



**METROPOLITAN DEVELOPMENT COMMISSION  
HEARING EXAMINER**

February 27, 2025

<b>Case Number:</b>	2024-ZON-126
<b>Property Address:</b>	1602 & 1604 Arsenal Avenue & 1426 East 16th Street (Approximate Addresses)
<b>Location:</b>	Center Township, Council District #13
<b>Petitioner:</b>	Elizabeth & Micheal Simmons., by Reinhard Pollach
<b>Current Zoning:</b>	C-5
<b>Request:</b>	Rezoning of 0.18 acres from the C-5 district to the D-8 district to provide for residential uses
<b>Current Land Use:</b>	Undeveloped
<b>Staff Recommendations:</b>	Approval with a commitment.
<b>Staff Reviewer:</b>	Marleny Iraheta, Senior Planner

**PETITION HISTORY**

**ADDENDUM FOR FEBRUARY 27, 2025 HEARING EXAMINER**

The petitioner submitted a written continuance for cause request to **continue this matter from the February 27, 2025, hearing to the March 13, 2025 hearing** to allow additional time for staff to review new information provided to the case file.

**ADDENDUM FOR JANUARY 23, 2025 HEARING EXAMINER**

This petition was continued for cause from the December 19, 2024 hearing to the January 23, 2025 hearing at the request of the petitioner to allow them additional time to discuss the right-of-way dedication request with the Department of Public Works (DPW).

After the petitioner had additional discussions with the Department of Public Works, the commitment language was revised by DPW and agreed upon by the petitioner.

Staff **recommends approval** subject to the following commitment being reduced to writing on the Commission's Exhibit "B" forms at least three days prior to the MDC hearing:

1. Additional right-of-way shall be dedicated along the frontage of 16th Street per the request of the Department of Public Works (DPW) Engineering Division. The right-of-way shall be of sufficient width to provide for a sidewalk 5 feet in width, and a buffer space 5 feet in width between the sidewalk and the back of the existing curb. 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)."



**December 19, 2024**

This is the first public hearing for this petition.

## STAFF RECOMMENDATION

Staff **recommends approval** subject to the following commitment being reduced to writing on the Commission's Exhibit "B" forms at least three days prior to the MDC hearing:

A 39-foot half right-of-way shall be dedicated along the frontage of 16<sup>th</sup> Street., 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

### LAND USE

The 0.18-acre subject site is comprised of three undeveloped parcels (1059577, 1013307, and 1071807) to be combined.

The sites are surrounded to the west by an undeveloped lot across the alley, zoned C-5, to the north by a single-family dwelling, zoned C-5, to the east by an undeveloped lot, zoned D-8, and to the south by a commercial building, zoned C-5.

### REZONING

This petition would rezone the parcels from the C-5 district to the D-8 district to allow for single-family residential development.

The C-5 District is designed to provide areas for those retail sales and service functions whose operations are typically characterized by automobiles, outdoor display, or sales of merchandise; by major repair of motor vehicles; by outdoor commercial amusement and recreational activities; or by activities or operations conducted in buildings or structures not completely enclosed. The types of uses found in this district tend to be outdoor functions, brightly lit, noisy, etc. Therefore, to provide a location where such uses can operate in harmony with the vicinity, the C-5 district should be located on select heavy commercial thoroughfares and should avoid locating adjacent to protected districts.

The D-8 district is intended for a variety of housing formats, with a mix of small-scale multi-unit building types. This district can be used as a part of new mixed-use areas, or for infill situations in established urban areas, including medium and high-density residential recommendations of the Comprehensive Plan, and the Traditional Neighborhood, City Neighborhood, and Village or Urban Mixed-Use Typologies of the Land Use Pattern Book.



**DEPARTMENT OF PUBLIC WORKS**

The Department of Public Works, Traffic Engineering Section, has requested the dedication and conveyance of a 39-foot half right-of-way along 16<sup>th</sup> Street. This dedication would also be consistent with the Marion County Thoroughfare Plan.

**STAFF ANALYSIS**

Staff is supportive of the rezoning to the D-8 district because it would allow for the development of a residential dwelling that would fit with the context of the surrounding area and would increase the housing stock.

Additionally, the proposed D-8 district and residential use would align with the traditional neighborhood recommendation of the of the Comprehensive Plan.

**GENERAL INFORMATION**

<b>Existing Zoning</b>	C-5	
<b>Existing Land Use</b>	Undeveloped	
<b>Comprehensive Plan</b>	Traditional Neighborhood	
<b>Surrounding Context</b>	<b>Zoning</b>	<b>Land Use</b>
North:	C-5	Residential (Single-family dwelling)
South:	C-5	Commercial Building
East:	D-8	Undeveloped
West:	C-5	Undeveloped
<b>Thoroughfare Plan</b>		
Arsenal Avenue	Local Street	48-foot proposed right-of-way and 61-foot existing right-of-way.
16 <sup>th</sup> Street	Primary Arterial Street	78-foot proposed right-of-way and 60-foot existing right-of-way.
<b>Context Area</b>	Compact	
<b>Floodway / Floodway Fringe</b>	No	
<b>Overlay</b>	No	
<b>Wellfield Protection Area</b>	No	
<b>Site Plan</b>	N/A	
<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

- Marion County Land Use Plan Pattern Book (2019)
- Infill Housing Guidelines (2021)
- Indy Greenways Full Circle Master Plan, Part One (2014)

### Pattern Book / Land Use Plan

- The Marion County Land Use Plan Pattern Book (2019) recommends traditional neighborhood development of the site.
- The Traditional Neighborhood typology includes a full spectrum of housing types, ranging from single family homes to large-scale multifamily housing. The development pattern of this typology should be compact and well-connected, with access to individual parcels by an alley when practical. Building form should promote the social connectivity of the neighborhood, with clearly defined public, semi-public, and private spaces. Infill development should continue the existing visual pattern, rhythm, or orientation of surrounding buildings when possible. A wide range of neighborhood-serving businesses, institutions, and amenities should be present. Ideally, most daily needs are within walking distance. This typology usually has a residential density of 5 to 15 dwelling units per acre, but a higher density is recommended if the development is within a quarter mile of a frequent transit line, greenway, or park.
- **Conditions for All Land Use Types**
  - All land use types except small-scale parks and community farms/gardens in this typology must have adequate municipal water and sanitary sewer.
  - All development should include sidewalks along the street frontage.
  - In master-planned developments, block lengths of less than 500 feet, or pedestrian cut-throughs for longer blocks, are encouraged.
- **Conditions for All Housing**
  - A mix of housing types is encouraged.
  - Should be within a one-mile distance (using streets, sidewalks, and/or off-street paths) of a school, playground, library, public greenway, or similar publicly-accessible recreational or cultural amenity that is available at no cost to the user.
  - Primary structures should be no more than one and a half times the height of other adjacent primary structures.
  - Should be oriented towards the street with a pedestrian connection from the front door(s) to the sidewalk. Driveways/parking areas do not qualify as a pedestrian connection.
- **Detached Housing**
  - The house should extend beyond the front of the garage. Garages should be loaded from an alley or side street when possible and should be detached if located on the side of the house.
  - Secondary units are encouraged.
  - Lots should be no larger than one and a half times the adjacent lots.

### 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

- **BUILDING ELEVATIONS AND ARCHITECTURAL ELEMENTS**
  - **1. Utilize Foundation Styles and Heights that are Consistent with Nearby Houses:** The height of the foundation affects where doors, porches, and windows are located. Unless there are special circumstances that require additional height, such as the location is in or near a floodplain, the foundation height for new construction should be consistent with nearby buildings.
  - **2. Be Consistent with Surrounding Entry Locations:** Main entries should be visible from the street. Entries should not be hidden, obscured, or missing from the main street elevation (front). The entry should reflect a similar characteristic to those that surround it, such as formal or casual, recessed or flush, narrow or wide.
  - **3. Where Appropriate, Include Porches or Stoops:** Use context to determine if front porches are consistent elements used in the neighborhood. If so, add porches or stoops to new construction.
  - **4. Coordinate the Location and Door Style of Balconies with the Surrounding Neighborhood:** Balconies are common architectural elements in some neighborhoods, but uncommon in others. Balconies along the street should be used when appropriate. When a balcony is used, consider the appropriate door access for the type of balcony. For example, Juliet balconies, which are intended to bring the outside in, make the most sense when French doors are used.
  - **5. Consider Nearby Roof Styles:** The basic outline of a new building should reflect building outlines typical of the area. Roof selection and overall height contribute to the building outline. Select roof shapes that are frequently used in the neighborhood.
  - **6. Fenestration Should Relate to the Surrounding Context:** Windows and doors should be arranged on buildings so as not to conflict with the basic fenestration patterns in the neighborhood. The proportion of glass (windows) to solid materials (wood, bricks, and other materials) which is found within the surrounding context should be reflected in new construction. Every elevation (sides and rear) should have windows on each story to help break up the monotony of the façade.

- **7. Materials Used Should Reflect the Context of the Neighborhood:** Introducing new materials that are not used in the existing context should be done in a way where those materials are not the dominant material and make up less than 30% of the overall façade design.
- **8. Consider Unique Neighborhood Features:** In addition to the architectural features mentioned above, consider other common features like chimneys, dormers, gables, and overhanging eaves that shape the character of a neighborhood. When possible, include these features into new construction.

#### **Indy Moves**

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

- The site falls within the Indy Greenways Full Circle Master Plan, Part One (2014).
- There is a proposed multi-use greenway, called the Monon-Pogue's Connector -16th St to Commerce from Dr. A J Brown Avenue to Pogue's Run Greenway.

## ZONING HISTORY

### Zoning History – Vicinity

**2022-CZN-837 / 2022-CVR-837; 1450 East 16th Street and 1607 North Arsenal Avenue** (east of site), Rezoning of 0.31 acre from the C-5 district to the D-8 district to provide for residential uses and Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for the development of eight residential townhome lots with five-foot front building lines (ten feet required), five-foot corner side setbacks (eight feet required), five-foot rear setbacks (fifteen feet required), a floor area ratio of 0.87 (maximum 0.6 required), a livability space ratio of 0.35 (minimum 0.55 required), with four of the units without public street frontage (not permitted), with front-loaded garages (not permitted), and encroachment into the clear-sight triangles of the abutting streets and alley (not permitted), **approved and granted.**

**2022-ZON-088 / 2022-VAR-008; 1449 East 16th Street and 1549 & 1553 North Arsenal Avenue** (southeast of site), Rezoning of 0.47 acre from the C-5 district to the D-9 district to provide for a multi-family development and Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for a multi-family development with a five-foot rear setback (10 feet required) with a floor area ratio of 0.87 (maximum floor area ratio 0.50 required) and a minimum livability space ratio of 0.31 (minimum 0.75 ratio required), **approved and granted.**

**2021-CZN-862A; 1609 Dr A J Brown Avenue** (northwest of site), Rezoning of 0.097 acre from the C-5 district to the D-8 classification, **withdrawn.**

**2021-CZN-862B; 1601 and 1605 Dr A J Brown Avenue** (west of the site), Rezoning of 0.208 acre from the C-5 district to the MU-2 classification, **withdrawn.**

**2018-CZN-840; 1554 Arsenal Avenue** (south of the site), Rezoning of 0.15 acre from the C-5 district to the D-8 classification, **approved.**



EXHIBITS







Photo of the subject site looking west from Arsenal Avenue.



Photo of the subject site looking north from 16<sup>th</sup> Street.





Photo of the alley and undeveloped lot west of the site.



Photo of the single-family dwellings north of the site.





Photo of an undeveloped lot east of the site.



Photo of the commercial property south of the site.