



**METROPOLITAN DEVELOPMENT COMMISSION
HEARING EXAMINER**

February 27, 2025

Case Number: 2025-CZN-806 / 2025-CPL-806
Property Address: 5433 Shelbyville Road
Location: Franklin Township, Council District #24
Petitioner: Sarabjit Singh and Baljit Kaur, by Pat Rooney
Current Zoning: D-A (FW)
Request: Rezoning 9.109 acres from the D-A (FW) district to the D-1 (FW) district to provide for residential uses.
Current Land Use: Single-family dwelling and accessory buildings.
Staff Recommendations: Approval of the rezoning request, subject to the commitments noted below:
Approval of the plat request, subject to the conditions noted below:
Staff Reviewer: Kathleen Blackham, Senior Planner

PETITION HISTORY

This is the first public hearing on this petition.

STAFF RECOMMENDATION

Staff recommends that the Hearing Examiner approve and find that the plat, file dated December 2, 2024, 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 the plat shall be recorded within two (2) years after the date of conditional approval by the Hearing Examiner

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. A 45-foot half right-of-way shall be dedicated along the frontage of Shelbyville Road and a 40-foot half right-right-of-way along East Edgewood Avenue, 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).
2. A tree inventory, tree assessment and preservation plan prepared by a certified arborist shall be submitted for Administrator Approval prior to secondary 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.
3. 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.

PETITION OVERVIEW

This 9.1096-acre site, zoned D-A (FW), is developed with a single-family dwelling and accessory buildings. It is surrounded by a floodway and floodplain to the north, across Shelbyville Road, zoned SU-1 (FW)(FF); single-family dwellings to the south, across East Edgewood Avenue, zoned D-A; and single-family dwellings to the east and west, zoned D-A.



PLAT

Site Plan

The request would provide for a subdivision plat known as Singh Minor Subdivision that would divide the parcel into three lots. Presumably each lot would be developed with a single-family dwelling. It should be noted that a single-family dwelling exists on the proposed Lot 3 located at the northwest corner of the site.

Streets

All three lots front on public streets (Shelbyville Road and East Edgewood Avenue). Therefore, no new streets would be necessary.

Sidewalks

Sidewalks do not exist but would be required as development occurs. A Performance Bond would also be required during the platting process.

Waivers

None requested.

REZONING

The request would rezone the site to the D-1 (FW) district to provide for residential uses. “The D-1 district is intended for use in suburban areas. The D-1 district has a typical density of 0.9 units per gross acre which fulfills the lowest density residential classification of the Comprehensive General Land Use Plan. The D-1 District provides for estate-style development characterized by generous front yards for trees and a bucolic atmosphere, appropriately served by gently curving roadways. Under most circumstances, public water and sewer facilities should be present but are not mandatory. Development plans 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. Use of the cluster option when subdividing would maximize site advantages.”

The Comprehensive Plan recommends rural and estate typology and floodway for the site. “The Rural or Estate Neighborhood typology applies to both rural or agricultural areas and historic, urban areas with estate-style homes on large lots. In both forms, this typology prioritizes the exceptional natural features – such as rolling hills, high quality woodlands, and wetlands – that make these areas unique. Development in this typology should work with the existing topography as much as possible. Typically, this typology has a residential density of less than one dwelling unit per acre unless housing is clustered to preserve open space.”

The Floodway recommendation is a non-typology land use. It is a standalone land use that is mapped outside of the typology system due to the scale or the nature of the use and is “a category that delineates areas that exhibit a great potential for property loss and damage from severe flooding, or for water quality degradation. **No development should occur within the floodway.** Nonconforming uses currently within a floodway should not be expanded or altered.”

As proposed, this request would be consistent with the Comprehensive Plan recommendation for the rural or estate neighborhood typology, but no development would be permitted in the floodway.

Floodway / Floodway Fringe

This site has a secondary zoning classification of a Floodway (FW). The Floodway (FW) is the channel of a river or stream, and those portions of the floodplains adjoin the channels which are reasonably required to efficiently carry and discharge the peak flood flow of the base flood of any river or stream.

The purpose of the floodway district is to guide development in areas identified as a floodway. The Indiana Department of Natural Resources (IDNR) exercises primary jurisdiction in the floodway district under the authority of IC 14-28-1.

The northeast corner of the site lies within the floodway of Buck Creek.

Stream Protection Corridor

A stream protection corridor consists of a strip of land, extending along both sides of all streams, with measurements taken from the top of the bank on either side. The width of the corridor is based upon whether the stream is designated as a Category One or Category Two. Category One streams have a corridor width of 60 feet in the compact context area and 100 feet in the metro context area. Category Two streams have a corridor width of 25 feet in the compact context area and 50 feet in the metro context area.

The vegetative target for the Stream Protection Corridor is a variety of mature, native riparian tree and shrub species that can provide shade, leaf litter, woody debris, and erosion protection to the stream, along with appropriate plantings necessary for effective stream bank stabilization.

The Stream Protection Corridor is defined as:

“A vegetated area, including trees, shrubs, and herbaceous vegetation, that exists or is established to protect a stream system, lake, or reservoir, and where alteration is strictly limited. Functionally, stream protection corridors provide erosion control, improve water quality (lower sedimentation and contaminant removal) offer flood water storage, provide habitat, and improve aesthetic value.”

Stream is defined as “a surface watercourse with a well-defined bed and bank, either natural or artificial that confines and conducts continuous or periodic flowing water.”

Stream Bank is defined as “the sloping land that contains the stream channel and the normal flows of the stream.”

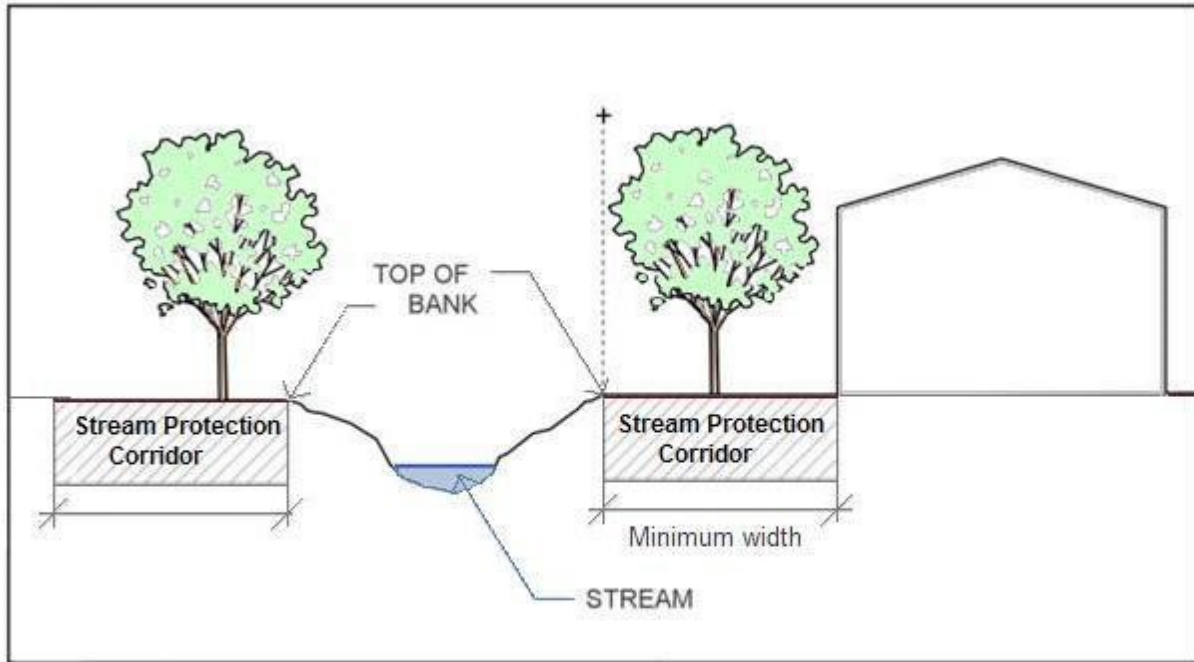
Stream Channel is defined as “part of a watercourse that contains an intermittent or perennial base flow of groundwater origin.”

There are two types of categories of Streams: Category One Streams and Category Two Streams. Category One Stream is defined as: “A perennial stream that flows in a well-defined channel throughout most of the year under normal climatic conditions. Some may dry up during drought periods or due to excessive upstream uses. Aquatic organism such as some fish are normally present and easily found in these streams. The Category One Streams are listed in Table 744-205-2: Category One Streams.”

A Category Two Stream is defined as: “An intermittent stream that flows in a well-defined channel during wet seasons of the year but not necessarily for the entire year. These streams generally exhibit signs of water velocity sufficient to move soil, material, litter, and fine debris. Aquatic organisms, such as fish, are often difficult to find or not present at all in these streams. These streams are identified on the United States Geological Survey (USGS) topographic maps and on the Department of Natural Resources Conservation Service (NRCS) soils maps.”

There are 34 Category One streams listed in the Ordinance. The stream protection corridor is a strip of land on both sides of the stream whose width varies according to whether it is within the Compact or Metro Context Area and whether it is a Category One or Category Two Stream.

Harting Ditch lies within the Metro Context Area and is located at the northeast corner of the site. It is designated as a Category One stream requiring a 50-foot-wide stream protection corridor on both sides of the stream, as measured parallel from the top of the bank. Top of the bank is not defined by the Ordinance, other than by Diagram UU, Stream Protection Corridor Cross-section, as shown below.



Stream Protection Corridor

Department of Public Works

The Department of Public Works, Traffic Engineering Section, has requested the dedication and conveyance of a 45-foot half right-of-way along Shelbyville Road and 40-foot half right-of-way along East Edgewood Avenue. This dedication would also be consistent with the Marion County Thoroughfare Plan.

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 and what appears to be wetlands scattered throughout the site.

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.

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.

Planning Analysis

As proposed the rezoning request complies with the Comprehensive Plan recommendation of rural and estate neighborhood. Staff supports the rezoning but as development occurs on this site, consideration should be given to the existing floodway / stream protection corridor, wetlands, Forest Alliance Woodlands, and dedication of rights-of-way.

GENERAL INFORMATION

Existing Zoning	D-A (FW)	
Existing Land Use	Single-family dwelling / accessory buildings	
Comprehensive Plan	Rural or Estate Neighborhood / Floodway	
Surrounding Context	Zoning	Land Use
	North: SU-1 (FW)(FF)	Floodway / Floodway Fringe
	South: D-A	Single-family dwellings
	East: D-A	Single-family dwellings
	West: D-A	Single-family dwellings
Thoroughfare Plan		
Shelbyville Road	Secondary Arterial	Existing 60-foot right-of-way and proposed 90-foot right-of-way.
East Edgewood Avenue	Secondary Arterial	Existing 25-foot right-of-way and proposed 80-foot right-of-way.
Context Area	Metro	
Floodway / Floodway Fringe	Yes – Harting Ditch	
Overlay	Yes – Environmentally Sensitive Areas	
Wellfield Protection Area	No	
Site Plan	January 29, 2025	
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 Rural or Estate Neighborhood. “The Rural or Estate Neighborhood typology applies to both rural or agricultural areas and historic, urban areas with estate-style homes on large lots. In both forms, this typology prioritizes the exceptional natural features – such as rolling hills, high quality woodlands, and wetlands – that make these areas unique. Development in this typology should work with the existing topography as much as possible. Typically, this typology has a residential density of less than one dwelling unit per acre unless housing is clustered to preserve open space.”

The Comprehensive Plan recommends Floodway, a non-typology land use.

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:

- *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.)*
 - Should preserve open space.
 - In older, established historic areas, lots should be deep and narrow with deep setbacks. This allows for city services such as streets and sewer lines to be used more efficiently. Mature trees should be preserved whenever possible.
 - In more rural areas, the protection of open space is even more critical. Lots should be both deep and wide.
 - Denser development is appropriate only if the houses are clustered together and public open space is provided.

- “Flag lots” (lots that are behind other lots, buildings, or otherwise not visible from the road) should be avoided.
- 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

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:

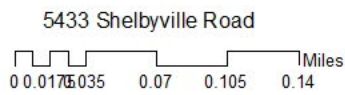
- Classify roadways based on their location, purpose in the overall network and what land use they serve.
- Provide design guidelines for accommodating all modes (automobile, transit, pedestrians, bicycles) within the roadway.
- Set requirements for preserving the right-of-way (ROW)
- Identify roadways for planned expansions or new terrain roadways
- Coordinate modal plans into a single linear network through its GIS database



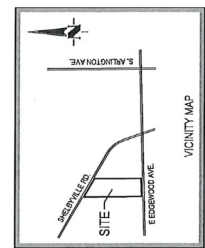
ZONING HISTORY

None.

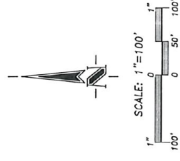
EXHIBITS



SINGH MINOR SUBDIVISION
 SW 1/4 OF SECTION 3-T14N-R04E
 FRANKLIN TOWNSHIP, MARION COUNTY, INDIANA



COURT: _____	SCALE: _____
INSTRUMENT NO. _____	1" = 100'



NOTE: A PORTION OF THE PROPOSED PLAT IS IN ZONE "A1" WHICH IS IN A FLOOD ZONE HAZARD PER THE FEMA FLOOD INSURANCE RATE 1509700202G MAP NUMBER 7, DATED 2012. THE PLAT IS SUBJECT TO THE FEDERAL FLOOD INSURANCE STATEMENT IS SUBJECT TO MAP SCALE UNCERTAINTY AND TO ANY OTHER UNCERTAINTY IN LOCATION OR ELEVATION ON THE REFERENCED FLOOD INSURANCE



- LEGEND
- DENOTES CAPPED MAG NAIL FOUND SET
 - DENOTES MAG NAIL FOUND
 - DENOTES MAG NAIL FOUND
 - DENOTES BUILDING SETBACK LINE

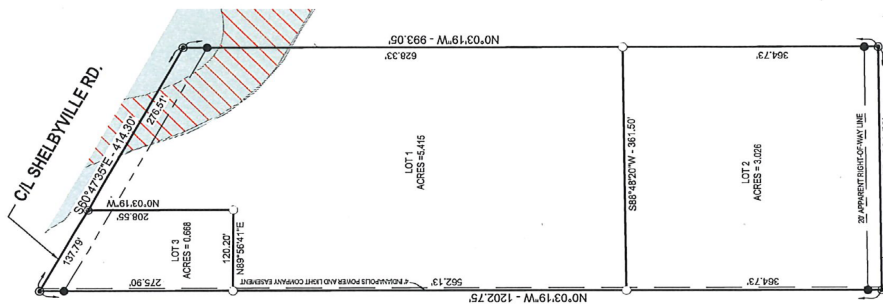
Affirmation Statement
 I, the undersigned, declare that these data were obtained from reliable sources and that I am a duly licensed Surveyor in the State of Indiana.
 Signed: _____
 Deponent: Kenneth Garrison

LEGEND

- DENOTES CAPPED 5/8" REBAR SET
- DENOTES MAG NAIL W/MAGS WASHER SET
- DENOTES REBAR FOUND
- DENOTES MAG NAIL FOUND

M. J. GARRISON
 LAND SURVEYING

1001 N. Market St. Suite A
 Greensburg, IN 46240
 OFFICE: 317-485-6255



DESCRIPTION: INSTRUMENT NO. A21240014383
 A part of the Southwest Quarter of Section 3, Township 14 North, Range 4 East, Marion County, Indiana, more particularly described as follows, to wit:

BEGINNING at the Southeast corner of said Southwest Quarter Section, running thence West in and along the South line thereof a distance of Seven Hundred Twenty-Three (723) feet to a point; running thence North parallel to the East line of said Quarter Section a distance of Seven Hundred Twenty-Three (723) feet to another point; running thence East along the North line of said Quarter Section a distance of Eight Hundred Thirty-Eight (838) feet to a point on the East line of said Quarter Section; running thence South in and along said East line a distance of Nine Hundred Twenty-Five (925) feet, more or less, to the PLACE OF BEGINNING, Containing therein all Twenty (20) acres, more or less, EXCEPT the following described real estate, to wit: Part of the East Half of the Southwest Quarter of Section 3, Township 14 North, Range 4 East, Marion County, Indiana, more particularly described as follows, to wit: BEGINNING on the South line of said Quarter Section at the point where said line crosses the boundary line between said Quarter Section and the Southeast corner of said Quarter Section; thence running Westwardly along the South line of said Quarter Section Three Hundred and Sixty-Two (362) feet to a point; thence running Northwardly along the East line of said Quarter Section Three Hundred and Sixty-Two (362) feet to a point; thence running Northwardly along the East line of said Quarter Section a distance of Four Hundred Twenty-Five (425) feet to a point in the corner line of the Shelbville Road, as now shown on the referenced Flood Insurance Rate Map (FIRM) dated February 7, 2012, in Marion County, Indiana; thence running Southwardly parallel to the East line of said Quarter Section Twelve Hundred Sixty and Ninety-Three (1269.3) feet, more or less, to the PLACE OF BEGINNING.

I, Kenneth Garrison, do hereby certify that I am a Land Surveyor registered in compliance with the provisions of the Indiana Professional Land Surveyor Act, Chapter 47, Article 15, of the Indiana Code, as amended, and that I am a duly licensed Surveyor in the State of Indiana. I have surveyed the above described land and the monument thereon and I have subdivided the same into lots and to the best of my professional knowledge, information and belief this plat is an accurate representation of said subdivision as shown on the hereon drawn plan; and that this plat is a true and correct copy of the original filed with the County Recorder of Marion County, Indiana, and that the same is subject to the provisions of the Indiana Professional Land Surveyor Act, Chapter 47, Article 15, of the Indiana Code, as amended; and all be correct are marked with 5/8" capped rebar, unless the corner is located within a hard surface in which case the monument is as noted or the corner is controlled by a different monument in the legal description, in which case that is shown on said plat.

This plat contains TWO (2) lots labeled numbers 1 and 2. The dimensions are shown in feet and decimal parts thereof.

I further certify that to the best of my professional knowledge, information and belief this subdivision plat contains no changes from the manners of survey revealed by the survey recorded as Instrument # _____ in the office of the Recorder of Hancock County, Indiana.

Dated this _____ day of _____, 2024.



Kenneth Garrison, Professional Land Surveyor, LS2930014
 State of Indiana } SS:
 County of Hancock }

I, Sierra Gradastel, a Notary Public in and for said County and State, do hereby certify that Kenneth Garrison personally appeared before me this day in person and acknowledged that he signed the above certificate as his own free and voluntary act and deed for the uses and purposes therein set forth.

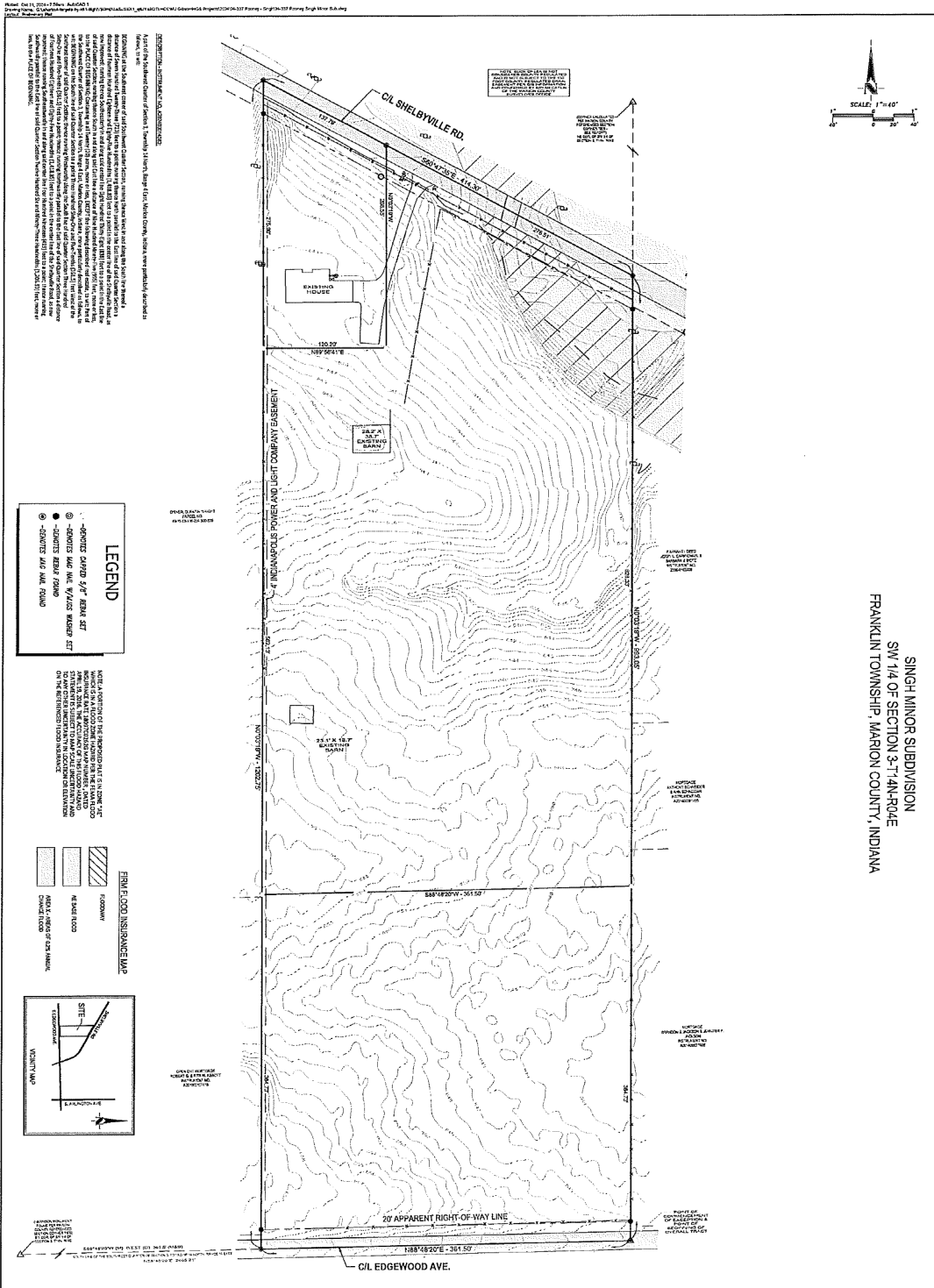
Given under my hand and notary seal this 2 day of November, 2024.

Sierra Gradastel
 Notary Public



Sierra Gradastel
 Printed Name

JOB NO. 24-337
 SHEET 1 OF 2



DATE: 11-1-2024	Project Name: PATRICK ROONEY SINGH	Prepared For: PATRICK ROONEY 1638 SHELBY ST SUITE 101 INDIANAPOLIS, IN 46223 Phone 317-466-9999	DATE: / /	REVISION NO.:
DRAWN BY: MSV	Sheet Title: PRELIMINARY PLAT			
CHECKED BY: HG				
SCALE: 1" = 40'				
PROJECT ID: 24-137				



View looking east along East Edgewood Avenue



View of site looking north across East Edgewood Avenue



View of site looking north across East Edgewood Avenue



View of site looking south across Shelbyville Road



View of site looking southwest across Shelbyville Road



View of site looking south across Shelbyville Road