



**METROPOLITAN DEVELOPMENT COMMISSION
HEARING EXAMINER**

April 25, 2024

Case Number:	2024-ZON-037
Property Address:	2362 English Avenue (approximate address)
Location:	Center Township, Council District #18
Petitioner:	Miguel Villasol, by Kim and Mark Crouch
Current Zoning:	C-3
Request:	Rezoning of 0.112-acre from the C-3 district to the D-5II district to provide for residential uses.
Current Land Use:	Undeveloped
Staff Recommendations:	Approval, subject to a commitment.
Staff Reviewer:	Marleny Iraheta, Senior Planner

PETITION HISTORY

This is the first public hearing for this petition.

STAFF RECOMMENDATION

Staff **recommends approval** of the request, 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:

The Department of Public Works (DPW), Engineering Division, has requested the dedication and conveyance up to a one-foot right-of-way dedication past the sidewalk so that ownership of the sidewalk is granted to DPW. 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). If the sidewalk is found to be within the existing right-of-way, then additional dedication of right-of-way will not be required.

PETITION OVERVIEW

LAND USE

The 0.11-acre subject site is an undeveloped commercial lot. It is surrounded by single-family dwellings west and east, zoned C-3, a single-family dwelling to the north, zoned SU-1, and a vacant commercial building south, zoned C-3.



REZONING

This petition would rezone this site from the C-3 district to the D-5II district.

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-5II district is intended for small-lot housing formats, primarily for small, detached houses, but also including a mix of small-scale multi-unit building types. This district can be used for new, walkable suburban neighborhoods or for infill situations in established urban areas, including both low density and medium density residential recommendations of the Comprehensive Plan, and the Suburban Neighborhood or Traditional Neighborhood 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 up to a one-foot right-of-way dedication past the sidewalk so that ownership of the sidewalk is granted to DPW.

The Thoroughfare Plan notes a proposed 78-foot right-of-way along English Avenue, however DPW confirmed that there are no plans to widen English Avenue.

Staff Analysis

Staff is supportive of the rezoning to the D-5II district because it would allow for residential uses to be permitted in line with the context of the surrounding area and historical residential use of the site per a 1915 Sanborn Map. The dwelling district would also align with the traditional neighborhood recommendation of the Comprehensive Plan.

The petitioner would need to address the issue with an accessory structure crossing over the western property boundary onto the site, but that would be addressed with the neighboring property owner.

GENERAL INFORMATION

Existing Zoning	C-3	
Existing Land Use	Undeveloped	
Comprehensive Plan	Traditional Neighborhood	
Surrounding Context	<u>Zoning</u>	<u>Land Use</u>
	North:	SU-1 Residential (Single-family dwelling)
	South:	C-3 Commercial
	East:	C-3 Residential (Single-family dwelling)
	West:	C-3 Residential (Single-family dwelling)
Thoroughfare Plan		
English Avenue	Primary Arterial Street	78-foot proposed right-of-way with a 59-foot existing right-of-way.
Context Area	Compact	
Floodway / Floodway Fringe	No	
Overlay	No	
Wellfield Protection Area	No	
Site Plan	March 22, 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

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

Pattern Book / Land Use Plan

- The Marion County Land Use Plan Pattern Book (2019) recommends traditional neighborhood development for the subject 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 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.
 - Developments with densities higher than 15 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**
 - 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)

- Not Applicable to the Site.



ZONING HISTORY

99-NC-36; 2372 English Avenue (east of site), Certificate of Legal Non-Conforming Use for the establishment of a single-family residence within a C-5 District, **granted**.

98-Z-67; 430-450 South Keystone Avenue, 2335- 2339 Southeastern Avenue, and 2330 English Avenue (west and north of site), Rezoning of 1.1 acre, being in the D-5 District, to the SU-1 classification to provide for the expansion of a church and a church school, **approved**.

95-Z-157; 2409 and 2411 English Avenue (southeast of site), Rezoning of 0.6 acre, being in the C-7 District, to the C-4 classification to conform existing commercial uses, **approved**.

79-Z-30; 431 and 442 St. Peter Street (northwest of site), Rezoning of 1.84 acres, being in D-5 District, to SU-1 classification to permit church use and accessory parking, **approved**.

EXHIBITS



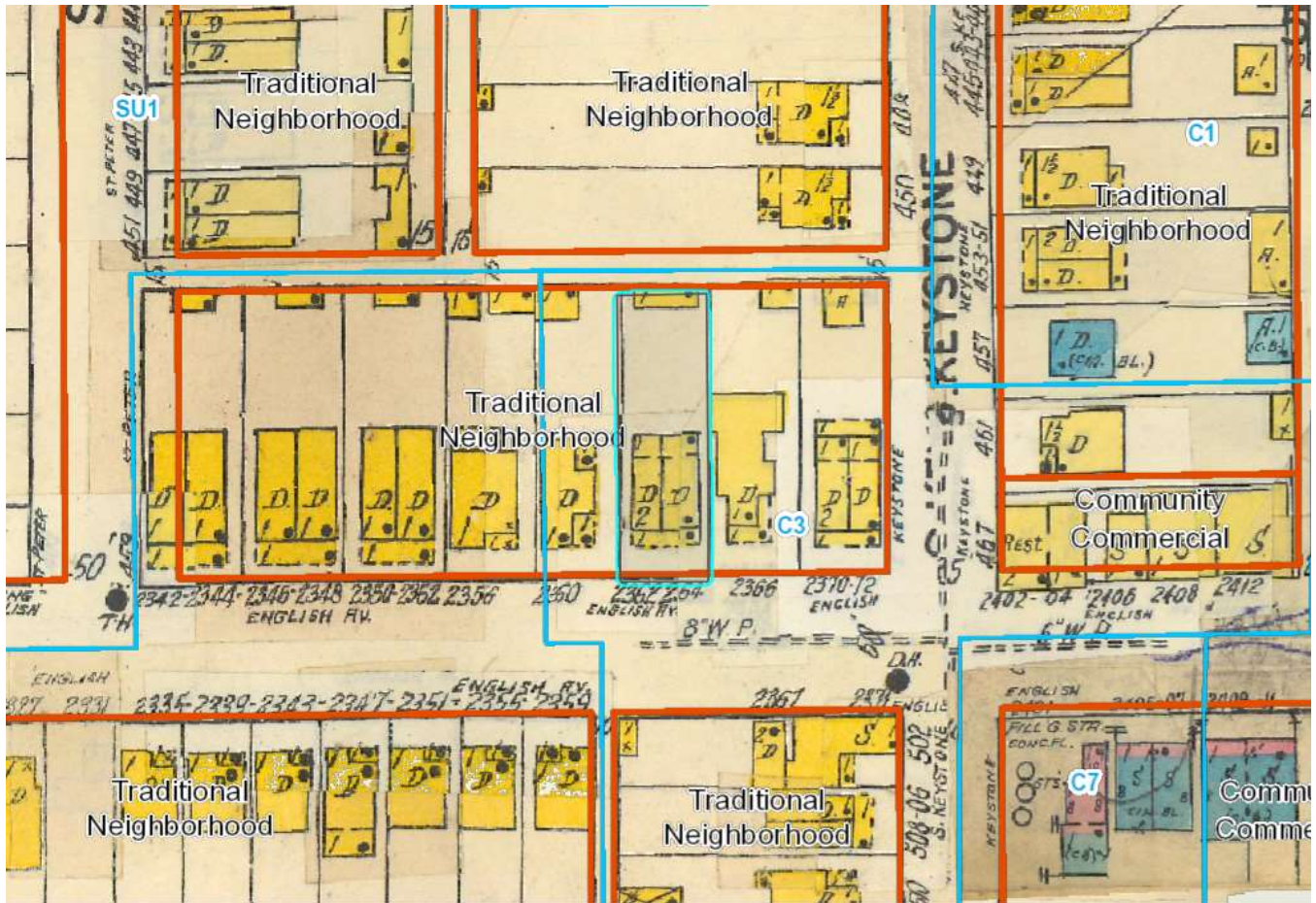




Photo of the subject site.

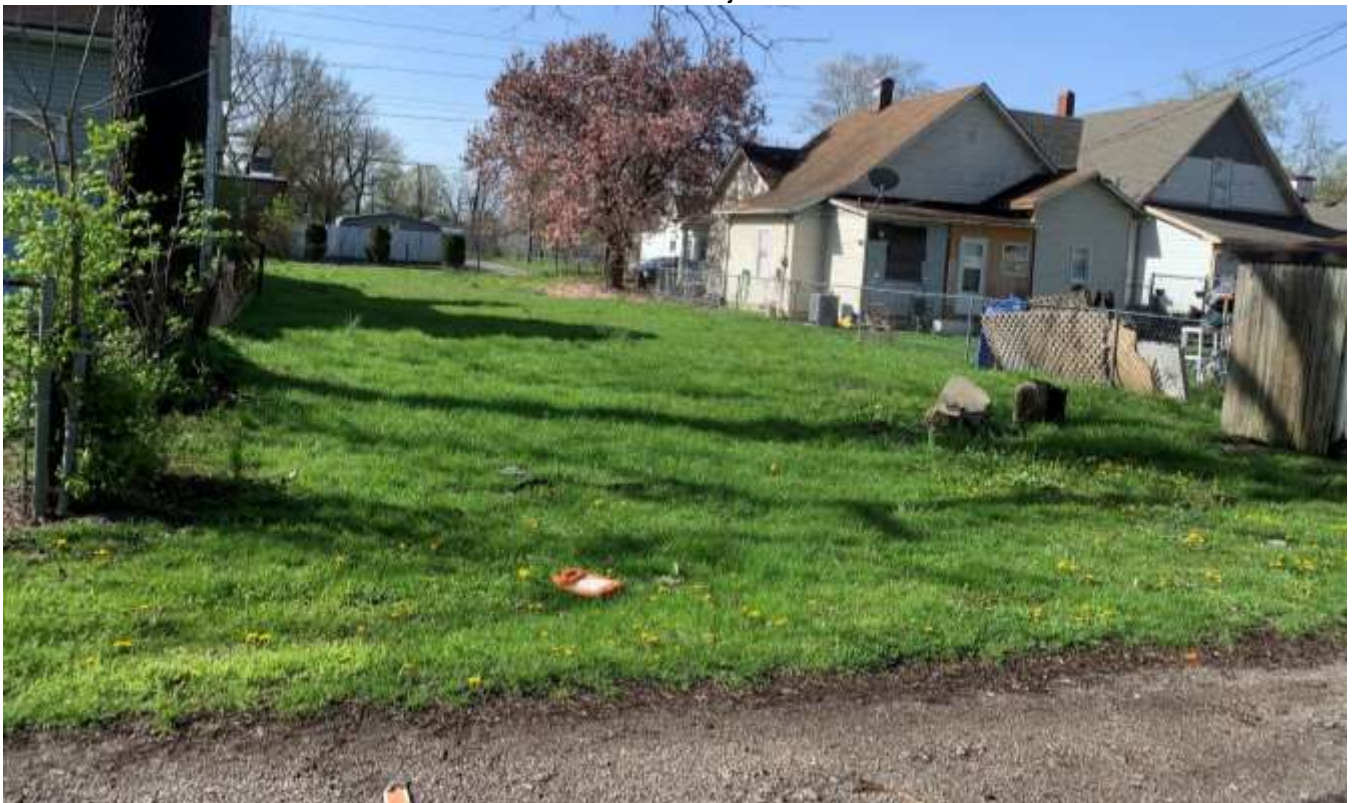


Photo of the rear yard of the subject site.



Photo of an existing shed that crosses into the subject site.



Photo of the commercial property south of English Avenue.



Single-family dwellings west of the site.



Single-family dwelling east of the site.