



**METROPOLITAN DEVELOPMENT COMMISSION  
HEARING EXAMINER**

May 9, 2024

**Case Number:** 2024-ZON-023  
**Property Address:** 3801 North Raceway Road  
**Location:** Pike Township, Council District #11  
**Petitioner:** D.R. Horton – Indiana, LLC, by Brian J. Tuohy  
**Current Zoning:** D-A  
**Request:** Rezoning of 8.16 acres from the D-A district to the D-6 district to provide for a townhome development.  
**Current Land Use:** Agricultural uses  
**Staff Recommendations:** Approval, subject to the following commitments below:  
**Staff Reviewer:** Kathleen Blackham, Senior Planner

**PETITION HISTORY**

The Hearing Examiner continued this petition from the April 25, 2024 hearing, to the May 9, 2024 hearing, at the request of two neighborhood organizations to provide additional time to negotiate commitments.

An updated site plan and building renderings, file-dated May 23, 2024, were submitted by the petitioner's representative. Staff continues to recommend approval subject to the previously requested commitments.

**April 25, 2024**

The Hearing Examiner acknowledged the automatic continuance that continued this petition from the March 28, 2024 hearing, to the April 25, 2024 hearing.

**STAFF RECOMMENDATION**

Approval, subject to the following commitments being reduced to writing on the Commission's Exhibit "B" forms at least three days prior to the MDC hearing:

1. Final building elevations shall be submitted for Administrator Approval prior to the issuance of an Improvement Location Permit (ILP).
2. The site and improved areas within the site shall be maintained in a reasonably neat and orderly manner during and after development of the site with appropriate areas and containers / receptacles provided for the proper disposal of trash and other waste.

3. A 53-foot half right-of-way shall be dedicated along the frontage of North Raceway 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).

## PETITION OVERVIEW

This 8.16-acre site, zoned D-A, is developed with agricultural uses. It is surrounded by a single-family dwelling to the north, zoned D-A; single-family dwellings and religious uses to the south, zoned D-6 and SU-1, respectively; railroad right-of-way and single-family dwellings to the east, zoned D-A and D-6 respectively; single-family dwellings to the west, across North Raceway Road, Hendricks County.

### Rezoning

The request would rezone this site to the D-6 district to provide for townhome development. “The D-6 district provides for medium intensity residential development of a variety of housing types: multifamily dwellings, triplex, fourplex, two-family and single-family attached dwellings. The district is intended for developments in suburban areas well served by major thoroughfares, sanitary sewers, and school and park facilities. In its application, the district need not be directly associated with more intense land uses such as commercial or industrial areas. The development pattern envisioned is one of trees lining curving drives with the ample open space provided for in the district affording a wide variety of on-site recreational facilities. The D-6 district has a typical density of 6 to 9 units per gross acre. This district fulfills the medium density residential recommendation of the Comprehensive General Land Use Plan. 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.”

As proposed, 50 units would be constructed at a density of six units per acre. Access would be gained from North Raceway Road, with cul-de-sacs to the east and north. A multi-use path would also be installed as an amenity.

The Ordinance also requires a maximum floor area ratio of 0.40 and a minimum livability space ratio of 1.80. Additionally, the Ordinance requires that more than 30 or more lots have more than one access or provide a landscape median at the intersection dividing the two directions of traffic, with the median extending back to the next intersecting street.

Proposed development of this site would be consistent with the Comprehensive Plan recommendation of suburban neighborhood typology, with a typical density of one to five units per acre. Staff would note, however, that approval of the rezoning request is not deemed approval of the conceptual site plan that would be required to comply with the platting provisions and development standards of the Ordinance.

Because no elevations were submitted with this petition, staff would request that final building elevations be submitted prior to the issuance of an Improvement Location Permit (ILP).

## **Department of Public Works**

The Department of Public Works, Traffic Engineering Section, has requested the dedication and conveyance of a 53-foot half right-of-way along North Raceway Road. This dedication would also be consistent with the Marion County Thoroughfare Plan.

## **Environmental Public Nuisances**

The purpose of the Revised Code of the Consolidated City and County, Sec.575 (Environmental Public Nuisances) is to protect public safety, health and welfare and enhance the environment for the people of the city by making it unlawful for property owners and occupants to allow an environmental public nuisance to exist.

All owners, occupants, or other persons in control of any private property within the city shall be required to keep the private property free from environmental nuisances.

Environmental public nuisance means:

1. Vegetation on private or governmental property that is abandoned, neglected, disregarded or not cut, mown, or otherwise removed and that has attained a height of twelve (12) inches or more;
2. Vegetation, trees or woody growth on private property that, due to its proximity to any governmental property, right-of-way or easement, interferes with the public safety or lawful use of the governmental property, right-of-way or easement or that has been allowed to become a health or safety hazard;
3. A drainage or stormwater management facility as defined in Chapter 561 of this Code on private or governmental property, which facility has not been maintained as required by that chapter; or
4. Property that has accumulated litter or waste products, unless specifically authorized under existing laws and regulations, or that has otherwise been allowed to become a health or safety hazard.

Staff would request a commitment that emphasizes the importance of maintaining the site in a neat and orderly manner at all times and provide containers and receptacles for proper disposal of trash and other waste

**GENERAL INFORMATION**

<b>Existing Zoning</b>	D-A	
<b>Existing Land Use</b>	Agricultural uses	
<b>Comprehensive Plan</b>	Suburban Neighborhood	
<b>Surrounding Context</b>	<b><u>Zoning</u></b>	<b><u>Land Use</u></b>
	North:	D-A Single-family dwelling
	South:	D-6 / SU-1 Single-family dwellings/ religious uses
	East:	D-A / D-6 Railroad right-of-way / single-family dwellings
	West:	Hendricks County Residential uses
<b>Thoroughfare Plan</b>		
North Raceway Road	Primary Collector	Existing 56-foot right-of-way and 106-foot proposed right-of-way.
<b>Context Area</b>	Metro	
<b>Floodway / Floodway Fringe</b>	No	
<b>Overlay</b>	No	
<b>Wellfield Protection Area</b>	No	
<b>Site Plan</b>	February 22, 2024	
<b>Site Plan (Amended)</b>	N/A	
<b>Elevations</b>	N/A	
<b>Elevations (Amended)</b>	N/A	
<b>Landscape Plan</b>	N/A	
<b>Findings of Fact</b>	N/A	
<b>Findings of Fact (Amended)</b>	N/A	
<b>C-S/D-P Statement</b>	N/A	

**COMPREHENSIVE PLAN ANALYSIS**

**Comprehensive Plan**

- The Comprehensive Plan recommends suburban neighborhood. “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.”

## Pattern Book / Land Use Plan

- *Conditions for All Land Use Types – Suburban 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.
    - 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 three 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.
    - 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 five 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 architecturally harmonious with adjacent housing.
    - Duplexes should be located on corner lots, with entrances located on different sides of the lot or otherwise interspersed with detached housing.
    - Townhomes should be organized around intersections of neighborhood collector streets, greenways, parks or public squares, or neighborhood-serving retail.
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### Red Line / Blue Line / Purple Line TOD Strategic Plan

- Not Applicable to the Site.

### Neighborhood / Area Specific Plan

- Not Applicable to the Site.

### Infill Housing Guidelines

- Not Applicable to the Site.

### Indy Moves

(Thoroughfare Plan, Pedestrian Plan, Bicycle Master Plan, Greenways Master Plan)

- The Marion County Thoroughfare Plan (2019) “is a long-range plan that identifies the locations classifications and different infrastructure elements of roadways within a defined area.”
- The following listed items describes the purpose, policies, and tools:
  - Classify roadways based on their location, purpose in the overall network and what land use they serve.
  - Provide design guidelines for accommodating all modes (automobile, transit, pedestrians, bicycles) within the roadway.
  - Set requirements for preserving the right-of-way (ROW)
  - Identify roadways for planned expansions or new terrain roadways
  - Coordinate modal plans into a single linear network through its GIS database



## ZONING HISTORY

**99-Z-114; 3621 Raceway Road (south of site)**, requested rezoning of 4.31 acres from the C-1 district to the SU-1 classification to provide for construction of a church, **approved**.

**83-Z-226A; 3751 Raceway Road (south of site)**, requested rezoning of 4.31 acres, being in the A-2 district to the C-1 classification to provide for commercial development, **approved**.

**83-Z-226B; 3751 Raceway Road (south of site)**, requested the rezoning of 2.12 acres, being in the A-2 district to the C-3 classification to provide for commercial development, **approved**.

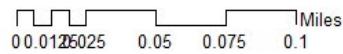
**83-Z-227 / 83-CV-21; 3702 Tansel Road (east of site)**, requested rezoning of 29.3 acres, being the A-2 district to the D-6 classification to provide for residential development with a minimum distance of 10 feet between buildings and a minimum front yard setback of 15 feet, **approved and granted**.



**EXHIBITS**



3801 North Raceway Road

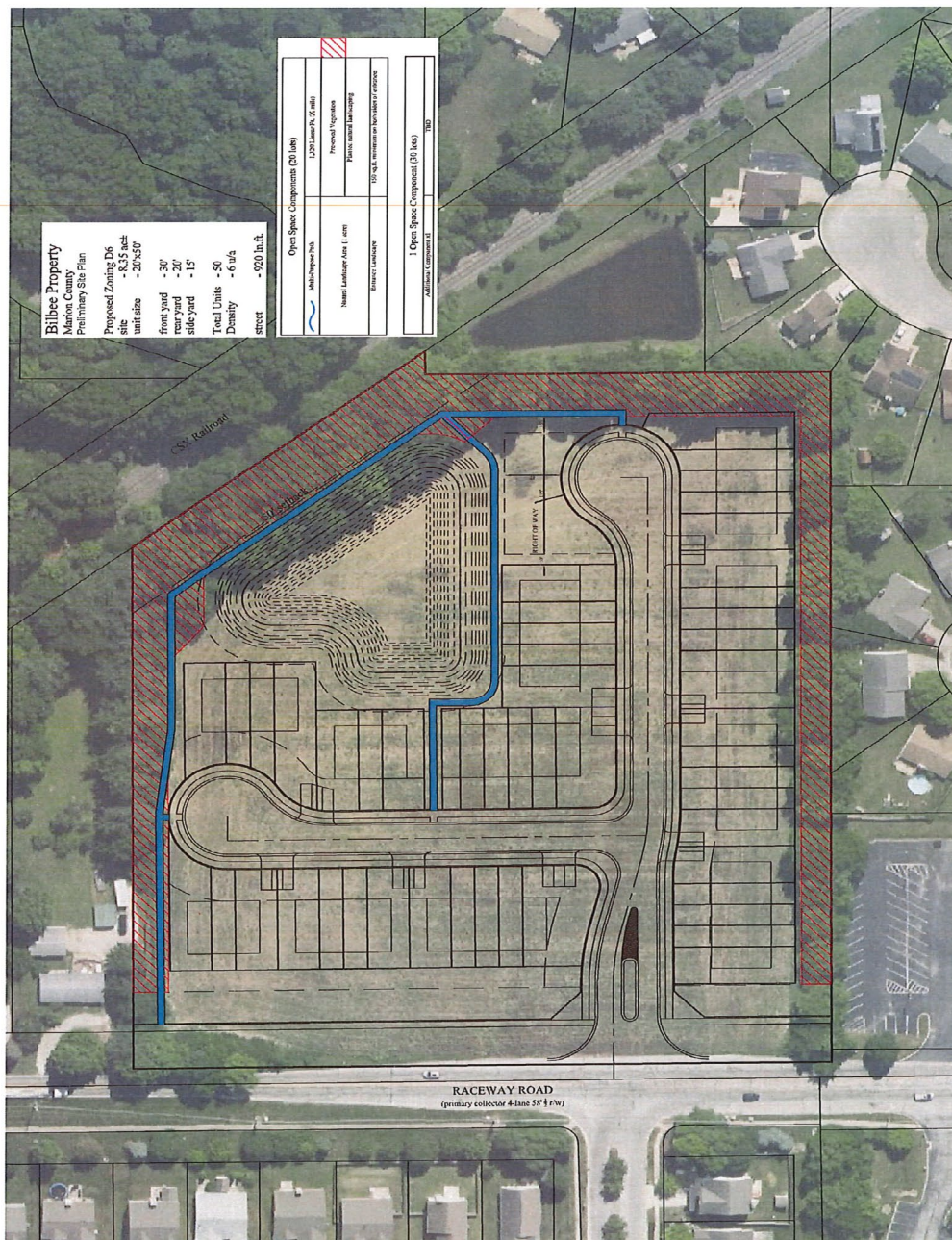


Sources: Esri, HERE, DeLorme, Swire, Intermap, INCREMENT P, NRCan, Esri Japan, METI, Esri China (Hong Kong), Esri Korea, Esri (Chennai), Swire, Tel Aviv, Esri India, Esri (Bengaluru), and the Esri User Community.

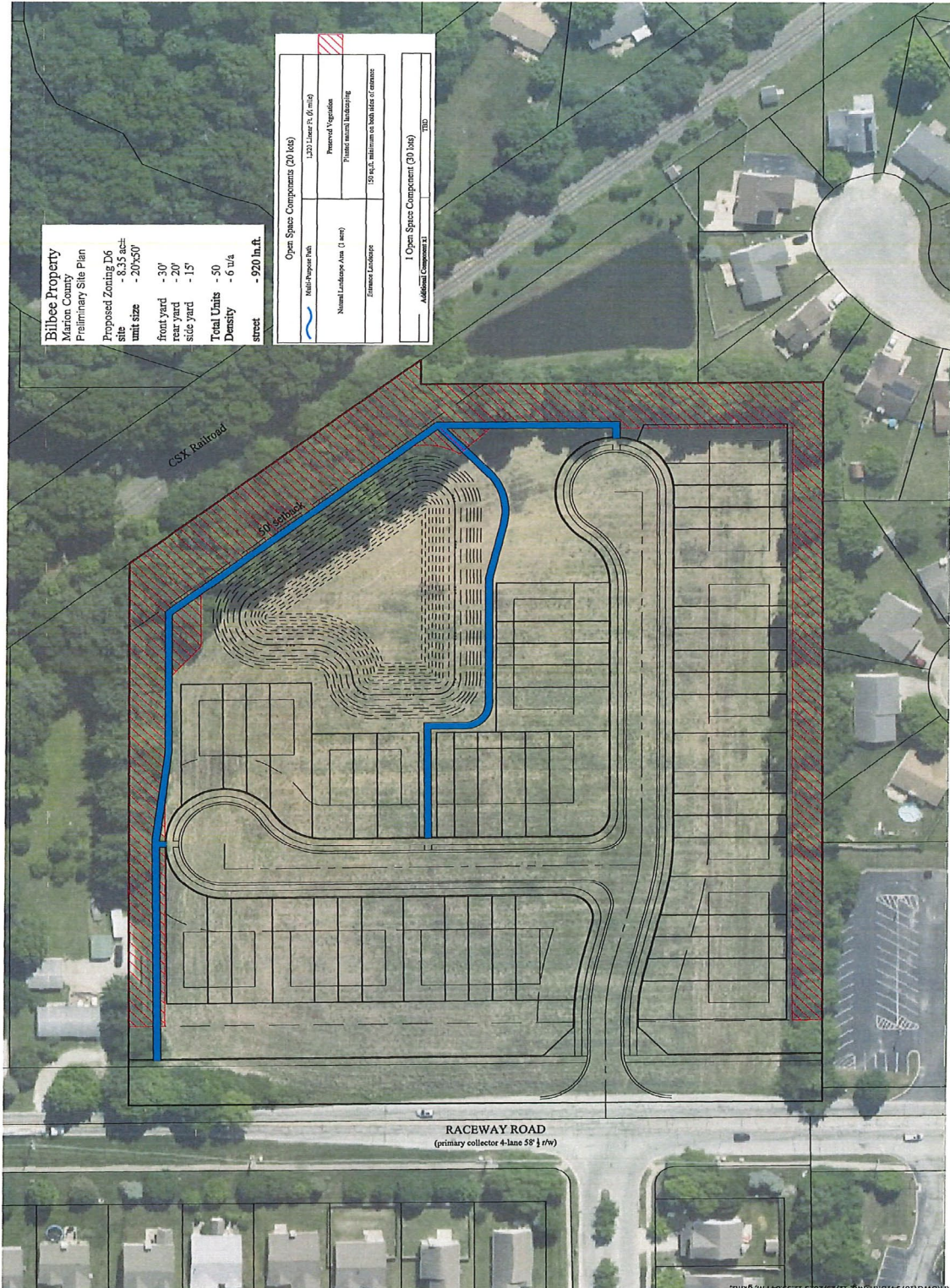


Amended Site Plan – April 23, 2024

Preliminary Site Plan Subject to Change









Elevation Renderings – April 23, 2024







View looking south along North Raceway Road





View looking north along North Raceway Road



View of site looking northeast across North Raceway Road / Riverwood Boulevard





View of site looking northeast across Raceway Road



View of site looking east, across North Raceway Road





View of site looking southeast across North Raceway Road



View of southern boundary and adjacent religious uses looking across North Raceway Road