

**METROPOLITAN DEVELOPMENT COMMISSION
HEARING EXAMINER**

April 24, 2024

Case Number: 2025-ZON-019 (Amended) / 2025-VAR-002

Property Address: 1404 Prospect Street

Location: Center Township, Council District #18

Petitioner: Luxury Leased Homes USA, LLC, by Stephanie J. Truchan

Current Zoning: C-5

Request: Rezoning of 0.345-acre from the C-5 district to the D-8 district to provide for residential uses.

Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for a townhome development with an eight-foot front yard setback (front building line between 10 feet and 19.9 feet required), an eight-foot rear setback (minimum 15-foot rear setback required), a five-foot corner side yard setback (minimum eight-foot corner side yard required).

Current Land Use: Undeveloped

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

Staff Reviewer: Kathleen Blackham, Senior Planner

PETITION HISTORY

The Hearing Examiner continued the rezoning petition, with notice, from the March 27, 2025 hearing, to the April 24, 2025 hearing, to amend the request to add variances of development standards.

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:

1. The site and improved areas within the site shall be maintained in a reasonably neat and orderly manner during and after development of the site with appropriate areas and containers / receptacles provided for the proper disposal of trash and other waste.
2. Development of the site shall be in substantial conformance with the site plan and elevations, file dated March 5, 2025.

PETITION OVERVIEW

This 0.345-acre site, zoned C-5, is undeveloped and surrounded by single-family dwellings to the north, zoned D-5; commercial uses to the south across Prospect Street, zoned C-4; a parking lot associated with a commercial use to the east, zoned C-4; and commercial uses to the west, across Laurel Street, zoned C-4.

REZONING

The request would rezone the site from the D-8 (walkable) district to provide for townhomes (single-family attached / row houses). “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.”

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

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

As proposed, this request would be consistent with the Comprehensive Plan recommendation of village mixed-use.

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.

VARIANCES OF DEVELOPMENT STANDARDS

This request would provide for reduced setbacks that would include an eight-foot front setback (10-19.9 feet required), an eight-foot rear yard setback (15 feet required) and a five-foot corner setback (8 feet required).

As proposed, staff supports these variances because this would be an infill development with constraints related to the existing parcel and the surrounding development, thereby resulting in practical difficulties as this site is developed. The two-foot reduced front setback would have minimal impact on the surrounding land uses and streetscape and the clear-sight triangles at the intersections of Prospect Street / Laurel Street and Laurel Street / alley would not be impacted due to the reduced setbacks.

Planning Analysis

This proposed residential development would provide for residential development consisting of a three-story, nine dwelling unit rowhouse at a density of 26.1 units per acre. The proposed development would be consistent with the village mixed-use typology that calls for a “a wide range of small businesses, housing types, and public facilities” and offer additional housing options in the immediate area.

GENERAL INFORMATION

Existing Zoning	C-5	
Existing Land Use	Undeveloped	
Comprehensive Plan	Village Mixed-Use	
Surrounding Context	<u>Zoning</u>	<u>Land Use</u>
North:	D-5	Single-family dwellings
South:	C-4	Commercial uses
East:	C-4	Commercial uses / Parking Lot
West:	C-4	Commercial uses
Thoroughfare Plan		
Prospect Street	Primary Arterial	Existing 78-foot right-of-way and proposed 56-foot right-of-way.
Laurel Street	Local Street	Existing 60-foot right-of-way and proposed 48-foot right-of-way.
Context Area	Compact	
Floodway / Floodway Fringe	No	
Overlay	No	
Wellfield Protection Area	No	
Site Plan	March 5, 2025	
Site Plan (Amended)	March 18, 2025	
Elevations	March 5, 2025	
Elevations (Amended)	N/A	
Landscape Plan	N/A	
Findings of Fact	N/A	
Findings of Fact (Amended)	N/A	
C-S/D-P Statement	N/A	

COMPREHENSIVE PLAN ANALYSIS

Comprehensive Plan

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

Pattern Book / Land Use Plan

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

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

- *Conditions for All Land Use Types – Village Mixed-Use Typology*
 - All land use types except small-scale parks and community farms/gardens in this typology must have adequate municipal water and sanitary sewer.
 - All development should include sidewalks along the street frontage.
 - All development should include sidewalks along the street frontage.
 - In master-planned developments, block lengths of less than 500 feet, or pedestrian cut-throughs for longer blocks, are encouraged.
 - Where possible, contributing historic buildings should be preserved or incorporated into new development.
- *Conditions for All Housing*
 - Should be within a one-quarter-mile distance (using streets, sidewalks, and/or off-street paths) of a school, playground, library, public greenway, or similar publicly accessible recreational or cultural amenity that is available at no cost to the user.
 - Should be oriented towards the street with a pedestrian connection from the front door(s) to the sidewalk. Driveways/parking areas do not qualify as a pedestrian connection.

- *Attached Housing (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).*
 - Recommended without additional conditions.

Red Line / Blue Line / Purple Line TOD Strategic Plan

Not Applicable to the Site.

Neighborhood / Area Specific Plan

Not Applicable to the Site.

Infill Housing Guidelines

Not Applicable to the Site.

Indy Moves

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

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

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

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

ZONING HISTORY

2017-ZON-052; 1308 Prospect Street (west of site), requested rezoning of 0.52 acre from the C-4 district to the SU-9 classification to provide for a fire station, **approved**.

2005-UV2-045; 1427 Prospect Street (east of site), requested a variance of use of the Commercial Zoning Ordinance to legally establish an existing four-unit multi-family dwelling and an existing five-unit multi-family dwelling, **denied**.

2004-DV2-019; 1509 Prospect Street (east of site), requested a variance of development standards of the Sign Regulations to legally establish an 18.42-foot tall, 34.56-square foot pylon sign with a 4.50-foot setback from the existing right-of-way of Prospect Street (minimum fifteen-foot setback from the existing right-of-way required), **granted**.

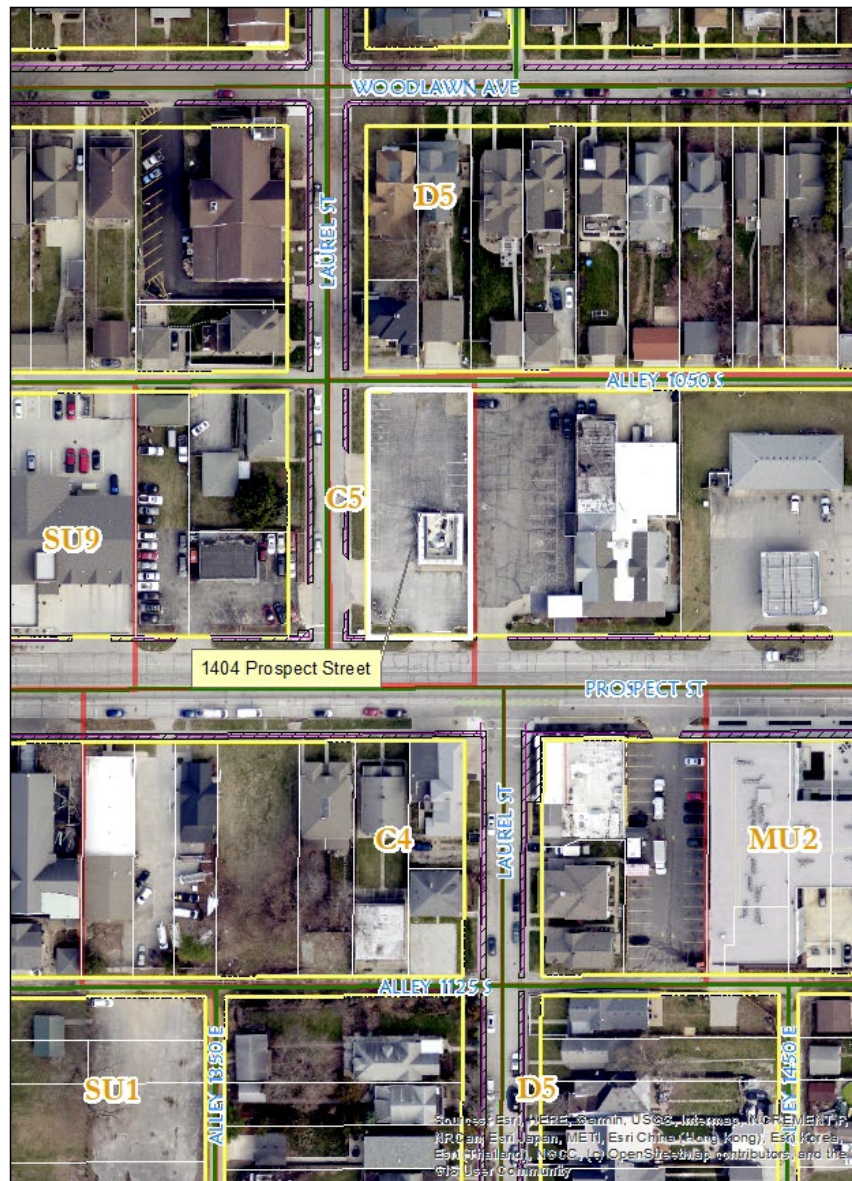
2003-UV3-002; 1443 Prospect Street (east of site), requested a variance of use of the Commercial Zoning Ordinance to provide automobile sales and display (not permitted), **denied**.

2003-VHP-015; 1633-1637 Prospect Street (east of site), requested a variance of use to provide for a neighborhood outreach center with clothing pantry, food pantry, feeding programs, and child preschool daycare, and future religious services to operate in an existing commercial building, **approved**.

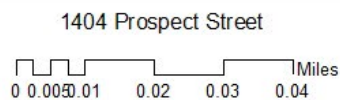
98-UV2-1; 1527-1529 Prospect Street (east of site), requested a variance of use of the Commercial Zoning Ordinance to provide for the renovation of an existing building into two dwelling units (not permitted) with four off-street parking spaces, **granted**.

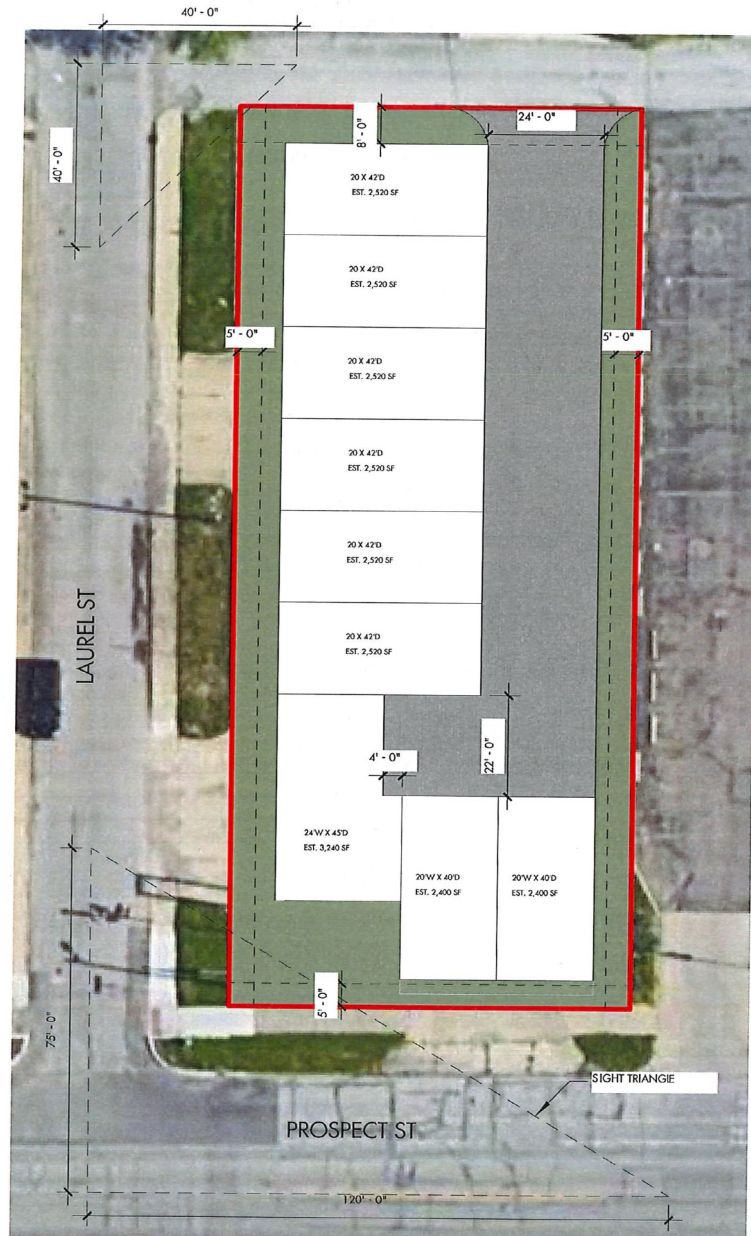
98-Z-168; 1131-11333 South Linden Street and 1302 Prospect Street (west of site), requested rezoning of 0.60 acre, from the D-5 and C-4 Districts to the SU-1 classification for religious uses, **approved**.

EXHIBITS



Sources: Esri, HERE, Garmin, USGS, Imagery, Mapbox, Mapbox, NRCAN, Esri Japan, METI, Esri China (Hong Kong), Esri Korea, Esri (Singapore), Esri, Swisstopo, GEBCO, OpenStreetMap contributors, and the GIS User Community





Petition Number _____

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

PETITION FOR VARIANCE OF DEVELOPMENT STANDARDS

FINDINGS OF FACT

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

the proposed redevelopment of the subject real estate represents a continuation of the extremely successful development of the Prospect Street corridor and Fountain Square neighborhood at large as a safe and special urban space and focal point in the city. The side yards about Laurel Street and an adjacent parking lot, and the rear yard abuts an alley. Reduced setbacks on these property lines will not negatively impact neighboring properties. The reduction in the front building line along Prospect Street (in addition to the reduced side yard setback along Laurel) fosters the "eyes on the street" concept of urban development, enhancing the security of this corner lot, and promoting density on the site.

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 property is currently vacant, and this variance request will foster redevelopment of a prominent corner within Fountain Square. The proposed project contemplates for-sale, market-rate townhomes which will add vibrancy to the neighborhood and bolster the value of other properties in the area. Higher-density development on this site will also benefit local businesses, as the future residents of these townhomes are likely to support retail, restaurants, and other establishments that are within walking distance to their homes.

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

the size and quality of the proposed development will be significantly reduced. The proposed site plan maximizes the use of the site and allows for dense development, which is an important component of village mixed use development (the current Comprehensive Plan recommendation for this site). Strict application of the zoning ordinance will result in a material change to the proposed configuration of the site, significantly reducing unit count.

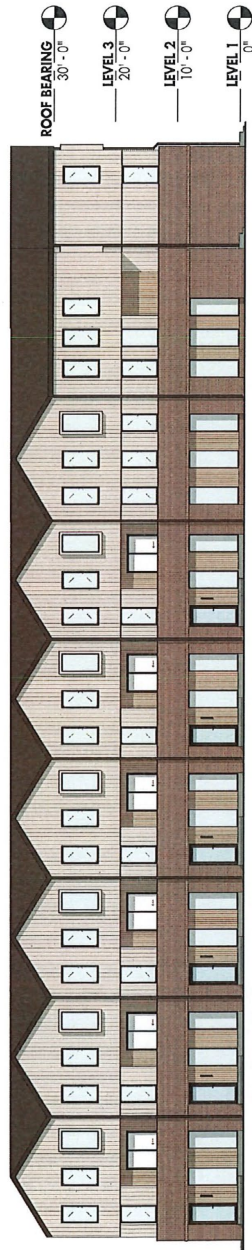
DECISION

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

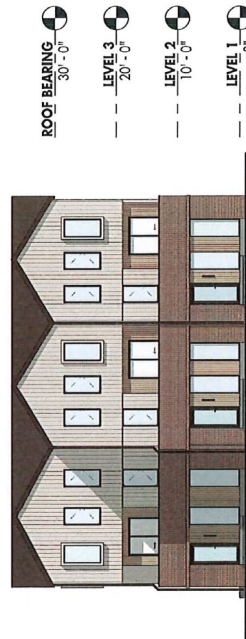
Adopted this _____ day of _____, 20 ____

LUXURY LEASED HOMES | 1404 PROSPECT ST

ELEVATIONS | PAGE 4



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



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

LUXURY LEASED HOMES | 1404 PROSPECT ST

MATERIALITY | PAGE 5



LUXURY LEASED HOMES | 1404 PROSPECT ST

PERSPECTIVE VIEW

SPACE FOR BRICK
 PAINTED MURAL



REFERENCES BRICK
 STOREFRONT BASE



BEDROOM
 WINDOW NOOKS



NEIGHBORHOOD-SCALE
 STREETSCAPE

LUXURY LEASED HOMES | 1404 PROSPECT ST

VIEW FROM PROSPECT ST



 **BLACKLINE**

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VIEW FROM LAUREL ST

LUXURY LEASED HOMES | 1404 PROSPECT ST



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View looking west along Prospect Street



View looking east along Prospect Street



View looking north along Laurel Street



View looking south along Laurel Street



View of site looking east across Laurel Street



View of site looking northeast across Laurel Street



View looking north across intersection of Laurel Street and Prospect Street



View of site looking northeast across intersection of Laurel Street and Prospect Street