

**METROPOLITAN DEVELOPMENT COMMISSION
HEARING EXAMINER**

December 11, 2025

Case Number: 2025-CPL-851 / 2025-CVR-851

Property Address: 3500 Sutherland Avenue

Location: Center Township, Council District #8

Petitioner: Sullivan Development, LLC, by Travis Vencel

Current Zoning: D-9 (FF) (TOD)

Approval of a subdivision plat, to be known as Monon 35, dividing 27.2 acres into three lots, with a waiver to provide for access to the site without direct frontage to a public street.

Variance of Use and Development Standard of the Consolidated Zoning and Subdivision Ordinance to provide for:

Request:

- a. 54-unit and 60-unit apartment buildings (not permitted - unit range of 13 to 50 units per building permitted),
- b. floor area ratio of 0.75 (maximum 0.5 permitted),
- c. living space ratio of 0.64 (minimum LSR of 0.75 permitted),
- d. 200 surface parking spaces (maximum of 150 spaces, or 0.75 spaces per unit permitted),
- e. a five-foot front setback along a railroad right-of-way (minimum 50-foot setback required), and,
- f. to provide for 25-foot-wide stream protection corridor from a category one stream (minimum 60-foot-wide stream protection corridor width required).

Current Land Use: Undeveloped

Staff Recommendations: Approval of the plat request and the variance requests, subject to substantial compliance with the site plan file dated December 2, 2025.

Staff Reviewer: Kathleen Blackham, Senior Planner

PETITION HISTORY

This is the first hearing on these petitions.

STAFF RECOMMENDATION

Staff recommends that the Hearing Examiner approve and find that the plat, file dated November 10, 2025, complies with the standards of the Subdivision regulations, subject to the following conditions:

1. That the applicant provides a bond as required by Section 741-210, of the Consolidated Zoning and Subdivision Ordinance.
2. Subject to the Standards and Specifications of Citizens Energy Group, Sanitation Section.
3. Subject to the Standards and Specifications of the Department of Public Works, Drainage Section.
4. Subject to the Standards and Specifications of the Department of Public Works, Transportation Section.
5. That addresses and street names, as approved by the Department of Metropolitan Development, be affixed to the final plat prior to recording.
6. That the Enforcement Covenant (Section 741-701, of the Consolidated Zoning and Subdivision Ordinance) be affixed to the final plat prior to recording.
7. That the Site Distance Covenant (Section 741-702, of the Consolidated Zoning and Subdivision Ordinance) be affixed to the final plat prior to recording.
8. That the Sanitary Sewer Covenant (Section 741-704, of the Consolidated Zoning and Subdivision Ordinance) be affixed to the final plat prior to recording.
9. That the Storm Drainage Covenant (Section 741-703, of the Consolidated Zoning and Subdivision Ordinance) be affixed to the final plat prior to recording.
10. That the plat restrictions and covenants, done in accordance with the rezoning commitments, be submitted prior to recording the final plat.
11. That all the standards related to secondary plat approval listed in Sections 741-207 and 741-208 of the Consolidated Zoning and Subdivision Ordinance be met prior to recording the final plat.
12. That the plat shall be recorded within two (2) years after the date of conditional approval by the Hearing Examiner.

PETITION OVERVIEW

This 27.2-acre site, zoned D-9 (FW) (TOD), is an undeveloped parcel along the east bank of Fall Creek between Sutherland Avenue and East 38th Street. It is surrounded by East 38th Street right-of-way and Fall Creek floodway to the north, zoned D-5 (FW) (TOD); the Monon Trail to the south, zoned D-9 (FW) (TOD); railroad right-of-way, and industrial / commercial / residential uses to the east, across Sutherland Avenue; zoned I-2 (TOD), I-3 (TOD), C-3 (TOD), D-5 (TOD), and C-7; and Fall Creek floodway to the west, zoned PK-1.

Petition 2024-ZON-021 rezoned this site to the D-9 (FF) (TOD) district for residential uses.

Overlays

This site is also located within an overlay, 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.

This site is located within a ¼ mile walk (approximately 800 feet) of a transit stop located at the intersection of East 38th Street and Orchard Avenue with a Community Center typology.

Community Center stations are located 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 multi-family residential infill development.

Characteristics of the District Center typology are:

- A mix of retail, entertainment, office, and residential as desired.
- Surface parking should be consolidated and placed behind buildings, allowing a pedestrian orientation at the street, while still supporting drive-to business.

Traffic Impact Study (TIS) – Memorandum dated December 3, 2025

A draft TIS, dated January 30, 2023, was prepared based on 480 dwelling units. The current proposal would provide for approximately 198 dwelling units, with two access drive. The two intersecting access drives would operate at or above acceptable levels of service.

It is recommended that a north bound passing blister be provided with pavement markings along the existing Sutherland Avenue pavement. See Exhibit A

PLAT

Site Plan

This request would divide 27.2 acres into three lots for residential development. Four multi-family buildings consisting of a total of 198 dwelling units are proposed on Lot 2, with approximately 200 parking spaces interior to the site.

Two access drives would be located at approximately at East 36th Street and East 37th Street.

The plat request includes a waiver to provide for access to the site without direct frontage to a public street.

Staff supports this waiver because the 40-foot-wide railroad right-of-way that forms the entire eastern boundary of this site, eliminates the ability to gain direct access to a public street and allow for development of the property.



Streets and Traffic

No new streets are proposed as part of this petition.

Sidewalks

No sidewalks are proposed along Sutherland Avenue due to the railroad right-of-way. Staff would, however, note that this right-of-way is planned for a future greenway / trail.

VARIANCES OF USE AND DEVELOPMENT STANDARDS

The request would provide for a variance of use for a 54-unit and a 60-unit apartment building when the Ordinance limits the unit range of 13-50 units per building. The remaining two buildings would provide for 48 units and 36 units.

Staff supports this variance due to the proximity of the transit station located at the intersection of East 38th Street and Orchard Avenue with a Community Center typology that recommends clusters of multi-family infill development with one to three-story buildings.

The request would allow for a floor area ratio of 0.75 and living space ratio of 0.64 when the Ordinance requires a floor area ratio of 0.5 and a living space ratio of 0.75. Staff believes the reductions in the ratios would be acceptable and have minimal impact on the residents, while contributing to fulfilling the need for housing options.

The development would provide for approximately 200 parking spaces, which would be approximately 50 more parking spaces than the minimum required by the Ordinance. Because the Ordinance does not provide a maximum number of parking spaces and the amended site plan removes parking spaces fronting on Sutherland, staff supports this variance.

The request would provide for a five-foot front setback along the railroad right-of-way when the Ordinance requires a 50-foot setback. Staff supports this reduction because future plans for this right-of-way would include greenway that would connect to the Monon Trail to the south of this site. The reduced setback would ham minimal impact on surrounding land uses.

The final variance would allow for reduction in the stream protection corridor for a category one stream from the required 60 feet to 25 feet. Despite staff's concern for the protecting the stream corridor, the required 60 feet would render the site undevelopable because of the configuration of the site (Lot 2 of the proposed plat). Furthermore, encroachment into the corridor would be minimal.

GENERAL INFORMATION

Existing Zoning	D-9 (FW) (TOD)
Existing Land Use	Undeveloped
Comprehensive Plan	Village Mixed-Use

Surrounding Context	<u>Zoning</u>	<u>Land Use</u>
North:	D-5 (FW) (TOD)	Floodway
South:	D-9 (FW) (TOD)	Monon Trail
East:	I-2 (TOD), I-3 (TOD), C-3 (TOD), D-5 (TOD), and C-7	Single-family dwellings / Commercial uses / Industrial uses
West:	PK-1	Fall Creek Floodway
Thoroughfare Plan		
Sutherland Avenue	Primary arterial	Existing 50-foot right-of-way and proposed 80-foot right-of-way.
Context Area	Compact	
Floodway / Floodway Fringe	Yes. Fall Creek floodway	
Overlay	Yes. Transit-Oriented Overlay	
Wellfield Protection Area	No	
Site Plan	November 10, 2025	
Site Plan (Amended)	December 2, 2025	
Elevations	November 10, 2025	
Elevations (Amended)	N/A	
Landscape Plan	N/A	
Findings of Fact	November 10, 2025	
Findings of Fact (Amended)	N/A	
C-S/D-P Statement	N/A	

COMPREHENSIVE PLAN ANALYSIS

Comprehensive Plan

The Comprehensive Plan recommends Village Mixed-Use. “The Village Mixed-Use typology creates neighborhood gathering places with a wide range of small businesses, housing types, and public facilities. This typology is intended to strengthen existing, historically small-town centers as well as to promote new neighborhood centers. Businesses found in this typology serve adjacent neighborhoods, rather than the wider community. This typology is compact and walkable, with parking at the rear of buildings. Buildings are one to four stories in height and have entrances and large windows facing the street. Pedestrian-scale amenities such as lighting, landscaping, and sidewalk furniture also contributes to a walkable environment in this typology. Uses may be mixed vertically in the same building or horizontally along a corridor. Public spaces in this typology are small and intimate, such as pocket parks and sidewalk cafes. This typology has a residential density of 6 to 25 dwelling units per acre.”

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 – Village Mixed-Use 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.
- Where possible, contributing historic buildings should be preserved or incorporated into new development.

Conditions for All Housing

- Should be within a one-quarter-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.
- 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.

Large-Scale Multi-Family Housing (defined as single or multiple buildings each with five or more legally complete dwelling units in a development of more than two acres and at a height greater than 40 feet.)

- Should be located along an arterial or collector street.
- Mixed-Use structures are preferred.
- Parking should be either behind or interior to the development.

Red Line / Blue Line / Purple Line TOD Strategic Plan

Purple Line Transit-Oriented Development Strategic Plan (2021)

Neighborhood / Area Specific Plan

Not Applicable to the Site.

Infill Housing Guidelines

Not Applicable to the Site.

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.



Department of Metropolitan Development
Division of Planning
Current Planning

ZONING HISTORY

2024-ZON-021; 3500 Sutherland Avenue, requested rezoning of 26.132 acres from the D-5 (FW) (FF) (TOD) district to the D-9 (FW) (FF) (TOD) district to provide for residential development, **approved**.

2022-ZON-056; 3500 Sutherland Avenue, requested rezoning of 6.8 acres, from the D-5 (FW) district to the D-8 (FW) district to provide for multi-family residential development, consisting of approximately 480 dwelling units, **withdrawn**.

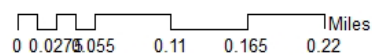
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EXHIBIT A



Memorandum

To: Mr. Travis Vencel, Sullivan Development LLC
Jill Palmer, City of Indianapolis DPW
From: Amanda Johnson, EMCS
Date: December 3, 2025
RE: Monon 35 TIS – Update for 200 Units

EMCS Inc. (EMCS) prepared a draft Traffic Impact Study (TIS) dated January 30, 2023 for a proposed development consisting of 480 dwelling units of income restricted affordable housing with two proposed access points, named Monon 35. Since that time, a new development has been proposed including only 200 dwelling units of income restricted affordable housing with two proposed access points. This memorandum discusses the implications of the change in size of the development to the study intersections and surrounding roadways. The original TIS is included after this memorandum including all appendices.

Summary of development differences

	Original	Current
Number of Access Points	2	2
Number of Dwelling Units	480	200
Land Use	Affordable housing	Affordable housing

Because the proposed number of dwelling units has decreased by more than half and the associated trips due to the proposed development will also decrease, the impacts to the surrounding roadways are expected to be the same or less as identified in the original analysis. Specific improvements are detailed below.

Public Street Study Intersections

All study intersections operated at or above acceptable levels of service for all scenarios with the exception of 38th Street & Orchard Avenue. This intersection will operate below acceptable levels of service in the horizon year with all additional background traffic due to adjacent anticipated developments. However, this intersection is adjacent to the Purple Line bus rapid transit route and traffic signal timings are controlled by the mainline. Additionally, although the northbound approach is striped for only a single lane, it is wide enough to accommodate two vehicles and field observations confirm this. No additional improvements are recommended at this intersection due to this project.

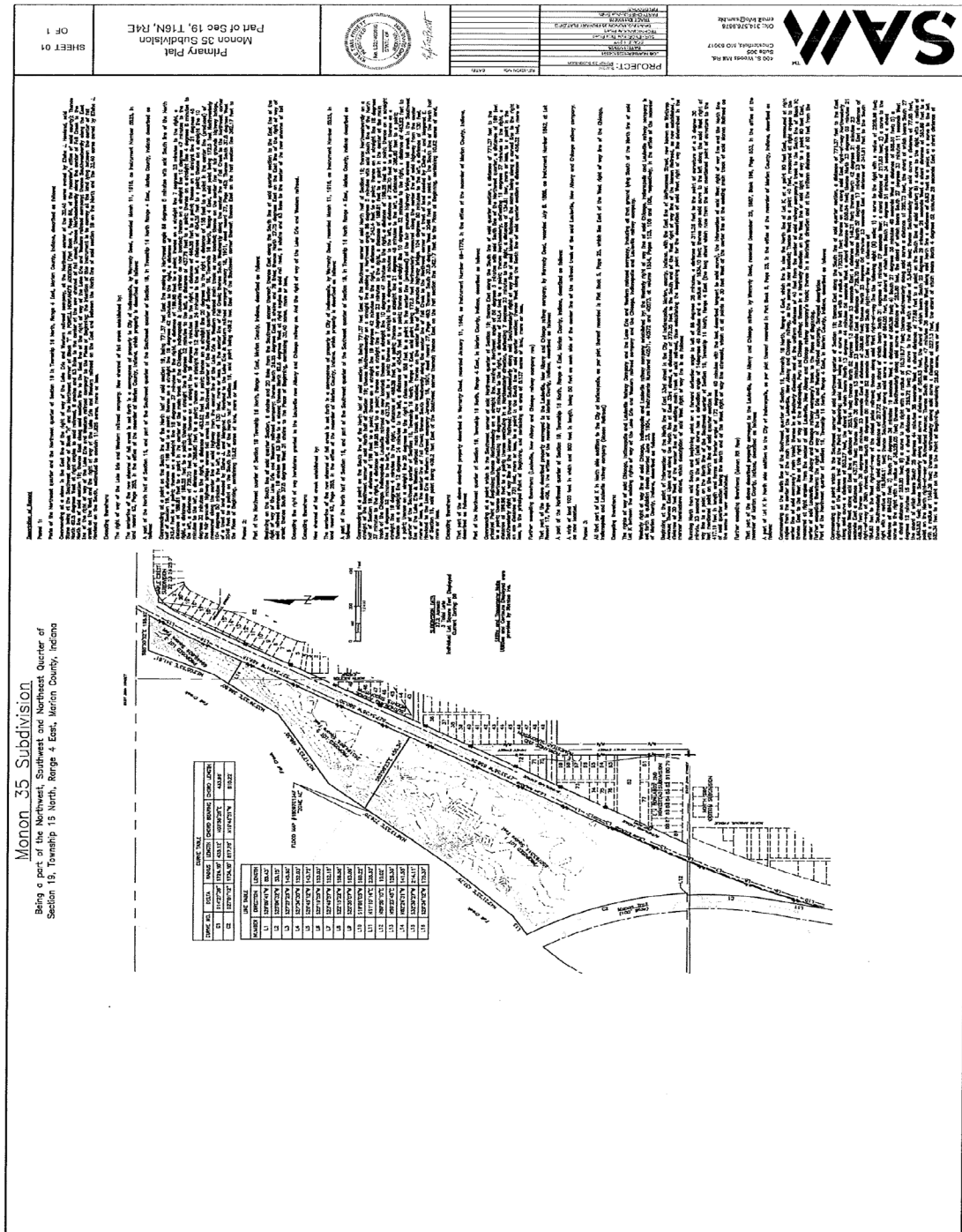


Proposed Access Point Intersections

The two proposed intersections are shown to operate at or above acceptable levels of service with the following configurations:

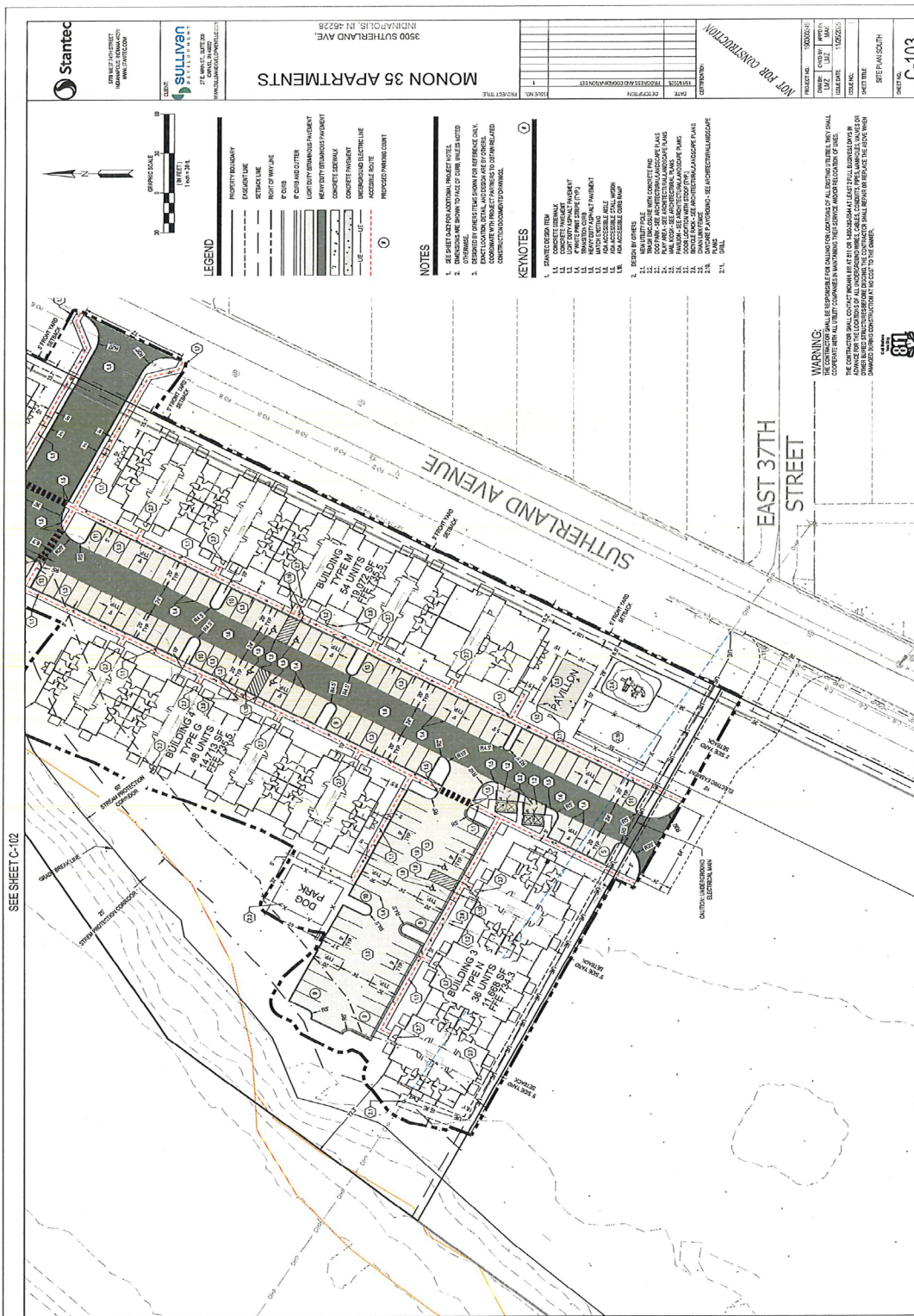
- Two exiting eastbound lanes
- Single northbound lane
- Single southbound lane
- Turn lane warrants are not met at this intersection, however passing blisters should be considered for the northbound approaches to avoid rear end crashes. This can be achieved with pavement markings along the existing cross section of Sutherland Avenue

Draft









Petition Number _____

REQUESTED WAIVER:

**METROPOLITAN DEVELOPMENT COMMISSION
PLAT COMMITTEE
HEARING EXAMINER
OF MARION COUNTY, INDIANA**

**WAIVER OF THE SUBDIVISION REGULATIONS
FINDINGS OF FACT**

1. The granting of the waiver or modification will not be detrimental to the public health, safety, or welfare or injurious to other property because:

The proposed subdivision design provides safe and adequate access to all lots through a recorded ingress/egress easement built to City standards for width, construction, and emergency vehicle access.
All lots will be served by appropriate utilities, drainage, and infrastructure improvements consistent with public health and safety objectives.
The waiver does not alter land use or density and will not create traffic or environmental hazards.

2. The conditions upon which the request is based are individual to the property for which the relief is sought and are not applicable generally to other property because:

The subject property is uniquely affected by its lack of frontage on a public right-of-way, a condition resulting from historic parcel division and surrounding development patterns.
This circumstance prevents direct access without creating undue disturbance or reconfiguration of neighboring lots. Such a condition is specific to this parcel and not shared by adjacent properties, which possess standard frontage and access. Relief addresses an individual hardship arising from the property's unique physical characteristics rather than a general condition.

3. Because of the particular physical surroundings, shape, or topographical conditions of the specific property involved, a particular hardship would result, as distinguished from a mere inconvenience, if the strict letter of these regulations is carried out:

The subject property lacks any frontage along a public right-of-way, creating a unique physical condition that prevents direct vehicular and pedestrian access.
This condition is not the result of any action by the property owner but rather the result of the parcel's historic subdivision and surrounding development patterns.
The property's irregular configuration and lack of access make it impossible to comply with current zoning or subdivision regulations requiring frontage on a public street.
Strict application of the regulations would effectively deny the owner any reasonable or practical use of the property, as no legal or physical access could be established without relief.

4. The resulting subdivision fulfills the purpose and intent of these regulations at an equal or higher standard than what would have been possible without the deviation because:

All lots will be served by appropriate utilities, drainage, and public services, maintaining compliance with health, safety, and welfare objectives.
The subdivision design minimizes land disturbance, respects existing topography, and complements surrounding development patterns, consistent with the City's goals for orderly and coordinated growth.
Access is provided through the RR RoW via an existing agreement, and driveways will be designed to meet public safety and service standards.
By meeting the underlying intent of the ordinance through alternative but equivalent means, the subdivision achieves an equal or higher standard than would result from strict application of the frontage requirement.

5. The relief sought shall not in any manner vary from the provisions of the Zoning Ordinance, or official zoning base maps, except as those documents may be amended in the manner prescribed by law because:

The requested relief applies only to the subdivision frontage requirement and does not alter the property's zoning classification, permitted uses, or boundaries established by the Indianapolis-Marion County Consolidated Zoning Ordinance or zoning base maps. All proposed lots meet applicable zoning standards for area, setbacks, and use, except where additional variances are being proposed. The deviation merely allows access through a recorded ingress/egress easement, consistent with ordinance intent, and does not modify or conflict with existing zoning provisions or maps as adopted by law.

DECISION

IT IS THEREFORE the decision of this body that this WAIVER of the Subdivision Regulations be granted, subject to any conditions stated in the minutes (which conditions are incorporated herein by reference and made a part of this decision).

Adopted this _____ day of _____, 20 ____

Petition Number _____

**METROPOLITAN DEVELOPMENT COMMISSION
HEARING EXAMINER
METROPOLITAN BOARD OF ZONING APPEALS, Division _____
OF MARION COUNTY, INDIANA**

PETITION FOR VARIANCE OF USE

FINDINGS OF FACT

1. THE GRANT WILL NOT BE INJURIOUS TO THE PUBLIC HEALTH, SAFETY, MORALS, AND GENERAL WELFARE OF THE COMMUNITY BECAUSE

The public health, safety and morals and the general welfare of the community will not be adversely affected as a result of these variances. They will allow for the redevelopment of an underutilized vacant property and provide quality housing for the community. These variances will improve the property and the surrounding area.

2. THE USE AND VALUE OF THE AREA ADJACENT TO THE PROPERTY INCLUDED IN THE VARIANCE WILL NOT BE AFFECTED IN A SUBSTANTIALLY ADVERSE MANNER BECAUSE

The surrounding area is residential in nature, and these variances will allow for affordable housing to be constructed and improve the value of the area and the adjacent properties.

3. THE NEED FOR THE VARIANCE ARISES FROM SOME CONDITION PECULIAR TO THE PROPERTY INVOLVED BECAUSE

The site is irregular in shape with constraints on the east and west (Fall Creek, Street and Trail) which provide difficulty in development to the code and require the requested variances.

4. THE STRICT APPLICATION OF THE TERMS OF THE ZONING ORDINANCE CONSTITUTES AN UNUSUAL AND UNNECESSARY HARDSHIP IF APPLIED TO THE PROPERTY FOR WHICH THE VARIANCE IS SOUGHT BECAUSE

The code would require a less dense development and additional buildings, cause additional cost to be added to this affordable project. The community believes this is a better development plan.

5. THE GRANT DOES NOT INTERFERE SUBSTANTIALLY WITH THE COMPREHENSIVE PLAN BECAUSE

The site is consistent with the comprehensive plan as it brings quality affordable housing to the area. The plan illustrates developments of this type; however, the code does not reflect all of these elements.

DECISION

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

Adopted this _____ day of _____, 20 ____

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:

The proposed development will meet all applicable safety and utility standards, including drainage, fire access, and emergency response requirements.
The variance does not alter permitted land use, increase density, or create traffic hazards. The project complements adjacent residential development within the D-9 district and enhances neighborhood continuity.

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:

The proposed design maintains appropriate setbacks, scale, and visual compatibility consistent with D-9 development standards.
Improvements such as defined access, landscaping, and drainage control will enhance the property's appearance and functionality, supporting surrounding property values.
The variance facilitates a logical and context-sensitive development pattern that preserves the character of the neighborhood and avoids adverse environmental or aesthetic impacts.

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

It places constraints on the total property that rendering the developable area on the property to an unusable amount. The property is bounded by Fall Creek to the west and Sutherland Ave to the east. The Nickle Plate RR is between the property and Sutherland Ave. A 60' Stream Protection Corridor and a 50' RR ROW setback encompass, and in some locations overlap, limiting the developable area available. Units/building variance is necessary to meet the intent of the IHTC application and achieve building rents that are amenable to low-income family. LSR and FAR variance are necessary due to the limited buildable area of the M35 subdivision created by topography and right of way constraints

DECISION

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

Adopted this _____ day of _____, 20 ____









View looking north along Sutherland Avenue



View looking east along East 34th Street



View looking northwest across intersection of Sutherland Avenue and East 36th Street



View looking north across intersection of Sutherland Avenue and East 37th Street



View looking northeast across intersection of Sutherland Avenue and East 37th Street



View looking northwest across intersection of Sutherland Avenue and Trumbull Street



View looking southwest across intersection of Sutherland Avenue and Trumbull Street



View of site looking west across Sutherland Avenue



View of site looking west across Sutherland Avenue



View of site looking northwest across Sutherland Avenue



View of site looking west across Sutherland Avenue



View of site looking west across Sutherland Avenue