



**METROPOLITAN DEVELOPMENT COMMISSION
HEARING EXAMINER**

January 23, 2025

Case Number: 2024-MOD-025
Property Address: 5244 Shelbyville Road
Location: Franklin Township, Council District #24
Petitioner: ICJ Homes LLC, by Joseph D. Calderon
Current Zoning: D-P
Request: Modification of Development Statement of 2021-ZON-047 to remove all references to “Condominium” or “Horizontal Property Regime” in order to construct two-family dwellings and to plat each lot.
Current Land Use: Vacant
Staff Recommendations: Approval.
Staff Reviewer: Kathleen Blackham, Senior Planner

PETITION HISTORY

This is the first public hearing on this petition.

STAFF RECOMMENDATION

Approval.

PETITION OVERVIEW

This 3.0-acre site, zoned D-P, is vacant and surrounded by multi-family dwellings to the north, zoned D-7; undeveloped land and two-family dwellings to the south, across Shelbyville Road, zoned D-A and D-5II; single-family dwellings to the east, zoned D-4; and a single-family dwelling to the west, zoned D-A.

Petition 2021-ZON-047 rezoned this site to the D-P district to provide for 18 two-family dwellings.

MODIFICATION

The request would modify the Development Statement to eliminate the references related to condominium development (Horizontal Property Regime) to allow for nine two-family dwellings, on 18 platted lots.

The originally proposed site plan would not change. The modification would only change the property ownership function and allow the property owners to own the land adjacent to their dwelling.

GENERAL INFORMATION

Existing Zoning	D-P	
Existing Land Use	Vacant	
Comprehensive Plan	Traditional Neighborhood Typology	
Surrounding Context	<u>Zoning</u>	<u>Land Use</u>
	North:	D-7 Multi-family dwellings
	South:	D-A / D-5II Undeveloped land / two-family dwellings
	East:	D-4 Single-family dwellings
	West:	D-A Single-family dwelling
Thoroughfare Plan		
Shelbyville Road	Secondary Arterial	Existing 60-foot right-of-way and proposed 90-foot right-of-way.
Context Area	Metro	
Floodway / Floodway Fringe	No	
Overlay	No	
Wellfield Protection Area	No	
Site Plan	December 30, 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	January 1, 2025	

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 five 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:

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- *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.
- *Attached Housing (defined as duplexes, triplexes, quads, townhouses, row houses, stacked flats, and other, similar legally complete dwellings joined by common walls and typically with each unit on its own lot or part of a condominium.)*

- Duplexes should be located on corner lots, with entrances located on different sides of the lot.
- It is preferred that townhomes should be organized around intersections of neighborhood collector streets, greenways, parks or public squares, or neighborhood-serving retail.
- If the above conditions are not met, individual buildings of attached housing (not part of a complex) may be interspersed with single-family homes but should not make up more than 25% of the primary residential structures on a block.

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 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

2021-ZON-047; 5244 Shelbyville Road, requested rezoning of three acres from the D-A district to the D-P district to provide for 18 total dwelling units with nine, two-family dwellings for a density of six units per acre, **approved**.

VICINITY

2009-CZN-832 / 2009-CAP-832; 5501 South Emerson Avenue (west of site), requested the rezoning of 4.54 acres from the C-S district to the C-S district to add convenience store and gas station to the list of uses approved in 89-Z-102 and a modification of the site plan of 89-Z-102 to provide for a convenience store and gas station and a modification of commitments of 89-Z-102 to related to dedication of right-of-way and integration of development on the site, **approved**.

2008-UV2-007; 5150 Shelbyville Road (west of site) requested a variance of use to provide for an addition to an office and to legally establish two accessory buildings in a D-A district, **approved**.

2003-ZON-825 / 2003-VAR-825; 5120 Shelbyville Road (west of site), requested the rezoning of 0.7 acre from the D-A district to the C-4 district, and a variance of development standards to provide for reduced transitional yards and a sign with a reduced setback and separation from a dwelling district, **approved**.

2010-DV1-047; 5515 South Emerson Avenue (west of site), requested a variance of development standards to provide for illuminated signs with 93 feet of a protected district, **withdrawn**.

92-UV3-55; 5150 Shelbyville Road (west of site), requested a variance of use to provide for an office in a dwelling district, **approved**.

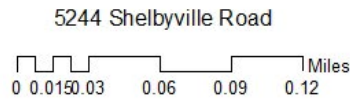
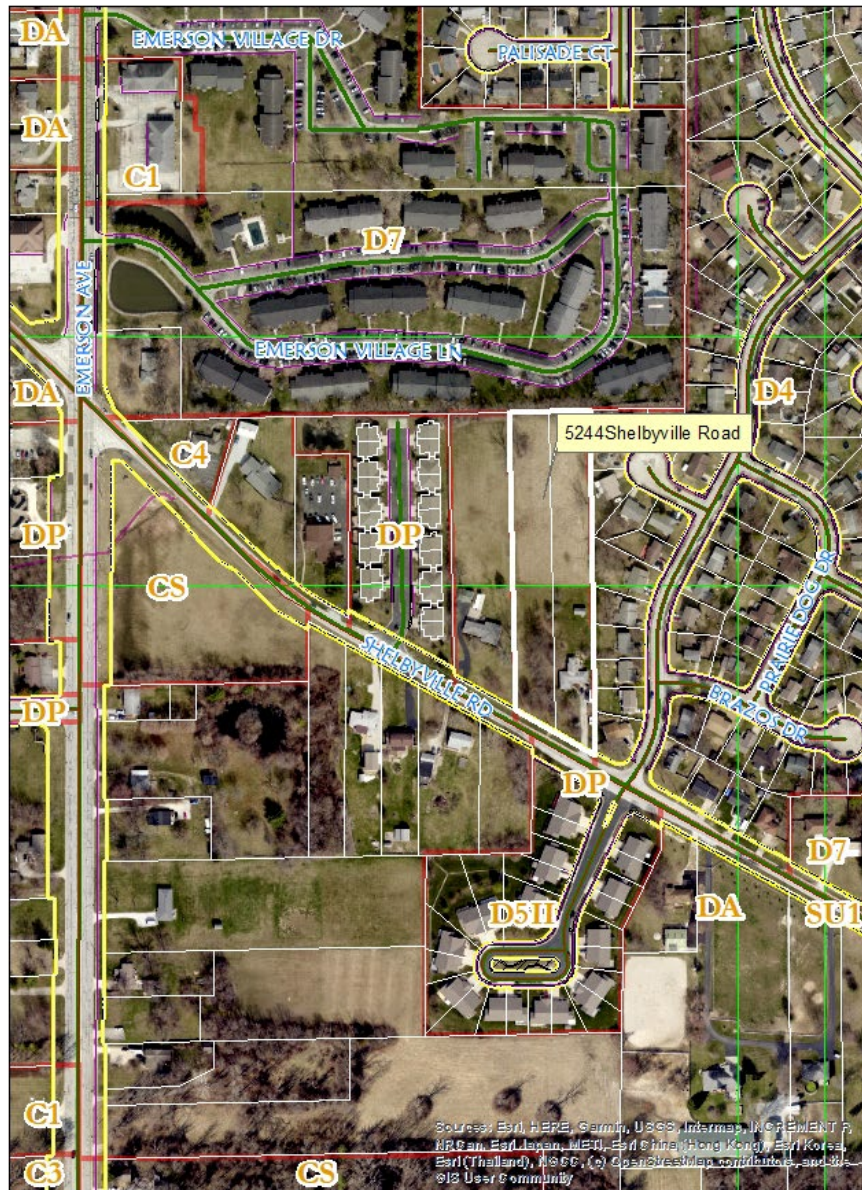
98-Z-195; 5150 & 5214 Shelbyville Road (west of site), requested the rezoning of 3.1 acres from the D-A district to the D-P district to provide for seniors-only residential facility of 11 duplex buildings (22 units) **approved**.

98-Z-37; 5301 Shelbyville Road (south of site), requested the rezoning of 5.35 acres from the D-A district to the D-5II district to provide for 12 duplexes, **approved**.

89-Z-102; 5501 South Emerson Avenue (west of site), requested the rezoning of 4.54 acres from the A-2 district to the C-S district to provide for a pharmacy, offices, a restaurant, and personal and professional services, **approved**.

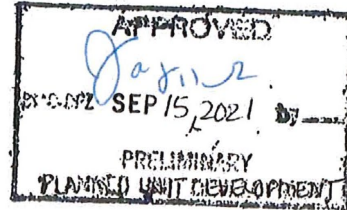
88-Z-59; 5651 South Emerson Avenue (west of site), requested the rezoning of 4.54 acres from the A-2 district to the C-4 district, **withdrawn**.

EXHIBITS



Preliminary DP Plan

5234 and 5244 Shelbyville Road



2021-ZON-047

Introduction

Sacksteder Properties LLC (“Petitioner”) owns property commonly addressed as 5234 and 5244 Shelbyville Road (the “Subject Property”). The Subject Property contains 3 acres and is zoned DA, and has historically been used for residential purposes. The Subject Property has an unusual shape, with approximately 200 feet of frontage on Shelbyville Road, and depth of over 740 feet. Petitioner seeks a DP zoning, proposing a development consisting of 18 two family dwelling units, generally as shown on the site plan which is attached hereto as “Exhibit “A” (the “Concept Plan”).

Comprehensive Plan

The Comprehensive Plan contemplates Traditional Neighborhood type development for the Subject Property which allows for a mixture of housing types and densities.

Permitted Use

The use of the Subject Property shall be limited to: (A) Single-Family Detached Dwellings; and/or (B) Two Family Dwellings (a/k/a “Duplexes”). It is anticipated that the Duplexes will be part of a Horizontal Property Regime (a/k/a “Condominiums”).

Concept Plans

The Concept Plan filed concurrently with this DP Plan shows a total of 9 Duplex buildings or 18 dwelling units, with one access from Shelbyville Road with a cul-de-sac.

Development Standards

The development shall provide the following development standards:

Setbacks/Lot Width/Lot Size

1. Front Yard/Setback (Shelbyville Road): Minimum 30 feet from the right of way line.
2. Front Yard/Setback (Internal street): Minimum 20 feet from edge of pavement.
3. Side Yard/Setback: Minimum 10 feet between buildings.
4. Rear Yard/Setback: Minimum 20 feet.

Utilities/Drainage: All utilities are available to the site. There will be no utility poles located on the Subject Property, unless already existing and financially impractical to bury. Storm drainage will be professionally engineered to meet all City of Indianapolis requirements with respect to runoff rate and quantity, as well as water quality. The Concept Plan indicates a detention basin on the north end of the Subject Property.

Development Amenities: The development shall provide a walking path and sidewalks for the proposed development.

Architectural Standards: All homes constructed on the Subject Property shall meet the following minimum standards:

1. **Permitted Building Materials:** Exterior building materials may include masonry, natural wood, composite wood, or cementitious siding. At a minimum, first floor elevations must have brick or stone masonry on Fifty percent (50%) of the front elevation, exclusive of doors, windows and other openings.
2. **Required Window Openings:** A minimum of Four (4) windows per unit shall be provided.
3. **Roofline:** The primary roof shall have a minimum 4/12 pitch. The primary roof shall have a minimum twelve inch (12") overhang measured prior to installation of siding or masonry.
4. **Exterior Lighting:** One garage coach light shall be provided on each side of each garage door. A yard light with photo sensor shall be provided in the front yard.
5. **Square Footage:** Each single family unit (1/2 duplex) shall be a minimum of 1250 square feet of livable area. "Livable area", as used herein, shall include all areas under roof and supplied with heating, cooling and plumbing, and shall not include garage areas, or front or rear porches (whether covered or not).
6. **Covenants:** There shall be an owners' association formed in accordance with the Indiana statute regulating horizontal property regimes, which shall own all common areas and elements. There shall be provisions restricting the use and improvements to the common elements and areas by individual owners in order to provide uniform standards.

Miscellaneous

Product Character: The proposed duplexes will be substantially as shown in Exhibit "B".



View looking east along Shelbyville Road



View looking west along Shelbyville Road



View from site looking west



View from site looking southwest



View from site looking south



View from site looking north



View from site looking east