

**METROPOLITAN DEVELOPMENT COMMISSION
HEARING EXAMINER**

May 29, 2025

Case Number: 2025-CZN-819 (Amended) / 2025-CPL-819

Property Address: 7030 Mann Road (Approximate Address)

Location: Decatur Township, Council District #20

Petitioner: Jose E. Cuevas, by Justin Kingen and David Kingen

Current Zoning: D-A

Request: Rezoning of 5.31 acres from the D-A district to the D-S district to provide for residential development.
Approval of a Subdivision Plat to be known as Cuevas Estates, subdividing 5.305 acres into two lots.

Current Land Use: Undeveloped property

Staff Recommendations: Approval

Staff Reviewer: Desire Irakoze, Principal Planner II

PETITION HISTORY

This is the first public hearing on this petition.

STAFF RECOMMENDATION

Staff recommends approval of the zoning petition to rezone the site from D-A to D-S.

Staff recommends that the Hearing Examiner approve and find that the plat, file-dated April 29

2025, complies with the standards of the Subdivision regulations, subject to the following conditions:

1. Subject to the Standards and Specifications of Citizens Energy Group, Sanitation Section.
2. Subject to the Standards and Specifications of the Department of Public Works, Drainage Section.
3. Subject to the Standards and Specifications of the Department of Public Works, Transportation Section.
4. That addresses and street names, as approved by the Department of Metropolitan Development, be affixed to the Final Plat prior to recording.
5. That the Enforcement Covenant (Section 741-701, of the Consolidated Zoning and Subdivision Ordinance) be affixed to the Final Plat prior to recording
6. That the Site Distance Covenant (Section 741-702, of the Consolidated Zoning and Subdivision Ordinance) be affixed to the Final Plat prior to recording.
7. That the Sanitary Sewer Covenant (Section 741-704, of the Consolidated Zoning and Subdivision Ordinance) be affixed to the Final Plat prior to recording.

8. That the Storm Drainage Covenant (Section 741-703, of the Consolidated Zoning and Subdivision Ordinance) be affixed to the Final Plat prior to recording.
9. That the plat restrictions and covenants, done in accordance with the rezoning commitments, be submitted prior to recording the Final Plat.
10. 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.
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

PETITION OVERVIEW

LAND USE

This 5.31 acres site, zoned D-A, is vacant and surrounded by single-family dwellings to the north, west, and south, all zoned D-A. To the east, zoned PK-1, containing Southwestway Park.

REZONING

The request would rezone the site to the D-S (Dwelling Suburban) district to provide for two (2) single-family homes.

D-A is the Dwelling Agriculture District, which holds the agricultural lands of Marion County and provides for a variety of agricultural uses. Most agricultural uses (farms) are permitted in this district. A single-family dwelling is intended to be permitted as a part of such agricultural uses. A secondary provision of this district is large estate development of single-family dwellings. The district does not require public water and sewer facilities.

D-S is the Dwelling Suburban District, which permits single-family residential development with a typical density of 0.4 units per acre. The D-S district is intended for suburban areas of extreme topography, areas conducive to estate development, or areas where it is desirable to permit only low-density development.

PLAT

Site Plan

This undeveloped site is zoned D-A. The request would provide for a subdivision plat known as Cuevas Estates that would divide the parcel into two lots. Lot 1 and Lot 2 would consist of 2.45 acres and 2.45 acres. This is a minor subdivision plat.

Per 742-103. A.4. **Public utilities** attachment to public or semipublic water and sanitary sewer facilities shall be mandatory for development in any dwelling district except for the DA, D-S, and D-1 districts.



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Streets

Both lots would front along Mann Road, which is a Primary Arterial public street.

Sidewalks

No sidewalks exist along Mann Road frontage.

Department of Public Works

50' half right-of-way

Waivers

None requested.

STAFF ANALYSIS

The proposed rezone to the D-S district aligns with the Comprehensive Plan which recommends Rural or Estate Neighborhood. This allows the development of the property to align with the existing neighborhood.

GENERAL INFORMATION

Existing Zoning	D-A	
Existing Land Use	Undeveloped	
Comprehensive Plan	Rural or Estate Neighborhood	
Surrounding Context	<u>Zoning</u>	<u>Land Use</u>
	North: D-A	Residential (Single-Family Dwelling)
	South: D-A	Residential (Single-Family Dwelling)
	East: PK-1	Southwestway Park
	West: D-A	Residential (Single-Family Dwelling)
Thoroughfare Plan		
	Mann Road	Primary Arterial 90-foot proposed right-of-way
Context Area	Metro	
Floodway / Floodway Fringe	No	
Overlay	No	
Wellfield Protection Area	No	
Site Plan	April 11, 2025	
Site Plan (Amended)	April 29, 2025	
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 Pattern Book (2019)

Pattern Book / Land Use Plan

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 consists of two (2) 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*
 - 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

- The Infill Housing Guidelines were updated and approved in May 2021, with a stated goal “to help preserve neighborhood pattern and character by providing guiding principles for new construction to coexist within the context of adjacent homes, blocks, and existing neighborhoods. These guidelines provide insight into basic design concepts that shape neighborhoods, including reasons why design elements are important, recommendations for best practices, and references to plans and ordinance regulations that reinforce the importance of these concepts.”
- When infill development occurs in the Metro Context Area, the Infill Housing Guidelines can provide best practices for integrating new buildings into the fabric of existing neighborhoods:
 - **Site Configuration**
 - Front Setbacks
 - Building Orientation
 - **2. Orient Towards the Street**
 - Building Spacing
 - **1. Reinforce Spacing on the Existing Block**
 - Open Space
 - **1. For Lots that Meet Current Size Requirements, Meet Open Space Standards**
 - Trees, Landscaping, and the Outdoors
 - **Aesthetic Considerations**
 - Building Massing
 - **1. Consider the Size of Surrounding Houses**
 - **2. Build with Respect to the Street**
 - Building Height
 - Building Elevations and Architectural Elements
 - **Additional Topics**
 - Secondary Dwelling Units, Garages, and Accessory Structures
 - Adapting to the Future

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.



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- 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

Zoning History- Subject Site

2001-DV2-027; 7030 Mann Road (subject site), Variance of development standards of the dwelling districts zoning ordinance to provide for a 24-by 30-foot detached garage, located within the established front yard setback of the existing primary structures, along Mann Road (accessory structures not permitted in the established front yard), **approved**.

Zoning History-Vicinity

2000-ZON-146; 7010 & 7016 Mann Road (north of site), rezone of 4.5 acres being in the D-A district to the C-4 classification, to provide for commercial uses, **withdrawn**

2009-ZON-034; 7400 Acton Road, 5706 North Meridian Street, 2605 Kentucky Avenue, 9501 East 36th Place, 5335 & 53530 South High School Road and 6038-6240 Valley Lane, 8401 Rockville Road, 1934 North DeQuincy Street, 5398 Milhouse Road, 750 Greer Street, 4241 Fairview Terrace and 4242 Mendenhall Road, 1313 Madison Avenue, 254 East Beecher Street, 5624 South Carroll Road, 4900 West Southport Road, 1616 East 71st Street; and 135 North Richland Street, 4456 Shelbyville Road, 5700 East 23rd Street, and 1701 East Washington Street (east of site), Rezoning of 463.544 acres from multiple zoning districts to the PK-1 classification, to provide for park and recreational uses, **approved**

2000-ZON-051/2000-DP-010; 4900 W Southport Road (east of site), rezone 101 acres being in the D-A district to D-P classification, to provide for single-family development, **denied**.

2008-DV1-056; 7041 Mann Road (east of site), VARIANCE OF DEVELOPMENT STANDARDS of the Dwelling Districts Zoning Ordinance to provide for the construction of a 128-square foot deck, resulting in an accessory use area of 3,104 square feet or 105.76 percent of the total living area of the primary structure (maximum 2,976 square feet or 101.4 percent accessory use area permitted by petition 2007-DV1-033). **approved**.

2007-DV1-033A; 7041 Mann Road (east of site), VARIANCE OF DEVELOPMENT STANDARDS of the Dwelling Districts Zoning Ordinance to A) provide for the construction of a two-story, 24-foot tall, 720-square foot addition to an existing 1,040-square foot detached garage (maximum twenty-foot height permitted), B) resulting in an accessory building area of 1,840-square feet or 95 percent of the main floor area of the primary structure (maximum 1,441 square feet or 75 percent of the main floor area of the primary structure permitted), C) and resulting in an accessory use area of 2,396 square feet or percent of the total living area of the primary structure (maximum 2,935 square feet or 99.99 percent of the total living area of the primary structure permitted), D) legally establish an 80-square foot mini-barn with a zero-foot rear setback (minimum five-foot rear setback required)., **approved**.

2007-DV1-033B; 7401 Mann Road (east of site), VARIANCE OF DEVELOPMENT STANDARDS of the Dwelling Districts Zoning Ordinance to legally establish four-foot setback, **approved**.



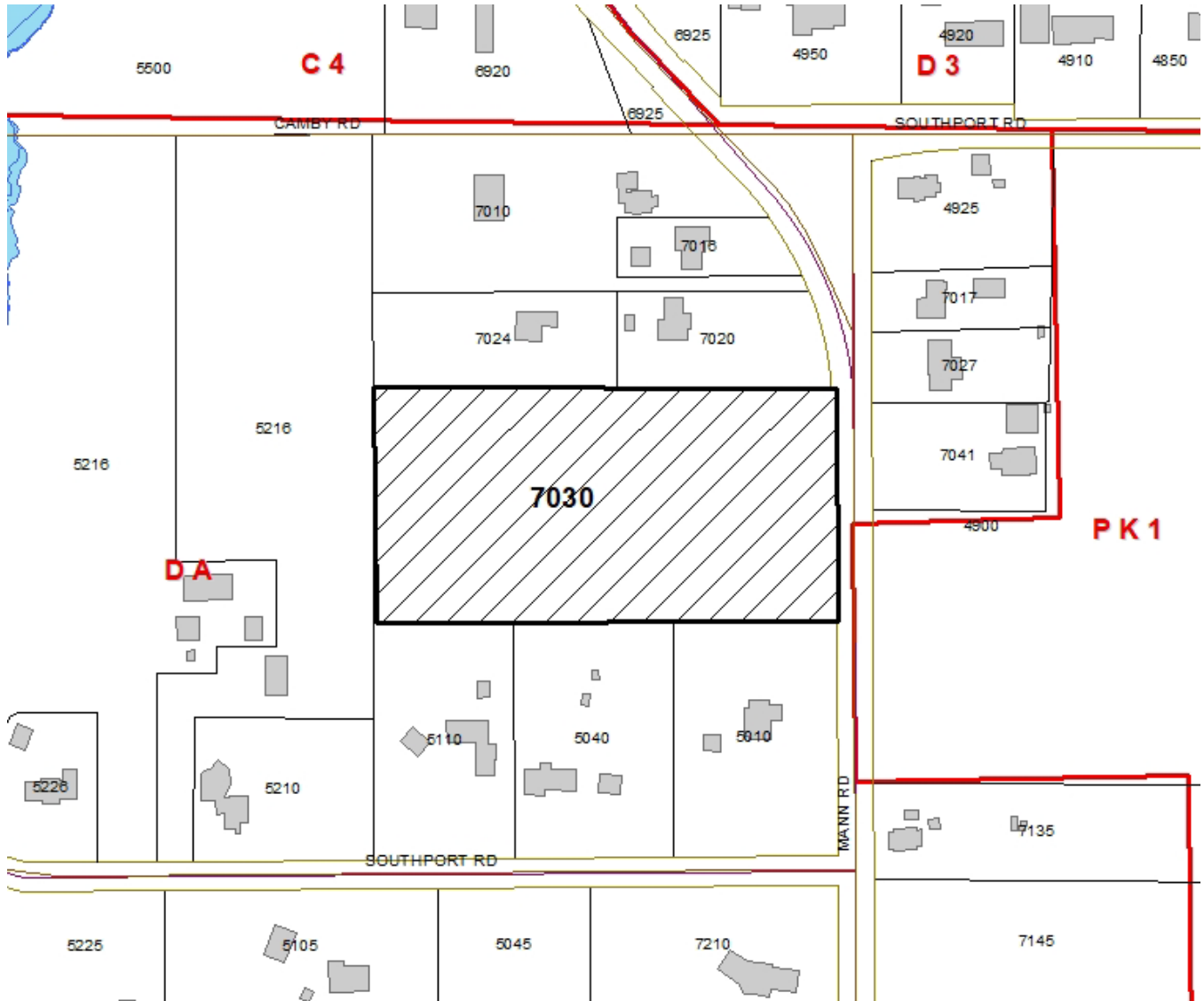
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87-HOV-104; 7041 Mann Road (east of site), Variance of development standards of the Dwelling Districts Zoning Ordinance, to provide for an addition to a single-family dwelling with a rear setback of twelve feet, **granted**.

2024-UV2-005; 4925 W Southport Road (east of site), Variance of use of the Consolidated Zoning and Subdivision Ordinance to provide for the operation of a commercial contractor including the outdoor storage of commercial vehicles and supplies (not permitted), **withdrawn**.

72-Z-275; DMD rezoning of all Park Department Property to PK-1 to provided for uniform park zoning, **Approved**.

EXHIBITS





Petitioner Commitments.

7030 Mann Road – Commitments

1. There shall only be two lots formed from the existing parcel, per the plat exhibit file-dated April 3, 2025 as part of petition 2025-CPL-819, and only one single-family residence shall be built on each of the two (proposed) lots. This is not intended to limit the construction of any accessory uses permitted under the City of Indianapolis Consolidated Zoning/Subdivision Ordinance.
- 2.
3. Each single-family residential structure shall contain a minimum of 1,800 square feet of livable space.



Figure 2 On Mann Road looking at subject property.



Figure 3 Overview credit. Google Photos