



**METROPOLITAN DEVELOPMENT COMMISSION
HEARING EXAMINER**

May 9, 2024

Case Number: 2024-ZON-028
Property Address: 5332 South Franklin Road (approximate address)
Location: Franklin Township, Council District #25
Petitioner: Lennar Homes of Indiana, LLC., by Brian J. Tuohy
Current Zoning: D-A
Request: Rezoning of 75.3 acres from the D-A district to the D-4 district to provide for single-family residential development.
Current Land Use: Agricultural Land.
Staff Recommendations: Approval with commitments.
Staff Reviewer: Marleny Iraheta, Senior Planner

PETITION HISTORY

This petition was automatically continued from the April 11, 2024 hearing to the May 9, 2024 hearing at the request of a registered neighborhood organization.

STAFF RECOMMENDATION

Staff **recommends approval** of this request, 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. A 59.5-foot half right-of-way shall be dedicated along the frontage of Franklin Road, 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).
2. A 59.5-foot half right-of-way shall be dedicated along the frontage of Thompson Road, 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).
3. A left-turn treatment shall be installed at the southern access drive per the study recommendations. It shall be a passing blister or left-turn lane to be installed by the petitioner along Franklin Road prior to the issuance of an Improvement Location Permit.

4. Landscaping shall be installed along any property line that abuts the electrical easements to provide a buffer from the electric power transmissions.
5. A walking trail shall connect to the required sidewalk on Thompson Road at the northwest corner of the site.

PETITION OVERVIEW

LAND USE

The 75.3-acre subject site is comprised of agricultural land zoned D-A. It is surrounded by single-family dwellings north and west, zoned D-A, single-family dwellings, zoned D-4 and D-A, and commercial uses south, zoned C-4, and single-family dwellings, zoned D-P, and undeveloped industrial land, zoned I-2, to the east.

ZONING

The request would rezone the site from the D-A district to the D-4 district for single-family residential development.

The D-A district holds the agricultural lands of Marion County and provides for a variety of agricultural uses. It is intended to provide for animal and poultry husbandry, farming, cultivation of crops, dairying, pasturage, floriculture, horticulture, viticulture, apiaries, aquaculture, hydroponics, together with necessary, accompanying accessory uses, buildings, or structures for housing, packing, treating, or storing said products; or lands devoted to a soil conservation or forestry management program. A single-family dwelling is intended to be permitted as a part of such agricultural uses. A secondary provision of this district is large estate development of single-family dwellings. This district fulfills the very low-density residential classification of the Comprehensive General Land Use Plan. This district does not require public water and sewer facilities.

The D-4 district is intended for low or medium intensity single-family and two-family residential development. Land in this district needs good thoroughfare access, relatively flat topography, and nearby community and neighborhood services and facilities with pedestrian linkages. Provisions for recreational facilities serving the neighborhood within walking distance are vitally important. Trees fulfill an important cooling and drainage role for the individual lots in this district. The D-4 district has a typical density of 4.2 units per gross acre. This district fulfills the low-density residential classification of the Comprehensive General Land Use Plan. All public utilities and facilities must be present. Development plans, which may include the use of clustering, 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.



Department of Public Works

The Department of Public Works, Traffic Engineering Section, has requested the dedication and conveyance of a 59.5-foot half right-of-way along Franklin Road and Thompson Road. This dedication would also be consistent with the Marion County Thoroughfare Plan.

TRAFFIC IMPACT STUDY

Capacity analyses showed that the intersection of Thompson Road and Franklin Road would continue to operate at acceptable levels of service during peak hours, so no improvements were recommended.

Capacity analyses showed that the southbound approach would operate below acceptable levels of service during the PM peak hour at the Franklin Road and North Access Drive, but it is common for a minor approach to have increased delays when the major approach has significantly higher traffic volumes during the peak hours. It was recommended that the access drive have one inbound and two outbound lanes and that the intersection should be stop-controlled with the access drive stopping for Franklin Road. Construction of a northbound left-turn treatment along Franklin Road was recommended.

Capacity analyses show that the eastbound approach will experience increased delays during the AM and PM peak at the Franklin Road and Broad Street/South Access Drive when the generated traffic volumes are added to the background traffic volumes, but it is common for a minor approach to have increased delays when the major approach has significantly higher traffic volumes during the peak hours. It was recommended that the access drive have one inbound and two outbound lanes and that the intersection should be stop-controlled with the access drive stopping for Franklin Road. Construction of a northbound left-turn treatment along Franklin Road. In lieu of an exclusive northbound left-turn lane, the existing tapers serving Broad Street could possibly be modified to create a passing blister.

WETLAND

The Environmentally Sensitive Areas (ES) Overlay is intended for areas containing high quality woodlands, wetlands, or other natural resources that should be protected. The purpose of this overlay is to prevent or mitigate potential damage to these resources caused by development. This overlay is also appropriate for areas that present an opportunity to create a new environmental asset. This overlay is not intended for the preservation of open space.

The preliminary conceptual site plan shows that the wetland and surrounding area will be maintained, and a 4.3-acre preservation area would be proposed since development is not proposed in this area.

Staff Analysis

The proposed D-4 district would align with the recommendation of the Comprehensive Plan and although it would not align with the Commercial Office recommendation, it is appropriate to continue residential development in this area that is predominately residential since the site is one large parcel.



The preliminary conceptual site plan notes that 178 single-family lots would be proposed with a 2.36 unit per acre density that falls well below the typical D-4 density of 4.2 units per gross acres. Much of this is due to existing electrical easements that run across the property, which make the overall area for development much smaller.

Variances were not requested by the petitioner with their proposal although the site plan calls out 35 lots that would not meet the required 60-foot lot width. Therefore, staff did not take the deficient lots into account and would anticipate the D-4 standards would be met since the site plan submitted is not the final proposal.

Landscaping is proposed in some common areas, but staff would request that landscaping be installed along any property line that abuts the electrical easements to provide a buffer from the electric power transmissions. This would provide the residents some privacy from those using the path system and would be more aesthetically pleasing to provide some screening.

A multi-purpose path is proposed for this development totaling an approximate 4,240 linear feet system. Staff determined that this path should connect to the required sidewalk along Thompson Road since the property borders this street on the northwest. Therefore, staff is requesting a commitment for a trail connection to be installed.

After reviewing the Traffic Impact Study, the Department of Public works requested a commitment for a left-turn treatment to be installed at the southern access drive per the study recommendations. It shall be a passing blister or left-turn lane to be installed by the petitioner along Franklin Road prior to the issuance of an Improvement Location Permit.

GENERAL INFORMATION

Existing Zoning	D-A	
Existing Land Use	Agricultural	
Comprehensive Plan	Suburban Neighborhood and Office Commercial	
Surrounding Context	Zoning	Land Use
	North:	D-A Residential (Single-family dwellings)
	South:	D-4 / C-4 / D-A Residential / Commercial
	East:	I-2 / D-P Undeveloped / Residential
	West:	D-A Residential (Single-family dwelling)
Thoroughfare Plan		
Franklin Road	Primary Arterial Street	119-foot proposed right-of-way and 50 to 91-foot existing right-of-way.
Thompson Road	Primary Arterial Street	119-foot proposed right-of-way and 85-foot existing right-of-way.
Context Area	Metro	
Floodway / Floodway Fringe	No	
Overlay	Yes	



Wellfield Protection Area	No
Site Plan	March 6, 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)
- Indy Moves Transportation Integration Plan (2018)

Pattern Book / Land Use Plan

- The Suburban Neighborhood typology is predominantly made up of single-family housing but is interspersed with attached and multifamily housing where appropriate. This typology should be supported by a variety of neighborhood-serving businesses, institutions, and amenities. Natural Corridors and natural features such as stream corridors, wetlands, and woodlands should be treated as focal points or organizing systems for development. Streets should be well-connected, and amenities should be treated as landmarks that enhance navigability of the development. This typology generally has a residential density of 1 to 5 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.
 - Hydrological patterns should be preserved wherever possible.
 - Curvilinear streets should be used with discretion and should maintain the same general direction.
 - 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.
 - 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 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.
- **Detached Housing**
 - The house should extend beyond the front of the garage.
 - Lots should be no more than 1.5 times the size (larger
 - or smaller) of adjacent/surrounding lots, except in cases where lots abut existing residential lots of one acre or
 - more in size. In those cases, lots should be no smaller than
 - 10,000 square feet and no larger than 1.5 times the size of
 - the abutting lot.
- The Office Commercial typology provides for single and multi-tenant office buildings. It is often a buffer between higher intensity land uses and lower intensity land uses. Office commercial development can range from a small freestanding office to a major employment center. This typology is intended to facilitate establishments such as medical and dental facilities, education services, insurance, real estate, financial institutions, design firms, legal services, and hair and body care salons.
- Residential uses are not contemplated in the Office Commercial typology. However, residential development at the southern portion of the site would align with the context of the surrounding residential area except for one business adjacent to the southeast corner of the site.

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)

- Indy Moves Transportation Integration Plan (2018) proposes a Complete Street project for an Off-Street Multi-Use Path along Thompson Road from Emerson Avenue to Southeastern Avenue and an Off-Street Multi-Use Path along Franklin Road from Shelbyville Road to Hanna Avenue.
- Right-of-way dedication would ensure that these projects would be possible to complete.



ZONING HISTORY

Zoning History - Vicinity

2021-ZON-013; 5151 South Franklin Road (east of site), Rezoning of 19.06 acres from the I-2 and D-P districts to the D-P classification for the development of 61 single-family dwellings at a density of 3.2 units per acre, **approved**.

2019-CZN-811 / 2019-CPL-811; 5151 South Franklin Road (east of site), Rezoning of 19 acres from the D-P and I-2 districts to the D-P district, **withdrawn**.

2014-ZON-020; 8701 and 9107 East Thompson Road (east of site), Rezoning of 126 acres, from the D-P District to the D-P classification to provide for 61 two-family dwellings (122 dwelling units) and 288 single-family dwellings (previously approved by 2002-ZON-180 (2002-DP-021), as amended by 2007-APP-094 and 2010-MOD-008), creating a density of 3.25 units per acre, **approved**.

2010-MOD-008; 9107 East Thompson Road (east of site), Modification of development statement and site plan of 2003-ZON-802, as amended by 2007-APP-094 to limit the number of lots to 150, to eliminate references to a church and replace it with referenced to an Amenities Area, to delineate two residential phases and provide for differing standards for, including, but not limited to, setbacks, lot size, lot width, distance between buildings, exterior materials and roof shingle type, to eliminate certain development requirements or portions thereof due to lack of relevancy and/or choice (alleys, street trees, landscaping for administrator's approval, for example), and to add additional development requirements, including, but not limited to landscaping, drainage, fencing, home size, signs and dues, particularly where Phase Two abuts the existing Phase One, **approved**.

2007-APP-094; 8758 Carver Drive & nine other addresses on Carver Drive, Kipling Drive and Fielding Lane (east of site), Modification of the development statement of 2003-ZON-802 to terminate the requirement for side-loaded garages on corner lots, **approved**.

2006-ZON-126; 5605 South Franklin Road (southeast of site), Rezoning of 8.941 acres, from the D-A District to the SU-1 classification to provide for religious uses, **approved**.

2005-ZON-110; 5650 South Franklin Road (south of site), Rezoning of 11.34 acres, being in the C-4 Commercial District, to the D-P Planned Development classification, to provide for 14 duplexes and eight four-family dwellings, with a density of 5.3 units per acre, **denied**.

2004-ZON-803; 7602 and 7913 East Hanna Avenue, 4250, 4251, 4523, and 4865 Ferguson Road (northwest of site), Rezoning of 231.80 acres, being in the D-A (FF) (FW) and D-2 (FF) (FW) Districts, to the D-P (FF) (FW) classification to provide for single-family and two-family residential development, with a maximum density of 2.50 units per acre, **approved**.



Department of Metropolitan Development
Division of Planning
Current Planning

2003-ZON-802 / 2003-PLT-802; 5101 South Franklin Road (east of site), Rezoning of 168.5 acres from the I-2-S district to the D-P district to provide for a church and single-family residential development at 3.23 units per acre and to divide 32.6 acres into 104 lots with a waiver of sidewalks along Thompson Road, **approved**.

2003-ZON-176; 7603 and 7913 East Hanna Avenue, 4250, 4251, 4523 and 2885 Ferguson Road, and 8141 Easton Court (northwest of site), Rezoning of 231.80 acres, being in the D-A (FF) (FW) and D-2 (FF) (FW) Districts, to the D-P (FF) (FW) classification to provide for a single-family and two-family residential development, with a maximum density of 2.50 units per acre, **withdrawn**.

2003-ZON-150; 5605 South Franklin Road (southeast of site), Rezoning of 8.9 acres, being in the D-A Dwelling Agricultural District, to the D-6II classification, to provide for multifamily dwellings, **denied**.

2002-ZON-180; 5101 South Franklin Road (east of site), Rezoning of 168.1 acres from the I-2-S district to the D-P district, **withdrawn**.

2002-ZON-817; 8400 & 8800 East Thompson Road (northeast of site), Rezoning of 110 acres from the D-P district to the D-3 district, **approved**.

2000-ZON-023; 8702 East Thompson Road (northeast of site), Rezoning of 110.7 acres from the D-A district to the D-P district, **approve**,

98-Z-6; 7651 East Thompson Road (west of site), Rezoning of 40 acres, being in the D-3 District, to the SU-2 classification to provide for the development of a school and related uses, **approved**.

96-Z-121; 7601 East Thompson Road and 5401 Five Points Road (west of site), Rezoning of 237.77 acres from I-2-S and I-4-S to D-3 to provide for residential development, **approved**.

96-Z-68; 8702 East Thompson Road (northeast of site), Rezoning of 111.9 acres from the D-A district to the D-3 district, **denied**.

95-Z-30; 7601 East Thompson Road (west of site), Rezoning of 237.77 acres from I-2-S (FF) and I-4-S (FF) to D-3 (FF) to provide for residential development, **denied**.

95-Z-28A; 5886 South Franklin Road (south of site), Rezoning of 98.33 acres, being in the D-6II Dwelling District, to the D-4 classification, to provide for a single-family residential development, **approved**.

95-Z-28B; 5606 South Franklin Road (south of site), Rezoning of 1.14 acres, being in the D-6II Dwelling District, to the C-4 classification, to provide for commercial development, **approved**.

91-UV3-37; 5002 South Franklin Road (north of site), variance of use to provide for a two-family dwelling in a D-A district, **denied**.

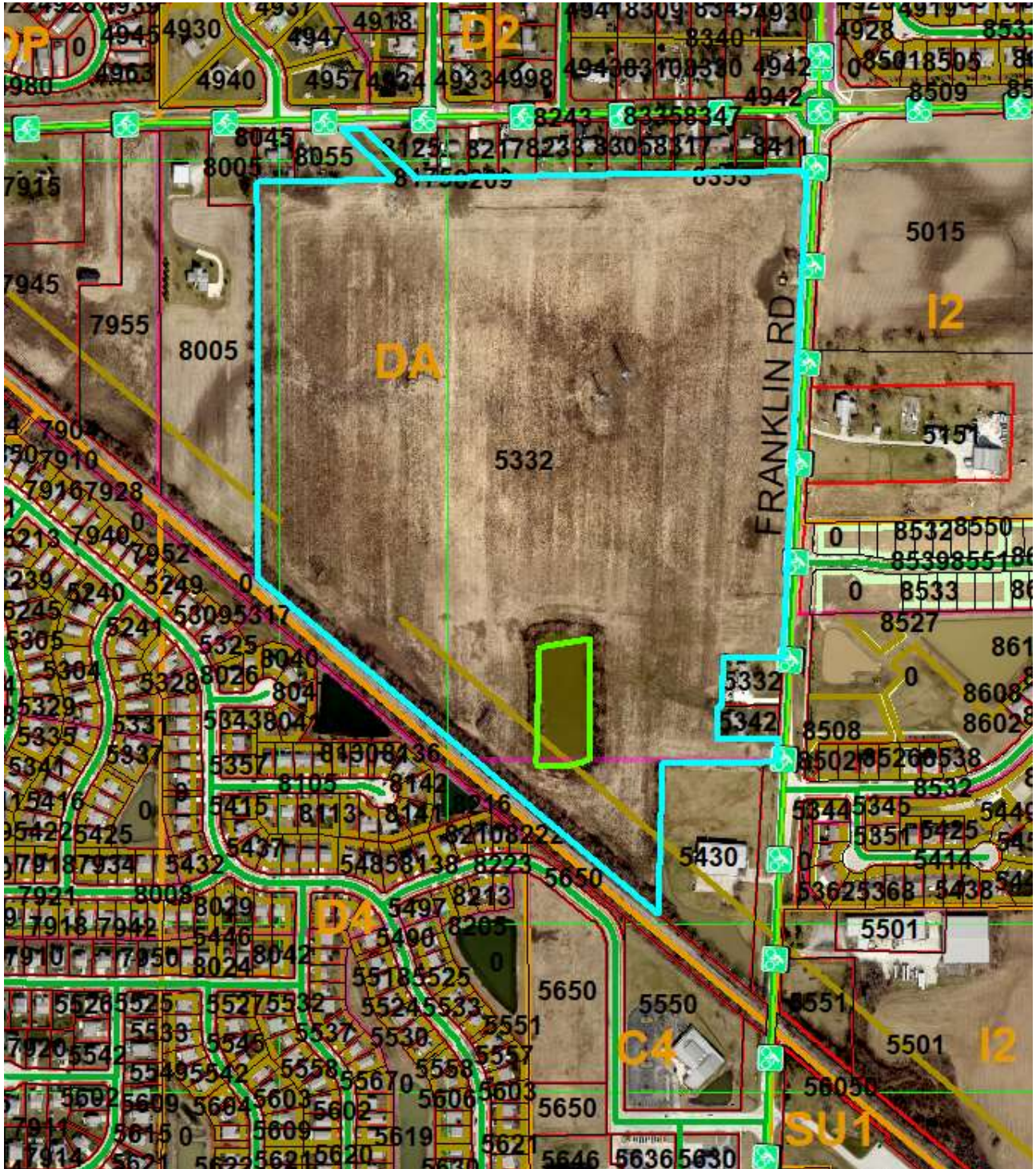
89-UV1-134; 5430 South Franklin Road (southeast of site), Variance of use of the Dwelling Districts Zoning Ordinance to permit the operation of a manufacturing, design, and office building, **granted**.



Department of Metropolitan Development
Division of Planning
Current Planning

86-Z-272; 8124 East Thompson Road (north of site), Rezoning of 66 acres from the A-2 district to the D-2 district, **approved.**

EXHIBITS



Koopman Property
 Franklin Township, Marion County, Indiana

Preliminary Conceptual Site Plan

ZONING: D-4
 RESIDENTIAL ACREAGE = 75.3 Acs
 178 LOTS 1.36 U/A
 TYPICAL LOT SIZE = 60' wide
 7,200 sq. ft. size
 TOTAL LOT AREA = 30.3 Acs
 TOTAL COMMON AREA = 26.0 Acs
 TOTAL RIGHT-OF-WAY = 11.0 Acs
 DRAINAGE AREA = 3.3 Acs
 AVERAGE LOT SIZE = 10,403 sq. ft.
 ● SUM OF TOTAL LOTS HAVE 60' (10%) WIDTH
 REDUCTION - 34' WIDE (33 LOTS)

Open Space Components (20 lots)	
With Parking (10)	1,000 sq. ft. (0.02 Acs)
Without Parking (10)	1,000 sq. ft. (0.02 Acs)
Total Open Space (20 lots)	
With Parking (10)	1,000 sq. ft. (0.02 Acs)
Without Parking (10)	1,000 sq. ft. (0.02 Acs)
Total Open Space (20 lots)	
1,000 sq. ft. (0.02 Acs)	
4 Open Space Components (10 lots)	
With Parking (5)	5,000 sq. ft. (0.11 Acs)
Without Parking (5)	5,000 sq. ft. (0.11 Acs)
Total Open Space (10 lots)	
10,000 sq. ft. (0.23 Acs)	





Photo of the street frontage along Franklin Road and subject site looking north toward Thompson Road.



Photo of the subject site looking west from Thompson Road.



Photo of the street frontage along Franklin Road and subject site looking southwest.



Photo of the street frontage along Franklin Road looking south.



Photo of the subject site and the existing transmission towers.



Photo of two single-family dwellings southeast of the site.



Phot of the 76-foot portion of the site that is in between a single-family dwelling and machine shop.



Photo of the machine shop property southeast of the site.



Photo of the machine shop property southeast of the site and southern transmission tower easement.



Franklin Road looking south at the railroad.



Railroad and single-family dwellings south of the site.



Library south of the subject site.



Single-family dwellings north of the site.



Portion of the subject site and adjacent single-family dwelling to the west.



Photo of the 76-foot section of the property that abuts Thompson Road between two dwellings.