



**METROPOLITAN DEVELOPMENT COMMISSION  
HEARING EXAMINER**

**November 21, 2024**

**Case Number:** 2024-ZON-119

**Property Address:** 134 and 142 West 30th Street and 3006 Kenwood Avenue (Approximate Address)

**Location:** Center Township, Council District #8

**Petitioner:** M S One Investments LLC, by Mark and Kim Crouch

**Current Zoning:** C-4

**Request:** Rezoning of 0.22-acre from the C-4 district to the D-8 district to provide for four single-family detached dwellings.

**Current Land Use:** C-4

**Staff Recommendations:** Approval

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

**PETITION HISTORY**

**ADDENDUM FOR NOVEMBER 21, 2024 HEARING EXAMINER**

The petitioner submitted a second amended site plan on November 6, 2024 that showed a better indication that the D-8 standards could be met with a few changes to the setbacks and revised building layout at the corner lot. However, to ensure that variances would not be requested in the future staff will be requesting this as a commitment.

Staff **recommends approval** of the rezoning 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. A 39-foot half right-of-way shall be dedicated along the frontage of 30<sup>th</sup> Street, as per the request of the Department of Public Works (DPW), Engineering Division. 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).
2. All D-8 development standards shall be met in accordance with Table 742.103.03 and Table 744-701-2 for Terrace Frontage.

**October 24, 2024**

This is the first public hearing for this petition.

## STAFF RECOMMENDATION

Staff **recommends denial** of the request as submitted.

If the petitioner were to commit to meeting the D-8 district standards, then staff could recommend approval 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:

3. A 39-foot half right-of-way shall be dedicated along the frontage of 30<sup>th</sup> Street, as per the request of the Department of Public Works (DPW), Engineering Division. 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).
4. All D-8 development standards shall be met in accordance with Table 742.103.03 and Table 744-701-2 for Terrace Frontage.

## PETITION OVERVIEW

### LAND USE

The 0.22-acre subject site is comprised of three undeveloped parcels (1050958, 1006618, and 1004743) to be combined and subdivided later.

The sites are surrounded to the west by a liquor store across the alley, zoned C-3, to the north by a two-family dwelling, zoned D-3, to the east by a parking garage and storage area, zoned C-S, and to the south by a fire station, zoned SU-9.

### REZONING

This petition would rezone this site from the C-4 district to the D-8 district to allow for single-family residential development.

The C-4 District is designed to provide for the development of major business groupings and regional-size shopping centers to serve a population ranging from a community or neighborhoods to a major segment of the total metropolitan area. These centers may feature a number of large traffic generators such as home improvement stores, department stores, and theatres. Even the smallest of such freestanding uses in this district, as well as commercial centers, require excellent access from major thoroughfares. While these centers are usually characterized by indoor operations, certain permitted uses may have limited outdoor activities, as specified.

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.

**DEPARTMENT OF PUBLIC WORKS**

The Department of Public Works, Traffic Engineering Section, has requested the dedication and conveyance of a 39-foot half right-of-way along 30<sup>th</sup> Street. This dedication would also be consistent with the Marion County Thoroughfare Plan.

**STAFF ANALYSIS**

Staff is recommending denial of the request as submitted because there are concerns with the proposed layout of the site shown in both site plans since there would need to be multiple variances requested for the development of the single-family dwellings.

The amended site plan would require variances for the corner lot for deficient front and rear yards and for not having the front entrance location on east side front façade. Additionally, front loaded garages are prohibited along 30<sup>th</sup> Street per the Terrace Frontage standards and there is the possibility of deficient landscaping for the proposed lots. The standards noted in Table 742.103.03 for Detached House – Compact Lot would apply for single-family dwellings and so would the standards in Table 744-701-2 for Terrace Frontage.

If the petitioner were to commit to meeting all D-8 development standards and providing the right-of-way dedication as requested by DPW, then staff could recommend approval of the request.

Staff would be supportive of the rezoning to the D-8 district because it would allow for residential uses to align with the context of the surrounding area and would increase the housing stock although it would deviate from the community commercial recommendation of the Comprehensive Plan.

**GENERAL INFORMATION**

|                            |                         |  |
|----------------------------|-------------------------|--|
| <b>Existing Zoning</b>     | C-4                     |  |
| <b>Existing Land Use</b>   | Undeveloped             |  |
| <b>Comprehensive Plan</b>  | Community Commercial    |  |
| <b>Surrounding Context</b> | <b>Zoning</b>           | <b>Land Use</b>  |
|                            | North:                  | D-8 Residential (Two-family dwelling)                            |
|                            | South:                  | SU-9 Fire Station  |
|                            | East:                   | C-S Parking Garage and Storage area                              |
|                            | West:                   | C-3 Liquor Store   |
| <b>Thoroughfare Plan</b>   |                         |  |
| 30 <sup>th</sup> Street    | Primary Arterial Street | 78-foot proposed right-of-way and 50-foot existing right-of-way  |
| Kenwood Avenue             | Local Street            | 48-foot proposed right-of-way and 50-foot existing right-of-way. |

|                                   |                    |
|-----------------------------------|--------------------|
| <b>Context Area</b>               | Compact            |
| <b>Floodway / Floodway Fringe</b> | No                 |
| <b>Overlay</b>                    | Yes                |
| <b>Wellfield Protection Area</b>  | No                 |
| <b>Site Plan</b>                  | September 19, 2024 |
| <b>Site Plan (Amended)</b>        | October 10, 2024   |
| <b>Elevations</b>                 | N/A                |
| <b>Elevations (Amended)</b>       | N/A                |
| <b>Landscape Plan</b>             | N/A                |
| <b>Findings of Fact</b>           | N/A                |
| <b>Findings of Fact (Amended)</b> | N/A                |
| <b>C-S/D-P Statement</b>          | N/A                |

## COMPREHENSIVE PLAN ANALYSIS

### Comprehensive Plan

- Marion County Land Use Plan Pattern Book (2019)
- Red Line Transit-Oriented Development Strategic Plan (2021)
- Infill Housing Guidelines (2021)

### Pattern Book / Land Use Plan

- The Marion County Land Use Plan Pattern Book (2019) recommends community commercial development at this site.
- 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 the Comprehensive Plan does not contemplate residential uses, the residential use of the sites would increase the housing stock and would provide additional dwellings in an area where it would be suitable and in line with the context of the surrounding area.

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

- The subject site falls within the Red Line Transit-Oriented Development Strategic Plan (2021) but does not fall within the Transit Oriented Development Secondary District.

- The site would be within ¼ mile of the 30<sup>th</sup> Street and Meridian Street transit station, which is classified as a district center typology.
- Development around this station should be a dense mixed-use hub for multiple neighborhoods with tall buildings, minimum of three 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

- **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)

- A bike lane exists along 30<sup>th</sup> Street from Harding Street to Illinois Street.

## ZONING HISTORY

### Zoning History - Vicinity

**2023-ZON-129; 3050 North Illinois Street** (east of site), Rezoning of 3.31 acres from the C-S (TOD) district to the C-S (TOD) district to provide for a storage building and Modification of Site Plan related to 2003-ZON/VAR-805 and 2004-APP-041 to provide for an updated site plan to include the proposed storage building. **withdrawn.**

**2008-ZON-036; 2946 North Capitol Avenue and 2943 Boulevard Place** (southwest of site), Rezoning of 0.98 acre, from the C-4 and D-8 Districts to the SU-1 classification to provide for religious uses, **approved.**

**2004-ZON-840; 3001 North Capitol Avenue** (west of site), Rezoning of 0.32 acre from C-4 and D-8 to C-3 to legally establish and provide for the expansion of a liquor store; **approved.**

**2003-ZON-805; 3130 North Illinois** (east of site) Rezoning of 3.91 acres, being in the D-8 and C-4 Districts, to the C-S classification to provide for a parking garage and pedestrian bridge, **approved.**

**2000-ZON-137; 2950 Kenwood Avenue** (south of site), Rezoning 0.07 acre, being in the D-8 District to the SU-9 classification to provide for the construction of a fire station, **approved.**

**2000-ZON-029; 2959 North Capitol Avenue** (southwest of site), Rezoning of 0.30 acre from C-3 to SU-9 to provide for a fire station; **approved.**

**99-CP-19Z; 2850 – 2960 North Meridian Street, 2869 North Illinois Street, 2870-2960 North Illinois Street** (southeast of site) Rezoning 15.03 acres from the C-1 (RC), C-2 (RC), D-8 (RC) and D-9 (RC) to the C-S (RC) to provide for corporate offices, corporate guest housing, conference center, retreat center, banquet facilities, leasable office space, child care, a religious use, and retail operations, **approved.**

**98-Z-1; 2946 North Kenwood Avenue** (south of site), Rezoning of 0.61 acre from D-8 to SU-9, to provide for the expansion of a fire station, **granted.**

**96-Z-50; 2960, 2952, and 2946 North Capitol Avenue** (southwest of site), Rezoning of 14 acres from C-4 and D-8 to SU-1 to provide for the construction of a new church and fellowship hall, **withdrawn.**

**93-Z-61; 3051-3131 North Illinois Street, 3130 North Meridian Street 120 West 30th Street, 3009-3043 North Kenwood Avenue;** (east of site) Rezoning of 5.0 acres from C-4, D-8 and D-9 to C-S, to provide for parking, **approved.**

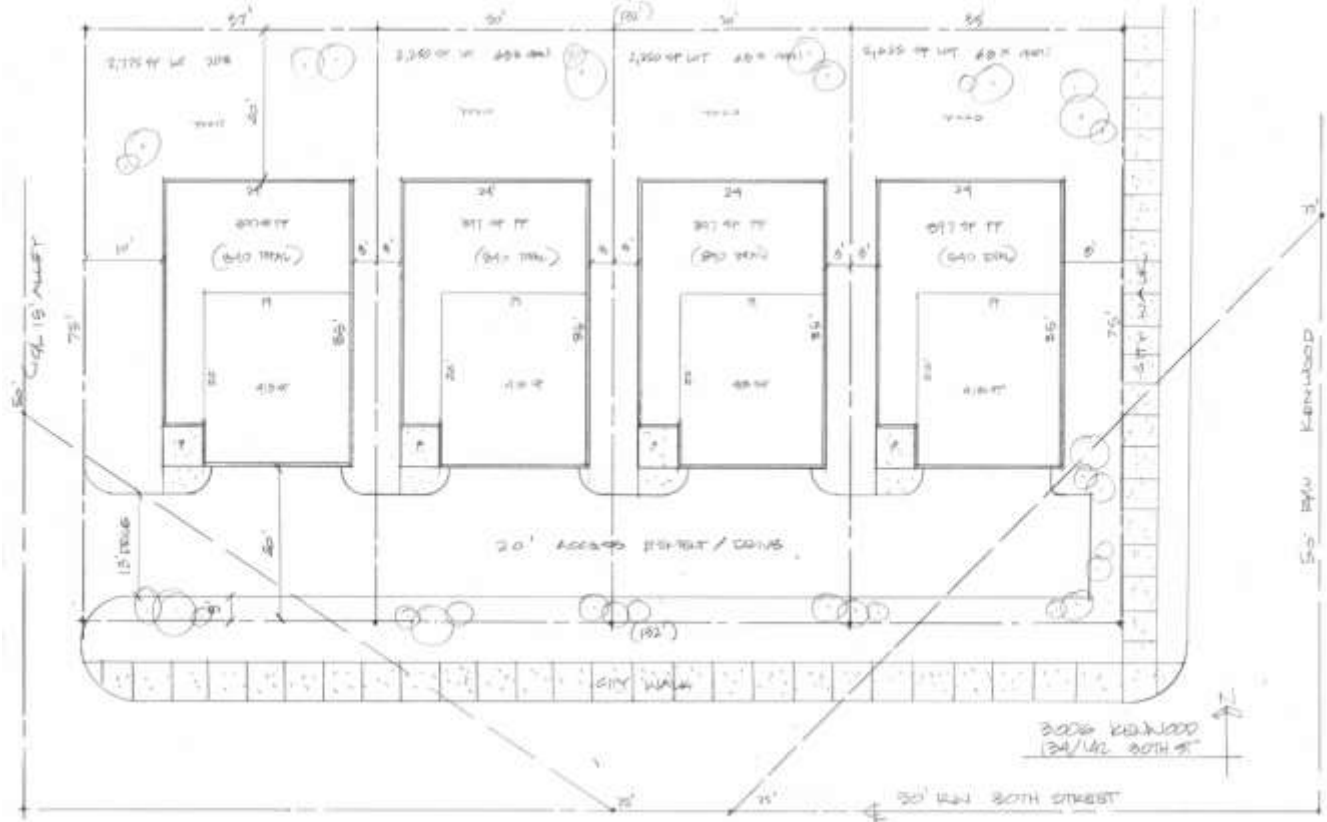


**EXHIBITS**





SITE PLAN



AMENDED SITE PLAN

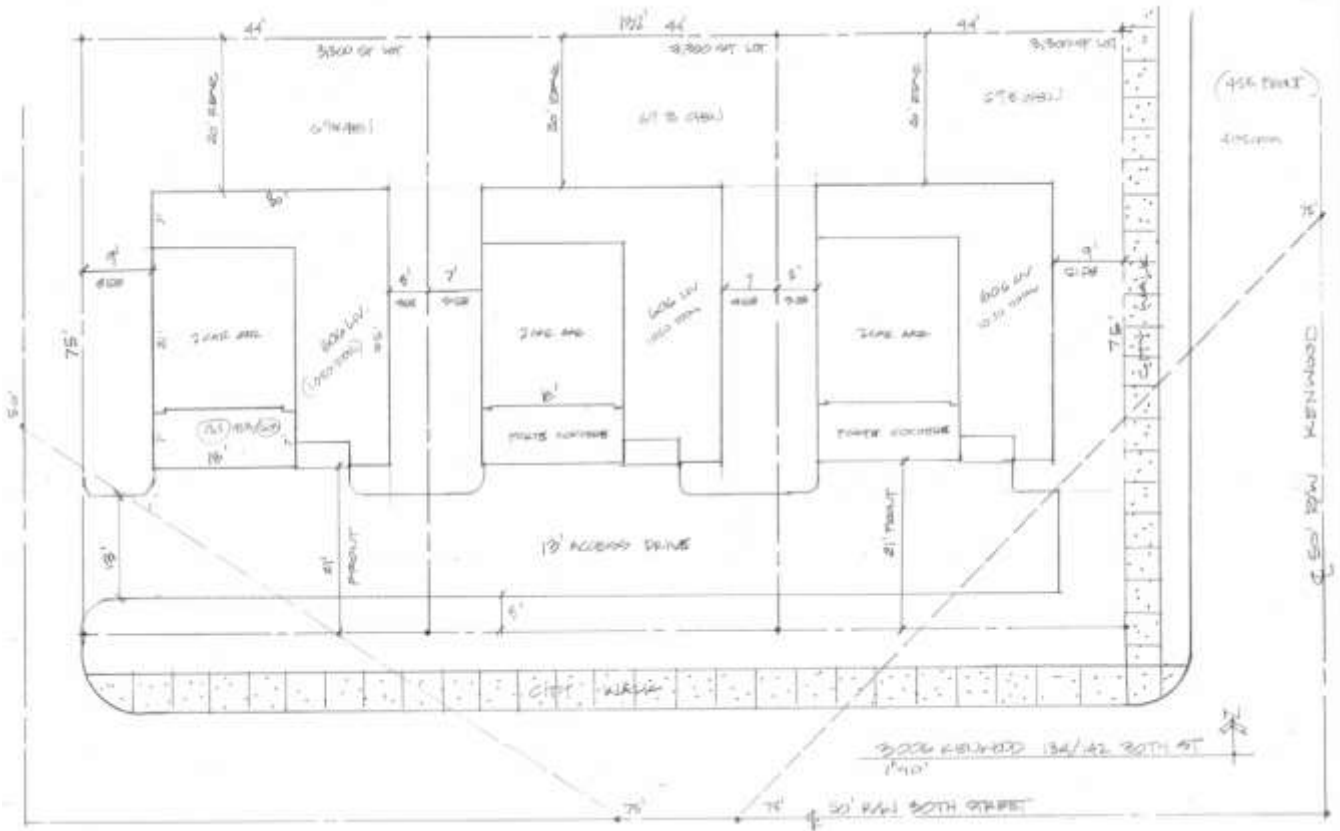






Photo of the subject site looking north from 30<sup>th</sup> Street.



Photo of the subject site looking west from Kenwood Avenue.





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



Photo of the fire station south of the site.



Photo of the alley west of the subject site looking north from 30<sup>th</sup> Street.



Photo of the liquor store west of the site.