

**METROPOLITAN DEVELOPMENT COMMISSION
HEARING EXAMINER**

September 11, 2025

Case Number: 2025-CZN-840A / 2025-CZN-840B / 2025-CPL-840

Property Address: 2302 West Morris Street

Location: Center Township, Council District #17

Petitioner: West Morris Street Free Methodist Church by Keith Cruz

Current Zoning: D-5II

A. Rezoning of 1.471 acres from the D-5II district to the D-8 district to provide for a single-family residential development.

B. Rezoning of 1.969 acres from the D-5II district to the D-9 district to provide for a medium apartment development.

Request:

Approval of a Subdivision Plat to be known as Oden Ross Subdivision, dividing 3.4 acres into nine lots.

Current Land Use: Open space / playground / soccer field

Staff Recommendations: Approval of the rezoning and plat.

Staff Reviewer: Kathleen Blackham, Senior Planner

PETITION HISTORY

This is the first hearing on these petitions.

STAFF RECOMMENDATION

Staff recommends that the Hearing Examiner approve and find that the plat, file dated August 4, 2025, complies with the standards of the Subdivision regulations, subject to the following conditions:

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.
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.
12. That the plat shall be recorded within two (2) years after the date of conditional approval by the Hearing Examiner.

Staff recommends approval of the rezoning petition, 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. A tree inventory, tree assessment and preservation plan of all existing trees over 2.5 inches in diameter, shall be prepared by a certified arborist and shall be submitted for Administrator Approval prior to preliminary plat approval and / or 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) identify all heritage trees, e) indicate the wooded areas to be saved by shading or some other means of indicating tree areas to be preserved and f) 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 3.44-acre site, zoned D-5II, has open space, a playground and sports field. It is surrounded by single-family dwellings to the north, across West Wilkins Street, zoned D-5; commercial uses to the south, across West Morris Street, zoned C-7; single-family dwellings and religious uses to the east, across North Tremont Street, zoned D-5 and C-4; and a parking lot and open space to the west, zoned C-S.

Petitions 2023-CZN-843 / 2023-CPL-843, rezoned the site to the D-5II district and subdivided the site into six lots and two blocks. The six lots are proposed for single-family development ranging from 4,720 square feet to 6,449 square feet. The proposed Blocks A and B would be reserved for future development.

PLAT

Site Plan

The proposed plat would divide this site into nine lots. Lots 1 through 8 (zoned D-8) would provide for single-family dwellings. Lot 9 (zoned D-9) would provide for a multi-family dwelling and parking lot.

Streets / Traffic

Lots One through Five would front and gain access on Wilkins Street to the north. Lot Five would be a corner lot with a side yard on North Tremont Street to the east. Lots Six through Nine would front and gain access on North Tremont Street to the east.

No new streets are proposed as part of this petition.

Sidewalks

Sidewalks exist along West Morris Street but there are no sidewalks along either North Tremont Street or West Wilkins Street. In accordance with the Ordinance, "sidewalks shall be provided at a minimum rate of five (5) linear feet of sidewalk per 100 square feet or fraction thereof of the gross floor area of the constructed, erected, enlarged, extended, reconstructed, or converted to a commercial use, or relocated building or addition."

Waivers

None requested.

REZONING

The request would rezone 1.471 acres to the D-8 district (Part A) and 1.969 acres to the D-9 district (Part B).

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

"The 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 of the Land Use Pattern Book."

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.

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.

Tree Preservation / Heritage Tree Conservation

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

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

A tree inventory, tree assessment and preservation plan of all existing trees over 2.5 inches in diameter, shall be prepared by a certified arborist and shall be submitted for Administrator Approval prior to preliminary plat approval and / or 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) identify all heritage trees, e) indicate the wooded areas to be saved by shading or some other means of indicating tree areas to be preserved and f) identify the method of preservation (e.g. provision of snow fencing or staked straw bales at the individual tree's dripline during construction activity). All trees proposed for removal shall be indicated as such.

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

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

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

Planning Analysis

Despite the land use recommendation of special use, this rezoning request would be consistent with the Neighborhood Plan that contemplates conversion of industrial uses (adjacent to the west) to residential uses within Critical Area 5.

Staff believes the proposed development would increase the housing options and result in redevelopment of the site that would be beneficial to the community and compatible with the neighborhood and surrounding land uses.

Staff would strongly recommend that the Infill Housing Guidelines be considered to assure appropriate integration of this development with the existing neighborhood architectural character. This would also support the recommendations for Critical Area 5 in the Neighborhood Plan that “new residential development should be similar to the development patterns of the residential neighborhoods.”

GENERAL INFORMATION

Existing Zoning	D-5	
Existing Land Use	Open space / Playground / Sports field	
Comprehensive Plan	Special Use	
Surrounding Context	<u>Zoning</u>	<u>Land Use</u>
North:	D-5	Single-family dwellings
South:	C-7	Commercial uses
East:	D-5 / C-4	Single-family dwellings / religious uses
West:	C-S	Commercial uses
Thoroughfare Plan		
West Morris Street	Primary arterial	Existing 72-foot right-of-way and proposed 78-foot right-of-way.
South Tremont Street	Local Street	Existing 60-foot right-of-way and proposed 48-foot right-of-way.
West Wilkins 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	July 10, 2025	
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

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

West Indianapolis Neighborhood Plan (2014).

This Plan recommends special use. This land use category consists of a variety public, semi-public, and private land uses that either serve a specific public purpose (such as schools, churches, libraries, neighborhood centers, and public safety facilities) or are unique uses exhibiting significant impacts on adjacent property (such as the Indianapolis International Airport, Indiana State Fair, and Indianapolis Motor Speedway).

This site is also located within Critical Area 5 location.

Critical Area 5 Location: Industrial area in proximity to the intersection of Morris and Bedford streets Why Critical: This area is currently industrial but is proposed in this plan to be converted to residential uses. It is critical that the transition be orderly and that the interface of residential and industrial uses accommodates the needs of both land uses.

Recommendations:

- To blend with the existing neighborhood, new residential development should be similar to the development patterns of the residential neighborhoods to east in terms of block sizes and grid, lot sizes, and provision of sidewalks and alleys.
- Existing buildings provide an opportunity for creative adaption to residential use.
- Conversion of the Critical Area to residential parcels should not be done in a piecemeal manner, but in groupings of contiguous housing units so that a lone residential structure is not “stranded” with industries on three or four sides of it nor does that individual home interfere with industrial usage.
- During the period of transition from industrial to residential uses, care should be taken to provide buffers between residential and industrial uses, separate industrial and neighborhood traffic, and not hamper the conversion of surrounding parcels.

- Multiple, convenient access points to the Eagle Creek Greenway should be provided throughout the Critical Area.

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)

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

2023-CZN-843 / 2023-CPL-843; requested rezoning of 0.706 acre from the C-S district to the D-5II district to provide for six single-family dwellings and approval of a Subdivision Plat to be known as Oden Ross Park, subdividing 3.4 acres into six lots and two blocks, **approved**.

91-Z-173, 2530 West Morris Street, rezoning of 10.75 acres from the D-5 and C-4 district to the C-S classification to provide for a mixed-use development including offices, retail uses, vehicles sales and repair, and industrial uses including I-1-U and I-2-U permitted uses, cabinet manufacturing and machine welding and tool and die shops, **approved**.

VICINITY

2005-PLT-005, 2435 West Wilkins Street, **approval** of a plat to be known as WIDC Wilkins Street New Addition, dividing 1.78 acres into six lots.

97-Z-158, 2450 West Morris Street, rezoning of 12.693 acres from the D-5 and C-7 district to the C-S district to provide for truck trailer leasing and sales, **approved**.

95-UV2-5, 2331 West Morris Street, variance to provide for construction of a 400-square foot detached garage for an existing single-family dwelling in the C-4 district, **approved**.

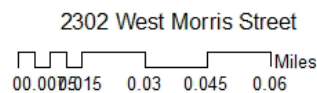
95-Z-19, 2530 West Morris Street, rezoning of 8.575 acres from the C-S district to the D-5 district to provide for single-family residential development, **approved**.

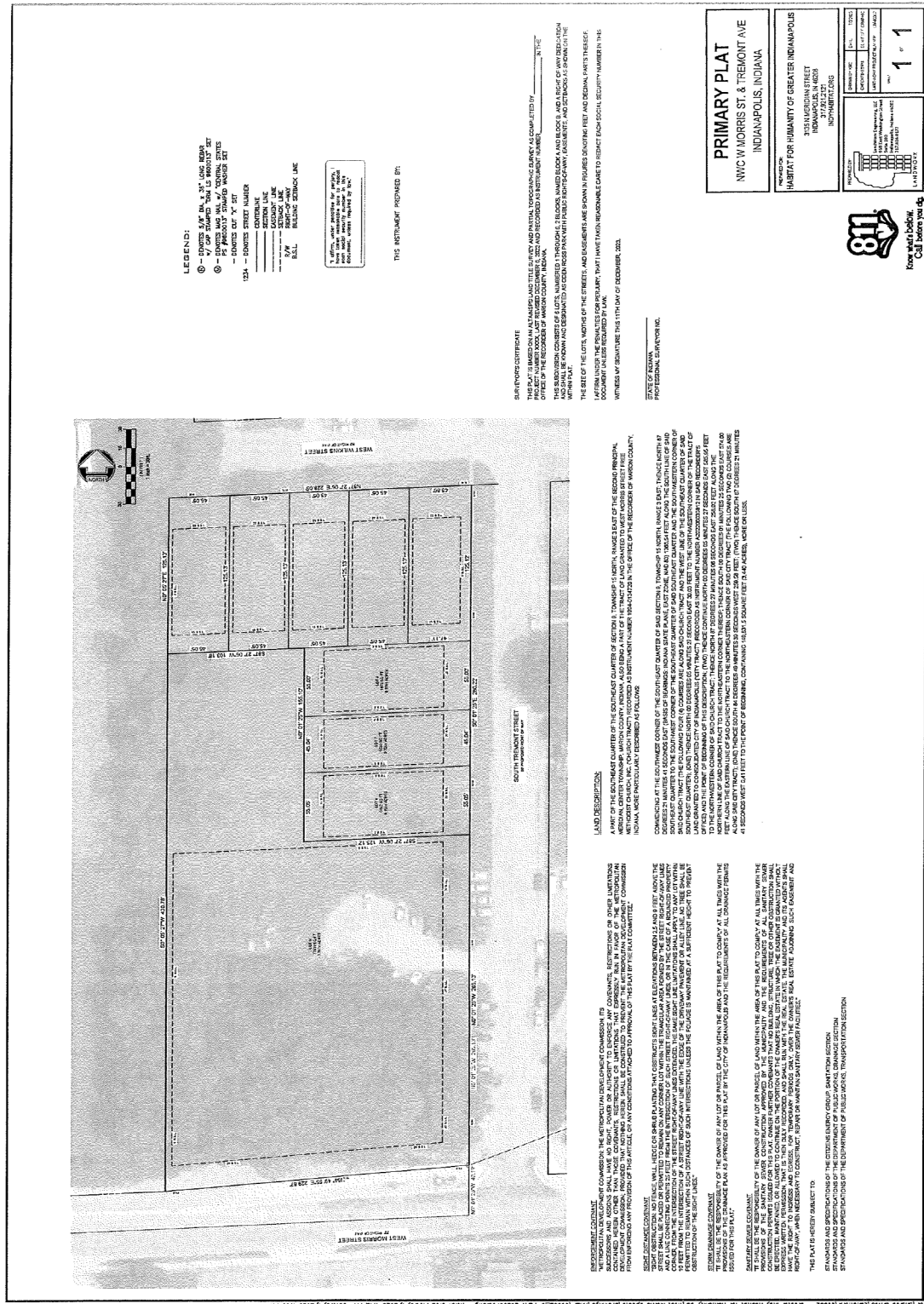
83-UV3-88, 1101 South Tremont Street, variance to provide for the continued use of an existing garage for storage of two church buses, **approved**.

81-Z-10; 2532 West Morris Street, requested rezoning of 0.5 acre, being in the D-5 district, to the C-7 classification to provide for commercial development, **approved**.

73-VAC-25, vacation of the first alley north of West Morris Street from the east property line of Tremont Street to a point 176 feet to the east, **approved**.

EXHIBITS





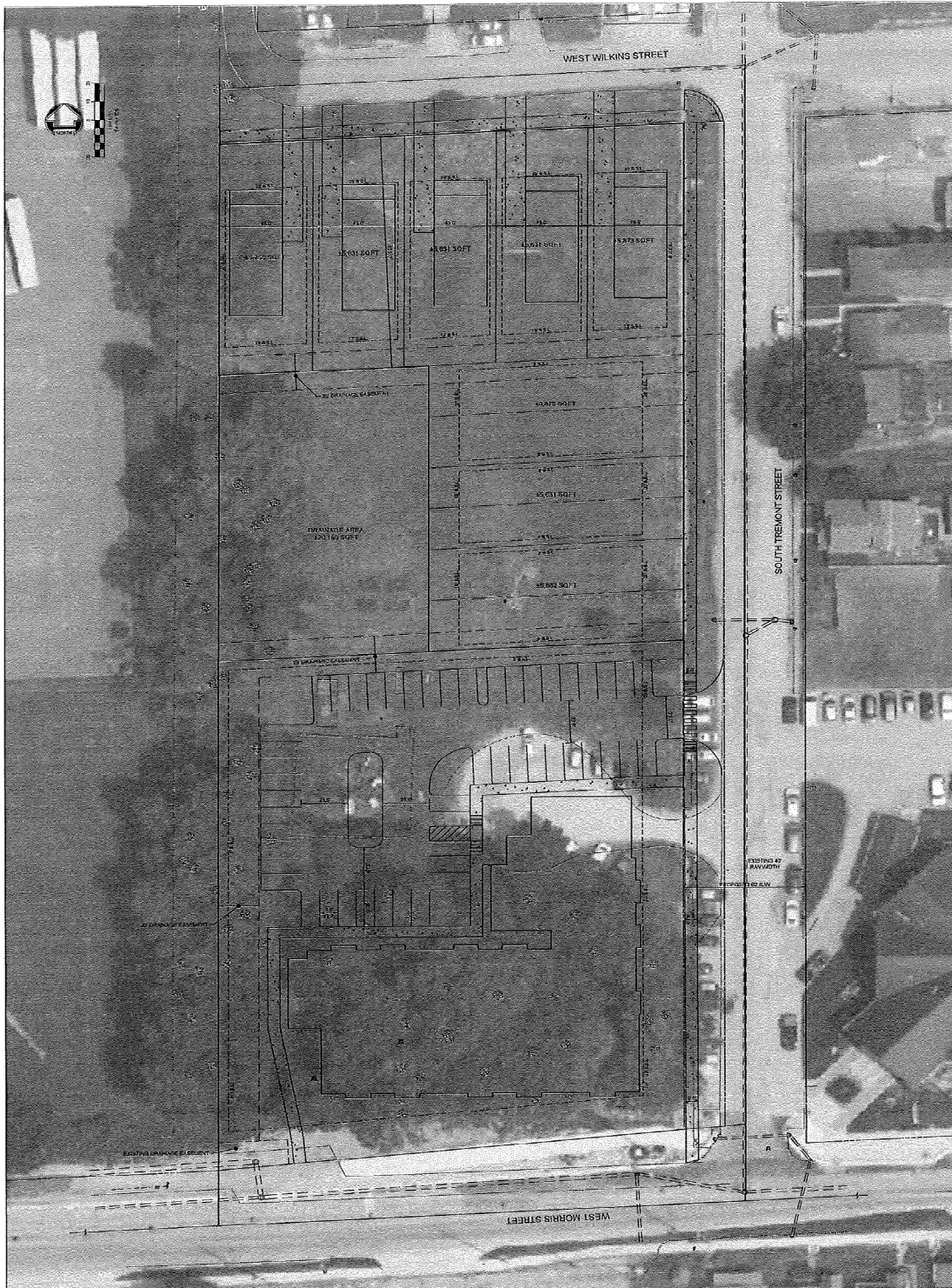


EXHIBIT A

Heritage Tree Conservation

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

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

Table 744-503-3: Replacement Trees		
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



View looking northeast across intersection of West Morris Street and North Tremont Street



View looking south along North Tremont Street



View looking north along North Tremont Street



View of site looking southwest along North Tremont Street



View of site looking west across North Tremont Street



View of site looking west across North Tremont Street



View of site looking west across North Tremont Street



View looking south along North Tremont Street



View of site looking south across Wilkins Street



View of northwest corner of site looking southwest from intersection of West Wilkins Street and North Mount Street



View of site looking northeast along West Morris Street



View of site looking north across West Morris Street



View of site looking northeast across West Morris Street



View of site looking northeast across West Morris Street