

**NIMETROPOLITAN DEVELOPMENT COMMISSION  
HEARING EXAMINER**

**April 24, 2025**

**Case Number:** 2025-CZN-815 / 2025-CAP-815A / 2025-CAP-815B / 2025-CVR-815

**Property Address:** 1100 West 42nd Street and 4251 Haughey Avenue (Approximate Addresses)

**Location:** Washington Township, Council District #7

**Petitioner:** Butler University, by Brian J. Tuohy

**Current Zoning:** SU-2

**Request:** Rezoning of 32.34 acres from the SU-2 district to the UQ-1 district to provide for university-related uses.

Modification of Commitments related to 84-Z-20 to terminate Commitment #1 which required use of the residences to be for students, staff and visitors of Christian Theological Seminary, to terminate Commitment #2, which required buildings to be no taller than two stories, except for three unit buildings, which were permitted to be three stories in height, to terminate Commitment #3, which prohibited vehicular or pedestrian access to or from 43rd Street, and required off-street parking, to terminate Commitment #4, which required a wall or other screening to be provided along the east property line and prohibited any children's play area from the east property line, to terminate Commitment #5, which required that any trash disposal shall be a modern system and that the owner would cooperate in any storm water drainage investigation, to terminate Commitment #6, which required a development plan to be subject to staff approval at the time of rezoning.

University Quarter-One Approval to provide for university related uses, continued use of existing student housing, building renovations, and construction a six-story building with Butler Police offices and additional parking spaces.

Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for construction of a six-story parking garage and office structure, with a 20-foot north side yard setback (minimum one-foot setback for each one-foot of building height, or 81.5-foot setback required).

**Current Land Use:** Butler University College of Education parking lot.

**Staff Recommendations:** **Approval**

**Staff Reviewer:** Desire Irakoze, Principal Planner II

**PETITION HISTORY**

This is the first public hearing on this petition.

## STAFF RECOMMENDATION

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

1. The southern entrance be moved 142 ft farther south.
2. An administrative review of the landscape plan shall be conducted.

## PETITION OVERVIEW

### LAND USE

This 32.3-acre site, zoned SU-2, is developed and contains a Seminary school i (84-Z-20). To the north, zoned D-5, Crown Hill Cemetery. To the south, zoned SU-10, single-family. To the east, zoned D-5. To the west, zoned C-S.

### REZONE

The request would rezone the northern portion of the site to the UQ-1 (University Quarter District One) to provide for a parking garage and a 10,000 square foot Police Building.

### ZONING DISTRICT OVERVIEW

**SU-2 (Special Use District Two):** permits schools.

**UQ-1 (University Quarter District One):** permits and facilitates the development and expansion of a university complex or campus. The UQ-1 is a Development Plan District in which the site and development plan is subject to approval by the MDC.

### APPROVAL (CAP 815A)

University Quarter-One Approval to provide for university related uses, continued use of existing student housing, building renovations, and construction a six-story building with Butler Police offices and additional parking spaces.

- A. Designed to create a superior land development plan, in conformity with the Comprehensive Plan.
- 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.
- C. Provides sufficient and adequate multi-modal access, such as parking and loading areas, transit provisions, and bicycle facilities.
- D. Integrates a multi-modal transportation network using active and passive traffic control with the existing and planned public streets and interior roads.

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

### **MODIFICATION (CAP 815B)**

#### Modification of Commitments related to 84-Z-20

- 1. Terminate Commitment #1 which required use of the residences to be for students, staff and visitors of Christian Theological Seminary,
- 2. Terminate Commitment #2, which required buildings to be no taller than two (2) stories, except for 3-unit buildings, which were permitted to be three (3) stories in height,
- 3. Terminate Commitment #3, which prohibited vehicular or pedestrian access to or from 43rd Street, and required off-street parking,
- 4. Terminate Commitment #4, which required a wall or other screening to be provided along the east property line and prohibited any children's play area from the east property line,
- 5. Terminate Commitment #5, which required that any trash disposal shall be a modern system and that the owner would cooperate in any storm water drainage investigation,
- 6. Terminate Commitment #6, which required a development plan to be subject to staff approval at the time of rezoning.

### **VARIANCE OF DEVELOPMENT STANDARDS**

**Request:** To provide for construction of a 6-story parking garage and office structure, with a 20-foot north side yard setback (minimum one-foot setback for each one-foot of building height, or 81.5-foot setback required).

#### **Ordinance Standard:**

Section 741-108. D.3.a.1.ii "Minimum side and rear yards: 15 feet or one foot for each foot of building height, whichever is greater."

- Required setback: 81 feet, 5 inches (based on building height)
- Proposed setback: 20 feet
- Requested variance: 61 feet, 5 inches.

#### **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 this variance will not be injurious to the public health, safety, morals, or general welfare of the community. The proposed structure will meet all other applicable development standards, and the reduced setback will not impair access, visibility, or emergency response. The proposal supports structured parking in a manner that reduces surface parking and promotes a more efficient land use pattern.

**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 use and value of adjacent properties will not be affected in a substantially adverse manner. The proposed structure is compatible with surrounding university development and land use patterns, and the setback reduction is located on the north side, which is buffered from residential uses and does not directly abut sensitive land uses. Appropriate architectural and landscape treatments will be employed to minimize visual and massing impacts.

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

The strict application of the zoning ordinance results in practical difficulties due to the unique topographical constraints of the site and the functional need for structured parking to support surrounding development. The site's configuration limits feasible building placement without the requested relief. Approval of the variance facilitates the provision of needed off-street parking in an area with demonstrated demand and limited land availability.

Due to the demonstrated practical difficulties, the context of adjacent development, and the benefits associated with the structured parking, staff **recommends approval** of the requested variance to reduce the side yard setback from 81' 5" to 20 feet.

**GENERAL INFORMATION**

<b>Existing Zoning</b>	SU-2	
<b>Existing Land Use</b>	Religious University	
<b>Comprehensive Plan</b>	Regional Special Use	
<b>Surrounding Context</b>	<b><u>Zoning</u></b>	<b><u>Land Use</u></b>
	North: UQ-1	University Use
	South: SU-10	Crown Hill Cemetery
	East: D-5	Single-Family Residential
	West: C-S	Linden House
<b>Thoroughfare Plan</b>		
West 42 <sup>nd</sup> Street Haughey Avenue	Primary Collector Primary Collector	60-foot existing right-of-way 66-foot proposed right-of-way 56-foot proposed right-of-way
<b>Context Area</b>	Compact	

<b>Floodway / Floodway Fringe</b>	No
<b>Overlay</b>	Airspace Secondary District
<b>Wellfield Protection Area</b>	No
<b>Site Plan</b>	3/11/2025
<b>Site Plan (Amended)</b>	N/A
<b>Elevations</b>	3/11/2025
<b>Elevations (Amended)</b>	4/17/2025
<b>Landscape Plan</b>	N/A
<b>Findings of Fact</b>	3/11/2025
<b>Findings of Fact (Amended)</b>	N/A
<b>C-S/D-P Statement</b>	N/A

## COMPREHENSIVE PLAN ANALYSIS

### Comprehensive Plan

- Marion County Land Use Pattern Book (2019)

### Pattern Book / Land Use Plan

- Regional Special Use
  - This category provides for public, semi-public and private land uses that serve a specific institutional purpose for a significant portion of the county. Examples are large-scale, generally stable institutional uses such as cemeteries, hospitals, universities, high schools, government complexes, large museums, the Indiana State Fairgrounds, and the Indianapolis Motor Speedway.

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

- Not Applicable to the Site.

### Neighborhood / Area Specific Plan

- Not Applicable to the Site.

### Infill Housing Guidelines

- Not Applicable to the Site.



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

**Indy Moves**

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

- Not Applicable to the Site.

## ZONING HISTORY

**84-Z-20; 1000 West 42nd Street**, (subject site) request rezoning of 4.5 acres from the D-5 district to the SU-2 classification to provide for the construction of housing for students of the Christian theological seminary and their families, **approved**.

**63-Z-117; Located between Crown Hill Cemetery**, (subject site), request rezoning of approximately 30 acres, being in R-3 (Marion County), UI-A3-H1 and U1-A2-H1 (Indianapolis) districts to special Uses (2) classification to permit a Theological Seminary, **approved**.

**71-Z-38; 4600 Sunset Avenue** (north of site) rezoning 246 acres, (Butler University Campus), being in D-2 district, to UQ-1 (University Quarter District 1) classification to permit university Uses, **approved**.

**2006-ZON-093; 700 West 38<sup>th</sup> Street**(south of site), Rezoning of 70.60 acres, from the SU-10 District, to the D-P Classification to provide for a development consisting of four distinct sections: a) an 8.74-acre commercial area for limited C-3 uses, b) a 22.42 acre area developed with 50 single-family dwellings at a density of 2.230 units per acre, c) a 14.23 acre area developed with 88 single-family dwellings at a density of 6.18 units per acre. d) and a 25.2-acre area developed with 171 townhomes at a density of 6.785 units per acre, **denied**.

**2005-ZON-225; 700 West 38<sup>th</sup> Street** (south of site), request rezoning of 70.60 acres from SU-10 to D-P to provide for a mixed-use development, **withdrawn**.

**68-Z-129; 702 West 38<sup>t</sup> Street** (south of site), request rezoning of 162.73 acres, being in a D-5 district, to the SU-10 classification, to conform zoning to use and to permit erection of an office and administration building, **approved**.

The map displays a coastal region with several key features:

- Land Use Designations:**
  - SU2:** Suburban Use, Medium Density, covering the central coastal area.
  - SU7:** Suburban Use, Single-Family, located near the bottom left.
  - SU10:** Suburban Use, Single-Family, located near the bottom center.
  - DA:** District A, located along the coastline.
  - CS:** Community Service, located in the upper central area.
  - UQ1:** Urban Use, Medium Density, located in the upper right.
  - UQ2:** Urban Use, Medium Density, located in the upper right.
  - PK1:** Professional Office, located in the lower right.
  - D5:** District 5, located in the lower right.
- Streets:**
  - Hampton Dr:** Runs horizontally across the top right.
  - Crown St:** Runs vertically through the upper right.
  - Belmont St:** Runs vertically through the upper right.
  - Woodstock Dr:** Runs diagonally from the bottom left towards the center.
  - Linn Ave:** Runs diagonally from the bottom left towards the center.
- Other Features:**
  - A large hatched area labeled **1100** is situated in the center-right.
  - Elevation contours are shown with values such as 4300, 4400, 4500, and 4600.
  - A grid of lot numbers is visible in the upper right quadrant.





CTS East Site



## **Proposal Description**

### **1100 W. 42nd Street & 4251 Haughey Avenue (collectively, “Site”)**

The Site, owned by Petitioner, Butler University (“Butler”), is located at the northwest and northeast corners of W. 42nd Street and Haughey Avenue (which is the south part of Butler’s campus). Butler anticipates future growth and development in this area of campus. To provide for such development, Butler respectfully requests to rezone the Site to the UQ-1 Zoning District to allow university related uses, including but not limited to the continued use of existing multi-family student housing on the east side of Haughey Avenue and the renovation of existing buildings for a new College of Education and Founders College, as well as construction of a new approximately six-story Safety and Transit Building (“Building”) on the west side of Haughey Avenue. The Building will include Butler Police Department offices (and potentially additional office space for use by Butler) and approximately 20 police vehicle parking spaces within the Building (an additional approximately 20 police vehicle parking spaces will be provided in a surface parking area north of the new Building).

Additionally, approximately 649 parking spaces will be provided within the building. The new Building will be located at the northeast corner of the portion of the Site on the west side of Haughey Avenue and will replace a portion of the existing surface parking area, as approximately depicted on the proposed preliminary site plan (“Site Plan”) and preliminary elevations (“Elevations”) filed herewith. The other existing buildings and parking areas on the Site will remain and continue to be used by Butler.

In connection with the construction of the new Building, Petitioner requests Site and Development Plan approval of the filed Site Plan and Elevations and respectfully requests the following variance of development standards:

- Variance of Sec. 742-208. D.3. a.1.ii. to provide for the north side yard setback of the building to be less than one foot for each foot of building height to allow the building to be constructed as approximately depicted on the proposed preliminary site plan filed herewith.

Additionally, in connection with the request to rezone the portion of the Site on the east side of Haughey (4251 Haughey Ave) to UQ-1, Petitioner requests that the Commitments recorded as Instrument No. 840026310 as part of Case No. 84-Z-20 be terminated.

## 84-Z-20

### Statement of Commitments.

1. Use shall be for residential purpose by students, staff and visitors (and their families) of Christian Theological seminary or its successors.
2. Building shall be of a two-story height, except for three units which may be of a three-story height.
3. There shall be no vehicular or pedestrian access to or from 43<sup>rd</sup> street and defined off-street parking shall be provided.
4. A wall or other adequate screening shall be provided along the east property line and any children's play area shall be not on the east property line.
5. Trash disposal shall be in a modern sanitary fashion designed to deter rodents, and the owner will cooperate in any investigation of storm water drainage.
6. Development is subject to final staff approval of the preliminary plan approved at the time of rezoning.

**METROPOLITAN DEVELOPMENT COMMISSION  
HEARING EXAMINER**

**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 Safety and Transit Building ("Building") will be located along the northern part of the Site, closer to the central part of Butler's campus. Improvements on the adjacent parcel north of the site include a multi-story fraternity house and surface parking lot. Existing mature trees and landscaping separate the proposed Building from such existing multi-story fraternity house and surface parking lot. The proposed approximately 20' north side yard setback provides sufficient separation from the adjacent parcel to the north and the uses adjacent to the north and will not be injurious to the general welfare of the community. The building will provide off-street parking spaces which should reduce on street parking.

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 variance will allow for a substantial investment in the redevelopment of the site in the south part of Butler's campus. With that substantial investment, the use and/or value of the adjacent area will be improved by the redevelopment. The variance will allow for construction of the building which will include convenient off-street parking and the Butler Police Department offices, which will not adversely affect the area adjacent to the site.

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

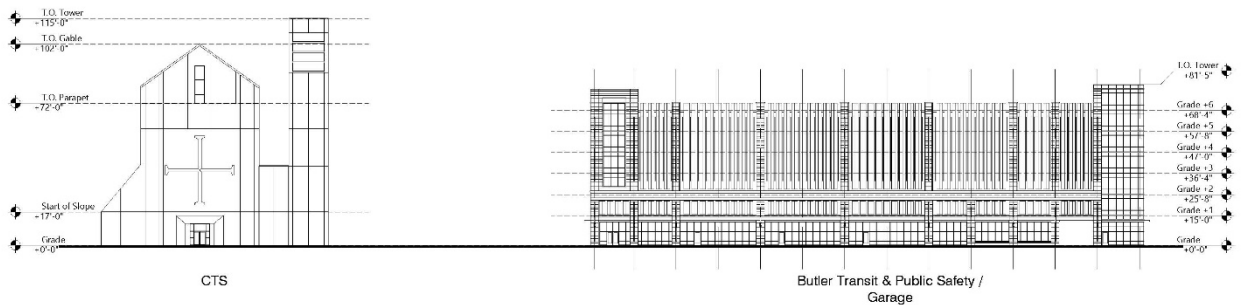
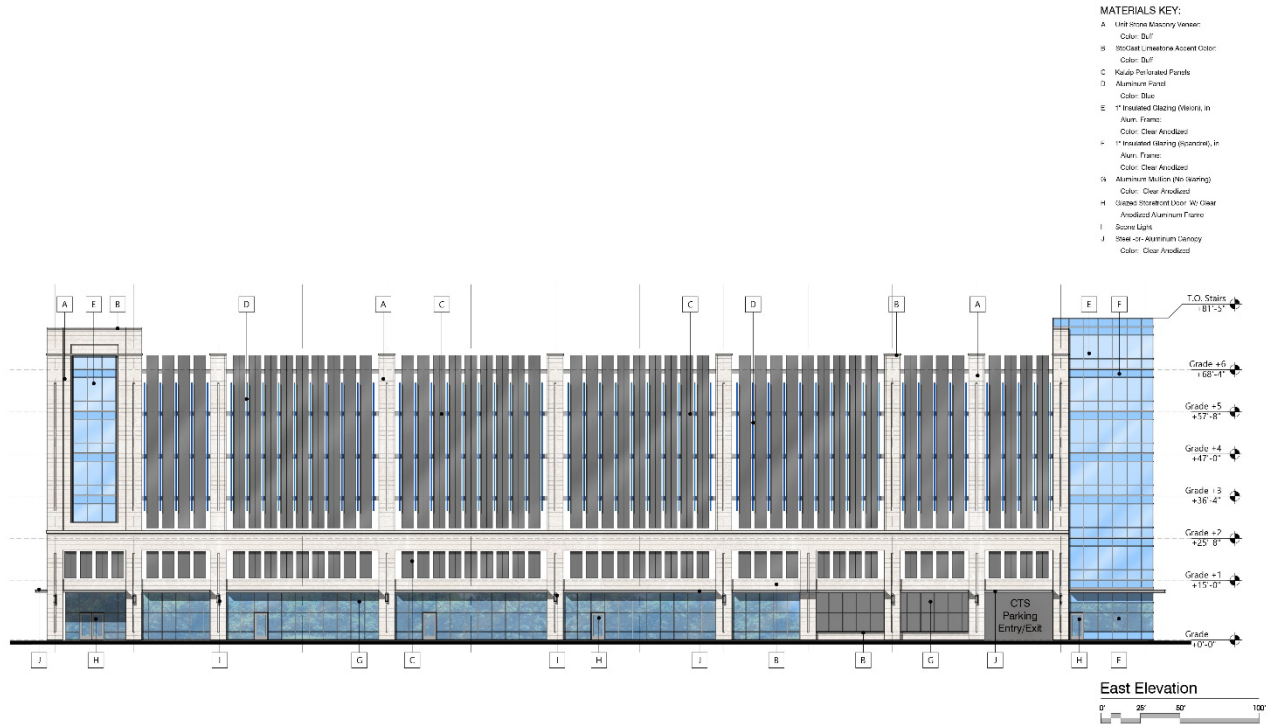
The zoning ordinance allows for side yard setbacks in the UQ-1 District to be as narrow as 15'. Due to the location of the existing buildings on the site, the building is proposed to be located approximately 20' from the north side yard. Shifting the Building south is not practical due to the location of the Site's existing improvements. The strict application of the terms of the zoning ordinance will hinder the construction of the building which substantially complies with the Zoning Ordinance and which will be an asset to Butler University and the surrounding area.





*Photo: 1 Updated rendering 4.17.25*







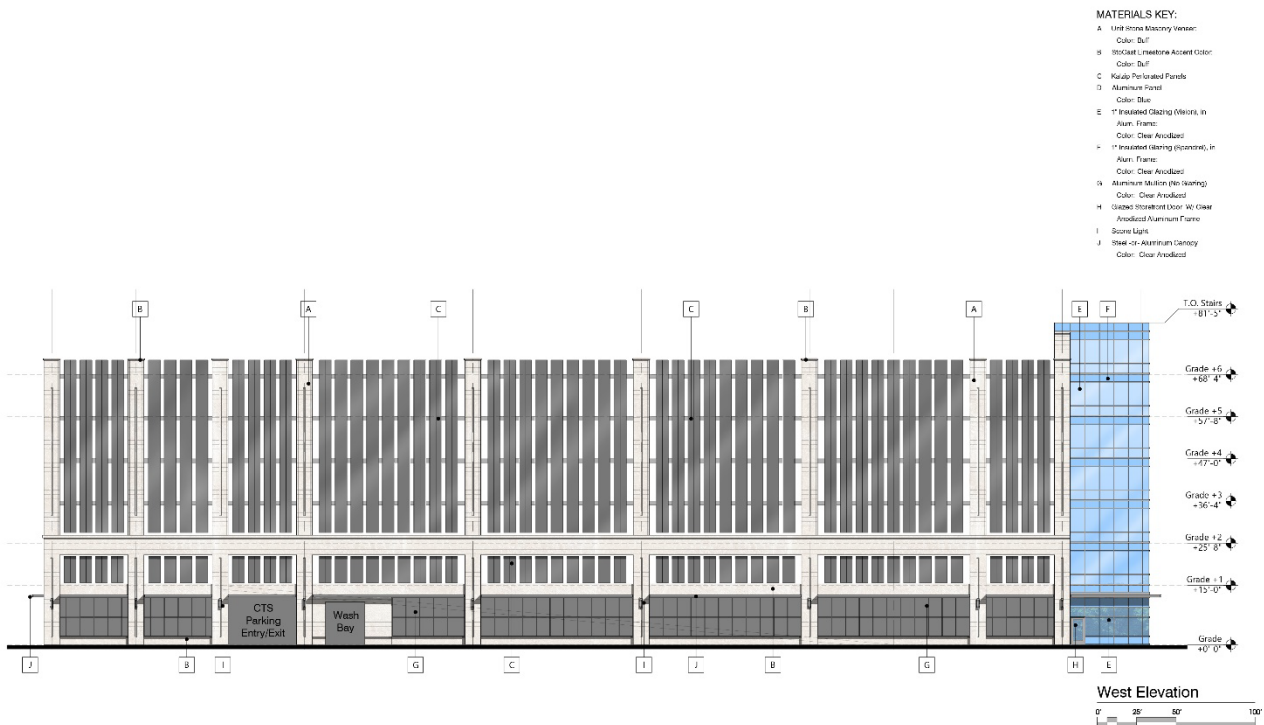






Photo: Shared Use Path along Haughey Ave





Photo: 2 Entrance drive Looking at W 43rd Street and Haughey Ave intersection





Photo: 3 Looking at the residential across the street





Photo: 4 Looking at the existing College of Education building





Photo: 5 Looking West, There is a drop off into the White River