



**METROPOLITAN DEVELOPMENT COMMISSION
HEARING EXAMINER**

December 19, 2024

Case Number: 2024-ZON-118
Property Address: 7851 Sargent Road (Approximate Address)
Location: Lawrence Township, Council District #4
Petitioner: John Franklin Roesner
Current Zoning: D-S (FF) (FW)
Request: Rezoning of 4.611 acres from the D-S (FF) (FW) district to the SU-7 (FF) (FW) district to provide for a community center and associated parking.
Current Land Use: Residential (Single-family dwelling)
Staff Recommendations: Approval with commitments.
Staff Reviewer: Marleny Iraheta, Senior Planner

PETITION HISTORY

This petition was continued for cause from the December 12, 2024 hearing to the December 19, 2024 hearing by the Hearing Examiner.

This petition was continued for cause from the November 14, 2024 hearing to the December 12, 2024 hearing to allow additional time for staff to consider commitments submitted on November 11, 2024.

STAFF RECOMMENDATION

Staff **recommends 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 development of the site shall remain residential in characteristic with the existing building to be maintained.
2. A final site plan shall be submitted for Administrative Approval.
3. If a parking lot is proposed, then it shall consist of permeable or semi-permeable pavement.
4. The House and land shall only be used in ways consistent with Sargent Road Association's (SRA) mission and shall explicitly only allow SRA-approved uses (including shared use by its sister organization, Mud Creek Conservancy). The property shall only be rented to SRA entities.
5. The size and type of gatherings on the property shall be restricted to invitation-based only events and shall be limited by available parking on site.
6. The land surrounding the house and its infrastructure shall be placed in a permanent conservation easement.

7. A succession plan shall be created in the event of the dissolution of the SRA, which requires the identification of another charitable organization approved by the membership that will adopt the SRA mission or turn over the asset to the Mud Creek Conservancy (MCC).
8. The stream protection corridor standards shall be met or variances should be sought.

PETITION OVERVIEW

LAND USE

The 4.611-acre subject site is developed with a single-family dwelling.

REZONING

The grant of the request would rezone the site from the D-S district to the SU-7 district to allow for the use of a community center and associated parking lot.

The D-S district is intended for suburban areas of extreme topography, areas conducive to estate development, or areas where it is desirable to permit only low-density development (such as adjacent to floodplains, aquifers, urban conservation areas, within the extended alignment of airport runways, etc.). Generous front yards with trees along roadways that follow the natural terrain of the land are envisioned for the D-S district. Estate development in a natural setting is the typical realization of the district. The D-S district provides for single-family residential lots consisting of at least one acre. A typical density for the D-S district is 0.4 units per gross acre. This district fulfills the lowest density residential classification of the Comprehensive General Land Use Plan. Development plans would likely use the cluster option when subdividing and should incorporate and promote environmental and aesthetic considerations, working within the constraints and advantages presented by existing site considerations, including vegetation, topography, drainage and wildlife.

The SU-7 district permits charitable, philanthropic, and not-for-profit institutions.

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 (SU-7 in this request) are permitted, subject to certain development standards of the Flood Control Secondary Zoning Districts Ordinance.

STAFF ANALYSIS

The request would allow for the use of an existing single-family dwelling as a community center.

Staff does not object to the proposed use of the site as a community center, but further review of the site resulted with the location of a stream on site that would greatly impact the feasibility for improvements on site.

The property has the Tributary Mud Creek, classified as a Category One Stream, that runs within the property and wraps around the existing building according to aerial mapping. This stream requires a 100-foot stream protection corridor parallel along both sides of the top of bank because it is in the Metro Context Area. Unfortunately, this would encompass the entire area where the dwelling is located.

Legally established buildings and structures within the Stream Protection Corridor existing prior to the first day of the month that is six months after the date of adoption, may not be altered to create a new nonconformity or increase the degree of noncompliance with Section 744-205 (Stream Protection Corridor). However, this shall not preclude additional development located outside the Stream Protection Corridor.

The following activities are permitted within the Stream Protection Corridor:

- a. Flood control structures.
- b. Residential support facilities and recreational facilities, such as trail or hiking paths, docks, picnic shelter, scenic overlook, provided however the cumulative area of subsections b. and c. activities does not exceed 10% of the Stream Protection Corridor area on the lot.
- c. Minor residential features, decks associated with an individual dwelling unit, mini- barns or sheds that are 200 square feet or less and are not on a permanent foundation, provided however the cumulative area of subsections b. and c. activities does not exceed 10% of the Stream Protection Corridor area on the lot.
- d. Passive uses such as wildlife sanctuaries, nature preserves, forest preserves, fishing areas, and public and private parkland.
- e. Crossings, subject to the following, and as approved by the Administrator:
 1. Road or railroad crossings, with the right-of-way the minimum width needed to allow for maintenance access and installation and with the angle of the crossing to be perpendicular to the stream. In the case of proposed development or modification to existing development, there shall be one stream crossing per development project, to be no closer than 1000 feet to any other crossing.
 2. Intrusions necessary to provide access to a property provided that the angle of crossing is perpendicular to the stream in order to require less buffer clearing.



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

3. Public sewer or utility easement crossings, including such land disturbance and impervious cover as is necessary for operation and maintenance, including, but not limited to, manholes, vents, and valve structures.
4. Livestock crossings.

Disturbances in the Stream Protection Corridor. Any tree or vegetation removal must be replaced with native species of shade trees and shrubs at the rate of one shade tree and 4 large shrubs per 1,000 square feet of disturbed area.

The use of the site would need to meet the stream protection standards that cannot be waived as part of an Administrative Approval process, or a variance of development standards would need to be sought.

Staff understands that the site is located within a Residential Corridor Reserve, which is intended to preserve residential areas. However, the proposed community center would be beneficial to the residents of the neighborhood and would allow for the preservation of land as proposed by the petitioner's commitments.

Staff would note that the information provided with this submittal indicates that the site is located on a well and septic system that might not be acceptable for a commercial use that would put more strain on the existing system. The petitioner should reach out to the Marion County Public Health Department (MCPHD) who regulates the construction of private wells and well pumps through the state and local ordinances in addition to the Indiana Department of Health (IDOH) who regulates septic systems.

Although staff determined that a community center at this location could be supportable, the existing stream protection corridor might not allow for the anticipated parking lot south of the building, deck addition, or lift access. Therefore, a variance of development standards should be sought prior to construction of these improvements.

Staff had concerns with the future development of the site and the possibility of the property to be used as a rental open to the public and requested three commitments that require the development of the site to remain residential in character with the existing building to be maintained, that a final site plan shall be submitted for Administrative Approval, and that any proposed parking area consist of permeable or semi-permeable pavement.

The petitioner provided four commitments that limit the use of the site by the Sargent Road Association and sister organization, Mud Creek Conservancy, and limiting the rental of the land to SRA entities, in addition to limiting the size and type of gatherings proposed on site to invitation-based and limited to available parking on site. A permanent conservation easement will be put in place for the land surrounding the house and its infrastructure and would also create a succession plan in the event the dissolution of the Sargent Road Association or it would be turned over to the Mud Creek Conservancy.

For these reasons, staff is recommending approval of the rezoning subject to the proposed commitments.

GENERAL INFORMATION

Existing Zoning	D-S		
Existing Land Use	Residential (Single-family dwelling)		
Comprehensive Plan	Floodway and Rural or Estate Neighborhood		
Surrounding Context	Zoning	Land Use	
	North:	D-S	Undeveloped
	South:	D-S	Residential (Single-family dwelling)
	East:	D-S	Residential (Single-family dwelling)
	West:	D-S	Residential (Single-family dwellings)
Thoroughfare Plan			
Sargent Road	Primary Collector Street	80-foot proposed right-of-way and 60-foot existing right-of-way.	
Context Area	Metro		
Floodway / Floodway Fringe	Yes		
Overlay	Yes		
Wellfield Protection Area	No		
Site Plan	October 10, 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)

Pattern Book / Land Use Plan

- The Marion County Land Use Plan Pattern Book (2019) recommends rural or estate neighborhood development for the western portion of the site and recommends a floodway on the east end of the site.
- The Rural or Estate Neighborhood typology applies to both rural or agricultural areas and historic, urban areas with estate-style homes on large lots. In both forms, this typology prioritizes the exceptional natural features – such as rolling hills, high quality woodlands, and wetlands – that make these areas unique. Development in this typology should work with the existing topography



as much as possible. Typically, this typology has a residential density of less than one dwelling unit per acre unless housing is clustered to preserve open space.

- The Floodway category delineates areas that exhibit a great potential for property loss and damage from severe flooding, or for water quality degradation. No development should occur within the floodway. Nonconforming uses currently within a floodway should not be expanded or altered.
- The site falls within the Residential Corridor Reserve (RR) overlay that is intended for areas where the residential nature of a corridor is at risk due to encroachment from other land uses. An example might be residential areas that are being overtaken by school, hospital, or corporate campuses.

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

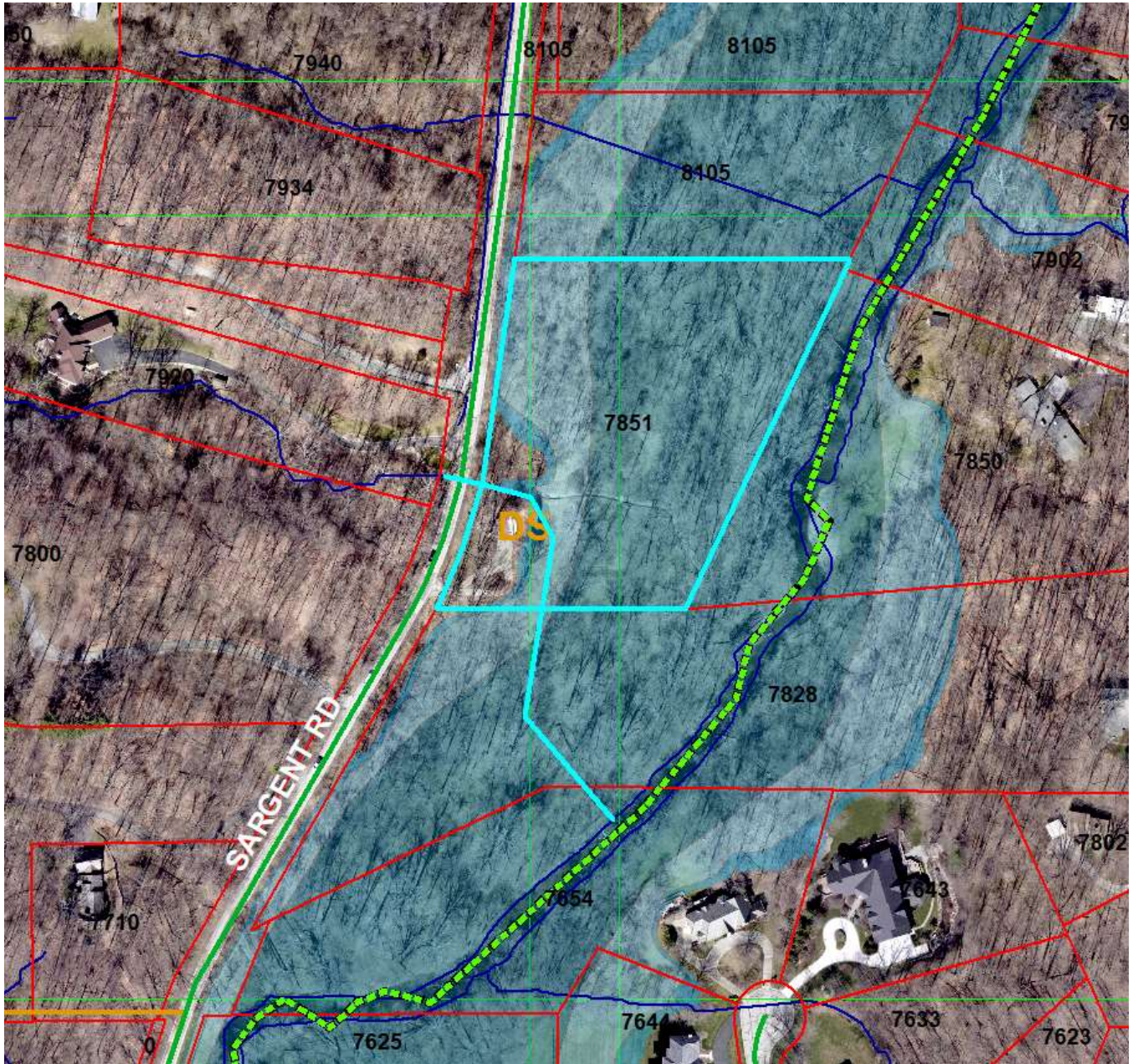
Zoning History - Vicinity

2005-ZON-075; 8000 Lantern Road (north of the site), Rezoning 28.67 acres, being in the D-S (FW)(FF) District, to the D-2 (FF)(FW) classification to provide for the construction of single-family residences, **withdrawal**.

2001-ZON-808; 7600 Sargent Road (southwest of the site), Rezoning 14.471 acres, being in the D-S District, to the D-P classification to provide for eight single-family dwellings (0.55 unit/acre), **approved**.

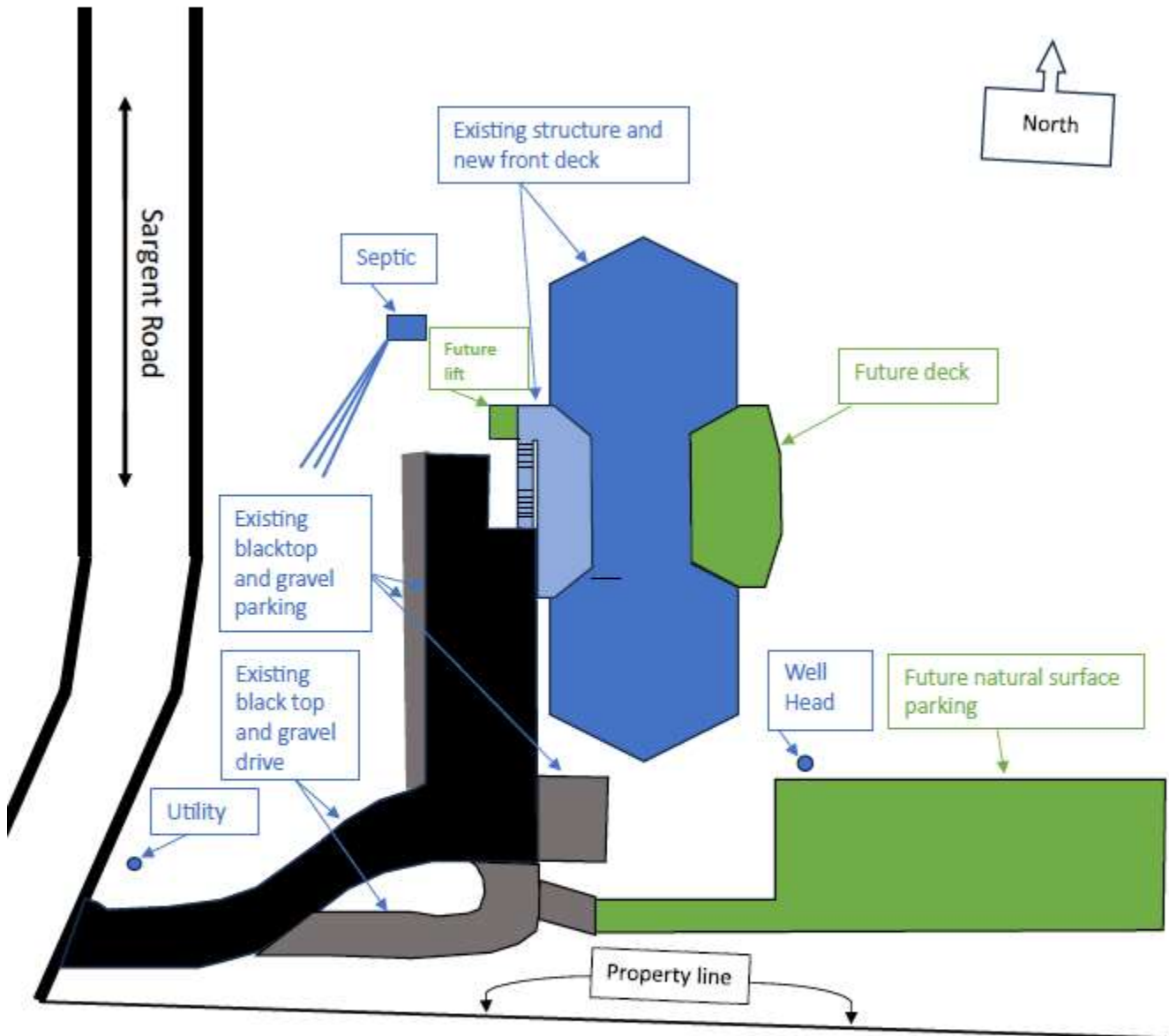
EXHIBITS





Sargent Road Nature House Context and Site Plan

Schematic Site Plan: Infrastructure Focus*



*Scale and proportions are estimates only

- Existing infrastructure
- Existing asphalt & gravel
- planned infrastructure

Sargent Road Nature House Context and Site Plan

FEATURES OF IMPORTANCE: 7851 Sargent Road represents a fragile, ecologically significant habitat. Onsite is a unique structure with historical interest recognizable to the community. Many recall the “tree house” and its prior function as a real estate office at a nearby location. The architecture is lauded as especially fitting for a community-focused home to the sister non-profits that protect and enhance the community’s natural character and quality of life.

RECOGNIZED INFRASTRUCTURE NEEDS: The property’s condition at acquisition required repairs, many of which have been completed through broad community support, volunteer time, specialized expertise, and financial donations.

Regarding the specific question of parking: The drive and parking surface project still needs to be completed. Today, blacktop and gravel allow for approximately 10 passenger vehicles. We anticipate needing only 5-7 additional car capacity to be achieved with improvement and expansion of the existing structure.

Other planned improvements include replacing the failing deck in the rear of the structure and adding a lift that would make the elevated entrance accessible.

PROTECTING THE FLOODPLAIN: Our plan includes preserving all land not essential for the structure and expanding the SRNP conservation footprint by approximately 4 acres.

SITE PLAN: Schematics of our property and infrastructure-focused Site Plans are presented on pages 4 and 5.

Sargent Road Nature House Zoning Commitments

Nov. 6, 2024

In 2021, the Sargent Road Association (SRA), a public charity with membership restricted to residents of a defined area within the Mud Creek Valley, acquired the property at 7851 Sargent Road, aka the Sargent Road Nature House (SRNH). The SRA conducted a visioning session open to all community members in October of 2021 to identify uses for the property in keeping with its mission to support the Sargent Road community's health, safety, and welfare and preserve the Mud Creek Valley's unique character and beauty. More than 25 people who live in the area attended. Two major goals for the property were identified:

- Preserve the land and House, making improvements to the property consistent with SRA's mission to protect the beauty and natural environment of the Mud Creek Valley.
- Use the land and House in support of the SRA's mission and in partnership with the adjacent Sargent Road Nature Park (SRNP) and its owner, the Mud Creek Conservancy (MCC). The primary uses the community identified were:
 - Using the House for office and meeting space for the SRA, MCC, and SRNP.
 - Hosting periodic community-building events and educational/training events of community interest. Examples of the latter included nature, environmental stewardship, preservation, gardening, native plant cultivation, reforestation, and sustainable land practice themes.
 - Potentially offering researchers and artists the opportunity to use the House and land in conjunction with the SRNP as a base for research and creating art.
 - The facility should be used to support the SRNP, including Park events and the extension of its walking trails, which would benefit area residents.

For the first goal, we have contracted with an engineering firm to survey the property and define the area to be preserved. As finances allow, we are completing a list of improvements (see site plan).

For the second goal, we are working through the rezoning process to enable the community's use of the property as envisioned. As part of our rezoning application, we intend to ensure the use of the property remains harmonious with the residential character of the Sargent Road corridor as designated by the Marion County Land Use Plan. Therefore,

WE MAKE THE FOLLOWING COMMITMENTS:

- Only use the House and land in ways consistent with SRA's mission. This explicitly allows only SRA-approved uses (including shared use by its sister organization, the Mud Creek Conservancy) and excludes rental to non-SRA entities.
- Restrict the size and type of gatherings on the property by allowing events at the House to be invitation-based only and limited by available parking.
- Complete the process of placing the land surrounding the house and its infrastructure in a permanent conservation easement.
- Codify a succession plan in the event of the dissolution of the SRA, which requires the identification of another charitable organization approved by the membership that will adopt the SRA mission or turn over the asset to the MCC.

PLAN OF OPERATION

Sargent Road Association's Plan of Operation for 7851 Sargent Road
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When selecting the best fit for zoning purposes, the Sargent Road Association's Nature House plan is self-described as a "Community Center" (broadly defined as a place where people from a particular community can meet for social, educational, or recreational activities). However, this label lacks specificity.

The history of the organization and its mission, the site's unique character, and the specific Plan of Operation are essential in understanding whether the site's intended use is appropriate for the community, justifying a change of zoning designation. We believe they do.

BACKGROUND:

The Sargent Road Association was established in 1992 by neighbors in the Mud Creek Valley, northeast Indianapolis, who organized to continue a years-long effort to protect the community by opposing "unwise" development. While we reincorporated as a 501(c)3 service non-profit in 2019, we continue to operate as an all-volunteer, community-supported organization.

Appropriate land use is SRA's original purpose and remains its foundation. We also provide several other functions within our mission: to preserve the valley's character, support residents' health, safety, and welfare, and foster improvements in the area. SRA has a well-established community service history of import. Our website is a good resource for more information. (www.SargentRoadAssociation.org)

In 1993, a group of SRA members with a strong interest in conservation formed the Mud Creek Conservancy. The two organizations have shared many Board members and served complimentary functions over the years of their operation, considering themselves "sister" institutions.

RECENT HISTORY:

In 2019, the SRA and MCC partnered on a project known as the Sargent Road Nature Park. The successful campaign established a nature preserve in the heart of the community and has provided public access to it, an estimated 26 acres with more than a mile of trails. The conservancy owns that property (with many other properties, dozens of acres, added hence).

In 2021, a property adjacent to the Nature Park became available with a seller motivated by conservation and civic benefit. Considering the unique nature of the project (with a functioning and distinctive structure), discussions among the seller, the conservancy, and the Sargent Road Association led to the Sargent Road Association taking the lead on a partnership with the Mud Creek Conservancy to secure the land and structure and determine the property's best use.

PLAN OF OPERATION (Continued)

Sargent Road Association's Plan of Operation for 7851 Sargent Road for the City of Indianapolis Department of Metropolitan Development in support of petition 2024-ZON-118

THE SITE:

7851 Sargent Road has 4.6 mostly wooded acres of land between Sargent Road and Mud Creek, most of which is in a floodplain. The land has a light network of natural surface trails but has not been disturbed for several decades and is progressing through re-naturalization. Its northern border is shared with the Sargent Road Nature Park, which has approximately 26 acres of preserved land.

The structure is distinctive as a kit home built by the Topsider Homes company. It is a double pedestal foundation engineered for floodplains and/or uneven terrain (<https://www.topsiderhomes.com/collections.php?plan=PG-1101>). Its original location was near 79th St and Fall Creek Rd, functioning as a real estate office! Legend has it that the components were obtained for the cost of moving them when a developer planned to have them razed. It was rescued and repurposed in approximately 1994, ultimately being utilized as a rental property. While there were negative community impacts from the rental function, long-term residents of the area expressed positive feelings about the unique character, fitting in its place, and being recognized as a landmark in the community.

DEVELOPING A PLAN:

Multiple meetings with community participation were held to build consensus. The following Plan of Operation reflects the result of those efforts. It demonstrates why the Sargent Road Nature House is in keeping with the valley's character and will benefit the community.

THE PLAN OF OPERATION:

OUTLINE OF PURPOSE:

1. Headquarters to support the function of the sister organizations Sargent Road Association and Mud Creek Conservancy
 - a. Board meetings
 - b. Other business meetings
 - c. Administrative Space
2. Community Building Events
 - a. Social gatherings
 - b. Educational programs of community interest
3. Conservation
 - a. Add approximately 4 acres of land to permanent conservation
 - b. Expand nature trails for community use

PLAN OF OPERATION (Continued)

Sargent Road Association's Plan of Operation for 7851 Sargent Road for the City of Indianapolis Department of Metropolitan Development in support of petition 2024-ZON-118

FUNCTIONS OF THE SARGENT ROAD ASSOCIATION: The SRA historically keeps a 5 to 10-member Board (currently 6).

Board meetings occur every 4-6 weeks to organize our "areas of service," including advocating for wise land use, functioning infrastructure, and road safety, performing neighborhood trash pickup and beautification, and organizing sponsored traffic patrols.

SRA's income stream is donations from the community but may include minor sales (for example, logoed merchandise, a bake or plant sale, or a fundraising auction), which are means of community engagement and fundraising that we may utilize occasionally. We have been in continuous function for over 30 years and are in good financial health.

Other functions include organizing land use discussions with petitioners, their representatives, and neighbor stakeholders, organizing support or remonstrations, engaging elected officials and other public figures with businesses in the area, and hosting small social gatherings and educational events of community interest.

Other community-building activities will include by-invitation Open Houses in coordination with the neighboring Nature Park. These will encourage walkers/hikers with an extended route, refreshments, bathrooms, and a chance to meet neighbors.

All activities are organized and staffed by volunteers except for security and safety support when needed.

Additionally, a core component of our plan is to codify an agreement to host the Mud Creek Conservancy, which will provide them with similar functions of Board meetings and other business and events appropriate in the space.

Other functions at the Nature House will include archiving our records and displaying pieces of our rich history and that of the community. Similarly, the MCC will have administrative space and use and may display relevant materials.

HOURS OF OPERATION: Use of the Nature House will be determined by programming. It will include daytime and early evening times, typically lasting 1-4 hours, and may occur on any day of the week. Expected activity can be described as small meetings (2-4 ppl) and small group gatherings (5-15 ppl) some days during most weeks. Larger gatherings of 10-30 ppl are anticipated on a monthly schedule. Maintenance and other attention to the property are ongoing, as usual, for this type of structure. Additionally, as the MCC has immediate plans to hire a part-time officer, it is envisioned that they may have office time in the Nature House. All programming will be posted on our website calendar.

PLAN OF OPERATION (Continued)

Sargent Road Association's Plan of Operation for 7851 Sargent Road for the City of Indianapolis Department of Metropolitan Development in support of petition 2024-ZON-118

CAPACITY: Participation numbers will be capped (e.g., with a first-come RSVP program for events). While we may have more capacity, the highest occupancy will typically be 30 persons with a ceiling of roughly 50 persons, based on what would be comfortable in the space.

An example of what, in our judgment, the space is not appropriate for is the annual meeting of the Mud Creek Conservancy, which is expected to have parking and attendance requirements beyond the capacity of the Nature House.

IMPROVEMENTS: Due to the availability of parking at the adjacent Nature Park (15 spots with the possibility of attendees being shuttled from there) and neighborhood residents using an alternate mode of travel (walking or biking), the parking need is relatively modest (see page 5 of our Site Plan).

The site Plan also shows anticipated improvements to the structure, including replacing the back deck and adding a lift, which would make the raised entrance accessible.

Landscaping with native plants is also planned.

MEETING THE TEST OF COMMUNITY BENEFIT: The name chosen for the property is "Sargent Road Nature House." This reflects our recognition of the high value our community places on the natural character of the valley and in recognition of our sister organization, the Mud Creek Conservancy, and its role in preserving its unique and fragile essence.

Since taking possession of the property, we have continued to make repairs and improvements while maintaining the grounds to present an appealing curbside view that is in keeping with the community. While an ongoing project that advances as fundraising allows, we intend to have the structure's appearance and function reflect our pride in the organization and desire to hold an asset valued for its appearance and the services provided within our mission to preserve and enhance the character and quality of life for residents.

While we are a private organization that does not exist as, nor do we view ourselves as, a "public access" institution, our general intent is to be accessible, an example of which is the plan for a lift as described above.

UNANTICIPATED CHALLENGES: All activities will be restricted to the mission of the Sargent Road Association as described above. If the Sargent Road Association ends, we are bound to find an alternate organization to continue our mission. Failing that, the plan is to turn over our assets to our sister, the Mud Creek Conservancy, which will utilize the structure in a manner consistent with its complementary mission in perpetuity. In either case, a permanent conservation easement will already protect the land.



Photo of the existing single-family dwelling on site.



Photo of the street frontage of the subject site looking north.



Photo of the front building façade.



Photo of the proposed additional parking area on the south side.



Photo of the southern building façade looking north.



Photo of the northern building façade looking south.



Photo of the existing driveway to the subject site.