



**METROPOLITAN DEVELOPMENT COMMISSION
HEARING EXAMINER**

April 25, 2024

Case Number: 2024-ZON-022
Property Address: 1102 Pleasant Street (Approximate Address)
Location: Center Township, Council District #18
Petitioner: Boomerang, LLC, by David Kingen
Current Zoning: C-5 (TOD)
Request: Rezoning of 0.10 acre from the C-5 (TOD) district to the D-8 (TOD) district to legally establish residential uses.
Current Land Use: Residential
Staff Recommendations: Approval
Staff Reviewer: Marleny Iraheta, Senior Planner

PETITION HISTORY

This petition was automatically continued from the March 28, 2024 hearing to the April 25, 2024 hearing at the request of a registered neighborhood organization.

STAFF RECOMMENDATION

Staff recommends approval of the request.

PETITION OVERVIEW

LAND USE

The 0.10-acre subject site is developed with a residential building that contains three dwelling units. In 1998, a Certificate of Non-Conforming use was issued for the site to continue having three dwelling units in one building in the C-5 district.

The site is bordered the north by a single-family dwelling, zoned C-5, single-family dwellings to the west across Shelby Street, zoned C-5, a multi-service center south, zoned SU-38, and a commercial property to the east with a garage, zoned C-5.

REZONING

The C-5 District is designed to provide areas for those retail sales and service functions whose operations are typically characterized by automobiles, outdoor display, or sales of merchandise; by major repair of motor vehicles; by outdoor commercial amusement and recreational activities; or by activities or



operations conducted in buildings or structures not completely enclosed. The types of uses found in this district tend to be outdoor functions, brightly lit, noisy, etc. Therefore, to provide a location where such uses can operate in harmony with the vicinity, the C-5 district should be located on select heavy commercial thoroughfares and should avoid locating adjacent to protected districts.

The D-8 district is intended for a variety of housing formats, with a mix of small-scale multi-unit building types. This district can be used as a part of new mixed-use areas, or for infill situations in established urban areas, including medium and high-density residential recommendations of the Comprehensive Plan, and the Traditional Neighborhood, City Neighborhood, and Village or Urban Mixed-Use Typologies of the Land Use Pattern Book.

Staff Analysis

Staff is supportive of the request to down zone the property from the C-5 district to the D-8 district since it will continue to be used residentially without evidence of it ever being used commercially.

The rezoning would correct the residential use of the site with the corresponding zoning district and would align with the traditional neighborhood recommendation of the Comprehensive Plan.

Lastly, the rezoning of the site would ensure the protection allotted to residential dwellings in protected districts by the Ordinance could be upheld.

GENERAL INFORMATION

Existing Zoning	C-5 (TOD)	
Existing Land Use	Residential	
Comprehensive Plan	Traditional Neighborhood	
Surrounding Context	<u>Zoning</u>	<u>Land Use</u>
	North:	C-5 Residential (Single-family dwelling)
	South:	SU-38 Multi-Service Center
	East:	C-5 Commercial Garage
	West:	C-5 Residential (Single-family dwellings)
Thoroughfare Plan		
Shelby Street	Primary Arterial Street	60-foot existing right-of-way and 56-foot proposed right-of-way.
Pleasant Street	Local Street	55-foot existing right-of-way and 48-foot proposed right-of-way.
Context Area	Compact	
Floodway / Floodway Fringe	No	
Overlay	Yes	
Wellfield Protection Area	No	
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)
- Red Line Transit-Oriented Development Strategic Plan (2021)
- Indy Moves Transportation Integration Plan (2018)

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

- The property falls within the Red Line Transit-Oriented Development Strategic Plan (2021). The closest station within a ¼ mile southwest at the intersection of Woodlawn Avenue and Virginia Avenue.
- This station is classified as a District Center Typology that would promote a dense mixed-use hub for multiple neighborhoods with tall buildings, minimum of 3 stories at core with no front or side setbacks, multi-family housing with a minimum of 5 units, and structured parking only with active first floor.

Neighborhood / Area Specific Plan

- Not Applicable to the Site.

Infill Housing Guidelines

- Not Applicable to the site since the structure already exists.

Indy Moves

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

- Indy Moves Transportation Integration Plan (2018), specifically IndyMoves PedalIndy 2018 proposes an active transportation system, neighborway, along Shelby Street from Prospect Street to Southeastern Avenue.
- Neighborways are slow-speed, low-volume streets shared by people driving and bicycling. They include improvements that calm traffic and give people walking and bicycling priority: 20 MPH speed limit signs, stop signs for side streets crossing the neighborway, speed humps and traffic circles, wayfinding signs and pavement markings, and easier crossings of busy streets with crosswalks, flashing beacons, or traffic signals.
- Pedal Indy strives to:
 - Improve low-stress conditions for biking
 - Support active transportation options to improve health outcomes



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

- Build support and collaboration for multimodal transportation options
- Lay the groundwork for planning, design, implementation, and evaluation of existing and proposed bike infrastructure



ZONING HISTORY

Zoning History- Site

98-NC-47; 1102 Pleasant Street (subject site), Certificate of Legal Non-Conforming Use that permitted three dwelling units, in a building located in a C-5 District, **granted**.

Zoning History- Vicinity

2018-UV3-001; 828 Shelby Street (northwest of site), Variance of use and development standards of the Consolidated Zoning and Subdivision Ordinance to provide for two single-family townhomes (not permitted), within the clear sight triangle of the abutting streets, with a three-foot front setback from Shelby Street, a five-foot front setback from Elm Street and a three-foot side setback (10-foot front and side setbacks required, clear sight triangle encroachment not permitted), **approved**.

2003-ZON-096; 1049 Elm Street (west of site), Rezoning of 1,962 square feet from the C-5 classification to the D-8 classification to provide for residential uses, **granted**.

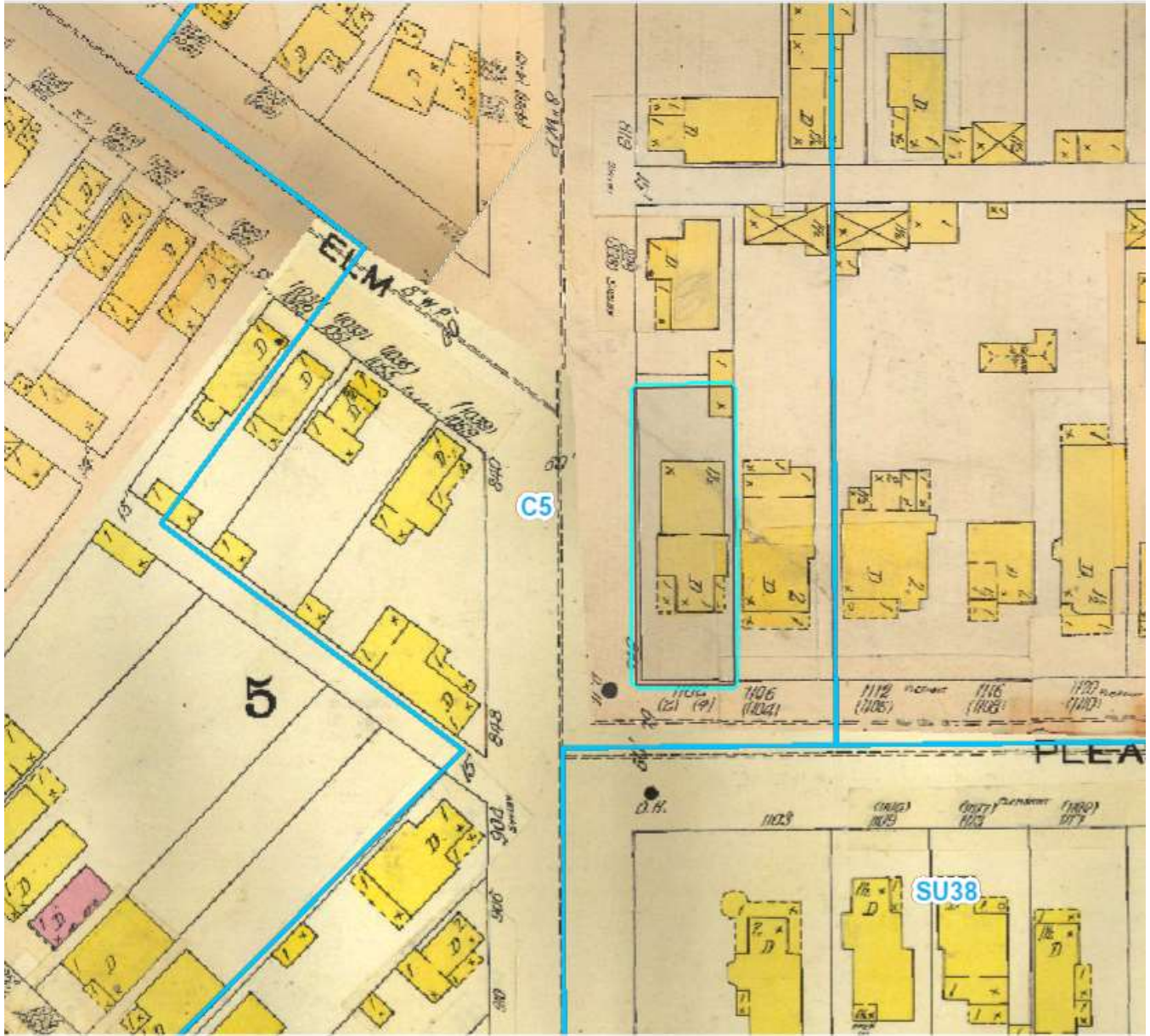
2002-UV1-024; 904 South Shelby Street (southwest of site), Variance of use of the Commercial Ordinance to provide for a three-unit multi-family residence (not permitted), **granted**.

2001-ZON-827; 901 South Shelby Street, 1109, 1113, 1117, 1121, 1125, and 1131 East Pleasant Street, and 1118 and 1122 Woodlawn Avenue (south of site), Rezoning of 1.8 acres being in the C-5 and D-5 Districts, to the SU-39 classification to provide for the expansion of a community center into a proposed three story, 30,000 square foot building, **approved**.

85-UV1-12; 901 Shelby Street (south of site), Variance of use of the Dwelling Districts Zoning Ordinance to provide for the use of two lots off-site parking for an adjacent commercial property, **granted**.

EXHIBITS





1898 Sanborn Map



Photo of the subject site looking north.



Photo of the subject site looking east.



Photo of the street frontage along Shelby Street.



Photo of the rear yard of the subject site.



Photo of the rear building façade.



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



Photo of a social services building south of the site across Pleasant Street.



Photo of the property east of the site with a garage in the rear.



Single-family dwellings west of the site across Shelby Street.