



**METROPOLITAN DEVELOPMENT COMMISSION
HEARING EXAMINER**

November 14, 2024

Case Number: 2024-ZON-129
Property Address: 5102 Madison Avenue
Location: Perry Township, Council District #23
Petitioner: Steve and Stacia Wicker
Current Zoning: C-1 (TOD)
Request: Rezoning of 0.42 acre from the C-1 (TOD) district to the D-3 (TOD) district to legalize an existing single-family dwelling.
Current Land Use: Residential uses
Staff Recommendations: Approval
Staff Reviewer: Kathleen Blackham, Senior Planner

PETITION HISTORY

This is the first public hearing on this petition.

STAFF RECOMMENDATION

Approval, subject to the site plan, file-dated September 29, 2024.

PETITION OVERVIEW

This 0.42-acre site, zoned C-1 (TOD), is developed with a single-family dwelling. It is surrounded by a commercial use to the north, across Turk Street, zoned C-1 (TOD); commercial uses to the east, across Madison Avenue, zoned C-1 (TOD); educational uses to the south, zoned C-1 (TOD); and a single-family dwelling to the west, zoned D-1 (TOD).

Petition 2018-ZON-022 rezoned this site from the D-1 district to the C-1 district to provide for a barber shop.

Rezoning

The request would rezone the site to the D-3 (TOD) District. “The D-3 district provides for low or medium intensity residential development. Land in this district should have good thoroughfare access, be relatively flat in topography, and be afforded pedestrian linkages to community and neighborhood services and facilities (schools, parks, shopping areas, etc.). Recreational facilities developed for the neighborhood complement the treed yards on the individual lots. Predominantly single-family detached dwellings are envisioned with two-family dwellings on corner lots in this district. The D-3 district has a typical density of 2.6 units per gross acre. This district fulfills the low-density residential classification of the Comprehensive General Land Use Plan. All public utilities and facilities must be present. Development plans, which may include the use of clustering, 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 community commercial typology.

As proposed, this request would not be consistent with the plan recommendation of community commercial typology. However, according to the records of the Assessor’s Office, the dwelling was constructed in 1930 and has historically been used residentially.

Because the adjacent structures to the south and north have maintained the residential character and the uses are low intense commercial uses staff believes the rezoning request to a residential district would have minimal impact on the surrounding land uses and be compatible with the residential neighborhood to the west.

GENERAL INFORMATION

Existing Zoning	C-1 (TOD)	
Existing Land Use	Single-family dwelling	
Comprehensive Plan	Community Commercial	
Surrounding Context	Zoning	Land Use
North:	C-1 (TOD)	Commercial uses
South:	C-1 (TOD)	Commercial uses
East:	C-1 (TOD)	Commercial uses
West:	D-1 (TOD)	Single-family dwelling
Thoroughfare Plan		
Madison Avenue (frontage street)	Local Street	Existing 42-foot right-of-way and proposed 50-foot right-of-way.
Turk Street	Local Street	Existing 25-foot right-of-way and proposed 50-foot right-of-way.

Context Area	Metro
Floodway / Floodway Fringe	No
Overlay	Yes – Transit-Oriented Development
Wellfield Protection Area	No
Site Plan	September 29, 2024
Site Plan (Amended)	N/A
Elevations	N/A
Elevations (Amended)	N/A
Landscape Plan	N/A
Findings of Fact	N/A
Findings of Fact (Amended)	N/A
C-S/D-P Statement	N/A

COMPREHENSIVE PLAN ANALYSIS

Comprehensive Plan

The Comprehensive Plan recommends Community Commercial. 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.

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 – Community Commercial 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.
- Recommended uses include small- and large-scale offices / retailing / personal or professional services, small- and large- scale schools / places of worship, community-serving institutions and infrastructure / other places of assembly, and small-scale parks.

Red Line / Blue Line / Purple Line TOD Strategic Plan

The Red Line Transit-Oriented Development Strategic Plan (2021)

- 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 not located near a proposed transit station, but land uses within this overlay should be supportive of pedestrian activity, limit parking areas along street frontages and install vehicular barriers as appropriate.

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

ZONING HISTORY

2018-ZON-022; 5102 Madison Avenue, requested rezoning from the D-1 district to the C-1 classification, **approved**.

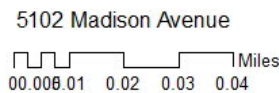
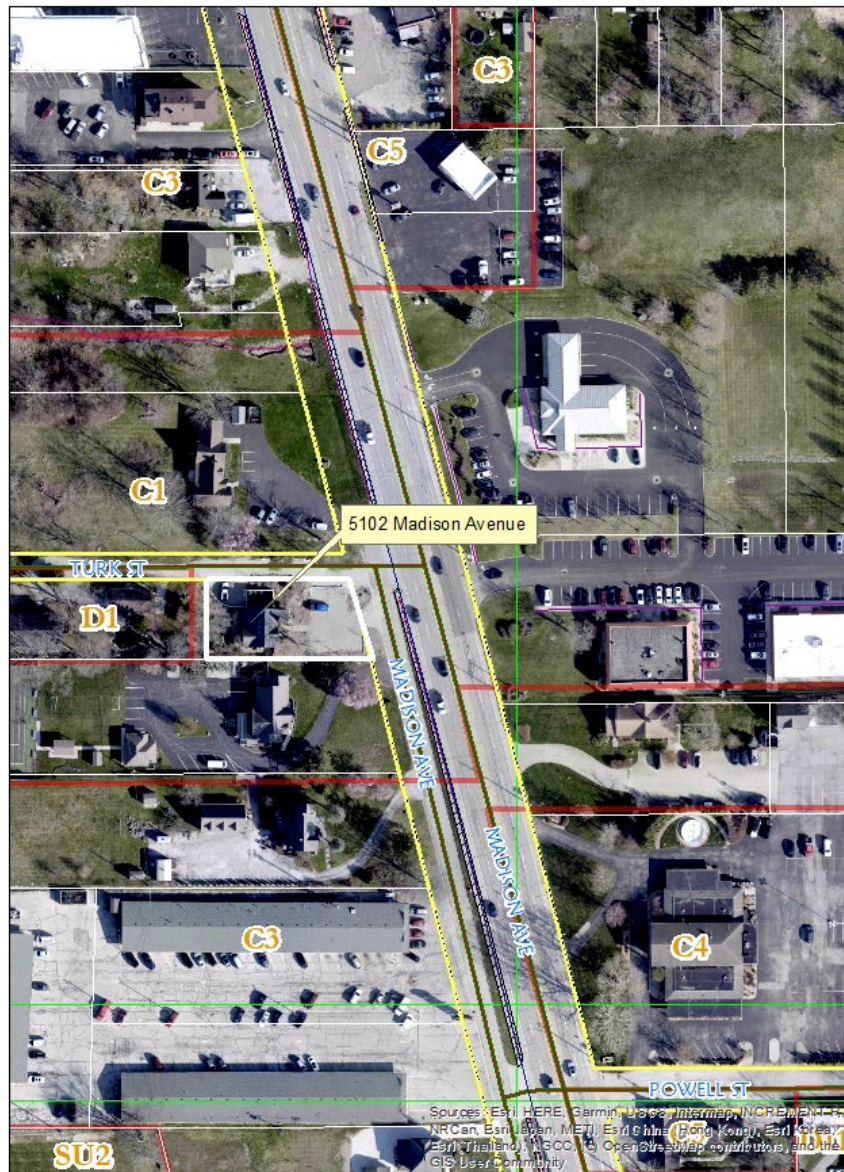
VICINITY

2013-UV1-008; 5120 Madison Avenue (south of site), requested a variance of use of the Commercial Zoning Ordinance to legally establish a single-family dwelling and to provide for the construction of a 960-square foot accessory detached garage, **granted**.

2007-ZON-057; 5120 Madison Avenue (south of site); requested rezoning of 1.21 acres from the C-1 classification to the C-3 classification, **approved**.

2007-ZON-824 / 2007-VAR-824; 5140 Madison Avenue (south of site); requested rezoning of 3.06 acres from the D-1 classification to the C-3 classification, and a variance of development standards of the Sign Regulations and Commercial Zoning Ordinance to legally establish a freestanding sign in the right-of-way, four roof signs, and parking with insufficient maneuvering area, **approved and granted**.

EXHIBITS





View looking north along Madison Avenue



View looking south along Madison Avenue (frontage street)



View of site looking north across Madison Avenue (frontage street)



View of site looking west across Madison Avenue (frontage street)



View looking west along Turk Street (site on the left)



View of site looking south from adjacent property to the north



View from site looking northwest