

**METROPOLITAN DEVELOPMENT COMMISSION  
HEARING EXAMINER**

**June 26, 2025**

**Case Number:** 2025-CZN-822 / 2025-CVR-822

**Property Address:** 3802 and 3810 North Franklin Road (Approximate Address)

**Location:** Lawrence Township, Council District #9

**Petitioner:** Cornerstone Housing Group, LLC, by Brad Schwab and Bobbi Jo Lucas Eisold

**Current Zoning:** C-S (TOD)

**Request:** Rezoning of 8.69 acres from the C-S (TOD) district to the D-10 (TOD) district to provide for a multi-family residential development, consisting of 186 units.

Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for a large apartment development, with a 94-foot front building line along 38th Street, a 135-foot front building line along I-465, and a 434-foot front building line along Franklin Road (20-foot to 50-foot front building line range required), surface parking in front of the front building line (surface parking required behind the front building line), with dumpsters and garage/storage buildings in the front yard (shall not be closer to any front lot line than the established front yard setback on the lot).

**Current Land Use:** Undeveloped

**Staff Recommendations:** Approval with commitments.

**Staff Reviewer:** Marleny Iraheta, Senior Planner

**PETITION HISTORY**

**ADDENDUM FOR JUNE 26, 2025 HEARING EXAMINER**

This petition was continued for cause from the June 12, 2025 hearing to the June 26, 2025 hearing at the request of the petitioner to allow them additional time to make changes to the site plan and address concerns from the Department of Public Works.

**Amendment:** The petitioner submitted an amended site plan, file-dated June 17, 2025, to eliminate the 94-foot front building line along 38<sup>th</sup> Street with a compliant 45-foot front building line and relocated the surface parking lot, dumpsters, and garage/storage buildings along 38<sup>th</sup> Street behind the apartment buildings as requested by staff. This amendment of the request will need to be made by the petitioner at the hearing.

Staff now **recommends approval** of the requests, subject to the following commitments being reduced to writing on the Commission's Exhibit "B" forms at least three days prior to the MDC hearing:

1. The 38<sup>th</sup> Street driveway location shall be submitted for review and approval by DPW for a right in/right out (RIRO) condition at 38<sup>th</sup> Street. The centerline of the proposed driveway shall be

located 140 feet west of the centerline of the driveway south of the subject site, across 38<sup>th</sup> Street, prior to the issuance of an Improvement Location Permit.

2. The final site plan and building elevations shall be submitted for Administrative Approval and review by the City Architect.

### **June 12, 2025**

This is the first public hearing for this petition.

### **STAFF RECOMMENDATION**

Staff **recommends approval** of the rezoning.

Staff **recommends denial** of the variances.

### **PETITION OVERVIEW**

#### **LAND USE**

The 8.69-acre subject site, zoned C-S, is comprised of two (2) undeveloped lots. The property is surrounded by commercial uses to the south, zoned C-3 and C-S, to the east by commercial properties, zoned C-3 and C-S, a religious use and commercial uses to the west, zoned SU-1 and C-S, to the north by an industrial property, zoned C-S, and multi-family dwellings, zoned MU-1 and D-6II.

#### **REZONING**

The request would rezone the property from the C-S (TOD) district to the D-10 (TOD) district to provide for multi-family residential development, consisting of 186 units.

The current C-S Development Statement allows for industrial use of the site and does not permit multi-family development.

The D-10 district is intended for high density housing formats, in moderate- or large-scale, multi-unit building types. This district can be used at transitions and urban centers and corridors, including the high-density residential recommendations of the Comprehensive Plan, and the City Neighborhood and Urban Mixed-Use Typologies of the Land Use Pattern Book.

#### **VARIANCE OF DEVELOPMENT STANDARDS**

The grant of the request would allow for the front building line ranges to exceed the maximum permitted and would allow for surface parking areas, dumpsters and garage/storage buildings in the front of the front building line within the front yard.

Per Table 744-701-2: Private Frontage Design Standards, the site would need to meet the Neighborhood Yard Frontage standards that include a front building line range between 20 feet to 50 feet. The subject

site has three (3) front yards to the west, east, and south and would propose three front different building line ranges as follow: 94 feet along 38<sup>th</sup> Street, 135 feet along I-465, and 434 feet along Franklin Road.

The Neighborhood Yard Frontage standards also require surface parking lots to be locate behind the front building line.

In the D-10 dwelling district, minor residential structures and residential support facilities or amenities shall not be located closer to any front, rear or side lot line than the required minimum perimeter yard setback of the dwelling district, or, in the case of a front yard, the established front yard setback on the lot, whichever is greater.

### **Secondary Zoning District “Overlay”**

This site is also located within a Secondary Zoning District, specifically the Transit Oriented Development (TOD). “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 Transit-Oriented Development (TOD) overlay is intended for areas within walking distance of a transit station. The purpose of this overlay is to promote pedestrian connectivity and a higher density than the surrounding area.

The closest transit station is located within a 1/4 mile southeast of the site at 38<sup>th</sup> Stret and Franklin Road with a Community Center typology.

The Community Center stations are in commercial hubs with varying types of commercial developments, from large strip centers to shopping malls, along arterial corridors. Development opportunities vary from redevelopment into mixed-use, walkable patterns to multifamily residential infill development.

### **DEPARTMENT OF PUBLIC WORKS**

Staff from the Department of Public Works (DPW) provided the following comments:

- DPW is now requesting new traffic counts at 38th & Franklin with queue analysis of the south bound left turn at 38th and northbound left turn into the site. The goal is to see how much storage is needed for the left-turn queues and if there’s sufficient room for both to occur within the center lane. This could be a letter/memo submittal rather than a report.
- A driveway access across from the storage entrance would not be preferred because it would require modification of the Purple Line infrastructure to install an east bound, left turn lane into the site.
- Depending on the traffic analysis results of the Franklin driveway, a determination could be made on the 38<sup>th</sup> Street drive and would need to coordinate with IndyGo.

## **STAFF ANALYSIS**

Staff determined that the rezoning request to the D-10 district to allow for a multi-family development to be proposed would be supportable because it would be adjacent to the 38<sup>th</sup> Street and Franklin Road Purple Line Bus Rapid Transit station. This location would be ideal for residents to be able to access public transportation for their everyday needs, increase ridership of the bus line, and promote additional development along the corridor.

The two (2) existing billboards would be removed from site with this development if rezoned, which staff is supportive of.

Staff had concerns with the number of parking spaces proposed, lack, of residential amenities, location of the dumpsters and garage/storage buildings in the front yard, and the parking areas proposed in front of the front building line along 38<sup>th</sup> Street. However, staff's biggest concern was the excessive 94-foot front setback variance requested to have the buildings along 38<sup>th</sup> Street exceed the required range of 20 to 50 feet.

Any difficulty with meeting the development standards of the Ordinance is completely self-imposed due to the proposed layout of the site.

Staff found that the site was large enough to accommodate parking at the rear of the site and relocation of the accessory uses as well. With an existing range of 23 feet to 75 feet of existing right-of-way from the southern property boundary to the back edge of the sidewalk along 38<sup>th</sup> Street, staff determined it would be more than enough separation buffering from 38<sup>th</sup> Street. The minimum 20-foot front building line range would increase it further.

Staff found that the increased separation from I-465 would be supportable since there is no hard barrier to protect or buffer the anticipated residents from the interstate and the eastern increased setback from Franklin Road is a small technicality since most of the building faces the eastern side yard. Staff was willing to support the variance requests along I-465 and Franklin Road if the front setback of the buildings along 38<sup>th</sup> street would fall within the permitted range. The change would have ensured the Transit Oriented Development goals could have been met by providing first floor activation along the street to enhance the pedestrian experience on 38<sup>th</sup> Street. This could have been accomplished by relocating the surface parking behind the buildings to provide sufficient room to push the buildings forward.

Unfortunately, the amended site plan provided on May 29, 2025 only included the relocation of accessory structures out of the front yard. It did not address the relocation of the parking area along 38<sup>th</sup> Street or the front setback. Little was done to reduce the total parking count as well.

The request for new traffic counts by DPW were not addressed. If there was additional time with a continuance, the petitioner could have provided this information for a determination to be made on the newly proposed drive on 38<sup>th</sup> Street noted in the amended site plan.

For these reasons, staff is recommending approval of the rezoning and denial of the variances.

## GENERAL INFORMATION

<b>Existing Zoning</b>	C-S (TOD)	
<b>Existing Land Use</b>	Undeveloped	
<b>Comprehensive Plan</b>	Office Commercial Uses and eight to 15 residential units per acre	
<b>Surrounding Context</b>	<b>Zoning</b>	<b>Land Use</b>
North:	C-S / MU-1 / D-6II	Industrial / Multi-family dwellings
South:	C-3 / C-S	Commercial
East:	C-3 / C-S	Commercial
West:	SU-1 / C-S	Religious Use / Commercial
<b>Thoroughfare Plan</b>		
Franklin Road	Primary Arterial Street	90-foot proposed right-of-way and 119-foot existing right-of-way.
38 <sup>th</sup> Street	Primary Arterial Street	112-foot proposed right-of-way and 160-foot existing right-of-way.
I-465	Freeway	248-foot existing right-of-way.
<b>Context Area</b>	Metro	
<b>Floodway / Floodway Fringe</b>	No	
<b>Overlay</b>	Yes	
<b>Wellfield Protection Area</b>	No	
<b>Site Plan</b>	April 21, 2025	
<b>Site Plan (Amended)</b>	May 29, 2025	
<b>Elevations</b>	N/A	
<b>Elevations (Amended)</b>	N/A	
<b>Landscape Plan</b>	N/A	
<b>Findings of Fact</b>	May 9, 2025	
<b>Findings of Fact (Amended)</b>	N/A	
<b>C-S/D-P Statement</b>	N/A	

## COMPREHENSIVE PLAN ANALYSIS

### Comprehensive Plan

- East 38th Street Corridor Plan (2012)
- Purple Line Transit-Oriented Development Strategic Plan (2021)
- Indy Moves Transportation Integration Plan (2018)

### **Pattern Book / Land Use Plan**

- Not Applicable to the Site. Please see East 38th Street Corridor Plan (2012) below.

### **Red Line / Blue Line / Purple Line TOD Strategic Plan**

- The site falls within the Purple Line Transit-Oriented Development Strategic Plan (2021).
- The closest transit station is located within a 1/4 mile southeast of the site at 38th Street and Franklin Road with a Community Center typology.
- Characteristics of this typology include dense mixed-use neighborhood center, minimum of two stories at core, no front or side setbacks at core, zero to ten-foot front and side setbacks at the periphery and multi-family housing with a minimum of three units. Structured parking should be at the core and attractive surface parking at the periphery.

### **Neighborhood / Area Specific Plan**

- The site falls within the East 38th Street Corridor Plan (2012).
- The Plan recommends office commercial uses and 8-15 residential units per acre development of the site.
- The office commercial uses land use category is for low-intensity office uses, integrated office development and compatible office-type uses. Retail uses are not promoted in this category, unless those uses are significantly subordinate to the primary office use or the retail use exclusively serves an abundance of office uses in proximity to the retail use. Office Commercial Uses can exist either as buffers between higher intensity land uses and lower intensity land uses or as major employment centers. The following uses are representative of this land use category: medical and dental facilities, education services, insurance, real estate, financial institutions, design firms, legal services, day care centers, mortuaries, and communications studios.
- The residential development recommendation greater than eight (8) and equal or less than 15 units per acre is typically the highest density serviceable in suburban areas. In suburban areas it would typically be a multi-family (apartment or condominium) category. In urban areas, this is the highest density single-family residential category and a common multi-family category. Development at this density is appropriate for all types of mass transit corridors.
- Corridors serve to move people and goods. They provide ways to reach destinations. Corridors also define the community's identity and help to shape the overall quality of life. Land use policies, transportation needs and market forces must work harmoniously together to ensure that land use and infrastructure meet the long-term needs of the community.
- Corridor plans do not focus strictly on engineering plans for the purpose of added roadway capacity. This corridor plan attempts to provide a more comprehensive view of the principal roads and their

context. While automobile travel dominated past plans, all travel modes must now be considered. It is essential to integrate transit, bicycle and pedestrian modes while maintaining automobile traffic capacity. The public investment in the road infrastructure and related utility infrastructure must be protected as a fully balanced multimodal approach becomes the standard. All these aspects of corridor planning were applied in the preparation of the East 38th Street Corridor Plan.

- An objective of the plan is to encourage a variety of new housing facilities that can meet the needs of persons with disabilities and others that need additional support services. A full range of housing options and prices is desirable in the community. A balance of single family and multi-family housing options should remain but not to result in housing densities that exceed current levels.
- Another objective would be to develop an overall corridor beautification plan that will include improvements within the public right-of way and in properties that have frontage on the street. Develop a streetscape plan in coordination with planning improvements in street conditions, new sidewalks and bicycle infrastructure.

#### **Infill Housing Guidelines**

- Not Applicable to the Site.

#### **Indy Moves**

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

- The site falls within the Indy Moves Transportation Integration Plan (2018).
- The Franklin Road multi-use path is proposed along Franklin Road from Rawles Avenue to 56<sup>th</sup> Street to span 6.47 miles. The path will provide a safe north-south connection for multi-modal access on the East side of Indianapolis.
- A multi-use path is proposed along 38<sup>th</sup> Street from Sutherland Avenue to Post Road.



## ZONING HISTORY

### Zoning History - Site

**2020-MOD-016; 3802 and 3810 North Franklin Road and 7745 East 42nd Street** (subject site) Modification of Commitments related to 95-Z-105 to modify Commitment Two, Commitment Three and the site plan to provide for a revised site plan to provide for additional parking spaces, maintenance facility, wash bays and fuel dispensers related to an industrial development (requires substantial compliance with the plan filed dated July 13, 1995; landscape plan requires administrative approval with 10-foot landscape strips), **withdrawn**.

**95-Z-105; 7808 East 38th Street and 7705 East 42nd Street** (subject site), Rezoning of 30 acres from the C-2 C-ID, D-7 and C-3 to C-S classification to provide for office / commercial / industrial park, **approved**.

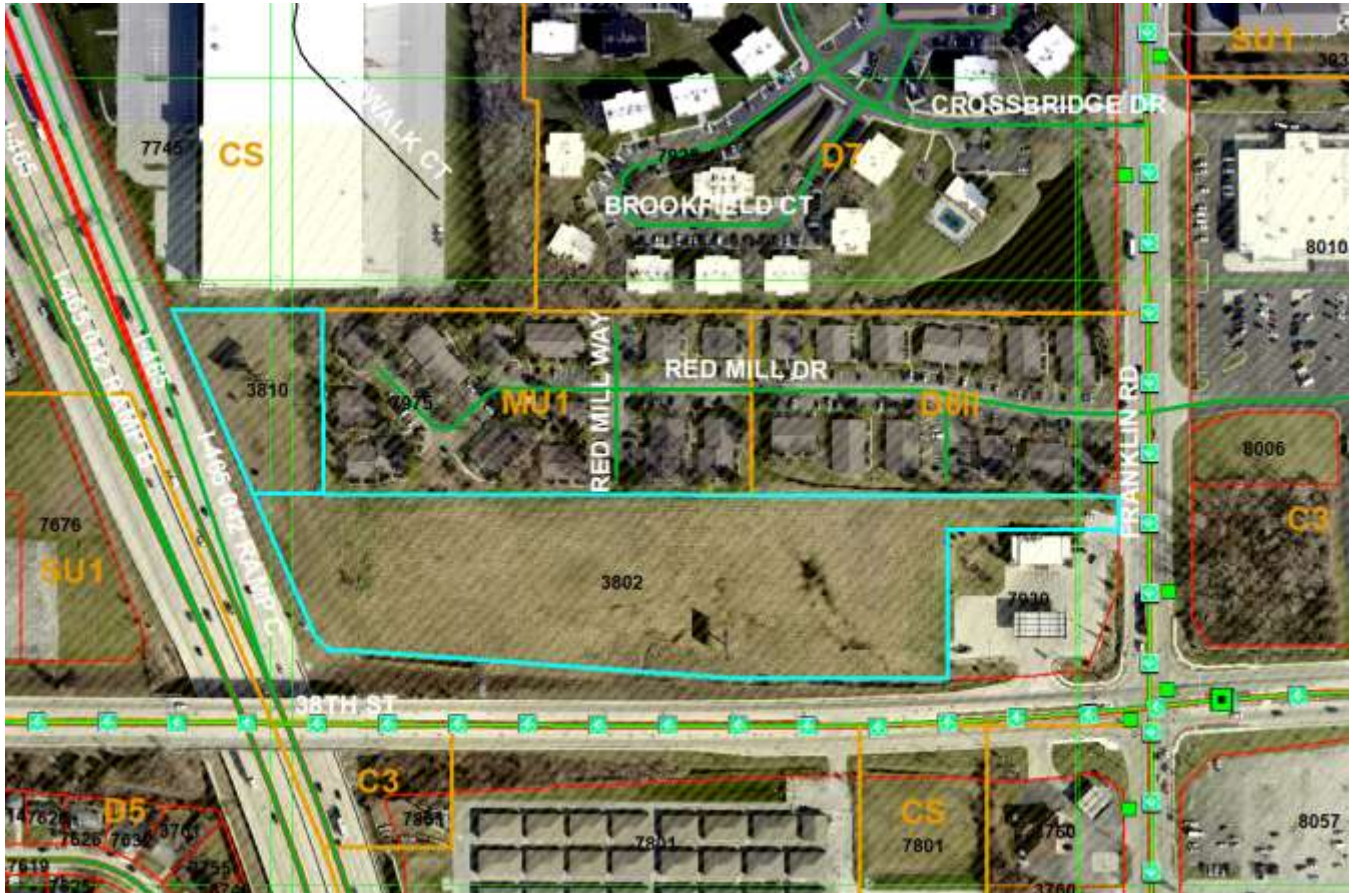
**90-Z-21; 7940 East 38<sup>th</sup> Street** (subject site), Rezoning of 4.875 acres, being in the C-2 district, to the C-3 classification to provide for commercial development, **approved**.

**71-Z-239A; 7950 East 38th Street** (subject site), Rezoning of 8.76 acres, being in the D-5 District, to the C-3 classification to provide for commercial development, **approved**

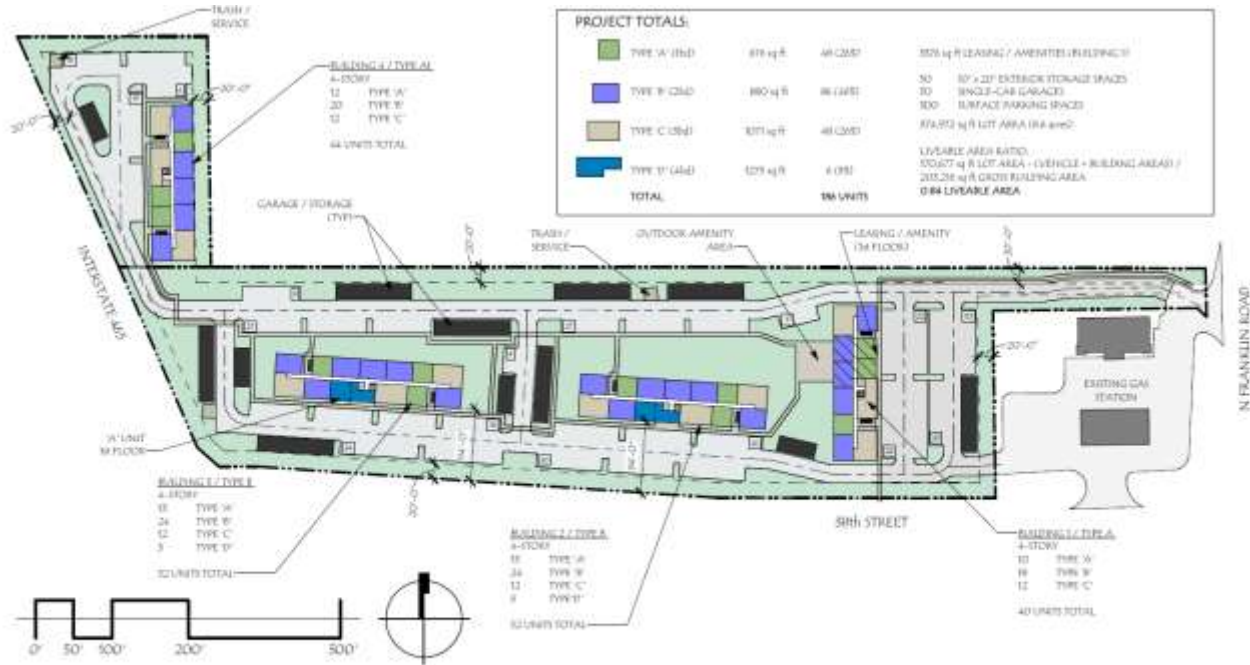
**71-Z-239B; 7802 East 38th Street** (subject site), Rezoning of 10.96 acres, being in the A-2 District, to the C-2 classification to provide for offices and other allowable development, **approved**.



EXHIBITS



### SITE PLAN

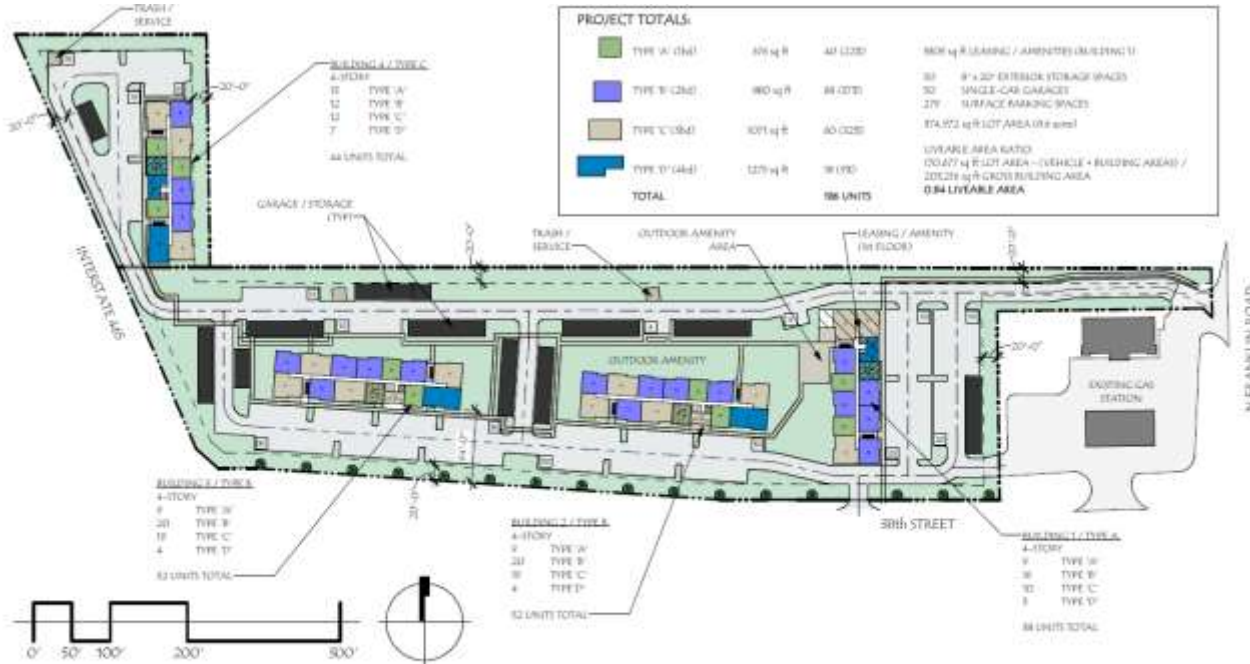


3802 N Franklin Road | Cornerstone Housing Group  
 Site Concept Plan

04/10/2025



### AMENDED SITE PLAN



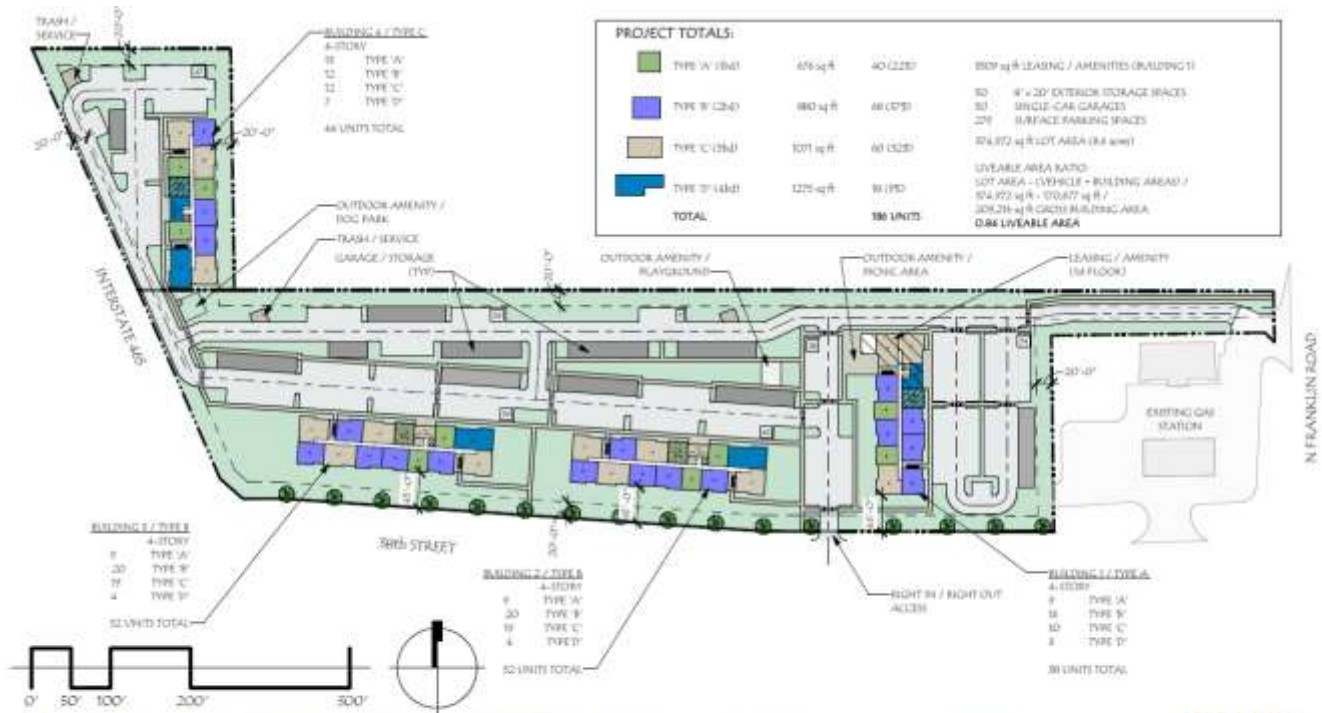
3802 N Franklin Road | Cornerstone Housing Group  
 Site Concept Plan

05/29/2025 REV





2<sup>nd</sup> AMENDED SITE PLAN



3802 N Franklin Road | Cornerstone Housing Group  
 Site Concept Plan

06/17/2025 REV

**MULTIPLE DWELLING PROJECT ANALYSIS  
DEPARTMENT OF METROPOLITAN DEVELOPMENT  
DIVISION OF PLANNING**

Property Address: 3802 N Franklin Rd Date: 05/02/2025  
Project Name: Cornerstone Apartments Date of Plans: 04/10/2025  
Zoning Classification: D-10, Dwelling District Ten

	Required Ratios by Ordinance	Computed Ratios
Floor Area Ratio	FAR = 0.80 maximum	<b>0.54</b>
Open Space Ratio	OSR =	<b>1.56</b>
Livability Space Ratio	LSR= 0.66 minimum	<b>0.89</b>
Major Livability Space Ratio	MLSR=	<b>0.12</b>
Total Car Ratio	TCR=	<b>1.61</b>
What to Determine	How to determine it	Determination
Floor Area – FA	From Plans	FA <b>201,216 sq ft</b>
Land Area – LA	From Plans in square feet	LA <b>374,972 sq ft</b>
Floor Area Ratio – FAR	FA / LA	FAR <b>0.54</b>
Building Area – BA	From Plans	BA <b>50,304 sq ft</b>
Usable Roof Areas – URA	From Plans	URA <b>N/A</b>
Uncovered Open Space – UOS	LA-BA+URA	UOS <b>304,668 sq ft</b>
Covered Open Space – COS	From Plans	COS <b>20,000 sq ft</b>
Open Space – OS	UOS + ½ COS	OS <b>314,668 sq ft</b>
Open Space Ratio – OSR	OS / FA	OSR <b>1.56</b>
Car Area – CA	From Plans	CA <b>136,191 sq ft</b>
Livability Space – LS	OS – CA	LS <b>178,477 sq ft</b>
Livability Space Ratio – LSR	LS / FA	LSR <b>0.89</b>
Major Livability Space – MLS	From Plans	MLS <b>23,693 sq ft</b>
Major Livability Space Ratio – MLSR	MLS / FA	MLSR <b>0.12</b>
Number of Dwelling Units – DU	From Plans	DU <b>186</b>
Number of Parking Spaces – PS	From Plans	PS <b>300</b>
Total Car Ratio – TCR	PS / DU	TCR <b>1.61</b>
Gross Density – GD	DU / (LA / 43,560)	GD <b>21.6</b>

## Cornerstone Apartments Indianapolis, IN



Cornerstone Housing Group, LLC, Developer, is proposing to construct 186-units of affordable workforce housing at 3802 & 3810 N. Franklin Road, to be known as the Cornerstone Apartments. The development will provide 1, 2, 3, and 4-bedroom homes to families at 50%, 60%, and 70% of the Marion County area median income (AMI).

**Preliminary market analysis** has provided information regarding the demand for housing in this area. Reports indicate the need for housing is strong, projecting a capture rate of only 5.3% on the proposed 186-units.

**The 8.69-acre property** is currently zoned Commercial-Special District and will require a rezoning to permit multifamily housing. The site is currently vacant, except for 2 billboards, which will be removed to maximize the developable area.

The property is within ¼ mile of a sheltered bus stop on IndyGo's new Purple Line (Stop ID 70083), connecting to the Downtown Transit Center, Ivy Tech Community College & the Benjamin Harrison YMCA

**The development** consists of four (4) buildings, each being 4 stories in height. The exterior will consist of a brick/stone combination to compliment the use of hardy-board or stucco material. Final design will be determined through the plan review process with the City. The intent is to create a building theme that is contemporary, energy efficient, and compliments the surrounding area.

**Development amenities** include on-site management, 24 hr on-call maintenance, interior mail room, a community room, business center, fitness room, social areas, dog park/dog run, a dog washing station, garages and personal storage units for rent. The buildings are designed with a focus on accessibility and security, thus each building is elevator served.

Each home is designed with open concept in mind and will be equipped with Energy Star Rated fixtures and appliances, including but not limited to refrigerator, electric stove/oven, microwave, dishwasher, garbage disposal and washer/dryer; water conserving faucets, shower heads, and bathroom facilities; full window coverings, ceiling fans, coat closet, cable/Internet connections.

**Construction** is estimated to commence in early 2026 and will consist of a 24-month build out.





Department of Metropolitan Development  
Division of Planning  
Current Planning

Petition Number \_\_\_\_\_

METROPOLITAN DEVELOPMENT COMMISSION  
HEARING EXAMINER  
METROPOLITAN BOARD OF ZONING APPEALS, Division \_\_\_\_\_  
OF MARION COUNTY, INDIANA

PETITION FOR VARIANCE OF DEVELOPMENT STANDARDS

FINDINGS OF FACT

1. The grant will not be injurious to the public health, safety, morals, and general welfare of the community because:

a deeper front building line and parking in front of the front building line will improve the quality of life of our residents and their families by:

(1) Providing greater separation between residential units and E 38th St., a four-lane arterial carrying high speed and high volume cross-city traffic, helps mitigate vibration, road noise, and air pollution experienced by our residents; (2) Providing a deeper front building line also improves the views of front facing units that would otherwise look directly onto E 38th St or into the E 38th St berm installed to lift the road over I-465; (3) Placing parking in front allows the thoughtful placement of open space, gathering space, and outdoor amenities further from the road and behind the buildings further protecting residents from road noise and air pollution increasing their use and enjoyment of the property while outdoors.

2. The use or value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner because:

we only have three neighbors with shared common property lines, two of which include a large warehouse to our north and a gas station to our east. The third, Autumn Trails Apartments to our north, will not be adversely affected by the variances and may benefit by having some parking loaded in front of our buildings reducing traffic, head lights, and door closings adjacent to their property. The greater area includes a mix of land uses with a variety of building setbacks and with parking in front.

3. The strict application of the terms of the zoning ordinance will result in practical difficulties in the use of the property because:

The property naturally slopes from west to east. Using the natural contours of the land for conveying and detaining stormwater indicates the low spot at the southeast corner is the ideal location for detention pond placement. It is anticipated that the detention pond will be close to one acre and will run parallel to E 38th St creating a need for buildings in the middle and on the east side to be setback further. Buildings on the west side also benefits from a greater setback otherwise it will be encumbered by being too close to the berm constructed to elevate E 38th St over I-465. The road berm is over 20' higher than the property near the southwest property corner.

DECISION

IT IS THEREFORE the decision of this body that this VARIANCE petition is APPROVED.

Adopted this \_\_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_





Photo of the subject site looking west from the abutting gas station to the east.



Photo of the subject site looking northwest towards the multi-family dwellings to the north.





Southern property boundary looking west along 38th Street with the storage facility south of the site.



Photo of the existing sidewalk along 38<sup>th</sup> street looking west.



Northern property boundary looking west along the proposed entrance drive location.



Photo of the eastern property boundary along Franklin Road looking east.





Photo of the gas station east of the site.



Photo of the closest transit stop station for the Purple Line at 38<sup>th</sup> Street and Franklin Road.



Northwest property boundary looking east.



Western property boundary looking south along I-465.



Religious use west of the site across I-465.