



**METROPOLITAN DEVELOPMENT COMMISSION
HEARING EXAMINER**

December 19, 2024

Case Number: 2024-ZON-030 (Amended)
Property Address: 1362 and 1368 North Olney Street
Location: Center Township, Council District #13
Petitioner: Read Investment Trust / Brookside Community Development Corporation by Emily Duncan and David Kingen
Current Zoning: C-3
Request: Rezoning of 0.29-acre from the C-3 district to the MU-2 district to provide for a mixed-use development.
Current Land Use: Residential uses
Staff Recommendations: Approval.
Staff Reviewer: Kathleen Blackham, Senior Planner

PETITION HISTORY

The Hearing Examiner continued this petition from the April 25, 2024 hearing, to the May 23, 2024 hearing, to the July 25 2024 hearing, and to the October 10, 2024 hearing, at the request of the petitioner's representative and remonstrators to provide time for discussions with the neighborhood and to amend the petition and provide new notice.

The petitioner's representative amended the request to the MU-2 district. "The MU-2 District is intended to meet the daily needs for surrounding neighborhoods and include small social spaces that serve as neighborhood gathering places. The district includes primarily neighborhood-serving businesses and institutions, including a wide range of small-scale retail and service uses that typically do not draw customers from beyond the adjacent neighborhoods, and employment, institutional and residential uses that complement the compact, walkable development pattern. The MU-2 District is implemented as a small node or on busy corridors in the Traditional Neighborhood or City Neighborhood Typologies of the Land Use Pattern Book, or as a Village Mixed Use Typology. The typical size of a district is from 2 to 20 acres (1 to 4 blocks) but depends on the context and what integrates best into surrounding neighborhoods and complimentary zoning districts."

Based upon the information that has been provided to staff, the MU-2 district would be more appropriate for this location. Consequently, staff is now recommending approval of this request subject to the commitments below:

STAFF RECOMMENDATION

Approval, 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. Final site plan and elevations shall be submitted for Administrator Approval prior to the issuance of an Improvement Location Permit (ILP).
2. 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.

The Hearing Examiner continued this petition from the October 10, 2024 hearing, to the December 19, 2024 hearing, at the request of the petitioner's representative.

PETITION OVERVIEW

REZONING

This 0.29-acre site, zoned C-3, is comprised of two parcels developed with multi-family dwellings. It is surrounded by commercial uses and single-family dwellings to the north, across Nowland Avenue zoned MU-1; single-family dwellings to the south, zoned D-5; single-family dwellings to the east across North Olney Street, zoned MU-1; and single-family dwellings to the west, zoned D-5.

The request would rezone both parcels to the MU-1 District. "The MU-1 District is intended for the development of **high-rise office uses** and apartments intermixed, grouped in varying combinations or provided in the same building. MU-1 is designed for use and positive pedestrian experience or demand. Appropriate settings for the MU-1 district include the midtown and uptown areas of the city, **very near rapid transit stops**, or in the midst of **high intensity regional** commercial complexes."

The Comprehensive Plan recommends traditional neighborhood typology. This typology would allow for mixed uses that would be compatible with the neighborhood if the recommendations and guidelines offered by The Pattern Book would be applied.

As proposed, this request would not be consistent with the Plan recommendation of traditional neighborhood. As noted above the MU-1 district would be highly detrimental to this solidly residential neighborhood.

Furthermore, this site is not very near a rapid transit stop but is located at the intersection of two local streets surrounded by residential uses. The nearest commercial uses are located along North Sherman Drive, approximately 1400 feet to the east.

For these reasons, staff strongly recommends denial of this rezoning request.



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.

GENERAL INFORMATION

Existing Zoning	C-3	
Existing Land Use	Multi-family dwellings	
Comprehensive Plan	Traditional Neighborhood typology	
Surrounding Context	Zoning	Land Use
North:	MU-1	Commercial uses
South:	D-5	Single-family dwelling
East:	MU-1	Single-family dwelling
West:	D-5	Single-family dwellings

Thoroughfare Plan		
North Olney Street	Local Street	Existing 60-foot right-of-way and proposed 48-foot right-of-way.
Nowland Avenue	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	N/A	
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

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 5 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.”

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.

- *Large-Scale Multi-Family Homes (defined as single or multiple buildings each with five or more legally complete dwelling units in a development of more than two acres and at a height greater than 40 feet.*
 - Developments of more than 30 housing units must have access to at least one arterial street of 3 or more continuous travel lanes between the intersections of two intersecting arterial streets.
 - Should be located along an arterial street.
 - In predominantly platted, single-family neighborhoods, site should be at least as wide as it is deep.
 - Parking should be either behind or interior to the development.
 - Individual building height, massing, and footprint should gradually transition from adjacent developments. Specifically, buildings located adjacent to existing residential developments should be no more than one and a half times the height and no more than twice the average footprint of the existing adjacent residential buildings.

- *Small-Scale Offices, Retailing, and Personal or Professional Services (defined as commercial uses with minimal outdoor operations, storage, or display on lots of less than 1.5 acres and a height of less than 35 feet)*
 - If proposed within one-half mile along an adjoining street of an existing or approved residential development, then connecting, continuous pedestrian infrastructure between the proposed site and the residential development (sidewalk, greenway, or off-street path) should be in place or provided.
 - Should be limited to areas and parcels with adequate space for required screening and buffering.
 - Automotive uses (such as gas stations and auto repair) and uses requiring a distance of separation of greater than 20 feet under the zoning ordinance (such as liquor stores, adult uses, and drive-through lanes) are excluded.
 - Mixed-use structures are preferred.
 - Should not include outdoor display of merchandise.

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)

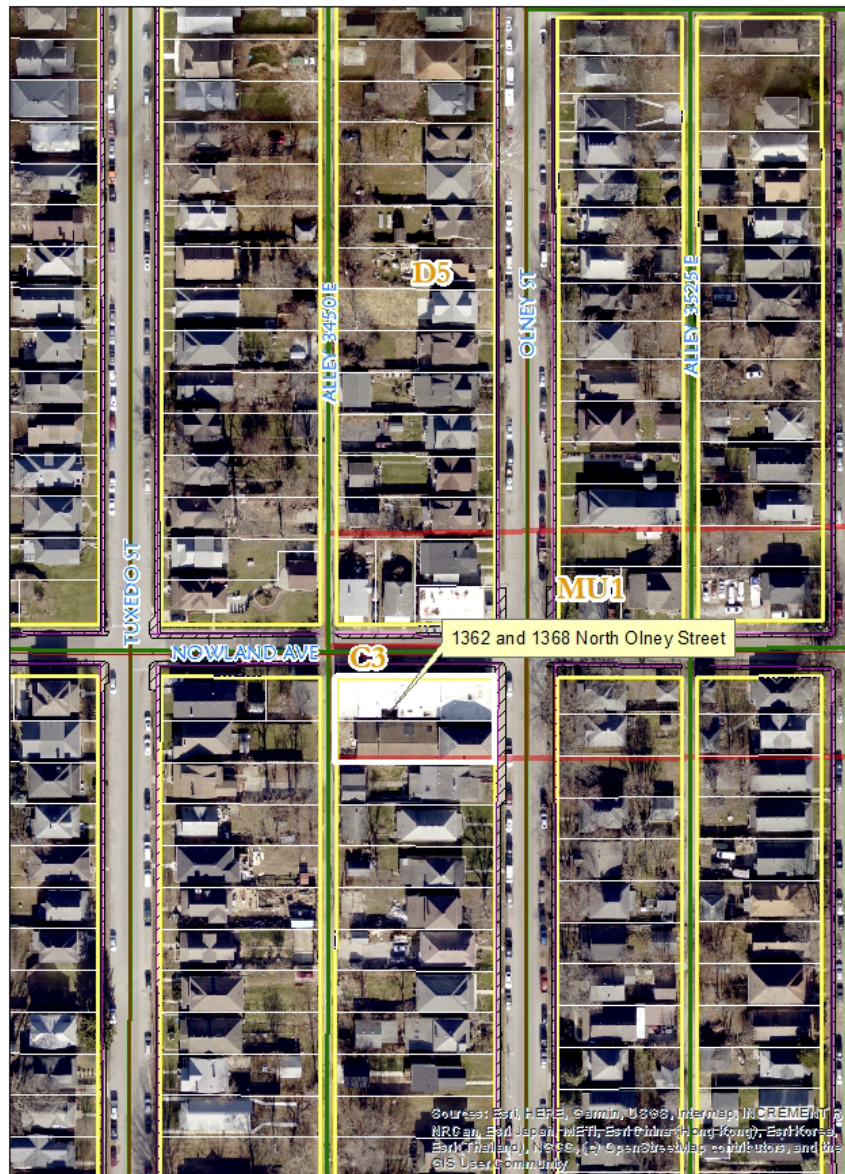
- The Marion County Thoroughfare Plan (2019) “is a long-range plan that identifies the locations classifications and different infrastructure elements of roadways within a defined area.”
- The following listed items describes the purpose, policies and tools:
 - Classify roadways based on their location, 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



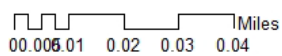
ZONING HISTORY

2010-UV3-003; 1402 North Olney, (north of site), requested a variance of use of the Commercial Zoning Ordinance to provide for a convenience / grocery store, without any off-street parking, **granted**.

EXHIBITS



1362 and 1368 North Olney Street



Sources: Esri, HERE, Garmin, USGS, Intermap, INCREMENT P, NRCan, Esri Japan, MEPF, Esri China Hong Kong, Esri Korea, Esri (Thailand), NOAA, Swisstopo, (c) OpenStreetMap contributors, and the GIS User Community



View looking north along North Olney Street



View looking south along North Olney Street



View looking west along Nowland Avenue



View looking east along Nowland Avenue



View of site looking northwest across North Olney Street



View of site looking west across North Olney Street



View of site looking west across North Olney Street



View of site looking southwest across Nowland Avenue



View looking southeast across intersection on North Olney Street and Nowland Avenue



View looking northwest across intersection on North Olney Street and Nowland Avenue