



**METROPOLITAN DEVELOPMENT COMMISSION  
HEARING EXAMINER**

May 23, 2024

**Case Number:** 2024-ZON-051  
**Property Address:** 4822 East Edgewood Avenue  
**Location:** Perry Township, Council District #24  
**Petitioner:** Edward P. Heeringa, by David A. Retherford  
**Current Zoning:** D-A  
**Request:** Rezoning of 1.746 acres from the D-A district to the D-S district  
**Current Land Use:** Single-family dwelling / accessory structures  
**Staff Recommendations:** Approval, subject to the commitment as noted below:  
**Staff Reviewer:** Kathleen Blackham, Senior Planner

**PETITION HISTORY**

This is the first public hearing on this petition.

**STAFF RECOMMENDATION**

Approval, subject to the following commitment being reduced to writing on the Commission's Exhibit "B" forms at least three days prior to the MDC hearing:

A forty-foot half right-of-way shall be dedicated along the frontage of East Edgewood 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 1.746-acre site, zoned D-A, is developed with a single-family dwelling and accessory structures. It is surrounded by undeveloped land to the north and east, zoned D-A; a single-family dwelling to the south, across East Edgewood Avenue, zoned D-A; and single-family dwellings to the west, zoned D-3.



The request would rezone the site to the D-S district. “The D-S district is intended for suburban areas of extreme topography, areas conducive to estate development, or areas where it is desirable to permit only low-density development (such as adjacent to floodplains, aquifers, urban conservation areas, within the extended alignment of airport runways, etc.). Generous front yards with trees along roadways that follow the natural terrain of the land are envisioned for the D-S district. Estate development in a natural setting is the typical realization of the district. The D-S district provides for single-family residential lots consisting of at least one acre. A typical density for the D-S district is 0.4 units per gross acre. This district fulfills the lowest density residential classification of the Comprehensive General Land Use Plan. Development plans would likely use the cluster option when subdividing and should incorporate and promote environmental and aesthetic considerations, working within the constraints and advantages presented by existing site considerations, including vegetation, topography, drainage and wildlife.”

The Comprehensive Plan recommends suburban neighborhood typology.

As proposed, this request would be consistent with the Comprehensive Plan recommendation. The suburban neighborhood typology is comprised primarily of single-family dwellings with a variety of neighborhood serving commercial businesses. The request indicates that development of the site would not be changed, and the single-family dwelling and accessory structures would remain.

**Department of Public Works**

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

**GENERAL INFORMATION**

<b>Existing Zoning</b>	D-A	
<b>Existing Land Use</b>	Single-family dwelling / accessory structures	
<b>Comprehensive Plan</b>	Suburban Neighborhood	
<b>Surrounding Context</b>	<b>Zoning</b>	<b>Land Use</b>
North:	D-A	Undeveloped land
South:	D-A	Single-family dwelling
East:	D-A	Undeveloped land
West:	D-3	Single-family dwellings
<b>Thoroughfare Plan</b>		
East Edgewood Avenue	Primary Arterial	Existing 50-foot right-of-way and proposed 80-foot right-of-way.
<b>Context Area</b>	Metro	
<b>Floodway / Floodway Fringe</b>	No	
<b>Overlay</b>	No	

<b>Wellfield Protection Area</b>	No
<b>Site Plan</b>	N/A
<b>Site Plan (Amended)</b>	N/A
<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

- The Comprehensive Plan recommends Suburban Neighborhood typologies. The Suburban Neighborhood typology is predominantly made up of single-family housing but is interspersed with attached and multifamily housing where appropriate. This typology should be supported by a variety of neighborhood-serving businesses, institutions, and amenities. Natural Corridors and natural features such as stream corridors, wetlands, and woodlands should be treated as focal points or organizing systems for development. Streets should be well-connected, and amenities should be treated as landmarks that enhance navigability of the development. This typology generally has a residential density of 1 to 5 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 Pattern Book 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 – Suburban 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.
  - Hydrological patterns should be preserved wherever possible.
  - Where possible, contributing historic buildings should be preserved or incorporated into new development.
  - Curvilinear streets should be used with discretion and should maintain the same general direction.
  - 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.
  - Developments of more than 30 housing units must have access to at least one arterial street of 3 or more continuous travel lanes between the intersections of two intersecting arterial streets.
  - 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.
  - 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 5 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.

**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**

- 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 describes 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

**2022-CZN-872 / 2022-CVR-872; 4822 East Edgewood Avenue and 5820 South Emerson Avenue**, requested rezoning of 21.232 acres from the D-A, C-1 and C-3 districts to the D-6 district to provide for single-family attached dwellings (townhomes) and multi-family residential development and a variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for a building height of 49.5 feet and a minimum livability ratio of 1.33, **denied**.

**2021-ZON-125 / 2022-VAR-001; 4822 East Edgewood Avenue and 5820 South Emerson Avenue**, requested rezoning of 19.92 acres from the D-A, C-1 and C-3 districts to the D-6 district to provide for multi-family residential development and a variance of development standards to provide for a building height of 56 feet and a minimum livability ratio of 0.51, **withdrawn**.

## VICINITY

**2006-ZON-133; 5820 South Emerson Avenue (east of site)**; requested rezoning of 11.027 acres from D-A to C-3 and C-1 to provide for neighborhood commercial uses and office uses, **approved**.

**2006-ZON-134; 5820 South Emerson Avenue (east of site)**, rezoning of 4.698 acres from D-A to C-1 to provide for office uses, **approved**.

**2004-ZON-049; 5800 South Emerson Avenue (north of site)**, rezoning of 1.997 acres from D-A to C-1 to provide for office uses, **approved**

**2002-UV1-004; 5800 South Emerson Avenue (north of site)**, variance of use to provide for the construction of a single-family dwelling, with an attached recording studio in D-A, **granted**.

**2002-ZON-012; 5935 South Emerson Avenue (east of site)**, rezoning of 5.23 acres from D-A to C-S to provide for all C-1 uses and limited C-3 uses, **approved**.

**2005-APP-002; 5905-5935 South Emerson Avenue (east of site)**, modification of commitments and site plan to provide for construction of a 12,600-square foot building that does not fit within the footprint indicated on the approved site plan from 2000-ZON-012, **approved**.

**2005-ZON-857/2005-APP-857/2005-VAR-857; 5901-5935 South Emerson Avenue (east of site)**, rezoning of 6.556 acres from D-A to C-S to provide for expansion of an office/commercial center with C-1 uses, limited C-3 uses, and a fitness center; a variance of development standards to provide for a second freestanding identification sign with inadequate street frontage and sign separation; a modification of commitments to provide for additional signage, **approved**.

**2005-ZON-215; 5640 South Emerson Avenue (north of site)**, rezoning of 2.087 acres from D-A to C-1 to provide for office uses, **approved**.

**2004-ZON-078; 5500 and 5640 South Emerson Avenue (north of site)**, rezoning of 25.539 acres from D-P and D-A to D-P to provide for the construction of townhouses and two-family dwellings with a total of 104 units, and a density of 4.10 units per acre, **approved**.



Department of Metropolitan Development  
Division of Planning  
Current Planning

**95-Z-183; 5728 South Emerson Avenue (west of site)**, rezoning of 0.407 acre from D-A to D-3 to provide for single-family residential development, **approved**.

**95-Z-73; 4684 East Edgewood Avenue (west of site)**, rezoning of 11.38 acres from D-A to D-3 to provide for single-family residential development, **approved**.

**95-Z-35; 4784 East Edgewood Avenue (west of site)**, rezoning of 19.99 acres from D-A to D-3 to provide for single-family residential development, **approved**.

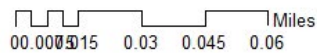


EXHIBITS



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4822 East Edgewood Avenue







View looking west along East Edgewood Avenue



View looking east along East Edgewood Avenue





View of site looking north across East Edgewood Avenue



View of site looking north across East Edgewood Avenue



View of adjacent property to the east looking north across East Edgewood Avenue