

**METROPOLITAN DEVELOPMENT COMMISSION
HEARING EXAMINER**

October 23, 2025

Case Number: 2025-CZN-832 / 2025-CVR-832 (Amended)

Property Address: 1140 East 46th Street, 4644, 4646, 4648, 4710, and 4716 Carvel Avenue (Approximate Addresses)

Location: Washington Township, Council District #7

Petitioner: Arrow Street Development, LLC, by Joseph D. Calderon

Current Zoning: D-5 (W-1), D-P (W-1), and I-3 (W-1)

Request: Rezoning of 3.65 acres, from the D-5 (W-1), D-P (W-1), and I-3 (W-1) districts to the MU-2 (W-1) district to provide for a mixed-use development consisting of multi-family dwellings, commercial uses, a parking garage, and resident amenities.

Variance of use and development standards of the Consolidated Zoning and Subdivision Ordinance to provide for a large mixed-use building type (small mixed-use building type permitted), with the front building line in excess of ten feet along 46th Street (front building line range of zero-foot to 10 feet required), a 24-foot-wide driveway width along 46th Street (maximum 16-foot-wide driveway width permitted), a commercial building line of 60% of the frontage along 46th Street (minimum 80% required), zero-foot transitional yard to the east (either a minimum 15-foot transitional yard, or an opaque wall, berm, fence, or dense (at least 75% opacity) vegetative screen of at least six feet tall required), no primary entrances along 46th Street (minimum one primary entry features for every 50 feet required), a surface parking lot with a 15-foot east side yard setback (minimum 25-foot setback required), structured parking of 100% of street wall at first level of the building along Carvel Avenue (maximum 30% of street wall permitted).

Current Land Use: Single-family dwellings / Commercial and Industrial Buildings

Staff Recommendations: Approval with commitments.

Staff Reviewer: Marleny Iraheta, Senior Planner

PETITION HISTORY

This petition was continued for cause from the August 14, 2025 hearing to the September 11, 2025 hearing to allow the petitioner additional time to address multiple concerns brought up by staff or amend the request to include variances.

The petition was amended, legal notices were mailed, and the request was published for the September 25, 2025 hearing date. However, at the September 11, 2025 hearing the petitioner requested and was granted a continuance for cause from the September 11, 2025 hearing to the October 9, 2025 hearing to allow them additional time to work with a registered neighborhood organization.

Because the amended petition was published for the September 25, 2025 hearing date, it needed to remain on the agenda where the Hearing Examiner acknowledged the previously granted continuance to the October 9, 2025 hearing.

This petition was continued from the October 9, 2025 hearing to the October 23, 2025 hearing to provide additional time commitments to be finalized.

STAFF RECOMMENDATION

The petitioner submitted a revised site plan, dated September 25, 2025, that reduced the driveway width along 46th Street from 24 feet to the permitted 16 feet and provided the 15-foot transitional yard needed along the D-5 district southeast of the site. The petitioner can amend the request to have the following language removed: a 24-foot-wide driveway width along 46th Street (maximum 16-foot-wide driveway width permitted) and zero-foot transitional yard to the east (either a minimum 15-foot transitional yard, or an opaque wall, berm, fence, or dense (at least 75% opacity) vegetative screen of at least six feet tall required).

Staff **recommends approval** of the request as amended 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. Petitioner shall have an appropriately licensed professional engineer conduct a traffic impact study ("TIS"), the scope of which shall be determined between the preparer and the City of Indianapolis Department of Public Works ("DPW"). After the TIS is completed and reviewed by DPW, Petitioner shall complete the recommended infrastructure improvements within six (6) months of receiving an Improvement Location Permit.
2. Petitioner shall construct pedestrian crossing safety upgrades at 46th Street and Monon Trail, as determined by DPW.
3. A 28-foot half right-of-way shall be dedicated along the frontage of 46th Street, as per the request of the Department of Public Works (DPW), Engineering Division. Additional easements shall not be granted to third parties within the area to be dedicated as public right-of-way prior to the acceptance of all grants of right-of-way by the DPW. The right-of-way shall be granted within 60 days of approval and prior to the issuance of an Improvement Location Permit (ILP).
4. Final building elevations shall be submitted for Administrative Approval and review by the City Architect prior to the issuance of an Improvement Location Permit.
5. Petitioner will dedicate right-of-way to the City of Indianapolis, along East 46th Street, of sufficient area to provide for the installation and maintenance of a 5'x10' bus shelter, as depicted in the site plan dated September 25, 2025. The final dedication exhibits shall be submitted for the review and approval of the Indianapolis Public Transportation Corporation d/b/a IndyGo, prior to said dedication.
6. Petitioner will construct, within the proposed dedication area outlined in Commitment #1, a 7'x12' bus stop shelter pad, pursuant to the standards and specifications of IndyGo, dated February 18, 2013.

PETITION OVERVIEW

LAND USE

The 3.65-acre site is comprised of multiple parcels that will be combined to create the overall site. Currently, the subject site is developed with commercial and industrial buildings, some in disrepair, single-family dwellings with accessory structures, and a cell tower. The only structure planned to remain would be the cell tower.

The site is surrounded by single-family dwellings to the north and west, zoned D-5, single-family dwellings to the east, zoned D-5 and SU-34, a support club to the east zoned SU-34, a mixed-use building to the south, zoned MU-2, and a vacant commercial building southeast of the site, zoned D-5.

REZONING

The request would rezone the property from the D-5 (W-1), D-P (W-1), and I-3 (W-1) districts to the MU-2 (W-1) district to provide for a mixed-use development that would not be permitted within the existing zoning districts.

The D-5 district is intended for medium and large-lot housing formats, primarily for detached houses, but may incorporate small-scale multi-unit building types in strategic locations. This district can be used for new, walkable suburban neighborhoods or for infill situation in established urban areas, including both low density and medium density residential recommendations of the Comprehensive Plan, and the Suburban Neighborhood and Traditional Neighborhood Typologies of the Land Use Pattern Book.

The I-3 district is an intermediate district for industries that present moderate risks to the general public. Wherever practical, this district should be away from Protected Districts and buffered by intervening lighter industrial districts. Where this district abuts Protected Districts, setbacks are large and enclosure of activities and storage is required.

The established purpose of the D-P District follows:

1. To encourage a more creative approach in land and building site planning.
2. To encourage and efficient, aesthetic, and desirable use of open space.
3. To encourage variety in physical development pattern.
4. To promote street layout and design that increases connectivity in a neighborhood and improves the directness of routes for vehicles, bicycles, pedestrians, and transit on an open street and multi-modal network providing multiple routes to and from destinations.
5. To achieve flexibility and incentives for residential, non-residential, and mixed-use developments which will create a wider range of housing types as well as amenities to meet the ever-changing needs of the community.
6. To encourage renewal of older areas in the metropolitan region where new development and restoration are needed to revitalize areas.

7. To permit special consideration of property with outstanding features, including but not limited to historical significance, unusual topography, environmentally sensitive areas and landscape amenities.
8. To provide for a comprehensive review and processing of development proposals for developers and the Metropolitan Development Commission by providing for concurrent review of land use, subdivision, public improvements, and siting considerations.
9. To accommodate new site treatments not contemplated in other kinds of districts.

“Development plans should incorporate and promote environmental and aesthetic considerations, working within the constraints and advantages presented by existing site conditions, including vegetation, topography, drainage, and wildlife.

Densities and development of a D-P are regulated and reviewed by the Metropolitan Development Commission. Creative site planning, variety in physical development, and imaginative uses of open space are objectives to be achieved in a D-P district. The D-P district is envisioned as a predominantly residential district, but it may include supportive commercial and/or industrial development.”

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.

VARIANCE

The grant of the request for rezoning would necessitate a variety of variances needed for the development project to be built as proposed.

This includes a Variance of Use to allow the construction of a large mixed-use building type which is not permitted in the MU-2 district that limits mixed-use development to a small mixed-use building type.

A revised site plan indicated a driveway width reduction from 24 feet to the permitted 16-foot width which allowed for the 15-foot transitional yard requirement adjacent to the D-5 district southeast of the site to be met. Therefore, the variances associated with these changes would no longer be needed and could be removed from the request.

The front building line range along 46th Street as a Pedestrian Urban Private Frontage classification is limited from zero feet to ten feet which would be exceeded by the proposal with an approximate 48-foot front setback.



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The Pedestrian Urban Private Frontage design standards require a front building line measurement along 46th Street to extend the minimum 80 percent along the frontage where only 60 percent would be proposed.

One minimum primary entry feature is required for every 50 feet of wall length along 46th Street where none would be proposed.

The Collector Private Frontage along Carvel Avenue is required to have a 25-foot setback for the surface parking lot where a 15-foot setback would be proposed.

Lastly, a maximum of 30 percent of the street wall along Carvel Avenue is permitted for structured parking purposes. As proposed, the parking garage would encompass 100 percent of the eastern building façade.

WELLFIELD

A wellfield is an area where the surface water seeps into the ground to the aquifer and recharges the wells that are the source of our drinking water. This secondary zoning district places closer scrutiny on uses and activities that might contaminate the underground drinking water supply.

There are two (2) Wellfield district designations. An area identified as W-1 is a one-year time-of-travel protection area. The W-5 is a five-year time-of-travel protection area. All development within these districts is subject to Commission approval.

This site is specifically located within the Fall Creek W-1 Wellfield Protection District. Unless exempted by Section 742-204.D Technically Qualified Person review requirement, a Site and Development Plan shall be filed with and be subject to approval on behalf of the Commission by the Technically Qualified Person (TQP).

DEPARTMENT OF PUBLIC WORKS

The Department of Public Works, Traffic Engineering Section, has requested the dedication and conveyance of a 28-foot half right-of-way along 46th Street. This dedication would also be consistent with the Marion County Thoroughfare Plan.

STAFF ANALYSIS

The proposed five-story mixed-use development consisting of 317 multi-family dwellings, 6,900 square feet of retail space, 2,000 square foot apartment lobby, a parking garage, and resident amenities is the type of development that staff would like to encourage and see developed along City greenways, trails, and bus rapid transit corridors.

As proposed, 237 parking spaces would be required for the dwelling units and 46 parking spaces would be required if eating establishments were proposed or 19 spaces would be required if retail sales were proposed. Depending on the end user, a range of 256 to 283 parking spaces would be required which could be reduced with the parking reductions allowed by the Ordinance. The total minimum parking



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requirement could range from 231 to 255 if the 10 percent reduction for proximity to public transportation was used. For this reason, staff found that the site would have sufficient parking provided.

The increased density would provide more eyes on the streets, the mix of uses would enhance street activation and generate additional foot traffic, and the addition of new businesses would provide services to the community.

While the petitioner made changes to the site plan to address staff's concern regarding the driveway width along 46th Street, removal of the parking in the front yard of 46th Street, and the relocation of the parking lot in front of the building setback along Carvel Street, staff was not provided building elevations for each façade. Therefore, staff is requesting a commitment that the final building elevations be submitted for Administrative Approval so that the City Architect can review the elevations prior to the issuance of an Improvement Location Permit. Staff's main concern is regarding the western building façade that would face the Monon Trail at the ground floor level, which should provide a more creative approach with better building materials than is shown along the parking garage.

The Department of Public Works has requested a commitment for a traffic impact study to be conducted with the completion of recommended infrastructure improvements to be made within six months of receiving an Improvement Location Permit. Other commitment requests include a right-of-way dedication along 46th Street and for pedestrian crossing safety upgrades at the 46th Street and Monon Trail intersection.

Because landscape plans were not submitted, the petitioner was informed that all landscape requirements of the Ordinance would need to be met.

Although staff requested that connection be made from the subject site to the Monon Trail, the connections to the Monon Trail and all greenways / trails will need to be reviewed and approved by the Department of Public Works, Greenways Section or its equivalent agency.

Staff was informed of discussions between the petitioner and IndyGo for right-of-way dedication to the City for construction of a 5'x10' bus shelter and a 7'x12' bus stop shelter pad, which have been incorporated into the commitment list for approval.

Staff is recommending approval of the rezoning and variance requests as amended subject to commitments as previously relayed.

GENERAL INFORMATION

Existing Zoning	D-5 (W-1), D-P (W-1), and I-3 (W-1)	
Existing Land Use	Single-family dwellings / Commercial and Industrial Buildings	
Comprehensive Plan	Traditional Neighborhood	
Surrounding Context	<u>Zoning</u>	<u>Land Use</u>
	North: D-5	Residential (Single-family dwellings)
	South: MU-2 / D-5	Mixed-Use Building / Vacant Building

East:	SU-34 / D-5	Club / Residential (Single-family dwellings)
West:	D-5	Residential (Single-family dwellings)
Thoroughfare Plan		
46 th Street	Primary Arterial Street	56-foot proposed right-of-way and 50-foot existing right-of-way.
Carvel Avenue	Local Street	48-foot proposed right-of-way and 50-foot existing right-of-way.
Context Area	Compact or Metro	
Floodway / Floodway Fringe	No	
Overlay	Yes	
Wellfield Protection Area	Yes	
Site Plan	June 4, 2025	
Site Plan (Amended)	September 30, 2025	
Elevations	June 4, 2025	
Elevations (Amended)	August 6, 2025	
Landscape Plan	N/A	
Findings of Fact	June 4, 2025	
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)
- Red Line Transit-Oriented Development Strategic Plan (2021)

Pattern Book / Land Use Plan

- The Comprehensive Plan recommends Traditional Neighborhood development of the site.
- 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.

- **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 Housing**

- 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**

- 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 located at intersections and limited to an aggregate of 1 acre per intersection.
- 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

- The site falls within the Red Line Transit-Oriented Development Strategic Plan (2021).

- The subject site is within a ½ mile from the nearest transit station located west at the 46th Street and College Avenue intersection, which is classified as a walkable neighborhood typology.
- Characteristics of this typology include a mix of uses at station area and primarily residential beyond, maximum three stories throughout, no front or side setbacks at core with zero to 15-foot front setbacks and zero to 20-foot side setbacks at periphery. A mix of multi-family and single-family housing is recommended with structured parking at the core and attractive surface parking at the periphery.

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 Indy Greenways Master Plan (2014) proposed the existing Monon Rail-Trail from 96th Street to 10th Street that passes along the western property boundary of the subject site.
- The Indy Bike Master Plan (2011) proposed the existing on-street bike lane along 46th Street from Carrollton Avenue to Arlington Avenue.

ZONING HISTORY

Zoning History – Site

2021-ZON-134; 1140 East 46th Street (subject site), Rezoning of 2.49 acres from the I-3 (W-1) and D-5 (W-1) districts to the D-P (W-1) classification to provide for 55 single-family attached (townhome) dwellings, **approved**.

Zoning History – Vicinity

2020-CZN 847 / 202CVR-847; 1121 East 46th Street (south of site), Rezoning of rezoning of 2.91 acres from the I-3 (W-1) and D-5 (W-1) districts to the MU-2 (W-1) district to provide for a mixed-use building of multi-family and retail uses and a variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for a maximum building and transitional building height of 45 feet, to reduce the percentage of building façade along the public right-of-way, the percentage of the building being within the minimum and maximum setback and to provide for parking within 25 feet of the primary street, **approved and granted**.

2020-DV3-040; 4606 Winthrop Avenue and 275 East 49th Street (west of site), Variance of Development Standards to provide for an above-ground wireless communications facility, **withdrawn**

2008-UV2-015; 1118 East 46th Street (west of site), Variance of Use to provide for a furniture store in a dwelling district and a Variance of Use to provide for parking in the front yard, vehicle maneuvering in a right-of-way, deficient front setback, deficient side setback and excessive sign area, **approved**, except excessive sign area, **withdrawn**.

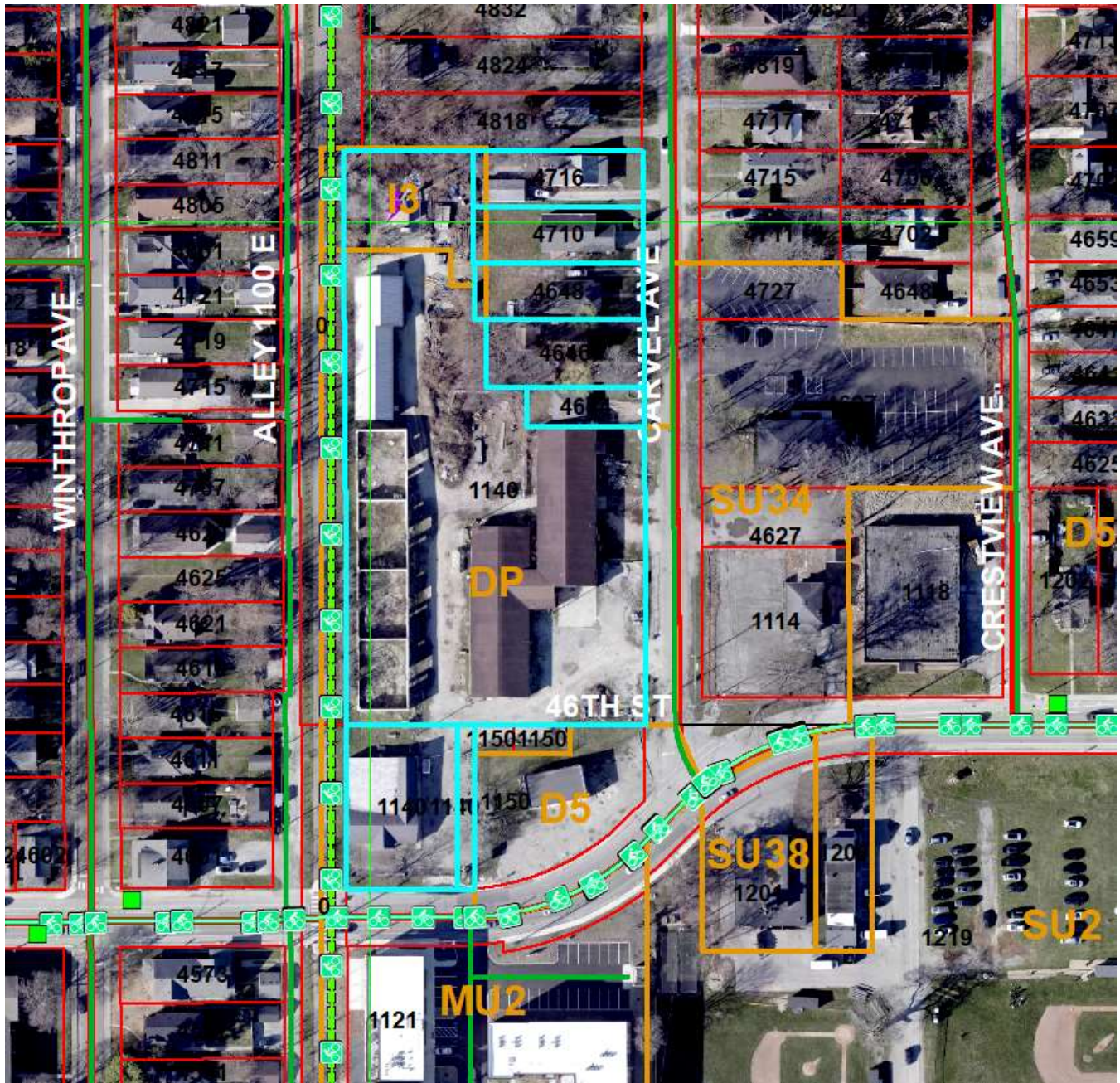
96-Z-8; 1201 East 46Th Street (east of site), Rezoning of 0,3 acre from the SU-2 district to the SU-38 district, **approved**.

84-Z-26; 1118 East 46Th Street (west of site), Rezoning of 0.7 acre from the SU-34 district to the D-5 district, **approved**.

84-Z-25; 1114 East 46Th Street (west of site), Rezoning of 1.5 acres from the D-5 and SU-34 district to the SU-34 district, **approved**.

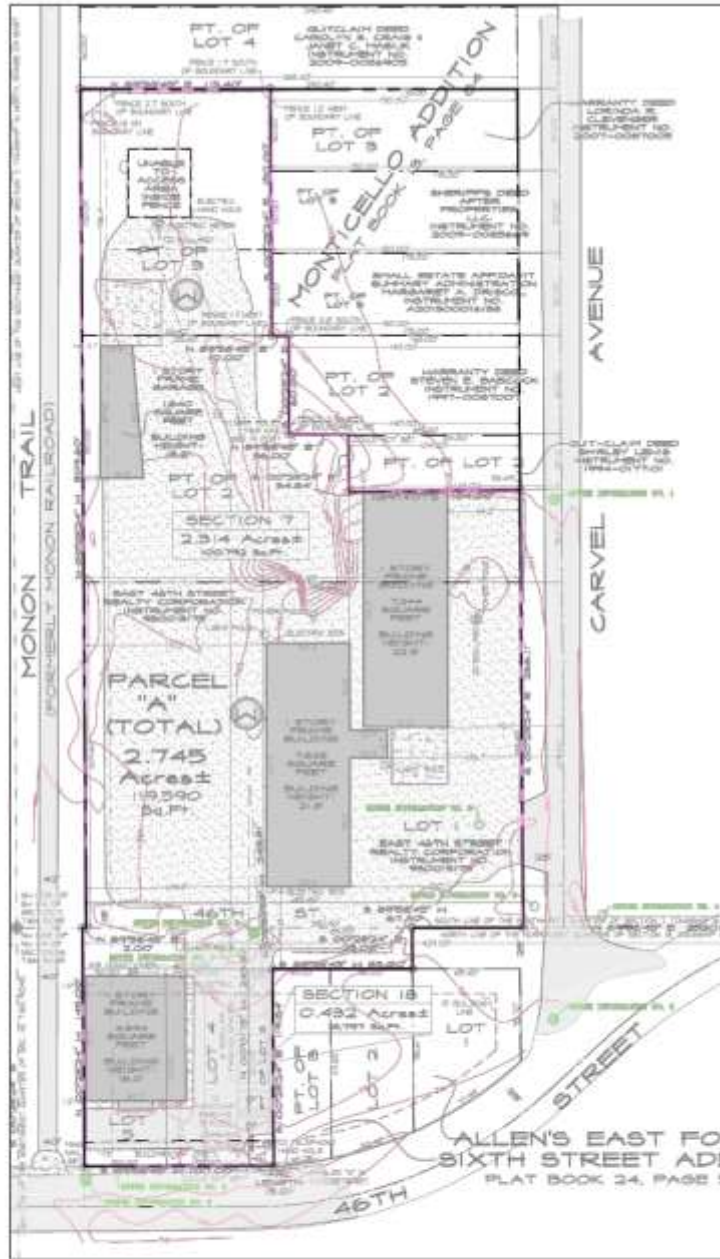
72-Z-55; 1215 East 46Th Street (east of site), Rezoning of 23.8 acres from the D-5 district to the SU-2 district, **approved**.

EXHIBITS



AERIAL MAP

MAP OF PARCELS INCLUDED IN THE REQUEST



BUILDING DATA:

APARTMENT BUILDINGS:

Area	Units	20'	Total
2	47	47	47
3	10	44	75
4	10	47	75
5	10	47	75
Total	77	185	312
Percent	17.4	36.0	24.0

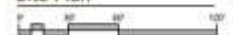
PARKING PROVIDED:

PARKING GARAGE:

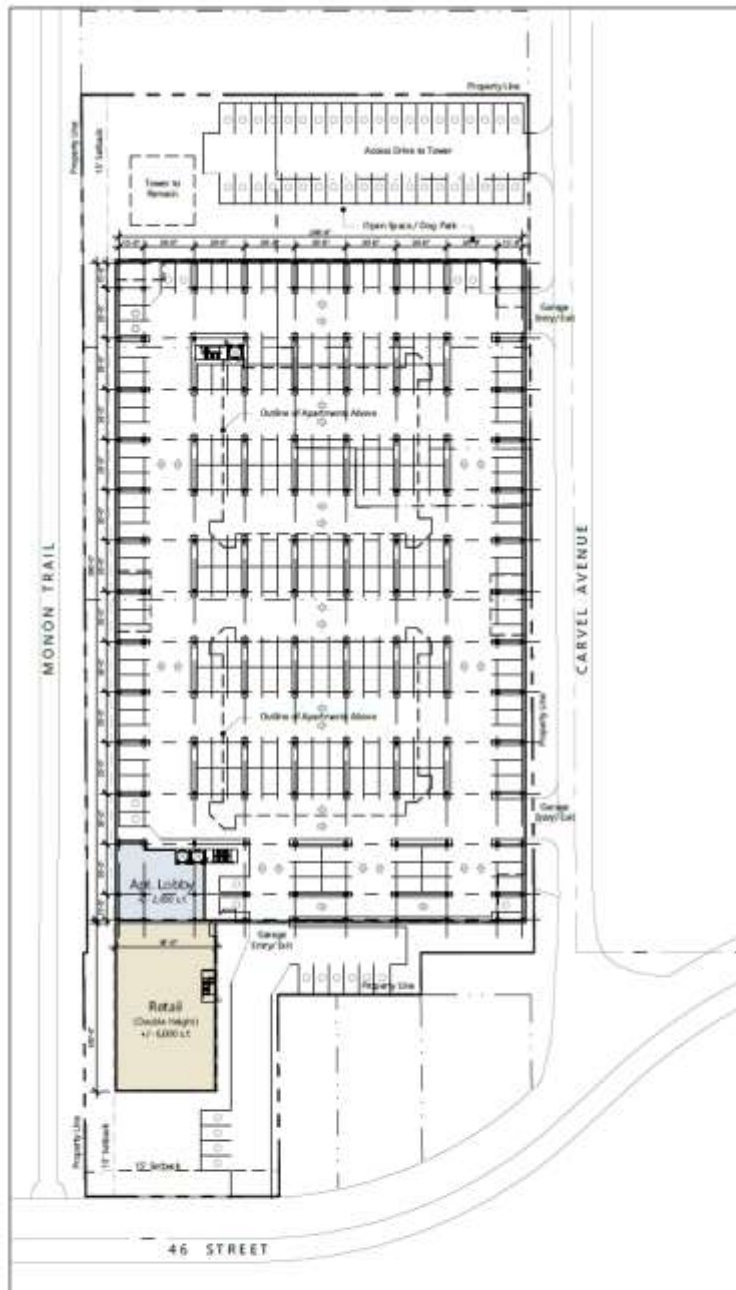
Level	Number of Spaces	Net Area
Level 1	270	1 = 1,016 sq. ft.
Level 2	270	1 = 1,016 sq. ft.
Surface Parking Total	540	0 = 10,816 sq. ft.
Total Parking Provided	810	1 = 12,832 sq. ft.

Parking Ratio = 77 p.p.
 Per Unit

Site Plan



SITE PLAN



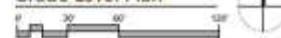
BUILDING DATA:

APARTMENT BUILDING				
Row	Studio	1B	2B	Total
1	17	41	18	76
2	15	44	18	77
3	12	47	18	77
4	12	47	18	77
Total	56	197	72	325
Percent	17.3	60.3	22.4	

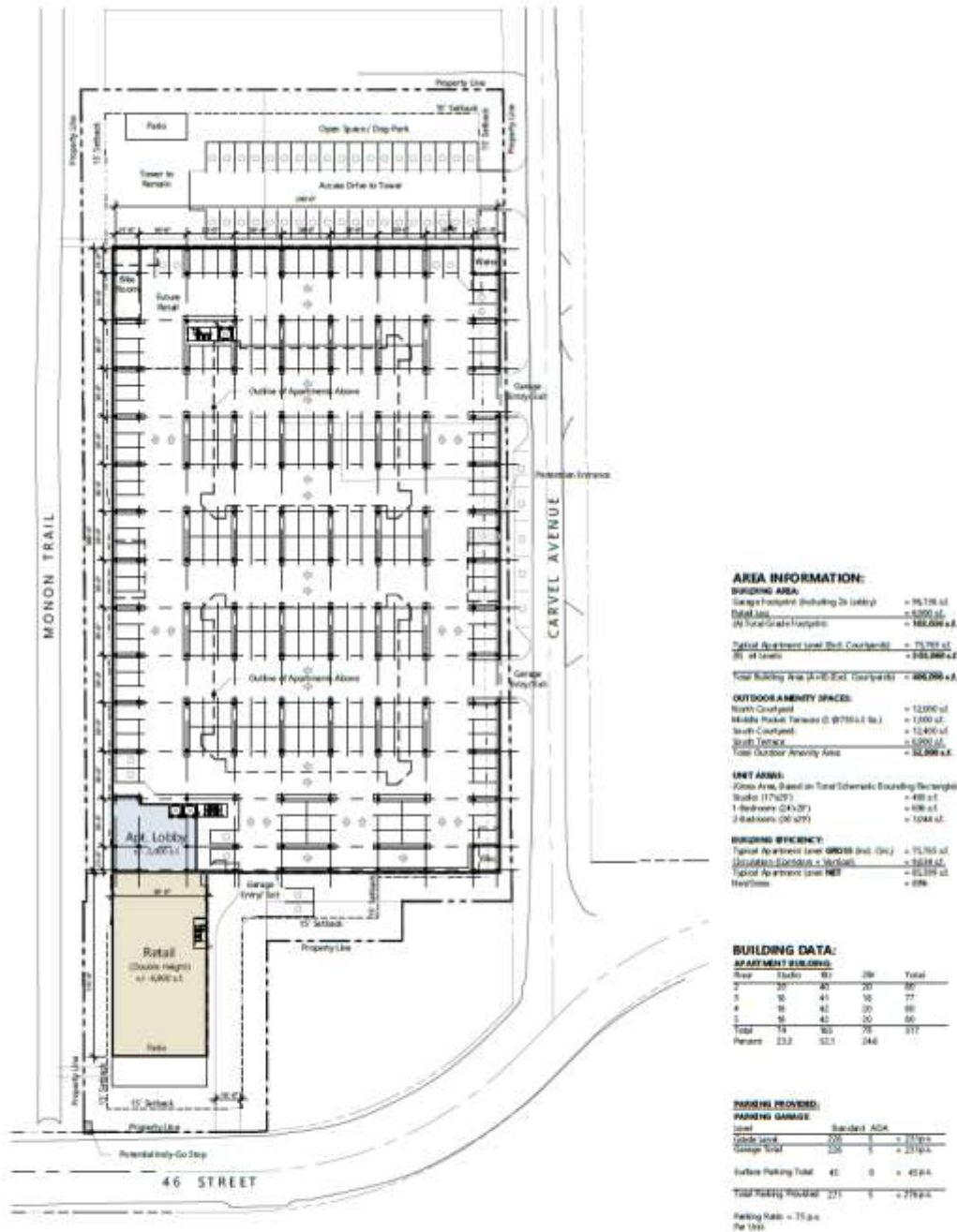
PARKING PROVIDED:

PARKING GARAGE			
Level	Standard	ADA	
Grade Level	237	8	= 245 p.s.
Garage Total	237	8	= 245 p.s.
Surface Parking Total	50	0	= 50 p.s.
Total Parking Provided	287	8	= 295 p.s.
Parking Ratio = 75 p.s. per Unit			

Grade Level Plan



AMENDED SITE PLAN



UPPER-LEVEL FLOOR PLAN



BUILDING ELEVATION



REVISED BUILDING ELEVATION





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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 project will revitalize several parcels with uses which are not harmonious with each other or the comprehensive plan. The project will provide adequate parking and it will provide an appropriate use, considering it abuts the Monon Trail.

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 project will be consistent with the Traditional Neighborhood designation of the Comprehensive Plan and will provide for a redevelopment with a use that transitions to the single family residential to the north better than the historic commercial industrial use today.

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

The proposed use is favored by the Comprehensive Plan; however, the proposed MU-2 zoning restricts the building type which precludes the proposed building.

DECISION

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

Adopted this _____ day of _____, 20 ____



Photo of 4716 Carvel Avenue to be demolished.



Photo of the single-family dwellings north of the subject site.



Photo of 4710 Carvel Avenue to be demolished.



Photo of 4648 Carvel Avenue to be demolished.



Photo of single-family dwellings east of the subject site across Carvel Avenue.



Photo of the parking areas east of the subject site looking southeast towards as support group building.



Photo of 4646 Carvel Avenue to be demolished.



Photo of the single-family dwelling at 4644 Carvel Avenue and commercial building to be demolished.



Photo of 1140 East 46th Street looking east along Carvel Avenue.



Photo of a single-family dwelling east of the subject site



Photo of 1150 East 46th Street that is zoned D-5 and would require buffering from the subject site.



Photo of 1140 East 46th Street and the abutting D-5 district to the east.



Photo of the existing street frontage and building to be demolished at 1140 East 46th Street.



Photo of the mixed-use property south of the site.



Photo of the Monon Trail west of the subject site looking north from 46th Street.



Photo of the remaining structures and cell tower on site.



Photo of the subject site's western property boundary on the left looking south along the Monon Trail.



Photo of the single-family dwellings west of the subject site looking south on the Monon Trail.