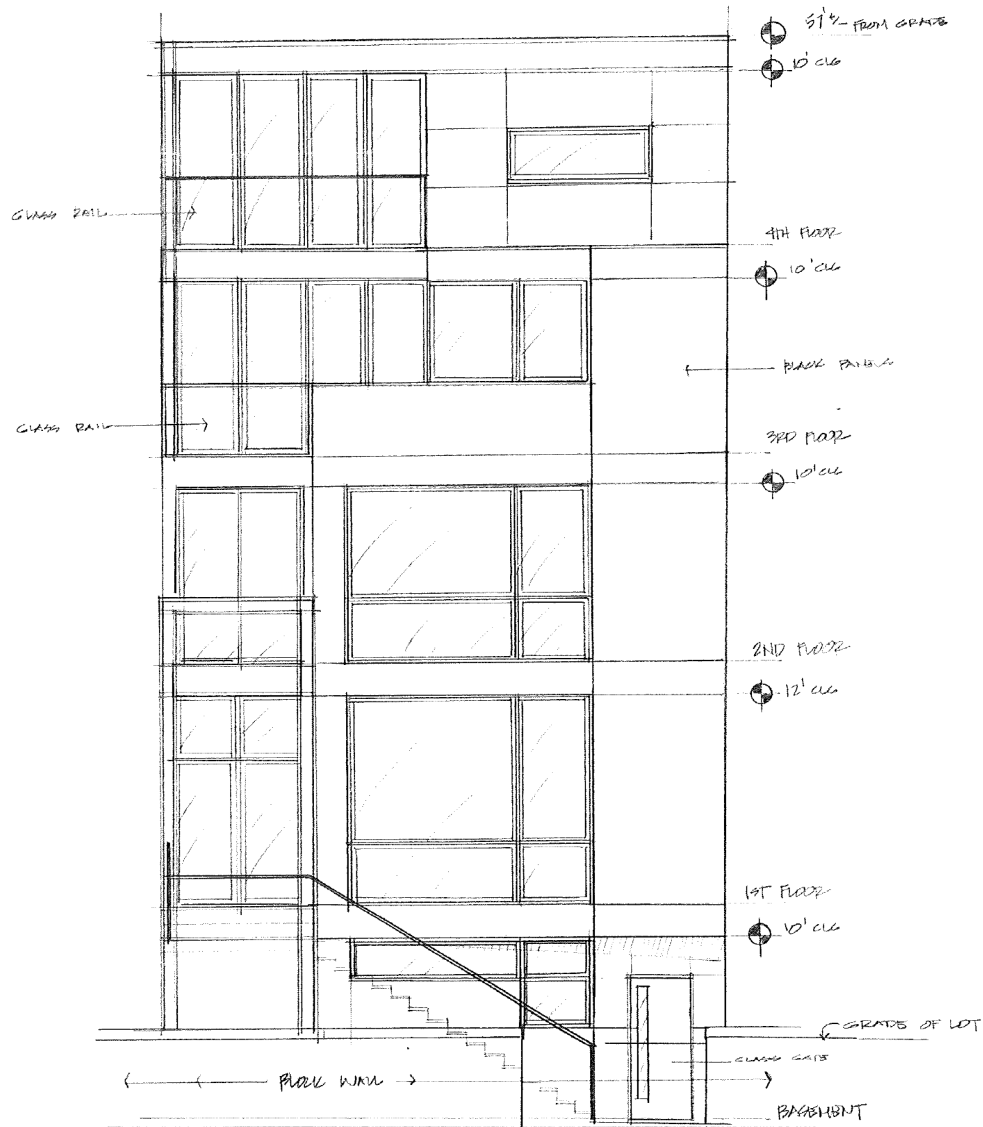


Proposed

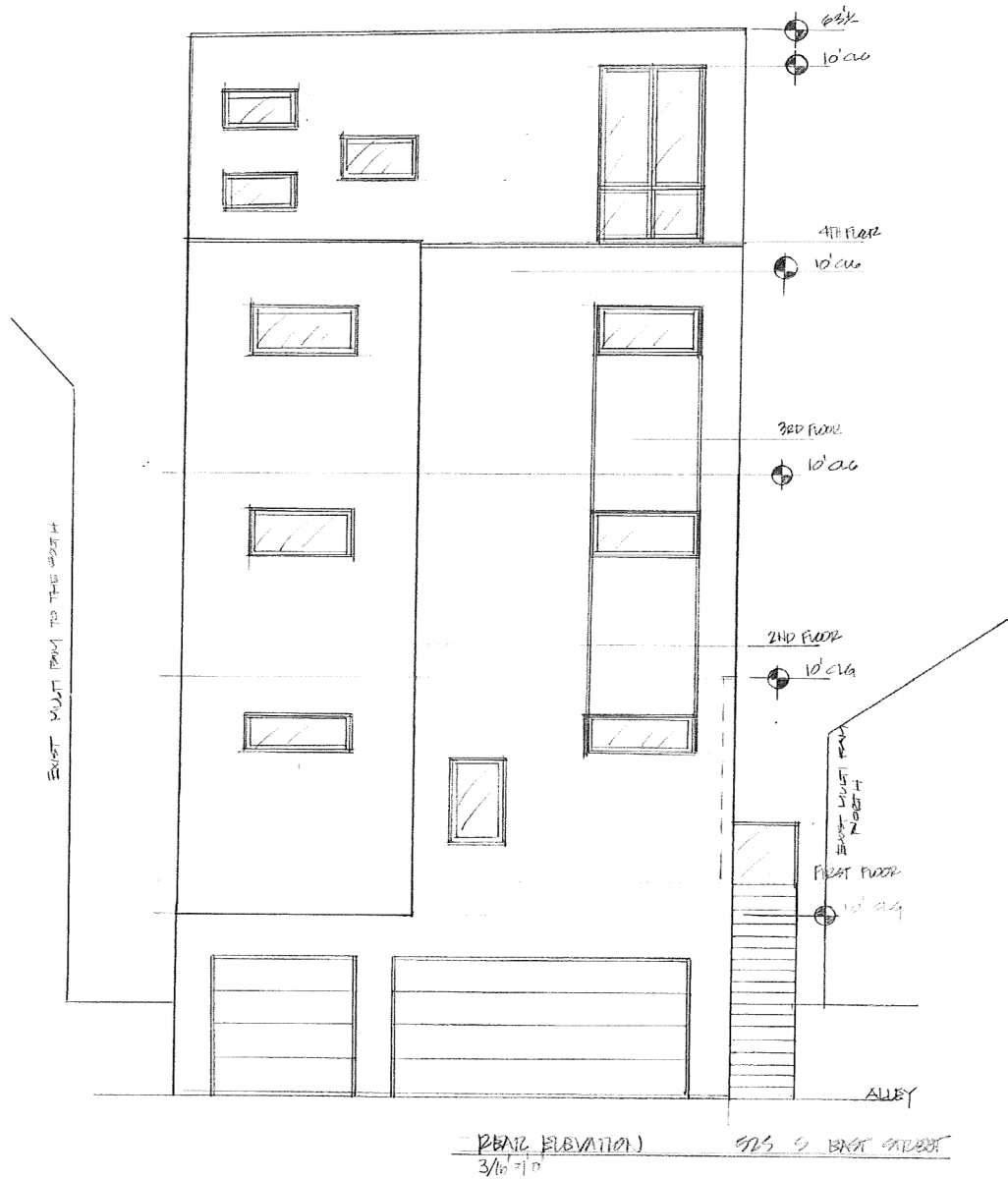


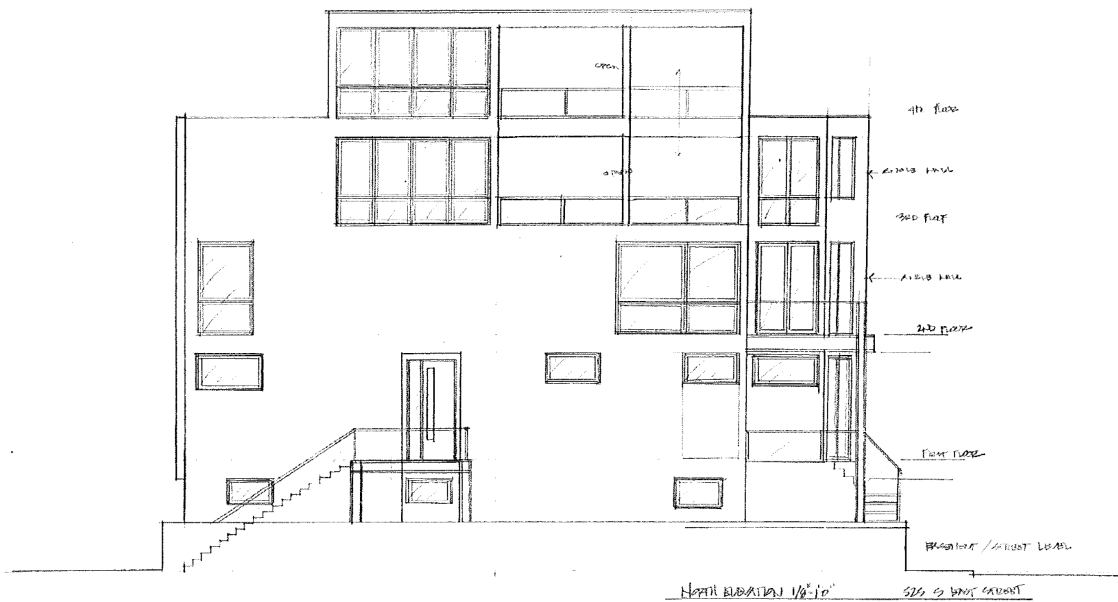
4 525 South East St

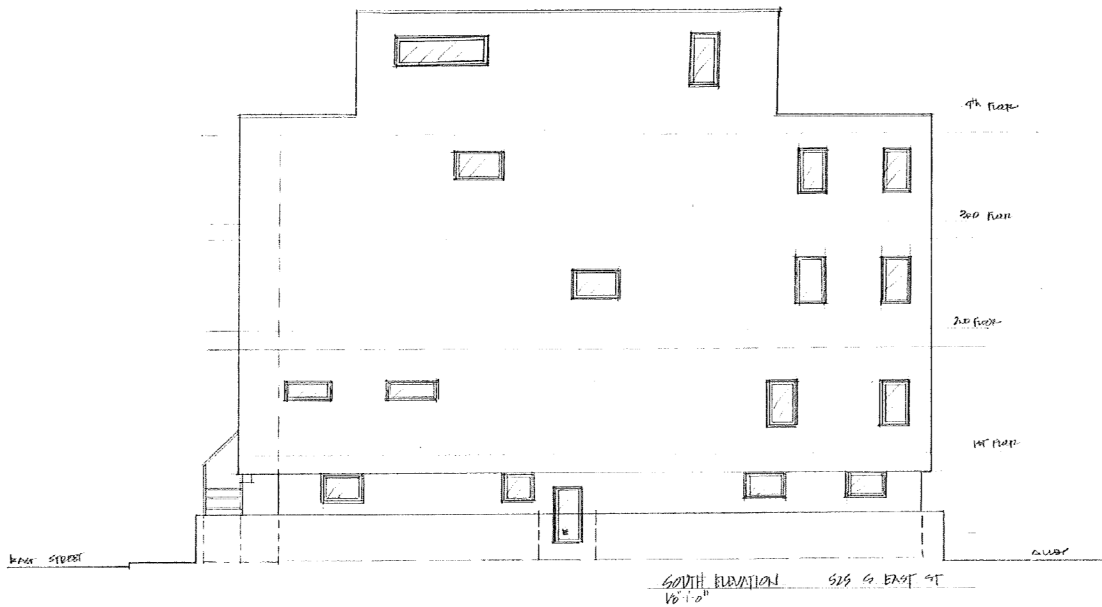




FRONT ELEVATION SWS S EAST STREET
 3/4" = 1'0"

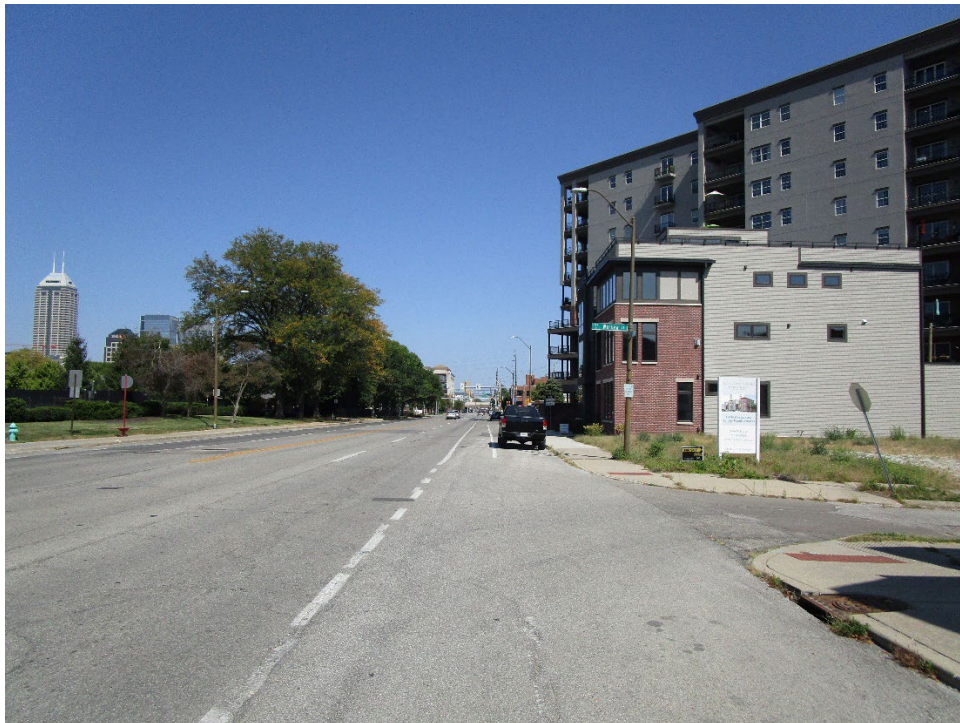








View looking south along South East Street



View looking north along South East Street



View looking north along north / south alley



View looking south along north / south alley



View of site looking east



View of site looking east over the wall



View looking northeast at adjacent single-family dwelling



View looking southeast at adjacent two-family dwelling



View of site looking west from the North / south alley



View of site looking west from the North / south alley