

STAFF REPORT

Department of Metropolitan Development Division of Planning Current Planning Section

Case Number: 2023-ZON-084 (Amended)
Address: 5640 East 38th Street (3800 Block of Audubon Road) (Approximate Addresses)
Location: Lawrence Township, Council District #13
Petitioner: Jeff Hasser
Request: Rezoning of 0.598 acre from the SU-1 (TOD) district to the D-5 (TOD) district to provide for single-family detached dwellings.

ADDENDUM FOR NOVEMBER 15, 2023, METROPOLITAN DEVELOPMENT COMMISSION

This petition was amended to rezone an area of 0.598 acre where it was previously heard and recommended for approval by the Hearing Examiner at the September 28, 2023 hearing for an area of 0.47 acre and approved by the Metropolitan Development Commission on October 18, 2023.

Staff discovered that the petition form acreage and subsequent legal description originally submitted were incorrect. This amendment is to accurately note the 0.598 acre to be rezoned from the SU-1 (TOD) district to the D-5 (TOD) district.

A waiver of the second mailing notice will be requested by the petitioner.

Staff **recommends approval** of the request as amended and will have no objection to the waiver of second mailed notice request.

September 28, 2023

RECOMMENDATIONS

Staff **recommends approval** of this request.

SUMMARY OF ISSUES

LAND USE

- ◇ The 0.47-acre subject site consists of two parcels (4002389 and 4002390) that are currently developed as a parking lot that was once used for the church south of the site, zoned SU-1. Single-family dwellings are located north and east of the site, zoned D-5, and a multi-family development is west of the site, zoned D-10.
- ◇ The site is in the Devington Neighborhood and is part of the Puritan Realty Co's subdivision that was platted August 7, 1913.

REZONING

- ◇ The request would rezone the parcels to the D-5 district to provide for single-family detached dwellings.

(Continued)

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- ◇ The site is zoned SU-1, which is a special use district that only allows for the operation of a religious use and associated accessory uses which have historically been located here.
- ◇ The D-5 district is intended for medium and large-lot housing formats, primarily for detached houses, but may incorporate small-scale multi-unit building types in strategic locations. This district can be used for new, walkable suburban neighborhoods or for infill situation in established urban areas, including both low density and medium density residential recommendations of the Comprehensive Plan, and the Suburban Neighborhood and Traditional Neighborhood Typologies of the Land Use Pattern Book.
- ◇ The Comprehensive Plan recommends community commercial development for the southern portion of the 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.
- ◇ The northern portion of the site does not have a recommendation since it was once part of 39th Street that extended west of Audubon Road which was vacated and became private property.

TRANSIT-ORIENTED DEVELOPMENT OVERLAY

- ◇ The site falls within a ¼ mile of a proposed Purple Line Bus Rapid Transit Station at 38th Street and Layman Avenue that would promote a mix of uses at station area and primarily residential beyond in this walkable neighborhood typology as envisioned by the Purple Line Transit-Oriented Development Strategic Plan (2021).

Staff Analysis

- ◇ Per the submitted site plan and survey, the two parcels would be divided in a manner that would allow for three individual lots with single-family dwellings on each lot.
- ◇ In staff's opinion, the requested D-5 district for single-family detached dwellings would be appropriate at this mid-block location since it is surrounded by residential uses on three sides.
- ◇ Although the Comprehensive Plan recommends community commercial development for the subject site, an introduction of commercial uses this far north on the block would be out of place. Staff does not typically make recommendations contrary to the Comprehensive Plan unless it is apparent that the recommendation would not align with the context of the area or other plans such as the Purple Line Transit-Oriented Development Strategic Plan (2021).
- ◇ For these reasons, staff is recommending approval of the request.

GENERAL INFORMATION

EXISTING ZONING AND LAND USE

SU-1 Compact Parking lot

(Continued)

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SURROUNDING ZONING AND LAND USE

North	SU-1	Residential (Single-family dwelling)
South	SU-1	Parking lot
East	D-5	Residential (Single-family dwellings)
West	D-10	Residential (Multifamily dwellings)

COMPREHENSIVE PLAN The Comprehensive Plan recommends community commercial development.

THOROUGHFARE PLAN 38th Street is classified in the Official Thoroughfare Plan for Marion County, Indiana as a local street, with a 50-foot existing right-of-way and a 48-foot proposed right-of-way.

TRANSIT-ORIENTED DEVELOPMENT This site is located within the Transit-Oriented Development Overlay, specifically the Bus Rapid Transit Purple Line.

FLOODWAY / FLOODWAY FRINGE This site is not located within a floodway or floodway fringe.

WELLFIELD PROTECTION DISTRICT This site is not located within a wellfield protection district.

SITE PLAN File-dated August 17, 2023.

SURVEY File-dated August 17, 2023.

AMENDED SURVEY File-dated October 30, 2023.

ZONING HISTORY – SITE

EXISTING VIOLATIONS

None.

PREVIOUS CASES

None.

ZONING HISTORY – VICINITY

2023-UV3-014; 5640 East 38th Street (south of site) Variance of use and development standards of the Consolidated Zoning and Subdivision Ordinance to provide for the development of up to 50 multi-family dwelling units and independently operated social services (not permitted), granted.

2022-ZON-129; 3904 and 3908 Audubon Road (north of site), Rezoning of 0.85 acres from the SU-1 district to the D-5 district, **approved**.

96-Z-94; 5604 to 5640 East 38th Street (south and southwest of site), Rezoning of 0.8 acre, being in the D-5 District, to the SU-1 classification to conform the zoning classification for an existing church use and to provide for additional parking, **approved**.

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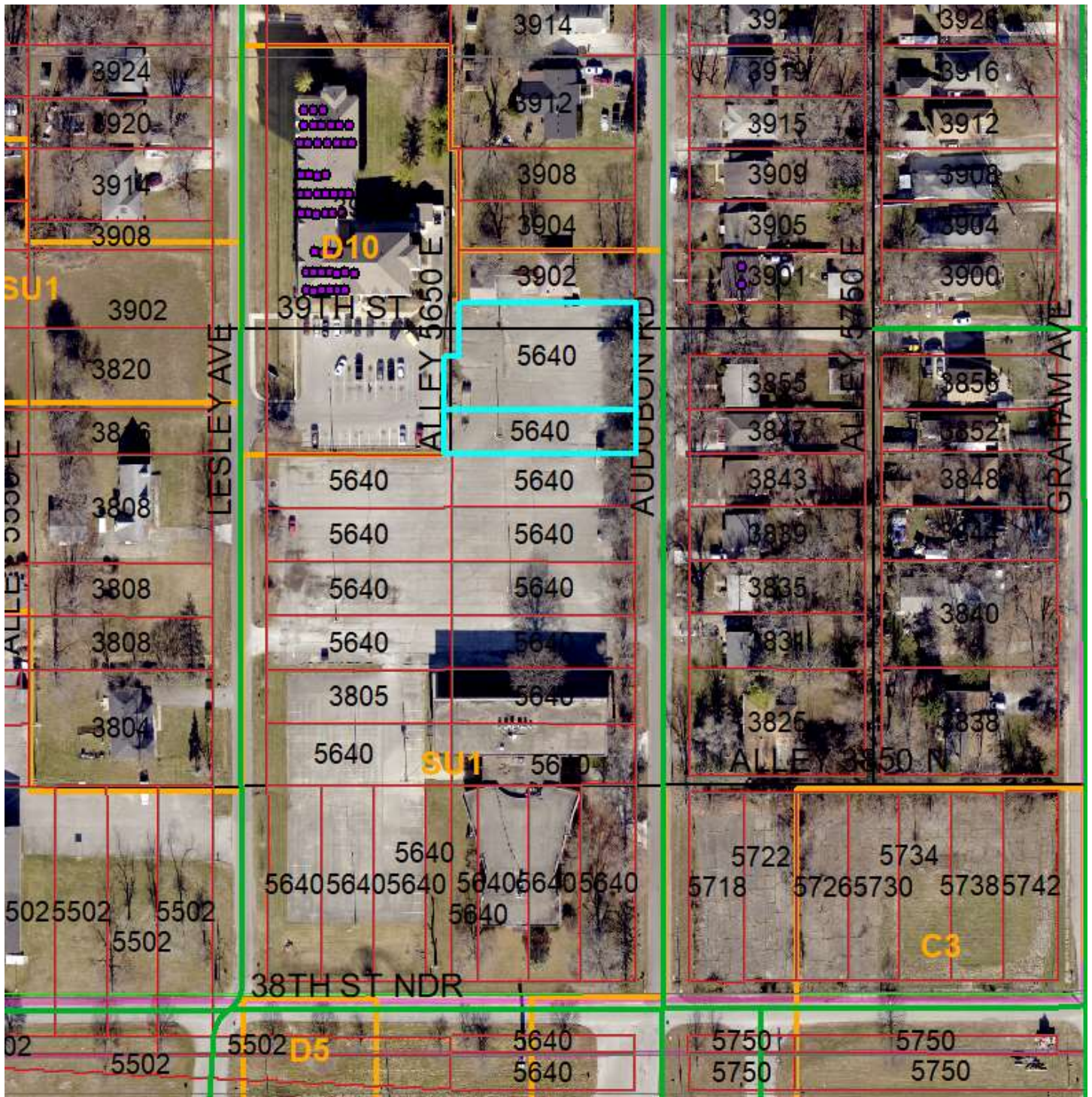
STAFF REPORT 2023-ZON-084 (Continued)

96-Z-33; 3901 North Lesley Avenue (west of site), Rezoning of 1.5 acres, being in the SU-1 and D-5 Districts, to the D-10 classification to provide for multi-family residential development, **approved**.

95-Z-198; 3901 Lesley Avenue (west of site), Rezone 1.5 acres from SU-1 and D-5 to D-10 with a variance of development standards to permit the construction of a multi-family dwelling, **withdrawn**.

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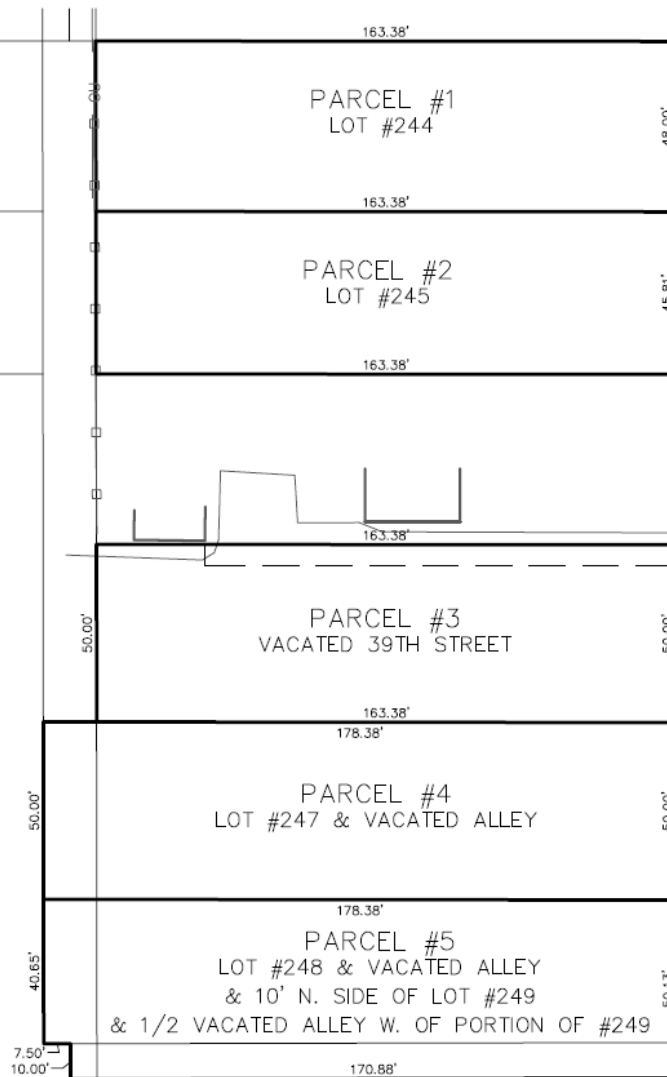
2023-ZON-084; Location Map



PURITAN REALTY'S CO'S ADDITION

PARCEL EXHIBIT

PARCEL EXHIBIT



1" = 30'

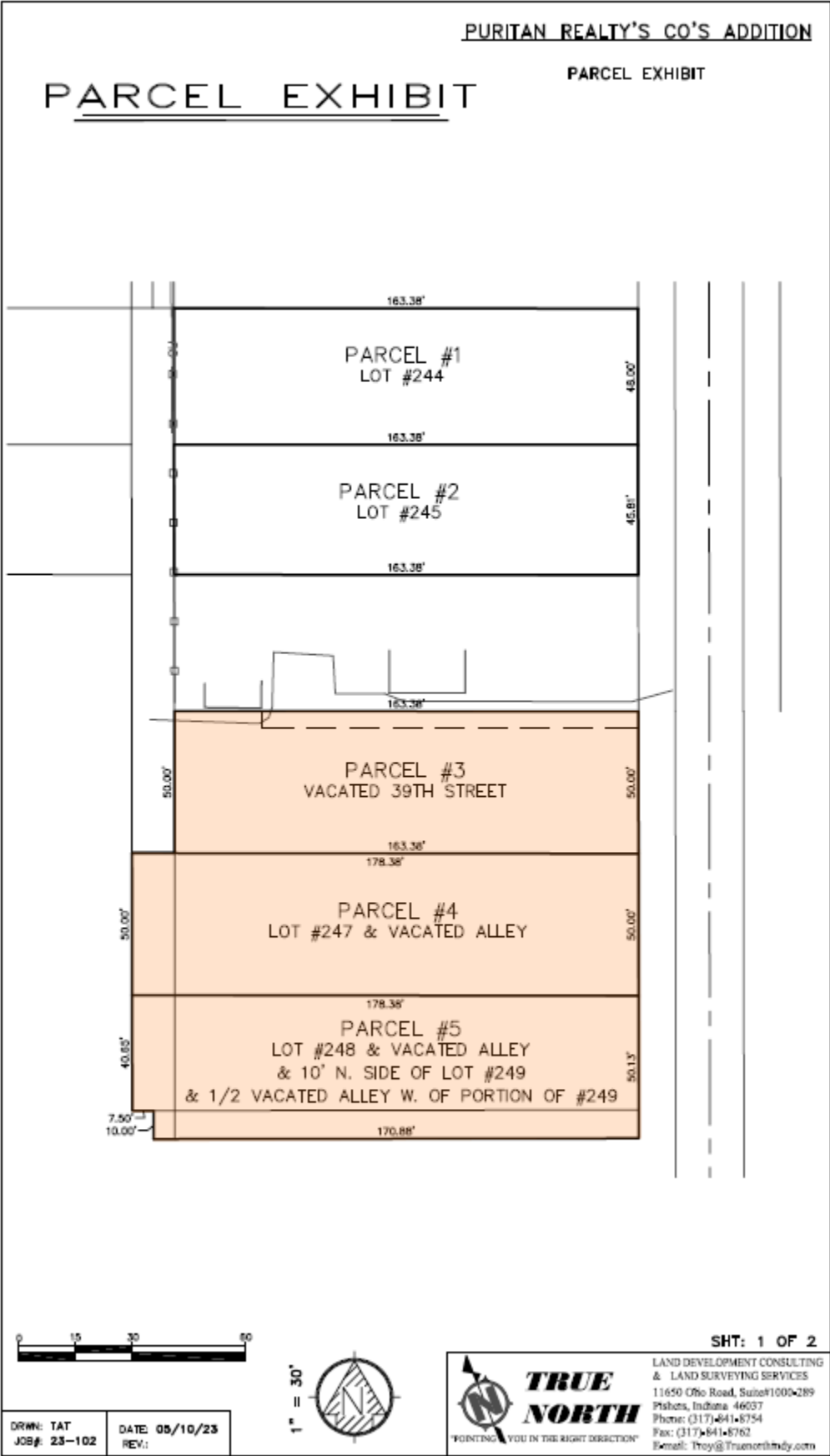
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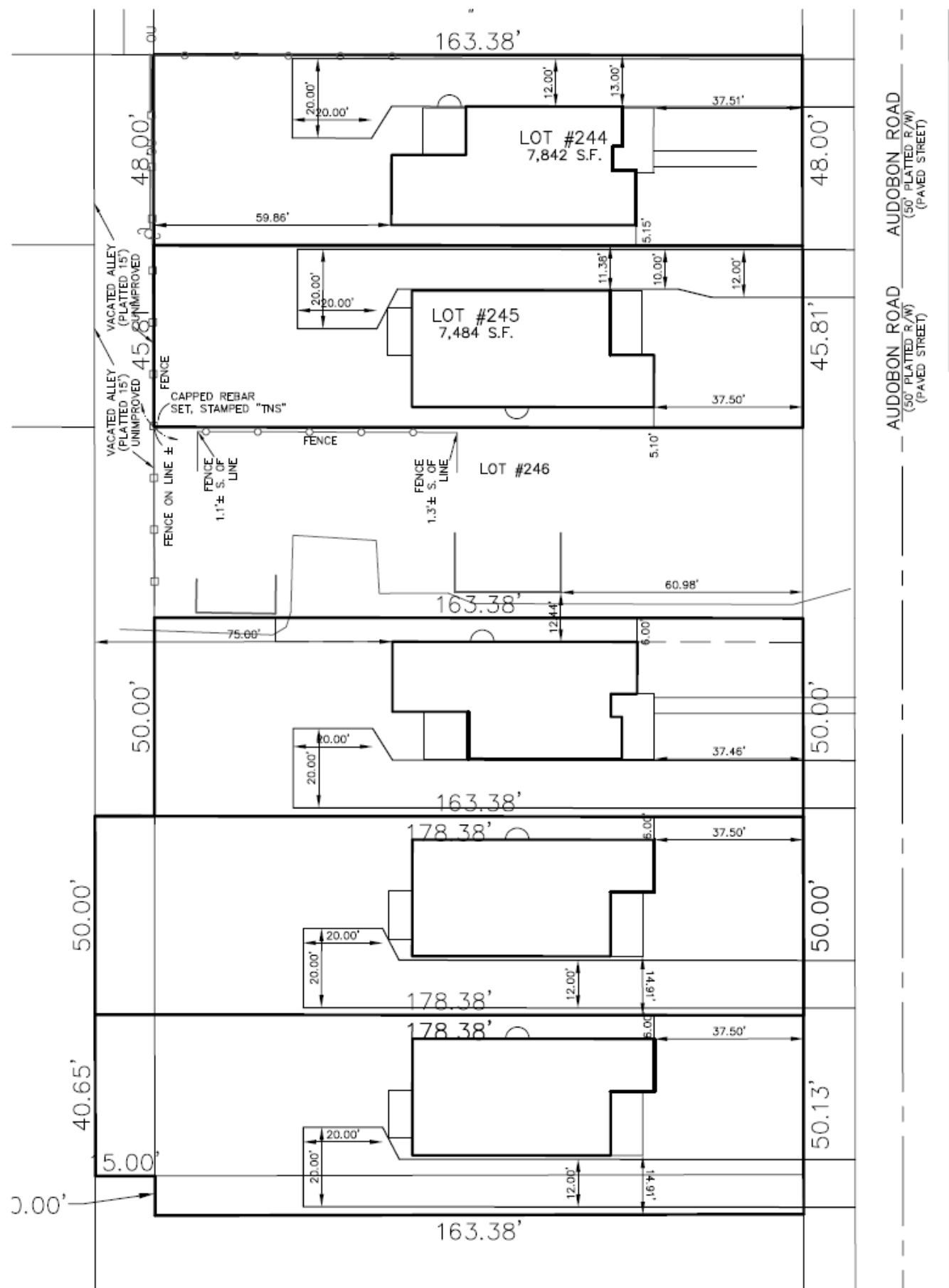
SHT: 1 OF 2



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2023-ZON-084; Site Plan



2023-ZON-084; Photographs



Photo of the Subject Property: 5640 East 38th Street (Parcel 4002390).



Photo of the Subject Property: 5640 East 38th Street (Parcel 4002389).



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



Photo of the single-family dwellings east of the site.



Photo of the remaining church parking lot and building.



Photo of the multi-family development west of the site.



Photo of the subject site looking northeast on the site.