

**METROPOLITAN DEVELOPMENT COMMISSION
HEARING EXAMINER**

February 27, 2025

Case Number: 2024-ZON-144
Property Address: 7500 South Sherman Drive
Location: Perry Township, Council District #24
Petitioner: Eugene and Elsie J. Daulton, by Elizabeth Bentz Williams
Current Zoning: D-A
Request: Rezoning of 61.55 acres from the D-A district to the D-3 district
Current Land Use: Undeveloped land
Staff Recommendations: Approval, subject to the commitments noted below:
Staff Reviewer: Kathleen Blackham, Senior Planner

PETITION HISTORY

The Hearing Examiner acknowledged the timely automatic continuance filed by a remonstrator that continued this petition from the January 23, 2025 hearing, to the February 27, 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. A tree inventory, tree assessment and preservation plan prepared by a certified arborist shall be submitted for Administrator Approval prior to preliminary plat approval and prior to any site preparation activity or disturbance of the site. This plan shall, at a minimum: a) indicate proposed development; b) delineate the location of the existing trees, c) characterize the size and species of such trees, d) indicate the wooded areas to be saved by shading or some other means of indicating tree areas to be preserved and e) identify the method of preservation (e.g. provision of snow fencing or staked straw bales at the individual tree's dripline during construction activity). All trees proposed for removal shall be indicated as such.
2. A technical assessment shall be conducted prior to the issuance of an Improvement Location Permit to provide for a wetlands delineation to determine the type and quality and how the area could be preserved and integrated into the development as an amenity.
3. 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 61.55-acre site, zoned D-A, is undeveloped and surrounded by single-family dwellings to the north, zoned D-3; two-family dwellings and single-family dwellings to the south, zoned D-5II and D-P, respectively; single-family dwellings and amenity area to the east, zoned D-3; and single-family dwellings to the west, zoned D-A.

REZONING

The request would rezone the site from the D-A district to the D-3 district. “The D-3 district provides for low or medium intensity residential development. Land in this district should have good thoroughfare access, be relatively flat in topography, and be afforded pedestrian linkages to community and neighborhood services and facilities (schools, parks, shopping areas, etc.). Recreational facilities developed for the neighborhood complement the treed yards on the individual lots. Predominantly single-family detached dwellings are envisioned with two-family dwellings on corner lots in this district. The D-3 district has a typical density of 2.6 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 considerations, including vegetation, topography, drainage and wildlife.”

The Comprehensive Plan recommends suburban neighborhood typology for 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.

Overlays

This site is also located within an overlay, specifically the Environmentally Sensitive Areas (ES) Overlay. “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 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.

Much of this site is covered by high quality woodlands, specifically identified as Forest Alliance Woodlands, with wetlands scattered throughout the site.

Traffic Operation Analysis (TOA)

Because the proposed development would not meet the threshold for a Traffic Impact Study (TIS), a TOA was prepared. A TOA evaluates the performance of a road network or specific intersection, analyzing traffic flow, congestion levels, delays, and safety issues. See Exhibit A.

Based on the number of vehicles at each of the study intersections, the new development would not cause a negative effect to the existing neighborhoods or street system.

Tree Preservation / Heritage Tree Conservation

There are significant amounts of natural vegetation and trees covering most of the site. Due to their inherent ecological, aesthetic, and buffering qualities, the maximum number of these existing trees should be preserved on the site.

All development shall be in a manner that causes the least amount of disruption to the trees.

A tree inventory, tree assessment and preservation plan prepared by a certified arborist shall be submitted for Administrator Approval prior to preliminary plat approval and prior to any site preparation activity or disturbance of the site. This plan shall, at a minimum: a) indicate proposed development, b) delineate the location of the existing trees, c) characterize the size and species of such trees, d) indicate the wooded areas to be saved by shading or some other means of indicating tree areas to be preserved and e) identify the method of preservation (e.g. provision of snow fencing or staked straw bales at the individual tree's dripline during construction activity). All trees proposed for removal shall be indicated as such.

If any of the trees are heritage trees that would be impacted, then the Ordinance requires that the Administrator, Urban Forester or Director of Public Works determine whether the tree(s) would be preserved or removed and replaced.

The Ordinance defines “heritage tree” as a tree over 18 inches Diameter at Breast Height (DBH) and one of the Heritage tree species. Heritage tree species include: Sugar Maple (*Acer saccharum*), Shagbark Hickory (*Carya ovata*), Hackberry (*Celtis occidentalis*), Yellowwood (*Cladrastus kentukea*), American Beech (*Fagus grandifolia*), Kentucky Coffeetree (*Gymnocladus dioica*), Walnut or Butternut (*Juglans*), Tulip Poplar (*Liriodendron tulipifera*), Sweet Gum (*Liquidambar styraciflua*), Black Gum (*Nyssa sylvatica*), American Sycamore (*Platanus occidentalis*), Eastern Cottonwood (*Populus deltoides*), American Elm (*Ulmus americana*), Red Elm (*Ulmus rubra*) and any oak species (*Quercus*, all spp.)

The Ordinance also provides for replacement of heritage trees if a heritage tree is removed or dies within three years of the Improvement Location Permit (ILP) issuance date. See Exhibit A, Table 744-503-3: Replacement Trees.

Wetland Preservation

The aerial indicates possible wetlands located throughout the site.

The Environmental Protection Agency defines wetlands “as areas where water covers the soil or is present either at or near the surface of the soil all year or for varying periods of time during the year, including during the growing season. Water saturation (hydrology) largely determines how the soil develops and the types of plant and animal communities living in and on the soil. Wetlands may support both aquatic and terrestrial species. The prolonged presence of water creates conditions that favor the growth of specially adapted plants (hydrophytes) and promote the development of characteristic wetland (hydric) soils.”

The State of Indiana defines wetlands as “areas that are inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include: (1) swamps; (2) marshes; (3) bogs; and (4) similar areas.”

Staff believes that a technical assessment that would include a wetlands delineation would determine the type and quality of the wetland based on the presence or absence of wetlands characteristics, as determined with the *Wetlands Delineation Manual, Technical Report Y-81-1* of the United States Army Corps of Engineers.

If approved, staff would recommend that approval be subject to the following commitment:

A technical assessment shall be conducted prior to the issuance of an Improvement Location Permit to provide for a wetlands delineation to determine the type and quality and how the area could be preserved and integrated into the development as an amenity.

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 proposed rezoning to the D-3 district to provide for 137 lots for single-family dwellings would be consistent with the Comprehensive Plan recommendation of suburban neighborhood typology. The typical density of this typology is one to five units per acre. This proposed cluster development would provide 2.22 units per acre. It would also be compatible with the surrounding residential neighborhoods.



Because of the woodlands, wetlands, and 175-foot-wide power line easement (southeast corner), a cluster subdivision is proposed. A cluster subdivision is defined as “a form of development for single-family residential subdivisions that permits a reduction in the minimum lot: area, width, setback and open space requirements and to concentrate development in specific areas of the subdivision while the remaining land is reserved in perpetuity. Recreational purposes, common open space and preservation of environmentally sensitive features are examples of some purposes of the remaining land.”

“Cluster subdivisions are intended to allow greater flexibility in design and development of subdivisions, in order to produce innovative residential environments, provide for more efficient use of land, protect topographical features, and permit common area and open space. To accomplish this purpose, the following regulations and exceptions shall apply only to cluster subdivisions.

The following criteria must all be fulfilled to be eligible for a cluster subdivision.

- Unique topographical features on the site, including but not limited to slopes, streams, and natural water features, are protected and preserved.
- Wooded areas, individual trees of significant size, wetlands, or other environmentally sensitive features are protected and preserved.
- Common open space and recreational areas accessible to residents of the subdivision including provisions for walkways and bikeways are provided.
- Innovative residential environment is produced.
- Alteration of the natural site features is minimized through the design and situation of individual lots, streets, and buildings.
- Diversity and originality in lot layout and individual building design achieves the best possible relationship between development and the land.
- The land area devoted to motor vehicle access is minimized.

Because the proposed rezoning supports and is consistent with the Comprehensive Plan recommendation of suburban neighborhood, compatible with the surrounding residential development, and would protect and preserve the woodlands and wetlands, staff supports this request.

GENERAL INFORMATION

Existing Zoning	D-A	
Existing Land Use	Undeveloped land	
Comprehensive Plan	Suburban Neighborhood	
Surrounding Context	<u>Zoning</u>	<u>Land Use</u>
North:	D-3	Single-family dwellings
South:	D-5II / D-P	Two-family / single-family dwellings
East:	D-3	Single-family dwellings
West:	D-A	Single-family dwellings

Thoroughfare Plan		
South Sherman Drive	Primary Collector	Existing 70-foot right-of-way and proposed 90-foot right-of-way.
Context Area	Metro	
Floodway / Floodway Fringe	No	
Overlay	Yes – Environmentally Sensitive Areas	
Wellfield Protection Area	No	
Site Plan	December 13, 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

The Comprehensive Plan recommends Suburban Neighborhood typology. “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 one to five 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

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 – 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 5 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.

- *Detached Housing (Detached housing refers to detached single-family homes. While this type of housing may include a secondary dwelling unit (such as a mother-in-law suite or carriage house), the secondary dwelling unit is usually smaller than the primary home and the entire property is under a single ownership.)*
 - 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.

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

2004-ZON-054; 4226 Stop 11 Road (south of site), requested rezoning of 21.48 acres, being in the D-A district, to the D-5II classification to provide for residential development, **approved**.

99-Z-217 / 99-DP-34; 4620 East Stop 11 Road (south of site), requested rezoning of 68.8 acres from the D-A district to the D-P classification to provide for single-family residential development, **approved**.

88-Z-3; 4802 East Stop 11 Road (north and east of site), requested rezoning of 174.73 acres, being in the A-2 district, to the D-3 classification, to provide for single-family residences, **approved**.





EXHIBIT A – Traffic Operational Analysis



8365 Keystone Crossing, Suite 201
 Indianapolis, Indiana 46240
 (317) 202-0864
 www.af-eng.com

February 7, 2025

Mr. Mark St. John
 Administrator – Planning & Compliance
 DPW, City of Indianapolis
 200 E. Washington Street
 Indianapolis, IN 46204
 mark.stjohn@indy.gov

Re: McFarland Farms
 Traffic Analysis

Dear Mr. St. John,

The purpose of this analysis will be to determine the increased traffic at the following study area intersections:

- Sherman Drive & E. Stop 10 Road
- Southport Road & McFarland Boulevard
- Emerson Avenue & McFarland Boulevard

Scope of Work

In order to determine the effect of the traffic generated by the new subdivision will have on the above-mentioned study intersections, the following tasks were conducted:

- Traffic counts were conducted at study area intersections during AM peak hour and PM peak hour. The AM peak hours that were counted were 6AM-9AM and PM peak hours were counted were 2:30PM – 7:30PM.
- The number of trips that will be anticipated from the additional single-family residences were calculated. The following table illustrates those trips

Land Use	Trip Generation				
	Size	AM Peak		PM Peak	
		Entry	Exit	Entry	Exit
Single-Family / Detached Housing	130 Dwelling Units	24	71	80	47

- New calculated trips will be assigned to each of the study intersections to determine a new volume of traffic that will be added at those locations.

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Existing Traffic Volumes

The following tables are the summary of the existing traffic volumes that were counted at each of the study intersections. The highest volumes at each of the intersections were used for this analysis. The count summaries are enclosed with this memorandum.

Sherman Drive & E. Stop 10 Road									
	Northbound			Southbound			Westbound		
	L	T	R	L	T	R	L	T	R
AM Peak Hour (7:30 AM – 8:30 PM)	-	304	4	11	264	-	7	-	14
PM Peak Hour (3:30 PM – 4:30 PM)	-	360	6	14	459	-	6	-	17

Southport Road & McFarland Boulevard												
	Northbound			Southbound			Eastbound			Westbound		
	L	T	H	L	T	R	L	T	R	L	T	R
AM Peak Hour (7:30 AM – 8:30 PM)	69	38	197	60	35	7	9	580	106	89	543	50
PM Peak Hour (4:30 PM – 5:30 PM)	132	81	178	50	39	19	19	711	186	325	967	91

Emerson Avenue & McFarland Boulevard												
	Northbound			Southbound			Eastbound			Westbound		
	L	T	R	L	T	R	L	T	R	L	T	R
AM Peak Hour (7:15 AM – 8:15 PM)	24	520	62	104	678	74	107	48	96	11	5	5
PM Peak Hour (4:15 PM – 5:15 PM)	97	991	24	48	703	123	106	19	136	85	50	91

Percentage Increase of Traffic

The following table is a summary of the percentage of traffic and new vehicles that will be increased at each of the study intersections:

Increase of Traffic				
Intersection	Percentage Increase		New Vehicles	
	AM	PM	AM	PM
Sherman Drive & E. Stop 10 Road	3.1%	2.9%	19	25
Southport Road & McFarland Boulevard	2.9%	2.4%	51	68
Emerson Avenue & McFarland Boulevard	1.6%	1.4%	25	34


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Conclusion

Based on the number of vehicles at each of the study intersections, the new development will not cause a negative effect to the existing neighborhoods or street system.

Sincerely,
A&F Engineering Co., LLC


Steven J. Fehribach, P.E.
President
/cmc

/enclosed

Exhibit B

Heritage Tree Conservation

Removal of any Heritage Tree is prohibited unless any of the following determinations are made before removal:

1. The Administrator or the city’s Urban Forester determines that the tree is dead, significantly and terminally diseased, a threat to public health or safety, or is of an undesirable or nuisance species.
2. The Director of the Department of Public Works determines that the tree interferes with the provision of public services or is a hazard to traffic.
3. The Administrator determines that the location of the tree is preventing development or redevelopment that cannot be physically designed to protect the tree.
4. The site from which the tree is removed is zoned D-A and the tree is harvested as timber or similar forestry product.

Table 744-503-3: Replacement Trees		
Size of tree removed or dead (inches)	Number of Trees to be planted to replace a Heritage Tree	Number of Trees to be planted to replace an existing tree
Over 36 DBH	15	10
25.5 to 36 DBH	11	8
13 to 25 DBH	8	6
10.5 to 12.5 DBH	6	4
8.5 to 10 DBH	5	4
6.5 to 8	3	2
4 to 6	2	2
2.5 to 3.5	1	1



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



View of site looking east from Stop 10 Road



View of site looking northeast from Stop 10 Road



View of site looking northeast from Lascala Boulevard



View of site looking northeast from Lascala Boulevard



View of site looking north along Whitaker Valley Boulevard



View of site looking west along Mint Drive



View of site looking northwest from Mint Drive



View of site looking south from Tarragon Drive



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