



**METROPOLITAN DEVELOPMENT COMMISSION
HEARING EXAMINER**

February 29, 2024

Case Number: 2024-ZON-006
Property Address: 1573 East 73rd Street (Approximate Address)
Location: Washington Township, Council District #2
Petitioner: Charles and Victoria Huffstutler, by Thadeus Starsiak
Current Zoning: C-3 (FF)
Request: Rezoning of 0.17 acre from the C-3 (FF) district to the D-4 (FF) district to allow for residential development.
Current Land Use: Undeveloped
Staff Recommendations: Approval
Staff Reviewer: Marleny Iraheta, Senior Planner

PETITION HISTORY

This is the first hearing for this petition.

STAFF RECOMMENDATION

Staff **recommends approval** of the request.

PETITION OVERVIEW

LAND USE

The 0.17-acre subject site is a vacant commercial parcel located in the Ravenswood Neighborhood and Ravenswood Subdivision platted May 2, 1914. It is bordered to the north and west by single-family dwellings, to the zoned D-4, a single-family dwelling to the south, split zoned C-3 and D-4, and a single-family dwelling to the east, zoned C-3.

REZONING

The request would rezone a commercial lot from the C-3 district to the D-4 district to provide for residential development.

The C-3 District is for the development of an extensive range of retail sales and personal, professional, and business services required to meet the demands of a fully developed residential neighborhood, regardless of its size. Examples of such types of uses include neighborhood shopping centers, sales of retail convenience or durable goods, shopping establishments, retail and personal and professional



service establishments. At this neighborhood scale of retail, a fine-grain of accessibility requisite for all modes of travel must be provided and maintained. It does not make provision, however, for those businesses that draw customers in significant numbers from well beyond a neighborhood boundary and are, therefore, unusually heavy traffic generators, such as theaters. It does not allow those businesses that require the outdoor display, sale or storage of merchandise; or require outdoor operations. In general, to achieve maximum flexibility of permitted land use, the C-3 District makes possible a highly varied grouping of indoor retail and business functions.

The D-4 district is intended for low or medium intensity single-family and two-family residential development. 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. Trees fulfill an important cooling and drainage role for the individual lots in this district. The D-4 district has a typical density of 4.2 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 conditions, including vegetation, topography, drainage and wildlife.

FLOODWAY FRINGE

This site has a secondary zoning classification of a Floodway Fringe (FF), which is the portion of the regulatory floodplain that is not required to convey the 100-year frequency flood peak discharge and lies outside of the floodway.

The designation of the FF District is to guide development in areas subject to potential flood damage, but outside the Floodway (FW) District. Unless otherwise prohibited, all uses permitted in the primary zoning district (D-P in this request) are permitted, subject to certain development standards of the Flood Control Secondary Zoning Districts Ordinance.

The entire site is within floodway fringe. This is the area where water is likely to sit during a flood of such intensity that there is a 1% chance of it occurring in any given year. This compares to the floodway where floodwater would flow during a flood of the same intensity. Generally, buildings are not permitted in the floodway, while, with exception of certain land uses, they are permitted in the floodway fringe, but must be constructed at least two feet above the base flood elevation.

Staff Analysis

Staff determined that the proposed D-4 district would be in line with the surrounding residential development and would allow for a new dwelling to be proposed on site.

Additionally, staff did not find that the continued commercial development of the site would have been appropriate at this location seeing that it is surrounding by single-family dwellings.

GENERAL INFORMATION

Existing Zoning	C-3	
Existing Land Use	Undeveloped	
Comprehensive Plan	Community commercial development	
Surrounding Context	Zoning	Land Use
	North:	D-4 Residential (Single-family dwelling)
	South:	D-4 / C-3 Residential (Single-family dwelling)
	East:	C-3 Residential (Single-family dwelling)
	West:	D-4 Residential (Single-family dwelling)
Thoroughfare Plan		
73 rd Street	Local Street	48-foot proposed right-of-way and 50-foot existing.
Ralston Avenue	Local Street	48-foot proposed right-of-way and 50-foot existing.
Context Area	Compact	
Floodway / Floodway Fringe	Yes	
Overlay	Yes	
Wellfield Protection Area	Yes	
Site Plan	N/A	
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

- Marion County Land Use Plan Pattern Book (2019)
- Infill Housing Guidelines (2021)

Pattern Book / Land Use Plan

- The Comprehensive Plan recommends community commercial development.



- The Community Commercial typology provides for low-intensity commercial, and office uses that serve nearby neighborhoods. These uses are usually in freestanding buildings or small, integrated centers. Examples include small-scale shops, personal services, professional and business services, grocery stores, drug stores, restaurants, and public gathering spaces.
- Although residential uses are not contemplated in the community commercial typology, the immediate area zoned commercially has been converted or developed residentially over time.

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

- The Infill Housing Guidelines apply to this site, but no specifics can be addressed since a site plan and elevation were not provided.

Indy Moves

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

- Not Applicable to the Site.



ZONING HISTORY

ZONING HISTORY – VICINITY

98-SE3-1; 1607-1613 Haynes Avenue (southeast of site), Special Exception of the Dwelling Districts Zoning Ordinance to provide for the development of a church with a 4'x5' sign, **granted**.

98-V3-13; 1607-1613 Haynes Avenue (southeast of site), Variance of development standards of the Sign Regulations to provide for a 4 by 8-foot freestanding sign associated with a church (freestanding sign not permitted), granted.

84-UV1-67; 1567 East 73rd Street (west of site), Variance of use of the Dwelling Districts Zoning Ordinance to provide for an accessory garage to be located on a lot separate from the primary residential use, **denied**.

EXHIBITS

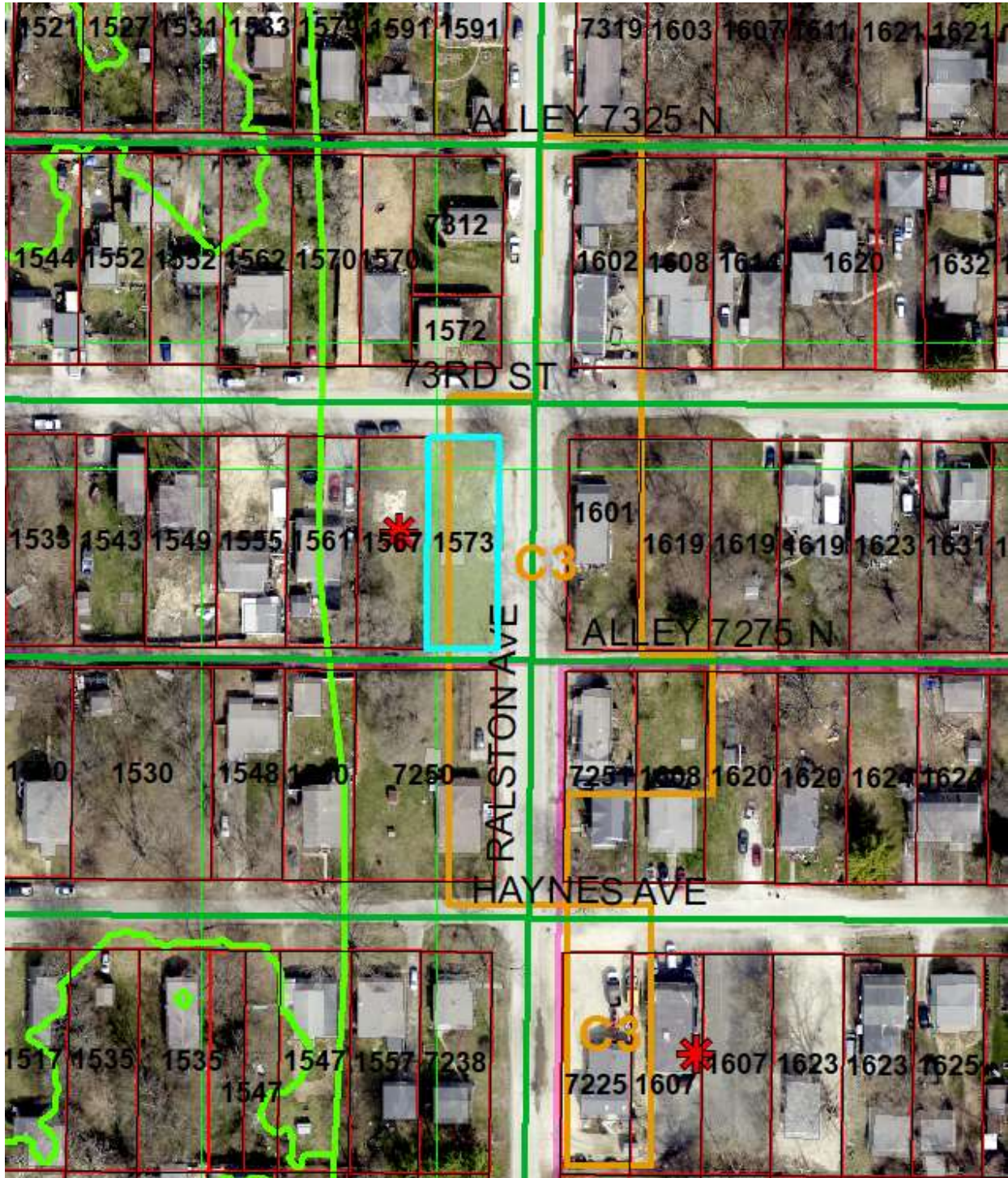




Photo of the subject site looking south.



Photo of the subject site looking north.



Photo of the single-family dwelling south of the site across the alley.



Photo of the single-family dwelling east of the site.



Photo of the commercial lot northeast of the site.



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