



**METROPOLITAN DEVELOPMENT COMMISSION  
HEARING EXAMINER**

**November 21, 2024**

<b>Case Number:</b>	2024-ZON-094
<b>Property Address:</b>	622 South Keystone Avenue
<b>Location:</b>	Center Township, Council District #18
<b>Petitioner:</b>	Shelly Mills, by David Gilman
<b>Current Zoning:</b>	D-5
<b>Request:</b>	Rezoning of 0.820 acre from the D-5 to the D-5II district to provide a multi-family row housing development.,
<b>Current Land Use:</b>	Single-family dwelling
<b>Staff Recommendations:</b>	Denial.
<b>Staff Reviewer:</b>	Kathleen Blackham, Senior Planner

**PETITION HISTORY**

The Hearing Examiner continued this petition from the September 12, 2024 hearing to the October 10, 2024 hearing, at the request of the petitioner's representative.

The Hearing Examiner continued this petition from the October 10, 2024 hearing, to the October 24, 2024 hearing, and to the November 21, 2024 hearing, to provide additional time for staff to review development options recently submitted.

**STAFF RECOMMENDATION**

Denial. If approved, staff would request that approval be 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. Final site plan and elevations shall be submitted for Administrator Approval prior to the issuance of an Improvement Location Permit (ILP).
2. The site and improved areas within the site shall be maintained in a reasonably neat and orderly manner during and after development of the site with appropriate areas and containers / receptables provided for the proper disposal of trash and other waste.
3. A 24-half right-of-way shall be dedicated along the frontage of South Keystone Avenue, 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).

## PETITION OVERVIEW

This 0.820-acre site, zoned D-5, is developed with a single-family dwelling and accessory buildings. It is surrounded by single-family dwellings to the north and south; a single-family dwelling to the east, across South Keystone Avenue; and an accessory building to the west, all zoned D-5.

Petitions 88-V3-83 and 90-UV1-3 provided for the preparation and delivery of meals to those unable to leave the house. Both variances expired after one year from the grant of the variance.

## REZONING

The request would rezone the site to the D-5II (walkable neighborhood) district. “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.”

“To advance the Livability Principles of this Code, the D-5, D-5II, D-8, D9 and D-10 districts implement walkable, compact neighborhoods within a well-connected street network and block structure, using slow neighborhood streets, walkable connectors, and multi-mode thoroughfares. Access to parks and recreation, transit and neighborhood services within walking distance is important. Street trees, landscape and trees along private frontages, and an active amenity zone create comfortable walking environment and add appeal to neighborhoods. These districts require urban public and community facilities and services to be available.”

The Comprehensive Plan recommends traditional neighborhood typology for the site.

As proposed, this request would be consistent with the Comprehensive Plan, depending upon how the site is developed and the resulting density. However, the proposed development options that have been submitted would not be consistent with the Pattern Book guidelines or the Infill Housing Guidelines and would be detrimental to and incongruent with the surrounding neighborhood character of single- and two-family dwellings and the density would be as high as 19.5 units per acre.

In accordance with The Patten Book, attached housing should be located at intersections of collector streets. The proposed development would be mid-block and along a local street.

Furthermore, staff views this request as spot zoning because it would introduce a new district into a district that has been D-5. Spot zoning is the process of singling out a small parcel of land for a use classification totally different from that of the surrounding area for the benefit of the owner of such property and to the detriment of other owners. Obviously, the D-5II district would be residential but the proposed development options submitted to the file would be “totally different from that of the surrounding area.”

Staff is also concerned with elevations that were submitted because they would not be architecturally compatible or harmonious with the surrounding land uses and neighborhood character. Consequently, staff would request that elevations be submitted for Administrator Approval prior to the issuance of an Improvement Location Permit (ILP).

### **Department of Public Works**

The Department of Public Works, Traffic Engineering Section, has requested the dedication and conveyance of a 24-foot half right-of-way along South Keystone Avenue. This dedication would also be consistent with the Marion County Thoroughfare Plan.

### **Environmental Public Nuisances**

The purpose of the Revised Code of the Consolidated City and County, Sec.575 (Environmental Public Nuisances) is to protect public safety, health and welfare and enhance the environment for the people of the city by making it unlawful for property owners and occupants to allow an environmental public nuisance to exist.

All owners, occupants, or other persons in control of any private property within the city shall be required to keep the private property free from environmental nuisances.

Environmental public nuisance means:

1. Vegetation on private or governmental property that is abandoned, neglected, disregarded or not cut, mown, or otherwise removed and that has attained a height of twelve (12) inches or more;
2. Vegetation, trees or woody growth on private property that, due to its proximity to any governmental property, right-of-way or easement, interferes with the public safety or lawful use of the governmental property, right-of-way or easement or that has been allowed to become a health or safety hazard;
3. A drainage or stormwater management facility as defined in Chapter 561 of this Code on private or governmental property, which facility has not been maintained as required by that chapter; or
4. Property that has accumulated litter or waste products, unless specifically authorized under existing laws and regulations, or that has otherwise been allowed to become a health or safety hazard.

Staff would request a commitment that emphasizes the importance of maintaining the site in a neat and orderly manner at all times and provide containers and receptacles for proper disposal of trash and other waste.

## GENERAL INFORMATION

<b>Existing Zoning</b>	D-5	
<b>Existing Land Use</b>	Single-family dwelling / accessory buildings	
<b>Comprehensive Plan</b>	Traditional Neighborhood	
<b>Surrounding Context</b>	<u><b>Zoning</b></u>	<u><b>Land Use</b></u>
North:	D-5	Single-family dwelling
South:	D-5	Single-family dwellings
East:	D-5	Single-family dwellings
West:	D-5	Accessory building
<b>Thoroughfare Plan</b>		
South Keystone Avenue	Local Street	Existing 45-foot right-of-way and proposed 48-foot right-of-way.
<b>Context Area</b>	Compact	
<b>Floodway / Floodway Fringe</b>	No	
<b>Overlay</b>	No	
<b>Wellfield Protection Area</b>	No	
<b>Site Plan</b>	August 2, 2024	
<b>Site Plan (Amended)</b>	September 25, 2024, September 30, 2024, October 3, 2024	
<b>Elevations</b>	August 2, 2024	
<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

- The Comprehensive Plan recommends Traditional Neighborhood typology. 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 five 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.”

## Pattern Book / Land Use Plan

The Comprehensive Plan consists of two 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:

- *Conditions for All Land Use Types – Traditional Neighborhood Typology*
  - All land use types except small-scale parks and community farms/gardens in this typology must have adequate municipal water and sanitary sewer.
  - All development should include sidewalks along the street frontage.
  - In master-planned developments, block lengths of less than 500 feet, or pedestrian cut-throughs for longer blocks, are encouraged.
- *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.
- *Attached Housing (defined as duplexes, triplexes, quads, townhouses, row houses, stacked flats, and other, similar legally complete dwellings joined by common walls and typically with each unit on its own lot or part of a condominium).*
  - Duplexes should be located on corner lots, with entrances located on different sides of the lot.
  - It is preferred that townhomes should be organized around intersections of neighborhood collector streets, greenways, parks or public squares, or neighborhood-serving retail.

- If the above conditions are not met, individual buildings of attached housing (not part of a complex) may be interspersed with single-family homes but should not make up more than 25% of the primary residential structures on a block.

### **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 (2021)
- 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.”
- These guidelines apply to infill development in residential areas within the Compact Context Area and include the following features:
  - Site Configuration
    - Front Setbacks
    - Building Orientation
    - Building Spacing
    - Open Space
    - Trees, Landscaping, and the Outdoors
  - Aesthetic Considerations
    - Building Massing
    - Building Height
    - Building Elevations and Architectural Elements
  - Additional Topics
    - Secondary Dwelling Units, Garages, and Accessory Structures
    - Adapting to the Future

- “As established neighborhoods experience new development, infill residential construction will provide housing options for new and existing residents. Increased population contributes positively to the local tax base, economic development, lively neighborhoods, and an interesting city. As infill construction occurs, it is important to guide development in a way that complements current neighborhoods. Each home in a neighborhood not only contributes to the existing context of adjoining houses and the block, but to the sense of place of the entire neighborhood.”

### **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.
  - 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



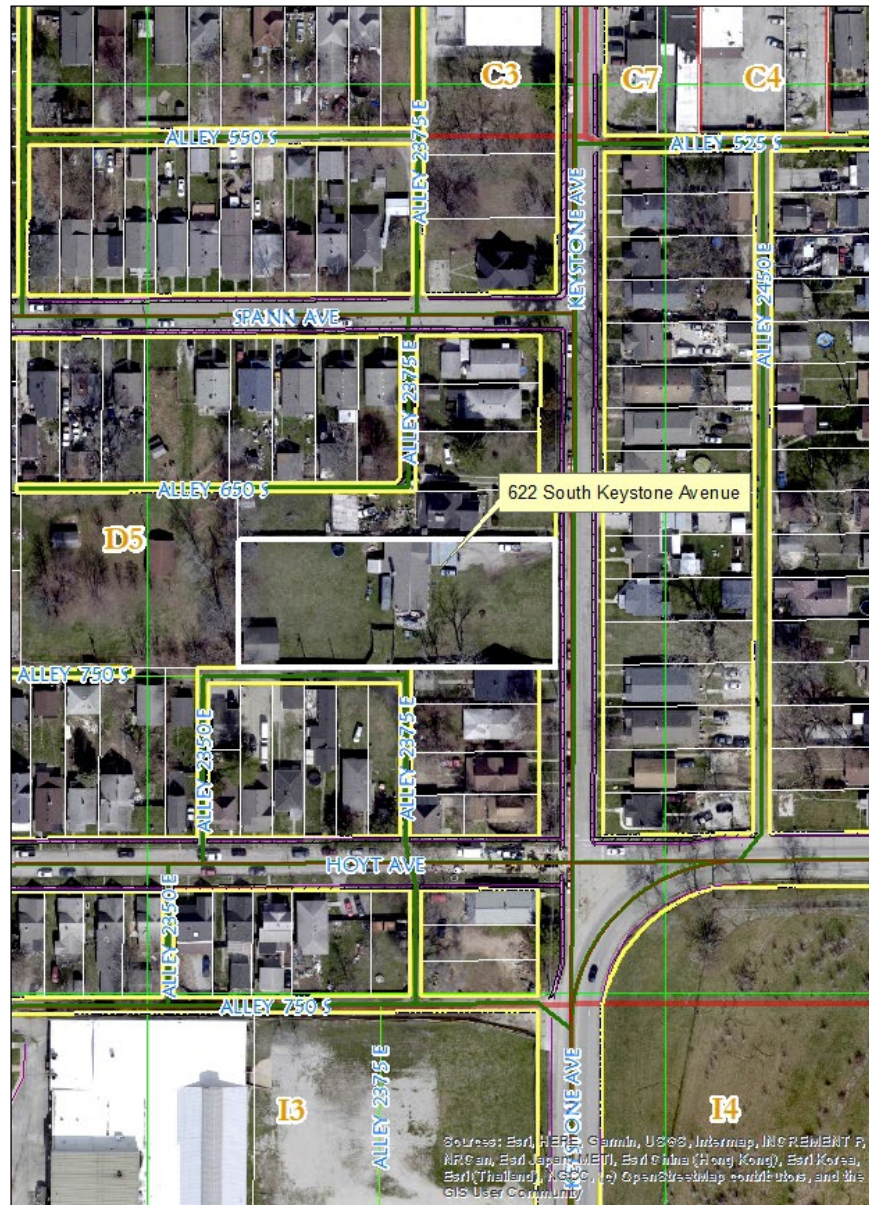
## ZONING HISTORY

**88-V3-83; 622 South Keystone Avenue**, requested a variance of use of the Dwelling Districts Zoning Ordinance to provide for the reuse of an existing building for the preparation and dispensing of meals to the poor and homeless, **granted for one year**.

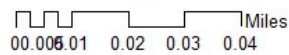
**90-V1-23; 622 South Keystone Avenue**, requested a variance of use of the Dwelling Districts Zoning Ordinance to permit a Mission on Wheels to provide meals on site and by delivery to citizens unable to leave their homes, **granted for one year**.



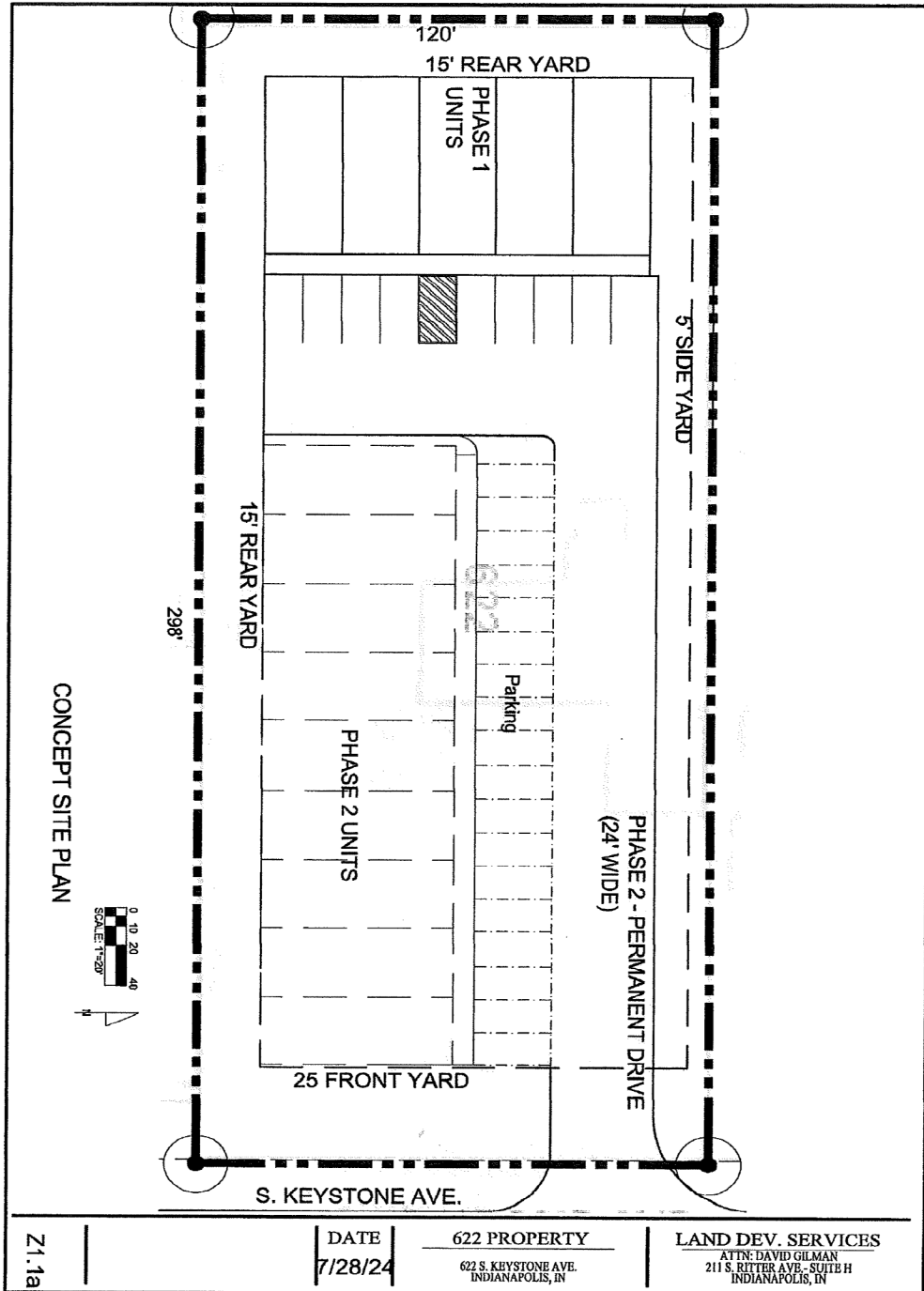
EXHIBITS



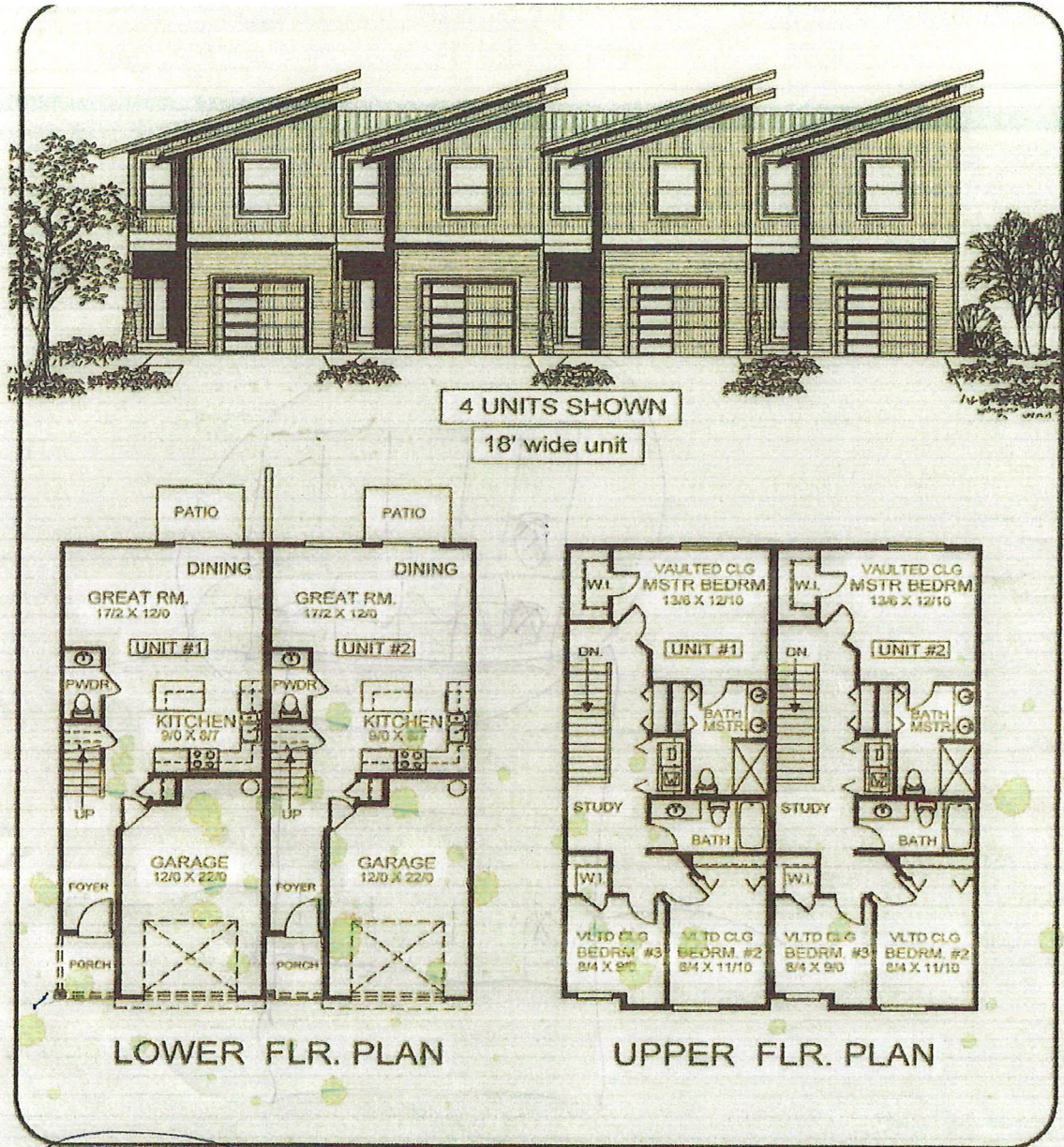
622 South Keystone Avenue



Site Plan – August 2, 2024



Elevations – August 2, 2024



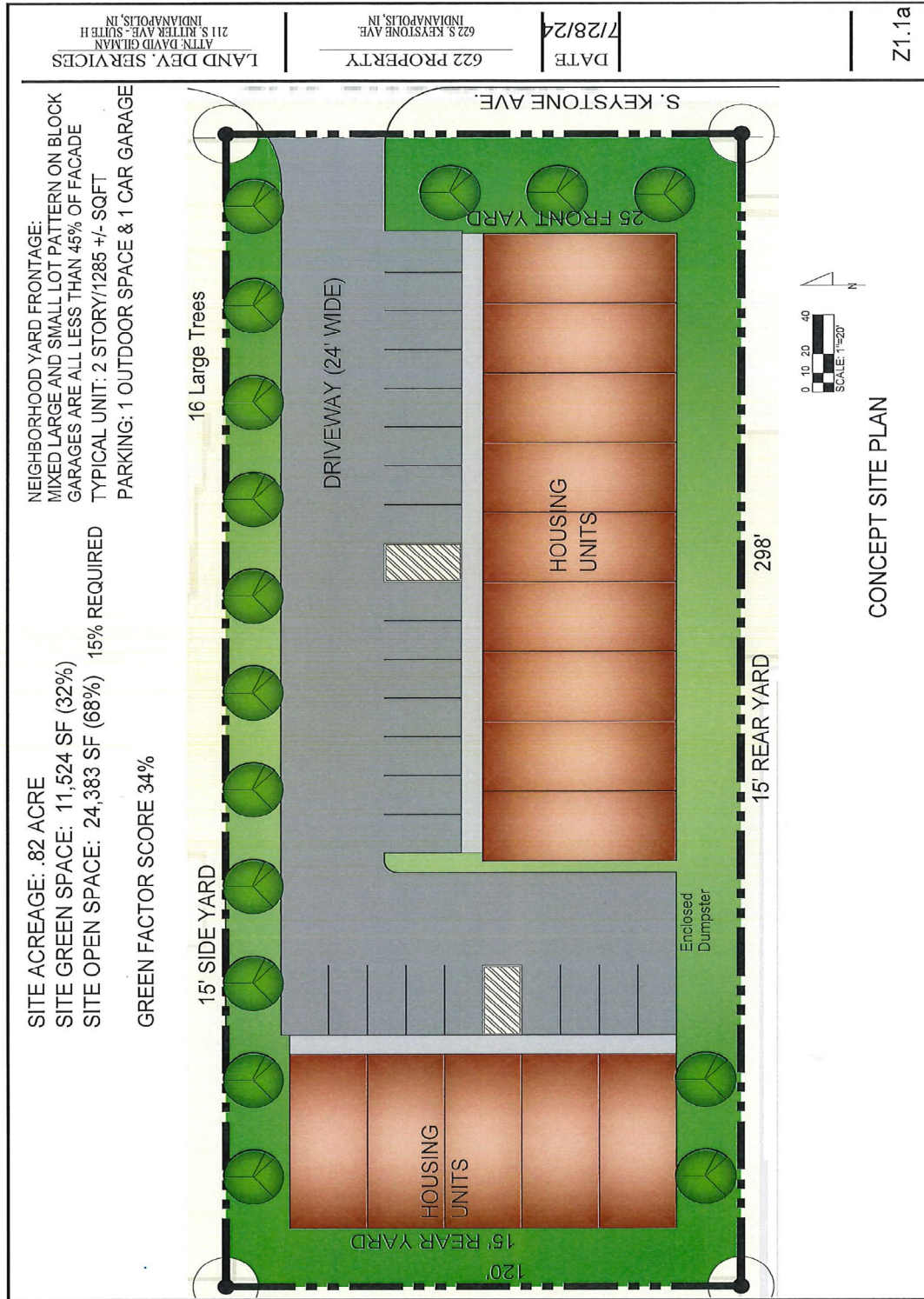
4 UNITS SHOWN  
 18' wide unit

LOWER FLR. PLAN

UPPER FLR. PLAN

Bldg. Width = 72'-0" Per unit = 18'-0" x 20" Depth = 45'-0" 1,283 Sq. Ft. / unit 4 units shown	<b>Building Designs By Stockton</b> Residential* multi-family* marketing OFFICE# 1-800-368-0821 E-MAIL: stockton@wa-net.com Web Site: <a href="http://www.stocktondesign.com">http://www.stocktondesign.com</a>	<b>4-21052-3</b>
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Site Plan - September 30, 2024



Site Plan – September 30, 2024



Site Plan – October 3, 2024





View looking north along South Keystone Avenue



View looking south along South Keystone Avenue



View of site looking west across South Keystone Avenue

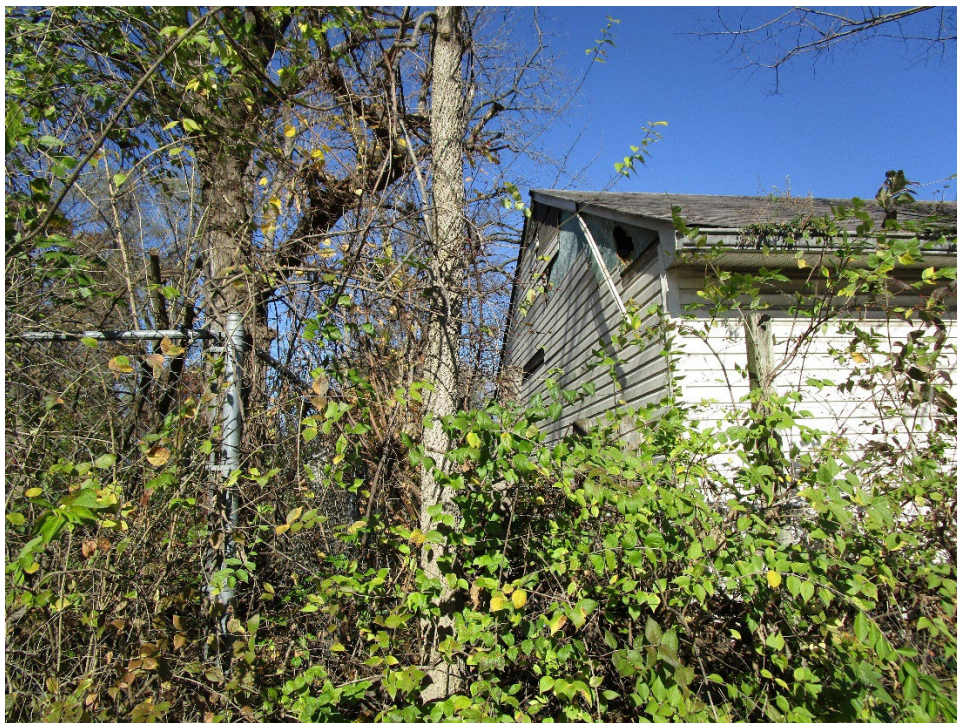


View of site looking west across South Keystone Avenue





View looking west across South Keystone Avenue at adjacent property to the north



View of site looking east from alley



View of site looking east from alley



View of site looking southeast from alley