



**METROPOLITAN DEVELOPMENT COMMISSION
HEARING EXAMINER**

May 23, 2024

Case Number: 2024-CZN-817 / 2024-CVR-817

Property Address: 1103 and 1115 East 52nd Street (Approximate Addresses)

Location: Washington Township, Council District #7

Petitioner: Fineberg and Solomon, Inc., by Russell Brown

Current Zoning: D-5 (W-5)

Rezoning of 1.05 acres from the D-5 (W-5) district to the MU-2 (W-5) district to legally establish existing uses and to provide for a potential mixed-use development.

Request: Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for multiple dwelling units on the southside of an existing two-story building without orientation to a public street (dwelling units must orient and be visible to a public street).

Current Land Use: Commercial and Residential

Staff Recommendations: Approval with commitment.

Staff Reviewer: Marleny Iraheta, Senior Planner

PETITION HISTORY

ADDENDUM FOR MAY 23, 2024 HEARING EXAMINER

This petition was continued from the May 9, 2024 hearing to the May 23, 2024 hearing at the request of the petitioner to allow additional time to discuss concerns from a registered neighborhood organization.

May 9, 2024

This is the first public hearing on this petition.

STAFF RECOMMENDATION

Staff **recommends approval** of this request, 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:

A 28-foot half right-of-way shall be dedicated along the frontage of 52nd 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).

PETITION OVERVIEW

LAND USE

The 1.05-acre subject site is located in the Monticello Subdivision and part of the Fairground Neighborhood. The site is developed with two commercial buildings and associated parking lot with various tenants and a previously approved dwelling unit and garage within the southern building. It is bordered south and east by single-family dwellings, zoned D-5, industrial uses north, zoned I-2, and commercial and single-family dwellings to the west, zoned D-5.

ZONING

The request would rezone the site from the D-5 district to the MU-2 district.

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 MU-2 District is intended to meet the daily needs for surrounding neighborhoods, and include, small social spaces that serve as neighborhood gathering places. The district includes primarily neighborhood-serving businesses and institutions, including a wide range of small-scale retail and service uses that typically do not draw customers from beyond the adjacent neighborhoods, and employment, institutional and residential uses that complement the compact, walkable development pattern. The MU-2 District is implemented as a small node or on busy corridors in the Traditional Neighborhood or City Neighborhood Typologies of the Land Use Pattern Book, or as a Village Mixed Use Typology. The typical size of a district is from 2 to 20 acres (1 to 4 blocks) but depends on the context and what integrates best into surrounding neighborhoods and complimentary zoning districts.

VARIANCE

The variance request would allow the proposed dwelling units to not have primary entrances oriented to and clearly visible from a public street frontage as required.

Staff determined that the request would be supportable since the proposal would redevelop and existing building with one unit into a total of three units where access facing the street is not possible due to the existing commercial units on the first floor.

WELLFIELD

A wellfield is an area where the surface water seeps into the ground to the aquifer and recharges the wells that are the source of our drinking water. This secondary zoning district places closer scrutiny on uses and activities that might contaminate the underground drinking water supply.



There are two wellfield district designations. An area identified as W-1 is a one-year time-of-travel protection area. The W-5 is a five-year time-of-travel protection area. All development within these districts are subject to Commission approval.

This site is specifically located within the Fall Creek W-5 Wellfield Protection District. Unless exempted by Section 742-204.D Technically Qualified Person review requirement, a Site and Development Plan shall be filed with and be subject to approval on behalf of the Commission by the Technically Qualified Person (TQP).

Department of Public Works

The Department of Public Works, Traffic Engineering Section, has requested the dedication and conveyance of a 28-foot half right-of-way along 52nd Street. This dedication would also be consistent with the Marion County Thoroughfare Plan.

Staff Analysis

The request to rezone the site from the D-5 district to the MU-2 district would be consistent with the traditional neighborhood recommendation of the Comprehensive Plan because it allows for a full spectrum of housing types where a wide range of neighborhood serving businesses, institutions, and amenities should be present.

The MU-2 district allows for triplex, fourplex, multifamily dwellings, and live/work units and would also allow the existing commercial uses that were previously located in a dwelling district to be permitted in the proposed MU-2 district.

For these reasons, staff is recommending approval of the variance and rezone petitions.

GENERAL INFORMATION

Existing Zoning	Commercial and Residential	
Existing Land Use	D-5	
Comprehensive Plan	Traditional Neighborhood	
Surrounding Context	Zoning	Land Use
	North:	I-2 Industrial
	South:	D-5 Residential (Single-family dwelling)
	East:	D-5 Residential (Single-family dwellings)
	West:	D-5 Residential (Single-family dwellings) / Commercial
Thoroughfare Plan		
52 nd Street	Primary Collector Street	56-foot proposed right-of-way and 109-foot existing right-of-way.
Context Area	Compact	
Floodway / Floodway Fringe	No	

Overlay	Yes
Wellfield Protection Area	Yes
Site Plan	April 3, 2024.
Site Plan (Amended)	N/A
Elevations	N/A
Elevations (Amended)	N/A
Landscape Plan	N/A i
Findings of Fact	N/A i
Findings of Fact (Amended)	N/A i
C-S/D-P Statement	N/A i

COMPREHENSIVE PLAN ANALYSIS

Comprehensive Plan

- Marion County Land Use Plan Pattern Book (2019).
- Red Line Transit-Oriented Development Strategic Plan (2021).
- Indy Moves Transportation Integration Plan (2018).

Pattern Book / Land Use Plan

- 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 5 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.
- **Conditions for All Land Use Types**
 - 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.
- **Small-Scale Multi-Family Housing**
 - It is preferred that multi-family housing should be organized around intersections of neighborhood collector streets, parks or public squares, or neighborhood-serving retail.
 - If the above conditions are not met, individual buildings of small-scale multi-family 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.
 - In predominantly platted, single-family neighborhoods, site layouts should be similar in site- and building-orientation as the surrounding single-family homes.
 - Parking should be either behind or interior to the development.
 - Individual building height, massing, and footprint should gradually transition from adjacent developments. Specifically, buildings located adjacent to existing residential developments should be no more than one and a half times the height and no more than twice the average footprint of the existing adjacent residential buildings.
- **Small-Scale Offices, Retailing, and Personal or Professional Services**
 - If proposed within one-half mile along an adjoining street of an existing or approved residential development, then connecting, continuous pedestrian infrastructure between the proposed site and the residential development (sidewalk, greenway, or off-street path) should be in place or provided.
 - Should be located at intersections and limited to an aggregate of 1 acre per intersection.
 - Should be limited to areas and parcels with adequate space for required screening and buffering.
 - Automotive uses (such as gas stations and auto repair) and uses requiring a distance of separation of greater than 20 feet under the zoning ordinance (such as liquor stores, adult uses, and drive-through lanes) are excluded.
 - Mixed-use structures are preferred.
 - Should not include outdoor display of merchandise.

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 Zoning District (TOD).
- The closest station is within ½ mile west located midblock along College Avenue between 51st Street and 52nd Street. This node is classified as a Walkable Neighborhood typology which recommends a mix of uses at station area and primarily residential beyond, maximum of 3 stories throughout, no



front or side setbacks at core with zero to 15-foot front setbacks and zero to 20-foot side setbacks at periphery, a mix of multi-family and single-family housing, and structured parking at the core and attractive surface parking at the periphery.

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)

- 52nd Street has an existing on-street bike lane that starts from College Avenue to Keystone Avenue for this segment.
- The Monon Trail is a multi-purpose trail classified as a Greenway Corridor that runs north and south along the western property boundary.

ZONING HISTORY

Zoning History – Site

2014-HOV-050; 1103 and 1115 East 52nd Street (subject site), Variance of development standards of the Dwelling Districts Zoning Ordinance to provide for a dwelling unit (1103) and garage, with a 290-square foot main floor area (minimum 660 square feet required) and an 18-foot rear setback (minimum 20-foot rear setback required), **granted**.

Zoning History – Vicinity

2016-HOV-006; 5228 Winthrop Avenue (northwest of site), Variance of Use of the Commercial Zoning Ordinance to provide for primary and accessory residential uses, including the expansion of an attached garage (not permitted), **granted**.

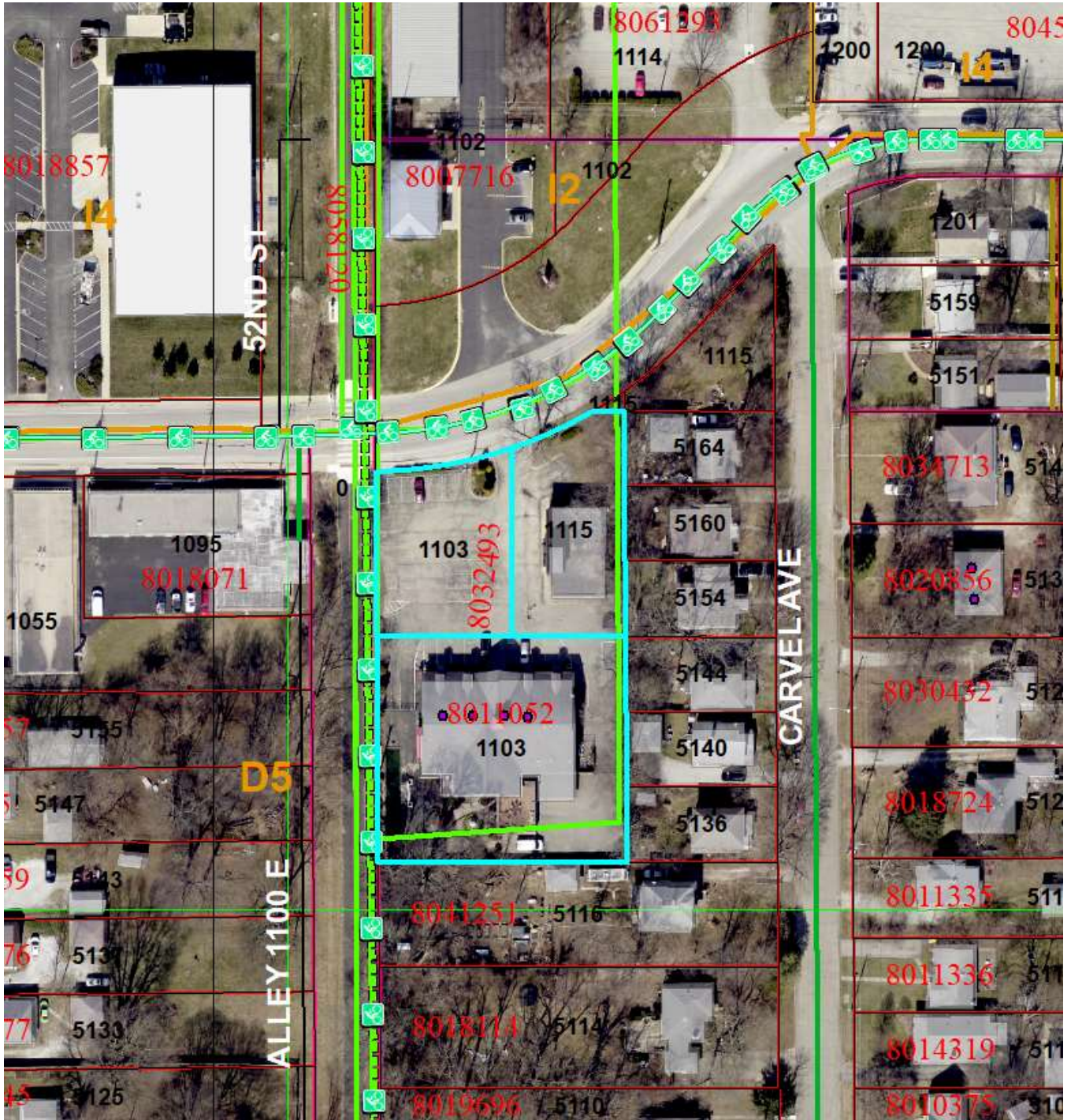
2015-UV3-029; 1022 East 52nd Street (northwest of site), Variance of use and development standards of the Industrial Zoning Ordinance to provide for offices and restaurants (not permitted), to provide for a parking lot with a 10-foot front setback from Winthrop Avenue and to legally establish a building, with an 11-foot front setback from Winthrop Avenue (20-foot front setback required) and an 80-foot front transitional setback from the centerline of 52nd Street (110-foot front transitional setback from the centerline of 52nd Street required), **granted**.

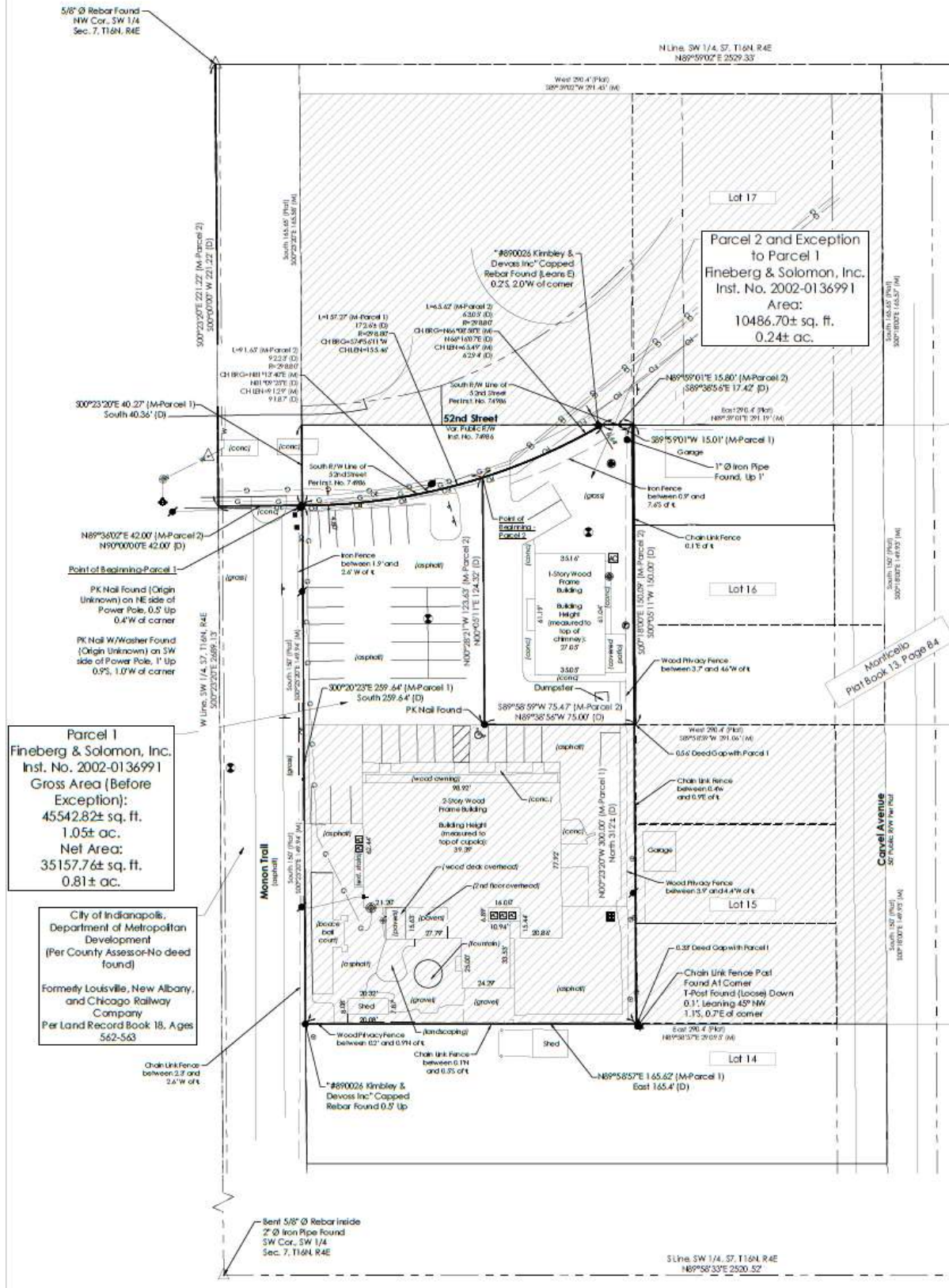
99-UV2-8; 1102 East 52nd Street (north of site), Variance of use of the Industrial Zoning Ordinance to provide for a 12,000 square foot coffee roasting and blending plant with 660 feet of retail coffee sales (not permitted), **granted**.

97-CP-36Z / 97-CP-36V / 97-CP-36VAC; 1102-1115 East 52nd Street (north of site), Rezoning of 7.035 acres from I-4-U (W-5) to I-2-U (W-5) to provide for an industrial park development, with a variance of use of the Industrial Zoning Ordinance to provide for an on-site resident manager for the proposed industrial park, and a vacation of a portion of “Old 52nd Street”, **approved**.

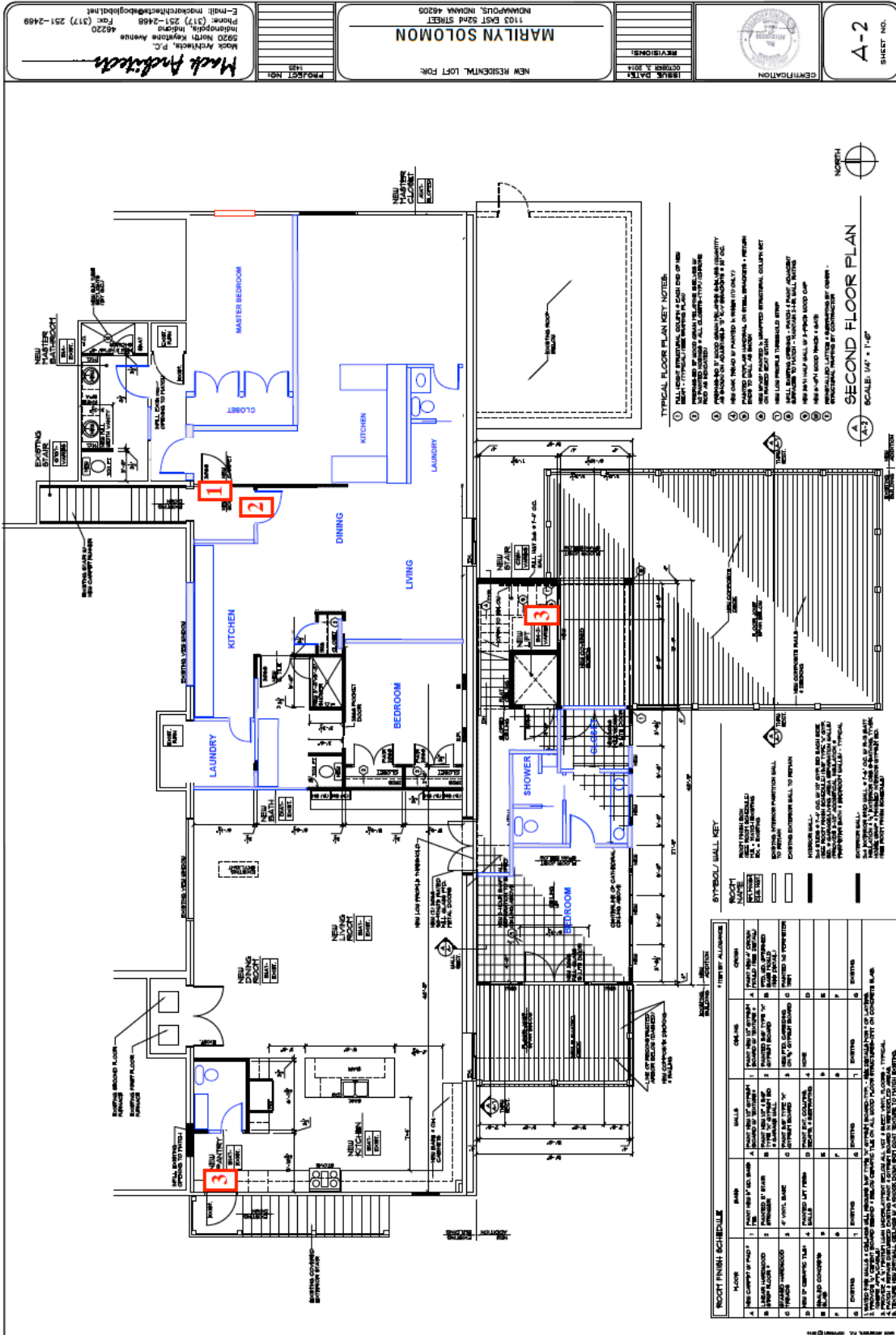
89-UV1-21; 1002 East 52nd Street (northwest of site), Variance of use and development standards of the Industrial Zoning Ordinance to provide for the construction of a window manufacturing facility, office and showroom with parking in the front transitional yard, **granted**.

EXHIBITS





Mononville
 Plat Book 13, Page 84



Mark Anderson
 Mark Anderson, P.C.
 5220 North Kensington Avenue
 Indianapolis, Indiana 46220
 Phone: (317) 251-2468
 Fax: (317) 251-2469
 E-mail: mark@markanderson.com

PROJECT NO. 152
 DATE: 08/14/14

MARILYN SOLOMON
 1103 EAST 52ND STREET
 INDIANAPOLIS, INDIANA 46205

NEW RESIDENTIAL LOFT FLOOR
 REVISIONS:
 ISSUE DATE: OCTOBER 3, 2014



A-2
 SHEET NO.

- TYPICAL FLOOR PLAN KEY NOTES:**
1. ALL FLOOR FINISHES, EXCEPT FOR THE CASE OF THE MASTER BEDROOM, SHALL BE INSTALLED IN ACCORDANCE WITH THE 2012 INTERNATIONAL RESIDENTIAL CODE (IRC).
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- SYMBOL WALL KEY:**
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 - 2. INTERIOR WALL - 5/8" GYP BOARD
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ROOT FINISH SCHEDULE

FINISH	DESCRIPTION	NOTES
1	PAINT (SEE FINISH SCHEDULE)	PAINT SHALL BE APPLIED TO ALL INTERIOR SURFACES.
2	CEILING (SEE FINISH SCHEDULE)	CEILING SHALL BE APPLIED TO ALL INTERIOR SURFACES.
3	FLOOR (SEE FINISH SCHEDULE)	FLOOR SHALL BE APPLIED TO ALL INTERIOR SURFACES.
4	WALL (SEE FINISH SCHEDULE)	WALL SHALL BE APPLIED TO ALL INTERIOR SURFACES.
5	DOOR (SEE FINISH SCHEDULE)	DOOR SHALL BE APPLIED TO ALL INTERIOR SURFACES.
6	WINDOW (SEE FINISH SCHEDULE)	WINDOW SHALL BE APPLIED TO ALL INTERIOR SURFACES.
7	STAIR (SEE FINISH SCHEDULE)	STAIR SHALL BE APPLIED TO ALL INTERIOR SURFACES.
8	BATH (SEE FINISH SCHEDULE)	BATH SHALL BE APPLIED TO ALL INTERIOR SURFACES.
9	KITCHEN (SEE FINISH SCHEDULE)	KITCHEN SHALL BE APPLIED TO ALL INTERIOR SURFACES.
10	LAUNDRY (SEE FINISH SCHEDULE)	LAUNDRY SHALL BE APPLIED TO ALL INTERIOR SURFACES.
11	BEDROOM (SEE FINISH SCHEDULE)	BEDROOM SHALL BE APPLIED TO ALL INTERIOR SURFACES.
12	MASTER BEDROOM (SEE FINISH SCHEDULE)	MASTER BEDROOM SHALL BE APPLIED TO ALL INTERIOR SURFACES.
13	CLINET (SEE FINISH SCHEDULE)	CLINET SHALL BE APPLIED TO ALL INTERIOR SURFACES.
14	STAIR (SEE FINISH SCHEDULE)	STAIR SHALL BE APPLIED TO ALL INTERIOR SURFACES.
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19	MASTER BEDROOM (SEE FINISH SCHEDULE)	MASTER BEDROOM SHALL BE APPLIED TO ALL INTERIOR SURFACES.
20	CLINET (SEE FINISH SCHEDULE)	CLINET SHALL BE APPLIED TO ALL INTERIOR SURFACES.

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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 intention of the applicant is to convert one existing residential unit into up to three residential units. The current unit is accessed from an entry way on the south side of the building, which is not adjacent to, or visible from, 52nd Street. The additional units would be accessed from the same direction. The unit entries will be well marked and because this is the historic way in which residential unit(s) have been accessed it will not create confusion for those needing to locate the existing and/or proposed units.

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 conversion will not require any modification to the footprint of the building, which has been used as a mixed use building for many years. The presence of more than one residential unit will not impact the adjoining residential users, only one of which has visibility to the facade in question. The additional dwelling units will allow the property to continue to be profitable and in good repair.

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

The building is already multi-use and all access points located on the northern facade, which is visible from 52nd Street, serve the existing first floor commercial uses. This proposed reuse is not new construction where significant modifications like reorientating entry points can be made during the design process. A residential unit already exists which is accessed from the southern facade. Eliminating the opportunity to repurpose this large rental unit into multiple units solely because of the entry orientation would eliminate future repurposing of the site.

DECISION



Photo of the subject site.



Photo of the subject site.



Photo of the existing commercial tenants on the first floor.



Photo of the east building façade.



Photo of the west building façade and entrance to one of the units upstairs.



Photo of the rear yard and other units at the rear.



Photo of the Monon Trail that borders the subject site to the west and commercial building.



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



Photo of a dwelling and self-storage facility north of the site.



Photo of a coffee company north of the site



Photo of a single-family dwelling east of the site.



Photo of the unenclosed dumpster on site.