



**METROPOLITAN DEVELOPMENT COMMISSION
HEARING EXAMINER**

March 27, 2025

Case Number: 2025-CZN-802 / 2025-CPL-802 / 2025-CVR-802 (Amended)

Property Address: 5801 Mills Road (Approximate Addresses)

Location: Decatur Township, Council District #21

Petitioner: Grand Communities, LLC, by David Gilman

Current Zoning: SU-2
Rezoning of 16.5 acres from the SU-2 District to the D-4 District to provide for attached single-family dwellings.
Approval of a Subdivision Plat to be known as Oak Springs, dividing 16.5 acres into 74 lots.

Request: Waiver of the Subdivision Regulations 741-303. B.3.c and 741-303. B.3.d. to provide for dead-ended streets (Dead-ended Streets prohibited).
Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for 76-foot lot width for all lots (minimum 90-foot lot width required), seven lots with lot areas ranging from 9,194 square feet to 9,815 square feet (minimum 10,000 square foot lot area required), and 10 lots without public street frontage (public street frontage required).

Current Land Use: Commercial

Staff Recommendations: **Approval**

Staff Reviewer: Desire Irakoze, Principal Planner II

PETITION HISTORY

The Hearing Examiner continued these petitions from the February 20, 2025, hearing to the March 13, 2025, at the request of the petitioner.

ADDENDUM FOR MARCH 27, 2025

The Hearing Examiner recommend for approval **2025-CZN-802** and granted **2025-CVR-802**, as well as the sidewalk wavier, Staff continued **2025-CPL-802** from the March 13th, 2025, to the March 27th,2025 Hearing, to allow the petitioner to file a revised plat.

The petitioner submitted an amended plat dated March 21st, 2025, which include complaint sidewalk and open space requirements.

STAFF RECOMMENDATION

In Staff's opinion, the amended petition is compliant with the subdivision control ordinance, therefore, Staff **recommends approval** of 2025-CPL-802, subject to the filed Plat dated 3/21/2025.

PETITION OVERVIEW

LAND USE

The 16.5-acre subject site is developed with a two-family dwelling to be known as Oak Springs Subdivision in the Valley Mills neighborhood. The surrounding land use are varying types of residential uses, mainly D-4.

REZONING

The petitioner seeks to rezone the property from the SU-2 districts to the D-3 district to provide for a paired patio residential dwelling. The Comprehensive Plan calls for the Suburban **Neighborhood typology**, which is predominantly made up of single-family, allows for interspersed attached where appropriate.

However, concerns have been raised regarding compliance with suburban neighborhood design principles:

Street Connectivity: The proposed plat includes two dead-end streets, which do not align with best practices for well-connected street networks.

Housing Diversity: The development lacks variation in housing types, as it consists entirely of attached housing rather than an interspersed mix of detached and attached units.

SU-2 (Special Use District Two): Which permits schools.

D-4 (Dwelling District Four): For low or medium intensity single-family and two-family residential development at a typical density of 4.2 units per acre. 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.

PLAT

The request would provide for a subdivision plat known as Oak Springs that would divide the parcel into 74 lots. The homes would be paired patio homes.

Streets

The subdivision layout includes two permanently dead-ended streets, necessitating the following waiver requests:

- **Waiver from Sec. 741-303.3(d)** – Prohibition on permanently dead-ended streets (excluding cul-de-sacs).
- **Waiver from Sec. 741-303. A.6** – Requirement that all streets be dedicated to the public.
- **Waiver from Sec. 741-303. B.3(c)** – Requirement to extend existing or platted streets to



the property boundary for future connectivity.

Please see waiver request section

Sidewalks

The submitted primary plat (dated 1/3/2025) proposes five-foot sidewalks, whereas **Sec. 744-302. B.1** requires a minimum sidewalk width of six feet in the D-4 zoning district. . The plat must be revised accordingly.

Table 744-302-1 Minimum Sidewalk Widths		
District	Street Classifications	Minimum Sidewalk Width
D-S, D-A, D-1, D-2, D-3, and D-4, D-6 and D-7	Collector, Local, and Cul-de-sac	6'
	All other streets	6'

Staff recommends that the Hearing Examiner **approve** and find that the plat, file-dated March 21, 2025, complies with the standards of the Subdivision regulations, subject to the following conditions:

1. That the applicant provides a bond, as required by Section 741-210, of the Consolidated Zoning and Subdivision Ordinance.
2. Subject to the Standards and Specifications of Citizens Energy Group, Sanitation Section.
3. Subject to the Standards and Specifications of the Department of Public Works, Drainage Section.
4. Subject to the Standards and Specifications of the Department of Public Works, Transportation Section.
5. That addresses and street names, as approved by the Department of Metropolitan Development, be affixed to the final plat prior to recording.
6. That the Enforcement Covenant (Section 741-701, of the Consolidated Zoning and Subdivision Ordinance) be affixed to the final plat prior to recording.
7. That the Site Distance Covenant (Section 741-702, of the Consolidated Zoning and Subdivision Ordinance) be affixed to the final plat prior to recording.
8. That the Sanitary Sewer Covenant (Section 741-704, of the Consolidated Zoning and Subdivision Ordinance) be affixed to the final plat prior to recording.
9. That the Storm Drainage Covenant (Section 741-703, of the Consolidated Zoning and Subdivision Ordinance) be affixed to the final plat prior to recording.
10. That the plat restrictions and covenants, done in accordance with the rezoning commitments, be submitted prior to recording the final plat.
11. That all the standards related to secondary plat approval listed in Sections 741-207 and 741-208 of the Consolidated Zoning and Subdivision Ordinance, be met prior to recording the final plat.
12. That all standards related to 741.201.A-C – Primary Plat Requirements be met prior to recording the final plat.
13. That all standards related to 741-303.B – Through Connectivity (Metro Context Area), be met prior to recording the final plat.
14. That all standards related to 741.305 – Numbering and naming be met prior to recording the final plat.

15. That an amended plat with sidewalks compliant with Section 741-306 of the Consolidated Zoning and Subdivision Ordinance be submitted prior to recording the final plat.
16. That all standards related to 741.310 – Common Areas, Open Space and Public Sites (Compact Context Area) be subject to the waiver request.
17. That a street lighting plat compliant with Section 741-316 of the Consolidated Zoning and Subdivision Ordinance be submitted prior to recording the final plat. 18. That the approval shall be in accordance with the variances requested.
- 18.

Open Space Amenities:

The proposed development does not comply with **Sec. 741-310. B.2**, which mandates additional open space components for subdivisions exceeding 20 dwelling units. The submission does not meet the required standards for open space amenities. The plat must be revised to show 2 additional amenity components.

WAIVER REQUEST

Request: The applicant is proposing two streets that have permanent dead ends.

Ordinance: Sec. 741-303.3. d. “*Permanently dead-ended streets and alleys, except for cul-de-sac streets, are prohibited.*”

Findings of Fact:

The Committee shall not approve waivers or modifications unless it finds based upon the evidence presented to it in each specific case that:

1. *The granting of the waiver or modification will not be detrimental to the public health, safety, or welfare or injurious to other property because:*

Petitioner Findings: The proposed dead-end streets will be constructed to the private street standards and have been approved by the Decatur Township Fire Department.

Staff Findings: Dead-end streets pose a public health and safety as they create problems for municipal services, along with fire department, they also create havoc for trash services, snow removal, street maintenance, postal services and more.

2. *The conditions upon which the request is based are individual to the property for which the relief is sought and are not applicable generally to other property because:*

Petitioner Finding: The proposed street pattern makes the best design and use of the property given the two-family development and efficient access to individual units.

Staff Findings: The condition upon which the request is based on is due to the petitioner’s interest in having 10 more lots. A reduction in the number of lots or a reconfiguration of the layout would dismiss the need for a waiver.

3. *Because of the particular physical surroundings, shape, or topographical conditions of*



the specific property involved, a particular hardship would result, as distinguished from a mere inconvenience, if the strict letter of these regulations is carried out:

Petitioner Findings: The creation of more private street to make a continuous loop will make it more difficult for the maneuverability of the larger fire apparatus and service delivery vehicles.

Staff Findings: Simply making the streets private does not solve the problem as private streets are only allowed in the zoning ordinance under specific circumstances, that this petition does not qualify. The easy solution to this would be to reduce the number of lots.

4. *The resulting subdivision fulfills the purpose and intent of these regulations at an equal or higher standard than what would have been possible without the deviation because:*

Petitioner Findings: The street pattern makes the best use of the lot configuration and will continue to provide safe access to all homes. The relatively short dead-end streets have been endorsed by the Decatur Township Fire Department and will not create any difficulty with the delivery of goods and services.

Staff Findings: The does not maintain private streets, The HOA will be response for the snow removal, maintenance and upkeep thus not a higher standard.

5. *The relief sought shall not in any manner vary from the provisions of the Zoning Ordinance, or official zoning base maps, except as those documents may be amended in the manner prescribed by law because:*

Petitioner Findings: The petition for private streets is also part of the rezoning and plat approval for this development.

Staff Findings: Relief sought varies from Zoning Ordinance Sec. 741-303. A.6. that does not allow for private streets.

Staff Analysis on Dead-End Streets

- **Public Service Access:** Dead-end streets create challenges for fire, emergency services, trash collection, snow removal, and street maintenance.
- **Alternative Solutions:** A reconfiguration or reduction in lot count could eliminate the need for these waivers.

SUBDIVISION PLAT REGULATIONS	
741-203 Required Documents for Approval	
741.201.A-C – Primary Plat Requirements:	Evaluation



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

<i>Plat name, Legal Description, Surveyor Seal, Scale</i>	Compliant
<i>Boundary Lines, Existing Street Names, and dimensions</i>	Compliant
<i>Layout of Proposed Streets – names, widths, classifications</i>	Wavier Requested
<i>Layout of all easements and purpose thereof</i>	Compliant
<i>Layout of lots with numbering and dimensions</i>	Not Compliant
<i>Floodway/Floodplain Delineation</i>	Compliant
<i>Topographic Map</i>	Compliant
<i>Area Map</i>	Compliant
741-203.D – Traffic Control Plan	Evaluation
<i>Traffic control street signs and devices.</i>	Compliant
<i>Traffic calming devices</i>	Compliant
<i>Bicycle facilities.</i>	#N/A
<i>Sidewalks and pedestrian facilities.</i>	Not Compliant
<i>Transit facilities, such as bus stops pads or shelter.</i>	#N/A
<i>Street lighting.</i>	Not Compliant
741-203.E– Natural infrastructure plan (major plats containing more than 20 lots)	Evaluation
<i>Placement of all proposed drainage facilities for the subdivision, indicating type of facility and if the facility is to be designed to be wet or dry</i>	Compliant
<i>Location of Open Space Areas of the open space common area, indicating size and general improvements</i>	Not Compliant
<i>Location of any Stream Protection Corridors in accordance with Section 744-205 (Stream Protection Corridors)</i>	#N/A
741-205 – Waivers:	Evaluation
<i>The granting of the waiver or modification will not be detrimental to the public health, safety, or welfare or injurious to other property</i>	Wavier Requested
<i>The conditions upon which the request is based are individual to the property for which the relief is sought and are not applicable generally to other property</i>	Wavier Requested
<i>Because of the particular physical surroundings, shape, or topographical conditions of the specific property involved, a particular hardship would result, as distinguished from a mere inconvenience, if the strict letter of these regulations is carried out;</i>	Wavier Requested
<i>The resulting subdivision fulfills the purpose and intent of these regulations at an equal or higher standard than what would have been possible without the deviation; and the relief sought shall not in any manner vary from the provisions of the Zoning Ordinance, or official zoning base maps, except as those documents may be amended in the manner prescribed by law.</i>	Wavier Requested
741-300 Design And Installation Standards	
741-302.A – Lots:	Evaluation
<i>Comply with zoning district and any cluster approval or variance grant.</i>	Variance Requested
<i>Lots must have positive drainage away from buildings.</i>	Complaint
<i>No more than 25% of lot area may be under water.</i>	Complaint
<i>Side lots lines at right angles to streets or radial to curving street line.</i>	Complaint
<i>Layout of lots with numbering and dimensions.</i>	Complaint
<i>Floodway/Floodplain Delineation</i>	Complaint
<i>Topographic Map.</i>	Complaint
741-302.B – Frontage and Access:	Evaluation

<i>Through lots should be avoided except where necessary for primary arterial separation and topography challenges.</i>	Compliant
<i>Triple frontage lots are prohibited.</i>	Compliant
<i>Lots abutting alleys must have vehicular access exclusively from alley.</i>	#N/A
<i>Lots shall not have direct access to arterial streets.</i>	Compliant
<i>Non-residential plats shall provide cross-access easements to limits points of access to existing street network to no more than one per 500 feet.</i>	#N/A
741-302.C – Blocks:	Evaluation
<i>Shall not exceed maximum block lengths per Table 741-302.1</i>	Compliant
<i>If exceeded, it must be demonstrated that:</i>	#N/A
<i>There are improved pedestrian easements at intervals of 400 feet or less.</i>	#N/A
<i>Adequate traffic calming provisions are made.</i>	#N/A
<i>The block length must be exceeded because of physical conditions of the land the impact of the connection upon the existing street system</i>	#N/A
741-303 Streets and Connectivity	
741-303.A – General:	Evaluation
Subdivisions shall provide a logical street layout in relation to topographical conditions, public convenience, safety, multi-modal use and the proposed use of the land to be served by such streets. <i>Triple frontage lots are prohibited.</i>	Compliant
Streets shall intersect as nearly as possible at right angles. No street shall intersect another at an angle of less than 75 degrees.	Compliant
Not more than two streets shall intersect at any one point	Compliant
Bicycle lanes meeting the Indiana Manual on Uniform Traffic Control Devices (IMUTCD) for location, width, and marking shall be provided along collector	N/A
All streets shall be dedicated to the public. Alleys may be private	Not Compliant
Turn lanes or other improvements recommended by the Department of Public Works shall be added to the existing street system to minimize the impact of the connection upon the existing street system.	
741-303.B – Through Connectivity (Metro Context Area):	Evaluation
Emergency vehicles must not have to use more than two different local streets (any street other than a primary arterial)	Compliant
Permanently dead-ended streets and alleys, except for cul-de-sac streets, are prohibited.	Wavier Requested
All existing or platted streets that terminate at the property boundary line of a proposed subdivision shall be continued into the proposed subdivision to provide street connections to adjoining lands and streets within the proposed subdivision.	Wavier Requested
Streets entering opposite sides of another street shall be laid out either directly opposite one another or with a minimum offset of 125 ft. between their centerlines.	Compliant
Whenever cul-de-sac streets are created, a 15-foot-wide pedestrian access/public utility easement shall be provided between the cul-de-sac head or street.	#N/A
Subdivisions with 30 or more lots shall have more than one entrance to the existing street network	Compliant
741-303.D – Cul-de-sacs (Metro Context Area):	Evaluation
In the Metro Context Area, cul-de-sac lengths shall not exceed 500 feet or serve more than 20 dwelling units.	#N/A
741-304-316 Additional Development Items	
741.304.A-C – Traffic Control Devices:	Evaluation
<i>Street name signs, traffic control signs, bike route signs.</i>	Compliant
<i>Traffic control devices for streets exceeding 900 feet in length.</i>	#N/A
<i>Bicycle Facilities for subdivisions with a collector street serving more than 100 dwelling units.</i>	#N/A



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

741.305 – Numbering and naming:	Evaluation
<i>Street numbering per adopted addressing guidelines.</i>	
<i>Streets that are extensions or continuations of existing or approved streets must bear the name of such existing street.</i>	#N/A
741.306 – Sidewalks:	Evaluation
<i>Sidewalks shall be provided along all internal and external streets.</i>	Compliant
741.307-309 – Easements, Utilities, Stream Protection Corridors:	Evaluation
<i>Utility easements shall be located along lot lines and shall be a minimum of 10 feet.</i>	Compliant
<i>All BMPs and drainage facilities must be located within an easement. The easement must accommodate adequate access for maintenance</i>	Compliant
<i>Generally, pedestrian easements shall be 15 feet in width and be considered open to the public unless specifically declared otherwise</i>	Compliant
<i>All utilities shall be located underground</i>	Compliant
<i>All subdivisions must be designed in accordance with the Stream Protection Corridor requirements of Section 744-205</i>	Compliant
741.310 – Common Areas, Open Space and Public Sites (Compact Context Area):	Evaluation
<i>Required for subdivisions with more than 20 dwelling units</i>	Compliant
<i>Access easements shall be provided to connect all common areas to a public street right-of-way. The minimum width of such access must be at least 15 feet.</i>	Compliant
<i>Basic Open Space Requirements: Multi-purpose path, natural landscaping area, entrance landscaping</i>	Compliant
<i>Additional Open Space Requirements: Community Garden, dog park, game court, picnic area, playground, pool, etc. Additional component required for every 30 additional dwelling units overall</i>	Not Compliant
<i>Reservation of land for public/semi-public purpose.</i>	Not Compliant
741-312 – Monuments:	Evaluation
<i>Permanent reference monuments shall be placed in the subdivision by a Professional Surveyor. Where no existing permanent monuments are found, monuments must be installed no more than 600 feet apart in any straight line and in accordance with the schedule in Table 741-312-1.</i>	Compliant
741.313 – Flood Control:	Evaluation
<i>All development shall comply with all provisions of Section 742-203 (Flood Control Zoning District).</i>	#N/A
<i>Floodway and Floodway Fringe zones shall be delineated and labeled on the primary plat and the plat to be recorded</i>	#N/A
<i>For Zone AE areas, the plat must show the BFE topographic line.</i>	#N/A
<i>For Zone A areas, the plat must show the delineation study with the floodway and floodway fringe lines shown on the FIRM maps</i>	#N/A
741.316 – Street Lighting:	Evaluation
<i>All subdivisions must be designed and constructed in accordance with the Street Lighting requirements of Section 744-600 (Street and Exterior Lighting).</i>	Not Compliant

VARIANCE OF DEVELOPMENT STANDARDS

Variance Request #1:

To provide for 76-foot lot width for all lots (minimum 90- foot lot with required).

Zoning Ordinance: 742-103.G (Dwelling District Four) Table 742-103-6 D-4 Dimensional Standards

Exhibit A	TABLE 742-103-6	
Variance Request	D-4 DISTRICT DIMENSIONAL STANDARDS	
LOT STANDARDS		
	Min Lot Area, Single-Family	7,200 sq. ft.
#2	Min Lot Area, Two-Family	10,000 sq. ft.
	Min Lot Width, Single-Family	60 ft.
#1	Min Lot Width, Two-Family	90 ft.
#3	Min Lot Frontage	30 ft.
	Min Open Space	65%

Findings of Fact:

1. *The grant will not be injurious to the public health, safety, morals, and general welfare of the community because:*

Petitioner Response: The requested 7 interior lots with reduced lot area will continue to provide a safe and healthy living environment for all residents and the general public. The site is served with all required public utilities and has adequate access to a public street.

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:*

Petitioner Response: The site is proposed for paired patio homes that will be compatible with the single-family subdivisions developed within the same D-4 zoning district surrounding the site. The lots with reduced area are all located in the interior of the development. No adjacent property owner will be impacted by these 7 slightly smaller lots. The development's overall lot average is above the minimum required lot area.

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

Petitioner Findings: The reduction of the required lot area is a result of the curve in the street pattern to act as a calming traffic control measure. The reduction in lot area for the interior lots will also provide more common space to landscape and provide additional community area. The development's overall lot average is above the minimum required lot area.

Staff Findings: This reduction in the required lot area is a result of the strict application of the Zoning Ordinance but of the desire for more dwelling units. If the petitioner reduced the number of dwelling units, they would be able to meet the lot area requirements.

Variance Request #2:

To provide for seven lots with lot areas ranging from 9,194 square feet to 9,815 square feet (minimum 10,000 square foot lot area required)

Zoning Ordinance: See Table 742-103-6 (Exhibit A)

Findings of Fact:

1. *The grant will not be injurious to the public health, safety, morals, and general welfare of the community because:*

Petitioner Response: The requested 16% reduction in lot width will continue to provide a safe and healthy living environment for all residents and the general public. The site is served with all required public utilities and has adequate access to a public street.

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:*

Petitioner Response: The site is proposed for paired patio homes that will be compatible with the single-family subdivisions developed within the same D--4 zoning district surrounding the site. The proposed community will be mostly maintenance free and provide common areas and amenities for the residents.

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

Petitioner Response: The proposed development is to provide a maintenance free environment for the homeowners. The reduction on the required lot width will minimize the area of private yard maintenance and provide more area for common open space and landscape planting area for the HOA.

Variance Request #3:

To provide for 10 lots without public street frontage (public street frontage required).

Zoning Ordinance: *Per Sec. 740.807 Street Frontage Requirements "No permit shall be issued for any use or structure unless the lot abuts upon and has adequate frontage on a public street (the right-of-way of which has been dedicated and accepted for maintenance by governmental agency having jurisdiction thereof, or the construction of which is bonded in accordance with the standards and requirements of the applicable municipal agency having jurisdiction) in accordance with the requirements of all*

applicable ordinances, except as otherwise specifically authorized in zoning districts permitting private drives or interior access roads or by variance.”

Findings of Fact:

1. *The grant will not be injurious to the public health, safety, morals, and general welfare of the community because:*

Petitioner Findings: The requested 10 lots with private street frontage will continue to provide a safe and healthy living environment for all residents and the general public. The site is served with all required public utilities and all lots will have adequate access to a public street.

Staff Findings: The grant will be injurious as private streets are not allowed by the zoning ordinance. Dedicated and accepted for maintenance is a crucial part as the maintenance of streets will fall on the HOA. Street maintenance is not cheap. Should the HOA disband the only street to these lots would be left in disrepair. The petitioner is requesting that only these 230 feet be dedicated private while the rest of the subdivision has public streets. That would be a heavy burden on just 10 lot owners.

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:*

Petitioner Findings: The site is proposed for paired patio homes that will be compatible with the single-family subdivisions developed within the same D-4 zoning district surrounding the site. The lots with a private street frontages are located at the southern end of the development. No adjacent property owner will be impacted by these by these 10 lots with private drives.

Staff Findings: The use and value of the area adjacent would be affected. This request puts the burden of the street maintenance on the HOA. These private streets would still require yearly snow removal services, maintenance and upkeep at the cost of either the entire HOA or just the 10 lots.

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

Petitioner Findings: The lots with a private drive allow for a more practical development pattern and are all visible from the subdivision's public streets. Public safety vehicles will continue to have easy access to all of the lots since the private drives are paved, 20 feet wide and only for a short distance.

Staff Findings: Staff finds no practical difficulties as the petitioner can have a subdivision with the addition of the 10 lots and still have 64 dwelling units. This Variance request is based solely on the desire for more homes.



STAFF ANALYSIS

Based on the waiver and variance requests, as well as noncompliance with open space requirements and sidewalk standards, staff recommends denial of the request. The proposal does not align with the Comprehensive Plan's goals for suburban neighborhood development, nor does it meet the standards of the zoning ordinance.

Key Concerns:

- Street connectivity issues
- Noncompliance with sidewalk width requirements
- Private street maintenance burden
- Lack of housing diversity
- Open space deficiencies

For these reasons, staff is recommending **denial** of the request.

GENERAL INFORMATION

Existing Zoning	SU-2	
Existing Land Use	Commercial – undeveloped property	
Comprehensive Plan	Suburban Neighborhood	
Surrounding Context	Zoning	Land Use
	North:	D-A Residential (Single-family dwellings)
	South:	D-4 Residential (Single-family dwellings)
	East:	D-4 Residential (Single-family dwellings)
	West:	D-4 Residential (Single-family dwellings)
Thoroughfare Plan		
Mills Road	Primary Collector	X-foot existing right-of-way and 80–91-foot proposed right-of-way.
Context Area	Metro	
Floodway / Floodway Fringe	No	
Overlay	Yes- Airspace Secondary Zoning District.	
Wellfield Protection Area	No	
Site Plan	N/A	
Site Plan (Amended)	N/A	
Elevations	N/A	
Elevations (Amended)	N/A	
Landscape Plan	N/A	
Findings of Fact	1/7/2025	
Findings of Fact (Amended)	2/20/2025	
C-S/D-P Statement	N/A	

COMPREHENSIVE PLAN ANALYSIS

Comprehensive Plan

- Marion County Land Use Plan Pattern Book (2019)

Pattern Book / Land Use Plan

- The Comprehensive Plan recommends light industrial and suburban neighborhood development of the site.

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 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.
- 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.

Attached Housing

- Duplexes should be located on corner lots, with entrances located on different sides of the lot or otherwise interspersed with detached housing.
- Duplexes should be architecturally harmonious with adjacent housing.
- Townhomes should be organized around intersections of neighborhood collector streets, greenways, parks or public squares, or neighborhood-serving retail.

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)

- Thoroughfare Plan 2019

ZONING HISTORY

ZONING HISTORY – SITE

73-Z-217; 5901 Mills Road, request rezoning of 40 acres being in A-2 district to the Su-2 Classification to permit construction of a Church and Education complex including Lifegate Baptist Church, Indiana Baptist College, and administration building and a day school all with parking areas. **Approved.**

ZONING HISTORY – VICINITY

97-Z-30; 6035 S High School Road (north of site) request rezoning of approximately 69.46 acres being in the D-A District to the D-3 classification to provide for a single-family residential development. **Approved.**

60-Z-163; (west of site) – requests rezoning of 72 acres, being in A-2 district, to R-3 classification to provide minimum requirements for residential use by platting. Located on the east side of Mooresville Road South from Mills Road in Decatur Township. **Approved.**

73-Z-319; 5500 to 5900 Furnas Road (northeast of site) request rezoning of 228.10 acres being in the A-2 district to the D-3 classification to provide for residential use by platting (568 lots) **Approved.** .

77-Z-111; 59111 Granner Drive (south of site) **Williams Enterprises, Inc. by James W. Beatty, Attorney**, request rezoning 24.08 acres being in SU-2 district to the D-4 Classification to permit residential use by platting. **Approved. (100 lots)**

78-Z-94; 5501 and 5155 Mills Road (east of site) **Indianan National Bank Trustee by James R. Nickels** Request rezoning of approximately 140.00 acres, being in SU-2, to D-4 Classification to permit single family dwellings by platting. **Approved.**

EXHIBITS



Petitioner Submitted Commitments.

Proposed Written Commitments
5801 Mills Road
Proposed Oak Springs Community
December 2, 2024

1. The property shall be developed in substantial compliance with the site plan attached hereto as **Exhibit A**.
2. The paired patio homes shall be substantially similar to the residential elevations attached hereto as **Exhibit B**.
3. No two same building elevations shall be constructed next to each other on the same street frontage.
4. A Homeowners Association ("HOA") shall be created to maintain the exterior building facades, landscaping, and lawns, common areas and community amenities.
5. A sidewalk shall be constructed along Mills Road and provide connectivity to the interior sidewalks.
6. The following text shall be included in Covenants, Conditions and Restrictions (the "CCR's") applicable to the Real Estate: Renting and Leasing. Notwithstanding anything to the contrary herein, at least eighty percent (80%) of the Residential Units shall be Owner occupied. Owner occupancy includes ownership by an immediate family member of at least one (1) person residing in the Residential Unit or a trust of which the occupant is set/or, grantor, trustee, or beneficiary. As long as one (1) Residential Unit satisfies the definition of Owner occupancy, the adjacent Residential Unit of the duplex may be used to support independent living arrangements for the residents in the other Residential Unit. No renting or leasing of the Residential Units to a third party for income shall be permitted except in the case of: (i) hardship as defined in this paragraph; and, (ii) acquisition of a Residential Unit by a lender through foreclosure, deed in lieu of foreclosure or similar proceedings, which in both cases the Owner shall be entitled to lease the Residential Unit for residential purposes. Hardship is defined as a personal or financial situation that, without allowing renting or leasing of a Residential Unit, significant financial harm shall occur to the Owner. The Owner must inform the Association of the specific circumstances of the hardship and provide the Association with a copy of the lease. All lease or rental agreements must be in writing, and they shall be immediately provided to the Association. Residential Units shall not be leased for an initial term of less than one (1) year, nor for less than thirty (30) days for any term thereafter to the same tenant.