



**METROPOLITAN DEVELOPMENT COMMISSION
HEARING EXAMINER**

January 23, 2025

Case Number: 2024-ZON-132 / 2025-VAR-001 (Amended)
Property Address: 3702-3744 Keystone Avenue (Approximate Address)
Location: Center Township, Council District #8
Petitioner: Fortified Group, LLC, by Dale Pruitt
Current Zoning: C-3 (TOD)(W-5) and D-5 (TOD)(W-5)
Rezoning of 1.61 acres from the C-3 (TOD) (W-5) and D-5 (TOD) (W-5) districts to the MU-2 (TOD) (W-5) district to provide for a 95-unit multi-family complex and mixed-use development.
Request: Variance of use and development standards of the Consolidated Zoning and Subdivision Ordinance to provide a for a five-story, Large Mixed-Use development (maximum three stories, Large Mixed-Use development not permitted), with a height of 68 feet (maximum height of 44 feet permitted).
Current Land Use: Undeveloped
Staff Recommendations: Approval with a commitment.
Staff Reviewer: Marleny Iraheta, Senior Planner

PETITION HISTORY

This petition was continued for cause from the December 12, 2024 hearing to the January 23, 2024 hearing to allow the petitioner additional time to amend the request with the addition a variances and another address.

STAFF RECOMMENDATION

Staff **recommends approval** of the rezoning request.

Staff **recommends approval** of the variance requests 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 building elevations shall be submitted for Administrative Approval and review by the City Architect.

PETITION OVERVIEW

LAND USE

The 1.61-acre subject site consists of 12 undeveloped parcels. The site is bordered to the west and south by single-family dwellings, zoned D-5, a commercial parking lot to the north, zoned C-4, and commercial uses to the east, zoned C-3 and C-4.

REZONING

The grant of the request would rezone the property from the C-3 (TOD) (W-5) and D-5 (TOD) (W-5) districts to the MU-2 (TOD) (W-5) district to provide for a 95-unit multi-family complex and mixed-use development.

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 C-3 District is for the development of an extensive range of retail sales and personal, professional, and business services required to meet the demands of a fully developed residential neighborhood, regardless of its size. Examples of such types of uses include neighborhood shopping centers, sales of retail convenience or durable goods, shopping establishments, retail and personal and professional service establishments. At this neighborhood scale of retail, a fine-grain of accessibility requisite for all modes of travel must be provided and maintained. It does not make provision, however, for those businesses that draw customers in significant numbers from well beyond a neighborhood boundary and are, therefore, unusually heavy traffic generators, such as theaters. It does not allow those businesses that require the outdoor display, sale or storage of merchandise; or require outdoor operations. In general, to achieve maximum flexibility of permitted land use, the C-3 District makes possible a highly varied grouping of indoor retail and business functions.

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 OF USE AND DEVELOPMENT STANDARDS

The grant of the request would allow for the use of the site to be for a large-mixed use development to exceed the height limitation in the MU-2 district.

Per Table 742.105.02: Commercial and Mixed-Use Building Type Standards, the MU-2 district only permits up to a small mixed-use development with a lot area of 3,000 square feet to 10,000 square feet, lot width between 30 to 100 feet, and a 44-foot maximum height limitation.

The proposal is classified as a large mixed-use development based on the lot area and lot width. It would also exceed the maximum height limitation since a total height of 68 feet is proposed.

STAFF ANALYSIS

The large mixed-use development would include a unit mix of one-, two- and three-bedroom units with a total of 95 proposed units. It will include 30% of the units for veterans without homes with the remaining 70% of the units at market rate.

There will be 3,700 square feet of retail space, 1,400 square foot bike area, a 560 square foot leasing office, 2,200 square feet of community office/kitchen area, a 1,200 square foot fitness area, a 160 square foot kids' playroom, and 1,400 square feet for a community partner area. A podium parking garage is proposed on the first floor with 72 parking spaces.

The proposed development would align with the community commercial and traditional neighborhood recommendations of the Comprehensive Plan. Furthermore, it would promote the goals of the Purple Line Transit-Oriented Development Strategic Plan (2021) with high density development within a bus rapid transit station located at the 38th Street and Keystone Avenue intersection.

This development would promote pedestrian activity along the street frontage with the variety of uses proposed in addition to ensuring there would be sufficient landscaping.

Staff's request to have the building step down along the southern property boundary was accommodated by the petitioner with the amended elevations. However, to ensure that the final proposed development of the site would be satisfactory to staff, we are requesting a commitment that the final building elevations be submitted for Administrative Approval and reviewed by the City Architect.

Staff encouraged the petitioner to consider installing a pedestrian cross walk, HAWK Signal, proposed across Keystone Avenue at the 37th and Keystone Avenue intersection, which would add additional safety measures for pedestrians, but did not make this a commitment of the request. If the petitioner were to pursue this recommendation, they should reach out to the Department of Public Works for further discussions regarding the standards that would need to be met.

In conclusion, staff is recommending approval of the rezoning and variance requests as proposed.



GENERAL INFORMATION

Existing Zoning	C-3 (TOD)(W-5) and D-5 (TOD)(W-5)	
Existing Land Use	Undeveloped	
Comprehensive Plan	Community Commercial and Traditional Neighborhood	
Surrounding Context	Zoning	Land Use
	North:	C-4 Commercial
	South:	D-5 Residential (Single-family dwellings)
	East:	C-4 / C-3 Commercial
	West:	D-5 Residential (Single-family dwellings)
Thoroughfare Plan		
Keystone Avenue	Primary Arterial Street	78-foot proposed right-of-way and 107-foot existing right-of-way.
37 th Street	Local Street	48-foot proposed right-of-way and 50-foot existing right-of-way.
Context Area	Compact	
Floodway / Floodway Fringe	No	
Overlay	Yes	
Wellfield Protection Area	Yes	
Site Plan	November 8, 2024	
Site Plan (Amended)	December 11, 2024	
Elevations	November 8, 2024	
Elevations (Amended)	December 11, 2024	
Landscape Plan	January 2, 2025	
Findings of Fact	January 2, 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)
- Purple Line Transit-Oriented Development Strategic Plan (2021).
- Indy Moves Transportation Integration Plan (2018)

Pattern Book / Land Use Plan

- Enter Recommendation by Pattern Book or “Not Applicable to the Site. Please see Neighborhood / Area Specific Plan (etc.) below.”
- The Community Commercial typology provides for low-intensity commercial, and office uses that serve nearby neighborhoods. These uses are usually in freestanding buildings or small, integrated centers. Examples include small-scale shops, personal services, professional and business services, grocery stores, drug stores, restaurants, and public gathering spaces.
- **Conditions for All Land Use Types**
 - 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.
- **Small-Scale Offices, Retailing, and Personal or Professional Services**
 - Outdoor display of merchandise should be limited.
 - If adjacent to residential uses or a Living Typology, outdoor display of merchandise is not recommended.
 - Should be located along an arterial or collector street.
 - 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.
- 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 Land Use Types**
 - 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.

- **Small-Scale Multi-Family Housing**
 - It is preferred that multi-family housing should be organized around intersections of neighborhood collector streets, parks or public squares, or neighborhood-serving retail.
 - If the above conditions are not met, individual buildings of small-scale multi-family 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.
 - In predominantly platted, single-family neighborhoods site layouts should be similar in site- and building-orientation as the surrounding single-family homes.
 - 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.
- **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.
- The Transit-Oriented Development (TOD) overlay modifies small and large-scale multi-family housing in the Traditional Neighborhood typology to a residential density of 15+ units per acres as a recommendation.
- The properties between 3702 and 3734 Keystone Avenue fall within the Residential Corridor Reserve Overlay. The three parcels to the north from 3740 to 3744 Keystone Avenue are not within this overlay.
- **RESIDENTIAL CORRIDOR RESERVE (RR)** - The Residential Corridor Reserve (RR) overlay 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.
- Most of the retail space falls outside of the Residential Corridor Reserve Overlay.

Red Line / Blue Line / Purple Line TOD Strategic Plan

- The subject site falls within the Purple Line Transit-Oriented Development Strategic Plan (2021).
- The closest transit station is located at the 38th and Keystone intersection that is within a ¼ mile of the subject site. This station is classified as a district center typology.



- Characteristics for the district center include a dense mixed-use hub for multiple neighborhoods with tall buildings, minimum of three stories at core with no front or side setbacks, multi-family housing with a minimum of 5 units and structured parking only with active first floor.
- The proposal would completely meet the intent of this Plan as proposed.

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 Moves Transportation Integration Plan (2018), per IndyMoves PedalIndy 2018, proposes an active transportation neighborway along 37th Street that begins from Brookside Avenue to 38th Street.

ZONING HISTORY

Zoning History - Site

96-Z-22; 3740-3742 North Keystone Avenue (subject site), Rezoning of 0.28 acre, being in the D-5 District, to the C-3 classification to provide for neighborhood commercial development, **approved**.

76-Z-14; 3744 North Keystone Avenue (subject site), Rezoning of approximately 0.15 acre, being in D-5 district, to C-3 classification to permit commercial development, **approved**.

Zoning History - Vicinity

2012-UV1-015; 2301 East 38th Street (northwest of site), Variance of use and development standards of the Commercial Zoning Ordinance to legally establish an automobile body repair and paint shop (not permitted), with zero parking spaces (seven spaces required), with the outdoor storage of vehicles (not permitted), **denied**.

2010-DV3-008; 2419 and 2425 East 38th Street (northeast of site), Variance of development standards of the Commercial Zoning Ordinance to provide for the redevelopment of an fast-food restaurant, with a minimum six-foot landscape strip along 38th Street (minimum 10-foot landscape strip required), pick-up and pay windows and an incidental sign on a bollard, all located 57 feet from the protected district to the south, a menu board located 92 feet from the protected district to the south, and a customer order display located 96 feet from the protected districts to the south (minimum 100-foot separation required between drive-through components and a side/rear property line abutting a protected district), to legally establish one parking space with a four-foot front setback from Tacoma Avenue (minimum 10-foot front landscape yard required), and a Variance of Development Standards of the Sign Regulations to provide for two, 3.29-foot tall, four-square foot directional signs (maximum height of directional sign is 2.5 feet), **granted**.

2006-DV2-054; 2335 East 38th Street, (north of site), variance of development standards of the Sign Regulations to provide for the construction of a 30-foot tall, 100-square foot pole sign with a zero-foot front setback from the intersection of 38th Street and Keystone Avenue, **granted**.

2005-ZON-213; 3750 North Keystone Avenue and 3745 Hillside Avenue (north of site), Request a rezoning of 0.26 acre, being in the D-5 District, to the C-4 classification to provide for community-regional commercial uses, **approved**.

96-Z-84; 3701 to 3731 North Keystone Avenue (east of site), Rezoning of 1.61 acres, being in the D-5 District, to the C-3 classification to provide for commercial retail development, **approved**.

95-Z-209; 2401 East 38th Street (east of site), Rezoning of 0.46 acre from D-5 to C-4, **approved**.

91-SE3-6; 3721 North Keystone Avenue (east of site), Religious Use Special Exception to provide for the continued operation of a church to allow existing signage to remain, **granted**.



Department of Metropolitan Development
Division of Planning
Current Planning

84-UV1-87; 2419 and 2425 East 38th Street (northeast of site); Variance of use and development standards to provide for a carry-out, drive-through restaurant within 100 feet of a protected district, and with a reduced south transitional yard, **approved.**

84-Z-137; 2419 and 2425 East 38th Street (northeast of site), Rezoning of 1.15 acres from D-5 and C-5 to C-4, **approved.**

83-UV3-53; 3731 North Keystone Avenue (east of site), Variance of use of the Dwelling Districts Zoning Ordinance to provide for the continued operation of a beauty shop and boutique shop in an existing building on a permanent basis, with present signage to remain. This case is seeking renewal of prior variance approval under 77-UV2-133, **granted.**

82-Z-21; 2425 East 38th Street (northeast of site), Rezoning of 0.42 acre from D-5 to C-5, **approved.**

77-UV2-133; 3731 North Keystone Avenue (east of site), Variance of Use and Development Standards to permit operation of a beauty shop and boutique shop in existing building, with sign in front yard, **granted.**

EXHIBITS

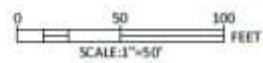


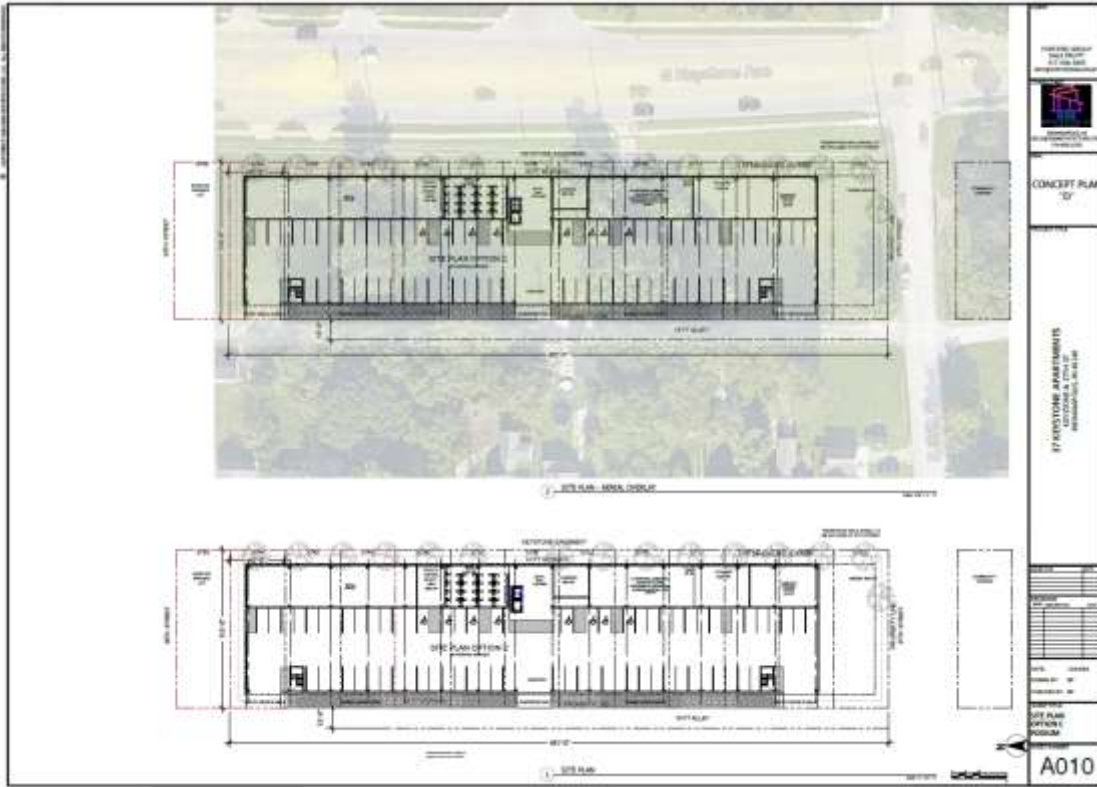


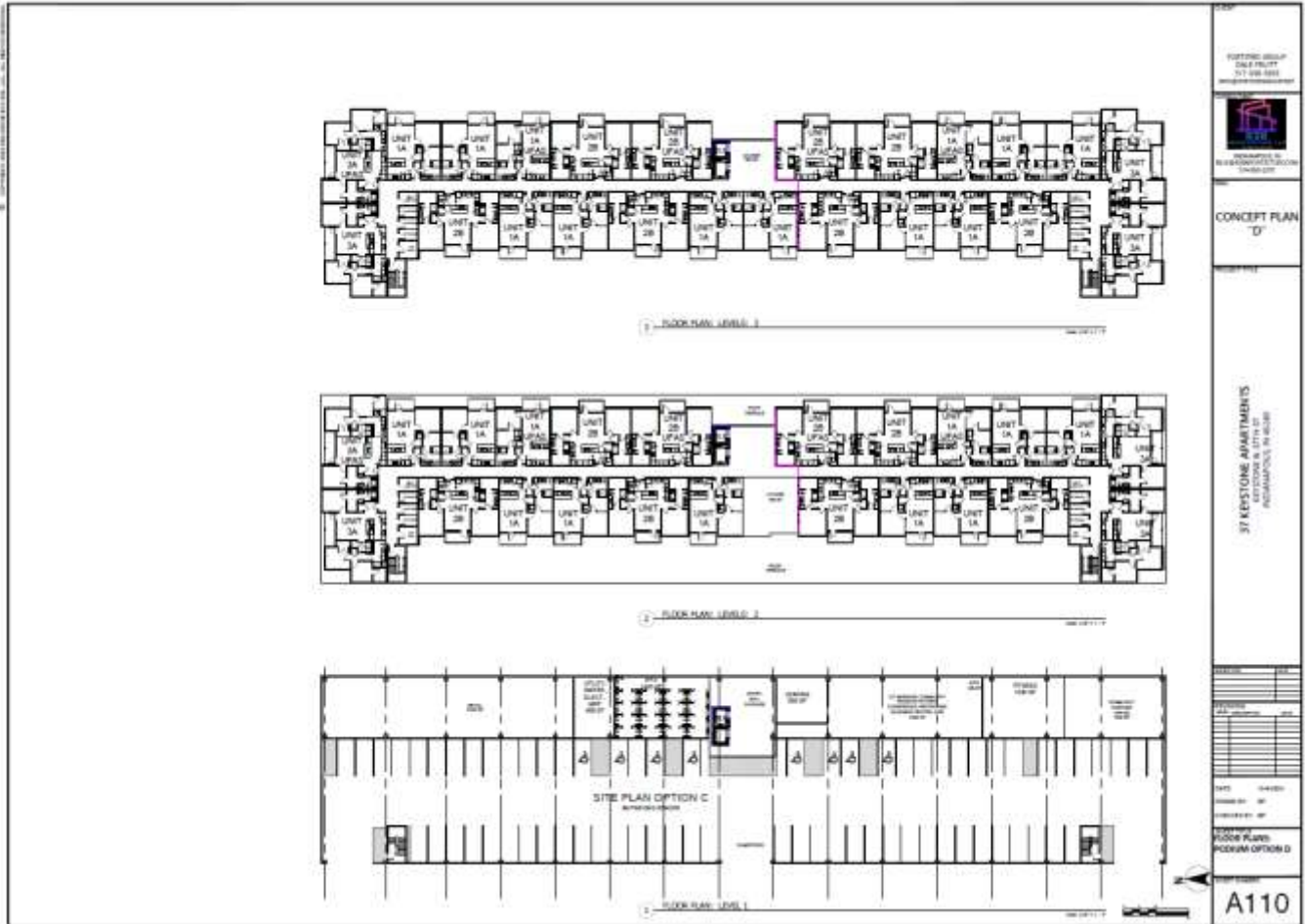
CONCEPTUAL SITE PLAN

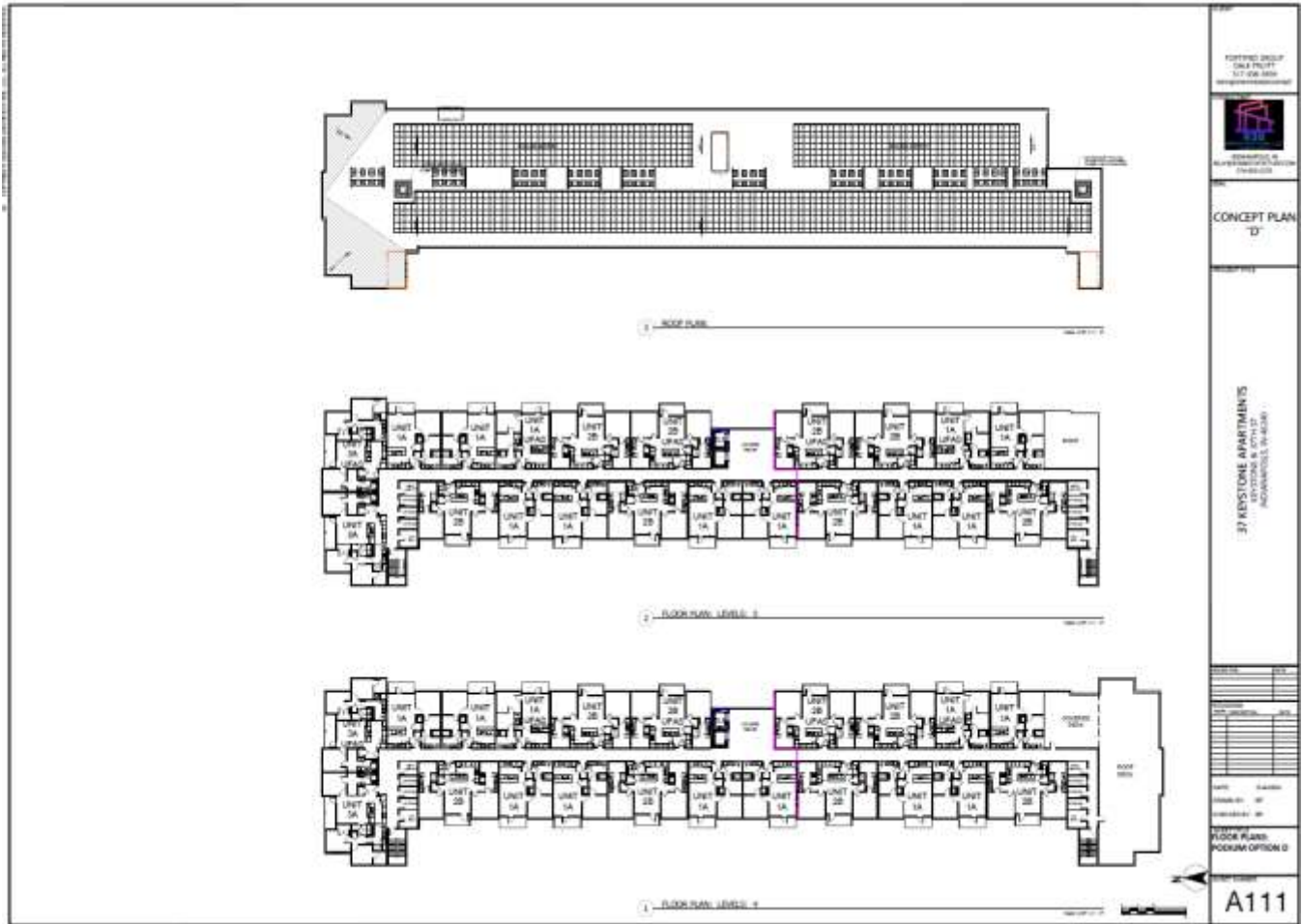
37TH AND KEYSTONE

12-19-2024











4 ELEVATION - NORTH - KEYSTONE
 Scale: 1/16" = 1' - 0"



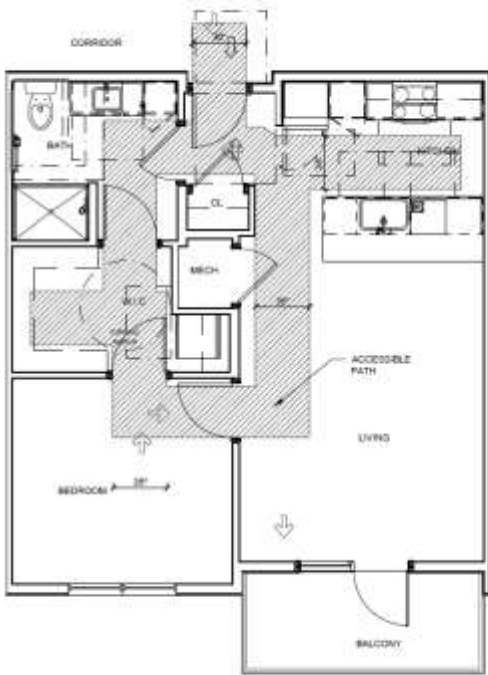
3 ELEVATION - SOUTH - KEYSTONE
 Scale: 1/16" = 1' - 0"



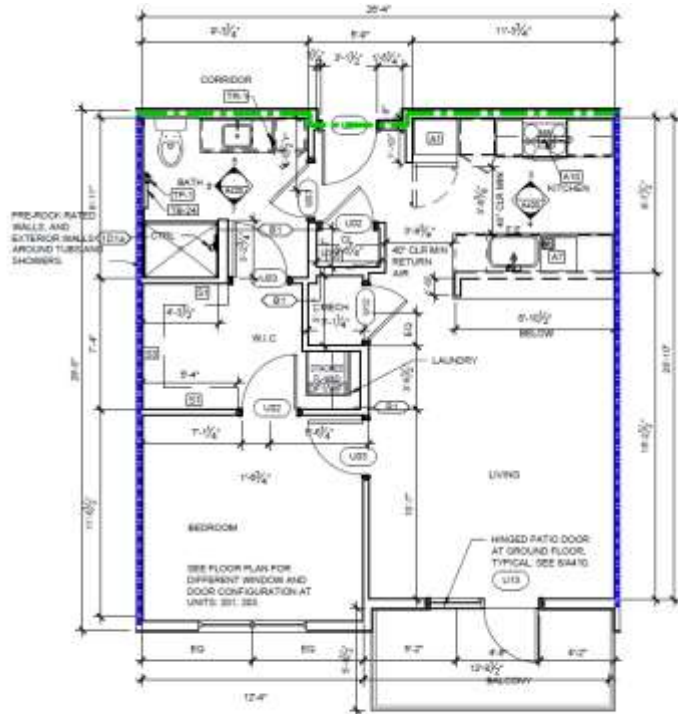
2 ELEVATION - EAST - KEYSTONE
 Scale: 1/32" = 1' - 0"



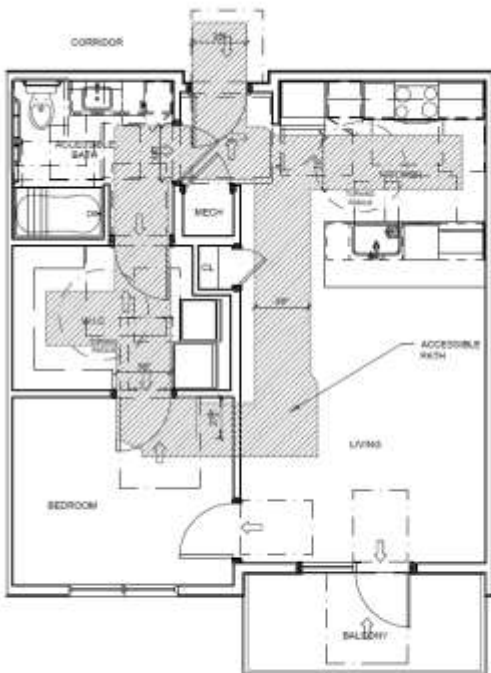
1 ELEVATION - WEST - KEYSTONE
 Scale: 1/32" = 1' - 0"



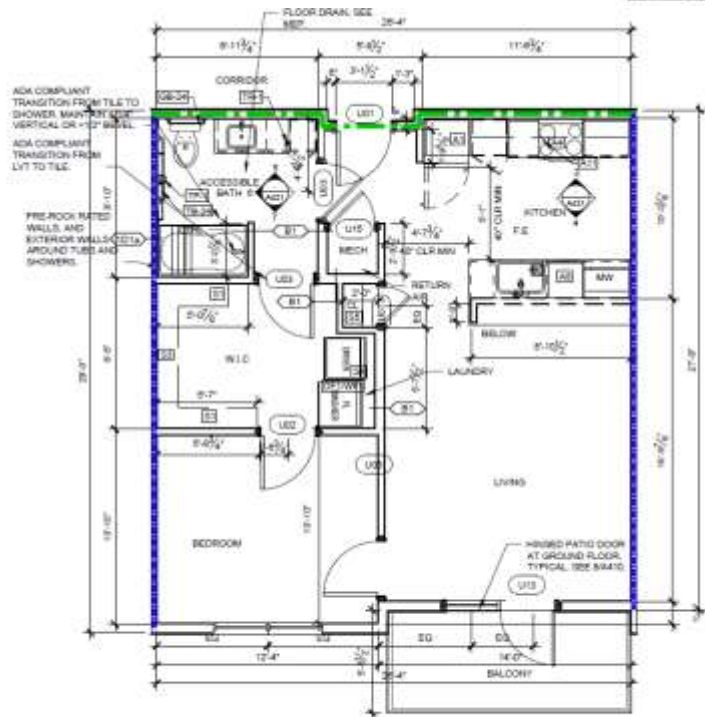
2 UNIT 1A - ACCESSIBLE PATH PLAN
 Scale 1/4" = 1' - 0"



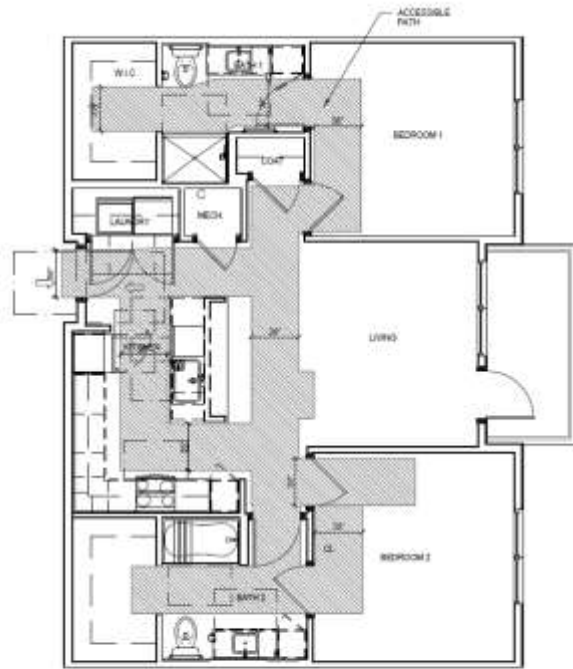
1 UNIT 1A - DIMENSION PLAN (TYPE B)
 Scale 1/4" = 1' - 0"



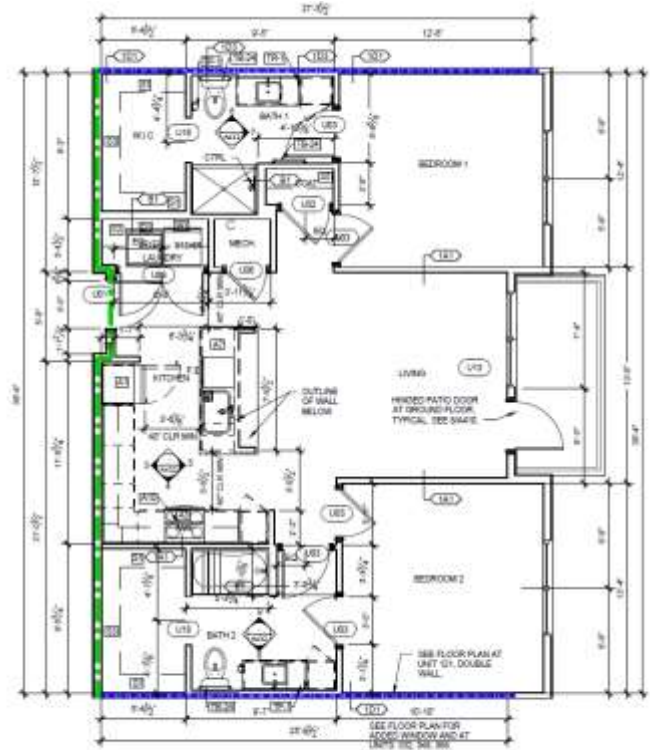
2 UNIT 1A-HC - ACCESSIBLE PATH PLAN
 Scale 1/4" = 1' - 0"



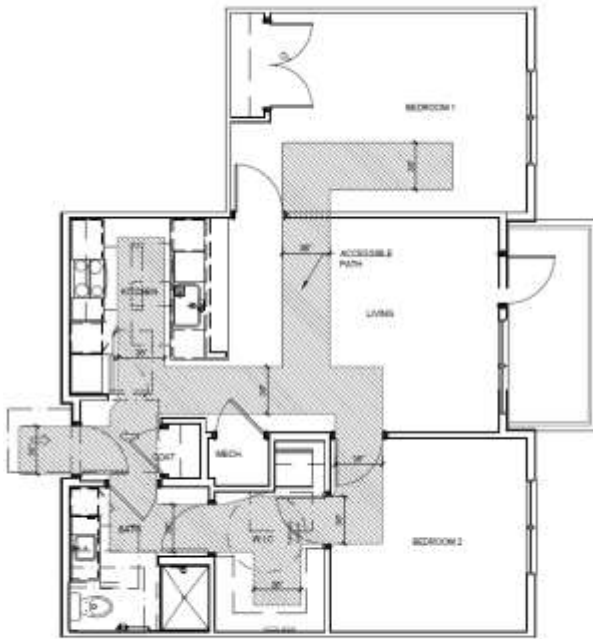
1 UNIT 1A-HC - DIMENSION PLAN (TYPE A)
 Scale 1/4" = 1' - 0"



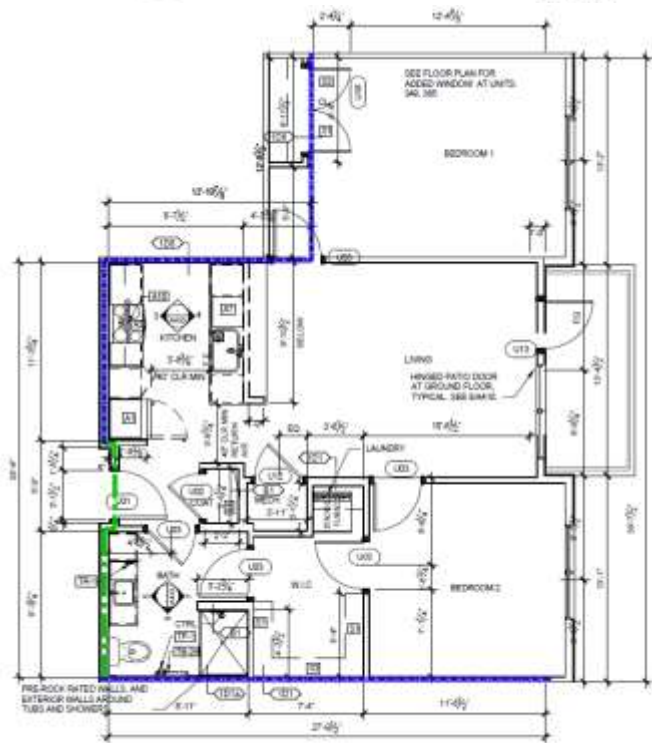
2 UNIT 2B - ACCESSIBLE PATH PLAN
 Scale: 1/4" = 1'-0"



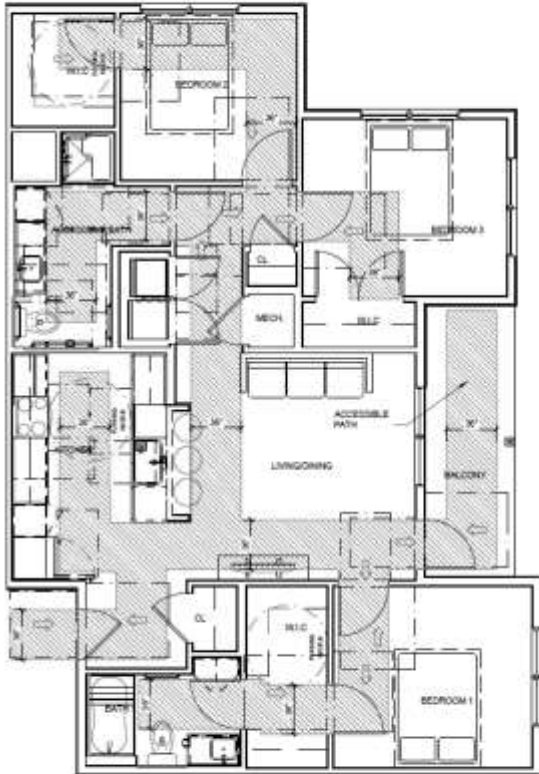
1 UNIT 2B - DIMENSION PLAN (TYPE B)
 Scale: 1/4" = 1'-0"



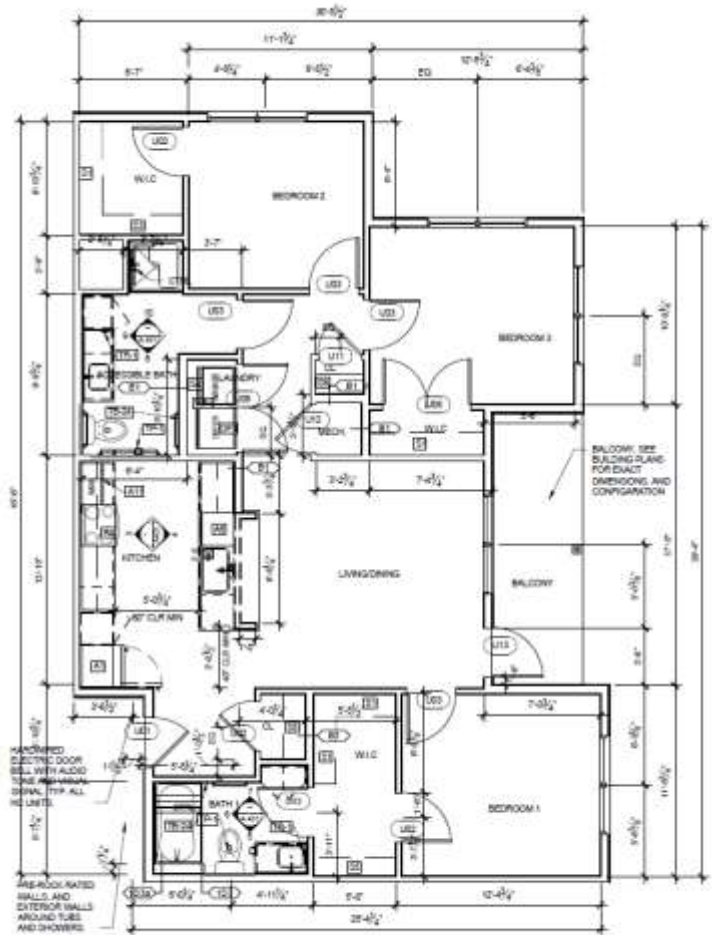
2 UNIT 2D - ACCESSIBLE PATH PLAN
 Scale: 1/4" = 1'-0"



1 UNIT 2D - DIMENSION PLAN (TYPE B)
 Scale: 1/4" = 1'-0"



2 UNIT 3A-HC - ACCESSIBLE PATH PLAN
 Scale: 1/4" = 1'-0"



1 UNIT 3A-HC - DIMENSION PLAN
 Scale: 1/4" = 1'-0"



Y)



Fortified Group LLC
Let's Build Dreams. Together

Phone: 317-214-8173
Email: info@fortifiedgroup.net

37 Keystone Development

We are proposing a 95 Unit Mixed Use Development

- *Unit Mix- 1 Bd/1.5 BA, 2Bd/2BA, 3Bd/2BA*
- *30% of Units will be for Veterans without Homes*
- *70% Market Rate*
- *Concrete Podium Deck Garage 72 Parking Spaces*
- *Green Space*
- *Community Garden for Residents*
- *3700 SF Retail Space*
- *1400 SF Bike Area*
- *560 SF Onsite Leasing Office*
- *2200 SF Community Office/Kitchen Area*
- *1200 SF Fitness Area*
- *160 SF Kids Play Rm.*
- *1400 SF Community Partner Area*
- *3323 SF Roof Deck*
- *Roof Solar Panel Electrical - Hallways, Amenity Areas and Retail Areas*



METROPOLITAN DEVELOPMENT COMMISSION
HEARING EXAMINER
METROPOLITAN BOARD OF ZONING APPEALS, Division _____
OF MARION COUNTY, INDIANA

PETITION FOR VARIANCE OF USE

FINDINGS OF FACT

1. THE GRANT WILL NOT BE INJURIOUS TO THE PUBLIC HEALTH, SAFETY, MORALS, AND GENERAL WELFARE OF THE COMMUNITY BECAUSE

The proposed development will help improve the overall community by providing much needed housing due to the shortage of quality housing in this neighborhood. In addition to the housing shortage this development will provide quality community partners services by partnering with future partners. The development will provide much needed dining and gathering places for all future and current residents.

2. THE USE AND VALUE OF THE AREA ADJACENT TO THE PROPERTY INCLUDED IN THE VARIANCE WILL NOT BE AFFECTED IN A SUBSTANTIALLY ADVERSE MANNER BECAUSE

This proposed development will not have any adverse affects but will assist the projected community growth produced from the upcoming Marion County Health Lab Project and the Metro Purple Line Rapid Transit.

3. THE NEED FOR THE VARIANCE ARISES FROM SOME CONDITION PECULIAR TO THE PROPERTY INVOLVED BECAUSE

This proposed development is requesting the MU2 Large Mixed use zoning classification due it only meets MU2 classification per DMD. MU3 and MU4 classification are allowable per DMD.

4. THE STRICT APPLICATION OF THE TERMS OF THE ZONING ORDINANCE CONSTITUTES AN UNUSUAL AND UNNECESSARY HARDSHIP IF APPLIED TO THE PROPERTY FOR WHICH THE VARIANCE IS SOUGHT BECAUSE

The Proposed development has height limitations of 35 feet per DMD and needs a height variance of 68 feet due to elevator room on top of roof.

5. THE GRANT DOES NOT INTERFERE SUBSTANTIALLY WITH THE COMPREHENSIVE PLAN BECAUSE

The proposed development helps assist with the overall comprehensive plan by providing much needed product and services in the 38th and Keystone neighborhood.

DECISION



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 proposed development will help with the improvement of community by having community partners spaces for future community partners. The development will provide a community garden that will assist in teaching agriculture to the community and residents.

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 proposed development will help improve all property values types in the community.

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

The MU2 Large Mixed Use proposed development height variance needs to be 68 feet due to height limitations per DMD.

DECISION



Photo of the subject site looking north from 37th Street along the Keystone Avenue street frontage.



Photo of the southern property boundary of the subject site looking east along 37th Street.



Photo of the subject site's street frontage along Keystone Avenue looking southwest.



Photo of the subject site's street frontage along Keystone Avenue looking west.

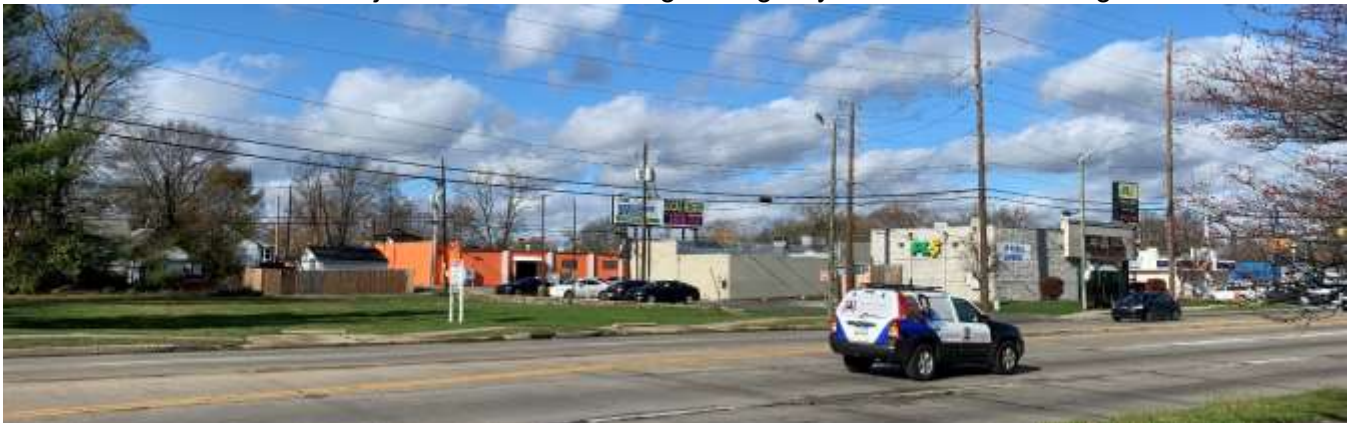


Photo of the subject site's street frontage along Keystone Avenue and parking lot to the north.



Photo of the alley west of the site looking north from 37th Street.



Photo of the alley west of the site looking south from the parking lot to the north.



Photo of the single-family dwelling south of the site.



Photo of the commercial properties east of the site.



Photo of other commercial uses at the 38th Street and Keystone Avenue intersection.



Photo of the subject site looking south from the parking lot north of the site.