

METROPOLITAN DEVELOPMENT COMMISSION

August 5, 2026

Case Number: 2026-CZN-821 (Withdrawn) / 2026-CVR-821 (2nd Amended)

Property Address: 3404, 3432, 3434, 3438 and 3444 North Illinois Street

Location: Center Township, Council District #8

Petitioner: Redline Holdings XII, by Justin Kingen

Current Zoning: D-10 (TOD)

Rezoning of 1.12 acres from the D-10 (TOD) districts to the MU-2 (TOD) district to provide for a mixed-use development, including approximately 99 dwelling units and 2,507 square feet of commercial space.

Request: Variance of Use and Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for a Large Mixed-Use development (not permitted); with a zero-foot rear yard setback (minimum 10 feet required); with a perimeter yard from zero to 10 feet in width (minimum of 20 feet required); with a Living Space Ratio (LSR) of 0.080 (0.66 required); and with 47 on-street and off-street parking spaces provided (minimum 82 parking spaces required).

Current Land Use: Vacant land

Staff Recommendations: Approval of the variances of use and development standards.

Staff Reviewer: Kathleen Blackham, Senior Planner

PETITION HISTORY

These petitions were heard by the Hearing Examiner on July 9, 2026. After a full hearing, the Hearing Examiner recommended approval of the variances of use. Subsequently, the remonstrator filed an appeal of the Hearing Examiner's decision. A memorandum of her recommendation is attached.

The Hearing Examiner also acknowledged the withdrawal of the rezoning request and variances that included the front yard setback along North Illinois Street, the primary entry feature, the wall plane / blank wall façade, first / second floor transparency and the required street trees.

The petitioner's representative filed an updated site plan on July 28, 2026, that more clearly identifies the landscaping on this project, including meeting the landscaping along the North Illinois Street frontage.

Additionally, the petitioner's representative submitted updated documents on July 28, 2026, indicating that the variance for the Floor Area Ratio (FAR) should be withdrawn based upon the grant of this ratio in petitions 2024-ZON-042 / 2024-VAR-007. This would require acknowledgement by the Metropolitan Development Commission.

The Hearing Examiner acknowledged the timely automatic continuance filed by a registered neighborhood organization that continued these petitions from the June 11, 2026 hearing, to the July 9, 2026 hearing.

STAFF RECOMMENDATION

Staff recommends approval of the variances of use and development standards, subject to the following commitments being reduced to writing on the Commission's Exhibit "B" form at least three days prior to the MDC hearing:

1. Final site plan and 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 / receptables provided for the proper disposal of trash and other waste

PETITION OVERVIEW

This 1.11-acre site, zoned D-10, is vacant and surrounded by vacant land to the north, zoned D-5; vacant land to the south, zoned C-4; commercial uses to the east, across North Illinois Street, zoned C-4; and single- and two-family dwellings to the west, zoned D-5.

Petitions 2024-ZON-042 / 2024-VAR-007 rezoned this site to the D-10 (TOD) district to provide for multi-family dwellings.

VARIANCE OF USE

This request would provide for a Large Mixed-Use development that is not permitted in the D-10 district.

The Comprehensive Plan recommends village mixed-use for this site that contemplates one to four story buildings. Additionally, the Transit-Oriented Overlay with a District Center transit station characterizes the area as offering opportunities for infill development with dense residential near transit stations. Staff believes that the proposed development would align with both the Comprehensive Plan and the Red Line Transit-Oriented Development Strategic Plan.

For these reasons, staff recommends approval of this use variance.

VARIANCE OF DEVELOPMENT STANDARDS

These requests would provide for reduced front and rear yard setbacks, one primary entry feature, excessive wall plane or blank wall façade, reduced LSR and FAR ratios, reduced parking, reduced transparency on first and upper stories, and reduced front yard landscaping.

Staff believes that relief from the front yard and rear yard setbacks would be acceptable because an infill development project is limited by site constraints and historical development patterns that result in challenges to respond to current needs, particularly related to the need for housing. Staff, therefore, supports these variance requests.

Staff also believes that site constraints present a practical difficulty and limits the ability to provide the required landscaping related to the number of trees along North Illinois Street.

The requests related to entry features, wall plane / wall façade, and transparency would be supportable in an effort to improve the security and safety of the residents, while providing living conveniences and comfort for them.

Because the site is located along the Red Line BRT Corridor and the existing bus stop directly across Illinois Street to the east, the reduction of parking spaces would be appropriate and supportable.

Although Floor Area Ratio (FAR) and Living Space Ratio (LSR) would not be met, staff believes the proposed density would be supportable, as well as supporting the transit-oriented development associated with the Red Line BRT corridor.

Overlays

This site is also located within an overlay, specifically the Transit Oriented Development (TOD). "Overlays are used in places where the land uses that are allowed in a typology need to be adjusted. They may be needed because an area is environmentally sensitive, near an airport, or because a certain type of development should be promoted. Overlays can add uses, remove uses, or modify the conditions that are applied to uses in a typology."

The Transit-Oriented Development (TOD) overlay is intended for areas within walking distance of a transit station. The purpose of this overlay is to promote pedestrian connectivity and a higher density than the surrounding area.

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.

Planning Analysis

The Comprehensive Plan recommends village mixed-use typology for this site. Recommended land uses in this typology include detached / attached / **small- and large-scale-multi-family housing**; assisted living facilities / nursing homes; group homes; bed and breakfast; **small-scale offices, retailing, and personal or professional services**; small- and large- scale schools, places of worship, neighborhood serving institutions / infrastructure, and other places of assembly; small-scale parks; artisan manufacturing and food production; structured parking; and community farms / gardens.

Staff believes the use variance and development standards variances align with the village mixed-use typology and supports the TOD overlay. Staff, therefore, recommends approval of these requests.

GENERAL INFORMATION

Existing Zoning	D-10 (TOD)	
Existing Land Use	Vacant land	
Comprehensive Plan	Village Mixed-Use	
Surrounding Context	<u>Zoning</u>	<u>Land Use</u>
North:	D-5 (TOD)	Vacant land
South:	C-4 (TOD)	Vacant land
East:	C-4 (TOD)	Commercial uses
West:	D-5 (TOD)	Single / Two family dwellings

Thoroughfare Plan		
North Illinois Street	Primary Arterial	Existing 57-foot right-of-way and proposed 80-foot right-of-way.
Context Area	Compact	
Floodway / Floodway Fringe	No	
Overlay	Yes – Transit-Oriented Development Overlay	
Wellfield Protection Area	No	
Site Plan	April 14, 2026	
Site Plan (Amended)	July 28, 2026	
Elevations	May 26, 2026	
Elevations (Amended)	N/A	
Landscape Plan	N/A	
Findings of Fact	April 14, 2026 / May 9, 2026	
Findings of Fact (Amended)	N/A	
C-S/D-P Statement	Plan of Operation – May 11, 2026	

COMPREHENSIVE PLAN ANALYSIS

Comprehensive Plan

The Comprehensive Plan recommends Village Mixed-Use typology. The Village Mixed-Use typology creates neighborhood gathering places with a wide range of small businesses, housing types, and public facilities. This typology is intended to strengthen existing, historically small-town centers as well as to promote new neighborhood centers. Businesses found in this typology serve adjacent neighborhoods, rather than the wider community. This typology is compact and walkable, with parking at the rear of buildings. Buildings are one to four stories in height and have entrances and large windows facing the street. Pedestrian-scale amenities such as lighting, landscaping, and sidewalk furniture also contribute to a walkable environment in this typology. Uses may be mixed vertically in the same building or horizontally along a corridor. Public spaces in this typology are small and intimate, such as pocket parks and sidewalk cafes. This typology has a residential density of 6 to 25 dwelling units per acre.

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:

Conditions for All Land Use Types – Village Mixed-Use 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.
- Where possible, contributing historic buildings should be preserved or incorporated into new development

Conditions for All Housing

- Should be within a one-quarter-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.

Small-scale Multi-family Housing (defined as single or multiple buildings each with five or more legally complete dwelling units in a development of less than two acres and at a height greater than 40 feet.)

- Mixed-Use structures are preferred.
- Parking should be either behind or interior to the development.

Red Line / Blue Line / Purple Line TOD Strategic Plan

Red Line Transit-Oriented Development Strategic Plan (2021).

This site is located within a ½ mile walk of a transit stop located at the intersection of North Meridian Street and 30th Street, with a District Center typology.

District Center stations are located at the center of regionally significant districts with several blocks of retail or office at their core. Development opportunities include infill and redevelopment, dense residential, employment near transit stations, neighborhood retail and a focus on walkability and placemaking.

Characteristics of the District Center typology are:

- A dense mixed-use hub for multiple neighborhoods with tall buildings
- Minimum of 3 stories at core with no front or side setbacks
- Multi-family housing with a minimum of 5 units
- Structured parking only with active first floor

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

2024-ZON-042 / 2024-VAR-007; 3404, 3432, 3434, 3438 and 3444 North Illinois Street, requested rezoning of 1.12 acres from the D-8 (TOD) and C-4 (TOD) district to the D-10 (TOD) district to provide for multi-family dwelling uses and a variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for a multi-family development with reduced front yard and rear yard setback and variances from floor area and livability space ratio, **approved and granted**.

VICINITY

2010-ZON-080 and 2010-VAR-011; 3427 North Capitol Avenue (west of site), requested rezoning of 0.37 acre, from the D-5 District, to the D-8 classification to provide for multifamily development and Variance of development standards of the Dwelling Districts Zoning Ordinance to provide for a trash container with a three-foot rear setback (minimum 15-foot rear setback required); a six-foot tall front yard fence (maximum 42-inch fence height permitted within front yard); 11 parking spaces (minimum 20 parking spaces required); and a nine-foot north perimeter yard (minimum 15-foot perimeter yard required), **approved and granted**.

2008-ZON-802 / 2008-VAR-802 (Amended); 3402 and 3416 North Meridian Street and 3401, 3403, 3415, and 3420 Salem Street (east of site), requested rezoning of 1.13 acres from the D-P District, to the D-10 classification to provide for multi-family residential use and Variance of Development Standards of the Dwelling Districts Zoning Ordinance to provide for a four story, 59,926 square-foot multifamily building, containing 52 dwelling units, a) with a 34-foot front setback from the existing right-of-way of Meridian Street (minimum 40-foot front setback required), and with a 10-foot front setback from the existing right-of-way of 34th Street (minimum 30-foot front setback required), b) a floor area ratio (FAR) of 0.979 (maximum FAR of 0.800 permitted), c) an open space ratio (OSR) of 0.793 (minimum OSR of 0.870 required), d) a livability space ratio (LSR) of 0.240 (minimum LSR of 0.490 required), e) a major livability space ratio (MLSR) of 0.083 (minimum MLSR of 0.095 required), f) with parking, within the required 30-foot front yard along 34th Street (not permitted), within the required 25-foot front yard along Salem Street (not permitted), and within the required twenty-foot north and east perimeter yards (not permitted), and g) with a total car ratio (TCR) of 0.788 (minimum TCR of 0.940 required) and a Variance of Use and Development Standards of the Dwelling Districts Zoning Ordinance to provide for a parking lot at 3720 Salem Street, with two-foot north and south side setbacks, and a zero-foot rear setback, within the required twenty-foot side and rear perimeter yards (not permitted), **approved and granted**.

2003-ZON-145; 3416 Salem Street (east of site), requested rezoning of 0.119 acre from D-P to D-8 to provide urban dwelling use, **granted**.

2003-ZON-144; 3402 Salem Street (east of site), Rezoning of 0.358 acre from D-P to C-4 to provide for community regional commercial use, **granted**.



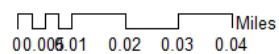
**Department of Metropolitan Development
Division of Planning
Current Planning**

2000-ZON-805; 3402 North Meridian Street (east of site), requested rezoning of 1.16 acres from C-4 and D-9 to D-P to provide for a mixed-use development of multi-family dwellings and retail, **granted**.

94-Z-155; 3433 North Illinois Street (east of site), requested rezoning of 0.12 acre, being in the C-4 District, to the D-8 classification to provide for residential development, **approved**.

81-Z-9; 3402-05 Graceland and 3402-09 Capitol Avenues (west of site), requested rezoning of 0.43 acres, being in C-4 and C-5 districts, to C-4 classification, to provide protection for existing landscaping of formal landscaped entrance into Crown Hill Cemetery, **approved**.

80-Z-1; 3450 North Meridian Street (east of site), requested rezoning of 2.0 acres, being in D-5 and D-9 districts, to C-1 classification to provide for the construction of a one car garage to be used as a claim service office, **approved**.

[illegible]

MEMORANDUM OF EXAMINER'S DECISION

2026-CZN-821(withdrawn)/CVR-821

3404-3444 N. Illinois St.

The rezoning petition was withdrawn. A variance of use and development standards is requested to allow a Large Mixed Use development with reduced front yard and rear yard setbacks, reduced perimeter yard, reduced primary entry features, excessive wall plane or blank wall facade, excessive FAR, reduced LSR, reduced parking, reduced transparency, and reduced street trees along Illinois Street.

Your Hearing Examiner visited the undeveloped site and noted that vacant land abuts it on the north and south and residences are west of it. Commercial uses are east of Illinois Street.

The petitioner's representative stated that the site was rezoned to D-10 in 2024, which allows for development consistent with the Comp Plan recommendation of Village Mixed Use. Commercial space is planned on the ground floor of the proposed multi-family development, and the site is within a TOD district and within about one half mile of a Red Line transit station. The petitioner's representative described meeting with several neighborhood groups, including Crown Hill Neighborhood Association, Midtown Indy, and Mapleton-Fall Creek Neighborhood Association. A letter of support was submitted by the City-County Councilor and by an area resident.

About one dozen remonstrators attended the hearing, and several spoke. Concerns expressed included the City-County Councilor did not attend their meetings, use of this gateway parcel, development should contain more commercial and less residential, need for a grocery store, and the request for too many variances.

The staff stated that the proposed development conforms with the Comp Plan as well as with the TOD Strategic Plan. Staff also explained that, because this is an infill site, the variances were warranted, and mentioned that several of the variances may be withdrawn. Subsequently, the petitioner's representative withdrew the variances for the front yard setback, primary entrance features, and street trees along Illinois Street.

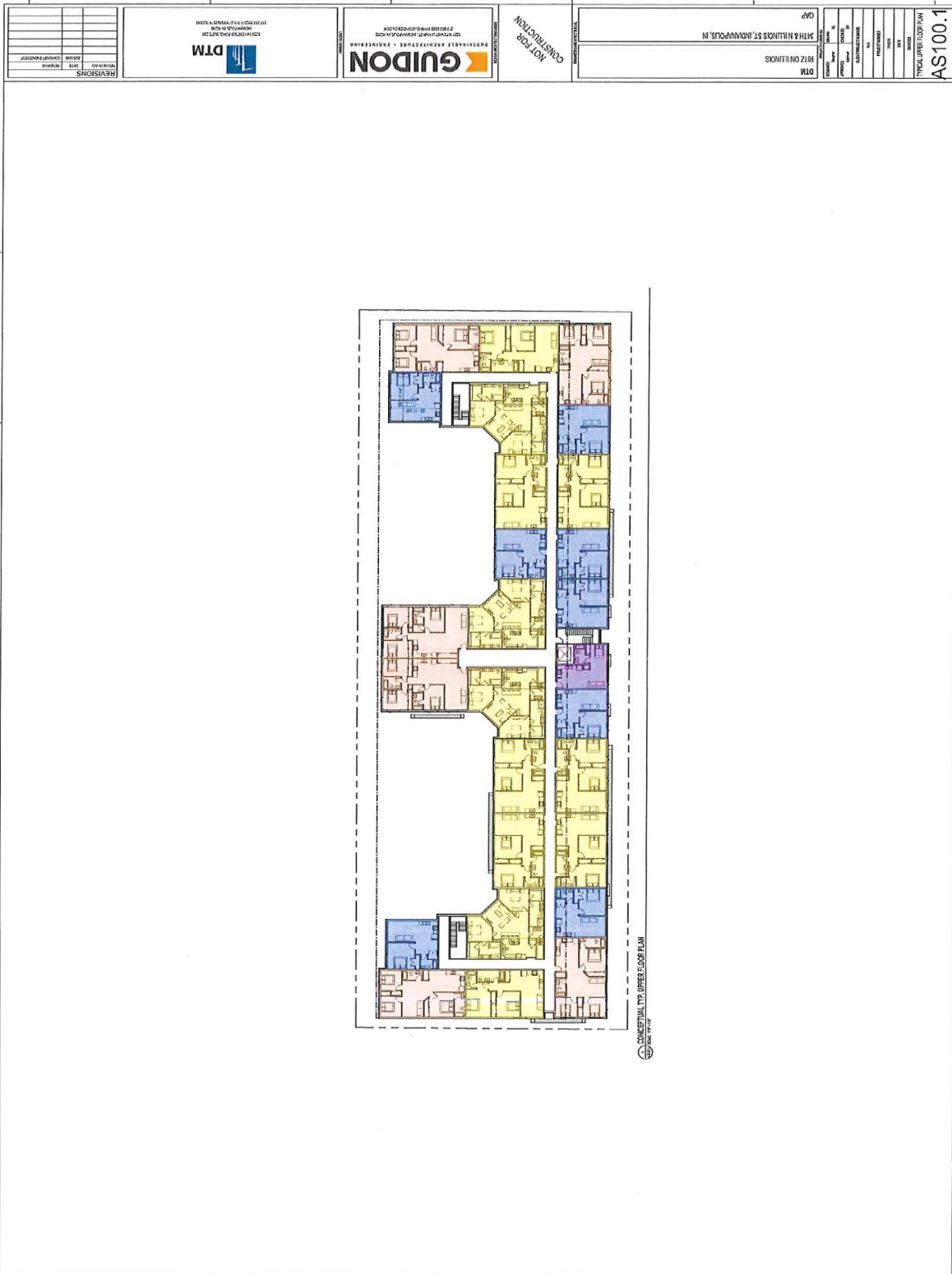
In your Hearing Examiner's opinion, the existing D-10 zoning district contemplates this use of the site, and the proposed development does conform with the recommendations of the Comp Plan and the TOD Strategic Plan. Relief provided by the variances is warranted because it is an infill site and it is located close to the Red Line. The variance was granted.

For Metropolitan Development Commission Hearing on August 5, 2026

Updated Site Plan – July 28, 2026



[illegible]



3404 North Illinois Street – Plan of Operation

- **Uses:**
 - Consumer Services or Repair of Consumer Goods
 - Retail, Light General
 - Hair and Body Care Salon or Service
 - Financial & Insurance Services
 - Eating Establishment or Food Preparation
- **Staff:**
 - Each independent use above is not intended to have more than five employees on-site at any given time.
- **Hours of Operation:**
 - Each independent use would have traditional business hours of 7:00am-6pm.
- **Building:**
 - Proposed 109,518 square-foot mixed-use building. This includes 2,507 square feet of commercial space intended to be the subject of this variance request.
- **Clients & Customers:**
 - Uses to be open to the general public
- **Safety & Security Measures:**
 - The existing building has security cameras, an alarm system, and lighting elements.
- **Materials Used:**

- Uses will not have any hazardous or objectionable materials or waste stored on-site.
- Shipping, Receiving & Storage:
 - Deliveries will be made via box-truck and use existing on-street parking.
- Waste:
 - Commercial dumpsters will be sited and screened in accordance with the requirements of the zoning ordinance
- Parking:
 - There will be 29 parking spaces located internally to the subject site, and 18 parking spaces located along Illinois Street, for a total of 47 vehicle parking spaces. 16 indoor bicycle spaces are also proposed.



Department of Metropolitan Development
Division of Planning
Current Planning

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 property is a mostly undeveloped assemblage on North Illinois Street, a primary arterial, with existing sidewalk frontage, bicycle infrastructure, and a Red Line station within approximately one-quarter mile. The surrounding area includes residential uses, multifamily and mixed-use precedent, a church/undeveloped tract to the north, and a parking lot to the south. The petitioner has also been working to maximize on-site parking, incorporate bicycle storage, and maintain functional fire separation. For these reasons, approval of the requested relief will not be injurious to the public health, safety, morals, or general welfare of the community.

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:

Redevelopment of this mostly vacant and underutilized site with a coordinated multifamily project is more likely to enhance the corridor than to harm it. The site has already been approved for D-10 (TOD) multifamily development, and the 2024 companion petitions approved related development-standard relief for the same property, subject to Administrator's Approval of final site and elevation materials. The immediate vicinity also reflects prior multifamily and mixed-use zoning activity, including nearby approved parking and setback variances. In that context, the requested design, parking, transitional-yard, and height relief is consistent with the corridor pattern and will not substantially and adversely affect adjacent property values.

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

Strict application of all applicable design, parking, transitional-yard, and height standards to this multi-parcel redevelopment site would make orderly redevelopment unusually difficult. The site is constrained by its east-west depth, North Illinois Street frontage, alley relationship, adjacent residential edges, the need for a workable parking layout, bicycle parking requirements, and the desire to orient the project to the street in a manner consistent with a TOD corridor. The remaining relief being requested is relatively modest in practical terms, particularly with respect to parking, setbacks, and height. Moreover, the vast majority of the requested relief is tied to the zoning and design standards that apply because of the mixed-use/commercial component of the project.

DECISION

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

Adopted this _____ day of _____, 20 ____









View looking east along West 34th Street



View looking northeast across intersection of North Illinois Street and West 34th Street



View of site looking west across North Illinois Street



View of site looking west across North Illinois Street



View of site looking west across North Illinois Street



View of site looking west across North Illinois Street



View of site looking east from north / south alley along western property boundary



View of site looking east from north / south alley along western property boundary



View of site looking east from north / south alley along western property boundary



View of site looking east from north / south alley along western property boundary